



BOARD OF REVIEW MINUTES

September 16, 2009

10:30 a.m.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Bob Croft, Special Projects Coordinator
Mr. Roger Lovell, Plans Supervisor
Mr. Jim Vernon, Chief Mechanical/Plumbing Supervisor
Mr. Jim Pepper, Chief Building Supervisor
Mr. Dean Wemmer, Chief Electrical Supervisor
Mr. Todd Welch, Regional Building Counsel
Ms. Mindy Stuemke, Senior Permit Technician
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

The meeting was called to order at 10:32 a.m.

1. CONSIDERATION OF AUGUST 19, 2009 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the August 19, 2009, Board of Review Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of September 2, 2009.

A motion was made by Johnny Johnson to **APPROVE** the September 2, 2009, Building Committee Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

b) Electrical Committee Minutes of September 8, 2009.

A motion was made by Rick Johnson to **APPROVE** the September 8, 2009, Electrical Committee Minutes as written, seconded by Johnny Johnson; the motion carried unanimously.

c) Mechanical Committee Minutes of September 9, 2009.

A motion was made by Johnny Johnson to **APPROVE** the September 9, 2009, Mechanical Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 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. *This variance request was heard at the September 2, 2009, Building Committee meeting, the Committee recommended that Mr. Nelson’s variance request be DENIED because it does not meet current Code requirements and the Fire Department does not approve of the variance request.*

John Nelson appeared, was sworn in, and stated this is a six year old, one-story building that was built under the 1997 Uniform Building Code. He said if this were a new building project, this would not be an issue, but because it is an existing structure, a variance is required. He said the proposed addition is 10% of the building; it is approximately 800 square feet. Mr. Nelson said to equip this building with a sprinkler system is not economically feasible. He said the existing assembly space is equipped with fixed seating for 155 occupants. He said a true occupant load with the proposed addition and the nursery on a normal Sunday would be 245 occupants. Mr. Nelson said to install a 2-hour firewall would be an expense of \$15,000 to \$20,000.

Roger Lovell appeared, was sworn in, and stated it would not have to be a 2-hour fire wall; it could be a 2-hour fire barrier, which would be a significant cost reduction. He said when the building was constructed there were some changes to the plan. He said the nursery was called a classroom. Mr. Lovell said a nursery would require fire sprinklers. He said his concern is that we are taking a building with 417 occupants and adding 80 occupants, which would be approximately 500 occupants, which would require a sprinkler system. He said the Code does not allow you to specify a certain time period for occupancy; the Code requires the “worse case scenario”.

Chris Cooper, Colorado Springs Fire Department, appeared, was sworn in, and stated the Fire Department did not have anything in their records which reflected an objection to the lack of a sprinkler system when the building was initially built. He said the building is precast construction, which is not a fire issue, but the safety issues would be the interior finish of the building. He said the Fire Department did a review of the fire plan for the initial plans when the building was constructed, and the Fire Department felt it met Code at that time. Mr. Cooper said the Fire Department's recommendation is to deny the variance request. He said there were several fires in places of assembly between the 1997 Uniform Building Code and the 2003 International Building Code, so they are looking at these issues closer now.

Roger Lovell stated with an interior remodel, the Code requires that you look at just the scope of work; but with an addition, the requirement for fire sprinklers is required with 300 or more occupants. He said if we put a 2-hour fire barrier at grid line 2, it would be Code compliant.

A motion was made by Johnny Johnson to **UPHOLD** the Building Committee's decision, seconded by Frank Watson; the motion carried 3:2. Sol Chavez and Rick Johnson opposed.

4. **COMPLAINT UPDATES**

There were no Complaints to discuss.

5. **UNFINISHED BUSINESS**

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

Todd Welch stated the Board of Review made a recommendation to add this issue to the Code, but the Advisory Committees did not support this issue. He stated RBD does a background check on all contractors, and if a Court of Law imposes a fraud charge on a contractor, then we have a basis to deny the license. He said if you make financial stability and ethics part of the Code, you open the probability of the issue of financial and ethical complaints on every contractor in this jurisdiction. Henry Yankowski stated during a previous position he held in Florida this issue was part of the Code, and it imposed a great deal of time for the board members because there were extensive complaints relative to money that were held before the board members. Todd Welch stated he would like to research this matter further before the Board of Review makes a decision on this issue. A motion was made by Sol Chavez to **RESCIND** the decision of the Board of Review to put this issue in the Code, and to recommend that RBD staff research this issue further, seconded by Johnny Johnson; the motion carried unanimously.

6. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:31 a.m.