

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MEETING MINUTES

April 2, 2025 – Wednesday – 9:00 a.m.

MEMBERS PRESENT: Vice Chair Andy Baturevich, Structural Engineer
Brian Braaten, Electrical Contractor (*joined the meeting at 9:06 a.m.*)
Mike Finkbiner, Building Contractor D or E
Tom Lysne, Architect
Mick Emmerson, Master Plumber
Andy Sanchez, Building Contractor A, B, or C (*joined the meeting at 9:05 a.m.*)

MEMBERS ABSENT: Chair Jason Leimkuhl, Mechanical Contractor A

RBD STAFF: Roger N. Lovell, Regional Building Official
Virginia V. Koulchitzka, Regional Building Attorney
Jay Eenhuis, Deputy Building Official – Plans

DeLisa Jackson, Interim Executive Administrative Assistant /
Human Resources 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 Town Hall. Sufficient and timely access to the public to observe the meeting was made available at:
<https://www.pprbd.org/Information/Boards>.

Colorado Springs Fire Department (CSFD) was not present. Notwithstanding, CSFD communicated in writing that, based on provisions of the International Fire Code, CSFD did not take exceptions to the variance requests as listed on the agenda.

1. CALL TO ORDER: DETERMINATION OF A QUORUM

Vice Chair Andy Baturevich called the Technical Committee meeting to order at 9:00 a.m.

2. CONSIDERATION OF THE MARCH 5, 2025, TECHNICAL COMMITTEE MEETING MINUTES

A motion was made by Mike Finkbiner to **APPROVE** the March 5, 2025, Technical Committee meeting minutes, as written; seconded by Tom Lysne; the motion carried unanimously.

3. **CONSENT CALENDAR**

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) 4098 Notch Trl., Colorado Springs - Brian Koch, property owner, requests a variance, prior to plan submittal, 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, non-habitable space, by increasing insulation R-values provided elsewhere.

As continued from March 5, 2025, Technical Committee meeting for non-appearance by the applicant.

This variance was heard out of order.

Ms. Koulchitzka advised the committee that this is the second lack of appearance by the applicant. The committee has three options. The committee may recommend approval, denial, or dismissal of the variance request. While the committee can consider another continuance, such would be outside of historical precedent because historically, upon a second failure to appear, the variance requests is dismissed.

A motion was made by Andy Sanchez for **DISMISSAL** of Item 5.a) for lack of appearance; seconded by Mike Finkbiner; the motion carried unanimously.

- b) 2519 N. Chelton Rd., Colorado Springs, Permit P32736 - Ronald Bowman, property owner, requests a variance to Table R905.1.1 (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 over one layer of underlayment on a roof pitch of 3.25/12, where two layers of underlayment are required.

As continued from March 5, 2025, Technical Committee meeting for non-appearance by the applicant.

This variance was heard out of order.

A motion was made by Andy Sanchez for **DISMISSAL** of Item 5.b) for lack of appearance; seconded by Mike Finkbiner; the motion carried unanimously.

- c) 75 Lowick Dr., Colorado Springs, Plan R198180 – Robert Thweatt, property owner,

requests a variance to Section R502.2, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow existing thermal envelope to remain without modification in newly conditioned, non-habitable space.

As continued from March 5, 2025, Technical Committee meeting per applicant's request.

Mr. Thweatt, property owner, appeared and stated that he has submitted plans to install an electric resistance heater in his garage for occasional use. The home was built in 1985, and the garage walls, ceiling, and overhead door are insulated. Mr. Thweatt stated he believes the walls are insulated with R11 batt insulation, and the ceiling is insulated with R30. The overhead door is insulated with two-inch foam, but he has been unable to locate an R-value for the overhead door. His variance request is to allow installation of heat in the garage without adding to existing insulation as required.

Mr. Eenhuis stated that based on the proposed R-values, the garage door would need to be insulated to a minimum of R-value of 6.5, per the provided heat loss calculations. With existing insulation, and a verified R-value of 6.5 for the overhead door, the calculated heat loss will be 14,619 BTU/h, which is less than the 14,678 BTU/h heat loss when insulated to the prescriptive requirements of the Code.

A motion was made by Andy Sanchez to recommend to the Board of Review APPROVAL of the variance to allow the existing thermal envelope to remain without modification, contingent upon field verification that the overhead door R-value meets or exceeds an R-value of 6.5; seconded by Brian Braaten; the motion carried unanimously.

- d) 215 S. Parkside Dr., Colorado Springs, Permit P53385 - Bryan Paulson, BAB Builders, requests a variance to Section 1011.7.1, Exception 1, 2021 International Building Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2021 edition, to allow openings in treads and landings for a B Occupancy that do not permit the passage of a 1-inch diameter sphere, where openings are limited to 1/2-inch maximum diameter sphere.

As continued from March 5, 2025, Technical Committee meeting per applicant's request.

This variance request was withdrawn at the request of applicant. The applicant plans to change out the grating in the stairs to make them Code compliant.

