

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

November 1, 2017

9:00 a.m.

MEMBERS PRESENT: Chairman Chris Richardson
Mr. Dan Rial
Mr. Michael Finkbiner
Mr. Larry Bobo
Mr. Steve Horner
Ms. Swagata Guha
Mr. David Doren

MEMBERS ABSENT:

OTHERS PRESENT: Mr. Roger Lovell, Regional Building Official
Mr. Jay Eenhuis, Chief of Plan Review
Mr. John Welton, Chief Building Inspector
Mr. Matthew Seebach, Senior Electrical Inspector
Ms. Mindy Stuemke, Front Counter Supervisor
Ms. Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Chris Richardson called the meeting to order at 9:01 a.m.

1. **CONSIDERATION OF THE OCTOBER 4, 2017 TECHNICAL COMMITTEE MINUTES**

A motion was made by Steve Horner to **APPROVE** the October 4, 2017 Technical Committee Minutes as written, seconded by Larry Bobo; the motion carried unanimously.

2. **CONSENT CALENDAR**

- a) 3201 Springridge Drive, Permit K86199 – Robert Badger, RCB Construction, 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.

- b) 9495 Mohawk Trail, Permit L20553 – Tim Greene, Aaron’s Heating and Cooling, requests a variance to Section 503.5.3, 2009 International Fuel Gas Code, to allow a masonry chimney, lined with an approved material, to serve as a gas vent for a single draft hooded appliance or an induced draft appliance common-vented with a draft hooded appliance, provided the installation meets the following requirements:
- The appliance is a replacement;
 - The area of the chimney does not exceed 7 times the area of the draft hood outlet;
 - Not more than 1 side of the chimney is exposed to the outside;
 - A licensed contractor provides a letter verifying the chimney’s integrity, and approved material is defined as sheet metal, tile or clay lined.
- c) 5020 Santiago Way, Permit K99076,– Rick Michael, homeowner, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 45” windowsill height in existing conditions where a maximum of 44” is allowed.
- d) 290 Arequa Ridge Drive, Permit L19164 – Chris Cowles, homeowner, requests a variance to Section R310.1, 2009 International Residential Code, to allow a 45” windowsill height in existing conditions where a maximum of 46” is allowed.

A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests, seconded by Dan Rial; the motion carried unanimously.

VARIANCE REQUESTS

3. 915 West Cheyenne Road – Kimber Janney, Kiva Construction, Inc., requests a variance to Appendix D, 2011 Pikes Peak Regional Building Code, to allow fire rated cedar shingles over fire rated underlayment for a reroof, where prohibited.

Kimber Janney appeared and stated this is a historical building, and is owned by City Parks and Recreation. He said this reroof project is being funded by the State Historic Fund and by the local Historic Preservation Association, and they would like to maintain the historical features of the building for aesthetic reasons. Chris Richardson stated the Colorado Springs Fire Department (CSFD) has notified RBD that they oppose this variance request. Mr. Janney stated they are willing to install Class A components to the roof, i.e. fire rated sheathing and underlayment. John Welton stated the Code still allows wood shake shingles, but the City prohibits wood shakes. He stated RBD staff does not approve or oppose this variance; as CSFD has expressed their opposition to this variance request. Mr. Janney stated this structure will be used for nonprofit offices in the future. He stated the structure is constructed with brick walls. He stated the nearest structure is a garage that is 80’ from this structure. Swagata Guha suggested that Mr. Janney discuss his construction plan with CSFD

and get their approval. Mike Finkbiner stated if Mr. Janney can obtain a Class A assembly, he may have a better chance to get approval from CSFD. A motion was made by Michael Finkbiner to **POSTPONE** this variance request until the December 6, 2017 Technical Committee Meeting so Mr. Janney has an opportunity to discuss the variance with CSFD, seconded by Larry Bobo; the motion carried unanimously.

4. 3103 West Colorado Avenue, Permit L05302 – Ryan Lloyd, Architect, requests a variance to Section 806.1, 2009 International Building Code, to waive the requirement for stamped/certified lumber on logs used in a feature.

Ryan Lloyd appeared and stated they are planning to put log features in this commercial structure for decorative purposes, and they were proposing to coat the logs with a Class B sealant on the logs, but the owner does not like the look of the sealant on the logs. He stated they found a report from the American Wood Council (AWC) that states that all pine trees growing in this region have a Class B rating. He stated these logs are Ponderosa Pine and were harvested from the Black Forest Fire, so they are not stamped and graded showing that they have a Class B rating. Jay Eenhuis stated RBD staff takes no exception to the AWC documents, but we do not have documentation showing that the logs are Ponderosa Pine and from the Black Forest area, since they are not stamped and graded. Ben Reese appeared and stated he is a registered Colorado engineer, and getting certification on these logs from the Black Forest area is virtually impossible. He stated any pine tree has a minimum of a Class C rating. Dan Rial stated he lives in the Black Forest area, and knows that the trees in Black Forest are Ponderosa Pine. Mr. Eenhuis stated Code requires that the logs be graded. Mr. Reese stated the logs are not structural components to the building; they are decorative features. Mr. Lloyd stated this structure is fully sprinklered. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Larry Bobo; the motion carried unanimously.

5. 5325 J. D. Johnson Road, Permit K98616 – Lisa Peterson, Hammers Construction, Inc., requests a variance to Sections 304.11 and 306.5.1, 2009 International Mechanical Code, to allow roof top line in lieu of platform and guards for equipment maintenance.

Steve Hammers appeared and stated they are proposing a horizontal life line for purposes of doing equipment maintenance on a roof top platform. He stated this is the National Mill Dog Rescue Association building. He stated it is a standing seam metal roof with a 4:12 pitch. Jack Arrington stated this structure has a sloped roof, and the equipment will have to be maintained and serviced on a regular basis. He stated he believes guards are required for this purpose. Swagata Guha stated with this proposed system, you are relying on the person servicing the equipment to actively tie himself to the life line, and not all people feel the need to take safety precautions. Mr. Arrington stated his experience is that metal roofs are very slippery and RBD staff takes exception to this variance request. A motion was made by Dan Rial to recommend to the Board of Review **DENIAL** of the variance request due to life safety issues, seconded by Swagata Guha; the motion carried unanimously.

Steve Horner recused himself from following Item.

6. 755 El Pomar Road, Unit 521 – John Goodloe, Goodloe Architecture, requests a variance to Appendix I, 2009 International Building Code, to allow a heated patio enclosure, where prohibited.

Nathan Seither, Bob McGrath Construction, appeared and stated this is a condominium patio enclosure that exceeds the 50% enclosure allowed by Code. He said it is on the fifth story of this structure, and they are finding that the 50 to 80 mph winds are creating a wind tunnel through the space. Pete Kieper appeared and stated this is a second home for his family and the wind going through this structure is rendering this space unusable for his family. He stated the area is approximately 15' x 20' and the gas fireplace is for ambience purposes, and not really for heating purposes. Mr. Seither stated the entire patio area is sitting on rooftop pavers and there is living space below this patio. He said they are proposing that 83% of this structure be enclosed, and 17% remain open. John Welton stated RBD staff takes no exception to this variance request. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that 17% of this area remain open, seconded by Michael Finkbiner; the motion carried unanimously.

7. 3201 Springridge Drive, Permit K86199 – Robert Badger, RCB Construction, LLC, requests a variance to Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6'6" in a bathroom, where a minimum of 7'0" is required.

Robert Badger appeared and stated this is a remodel project, and due to pre-existing conditions, he is not able to obtain a Code compliant ceiling height in the bathroom. He stated there are two full baths and a half bath that are Code compliant in the home in addition to this bathroom. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request due to pre-existing conditions, seconded by Michael Finkbiner; the motion carried unanimously.

8. 6560 Ramrod Road, Permit L16515 – Chris Harper, Everlasting Homes, requests a variance to Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6'8½", where a minimum of 7'0" is required.

Chris Harper appeared and stated he is not able to obtain a Code compliant ceiling height in a basement bedroom, bathroom, and laundry room due to a pre-existing heating duct, gas line, and water line. He stated the homeowner is in Afghanistan and submitted a letter from the homeowner approving the current construction because he does not want the "ceilings chopped up" in these rooms. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request for the basement bedroom, bathroom and laundry room, seconded by Swagata Guha; the motion carried unanimously.

9. 1750 Sawyer Way, Permit L19640 – Luke Smith, homeowner, requests variances to:

- a) Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6’10”, where a minimum of 7’0” is required.

Luke Smith appeared and stated he is finishing a bathroom in the basement of an older home. He stated the room is only 4½’ x 7’, and due to pre-existing conditions, he is not able to obtain a Code compliant ceiling height in this bathroom. He stated there are two full bathrooms above this bathroom that he is completing. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

- b) Section 405.3.1, 2012 International Plumbing Code, to allow a 16” clearance at the front of a water closet where a minimum of 21” is required.

Mr. Smith stated the plumbing was already roughed in when he started the project. He stated this is the third bathroom in his home. A motion was made by David Doren to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dan Rial; the motion carried unanimously.

10. 6855 Omaha Boulevard, Permit K32518 – Ed McCulloch, Pro-Tech Roofing Systems, requests a variance to allow one layer of 30 pound roofing felt, where two layers of ASTM D226 roofing felt is required for roof slopes between 2:12 and 4:12.

Ed McCulloch appeared and stated one layer of 30 pound underlayment was installed on this roof, where two layers of 15 pound underlayment are required. He stated he has received written approval from Owens Corning approving the current construction, and he will also extend a warranty for the labor on this structure. He said the homeowner has also approved the current construction. Mr. McCulloch stated this issue was due to an oversight on the part of a new employee. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request because the manufacturer has accepted responsibility for the roofing product being installed at this low slope, and Pro-Tech Roofing Systems has submitted a letter stating that they will cover the labor through the life of the materials warranty, with the stipulation that a letter from the homeowner be submitted to RBD staff approving the current construction, seconded by Larry Bobo; the motion carried unanimously.

11. 5654 Celtic Cross Grove, Permit K89105 – Fountain Valley Electrical, LLC requests a variance to Section 210.12, 2014 National Electrical Code, to install regular 15 amp. breakers in place of arc fault breakers, with the stipulation that a notarized letter be required from the homeowner that confirms that the original AFCI breakers will be reinstalled at the time of sale of the property, and a notice be attached to the electrical panel that notifies Pikes Peak Regional Building Department and all parties of this requirement.

James Estes, Fountain Valley Electrical, appeared and stated this homeowner has a microwave that is continually tripping the arc fault breaker in this home. He stated they are requesting approval to install a regular 15 amp breaker for this location, and the arc fault breaker will be reinstalled upon sale of the home. A motion was made by Larry Bobo to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dan Rial; the motion carried unanimously.

12. 119 North Logan Avenue, Permit L05623 – Brian Rief, Independent Construction & Remodel, Inc., requests variances to:

- a) Section R311.7.4.2, 2009 International Residential Code, to allow a tread depth of 9¼”, where 10” is required.

Brian Rief appeared and stated this is a basement finish and he has run into a number of issues with this home built in 1949. He stated they are replacing the staircase, which has a winder in it. He stated the upper stair section has 9¼” tread depths. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Larry Bobo; the motion carried unanimously.

- b) Section R311.7.2, 2009 International Residential Code, to allow a 6’4” head height over stairs where 6’8” is required.

Mr. Rief stated there is a pre-existing beam that is creating a 6’1” head height over the stairs. He stated the previous stairs had 10” treads, but had a much lower head height issue over the stairs, so this is an improvement over the previous stairs. He stated they are attempting to obtain additional height, but have not come up with a solution at this point. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request for a 6’4” head height, seconded by Michael Finkbiner; the motion carried 4:2. David Doren and Dan Rial opposed.

- c) Section R311.7.4.1, 2009 International Residential Code, to allow more than 3/8” difference on stairs risers, where prohibited.

Mr. Rief stated there is a landing that has a 7¼” rise, which is more than the 3/8” difference that is allowed per Code. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

- d) Section R311.7.3, 2009 International Residential Code, to move the walkline from the inside wall to the outside wall on the basement staircase.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Swagata Guha; the motion carried unanimously.

- e) Section RBC303.4.8, 2011 Pikes Peak Regional Building Code, to allow a soffit ceiling height of 6'3" under furred-down beams, pipes and ducts where it is required to be a minimum of 6'8".

Mr. Rief stated there is a soffit height issue beside the stairs, which is created by the ductwork. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Swagata Guha; the motion carried unanimously.

- f) Section R305.1, 2009 International Residential Code, to allow a ceiling height of 6'10" in a bathroom, where prohibited.

Mr. Rief stated due to the plumbing above this bathroom, he is unable to obtain a Code compliant ceiling height in this bathroom. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

- 12.g. 11007 Hidden Prairie Parkway, Permit K08135 – Jonathan Whittaker, YOW Architects, requests a variance to Section 707.5, 2009 International Building Code, to allow a fire barrier separating an incidental use room to terminate at a 1-hour ceiling assembly, where prohibited.

Jonathan Whittaker appeared and stated this structure is a clubhouse, and there is an issue in the pool equipment room, i.e., the wall was built omitting the fire barrier above the ceiling, so they are proposing to install a 1-hour ceiling assembly in lieu of the fire barrier. Jay Eenhuis stated this proposed construction method would be more of a fire partition, and RBD staff will leave this decision up to the committee members. Mr. Whittaker stated this issue was not caught until everything was finished, and it would be very difficult to correct at this point. He stated it is a non-sprinklered building. He stated they are creating a 1-hour envelope around the room. Larry Bobo noted that the Fountain Fire Department has notified RBD staff that they do not oppose this variance request. A motion was made by Swagata Guha to recommend to the Board of Review **APPROVAL** of the variance request due to the approval from the Fountain Fire Department, seconded by Larry Bobo; the motion carried unanimously.

13. **UNFINISHED BUSINESS**

a) Chimney Liner Variances

Dan Rial asked RBD staff about the chimney liner discussion from last month. He suggested that PPMCA have a Committee formed to pursue this issue. Jack Arrington stated the cost for a 90% furnace is comparable with the costs of a chimney liner with an 80% furnace. He stated there are a lot of contractors that are applying for the chimney liner variances that have not even tried to install the liner. Roger Lovell stated RBD staff feels that there are some significant life safety concerns with regard to the chimney liners and the carbon monoxide issue, and RBD staff intends to research it further. He stated these chimney liner variances will be heard on a case by case basis.

14. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:33 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official

RNL/llg