

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

April 6, 2022

9:00 a.m.

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

MEMBERS ABSENT:

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
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>.

Roger Lovell introduced new Committee member, Michael Finkbiner, filling the roofing contractor position on the Committee.

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

1.a. ELECTION OF OFFICERS

A motion was made by Andrew Baturevich to re-elect Micah Langness as 2022 Chair of the Technical Committee; and elect Philip Lasarre as 2022 Vice Chair of the Technical Committee, seconded by Michael Finkbiner; the motion carried unanimously.

1.b. **CONSIDERATION OF THE MARCH 2, 2022 TECHNICAL COMMITTEE MINUTES**

A motion was made by Andrew Baturevich to **APPROVE** the March 2, 2022 Technical Committee Minutes as written, seconded by Michael Finkbiner; 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) 232 Park Street, Permit N95625 – William Dandino, homeowner, 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 Philip Lasarre to recommend to the Board of Review **APPROVAL** of the Consent Calendar variance request, seconded by Andrew Baturevich; the motion carried unanimously.

3. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

4. 900 Saturn Drive, No. 710 – Carol Flowers, homeowner, requests a variance, prior to plan submittal, to Section 406.2, 2018 International Plumbing Code, to allow the fixture drain for the standpipe serving an automatic clothes washer to connect to a 2-inch diameter fixture stack, where connection to a minimum 3-inch diameter stack is required per Code.

Carol Flowers appeared in person with her contractor, Robert Jackowiak with Priority Plumbing & Heating. Mrs. Flowers stated this project is in a condominium in a 9-story building constructed in 1961. She would like to add a standard size clothes washer to this unit, and she was informed that the existing drain pipe was not adequate for this purpose. Mr. Jackowiak stated his company was hired recently to assist Mrs. Flowers with this project, and he just performed an inspection of the existing plumbing in the unit. He found that there is a 3” stack copper line that he can tie into, which leads him to believe that a variance is not required. John Welton stated based on this testimony, Mrs. Flowers may withdraw her variance request. Carol Flowers **WITHDREW** her variance request.

5. 4455 Arrowswest Drive, Plan C154465 – Jonathan Whittaker, YOW Architects, requests a variance to Section 507.6, 2015 International Building Code, to allow a limited amount of A-3 Occupancy on the second floor of an unlimited area, Type II-B Building, where prohibited per Code.

Jonathan Whittaker appeared in person and stated this structure is a single building that has been divided into three buildings, and his client is planning to put a church into this unit, which will be an A3 occupancy. The original building was designed and constructed as an unlimited area building, which means it is fully sprinklered with a 60' public yard around it, and a Type 2B construction. What is now changing is he is proposing a new A3 use in the building. There is currently an A3 use in Unit 4425, which is the Aerospace Museum. That use was permitted and approved under the 2009 International Existing Building Code (IEBC). Since 2009, the language of the IEBC has changed slightly, which is the reason for the variance request to allow a 2-hour fire barrier to separate the 4455 space from the rest of the building; and then allow an A3 use on the second floor of an unlimited area building. Section 507.6 allows an unlimited amount of A3 occupancy within an unlimited building, but it does not have a provision to put it on the second floor. The second floor of this space is approximately 14,000 square feet, and his client plans to use the second floor for A3 and E occupancy classroom accessory use for the church. His proposed variance would be because a second floor A3 use is not permitted under Section 507.6. He is requesting a variance to add a 2-hour fire barrier between Unit 4455 and the remainder of the building, and limit the amount of A3 to the tabular values of Section 506.2.

Jay Eenhuis stated the fire wall alternative that the applicant is referring to in the IEBC allows a fire barrier in lieu of a fire wall provided all of the following conditions are met: (a) The building is sprinklered, which we have here; (b) the fire resistance rating of the fire barrier and horizontal assemblies shall not be less than specified for fire walls, which the applicant is meeting; (c) the areas shall not exceed the maximum allowable area determined in accordance with Chapter 5, IEBC, without an increase allowed for an automatic sprinkler system. This means you have to take the non-sprinklered tabular value from the Table in the IBC. The way they were able to do this previously under 2009 IEBC was because that portion of that section was not in the Code, so you could utilize the sprinklered value, which is a 300% increase. The applicant is running into the issue of not being able to meet those maximum allowable areas because we have to take the smaller value of the non-sprinklered area. Mr. Eenhuis stated RBD staff has reviewed this information, and with the proposals the applicant is making, RBD staff takes no exception to this variance request based on the fact that the same thing was done to the left side of this building, which was Code compliant at the time. If the same thing had been done to the right side of the building at that time, it would have been Code compliant just due to the change of the wording of that specific Code section, making it non-compliant at this point in time. There are no additional life safety risks by performing the actions that the applicant is proposing.

A motion was made by Andrew Baturevich to recommend to the Board of Review **APPROVAL** of the variance request based on this information and the fact that Colorado

Springs Fire Department took no exception to the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

6. 3286 North El Paso Street, Plan C159511 – Demian Deforest requests a variance to Section 1004.1.2, 2015 International Building Code, to allow an actual occupant load to be used in lieu of calculated occupant load per Table 1004.1.2, where required per Code.

Demian Deforest appeared and stated he is requesting a variance to reduce the occupancy level for this building. He stated this issue came to light when CSFD did an inspection of the structure. He stated 90 percent of the square footage is taken up with plants. Mr. Deforest stated there will be 23 to 24 maximum occupants when the building is fully built out. He stated there are doors at the back of five of the ten grow rooms, and there are lights and plants past those doors. If they had to remove the lights, it would be a considerable amount of revenue that would be lost. He stated there are air handlers in the ceiling over the doors which are preventing the relocation of the doors to the corner of the rooms.

Jay Eenhuis stated if this variance is approved, the modification of sealing those doors off will need to be included on the plan. He stated originally, when this change of occupancy to an F1 was done prior to 2015, those five doors were not included; there were ten flower rooms that opened up into the corridor at the bottom of the plan. That corridor was required to be rated because the corridor was servicing more than 30 occupants, because of the occupant load in each of those ten rooms. A splice was done to that original project where they removed the rating from that corridor; added the five doors so that half of the occupants could go out the top left exit of Room 10. That eliminated the requirement for a rated corridor. This request is to adjust the occupant load of the ten grow rooms so that those five doors can be removed and the corridor rating not installed. Mr. Eenhuis stated the concern of CSFD is that the doors are labeled as exit doors, but with the tables behind the doors, the doors will not open.

Virginia Koulchitzka stated the Committee is charged with reasonable interpretation of Section RBC111.2.3, Pikes Peak Regional Building Code, to grant minor variances from the provisions of the Code, provided the Committee finds that 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. Deforest stated (2) the true intent of the applicable Code does not apply because there will only be 23 to 24 maximum occupants in the building when fully built out; currently there are 14 employees. He stated currently only 6 of the 10 rooms are being utilized. Jay Eenhuis stated the square footage of the flower rooms 1 through 10 is 10,800 square feet, divided by an occupant load factor of 200 square feet per occupant, that area becomes 54 occupants. The request is to reduce from 54 to 29 occupants.

A motion was made by Philip Lasarre to recommend to the Board of Review **DENIAL** of the variance request based on the occupancy load/egress requirements and life safety issues, seconded by Michael Finkbiner; the motion carried unanimously.

Ms. Koulchitzka advised Mr. Deforest 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. 414 Farris Court, Permit N01703 – Gary Kekich, property owner, requests a variance to Section R302.1, 2015 International Residential Code, to allow existing walls with a fire separation distance less than 5 feet to remain unmodified, where minimum fire-resistance rating is required per Code.

Gary Kekich appeared in person and stated he is requesting a variance to keep his existing fire ratings that are on the north wall of this building. He stated currently the exterior fire rating is between .8 and .9 of an hour; the interior fire ratings is 1-hour or more. Andrew Baturevich stated upon review of the variance documentation, the separation distance is less than 5' to remain unmodified. Mr. Kekich stated this structure is a free-standing garage on its own lot and was built in 1930; the setbacks on two of the sides are approximately 3'. The nearest building to this north wall is 80'4", and in that area is a driveway and parking lot for the two-story apartment building. If someone were to build in the parking lot, there would still be a 15' setback from the property line, which would make it at least 18' as a separation between the two buildings.

John Welton stated this structure was previously a garage and is being converted into a single-family residence. When going through Plan Review and the permitting process, it was identified that this wall is 3' from the property line. If the exterior wall in this location is less than 5' to the property line, it would require a 1-hour exterior wall. At the 3' distance this wall, as it sits currently, would require that 1-hour rating both from inside and from outside. Using the method the applicant applied is a calculated method in the IBC; the rating going from inside to outside works. It is over an hour: 40 minutes for the 5/8 Type X gypsum, 20 minutes for the 2x6 16 on center stud framing of the wall, and an additional 15 minutes for full cavity fill of Class fiber insulation. The difficulty is the existing exterior coverings of this wall do not meet calculated requirements for a 1-hour wall. The exterior application in this case is 5/8 CDX plywood on the outside of the 2x6 frame wall, cedar siding installed over the plywood for the major portion of the wall; the bottom 18" is stone, so we cannot get to a calculated 1-hour for that exterior wall requirement. Mr. Kekich stated in order to give the north wall a 1-hour fire rating, the entire wall would have to be rebuilt.

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

8. 4330 North Wordsworth Circle, Permit N89933 – G12C Holdings Inc. (Storm Guard) requests a variance to Section R703.11.1, 2015 International Residential Code, to allow seams of vinyl siding as installed, while not in accordance with manufacturer's instructions.

Janice Lopez appeared and stated they removed and replaced the vinyl siding on this home due to hail damage. During the inspection, the inspector noted that the installation was not Code compliant; three courses of siding were required between each vertical seam, and they had two courses of siding between each vertical seam. She stated she checked with All Side, the materials manufacturer, and they partner with the Vinyl Siding Institute. They confirmed it is a recommended practice for visual aesthetic purposes; the way it is installed does not create a performance concern. Based on that information, the homeowner is happy with the installation. Ms. Lopez stated they offer a 5-year workmanship warranty; and she believes she can get a warranty letter from the manufacturer. John Welton stated RBD staff would take no exception to this variance request if the applicant can furnish a letter from the manufacturer confirming their materials warranty prior to the Board of Review meeting on April 20, 2022, as well as an extended labor warranty.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, with the condition that the applicant submit a letter to RBD staff prior to April 15, 2022 from All Side confirming their warranty of the materials with the current installation, seconded by Andrew Baturevich; the motion carried unanimously. The Committee confirmed it will not be requiring an extended labor warranty.

9. 516 East Cache LaPoudre Street, Permit N81206 – Seth Caban requests a variance to Section R305.1, Exception 1, 2015 International Residential Code, to allow a sloped ceiling with a height ranging from 4’10” up to 6’8”, where prohibited per Code.

Seth Caban stated he was before the Technical Committee in January for two variances, i.e., a ceiling height issue, which was approved; and a sloped ceiling height issue which was denied. He stated he misunderstood the motions at that time, and thought both issues had been approved so he proceeded with construction. He stated he did widen the hallway by 18” which improved the issue with the sloped ceiling, giving half of the hallway a 6’8” ceiling height, but sloping down to 4’10 on the other side of the hallway. The total width of the hallway is now 56”. John Welton stated RBD staff takes no exception to the variance request. A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request with the modifications that had been made by widening the hallway, seconded by Michael Finkbiner; the motion carried unanimously.

10. 3824 Meadow Lane, Permit N86092 – Robyn Barrett, Bob McGrath Construction, requests a variance to Section R305.1, 2015 International Residential Code, to allow a ceiling height of 6’7”, where a minimum of 7’0” is required per Code. *This variance was heard by the Technical Committee on March 2, 2022, and the Committee determined: A motion was made by Swagata Guha to **CONTINUE** this variance request so the applicant may investigate design options, seconded by Andrew Baturevich; the motion carried unanimously.*

Bob McGrath appeared in person. He stated he was before the Technical Committee in March regarding a low head height beam in the basement of this home. He stated since that time he has raised the beam into ceiling, and he now has a 6’7” ceiling height in the entire basement. The beam is now level with the entire ceiling height in the basement. A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Andrew Baturevich; the motion carried unanimously.

11. 6125 Templeton Gap Road, Permit N85309 – Nicolle Lewis-McTague, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation in proposed habitable space, where required per Code. *This variance was heard by the Technical Committee on March 2, 2022, and the Committee determined: A motion was made by Swagata Guha to **CONTINUE** this variance request pending submittal of additional documentation, seconded by Jason Leimkuhl; the motion carried unanimously.*

Virginia Koulchitzka stated Department staff received an email from the applicant this morning informing staff that she is currently in the hospital and requested that her variance request be heard by the Technical Committee in her absence, or in the alternative, postponed until she may appear before the Committee. Mr. Welton stated during the March 2, 2022 Technical Committee Meeting, it was suggested to the applicant that she submit a ResCheck, which she has done. Unfortunately, the ResCheck was not adequate to waive the variance request. Mr. Welton stated without continuous insulation, the 2015 IRC prescriptive path would require R20 wall insulation, and they have R19 installed. If the applicant is willing to install an R55 ceiling insulation, that exceeds the requirements.

A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request because it is not a life safety issue, with the condition that the applicant comply with all other R values on the property that are compliant with the ResCheck.

12. **UNFINISHED BUSINESS**

There was no Unfinished Business.

13. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:01 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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