



## BUILDING COMMITTEE MINUTES

September 2, 2009

9:00 a.m.

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

MEMBERS ABSENT: Vice Chairman Jim Larson  
Mr. John Clarke

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  
Ms. Linda Gardner, Executive Administrative Assistant

### PROCEEDINGS:

Chairman Brian Olson called the meeting to order at 9:03 a.m.

#### 1. CONSIDERATION OF AUGUST 5, 2009 MINUTES

A motion was made by Larry Whittaker to **APPROVE** the August 5, 2009, Building Committee Minutes as written, seconded by Chad Holladay; the motion carried unanimously.

#### 2. COMPLAINTS

*Chad Holladay recused himself from Item 2a.*

a) A complaint has been brought against Harold Clarke, licensee for Campbell Clarke, Inc.,

by Pikes Peak Regional Building Department, in violation of Section RBC105.1, 2005 Pikes Peak Regional Building Code, for allegedly reroofing a house at 515 Bear Paw Lane South, Colorado Springs, Colorado, without obtaining the necessary permit.

Terry Brunette appeared, was sworn in, and stated the details of the complaint. Harold Clarke appeared, was sworn in, and stated he reroofed this house and the permit was overlooked by his office. He said he obtained the permit for this project after he received RBD's notice. He said it has been inspected and the homeowner was satisfied as far as he was aware. Mr. Clarke said he did not receive a letter from the homeowner notifying him there was a problem with the work done. Jim Pepper appeared, was sworn in, and stated Mr. Clarke has pulled 324 permits and we have not had any issues with him. A motion was made by Larry Whittaker to recommend to the Board of Review that a Letter of Reprimand be put in Mr. Clarke's file, seconded by Tom McDonald; the motion carried unanimously.

### 3. **CONSENT LICENSE REQUESTS**

#### **Building Contractor A-1 (General)**

BENSON-ORTH ASSOCIATES – WILLIAM PAPPAS  
PACIFIC WEST CONSTRUCTION CORP. – WILLIAM SMITH  
PROVIDENT CONSTRUCTION, INC. – J. TERRY HORDINSKI (NEW EXAMINEE)  
U.S. BUILDERS, L.P. – CHARLES HICKEY

#### **Building Contractor A-2 (General)**

SHOWCASE REMODELING, LLC – JONATHAN HULL (EXAMINEE TO NEW CO.)

#### **Building Contractor B-1 (General Limited)**

BLUE RIDGE CONTRACTOR – RANDY REID (REMOVE RESTRICTION)  
COAL CONSTRUCTION CO., LLC – ALVIN SCHUELKE  
POTTER COMMERCIAL WALLS – BRIAN POTTER

#### **Building Contractor C (Homebuilder)**

COMITO BUILDING AND DESIGN, LLC – CLAUDE COMITO (EXAMINEE TO NEW CO.)  
DUANE SWANSON CONSTRUCTION – MATTHEW SWANSON (ADDITIONAL LICENSE)  
DUFRESNE ENTERPRIZES, LLC – CLINTON DUFRESNE  
PATIO ENCLOSURES, INC. – DALE HICKEY (NEW EXAMINEE)  
RONDAL CONSTRUCTION – RON GLENN

**Building Contractor D-1 (Retaining Walls)**

ASPEN RETAINING WALL SYSTEMS, INC. – OSCAR CARAVEO (NEW EXAMINEE)

**Building Contractor D-1 (Roofing)**

SCHAWE & DIEHL ROOFING, LLC – MIKE SCHAWE  
SCHMIDT ROOFING – CLINT SCHMIDT

**Building Contractor D-1 (Stucco)**

DOUBLE R CONSTRUCTION – RAUL RASCON  
MARQUEZ LATHING AND STUCCO, LLC – HECTOR MARQUEZ

**Building Contractor D-3B (Limited Wrecking)**

RICE & RICE, INC. – BUDDY RICE

**Building Contractor E (Remodeling/Maintenance)**

ALMA CONSTRUCTION – GUILLERMO MORATORIO  
J.M. CONTRACTING – JON WARREN  
SAMUEL DON WHITE – SAMUEL WHITE

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

**LICENSE REQUESTS CONSIDERED INDIVIDUALLY**

**Building Contractor A-1 (General)**

MOUNTAIN WEST CONTRACTORS, LLC – DAN SCHRIBNER\*

Dan Schribner appeared and stated he is requesting his “A-1” license to build a store for T-Mobile in El Paso County. He stated he has a “B” license in Denver and an “A” license in Aurora. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the “A-1” (General) license, with the limitation of two “A-1” permits until completed, at which time Mr. Schribner can reappear to have the restriction removed, seconded by Chad Holladay; the motion carried unanimously.

**Building Contractor B-1 (General Limited)**

LDJ SANTY, LLC – DAVID SANTY (UPGRADE LICENSE)\*

David Santy appeared and stated he has an “E” license. He said he was laid off from corporate America last year, and maintained his “E” license to do remodeling work. He said he would like to get his “B-1” license so he can do structural remodeling work on apartment buildings, etc. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the “B-1” (General Limited) license, with the limitation of two “B-1” permits at any one time and two “C” permits at any one time until completed, at which time Mr. Santy can reappear to have the restriction removed, unlimited below a “C” permit, seconded by Chad Holladay; the motion carried unanimously.

*Chad Holladay recused himself from the following Item.*

HOLLADAY GRACE PROPERTY MAINTENANCE – WILL WRIGHT (UPGRADE LICENSE)\*

Will Wright appeared and stated he took the ICC test to upgrade his “C” license to a “B-1” license. He stated he has been in the construction business since 1996. He said he has an opportunity to rebuild a 10-unit complex that recently burned down. Mr. Wright stated he worked for Holladay Brothers Construction for eight years, and has rebuilt fire damaged townhomes, commercial tenant finishes, and additions on homes. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the “B-1” (General Limited) license, with the limitation of two “B-1” or “B-2” permits at any one time, until completed, at which time he can work with RBD staff to have the restriction removed, unlimited below a “B” permit; seconded by Tom McDonald; the motion carried unanimously.

**Building Contractor C (Homebuilder)**

ST. AUBYN HOMES, LLC – JARED ST. AUBYN (EXAMINEE TO NEW CO.)\*

Jared St. Aubyn appeared and stated he would like to transfer his license from Journey Homes to St. Aubyn Homes. He said he has worked for Journey Homes for the past five years, and has built approximately 150 to 200 homes per year while working for Journey Homes. He said Journey Homes is currently in the process of getting a new licensee. Brett Phillips stated he was contacted by Journey Homes and assured that they are in the process of getting a new licensee to complete any outstanding permits. Mr. St. Aubyn said he would agree to be responsible for the outstanding permits with Journey Homes. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the license transfer, seconded by Chad Holladay; the motion carried unanimously.

STANLEY COMPANY – STANLEY FRANK\*

Stanley Frank appeared and stated he has been a drywall contractor for the past 25 years, and they are expanding their business. He said he has assisted in building three ground-up homes in the past ten years for his family. He said he is requesting this license for primarily basement finishes, decks, and additions. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the “C” (Homebuilder”) license, with the limitation of two permits until completed, unlimited below, at which time RBD staff can remove the restriction, seconded by Tom McDonald; the motion carried unanimously.

### **Building Contractor D-1 (Roofing)**

INTEGRITY ROOFING & PAINTING – GERALD FRISTOE\*

Gerald Fristoe appeared and said he is in the process of moving to Monument from Cypress, Texas. He stated he is primarily in the insurance restoration industry. He said he has worked in Louisiana, Arkansas, and twelve cities throughout Texas. Mr. Fristoe stated he is expanding his business to Colorado. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the “D-1” (Roofing) license, with the limitation of ten permits at any one time, at which point RBD staff may remove the restriction upon satisfactory completion of ten permits, seconded by Larry Whittaker; the motion carried unanimously.

\* Appearance required at the Building Committee meeting.

## 4. **CONSENT CALENDAR**

- a) 4596 Laramie Sky Drive, Permit G94496 – Ronald Jordan, homeowner, requests variances to:

Section RBC303.4.10, 2005 Pikes Peak Regional Building Code, to allow a ceiling height of 7’3½” 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 6’5” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.

- b) 1093 Wernimont Circle, Permit G97154 – Robert and Maria Lathrop, homeowners, request variances 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; 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) 875 Ridgebury Place, Permit G56090 – Justin Gow, homeowner, 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.
- d) 7469 Waterman Way, Permit H00977 – Gary Clements, KC's Construction, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6¾" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- e) 7895 Springwood Terrace, Permit G96926 – Premier Homes, Inc. requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'6" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- f) 954 Square Dance Lane, Permit G96007 – Amy Weaver, 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.
- g) 20 East Stirrup Trail, Permit H00995 – David Wilson, Tri Lakes Building Company, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6'5" under furred-down beams, pipes and ducts where a minimum of 6'8" is required.
- h) 520 North Bear Paw Lane, Permit G96364 – S K Steele Construction Company, 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.
- i) 1352 North El Paso, Permit G92742 – 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) 1530 Northfield Road, Permit G92854 – 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.

- k) 4855 Willow Stone Heights, Permit G96481 – 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.
- l) 3514 Indianpipe Circle, Permit G92903 – 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.
- m) 7131 White Buffalo Road, Permit H01236 – Susan Freeman, 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.

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

## **VARIANCE REQUESTS**

- 5. 6750 North Union Boulevard – John Nelson, John P. Nelson Associates, requests a variance to Section 903.2.1.3, 2003 International Building Code, to waive a sprinkler system where required.

John Nelson appeared and stated his office has designed an addition to the Living Hope Covenant Church. He stated the building was constructed six years ago under the UBC and a sprinkler system was not required at that time. He said the building is a non-combustible Type IIB building. Mr. Nelson said under the IEBC, they can remodel up to 50% of the interior of this existing building and potentially create an additional 80 seats within the existing footprint without a variance being required. Roger Lovell stated when the building was originally built, the occupancy load was 317, and a sprinkler system was required for an occupancy load at 300. He said they waived the sprinkler system at that time, but the new addition would create seating for 80 additional occupants. He said he has talked to the Fire Department and the Fire Department is opposed to this variance request. He said they could install a 2-hour fire barrier, which would make it Code compliant. A motion was made by Chad Holladay to recommend to the Board of Review **DENIAL** of the variance request because it does not meet current Code requirements and the Fire Department does not approve of the variance request, seconded by Tom McDonald; the motion carried 4:1. Larry Whittaker opposed.

6. 5182 North Nevada Avenue – Bryon Hoewisch, Peak Professional Contractors, requests a variance to Section 1109.2, 2003 International Building Code, to allow two non-accessible restrooms where prohibited.

Douglas Abernathy, RTA Architects, appeared and stated this is a Veda Salon and they would like to add two additional powder rooms that would not be accessible. He said they currently have two accessible restrooms. He said the structure is 3,800 square feet and will have 39 occupants, which requires two restrooms, but they would like two additional restrooms for convenience. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request because the structure will have more restrooms than what is required by Code, seconded by Todd Anderson; the motion carried unanimously.

7. 311 South Rockrimmon Boulevard – Nakai & Associates requests a variance to Section 1012.3, Exception 3, 2003 International Building Code, to allow a maximum 21” diameter opening in a guard where a 4” maximum diameter opening is required.

Douglas Carr, Nakai & Associates, appeared and stated Hewlett Packard is building a new data center on their existing property and they are requesting a variance for the handrails on six out of the eight stairs in this project. He said the stairways that will be used by the public will be code compliant, and the stairs in question will be for staff only. Jim Pepper stated RBD staff opposes this variance request for life safety issues. A motion was made by Larry Whittaker to recommend to the Board of Review **DENIAL** of the variance request due to life safety issues, seconded by Chad Holladay; the motion carried unanimously.

8. 11155 Forest Edge Drive – Phillip Sawyer, homeowner, requests a variance to Section AH102, Appendix H, 2003 International Residential Code, to waive glazing and heating requirements where required. *This item was postponed from the August 5, 2009, Building Committee meeting due to non-appearance.*

Phillip Sawyer stated this sunroom was built 12 years ago by the previous owner and there are two 5’ x 6’6” glass panels that have stress cracks which he is trying to correct. He said he is trying to simplify things and prevent leaking. He stated he would like to modify the roof to add an eave and install a wall, which would mean he would have less glazing. Mr. Sawyer stated that he does not intend to heat this room. Roger Lovell stated if it is an unheated patio enclosure, it requires 65% glazing. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request due to existing conditions and because Mr. Sawyer is trying to fix the problem, seconded by Todd Anderson; the motion carried unanimously.

9. 7220 Grand Cascade Point, Permit H00343 – Rachel Haggerty, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 5'4½" under furred-down beams, pipes and ducts where it is required to be a minimum of 6'8".

Rachel Haggerty appeared and stated she is requesting a variance for a soffit height in a basement finish, which she does not believe presents a safety hazard because it is at one spot in the room. She said she extended the wall out at this point to keep people from getting too close to hit their head on the soffit. 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 Tom McDonald; the motion carried unanimously.

10. 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". *This item was postponed from the August 5, 2009, Building Committee meeting due to non-appearance.*

Heidi Gugler appeared and stated her house was built in 1951 and she is finishing the basement. She said due to existing conditions she is not able to obtain a Code compliant soffit 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.

11. 9668 Waterbury Drive, Permit G95448 – Bob Behrends 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.

Bob Behrends appeared and stated he did not realize that the house was over 7,000 feet in elevation, and he did not put ice and water shield on the roof. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request because the homeowner approves the construction and has been given an extended warranty, seconded by Todd Anderson; the motion carried unanimously.

12. 973 Desert Circle, Permit G97459 – Western Roofing Specialists, LLC requests a variance to Section R905.2.7, 2003 International Residential Code, to allow one layer of roofing felt where two layers of ASTM D226 roofing felt is required for roof slopes between 2:12 and 4:12.

No one appeared. A motion was made by Chad Holladay to **TABLE** this item until the end of the meeting, seconded by Larry Whittaker; the motion carried unanimously.

13. 118 North 7<sup>th</sup> Street – Teresa Francis, homeowner, requests a variance to Section R907.3, 2003 International Residential Code, to waive removal of wood shingles before installation of new layer of asphalt shingles where prohibited.

Teresa Francis appeared and stated she **WITHDRAWS** this variance request.

14. 1224 East High Point Lane, Permit G94615 – Virgil Vialpando, Advantage Roofing-Vialpando, Inc., requests a variance to Section R905.2.2, 2003 International Residential Code, to allow asphalt strip shingles to be installed on a roof pitch less than 2:12.

Virgil Vialpando appeared and stated he made a mistake when determining the pitch of the roof and put a shingle roof on a roof with less than a 2:12 pitch. He said he put ice and water shield on the entire roof. He stated the homeowner is happy with the roof as is. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the roof is reinspected to verify that the ice and water shield has been installed, a letter from the homeowner is submitted to RBD approving the roof, and the warranty is extended on the roof, seconded by Larry Whittaker; the motion carried unanimously.

