

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

July 16, 2014

10:30 a.m.

MEMBERS PRESENT: Chairman Larry Whittaker, Architect
Mr. Tom McDonald, Building A Contractor
Mr. Johnny Garcia, Building A, B or C Contractor
Mr. Michael McShea, Engineer

MEMBERS ABSENT: Mr. Dave Munger, Citizen-at-Large

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
Ms. Mindy Stuemke, Permit Supervisor
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Larry Whittaker called the meeting to order at 10:31 a.m.

1. **CONSIDERATION OF THE JUNE 18, 2014 BOARD OF REVIEW MINUTES**

A motion was made by Tom McDonald to **APPROVE** the June 18, 2014 Board of Review Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

2. **CONSIDERATION OF LICENSING AND MINUTES**

a) Building Committee Minutes of July 2, 2014.

A motion was made by Johnny Garcia to **APPROVE** the July 2, 2014 Building Committee Minutes as written, with the exception of Item 5, which is under appeal, seconded by Tom McDonald; the motion carried unanimously.

b) MEP Committee Minutes of July 9, 2014.

A motion was made by Michael McShea to **APPROVE** the July 9, 2014 MEP Committee Minutes as written, seconded by Johnny Garcia; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 1610, 1630, 1650, and 1690 North Murray Boulevard – Dan Daly, Sigma Metals, requests a variance to Section 1013.3, 2009 International Building Code, to allow a 7” space at the top of a guardrail, where a maximum of 4” is allowed by Code. *The Building Committee denied this variance request due to life safety issues on July 2, 2014.*

All parties testifying were sworn in. Jay Eenhuis stated this project consisted of guardrails being installed on the balconies of an apartment complex. He stated the guardrail height was not caught during the walk-through plan review process, but was noted by the building inspector. He stated Section 1013.3, Exception 1, 2009 International Building Code, notes that the opening in a guardrail can be no larger than 4 3/8”. Mark Griggs, with Hurcon, Inc., representing the property owner, appeared and stated they had budgeted this project based on the engineer’s guardrail specs that were approved by RBD. He stated it would be a cost of \$32,000 to make this repair. He stated this issue involves guardrails on 56 decks in this apartment complex.

Roger Lovell stated Section 106.3, 2011 Pikes Peak Regional Building Code, states that “Approval of the construction documents shall not be construed to mean approval of any violation of this Code or any other Code if a violation is included in the approved drawing and specifications, and shall not relieve or exonerate any person or entity from the responsibility of complying with the provisions of this Code or any other Code.” He stated even though this issue was missed in RBD’s Plan Review process, it is the responsibility of the design professional to design the guardrails to comply with Code.

Tom McDonald stated life safety is the Committee’s main concern, and the engineer, the fabricator and the subcontractor should have known the Code regarding this issue. A motion was made by Tom McDonald to **UPHOLD** the decision of the Building Committee of July 2, 2014, and **DENY** this variance request, seconded by Michael McShea; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 10:56 a.m.

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Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg