

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

June 19, 2019

10:30 a.m.

MEMBERS PRESENT: Chairman Jim Nakai, Architect
Darin Tiffany, Engineer
Jeffrey Finn, Citizen-At-Large
Edward Pine, Building A, B or C Contractor
Vince Colarelli, Building A or B Contractor

MEMBERS ABSENT:

RBD STAFF PRESENT: Roger Lovell, Regional Building Official
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Ryan Johanson, Director of Finance
Matt Matzen, Permit Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Jim Nakai called the meeting to order at 10:32 a.m.

1. **CONSIDERATION OF THE MAY 15, 2019 BOARD OF REVIEW MINUTES**

A motion was made by Vince Colarelli to **APPROVE** the May 15, 2019 Board of Review Meeting Minutes as written, seconded by Edward Pine; the motion carried unanimously.

2. **CONSIDERATION OF TECHNICAL AND LICENSING COMMITTEES MINUTES**

a) Technical Committee Minutes of June 5, 2019.

A motion was made by Vince Colarelli to **APPROVE** the June 5, 2019 Technical Committee Minutes as written, with the exclusion of Item 5, which is under appeal, seconded by Darin Tiffany; the motion carried unanimously.

b) Licensing Committee Minutes of June 12, 2019.

A motion was made by Edward Pine to **APPROVE** the June 12, 2019 Licensing Committee Minutes as written, seconded by Darin Tiffany; the motion carried unanimously.

3. DECISION APPEALS

- a) 755 West Citadel Drive, Plan C115155 – David Budrow Architects requests a variance to Section 1004.1.2, 2015 International Building Code, to allow the actual occupant load to be used for plumbing fixture count design, where a calculated occupant load per Table 1004.1.2 is required. (Note: This request is not applicable to means of egress design). *This variance was **DENIED** by the Technical Committee on June 5, 2019, because the request is based on financial issues, which cannot be considered by the Technical Committee.*

Roger Lovell read a procedural advisement from the Department's attorney, Jina Koulchitzka, on the record concerning this appeal.

Jay Eenhuis stated administrative approval of a reduced occupant load using the Exception to IBC 1004.1.2 is typically limited to a maximum of 10% reduction by RBD staff, however this variance applicant is requesting a reduction in excess of 50%.

All parties testifying were sworn in.

David Budrow appeared and stated the Technical Committee denied the variance request based on financial issues, and financial issues were not the case. He stated he believes the number of plumbing fixtures required based on the occupant load/square footage is unreasonable. He stated he is requesting a variance based on the actual occupant load, and not the IBC calculated occupant load.

Mr. Budrow stated the Coperni 3 Charter School is being constructed in phases, and the required fixtures are three times as many as what is needed for the actual occupant load. He stated one fixture per 50 occupants is required. He stated, at this time, the building is not intended to be fully occupied; it is anticipated that Phase 2 will be built out next year. Mr. Budrow stated the multipurpose room is part of the occupied space. He stated this charter school does not have locker rooms, gymnasiums, or auditoriums. He stated the multipurpose room will also be the cafeteria.

Mike Miles, CEO, owner and founder of the Coperni 3 Charter School, appeared and stated this is a new public charter school, and the budget is for 300 to 350 students and 25 staff members. He stated he requested that Mr. Budrow design the building for an anticipated 500 students in the future. He stated he has designed and built more classrooms than they currently need and more plumbing fixtures than they currently need. He stated each class size will be approximately 25 students.

Mr. Miles stated the Charter School Institute does not specify the number of students required, but he has budgeted for 300 students and 25 staff members currently. He stated 7th grade students will be added next year; and 8th grade students will be added the following year. He stated each classroom has approximately 800 square feet, which is suitable for 25 students. He stated as more students are enrolled in the school, the Phase 2 will be constructed and additional bathrooms will be added with the second phase.

Jay Eenhuis stated currently the tabular occupant load is 1,773 for Phase 1, and the variance request is to reduce that occupant load to 500, and design the plumbing fixture count based on 500 occupants. He stated based on the restrooms currently shown in the approved plans, the applicant is proposing a total of 10 women's fixtures, 10 men's fixtures, and one unisex restroom. He stated this proposed fixture count can support an occupant load of 1,050 occupants, per Table 2902.1 of the IBC. Mr. Eenhuis asked Mr. Budrow if he would be willing to modify his variance request to allow a reduction from a 1,773 occupant load to 1,050 occupants, in lieu of the original request of a reduction down to 500 occupants, and Mr. Budrow stated that may be feasible.

David Budrow stated he would like to revise his variance request to reduce the design occupant load to 1,050 occupants for the plumbing fixture count only. Mr. Eenhuis stated this variance request is based on Phase 1 only. He stated RBD staff has no opinion on this variance request; the life safety aspect of this design has been satisfied for the 1,773 occupant load and the 1,050 occupant load would apply to plumbing fixture count only.

Mr. Tiffany stated he believes the school is building out adequate bathrooms for the number of currently anticipated occupants. He stated the Technical Committee denied the variance request because it felt the request was based on financial issues. He stated the applicant has shown the Board today that the request is based on an actual occupant load and not an occupant load based on square footage.

A motion was made by Darin Tiffany to **OVERTURN** the decision of the Technical Committee because the information presented to the Board of Review was different than presented to the Technical Committee on June 5, 2019, in that the variance applicant has established that the school will not have more than 1,050 occupants and the proposed plumbing fixtures are adequate for that occupant load; the applicant will also revise the first page of the plan(s) to reflect that the plumbing count will accommodate up to 1,050 occupants, seconded by Edward Pine; the motion **FAILED** 5:0. All Board members opposed the motion.

Vince Colarelli stated this is a traditional school layout, which is following the standards of the IBC for both occupant load count and for fixture count. He stated it is difficult to understand why this school is different and what are the mitigating circumstances that make a variance request within reason. He stated it appears that the school's opportunities for relief are discretionary through an administrative relief from the Department, or through the Board of Review. He stated if through the Board of Review, he is not compelled that this school is different than any other school, and he is not compelled that there are any mitigating strategies with this variance request.

Mr. Miles stated although he is building 25 classrooms, not all of the classrooms will be filled at this time; he stated he is planning for two classrooms per grade. He stated initially the school will have kindergarten through 6th grade in the school. He stated it is much more expensive to add classrooms at a later date, than to build them initially; this was their strategy in building the additional classrooms for occupancy when additional grades were added to the school in the future. Mr. Miles stated a charter school is different from regular schools because it is outsourcing the gymnasium (physical education) and music classes (auditorium). He stated charter schools also have "team center" space wherein during class, part of the students in each class will move out to the team centers.

A motion was made by Vince Colarelli to **OVERTURN** the decision of the Technical Committee and **APPROVE** the requested variance based on an understanding that there is a significant portion of the occupant load that is actually concurrent load in this particular case, and by virtue of considering that this is concurrent load and not additional load, there would be an actual load count for plumbing fixture purposes only that is closer to 1,300 occupants, and the applicant will submit a splice change to the plans to eliminate the restrooms that are currently shown on the approved set, and modify the fixture count on the coversheet to reflect that he is meeting the occupant load of 1,366, seconded by Edward Pine; the motion **FAILED** 4:1. Vince Colarelli, Darin Tiffany, Jim Nakai and Jeff Finn opposed.

Mr. Tiffany stated this motion will cover the school if it fills the 25 classrooms and utilized their space as built with the proposed plumbing fixtures. Jeff Finn stated the applicant did not offer the team center space as part of the initial argument, but it did offer the assembly space that actually functions under the same principal, even though the Code calls it out as a separate use with a separate occupant load; there is an additional 335 occupants load that, in theory, would be the same group of students moving from classroom(s) to team center. Mr. Budrow did confirm that the assembly space is considered the same as the team center space.

A motion was made by Jeff Finn to **OVERTURN** the decision of the Technical Committee and **APPROVE** a modified variance as follows: accept the current fixture count as is, which would equate to 1,050 occupants in total for plumbing fixture count only, and that any addition of useable space in Phase 2 will not be supported by the current plumbing fixture count, seconded by Vince Colarelli, the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business.

5. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:50 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/lfg

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