

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

September 2, 2020

9:00 a.m.

MEMBERS PRESENT: Chair Chris Richardson, Building Contractor A or B
Vice Chair Steve Horner, Structural Engineer
Matt Scheffe, Building Contractor D
Micah Langness, Master Plumber
Swagata Guha, Architect
Dan Rial, Mechanical Contractor

MEMBERS ABSENT: Dale Ryba, Electrical Contractor

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plan Review
John Welton, Deputy Building Official – Inspections
Matthew Matzen, Permit/Licensing Supervisor
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chair Chris Richardson called the meeting to order at 9:00 a.m.

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

Instructions on conducting the virtual meeting were provided.

Chair Richardson stated RBD staff received notification from the Colorado Springs Fire Department confirming that it did not take any exceptions to the Agenda items.

1. **CONSIDERATION OF THE AUGUST 5, 2020 TECHNICAL COMMITTEE MINUTES**

A motion was made by Swagata Guha to **APPROVE** the August 5, 2020 Technical Committee Minutes as written, seconded by Dan Rial; 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) 13616 Gilbert Drive, Permit No. M44689 – Kevin Campbell, homeowner, requests a variance to Section P2705.1, #5, 2015 International Residential Code, to allow a water closet to be set 14” from center to a vanity where a 15” minimum clearance is required per Code.

A motion was made by Micah Langness to **APPROVE** the Consent Calendar Variance Request, seconded by Matt Scheffe; the motion carried unanimously.

3. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no items called off the Consent Calendar.

VARIANCE REQUESTS

4. 1865 Woodmoor Drive, Plan No. C131733 – Lisa Peterson, Hammers Construction, requests a variance to Section 1107.5.1, 2015 International Building Code, to consider the accessibility requirement as a whole campus in lieu of individual buildings.

Lisa Peterson and Todd Anderson appeared, and Ms. Peterson stated this variance request is on behalf of Sunshine Behavioral Health. She stated this facility consists of five buildings / 86 units and was previously a hotel. She stated two years ago, the clubhouse, offices and Building 1 were remodeled. Building 1 houses all of the ADA units for handicap accessibility, because it is closer to the clubhouse and the amenities; and it makes sense for fire safety to have all of the non-ambulatory residents in one location. Ms. Peterson stated when she tried to obtain a permit for Building 2 she ran into an issue with the occupancy classification to change the occupancy to an I-1; it was an R-1. She stated the occupancy for Building 2 is being changed to an I-1, Condition 1, which requires that it houses handicapped accessible sleeping facilities within the building; the requirement is 4 percent. She stated the Code requires that each building be considered individually, in lieu of looking at all five buildings as a whole campus. Ms. Peterson stated Building 1 has nine (9) handicapped spaces, which is 10 percent, including Buildings 1, 2 and 3, with all of the sleeping units that are available. This is above and beyond the 4 percent required per Code. She stated the variance request is to look at the facility as a whole campus in lieu of individual buildings.

Ms. Peterson stated it is difficult to get accessibility to Buildings 2 and 3 due to the grading in the facility. Accessibility to these two buildings would require an accessible route to the parking lot. She stated there is a 20’ drop in elevation from the parking lot to Building 3; and in Building 2 there is a 17’ drop in elevation. There is an elevation difference of 5’ between Buildings 2 and 3. She stated there is a 6’ difference in elevation between Building 1 and 2 as well. Ms. Peterson stated the accessibility issues with the buildings on the campus were the reason they elected to consider all of the handicapped facilities in Building 1.

Jay Eenhuis stated the Department staff will remain neutral on this variance request as it pertains to accessibility issues. He stated this building is currently a hotel, or R-1 Occupancy which means Section 1107.6.1.1, of the 2003 International Building Code applies. That section reads: where buildings contain 50 or fewer dwelling units or sleeping units, all dwelling units or sleeping units on a site shall be considered to determine the total number of accessible units. The scope of work for this project is to change that building to a Group I-1 Occupancy and that same code language is not included in Section 1107.5.1 for Group I-1, thus RBD staff is required to look at the calculation for accessible units on a per building basis.

Jina Koulchitzka stated Section RBC111.2.3 of the Code allows the Committee to grant minor variances provided the Committee finds at least one of the following conditions exist: (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. Ms. Peterson stated she believes the variance request meets condition 3 because all handicapped facilities are in Building 1 and they are exceeding the minimum Code requirements. She stated there are life safety issues to be considered as well if handicapped residents were to be put into buildings that had a more difficult route to access the buildings.

Todd Anderson, the owner's representative, stated they chose to put all of the non-ambulatory residents in one building so they would be readily accessible in the case of an "event". He stated costs are not the issue; the issue is the best use of the site to attend to the residents. He stated "time" is the driving factor, so they can obtain permits for the one building that is ready for residents with the exception of the installation of the fire suppression system. Ms. Peterson stated site accessibility is the biggest concern.

Mr. Eenhuis stated the Department does not have authority to enforce accessibility requirements from 5' outside of the building to the accessible parking lot. Roger Lovell stated the variance request is not for site accessibility; it is the way the accessible units are being calculated. He stated every building on the site has to be accessible. The Code requirements are about the number of accessible units in each building, and the Department does not have jurisdiction over site accessibility. While this is an accessibility issue, it is also an ADA issue. ADA is a federally mandated Code, and the requirements are enforced by the Department of Justice.

Ms. Peterson stated there are two units in Building 2 that have been "gutted", so installing accessible units in this building would not be difficult, but installing accessible units in Building 3 would be more difficult; two accessible units are required per building.

Steve Horner stated accessibility variances are difficult to approve, and suggested that the applicant research the issue with the appropriate ADA consultants for direction. A motion was made by Steve Horner to recommend to the Board of Review **DENIAL** of the variance request, seconded by Micah Langness; the motion carried unanimously.

Ms. Koulchitzka stated Ms. Peterson has 30 calendar days from the decision of this Committee to file a written appeal with the Department in accordance with Section RBC101.7 of the Code.

5. 936 Cheyenne Boulevard, Permit No. M65729 – Steve Scott, Scott Building, Inc., requests a variance to Section RBC303.4.1, 2017 Pikes Peak Regional Building Code, to allow a crawlspace with an average height of 5’8” where no more than an average height of 5’ is allowed per Code.

Swagata Guha stated although she has not worked on this project, she does work with Steve Scott directly and would like to recuse herself from Item 5.

Steve Scott appeared and stated this project initially started with a full height basement on the lower level, but they encountered an extensive amount of dirt work, and were shipping the dirt to as far away as Pueblo. When they had the open hole inspection, they were informed that they would be required to have an over dig; they changed directions at that point and submitted a splice to the Department on February 13, 2020, to build this home with a crawlspace. With the crawlspace, they hung the joists and inadvertently ended up with a 5’8” height in the crawlspace. John Welton stated the inspector’s notes reflect a 5’10” height in the crawlspace. Mr. Scott stated he would like to amend his variance request to reflect a crawlspace height of 5’10”. He stated there is a staircase down to the crawlspace. Steve Horner expressed a concern that the bottom of the footing at the exterior wall does not have grade up against the side of it and felt it may not be sufficiently braced. Mr. Scott stated there is a buttress supporting the wall and the grade is down approximately 2’. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of a 5’10” crawlspace height conditional upon submittal of an engineer’s letter approving the “as built” condition of the crawlspace no later than September 14, 2020, seconded Matt Scheffe; the motion carried unanimously.

6. 4115 Crosslen Lane, Permit No. M63551 – Robert Elkins, property owner, requests a variance to Section RBC303.4.1, 2017 Pikes Peak Regional Building Code, to allow a crawlspace with an average height of 6’6” where no more than a 5’ average height is allowed per Code.

Robert Elkins and his wife, Tanya Larocque, appeared and Ms. Larocque stated their crawlspace has the standard access door, and it houses the furnace and hot water heater for their home. Steve Horner stated he has the same concern as the previous variance, although the photograph does show some dirt up against the foundation wall. A motion was made by Steve Horner to recommend to the Board of Review **APPROVAL** of the variance request conditional upon submittal of an engineer’s letter approving the “as built” condition of the crawlspace no later than September 14, 2020, seconded by Matt Scheffe; the motion carried unanimously.

7. 12912 Fishers Island Road, Permit No. M93398 – Heather Spahn, homeowner, requests a variance to Section R310.2.3, 2015 International Residential Code, to allow a window well with a horizontal projection of 25” where no less than a 36” horizontal projection is required per Code.

Heather Spahn appeared and stated she is finishing her basement and the existing window well in the bedroom is 25”. She stated the house was built in 2005; John Welton stated a 25” window well for non-habitable space was Code compliant in 2005, but a 30” window well was required at that time for habitable space. Ms. Spahn stated the other bedroom in the basement is Code compliant, but all of the other window wells in the basement are at 25”. Steve Horner and Swagata Guha both agreed that a 25” window well is a life safety issue. A motion was made by Steve Horner to recommend to the Board of Review **DENIAL** of the variance request due to life safety issues, seconded by Swagata Guha; the motion carried unanimously.

8. 3060 Flying View, No. 2, Plan No. C132357 – Debra Privette, Privette Family Living Trust, requests a variance to Table 403.1, 2015 International Plumbing Code, to omit plumbing fixtures where required by Code.

Debra Privette appeared and stated this airplane hangar is located at the Meadow Lake Airport, and they are putting up a row of “T” hangars. The Code requires a restroom within 500’, and the terminal with two restrooms is located at 800’ from this hangar. The terminal is unlocked and open 24 hours per day. She stated there have been previous variances approved for this same issue that are further away from the terminal building. Ms. Privette stated this filing has 38 platted lots, which are dry lots without any access to water. Jay Eenhuis stated there are no exceptions in the Code that pertain to the plumbing fixture count an S-1 Occupancy aircraft hangar.

Micah Langness stated this airport is in Ellicott, and there may be 30 to 40 lots at this facility. He stated the Committee has heard this same variance a number of times for hangars at this same airport. The Committee expressed concern about setting precedence by continuing to grant a variance of this nature for hangars at this same airport. Ms. Privette stated the well for the terminal is ¼ mile away from the terminal, and the water lines cannot go any further than the terminal. The septic system for the terminal building is beside the terminal building.

Jay Eenhuis stated the International Plumbing Code requires one fixture per 100 occupants. Ms. Privette stated the terminal has two restrooms, so it could serve 200 occupants. Mr. Eenhuis stated as the airport grows, it could exceed the fixture count requirement. The Committee’s concern was the growing number of variances for this same issue at this same location. Ms. Privette stated since the airport is designed to be a storage facility with 38 lots, 36 of those lots can only have one hangar built on the lot with potentially two occupants, so they would be well below the existing fixture count with less than 100 occupants. She stated the owners of these hangars are hobby aircraft owners and use their

aircraft once or twice a month, so it is unusual to see more than just a few people at any one time at the airport. Mr. Horner stated with the current square footage, the fixture count at the terminal is adequate; but again, the concern is continued growth at the airport. Ms. Guha stated she does not believe the Committee should be considering this variance individually, but perhaps looking at the airport as a whole, and the feasibility of putting in a well for each individual lot, or providing water to each individual lot. Micah Langness stated the subject lot is 2.5 acres and he believes a well could be put in for this lot. Jay Eenhuis stated if the applicant would prefer a global variance request for the airport, it would no longer be considered a minor variance, and the request must be made to the State Plumbing Board. In addition, the applicant would have to talk to the Department of Health and Environment regarding the septic system.

Chair Richardson stated the Committee believes this is no longer considered a minor variance, and the applicant can table the variance so she can obtain additional information or she can withdraw the variance request. The applicant chose to postpone the variance request in order to obtain additional information.

A motion was made by Matt Scheffe to **POSTPONE** this variance request until the October 7, 2020 Technical Committee Meeting, seconded by Swagata Guha; the motion carried unanimously.

Mr. Horner asked if there was an HOA or ownership group at the airport, and Ms. Privette stated there was no HOA. He suggested that the applicant inquire if the property owners might consider a plan in this regard. The Committee suggested that Ms. Privette contact the Colorado Division of Water Resources and the Colorado Department of Public Health and Environment (for the septic system issue).

9. **UNFINISHED BUSINESS**

There was no Unfinished Business.

10. **NEW BUSINESS**

There was no New Business.

The meeting adjourned at 11:35 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official
RNL/llg

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