

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

September 7, 2022

9:00 a.m.

MEMBERS PRESENT: Chair Micah Langness, Master Plumber
Philip Lasarre, Building A or B Contractor
Jason Leimkuhl, Mechanical Contractor
Michael Finkbiner, Building Contractor C or D
Thomas Lysne, Architect
Brian Braaten, Electrical Contractor
Andrew Baturevich, Structural Engineer

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chair Micah Langness called the meeting to order at 9:00 a.m.

The meeting was conducted in a hybrid form, allowing Committee members, Department staff, and the public to attend in person at the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs, Colorado 80910, Hearing Room on the Upper Level, or virtually via Microsoft Teams live events, as accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

Colorado Springs Fire Department ("CSFD") took no exception to the variance requests on the Agenda.

1. **CONSIDERATION OF THE AUGUST 3, 2022 TECHNICAL COMMITTEE MINUTES**

A motion was made by Jason Leimkuhl to **APPROVE** the August 3, 2022 Technical Committee Minutes as written, seconded by Brian Braaten; 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.

- a) 1260 Peterson Road, Plan R166619 – Eric Payne, Payneless Roofing & Construction, LLC, requests a variance to Section R310.2.2, 2015 International Residential Code, to allow a window sill height of 46³/₄”, where a maximum of 44” is allowed for an emergency escape and rescue opening.
- b) 19633 Lindenmere Drive – David Baer, homeowner, requests a variance, prior to permit, to Section R402.2.10, 2015 International Energy Conservation Code, to allow slab insulation to be omitted within a conditioned garage/shop, where required by Code.

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

3. ITEMS CALLED OFF CONSENT CALENDAR

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

Andrew Baturevich recused himself from Item 4 because his office is involved with this project; a quorum was maintained.

4. 4003 North Weber Street – Mike Riggs, RTA Architects, requests a variance, prior to plan submittal, to Section 1004.1.2, 2015 International Building Code, for plumbing fixture count purposes only, to allow an actual occupant load to be used in lieu of the calculated occupant load per Table 1004.1.2.

Mike Riggs appeared and stated this project is the SMACNA Colorado Springs Training Center (SMACNA). They recently purchased this building which was previously a sports arena complex, which was an “A” occupancy. SMACNA is moving into it to train tradesmen in the profession of sheet metal, air conditioning, heating, and ventilation elements. They operate a lot of fabrication equipment; they do have some classroom activities. The occupant load based on square footage is much larger than what the actual occupant load would be. The request is to be able to use a stipulated design occupant load in lieu of the calculated occupant load solely for calculating required plumbing fixtures. The calculated occupant load would be used for all fire egress elements, to include hallways, doorways, stairway widths, etc. If they were to use the calculated occupant load, there would be over twice as many fixtures as what would normally be required under the typical use of this space. There is a total student load currently of 80 to 100 students. They do hope this program will grow in the future to 100 to 140 students.

Mr. Riggs stated the project has two phases. The current space has three fixtures for females and four fixtures for males in that space. Based on the design occupant load request, they would like the current fixtures to satisfy the fixture requirements for the space.

Jay Eenhuis stated Phase 1 has a calculated occupant load of 264 occupants and the actual occupant load request is for 200 occupants. When Phase 2 is commenced, the calculated load would be 528, and the actual occupant load would still be 200. Mr. Riggs stated he did not assign a specific number to Phase 1 because the Phase 2 total is the more important cap based on the maximized use of the building. Jay Eenhuis stated since this variance does not include Phase 2 at this point, RBD staff would take no exception to the reduction from the calculated load of 264 and reducing it to 200 occupants for plumbing fixture count only, but with the additional 240 occupants to reach a maximum of 528 for Phase 2, RBD staff would like to revisit this issue under the new plans submittal and new permit for that expansion. Upon questioning by the Committee members, Mr. Riggs stated this project will be a "B" occupancy for a school. He stated to be Code compliant in Phase 1, they would be required to add another female fixture, and due to space limitations, it would be very difficult. He stated currently both of the restrooms are ADA compliant, and there will be a wheelchair lift to the second level in Phase 2.

Mr. Eenhuis stated Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, as amended (PPRBD), allows the Board of Review to grant minor variances, provided at least one of the following conditions exists: (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. Riggs stated his variance does not fall within any of the items noted. He is requesting the variance based on the design occupant load exception in Section 1001.2. Mr. Eenhuis stated this would fall under Item 2, simply because the use of the space that is being proposed does not fall directly in line with the plumbing fixture count table; therefore, utilizing the exception in Section 1001.4, 2015 IBC.

A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request for Phase 1 design only with the occupant load calculation of 264 to be reduced to 200 occupants for the plumbing fixture calculations only, seconded by Michael Finkbiner; the motion carried unanimously.

5. 10970 Grassland Road, Permit N85189 – Randy Reid, Blue Ridge Contractors, Inc., requests a variance to Section R406.1, 2015 International Residential Code, to omit damp proofing where required by Code.

Randy Reid appeared and stated he and his employees inadvertently omitted the damp proofing on this project because he was not aware that it was required per Code. He stated it was noted during the inspection. The homeowners do not wish to correct the issue due to the additional expense. The project has now been backfilled and a concrete pad has been poured on the south side of the structure; the structure is on a slope. Mr. Reid stated he submitted RMG Engineers' Open Excavation Observation – Addition letter. He stated the new addition is on a crawlspace. Virginia Koulchitzka stated this letter states that the current construction is not in accordance with Code. Mr. Reid stated it is his understanding from his engineer that the damp proofing is recommended, but it is not required. Andrew

Baturevich stated as far as the foundation engineering is concerned, the damp proofing would not effect that unless the rebar is close enough to the edge of the concrete and water getting in would corrode that. He stated a typical residential foundation has an 8” wall and the bar is in the middle; from an engineering standpoint, he would not think this would be an issue. John Welton stated this letter was presented to the Department’s inspection staff, but was not accepted by the inspection staff because “you cannot engineer away the Code”. In this particular case, whether it is RMG or another engineer, they are going to be silent on the damp proofing because it is covered as a Code requirement. In this case, since it is a crawlspace, it does not meet the criteria to be fully water proofed. It does fall under the requirement to be damp proofed.

Ms. Koulchitzka read Section RBC111.2.3, PPRBD, regarding Interpretation of the Code and asked Mr. Reid which item would pertain to his variance request: (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. Reid stated none of the items pertain to his variance request. He stated a sump pump could easily be added to the crawl space to take care of nuisance water. He stated the project is complete, with the exception of this variance request.

Mr. Welton produced the foundation design that was submitted with the plan; the foundation design was silent on the damp proofing, which would be expected since it is a Code requirement. From the drain perspective, the original design was also silent on the design of the drain, which prompted the inspection staff to request clarification on that issue. A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of the variance request because there are options available to bring the issue up to Code, seconded by Jason Leimkuhl; the motion carried unanimously.

Ms. Koulchitzka advised Mr. Reid of his appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

Break from 9:50 a.m. to 10:01 a.m.

6. 1260 Peterson Road, Plan R166619 – Eric Payne, Payneless Roofing & Construction, LLC, requests variances to:
 - a) Section R310.2.1, 2015 International Residential Code, to allow existing window with 14” clear width and 3.25 square feet of clear opening as an emergency escape and rescue opening, where prohibited by Code;
 - b) Section R310.2.3, 2015 International Residential Code, to allow an egress window well with a horizontal projection of 13”, where a minimum horizontal projection of 36” is required for an emergency escape and rescue opening.

Eric Payne stated there is an existing non-conforming room in the basement of this home; it does not have a closet or a Code compliant egress window. He plans to create a bedroom closet which has a window, with a clear width of 14” and 3.25 square feet of clear opening space. John Welton stated the Code does not require an emergency egress out of a closet window; it does require emergency egress out of the bedroom. Mr. Payne stated there is a cantilever over the bedroom window that prohibits egress from that window. Mr. Welton stated in the existing non-conforming design of the basement, the bedroom would not have been classified as a bedroom because it did not have a closet. It appears that an interior wall is being added to create a large closet, now turning the existing room into a bedroom. He stated based on how this variance is submitted, we would first need to change this variance request to allow the use of an emergency escape and rescue opening in a room adjoining the bedroom in lieu of the opening in the bedroom or we would need to address the window that is truly the emergency escape and rescue opening in what will be a bedroom. Based on the dimensions of the closet window, RBD staff would take exception to those dimensions.

There is some flexibility because there is an amendment in the Pikes Peak Regional Building Code for houses issued a building permit prior to August 1, 2011 to allow a clear opening of 4.5 square feet in lieu of the 5.7 square feet that is required per Code of opening area. A reroof permit was issued in 1993 on this house, so this house would qualify for that reduction; however, there is no amendment for the reduced width down to a 14” net opening, where 20” is required per Code. A 13” deep window well is problematic from a life safety issue. Mr. Payne stated he has not obtained a permit on this project yet; this would be his first permit obtained under his new license. He stated the homeowners are not financially able to cut in a new Code compliant window in this bedroom.

A motion was made by Michael Finkbiner to recommend to the Board of Review **DENIAL** of both Items 6a and b, seconded by Brian Braaten; the motion carried unanimously. Ms. Koulchitzka advised Mr. Payne of his appeal rights: 30 calendar days from the decision of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

7. **UNFINISHED BUSINESS**

There was no Unfinished Business.

8. **NEW BUSINESS**

There was no New Business.

Pikes Peak Regional Building Department
Technical Committee Meeting Minutes
September 7, 2022
Page 6

The meeting adjourned at 10:22 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/llg

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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