

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## TECHNICAL COMMITTEE MEETING MINUTES

June 5, 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

**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 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, a written advisement was received, based on the provisions of the International Fire Code, it did not take any exceptions to the variance requests listed on the Agenda. Monument Fire District was not present. However, Monument Fire District did advise, based on the provisions of the International Fire Code, it did not take any exceptions to the variance requests 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.

#### 2. **CONSIDERATION OF THE MAY 1, 2024 TECHNICAL COMMITTEE MEETING MINUTES**

A motion was made by Vice Chair Andy Baturevich to **APPROVE** the May 1, 2024 Technical Committee Meeting Minutes, as written; seconded by Mike Finkbiner; the motion carried unanimously.

### 3. EXECUTIVE SESSION REQUEST

Pursuant to C.R.S. § 24-6-402(4)(b), the attorney for Pikes Peak Regional Building Department is requesting an Executive Session with the Technical Committee in order for the Technical Committee to receive legal advice from the attorney on specific legal questions regarding the Department's authority or lack thereof to consider variance request(s) specific to C.R.S. § 30-28-211, Energy efficient building codes – legislative declaration – definitions, and, C.R.S. § 31-15-602, Energy efficient building codes – legislative declaration – definitions, and the resulting effects thereof.

(Virginia V. Koulchitzka, Pikes Peak Regional Building Department Attorney; Roger N. Lovell, Pikes Peak Regional Building Official; Jay Eenhuis, Pikes Peak Regional Building Deputy Building Official; John Welton, Pikes Peak Regional Building Deputy Building Official)

The Committee voted unanimously to move into an Executive Session at 9:08 a.m. in the Chambers Conference Room.

A motion was made by Tom Lysne to come out of the Executive Session at 10:04 a.m.; seconded by Mike Finkbiner; the motion carried unanimously.

Virginia Koulchitzka stated there were no decisions made during the Executive Session. The purpose of the Executive Session was to discuss the specific Energy efficient building codes, C.R.S. § 30-28-211 and C.R.S. § 31-15-602. The two C.R.S. sections, however, will govern the Consent Calendar items the Technical Committee considers; as a result, next month's agenda will include the Consent Calendar Items formerly adopted by the Technical Committee for review, consideration, and any resulting amendments thereto.

### 4. 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 today's Consent Calendar.

### 5. ITEMS CALLED OFF CONSENT CALENDAR

There were no items called off the Consent Calendar.

### 6. VARIANCE REQUESTS

- a) 7625 N. Union Blvd., Colorado Springs – Christy Riggs, Architect, requests a variance, prior to plan submittal, to Section 508.4.2, 2021 International Building Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to

allow the sum of the ratios for separated occupancies to be 1.09, where a maximum ratio of 1.0 is required.

*Vice Chair Andy Baturevich recused himself from hearing this Agenda Item; a quorum was maintained.*

Christy Riggs appeared in person and provided some background information with regard to ratios for separated occupancies, stating that the plans on this project included a previous permit that was issued when the restaurant project expanded into the suite next to the restaurant. This project was set up with separated uses; buildings are classified as both use and construction type with a chart for the maximum square footage allowed within the Code. The other way buildings can be classified is the sum of ratios using a percentage of each use in the building, and as long as the sum is no more than 100 percent or 1, the way the Code defines it, then that also complies. The current project equates to .99 percent, which is under the 1 requirement, thus, Code compliant.

With regard to the previous permit, as a result of certain structural analysis that was conducted, it was discovered the permit was missing a large portion of the existing square footage within the building. The missing portion ends up with a ratio sum of 1.06 percent, which is .06 percent above the required percentage within the Code, and therefore non-compliant as existing today. The restaurant owner now wishes to expand into the suite to the south using very similar construction methods including setting up a separate fire area. This would bring the sum of ratios to 1.09 percent. Both the current and the proposed state of construction exceed the Code limitations.

How is the variance proposal “equal to or better form of construction” then? Depending upon how we calculate the math, rounding up both would be at 1.1. The claim is that 0.1 is negligible in terms of a life-safety consideration. It does not affect the number of occupants; it does not affect the construction type; it only has effect on the square footage. Further, by expanding into this additional space, a separate 2-hour fire barrier will be created, which will be an improvement .

A motion was made by Tom Lysne to recommend to the Board of Review **APPROVAL** of the variance request to allow the sum of ratios for separated occupancies at 1.09 percent; seconded by Mike Finkbiner; the motion carried.

- b) 5927 Greenbrook Lane, Colorado Springs, Permit O65480 – Anthony Kouri, Fixins Home Services, requests a variance to Section R905.2.8.5, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to omit drip edge where required.

*This variance was heard out of order. Vice Chair Andy Baturevich rejoined the Committee and a quorum remained.*

Anthony Kouri appeared virtually and stated that he replaced the roof at 5927 Greenbrook Lane, but he did not replace the existing 2 x 4 prefinished drip edge; as a result, he failed inspection for not having the drip edge over the underlayment only on the rakes. The variance request is to allow sealing of the shingles on the underside to the existing 2 x 4 drip edge to prevent possible moisture intrusion. He stated this alternative is sufficient according to code. Mr. Kouri did not provide photographs with his variance application, however he did share his screen virtually with the Committee to show the current state of the roof, as installed. Mr. Kouri stated that the new underlayment is laying on top of the existing drip edge. He plans on finishing up with a high-grade urethane sealer underneath the starter course of the shingles along the drip edge as it hangs over the fascia.

A motion was made by Mike Finkbiner to recommend to the Board of Review **APPROVAL** of the variance to allow a drip edge to be installed with the underlayment over the top as long as there is a bead of sealant under the underlayment, and the shingles are sealed to the drip edge; seconded by Tom Lysne; the motion carried unanimously.

- c) 16871 New Autumn, Monument, Permit O59175 – Shashank Sinha, property owner, requests a variance to Section R402.2.10, 2015 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2017 Edition, as amended, to omit the prescriptive slab insulation within an attached garage conversion, where required.

Shashank Sinha appeared in person and stated that the permit is in his name, however, he has had a contractor, Jesus Estrada, assist with the garage conversion. Jesus Estrada also appeared and stated that Mr. Sinha has a three-car garage, and they have converted the third-car area to a work office, which has been completed and inspected. This variance requests that the prescriptive slab insulation be omitted.

Chair Leimkuhl stated if the homeowner is not using any slab insulation in the floor, it is unknown whether the heating system installed is adequately sized to heat the space without a corrected heat-loss calculation. Mr. Estrada indicated a heat-loss calculation was performed with an insulated slab. However, John Welton advised that, according to the original plans previously submitted, the slab would be insulated. Further, the prescriptive path was selected for compliance with the International Energy Conservation Code (IECC) requiring R-20 for the walls, R-49 for the ceiling and R-10 slab insulation. Based on the inspection history, there is a completed insulation inspection minus the slab insulation. The existing garage door, however, has not been accounted for in the IECC and heat loss analysis according to the plans, as submitted.

Virginia Koulchitzka stated that this variance request was submitted under Section RBC111.2.3.2: “the provisions of the applicable code do not apply”; she asked for explanation; Mr. Estrada indicated he was not sure how the provisions of the applicable code do not apply.

A motion was made by Mike Finkbiner to recommend to the Board of Review a **CONTINUANCE** of the variance request to the next available Technical Committee meeting to allow the homeowner to obtain verification of the insulation envelop and the heat calculations, plus, the R-value of the garage door; seconded by Vice Chair Andy Baturevich; the motion carried unanimously.

- d) 2842 Valley Hi Avenue, Colorado Springs, Permit P28560 – Michael Lopez, property owner, requests a variance to Section R310.2.3, 2021 International Residential Code, based on Item 3 of Section RBC111.2.3 of the Pikes Peak Regional Building Code, 2023 Edition, to allow a 52.5" maximum height to bottom of clear opening from the floor in two basement bedrooms, where a maximum of 44" is allowed.

Michael Lopez appeared in person and stated he and his wife are the second owners of the home on Valley Hi Avenue, which had an unfinished basement. He is attempting to avoid having to cut through the concrete; the variance request is to allow him to build a step or platform in the basement on the interior side below the egress window since the egress window is at garden level. Mr. Lopez provided a second drawing of the step he would build, which was not part of the variance application. This drawing has been marked as Exhibit A and attached to these Minutes. The step will be 12-inches high, 12-inches deep, and 30-inches wide.

