

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

BOARD OF REVIEW MINUTES

May 16, 2018

10:30 a.m.

MEMBERS PRESENT: Vice Chairman Jim Nakai, Architect
Tom McDonald, Building A or B Contractor
Edward Pine, Building A, B or C Contractor

MEMBERS ABSENT: Chairman Vince Colarelli, Citizen-at-Large
Darin Tiffany, Engineer

RBD STAFF PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Mindy Stuemke, Permit Supervisor
Ryan Johanson, Director of Finance
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Vice Chairman Jim Nakai called the meeting to order at 10:33 a.m.

1. CONSIDERATION OF THE APRIL 18, 2018 BOARD OF REVIEW MINUTES

A motion was made by Edward Pine to **APPROVE** the April 18, 2018 Board of Review Minutes as written, seconded by Tom McDonald; the motion carried unanimously.

2. CONSIDERATION OF TECHNICAL AND LICENSING COMMITTEES MINUTES

a) Technical Committee Minutes of May 2, 2018, with the exception of Items 6a and 6b, which are under appeal.

A motion was made by Tom McDonald to **APPROVE** the May 2, 2018 Technical Committee Minutes as written, with the exception of Items 6a and 6b, which are under appeal, seconded by Edward Pine.

A discussion took place. Jina Koulchitzka advised the Board of Review that there were two items in the Technical Committee meeting minutes, which required discussion prior to vote. With regard to both variances addressed in Item 7 concerning 516 Pluto Drive, Permit L41094, Ms. Koulchitzka stated that the Licensing Committee made a motion to recommend to the Board of Review approval of the variance requests, due to existing non-conforming conditions, with the condition that a Limited or Special Power of Attorney be provided from the current property owner(s) giving the applicant authority to obtain the requested variances. She stated that a Special Power of Attorney was received by RBD

staff, as signed by the owner of record for the 516 Pluto Drive property, Mr. Patrick P. Davis, granting the power to the applicant, Iris Folsom, to close out the variance(s) and such power remaining in full force and effect until June 1, 2018, unless sooner revoked or terminated. With regard to Item 9b concerning 366 10th Street, Calhan, which was a fire sprinkler variance request for a structure at the El Paso County fairgrounds, Ms. Koulchitzka stated that the Committee made a motion to recommend to the Board of Review approval of the variance request, conditional upon RBD staff receiving a letter approving the variance request from the Calhan Fire Department prior to today's meeting. She stated RBD staff has received written approval via email of the variance request from Fire Chief Shane Gattis with the Calhan Fire Department. The motion carried unanimously.

b) Licensing Committee Minutes of May 9, 2018.

A motion was made by Tom McDonald to **APPROVE** the May 9, 2018 Licensing Committee Minutes as written, seconded by Edward Pine; the motion carried unanimously.

3 **DECISION APPEALS**

a) 17 West Del Norte Street – David Coons, Coons LLC, requests variances to:

- (i) Section R311.7.1, 2009 International Residential Code, to allow a 2'7" stair width where a minimum of 36" is required.
- (ii) Section R311.7.2, 2009 International Residential Code, to allow a 6'5" head height above the stairs where a minimum of 6'8" is required.

Jina Koulchitzka stated this appeal included new materials that were not filed with or presented to the Technical Committee during the April or May hearings of the subject variance requests. In order to keep the procedural handling of appeals consistent with how such had been handled in the past, Ms. Koulchitzka advised the Board of Review of two options: (i) hear the appeal without the new evidence, or (ii) return the matter to the Technical Committee for further review and consideration of the new information. Further, Ms. Koulchitzka stated that Michael Finkbiner, Technical Committee member, submitted a letter to RBD staff dated May 15, 2018, after review and consideration of the new evidence included in the appeal, supporting the variance for 17 West Del Norte Street, and she read said letter to the Board of Review members and RBD staff.

The Board of Review decided to hear the variance(s) appeal after expressing a concern of time delay in the resolution thereof should the matter be sent back to the Technical Committee for further review and consideration, and then approval or denial by the Board of Review.

David Coons appeared and was sworn in. He stated this structure was built in 1895. He said there would be a minimum clearance of 31” for the stair width, and there was a beam over the bottom step that created a 6’5” head height over the bottom step. Mr. Coons stated there were no available options to correct this issue. He stated an exterior door would be added that would egress out to a public way.

John Welton clarified on the record that, in general, CSFD receives the agenda packets for the Technical Committee meetings for review and comments prior to each meeting, and, in this case, CSFD advised RBD staff that it had no issues with any of the agenda items; they expressed no concern with these variance requests.

Mr. Coons stated there were no bedrooms in the basement; the homeowner purchased a door that swings out; and Coons LLC was planning to add an egress window. Mr. Welton stated due to the new information presented to the Board of Review today with the addition of an egress window and door, changing the swing direction of the egress door, RBD staff takes no exception to the variance requests.

Ms. Koulchitzka further advised the Board of Review that as a result of this Board having heard the new information, and possibly being ready to consider such new evidence, the Board could consider a third option in handling this appeal and future appeals, i.e., hear the appeal(s) de novo.

A motion was made by Tom McDonald to **APPROVE** Items 3a(i) and (ii) based on the letter of approval from Mike Finkbiner, a member of the Technical Committee, the addition of an egress window and door, and RBD staff taking no exception to the variance requests, with the condition that the egress door must swing out to the public way, seconded by Edward Pine; the motion carried unanimously.

4. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

5. **NEW BUSINESS**

There was no New Business to discuss.

The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Roger N. Lovell
Regional Building Official
RNL/lhg