

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## TECHNICAL COMMITTEE MINUTES

September 7, 2016

9:00 a.m.

MEMBERS PRESENT: Vice Chairman Dan Rial  
Mr. Steve Horner  
Mr. Larry Bobo  
Ms. Swagata Guha  
Mr. Michael Finkbiner

MEMBERS ABSENT: Chairman Chris Richardson  
Mr. David Doren

OTHERS PRESENT: Mr. Roger Lovell, Regional Building Official  
Mr. Todd Welch, Regional Building Counsel  
Mr. Jay Eenhuis, Chief Plans Examiner  
Mr. John Welton, Chief Building Inspector  
Mr. Jack Arrington, Chief Mechanical/Plumbing Inspector  
Mr. Dean Wemmer, Chief Electrical Inspector  
Ms. Linda Gardner, Executive Administrative Assistant

### PROCEEDINGS:

Vice Chairman Dan Rial called the meeting to order at 9:00 a.m.

#### 1. **CONSIDERATION OF AUGUST 3, 2016 TECHNICAL COMMITTEE MINUTES**

A motion was made by Steve Horner to **APPROVE** the August 3, 2016 Technical Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

#### 2. **CONSENT CALENDAR**

- a) 4925 Braddock Drive, Permit K19636 – Stephen Bridges, 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) 570 Blossom Field Road, Permit J82773 – Melissa Morales, 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.

- c) 1003 Coyote Willow Drive, Permit K21839 – Steve Zitzmann, 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) 2018 Monterey Road, Permit J37921 – Belfor Property Restoration 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) 6878 Millbrook Circle, Permit K20044 – Jimmie Rea, homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’6½” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- f) 3315 Ash Hopper Lane, Permit K21163 – Tom Biondolillo, Rocky Mountain High Builders, 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.
- g) 7910 Camfield Circle, Permit K27508 – Stephen Erwin, 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.
- h) 6314 Rabbit Ears Circle, Permit K24972 – Bradley Baum, 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.
- i) 8235 Del Rio Road, Permit K32936 – Delvin Dawdy, Jr., homeowner, requests a variance to Section RBC303.4.8, Exception 3, 2011 Pikes Peak Regional Building Code, to allow a soffit height of 6’6½” under furred-down beams, pipes and ducts where a minimum of 6’8” is required.
- j) 983 Cragin Road, Permit K23187 – Paul Rathbun, Rathbun General Contractors, 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.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Variance Requests, seconded by Swagata Guha; the motion carried unanimously.

### **VARIANCE REQUESTS**

3. 7085 Austin Bluffs Parkway, Permit K23923 – Barry Craig, CQL-2000 Constructors, LLC, requests a variance to Sections 403.1 and 410.3, 2012 International Plumbing Code, to waive the requirement to install a drinking fountain, where required.

Barry Craig appeared and stated this structure is a Papa Murphy's Restaurant, and this is the 27<sup>th</sup> store that he has built. He stated he has not been required to install drinking fountains in the prior restaurants, so he overlooked the drinking fountain in this restaurant. He stated it would be a cost of \$3,000 to install a drinking fountain. Mr. Craig stated although the square footage of the restaurant is large, the lobby area in comparison is quite small. He stated they are willing to offer free bottled water, in lieu of a drinking fountain. Jack Arrington stated this is a "take and bake" restaurant and they do not cook in this restaurant. He stated generally there are a minimal number of customers in the restaurant, because they pick up their pizza and leave. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the owner offer free bottled water in lieu of a drinking fountain, seconded by Swagata Guha; the motion carried unanimously.

4. 4250 Cheyenne Mountain Zoo Road, Permit K02621 – Jess Kinney, American Western Builders, requests a variance to ICC/ANSI, A117.1-2003, Section 604.5.1, to allow a 32" grab bar in a commercial restroom, where a 42" grab bar is required at 12" from the inside corner of the wall.

*Steve Horner recused himself from Item 4.*

Jess Kinney appeared and stated this structure is in the Cheyenne Mountain Zoo and they have added a mechanic's office with a bathroom to the hay barn. He stated the configuration of the room did not allow for a Code compliant grab bar. He stated the bathroom will only be utilized by two employees, i.e. the mechanics. Mr. Kinney stated there is no public access to the restroom. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request due to the type of work that is done in this building, which could not be done by someone that has mobility issues, seconded by Larry Bobo; the motion carried unanimously.

5. 5346 Gem Lake Court, Permit K22864 – Aleen Vanderhorst, homeowner, requests a variance to Section R311.7.7, 2009 International Residential Code, to waive a handrail on deck stairs, where required.

Aleen Vanderhorst appeared and stated she had a deck built on the back of her house that is 3' high. She stated the steps off of the deck are inset, and people utilizing the steps can use the guardrail on the deck for support. John Welton stated RBD staff takes no exception to this variance request, because there is fall protection with the guardrail on the deck. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, because the guardrail on the deck can be utilized for fall protection, and RBD staff takes no exception to the variance request, seconded by Swagata Guha; the motion carried unanimously.

6. 3040 Leoti Drive, Permit J60139 – Gary Wilson, homeowner, requests a variance to Section 303.4, 2012 International Plumbing Code, to allow the use of a non-third-party certified plumbing product.

Gary Wilson appeared and stated he is remodeling the upstairs bathroom in his home and installed a stand-alone, custom-made steam shower unit, which is an unlisted fixture. He stated the company, that he purchased the unit from, is no longer in business, so he is unable to verify that it has been third party tested. Jack Arrington stated RBD does not have a plumbing review of fixtures prior to plan approval. He stated the concern would be the non-pervious surface, but all of the plumbing hook-ups meet Code. Dean Wemmer stated the electrical inspector has not noted an issue with this unit, so he believes it would meet the electrical portion of our Code. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, because she does not feel that the imperviousness of the unit is a concern, seconded by Larry Bobo; the motion carried unanimously.

7. 12548 Brookhill Drive, Permit H27267 – Gerald Parish, homeowner, requests a variance to Section 405.3.1, 2012 International Plumbing Code, to allow a 13" clearance at the sides of a water closet where a minimum of 15" is required.

Jack Arrington stated he is representing Mr. Parish because he is in the military and currently out of state. He stated the previous owner finished the basement without a permit. He stated Mr. Parish bought the house and discovered the issue when he was trying to sell the house. Mr. Arrington stated this is a third bathroom in this house. He stated Mr. Parish was unable to sell the house due to this issue, so he rented the house. He stated the renter would like to buy the house and does not oppose the current issue with the water closet. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Steve Horner; the motion carried unanimously.

8. 512 Widefield Drive, Permit K24881 – Kenneth Gestes, Jr., Gestes Roof, Inc., requests a variance to Section R905.2.2, 2009 International Residential Code, to allow asphalt strip shingles to be installed on a roof pitch less than 2:12.

Kenneth Gestes appeared and stated he reroofed this house with the same type of roofing shingle that was on it in the past. He stated he had reroofed this house in 1993 and it was approved by RBD at that time, so he assumed it would be approved when he reroofed the house in July of this year with the same product, but the Code has changed and it was not approved upon inspection. John Welton stated the house has ice and water shield installed over the entire patio, so RBD staff takes no exception to the variance request. Michael Finkbiner stated Mr. Gestes has submitted a letter from the homeowner approving the current construction. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request because the homeowner is aware of the issues and approves the current construction, and it does have ice and water shield over the entire roof, seconded by Larry Bobo; the motion carried unanimously.

9. 3515 Darkwood Place, Permit K19284 – Alan Monst, homeowner, requests a variance to Section RBC303.4.2, Table R301.2(1), 2011 Pikes Peak Regional Building Code, to allow a shingle with a wind speed rating of 60 mph. based on the manufacturer’s specifications, where the minimum required by Code is 100 mph.

Alan Monst appeared and stated his roof was 22 years old and in need of replacement. He stated he replaced the roof himself, and was not aware of the Code requirement regarding the wind speed rating. Michael Finkbiner stated the Supreme Shingle is the product that is still being sold by suppliers, even though it does not meet the wind speed rating required by Code, and many homeowners are buying this product because it is more cost effective. A motion was made Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, because the homeowner did the work himself, he matched the shingles that were previously on his house, and the product does have a warranty from Owens Corning, seconded by Swagata Guha; the motion carried unanimously.

10. 324 East Yampa Street, Permit K02034 – Alex Allen, Olson Plumbing Company, requests a variance to Section 503.5.3, 2009 International Fuel Gas Code, to allow an unlined chimney to serve as a gas vent where a chimney lined with an approved material is required.

Alex Allen appeared and stated he replaced a water heater in this home and he was unable to install a liner in this chimney. He stated he has submitted a “chimney inspection letter” to RBD to verify that the chimney is in good condition. Jack Arrington stated these are draft hood appliances, and there is also a boiler venting through this chimney. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

11. 2032 Ridgeway Avenue, Permit K05291 - Alex Allen, Olson Plumbing Company, requests a variance to Section 503.5.3, 2009 International Fuel Gas Code, to allow an unlined chimney to serve as a gas vent where a chimney lined with an approved material is required.

A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

12. 14 East Williamette Avenue, Permit K26500 - Alex Allen, Olson Plumbing Company, requests a variance to Section 503.5.3, 2009 International Fuel Gas Code, to allow an unlined chimney to serve as a gas vent where a chimney lined with an approved material is required.

A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

- 12.b. 2715 Mesa Road – Bryor Price, Colorado Springs Utilities, and Kevin Hoskins, MWH Global, request a variance to Section 502, 2009 International Energy Conservation Code, to waive the thermal envelope criteria, where required.

Bryor Price and Keven Hoskins appeared and Mr. Price stated CSU is upgrading the Mesa Water Treatment Plant, which was originally built in 1942. Mr. Hoskins stated there are three buildings, i.e. the pre-treatment structure and the sodium hydroxide building, and they both meet Code; the third build is a sulfuric acid building, and because of the nature of the building, they have used explosion resistant construction, which prevents them from achieving the R value in the walls required by Code. He stated it is an “H” occupancy. Mr. Price stated because of the nature of the building, CSU employees will not be in the building.

Jay Eenhuis stated that RBD staff takes no exception to this variance request because it is an uninhabited building. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request because the owner approves this type of construction, seconded by Michael Finkbiner; the motion carried unanimously.

- 12.c. 5050 Champagne Drive, Permit K29190 – William Headley, Headley Electric, LLC, requests a variance to Section 210.12, 2014 National Electrical Code, to install regular 20 amp. breakers in place of arc fault breakers, with the stipulation that a notarized letter be required from the homeowner that confirms that the original AFCI breakers will be reinstalled at the time of sale of the property, and a notice be attached to the electrical panel that notifies Pikes Peak Regional Building Department and all parties of this requirement.

William Headley appeared and stated he ran a dedicated circuit from the outlet to under the kitchen sink and the instaheat worked fine with that, but he failed the inspection because it was required to be arc fault protected. He stated when he installed the arc fault breakers, it did not work well with the instaheat. Dean Wemmer stated he believes Mr. Headley has done everything he can to verify that it is an individual appliance that is not working well with the arc fault circuit. A motion was made by Larry Bobo to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Steve Horner; the motion carried unanimously.

- 12.d. 8235 Del Rio Road, Permit K32936 – Delvin Dawdy, Jr., homeowner, requests a variance to Section R311.6, 2009 International Residential Code, to allow a hallway width of 33” where a minimum of 36” is required.

Delvin Dawdy appeared and stated he finished his basement and due to pre-existing conditions, i.e. the location of the center beam, he was unable to obtain a Code compliant hallway width. John Welton stated there is another Code compliant hallway that loops around in the basement, so RBD staff take no exception to this variance request. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request because there is another Code compliant hallway in this basement, seconded by Larry Bobo; the motion carried unanimously.

- 12.e. 15165 North Meridian Road, Permit K20630 – Patricia Vantassel Tamura, homeowner, requests a variance to Section R310.2, 2009 International Residential Code, to allow a 24” egress window well where a minimum of 36” is required.

Patricia Vantassel Tamura appeared and stated this home was built in 1994, and the window wells at issue are in two bedrooms. She stated one of the window wells is surrounded by concrete, which is part of her front porch. She stated she is selling the house, but the original construction did not receive a certificate of occupancy; and the later remodel was not permitted. Ms. Tamura said she is trying to correct these issues now so she can sell the house. John Welton stated if the window wells had been 30”, it would have been acceptable in homes built prior to the year 2000. Ms. Tamura stated there is an egress door in this walkout basement. John Welton stated RBD staff feels this may be a life safety issue, but because this is a walk out basement with an egress door, it is not quite the life safety issue that it could be. A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request, with regard to the two bedroom window wells, due to life safety issues, there is not a direct route to the egress door in the walk-out basement, costs cannot be considered in this situation, and it is possible to change out the window wells so they are Code compliant, seconded by Steve Horner; the motion carried unanimously.

13. **UNFINISHED BUSINESS**

a) Proposed Code Change

Swagata Guha stated she would like RBD to consider a Code change to waive drinking fountains in small businesses. Roger Lovell stated the Plumbing Code is a State Code, and RBD does not have the authority to make modifications to this Code.

14. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 10:35 a.m.

Respectfully submitted,

Roger N. Lovell  
Regional Building Official

RNL/llg