



BUILDING COMMITTEE MINUTES

October 7, 2009

9:00 a.m.

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

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. Brett Phillips, Contractor Licensing
Ms. Pattie Benger, Human Resources

PROCEEDINGS:

Chairman Brian Olson called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF SEPTEMBER 2, 2009 MINUTES

A motion was made by John Clarke to **APPROVE** the September 2, 2009, Building Committee Minutes as written, seconded by Chad Holladay; the motion carried unanimously.

2. COMPLAINTS

There were no Complaints to discuss.

3. CONSENT LICENSE REQUESTS

Building Contractor A-1 (General)

DYNAMIC RENOVATIONS, LLC – NICOLAAS MOSTERT (EXAMINEE TO NEW CO.)
HOFFMAN CONSTRUCTION COMPANY OF AMERICA – DARIN MACKENZIE

Building Contractor B-1 (General Limited)

GENESIS HOMES, LLC – BRADLEY GRIFFIN (EXAMINEE TO NEW CO.)
PLATINUM Z, LLC – SCOTT BOYD
SUMMIT PROJECT DELIVERY SOLUTIONS – PATRICK ROEMER *This item was listed on the Addenda.*

Building Contractor C (Homebuilder)

ALL PRO ROOFING, INC. – JORIAN STEIN
CENTURY CONSTRUCTION – MARK GREELEY (BACKUP EXAMINEE)
PATRIOT SERVICE NETWORK, INC. – TY ADAMS
TOP NOTCH CARPENTRY – ROLF WHITLEY (EXAMINEE TO NEW CO.)
VAILE CONSTRUCTION, LLC – DAVID GRAY
JOURNEY HOMES, LLC – FRED COPELAND (NEW EXAMINEE) *This item was listed on the Addenda.*

Building Contractor D-1 (Roofing)

ACES ROOFING & CONSTRUCTION CORP. – JONATHAN CAMPBELL
PROPERTY MATTERS, LLC – SCOTT WIDICK
USA CONTRACTING OF COLORADO, LLC – BRUCE HOLLINGSWORTH

Building Contractor E (Remodeling/Maintenance)

RYAN CHRISTIAN – RYAN CHRISTIAN
WHITE OAK PROPERTIES – RANDY CREWS

Building Contractor F-1 (Solar Energy)

CAPITOL SOLAR ENERGY – BRUCE PADGETT
REC SOLAR, INC. – JASON ZINK

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

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor B-1 (General Limited)

CONCEPTS IN DESIGN – TIMOTHY SWATZELL*

Timothy Swatzell appeared and stated he has been working in the construction industry for more than 20 years. He said he has worked in both commercial and residential areas, and as a Building Inspector with RBD. He said he recently worked on a ground-up 25,000 square foot training center in California. He said has some upcoming business in tenant finishes. Jim Pepper noted that Mr. Swatzell has passed the test for residential and commercial ICC certification, which is as difficult a test as the “B-1”, but he has not taken the “B-1” test. A motion was made by John Clarke 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, until completed, unlimited below, at which time he can work with RBD staff to have the restriction removed, seconded by Chad Holladay; the motion carried unanimously.

Building Contractor B-2 (General Limited)

SUITS SERVICES – SHERMAN SUITS*

Sherman Suits appeared and stated he previously held a residential license with RBD, but moved to Vail in 2007. He said he has been in the building industry for over 20 years. He noted that he is now aware of an “A” status permit on his “C” license. Mr. Suits said he owned the property at the time and had financial difficulties, which caused him to move out of town. He said the major portion of his work will be mostly tenant finishes. He said he had an “A” license in Canon City from 2000 to 2004. Mr. Suites said he has also done deconstruction work. Jim Pepper said he would like the “A” status permit resolved. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the “B-2” (General Limited) license, with the limitation of two “B-2” permits at any one time, until completed, unlimited below, with the stipulation that he must resolve the “A” status permit, at which time Mr. Suits can reappear to have the restriction removed, second by Thomas McDonald; the motion carried unanimously.

Todd Anderson joined the meeting at 9:12 a.m.

Building Contractor C (Homebuilder)

C2G, LLC – CHRISTOPHER GIGLIO*

Christopher Giglio appeared and stated he has worked on custom wine cellars previously, and has a master's degree in environmental engineering. He said he recently helped his family with a ground-up addition. A motion was made by Todd Anderson to recommend to the Board of Review **APPROVAL** of the "C" (Homebuilder") license, with the limitation of two "C" permits, until completed, unlimited below, at which time Mr. Giglio can reappear to have the restriction removed, seconded by Thomas McDonald; the motion carried unanimously.

GOODWIN CARPENTRY – CHRIS GOODWIN*

Chris Goodwin appeared and stated he has six years of ground-up custom home experience and has been working in the construction industry for 14 years. He said he spent six years working on residential interior finishes, has had his own trimming business, and has held an "E" license previously in this jurisdiction. He said he has also built an addition on his own home. A motion was made by Thomas McDonald to recommend to the Board of Review **APPROVAL** of the "C" (Homebuilder") license, with the limitation of two "C" permits, until completed, unlimited below, at which time he can work with RBD staff to have the restriction removed, seconded by Todd Anderson; the motion carried unanimously.

Building Contractor D-1 (Roofing)

DALE'S CONSTRUCTION AND HOME IMPROVEMENT – DALE DILLAVOU*

Dale Dillavou appeared and stated he has held licenses in Teller and Park counties. He said that he intends to pursue a "C" license here in the future. A motion was made by Chad Holladay to recommend to the Board or Review **APPROVAL** of the "D-1" (Roofing) license, with the limitation of five permits at any one time, at which time he can work with RBD staff to have the restriction removed, second by John Clarke; the motion carried unanimously.

KELLY'S ROOFING – KELLY LARKIN*

Kelly Larkin appeared and stated he has been in the painter's union for 10 years, and has some experience on metal and asphalt roofing. He said he has worked on a metal roof on an airport hanger that was 2,000 square feet, and has reroofed his own home several times. He said he has been painting since 1985 and is looking to expand his business. A motion made by Chad Holladay to recommend to the Board or Review **APPROVAL** of the "D-1" (Roofing) license, with the limitation of three permits at any one time, at which time Mr. Larkin can reappear to have the restriction removed, seconded Todd Anderson; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

- a) 3450 Richmond Drive, Permit G98370 – Lynn Sjonost, 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.

- b) 3620 Hickory Hill Drive, Permit H05428 – Jonathan Herdt, Revisions by Jonathan, 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) 2545 Ramsgate Terrace, Permit H06932 – Tom Rosenhahn, Alpine Timber Construction, 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.

- d) 1957 Dewhirst Drive, Permit H03531 – Jared Ulrich, Better Built Basements, 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.

- e) 4720 Saddle Ridge Drive, Permit G97760 – Rosalba Edwards, 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.

- f) 4160 Stonehaven Drive, Permit H07524 – Philip Collier, Our Family Builders, 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) 10725 Rhinestone Drive, Permit G24517 – Barry McCann, 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.
- h) 6410 Ramada Point, Permit H03781 – Christopher Wilson, 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.
- i) 6215 Dry Gulch Court, Permit G94710 – Byung Lee, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6’5½” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- j) 10 Springdowns Way, Permit H02297 – Bob McGrath Construction 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.

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

VARIANCE REQUESTS

- 5. 1210 Blevins Buckle Trail – Richard Blevins, Jackson Creek Vision Development, Inc., requests a variance to Section 312.6.1, 2005 Pikes Peak Regional Building Code, to change the street address from 1210 Blevins Buckle Trail to a Jackson Creek Parkway address.

Richard Blevins appeared and said the owner requested to change the street address because all buildings in the marketplace are addressed with a Jackson Creek address and the building faces Jackson Creek Parkway. He said the Tri-Lakes Fire Department and Police Departments do not oppose this variance request. Jeannine Lewis, RBD Enumerations and Floodplain, appeared and stated access to the building is from the side street. She said there are two other properties that could block the view of this one on the Jackson Creek side. She said Jackson Creek Parkway is in the 15700 block where the Blevins Buckle Trail is on the 1200 block. She said she is also concerned about where the building address will be posted. Ms. Lewis said the main reason Code requires this is due to emergency services. She said the commercial complex to the north did not name their interior streets and were addressed with

a Jackson Creek address. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the number sequence and the number of address posting required be assigned by enumerations, as well as determining whether to require the street name posting, seconded by Todd Anderson; the motion carried unanimously.

6. 4250 Cheyenne Mountain Zoo Road – The Cheyenne Mountain Zoo requests a variance to Section 1805.2, 2003 International Building Code, and Section RBC302.4.70, 2005 Pikes Peak Regional Building Code, to allow less than the required 30” frost protected foundation.

Amber Bessee, Projects Coordinator with the Cheyenne Mountain Zoo, appeared and said the Zoo built a yurt with a 4” concrete slab without knowing the requirements for frost protection. Jim Pepper noted that this project was built without a permit and many of the zoo’s structures are temporary exhibits and do not need a permit. Jim Pepper noted that a site visit was required to determine if a permit was required. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance request due to the nature of the building, the soil, and letter from engineer, seconded by Chad Holladay; the motion carried unanimously.

7. 705 Garden of the Gods Road – Mark King 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.

Mark King appeared and stated that he has been requested to remodel the exterior and the interior soffit only of a Wendy’s restaurant. He said he would consider testing to obtain a “B” license, but has not had the time to do so. A motion was made by Chad Holladay to recommend to the Board of Review **DENIAL** of the variance request because he has the ability to test, seconded by Todd Anderson; the motion carried unanimously. Jim Pepper noted that he has received numerous requests in the last 30 days from contractors to perform work above their license. He said that he does not support any variances for a site specific upgrade for a license. Jim Pepper said this property was built as a “B-2”, but would be an “A” under today’s code. Roger Lovell said this project would actually require an “A” license due to the occupancy.

8. 2335 Robinson, Permit H03382 – Steve Pagel, MRA Enterprises, Inc., requests a variance to Section 1208.2, 2003 International Building Code, to allow a ceiling height of 7’4” where a minimum of 7’6” is required.

Steve Pagel appeared and said the building is steel and has a raised floor. He said the owners would like to use the space for offices. A motion was made by Larry Whittaker to recommend to the Board of Review **APPROVAL** of the variance request because it is an

aesthetic issue and not a life safety issue, seconded Thomas McDonald; the motion carried unanimously.

9. 4733 Centennial Boulevard – Larry Whittaker, YOW Architects, requests a variance to Section 1013.3, Exception 1, 2003 International Building Code, to allow a common path of egress travel of 124' where a maximum of 100' is required.

This item was **TABLED** until the end of the meeting.

10. 4055 – 4061 Tutt Boulevard – Larry Whittaker, YOW Architects, requests a variance to Section 505.1, 2003 International Building Code, to allow a ceiling height in a mezzanine of 6'5" under a precast tee roof structure where a minimum of 7' is required.

This item was **TABLED** until the end of the meeting.

11. 1245 Timber Valley Road – Tom Stewart, Stewart Construction, requests a variance to Section RBC104.7, 2005 Pikes Peak Regional Building Code, to allow Lockdry aluminum decking to be used without having all of the approved testing data.

Tom Stewart appeared and said the owner would like to use a product that has not been approved. He said the homeowner is unsure if they would like to use the railing system as well as the decking. He said this product would keep the underside of the decking dry and gutters would be installed. Roger Lovell said ES requires testing as well as quality control inspections. He noted that staff does not have the time or ability to evaluate testing data or perform quality control inspections. John Clarke said the testing appears to have been done in 1998. Mr. Stewart said the manufacturer said this product has been installed in all 50 states. He said the decking runs away from the house and has ridges on it, which could assist in preventing slips. Mr. Stewart said 20 percent of the decking is above the garage. A motion was made by Thomas McDonald to recommend to the Board of Review **APPROVAL** of the variance request because of the engineer's approval provided, seconded by Todd Anderson; the motion carried 4:1. Chad Holladay opposed.

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. *This item was postponed from the September 2, 2009, Building Committee meeting due to non-appearance.*

Kevin Tebedeau appeared and stated the salesman on this job got a 4:12 pitch and sold it as such. He said that he tested the pitch himself and found that it was 3:12. He said he notified the homeowner and tried to replace the roof. Mr. Tebedeau said the homeowner would prefer

the roof to remain as it is. He said if approved, the warranty will be extended against leaks and interior damage for the life of the roof. He said the original layer of felt is still on the roof although it has nails in it. Mr. Tebedeau said all the protrusions have been wrapped in ice and water shields. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request with the stipulation that a letter from the homeowner accepting the roof with current conditions is received, seconded by Larry Whittaker; the motion carried unanimously.

- 12a. 115 North Tejon Street, Suite 117 A – Jason Brungardt, Comstock & Associates, requests a variance to Section 704.8, 2003 International Building Code, to allow unprotected openings in excess of what is permitted.

