MINUTES
BUILDING BOARD OF REVIEW
Monday, July 9, 2018 at 1:00 p.m.
Omaha/Douglas Civic Center – 1819 Farnam
Third Floor – Jesse Lowe Conference Room

Board Members:
Jack Ryan – Chairman
Ron Feuerbach – Vice Chair
Cheryl Kiel
Michael Naccarato
Kent Therkelsen
Thomas Thibodeau
Dennis Van Moorleghem

Certification of Publication: Board Secretary certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, July 2, 2018.

THE OWNER, OR A REPRESENTATIVE OF THE OWNER, MUST HAVE SIGNED THE APPLICATION OR BE PRESENT AT THE MEETING FOR THE CASE TO BE HEARD.

NOTE: THIS BOARD DOES NOT HAVE THE AUTHORITY TO WAIVE ANY REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, FEDERAL FAIR HOUSING ACT, OR THE N.F.P.A. 101 LIFE SAFETY CODE; BUT DOES HAVE THE AUTHORITY TO HEAR APPEALS OF THE INTERNATIONAL FIRE CODE, NEBRASKA ACCESSIBILITY GUIDELINES AND THE NEBRASKA FAIR HOUSING ACT.

I. Roll Call

Jack Ryan
Ron Feuerbach
Cheryl Kiel
Michael Naccarato - Absent
Kent Therkelsen – Arrived late
Thomas Thibodeau
Dennis Van Moorleghem

Others Present:
Mike Wilwerding – Acting Superintendent of Permits and Inspections
Jennifer Taylor – City Law – Arrived late
Anna Bespoyasny – Plans Examiner
Steve Thornburg – Omaha Fire Department
Thomas E. Phipps – Chief Mechanical Inspector
Autumn Drickey – Board Secretary

II. Approval of Minutes: Approval of May 14, 2018 minutes.

Motion by Mr. Thomas Thibodeau to approve with correction on page 3. Second by Ms. Cheryl Kiel.

AYES: Feuerbach, Kiel, Therkelsen, Thibodeau, Van Moorleghem, Ryan

Motion carried: 6-0, Approved

Ms. Jennifer Taylor arrived.
III. Cases

<table>
<thead>
<tr>
<th>18-10</th>
<th>Ponca Storage</th>
<th>LOCATION: 9930 N 45 Ct (Blds B-F)</th>
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<tbody>
<tr>
<td></td>
<td>Robert &amp; Chris Kozol</td>
<td>REQUEST: Waiver of code section 1805.2.1 (2006 IBC)</td>
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<td>6056 N 156 St</td>
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<td>Omaha, NE 68116</td>
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Mr. Robert Kozol, Mr. Chris Kozol, and Mr. Ed Prost appeared in regards to this request at this address.

Mr. Jack Ryan stated that the City of Omaha does not support their request. Mr. C. Kozol explained the project that they are seeking to get a waiver for, moving from a traditional footing to a monolithic pour footing on their outdoor storage. He stated that in being in the Northern Hills area they need to not disturb the soil as much as possible. He described the footing and slab that they are proposing to put in for their outdoor storage unit. He stated that there are many places across the country including the City of Lincoln that accept this type of building. He stated the building itself is very low weight bearing allowing for the slab to be more flexible. He stated that the exterior is primarily cement so there would not be any water retention in the soil as it would go to a detention pond. He stated that the exterior and interior temperatures would be the same, and the buildings that are climate controlled would have traditional footings.

Mr. R. Kozol explained the builder that they chose and the experience they had with this type of storage facility. He stated that these structures are less weight bearing than a traditional garage or something similar. He stated that there is another storage facility that has utilized this for 100 years. He stated that Papillion and Lincoln have adopted this type of building and they have done research about the load bearing situations. Mr. R. Kozol presented Exhibit 2 that detailed the information from Avid Building Systems and Exhibit 3 that gave comments from the Project Engineer.

Mr. Prost discussed the monolithic slabs that are in other areas of the country and how he did not feel as if there would be a problem with supporting the footings as long as they are aware that the building will move up and down with the freeze and thaw. Mr. R. Kozol detailed what the building would be made out of and how they have been told that the building will not crack or break like with a stick frame or block style building.

Ms. Anna Bespoyasny referenced the case analysis and how the applicant is in a special environmental use district. She stated that the zoning ordinance that they were quoting in their hardship referenced the excavation, which they obtained the special use permit from the Zoning Board of Appeals. She stated that the Municipal Code Chapter 43 allowed for exceptions of buildings under 750 square feet. She stated that they have a permit for the project, but were held up due to the frost depth footing.

Mr. Dennis Van Moorleghem asked if they were worried about frost. Mr. Prost stated that they are not worried and explained why. He explained that the footing might move up but they it would reduce the amount of cracking.

Mr. R. Kozol stated that he had previously made a call and understands the square footage, however they are one story buildings that are twenty to thirty feet deep. Ms. Kiel stated that she would think that having more load would help instead of less load. She asked what the building was made out of. Mr. R. Kozol stated steel, much like Menards buildings going up now. Ms. Kiel asked what happens when there is frost on a door. Mr. R Kozol stated that he isn’t able to answer that as his research has not shown that to be a problem.

Mr. Kent Therkelsen stated that they would not have an issue with the door like that. Ms. Kiel clarified what her concern was. Mr. Therkelsen asked what they gain by having an eighteen inch footing. Ms. Kiel stated that is in the drawings. Mr. Therkelsen stated that even with a four inch pour it does not make sense. Ms. Kiel asked why they cannot be tied together. Mr. Prost stated that they will be. Mr. R Kozol stated he does not believe they do a monolithic pour with a forty-two inch footing.
Mr. Therkelsen asked if there is anything that the Board can do. Ms. Bespoyasny stated that there are other self-service storage units that she researched and they have traditionally required the frost depth. Mr. Michael Wilwerding stated that in approving without a frost depth footing they would be setting a precedent.

Mr. Ron Feuerbach asked about the hardship that they have listed. Mr. R Kozol stated that the buildings that will need to go in would require the more material to be taken out of the area per the zoning code. Ms. Bespoyasny stated that in discussions with zoning that the special use permits are given with the understanding that footings would need to go in as well. Mr. C Kozol stated that they were looking at it as having the least amount of material removed from the site would be better. Mr. R Kozol stated that other areas have adapted to these types of buildings. Mr. Ryan stated that the only jurisdiction that they can take into account is Omaha and the three mile limit.

Ms. Kiel stated that she is concerned about the use of the building in the long-haul, if the building begins moving, that could end up being a problem and would feel better about a footing.

Motion by Kiel to deny this request. Second by Mr. Therkelsen.

AYES: Feuerbach, Kiel, Therkelsen, Thibodeau, Van Moorleghem, Ryan

Motion carried: 6-0, Denied
Mr. Thibodeau stated that he would be abstaining from this case.

Mr. Dan Cunningham, Mr. Jarl Rue, and Mr. David Anderson appeared. Mr. Cunningham stated that they have a learning development center and they wanted to use the Denlar system as opposed to the Type I hood. Mr. Rue stated that the request has been approved before. He stated that this is not a commercial entity, this hood would be for the educational side. Mr. Anderson stated that the educational side would be using the range to scramble an egg or boil water. Mr. Rue stated that it is an electric range and the range they are proposing is like a Class I hood, but it is not a Class I hood.

Mr. Thomas Phipps stated that they were correct in stating that this has been allowed and which instances. He stated that the hood is currently being used by the Children's Museum. The applicants denied this. Mr. Phipps stated he put a paper down on the stovetop and is covered with grease. He explained how what their drawing showed and what was and was not allowed by the mechanical code. He described the types of Denlar hoods and exhaust. He stated that the room has a room divider that does not allow for the pull station to be operated correctly if necessary because it is currently located on the other side of the divider. He stated that unless these items he has suggested are part of the waiver then the Permits and Inspections Division does not support the request.

Mr. Rue tried to state what type of hood would be used, that it would be on the roof. He stated that the drawing is not accurate, just an example. Mr. Phipps stated that Denlar does not make a roof mounted exhaust fan, he detailed the types of hood that they produce and what they mean. He stated that the area this would be located is windowed and the exhaust would go out on the 19th Street side of the Children's Museum. Mr. Thibodeau asked about the hood location. Mr. Phipps clarified. Mr. Rue stated that they are proposing a roof fan. Mr. Phipps stated that to make adjustments to the Denlar hood would be to not utilize the product as described by the manufacturer. Mr. Rue stated that the information they received does not reflect that.

Mr. Ryan stated that the information provided to the city is not the same that they are presenting. Mr. Rue gave options for what else they could do. Mr. Phipps stated that those options are fine. Mr. Ryan asked if they need a waiver if they have a roof fan. Mr. Phipps confirmed they would. Mr. Rue stated that there is a difference between the 2012 and 2006 codes and if they are to read the 2012 code states that they do not need a hood and they are providing additional items, trying to do what they can without going to a full-blown hood. Mr. Phipps stated that they have to come to this Board because the 2006 does not accept that, once the 2012 code is adopted they would not need to appear before the Board for a request like that. Ms. Kiel asked when the 2012 code would be adopted. Mr. Phipps stated that he does not have a timeframe.

Mr. Feuerbach asked what the specific use was. Mr. Anderson stated that they will be small scientific classes that would include having transitions from states of matter or having limited cooking demonstrations. Mr. Feuerbach asked if they will always be supervised. Mr. Anderson confirmed. Mr. Feuerbach asked if the pull station is on the other side of the wall. Mr. Anderson was not sure. There is discussion about putting it on the same wall to avoid the dividing wall. There is discussion about where else it could be placed on the path of egress and a minimum of ten feet from the stove.

There is discussion about the possibilities of a denial versus a layover. Mr. Phipps stated that with a denial they cannot come back for twelve months with the same request but with a layover they can come back next month with more information.