John Welton stated that the IRC is clear; the window opening height, cannot be above 44-inches. However, the Consent Calendar does have an item, which allows for a window sill height of 51-inches with the installation of a 6-inch step that is a minimum of 11 ½-inches in depth. The applicant's variance request is for a window sill height in excess of 51-inches, which is why the variance is before the Committee.

Tom Lysne suggested two steps be built with the first one being at the maximum height of 7 ¾-inches. Mr. Welton indicated that the staff is in favor of Mr. Lysne's suggestion of two 6-inch steps with a maximum difference in height of 3/8-inch as opposed to one 12-inch step with a 10-inch minimum tread depth.

A motion was made by Mike Finkbiner to recommend to the Board of Review **APPROVAL** of the variance to allow two, less than 7 ¾-inch steps with a minimum of a 10-inch tread depth; seconded by Brian Braaten; the motion carried unanimously.

- e) 91 S. Marland Road, Colorado Springs, Plan R188892 – Paul Lubbers, owner's representative, 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 conditioned, habitable space, where required.

Paul Lubbers appeared in person and stated that his appearance today is on behalf of the homeowner, Tom Stoen, as the homeowner's representative. He is overseeing the construction on an existing barn that will eventually be a guest residence with non-insulated concrete, including a kitchen, bedroom, bathroom, and living room. Jay Eenhuis stated that since this project is a paper submittal, the Department does not have a copy of the plans as permits have not been for the subject scope of work and have not been issued on the subject building.

Virginia Koulchitzka asked Mr. Lubbers if he will be the one completing the construction renovation of the building as delineated on the homeowner's notarized authorization letter dated June 3, 2024. Mr. Lubber advised that the names delineated on the letter are the licensed professionals, who have been hired to work on the project whom he will supervise in addition to doing all the carpentry work.

Ms. Koulchitzka advised Mr. Lubbers that his capacity as a supervisor is in violation of Section RBC201.2 of the Pikes Peak Regional Building Code because it is considered residential construction consulting. This type of general contractor services and/or project manager services require a license through the Department; the sections of the Code that regulate construction consulting are Sections RBC201.2 and RBC201.4.2. Should the Department determine that Mr. Lubbers is providing residential construction consulting, the Department may initiate an administrative action against Mr. Lubbers individually and the company which he may be representing for violating the Code. Further, Ms. Koulchitzka advised that there is a pending complaint on file with the Department for work being done on the subject barn without permits.

Chair Leimkuhl asked Mr. Lubbers if he wished to continue with the variance request. Mr. Lubbers advised he will need to discuss the matter(s) with the homeowner. Therefore, Mr. Lubbers requested a continuance of the variance.

A motion was made by Mike Finkbiner to recommend to the Board of Review a **CONTINUANCE** of the variance request to allow Mr. Lubbers to have a discussion with the homeowner regarding the variance and moving forward; seconded by Tom Lysne; the motion carried unanimously.

- f) 4280 Hopeful Drive, Colorado Springs – Lisa Peterson, Hammers Construction Inc., requests a variance prior to plan submittal, to:

1) Table C403.3.2(1), 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow RTU-3 to remain as installed with an 8.3 EER rating, where a minimum of 10.8 EER is required for efficiency; and,

2) Section C403.12.1, 2021 International Energy Conservation Code, based on Item 2 of Section RBC111.2.3, Pikes Peak Regional Building Code, 2023 Edition, to allow existing ducts located outside the thermal envelope with R-8 insulation to remain where a minimum of R-12 insulation is required.

Lisa Peterson appeared in person and stated that her client, Lighthouse Baptist Church, had a ground mounted Roof Top Unit (RTU-3) installed without a permit that was unbeknownst to the current property owner. There are stamped drawings from 2003 with a resulting installation in 2008. Ms. Peterson is requesting that the RTU-3 system be allowed, as currently installed, and permitted under the current energy code. The variance is on two sections that would not meet the current energy codes, which basically reduce or eliminate the insulation on the duct work on the exterior of the building with an R-8 value.

Jay Eenhuis stated that since the non-compliance inspector's visit in 2009, there are no documents and/or permits on file. The R-value of the duct work may be increased by adding additional insulation outside of the duct work, however, calculations must be provided for the differing insulation materials showing that as an assembly, the two materials combined meet the minimum required R-value or R-12.

Ms. Peterson provided two photographs of the subject property that were not included with the original variance application. These photographs were marked as Exhibit A and Exhibit B, and attached to these Minutes. Ms. Peterson indicated that the current property owner wants to get the non-compliance removed from the property.

Virginia Koulchitzka advised the Committee that the variance requests are submitted under the 2023 Edition of the Pikes Peak Regional Building Code, which adopted the 2021 IECC, as amended. Thus, this variance must be considered under the adopted codes. It is the applicant's obligation to provide sufficient facts to substantiate the variance requests under Section RBC111.2.3, interpretation of the Code, Section 2, which is, the provisions of the applicable code do not fully apply. Ms. Peterson indicated that the current code does not apply because this project was a miss-step and should have been submitted under the previous code. She is trying to help the owner take the initiative to bring the subject property up to code. She believes the project would have met the 2008 codes since the plans were stamped and approved in 2008.

Pastor Nathan Schultz appeared in person and stated he has been the pastor of the Church since 2014. There were other heating and air-conditioning projects on this property and that is when he discovered the subject code non-compliance. He wants to make everything correct and up to code.

Roger Lovell stated there is a record on file with the Department of the installation of the unit(s) and a non-compliance inspection on December 12, 2009, and there was not a permit in place at that time. However, a stop work order was not issued at that time.

The Department has no information as to why this is. As such, there was no subsequent certificates of non-compliance on the property. The record also shows that Premier Mechanical installed an RTU and new duct work on January 12, 2009, without a permit. At this point, the only way to remove the non-compliance of record is to issue a permit, as required per the code, including a follow up inspection. Further, there was a re-roof installed in 2012 and glazing of a door in 2007, but there are no electrical or plumbing permits on file.

Ms. Koulchitzka stated that the advice from the legal department and opinion are that since the Department has adopted the 2023 Pike Peak Regional Building Code, which adopts by reference the 2021 IECC, with amendments, a variance request much achieve equivalent or better energy performance than the 2021 IECC, with amendments, as adopted, for which the Committee has the duty to enforce. This is regulated by State law as a result of certain legislation passed in 2022 and 2023, which has been codified in the Colorado Revised Statutes, C.R.S. 31-15-6.2 (c), which reads:

When adopting or updating a building code prior to July 1, 2023, the governing party of a municipality shall adopt and enforce an energy code that achieves equivalent or better energy performance than one of the three most recent editions of the International Energy Conservation Code.

Therefore, any proposals subject to a variance request that are less than the aforesaid requirements, cannot be considered for approval by the Technical Committee to the Board of Review.

After further discussion, Ms. Peterson requested a continuance of the variance in order to consult a design company.

A motion was made by Mike Finkbiner to recommend to the Board of Review a **CONTINUANCE** of the variance request to allow Ms. Peterson to research alternatives in order to be up to code with the 2021 IECC, as amended, as adopted and implemented; seconded by Brian Braaten; the motion carried unanimously.

7. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

8. **NEW BUSINESS**

There was no New Business to discuss.



9. **ADJOURNMENT**

The Technical Committee meeting adjourned at 12:18 p.m.

Respectfully submitted,

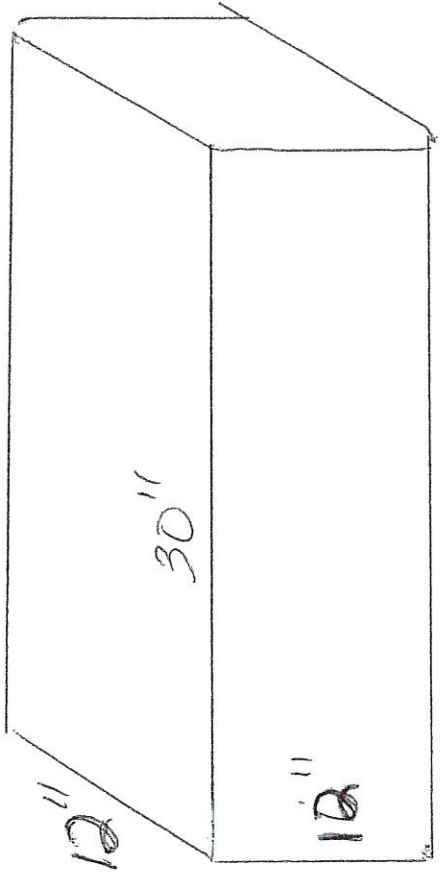


Roger N. Lovell  
Regional Building Official

RNL/gml

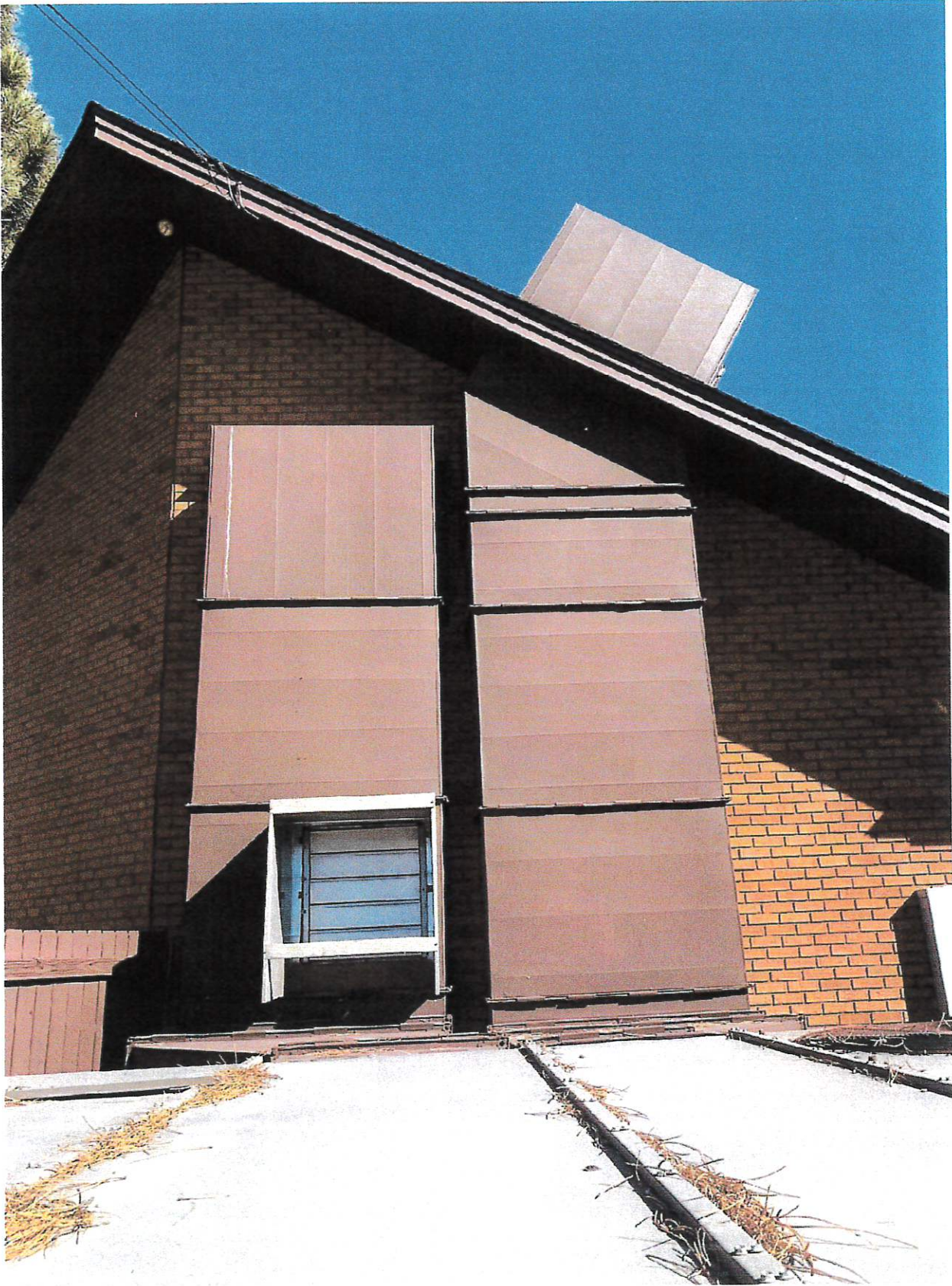
Accommodations for the hearing impaired can be made upon request by providing notice within forty-eight (48) hours prior to the meeting. Please email [ginal@pprbd.org](mailto:ginal@pprbd.org) or call (719) 327-2989. Pikes Peak Regional Building Department (PPRBD) meeting agendas and minutes, as well 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](mailto:ginal@pprbd.org) or by calling (719) 327-2989.

Placed in front of  
Window opening in  
Basement Bedrooms

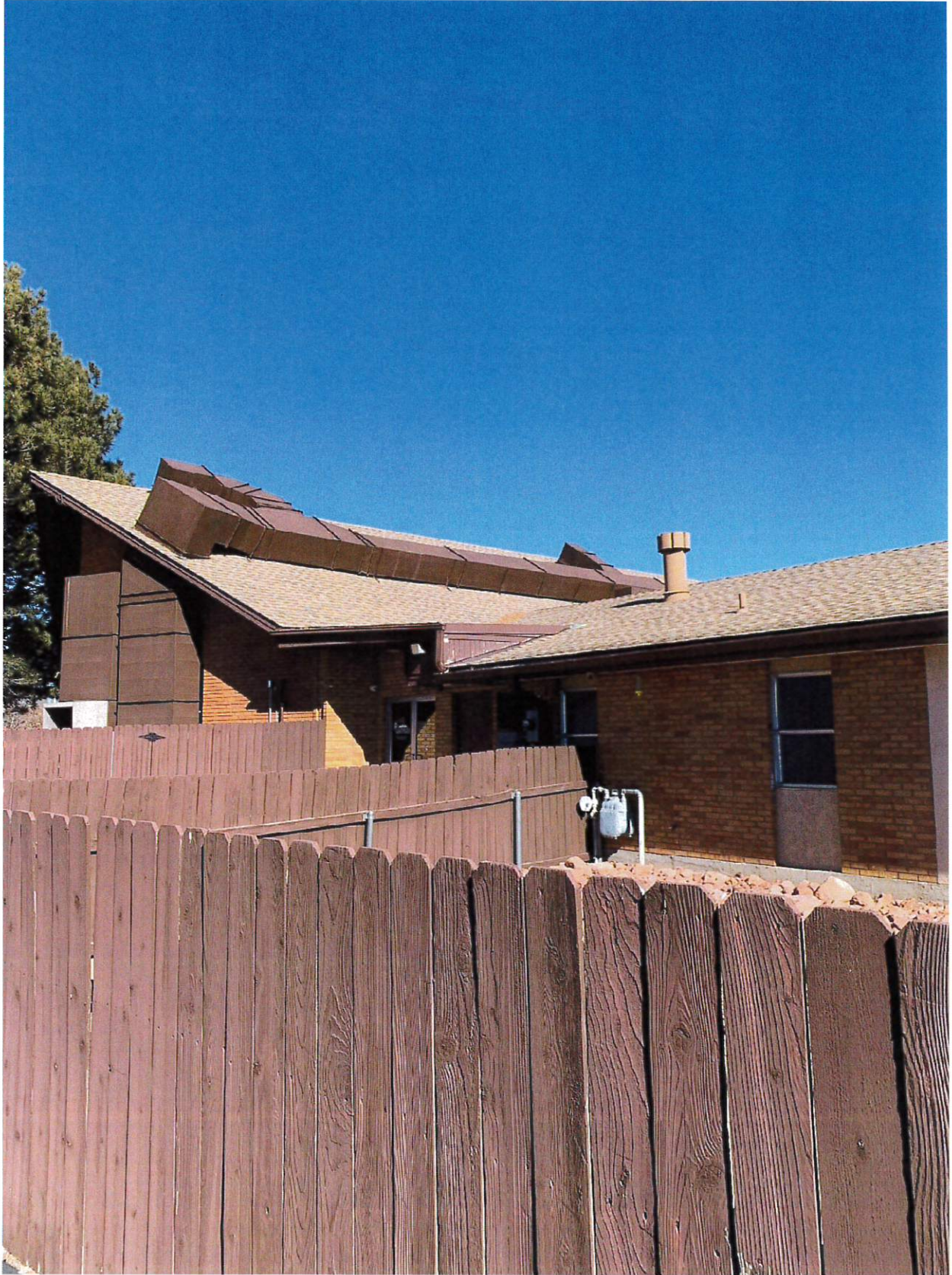


Michael Lopez  
2842 Valley Hi Ave  
Colorado Springs, Co

Technical Committee  
June 5, 2024  
Agenda Item No. 6(d)  
Exhibit A



Technical Committee  
June 5, 2024  
Agenda Item No. 6.f)  
Ex. A



Technical Committee  
June 5, 2024  
Agenda Item No. 6.f)  
Dr. B