

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

November 1, 2023 – Wednesday - 9:00 a.m.

MEMBERS PRESENT: Vice Chair Phil LaSarre, Building Contractor A or B
Andy Baturevich, Structural Engineer
Tom Lysne, Architect
Brian Braaten, Electrical Contractor
Jason Leimkuhl, Mechanical Contractor

MEMBERS ABSENT: Chair Micah Langness, Master Plumber
Mike Finkbiner, Building Contractor C or D-1

RBD STAFF: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Gina LaCascia, 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 through Microsoft Teams live events, accessible via Pikes Peak Regional Building Department's website Boards & Committees' page at: <https://www.pprbd.org/Information/Boards>.

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

1. CALL TO ORDER: DETERMINATION OF A QUORUM

Vice Chair Phil LaSarre called the meeting to order at 9:00 a.m.

2. CONSIDERATION OF THE OCTOBER 4, 2023 TECHNICAL COMMITTEE MINUTES

A motion was made by Andy Baturevich to **APPROVE** the October 4, 2023 Technical Committee Minutes, as written; seconded by Brian Braaten; the motion carried unanimously.

3. CONSENT CALENDAR

There were no consent calendar items to discuss.

4. VARIANCE REQUESTS

- a) 227 E. Fontanero Street, Colorado Springs, Permit O76429 – Jack Walton, Jack’s Electrical & Maintenance, requests a variance to Article 210.12, 2020 National Electrical Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to install standard breakers in place of arc fault breakers with the stipulation that a notarized letter be required from the homeowner recognizing that he/she understands that the Arc Fault Circuit Interrupter (AFCI) breaker is being replaced due to incompatibility, where required.

*As continued from the Technical Committee meeting held October 4, 2023, as follows: A motion was made by Brian Braaten to recommend to the Board of Review **CONTINUANCE** of the variance request to the next Technical Committee meeting to allow the applicant to provide a letter from Square D; seconded by Andrew Baturevich; the motion carried unanimously.*

Jack Walton appeared in person and stated, as requested by the Committee at the last Technical Committee meeting of October 4, 2023, he has provided an email from Square D, confirming that a 2-pole AFCI breaker cannot be used on a 208Y/120V system as it is intended for a 120/240V, single phase application only. The variance application is to omit AFCI protection on five circuits.

Brian Braaten opined that the applicant had done everything reasonably possible to make all the wiring and panel safe, other than rewiring the entire home. Therefore, he made a motion to recommend to the Board of Review **APPROVAL** of the variance request to replace the five AFCI breakers with standard breakers; seconded by Tom Lysne; the motion carried unanimously.

- b) 1030 Hartell Drive, Colorado Springs, Permit O75049 – Frank Medina, property owner, requests a variance to Section RBC303.4.13, Pikes Peak Regional Building Code, 2017 Edition, as amended, based on Item 2 of Section RBC111.2.3, to allow existing window wells with a 24” horizontal projection in the basement to be used for an emergency escape and rescue opening for a dwelling issued a building permit prior to January 1, 2000, where a minimum of 30” of horizontal projection is required.

*As continued from the Technical Committee meeting held October 4, 2023 as follows: A motion was made by Andrew Baturevich to recommend to the Board of Review **CONTINUANCE** of the variance request to the next Technical Committee meeting to allow the applicant additional time to provide up-to-date photographs of the window wells and measurements thereto of the actual egress depth from the patio grade to the base of the window well, including the horizontal measurements; seconded by Thomas Lysne; the motion carried unanimously.*

Frank Medina appeared virtually. He has provided additional photographs and measurements for the Committee's review specific to two of the window wells, which are the subject of the variance request.

Staff provided the following data: the depth of the window wells at 48" will require ladder(s) installation; the window well openings measurement of 24" horizontally is inconsistent with the visual depiction in the photographs; all resulting in life safety issue(s).

Tom Lysne asked the applicant if he plans on installing a ladder in the two window wells. Mr. Medina advised that if the Committee requests him to do so, he would; although he had planned on just installing one ladder since the two windows are in the same room. Andy Baturevich asked if the timber in one of the window wells could be replaced with metal to meet the requirements of the Code. Mr. Medina said it is possible.

A motion was made by Andy Baturevich to recommend to the Board of Review **DENIAL** of the variance request because the window wells can be brought into Code compliance and because there are life safety issue(s); seconded by Brian Braaten; the motion carried unanimously.

Virginia Koulchitzka advised the applicant of his appeal rights in accordance with Section RBC101.7, Pikes Peak Regional Building Code, 2017 Edition, as amended.

c) 9097 Bugaboo Drive, Colorado Springs, Permit N92646 – Yousef Babaie, property owner requests the following:

*As continued from the Technical Committee meeting held October 4, 2023, as follows: No appearance was made by the applicant; a motion was made by Vice Chair LaSarre to recommend to the Board of Review **CONTINUANCE** of the variance request to the next Technical Committee meeting; seconded by Andrew Baturevich; the motion carried unanimously.*

- i) Variance to Section R311.7.6, 2015 International Residential Code (IRC) based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, to allow middle landing to remain as constructed as winder tread, where it does not meet IRC requirements.
- ii) Variance to Section R311.7.2, 2015 IRC, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, to allow a stairway headroom of 6'-3" where a minimum of 6'-8" is required off lower winder tread or alternatively 5'-8" from original landing location.

