

Pikes Peak Regional Building Department

2880 International Circle
Colorado Springs, Colorado 80910

TECHNICAL COMMITTEE MINUTES

March 6, 2019

9:00 a.m.

MEMBERS PRESENT: Chairman Chris Richardson, Building Contractor A or B
Steve Horner, Structural Engineer
Micah Langness, Master Plumber
Dan Rial, Mechanical Contractor
Larry Bobo, Electrical Contractor
Michael Finkbiner, Building Contractor D

MEMBERS ABSENT: Swagata Guha, Architect

OTHERS PRESENT: Roger Lovell, Regional Building Official
Virginia Koulchitzka, Regional Building Counsel
Jay Eenhuis, Deputy Building Official – Plans
John Welton, Deputy Building Official – Inspections
Bert Warchol, Chief Building Inspector
Jack Arrington, Chief Plumbing/Mechanical Inspector
Dean Wemmer, Chief Electrical Inspector
Linda Gardner, Executive Administrative Assistant

PROCEEDINGS:

Chairman Chris Richardson called the meeting to order at 9:01 a.m.

1. **CONSIDERATION OF THE FEBRUARY 6, 2019 TECHNICAL COMMITTEE MINUTES**

A motion was made by Dan Rial to **APPROVE** the February 6, 2019 Technical Committee Minutes as written, seconded by Larry Bobo; 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.

There were no Consent Calendar Variance Requests.

3. **ITEMS CALLED OFF CONSENT CALENDAR**

There were no Items Called Off the Consent Calendar.

Chairman Richardson noted that RBD staff had received an email from Colorado Springs Fire Department (“CSFD”) stating it does not have any objections to the variance requests on the Agenda and Addenda today.

VARIANCE REQUESTS

4. 575 West Garden of the Gods Road, Plan C114106 – Logon Vogt, Merrick & Company, requests a variance to Section 903.2.1.2, Group A-2, 2015 International Building Code, to waive the fire sprinkler system, where required.

Logon Vogt appeared and stated Chick-Fil-A was proposing a remodel to enable it to expand the kitchen. He stated it would only increase the occupancy load by 2; and CSFD supports this variance request. John Welton stated RBD staff takes no exception to this variance request, as CSFD supports the variance. A motion was made by Dan Rial to recommend to the Board of Review **APPROVAL** of the variance request due to the fact that both CSFD and RBD takes no exception to the variance request, seconded by Michael Finkbiner; the motion carried unanimously.

5. 4090 Briargate Parkway, Permit K97667 – Alain Belanger, FKP/Cannon Design, requests a variance to Section, 405.3.1, 2015 International Plumbing Code, to allow reduction of minimum center line to side wall clearance to 13” where 15” was required per Code.

Alain Belanger appeared and stated he was requesting a variance for the bathrooms in two patient rooms. He stated the wall between the two rooms was changed from the initial plans to add some plumbing, which “bumped” it out slightly. Jack Arrington stated the toilets are wall hung toilets, and to move them would be a major endeavor. Mr. Belanger stated there were 94 patient rooms, and only 2 rooms have this issue. John Welton stated these two rooms were not required to be accessible. A motion was made by Micah Langness to recommend to the Board of Review **APPROVAL** of the variance request for these two rooms only, seconded by Larry Bobo; the motion carried unanimously.

6. 210 Lanfare Place, Permit L72701 – Bob Hinsey, Mountain States Roofing, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow an existing layer of felt to remain under new roof covering layers, where prohibited.

Bob Hinsey and Rick Pryor appeared, and Mr. Pryor stated he was the supervisor on this project. He stated he was unaware that this issue was not allowed per Code. John Welton stated the requirement to which variance was being sought herein had been in place in the Code since 2005. Mr. Pryor stated the homeowners do not want their roof torn off and repaired. Mr. Welton stated RBD staff had been looking at this issue closely for the past two years because of the manufacturers’ specifications regarding synthetic felt. Mr. Pryor stated currently there were two layers of asphalt felt on the roof. He stated Mountain States Roofing was increasing the warranty from 5 years to 15 years. Michael Finkbiner stated he would like to have the warranty revised to show the current homeowner’s name on the

warranty, as well as receipt of a letter from the current homeowner approving the current construction of the roof. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, with the stipulation that the contractor submit, no later than March 19, 2019, a revised warranty showing the current homeowner's name on it; as well as a letter from the current homeowner acknowledging that the homeowner accepts the current construction of the roof, even though it was not Code compliant, seconded by Larry Bobo; the motion carried unanimously.

7. 8655 Kane Road, Permit L71633 – Rocky Mountain Restoration & Construction, LLC requests a variance to Section R905.2.2, 2015 International Residential Code, to allow asphalt strip shingles to be installed on a roof pitch less than 2:12, where prohibited.

