

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

December 3, 2014

10:00 a.m.

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

MEMBERS ABSENT: Mr. Richard Gillit

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Roger Lovell, Director of Building Operations
Mr. Todd Welch, Regional Building Counsel
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. John Welton, Chief Building Inspector
Mr. Bert Warchol, Senior Building Inspector
Mrs. Pattie Benger, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman John Clarke called the meeting to order at 10:00 a.m.

1. **CONSIDERATION OF NOVEMBER 5, 2014 MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the November 5, 2014 Building Committee Minutes as written, seconded by Johnny Johnson; the motion carried unanimously.

2. **COMPLAINTS**

- a) A complaint has been brought against Stephen Perry, licensee for Perry Construction, by Regional Building for the improper installation of a roof system, which resulted in drainage issues at 131 South Weber Street, Colorado Springs, Colorado 80903; and for performing work that is excluded from coverage in your general liability policy and failing to provide Workers Compensation Insurance coverage, in violation of Sections 1506.1 and 1510, 2009 International Building Code, and Section RBC201.7.2, 2011 Pikes Peak Regional Building Code.

All parties testifying for this complaint were sworn in. John Welton appeared and gave the details of the complaint. Pattie Benger explained the insurance issue to the

Committee members. Stephen Perry appeared and stated he pulled the permit for his brother for the project at 131 South Weber Street. He stated he has a "C" License and he does not do commercial work. John Welton stated this was an administrative allowance for Mr. Perry to install this roof. Mr. Perry stated he works under the name of Perry & Sons Construction, although his license is under the name of Perry Construction. He stated his insurance excludes commercial work. He stated he was not aware until today that he was responsible for the workmanship on this roof because he pulled the permit with his license. Pattie Bengler stated the contract for this project is with Perry Construction. She stated Perry Construction was dissolved with the Secretary of State's Office in 2005. Mr. Perry stated he has never seen the work done on this project. He stated he contracts with his clients under the name Perry & Sons Construction.

A motion was made by Johnny Johnson to **SUSPEND** Stephen Perry's license until he correctly modifies his license to conform to his current business name of Perry & Sons Construction; and a Letter of Reprimand be put in his contractor file for pulling a permit for another contractor, for not personally supervising the work, and for not having adequate insurance to cover the work being done, seconded by Chris Richardson; the motion carried unanimously.

- b) A complaint has been brought against Matthew Perry, licensee for American Roofing, by Regional Building for being employed by more than one contractor at any given time; and for using another contractor's license to obtain a permit at 131 South Weber Street, Colorado Springs, Colorado 80903, for work that was not performed by or supervised by the contractor, in violation of Sections RBC201.2(4) and RBC201.11.3(3), 2011 Pikes Peak Regional Building Code.

John Welton appeared and gave the details of the complaint. Matthew Perry appeared and stated Carrie Bush with the Rector Law Firm did not want to sign a contract with Bill Perry and/or American Roofing; therefore, he asked his brother to pull a permit for this project. He said Bill Perry is his father and occasionally works under the name of American Roofing. He stated he owns both Perry Construction and American Roofing. Pattie Bengler stated RBD's records do not have Bill Perry listed in any way with American Roofing. He stated he does not currently have general liability insurance that would cover this project. He stated he is aware of the workmanship issues on this roof, but he disagrees with the findings.

Carrie Bush appeared and stated she is a paralegal and office manager with the Rector Law Firm. She stated she solicited bids for this project, and they looked at a number of different roof systems. She said she had an estimate from Bill Perry, but the estimate did not mention the name American Roofing. Ms. Bush said she spoke with Matthew Perry and he seemed very knowledgeable about their roof system. She stated she would not allow the contractor on the roof without a permit. She said she did not contract with Bill Perry; she did contract with Matthew Perry with Perry Construction. Ms. Bush said she

has never met Stephen Perry, who pulled the permit. She said the roof has drainage issues, and they have hired another roofing contractor to repair and complete the roof.

The Regional Building Committee moved into Executive Session at 11:00 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 11:32 a.m., Chairman Clarke noted that no decisions were made during the Executive Session.

John Welton stated American Roofing does not currently have any open or administratively closed permits. Mr. Perry noted the arguments that he had with the engineer's report on the roof. He stated he recommended a taper system for the roof for proper drainage, but Ms. Bush stated they could not afford this type of roof system. He stated he was not notified by Ms. Bush of the drainage issues they were having with the roof.

A motion was made by Michael Finkbiner to **SUSPEND** Matthew Perry's license with American Roofing for six (6) months; and a Letter of Reprimand be put in his contractor file for using another contractor's license to pull a permit when he could have pulled the permit himself, for not having adequate insurance in place, and for poor workmanship; Mr. Perry can reappear in six months to have his license reinstated if he has his insurance in place; and Matthew Perry is prohibited from pulling permits online, seconded by Scot Gring; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

DDR LLC – DWIGHT RINGLER (EXAMINEE CHANGES CO.)
MEDVOLT LLC – RONALD DAVIDSON
OMNI BUILDING CORPORATION – BRUCE VER STEEG (REINSTATEMENT)
TIC – THE INDUSTRIAL COMPANY – MATTHEW TROSTEL
VENTURA PACIFIC DEVELOPMENT, INC. – DOUGLAS PEERY
VIKING COMMERCIAL CONSTRUCTION, INC. – WILLIAM LARSON

Building Contractor A-2 (General Limited)

RIVERS DEVELOPMENT – ROBERT ANDERSON (EXAMINEE CHANGES CO. &
NEW PRIMARY)

Building Contractor B-1 (General Limited)

DONALD G. JOHNSON – DONALD JOHNSON (EXAMINEE CHANGES CO.)

DOUGLAS COLONY GROUP INC. – BRIAN FAVIER
THE MORIN GROUP – CONSTRUCTION SERVICES – CHRISTOPHER MORIN

Building Contractor B-2 (General Limited)

MORLEY ENTERPRISES – MICHAEL MORLEY (EXAMINEE CHANGES CO.)

Building Contractor C (Homebuilder)

ACC HOME IMPROVEMENT – RANDY MILLS (EXAMINEE CHANGES CO.)
JMB CONSTRUCTION LLC – JAYME BAILEY (LIMITED)
M & E REMODELING – ERIC BRUNNER (LIMITED)

Building Contractor D-1 (Roofing)

J.R.B. ENTERPRISES INC. – RODNEY ULLSTROM (REINSTATEMENT)

Building Contractor D-1 (Telecom)

VELOCITEL, INC. – JERRY FOLK

Building Contractor D-2A (Wrecking)

NEZHONI CONSTRUCTION LLC – JUDSON KIPP

Building Contractor D-5A (Signs)

EL NISSI CORPORATION – EMIL ROCK

Building Contractor E (Residential Maintenance/Remodeling)

HOLLADAY GRACE ROOFING, INC – JUSTUS WHIPKEY (EXAMINEE
CHANGES CO.)

Building Contractor F-1 (Solar)

Kurt Beauvais – Kurt Beauvais (Examinee Changes Co.)

A motion was made by Johnny Johnson to **APPROVE** the Consent License Requests, seconded by Michael Finkbiner; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

There are no License Requests to be Considered Individually.

* Appearance required at the Building Committee meeting.

4. CONSENT CALENDAR

- a) 7506 Village Meadows Drive, Permit J44723 – Roger Hunt, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’5” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- b) 6350 Lange Drive, Permit J41026 – Daniel Johnson, Johnson Custom Renovations, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’5” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- c) 727 Crown Point Drive, Permit J35864 – Frank Jacobson, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’5” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- d) 8460 Shoulders Road, Permit J42533 – Eric Heckman, Heckman & Son’s Construction, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’6” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- e) 3745 Moose Run Drive, Permit J42440 – Martin Romero, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’7” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.
- f) 5078 Old Mill Road, Permit J46233 – Jeff Odegard, homeowner, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 47” windowsill height in existing conditions where a maximum of 44” is allowed.
- g) 4456 Winding Circle, Permit J46333 – Chad Jock, Jock Home Improvements, 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.

- h) 4946 Haiti Way, Permit I75014 – Irina Riley, Blue Picket Realty, 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.
- i) 5495 Wilson Road, Permit J39086 – Mike Eivins, Echo Construction & Remodeling, Inc., 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.

A motion was made by Vince Colarelli to **APPROVE** the Consent Calendar Variance Requests, seconded by Johnny Johnson; the motion carried unanimously.

VARIANCE REQUESTS

- 5. 125 East Clubhouse Drive – John Goodloe, CSNA Architects, requests a variance to Section 1002.2, 2009 International Existing Building Code, to allow a new 77 square foot space considered a “nonoccupiable appendage” that is open to a lobby.

John Goodloe appeared and stated this is an existing building on the Cheyenne Mountain Resort. He stated the project is to renovate the fitness center into a spa on the first floor. He stated they also plan to add three small additions to the building; two of the additions are Code compliant, but the third 77 square foot addition does not meet Code for this issue. Mr. Goodloe stated the building is non-sprinklered. He stated there is a door that separates this appendage from the spa, which is unrated, and the owner would like to remove the door. Jay Eenhuis stated RBD staff does not take exception to this variance request. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request to allow removal of Door 110B, and allow this space to be classified as a nonoccupiable appendage, seconded by Chris Richardson; the motion carried unanimously.

- 6. 4011 Sinton Road, Permit H35158 – Kevin Murphy, Murphy Constructors, requests a variance to Section 604.82, ICC/ANSI A117.1-2003, to allow a 55” accessible compartment depth, where prohibited.

Kevin Murphy appeared and stated this structure was the Phil Long Ford Body Shop and Murphy Constructors converted it to Dee’s RV; and there was an existing bathroom facility there. He stated the issue is the turning radius in this bathroom. He stated they made some minor modifications to this bathroom, but the client did not want to spend the money to move a wall. Mr. Murphy stated there is another bathroom that does meet ADA requirements. John Welton stated this is a required accessible bathroom in this structure. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that this bathroom has a wall mount water closet, and if not, the variance will have to be returned to the Building Committee for further review,

seconded by Johnny Johnson; the motion carried unanimously.

7. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

8. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 12:31 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg