

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

July 1, 2015

9:00 a.m.

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

MEMBERS ABSENT: None

OTHERS PRESENT: 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, Commercial Building Inspector
Mrs. Jessie Williams, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Chris Richardson called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF JUNE 3, 2015 MINUTES

A motion was made by Vince Colarelli to **APPROVE** the June 3, 2015 Building Committee Minutes as written, seconded by Johnny Johnson; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against John Abeyta, licensee for Righteous Roofing, by Regional Building Department for willfully violating Sections RBC201.11.3(1) and RBC201.11.3(6), 2011 Pikes Peak Regional Building Code, by providing a fraudulent Certificate of Insurance. *John Abeyta appeared by telephone at the June 3, 2015 Building Committee meeting, and the Committee members locked Mr. Abeyta's license until he reappears before the Building Committee with an explanation of who modified the insurance certificate and further explanation as to why it happened.*

John Abeyta appeared, was sworn in, and stated his wife and granddaughter falsified the insurance certificate, and he has made changes within his office to assure that it will not happen again. He stated he works out-of-state a great deal and supervises projects in Colorado by telephone. Jessie Williams stated Mr. Abeyta does not have Workmen's Compensation Insurance, and Mr. Abeyta stated he requires that his roofers carry their own insurance. He stated he inspects 70 percent of the roofs under his license, and he has subcontractors inspect the other 30 percent because they are simple projects. John Welton stated Mr. Abeyta has pulled 22 permits since 2004. A motion was made by Johnny Johnson to recommend to the Board of Review that an Incident Report be put in Mr. Abeyta's contractor file, seconded by Vince Colarelli; the motion carried unanimously.

- b) A complaint has been brought against Brian Sullivan, licensee for Sullivan Roofing, by Regional Building Department for willfully violating Section RBC105.1, 2011 Pikes Peak Regional Building Code, for failing to pull a permit for work done at 3905 North Midsummer Lane, Colorado Springs, Colorado.

Brian Sullivan did not appear. Todd Welch stated Brian Sullivan contacted him yesterday and stated he has been out of the roofing business, and has not had a license since June of 2013. Larry Lehman appeared, was sworn in, and stated he filed the complaint with RBD against Brian Sullivan. He stated he hired Mr. Sullivan to reroof his home and Mr. Sullivan subcontracted it to someone else. He stated he paid for the roof and it was never completed. John Welton stated Mr. Sullivan's license has expired. He stated RBD staff is aware of roofs that Mr. Sullivan has been working on without a license, and Todd Welch stated RBD will file a lawsuit against Mr. Sullivan for doing work without a license. A motion was made by Richard Gillit to recommend to the Board of Review that a Letter of Reprimand be put in Mr. Sullivan's contractor file for not pulling a permit for a project and not completing the scope of work on that project, seconded by Johnny Johnson; the motion carried unanimously.

- c) A complaint has been brought against Rodger Glover, licensee for Glover Construction, by Regional Building Department for willfully violating Sections RBC201.2, RBC201.4.2, RBC201.8.1, and RBC201.11.3, 2011 Pikes Peak Regional Building Code, for pulling a permit for an unlicensed contractor.

Rodger Glover appeared. All parties testifying were sworn in. Helen Davenport appeared and stated she is the owner of the property where Mr. Glover pulled a permit. She stated she contacted Marty Jorgensen with Blue Sky Construction to do work on her home. She said Mr. Jorgensen stated he worked with Rodger Glover. Mrs. Davenport stated she paid Mr. Jorgensen over \$9,000 and he sent a framer out to work on her home, but the work was inconsistent, and Mr. Jorgensen stated he had lost her money during a home robbery. She stated Mr. Glover has never been to her home, but has informed her

by telephone that he would not finish her basement. She stated she has retained an attorney who has sent a demand letter to Mr. Jorgensen. John Welton stated Mr. Jorgensen and his company, Blue Sky Construction, are not licensed in El Paso County, but there is also another Blu Sky Restoration Contractors that does hold a license. He stated RBD has not had any complaints against Mr. Glover in the past. Mrs. Davenport stated her attorney has sent a demand letter to Rodger Glover.

Todd Welch stated RBD sued Marty Jorgensen two years ago on another issue. He said we do not have any jurisdiction over Mr. Jorgensen at this time. Mrs. Davenport stated she also knows several other people who have also been “scammed” by Mr. Jorgensen.

Rodger Glover stated Marty Jorgensen told him that he was getting out of the construction business and asked if Mr. Glover would take over and complete contracts that he had in place, and that was the purpose in working with him in the first place. He stated he pulled three permits for Marty Jorgensen with the understanding that he would be taking over the jobs. He stated he has been licensed since 2004, and he has pulled 6 permits during that time. Mr. Glover stated he has been doing property management, as well as construction work. Mr. Welton stated out of the six permits pulled by Mr. Glover, two were voided, which included Mrs. Davenport’s permit. Scot Gring stated the Secretary of State’s website shows that there is a Glover Construction Company owned by Rodger Glover, formed in 2004; and there is also a Glover Construction, LLC, which is owned by Marty Jorgensen and formed in 2014.

Mr. Glover stated he does not have the financial means to complete Mrs. Davenport’s basement. Mrs. Davenport stated she has hired another contractor to finish her basement, and it should be completed within two weeks. John Welton stated the original permit for Mrs. Davenport’s project was transferred to another contractor so her basement could be completed.

A motion was made by Scot Gring to recommend to the Board of Review that a Letter of Reprimand be put in Rodger Glover’s contractor file, seconded by Vince Colarelli; the motion carried 4:2. Rich Gillit and Johnny Johnson opposed. Messrs. Gillit and Johnson stated they feel the Building Committee’s decision should be more severe than a Letter of Reprimand. Mr. Gring stated the reason his motion was not more severe, was Mr. Glover is not pulling a permit per month; he has only pulled six permits in the past 11 years, and anyone can contact RBD and be informed that there is a Letter of Reprimand in his contractor file. He said he feels Mr. Glover should be given a second chance, knowing that if he does this again, his license will, in all probability, be revoked.

3. **CONSENT LICENSE REQUESTS**

Building Contractor B-1 (General Limited)

K1 ROOFING AND RESTORATION, LLC – FRANK WALLEY IV (EXAMINEE CHANGES CO.)

Building Contractor B-2 (General Limited)

CONCREATIONS INC. – MICHAEL MCGUIRE

Building Contractor C (Homebuilder)

ADAMO BUILDING COMPANY – LEO COLLINS (EXAMINEE CHANGES CO.)
CARLETON HOMES, INC. – STEPHEN INGERSOL
HL CUSTOM HOMES, LLC – HERIBERTO LOPEZ
MOUNTAIN VISTA BUILDER SERVICES, LLC – MARK BUSSONE
TWO MEN AND A BRUSH OF DENVER – JENNIFER MURDOCK

Building Contractor D-1 (Exteriors)

ROSIE'S RESTORATION, LLC – CHARLES YOOD
SCHROEDER CONSTRUCTION & STONESCAPES – MICHAEL SCHROEDER
(EXAMINEE CHANGE CO.)

Building Contractor D-1 (Roofing)

ECO ROOF AND SOLAR, LLC – DYLAN LUCAS (REINSTATEMENT)
GLOBAL ROOFING COMPANY, LLC – JOSEPH LERAY (REINSTATEMENT)
JACKSON HOMES LLC – WILLIAM JACKSON (ADDITIONAL LICENSE)
JAVERNICK HOLDINGS CORP DBA ATLAS ROOFING CO – ABIGAIL JAVERNICK
PEAK TO PEAK ROOFING AND EXTERIORS – JERRY HEDDEN
SOUTHERN COLORADO EXTERIORS – SCOTT ZUVICEH
SPRAYFOAM SOUTHWEST DBA ROOFING SOUTHWEST – RICHARD
RADOBENKO
VETERAN'S ROOFING CO. – DAVID JOHNSON (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Siding)

THOMAS HOME IMPROVEMENT – RON THOMAS (ADDITIONAL LICENSE)

Building Contractor D-5A (Signs)

CUSTOM LIGHTED SIGNS – TYLER CROSTON

Building Contractor E (Residential Maintenance/Remodeling)

JP WELDING AND IRONWORK, LLC – JARED PETERSON

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

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

There were no License Requests to be Considered Individually.

* Appearance required at the Building Committee meeting.

4. CONSENT CALENDAR

- a) 6777 Oasis Butte Drive, Permit J60088 – Brian Rief, Independent Construction & Remodel, Inc., 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) 6974 Cloud Dancer Drive, Permit J60087 – Brian Rief, Independent Construction & Remodel, Inc., 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.
- c) 4650 Range Creek Drive, Permit I53853 – Douglas Woody, homeowner, 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.
- d) 4803 Jedediah Smith Road, Permit H81111 – Timothy Young, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’5½” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- e) 830 East Cache La Poudre Street, Permit J66732 – Nathaniel Bushman, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’6¾” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.

- f) 4102 Stanton Street, Permit J69318 – Tracy Walsworth, 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.

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

VARIANCE REQUESTS

5. 30 East Platte Avenue – Bruce Smith, Architect, requests a variance to Section 1010.6, 2009 International Building Code and Section 403.5.1, ICC/ANSI A117.1-2003, to allow the outer corner of a ramp landing to be clipped in a manner that does not hinder the path of travel.

Bruce Smith appeared and stated this issue is for a handicapped ramp landing. He stated this is the El Paso Club, which is a historical building, and the ramp is associated with an elevator addition, which is nearly complete. He stated it was necessary to clip the corner of the landing due to size constraints.

The Building Committee moved into Executive Session at 10:21 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 10:40 a.m., Chairman Richardson noted that no decisions were made during the Executive Session.

Todd Welch stated the Pikes Peak Regional Building Department does have jurisdiction for certain accessibility issues dealing with the International Building Code, but it does not have jurisdiction for ADA Standards. A motion was made by Johnny Johnson that the El Paso Club is on the historic register and the conditions with regard to this ramp have to respect that historic character; the International Building Code requires accessibility to the extent that ANSI requires it; and RBD does not enforce the ADA Guidelines for compliance. He stated he makes a motion to recommend to the Board of Review that because the El Paso Club is a historic building, compliance has been developed to the fullest extent possible within the structural limitations, and therefore, the variance should be **APPROVED**, seconded by Vince Colarelli; the motion carried unanimously.

6. 1475 and 1495 Little Bear Creek Point – Jack Paulson, Paulson Architects, P.C., requests a variance to Section 903.2.8 (Group R), 2009 International Building Code, to waive a sprinkler system in both structures, where required.

Jack Paulson appeared. Barry Madison, Colorado Springs Fire Department (“CSFD”), stated that Fire Marshal Lacey takes exception to the way the variance is written, and noted that Fire Marshal Lacey takes no objection to the variance request. He stated CSFD supports RBD’s decisions. Mr. Paulson stated this is a 10-unit apartment building, and they are proposing a 2-hour fire barrier as an alternative to the sprinkler system. Chris Richardson stated this is a life safety issue, and may be outside of this Committee’s authority to approve. Scot Gring stated these two buildings are 16 percent of this project, and the other 84 percent of the complex is not sprinklered. Mr. Paulson stated that if the buildings were sprinklered, 1-hour fire separations, both horizontally and vertically, would be required. Scot Gring stated he would like to have more detail with regard to the 2-hour separations. Jay Eenhuis stated current Code requires 1-hour separations between dwelling units with a sprinkler system, and without a sprinkler system, a 2-hour separation would be in order, both vertically and horizontally. A motion was made by Richard Gillit to recommend to the Board of Review **DENIAL** of the variance request, due to life safety issues, seconded by Scot Gring; the motion carried unanimously.

7. 106 North Tejon Street – Dale Aggen, ET Investments Group, LLC, requests a variance to allow a restroom to be built to Section 1109.2, Exception No. 1, 2009 International Building Code, where prohibited.

Dale Aggen appeared and stated the owner of this property would like to have a private bathroom for his own use with a shower, and they would like to utilize an existing storage space for this purpose. He stated the bathroom meets all ADA/ANSI requirements, with the exception of the door opening, which opens into a semi-private area, but it is not a private office which is required by Code. He stated they would like to eliminate the handicap grab bars, and they would like to have the door swing into the bathroom. Jay Eenhuis stated RBD takes no exception to the variance request. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the door is locked and a sign be installed that states that it is a “PRIVATE” area, seconded by Johnny Johnson; the motion carried unanimously.

8. 5952 Poudre Way, Permit J70227 – Oscar Alvarado, homeowner, requests a variance to Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’4” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.

Oscar Alvarado appeared and stated he is finishing his basement and due to existing conditions he is unable to obtain a Code compliant soffit height. He stated there is a waste pipe that creates a low soffit in the corner of a bedroom and the exercise room. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request because it does not create a life safety issue, seconded by Scot Gring; the motion carried unanimously.

9. Donald Walls requests a variance to Section RBC201.6.1, 2011 Pikes Peak Regional Building Code, to waive the requirement of the 6-month waiting period to retest following two previous attempts for an “E” License. *Mr. Walls did not appear for the June 3, 2015, Building Committee meeting and the Committee postponed his variance request for 30 days.*

No one appeared. 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.

- 9b. 4190 East Woodmen Road, Suite 100 – Larry Whittaker, YOW Architects, P.C., requests a variance to Table 1018.1, 2009 International Building Code, to allow an existing unrated corridor to remain unrated.

Larry Whittaker appeared and stated the shell of this building was finished two years ago. He stated there is tenant space in this building that is less than 3,000 square feet, and the path of egress is 97’ where Code only allows for 75’ for one exit. He stated the occupant load is 29, and they are adding an additional exit. He stated it is approximately 60’ to reach a point to make a choice for alternative exiting. Jay Eenhuis stated RBD takes no exception to this variance request. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of the variance request, based on the fact of the alternative means and methods of construction, while not rated, to provide for a Code compliant travel exit distance, seconded by Steve Horner; the motion carried unanimously.

- 9c. 820 North 30th Street – Terry Rorick, First Evangelical Free Church, requests a variance to allow an intermediate rail be installed to have an egress width of 27”, where 30” is required.

Terry Rorick appeared and stated this issue is for an additional handrail on the steps exiting this church. He stated there are a number of senior citizens attending this church and they would like to have a center rail on these stairs for life safety purposes. John Welton stated RBD staff’s concern about installing an additional handrail, is that there will only be 27” on each side of the rail, and whether this would impede egress, and create additional issues due to the installation of this handrail. Mr. Rorick stated one side of the stairs is all brick, and the other side has a low brick wall, which would make it very difficult to widen the stairs and make them Code compliant with the center rail. He stated this is not the only egress path from the church. Mr. Rorick stated he would like to **POSTPONE** this variance request for 30 days, so he can obtain additional information.

- 9d. 12620 Blue Spruce Lane, Permit J35138 – Steve Boone, homeowner, requests a variance to Section RBC314.6, 2011 Pikes Peak Regional Building Code, to waive a fence around a pool and spa, where required.

Steve Boone appeared and stated he would like to waive the requirement for a fence around his pool and spa, and allow use of a pool cover in lieu of a fence. He stated the spa will also have a cover. He stated he has a 4' fence surrounding his property. Mr. Boone stated there is a key for the switch to open/close the pool cover. John Welton stated the Code states a variance may be requested if a safe alternative to a fence can be shown by the applicant. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the pool/spa covers meet the ASTM F1346-91 Standards, updated in 2010, in lieu of providing a fence around the pool, seconded by Johnny Johnson; the motion carried unanimously.

10. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

11. **NEW BUSINESS**

a) RBD Staff Update

Roger Lovell stated Henry Yankowski has been appointed as the Interim County Administrator, although he remains as the Building Official. He stated he is filling in for Mr. Yankowski during his absence from RBD.

b) Issuing Licenses to Entities that are Not in Good Standing with the Colorado Secretary of State's Office

Roger Lovell stated this is not a requirement in the Code; therefore, RBD is not able to enforce this issue for license applicants. Mr. Colarelli stated he would like to suggest that RBD consider this requirement in the future.

c) Plan Review for Demos

Vince Colarelli stated he would like to suggest that currently the Plan Review Department has to review demo plans to determine whether walls are load bearing. He stated he would like to propose that in the future, the design team preparing the demo plans indicate the walls that are load bearing.

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The meeting adjourned at 12:12 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg