

**Teller County Board of Review
December 7, 2011
Meeting Minutes**

Chairman Bert West called the meeting to order at 2:00 p.m. Those answering roll call were:

Jeff Smith

*Dave Dernbach

*Carl Andersen

*Jared Bischoff

*Sonny Strobl

*Bert West

Staff: Chris Brandt

Allen Chamberlin

Lynda Morgan

Olya Sharonova

* Voting members

Bert West stated that the Board of Review meetings are public and anyone wishing to speak must first address the Chairman.

**Review and Approve Minutes
From the November 2, 2011 Meeting**

Jared Bischoff moved to approve the November 2, 2011 meeting minutes as presented. Bert West seconded. Roll call vote 4 yes votes, Sonny Strobl abstained. The motion carries.

**Request for Variance
Continued item**

Request from Jared Stanley at 3721 Teller County 3 Plant Track #C10270 for a variance to the 2003 IBC – Chapter 9 Fire Protection Systems

Joel and Jared Stanley present.

Al Chamberlin reviewed the staff report presented, which included but was not limited to the following:

Commercial project has been applied for review and permitting
Structure has been built without a building permit
The structure is a one-story greenhouse over 9,000 square feet in size
Per the code a structure this size requires a sprinkler system
Use of the structure is for only 6-8 months a year
Very few people work in the structure
Construction of the structure is primarily heavy plastic, tubing for support frame up
End walls and for support of mechanical equipment
Have met several times with the Stanleys to discuss the matter

The Building Official and District Fire Chief performed a site visit to familiarize themselves with the property and structure to fully understand the project as it relates to the request for variance to the code. Result of the site visit is a joint letter from the building department and fire department addressing steps that could be taken in order to meet the intent of both the fire and building codes cited in the staff report without requiring the installation of a sprinkler system. The letter would become part of the conditions for issuance of the building permit and the listed improvements would need to be completed at time of the final inspection.

Jared Stanley presented pictures of the structure and surrounding property to the Board to better clarify of the project and provided comments, which included but were not limited to the following:

Structure is almost entirely non combustible

Structure is completely fenced

Addressing the water availability - there are 2 cisterns totalling 10,000 gallons on site
Sprinkler system is not feasible as the water needs to be chemical treated in the system and would be harmful to the plants

Originally only a mechanical and an electric permit were pulled for the greenhouse as they thought the property was zoned agricultural making the structure exempt for a building permit but upon further review it was determined that the property does not have an agricultural tax exemption, and that a building permit for the greenhouse would be required

The letter from the Building and Fire Departments was discussed

Asked if a variance is granted, would it apply to future owners of the property as well?

Bert West opened the matter up for public comment. Art Uhl was recognized and commented on whether this type of operation was allowed in a residential area. Skip Howes was recognized and brought up underground water storage and its costs as a consideration. Mr. Stanley commented that the greenhouse cannot be seen from the road and as there are not many employees there would be minimal impact to the area. Close public comment.

Board discussion included but was not limited to the following:

Discussion on the Building and Fire Department letter as it relates to meeting the intent of the code

It was noted that the Fire Chief was not in attendance to explain their portion of the letter or to answer questions regarding protection response and availability

Fire Chief Tyler Lambert of the Northeast Teller Fire District (NETFD) was in attendance and offered comments that included but were not limited to the following:

The Florissant Fire District is a volunteer district with 2 full time staff, which is similar to NETFD and capable to respond

Water is the primary issue

Further discussion on response times to the property

The Board appreciates the cooperation between the building and fire departments for a small business owner with a new business venture

Board's function is to help protect life and safety

The Stanleys' comments and providing sufficient pictures of the project along with conducting meetings with the appropriate departments indicates good stewardship

Smoke detectors for the structure would need to be compliant with the National Fire Protection Association standards with appropriate drawings by a registered engineer qualified for this type of system

Concern granting a variance would be setting a precedent

Further discussion on components of the combined building department and fire department letter included type of construction, egress, exits, signage, mitigation, and emergency services and notification.

Sonny Strobl moved to grant the building variance request from Jared Stanley at 3721 Teller County Road 3, Plan Track #C10270, a variance to the 2003 IBC – Chapter 9 requirements for Fire Protection Systems, with the following conditions:

- 1) The granting of this variance in no way approves the underlying use, nor implies or agrees that any and all required permits can or will be available or granted.

- 2) The owner acknowledges and agrees to promptly make all the listed improvements in the Teller County letter dated October 11, 2011 signed by the Building Official and the Florissant Fire Chief and the smoke detectors shall be designed and installed per NFPA 72.
- 3) Evidence of the variance and conditions, in form acceptable to the County, to be recorded with the Clerk & Recorder, describing the physical address and including the legal description, giving record notice of the variance, and its requirements.

Dave Dernbach seconded. Roll call vote, three yes votes, one no vote, and one abstain. The motion carries.

Contractor Licenses
Bison Builders & Associates, Inc.
George Douglas Bandle
Class B

Staff indicated that they received a letter from Mr. Bandle requesting to move his licensing request to the January meeting, as he will be out of town on the December meeting date.

Bert West moved to continue this agenda item to the January 4, 2012 meeting. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

At 2:55 p.m. Chairman Bert West left the meeting and Vice Chairman Jared Bischoff presided over the remainder of the meeting. Jared Bischoff appointed Jeff Smith as a voting member for the remainder of the meeting.

William Weddle dba: Timberline Builders
William M. Weddle
Class C

Mr. Weddle present. Mr. Weddle gave a brief overview of his previous work history and experience, which included but was not limited to the following:

- Primary residential work includes remodeling and framing
- Has done 20-30 homes from the ground up
- Holds contractor licenses in and around the Denver area
- Subs out foundation work
- Has an opportunity to build a residence from the ground up in the Divide area

Board reviewed documents submitted and discussed the Letters of Reference. The Board suggested that Mr. Weddle get with the Building Department to review the questions missed on the test.

Jared Bischoff opened this matter up for public comment. No public comment. Close public comment.

Dave Dernbach moved to grant William Weddle dba: Timberline Builders with William M. Weddle as examinee a Class C License. Carl Andersen seconded. Roll call vote and all said yes. The motion carries.

Reactivation of License 3365C American Craftsman Homes
Of Woodland Park
Tyler Lambert
Class C

Mr. Lambert present. Mr. Lambert indicated that there was an oversight in providing the annual dues in the required timeline for renewal of the license and gave a brief overview of his previous work history and experience, which included but was not limited to the following:

- Has held a Contractor License in Teller County for 10 years
- Has resided in the area for 20 years
- Has held contractor licenses in other jurisdictions but has allowed those to lapse
- Plans to work only in Teller County

The Board reviewed documents submitted and indicated that an updated Insurance Certificate was needed with a completed Description of Operations and with the appropriate coverage/limits of the policy per the Teller County Building Code.

Jared Bischoff opened this matter up for public comment. Skip Howes of Scott Homes commented on Mr. Lambert's previous work in the County. Close public comment.

Jeff Smith moved to reactivate License 3365C American Craftsman Homes of Woodland Park, with Tyler Lambert as examinee, upon receipt of an updated Insurance Certificate with a completed Description of Operations and showing the appropriate coverage/limits per the Teller County Building Code. Carl Andersen seconded. Roll call vote and all said yes. The motion carries.

Board Discussion

A. Consider and recommend to the Teller County Board of County Commissioners to adopt the 2011 National Electric Code

Al Chamberlin reviewed the staff report as presented, which included but was not limited to the following:

- Explained the cycles of changes to the code of the National Electric Code (NEC)
- Teller County needs to be compliant with the State adopted regulations of the NEC
- Adoption of the code will need to take place by July of this year to be compliant with the State requirements
- Reviewed the list of items in the staff report, which are the primary changes that will impact the building /electrical industry by the proposed code adoption
- One of the major code change components is the safety element as it pertains to arc faulting with additional GFCI's protection, which could result in an increase in cost for building

Dan Wilson estimated the average cost increase for a residence.

Chris Brandt suggested a few "clean up" changes to the format and wording of the proposed code change as presented.

Jared Bischoff opened this matter up for public comment. Skip Howes of Scott Homes commented on what Regional Building Department has negotiated with the State for a Waiver Relief Program regarding the arc fault issues related to medical equipment. Art Uhl commented on his conversations with the State electrical staff on arc fault matters and stressed the need for the adoption as it relates to consistency and compliance with the State. Steve McCann commented that he and most electricians already install to the 2011 codes in most jurisdictions and as a business owner it is difficult to ask his staff to install to older codes. Close public comment.

Board discussion included but was not limited to the following:

- A lot of thought went into this code cycle
- Need to find out more about Regional's Waiver Program
- Medical equipment seems to present the most issues with arc faulting
- Manufacturers need to keep up with the codes for safety to the consumers
- The State or Code Council needs to address matters with the manufacturing issues
- The State is the ultimate authority regarding adoption of the NEC
- Should be able to amend or make exception to the code however the State is not allowing exceptions at this time
- Are their provisions in the code for jurisdictions to grant variances or for medical equipment?
- More prudent to wait and see what develops at the State level regarding the Arc Fault Waiver Program
- What is our flexibility or consequence with the State in waiting to adopt the new code?

The Board requested staff to obtain more information on some of the points brought up today and bring the item back for further discussion at the January 4, 2012 meeting.

Carl Andersen moved to continue this item to the January 4, 2012 meeting in order for staff to obtain addition information on the matter. Sonny Strobl seconded. Roll call vote and all said yes. The motion carries.

B. Consider and recommend to the Teller County Board of County Commissioners to amend Article III, Section R105.3 Application for permit of the Teller County Building Code

Al Chamberlin and Lynda Morgan discussed the proposed change.

The Board reviewed the staff report presented, which explained the need for the proposed amendment. There was further discussion on the use of Power of Attorney documents as it relates to this amendment as well as clarity in the proposed wording.

Jeff Smith moved to recommend to the Teller County Board of County Commissioners to amend Article III, Section R105.3 Application for Permit, of the Teller County Building Code, to add a sentence at the end that reads: All permit applications, permits, change order, or changes in contractors shall be signed by the property owner(s), or someone with a valid Power of Attorney signed by the property owner(s), specifically allowing him or her to sign such permit applications, permits, change orders, or changes in contractors. Carl Andersen seconded. Roll call vote and all said yes. The motion carries.

C. Review Letter of Interest received to serve on the Board

The Board reviewed the letter received by Steven McCann from Electric Service of Colorado, LLC expressing his interest to serve on the Board. Everyone was in favor of making a recommendation to the Board of County Commissioners.

Carl Andersen moved to recommend Mr. McCann's letter of interest to serve on the Board of Review to the Teller County Board of County Commissioners. Sonny Strobl seconded. Roll call vote and all said yes. The motion carries.

There being no further business the meeting was adjourned at 4:23 p.m.