15. 2114 West Greenwich Circle, Permit H01513 – Richard Sater, homeowner, requests a variance to Section R310.1, 2003 International Residential Code, to allow a 60” windowsill height in existing conditions in a basement finish where a maximum of 44” is allowed.

Richard Sater appeared and stated this house was built in 1970 and they are finishing a portion of the basement. He stated he is willing to add a ladder, a step, or a window seat below the window. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that a window seat is permanently installed that is 16” high with one 8” step up to the bench, and 24” in depth, seconded by Tom McDonald; the motion carried unanimously.

- 15a. 7131 White Buffalo Road, Permit H01236 – Susan Freeman, homeowner, requests a variance to Section RBC308.4.7, Table 502.2, 2005 Pikes Peak Regional Building Code, to allow R-4 insulation on the perimeter wall of a basement finish where R-10 insulation is required.

Susan Freeman appeared and stated she finished the basement in the 1990's without getting a permit. She stated she would like to sell the house and she is trying to get the basement inspected. She said the insulation installed when the basement was finished is an R-4 styrofoam insulation. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request because with the existing insulation, the soil outside of the foundation, and the drywall, it will meet the intent of the Code, seconded by Chad Holladay; the motion carried unanimously.

- 15b. 560 Avenida Del Cielo, Permit G94973 – Rick Martinez, JR Roof Maintenance, LLC, requests a variance to Section R905.2.7, 2003 International Residential Code, to allow one layer of roofing felt on a 3:12 roof slope where two layers of ASTM D226 roofing felt is required for roof slopes between 2:12 and 4:12.

Rick Martinez appeared and stated this house has a 3:12 pitch and they used one layer of 30-pound felt, instead of two layers of 15-pound felt. He said the homeowner approves the construction, and he is willing to give an extended warranty on the roof. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request due to the homeowners approval and the extended warranty, seconded by Todd Anderson; the motion carried unanimously.

- 15c. 7465 Horseshoe Road – Jason Weaver, Jason Weaver Construction, requests a variance to Section RBC203.1, 2005 Pikes Peak Regional Building Code, to allow a “B-1” licensee to obtain a permit requiring an “A-2” license.

Jason Weaver appeared and stated he has been asked to build an addition on a church, which is 65' x 120'. He stated he has passed the “A” test for his license. Todd Welch stated the owner is confident that Mr. Weaver can build the structure and the work will be inspected by RBD. Mr. Weaver stated he will be the general contractor and will be subcontracting a great deal of the work. Mr. Pepper stated the subcontractors will all have to be licensed. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that it is site specific, that the Pastor of the Church submits a letter to RBD which confirms that he is aware where Mr. Weaver is in his “A” license experience and he is willing to have Mr. Weaver undertake the project anyway, that Mr. Weaver is aware of what is required for licensing and permitting of all of his subcontractors, and the Building Committee suggests that Mr. Weaver align himself with an “A-1” contractor to consult with him on this project, seconded by Todd Anderson; the motion carried 3:1. Tom McDonald opposed.

16. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

17. **NEW BUSINESS**

- a) Code change language for contractor licensing requirements with regard to financial stability and ethics.

Scott Greene, President of Affiliated Commercial Construction Associates, appeared and stated the El Paso County contractors disagree with this issue. Jim Pepper stated he cannot judge contractors on their financial stability, without something in the Code. Chad Holladay stated it should not be RBD's responsibility to determine the financial stability of contractors. Todd Welch stated by implementing this Code change you create an atmosphere where people may be excluded, which presents unintended consequences. A motion was made by Larry Whittaker to recommend to the Board of Review **DENIAL** of this Code change, seconded by Tom McDonald; the motion carried unanimously.

- b) Tabled Items.

A motion was made by Todd Anderson to **POSTPONE** the tabled items until the October 7, 2009, Building Committee meeting, seconded by Chad Holladay; the motion carried unanimously.

The meeting adjourned at 12:19 p.m.