

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

February 6, 2013

9:00 a.m.

MEMBERS PRESENT: Mr. Todd Anderson
Mr. John Clarke
Mr. J. B. Johnson
Mr. Thomas McDonald
Mr. Vince Colarelli
Mr. Richard Gillit

MEMBERS ABSENT: Mr. Chad Holladay

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. Todd Welch, Regional Building Counsel
Mr. Blake Nunnolley, Commercial Building Inspector
Mr. Terry Brunette, Special Investigator
Mrs. Pattie Bengert, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Todd Anderson called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF JANUARY 2, 2012 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the January 2, 2012 Building Committee Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Roy Archuleta, licensee for L. E. Roofing, by Regional Building for using his license to pull permits for another contractor to perform work at 1121 Mazatlan Circle, Colorado Springs, Colorado and 2800 Marilyn Road, Colorado Springs, Colorado, in violation of Section RBC201.11.3, #3, 2011 Pikes Peak Regional Building Code.

Terry Brunette appeared, was sworn in, and stated the details of the complaint. Robert Dufault appeared, was sworn in, and stated he is appearing on behalf of his father, who is 95 years old and the homeowner of 2800 Marilyn Road. He stated they signed a contract with Mitch Dudley with A Best Roofing, and this contractor started the job and then was

gone for two or three weeks. He stated he continually asked Mr. Dudley about the building permit, and when he finally did get a building permit, the contractor name on the permit was L. E. Roofing. Mr. Dufault stated the roof has a number of problems that he has not been able to resolve. He stated he has contacted Roy Archuleta with L. E. Roofing about the problems, i.e. the roof is leaking and water is running over the gutters; and he has been pleasant to work with, but the problems still have not been resolved. He stated the contractor that installed the gutters was never paid, so he withheld \$250 from the final payment to Mr. Dudley so he could pay the contractor that did the gutter work. Terry Brunette stated RBD has filed a lawsuit against Mitch Dudley for doing work without a license. Mr. Dufault stated the last inspection of the roof did not pass inspection, so the contract still has not been completed. Pattie Benger stated Mitch Dudley was listed as the owner of AA Best Roofing, and the licensee of this company left the company on July 18, 2012.

Roy Archuleta appeared, was sworn in, and stated he has known Mitch Dudley for 30 years. He stated he pulled the permit thinking he was going to do the job, but found that the roof was already done when they inspected the roof. He stated he has tried to contact Mitch Dudley several times to complete the work, and Mr. Dudley promised to complete the work on the roof. Mr. Archuleta stated it is the same situation with the roof at 1121 Mazatlan Circle. Mr. Archuleta stated he does not have the financial means to complete the work on Mr. Dufault's roof. Todd Anderson stated L. E. Roofing is liable for the work on Mr. Dufault's roof since he pulled the permit. Mr. Dufault stated during the installation, the felt was damaged by windstorms, and there is a gap between the foam boards.

A motion was made by John Clarke to **POSTPONE** this complaint for 30 days so RBD staff can inspect Mr. Dufault's roof to see what needs to be done to correct the work so it will pass inspection, and Mr. Archuleta can make the required corrections to the roof so it will pass inspection, seconded by Richard Gillit, the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

HUDSPETH & ASSOCIATES, INC. – RICHARD STEFFEN (NEW PRIMARY EXAMINEE)

HYDER CONSTRUCTION INC. – THOMAS MCLAGAN (REINSTATEMENT)

SHERRILL CONSTRUCTION CO. LLC – WESLEY MCCLURE

Building Contactor A-2

WAC CONSTRUCTION OF TENNESSEE LLC – WILLIAM CLARK (EXAMINEE CHANGES CO.)

Building Contractor B-1

ASSET PRESERVATION PROS, INC. – DELL BULTEMEIER
BUEHNER CONSTRUCTION INC. – STUART BUEHNER
MCO & ASSOCIATES, LLC – MARVIN OVERSON
ROCKWOOD HOMES, LLC – JOHN RAPTIS (EXAMINEE CHANGES CO.)

Building Contractor C (Homebuilder)

BROOKWOOD HOME BUILDERS AND REAL ESTATE SERVICES LLC – LARRY HOWARD (EXAMINEE CHANGES CO.)
CAPSTONE CONSTRUCTION, INC. – CARMINE DELISIO (EXAMINEE CHANGES CO.)
TOP GUN RESTORATION – DAVE SICKAFOOSE (EXAMINEE CHANGES CO. & SECONDARY)

Building Contractor D-1 (Glazing)

MOLLERUP GLASS COMPANY – ARTHUR MILLER

Building Contractor D-1 (Retaining Walls)

TRAX CONSTRUCTION, INC. – JAMES VANHORN

Building Contractor D-1 (Roofing)

TOP GUN RESTORATION – DAVE SICKAFOOSE (EXAMINEE CHANGES CO.)

Building Contractor D-6B (Signs Limited)

DENVER CUSTOM SIGNS – MICHAEL DORAN

Building Contractor E (Res. Maintenance & Remodeling)

CASCADE CONSTRUCTION LLC – BRADLEY KLINE
PREMIER CUSTOM DECKS LLC – JIM VELARDE
SYNERGY SURFACES LLC – JAMES HARTSUIKER

Building Contractor F-1 (Solar)

THE GO SOLAR CO – GREGORY MACNEIR
SOLARCITY CORPORATION – JACOB TORNATZKY

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent License Request, seconded by Tom McDonald; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor C (Homebuilder)

RC SERVICES INC. – JOSEPH ROTA*

Joseph Rota appeared and stated he was a framer during his early 20's, and most of his experience is interior finish work. He stated he worked with Solomon's Construction as an apprentice, and he helped build several homes in the Monument area. He stated his experience with Solomon's Construction taught him how to lay the houses out, and install foundations. Mr. Rota stated his plans are to build custom homes. He stated he has been asked to help rebuild a house in the Mountain Shadows area, which initiated this license request. Tom McDonald stated he does not feel Mr. Rota has adequate experience for a "C" (Homebuilder) License, especially in the Waldo Canyon Fire Rebuilding Project, because it is much more difficult to build in that area. Mr. Rota asked if he could partner with Solomon's Construction to build this house in the Mountain Shadows area to gain the experience that is required for this license, and the Committee members agreed that would be a good method for him to gain the required experience. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of an "E" License, seconded by Tom McDonald; the motion carried unanimously.

The Building Committee moved into Executive Session at 10:00 a.m. pursuant to C.R.S. § 24-6-402(3)(III) to discuss matters that must be kept confidential by law.

After moving into General Session at 10:18 a.m., Chairman Anderson noted that no decisions were made during the Executive Session.

Break from 10:20 a.m. to 10:38 a.m.

Building Contractor E (Res. Maintenance & Remodeling)

QUALITY CONTRACTORS CORP – ROGER MORGAN*

Roger Morgan appeared and stated he was licensed in Lamar, and he built the Lamar County building, the Day's Inn, and low income housing in Lamar while working for Vigil Construction. He stated he also helped build townhomes in Denver and the Sunshine Village in Las Animas. He stated he enlisted in the Army in 2003, and was building for the Army in

Iraq for two years. Mr. Morgan stated he suffered a brain injury in Iraq, which made it difficult to take the test for his license. He stated he worked for Crown Construction as a foreman and worked on a number of school projects. John Clarke stated RBD has received a complaint regarding work done by Mr. Morgan, and Mr. Morgan stated the work was for interior finish work that he was unable to finish in a timely fashion because he fell and injured his back. He stated he is continuing to work with this homeowner to complete the work. He stated he has several houses that he intends to remodel and resell once he gets his license. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of an "E" (Res. Maintenance & Remodeling) License, with the limitation of three permits, until completed, at which time Mr. Morgan can work with RBD staff to have the restriction removed, seconded by Richard Gillit; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

- a) 930 Panorama Drive, Permit I58201 – Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- b) 5340 Meadowgreen Drive, Permit I58630 - Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- c) 4445 South Fortune Circle, Permit I59074 - Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- d) 4004 Browning Avenue, Permit I59063 - Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.

- e) 733 Tamarron Drive, Permit I59879 - Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- f) 50 Langley Place, Permit I60640 - Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- g) 2465 Sweet Water Court, Permit I50347 – Mark Montgomery, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’5” under furred-down beams, pipes and ducts where a minimum of 6’8” is required. *This Item was moved to the Variance Requests to be heard by the Building Committee due to a change in the soffit height.*
- h) 4115 Thundercloud Drive, Permit I54746 – Jerry Mansfield, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’5” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- i) 10954 Tidal Run Circle, Permit I55088 – Adam Frank, Stanley Company, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’6” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- j) 5002 Poleplant Drive, Permit H70490 – Brian Wilgus, homeowner, requests a variance to Section RBC303.4.10, Exception 2, 2005 Pikes Peak Regional Building Code, to allow a soffit height of 6’6” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- k) 7594 Stormy Way, Permit I01854 – Jennifer Levine, homeowner, requests a variance Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow multiple soffit heights of 6’6” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- l) 6317 Alibi Circle, Permit I57411 – Brannon Jones, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’7” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.