Susan Ray and Chad Pilger appeared, and Mr. Pilger stated he was the roofing tech on this project. He stated the roof was less than a 2:12 pitch. He stated he put one layer of McArthur elastic felt on the roof, with ice and water shield on the bottom two runs of the roof. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, with the condition that the contractor provides a letter to RBD from McArthur, no later than March 19, 2019, which confirms that one layer of their felt would be sufficient for the slope of this roof, seconded by Micah Langness; the motion carried unanimously.

8. 261 Vine Street, Permit L83033 – Mike Nelson, A Aardvark Roofing, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow existing layer of felt to remain under new roof covering layers, where prohibited.

Mike Nelson appeared and stated he left the existing layer of felt on this roof and added the new roof covering layers on top of the existing felt. He stated the homeowner had submitted a letter approving the current construction of the roof. He stated the manufacturer had informed the homeowner that leaving the existing layer of felt on the roof would not void the shingle warranty. Jina Koulchitzka stated RBD staff would like to have the letter from the homeowner signed by the homeowner. Mr. Nelson stated the reason for this variance request was the homeowner's wish not to have the roof replaced again. He stated he would be willing to extend his warranty on this roof. He stated he also reroofed this same house two months prior to this reroof, but it was hit by hail again and incurred additional damage. A motion was made by Michael Finkbiner to recommend to the Board of Review **APPROVAL** of the variance request, conditional upon the contractor producing verification, no later than March 19, 2019, that the two layers of felt on the roof were synthetic felt, a corrected letter from Owens Corning with the correct address, and a signature on the letter from the homeowner, seconded by Larry Bobo; the motion carried unanimously.

9. 7375 Herbert Court, Permit L76660 - Mike Nelson, A Aardvark Roofing, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow existing layer of felt to remain under new roof covering layers, where prohibited.

Mike Nelson appeared and stated he left the existing layer of felt on this roof and added the new roof covering layers on top of the existing felt. Mr. Finkbinder stated a signed letter would be required from the homeowner acknowledging that the roof does not meet Code and approving the current construction of the roof. Mr. Nelson stated his subcontractors did the work on these roofs but neglected to follow his instructions. He produced a letter from Owen Corning extending its warranty for this type of construction. John Welton stated Mr. Nelson currently had 29 open permits, and 4 of those permits were on the agenda today. He asked Mr. Nelson if any of the other 25 roofs might also have this issue, and Mr. Nelson responded that he did not believe there should be a concern regarding the remainder of his permits. Mr. Finkbinder stated there seemed to be a lack of supervision on the part of Mr. Nelson to ascertain that the roofs were completed per Code. A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of the variance request, conditional upon the contractor submitting verification to RBD, no later than March 19, 2019, that the two layers of felt were synthetic felt, and a signed letter from the homeowner acknowledging that the reroof does not meet Code and approving the current construction, seconded by Micah Langness; the motion carried unanimously.

10. 8277 Meadowcrest Drive, Permit L79095 - Mike Nelson, A Aardvark Roofing, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow existing layer of felt to remain under new roof covering layers, where prohibited.

A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of the variance request, conditional upon the contractor submitting verification to RBD, no later than March 19, 2019, that the two layers of felt were synthetic felt, a corrected letter from Owens Corning regarding the materials warranty, and a signed letter from the homeowner acknowledging that the reroof does not meet Code and approving the current construction, seconded by Micah Langness; the motion carried unanimously.

11. 7435 Silverdale Street, Permit L76663 - Mike Nelson, A Aardvark Roofing, Inc., requests a variance to Section R908.3, 2015 International Residential Code, to allow existing layer of felt to remain under new roof covering layers, where prohibited.

A motion was made by Michael Finkbinder to recommend to the Board of Review **APPROVAL** of the variance request, conditional upon that the contractor submitting verification to RBD that the two layers of felt were synthetic felt, a letter from Owens Corning regarding the materials warranty, and a signed letter from the homeowner acknowledging that the reroof does not meet Code and approving the current construction, seconded by Micah Langness; the motion carried unanimously.

- 11.b. 85 Easy Street, Permit M06645 – Michael Henry, Contractor, requests a variance to allow 3 foot clearance over a roof for a feeder utilizing the exception for the installation for service conductors in NEC 2014 230.24(A), Exception 5, where otherwise prohibited by NEC 2014 225.19 (A).

Michael Henry appeared and stated this was as low slope roof, but there was no access to the roof via a window; the only access was with an extension ladder. He stated he was requesting approval to transfer the service exception through a feeder, which was also protected by over current protection. Dean Wemmer stated when a roof was not readily accessible and a ladder would have to be put up to get up to the roof, there was an exception in the Code for the 8' clearance to be reduced to 3' above the roof for service conductors. He stated Mr. Henry had a feeder going across the roof, so he was asking to use this same exception for a feeder. He stated he feels it was safer due to the fact that there was current protection there due to the fact that there was a breaker on the panel, and the roof was not accessible without the use of a ladder. Mr. Henry stated this structure was a single family home. A motion was made by Larry Bobo to recommend to the Board of Review **APPROVAL** of the variance request because RBD staff takes no exception to the variance request, seconded by Micah Langness; the motion carried unanimously.

- 11.c. 31275 Washington Road – Aelsey Davidson, Grazing Yak Solar, LLC, requests a variance to Section RBC302.4.37, 2017 Pikes Peak Regional Building Code, and Section 1609.3, 2015 International Building Code, to allow wind design using 105 mph (Vult), where 130 mph (Vult) was required.

Aelsey Davidson appeared and gave a video presentation in support of this variance request. She stated she works for NextEra Energy Resources (“NextEra”), which was one of the largest producers of energy in the world, and she was the Project Developer for the Grazing Yak Solar Project. She stated Grazing Yak Solar was a proposed project in eastern El Paso County; a rural area of the County. She stated specifically, NextEra was requesting to design to ASCE 7.10 at a Risk Category 1 (105 mph). She stated NextEra had a number of Category 1 projects across the country. She stated the data supported a lower wind speed design threshold.

Ms. Davidson stated the rationale for granting a variance to be:

- Procurement timeline does not support designing to 130 mph;
- Project was contractually obligated to achieve commercial operations by December 2019; and
- Project supports various state and local statutes.

Matthew Berry with Mortenson Construction appeared and stated his company performed a site specific wind study and briefly reviewed the study for the Committee. He stated the system could meet the ultimate of 120 mph, but it was designed for 105 mph.

Ms. Davidson stated the reason for this variance was the project's timeline. Jay Eenhuis stated RBD staff had differing opinions on this variance request and would not render an opinion at this time. He stated because this project is still in design, the opportunity to conform with the structural criteria of the adopted codes still exists. Mr. Eenhuis stated, in contrast, the project is not a structure that supports an occupant load; it is surrounded by a security fence, and is only occupied on occasion by maintenance personnel, thus the life safety risk of this structure is minimal. He stated the area in which this solar garden is remote, therefore impact on nearby structures will be minimal.

Steve Horner stated 105 mph equates to an actual wind speed of 81 mph; and 130 mph equates to an actual wind speed of 100 mph. He stated he does not have an issue with the measured wind speeds. Ms. Davidson stated the structures would be 8' tall. Mr. Berry stated the structures would be at a Risk Category 1. Ms. Davidson stated Colorado Springs Utilities ("CSU") does not own this asset; Grazing Yak was selling power to CSU. Mr. Horner stated he does not have an issue with the measured windspeed, but believes a Risk Category 3 may be more appropriate for this project. He expressed concern if the structures could withstand a wind event.

Mr. Berry stated there were data stations on site, which feed information to NextEra's communications systems that had a 5 to 10 second operational awareness. He stated in a wind event, the solar panels would stow themselves into a flat position in less than a minute. Ms. Davidson stated NextEra had an Operation Center in Juno Beach, Florida that monitors the weather at all of their sites on a continual basis, and if severe weather was predicted, the Operation Center would stow the panels prior to the onset of the severe weather.

Mr. Eenhuis stated the Clear Springs Ranch solar farm, which Ms. Davidson referred to as a reference and comparison, was designed for 130 mph ASCE 7.10, 30 psf snow.

Ms. Davidson stated NextEra's contractual agreements were creating a procurement timeline, which creates the need for a variance. She stated this project was procured in July 2018. She stated the panels should be able to withstand 1½" to 2" hail. She stated if NextEra cannot deliver by December 31, 2019, they would be in breach of contract.

Steve Horner stated he would require more data in order to make a decision on this variance request. He stated he would like to know if the structures are a Category 1 or Category 3, and if Colorado Springs Utilities would have any opinion on this variance request. The Committee members determined that a Special Meeting of the Technical Committee be called to hear this variance, conditional upon the submission of the additional information and documentation requested by the Committee, no later than Thursday, March 14, 2019. A motion was made by Michael Finkbiner to **POSTPONE** this item until a Special Meeting on March 14, 2019, conditional upon timely submission of the requested documentation, and if not, until the regular Technical Committee meeting on April 3, 2019, seconded by Larry Bobo, the motion carried unanimously.

12. **UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

13. **NEW BUSINESS**

Roger Lovell presented RBD's appreciation plaques to Committee members, Larry Bobo and Michael Finkbiner, and thanked them both for their time and dedication as Committee members for the past six years to the Pikes Peak Regional Building Department.

The meeting adjourned at 11:08 a.m.

Respectfully submitted,



Roger N. Lovell
Regional Building Official

RNL/lfg

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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