

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

November 6, 2013

9:00 a.m.

MEMBERS PRESENT: Mr. J. B. (Johnny) Johnson
Mr. Vince Colarelli
Mr. Michael Finkbiner
Mr. Scot Gring
Mr. Richard Gillit

MEMBERS ABSENT: Mr. John Clarke
Mr. Chris Richardson

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Todd Welch, Regional Counsel
Mr. Terry Brunette, Deputy Building Official/Construction
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. Frank Atchison, Senior Building Inspector
Mrs. Pattie Benger, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Johnny Johnson called the meeting to order at 9:00 a.m.

1. **CONSIDERATION OF THE OCTOBER 2, 2013 MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the October 2, 2013 Building Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

2 **APPEAL**

- a) An appeal of Regional Building Department's Notice of Noncompliance has been filed by Steven Martin, regarding Complaint No. 38543 at 3408 West Pikes Peak Avenue, for failing to pull a permit for work on a rear covered porch, in violation of Sections 103.6, 103.13, and 105.1, 2011 Pikes Peak Regional Building Code.

Steven Martin appeared, was sworn in, and stated he is filing this appeal pursuant to Section 112.1.4, 2011 Pikes Peak Regional Building Code. Todd Welch stated this section pertains to the Dangerous Building Code, which does not apply to this issue. He said the issue is doing work without a permit. Terry Brunette appeared, was sworn in, and stated RBD has pictures of the structure built by Mr. Martin without a permit. Mr. Martin stated the pictures are not part of the original complaint. Mr. Brunette stated the

pictures are to show the Committee pictures of the structure in question. Mr. Martin stated this structure is a 9' x 12' shed which is not attached to his house. Scott Gring stated any building that is 3' or less from the house is classified as "attached" to the house. Terry Brunette stated the purpose of a permit is to help the homeowner build a structure that is safe and meets Code. Jay Eenhuis referenced Section RBC105.2.1 of the 2011 Pikes Peak Regional Building Code, which lists the requirements for accessory structures that do not require a permit, i.e. it is a one-story building, detached, enclosed, unheated, and not more than 120 square feet. Mr. Martin stated there is room for the door to open and close so the structure must be at least 3' from the house. A motion was made by Rick Gillit to recommend to the Board of Review **DENIAL** of the appeal based on evidence from the building inspector that the shed is attached to the house, seconded by Scot Gring; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

AFFORDABLE SOLAR INSTALLATION, INC. – BLACK RICHARDS
BRECKENRIDGE CONSTRUCTION LLC – JIM COX (EXAMINEE CHANGES CO.)
FLINTOCK CONSTRUCTION – KERRY ABERNATHY
RANSOM CONSTRUCTION, INC. – LARRY TIDWELL
SUMMIT INDUSTRIAL CONSTRUCTION, LLC – NICHOLAS MADDOX
TY-CON – RICHARD TYLER (EXAMINEE CHANGES CO.)

Building Contractor B-1 (General Limited)

CBA CONSTRUCTION INC. – STEVEN BEARD
THE CENTURION GROUP, INC. – OSCAR VALDEZ JR.
HOME DEPOT U.S.A. INC. – RON HATCH
WEST DESIGN AND BUILD LLC – JANSEN GEHRING
WOOD STONE CONSTRUCTION LLC – KEN STARKEY (EXAMINEE CHANGES CO.)

Building Contractor C (Homebuilder)

A-SHED USA – SEAN SANT (CO. CHANGES EXAMINEE)
AVER CONTRACTING, LLC – MATTHEW ROHRER (EXAMINEE CHANGES CO.)
CHAMPION WINDOW CO. OF C.S. – JASON MULLIS (ADDITIONAL EXAMINEE)
CJ RESTORATION – NATHAN SNYDER
FREEDOM HOMES INC. – JEFFERY MATTSON (EXAMINEE CHANGES CO.)
GEORGE BUILDERS, INC. – GEORGE BRUINGTON
PELLA WINDOWS & DOORS INC. – BRIAN MCHUGH (LIMITED)

Building Contractor D-1 (Foundations)

SCHMUESER & ASSOCIATES, INC – LARRY SCHMUESER II (REINSTATEMENT)

Building Contractor D-1 (Pools)

PLASTERING SPECIALTIES DBA BLUE WHITE POOLS – RUSSELL SMITH

Building Contractor D-1 (Roofing)

ABELLO'S ROOFING LLC – TIM ABELLO (CO. CHANGES EXAMINEE)
BANKS REMODELING & ROOFING – WILLIAM BANKS (REINSTATEMENT)
BEAR PAW CONSTRUCTION LLC – JOSH POLLARD (EXAMINEE CHANGES CO.)
D & J JOHNSON ENTERPRISES, INC DBA PERFORMANCE ROOFING &
RESTORATION – DARIN JOHNSON
INNOVATIVE EXTERIORS – JEFFERY MASIAS (ADDITIONAL LICENSE)
M & R ROOFING, INC. – MARKO LUKICH

Building Contractor E (Residential Maintenance & Remodeling)

PARKER DECK & BASEMENT – JASON FREDERICK

A motion was made by Rick Gillit to recommend to the Board of Review **APPROVAL** of the Consent License Requests, seconded by Michael Finkbiner; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1 (General)

HANSON & HANSON, INC. – JAY HANSON*

Jay Hanson appeared and stated he has built office buildings across the country for American Catastrophe Team, and he oversaw the entire project at each location as a superintendent. He stated he is requesting this license to build two ground up churches in Colorado Springs. He stated he has also built a large number of custom homes in Colorado. Mr. Hanson stated he is currently building a strip mall in North Dakota. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of a "B-1" License, unlimited below, seconded by Scot Gring; the motion carried unanimously.

JUSTIN BALLARD – JUSTIN BALLARD*

Justin Ballard appeared and stated he was a project manager and field superintendent for two different general contractors, i.e. John Bowman and Hammers Construction in Colorado Springs. He stated he has a “B” License in Boulder. He stated he has built office buildings throughout Wisconsin. Mr. Ballard stated he also built four assisted living facilities in Wisconsin and he held the position as superintendent on each of these projects. He stated he is planning to build five assisted living facilities in El Paso County. He stated he also built grocery stores and apartment buildings in Wisconsin. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of an “A-2” License, with the limitation of two permits, until completed, at which time Mr. Ballard can work with RBD staff to have the restriction removed, seconded by Scot Gring; the motion carried unanimously.

LECK CONSTRUCTION – PHILLIP LECK*

Phillip Leck appeared and stated he is doing a project for Cave of the Winds and he is requesting an “A-5” License for this project. He stated he has an “A” License in Canyon City and a “C” License in Pueblo. He stated he is currently working on Phases 3 and 4 on a library in Canyon City. Bob Leck, owner of Leck Construction, appeared and stated his company has a “great” reputation in Canyon City, and they will be building an outdoor amphitheater at the Royal Gorge. He stated they would like this “A” License to do this one project at Cave of the Winds. Pattie Bengert stated the Committee could grant a “B” License and Mr. Leck could then apply for a site specific variance for the project at Cave of the Winds. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a “B-1” License, unlimited below, and Mr. Leck can determine the scope of work at Cave of the Winds with the RBD staff and if it is larger than 750 square feet, Mr. Leck can apply for a variance for a site specific permit, seconded by Rick Gillit; the motion carried unanimously.

Building Contractor C (Homebuilder)

CONCRETE EXPERTS – BROCK GRELL*

Brock Grell appeared and stated he has been working in the construction industry for 16 years. He said most of his work in El Paso County has been construction for the Federal government. He said he did commercial renovations for three years in Fort Carson. Mr. Grell stated he is requesting this license to build a garage in the Black Forest area. He stated he is also interested in renovating houses for resale purposes. A motion was made by Rick Gillit to recommend to the Board of Review **APPROVAL** of a “C” License, seconded by Vince Colarelli; the motion carried unanimously.

DAD'S FOR HIRE, LLC – GREGORY TROWBRIDGE*

Gregory Trowbridge appeared and stated he would like to give his customers a larger scope of service for their remodeling projects. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of a “C” License, with the limitation of two “C” permits until completed, unlimited below, and Mr. Trowbridge can work with RBD staff to have the restriction removed, seconded by Rick Gillit; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

- a) 4975 Manzana Drive, Permit I93664 – Brian Baker, 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.
- b) 4656 Excalibur Court, Permit I94483 – Zayne Fowler, 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.
- c) 2231 Wood Avenue, Permit I83965 – Ana Zook, Contractor, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 48½” 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.
- d) 1615 Bowstring Road, Permit I80478 – Mike Trichak, Third Generation Construction, requests a variance to Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’7” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- e) 3175 Flying Horse Road, Permit I51518 – Thomas Latimer, 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.

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

VARIANCE REQUESTS

5. 215 Pinewood Loop, Permit I89503 – Dale and Jennifer Van Dyke, homeowners, request a variance to Section R311.7.9.1, 2009 International Residential Code, to allow a 21” tread width, where 26” is required for a spiral stairway.

Jennifer Van Dyke appeared and stated she is asking for a variance to allow a spiral staircase with a 21” tread width. She stated the stairs were existing when she bought the house. A motion was made by Rick Gillit to recommend to the Board of Review **APPROVAL** of the variance request based on pre-existing conditions, seconded by Scot Gring; the motion carried unanimously.

Scot Gring left the meeting at 10:50 a.m. and a quorum was maintained.

6. 326 North Tejon Street – David Anderson requests a variance to Section 903.2.1.2, Group A-2, 2009 International Building Code, to waive a sprinkler system, where required. *This Item was postponed from the October 2, 2013 Building Committee meeting to allow RBD staff and CSFD staff an opportunity to research this issue further.*

David Eel Anderson appeared and stated this project is Tony’s Restaurant and they are asking for a variance to waive the sprinkler system, due to the difficulty in running the utility lines into the building due to the neighboring businesses. He stated they have designed a smoke detector system that will get people out of the building much faster, and they will have three exits. Kris Cooper, Colorado Springs Fire Department (“CSFD”), stated his staff did not have adequate time to review this fire exiting model. He stated the occupant load of the kitchen was not considered, and the patio occupants were not considered in the model. He stated he cannot make a recommendation to the Building Committee today until he has adequate time to review the information submitted to CSFD. He stated at this point, without further review, CSFD would not be in favor of this proposal.

Vince Colarelli asked if Mr. Anderson would consider separation of occupancy through use of fire shutters, and Mr. Anderson stated he would prefer to not separate the space because it is easier to monitor the occupants when they are in one room. Mr. Colarelli stated he would like to give CSFD more time to review the information so they can make a recommendation. A motion was made by Rick Gillit to recommend to the Board of Review **DENIAL** of the variance request because there are alternative methods of construction which would make this issue Code compliant; the motion **FAILED** due to lack of a second to the motion. A motion was made by Vince Colarelli to recommend to the Board of Review **DENIAL** of the variance request because CSFD has not had adequate time to review the proposed plan to determine if it is an equivalent method of construction; seconded by Rick Gillit; the motion carried unanimously.

7. 4110 Briargate Parkway – J. D. Dreyer and Brian Champa, Davis Partnership Architects, request a variance to allow use of Table 1005.1, 2003 International Building Code (“IBC”), in lieu of Section 1005.1, 2009 IBC, to allow the use of the stairway width factors from the 2003 IBC, instead of the 2009 IBC.

J. D. Dreyer and Brian Champa appeared and Mr. Champa stated this is a proposed third floor tenant for a medical office. He stated the stair width factor has increased from 0.2” to 0.3” since the building was initially constructed. He said they could have a maximum load of 327 occupants, and they are proposing 415 occupants. Jay Eenhuis stated this issue would be allowed in the International Existing Building Code. He 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 based on pre-existing conditions, second by Rick Gillit; the motion carried unanimously.

8. 2511 Holiday Place, Permit I75294 – Rachele Starr, Trinity Roofing, requests a variance to Appendix D, Section RBC303.4.60.1, 2011 Pikes Peak Regional Building Code, to allow Class B roofing materials, where Class A roofing materials are required.

Rachele Starr appeared and stated she has a letter from the homeowner approving the current construction of the roof.

Break from 11:49 a.m. to 11:56 a.m.

Ms. Starr said the decking on this roof is not noncombustible, which is the issue. Michael Finkbiner stated this contractor did not use the appropriate material for this roof; the Code states that the roof membrane has to be a Class A material and the correct material was not used. A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request because the correct materials were not used for this roof, seconded by Rick Gillit; the motion carried unanimously.

- 8.b. 5135 Pony Soldier Drive – Jonathan Lucas, Crystal Rose Construction, LLC, requests a variance to Section RBC302.4.1, 2011 Pikes Peak Regional Building Code, to allow a ceiling height in a crawlspace of 11’, where a maximum of 5’ is allowed.

Jonathan Lucas appeared and stated he is adding an addition onto the end of an existing house and the owner would like to enclose the crawlspace with siding to match the house, but this crawlspace is 11’ high. Jay Eenhuis stated the issue is that future occupants of this space may elect to make this space habitable, and it would not comply with Code. He said by enclosing the space, it becomes a patio enclosure and has glazing requirements. Mr. Lucas stated it will have a dirt floor and the rock retaining wall will still be in the crawlspace. Mr. Eenhuis stated RBD staff does not support this variance request. A motion was made by Rick Gillit to recommend to the Board of Review **DENIAL** of the variance request based on

the possibility that the crawlspace could be used as habitable space by a future occupant, seconded by Vince Colarelli; the motion carried unanimously.

9. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

10. **NEW BUSINESS**

a) January 2014 Building Committee Meeting

Terry Brunette stated RBD staff would like to reschedule the January Building Committee meeting because it currently is scheduled for New Years Day. The Committee members stated they would like to postpone the January meeting to the first Tuesday in January at 9:00 a.m. A motion was made by Rick Gillit to reschedule the January Building Committee meeting to Tuesday, January 7, 2014 at 9:00 a.m., seconded by Vince Colarelli; the motion carried unanimously.

The meeting adjourned at 12:20 a.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg