

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

August 19, 2015

10:30 a.m.

MEMBERS PRESENT: Chairman Larry Whittaker, Architect
Mr. Michael McShea, Engineer
Mr. Tom McDonald, Building A Contractor
Mr. Edward Pine, Building A, B or C Contractor
Mr. Mr. Dave Munger, Citizen-at-Large

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Roger Lovell, Interim Building Official
Mr. Todd Welch, Regional Building Counsel
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. John Welton, Chief Building Inspector
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 JULY 15, 2015 BOARD OF REVIEW MINUTES**

A motion was made by Tom McDonald to **APPROVE** the July 15, 2015 Board of Review Minutes as written, seconded by Edward Pine; the motion carried unanimously.

2. **CONSIDERATION OF LICENSING AND MINUTES**

a) Building Committee Minutes of August 5, 2015, with the exception of Item 10, which is under appeal.

A motion was made by Tom McDonald to **APPROVE** the August 5, 2015 Building Committee Minutes as written, with the exception of Items 5 and 10, which are under appeal, seconded by Edward Pine; the motion carried unanimously.

b) MEP Committee Minutes of August 12, 2015.

A motion was made by Edward Pine to **APPROVE** the August 12, 2015 MEP Committee Minutes as written, seconded by Michael McShea; the motion carried unanimously.

3. **DECISION APPEALS**

- a) 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. *This variance was heard during the August 5, 2015 Building Committee meeting and the Committee **DENIED** the variance request due to life safety issues, and recommended that the homeowners obtain zoning approval, and that a permit be pulled for an accessory structure.*

Jay Eenhuis stated the Building Committee determined that this structure did not constitute playground equipment because there are a number of life safety issues with the structure, and a permit is necessary for an accessory structure. John Welton cited the Code regarding playground equipment, and stated there are independent features of this structure that do not meet Code. Kelly and Ken Murray appeared and Kelly Murray stated the Code is with regard to commercial playground equipment, and this structure is a temporary residential playground structure. She said an engineering report would be necessary if they had to pull a permit, which would be at a cost of \$1,200 to \$1,800. Larry Whittaker and Edward Pine stated they have both installed the pre-manufactured playground structures sold at Costco or Sam’s and they are rather “flimsy” and certainly do not meet Code. Mrs. Kelly stated they live close to the airport and have done the calculations to insure that the structure can withstand high wind pressures. Mr. Whittaker stated he personally feels this structure should be classified as playground equipment, but it has been overbuilt, and could be classified as a deck, which would also require a permit. He stated his concern is the height of the structure, which creates a life safety issue.

Johnny Johnson, member of the Building Committee, stated the Building Committee determined this structure was not playground equipment, but should be considered an accessory structure, which would require a building permit. Michael McShea stated he feels this structure should be reviewed by a professional engineer. The Committee members all agreed that they liked the structure, but they felt there are life safety issues with the structure, and felt the structure should be engineered and a permit pulled so RBD can inspect the structure to assure that there were no life safety issues.

A motion was made by Tom McDonald to **UPHOLD** the decision of the Building Committee, and a permit should be pulled for the structure, seconded by Michael McShea; the motion carried unanimously.

- b) 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. *This Complaint was heard during the July 1, 2015 Building Committee meeting and the Committee determined that a Letter of Reprimand be put in Rodger Glover’s contractor file.*

Todd Welch gave the Committee members the details of this complaint. Rodger Glover appeared, and stated the contract was between Marti Jorgensen and the homeowner, but he pulled a permit for this project, with the understanding that he would be doing the work. He stated when he arrived on the job site to start the project, Marti Jorgensen already had a construction crew on site doing the work. Mr. Welch stated Mr. Jorgensen started the work and walked away with the homeowner's money, and at this point the homeowner contacted RBD staff.

John Welton stated the original permit pulled by Mr. Glover was voided and transferred to another contractor so the homeowner could get the project completed. Johnny Johnson, member of the Building Committee, stated the Building Committee determined that Mr. Glover was legally responsible for completion of the work because he pulled the permit.

Mr. Welch stated Mr. Glover must have known that Marti Jorgensen had a contract with the homeowner, because he pulled the permit. He stated he feels Mr. Glover was negligent because he neglected to contact the homeowner prior to pulling the permit. Mr. Johnson stated the Building Committee did not understand Mr. Glover's lack of knowledge about the details about the contract since he pulled the permit for Marti Jorgensen.

Helen Davenport, the homeowner, stated much of the work that was done by Marti Jorgensen did not meet Code and had to be redone. She stated her attorney has sent a demand letter to Mr. Glover, and she has filed fraud charges against Mr. Jorgensen. She stated she has lost \$14,000 to \$15,000 because of this incident with Rodger Glover and Marti Jorgensen.

A motion was made by Tom McDonald to **UPHOLD** the decision of the Building Committee to put a Letter of Reprimand in Rodger Glover's contractor file with RBD, seconded by Dave Munger; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

a) Employee Changes

Todd Welch stated Henry Yankowski started working with El Paso County as the Interim County Administrator earlier this year, but also remained at RBD as the Building Official. He stated Mr. Yankowski was recently appointed as the permanent El Paso County Administrator, and Roger Lovell has been appointed as the Interim Building Official. A motion was made by Dave Munger to recommend to the Advisory Board that they write a letter to the Building Commission endorsing Roger Lovell's appointment as the permanent Regional Building Official, seconded by Tom McDonald; the motion carried unanimously.

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The meeting adjourned at 12:16 p.m.

Respectfully submitted,

Roger N. Lovell
Interim Building Official

RNL/llg