- m) 6438 Barrel Race Drive, Permit I57121 – Rob Hawthorne, homeowner, requests a variance to allow a 48” windowsill height in existing conditions where a maximum of 44” is allowed, with the stipulation that a step with a 6” rise and minimum of 11½” tread is permanently installed under the windowsill and the full width of the window opening.
- n) 4650 Broadmoor Bluffs Drive, Permit I60720 – Peak Basement Systems requests a variance to allow the FSI Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- o) 4562 North Sleepy Hollow Circle, Permit I61114 - Peak Basement Systems requests a variance to allow the FSI Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- p) 5645 Tuckerman Drive – Harold Daniels, homeowner, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 48” windowsill height in existing conditions where a maximum of 44” is allowed, with the stipulation that a step is permanently installed under the windowsill with a 6” rise and minimum of 11½” tread, and the full width of the window opening.

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests, seconded by John Clarke; the motion carried unanimously.

Richard Gillet left the meeting at 11:00 a.m. and a quorum was maintained.

VARIANCE REQUESTS

- 5. 11155 Motsenbocker Road – Paul Hutton, Hutton Architecture Studio, requests a variance to allow use of Section 1007.3, Exception 3, 2009 International Building Code, for areas of refuge not required due to automatic fire sprinkler system, where use of Section 1007.3, 2006 International Building Code is required.

Todd Vandenberg appeared and stated this structure is a school in Parker, Colorado, and they would like to be allowed to use the 2009 International Building Code (“IBC”) in lieu of the 2006 IBC. He stated these areas of refuge are used very infrequently. Bob Croft stated the MOU states that RBD is to enforce the 2006 IBC on behalf of the State. Jay Eenhuis stated RBD staff does not oppose this variance request. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Tom McDonald; the motion carried unanimously.

6. 4305 Sinton Road – Jack Paulson, Paulson Architects, P.C., requests a variance to Table 503, 2009 International Building Code, to allow a fire area of 20,635 square feet, where a maximum of 17,250 square feet is required.

Jack Paulson appeared and stated he previously received a variance on this building in November 2010, but the tenant on the other side of the building objected to the design of the wall because it would infringe on his square footage, so the work was not completed. He said the landlord is the contractor and the building has been occupied under a TCO for two years. A motion was made by Tom McDonald to **POSTPONE** this variance request for 30 days so the property owner can appear, seconded by John Clarke; the motion carried unanimously.

7. 935 Manitou Avenue – Jack Paulson, Paulson Architects, P.C., requests a variance to Table 1021.2, 2009 International Building Code, to allow 100' of travel, where a maximum of 75' is required in a "B" occupancy.

Jack Paulson stated this structure is an existing building that is being remodeled into a restaurant. He stated during the summer they would like to have outside dining on the roof, which then makes it a 2-story structure. He stated there are space limitations which makes it difficult to comply with Code for egress off of the roof deck. He stated the Colorado Springs Fire Department has approved this use. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request because the Colorado Springs Fire Department and RBD both approve of the variance request and there is no other viable solution, seconded by Johnny Johnson; the motion carried unanimously.

8. 19775 Mitchell Avenue, Permit I52515 – Chris Richardson, CMG Corporation, requests a variance to Section 706.8, 2009 International Building Code, to allow existing door in a fire wall to remain, which exceeds 25% of the length of the wall.

Chris Richardson appeared and stated this structure is Blue Ink Studios in Monument, Colorado, and they are building an addition on the existing building. He stated between the garage door and the existing man door they exceed the 25% linear footage allowed by Code. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request because it is an improvement over the existing construction, with the stipulation that the door is a 90 minute door, seconded by Johnny Johnson; the motion carried unanimously.

9. 2192 Calle Fontana Drive, Permit I20483 – Rob Mills, Axess Construction, requests a variance to Section R905.2.7, 2003 International Residential Code, to allow one layer of roofing felt where two layers of ASTM D226 roofing felt is required for roof slopes between 2:12 and 4:12.

Jesse Delgado appeared for Axess Construction, and stated the pitch gauge showed that the pitch of the roof is just barely under a 4:12 pitch. He stated the homeowner has approved the current construction and they are willing to give the homeowner an extended warranty on the roof. He stated the house is approximately 1,300 square feet and the roof covers the entire house. Mr. Delgado stated their standard warranty is 10 years, and they are willing to extend the warranty to 20 years, and he believes the company would consider giving a transferable warranty. A motion was made by Johnny Johnson to **POSTPONE** this variance request for 30 days so the applicant can produce a revised warranty and photographs of the roof, seconded by John Clarke; the motion carried unanimously.

10. 12058 Rio Secco Road, Permit I56294 – Ronald Pace, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’9” under furred down beams, pipes and ducts over 60% of the room, where prohibited.

Ronald Pace appeared and stated this house was built in 2006 and he is finishing the basement himself. He stated this area is in a bedroom and due to the existing ductwork the soffit covers approximately 60% of the room. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request based on pre-existing conditions, seconded by Johnny Johnson; the motion carried unanimously.

11. Eric Velasquez requests a variance to Section RBC201.6.1, 2011 Pikes Peak Regional Building Code, to waive the requirement of the 6-month waiting period to retest following two previous attempts for a “D-1” Roofing License.

Eric Velasquez appeared and stated he has failed the “D-1” License test twice because he has trouble understanding the questions. He stated he has been working for Aspen Roofing and First Exterior Roofing. He stated he feels he is ready to retest now. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Johnny Johnson; the motion carried unanimously.

- 11.b. 2465 Sweet Water Court, Permit I50347 – Mark Montgomery, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’4½” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.

Mark Montgomery appeared and stated he is the homeowner of this property and this issue was brought up by the inspector. The Committee members stated their concern is at the stairs and whether he can maintain a minimum of 6’4½” completely down the stairs. A motion was made by John Clarke to **POSTPONE** this variance request for 30 days to give Mr. Montgomery an opportunity to produce further information, seconded by Tom McDonald; the motion carried unanimously.

Johnny Johnson recused himself from the following variance request.

- 11.c. 813 East 3rd Street, Permit I53352 – J. B. Johnson, Becker Johnson Architecture, requests a variance to Section R311.7.2, 2009 International Residential Code, to allow a 5'0" head height above the stairs where a minimum of 6'8" is required.

Johnny Johnson appeared and stated this is a ceiling height above a stairway that goes up into a storage area in the garage. He stated there was a fire in the garage and the permit is for repairs. He stated the insurance company will only replace those items that were damaged by the fire, and this is the original construction of the stairs. Mr. Johnson stated the owner has lived with the stairs for 40 years. A motion was made by John Clarke to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Tom McDonald; the motion carried unanimously.

- 11.d. 9164 Shipman Lane, Permit I52756 – Tim Toussaint, Elevation Homes, LLC, requests a variance to Section R311.7.2, 2009 International Residential Code, to allow a 6'7" head height above the stairs where a minimum of 6'8" is required.

Tim Toussaint appeared and stated this is new construction and there is a finished head height above the stairs of 6'7". He stated the ductwork presents the problem. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request because the contractor is going to attempt to resolve this issue if it is possible, seconded by John Clarke; the motion carried 3:1. Johnny Johnson opposed.

12. **UNFINISHED BUSINESS**

- a) New License Categories.

Vince Colarelli appeared and gave a presentation regarding his proposal for new license categories. Jim Pepper appeared and stated the current system is working fairly well. He said RBD's Plan Review Department does a great job at catching any potential problems in the plans and RBD's inspectors are doing a great job in catching problems the field; therefore, he does not see a need to change the current license categories.

13. **NEW BUSINESS**

- a) Sunshine Act Requirement

Pursuant to the Colorado Sunshine Act, I, Johnny Johnson, move that the Building Committee meeting be held on the first Wednesday of each month at 9:00 a.m. at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Room 100-14, that the Building Committee Meeting Agendas and Minutes for each meeting will be posted on the website of the Pikes Peak Regional

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Building Department at www.pprbd.org, and the meeting Agendas and Minutes will be maintained by the Executive Administrative Assistant, in the records of the Pikes Peak Regional Building Department, seconded by John Clarke; the motion carried unanimously.

The meeting adjourned at 1:10 a.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg