



BOARD OF REVIEW MINUTES

July 15, 2009

10:30 a.m.

MEMBERS PRESENT: Chairman Sol Chavez
Vice Chairman Frank Watson
Mr. Johnny (J.B.) Johnson
Mr. Rick Johnson
Mr. Johnny Garcia

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Bob Croft, Special Projects Coordinator
Mr. Roger Lovell, Chief Plans Examiner
Mr. Jim Vernon, Chief Mechanical/Plumbing Supervisor
Mr. Jim Pepper, Chief Building Supervisor
Mr. Al Ziegler, Counsel
Ms. Pattie Benger, Human Resources

PROCEEDINGS:

Chairman Chavez called the meeting to order at 10:30 a.m.

1. CONSIDERATION OF JUNE 17, 2009 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the June 17, 2009, Board of Review Minutes as written, seconded by Frank Watson; the motion carried unanimously.

2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of July 1, 2009.

A motion was made by Johnny Johnson to **APPROVE** the July 1, 2009, Building Committee Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

b) Mechanical Committee Minutes of July 8, 2009.

A motion was made by Johnny Garcia to **APPROVE** the July 8, 2009, Mechanical Committee Minutes as written, seconded by Johnny Johnson; the motion carried unanimously.

c) Electrical Committee Minutes of July 14, 2009.

A motion was made by Johnny Garcia to **APPROVE** the July 14, 2009, Electrical Committee Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 10895 Sandlilly Lane, Permit G80853 – Mike Hasty, homeowner, requests a variance to Section RBC314.6, 2005 Pikes Peak Regional Building Code, to allow a sliding glass door where a self-closing and self-latching device is required. *During the May 6, 2009, Building Committee meeting, the Committee recommended that Mr. Hasty's variance request be DENIED due to life safety issues. Mr. Hasty's attorney requested that this decision appeal be postponed until the July 15, 2009, Board of Review meeting.*

Jim Pepper appeared, was sworn in, and provided diagrams of the pool enclosure to the Board. He said there was an error and G47407 is the correct Permit the variance should be requested under. He said the plans submitted in September 2008 clearly show a fence that is self-closing and self-latching. Mr. Pepper said Permit G80853 is for the swimming pool enclosure, so there was no review for the safety requirements under Appendix G. He said the field inspector noted on the swimming pool Permit G47407 that all the safety requirements were met, presumably because the enclosure was on the other permit where the self-closing self-latching is required. Mr. Pepper respectfully requested this Item be returned to the Building Committee for review under the correct Permit number.

Mike Hasty appeared, was sworn in, and stated the locking device is on the inside of the enclosure and the area is 2 ½ acres and encloses an area that includes a pool. Mr. Hasty provided photographs of the area.

Roger Lovell appeared, was sworn in, and stated the original plans for the in-ground swimming pool do show a five foot fence with a self-closing and self-latching gate on the original permit.

Mr. Hasty stated there is an existing four foot fence that encloses the 2 ½ acres where the pool is and inquired if he could modify this existing fence to conform to the requirements. Johnny Johnson inquired if there were requirements that dictate a maximum distance from the pool to the fence. Jim Pepper replied that the distance between the pool and the fence is

not dictated by code. He stated that if the existing fence were modified to meet all the code requirements, then a variance is not needed.

A motion was made by Johnny Johnson **DISMISS** the Decision Appeal because it appears a variance is no longer be needed, seconded by Frank Watson; the motion carried unanimously.

4. **COMPLAINT UPDATES**

There were no Complaints to discuss.

5. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

6. **NEW BUSINESS**

a) Contractor licensing requirements with regard to financial stability and ethics.

Frank Watson stated he requested this Item be placed on the Agenda. He said an issue came up recently and Counsel advised the Board that if the contractor's test was passed and all Code requirements were met, financial instability or ethics cannot be reason to deny a license request. Mr. Watson said he would like something added to the Code to allow some additional leeway for the Committees and Boards. Al Ziegler said that a revision to the Code would be required, and there should be an established standard to measure financial stability and ethics. Chairman Chavez suggested an Ad Hoc Committee be formed to research this issue and make a proposal. He said the Committee should include Frank Watson, Henry Yankowski, and Todd Welch. A motion was made by Johnny Johnson to form an Ad Hoc Committee including Frank Watson, Henry Yankowski, and Todd Welch, seconded by Johnny Garcia; the motion carried unanimously. Rick Johnson suggested Mr. Watson review the Phoenix, AZ Building Code, where he believes there is some language regarding this matter.

b) Radon Mitigation

Johnny Johnson said there has been recent discussion regarding radon mitigation, and wondered if there needs to be some standards regarding building permits and inspections. Henry Yankowski said it appears radon mitigation installers sometimes penetrate through window wells or walls and he is concerned.

Rick Johnson said the EPA is the regulating agency and installers and contractors need to be certified with the federal government by NEHA. He said there are strict guidelines to become a Certified Radon Mitigator. Mr. Johnson said that his company does not penetrate the foundation or window wells, but he is unsure of what other companies do.

Jim Vernon said Section 512, Sub Slab Soil Exhaust Systems, 2003 International Mechanical Code has some regulations for radon, but this Section has been amended by 2005 Pikes Peak Regional Building Code to specifically exclude radon.

Henry Yankowski said he was also concerned because he saw one home where window well covers were installed and the steel was cut to allow this system, which could impair egress.

Roger Lovell suggested if radon mitigation becomes a license or registration with Pikes Peak Regional Building Department, annual permits may be a good option for inspections and permits.

Chairman Chavez suggested an Ad Hoc Committee be formed with Rick Johnson, Johnny Johnson, Henry Yankowski and Todd Welch to review and draft some verbiage for possible Code addition. A motion was made by Frank Watson that an Ad Hoc Committee be formed with Rick Johnson, Johnny Johnson, Henry Yankowski and Todd Welch for radon mitigation, seconded by Johnny Garcia; the motion carried unanimously.

c) Home Inspectors

Johnny Garcia stated he believes a home inspector should be licensed as well. He said there are no requirements and nearly anyone can be a home inspector. He says he hears a lot of complaints about items the home inspector misses. Chairman Chavez suggested Johnny Garcia do some research with other jurisdictions and present the information next month.

The meeting adjourned at 11:25 a.m.