

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## BOARD OF REVIEW MINUTES

February 17, 2010

10:30 a.m.

**MEMBERS PRESENT:** 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. 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 10:31 a.m.

*The follow Item 3d was heard out of order.*

- a) A complaint has been brought against Robert D. Wright, licensee for A Wright's Roofing, by Jeff Hall for performing construction work at 3719 Blue Merion Court, Colorado Springs, Colorado, without obtaining a permit and for willful and wanton negligence in the conduct of his business; by Regional Building for performing construction work at 3922 Leisure Lane, Colorado Springs, Colorado, and 6840 Narrow Gauge Street, Security, Colorado, without obtaining permits and for willful and wanton negligence in the conduct of his business; and because he has five (5) "A" status permits, in violation of Sections RBC105.1, RBC109.2, and RBC201.11.3 Item 6, 2005 Pikes Peak Regional Building Code. *This Complaint was heard during the January 6, 2010, Building Committee meeting; and the Committee placed a Letter of Reprimand in Mr. Wright's file, and recommended to the Board of Review that Mr. Wright's license be REVOKED to prohibit Mr. Wright from performing work in this jurisdiction.*

Chairman Frank Watson stated Item 3d will be heard at the commencement of the meeting because Mr. Wright's attorney has an early doctor's appointment. Kenneth Nuss, attorney for Dan Wright, appeared and stated he is requesting an extension of time until the March 17, 2010, Board of Review meeting to hear this appeal to give him an opportunity to research this matter and interview potential witnesses. A motion was made by Rick Johnson to return this matter to the Building Committee on March 3, 2010, for further review so new evidence may be heard, and request that Mr. Wright appear before the Board of Review on March 17, 2010, to review the March 3, 2010, decision of the Building Committee, seconded by Johnny Johnson. Karl Berg, attorney for Jeff Hall, appeared and stated he and his client, Jeff Hall, oppose returning this matter to the Building Committee. Jeff Hall appeared and stated the Code requires that an appeal be filed within 30 days of the Building Committee's decision, and Mr. Wright's appeal was not filed within this time period. Todd Welch stated Mr. Wright verbally informed RBD that he wished to appeal the Building Committee's January 6, 2010, decision within the 30-day time limit, but his written appeal was not filed within the 30-day time period. The motion carried unanimously, and the matter was be returned to the Building Committee.

A motion was made by Rick Johnson, pursuant to C.R.S. Section 24-6-402(4)(b), to move into Executive Session for legal advice, seconded by Johnny Johnson; the motion carried unanimously.

Executive Session from 10:55 a.m. to 11:03 a.m. Frank Watson stated no decision was made by the members of the Board of Review during the Executive Session.

## 2. **CONSIDERATION OF JANUARY 25, 2010 MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the January 25, 2010, Board of Review Minutes as written, seconded by Rick Johnson; the motion carried unanimously.

## 3. **CONSIDERATION OF LICENSING AND MINUTES**

a) Building Committee Minutes of February 3, 2010, with the exception of Items 6b, 6c, 13 and 14.

A motion was made by Johnny Johnson to **APPROVE** the February 3, 2010, Building Committee Minutes as written, with the exception of Items 6b, 6c, 13 and 14, seconded by Johnny Garcia; the motion carried unanimously.

b) Electrical Committee of February 9, 2010, was cancelled due to lack of Agenda items.

c) Mechanical Committee Minutes of February 10, 2010.

A motion was made by Rick Johnson to **APPROVE** the February 10, 2010, Mechanical Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

### 3. **DECISION APPEALS**

- a) 745 Lake Woodmoor Drive, Permit H10204 – Keith Cummings, Timber Ridge Bldg. Services, 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. *This variance request was heard during the February 3, 2010, Building Committee meeting; and the Committee recommended DENIAL of the variance request because there is an option to comply with Code requirements.*

Keith Cummings appeared, was sworn in, and stated he has a letter from the homeowner approving the existing construction of the roof, and he has doubled the warranty on the roof.

Jim Pepper appeared, was sworn in, and stated the Code for the requirement for ice and water shield was adopted in November, 2005. Todd Welch stated the letter from the homeowner is new evidence. A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee, seconded by Johnny Garcia; the motion carried 2:1. Johnny Johnson opposed.

- b) 18409 Gregs Pond Lane, Permit H10205 – Keith Cummings, Timber Ridge Bldg. Services, 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. *This variance request was heard during the February 3, 2010, Building Committee meeting; and the Committee recommended DENIAL of the variance request because there is an option to comply with Code requirements.*

Keith Cummings appeared, was sworn in, and stated he is in the process of getting a letter from the homeowner approving the construction of this roof, but the homeowner is currently out of town. He said he has also doubled the warranty on this roof. A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee, seconded by Johnny Garcia; the motion carried 2:1. Johnny Johnson opposed.

- c) 1827 North El Paso Street, Permit H10130 – Tim Rushing, Carpenter’s Son Construction, requests variances to:
- (i) Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’2” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”. *This variance request was heard during the February 3, 2010, Building Committee meeting; and the Committee recommended*

*APPROVAL the variance request to allow a 6'3½" soffit ceiling height, rather than the requested 6'2".*

Matt Siebert appeared, was sworn in, and stated he is the homeowner of this property that was built in 1947, and he leases the property to his son and his family. He said they took out an old 1940's furnace with large ductwork to make more room to finish living space in the basement. He said the soffit height is 6'2", the work has been completed, and they are unable to obtain additional height without gluing the drywall to the ductwork. A motion was made by Johnny Garcia to **OVERTURN** the decision of the Building Committee and approve the 6'2" soffit height, seconded by Johnny Johnson; the motion carried unanimously.

- (ii) Section R311.5.2, 2003 International Residential Code, to allow a 6'0" head height above the stairs where a minimum of 6'8" is required. *This variance request was heard during the February 3, 2010, Building Committee meeting; and the Committee recommended APPROVAL of the variance request to allow a 6'6" head height above the stairs, rather than the requested 6'0".*

Matt Siebert appeared and stated this is the same property as Item 3c(i) above, and they repaired the stairs, changed the treads, and enclosed the stairs. He said they had an engineer look at the existing situation and they would have to push out a wall on the main level of the house one foot, which would be very expensive, in order to gain the additional head height. Jim Pepper stated the Building Committee felt 6'0" was a life safety issue. A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee, seconded by Johnny Johnson; the motion carried 2:1. Johnny Garcia opposed.

- d) A complaint has been brought against Robert D. Wright, licensee for A Wright's Roofing, by Jeff Hall for performing construction work at 3719 Blue Merion Court, Colorado Springs, Colorado, without obtaining a permit and for willful and wanton negligence in the conduct of his business; by Regional Building for performing construction work at 3922 Leisure Lane, Colorado Springs, Colorado, and 6840 Narrow Gauge Street, Security, Colorado, without obtaining permits and for willful and wanton negligence in the conduct of his business; and because he has five (5) "A" status permits, in violation of Sections RBC105.1, RBC109.2, and RBC201.11.3 Item 6, 2005 Pikes Peak Regional Building Code. *This Complaint was heard during the January 6, 2010, Building Committee meeting; and the Committee placed a*

*Letter of Reprimand in Mr. Wright's file, and recommended to the Board of Review that Mr. Wright's license be REVOKED to prohibit Mr. Wright from performing work in this jurisdiction.*

*This Item was heard out of order at the commencement of the meeting.*

**4. UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

**5. NEW BUSINESS**

a) Classic Homes' Building Projections.

Mark Towne stated Classic Homes in having a good year in 2010; they surpassed their sales goals for January by 6 homes; their goal was 16. He said two weeks ago they had 8 sales for the weekend, and last weekend they had 11 sales for the weekend. He said they have seen a lot of activity in Wolf Ranch, the Powers corridor, and Monument. He said the tax credit has driven some of the sales, but not the majority of the sales.

b) Marla Novak with the Home Builders Association appeared and stated residential remodelling has increased. She said some builders are concerned about the EPA lead paint issue, and are taking classes and preparing for that issue.

The meeting adjourned at 11:59 a.m.

Respectfully submitted,

Henry W. Yankowski  
Regional Building Official

HWY/llg