

# **Pikes Peak Regional Building Department**

2880 International Circle  
Colorado Springs, Colorado 80910

## **TECHNICAL COMMITTEE MINUTES**

June 3, 2020

9:00 a.m.

**MEMBERS PRESENT:** Chair Chris Richardson, Building Contractor A or B  
Vice Chair Steve Horner, Structural Engineer  
Swagata Guha, Architect  
Dan Rial, Mechanical Contractor  
Matt Scheffe, Building Contractor D  
Dale Ryba, Electrical Contractor  
Micah Langness, Master Plumber

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Roger Lovell, Regional Building Official  
Virginia Koulchitzka, Regional Building Attorney  
Jay Eenhuis, Deputy Building Official – Plan Review  
John Welton, Deputy Building Official – Inspections  
Matt Matzen, Permit/Licensing Supervisor  
Linda Gardner, Executive Administrative Assistant

**PROCEEDINGS:**

Chair Chris Richardson called the meeting to order at 9:05 a.m.

The Technical Committee meeting was conducted virtually via a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

The Colorado Open Meetings Law (COML) allows for participation in public meetings to occur electronically, given the definition of "meeting" at 24-6-402(1)(b), C.R.S. A number of municipalities, including the Department, have moved toward including agenda items that allow quasi-judicial hearings in their electronic meetings. Extra care must be taken to ensure: (1) all parties with a legal interest are allowed to speak; (2) a record of the hearing is adequately preserved; and (3) overall, the hearing can be conducted in an orderly manner and in a manner that closely parallels the way the Department would conduct the hearing, receive evidence, debate and vote on the decision, and preserve a record under normal circumstances.

Is there an obligation to allow public participation in electronic meetings? Nothing in the COML itself requires that the public must be allowed to speak at meetings. The purpose of the COML is to allow the public to observe the transaction of public business. The extent to which a public body allows the public to speak is largely governed by local rules of procedure, and customs and practices.

Instructions for conducting the virtual meeting were provided.

1. **CONSIDERATION OF THE MAY 6, 2020 TECHNICAL COMMITTEE MINUTES**

A motion was made by Steve Horner to **APPROVE** the May 6, 2020 Technical Committee Minutes as written, seconded by Swagata Guha; the motion carried unanimously.

2. **CONSENT CALENDAR**

**Consent calendar items will be acted upon as a whole, unless a specific item is called for discussion by a Committee member or a citizen wishing to address the Committee.**

There were no Consent Calendar Variance Requests.

3. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

Jay Eenhuis stated the Colorado Springs Fire Department has notified RBD staff that it takes no exception to any of the variance requests.

**VARIANCE REQUESTS**

*Dale Ryba stated, for information purposes, he does work with the general contractor for Item 4, although he is not working on this project. He stated he will not be making a motion on this project, and does not feel it is necessary to recuse himself. There were no objections from the Applicant, the Committee members or RBD staff.*

4. 402 South Tejon Street, Permit M58938 – Christy Riggs, Architect, requests a variance to Section 505.2.3, 2009 International Energy Conservation Code, to omit the master light switch in sleeping units where at least one is required by Code.

Christy Riggs appeared and stated the Code requires at least one master switch at the entry doors of sleeping units that controls the light fixtures for the entire room, with the exception of the bathroom. She stated she is requesting that this Code requirement be waived as a safety precaution. She stated if a master switch was located at the entry door, the occupant would have to turn the lights out in the room and then navigate his way to the bed in the dark. Ms. Riggs stated this structure is located at Tejon and Costilla Streets, and it is permitted through super structure. She stated it is in the process of review for the tenant finish where this particular section of the Code comes into play. She stated currently all three stair cores are completed through the eighth floor, the bearing walls are completed on the first floor, and they are working on the ducts for the second floor; there are two levels of parking garage below the building.

Ms. Riggs stated she is proposing a 3-way switch at both the entry door and at the beds, so guests can use either one. She stated this will be a dual brand (Element and Springhill) 8-story hotel, which will be very green and sustainable. There will be LED lighting throughout the entire project, which will have a total of 261 rooms. John Welton stated the 2009 IECC is applicable in this case due to the timeframe the plans were submitted to the Department.

Ms. Riggs stated she believes this proposal meets the intent of the Code, as an equally good or better alternative, by making it very simple for the operations staff to turn off the lights to conserve energy when possible, but to also make it very simple for the guest experience. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, because the intent of the Code is being met, and it appears that the International Energy Conservation Code has not evolved with new lighting technology and the low wattage of the LED bulbs, seconded by Dale Ryba; the motion carried unanimously.

5. 13017 Rockbridge Circle, Permit M84004 – Barrett Zehner, Mavericks Construction & Repair, LLC, requests a variance to Section R311.7.5.1, 2015 International Residential Code, to allow a stair riser height of 8” where a maximum of 7¾” is allowed by Code.

Barrett Zehner appeared and stated the previous owner had 8” risers on the stairs to this deck that was built and approved in 2002. He stated the current owner requested that Mavericks Construction & Repair, LLC replace the deck and staircase because the wood was deteriorating, and the plans in RBD’s records for this deck built in 2002 showed 8” risers on the stairs. He stated if he built the stairs to current Code, he would “overshoot” the existing concrete landing. Roger Lovell stated the Code regarding riser height changed in 2005, so the 8” risers were Code compliant when the deck was built in 2002. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing, non-conforming conditions, seconded by Swagata Guha; the motion carried unanimously.

6. 2906 San Luis Drive, Permit M57316 – Michael York, homeowner, requests a variance to Section RBC303.4.52, 2017 Pikes Peak Regional Building Code, to allow interior nonbearing walls on slab to be constructed in a manner not to allow vertical movement “float” of 1½” where required by Code.

Michael York appeared and stated he moved into this house in July 2019, and the basement was finished with the exception of the laundry area. He stated there had been issues with flooding in the basement, so they removed some paneling and drywall and finished the laundry area. He stated the project involved moving the wall back from the family room and installing a header. Mr. York stated there were no floating walls in the entire basement. He stated the wall is perpendicular to the floor joists and sits directly on the concrete; he moved the wall back 3’ and installed a header in the location where the wall was originally installed; and he determined the size of the header himself. He stated the house is 60 years

old and there has not been any movement of the slab. Steve Horner stated his concern is the new wall will act as a load bearing wall, and he would recommend that Mr. York get an engineer's report approving the current construction; or to convert the new wall into a floating wall to prevent any structural issues in the future.

A motion was made by Steve Horner to recommend to the Board of Review **DENIAL** of the variance request due to concern of improper analysis of the loadbearing wall, seconded by Matt Scheffe; the motion carried unanimously. Jina Koulchitzka stated Mr. York has 30 calendar days from the decision of this Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

7. 1640 Bonita Drive, Permit L90993 – Amber Huscher, homeowner, requests a variance to Table R905.1.1(2), 2015 International Residential Code, to allow a single layer of underlayment on a roof pitch of 3:12 where two layers of underlayment are required by Code.

Amber Huscher appeared and stated her home was reroofed twice in 2018, and the second reroof did not pass inspection due to only one layer of underlayment and directional flashing. She said they had the directional flashing repaired. She stated the roof has ice and water shield with the exception of 1.5' from the eave, where there is one layer of synthetic felt. John Welton stated the inspector's notes reflect that the roof has a 3:12 pitch, with synthetic felt. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request because there is one layer of ice and water shield with the last 1.5' at the eave being one layer of synthetic underlayment, seconded by Micah Langness; the motion carried unanimously.

8. 2530 Clarendon Drive, Permit L84744 – Calvin Turner Roofing, LLC requests a variance to Section R905.2.8.5, 2015 International Residential Code, to allow underlayment to be installed over the drip metal on rakes where prohibited by Code.

Dan Comden appeared and stated this reroof was completed in 2018, but Calvin Turner Roofing, LLC was not aware of the Code change implemented on June 1, 2018, prohibiting installation of the underlayment over the drip metal on rakes. He stated this roof has D-Style flashing. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request to allow the underlayment over the D-Style flashing, seconded by Dale Ryba; the motion carried unanimously.

9. 4512 Whirling Oak Way, Permit M02076 – Calvin Turner Roofing, LLC requests a variance to Section R905.2.8.5, 2015 International Residential Code, to allow underlayment to be installed over the drip metal on rakes where prohibited by Code.

A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request to allow the underlayment over the drip edge, seconded by Dale Ryba; the motion carried unanimously.

10. 1430 Brush Oak Drive, Permit L80562 – Calvin Turner Roofing, LLC requests a variance to Section R905.2.8.5, 2015 International Residential Code, to allow underlayment to be installed over the drip metal on rakes where prohibited by Code.

John Welton asked Mr. Comden how many more variances of this nature does he anticipate bringing before the Committee, and Mr. Comden stated he may be applying for two more variances for this Code item. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request to allow the underlayment over the D-Style flashing, seconded by Dale Ryba; the motion carried unanimously.

Jina Koulchitzka stated the Department has authority, pursuant to Section RBC103.12 of the Pikes Peak Regional Building Code (the “Code”), to issue administrative fines; the Department retains such right, and a fine may be imposed for the Code violation(s) of record notwithstanding the variance(s), even if granted.

11. **UNFINISHED BUSINESS**

There was no unfinished business.

12. **NEW BUSINESS**

There was no new business.

The meeting adjourned at 10:25 a.m.

Respectfully submitted,



Roger N. Lovell  
Regional Building Official  
RNL/llg

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Accommodations for the hearing impaired can be made upon request with forty-eight (48) hours' notice. Please call (719) 327-2989.

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