

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

November 3, 2021

9:00 a.m.

MEMBERS PRESENT: Chair Micah Langness, Master Plumber
Philip Lasarre, Building A or B Contractor
Dale Ryba, Electrical Contractor
Andrew Baturevich, Structural Engineer
Jason Leimkuhl, Mechanical Contractor

MEMBERS ABSENT: Vice Chair Matt Scheffe, Building Contractor D
Swagata Guha, Architect

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official - Plans
John Welton, Deputy Building Official – Inspections
Jack Arrington, Chief Mechanical Inspector
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

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

The Technical Committee 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 a program called Microsoft Teams live events, which is accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

The Colorado Springs Fire Department took no exception to the variance requests on the Agenda.

1. **CONSIDERATION OF THE OCTOBER 6, 2021 TECHNICAL COMMITTEE MINUTES**

A motion was made by Andrew Baturevich to **APPROVE** the October 6, 2021 Technical Committee Minutes as written, seconded by Dale Ryba; 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) 6779 Mandan Drive, Permit N43535 – John Martinez, Polar Bear Mechanical, Ltd., requests a variance to Section R402.1, 2015 International Energy Conservation Code, to omit building thermal envelope prescriptive requirements for conditioned space, where required by Code. *This item was approved during the October 6, 2021 Technical Committee meeting, with the condition that a letter from the homeowner be submitted to RBD staff confirming the R values in the walls and ceiling of the garage. That letter was received after the Board of Review meeting; therefore, it is a consent item for the November 3, 2021 Technical Committee.*
- b) 4750 Brown Valley Lane, Permit N55465 – Bruce Tedrow, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation where required by Code.
- c) 1088 Collins Road – Keith Bush, homeowner, requests a variance, prior to permit, to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation where required by Code.
- d) 7626 Rannoch Moor Way, Permit N40933 – Cayetano Aguirre, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation where required by Code.
- e) 11536 Bison Meadows Court, Permit N53685 – Danny Mellen, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation where required by Code.
- f) 5195 Topaz Drive, Plan R151947 – Young Cho, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation in attached garage where required by Code.

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

3. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

Jason Leimkuhl recused himself from Item 4, because he is the mechanical contractor on record on this project.

4. 5333 Mira Loma Circle, Permit N66453 – Scot Gring, Merritt General Contractors, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to install R13 floor insulation where R30 floor insulation is required by Code.

Scot Gring appeared in person and stated this project is a garage conversion into living space. He stated the garage has two outside walls, i.e. the front garage door wall where the driveway is located and the end wall, where the landscaping is located, which prohibits additional modifications. He stated the floor has an R13 floor insulation. Jay Eenhuis stated RBD staff takes no exception to this variance request because it is not a life safety issue. A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dale Ryba; the motion carried unanimously.

5. 5197 Topaz Drive, Plan R151740 – Young Cho, homeowner, requests a variance to Table R402.1.2, 2015 International Energy Conservation Code, to omit R10 slab insulation in detached accessory structure intended for habitable space where required by Code.

Jannie Richardson appeared for Young Cho. She stated this is a detached garage which is being converted into living space. Jay Eenhuis stated RBD staff takes no exception to this variance request because it is not a life safety issue. A motion was made by Dale Ryba to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Philip Lasarre; the motion carried unanimously.

6. 1330 Potter Drive, Permit N51063 – Julio Blanco, Highline Roofing & Gutters, Inc., requests a variance to Section 1507.2.9.3, 2015 International Building Code, to omit drip edge where required by Code.

Jake Keleman appeared virtually and stated this variance is requested because they replaced the low slope roofing on this apartment building and omitted the drip edge. He stated the shingled wall is almost vertical. They used one layer of synthetic felt as underlayment; they did not install ice and water shield. The drip edge would serve no functional purpose on this application due to the vertical wall; the drip edge if installed would be horizontal to the ground. Mr. Keleman stated the variance request is just for the eaves; there are no rakes. John Welton stated even though the Code states all locations on roofs in commercial applications with asphalt shingles require drip edge, given the location of this one and potentially how it could act in reverse of what it is intended for, RBD staff takes no exception with this variance request. A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request, seconded by Dale Ryba; the motion carried unanimously.

7. 6225 McCandlish Road, Permit N62340 – Jeremy Edwards, Jenkins Services, Inc., requests a variance to Section R905.2.2, 2015 International Residential Code, to allow asphalt shingles to be installed on a roof pitch less than 2:12 where prohibited by Code.

Jeremy Edwards appeared in person and stated this project was an insurance claim for a hail damaged house in Peyton. He stated they replaced the shingles with the same type of shingles that were previously on the roof portion that was below a 2:12 pitch. The homeowner had told him that shingles had been on that portion of the roof since he moved into the house in 1985, but the insurance company refused to pay for them to be replaced again stating his company should have been aware that the shingles did not meet current Code requirements. Mr. Edwards stated there are two layers of synthetic felt on the roof as underlayment, but they did not install ice and water shield.

Jina Koulchitzka reviewed the Code interpretation for minor variances requiring at least one of the following conditions: (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. Edwards represented the request is submitted under Item 3, as the two layers of underlayment provide better protection than rolled roofing that does not have any underlayment. He stated he has given the homeowner a five-year Extended Warranty for this roof installation, but it is not a transferable warranty. 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 and there are two layers of synthetic felt on the roof, seconded by Dale Ryba; the motion carried unanimously.

8. 526 East Dale Street, Permit N72457 – Kyle Booher, homeowner, requests a variance to Section R305.1.1, 2015 International Residential Code, to allow a soffit height of 6’0” under dropped ducts and beams in family room, where 6’4” is required by Code.

Kyle Booher appeared in person and stated he has an older home and is unable to obtain a Code compliant soffit height in his basement finish due to pre-existing non-conforming conditions. He stated he plans to use ¼” to ½” tile on the floor and rounded corners on the sheetrock. A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request conditional upon rounded edges on the sheetrock, seconded by Andrew Baturevich, the motion carried unanimously.

9. 8409 Grand Peak Vista Point, Permit N73081 – Joshua Curtis, Reconstruction Experts, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow existing battens and underlayment to remain where prohibited by Code.

Joshua Curtis and Kyle Boyd, both with Reconstruction Experts, appeared virtually; John Peterson, Rivet Engineering, also appeared virtually. Mr. Curtis stated this variance is for one unit in a townhome complex. If approved, he will be submitting variance applications for a number of units in the complex with the same issue. The variance request is to allow the batten and current ice and water shield to remain on the units that they are adding fasteners to. This is a construction defect repair on this entire community. The evaluation completed found that some of these units have lower than 10% of their field tile not fastened, which created a health and safety hazard. The HOA Board has hired Reconstruction Experts to make the repairs. Mr. Curtis stated during the inspection it was

noted that because 25% of the roof was removed, it was determined that this would be a full reroof which required that the battens and ice and water shield would have to be removed.

Kyle Boyd stated the HOA has limited funds to make these repairs and their budget only allows Reconstruction Experts to remove and reset those units in need of proper fasteners. Mr. Curtis stated the condition of the roofs were good; all that was missing was the fasteners.

Mr. Curtis stated there are 23 buildings in this community; however, this scope of work will only be performed on 10 units. Jina Koultchitzka reviewed the Code interpretation for minor variances as: (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. Curtis stated Item 3 would apply in this case; Mr. Peterson agreed and stated that Item 2 could also apply in addition to Item 3. Mr. Curtis stated the current condition of the batten system and the underlayment meet the standard of the Code and were inspected in 2016 and approved by RBD inspectors as adequate. That already meets the standard, so this issue is "equal or as good". Aside from the inspections of the two engineering companies regarding the construction defect litigation, there has not been another inspection. He stated the engineering reports have not been submitted to the Department. Mr. Peterson stated their inspection did not reflect any signs of deterioration of any of the underlying materials.

John Welton stated any repairs under 25% of the roof surface must be Code compliant for current Code, but the remainder of the roof does not have to be brought up to Code. If repairs are more than 25% of the roof surface, the entire roof is required to be brought up to current Code requirements. Mr. Welton stated the charging language in the Code is that all existing roof coverings are required to be removed and new put in place; so true removal to the deck unless there is ice and water shield. There is an exemption in the Code that ice and water shield does not have to be removed. Upon questioning by John Welton, Mr. Curtis affirmed that the underlayment on these buildings is a synthetic felt; it is not ice and water shield. Mr. Welton stated submittal of the engineering reports on these roofs to the Department will be required so RBD staff can determine the condition of the existing battens and underlayment.

Mr. Curtis stated he would like to continue the variance request to the December 1, 2021 Technical Committee meeting so he may submit additional documentation for the variance request. A motion was made by Jason Leimkuhl to **CONTINUE** this variance request to the December 1, 2021 Technical Committee to allow the applicant to submit additional documentation, seconded by Dale Ryba; the motion carried unanimously. RBD staff stated this documentation must be submitted to the Department no later than November 17, 2021.

10. **UNFINISHED BUSINESS**

There was no Unfinished Business.

11. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 10:33 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/lfg

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