

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

March 6, 2024 – Wednesday - 9:00 a.m.

MEMBERS PRESENT: Chair Jason Leimkuhl, Mechanical Contractor
Vice Chair Andy Baturevich, Structural Engineer
Tom Lysne, Architect
Mike Finkbiner, Building Contractor C or D1
Brian Braaten, Electrical Contractor
Micah Langness, Master Plumber
Phil LaSarre, Building Contractor A or B

RBD STAFF: Roger Lovell, Regional Building Official
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 live events. Sufficient and timely access to the public to observe the meeting was made available at: <https://www.pprbd.org/Information/Boards>.

Roger Lovell took the opportunity to thank Phil LaSarre and Micah Langness for their years as volunteer Committee members and presented each with an appreciation plaque from the Pikes Peak Regional Building Department.

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

1. CALL TO ORDER: DETERMINATION OF A QUORUM

Chair Jason Leimkuhl called the Technical Committee meeting to order at 9:05 a.m.

2. CONSIDERATION OF THE FEBRUARY 7, 2024 TECHNICAL COMMITTEE MINUTES

A motion was made by Vice Chair Andy Baturevich to **APPROVE** the February 7, 2024 Technical Committee Minutes, as written; seconded by Tom Lysne; 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) 5320 Roundup Ridge Road, Colorado Springs, Permit P12363 – Michael Bogue, property owner, requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit the prescriptive slab insulation within a conditioned garage/shop, where required.
- b) 6313 Mesedge Drive, Colorado Springs, Permit O08436 – Chad Hessel, property owner, requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit the prescriptive slab insulation within a conditioned garage/shop, where required.
- c) 5941 Eldora Lane, Colorado Springs, Plan R186318 – Doug Page, PCI Builders, 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 omit the prescriptive slab insulation within a conditioned garage/shop, where required.
- d) 12002 Monarchos Lane, Colorado Springs, Permit O77569 – Mark Ternes, Springs Heating and Cooling, requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit the prescriptive slab insulation within a conditioned garage/shop, where required.
- e) 2750 Maroon Bells Avenue, Colorado Springs, Plan R185765 – Olivia Peters, property owner, requests a variance to Section RBC303.4.15, 2023 Pikes Peak Regional Building Code, 2023 Edition (the “Code”), based on Item 3 of Section RBC111.2.3 of the Code, to allow a 49" maximum height to bottom of clear opening from the floor, in existing conditions, where a minimum of 44" is required, with the stipulation that a step is permanently installed under the window sill with a maximum 6" rise, a minimum 11-1/2" tread, and the full width of the window opening.

A motion was made by Mike Finkbiner to recommend to the Board of Review **APPROVAL** of the Consent Calendar Variance Requests; seconded by Micah Langness; the motion carried unanimously.

4. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

5. **VARIANCE REQUESTS**

- a) 921 Grand Blvd., Colorado Springs, Permit P05467 – Travis Hofmann, property owner, 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 omit the prescriptive slab insulation within newly conditioned habitable space, where required.

Travis Hofmann appeared in person. He has owned the property at 921 Grand Blvd., for the past twenty-two years and is in the process of correcting his previous renovation in which he converted a small carport into a bedroom and laundry room. His variance requests that the bedroom floor not be required to be raised for insulation purposes because the conversion of the laundry room which is adjacent to the bedroom passed inspection. If he was required to raise the floor in the bedroom, it would also require him to demolish all the construction completed in the laundry room area.

John Welton provided a copy of the applicant's submitted and approved plans with regard to the laundry room, which show the adjacent bedroom and the step up to the laundry room. Chair Leimkuhl then asked the applicant about the heat-loss calculations to which Jay Eenhuis indicated they were performed using an R-value of zero for the floor insulation, with R-49 in the ceiling and R-18 in the exterior walls. Mr. Hofmann indicated he plans on installing R-21 in the exterior walls of the bedroom.

A motion was made by Micah Langness to recommend to the Board of Review **APPROVAL** of the variance to omit the prescriptive slab insulation within newly conditioned habitable space; seconded by Brian Braaten; the motion carried unanimously.

- b) 3704 W. High Street, Colorado Springs, Permit O51091 – Brian Tucker, Tucco Home Improvements LLC, requests a variance to Section R403.1.4.1, 2021 International Residential Code and Section R402.2.9, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow existing bottom landing at exterior stairway to remain as constructed without visual confirmation of frost protection and slab insulation for approximately five feet of the perimeter of the basement.

Vernon Curry appeared in person on behalf of Brian Tucker who was unable to attend today's meeting. He indicated he is not the person who has worked on the home, but he does work for Tucco Home Improvements LLC as the accountant and project manager. He stated that the owners of 3704 W. High Street recently purchased the home and requested Tucco Home Improvements LLC to assist in completing an outstanding project as they were the contractor. Mr. Curry stated that Tucco Home Improvements LLC had completed the project without the required permits and inspections. An exit door was added to the basement with concrete landing and stairs up to grade. The required frost protection for the basement foundation was not verified at the time of construction. The variance requests that the concrete slab on the exterior of the home remain and that the required frost protection for the foundation be omitted.

John Welton provided a copy of the applicant's approved plans with regard to the location of the stairwell and concrete landing to the apartment. Mr. Curry stated that the landing does have a drain to avoid any type of flooding into the apartment. Jay Eenhuis advised the variance is only applicable to the landing area.

Mike Finkbiner asked if the work that had been completed was done without a permit. Mr. Curry indicated that the work has been completed. To his knowledge, there was not a permit. Virginia Koulchitzka asked Mr. Curry who performed the construction prior to obtaining a permit, and Mr. Curry indicated when Brian Tucker owned the home, he performed the renovations on behalf of Tucco Home Improvements LLC.

A motion was made by Micah Langness to recommend to the Board of Review **APPROVAL** of the variance to allow the existing landing at the exterior stair without the required frost protection for the foundation under the condition that the applicant provide an engineer's letter opining the slab is acceptable as is without the required frost protection; seconded by Vice Chair Baturevich; the motion carried unanimously.

Ms. Koulchitzka advised Mr. Curry that the engineer's letter is due by March 15, 2024, three business days before the Board of Review meeting on March 20, 2024. She further advised that in today's testimony, admissions were made specific to Brian Tucker, Tucco Home Improvements LLC, doing construction work that required a permit prior to obtaining the required permit. As a result, and in accordance with Section RBC103.12 of the Code, the Building Official has the right and reserves the authority to consider and impose an administrative fine of up to \$1,000 for work being done in violation of the Code. If this decision is made, any communication to this regard will be issued electronically via the contractor's portal.

- c) 9985 Glenellen Drive, Peyton, Permit P13306 – Ron Dittus, property owner, requests a variance to Section R402.2.9, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit the prescriptive slab insulation within a newly constructed conditioned garage/shop, where required.

Ron Dittus appeared in person and indicated he is in the process of constructing a 24' x 24' detached garage in the back of his property, which he plans to use as a woodworking workshop. It will be unconditioned but he plans on insulating it for future heating purposes. The variance request is to omit the required slab insulation.

Chair Leimkuhl asked the applicant if he plans to have any plumbing or water fixtures installed in the workshop and how does he plan on heating it during winter. Mr. Dittus indicated that there will only be electrical, no plumbing whatsoever, and he plans to use a gas to heat the workshop. He also plans to install 2" x 6" walls with R-19 insulation and R-24 in the ceiling. He does not want to provide the required slab insulation because of the cost.

Jay Eenhuis asked the applicant if this is new construction and if his intent is to heat and insulate the structure, why not insulate the slab? Mr. Dittus stated he has not started construction and does not want to insulate the slab because of the cost.

Chair Leimkuhl stated the Committee cannot take cost into consideration.

A motion was made by Mike Finkbiner to recommend to the Board of Review **DENIAL** of the variance to omit the prescriptive slab insulation; seconded by Micah Langness; the motion carried unanimously.

Virginia Koulchitzka provided the applicant with his appeal rights.

- d) 602 Cooper Avenue, Colorado Springs, Permit O51506 – Rocky Williams, Excaliber Electric, LLC, requests a variance to Article 110.26 (A) and table 110.26 (A) (1), 2020 National Electrical Code, based on Item 2 of Section RBC111.2.3 of the Pikes Peak Regional Building Code, 2023 Edition, to allow a residential clothes washer and dryer to be located within the working clearance of an existing panel.

This variance was administratively postponed at the request of the applicant.

- e) 1913 W. Colorado Avenue, Colorado Springs, Permit O56215 – Lonny Crawford, Altitude Heating & Air, Inc., requests a variance to Section 503.5.6.1, 2015 International Fuel Gas Code, based on Item 2 of Section RBC111.2.3 of the Pikes Peak Regional Building Code, 2017 Edition, as amended, to omit installation of a flue liner in an existing chimney used for venting, where required.

Lonny Crawford appeared in person. He is requesting a variance because it is impossible to pull a chimney liner down on the project on which he is working. The chimney has two offsets and he is not able to pull the chimney liner around the offsets. He further stated that he has inspected the entire chimney and it is in good shape with no corrosion inside. He is requesting to vent the furnaces and water heaters into the existing chimney without the required liner.

Micah Langness asked the applicant if he has installed smoke and carbon monoxide detectors and Mr. Crawford said that installing these devices are part of the contract.

Phil LaSarre asked what staff's opinion was on this variance request. John Welton stated that RBD remains neutral on this variance request since this project falls under the International Fuel and Gas Code, and there are no exceptions or amendments to omit the chimney liner. He would recommend that the Committee take all potential concerns into account to include calculations ensuring the masonry chimney is sized adequately for all of the appliances vented through it and verification that the chimney itself is in good condition without openings and cracks.

A motion was made by Phil LaSarre to recommend to the Board of Review **APPROVAL** of the variance to omit installation of a flue liner in an existing chimney used for venting under the condition that the applicant provide certification from a third-party licensed mechanical contractor indicating the chimney is in good condition, with no visible leaks, and is of adequate size for the required venting; seconded by Mike Finkbiner; the motion carried unanimously.

Virginia Koulchitzka advised the applicant that the required certification requested by the Committee is due by March 15, 2024, three business days before the Board of Review meeting.

- f) 10 Farragut Avenue, Colorado Springs – John Davis, John Davis Design Group, requests a variance, prior to plan submittal, to Section 1004.5, 2021 International Building Code, based on Item 2 of RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow a reduced occupant load to be used for plumbing fixture count only, where a calculated occupant load per Table 1004.5 is required.

John Davis appeared in person and stated he is in the process of remodeling on the main level of the Griffith Center to add more classrooms. The variance request is to allow a reduced occupant load to be used for plumbing fixture count only. The Griffith Center is a school for troubled teens. Only one student at a time is allowed to use the restroom(s), and the student is always supervised by a staff member for safety reasons. The students are escorted by staff, one at a time, to use the restroom(s), and the staff member is required to unlock the restroom door for each student and lock it after each student. It is for this reason the variance request is to provide one water closet and one lavatory in each of the two restrooms for student use.

Chair Leimkuhl asked the applicant how many students and how many staff members would be on the main floor during the day. William Sanders, Director of Griffith Center, appeared in person and stated that there would be six students and two staff members per classroom. He said that the staff members and any security personnel will have a separate restroom for staff only. Mr. Davis added that there will be a total of seven classrooms when the remodel is complete, including a computer room.

He further stated that the building code allows for one water closet with and one lavatory for every 50 students. Jay Eenhuis stated if the Committee was to approve the variance, he would recommend to place an actual number on the occupant load to be used for purposes of fixture count.

A motion was made by Tom Lysne to recommend to the Board of Review **APPROVAL** of the variance to allow a reduced occupant load of 150 occupants for plumbing fixture count only; seconded by Micah Langness; the motion carried unanimously.

- g) 1515 N. Cascade Avenue, Colorado Springs, Plan C185461 – Robert Austin, Architect, requests a variance to Section 1103.2.8, 2021 International Building Code (IBC), based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow a raised area of 379 square feet in places of religious worship to be exempt from the requirements of Chapter 11 of the IBC, where a maximum raised area of 300 square feet is allowed to be exempt.

Robert Austin appeared in person. The variance request is to remove the main platform within their church and replace it with a smaller platform which would measure 379 square feet and would not be accessible. The new platform will not be used by the general public, just church staff. One of the reasons for making this change is that some members of the congregation cannot reach the altar rail and this change would lower the rail. Tom Lysne asked the applicant why he doesn't want to make the platform measure 300 square feet to meet Code.

Mark Mahler, a member of the congregation and owner of Mahler General Contracting Company, appeared in person and stated that the reason for keeping the platform at 379 square feet is for the church choir performances and other church events, that require the larger platform.

Tom Lysne commented on the fact that if the Committee approved this variance, it does not provide relief from ADA requirements. Sam DeWitt, Mahler General Contracting Company, appeared in person and indicated that the applicant, Robert Austin, did his due diligence and determined that the ADA does provide certain exceptions for religious institutions.

Roger Lovell indicated that an approved variance does not exempt compliance with ADA requirements which are enforced by the Department of Justice. Mr. Lovell asked the applicant to be aware of this moving forward. Mark Mahler stated that as a congregation, they are certainly aware of the ADA requirements and always work on addressing accessibility with any construction projects.

A motion was made by Phil LaSarre to recommend to the Board of Review **APPROVAL** of the variance to allow a 379 square foot platform without the required accessibility; seconded by Brian Braaten; the motion carried unanimously.

6. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

7. **NEW BUSINESS**

There was no New Business to discuss.

8. **ADJOURNMENT**

The Technical Committee meeting adjourned at 10:51 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/gml

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.

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