

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

April 5, 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
Jason Leimkuhl, Mechanical Contractor
Andrew Baturevich, Structural Engineer

OTHERS PRESENT: Roger N. Lovell, 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 Items 5 and 7.

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

Chair Micah Langness called the meeting to order at 9:01 a.m.

2. **CONSIDERATION OF THE MARCH 1, 2023 TECHNICAL COMMITTEE MINUTES**

A motion was made by Andrew Baturevich to **APPROVE** the March 1, 2023 Technical Committee Minutes as written, seconded by Vice Chair Philip Lasarre; 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) 9330 Glider Loop-Griff Hanning, Homefix, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Item 3 of Section RBC111.2.3, to allow slab insulation to be omitted within a conditioned garage/shop, where required by Code.

A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Variance Request, 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. 1102 South Nevada Avenue – Scott Schuster, Echo Architecture, requests a variance, prior to plan submittal, to Section 903.2.8, 2015 International Building Code, based on Item 3 of RBC111.2.3, to allow a building with a Group R fire area without an automatic sprinkler system, where required per Code.

Mr. Baturevich recused himself from Item 5 due to a business relationship with the applicant. A quorum remained.

Scott Schuster appeared in person representing Echo Architecture, stating that the project is on behalf of Springs Rescue Mission (the “Mission”). This variance is for a non-occupied hotel, which is being renovated for the purpose of assisting the Mission’s program. This program assists residents in their recovery efforts who are on campus at the Mission. More precisely, Mr. Schuster stated that these residents will be moving off the campus and into the Mission’s hotel where there are kitchenettes in the hotel rooms. These kitchenettes are outdated and do not have automatic sprinkler systems to bring them up to Code.

Mr. Schuster stated he is not seeking any structural changes with the variance; the scope of work contemplated addresses the safety components of each room and involves mechanical, electrical, and plumbing. Mr. Schuster has been working with CSFD in determining if fire suppression hoods would be approved in lieu of the automatic sprinkler system required by Section 903.2.8, 2015 International Building Code, based on Item 3 of Section RBC111.2.3 of the Pikes Peak Regional Building Code, 2017 Edition (“RBC”).

Jacob Watson from CSFD appeared in person and indicated the Department has no issues with the applicant installing fire suppression hoods insofar as the automatic sprinkler system will still be installed at some time in the near future.

Jay Eenhuis indicated since the temporary residents of the Mission will undoubtedly live in the renovated property longer than thirty days, the Building's occupancy classification rating would change from an R1 to an R2, which will require an automatic sprinkler system.

Chip Taylor from CSFD appeared in person and requested that the parties discuss any options available to the applicant. He suggested the issuance of a temporary building permit conditional upon the applicant agreeing to install the automatic sprinkler system in phases.

Mr. Eenhuis indicated that in this circumstance, due to safety concerns and the fact that Pikes Peak Regional Building Department ("RBD" or the "Department") does not have a way to enforce such an agreement, a temporary permit is not an available option.

Virginia Koulchitzka agreed with Mr. Eenhuis, stating that RBD does not have a process in place to enforce such an agreement and the safety and liability concerns would remain an issue.

The parties then discussed Alternative Sprinkler protection, such as an NFPA 13D sprinkler system. CSFD agreed it was a feasible option, as did the applicant.

Mr. Schuster withdrew the variance request.

6. 390 Printers Parkway – Fidencio Torres, Architect, requests a variance, prior to plan submittal, to Section 1004.1.2, 2015 International Building Code, based on Item 3 of Section RBC111.2.3, 2017 Pikes Peak Regional Building Code, to allow the use of a reduced occupant load for design purposes, where the calculated occupant load per Table 1004.1.2 is required per Code.

The variance request was withdrawn by the applicant.

7. 3745 Marion Drive, Permit N67099 – Paul Hohmann, Ebersoldt & Associates Architecture, requests a variance to Section 1004.1.2, 2015 International Building Code, based on Item 3 of Section RBC111.2.3, to allow the use of a reduced occupant load for design purposes, where the calculated occupant load per Table 1004.1.2 is required per Code.

Mr. Baturevich rejoined the Committee.

Paul Hohmann appeared virtually and explained the variance is for a meeting room that has a partition through the middle of it, separating it into two meeting rooms. Mr. Hohmann indicated that there is a glass door on one of the walls for egress purposes on one side of the partition.

Mr. Eenhuis stated the requirement is that the partition have a door within the partition for safety issues or the glass door must be motorized. Mr. Taylor from CSFD agreed with Mr. Eenhuis, stating that there must be an egress on both sides of the partition for safety issues.

A motion was made by Vice Chair Philip Lasarre to recommend to the Board of Review **DENIAL** of the Variance Request, seconded by Mr. Finkbiner; the motion carried unanimously.

Ms. Koulchitzka advised Mr. Hohmann of his appeal rights: 30 calendar days from the denial of the Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

8. 4250 Rio Vista Drive – Nicholas Fleming, Lokal Communities, LLC, requests a variance, prior to plan submittal, to Section RBC303.4.27, 2017 Pikes Peak Regional Building Code, based on Item 2 of Section RBC111.2.3, to allow for a reduction of the required 42 accessibility points required by CRS 9-5-105 for a 94 Unit Townhome project.

Nicholas Fleming and Thomas Pucciano of Lokal Communities, LLC, appeared in person. Mr. Fleming indicated the variance is for the purpose of approving the project with the accessibility stated in the plans since the type of grading of the property does not allow for multiple access points. He went on to say that the project site does create an undue and impractical hardship to the public with regard to accessibility of the site pursuant to Article 5 of the Colorado Revised Statutes (“CRS”), sections 9-5-101 and 9-5-103. This is due to the slopes on the property involving the need for grading and scaling, even where retaining walls could be erected.

Mr. Pucciano added that the entrances to the site off Barnes Road and Rio Vista do meet the Fire Codes, but the roads and walkways within the site do not meet the Fire Codes due to the slope, scaling, and grading issues.

Mr. Eenhuis indicated RBD will not take a position on accessibility issues.

Vice Chair Lasarre commented CSFD did not take exception with this variance, and the variance does not pose any life safety issues or concerns. He further stated he is leaning toward approving the same regarding the accessibility points and the resulting vote to this regard. The parties agreed that 28-points would be obtained per CRS requirements.

A motion was made by Vice Chair Lasarre to recommend to the Board of Review **APPROVAL** of the Variance Request, seconded by Mr. Finkbiner; the motion carried unanimously.

9. 1207 S. 25th Street, Plan R165530 – Christine Riggs, 308 LLC, requests variances to:
- a) Table R302.1(1), 2015 International Residential Code, based on Item 2 of Section RBC111.2.3, to allow existing walls having a fire separation distance less than 5 feet to remain unmodified, where minimum fire-resistance rating is required per Code.
 - b) Table R302.1(1), 2015 International Residential Code, based on Item 2 of Section RBC111.2.3, to allow existing windows having a fire separation distance less than 3 feet to remain in place, where prohibited per Code.

A representation was made on public regard specific to Mrs. Riggs' position as a volunteer on the Board of Review and Advisory Board of the Department. Mr. Baturevich recused himself from Item 9 due to a business relationship with the applicant. A quorum remained.

Christine Riggs of 308 LLC appeared in person and explained that the property involved with this variance request actually began renovation in 2015 under Permit J89159. In 2017, there was a stop-work order issued due to an existing kitchen and bathroom when the area was listed as a storage space only. Since that time, changes have been made, and the current variance covers two existing structures on the same lot that are connected by a three-foot section of roof; now, it is considered one structure. In addition, it was noted that the original structure permit did not show the site plan and the proximity to the lot lines. Thus, RBD was not aware of the fire-resistant requirements at that time.

Mrs. Riggs stated there is a new plan review number R165530 to cleanup what was done in the past. She stated that heat and a full bathroom were added, and all kitchen equipment has been removed so that the space will now remain for storage use and a temporary art studio. More to this point, when the walls were reconstructed along the north lot line, they were less than five feet away. These walls should have been erected with one-hour construction.

Mrs. Riggs further stated in order to have a paper path going forward, this variance is about all the construction that has been completed, including framing, windows installed, siding, and roofing that has been installed, and everything has been inspected. In addition, Mrs. Riggs advised the Committee that the correct address for this property is 1205 S. 25th Street, not 1207.

Mr. Finkbiner inquired about the other unit on the property, wanting to know how close in proximity it was to the 1205 structure.

Mrs. Riggs indicated the second unit is also owned by the same homeowner, and that address is 1203 S. 25th Street. The buildings are approximately five feet apart with heavy vegetation between them.

Chair Langness asked about the interior of the building versus the exterior as to what has been completed to date.

Mrs. Riggs indicated all exterior elements have been completed, and they are currently working toward completing the interior, including having the fire rating installed both on the interior and exterior walls.

Ms. Koulchitzka reminded the Committee of RBC111.2.3 of the Code, which states in part: 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.
3. An equally good or better form of construction is proposed.

Mrs. Riggs indicated that part (a) of the variance requests new construction and materials be used to replace existing walls, roofing, windows, etc., which would fall under Item 3, and would be the reason for the variance.

