

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

April 3, 2013

9:00 a.m.

MEMBERS PRESENT: Mr. John Clarke
Mr. J. B. Johnson
Mr. Vince Colarelli
Mr. Richard Gillit
Mr. Chris Richardson
Mr. Michael Finkbiner
Mr. Scot Gring

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Henry Yankowski, Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. Roger Lovell, Deputy Building Official/Construction
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. Terry Brunette, Special Investigator
Mrs. Pattie Bengert, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman John Clarke called the meeting to order at 8:59 a.m.

Roger Lovell stated we have three new Committee members, i.e. Chris Richardson, representing the "A" Contractor position, Michael Finkbiner, representing the "D" Contractor position, and Scot Gring, representing the Citizen-at-Large position.

1. **CONSIDERATION OF MARCH 6, 2013 MINUTES**

A motion was made by Johnny Johnson to **APPROVE** the March 6, 2013 Building Committee Minutes as written, seconded by Richard Gillit; the motion carried unanimously.

2. **COMPLAINT**

- a) A complaint has been brought against Young Choi, licensee for N. Murphy Construction, Inc., by Edward Pacheco for work on his home, located at 1095 Western Drive, No. A105, Colorado Springs, Colorado, without pulling a permit, in violation of Section RBC105.1, 2011 Pikes Peak Regional Building Code.

Terry Brunette, Young Choi, and Edward Pacheco appeared, were sworn in, and Terry Brunette stated the details of the Complaint. Edward Pacheco stated N. Murphy Construction, Inc. installed a new roof on his house without a permit. He stated he did not discover that a permit had not been obtained until after the roof had been installed. He stated N. Murphy Construction also installed a new roof on another home that he owns approximately a block away from this house, but a permit was obtained for that house. Mr. Pacheco stated there was a leak when it started raining after the roof was installed and he incurred interior damage to the ceiling of his home at 1095 Western Drive, No. A105, Colorado Springs, Colorado.

Young Choi stated he pulled approximately 400 roofing permits last year and this is the only complaint he has had. He stated his company has an A+ rating with the Better Business Bureau. He stated he is the Operations Manager for N. Murphy Construction. Mr. Choi stated it was a clerical error that this permit was overlooked. He stated a permit has been obtained for this project and it has passed final inspection.

Arthur Turnbull appeared, was sworn in, and stated he is the production manager for N. Murphy Construction. He stated they work off the insurance proceeds and the initial inspection does not always show all the damage that has to be repaired. He stated N. Murphy Construction deals with the insurance companies for payment of their fees, and they had to get additional approval from the insurance company to install a new skylight, which delayed their progress.

Pattie Benger stated Mr. Choi received his license in 2010 and this is the first complaint he has received. Mr. Turnbull stated N. Murphy Construction took legal action against Mr. Pacheco to collect the funds for the work done for this homeowner. Mr. Choi stated their company is the number three roofing company in El Paso County, and they are striving to be number one in El Paso County.

A motion was made by Johnny Johnson to recommend to the Board of Review that an Incident Report be put in N. Murphy Construction, Inc.'s contractor file for failing to pull a permit at 1095 Western Drive, No. A105, seconded by Richard Gillit; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

STANEK CONSTRUCTORS – AUSTIN LIDDICOAT (REINSTATEMENT)

Building Contractor B-1 (General Limited)

ABOVE ALL CLEANING & RESTORATION INC – GEORGE RAMIREZ (EXAMINEE CHANGES CO.)
COMMERCIAL FIRE & WATER, INC DBA CFW SOLUTIONS – DENNIS ZEWE

Building Contractor C (Homebuilder)

ABC CONSTRUCTION – EDWARD JANEZICH (LIMITED)
JAMES MUCKINHAUPT – JAMES MUCKINHAUPT
WHITE WAVE RESTORATION LLC – CHRIS WOTTA (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Glazing)

LCG FACADES – KRISTOPHER STANDIFORD

Building Contractor D-1 (Retaining Walls)

IMPERIAL WATER GARDENS, INC – DAVID AGA

Building Contractor D-1 (Roofing)

AMERICAN WEST ROOFING, INC. – SANDRA RAMOS GARCIA
CRAFTSMAN ROOFING LLC – WILLIAM BRICKER
HOMESTEAD ROOFING, INC – TRACY BOOKMAN
J & J ROOFING LLC – JESUS BUSTILLOS
T & L GUTTERS – TODD PONCZOCH

Building Contractor D-1 (Siding)

PARAMOUNT SIDING & WINDOWS – BRANDON O’LEARY

Building Contractor D-1 (Stucco)

TELLO’S STUCCO AND STONE – DANIEL TELLO

Building Contractor D-6B (Signs)

NIMON SIGNS & EMBROIDERY, INC. – JAMES NIMON (REINSTATEMENT)

Building Contractor E (Residential Maintenance & Remodeling)

COLORADO DECK BUILDERS, LLC – JONATHAN NOELL (EXAMINEE CHANGES CO.)
MARK’S CONSTRUCTION AND LANDSCAPE LLC – MARK BALLINGER

Building Contractor F-1 (Solar)

RESI CORPORATION – ROBERT BENNETT (ADDITIONAL LICENSE)

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Richard Gillit; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1 (General)

ABOVE & BEYOND CONSTRUCTION LLC – PAYTON CARTER*

Payton Carter appeared and stated his most recent project was at the Air Force Academy on the Douglas Valley Remodel, and he was the project manager for all of the masonry work on this project, and worked as an independent contractor for All Star Construction. He stated he worked on 328 housing units and small additions to the hospital, church and the dean’s home. He stated he has owned his business for 10 years; and he has always worked under general contractors, and has never held a license himself. Mr. Carter stated he does not have new ground-up construction experience, but has worked on a number of commercial and residential additions and remodels. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of a “C” License, with the limitation of one permit, until completed and inspected by RBD, at which time a second permit can be obtained, unlimited below, seconded by Johnny Johnson; the motion carried unanimously..

Scot Gring left the meeting at 10:08 a.m. and a quorum was maintained.

Building Contractor B-2 (General Limited)

RESTORATION LOGISTICS – ISAAC BOGART (CO. CHANGES EXAMINEE)*

Isaac Bogart appeared and stated he performed two tenant finishes in Pueblo as a project manager. He stated he also oversaw multi-family home construction as a project manager in Colorado Springs. He stated he is requesting this license to do restoration work. A motion was made by Chris Richardson to recommend to the Board of Review **APPROVAL** of a “B-

2” License, unlimited below, with the limitation of two permits until completed, at which time Mr. Bogart can work with RBD staff to have the restriction removed, seconded by Johnny Johnson; the motion carried unanimously.

Building Contractor C (Homebuilder)

INDEPENDENT LIVING SOLUTIONS, INC DBA SILVER CROSS – CHASE LARK*

Chase Lark appeared and stated his company deals with accessibility solutions. He stated all of his work is residential work. He stated he does not have any ground-up construction experience, but he has done a number of bathroom remodels, and handicap ramps. Pattie Bengner stated most of the work Mr. Lark wishes to do is covered under an “E” License, for interior non-structural work. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of an “E” License, seconded by Michael Finkbiner; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

4. CONSENT CALENDAR

- a) 4324 Levi Lane, Permit I07843 – Thompson Property Services 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.

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

VARIANCE REQUESTS

5. 935 Osage Avenue – Jack Paulson, Paulson Architects, P.C., requests a variance to Table 503 and Section 504.2, 2009 International Building Code, to allow an addition to a structure that exceeds the allowable height in stories, totaling 4, for a Type VB, R1 occupancy hotel where 3 stories are allowed with a fire sprinkler system.

Jack Paulson appeared and stated this is an old hotel in Manitou Springs. He said this will be a phased project over a number of years. He stated they are currently installing a sprinkler system, and they would like to install a stair tower on the exterior of the building. Mr. Paulson stated the first floor is a lobby area and is only 2,900 square feet. He stated the variance is to allow the construction of a four-story stair tower. He stated this stair tower is an improvement over the current construction. A motion was made by Vince Colarelli to

recommend to the Board of Review **APPROVAL** of the variance request because it is non-habitable space, and variance approval is contingent upon the installation of the sprinkler system, seconded Richard Gillit; the motion carried unanimously.

6. 5101 Cheyenne Mountain Hwy – Roger Sauerhagen, CSNA Architects, requests a variance to allow Exception 5 of Section 1009.4.2, 2009 International Building Code, to apply to the R-1 occupancy for these cabins.

Roger Sauerhagen appeared and stated this project is on top of Cheyenne Mountain, which is comprised of eleven small cabins that have stairs to a loft area. He stated they would like to have the stairs looked at as an R2 occupancy, because the occupants will be familiar with the stairs. He stated the occupants will be in the cabins two days to seven days. 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 Johnny Johnson; the motion carried unanimously.

7. 16 Polo Circle, Permit I47394 – Mike Morley, Morley Enterprises, requests a variance to Section R311.3, 2009 International Residential Code, to allow an existing non-conforming landing at the bottom of stairs to be 18”, where a minimum of 36” is required. *This variance request was postponed from the March 6, 2013 Building Committee meeting due to non-appearance.*

Mike Morley appeared and stated this is an older house that had an existing nonconforming stairway. He stated due to space limitations, they are unable to have a Code compliant landing; he stated they have 18”, where 36” is required. Roger Lovell stated the house was built in 1941 and they have made a bad situation better, but it still does not meet Code. A motion was made by Chris Richardson to recommend to the Board of Review **APPROVAL** of the variance request because it is an improvement over the existing condition, seconded by Johnny Johnson; the motion carried unanimously.

8. 3650 Arbor View Court, Permit I64946 – William and Michelle Holland, homeowners, request a variance to Section R311.7.2, 2009 International Residential Code, to allow a 6’2½” head height over a top step where a minimum of 6’8” is required.

Michelle Holland appeared and stated she had work done on her home in 2008 by America’s Best Home Remodelers, and the doorway into this office/recreation room is only 6’2½”. She stated the headroom is only an issue over this one step. She stated they are now selling the house and discovered that a permit was not obtained for the work done in 2008 to finish the basement. The buyer appeared and stated the head height over this step is not an issue to him. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request because it is a pre-existing non-conforming situation, and has a walkout basement with adequate egress available, seconded by Richard Gillit; the motion carried unanimously.

9. 97 and 99 Old Broadmoor Road – Sidney County, Customscape, requests a variance to allow use of Section R314.5, 2012 International Residential Code, which allows UL listed, inter-connected, wireless smoke alarms, which is prohibited in the 2009 International Residential Code.

Sidney County appeared and stated he would like to install UL listed, inter-connected, wireless smoke alarms, which is allowed in the 2012 International Residential Code. He stated this will alleviate the need to damage the existing drywall. Roger Lovell stated early in this remodel project the wiring could have been installed because the drywall was not installed at that point. Mr. County stated the smoke alarms are battery operated. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Richard Gillit; the motion carried unanimously.

10. 5390 Diamond Drive, Permit I62710 – Scott Wilson, homeowner, requests a variance to Section R311.7.4.2, 2009 International Residential Code, to allow a 9” tread depth, where a minimum of 10” is required.

Scott Wilson appeared and stated this is a remodel of the entire home and they are covering the stairs with hardwood. He stated there are load bearing beams above both ends of the stairs, which creates space limitations. A motion was made by Chris Richardson to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Richard Gillit; the motion carried unanimously.

11. 371 Pilot Knob Avenue, Permit I54721 – Matt King, homeowner, requests a variance to Section R311.7.1, 2009 International Residential Code, to allow a 28” stair width where a minimum of 36” is required.

Matt King appeared and stated he purchased this house built in 1929 in Manitou Springs to remodel and resell. He said the upper four steps of the existing stairs are only 28” wide and he is rebuilding the remaining stairs to meet Code. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request for the top four steps of the existing stairs due to pre-existing non-conforming conditions, seconded Michael Finkbiner; the motion carried unanimously.

12. 19 Upland Road, Permit E64130 – John Sanders, homeowner, requests variances to:
 - a) Section R310.1, 2009 International Residential Code, to allow a 59” windowsill height in existing conditions where a maximum of 44” is allowed due to pre-existing conditions, with the stipulation that a bookshelf unit is installed under the window that is 36” deep, 28” high, and the full width of the window opening, with a step to access the top of the bookshelves for egress purposes in the event of emergency.

John Sanders stated he built a bookshelf under this window, which is 28” high with a 14” step, and the full width of the window opening. Roger Lovell stated RBD would not oppose this variance request if the bookshelves were 36” deep, 28” high with a 14” step to the top of the bookshelf. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, with the stipulation that the bookshelves are modified so they are 36” deep, 28” high with a 14” step to access the top of the bookshelves for egress purposes in the event of emergency; he stated the step does not have to be modified, seconded by Johnny Johnson; the motion carried unanimously.

- b) Section R311.7.4.1, 2009 International Residential Code, to allow a stair riser of 8³/₄” on the bottom step, where a maximum of 7³/₄” is allowed.

Mr. Sanders stated the bottom step on this stairway is 1” higher than the other steps. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Johnny Johnson; the motion carried unanimously.

- c) Section R311.7.4.1, 2009 International Residential Code, to allow a difference in riser height in excess of 3/8” where 3/8” maximum is permitted.

A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Johnny Johnson; the motion carried unanimously.

13. 9552 Avenida Hermosa View, Permit I65162 – Robert Pane, homeowner, requests a variance to Section R907.3, 2009 International Residential Code, to allow two (2) layers of roofing materials where a maximum of one layer is allowed.

Robert Pane appeared and stated three years ago Turner Roofing installed a new roof on his house, but did not take off the existing shingles, so he has two layers of shingles, where one layer is allowed. He stated a permit was not pulled for the original installation, and he discovered this because he is now trying to sell his house. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that an engineer’s report is submitted to RBD which confirms that the roof structure will support the additional weight of the second layer of shingles, require that Turner Roofing extend their Warranty an additional five years, and allow the existing permit to be inspected under the 2005 Pikes Peak Regional Building Code, seconded by Johnny Johnson; the motion carried unanimously.

14. 2615 Robin Drive – Shane McClendon, McClendon Construction, requests a variance to Section RBC203.1, 2011 Pikes Peak Regional Building Code, to allow an “E” licensed contractor to obtain a permit requiring a “C” license.

Shane McClendon appeared and stated he has been asked to build a 12' x 16' addition, and he would like to pull a "C" permit for this site specific permit. He stated he intends to obtain his "C" License in the near future. He stated he has done work for this homeowner in the past and that is the reason he asked him to build the addition. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the variance request is site specific for this address only, seconded by Richard Gillit; the motion carried unanimously.

15. 11230 Cranston Drive, Permit H73737 – Jimmy Twiss, Snap Shot Roofing, requests a variance to Section R905.2.7.1, 2003 International Residential Code, to waive the requirement for ice and water shield on roofs above elevations of 7,000 feet, where required.

Jimmy Twiss stated it was an oversight on his part that he did not realize that this roof required ice and water shield due to the altitude. He stated he is willing to extend his warranty an additional seven years, and the homeowner does not want the roof torn off so the ice and water shield can be installed. He said the pitch is a 6/12 pitch, and he checks with the homeowner periodically to make sure he does not have any problems with the roof. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the warranty should be amended to include coverage for an additional seven years for labor, workmanship, materials, coverage for interior damages to the house caused by lack of ice and water shield, and must be transferable, seconded by Richard Gillit; the motion carried unanimously.

16. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

17. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 12:47 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg