

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

August 5, 2015

9:00 a.m.

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

MEMBERS ABSENT: Mr. Chris Richardson
Mr. Steve Horner

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:

Vice Chairman Richard Gillit called the meeting to order at 9:00 a.m.

1. CONSIDERATION OF JULY 1, 2015 MINUTES

A motion was made by Vince Colarelli to **APPROVE** the July 1, 2015 Building Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Stan Lewis, licensee for Stan Lewis, Inc., by Regional Building Department for pulling a permit at 9730 Otero Avenue, Colorado Springs, Colorado, for an unlicensed contractor, in violation of Sections RBC201.11.3, No. 1 and RBC201.11.3, No. 3, 2011 Pikes Peak Regional Building Code.

All parties testifying were sworn in. John Welton gave the Committee members a summary of the details of the Complaint. He stated Peoples Bank contacted him about a contractor that it had a contract to build a new home between Falcon Builders and Carl Benda. He said Peoples Bank was not able to confirm that Falcon Builders was a licensed contractor, although a permit had been pulled for the construction of the home. Mr. Welton stated he learned that Stan Lewis pulled the permit for this home. He stated

Falcon Builders' license expired in 2013. Mr. Welton stated there are 21 permits that have been pulled by Stan Lewis for Carl Benda. He stated it is his understanding that Mr. Benda has now entered into a contract with Stan Lewis, post permit. Mr. Benda stated he originally contracted with Mr. Lewis to do a tenant finish on a commercial building. He stated he has worked with Mr. Lewis on two projects, i.e. the properties on Otero Avenue and East Moreno. He stated the building on East Moreno has multiple addresses, because of the location of the exterior doors. Mr. Benda stated a number of the permits are attachments to the primary permit.

Anthony Perko, attorney for Mr. Lewis, appeared. Stan Lewis appeared and stated he believes the allegations for this complaint are totally unfounded because he has been very involved in the construction of this house. He stated he has spent 29 days working on this project, and has been to the site on 12 occasions. He stated he has been supervising the job up to this date. Mr. Lewis stated Falcon Builders is a job superintendent that works for him occasionally. He stated the contract is dated June 18, 2015 and the permit was pulled on June 4, 2015. He said he normally uses his own contract for his projects; but there are occasions when he works on a time and materials basis, and does not have a contract.

Carl Benda appeared and stated he wrote this contract, because the bank requested a contract in order to process the loan, and he used a contract form that he found on the internet. He stated the original contract was with Falcon Builders, but the Bank asked that the contract be redone to reflect that the contract was with the same contractor that pulled the permit. He stated it was his error that the contract was done with Falcon Builders.

Mr. Lewis stated he discovered that there was another contract on this house from RBD staff upon notification of the Complaint. He stated he did not have any knowledge of the contract with Falcon Builders on this house.

Mr. Lewis stated he has built 400 houses in his lifetime, and a dozen of those houses were done on a handshake, and Mr. Benda is a person that he would do business with on a handshake. He stated the contract had to be done on a rush basis and was all done by email, and evidently Falcon Builders was available to complete the contract and Mr. Lewis stated he must have been away from his computer at the time. Mr. Lewis stated he has pulled 428 permits with RBD over the years, and this is the first Code violation he has had.

A motion was made by Johnny Johnson to recommend to the Board of Review that a One-Year Incident Report be put in Stan Lewis' contractor file, seconded by Michael Finkbiner; the motion carried 3:1. Scot Gring opposed.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1

ALVARADO CONSTRUCTION, INC. – IRA BOWERMAN
CENTERRE CONSTRUCTION, INC. – STEPHEN HRITZ
GERALD H PHIPPS INC. – NICHOLAS CONDER (SECONDARY EXAMINEE)
INNOVATIVE CONSTRUCTION, INC. – BRADLEY FALLENTINE (UPGRADE)
UNIFIED BUILDING GROUP LLC – JOHN ALBERT

Building Contractor A-2 (General Limited)

HDR CONSTRUCTORS, INC. – GREGORY SMITH (EXAMINEE CHANGES CO.)

Building Contractor B-1 (General Limited)

J2 CONTRACTORS LLC – JEREMY JEWETT
LIEBERT CORPOATION – MATTHEW DIXON
OAKWOOD HOMES LLC – MICHAEL RANDALL (PRIMARY EXAMINEE)
SPICE MOUNTAIN BUILDERS, LLC – TERRY ST. LOUIS (EXAMINEE CHANGES CO.)
VICTORY CONSTRUCTION AND REFRIGERATION INC. – JIMMIE ELMORE (REINSTATMENT)

Building Contractor B-2 (General Limited)

MOUNTAIN STATES CUSTOM HOMES – KIRKLAND PLUSH (EXAMINEE CHANGES CO.)

Building Contractor C (Homebuilder)

CAMPBELL HOMES LTD – EDWARD GONZALES (EXAMINEE CHANGES CO., SECONDARY EXAMINEE)
FREEDOM HOMES – ROBERT VAN MAARTH (CO. CHANGES EXAMINEE)
JEFFREY D. MATTSON – JEFFREY MATTSON (EXAMINEE CHANGES CO.)
JEREMY ELLIOTT CONSTRUCTION, LLC – JEREMY ELLIOTT (REINSTATMENT)
JS REMODELING – CHIP KOSSOW (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Roofing)

BARTILE ROOFS INC. – STEVEN EVANS
COLORADO ROOFING INC. – KELLY BURNS

DRURY BROTHERS ROOFING, INC. – DAWN DAURIO (CO. CHANGES EXAMINEE)
GEN 3 ROOFING CORP. – TIMOTHY MCFARLAND
GRISSOM CONTRACTING – JOHN GRISSOM (REINSTATMENT)
LOYALTY COMPANIES OF INDIANA, INC.
MONARCH CONSTRUCTION & ROOFING – ERIC VEALE (CO. CHANGES EXAMINEE)

Building Contractor D-1 (Siding)

DRURY BROTHERS ROOFING INC. – DAWN DAURIO (CO. CHANGES EXAMINEE)
JJ CONSTRUCTION & ROOFING LLC – JENNIFER MONTAGUE (ADDITIONAL LICENSE)

Building Contractor D-1 (Stucco)

DRYLAND STUCC INC – THOMAS COMBS

Building Contractor D-1 (Woodstoves)

TEXAS FIREPLACE EXPRESS, LLC – MARK HUMPHREY (EXAMINEE CHANGES CO.)

Building Contractor D-5A (Signs)

MOUNTAIN MAN SIGNS – MICHAEL BOWLING

Building Contractor E (Residential Maintenance/Remodeling)

BRANCH CONSTRUCTION LLC – JILL HILL (EXAMINEE CHANGES CO.)
QUALITY CONSTRUCTION LLC – CHIHARU PURDY- NISHIMURA (ADDITIONAL LICENSE)

A motion was made by Johnny Johnson 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 B-1 (General Limited)

THUNDERBOLT BUILDERS, INC. – STEVEN O'NEILL *

Steven O'Neill appeared and stated he grew up in the construction industry and has been doing construction work in California, Hawaii, and has been working in Colorado since 1997. He stated his work is primarily framing, and he has done 10 ground-up residential projects. He stated he is currently framing 1,500 houses per year. Mr. O'Neill stated he has very little commercial experience, but recently framed a restaurant in Colorado Springs. Vince Colarelli stated he does not feel Mr. O'Neill has adequate experience for a "B-1" License. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the limitation of two "C" permits, until completed, unlimited below, at which time Mr. O'Neill can work with RBD staff to have the restriction removed, seconded by Johnny Johnson; the motion carried unanimously.

Building Contractor C (Homebuilder)

COBBLE STONE CONST. – NICOLAAS STOLK (EXAMINEE CHANGES CO.) *

Nicolaas Stolk appeared and stated he realizes that he has an "A" status permit with his prior employer, and intends to have that permit completed within a week. A motion was made by Vince Colarelli to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License, with the stipulation that the "A" Status Permit is completed prior to the transfer of Mr. Stolk's "C" (Homebuilder) License, seconded by Johnny Johnson; the motion carried unanimously.

WARD CONSTRUCTION – JEFFREY WARD *

Jeffrey Ward appeared and stated he has been doing residential construction for 30 years. He stated he has been buying houses to renovate and resell, and recently learned that he is required to have a license to do this. He stated he worked as a superintendent for a design company from 2000 to 2011. He stated the purpose of obtaining this license is to continue to buy houses to renovate and resell. 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 permits, until completed, unlimited below, at which time Mr. Ward can work with RBD Staff to have the restriction removed.

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

- a) 6009 Powder Keg Place, Permit J67883 – Jerett Lazor, 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) 3220 Brenner Place, Permit J73223 – Scott Fortune, Fortune Homes, 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) 7330 Straggler Circle, Permit J75825 – Corey Green, 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.
- d) 7641 Canyon Oak Drive, Permit J14670 – Brian Jackson, 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.
- e) 7435 Wynwood Terrace, Permit J71604 – Johnny Garcia, B & J General Contractors, Inc., 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.
- f) 7560 Churchwood Circle, Permit J66404 – Gary Stewart, 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.
- g) 9045 Rochester Drive, Permit J62073 – Drew MacAlmon, 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 Variance Requests, seconded by Johnny Johnson; the motion carried unanimously.

Break from 10:25 a.m. to 10:37 a.m.

VARIANCE REQUESTS

- 5. 5755 Taxi Way, Suite 100 – Thomas Hoag, Hoag Construction Company, requests a variance to Section 1109.2, 2009 International Building Code, to waive the requirement for restrooms to be accessible.

Thomas Hoag appeared and stated this project is a private airplane hangar at the Colorado Springs Airport. He stated there are common area accessible restrooms in the complex. He stated the owners of 25 of the 32 hangars have requested variances to allow inaccessible restrooms in the hangars. He stated there are four suites in the building, and they vary slightly in size. He stated currently there is only one restroom on the main level of this building, which is in the “man cave” in Suite 100 of this building; and there is a restroom on the second level in this suite as well. Mr. Hoag said the restroom in the man cave is ADA compliant, with the exception of the shower, which does not have grab bars or a seat in the shower. John Welton stated RBD staff takes exception to this variance request, based upon the current accessibility controversy in Colorado Springs, and this is new construction. Mr. Hoag gave a brief summary of the variance history for the hangars in this complex.

The Building Committee moved into Executive Session at 10:54 a.m. pursuant to C.R.S. §24-6-402(3)(III) to discuss matters that must be kept confidential by law.

After moving into General Session at 11:14 a.m., Vice Chairman Gillit stated no decisions were made during the Executive Session.

Johnny Johnson stated Code requires that the restrooms be on the main floor of the building. Mr. Eenhuis suggested that the variance be applicable to Suite 100 only, and Mr. Hoag stated he is agreeable to changing this variance request to limit it to 5755 Taxi Way, Suite 100 only, and to make provisions so the shower can be made ADA compliant for a future tenant. A motion was made by Vince Colarelli to recommend to the Board of Review **DENIAL** of the variance request, based on the “B” occupancy on the lower level, which requires ADA compliant restrooms, seconded by Johnny Johnson; the motion carried 3:1. Scot Gring opposed.

6. 1029 and 1106 North Nevada Avenue, and 926 North Cascade – Rick Greene, Colorado College, requests a variance to Section R902.1, 2009 International Residential Code, as amended, City of Colorado Springs Ordinance 02-174, 2011 Pikes Peak Regional Building Code, to allow wood roofing products where a Class A roof covering is required.

Richard Gillit stated this variance request has been **POSTPONED** for 30 days.

7. 8646 Copenhagen Road, Permit J76481 – Jay Sokol, homeowner, requests a variance to Section R403.1.4.1, 2009 International Residential Code, to allow less than the required 30” frost protected piers/foundation.

No one appeared. A motion was made by Vince Colarelli to **TABLE** this variance request until the end of the meeting, seconded by Johnny Johnson; the motion carried unanimously.

8. 2740 Lumberjack Drive, Permit J25595 – Douglas Lamson, homeowner, requests a variance to Section R311.7.4.1, 2009 International Residential Code, to allow a difference in stair riser height of more than the 3/8” allowed by Code.

Douglas Lamson appeared and stated the top step of the deck stairs is more than 3/8” higher than the remainder of the stairs. He stated he built the steps himself and he tried to take the screws out of this step to correct it, but found them impossible to remove because the screws kept stripping. He stated it is 1 1/8” out of Code. A motion was made by Scot Gring to recommend to the Board of Review **DENIAL** of the variance request because it is a trip hazard, and therefore a safety issue, seconded by Johnny Johnson; the motion carried unanimously.

9. 1245 Llewelyn Court – Greg Wheatley, Gold Rush Construction, requests a variance to Section 402.3.5, 2009 International Energy Conservation Code, to allow fenestration with a U-Factor greater than 0.50, where prohibited.

Jake Wheatley appeared and stated they are installing a bank of sliding glass walls on a patio room, and there will be a slight opening between each panel of glass, so there will be no “U” factor. Glen with Triple D Services appeared and stated this is a deck expansion and a portion of the deck has been enclosed. Jay Eenhuis stated RBD staff’s concern is whether the “U” value on the glass is met. He stated RBD staff takes no exception to this variance request. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

10. 8360 Fort Smith Road – Ken Murray, homeowner, requests a variance to Section RBC105.2, 2011 Pikes Peak Regional Building Code, to allow a children’s play fort to be constructed without a permit.

Ken and Kelly Murray appeared and Mr. Murray stated this variance is for a play fort for his children, and the structure is 10’ x 10’. He stated he built the structure without a permit because he believed it was playground equipment. He stated he consulted RBD two years ago when he started the project, and was told that a permit was not required to build playground equipment. Jay Eenhuis stated the exemption for a shed requires that it be a detached one-story, enclosed structure, and this structure starts at 12’ high, so he believes this is a two story structure, and does not fall within that exemption for a permit. Mr. Murray stated the structure is a one-story structure that starts at 12’. He stated he overbuilt this structure to ensure the safety of his children, and by his calculations it is strong enough to endure 70 mph winds. Scot Gring stated he believes the structure becomes a life safety issue as Mr. Murray’s children grow. Jay Eenhuis asked if Mr. Murray had a soils report done prior to building the structure, and Mr. Murray said that he did not have a soils report done. He stated RBD’s concern is that the structure could tip over in time. John Welton stated this

structure also has to meet the zoning requirements. He stated if the structure does not have a permit, RBD staff has no way of tracking any documentation obtained on the structure. He stated he does not believe the structure can now be modified to be classified as playground equipment. Mr. Welton stated a permit for this structure would be approximately \$146.00, and an engineer's report would be required to address an updated soils report, the posts, and the foundation. A motion was made by Scot Gring to recommend to the Board of Review **DENIAL** of the variance request due to life safety issues, and recommends the homeowners obtain zoning approval, and that a permit be pulled for an accessory structure, seconded by Johnny Johnson; the motion carried unanimously.

11. 3222 Poinsetta Drive, Permit J73188 – Todd Chapman, homeowner, requests variances to:

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

Todd Chapman appeared and stated this is a winder staircase with concrete on both sides of the stairs. He stated the previous stairs were hazardous so he is rebuilding them to make them safer. A motion was made by Vince Colarelli 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.

- b) Section R311.7.3, 2009 International Residential Code, to allow the walk line to be measured from the side where the winder stairs are wider.

Mr. Chapman stated he has revised the plans for the staircase, but would require the walk line be measured on the outside of the staircase which has more depth to the steps. John Welton stated RBD staff takes no exception to this variance request. A motion was made by Scot Gring to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Johnny Johnson; the motion carried unanimously.

12. 7641 Canyon Oak Drive, Permit J14670 – Brian Jackson, homeowner, requests a variance to Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6'7" where a minimum of 7'0" is required.

John Welton appeared for Brian Jackson. He stated this project is a basement finish, and the ceiling height in the bedroom is 6'7". He stated there is one area in the bedroom where there is a closet that goes under the stairs, and due to existing ductwork, the homeowner chose to drop the entire ceiling. He stated the homeowner has obtained the maximum height possible for this ceiling, and this same ceiling height is also in the hallway. Bert Warchol stated RBD staff takes no exception to the 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, seconded by Johnny Johnson; the motion carried unanimously.

- 12b. 8963 Shipman Lane, Permit J37874 – Holly Pilbrow requests a variance to Section R311.7.7.2, 2009 International Residential Code, to allow a discontinuous handrail where it is required to be continuous for the full length of the flight of stairs.

Holly Pilgrow appeared and stated Heckman and Sons Construction built the handrails on her deck, and the project is complete. John Welton stated Code requires a continuous handrail from the bottom of the stairs to the top of the stairs. He stated in this situation there is a post that interrupts the continuity of the handrail. He stated RBD staff takes exception to this variance request, because it creates a life safety issue. A motion was made by Scot Gring to recommend to the Board of Review **DENIAL** of the variance request because there are options available to correct the issue, and it is currently a life safety issue, seconded by Johnny Johnson; the motion carried unanimously.

13. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

14. **NEW BUSINESS**

a) Table Items

A motion was made by Johnny Johnson to **POSTPONE** the tabled items until the September 2, 2015 Building Committee meeting, seconded by Vince Colarelli; the motion carried unanimously.

b) Code Changes

Scot Gring stated RBD is proposing to combine the Building Committee with the MEP Committee, and the current Building Committee will become a Licensing Committee. Roger Lovell stated RBD is still in the process of determining who the Committee members will be on both Committees.

The meeting adjourned at 12:42 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official
HWY/llg