

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

January 7, 2014

9:00 a.m.

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

MEMBERS ABSENT: Mr. John Clarke

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

PROCEEDINGS:

Vice Chairman Chris Richardson called the meeting to order at 9:01 a.m.

1. ELECTION OF OFFICERS

A motion was made by Johnny Johnson to re-elect John Clarke as Chairman of the Building Committee for 2014, seconded by Michael Finkbiner; the motion carried unanimously.

A motion was made by Scot Gring to re-elect Chris Richardson as Vice Chairman of the Building Committee for 2014, seconded by Johnny Johnson; the motion carried unanimously.

2. CONSIDERATION OF DECEMBER 4, 2013 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the December 4, 2013 Building Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

3. COMPLAINTS

- a) A complaint has been brought against Roy Attardi, licensee for Timberland Decks and Patios, by Regional Building for contracting to perform construction work as Premier Deck Designs, when he is licensed under the name of Timberland Decks and Patios, in violation of Section RBC201.2 (3), (4), (7) and (9), 2011 Pikes Peak Regional Building Code.

Roy Attardi appeared. All parties testifying were sworn in. Mr. Attardi stated he is presently licensed under the name of Timberland Decks and Patios. Terry Brunette appeared and gave the details of this complaint; he stated Mr. Attardi is contracting to do work under the name of Premier Deck Designs, while licensed under the name of Timberland Decks and Patios. Mr. Attardi stated when he was married, he and his wife were licensed under the name Timberland Decks and Patios, and they did business under this name for 10 years. He stated he is now divorced and was marketing his business under the name of Premier Deck Designs, but is still licensed under the name of Timberland Decks and Patios. He stated it was not his intent to violate the Code.

The homeowners of four different residences appeared and all testified that they had contracted with Mr. Attardi under the name Premier Deck Designs. Each homeowner stated Mr. Attardi did not start the project in a timely fashion, had numerous delays during the project, the workmanship was not Code compliant, Mr. Attardi refused to provide proof of insurance, Mr. Attardi was very belligerent with them when they complained about the delays and workmanship, and each homeowner stated Mr. Attardi did not perform nor return their deposits, and in one case, full payment, for their decks. After hearing all testimony, Vince Colarelli cited Section RBC201.11.3, 2011 Pikes Peak Regional Building Code, WILLFUL AND WANTON NEGLIGENCE, questioning the Committee if this Section of the Code is applicable in this case.

After considerable discussion, a motion was made by Michael Finkbiner to recommend to the Board of Review **REVOCATION** of Roy Attardi's contractor license due to "Ordinary, Willful and Wanton Negligence," seconded by Johnny Johnson; the motion carried 4:1. Richard Gillit opposed.

Break from 10:22 a.m. to 10:29 a.m.

- b) Complaint Update for Lawrence Williams with Plainsman Fireplace.

Lawrence Williams appeared. Terry Brunette stated Andrew Prunty sent him an email to notify him that Mr. Williams has not completed his fireplace. Mr. Williams stated he has not been able to get in touch with the homeowner due to the holidays. He stated he can complete this project by January 17, 2014. He stated he has attempted to contact the

homeowners of the two “A” Status Permits, but he has not been able to contact them yet. Pattie Bengner stated Mr. Williams’ 60 day extension on his license runs out on February 4, 2014. A motion was made by Scot Gring to recommend to the Board of Review that the permit for 4120 Cricket Court must be pulled by this Friday, January 10th, and that permit and the other two “A” status permits must be completed prior to the February 5th Building Committee meeting, seconded by Johnny Johnson; the motion carried unanimously.

4. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

DAVID S. CORROW – DAVID CORROW (EXAMINEE CHANGES CO.)
DEVELOPMENT SERVICES PLUS, LLC – JOHN COLLINS (EXAMINEE CHANGES CO.)
J & K PROJECT MANAGEMENT CONSULTANTS, LLC DBA ACT CONSTRUCTION
– DUSTIN DIENER
SUNDT CONSTRUCTION INC. – GREGORY AYRES

Building Contractor B-1 (General Limited)

PLATINUM RENOVATIONS AND CONSULTINGS, LLC – ALEXANDER SCOTT

Building Contractor C (Homebuilder)

ADAMO BUILDING COMPANY, LLC – MICHAEL KARPINSKI
CALDWELL CONSTRUCTION LLC – TRAVIS CALDWELL
K & H HOME SOLUTIONS INC. – THEODORE ROLAND
THE UNICORN COMPANY – ROSS ULLRICH (REINSTATEMENT)

Building Contractor B-D1 (Exteriors)

JAYNE OF ALL TRADES, INC. – ERICA JOHNSON

Building Contractor D-1 (Roofing)

GUNS & HOSES ROOFING – CYRUS JONES
PACE ROOFING, LLC – KEVIN PACE
MADSKY ROOFING & RESTORATION – GREGORY MAKOWSKI

Building Contractor D-1 (Stucco)

PEAK VIEW STUCCO & STONE, LLC – JORGE HERNANDEZ

Building Contractor E (Residential Maintenance & Remodeling)

RALLY RENOVATIONS – JEFFEREY BEVERLY
SUPERIOR OUTLINE – DUSTIN BARNES

Building Contractor F-1 (Solar)

SOLARCITY CORPORATION – ERIK ROTH (CO. CHANGES EXAMINEE)

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

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1 (General)

AMERICAN TECHNOLOGIES, INC (ATI) – JEFFREY MOORE*

No one appeared. A motion was made by Richard Gillit to **TABLE** this item until the end of the meeting, seconded by Johnny Johnson; the motion carried unanimously.

Building Contractor B-1 (General Limited)

HAMMERLUND CONSTRUCTION, LLC – GERALD PULCZINSKI*

Gerald Pulczinski appeared and stated he has been involved in construction since high school. He stated he has a Bachelor's Degree in civil engineering. He stated he worked as a project engineer for several large contractors, and has built 14 story high rise buildings, pump stations and lift stations. Mr. Pulczinski stated he is a professional construction engineer in Colorado, and has been involved in multi-use construction. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a "B-1" (General Limited) License, with the limitation of three permits until completed, at which time Mr. Pulczinski can work with RBD staff to have the restriction removed, seconded by Richard Gillit; the motion carried unanimously.

The following Item 9 was heard out of order.

9. Larry Stromer, Larry's Do It All, requests a variance to Section RBC201.6.1, 2011 Pikes Peak Regional Building Code, to waive the testing requirement for a Building "B-1" License, in order to reinstate a Building "B-1" License, limited to two "B-1" permits, unlimited below.

Larry Stromer appeared and stated he put his license on hold in 2005 while on active duty, and commenced work again in 2010, but was not aware that he had to renew his license at that time. He stated he would now like to have his license reinstated. Pattie Benger stated his license was first granted in 2002. Mr. Stromer stated he has two additions that he would like to build, which is the reason for this variance request. A motion was made by Richard Gillit to recommend to the Board of Review **DENIAL** of the variance request because Mr. Stromer has had only one permit in the past and the Committee feels that testing is necessary, seconded by Johnny Johnson; the motion carried unanimously.

LARRY'S DO IT ALL – LARRY STROMER (LIMITED & REINSTATEMENT)*

Pattie Benger stated she would like to **POSTPONE** this license request until a later date.

Building Contractor B-2 (General Limited)

LU'S CONSTRUCTION, LLC – LU BURBACH (UPGRADE)*

Lu Burbach appeared and stated she has had a residential license for 12 years. She stated she did a tenant finish for her own restaurant in 1986, and she is currently doing another tenant finish. She stated she has pulled approximately 110 residential permits, and she has one open permit presently. Ms. Burbach stated she has a client that would like her to do two to three tenant finishes. She stated she has built several carriage houses from the ground up. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of a "B-2" (General Limited) License, with the limitation of three permits until completed, at which time Ms. Burbach can work with RBD staff to have the restriction removed, seconded by Richard Gillit; the motion carried unanimously.

Building Contractor C (Homebuilder)

DISTINGUISHED CUSTOM HOMES, LLC – TIMOTHY DAVIS (ADDITIONAL LICENSE)*

No one appeared. A motion was made by Richard Gillit to **TABLE** this license requests until the end of the meeting, seconded by Johnny Johnson; the motion carried unanimously.

RC SERVICES INC. – JOSEPH ROTA (UPGRADE)*

Joseph Rota appeared and stated he built a 3,400 square foot home in the Mountain Shadows area, under the supervision of a licensed contractor. He stated he met with the owners, took care of the contract negotiations, and oversaw the entire construction of this project. He stated he did the inside finish himself on this home. Mr. Rota stated this same homeowner would like him to build another home for him. Alyce Mcelhoes, with Solomon's

Construction, the licensed contractor that pulled the permit for the first home appeared and gave a detailed report of the work done on the first home and Mr. Rota's level of expertise. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the limitation of two ground up permits, unlimited below, until completed, at which time Mr. Rota can work with RBD staff to have the restriction removed; seconded by Richard Gillit; the motion carried unanimously.

ASPEN INDUSTRIES OF COLORADO, LLC – JUSTIN MYERS (LIMITATION REMOVAL)*

Justin Myers appeared and stated he currently has a "C" License with a limitation of two permits. He stated he lives in Black Forest and has had several requests from Black Forest residents to build houses for them. He stated he has worked in the construction industry for 18 years, and has worked in his family business and built several houses from the ground up. He stated he currently has one open permit, which is in the framing stage; one plan that will be going through the plan review stage shortly; and one homeowner that would like him to start another home. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the limitation of three permits, and the restriction can be removed after completion of two permits, seconded by Scot Gring; the motion carried unanimously.

Building Contractor D-1 (Glazing)

BELLA VISIONE GLASS DOCTOR – JUSTIN MCDONALD*

Justin McDonald appeared and stated he has done both residential and commercial work under the previous owner's license. He stated he is here today to obtain a license for the new owner. He stated he has been working for this company for three years and has been working in the glazing industry for six years. He stated his company concentrates on windshields, residential work, and glass replacements in commercial projects. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of a "D-1" (Glazing) License, with the stipulation that he has to pull permits for the work that has been done without a permit before the next Building Committee meeting, seconded by Johnny Johnson; the motion carried unanimously.

Building Contractor D-1 (Roofing)

ARCHITECTS CHOICE BUILDERS, LLC – MARIO VALLEJO (EXAMINEE CHANGES CO.)*

Mario Vallejo appeared and stated when he received his license, he was not aware that he could only use his license under the company name where he was working at that time. He stated he is currently going through the process to change his company name. He stated he is

aware that he has an “A” Status Permit and he would like to have it transferred to his new company name, so he can complete it. A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of a “D-1” (Roofing) License, with the stipulation that the “A” Status permit be moved to his new company name, seconded by Scot Gring; the motion carried unanimously.

* Appearance required at the Building Committee meeting.

5. **CONSENT CALENDAR**

- a) 12555 Pommel Circle, Permit I95659 – Wade Fothergill, homeowner, 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.
- b) 12535 McCune Road, Permit I96240 – Ben Smith, All About the House, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 46” windowsill height in existing conditions where a maximum of 44” is allowed.

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent Variance Requests as written, seconded by Scot Gring; the motion carried unanimously.

VARIANCE REQUESTS

6. 4490 Monitor Rock Lane – William and Konnie Sandras, homeowners, requests a variance to Section R312.3, 2009 International Residential Code, to allow an opening size greater than 4” on a deck guardrail, where prohibited.

William Sandras appeared and stated he is replacing the decks on his home and he would like to reuse the Spanish Mediterranean style guardrails that have openings of 5” instead of the required maximum opening of 4”. 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 openings are a maximum of 5”, seconded by Vince Colarelli; the motion carried 4:1. Johnny Johnson opposed.

7. 118 Cornell Street – Larry Leonard, homeowner, requests a variance to Section RBC303.4.30, Exception No. 1, 2011 Pikes Peak Regional Building Code, to allow a 16’ x 20’ shed on skids, where prohibited.

Larry Leonard appeared and stated he built a 16’ x 20’ shed on skids for storage purposes. He stated the shed will not be heated, although he would like to install electric for lighting purposes. He stated he is building the shed himself. Frank Atchison stated the size of this

shed requires that it sit on a monolithic foundation. He stated the previous Code allowed 600 square feet on skids, but it has been amended to 200 square feet. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the shed is unheated, seconded by Johnny Johnson; the motion carried unanimously.

8. 2725 Holiday Lane, Permit J02238 – Jerry Johnson, homeowner, requests a variance to Table R302.1, Exterior Walls and Projections, (1) Hour, to provide unrated exterior walls and projections, where required.

Chuck England, architect, appeared and stated this structure is a garage and is being built close to the property line. He stated Code requires that they cannot install windows or an overhang on the property line wall. He stated the lack of an overhang would be unsightly. Mr. England stated the neighbors are willing to give an Irrevocable Deed Restriction to Mr. Johnson for this area to prevent another building being constructed in this area. Mr. England stated the exterior of the building will be T11 siding to match the house. He stated Mr. Johnson would like to install windows in this wall to give it a residential appearance, and the neighbors have also requested this addition of windows for aesthetics purposes. Henry Yankowski stated a No Build Easement is used in many parts of the country in situations like this. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of the variance request, contingent upon RBD counsel's review of the Irrevocable Deed Restriction or No Build Easement to assure the legality of the document, seconded by Johnny Johnson; the motion carried unanimously.

9. Larry Stromer, Larry's Do It All, requests a variance to Section RBC201.6.1, 2011 Pikes Peak Regional Building Code, to waive the testing requirement for a Building "B-1" License, in order to reinstate a Building "B-1" License, limited to two "B-1" permits, unlimited below.

This item was heard out of order during license requests.

10. 630 East Columbia Street – Stefan Katz, homeowner, requests variances to:

- a) Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6'10", where a minimum of 7'0" is required.

Stefan Katz appeared and stated the basement in his home was partially finished two homeowners ago without a permit, and he is finishing the remainder of the basement. He stated existing conditions do not allow for a Code compliant ceiling height. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Johnny Johnson; the motion carried unanimously.

- b) Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6'3" under furred-down beams, pipes and ducts where it is required to be a minimum of 6'8".

Mr. Katz stated there is a heating duct in this passage way that creates a soffit height of 6'3", and he is unable to obtain additional height. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Michael Finkbiner; the motion carried unanimously.

- c) Section R311.6, 2009 International Residential Code, to allow a hallway width of 34½", where a minimum of 36" is required.

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

- d) Section R311.7.1, 2009 International Residential Code, to allow a 33" stair width where a minimum of 36" is required.

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

- e) Section R311.7.2, 2009 International Residential Code, to allow a 5'8½" head height above the stairs where a minimum of 6'8" is required.

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

11. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

12. **NEW BUSINESS**

- a) 2014 Colorado 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

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 Scot Gring; the motion carried unanimously.

b) Tabled Items

A motion was made by Johnny Johnson to **POSTPONE** the tabled items until the February 5, 2014 Building Committee meeting, seconded by Michael Finkbiner; the motion carried unanimously.

The meeting adjourned at 12:39 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/lhg