

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

April 5, 2017

9:00 a.m.

MEMBERS PRESENT: Vice Chairman Dan Rial
Mr. Steve Horner
Mr. Larry Bobo
Mr. David Doren
Mr. Michael Finkbiner

MEMBERS ABSENT: Mr. Chris Richardson
Ms. Swagata Guha

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. 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 THE MARCH 1, 2017 TECHNICAL COMMITTEE MINUTES

A motion was made by Steve Horner to **APPROVE** the March 1, 2017 Technical Committee Minutes as written, seconded by Larry Bobo; the motion carried unanimously.

2. CONSENT CALENDAR

- a) 9113 Oakmont Road, Permit K70257 – Donald Wood, 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.
- b) 138 Crystal Hills Boulevard, Permit K73904 – All About the House 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) 2279 Blizzard Valley Trail, Permit K77761 – Terry Bashore, 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) 6074 Mapleton Drive, Permit K22956 – Robert Montgomery, 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) 7343 Straggler Circle, Permit K74921 – Damira Yakovleva, 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.
- f) 4835 Cameo Way – David Davis, On the Level Specialties, 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) 7855 Delmonico Drive, Permit K86469 – Donald Walsh, 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.
- h) 12439 Ellingwood Peak Place, Permit K66566 – Tony Goodman, 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.
- i) 11995 Hanging Valley Way, Permit K25716 – John Andrus, 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 Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Variance Requests, seconded by David Doren; the motion carried unanimously.

VARIANCE REQUESTS

3. 8605 Explorer Drive, Suite 250 – Brian Evans, Rivers Development, requests variances to:

- a) Section 606.3, ICC/ANSI A117.1-2003, to allow a 36” high countertop, where a maximum of 34” is required;

Lori Rhodes, Challenger Homes, appeared and stated this project is in their office building and the cabinets came in higher than allowed by Code; therefore, the countertops are 2” higher than that required by Code, and the stove has the control knobs in the back of the stove, where Code requires that they are in the front of the stove. She stated this break room is for employees only, and if they need to accommodate someone in the future, they do not have any issues making that modification at that time. Brian Evans, Rivers Development, appeared and stated they recognize that they are not in compliance, and they take full responsibility for that, and are willing to make any arrangements for these issues in the future. He stated this is the only item remaining in order to get a Certificate of Occupancy for this project. Todd Welch stated this type of variance, if granted, could open up the door for potential legal issues for the owner in the future because they are not ADA compliant. A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request because the plans were approved at 34”, it was an oversight on the part of the contractor, and it is an ADA issue, seconded by David Doren; the motion carried unanimously.

- b) Section 804.6.4, ICC/ANSI A117.1-2003, to allow an oven/range without front controls required for accessibility for public space.

A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request, seconded by David Doren; the motion carried unanimously.

4. 4 North 28th Street, Permit K75350 – John Nelson, Architect, requests a variance to Section 1009.1, 2009 International Building Code, to allow part of an existing stair to be 40” wide, where a minimum of 44” is required by Code.

John Nelson appeared and stated this project is a restaurant conversion on the upper floor of this two story building, that is over 100 years old. He stated the existing stairs, also 100 years old, are Code compliant with the exception of the width of the upper six threads of the stairs. He stated to correct this issue, they would have to cut into a bearing wall and it would encroach into the kitchen of another restaurant on the main level. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request due to existing non-conforming issues, with the stipulation that the width of the upper six threads of the stairs is 42^{3/4}”, seconded by Michael Finkbiner; the motion carried

unanimously.

5. 1801 South Academy Boulevard – Bob Nolette, Front Range Commercial, LLC, requests a variance to Sections 503.1 and 706, 2009 International Building Code, to allow the use of a 4-hour fire barrier where a 3-hour fire wall is required.

Bob Nolette and Steve Obering appeared and Mr. Obering stated this portion of the building was an office. He stated this office area was remodeled in 2015, and prior to that time, there were a number of occupants, i.e. Pace Warehouse, Valley Fitness Center, BMC Lumber, etc., so it has changed occupancies several times over the years. He stated in 2000 a 1-hour fire barrier was installed and the front area was a “B” occupancy and the back area was an “S-1” occupancy. Mr. Obering stated they are currently renovating the space for a new fitness center, and the current Code requires a 3-hour fire wall to separate the space from the “S-1” occupancy. He stated they propose to install a 4-hour fire barrier on the warehouse side of the existing 1-hour barrier, in lieu of a 3-hour fire wall. Mr. Nolette stated there are three separate areas in the building with sprinklers and an alarm system. Mr. Obering stated the warehouse has a total of 10 exits; the “B” occupancy has a total of 3 exits, where 2 are required, and the fitness area has 5 exits, where 2 are required, so evacuating the building is very easy. Jay Eenhuis stated RBD staff takes no exception to this variance request. Mike Finkbinder stated RBD received an email from CSFD which states that they do not oppose the variance request. A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of the variance request because RBD and CSFD do not oppose the variance request, and the proposed construction method satisfies the intent of the Code, with the stipulation that the HVAC system must meet the 4-hour requirement, seconded by Larry Bobo; the motion carried 3:1. Steve Horner opposed.

6. 2156, 2138, and 2148 Broadway Street; 2121 and 2126 Boston Terrace; and 2140, 2148, 2158, 2161, 2166, 2169, and 2191 Baltimore Circle – Scott Miller, Hammersmith Construction, requests a variance to Section 1510.3, 2009 International Building Code, to allow taper form repair over existing layer without removal, where prohibited.

Scott Miller stated this is a townhome complex and 12 out of the 15 buildings have suffered wind damage to their roofs, and the HOA has elected to not submit an insurance claim, because of the high deductible and the low cost of the repairs. He stated there is damage throughout the complex that is generally less than one square. He stated they are asking for approval to make temporary repairs, until the community can pass a special assessment to make the proper repairs on all of the roofs, which they hope to be in approximately six months. Mr. Miller stated they are proposing to remove one layer of the existing two layers of asphalt shingles, and make the repairs over the existing one layer of asphalt shingles. He stated they intend to try to build up the existing layer of shingles so they have a smooth surface to apply the new shingles to. A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that a permit is pulled per address for inspection, seconded by Larry Bobo; the

motion carried unanimously.

7. 4334 Yellow Dock Point, Permit K21897 – Jordon Guinane, J. Elliott Construction, requests a variance to Section 210.25(B), 2014 National Electrical Code, to allow individual owner to provide sump pump power for common area.

Jordon Guinane appeared. Dean Wemmer stated the HOA has made provisions to notify the homeowner that they are providing power for the sump pump for a multiple occupancy building, and the tenant will be reimbursed on a monthly basis for the power for the sump pump. He stated the Code prohibits a tenant to provide power to a multiple occupancy building. Larry Bobo stated it will have to be GFI protected, which has the potential to trip. He stated he would prefer to see the GFI outside of the tenant space. A motion was made by Larry Bobo to recommend to the Board of Review **APPROVAL** of the variance request to allow a GFI receptacle to serve a sump pump in a tenant space, with the stipulation that the GFI receptacle will be located outside of the tenant space with access, seconded by David Doren; the motion carried unanimously.

8. 6905 Thorn Brush Way – James Estes, Fountain Valley Electrical, requests a variance to Section 210.12(A), 2014 National Electrical Code, to install regular 15 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.

James Estes appeared and stated the homeowner is a quadriplegic and has medical equipment that is tripping the arc fault breakers. He stated the homeowners have been in the home four months, and they have been out there for nuisance tripping four times in the past four months. 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.

9. 549 Marquette Drive, Permit K26679 – Quality Construction 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. *This variance request was postponed from the March 1, 2017 Technical Committee Meeting.*

Chad Melco, Quality Construction, appeared and stated they are asking for a variance for this roof replacement, because the homeowner does not want the current roof torn off to correct the Code issue. He stated he has a letter from the homeowner approving the current construction. He stated this variance is for a 3-square front porch cover. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, because it is over a front porch and the homeowner has submitted a letter approving the current construction, seconded by Larry Bobo; the motion carried unanimously.

10. 2559 East Payne Circle, Permit K35201 – Lance Nilson, homeowner, 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.

No one appeared. A motion was made by Michael Finkbiner to **POSTPONE** this variance request until the end of the meeting, seconded by David Doren; the motion carried unanimously.

11. 1406 Coronado Drive – Mario Vallejo, Architects Choice Builders, LLC, 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.

Mario Vallejo appeared and stated this roof replacement did not meet Code, and the homeowner does not want it replaced. He stated it is over inhabitable space, i.e. a front porch area. John Welton stated RBD staff takes 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 it is a non-conditioned patio cover area, seconded by Steve Horner; the motion carried unanimously.

12. 8630 Dry Needle Place, Permit K20214 – Michael Bauer, homeowner, requests a variance to Section R311.7.2, 2009 International Residential Code, to allow a 6'5" head height above the stairs where a minimum of 6'8" is required.

Michael Bauer appeared and stated he is unable to obtain a Code compliant head height over his stairs due to a pre-existing beam. He stated this house was built by Challenger Homes last year, and the main floor joist is creating the issue. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request due to existing non-conforming conditions, seconded by Michael Finkbiner; the motion carried unanimously.

13. 4835 Cameo Way – David Davis, On the Level Specialties, requests a variance to Section R311.7.2, 2009 International Residential Code, to allow a 6'4" head height above the stairs where a minimum of 6'8" is required.

Vice Chairman Dan Rial noted that this Item has been **POSTPONED** for 30 days.

14. 948 North 19th Street, Permit K10577 – Tamra Moss, homeowner, requests a variance to Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6'3" under furred-down beams, pipes and ducts where it is required to be a minimum of 6'8".

Tamra Moss appeared and stated this house was built in 1921 and she is unable to obtain a Code compliant soffit height due to a pre-existing beam. She stated she has worked with her engineer and he informed her that the beam is structurally sound and he recommended that it not be modified. She stated it is only an issue in one of the bedrooms. John Welton stated the 2015 International Residential Code does allow a 6'4" soffit height. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that a 6'4" soffit height is obtained, seconded by Michael Finkbiner; the motion carried unanimously.

- 14.b. 30 Widefield Boulevard – James Childs, T-Bone Construction, requests a variance to Section 402.6, 2009 International Building Code, to allow the area of a Covered Mall Building to be unlimited, where prohibited.

James Childs, T-Bone Construction, and Frank Watson, property owner, appeared and Mr. Childs stated this is an existing mall building built in the 1960's, and there is a corner of the building, representing 2.6 percent of the total of the building. He stated they are currently remodeling a small portion of the space into a daycare facility, and this issue came up. Jay Eenhuis stated Code allows a covered mall building to have unlimited area when it is surrounded on all sides by a permanent open space of not less than 60 feet, and the building in question meets that requirement, with the exception of 2.6 percent of the total perimeter (about 50 feet of wall length), located at one corner of the building. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request because he feels it is meeting the intent of the Code, seconded by Michael Finkbiner; the motion carried unanimously.

- 14.c. 3820 Inspiration Drive, Permit K57590 – Robert Colodny, Highlands Roofing, Inc., requests a variance to Section 907.3, 2009 International Residential Code, to allow an existing layer of felt to be reused, where prohibited.

Robert Colodny appeared and stated this roof structure had an existing 30 pound felt, and they applied a synthetic layer on top of the 30 pound felt to give a double layer of felt. He stated the manufacturer has stated this does not affect their warranty, and Highlands Roofing is willing to extend their labor warranty from 2 years to 4 years. John Welton stated he is unable to verify how old the 30 pound felt is; and Michael Finkbiner stated his concern is the condition of the 30 pound felt after tearing off the roof. Mr. Colodny stated this existing roof is 4 to 6 years old. Mike Finkbiner stated the Rhino product should not be laid over an asphalt product. A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request because an existing layer should not be reused on a new roof, seconded by Steve Horner; the motion carried unanimously.

15. **UNFINISHED BUSINESS**

a) Tabled Items.

A motion was made by Steve Horner to **POSTPONE** the tabled items to the May 3, 2017 Technical Committee meeting, seconded by Michael Finkbiner; the motion carried unanimously.

16. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 10:44 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg