



BUILDING COMMITTEE MINUTES

August 5, 2009

9:00 a.m.

MEMBERS PRESENT: Chairman Brian Olson
Mr. Larry Whittaker
Mr. Todd Anderson
Mr. Thomas McDonald
Mr. John Clarke
Mr. Chad Holladay

MEMBERS ABSENT: Vice Chairman Jim Larson

OTHERS PRESENT: Mr. Henry Yankowski, Building Official
Mr. Jim Pepper, Chief Building Inspector
Mr. Frank Atchison, Senior Building Inspector
Mr. Roger Lovell, Plans Supervisor
Mr. Todd Welch, Regional Building Counsel
Mr. Terry Brunette, Special Investigator/Licensing
Mr. Brett Phillips, Contractor Licensing
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Brian Olson called the meeting to order at 9:02 a.m.

1. CONSIDERATION OF JULY 1, 2009 MINUTES

A motion was made by Larry Whittaker to **APPROVE** the July 1, 2009, Building Committee Minutes as written, seconded by Chad Holladay; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Peter Zaccaria, licensee for Hunter Construction, by Pikes Peak Regional Building Department, in violation of Sections RBC201.3 and RBC105.1, 2005 Pikes Peak Regional Building Code, for allegedly performing electrical and plumbing work at 11555 Milne Road, Colorado Springs, Colorado, when you do not

hold the appropriate licenses and did not obtain the necessary permits.

RBD staff amended the complaint to show that the work was performed at 508 East Ohio Avenue, Fountain, Colorado. Terry Brunette appeared, was sworn in, and stated the details of the complaint. Jim Pepper appeared, was sworn in, and stated the contract indicates that Mr. Zaccaria was to do plumbing, mechanical and electrical work without a license to do said work, and we do not believe he hired subcontractors to do this work. He said Mr. Zaccaria has a "B2" license, but he does not have a license to do the plumbing, mechanical or electrical work.

Peter Zaccaria appeared, was sworn in, and stated Rocky Mountain Electric did the electrical work, and Gecko's Plumbing did the plumbing work. He said there was a meter upgrade permit pulled, but there were no other permits obtained for the plumbing, mechanical and electrical work. He stated he was having trouble receiving timely payments on this project and he did not want to put anymore money into permits until he was assured he would be paid. He stated he currently has a lawsuit pending for nonpayment. Jim Pepper stated we currently have electrical work, a gas line and plumbing work installed that we do not know if it meets code. Jim Pepper stated RBD requires that proper permits be obtained and the project be inspected.

Susan Rhea, homeowner, and Stephanie Roland, property manager, appeared, were sworn in, and Ms. Roland stated there was substantial water damage to the house, and they are concerned that permits were not pulled for the work required. Mr. Zaccaria stated he did get a soils report and an engineer was on site. He said he did not put rebar in the piers, and they will have to be torn out and new piers installed.

A motion was made by Chad Holladay to put a letter of reprimand in Mr. Zaccaria's contractor file which states that he did not follow any of the required steps to pull permits and have the work inspected, that RBD inspects the property immediately to ascertain if the work completed is safe, and the plumbing and electrical contractors will be notified to appear before the Mechanical and Electrical Committees regarding this project, seconded by John Clarke; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

A & E MANAGEMENT, INC. – LARRY TIDWELL (EXAMINEE TO NEW CO.)
B & C CONSTRUCTION – BRUCE OGDEN (EXAMINEE TO NEW CO.)
CDM CONSTRUCTORS, INC. – MATTHEW ALLEN
LEDCOR CONSTRUCTION, INC. – ANDREAS WOLF
MCCOWNGORDON CONSTRUCTION, LLC – BOB STEHL
OPEN RANGE CONSTRUCTION – DAVID FIEDLER (EXAMINEE TO NEW CO.)

SPAN CONSTRUCTION & ENGINEERING, INC. – FIROZ HUSEIN

Building Contractor B-1 (General Limited)

ECKO CONSTRUCTION, LLC – BRIAN ENGELKING (EXAMINEE TO NEW CO.)
MARK GILL – MARK GILL (EXAMINEE TO NEW CO.)

Building Contractor C (Homebuilder)

THE AUGUSTA GROUP, LLC – KEVIN COSTENARO

Building Contractor D-1 (Roofing)

ALL AMERICAN ROOFING & EXTERIORS – REBECCA CARTY
VELOCITY ROOFING, LLC – DAVID DANZL

Building Contractor D-6B (Sign)

FASTSIGNS, INC. – WAYNE PALMER

Building Contractor E (Remodeling/ Maintenance)

CAPITAL CONSTRUCTION CORPORATION – JACOB RIDDLE
EICHER, INC. – DEVON EICHER
POLLY ULM – POLLY ULM

Building Contractor F-1 (Solar Energy)

BELLA ENERGY, INC. – LEIF COOK (ADDITIONAL LICENSE)
KRAFTED HOMES, INC. – PAUL HOCKERSMITH (ADDITIONAL LICENSE)

A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** the Consent License Requests, seconded by John Clarke; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-2 (General)

JASON WEAVER CONSTRUCTION – JASON WEAVER*

Jason Weaver appeared and stated he has been working in construction since he was 16, and has been doing commercial work for the past four years. He said he is requesting this permit to do commercial remodeling work. He said he is a minister and would like this license so he is able to do construction work on churches. He said he built ground up houses in Virginia. He said he currently has an opportunity to build a church addition. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of a “B” license, with the limitation of two permits at any one time, unlimited below; after gaining some experience with a “B” license, Mr. Weaver must reappear before the Building Committee to upgrade his license, without going through the testing process again, seconded by John Clarke; the motion carried unanimously.

Building Contractor D-1 (Roofing)

PENGUIN’S COAT – JEFF WHITE*

Jeff White appeared and stated he has gone into partnership with SWD Roofing to install the spray foam insulation in the El Paso County area. He said SWD Roofing has 30 years experience, they will certify all of his projects, and will give a warranty on all of his projects. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the “D-1” (Roofing) license, with the limitation of five permits until completed, at which time he can work with RBD staff to have the restriction removed, seconded by Todd Anderson ; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

a) 1217 North Hancock Avenue, Permit G90453 – Heidi Gugler, homeowner, requests a variance to Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 7’3” where a minimum of 7’6” is required.

b) 903 Maxwell Lane, Permit G97206 – Todd Elliott, homeowner, requests variances to:

Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 7’4” where a minimum of 7’6” is required; and

Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6’6” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.

- c) 1317 East Dale Street, Permit H00726 – Joseph Villane, homeowner, requests a variance to Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 7'5" where a minimum of 7'6" is required.
- d) 8060 Lodi Lane, Permit G83990 – Ralph Gaeke, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- e) 12795 Angelina Drive, Permit G98360 – Stephanie Johnstone, Custom Renovation, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- f) 7415 Manistique Drive, Permit G29557 – Tad Olson, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6½" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- g) 5930 Instone Circle, Permit G89039 – Sinh Nguyen, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6½" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- h) 9791 Keating Drive, Permit G93867 – Jonathan Williams, Adobe Homes, Inc., requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'7" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- i) 7725 Severy Avenue, Permit G60303 – Jeff White, Penguin's Coat, requests a variance to allow use of Section R806.4, 2006 International Residential Code, where the use of the 2003 International Residential Code, Section R806.1, is required for attic ventilation.
- j) 25 El Dorado Lane, Permit H00505 – Richard Garvert, homeowner, requests a variance to Section R310.1, 2003 International Residential Code, to allow a 50" windowsill height in existing conditions in a basement finish where a maximum of 44" is allowed, with the stipulation that a step is permanently installed under the window sill that is at least 1½" depth, 6" rise, and the full width of the window opening.

- k) 5487 La Porte Drive, Permit G93830 – Douglas Dill, homeowner, requests a variance to Section R310.1, 2003 International Residential Code, to allow a 46” windowsill height in existing conditions in a basement finish where a maximum of 44” is allowed.

A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the Consent Calendar variance requests, seconded by Chad Holladay; the motion carried unanimously.

VARIANCE REQUESTS

5. 6985 Tutt Boulevard, Permit G99221 – Bruce Smith, The Larson Group, requests a variance to Section 1016.1, 2003 International Building Code, to allow unrated corridors where rated corridors are required.

Bruce Smith appeared and stated this is a medical office building consisting of 4,839 square feet, and it is not sprinklered. He said the issue is the corridor system. He said Code requires a rated corridor with an occupant load of more than 30. He said there is more than one corridor, and by splitting the corridors up, there would be less than 30 occupants per nonrated corridor. Mr. Smith said each of the corridors has two exits. He said they are offering to split the two zones with a one-hour fire barrier wall, in addition to the multiple corridor scheme. Roger Lovell stated RBD has determined that the occupant load is actually in excess of 50, and a Code exception requires rated corridors in a B occupancy with an occupant load in excess of 50. Mr. Smith stated the doors are automatic closing doors. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the one-hour fire barrier be installed between zones, and the two cross corridor doors are automatic closing doors with magnetic hold opens tied into the fire alarm system, seconded by Todd Anderson; the motion carried unanimously.

6. 1730 West Colorado Avenue – Wayne Intermill, Hi-Point Home Builders, requests a variance to Section RBC203.1, 2005 Pikes Peak Regional Building Code, to allow a “C” licensed contractor to obtain a permit requiring a “B” license.

Wayne Intermill appeared and stated he has had his “C” license for 12 years, and he has been asked to do a scope of work on a 25’ x 25’ commercial building. He said the scope of work would be tearing the flat roof off and putting scissor trusses on, consisting of 12 trusses and two gable ends. He said he will be acting as a general contractor and hiring subcontractors to do the mechanical and plumbing work. Frank Atchison stated Mr. Intermill has a good record with RBD. Mr. Intermill stated he intends to take the “B” test, but he is not able to do it prior to starting this project. A motion was made by Chad Holladay to recommend to the

Board of Review **DENIAL** of the variance request, and if Mr. Intermill takes the “B” test and passes it, he will not have to reappear to have his license granted. He said should Mr. Intermill pass his “B” test, he will be limited to two permits until completed, unlimited below, and he must then work with RBD to have the restriction removed, seconded by Todd Anderson; the motion carried 4:1. Larry Whittaker opposed.

7. 2910 Front Royal Drive, Permit G82097 – Mike Laurenz, American Siding & Construction Company, requests a variance to Section R312.1, 2003 International Residential Code, to waive the requirement for guards at a stairway in a basement finish.

Mike Laurenz appeared and stated he took over this project two months ago, and the work was done by another contractor three years ago. He said the space is open on one side of the stairs, and he is willing to install a handrail, if necessary. He said it is a dropped ceiling and there is not adequate room to install ballisters. Jim Pepper stated RBD is opposed to this variance request due to life safety issues. A motion was made by Larry Whittaker to recommend to the Board of Review **DENIAL** of the variance request because it is easy to correct by installing a guard rail, seconded by Tom McDonald; the motion carried unanimously.

8. 3915 North Midsummer Lane – John Yoder, homeowner, requests a variance to Section RBC303.4.39, 2005 Pikes Peak Regional Building Code, to allow non-floating walls in a basement finish.

John Yoder appeared and stated when getting a permit for another project in his home, he discovered that a permit was not obtained for his basement finish done in 1985. He said he is trying to correct this situation now. John Clarke stated we would need an engineer’s letter approving the structure of the walls. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request because the work was done 20 years ago and the walls are still sound, seconded by Chad Holladay; the motion carried 4:1. John Clarke abstained.

9. 6732 McEwan Street, Permit G99374 – Steve Jackson, contractor, requests a variance to Section R311.3, 2003 International Residential Code, to allow a hallway width of 33” where a minimum of 36” is required.

Steve Jackson appeared and stated he is trying to help a friend finalize a permit for work done by another contractor several years ago. He said they do not have adequate room for a Code compliant hallway due to the plumbing base installed by the previous contractor. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance request due to existing conditions, seconded by Todd Anderson; the motion carried unanimously.

10. 11155 Forest Edge Drive – Phillip Sawyer, homeowner, requests a variance to Section AH102, Appendix H, 2003 International Residential Code, to waive glazing requirements where required.

No one appeared. A motion was made by Todd Anderson to **TABLE** this variance request until the end of the meeting, seconded by Chad Holladay; the motion carried unanimously.

11. 3844 Springs Ranch Drive – Michael Lancaster, New Life Construction Co., Inc., requests a variance to Section AH102, Appendix H, 2003 International Residential Code, to allow a two-story patio enclosure where only one-story is permitted.

Michael Lancaster appeared and stated he is requesting a variance to build an enclosure under an existing patio enclosure. Roger Lovell said the previous administration at RBD did allow this method of construction, but it is no longer approved by Code. Roger Lovell stated RBD staff does not oppose this variance request. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of this variance request because the previous administration at RBD did approve it, and Mr. Lancaster has stated that since he now knows that it not approved by the current Codes, he will not sell this design again, seconded by Todd Anderson; the motion carried unanimously.

12. 5435 Standard Drive, Permit G99729 – Travis Lefever and Ken Heldt, Buildings by Design, requests a variance to Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 6'9½" in a basement bedroom where a minimum of 7'6" is required.

Ken Heldt appeared and stated the ductwork in this basement bedroom does not allow adequate room for a Code compliant ceiling height. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the variance request due to existing conditions, seconded by Chad Holladay; the motion carried unanimously.

13. 5393 Statute Drive, Permit G66524 – Jack Diemer, homeowner, requests a variance to Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 7'0" in a basement bedroom where a minimum of 7'6" is required.

Jack Diemer appeared and stated he is finishing the basement himself, and the existing ductwork does not allow for a Code compliant ceiling height. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request due to existing conditions, seconded by Todd Anderson; the motion carried unanimously.

14. 1217 North Hancock Avenue, Permit G90453 – Heidi Gugler, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’4” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.

No one appeared. A motion was made by Todd Anderson to **TABLE** this variance request until the end of the meeting, seconded by John Clarke; the motion carried unanimously.

15. 621 Petite Avenue, Permit D68082 – Kim Makower, requests a variance to reopen permit and allow use of the 1997 Uniform Building Code for inspections where prohibited.

No one appeared. A motion was made by Todd Anderson to **TABLE** this variance request until the end of the meeting, seconded by John Clarke; the motion carried unanimously.

This variance request was heard out of order after Item 16c.

16. 17055 Reata Road, Permit G97938 – Laura Cutbirth, Tortoise Roofing, requests a variance to Table R301.2(1), 2005 Pikes Peak Regional Building Code, to waive the requirement for ice and water shield from the eave to 24” inside the exterior wall.

Keven Base with Pace Roofing appeared and stated he replaced one layer of felt on this roof with two layers of felt, but he miscalculated the elevation and did not install the ice and water shield. A motion was made by Chad Holladay to recommend to the Board of Review **DENIAL** of the variance request because he feels it is a small project and can be corrected, seconded by Todd Anderson; the motion carried unanimously.

- 16a. 20 West Kiowa Street, Permit G99402 – Colarelli Construction requests a variance to Section 508.2, 2003 International Building Code, to consider a portion of a Type IIA building as Type IA construction.

Vince Colarelli appeared and stated this structure is St. Mary’s Cathedral. He said the project includes the construction of a Type VB building with an R-3 occupancy on top of a Type II building with multiple occupancies, but A-3 at the location under consideration with this request. He said the existing Type II building is below grade (basement level) and the new proposed building is at grade. Mr. Colarelli said the two occupancies are separated by a 10” structural concrete deck which serves both as the roof of the existing basement space as well as the floor of the new, above grade space. He said the required three hour separation between the A and R occupancies is maintained by this concrete deck. He said the Code does not provide for multiple construction types within the same building unless the building complies with the requirements of Section 508.2, 2003 International Building Code.

Roger Lovell stated all of the other Code requirements have been met and he believes they have met the intent of the Code. Jim Pepper stated RBD does not oppose this variance request. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request because they have met the intent of the Code, and RBD does not oppose the variance request, seconded by Todd Anderson; the motion carried unanimously.

- 16b. 6455 Mesedge Drive – Jerry Parma, Parma CAD Services, LLC, requests a variance to Section 403.1.4.1, 2003 International Residential Code, to allow a deck to be supported by a concrete slab where a 30” deep pier is required.

Jerry Parma appeared and stated they are replacing the existing deck and adding a small portion to this existing deck. He said the existing deck is supported by concrete pads. He said they are attaching to the house in the same manner as the deck below, and they are cantilevering out to match the deck below. Roger Lovell stated even when replacing an existing deck, the foundation is part of the existing deck and is part of the permit. He said we have expansive soils here, which require a 6’ deep foundation per the soils report, unless the concrete slab is sitting on solid rock. He said the engineer’s report has to work in conjunction with the soils report. Claude Cowart, structural engineer, appeared and stated they want to mitigate the need for a pier under one column by using two 2” x 6” boards to spread that load along 7’ 6” of an existing 2” x 4” wall, which sits on a 4” slab. Roger Lovell stated Code does not require a soils report; it just requires 30” deep piers for a deck. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of this variance request, with the stipulation that it is all shown clearly on a plan that is stamped by an engineer acknowledging the use of this load spread out on a slab, addressing the frost and bearing issues, seconded by Todd Anderson; the motion carried unanimously.

- 16c. 6423 Dillon Circle, Permit G94192 – Jim Ambuul, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’ 4½” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’ 8”.

Jim Ambuul appeared and stated the house was built in 1983 and the existing ducts and I-beams do not allow for Code compliant ceiling heights. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request based on existing conditions, seconded by Larry Whittaker; the motion carried unanimously.

The following item was heard out of order.

15. 621 Petite Avenue, Permit D68082 – Kim Makower, requests a variance to reopen permit and allow use of the 1997 Uniform Building Code for inspections where prohibited.

William Fisher, architect, appeared and stated the homeowner did not get a certificate of occupancy when the house was built in 1999, and he now trying to sell the house and would like to get a CO on the house. Jim Pepper stated RBD cannot inspect this house because the Codes have changed since the work was done. He said RBD can issue a letter that states RBD will not pursue this issue. A motion was made by Chad Holladay to recommend to the Board of Review **DENIAL** of the variance request because it would be difficult for RBD to inspect this property because of the Code changes that have taken place since the house was built ten years ago, seconded by Todd Anderson; the motion carried unanimously.

17. **UNFINISHED BUSINESS**

a) Update on School Inspections

Jim Pepper stated we now have seven school districts that have agreed to work with RBD for their plan reviews and permits. We have taken in over \$20,000 in permit fees to date for the school permits.

18. **NEW BUSINESS**

a) All Brands of Spray Foam Insulation as a Consent Calendar Item.

Jim Pepper stated RBD would like to make all listed brands of spray foam insulation a Consent Calendar item, as long as the product has ICC approval. Mr. Pepper stated he would like to take away the “blanket variance” for Demilac Sealection 500, and require that they apply for site specific variances. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of all listed spray foam insulation products as a Consent Calendar variance request, with the stipulation that they have ICC approval; and to remove the “blanket variance” for Demilac Sealection 500 and require site specific variances, seconded by Chad Holladay; the motion carried unanimously.

b) Tabled Items.

A motion was made Chad Holladay to **POSTPONE** all tabled items, seconded by Todd Anderson; the motion carried unanimously.

The meeting adjourned at 12:15 p.m.