



BOARD OF REVIEW MINUTES

December 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. Roger Lovell, Chief Plans Examiner
Mr. Bob Croft, Special Projects Coordinator
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. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

The meeting was called to order at 10:35 a.m.

1. CONSIDERATION OF NOVEMBER 18, 2009 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the November 18, 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 December 2, 2009.

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

b) Mechanical Committee Minutes of December 9, 2009.

A motion was made by Frank Watson to **APPROVE** the December 9, 2009, Mechanical Committee Minutes as written, with the exception of Item 6 which is being appealed, seconded by Johnny Johnson; the motion carried unanimously.

c) Electrical Committee Minutes of December 15, 2009.

A motion was made by Rick Johnson to **APPROVE** the December 15, 2009, Electrical Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 415 North Cascade Avenue, Permit H11243 – Sean Reinhart, Rhino Mechanical Services, LLC, requests a variance to Section 402.3.1, Item 1, 2003 International Mechanical Code, to allow apartments to recirculate air between individual dwelling units. *This variance request was heard December 9, 2009, and the Mechanical Committee recommended denial of the variance request due to life safety issues.*

Sean Reinhart appeared and stated this project started as a “no heat” project; the building is 120 years old; and their main concern was getting the heat back on as quickly as possible. He said the two existing furnaces were not reparable at the time. Mr. Reinhart stated he changed out two 90% furnaces, for seven different units. He said individual furnaces for each unit was cost prohibitive for the owner.

Todd Welch stated the Section of the Code in the variance request is incorrect, i.e. it should be Section 403.2.1. Dan Rial, Pikes Peak Mechanical Contractor’s Association, appeared and stated he did a site inspection to look at the installation. He said the house is well maintained and each apartment has two exits. He said each unit has an 8” x 12” return air. Mr. Rial said 80% of the return air comes from the corridor area. He said Mr. Reinhart has agreed to install a smoke shut-down system. He said he does not believe the owner would object to installing a sign that states it is a common return air system.

Jim Vernon appeared and stated RBD staff feels this is a life safety issue and is not a minor variance request. Roger Lovell stated the International Existing Building Code does not address this type of situation. He said he did speak with the Colorado Springs Fire Department (“CSFD”) and the CSFD feels this situation is a significant risk to life safety, due to smoke migration from one unit to another. He said Code also requires this building to be sprinklered and fire dampers installed in the return air path.

Dan Rial stated this started as a furnace change out. He said the inspector should have inspected the replacement furnaces only. He said it did not require a duct inspection. J.D. Vigil, J. D. Vigil Plumbing and Heating, appeared and stated there are 4 components, i.e. the electrical system, gas system, duct system, and the equipment itself. He said a duct inspection is not required in a furnace change out. He said they have improved upon the old system, even though it does not meet Code for a new furnace.

A motion was made by Rick Johnson to overturn the decision of the Mechanical Committee, and **APPROVE** the variance request, with the stipulation that lockouts for the blower for the smoke detectors and electronic air cleaner be installed, seconded by Johnny Johnson; the motion carried 4:1. Sol Chavez opposed.

Henry Yankowski stated RBD does not feel this is a minor variance and requests that it be returned to RBD for a decision, based on Sections RBC104.7 (alternate materials and methods) and RBC104.8 (modification), 2005 Pikes Peak Regional Building Code.

Frank Watson made a motion to add a sign to each unit which states that the heating system has a common return of air, 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**

There was no New Business to discuss.

The meeting adjourned at 11:19 a.m.