

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## BOARD OF REVIEW MINUTES

August 15, 2012

10:30 a.m.

**MEMBERS PRESENT:** Mr. Frank Watson, Building A or B Contractor  
Mr. Rick Johnson, Citizen-at-Large  
Mr. Michael McShea, Engineer  
Mr. Larry Whittaker, Architect  
Mr. Johnny Garcia, Building A, B or C Contractor

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Todd Welch, Regional Building Counsel  
Mr. Bob Croft, Deputy Building Official/Development Coordinator  
Mr. Jim Vernon, Deputy Building Official/Small Business  
Development  
Mr. Jim Pepper, Deputy Building Official/Construction  
Mr. Jay Eenhuis, Chief Plans Examiner  
Mr. Jack Arrington, Chief Plumbing/Mechanical Inspector  
Ms. Mindy Stuemke, Permit Supervisor  
Mr. Terry Brunette, Special Investigator  
Ms. Linda Gardner, Executive Administrative Assistant

### PROCEEDINGS:

Chairman Frank Watson called the meeting to order at 10:33 a.m.

#### 1. CONSIDERATION OF JULY 25, 2012 MINUTES

A motion was made by Rick Johnson to **APPROVE** the July 25, 2012 Board of Review Minutes as written, seconded by Larry Whittaker; the motion carried unanimously.

#### 2. CONSIDERATION OF LICENSING AND MINUTES

a) Building Committee Minutes of August 1, 2012.

A motion was made by Larry Whittaker to **APPROVE** the August 1, 2012 Building Committee Minutes as written, with the exceptions of Items 2, 7 and Item 9, seconded by Rick Johnson; the motion carried unanimously.

b) Mechanical Committee Minutes of August 8, 2012.

A motion was made by Michael McShea to **APPROVE** the August 8, 2012 Mechanical Committee Minutes as written, seconded by Larry Whittaker; the motion carried unanimously.

c) Electrical Committee of August 14, 2012.

A motion was made by Rick Johnson to **APPROVE** the August 14, 2012 Electrical Committee Minutes as written, seconded by Michael McShea; the motion carried unanimously. Dean Wemmer appeared and gave an explanation of an SO cord or cable, which was an issue for Item 5. He said Item 5 was denied because there are a number of options available that can be used in lieu of the SO cable.

### 3. **DECISION APPEALS**

- a) 8306 Cessna Drive – Steven R. Johnson, Contractor, requests a variance to Section 412.4.1, 2009 International Building Code, to allow Type IIB construction without a 2-hour rated wall with building setback of 10' or greater, where prohibited. *This variance request was heard by the Building Committee on August 1, 2012, and the variance request was **DENIED** because this has been a Code requirement for the past ten years, with the stipulation that the 25' taxiway easement be interpreted as a public way for setback purposes.*

Steven Johnson appeared, was sworn in, and stated the proposed construction is a 3,696 square foot, Type II-B, storage hangar. He said he is proposing to construct this building with unrated exterior walls with a 10' setback from adjacent lot lines on the north and east and a 25' setback on the south which is a portion of a larger taxiway easement. He said the previous Uniform Building Code approved this type of construction. Mr. Johnson said there are dozens of existing buildings constructed under the UBC with this type of construction in this airport.

Mr. Johnson said he did not bring the costs up as an issue for this variance during the Building Committee, because he does not believe it is relevant. He said Meadow Lake has been building out since the 1970's. He said there is an Airport Board that regulates the use of the airport. Mr. Johnson said this building is divided into three single plane hangars. He said he has built 70% of the hangars at this airport. He said the demand for additional hangars at this airport died off in 2005, so there has been very little construction since that time. Mr. Johnson said with the new demand for additional hangars the variance to waive a 2-hour rated wall with a building setback of 10' or greater will become more of an issue. He said this building is an S-2 occupancy, and it is a noncombustible steel building.

Mr. Johnson said his argument is that the current Code will allow a building that can store 16 airplanes, but will not allow a much smaller building that can store one or two airplanes without having a fire walls on three sides of the building. He said there have not been any fires at this airport. He said the building at issue is on Lot 15, and the owner already has a hangar built on Lot 14. Mr. Johnson said on Lots 9 through 20 there are 30 units of airplane hangars and none of them have firewalls. He said the requirement for firewalls is created by designating lot lines. Jim Pepper appeared, was sworn in, and stated this issue has been left in the Code through four Code cycles. He stated since we do not have a cost issue here, then the variance applicant should present an alternate method of construction, in lieu of compliance with the current Code. Larry Whittaker stated granting this variance would set a precedence for future variance applicants.

The Board of Review moved into Executive Session at 11:24 a.m. pursuant to C.R.S. § 24-6-402(3)(II) to seek legal advice from our attorney.

After moving into General Session at 11:59 a.m., Chairman Watson noted that no decisions were made during the Executive Session.

A motion was made by Rick Johnson to **UPHOLD** the decision of the Building Committee, seconded by Larry Whittaker; the motion carried unanimously.

b) Revocation of License of Darrald Barajas, Licensee for Grand View Deck and Patio.

Rick Johnson asked, with regard to Item 2 in the Building Committee Minutes, the Complaint against Darrald Barajas, why Mr. Barajas' license was revoked. Johnny Johnson stated the Building Committee determined that Mr. Barajas was not qualified to be a "C" contractor in their opinion. He stated Mr. Barajas was a subcontractor for Home Depot, and that was the manner in which he obtained this project. He stated Home Depot terminated his services due to this project. Pattie Bengler, Contractor Licensing, stated Mr. Barajas met all of the qualifications of a Consent License Request for his "C" License, and he was not required to appear before the Building Committee to have his license granted. She said he passed the ICC test and he is licensed in Denver. A motion was made by Rick Johnson to **POSTPONE** this item until the September 19, 2012 Board of Review meeting, to give Darrald Barajas an opportunity to appear before the Board of Review, seconded by Larry Whittaker; the motion carried unanimously.

c) Item 9, Building Committee Meeting.

Rick Johnson requested further information regarding Item 9. Jim Pepper stated the variance was site specific and was approved by the Building Committee. He said this contractor passed his "A" test in 2009, but was granted a "C" License due to his lack of "A" experience. He said the addition is not complex and the interior walls are non-loadbearing. He said Mr. Bissett stated he has built 30 townhomes since his "C" License was granted in 2009.

A motion was made by Rick Johnson to **APPROVE** the Building Committee Minutes as written, with the exception of Item 2, seconded by Michael McShea; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

a) 2011 Pikes Peak Regional Building Code.

Todd Welch stated RBD is enforcing the 2011 National Electrical Code, although the Code has not yet been approved by the Colorado Springs City Council yet, because we are required by State Law to do so.

The meeting adjourned at 12:23 p.m.

Respectfully submitted,

Henry W. Yankowski  
Regional Building Official

HWY/llg