

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

May 20, 2015

10:30 a.m.

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

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

PROCEEDINGS:

Chairman Larry Whittaker called the meeting to order at 10:33 a.m.

1. CONSIDERATION OF THE APRIL 15, 2015 BOARD OF REVIEW MINUTES

A motion was made by Edward Pine to **APPROVE** the April 15, 2015 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 May 6, 2015.

A motion was made by Edward Pine to **APPROVE** the May 6, 2015 Building Committee Minutes as written, with the exception of Item No. 8, which is under appeal, seconded by Johnny Garcia the motion carried unanimously.

b) MEP Committee Minutes of May 13, 2015.

A motion was made by Michael McShea to **APPROVE** the May 13, 2015 MEP Committee Minutes as written, seconded by Edward Pine; the motion carried unanimously.

3. DECISION APPEALS

- a) 3178 West Colorado Avenue – Tasha Vigil, property owner, requests a variance to Section 907.2, 2009 International Existing Building Code, to allow use of building “as is” without analysis per the International Building Code. *This Item was DENIED during the May 6, 2015 Building Committee Meeting due to life safety issues.*

Tasha Vigil appeared. All parties testifying were sworn in. Ms. Vigil stated she is asking for a variance to allow this structure to remain in occupancy Category No. 1 based on use of the structure vs. occupancy of the structure. She said due to her variance being denied, she has chosen to appeal the decision of the Building Committee and provide additional information to the Board of Review. She said she is asking for approval of her variance under an “F2” occupancy, and not the “F1” which was implemented one month after her plans were approved. Ms. Vigil stated her architectural plans, i.e. mechanical, electrical, plumbing, fire, etc. have all be signed off and approved on April 10, 2015. She said her permit was ready and approved for the building’s change of occupancy from a “U” occupancy to an “F2” occupancy for the greenhouse; and all plans for significant updates required throughout all buildings were approved.

Ms. Vigil stated her general contractor attempted to pick up her permit and was told by John Welton that due to repairs and/or remodels from 2010 to 2011 on the greenhouse, without a permit prior to her ownership, he would not allow her contractor to purchase the permit without addressing all items from the complaints that she was not aware of.

Ms. Vigil stated throughout this process she has been informed that this building is considered a Category 2 based on her permit requests, compared to the Category 1 it is in currently. She stated she is requesting to stay in Category 1, so she will not have to bring the structure up to Code by adding wind and weight requirements to the existing roof. She stated she had planned to make corrections to the mechanical, plumbing and electrical portions of the building based on her approved plans; and did not understand why a building with a roof that has been used as a flower shop and gardening center since 1951, as a Category 1 building, now required her to change it to a Category 2 building for a marijuana grow facility.

Johnny Johnson stated the information presented by Ms. Vigil today was not presented to the Building Committee, and this is new information. A motion was made by Johnny Garcia to return this variance request to the Building Committee because Ms. Vigil has presented new information, seconded by Edward Pine, the motion carried 3:1. Michael McShea opposed.

4. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

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5. NEW BUSINESS

There was no New Business to discuss.

The meeting adjourned at 10:48 a.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/lhg