

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

February 1, 2023

9:00 a.m.

MEMBERS PRESENT: Chair Micah Langness, Master Plumber
Vice Chair Philip Lasarre, Building A or B Contractor
Michael Finkbiner, Building Contractor C or D
Brian Braaten, Electrical Contractor
Thomas Lysne, Architect

MEMBERS ABSENT: Jason Leimkuhl, Mechanical Contractor
Andrew Baturevich, Structural Engineer

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official - Inspections
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

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>.

Colorado Springs Fire Department ("CSFD") was in attendance to discuss Item 6; CSFD took no exception to the remaining variance requests on the Agenda.

1. **CALL TO ORDER: DETERMINATION OF A QUORUM**

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

2. **CONSIDERATION OF THE JANUARY 4, 2023 TECHNICAL COMMITTEE MINUTES**

A motion was made by Philip Lasarre to **APPROVE** the January 4, 2023 Technical Committee Minutes as written, seconded by Michael Finkbiner; the motion carried unanimously.

3. **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) 1850 Bogus Place, Permit O43454 – Glenn DeCastro, homeowner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, to allow slab insulation to be omitted within a conditioned garage/shop, where required by Code.
- b) 6536 Dancing Star Way, Permit O46279 – Steven Southard, homeowner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, to allow slab insulation to be omitted within a conditioned garage/shop, where required by Code.
- c) 308 Fox Run Circle, Permit O08431 – Robyn Flint, homeowner, requests a variance to Section R310.2.2, 2015 International Residential Code, to allow a 45” window sill height in existing conditions, where a maximum of 44” is allowed.

Jay Eenhuis stated Item 3b should be corrected to reflect the 2021 International Energy Conservation Code in lieu of the 2015 International Energy Conservation Code, as that is how the plan was submitted to the Department.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Variance Requests with the correction noted to Item 3b, seconded by Brian Braaten, the motion carried unanimously.

4. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

5. 3580 Congenial Place, Permit N64270 – Kristina Bailey, homeowner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, to allow slab insulation to be omitted within habitable space, where required by Code.

Nicholas Bailey appeared virtually and requested a variance to omit the slab insulation in his garage that he is converting into a game room for his children. Jay Eenhuis stated the wall and ceiling insulation are Code compliant, and this would have been a consent variance had it not been for the fact that Mr. Bailey is converting the garage into living space for his children. Mr. Bailey stated the project has been completed, with the exception of the floor. Virginia Koulchitzka stated Section RBC111.2.3, 2017 Pikes Peak Regional Building Code (the “Code”) states the Committee is charged with reasonable interpretation of the Code. The Board of Review may grant minor variances from the provisions of this Code, provided the Board 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. Bailey stated he is not able to answer this question at this time and requested a meeting with Department staff. A motion was made by Michael Finkbiner to

CONTINUE this item until the March 1, 2023 Technical Committee Meeting to give Mr. Bailey an opportunity to meet with Department staff so he is better prepared to present his variance request to the Technical Committee, seconded by Thomas Lysne; the motion carried unanimously.

6. 20450 Beacon Lite Road – John Davis, John Davis Design Group, requests a variance to Section 903.2.1.3, 2015 International Building Code, to omit an automatic sprinkler system when increasing the total occupant load of the sanctuary from 300 to 318 occupants, resulting in 379 total building occupants, where required by Code.

John Davis appeared in person with Troy Coats, Deacon of the subject church. Mr. Davis stated they are requesting a variance to waive the sprinkler system for an addition they are doing to an existing sanctuary building at Tri-Lakes Church of Christ. He stated the history of the church is they converted a barn building in 1999 into a two-story building with a sanctuary downstairs and classrooms upstairs. At that time, they were not required to sprinkle the building. In 2009 they put a small addition on the north side of the building to increase the size of the sanctuary, and at the time Tri-Lakes Fire Department did not require a sprinkler system to be installed when they did the addition. Several years after that they did a covered patio so they could have outdoor functions and be protected from the weather. They now wish to enclose that patio to create additional space for their growing congregation. The biggest issue is the property is on a well, and it is difficult to get water to the site for any type of sprinkler system. They also have plans to build an auditorium in the future, but they are waiting for the Town of Monument to bring central water into that area before building.

Mr. Davis stated there will be several exits directly to the exterior from the sanctuary; the proposed occupant load is 318 occupants, where a maximum of 300 is allowed. There is also one exit from the upper level to the exterior and one exit that comes down a stairway that exits into a corridor and exits to the exterior. He stated they have more exits to the exterior than required by Code. Mr. Coats stated historically the church is only 75% to 80% occupied.

Doreen Withee, Colorado Springs Fire Department and acting representative for Monument Fire, stated as the variance is written, Monument Fire is not in favor of supporting this variance request. There is some concern with the occupant load calculation. In the letter the applicant submitted, they would be in favor of looking at an actual occupant load vs. the calculated occupant load and finding a way to bring the occupant load down to a maximum of 299 occupants, as the applicant has stated they would be capable of. As written, CSFD/Monument Fire is not in favor of the variance request; however, she believes there are available options for consideration.

Jay Eenhuis questioned Mr. Davis if he was using non-separated uses in the design of this building; Mr. Davis affirmed that he was doing so and there was a second story. Mr. Eenhuis stated the sprinkler system requirement requires that in an A3, a fire area is located on a floor other than the level of exit discharge. By using non-separated uses, they have to

look at both the first and second floors as the worst case, which in this case would be the A3 occupancy. Not only are they exceeding the occupant load of 300 per Item 2 under Section 903.2.1.3, they are also exceeding Item 3, so both of those elements would require a sprinkler system in this building. Mr. Eenhuis stated they had a variance request for this same issue in 2009, which was granted with the stipulation that the seating remains fixed and no additional loose chairs be added for overflow. Therefore, a variance has already been approved to get to the current occupant load.

Mr. Davis stated the building is not fully occupied at any one time for a Sunday service, even when they had the Wednesday night dinners. Even though there is an occupant load of 318 occupants, it would never be more than 300 at any one time in this building. Mr. Eenhuis stated currently the existing variance will allow 300 occupants within the sanctuary, plus the additional occupants in the remainder of the building, taking them to a total of 362 occupants. They are now requesting to go from 300 to 318 occupants in the sanctuary, thus taking the total to 379 in the entire building. He stated the plan from 2009 was approved with a total occupant load of 361.

Ms. Withee stated the calculation used in the Monument Fire letter is for tables and chairs for fixed seating. If you are going with chairs only, the actual occupant load factor that should be used is 7. However, there is a section that allows you to count the actual seats. If using a calculated occupant load, the sanctuary alone is at 450 based on square footage, but the diagram for their chairs shows that they do not have quite that many. Unfortunately, it appears that there is a condition on the 2009 variance that limits the continued growth to the occupant load. Ms. Withee stated that RBD and the Committee might consider the use of actual occupant load in lieu of calculated occupant load. The educational portions of the church are not in use at the same time as the church service, so the building is typically not fully loaded. Mr. Eenhuis stated this is a non-separated occupancy building that is two stories; it is a 5A type of construction, which is a start to a floor/ceiling assembly that could provide separation from first floor to second floor, but the applicant would have to look into that as well.

A motion was made by Philip Lasarre to **CONTINUE** this variance request until the March 1, 2023 Technical Committee Meeting to give the applicant an opportunity to determine the actual occupant load in lieu of the calculated occupant load, seconded by Michael Finkbiner; the motion carried unanimously.

7. 20 Berthe Circle, Permit N97301 – John Rigdon requested variances to:
 - a) Article 210.52(C)(2), 2020 National Electrical Code, to allow for two receptacle outlets where a minimum of three are required for a 42 square foot island countertop;
 - b) Article 210.52(C)(3)(2), 2020 National Electrical Code, to allow one receptacle under the seating area to be more than 12” below the countertop, where prohibited by Code.

John Welton stated Item 7 has been **WITHDRAWN**.

8. 10080 Lexington Drive, Permit O14151 – Eric Sachaj, Advanced Remodeling Services LLC, requests a variance to Section R505.2, 2015 International Energy Conservation Code, to allow existing insulation to remain where compliance with current Code is required for a conversion to a dwelling unit.

Eric Sachaj appeared virtually and stated this project is for installation of a new bathroom, which required that they take part of a furnace room to add to the bathroom space. He stated during one of the final inspections, an inspector noted that the previous owner of the house had been using the house as an assisted living facility. They had changed the use of the house at one point to allow for assisted living, so he now has to change the use of the house back to residential. In changing the house back to residential, he now has to meet the new International Energy Conservation Code. He stated he is requesting a variance to allow existing insulation to remain in place because they just added a bathroom to the basement, and to allow the use to be returned to a fully residential state as it was before.

John Welton stated this original plan submittal was brought to RBD as just an interior remodel for the addition of a bathroom in the basement level. With that original submittal since that was contained inside the building thermal envelope and there was no scope of work that was altering the thermal envelope, an IECC form would not have been required. What does trigger IECC compliance and upon further evaluation once the inspection staff was out on the project, they realized that years ago this was changed from a single-family dwelling to assisted living. The scope of work, from the construction standpoint is in essence a bathroom remodel, which has no impact on the Energy Code. Mr. Welton stated the Energy Code is not a life safety code, but RBD staff will remain “neutral” on this variance request.

Upon questioning by Michael Finkbiner, Mr. Sachaj stated Section RBC111.2.3 of the Code, Item 1 would apply to this variance request. Ms. Koulchitzka stated this criteria does not translate to an error of interpretation for the applicant, if that is the claim or argument here. Instead, the true intent of the applicable code has been incorrectly interpreted by RBD. The focus needs to be on that and not a misunderstanding, misinterpretation, or misapplication by the applicant specific to the variance request. Mr. Sachaj stated it is not going to apply correctly here because it is an existing residential house that is built and approved by RBD Code and finished that way. When the use was changed to an assisted living center, it makes sense to look at it and say we need to now comply with a new change of use, but there was not much change; it was just reverting back, so it does not make any sense to tear everything down to meet some current Energy Code when it is already an existing structure that is not really changing. He stated there will actually be a decrease in use in energy in this house because there will be a decrease in people in the house.

A motion was made by Philip Lasarre to recommend to the Board of Review **APPROVAL** of the variance request because it is just a change of occupancy and the energy consumption should be less; he feels the provisions of the applicable Code do not apply, seconded by

Michael Finkbiner; the motion carried unanimously.

9. **UNFINISHED BUSINESS**

There was no Unfinished Business.

10. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 10:05 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/lhg

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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