Mr. Rue asked what the solution to the pull station would be. Mr. Phipps suggested working with the fire suppression contractor to get this figured out.
Mr. Feuerbach asked about the case analysis. Mr. Phipps clarified that it is a requirement that the air conditioning air distribution system is interlocked to the particular piece of equipment.

Motion by Mr. Feuerbach to layover for one month to get more information from Denlar. Second by Ms. Kiel.

AYES: Feuerbach, Kiel, Therkelsen, Van Moorleghem, Ryan
ABSTAIN: Thibodeau

Motion carried: 5-0-1, Layover to the August 13, 2018 meeting
Mr. Jared Gerber appeared on the applicant's behalf. He wanted to clarify that he is looking for a waiver of IFC 903.2.8 and IBC 903.2.7 requiring a sprinkler system for their occupancy. He described the location, a 1920s four-plex with a brick wall around the perimeter with a demising wall between the two, with two units on the top and the bottom. He stated what the separating wall is. He stated that the second floor units are 750 square feet and the lower units are 700 square feet with an additional 200 square feet of basement space. He stated that they do not share stairs. He stated that the thick demising walls, twelve inches thick, allow for the separation. He stated that a one-hour rating could be done on the floor as is expected with townhouses. The hardship of cost in putting in a sprinkler system when there is not much to be gained.

Ms. Bespoyasny stated that the City views these units as an apartment because the units are stacked, thus falls under the commercial requirement. She detailed how it could be considered a townhouse if one unit from foundation to roof. Mr. Wilwerding stated that the units do not meet the definition of a townhouse. Mr. Gerber stated that the demising wall could make it a two-family residence, thus not making it necessary to have the sprinkler system. Mr. Wilwerding stated that the code requires a one-hour separation and if they go above that it does not change the rules.

Ms. Kiel stated the concern is that if there is a fire on the lower level that puts the people on the second floor in danger. She stated her further concern is in the storage units below that could have anything. She stated that if money is an issue that they finish one unit at a time. Mr. Thibodeau asked if it was a duplex with a stack, what the code requirement would be. Ms. Bespoyasny stated it would still be the same commercial building code.

Mr. Gerber asked if because it is stacked that it is not a one- and two-family residence. Ms. Bespoyasny stated that was taken out of the code. Ms. Kiel asked if there was a two-hour separation between the floors. Mr. Wilwerding read the code and that this property does not fall into the residential code.

Mr. Therkelsen stated that ultimately the issue is that there is one dwelling above another. Mr. Gerber asked if the demising wall allows for this building to be treated as two separate buildings. There is discussion about if it would matter. Mr. Thibodeau stated there are stairs that are exterior to the building that would not allow for the definition of a dwelling to be met either.

Mr. Feuerbach stated that a hardship of cost is not something that the Board can consider, it even says that on the application. He stated that this is a life safety issue.

Motion by Mr. Feuerbach to deny. Second by Ms. Kiel.

Mr. Gerber asked about NFPA 13D, the sprinkler system, being satisfactory. Ms. Bespoyasny read NFPA 13D into the record. Capt. Thornburg stated that is for one- and two-family dwellings only. He stated they could use a 13R system.

AYES: Feuerbach, Kiel, Therkelsen, Thibodeau, Van Moorleghem, Ryan

Motion carried: 6-0, Denied
18-13
Alley Poyner Macchietto Architecture, Inc.
Eric Westman
1516 Cuming St
Omaha, NE 68102

LOCATION: 2221 Wirt St
REQUEST: Waiver of code section IMC 414.4/IBC 706.1.1

Mr. Eric Westman and Ms. Jean Vacha appeared on the applicant’s behalf.

Mr. Feuerbach stated he will be abstaining.

Mr. Ryan stated that the City of Omaha does not object to the request.

Mr. Westman stated that there are a lot of interesting land items going on, including merging lots. He stated that since there are two owners for one lot that they wanted to appear when he has not had to with a single owner. He stated that they are trying to get the utilities off the street side and the parking lot side. He stated that the owners wanted to be able to get from building to building as both properties are utilized by similar staff. Ms. Bespoyasn stated that in discussions with Mr. Phipps there was no problem with the exhausts. She stated that Mr. Phipps is concerned with the panels being on the dock side needing a three foot clearance. She stated that the length between the two buildings is for receiving with access only to the new building and the connecting link and that’s where the City is looking for a 90 minute break. Mr. Westman stated that they would have two hour walls. Ms. Bespoyasn asked that the same be added on the new wall as well.

Motion by Mr. Thibodeau to approve with condition of 90 minute door on either end of hall 111.

AYES: Kiel, Therkelsen, Thibodeau, Van Moorleghem, Ryan
ABSTAIN: Feuerbach

Motion carried: 5-0-1, Approved with conditions

IV. Adjournment

Motion by Mr. Thibodeau to adjourn. Second by Ms. Kiel.

Adjourned through mutual consensus at 2:10 p.m.