- e) 116 N. 30th St., Colorado Springs, Plan R197940 - Mike Morley, Morley Enterprises, requests a variance to Section R505.1, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow existing thermal envelope to remain without modification where

compliance with current code is required.

As continued from March 5, 2025, Technical Committee meeting per applicant's request.

A motion was made by Mike Finkbiner to **CONTINUE** Item 5.e) due to lack of appearance by the applicant until the May 7, 2025, Technical Committee meeting; seconded by Brian Braaten; the motion carried unanimously.

- f) 130 E. Kiowa St., Colorado Springs, John Davis, Architect, requests a variance, prior to plan submittal, to Section 504.4, 2021 International Building Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow a 6th story in the form of covered rooftop patios, where prohibited.

Mr. John Davis, Architect, appeared and stated that he is representing the owner of the building, Mr. Perry Sanders, who is not able to attend. The owner desires to convert an existing office building to residential condominiums. He proposed to create condo units on the 2nd through 5th floors, each with access to a private, covered rooftop patio that is open on all sides. John Davis stated that the building is constructed of noncombustible materials, with concrete slabs for the roof and floor decks and 18-inch-thick walls. He explained that adding any rooftop structure aside from a mechanical penthouse would classify the building a six-story building in accordance with the Code, which is not permissible for Type III-A construction with a residential occupancy classification. Therefore, he is requesting a variance to allow for smaller rooftop structures over the private patios.

Tom Lysne asked the applicant to confirm the type of construction and what the overall height of the building is. Mr. Davis stated he believes the building to be Type III-A construction based on existing documentation and conditions. Further, he believes the building to be approximately 60 feet high. Jay Eenhuis confirmed the building is considered Type III-A construction based on Department records and stated the building is not considered a high-rise building per the Code.

Roger Lovell stated the applicant listed the justification for the request as “an equally good or better form of construction” and requested details about how the variance request met this criteria.

The committee encouraged the applicant to investigate alternative solutions to the variance request.

A motion was made by Tom Lysne to **CONTINUE** Item 5.f) until the May 7, 2025, Technical Committee meeting; seconded by Andy Sanchez to investigate alternative solutions; the motion carried unanimously.

- g) 205 Byron Dr., Colorado Springs, Chris Mannino, Architect, requests a variance, prior to plan submittal, to Section 506.2.1, 2021 International Building Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow a 120 square foot addition to an existing, non-conforming structure, where prohibited.

This variance request was withdrawn at the request of the applicant.

- h) 700 E. Baptist Rd., Monument, Permit P20095 – William Jackson, Jackson Homes LLC, requests a variance to Section RBC303.4.1, Definition of Crawl Space, Pikes Peak Regional Building Code, 2017 Edition, as amended (the "Code"), based on Item 3 of RBC111.2.3 of the Code, to allow a crawl space under a play room with an average height of 8'-0", where no more than 5'-0" average height is allowed.

Joshua Roberts, homeowner, appeared virtually to request a variance to allow a crawl space height of 8 feet deep where a maximum of 5 feet is permitted. Mr. Roberts stated the crawl space does not have a concrete slab and that access is provided through a small door in the mechanical room. Andy Sanchez questioned if the foundation wall had been designed to resist lateral earth pressures. Upon review of the plans, Andy Baturevich confirmed the crawl space had been designed for an unsupported height of up to 10 feet.

Joshua Roberts stated he intends to use the space only for storage, not as living space. Roger Lovell stated that intent of the limitation on the height of a crawl space to no more than 5 feet in height is to limit the potential for use or finishing the crawl space as no emergency escape and rescue openings are required in a crawl space. Mr. Roberts asked if a covenant could be recorded on the property to limit the space to storage. Jina Koulchitzka stated enforcing such a covenant would be difficult as the Department has no authority or mechanism to enforce such. Mike Finkbiner stated that there are code complaint options that would eliminate the need for a variance request.

A motion was made by Mike Finkbiner to recommend to the Board of Review **DENIAL** Item 5.h) for a variance to allow an 8'-0" height where no more than 5'-0" average is required due to code complaint alternatives; seconded by Andy Sanchez; the motion carried unanimously.

Jina Koulchitzka advised the applicant of the right to appeal in accordance with Section RBC101. 7. of the Pikes Peak Regional Building Code. Ms. Koulchitzka further stated that as Mr. Roberts appeared virtually, the Department will send the Notice of Right to Appeal electronically.

- i) 2540 Tamora Way, Colorado Springs – Paul McNeill, property owner, requests a variance, prior to permit issuance, to Article 210.8(A) and (D), 2023 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 ground fault breakers with the stipulation that a notarized letter be provided by the homeowner recognizing that he/she

understands that GFCI breakers are being replaced due to incompatibility.

Paul McNeill, property owner, appeared requesting a variance to allow a standard breaker for an inductive cooktop as cooktop produces a magnetic field that trips the required GFCI breaker. He has contacted multiple inductive cooktop manufacturers and stated all manufacturers are aware of the issue, and that there is no solution for the problem. Roger Lovell stated the electrical code is adopted by the State of Colorado. Local amendments cannot make it less restrictive, therefore the only alternative is to request a variance.

