



BOARD OF REVIEW MINUTES

October 21, 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
Ms. Linda Gardner, Executive Administrative Assistant
Mr. Al Ziegler, Legal Counsel

PROCEEDINGS:

The meeting was called to order at 10:30 a.m.

1. CONSIDERATION OF SEPTEMBER 16, 2009 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the September 16, 2009, Board of Review Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of October 7, 2009.

A motion was made by Johnny Johnson to **APPROVE** the October 7, 2009, Building Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

- b) Electrical Committee of October 13, 2009, was cancelled due to lack of Agenda items.
- c) Mechanical Committee Minutes of October 14, 2009.

A motion was made by Frank Watson to **APPROVE** the October 14, 2009, Mechanical Committee Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 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. *This variance request was heard at the October 7, 2009, Building Committee meeting, and the Committee recommended that the variance request be DENIED.*

Al Ziegler, legal counsel for RBD, appeared and stated he has assisted the Downtown Partnership with some legal advice, but he has not been involved in this matter.

Jason Brungardt appeared, was sworn in, and stated the building is owned by the Equity Group, and is 190' deep. He said the front of the building is more attractive to perspective tenants than the back of the building. He said the owners approached their firm and requested that they assist in giving the building more of a presence from Tejon. Mr. Brungardt said their suggestion was to cut a hole in the side of the building and make a store front that would be covered by an awning that would come out from the side of the building and be accessible down the alley. He said the existing building had unprotected openings on the side of the building with balconies, so they did not believe there would be an issue with unprotected openings. He said RBD told them there were too many unprotected openings due to the distance of the adjacent building. Mr. Brundgardt said the alley is 20' wide, and the Fire Separation Code states that the fire separation line is the centerline of the right away. He said the fire separation line would be at 10', which would reduce the amount of unprotected openings to 10%. He said they contend that since there is a right of way behind the building, and nothing will ever be built in that right of way, they should be given the full 20' when considering the openings. Mr. Brundgardt said there are three options, i.e. fire glass/fire doors for the entire store front, washing the store front with a sprinkler system, or a roll down fire door. He said the most economical option was the washing of the store front exterior, which would be a cost of \$7,600.00.

Danny Mientka, Equity Group, appeared, was sworn in, and stated the building was renovated five or six years ago, and the unprotected openings were installed at that time without a variance being required. He said the renovation plans included a door into the back of the building, should access be desired. He said currently First Commercial Bank

occupies the front of the building, and they are looking for a tenant for the back of the building, which is the purpose for making it more attractive in appearance. Mr. Mientka said this building and the adjacent building across the alley are both brick buildings; therefore, they are not a high fire risk. He said it is important to bring new businesses into the downtown area, and approving this variance may bring a new retailer into the downtown area. He said he does not feel washing the wall, is a feasible idea because it is a north facing wall, and there is always the possibility of a water line rupture.

Roger Lovell appeared, was sworn in, and stated the previous renovation was done under the 1997 Uniform Building Code, which allowed the unprotected openings. He said the 2003 International Building Code does not allow the openings. He said the current Code uses the fire separation distance to determine whether sprinklers are required, maximum size and occupancy of a building, as well as the allowable area of openings in exterior walls, so doubling the fire separation distance has a significant impact when determining the allowable openings. Mr. Lovell said in this case we are exceeding the allowable area of openings by 85%.

Chris Cooper, Colorado Springs Fire Department (“CSFD”), appeared, was sworn in, and stated the neighboring building has a combustible roof. He said a fire door or fire shutters are an option. He said the rolling fire door hinders the path of egress, so CSFD does not believe this to be a satisfactory option. Mr. Cooper said the water wash system is designed for smooth glass surfaces, but this structure has window and door frames, with a brick exterior, which becomes problematic. He said the CSFD opposes this variance request as proposed.

Danny Mientka stated he would like to amend the variance request to add a UL listed water washing device for the store front of the building.

A motion was made by Johnny Johnson to **OVERTURN** the decision of the Building Committee and **APPROVE** the amended variance request with a 20.5% limit of unprotected openings, with the stipulation that a UL listed water washing device be installed at the new store front opening, seconded by Rick Johnson; the motion carried unanimously.

Break from 11:25 a.m. to 11:35 a.m.

- b) 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. *This variance request was heard at the October 7, 2009, Building Committee meeting, and the Committee recommended that the variance request be APPROVED. RBD staff is appealing this decision.*

Kevin Dessureault did not appear. Jim Pepper appeared and stated RBD staff would like to appeal this decision because no other contractor has been approved for this significant of a license upgrade. He said there are other "A" contractors that pay a higher license fee that also need work and can do this work. A motion was made by Johnny Johnson to **TABLE** this appeal until the November 18, 2009, Board of Review meeting so RBD can send Mr. Dessureault written notification to appear for the meeting, seconded by Rick Johnson; 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) **CONSENT LICENSE REQUESTS**

Building Contractor D-3B (Wrecking)

Fiore & Sons, Inc. - Monte Telitz

Due to weather delays, Bill Clarkin appeared for Monte Telitz. Jim Pepper stated he has authority by the Building Committee to grant consent license requests, and he has approved this license request. He said the Chairman of the Building Committee has also approved this license request. He said he received a telephone call from the City of Colorado Springs stating that the overpass/underpass project needed to proceed without any delay. A motion was made by Frank Watson to **APPROVE** the "D-3B" (Wrecking) license for Monte Telitz, seconded by Johnny Johnson; the motion carried unanimously.

The meeting adjourned at 11:46 a.m.