The applicant, Yousef Babaie, did not appear. A motion was made by Jason Leimkuhl to recommend to the Board of Review **DISMISSAL** of the variance request due to lack of appearance by the applicant; seconded by Tom Lysne; the motion carried unanimously.

- d) 814 E. High Street, Colorado Springs, Plan R180430 – Wayne Foster, property owner requests a variance to Section R403.1.4, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow a structure to be supported by existing slab on grade, where footings of minimum depth are required.

Wayne Foster appeared in person. He is attempting to install a carport in his backyard, which would measure 24' x 24'.

Jay Eenhuis indicated that the Code requirements for a carport are the same as any other detached accessory structure. The limitation on a monolithic slab with turn down edges is 750 square feet; however, the slab under question does not meet the monolithic slab requirements and is 576 square feet. The Code will allow a detached accessory structure to be supported on conventional slab up to 400 square feet, 176 square feet less than what the applicant is requesting. The applicant advised the Committee that the current slab was placed approximately thirty years ago and has one crack, which has not worsened for the past ten years. He further indicated that the thickness of the slab is between 5" and 6".

A motion was made by Andy Baturevich to recommend to the Board of Review **APPROVAL** of the variance request on the condition that the applicant submits a letter to the Department from an engineer that indicates the carport as designed, to include the existing concrete slab, is structurally sufficient to meet the wind and snow load requirements of the Code; seconded by Brian Braaten; the motion carried unanimously. For consideration of the recommendation by the Board of Review on November 15, 2023, the required documentation must be submitted to the Department no later than November 8, 2023.

- e) 1233 Cumberland Street, Colorado Springs – Betty Olivas, A & I Skyline Roofing, requests a variance prior to permitting, to Section R905.2.2, 2021 International Residential Code, based on Item 2 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.

This variance request was continued at the request of the applicant to Wednesday, December 6, 2023.

- f) 4110 Peach Lane, Colorado Springs, Permit O36744 – Thomas Bedran, property owner, requests a variance to Section RBC303.4.13, Pikes Peak Regional Building Code, 2017 Edition, based on Item 2 of Section RBC111.2.3, to allow existing window wells with a 24" horizontal projection in the basement to be used for an emergency escape and rescue opening for a dwelling that was issued a building permit prior to January 1, 2000, where a minimum of 30" of horizontal projection is required.

Thomas Bedran appeared virtually and advised the Committee that his family moved into their home recently and decided to finish the basement by adding a bedroom. At final inspection, the window-well horizontal dimension did not meet the Code requirements. Further, there is a sliding glass door on the basement level and additional entrances/exits to the basement on the interior. Mr. Bedran provided pictures of the window-well, sliding glass door and the other entrances/exits. He stated he cannot construct the window-well wider because of existing irrigation adjoining the window-well. However, he did install a metal ladder, and the well depth is about 36”.

Jason Leimkuhl commented that the window-well appears to be 8” to 10” above grade level and asked the applicant if he could trim it down to allow more clearance for egress reasons to which the applicant said he could. Mr. Welton advised the applicant that after he trims the metal window-well, if the measurement from the base of the well to the top is less than 44”, a ladder would not be required.

A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request on the condition that the applicant trim down the top of the metal window-well for egress purposes; seconded by Andy Baturevich; the motion carried unanimously.

John Welton requested reconsideration to the motion to include a measurement in inches for the final height above grade after the requested trimming of the metal window-well.

Jason Leimkuhl amended his previous motion under the condition to include the final measurement of the top of the window-well, to not exceed 3” above grade; seconded by Andy Baturevich; the amended motion carried unanimously.

g) 1024 E. Vermijo Avenue, Colorado Springs – Robert Ormston, Colorado Home Interiors and Remodeling, requests a variance prior to plan submittal to Section R305.1, 2021 International Residential Code, based on Item 2 of Section RBC111.2.3 of the Code, to allow a ceiling height of 6' 7" throughout and 5' 11" under duct obstructions in a basement containing habitable space, where 6'8" minimum ceiling height and 6'4" minimum under obstructions is required.

Robert Ormston appeared in person. He is working on a remodel of a home built in 1950, to include finishing the existing basement. The basement is not intended to be habitable, but useable, such as a laundry room, an office, and a rec-room. The issue that has arisen is the height of the existing duct work and proposed soffits, as they relate to Code requirements. Vice Chair LaSarre advised the applicant that habitable is useable space, whether it is a bedroom or an office.

Mr. Eenhuis recommended to change the verbiage in the variance request to include “...to Section R305.1, 2021 International Residential Code, as amended by the 2023 Regional Building Code, based on Item 2 of Section...”.

This would allow for exception number 5, which reads “habitable space created in existence dwelling shall have ceilings heights of not less than 6’8”.