Doug Comstock, Comstock & Associates, appeared and said their client rented the front half of the building but found that the back half was not yet in useable condition. He stated there were lofts placed upstairs with numerous openings. He said on the first floor there are numerous openings. Mr. Comstock said the change is from 13% to 20%. He said the Downtown partnership supports the effort to revitalize alleys down town. Dan Mietka, Tejon Equities, appeared and stated the nature of downtown properties are difficult to use because of the depth of the building and the alley's. Roger Lovell stated the area is a public right of way, which allows the Fire Separation distance to be measured from the center of the alley. He said Code requires this because of the fire exposure from both buildings. Roger Lovell said there are some code compliant solutions. He said the lofts were built under a different and older code. He said if the building was sprinkled, it would allow 25%. He said another option is to protect a portion of the openings. He said a new zoning code is relaxed, but it makes it difficult due to comply with building codes. Mr. Brundgardt said a rolling fire shutter would cost approximately \$10,000. Henry Yankowski said some other building departments allow the openings to be sprinkled as a solution. He said the occupancy and use of the building should also be considered. Roger Lovell said the building is likely to be combustible and a potential high fire risk. He said the purpose of this code is to limit the fire spread and give fire departments physical space to fight a fire. Jim Pepper said he believes there are alternatives that can still be explored. Jim Pepper stated the charge of the Building Committee is to recommend minor variance decisions that are as equal to code or better, and he does not believe this is a minor variance. A motion was made by Larry Whittaker to recommend to the Board or Review **APPROVAL** of the variance request for this address at this time only, seconded by Todd Anderson; the motion failed 2:3; Thomas McDonald, Chad Holladay, and John Clarke opposed; therefore the variance request was **DENIED**.

Break from 11:10 a.m. - 11:21 a.m.

- 12b. 12288 Chimney Smoke Drive, Permit H07413 – Mike Fisk, Scheffe's 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.

Mike Fisk appeared and stated the property is in Meridian Ranch and was a clerical error on their part. He said the warranty will be extended five additional years. He said the home is in the middle of a sub division and has no trees. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance, with the stipulation that a letter from the homeowner accepting the conditions and warranty extension is provided, seconded by Thomas McDonald; the motion carried unanimously.

- 12c. 715 Aspen Drive – Kevin Dessureault, D.W. Construction, requests a variance to Section RBC203.1, 2005 Pikes Peak Regional Building Code, to allow an “E” licensed contractor to obtain a permit requiring an “A” license.

Kevin Dessureault appeared and stated the project is building a new archway where a three foot wide door already exists at the Security Public Library. He said the job would also include building a “false” wall on the upper level to separate offices. He said the Library is a non-profit organization. Mr. Dessureault said he is studying for the “A” test, but he is not ready to take the test yet. Jim Pepper said he opposes this type of variance because it is a life safety issue and not a financial issue. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance request because the project is very small, seconded by Larry Whittaker; the motion carried 3:2. Thomas McDonald and Chad Holladay opposed. Mr. Pepper said staff will be appealing this decision with the Board of Review.

Larry Whittaker recused himself from Items 9 and 10.

9. 4733 Centennial Boulevard – Larry Whittaker, YOW Architects, requests a variance to Section 1013.3, Exception 1, 2003 International Building Code, to allow a common path of egress travel of 124’ where a maximum of 100’ is required.

Larry Whittaker appeared and said they designed this building about 10-12 years ago. He said it is a multi-tenant building. He said the owners want to separate some of the warehouse space. Mr. Whittaker said the occupancy is low in this space and the building is sprinkled. Jim Pepper said staff does not oppose or support this variance request. A motion was made by Chad Holladay to recommend to the Board of Review **APPROVAL** of the variance request because the area has a low occupancy and it is a small change, seconded John Clarke; the motion carried unanimously.

10. 4055 – 4061 Tutt Boulevard – Larry Whittaker, YOW Architects, requests a variance to Section 505.1, 2003 International Building Code, to allow a ceiling height in a mezzanine of 6’5” under a precast tee roof structure where a minimum of 7’ is required.

Larry Whittaker appeared and said this project is in the Tutt Business Park. He said the building was designed as a single-story, mixed use building. He said an existing tenant would like to add a small office area in the front and use the remaining space used for auto parts and repairs. He stated the building is sprinklered and the sprinkler heads will be placed at the bottom of the tee stem. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance because it is a storage area, seconded by Chad Holladay; the motion carried unanimously.

13. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

14. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:48 a.m.