

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MEETING MINUTES

July 3, 2024 – Wednesday - 9:00 a.m.

MEMBERS PRESENT: Chair Jason Leimkuhl, Mechanical Contractor
Vice Chair Andy Baturevich, Structural Engineer
Brian Braaten, Electrical Contractor
Andy Sanchez, Building Contractor A or B
Mick Emmerson, Master Plumber

MEMBERS ABSENT: Tom Lysne, Architect
Mike Finkbiner, Building Contractor C or D1

RBD STAFF: Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Regional Building Official – Plans
John Welton, Deputy Regional Building Official – Inspections
Gina LaCascia, Executive Administrative Assistant

PROCEEDINGS:

The Technical Committee meeting was conducted in a hybrid forum, 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 through Microsoft Teams Town Hall. Sufficient and timely access to the public to observe the meeting was made available at:

<https://www.pprbd.org/Information/Boards>.

The Colorado Springs Fire Department (CSFD) was not present. However, CSFD did advise, based on the provisions of the International Fire Code, it did not take any exceptions to the variance requests as listed on the Agenda.

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

Chair Jason Leimkuhl called the Technical Committee meeting to order at 9:00 a.m.

Andy Sanchez, a new volunteer member of the Technical Committee introduced himself as the Building Contractor A or B. Mick Emmerson, also a new volunteer member of the Technical Committee, introduced himself as the Master Plumber.

2. **CONSIDERATION OF THE JUNE 5, 2024 TECHNICAL COMMITTEE MEETING MINUTES**

A motion was made by Vice Chair Andy Baturevich to **APPROVE** the June 5, 2024 Technical Committee Meeting Minutes, as written; seconded by Andy Sanchez; 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.

There were no items on the Consent Calendar.

4. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

5. **VARIANCE REQUESTS**

- a) 9970 Federal Drive, Colorado Springs, Permit O30861 – John C. Maus, Facilities Site Manager, Lockheed Martin Rotary Mission Systems, requests a variance to Section 2.27.1.1.3, ASME A17.1-2019, Safety Code for Elevators and Escalators, based on Item 3 of Section RBC111.2.3 of the Pikes Peak Regional Building Code, 2023 Edition, to omit text messaging devices for hearing impaired, where required by code.

John C. Maus appeared virtually and stated that the elevators at the Lockheed facility on Federal Drive require approvals through Cybersecurity that involve text messaging capabilities. However, the facility operates in a classified environment, and therefore he has not been able to upgrade the freight elevator.

Chair Jason Leimkuhl asked Mr. Maus what he proposed as an equally good or better form of construction. Mr. Maus indicated he has cameras installed in all elevators providing video, which were approved by physical security; standardized phone communication; plus, the facility has 24/7 security personnel on site who monitor all elevator activity during the work week, on weekends, and holidays.

Eric Reinhardt, Chief Elevator Inspector with Regional Building Department, appeared in person and stated that he takes no exceptions with this variance request.

A motion was made by Vice Chair Andy Baturevich to recommend to the Board of Review **APPROVAL** of the variance to omit text messaging devices for the hearing impaired; seconded by Andy Sanchez; the motion carried unanimously.

- b) 1409 Prairie Road, Colorado Springs, Permit P33007 – Charles Gardner, Gardner Contracting, L.L.C., requests a variance to Section R905.2.2, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow asphalt shingles to be installed on a roof pitch less than 2:12, where prohibited.

Gary Chenoweth, an employee with Gardner Contracting, L.L.C., appeared in person and stated that the company is reroofing a house on 1409 Prairie Road that currently has asphalt shingles at a 2:12 pitch, however, various areas of the roof dips just below 2:12. The homeowner is aware of this condition, and the plan is to redeck the roof at the current 3/8" measurement, overlay that with 7/16" Oriented Standard Board (OSB), plus install ice and water shield on the entire roof; and if needed, install extra shimming. With these additions, the roof should measure at a 2:12 pitch.

John Welton confirmed that there would not be any code violation for overlaying with a 7/16" OSB, however, the issue, if any, would be the slope of the roof. Chair Jason Leimkuhl asked if the manufacturer does not warranty the asphalt shingles at a roof pitch less than 2:12, would Gardner Contracting, L.L.C., warrantee the roof. Mr. Chenoweth said his company would provide a supplemental warranty if the manufacturer did not warrantee the shingles at a pitch of less than 2:12.

A motion was made by Vice Chair Andy Baturevich to recommend to the Board of Review **APPROVAL** of the variance with the condition that ice and water shield be installed over the entire roof with 7/16" OSB installed over the existing deck, and the applicant provide a supplemental warranty on the asphalt shingles on company letterhead; seconded by Andy Sanchez; the motion carried unanimously.

Virginia Koulchitzka advised the applicant that such supplemental warranty would need to be provided to the Department by July 9, 2024.

- c) 2542 Elvin Avenue, Colorado Springs, Permit P04967 – Brunilda Montijo, Trustee, Montijo Family Trust, property owner, requests variances to:
- 1) Section R908.3, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow new ice and water shield installed over existing underlayment, where prohibited, and
 - 2) Section R908.6, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow new sidewall flashing to remain with locations of exposure above garage, where prohibited.

Brunilda Montijo appeared virtually and stated that before her husband passed last October, 2023, he reroofed the property with the assistance of a man named Andi from Tapia Roofing. Recently, the roof did not pass inspection, and she is asking for direction from the Technical Committee as to how she should move forward in this regard. As far as Mrs. Montijo is aware, Tapia Roofing was a licensed contractor.

John Welton advised that the homeowner applied for the variance and obtained the permit. The notes from the failed inspection were “Ice and water shield installed in several areas over old underlayment.” This is not necessarily a code issue unless this is in a valley. If it is on rakes or eaves, then the issue falls under the manufacturer’s installation instructions. Mrs. Montijo said that Andi came by her home last week and offered to fix whatever needed to be fixed since the roof failed inspection and said he would bring her the photographs he took during the reroof. However, he did say that he could not repair the entire reroof at his cost.

Andy Sanchez indicated there isn’t much the Committee could do at this point unless the homeowner hired a new licensed contractor to step in and take over. Chair Jason Leimkuhl suggested that the variance be continued until the applicant could provide more information with regard to the roofing company and provide photographs taken during the reroof. Mrs. Montijo indicated she would attempt to contact the contractor again and ask him to fix the issues noted in the inspection documents. John Welton indicated if the homeowner was able to have the issues resolved, there may not be a need to hear the variance thereafter.

Virginia Koulchitzka advised the homeowner that the Committee is not in a position to encourage or recommend that she continue to work with a contractor who is not, or may not be, licensed with the Department. Further, if Tapia Roofing is not licensed, the homeowner cannot task the company or any of its employees to complete or repair the roof under the homeowner’s permit. Such a permit would require the homeowner to complete the construction. If the work is deficient in any form, the liability would fall on the homeowner. Since the Department does not have a record of Tapia Roofing and/or Andi being a licensed contractor with the Department, the only resolution may be to retain a licensed roofing contractor to inspect the roof and remedy any deficiencies. Performing work or roofing consulting without a license is a violation of the Regional Building Code. Ms. Koulchitzka further suggested that the homeowner visit the Department’s website where she can find a list of licensed roofing contractors. Further, a Department non-compliance inspector will be contacting the homeowner to request any documents and photographs the homeowner may have from Tapia Roofing.

A motion was made by Andy Sanchez to **CONTINUE** the variance, both parts 1 and 2, for two months in order to allow the homeowner to compile documentation and photographs of the reroof; seconded by Brian Braaten; the motion carried unanimously.

- d) 5021 Gold Run Court, Colorado Springs, Permit P35744 – Patrick Harr, Creative Outdoor Living, and Michael and Donna Dickey, property owner(s), request a variance to Section AH105.1, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow existing deck framing and under-deck system to be utilized in lieu of independent patio cover roof assembly.

Michael Dickey, the property owner, appeared in person and stated that his first submitted plan for the existing deck was not approved. He now has an approved plan which includes an independent roof structure (patio cover roof) just below the second-floor deck. The variance is requesting he be allowed to use the existing deck framing and under-deck system, to be utilized in lieu of a patio cover roof. The deck was built, inspected, and approved in 2020 as part of the original home build. Thus, for structural load purposes, including rain and snow, the deck is sufficient. However, the roof under the deck would be completely tucked underneath the joist and slope down to the other end. This roof would never have rain, hail, snow, or sunlight because it is underneath the existing deck. Plus, the homeowner plans to install glazing that would completely enclose the area under the deck.

Jay Eenhuis indicated that this scenario is one for which the Regional Building Code cannot take into account “all possible” ways of construction. Section AH105, which covers the structural provisions of a patio cover, includes a roof assembly being required for structural loads. The decking material and floor joist would be considered a floor assembly. This is the reason for the secondary roof needed to meet code requirements. It is Department staff’s position that if you take into account the existing deck-floor structure as a roof structure to support the loads imposed, and then consider the under-deck water proofing system for moisture and weather protection, the proposed solution meets the intent of the code.

Chair Jason Leimkuhl asked the property owner if he planned on adding any heat and/or cooling systems in this new enclosed outdoor room. Mr. Dickey indicated it will be a glazed enclosed room to enjoy the outdoors without going outdoors. Mr. Dickey stated that the weather proofing he intends to install was included in the initial plan submittal. Jay Eenhuis stated if the variance is approved, the homeowner would need to file for a splice, reverting the plan, as approved, back to the original proposed design that was disapproved in review.

Andy Sanchez asked Department staff if the variance was approved, requesting a drainage system to be installed under the deck be recommended. Jay Eenhuis indicated the variance is requesting to allow existing deck framing and under-deck system to be utilized in lieu of independent patio cover, therefore, the drainage is taken care of with an approval of the variance as written.

A motion was made by Andy Sanchez to recommend to the Board of Review **APPROVAL** of the variance as written; seconded by Vice Chair Andy Baturevich; the motion carried unanimously.

- e) 91 S. Marland Road, Colorado Springs, Plan No. R188892 – Michael Chiartano, Chiartano Engineering Group, requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow for reduced slab insulation within conditioned, habitable space, by increasing insulation R-values provided elsewhere.

There was no appearance by the applicant or the homeowner on this variance.

A motion was made by Andy Sanchez to **CONTINUE** the variance to the next Technical Committee meeting or until the Department receives communication from the applicant or the property owner since no one appeared; seconded by Vice Chair Andy Baturevich; the motion carried unanimously.

- f) 14595 Silverton Road, Colorado Springs, Plan No. R191183 – Jose Galaviz, Gala Custom Homes, Inc., requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow for reduced slab insulation within conditioned, habitable space, by increasing insulation R-values provided elsewhere.

Araceli Galaviz appeared in person representing her husband, Jose Galaviz, and stated that they are assisting a neighbor with conditioning their detached garage to use as a workshop and some storage. The property owner would like to heat the garage but doesn't want to spend the money to cut up the existing concrete foundation. If there is a way they could add insulation to the interior of the garage, the homeowner would prefer this method.

Andy Sanchez inquired of Department staff if the applicant consulted an HVAC contractor to come up with an alternative path to insulating the detached garage. Jay Eenhuis indicated he spoke with Jose Galaviz prior to today's meeting and was given Mr. Galaviz's HVAC contractor's contact information. After speaking with the HVAC contractor, Scott Laabs with A&R Mechanical, Inc., there were a couple of alternatives discussed, but Mr. Eenhuis is unaware if anything has been completed toward that end. Mrs. Galaviz indicated she did not know about the conversations with the HVAC contractor.

A motion was made by Vice Chair Andy Baturevich to **CONTINUE** the variance to the next Technical Committee meeting to allow the applicant time to provide an update from the HVAC contractor; seconded by Andy Sanchez; the motion carried unanimously.

6. UNFINISHED BUSINESS

There was no Unfinished Business to discuss.

7. **NEW BUSINESS**

a) Consent Variance Requests discussion / consideration.

John Welton indicated that the discussion and consideration regarding the Consent Variance Requests relate to the energy code. This item was approved and added as a criteria to the Consent Calendar items during the July, 2023 meeting and related to the 2021 International Energy Conservation Code (IECC); that item is now being requested to be removed from the Consent Calendar, and is as follows:

“... request a variance to **Table R402.1.3**, 2021 International Energy Conservation Code, per Item 2 of RBC111.2.3, to omit the prescriptive slab insulation, where required by code”:

- must meet the prescriptive insulation requirements in all other building elements
- consent calendar item applicable to existing attached garages and detached accessory structures which do not contain habitable space

Mr. Welton discussed Section RBC111.2.3 of the Code. With the nuances of the IECC and adopted legislation, the Department would like the Committee’s consideration to remove the above item from the Consent Calendar. If a variance exhibits grounds under Section RBC111.2.3 of the Code, that variance applicant will appear before the Committee to validate the information.

A motion was made by Andy Sanchez to recommend to the Board of Review **REMOVAL** of the International Energy Conservation Code Consent Calendar item in reference to Table R402.1.3 as it relates to the omission of slab insulation; seconded by Vice Chair Andy Baturevich; the motion carried unanimously.

8. **ADJOURNMENT**

The Technical Committee meeting adjourned at 10:44 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/gml

Pikes Peak Regional Building Department
Technical Committee Meeting Minutes
July 3, 2024
Page 8

Accommodations for the hearing impaired can be made upon request by providing notice within forty-eight (48) hours prior to the meeting. Please email ginal@pprbd.org or call (719) 327-2989. Pikes Peak Regional Building Department (PPRBD) meeting agendas and minutes, as well as archived records, are available free of charge on PPRBD's website under Boards & Committees. Audio copies of the record may be purchased by emailing ginal@pprbd.org or by calling (719) 327-2989.