A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request on the condition that the final soffit height is no less than 6’-0” and a finished ceiling height of not less than 6’7””; seconded by Tom Lysne; the motion carried unanimously.

- h) 7925 Cyprus Road, Colorado Springs, Permit O90956 – Adrian Chavez, property owner, requests a variance to Table R402.1.3, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit prescriptive slab insulation within a conditioned habitable space, where required.

Adrian Chavez appeared in person; he is building his home on a monolithic slab with rebar. When he requested the inspection, the inspector indicated it needed slab insulation. However, due to the way the slab was poured, it is difficult to install the R-10 insulation flush against the slab without jeopardizing the foundation.

Vice Chair LaSarre asked the applicant about the location of the water pipes necessary for a home, to which Mr. Chavez indicated it is all housed within a mechanical room inside the home and about three feet from any exterior walls.

Jason Leimkuhl expressed a concern with regard to the Heat Loss Calculation, which was included with the variance request and the fact that the applicant would need to recalculate the numbers in the event the exterior insulation is omitted. Mr. Eenhuis indicated if this variance was recommended for approval, RBD plan review staff will require that the heat loss calculation be adjusted and thereafter spliced in the plan for review. He also provided an option available by the Code which indicates “...insulation located below grade shall be extended the distance provided in Table R402.1.3, which is the 24 inches...or the distance of the proposed design as applicable by any combination of vertical insulation extending under the slab or insulation extending from the building. Insulation extending away from the building shall be protected by pavement or by not less than 10 inches of soil”. Mr. Eenhuis provided a diagram for the applicant which shows an alternate method to provide insulation around the exterior of the home, which was admitted into the record.

A motion was made by Jason Leimkuhl to recommend to the Board of Review **APPROVAL** of the variance request with the following modification: omit foundation insulation on the northeast side of the building, with a stipulation that the heat loss calculation(s) will be modified to address the reduced slab insulation, as installed; seconded by Brian Braaten; the motion carried unanimously.

5. UNFINISHED BUSINESS

There was no unfinished business to discuss.

6. **NEW BUSINESS**

- a) 2024 Committee/Board/Commission Meeting Dates (Non-action item until January of 2024, when a schedule will be adopted in accordance with the requirements of the Colorado Sunshine Act of 1972, as amended).

The Committee members were provided with the 2024 Committee/Board/Commission Meeting Dates for review and consideration.

7. **ADJOURN**

The meeting adjourned at 11:04 a.m.

Respectfully submitted,

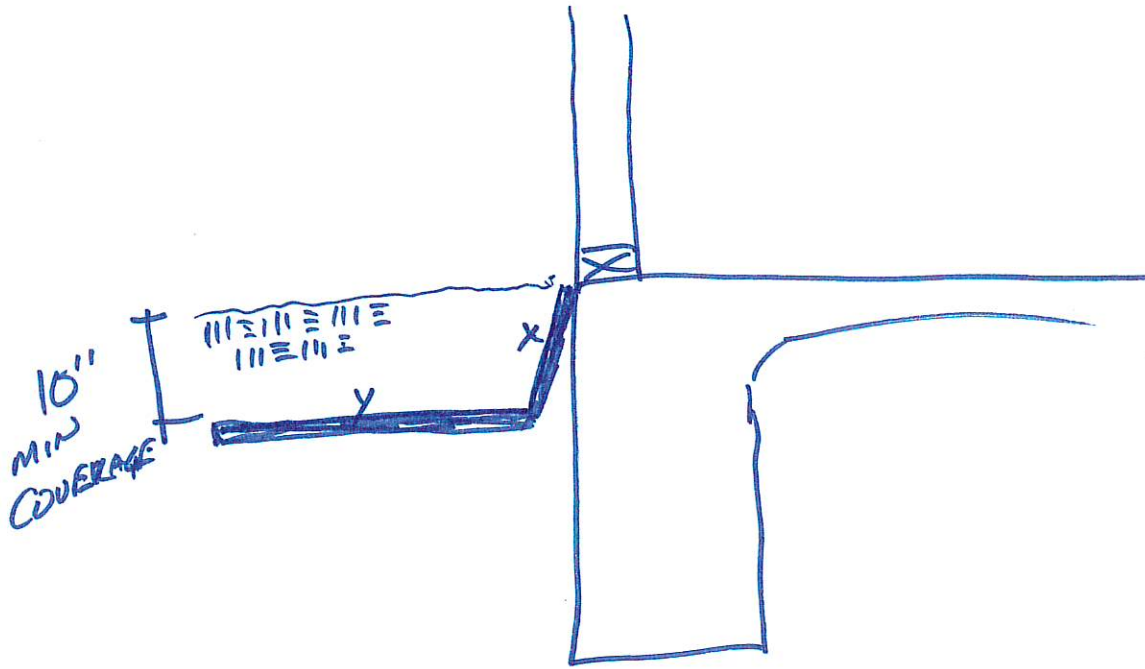


Roger N. Lovell
Regional Building Official

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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$$x + y = 24''$$

$$x \geq 10''$$

Variance Request No. 4 h)
Exhibit A