A motion was made by Brian Braaten to recommend to the Board of Review **APPROVAL** Item 5.i) for a variance request to allow the use of a standard breaker for an inductive cooktop with the stipulation that a notarized letter be provided by the homeowner recognizing that he/she understands that the GFCI breaker is being replaced due to incompatibility; seconded by Mike Finkbiner; the motion carried unanimously.

j) 2221 E. Bijou St., Colorado Springs – Shlomoh Rosenbaum, Sapphire Childlaw LLC, property owner, requests variances prior to permit issuance to:

1) Section RBC302.4.46, Pikes Peak Regional Building Code, 2023 Edition (the "Code"), based on Section 111.2.3, Item 1 of the Code, to allow Roof Recover per Section 1512.2.1 of the 2021 International Building Code, where prohibited.

Eric Tucker, property manager, appeared requesting a variance to allow a roof recover of an existing roof with a new PVC fleece back membrane. Mr. Tucker stated that the variance is necessary as the new roofing membrane is considered a third roofing layer and also lacks the required Class B or higher fire rating. Jay Eenhuis stated that Section RBC302.4.45. of the 2023 Pikes Peak Regional Building Code removes the roof recover option in Section 1512. 2.1. of the International Building Code. The Code requires that any replacement roof meet the requirements of a new roof. Mr. Eenhuis stated that the City of Colorado Springs has an ordinance that requires a minimum Class B fire rating for commercial building roofs, but a proposal has been made for Class C materials.

2) Section RBC302.4.41.1, Appendix D, Pikes Peak Regional Building Code, 2023 Edition (the "Code"), based on Section 111.2.3, Item 1 of the Code, to allow the use of Class C roofing material in the City of Colorado Springs, where a minimum Class B roofing material is required.

A motion was made by Andy Sanchez to **CONTINUE** Item 5.j) 1) and 2) until the May 7, 2025, Technical Committee meeting to allow the applicant to obtain additional information and consider alternatives; seconded by Andy Sanchez; the motion carried unanimously.

6. **UNFINISHED BUSINESS**

a) Conflict of Interest Policy, as updated March 27, 2025

Ms. Koulchitzka discussed the updated conflict of interest policy, emphasizing and describing the importance of transparency and impartiality for employees and volunteers. The committee inquired and discussed various scenarios and the need for public disclosure of potential conflicts.

7. **NEW BUSINESS**

There was no New Business to discuss.

8. **ADJOURNMENT**

The Technical Committee meeting adjourned at 10:43 a.m.

A motion was made by Mick Emmerson to **ADJOURN** the meeting; seconded by Andy Sanchez. The motion carried unanimously.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/daj

Accommodations for the hearing impaired can be made upon request by providing a forty-eight (48) hour notice prior to the meeting. Please email jina@pprbd.org or call (719) 799-2700.

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 jina@pprbd.org or by calling (719) 799-2700.

**Rules of Policy and Procedure of Pikes Peak Regional
Building Department Committees and Boards**

The following Rules of Policy and Procedure include, but are not limited to, and are enforced for the purpose of the Advisory Committees, Board of Review, and Board of Appeals.

**Rule 1.1
Governing Authority**

The Chair of the Committee, or the Board, shall have governing authority over all proceedings. The Chair will announce commencement and adjournment of all meetings. The Chair will announce the item to be discussed by the person(s) appearing before the Committee or the Board. Once the Committee/Board are satisfied with all questions and comments, the Chair will entertain a motion by the Committee or Board Members, which will be seconded, followed by a vote. Once the Chair announces the outcome of said vote, that item is final and closed for discussion, whereby, the interested parties will be advised of their appeal rights, if any. For appeal rights and procedures, see Section 101.7 of the Pikes Peak regional Building Code, as amended (the “Code”).

Further, the Chair has authority to deviate from the agenda format.

**Rule 1.2
Conduct of Person(s) Appearing before the Advisory Committees, Board of Review, or
Board of Appeals**

All persons attending the Committee or Board meetings will behave in a professional and civil manner. The Chair has authority to require any uncivil person be removed from a meeting and therefore, the premises.

Courtesy, respect, and civility are expected by all participants and guests during all meetings. All comments shall be addressed directly to the Chair and/or Committee/Board.

Persons attending the Committee or Board meetings may only speak when the Chair has requested them to do so according to the particular item on the agenda. When requested by the Chair, the person(s) may approach the podium and speak into the microphone, only after stating their full name, spelling the same on the record, and providing current address and contact information, if requested. The proceedings are recorded and comments made away from the microphone are inaudible and may not become part of the official record of the meetings.

**Rule 1.3
Lack of Financial Authority of the Advisory Committees, Board of Review, and Board of
Appeals**

Pursuant to Section RBC103.12 of the Code, the Regional Building Official, and not the Committee or Board, has authority to impose administrative fines for Code-related violations. Further, the Committee and/or Board does not have authority to consider financial claims or consider and/or award resulting financial damages to any person.

Implemented as of: August 31, 2023
Last Updated: October 11, 2023