

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

June 2, 2021

9:00 a.m.

MEMBERS PRESENT: Chair Micah Langness, Master Plumber
Vice Chair Matt Scheffe, Building Contractor D
Andrew Baturevich, Structural Engineer
Philip Lasarre, Building A or B Contractor
Jason Leimkuhl, Mechanical Contractor
Dale Ryba, Electrical Contractor

MEMBERS ABSENT: Swagata Guha, Architect

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 Micah Langness called the meeting to order at 9:01 a.m.

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

Instructions on conducting the virtual meeting were provided.

Chair Langness stated CSFD has notified the Department staff that it takes no exception with the variance requests before the Committee today.

1. **CONSIDERATION OF THE MAY 5, 2021 TECHNICAL COMMITTEE MINUTES**

Philip Lasarre abstained from voting on Item 1; he stated he was not in attendance during the May 5, 2021 Technical Committee meeting.

A motion was made by Dale Ryba to **APPROVE** the May 5, 2021 Technical Committee Minutes as written, with the exception of a correction noted by Chair Langness, i.e., page 2, Item 4, 4th sentence should state John Rezsonya in lieu of John Welton, seconded by Jason Leimkuhl; 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.

Matt Scheffe recused himself from Item 2.a.; he stated he has an active working relationship with Classic Homes.

- a) 16204 Morning Rise Lane, Permit N24045 - James Boulton, Classic Homes, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation where required per Code.

A motion was made by Jason Leimkuhl to **APPROVE** the Consent Calendar variance request, seconded by Philip Lasarre; the motion carried unanimously.

3. ITEMS CALLED OFF CONSENT CALENDAR

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

4. 111 West Cimarron Street, Permit M70956 – Tim Redfern, G. E. Johnson Construction Company, Inc., requests a variance to Section 1210.2.2, 2015 International Building Code, to allow high performance epoxy paint over 5/8 inch Type X mold/moisture resistant gypsum board as a smooth, hard, non-absorbent surface, where prohibited.

Brian Tominov, G. E. Johnson, and Chuck Wittleder, Architect, appeared. Mr. Wittleder stated his request is to have the “in place” construction materials in the restrooms approved as a variance to the interpretation of Section 1210.2.2, 2015 International Building Code (IBC) per the Pikes Peak Regional Building Department. He stated this issue was not brought to their attention during the plan review process; they proceeded into construction with the materials noted in their construction documents. Mr. Wittleder stated all of the restrooms have a sealed concrete floor, a perimeter 6” tile base, mold and water resistant gypsum board with a high performance epoxy paint on the back walls of the wet walls. He stated it was only noted to them 15 days before the TCO that the Department does not consider the epoxy paint on drywall to be an acceptable durable nonabsorbent material per its interpretation of Section 1210.2.2, 2015 IBC.

Jay Eenhuis stated there are select building departments throughout the country that accept this material as a smooth, hard, non-absorbent surface; there are other building departments, including PPRBD, that do not. He stated the Code section does not specifically say that it is allowed, nor does it say that it is disallowed. Mr. Eenhuis stated Section 1210.2.2 states: Walls and partitions within 2’ of service sinks, urinals, and water closets shall have a smooth, hard, non-absorbent surface to a height of not less than 4’

above the floor, and except for structural elements, the materials used in such walls shall be of the type that is not adversely affected by moisture. He stated there are two exceptions; however, neither apply in this case. Accessories such as grab bars, towel bars, paper dispensers and soap dishes provided on or within walls shall be installed and sealed to protect structural elements from moisture. Mr. Eenhuis stated the commentary to this section provides additional information and states the walls and partitions near urinals and water closets must have the surface specified in this section since they are subject to moisture. Exception 1 recognizes water closet facilities in dwelling units and sleeping units; exception 2 acknowledges that toilet fixtures that do not serve the public are also subject to less use. He stated it could be argued that this is not a life safety issue, but more of a facility maintenance issue.

Mr. Eenhuis stated based on inspection history, this particular issue is the remaining element that was deemed non-compliant by inspectors. He stated the issue with epoxy paint is that it is interpreted to not meet the hardness requirement of that section of the Code. Acceptable options would be FRP or a tile surface. Mr. Eenhuis stated the Department's concern would be damage to the paint and drywall, thus allowing moisture to penetrate the assembly.

Mr. Wittleder stated the main concern with durability is the action of a mop going into the wall and damaging the drywall. He stated with the 6" tile base, mop action should never come in contact with the drywall. He stated the letter from the property owner indicates that the property owner is committed to maintaining these restrooms; if they are damaged, that damage would be repaired in a timely manner. Mr. Eenhuis stated the subject restrooms are the main public restrooms at the soccer stadium.

Jina Koulchitzka gave a brief summary of Section RBC111.2.3, Pikes Peak Regional Building Code, regarding the interpretation of Code. (1) the true intent of the applicable Code has been incorrectly interpreted; (2) the provisions of the applicable Code do not fully apply; or (3) an equally good or better form of construction is proposed. Mr. Wittleder stated he would argue that the construction that has been implemented is equal to and meets the intent of the IBC Code. Ms. Koulchitzka further stated Section RBC106.3 of the Pikes Peak Regional Building Code, as amended, speaks to approval of documents: "Construction documents complying with the provisions of this Code and approved by the Building Official shall bear the Building Department stamp of approval on each page thereof, and each set of specifications. Approval of construction documents shall not be construed to mean approval of any violation of this Code or any other Code if a violation is included in the approved drawing and specifications, and shall not relieve or exonerate any person or entity from the responsibility of complying with the provisions of this Code or any other Code."

Philip Lasarre stated he believes the custodians could be mopping the walls next to the urinals and they could easily scratch the wall surfaces. Over the course of a year or so, the walls could deteriorate and moisture could penetrate the wall surface. Upon questioning by Jason Leimkuhl, Mr. Eenhuis confirmed that this issue was not noted during plan

review. A motion was made by Dale Ryba to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Andrew Baturevich; the motion carried unanimously.

5. 4561 Desert Varnish Drive, Permit N45186 – Michael Brautigan, Charlie’s Heating & Cooling, requests a variance to Section G2415.12.1, 2015 International Residential Code, to allow a burial depth of an individual line of less than 8”, where an 8” minimum depth is required per Code.

Michael Brautigan appeared and stated the homeowner did a renovation and wanted to install a fire pit in his backyard. He put a 3” PVC pipe under a poured concrete patio as a preliminary highway for a gas pipe under the patio. The homeowner was unaware of the burial duct requirements. He stated he was brought onto the project after the fact and realized that the piping is 2” to 3” below finished grade after the backfill and sod is completed. He stated they installed underground polyurethane piping to a sprinkler box and continued to do PVC piping into that sprinkler box. Towards the final installation, the homeowner placed a 4” x 16” concrete piece underneath that PVC. Mr. Brautigan stated the variance request is that the minimum burial depth of 8” be waived to allow for less than 8” in this situation. He stated the PVC around CSST provides adequate protection, as well as the concrete piece underneath that PVC providing additional protection. He stated there is a 14” space between the sprinkler box and the patio, which the homeowner intends to grade and install sod. It is not a high traffic area, and it is protected from damage. Mr. Brautigan stated the patio is approximately 14’ in diameter and the fire pit will be located in the center of the patio.

John Welton stated everything from the house to the sprinkler box has been inspected and does meet proper burial depth. This variance is only for the area from the sprinkler box into the center of the new patio where the new fire pit will be located. He stated the Code requirement for a gas line serving a single appliance is a minimum burial depth of 8”. Mr. Brautigan stated they are missing the Code requirement by approximately 4”. Upon questioning by Jason Leimkuhl, Mr. Brautigan stated the homeowners plan to put small river rock stones around the sprinkler box and up to the patio slab.

A motion was made by Philip Lasarre to recommend to the Board of Review **DENIAL** of the variance request because the gas pipe was not installed at the correct depth initially, seconded by Jason Leimkuhl; the motion carried unanimously. Matt Scheffe stated the Licensing Committee cannot take costs to bring an issue up to Code into consideration.

Jina Koulchitzka gave a brief summary of Section RBC111.2.3, Pikes Peak Regional Building Code, regarding the interpretation of Code. (1) the true intent of the applicable Code has been incorrectly interpreted; (2) the provisions of the applicable Code do not fully apply; or (3) an equally good or better form of construction is proposed. She stated based on the recommendation of the Technical Committee, none of these three conditions has been found to exist. Ms. Koulchitzka stated the applicant 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.

6. 2105 South El Paso Avenue, Permit M45309 – Gary Haney, A Bestview Windows & Siding, requests a variance to Section R703.11.1, 2015 International Residential Code, to allow seams and/or overlap of vinyl siding, as installed, not in accordance with manufacturer’s specifications. *This variance was approved during the April 7, 2021 Technical Committee meeting with the condition that Mr. Haney submit a letter from the manufacturer supporting its warranty of the siding even though not installed per its specifications, and a letter from the homeowner accepting the current construction even though the siding was not installed per the manufacturer’s specifications. Mr. Haney has notified RBD staff that the manufacturer will not issue said letter.*

Gary Haney appeared and stated he appeared during the April 7, 2021 Technical Committee meeting, and the Committee approved this variance contingent upon the submission of a letter from the siding manufacturer confirming their warranty even though the siding was not installed per its specifications. He stated the manufacturer is not willing to issue said letter. He stated he is not able to correct this Code violation because the siding has been discontinued. Mr. Haney gave a brief summary of his siding installation procedure, and stated it is cosmetic only; there are no structural elements involved. He stated he has submitted a letter from the homeowner accepting the current construction even though the siding was not installed per the manufacturer’s specifications, as well as his extended warranty to the homeowner for materials and labor. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dale Ryba; the motion carried unanimously.

7. 1550 Planewood Drive, Permit M34182 - Gary Haney, A Bestview Windows & Siding, requests a variance to Section R703.11.1, 2015 International Residential Code, to allow seams and/or overlap of vinyl siding, as installed, not in accordance with manufacturer’s specifications.

Mr. Haney stated this is the same issue as set forth in Item 6. He stated he has submitted a letter from the homeowner accepting the current construction even though the siding was not installed per the manufacturer’s specification, as well as his extended warranty to the homeowner for materials and labor. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dale Ryba; the motion carried unanimously.

8. 7580 Cabin Ridge Drive, Permit M52390 – Gary Haney, A Bestview Windows & Siding, requests a variance to Section R703.11.1, 2015 International Residential Code, to allow seams and/or overlap of vinyl siding, as installed, not in accordance with manufacturer’s specifications.

Mr. Haney stated this is the same issue as set forth in Item 6. He stated he has submitted a letter from the homeowner accepting the current construction even though the siding was not installed per the manufacturer’s specification, as well as his extended warranty to the

homeowner for materials and labor. A motion was made by Matt Scheffe to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dale Ryba; the motion carried unanimously.

9. 8445 Pepperridge Drive – Benjamin Wilder, Homefix, requests a variance to Section R310.2.3, 2015 International Residential Code, prior to plan submittal, to allow the horizontal area of the window well to be approximately 8 square feet, where not less than 9 square feet is required per Code.

Benjamin Wilder appeared and stated this project is a basement finish and the subject window is a window in a bedroom. There is a considerable overhang from the chimney that covers a large portion of the window well area. He stated he is unable to move the window to the side because it is in the corner of the house. He stated there is another window in the basement with a Code compliant egress window. Jay Eenhuis stated the window well has the Code compliant width of 36”, but the depth of that window well is 32”, where 36” is required per Code. He stated 9 square feet is the Code requirement, and this window well has 8 square feet. He stated this house was built prior to 2000, so the depth of the window well is Code compliant; but the horizontal area of the window is not Code compliant. Mr. Eenhuis stated CSFD took no exception to any of the variances on the agenda for this meeting.

Upon questioning by the Committee members, Mr. Wilder stated his only option to correct this issue is to move the A/C unit and enlarge the window well. John Welton stated the horizontal projection of this window well is existing nonconforming; however, with the fact that the Department is permitting the basement and a bedroom will be added, the egress is required to be Code compliant. Jina Koulchitzka gave a brief summary of Section RBC111.2.3, Pikes Peak Regional Building Code, regarding the interpretation of Code. (1) the true intent of the applicable Code has been incorrectly interpreted; (2) the provisions of the applicable Code do not fully apply; or (3) an equally good or better form of construction is proposed. Mr. Wilder stated he believes this issue would fall under Item 2: the provisions of the applicable Code do not fully apply because this window well was Code compliant when the house was built. He stated he is willing to correct the window well, but he is concerned the overhang will be an issue in the Department’s opinion.

A motion was made by Jason Leimkuhl to recommend to the Board of Review **DENIAL** of the variance request because the contractor does have the option to bring the issue up to Code, seconded by Matt Scheffe; the motion carried unanimously. Ms. Koulchitzka stated the applicant 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.

10. **UNFINISHED BUSINESS**

There was no Unfinished Business.

11. **NEW BUSINESS**

Roger Lovell stated commencing with the July 7, 2021 Technical Committee, the meetings will be hybrid meetings; Committee members will have the option to appear in person or participate in the meeting virtually.

The meeting adjourned at 10:44 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/lfg

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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