The parties discussed part (b) of the variance request, and Mrs. Riggs reiterated what was talked about when discussing part (a) of the variance, which incorporates part (b) to allow existing windows having a fire separation distance less than 3 feet to remain in place.

Motions were made by Mr. Finkbiner to recommend to the Board of Review **APPROVAL** of both Variance Requests, seconded by Mr. Braaten; the motions for both carried unanimously.

10. 6268 Maroon Mesa Drive, Permit N45251 – Manuel Garcia, homeowner, requests a variance to Section R310.2.1, 2015 International Residential Code, based on Item 1 of Section RBC111.2.3, to allow existing window with 20” net clear height and 2.78 square feet of net clear opening as an emergency escape and rescue opening, where prohibited per Code.

Mr. Baturevich rejoined the Committee.

Manuel Garcia appeared in person and explained the reason for the variance request: a completed project where he added a studio/craft room on the second floor of his home. When inspected, he was advised that the window was short by 1-½ inches when using it as an egress.

Mr. Eenhuis asked about other structural changes in the studio/craft room, and Mr. Garcia indicated there is a closet for storage purposes. Since there is a closet in the room, Mr. Eenhuis advised that the room is considered a sleeping room and, therefore, must have an emergency escape and rescue opening, that meets the requirements of IRC section R310.2.1, which opening should be at least 20” x 20”.

John Welton clarified that the window is about 1.6 square feet short of Code. He indicated that it does not appear that the inspection staff commented on the sill height as the variance is just for window height. He further inquired of the applicant if there was a roof or landing outside the window since the studio/craft room is on the third story of the home.

The applicant indicated that there is about a twenty-five foot drop directly outside the window. He also stated that there is another room on either side of the studio/craft room, and he might possibly remove a door and just use another existing window as the egress window where there is about a three-foot drop to a landing.

Mr. Eenhuis stated that such a door removal may not be sufficient as an opening to another room as it would need to be at least 50% of the wall space to meet Code requirements. Further, he indicated that the fire department took no exception to this variance request, and they would be the first responders using this egress.

Mr. Welton advised the Committee that RBD will remain neutral since CSFD has not taken an exception to the variance request. He also indicated that if the closet in the studio/craft room was sixteen inches in depth, it would not be considered a sleeping room.

Mr. Garcia offered to alter the depth of the closet and remove the closet doors in order to be within Code, making the closet depth sixteen inches. Mr. Garcia, therefore, withdrew his variance request.

11. 1763 Woodmoor Drive, Permit O10086 – William Crawford, homeowner, requests a variance Section R305.1.1, Exception 2015 International Residential Code, based on Item 2 of Section RBC111.2.3, to allow an obstruction (beam/girder) to project within 6'-2" of the finished floor, where 6'-4" minimum is required per Code.

William Crawford appeared virtually and explained that the main reason for the variance is to allow less height space in the basement with regard to the beam for emergency purposes only, as he has no plans to have living quarters in the basement. He also indicated the area will be mostly used for storage and to insulate the pipes, avoiding any freezing, since the house sits on a lake. Mr. Crawford further indicated that he took the recommendation of Woodmoor Water in keeping the basement height up to the highwater mark.

Chair Langness asked if the applicant was adding a room, based on the pictures and the stairs within the basement.

Mr. Crawford stated that was his first intention, however, the project didn't work out due to space issues. This is why he now intends to use the basement for storage.

Jason Leimkuhl asked about the stairs in the basement and if the applicant built the basement flooring on the existing foundation or if he added a new floor entirely. Mr. Crawford said he built an entirely new flooring structure, including the stairs.

He added that the floor was built according to the elevation levels of the house since it is on a lake and, as of today, the floor is concrete.

Vice Chair Lasarre asked if the variance only deals with the height of the center beam within the basement, and what the applicant intended to do about the ceiling. Mr. Crawford confirmed that the variance is to approve the height of the center beam. He added that with regard to the ceiling, his plans are to eventually add drywall and leave the basement as is because it will be used for storage; he has installed new heating as well.

Vice Chair Lasarre shared his concerns about future use of the basement if the applicant wanted to use it for a guest room, indicating the beam height would be an issue. Mr. Welton pointed out that any new renovations would require a new variance request and, therefore, the beam height would be considered on an entirely different basis and would fall under habitable restrictions. At this point however, RBD does have permits in place for this property which include mechanical and electrical. In this regard, inspections have not been completed due to the current variance request.

Ms. Koulchitzka asked: Should the remodel be done on that specific area, and consideration given to a future variance request for existing nonconforming issues, would this create any problems? Mr. Welton confirmed there may be future issues; however, there would also be an inspection at that future time. A discussion took place to allow the variance of 5'11" beam height with finished flooring.

Ms. Koulchitzka reminded the applicant that the Board of Review retains final authority over the Committee's recommendation. The Board of Review will meet on April 19, 2023. She advised the applicant he may attend the meeting or await the final decision.

A motion was made by Mr. Finkbiner to recommend to the Board of Review **APPROVAL** of the Variance Request, seconded by Mr. Braaten; the motion carried unanimously.

12. 31 E. Platte Avenue, Permit O43177 – Andrew Harris, Harris Electric Group, requests a variance to 2020 National Electrical Code, Article 240.24, based on Item 3 of Section RBC111.2.3, to allow a service disconnect switch to be installed at a height greater than the 6'-7" maximum allowed per Code.

Andrew Harris appeared in person and explained the variance is for a commercial remodel where the existing 800-amp electrical panel includes a six-handle disconnect rule. The issue is the existing disconnect handles are at the 6'7" limit, however, the new connection would be at 7'1" due to previous corrosion issues. If they were to re-pipe and move the location of the panels, there would not be enough room for the panels to remain together as the rule states that all disconnects must remain grouped together, as required by Section 230.71 of the National Electrical Code ("NEC").

Vice Chair Lasarre and Mr. Braaten discussed that this variance would fall under RBC111.2.3; replacing the existing disconnect with like insulation would be considered a better remedy and would keep the panels grouped, therefore, the variance should be approved.

A motion was made by Mr. Braaten to recommend to the Board of Review **APPROVAL** of the Variance Request, seconded by Mr. Leimkuhl; the motion carried unanimously.

13. 1130 Swope Avenue, Permit O25835 – Daryn Strop, Wayne Anthony Corporation, requests a variance to Section RBC303.4.1 Definition of Crawl Space, 2017 Pikes Peak Regional Building Code, based on Item 1 of Section RBC111.2.3, to allow a crawl space with an average height of 5’-9.5” where no more than 5’ average is allowed per Code.

Daryn Strop appeared virtually and explained the variance request is due to the fact that he did not know there was a supplement to Section RBC303.4.1 of the Code and, therefore, requests a variance based on Section RBC111.2.3 of the Code as to the crawl space having a head height of 5 feet.

Ms. Koulchitzka stated that not knowing the Code and incorrectly interpreting the Code are not affirmative defenses and insufficient for approving the variance request.

Mr. Welton confirmed that the reason for the required crawl space is prevention of the area becoming a habitable space. He asked the applicant if he has worked with his design specialist or engineer to inspect the area and evaluate the foundation walls at a height over 5’ to ensure no additional lateral restraint is required to support the footings and/or foundation from sliding off the footing. The applicant answered he had not discussed or requested this, however, if this is required by the Committee, he would. Mr. Welton recommended to the Committee that this evaluation documentation be available at the next meeting in order to further consider the variance request at that time.

A motion was made by Mr. Finkbiner to postpone any recommendations until the applicant provides an evaluation letter by his engineer as to the safety of the current foundation; seconded by Mr. Braaten; the motion carried unanimously. Chair Langness advised Mr. Strop that the Committee has continued the variance request until the next meeting on May 3, 2023 at 9:00 a.m. He further explained that Mr. Strop is to provide a letter from his structural engineer that shows an evaluation of the “as-built” foundation, including any structural plans and pictures.

Mr. Welton advised the variance request would be marked as “incomplete” within the system, so that the applicant may upload the required additional documentation.

14. 30 Reno Scotty Terrace, Permit N53112 – Patricia Byers, Buffalo Builders, requests a variance to Section R311.7.8.3, 2015 International Residential Code, based on Item 2 of Section RBC111.2.3 to allow a handrail that does not meet either Type 1 or Type 11 grip- size requirements, where required per Code.

Russ Negaard, president of Buffalo Builders, appeared in person and explained the variance involves having to install an aesthetic of stair handrails. The Code requires a type of groove within the handrails for grasping that is continuous for safety concerns. Mr. Negaard explained that adding such a groove into the handrails requires drilling which poses issues with the glass pieces that have already been installed.

Mr. Welton explained that as designs have changed, and as the Code has adapted to those changes, this type of Code requirement has not truly been updated to allow for those exact changes. As such, it does not appear that there is a problem with any width requirements, only the grasping ability of the handrails. Further, the overall intent of the Code is to be able to step up and down the stairs with ease while having continual gripping ability. Therefore, RBD staff takes no exception to this variance request.

A motion was made by Mr. Baturevich to recommend to the Board of Review **APPROVAL** of the Variance Request, seconded by Mr. Finkbiner; the motion carried unanimously.

15. **UNFINISHED BUSINESS**

There was no Unfinished Business.

16. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:51 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/gml

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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