

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BUILDING COMMITTEE MINUTES

August 1, 2012

9:00 a.m.

MEMBERS PRESENT: Mr. Todd Anderson
Mr. J. B. Johnson
Mr. Thomas McDonald
Mr. John Clarke
Mr. Vince Colarelli
Mr. Richard Gillit

MEMBERS ABSENT: Mr. Chad Holladay

OTHERS PRESENT: Mr. Henry Yankowski, Regional Building Official
Mr. Roger Lovell, Deputy Building Official/Construction
Mr. Jay Eenhuis, Chief Plans Examiner
Mr. Todd Welch, Regional Building Counsel
Mr. Blake Nunnelle, Commercial Building Inspector
Mrs. Pattie Benger, Contractor Licensing
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Todd Anderson called the meeting to order at 9:01 a.m.

Roger Lovell stated Henry Yankowski has made some staff changes due to the Waldo Canyon fire, i.e., Jim Pepper is now the Deputy Building Official/Construction and will be in the satellite office at 1472 West Garden of the Gods Road, which has been set up to help the fire victims, and Mr. Lovell is now Deputy Building Official/Construction assisting the public here at the main office, and Jay Eenhuis is now the Chief Plans Examiner.

1. CONSIDERATION OF JULY 3, 2012 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the July 3, 2012 Building Committee Minutes as written, seconded by John Clark; the motion carried unanimously.

2. COMPLAINTS

- a) A complaint has been brought against Darrald Barajas, licensee for Grand View Deck and Patio by Margot Damowski for performing work at 603 Sequoia Drive, Colorado Springs, CO 80910 without obtaining the required permit in violation of Section RBC105.1, 2011 Pikes Peak Regional Building Code.

Terry Brunette appeared, was sworn in, and stated the details of the Complaint. Darrald Barajas appeared, was sworn in, and stated most of the work done for Ms. Damowski did not require a permit. He was later told that a permit was required by the inspector. He said he made a mistake by attaching the shed to the house. Mr. Barajas stated he hired a subcontractor to do the work for him but the subcontractor, unbeknownst to him, was not qualified to do this type of work, and the work was not completed properly. He stated he realizes as the general contractor he is responsible for supervising the project. He stated he ran into one problem after another with this project and he understands why the homeowner has made this complaint. Mr. Barajas stated he learned a lot from this project, and he would like to continue doing work in El Paso County. He stated he loss \$6,000 on this project, and he is not requesting payment for these costs. He stated he was released from the project and a qualified contractor has completed the project. Mr. Barajas stated he has a "C" License in the Denver metro area.

Margot Damowski appeared, was sworn in, and stated she initially called Home Depot to have a fence installed, which was completed satisfactorily. She said then she had the driveway redone by Mr. Barajas, which did have minor problems. She then requested that Mr. Barajas reroof and reside their house. Ms. Damowski said there were major problems with the installation of the siding. She stated as the work was progressing she discovered that a permit had not been pulled for the work. She said within five or six days of the bricks being installed, the bricks started "popping" off. Ms. Damowski said she asked Mr. Barajas if he pulled permits, and he stated that he had, when in fact the permits had not been pulled. She said then Mr. Barajas hired a painter to correct the siding, and the painter had no idea how to correct this siding project. She said she called Home Depot to complain and Home Depot hired contractors to repair her home, and it is now complete.

Mr. Barajas stated he realizes this entire project was a major error on his part. He stated he has hired a production manager to help him manage his projects so this does not happen again. He stated he feels horrible about how this entire project progressed, and the stress he caused the homeowners. He stated he is no longer a contractor for Home Depot because of this project.

A motion was made by Tom McDonald to recommend to the Board of Review **REVOCAION** of Darrald Barajas' "C" License because Mr. Barajas does not have adequate experience for a "C" License, seconded by Richard Gillit; the motion carried unanimously.

3. **CONSENT LICENSE REQUESTS**

Building Contractor A-1 (General)

HITT CONTRACTING INC. – KEVIN OTT
ROYAL SEAL CONSTRUCTION, INC. – SCOTT COLLEY (CO. CHANGES EXAMINEE)

Building Contractor A-2 (General Limited)

FINE CONSTRUCTION – ROBERT FINE

Building Contractor B-1 (General Limited)

ACC HOME IMPROVEMENT – DONALD JOHNSON (EXAMINEE CHANGES CO.)
ASSOCIA CONSTRUCTION MANAGEMENT – AMY HALL
COLORADO STEEL SYSTEMS, INC DBA CSC CONTRACTORS – DANIEL MYERS (REINSTATEMENT)
ELWOOD CONTRACTING SERVICES LLC – JASON ELWOOD (REINSTATEMENT)
STINK INC – CRAIG CAMPBELL
WATERMARK RESTORATION – SHANE MCMILLAN

Building Contractor C (Homebuilder)

ALPINE CONSTRUCTION SERVICES LLC – MICKEY PHELPS
CLIFTON HOMES, INC – ANDREW CORNELLA
ELLIS CONSTRUCTION – HARDEN ELLIS (UPGRADE & LIMITED)
HI-POINT HOME BUILDERS – WAYNE INTERMILL (EXAMINEE CHANGES CO.)
IDEAL BUILDERS – MARK PALMER
OAKWOOD HOMES, LLC – CHRIS AMAYA (ADDITIONAL BACKUP EXAMINEE)
ROBERT ADAMSON CONSTRUCTION – ROBERT ADAMSON
TELLURIDE CUSTOM HOMES – NATHAN PETERS

Building Contractor D-1 (Roofing)

ABOVE THE REST ROOFING – CLYDE WILLIS JR.
ALL ASPECTS PAINTING & CONTRACTING – RICHARD MILLER
ALPHA CONSTRUCTION – PATRICK KOONCE
C & H GROUP, INC., DBA INSURANCE ROOFERS – RYAN CLEVERLEY
COMBAT VETERANS ROOFING – MATTHEW STAGER
INTEGROUS ROOFING & RESTORATION INC – KEITH JACOB
KEENE ROOFING – ROY KEENE

KINGDOM CONTRACTING – JOEL HEARD (EXAMINEE CHANGES CO.)
OLDHAM CONSTRUCTION – DALE OLDHAM
RTP ROOFING COMPANY – RAY PHILLIPS
TIP TOP CONSTRUCTION – CAMERON KELLOGG (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Retaining Walls)

BEAR RETAINING WALLS INC. – JAY ARZOOYAN

Building Contractor D-1 (Siding)

AVALANCHE ROOFING & EXTERIORS – JESSE RUSSOW (ADDITIONAL LICENSE)
D & D CUSTOM HOME REMODELING – DANIEL CLARK (ADDITIONAL LICENSE)

Building Contractor D-1 (Stucco)

COLORADO STATE PLASTERING – ROBERT BOBO (EXAMINEE CHANGES CO.)

Building Contractor D-1 (Woodstove)

CLEAN SWEEP CHIMNEY SWEEPS DBA ASPEN STOVE & FIREPLACE – JUSTIN
DRAPEAU

Building Contractor D-2A (Wrecking)

FRONT RANGE DEMOLITION – DAVID JARA

Building Contractor D-3B (Wrecking Limited)

PRO-EX CONTRACTORS, INC. – LACY FUCHS

Building Contractor E (Remodeling/Maintenance)

A-ACUMEN ENVIRONMENTAL – KERRI VALDEZ
DIAMOND POINT CONSTRUCTION LLC – ALBERT OHMER II
PIKES PEAK INSPECTION LLC – JOSEPH OETKEN

Building Contractor F-1 (Solar)

ENDURABLE ENERGY, LLC – GERALD ASHBY
MCDONALD SOLAR & WIND INC – JOHN MCDONALD

A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the Consent License Requests, with the withdrawal of Abelard Colorado, LLC – Brian Southard for a Building Contractor D-1 (Siding) License, seconded by John Clarke; the motion carried unanimously.

LICENSE REQUESTS CONSIDERED INDIVIDUALLY

Building Contractor A-1 (General)

KIMBER CONSTRUCTION, LLC – GEORGE EMERY (UPGRADE)*

George Emery appeared and stated he currently has a “B-1” License and he would like to upgrade to an “A-1” License. He stated he has been working in construction for 12 years. He stated he was the licensee for Melody Homes and he has built a large number of homes from the ground up. He stated he built a church in Colby, Kansas, and a Bird Dog BBQ Restaurant. He stated he is requesting this license to assist with the rebuilding on the Flying W Ranch. Vince Colarelli stated he does not feel Mr. Emery has adequate experience for an “A-1” License. A motion was made by Vince Colarelli to recommend to the Board of Review **DENIAL** of the “A-1” (General) License due to Mr. Emery’s lack of “A-1” experience, seconded by John Clarke; the motion carried unanimously.

Building Contractor C (Homebuilder)

LPC CONTRACTORS, LLC – LEO COLLINS (EXAMINEE CHANGES CO.)*

Leo Collins appeared and stated he was the licensee for Heritage Homes, d/b/a Today’s Homes, which is now in Receivership, so he does not have any control over the outstanding permits for Today’s Homes. He stated he has a Letter of Indemnification releasing him from all responsibility of Today’s Homes. Todd Welch stated because Today’s Homes is in Receivership, he does not feel there is any problem in letting Mr. Collins move on by moving his license to a new company. Mr. Collins stated his short term plans are to do some basement finishes and additions, and possibly a new residence. Bob Croft stated the Receiver for Today’s Homes met with him a short time ago to determine what permits were still outstanding and what permits could possibly be completed. He said they did discuss transferring the outstanding permits to a new contractor to finish the permits, or possibly forming a new company in partnership with Mr. Collins to complete the permits. He said the permits that are an issue due to height issues have been locked. Mr. Welch stated the

Receiver represents the Bank and the Bank has a large loan on this project, so the Receiver will have to find a contractor to complete the permits. Jim Vernon stated under RBC201.9 Continuation of Business Re-examination, 2011 Pikes Peak Regional Building Code, that because Mr. Collins has been terminated from Today's Homes, he is no longer responsible for those permits. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of a "C" (Homebuilder) License and Mr. Collins is not held responsible for the existing permits now under his license, seconded by Tom McDonald; the motion carried unanimously.

Building Contractor D-1 (Roofing)

ABELARD COLORADO, LLC – BRIAN SOUTHARD*

*This license request has been **WITHDRAWN**.*

* Appearance required at the Building Committee meeting.

4. **CONSENT CALENDAR**

- a) 7355 Dobbs Drive, Permit I24690 – Construction Pros 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.
- b) 8473 Meadowcrest Drive, Permit I28433 – Jeff Evans, Powerhouse Construction, 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) 5912 Mapleton Drive, Permit I17572 – Scott Building, Inc. 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.
- d) 5782 Vermillion Bluffs Drive, Permit I24750 – Quinn White, 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) 4450 Beaumont Road, Permit I21244 – Chris Westerman, Action Team Realty, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 50” windowsill height in existing conditions where a maximum of 44” is allowed, with the stipulation that a step is permanently installed under the windowsill with a 6” rise and minimum of 11½” tread, and the full width of the window opening.
- f) 2631 Tristins Grove – Thomas Thompson, Colorado Sunroom and Window, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 48” windowsill height in existing conditions where a maximum of 44” is allowed, with the stipulation that a step is permanently installed under the windowsill with a 6” rise and minimum of 11½” tread, and the full width of the window opening.
- g) 4009 Goldenrod Drive, Permit I16273 – Dabill Construction requests a variance to Section R310.1, 2009 International Residential Code, to allow a 46” windowsill height in existing conditions where a maximum of 44” is allowed.
- h) 115 North 31st Street, Permit I27625 – Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.
- i) 6748 Lyndhurst Drive, Permit H24761 – Ron Sheets, Basements, Etc., LLC, requests a variance to Section RBC303.4.10, Exception 2, 2005 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.
- j) 624 Crown Ridge Drive, Permit I32574 – Peak Basement Systems requests a variance to allow the FSI Push Pier Foundation System to be installed as an alternate method of construction per Section RBC104.7, 2011 Pikes Peak Regional Building Code, where prohibited, with the stipulation that shop drawings approved by a Colorado engineer are approved by RBD for this address.

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests, seconded by John Clarke; the motion carried unanimously. John Clarke stated the variance for the FSI Push Pier Foundation System has been going through this process for quite some time, and it was supposed to be a temporary consent calendar variance request until the ES Report was available. Roger Lovell stated this is a nationwide problem. He said Mr. Sutton with Peak Basement Systems would like a blanket variance for the FSI Push Pier Foundation Systems, in lieu of the ES Report. The Committee members requested that RBD have Paul Sutton with Peak Basement Systems appear at the September 5th Building

Committee meeting to give an update on the ES Report for the FSI Push Pier Foundation System.

VARIANCE REQUESTS

5. 228 North Cascade Avenue – Joel Cox, Art C. Klein Construction, requests a variance to Section 605.1.10, 2009 International Existing Building Code, to allow a family toilet facility in lieu of all toilet rooms having an accessible toilet compartment.

Joel Cox appeared and stated this variance is to allow for the unisex restroom on the first floor to serve as the accessible restroom for the entire building, and to not require a unisex restroom on each floor or an accessible toilet compartment in each restroom. He said this remodel is just for the restroom. He stated they would like to increase the water closets for women on each floor. He stated there is an elevator in this building. Jay Eenhuis stated RBD staff does not oppose this variance request. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request because it is an existing nonconforming facility and they are improving the current situation, seconded by Richard Gillit; the motion carried unanimously.

6. 2723 East Las Vegas Street, Permit I06727 – Nathan Derwick, The Copestone Company, requests a variance to Section 1008.1.9.7, 2009 International Building Code, to allow a latch to release after 30 seconds, where a maximum of 15 seconds is allowed.

Mr. Nathan Derwick stated he would like to **WITHDRAW** this variance request.

7. 8306 Cessna Drive – Steven R. Johnson, Contractor, requests a variance to Section 412.4.1, 2009 International Building Code, to allow Type IIB construction without a 2-hour rated wall with building setback of 10' or greater, where prohibited.

Steven Johnson appeared and stated this is an aircraft hangar in the Meadow Lake Airport. He stated he has built a number of aircraft hangars in this airport, but the Code requirements in the past ten years have changed the setbacks to 10', in lieu of the 30' setback previously required by the 1997 UBC. He stated this is a storage hangar, which is visited once or twice a month by the owners. Roger Lovell stated the IBC addresses aircraft hangars differently, i.e. the Code requires exterior walls that are less than 30' from lot lines to have fire rated walls. Mr. Johnson stated this variance is for this project only, but there are a number of lots at this airport that will be affected by this same issue. He stated this airport is in the Falcon Fire District and there is water storage onsite. He said this fire department will also be reviewing the plan. He stated the costs to make two 33' walls fire rated walls would be a 10 to 15 percent increase for the owner. Henry Yankowski stated he would like the Committee to make a decision without asking Falcon Fire Department to get involved. The Committee members all agreed that a variance request should not be granted due to financial constraints. A motion was made by Johnny Johnson to recommend to the Board of Review **DENIAL** of

the variance request because this has been a Code requirement for the past ten years, with the stipulation that the 25' taxiway easement be interpreted as a public way for setback purposes, seconded by John Clarke; the motion carried unanimously.

8. 202 Manitou Avenue – Daniel Folke, City of Manitou Springs, requests a variance to Section 503, 2009 International Building Code, to allow an increase of 1,336 square feet and an additional 27 occupants in a Type V-B construction with an A-3 occupancy, where prohibited.

Michelle Anthony, City Planner for Manitou Springs, and Dane Swenas, Champion Windows, appeared and Mr. Swenas stated a fire separation can be built between the existing building and the addition. He stated the existing wall is concrete block with two openings with doors and glass. He stated the roof is directly above the concrete block. Mr. Swenas stated the Manitou Springs Fire Department has approved this project. Roger Lovell stated he has reviewed this new drawing and this does not meet the fire wall requirements that this Committee discussed, but it is an improvement over the previous plan. He stated RBD staff does not oppose this new drawing, and he feels that it may be an acceptable alternative to the variance requested. Ms. Anthony stated this addition is a 15 percent increase in space over the existing structure, with very little combustible materials. She said the addition exceeds the egress requirements. A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the separation wall between the existing structure and the addition be constructed with a 2-hour fire barrier with two 90-minute doors and that the flue structures not be required to be rated, seconded by John Clarke; the motion carried unanimously.

Break from 11:57 a.m. to 12:05 p.m.

9. 1756 Lake Woodmoor Drive – John Bissett requests a variance to Section RBC203.1, 2011 Pikes Peak Regional Building Code, to allow a “C” licensed contractor to obtain a permit requiring an “A-2” license.

John Bissett appeared and stated he is requesting a variance to pull an “A-2” permit with his “C” license to build an addition on an existing brewery, which is a storage facility, a tasting room, and a restroom. He stated he became involved in this project because the owner is a friend and upon review of the plans, he felt the construction was something that he would be able to handle. He said the addition is not complex and the interior walls are non-loadbearing. Mr. Bissett said the occupancy will be 118 and it will be fully sprinklered. He stated he has taken his “A” test in 2009, but he was granted a “C” License due to his lack of “A” experience. He stated he has built 30 townhomes since that time. Vince Colarelli stated he does not believe Mr. Bissett had adequate “A-2” experience to build this project. A motion was made by Vince Collarelli to recommend to the Board of Review denial of the variance request, seconded by Johnny Johnson; the motion failed 2:3; therefore, the variance

request was **APPROVED**. Tom McDonald abstained; John Clarke, Todd Anderson and Richard Gillit opposed.

10. 30310 Elway Point, Permit I02005 – Patty Connell, homeowner, requests a variances to:

a) Section R311.7.4.1, 2009 International Residential Code, to allow a stair riser of 8¼” to 8½” where a maximum of 7¾” is allowed.

Patty Connell appeared and stated this house is new construction, but the contractor walked off the job. She said she discovered the issues with the stairs when they were inspected. A motion was made by Richard Gillit to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by John Clarke; the motion carried unanimously.

b) Section R311.7.4.2, 2009 International Residential Code, to allow a tread depth of 9¾” where 10” is required on 2 out of 12 stairs, where prohibited.

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Tom McDonald; the motion carried unanimously.

11. Terry Knoke, ACC Home Improvement, requests a variance to Section RBC201.6.2.2, 2011 Pikes Peak Regional Building Code, to allow more than one permit to be obtained with a conditional license that is pending approval by the Board of Review.

Terry Knoke appeared and stated Donald Johnson was on the Agenda today to transfer his B-1 License to his company, which was on the Consent License Requests, which only enables the contractor to pull one permit prior to Board of Review approval. He stated he is requesting this variance to allow his company to pull additional permits prior to Board of Review approval because he has had requests from customers that are familiar with his work to reroof their homes. A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Richard Gillit; the motion carried unanimously.

11.b. 311 Sutherland Place, Permit I10202 – Timothy McDowell, homeowner, requests a variance to Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6’4” under furred-down beams, pipes and ducts where it is required to be a minimum of 6’8”.

No one appeared. A motion was made by Tom McDonald to **TABLE** this variance request until the end of the meeting, seconded by Richard Gillit; the motion carried unanimously.

- 11.c. 1726 Ivy Place, Permit I24776 – Sheena Pasko, homeowner, requests variances to:

Section R311.7.2, 2009 International Residential Code, to allow a 5’11” head height above the stairs where a minimum of 6’8” is required.

Sheena Pasko appeared and stated this house was built in 1910, and she is finishing her basement. She said she has not done any work on the existing stairs. A motion was made by Vince Collarelli to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Tom McDonald; the motion carried unanimously.

Section R311.7.1, 2009 International Residential Code, to allow a 27” stair width where a minimum of 36” is required.

A motion was made by Johnny Johnson to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by John Clarke; the motion carried unanimously.

Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6’9” where a minimum of 7’0” is required.

A motion was made by Tom McDonald to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Richard Gillit; the motion carried unanimously.

12. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

13. **NEW BUSINESS**

- a) Window Well Permitting Discussion.

Jim Pepper appeared and stated a company in Denver that replaces window wells has contacted RBD regarding the need to pull a permit for window well replacements. He stated the Code does not require a permit if a window is replaced with the same size window; therefore, he would like this Committee’s input as to whether a permit should be required if a window well is replaced with the same size window well.

Mr. Pepper stated the Code states that permits are not required to replace windows with the same size of windows, but if you do replace them they have to be Code compliant. He said his question to the Committee is should this also apply for window wells. He said he believes that if a permit is issued, the window well has to comply with Code. John Clarke stated if it is a maintenance issue, as long as the window well is replaced with the same size or larger window well, a permit should not be required.

- b) Jim Pepper stated RBD recently set up a field office in the Waldo Canyon Fire area to assist the fire victims in streamlining their rebuilding process. He stated the field office is located at 1472 Garden of the Gods Road. He said he has received an excellent response from the homeowners in the Mountain Shadows area.

- c) Tabled Items

A motion was made by Vince Colarelli to **POSTPONE** the tabled items until the September 5, 2012 Building Committee meeting, seconded by Johnny Johnson; the motion carried unanimously.

- d) New Consent Calendar Item

Frank Atchison stated he is proposing that existing nonconforming stair issues be put on the list of Consent Calendar Variance Requests. The Committee member requested that this issue be discussed at the September 5, 2012 Building Committee meeting.

The meeting adjourned at 1:04 p.m.

Respectfully submitted,

Henry W. Yankowski
Regional Building Official

HWY/llg