

**Teller County Board of Review
May 2, 2007
Minutes**

Chairman Sonny Strobl called the meeting to order at 2:05. Those answering roll call were:

Jared Bischoff
Bert West
Jeff Smith
Arthur Weaver
Dave Dernbach
Sonny Strobl

Staff: Chris Brandt
Lynda Morgan
Allan Chamberlin

Sonny Strobl appointed alternate members Jeff Smith, Bert West and Arthur Weaver as voting members for today's meeting.

Sonny Strobl 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 March 7, 2007 Meeting**

Dave Dernbach moved to approve the minutes as presented. Sonny Strobl seconded. Four yes votes Jeff Smith abstained. Motion carries.

**Review and Approve Minutes
From the April 4, 2007 Meeting**

Bert West moved to approve the minutes as presented. Arthur Weaver seconded. Four yes votes Jeff Smith abstained. Motion carries.

Variance Request

Request from William Page, Variance to handicap accessibility requirement at 112 South Elm Street and 631 West Midland Avenue

It was noted that this Variance Request is for properties located within the city limits of Woodland Park. The Board of review is therefore acting as the Woodland Park Board of Review, and enforcing the Woodland Park Building Code. Al Chamberlin presented the staff report indicating that the tenant at 112 South Elm Street applied for and was issued a permit for tenant improvements, which affected the accessibility of the restroom. The permit was issued under the 2003 International Building Code and 2003 ANSI A117.1 Code.

Jared Bischoff and Jeff Smith both recused themselves from this agenda item and left the room. Up to this point in the agenda item neither Mr. Bishoff nor Mr. Smith had made any comments or participated in this matter. Sonny Strobl stated that in the past he had worked in the past with Mr. Page and it will not have any influence on his decision one way or the other.

On March 22, 2007 a request to withdraw the building application for 112 South Elm Street was received by the tenant. Their request was granted. The second address: 631 West Midland Avenue also applied for and was granted a permit for tenant improvements. This particular unit was not required to provide accessibility due to technical infeasibility under

section 506.1 of the 2003 International Existing Building Code, so *no variance for that unit is required.*

Staff's recommendation: All existing commercial structures within Teller County will be required to comply with all adopted Building Codes and amendments when structures are altered to a point where *accessibility* ----- are required to be met.

Mr. Page present and made the following statements:

- Has a long history of leasing space to tenants, mostly sole proprietors
- Small Business is the backbone of Teller County's economy
- The International Code is discriminatory to Small Business
- Gold Hill Square where properties are located was built in the 1960's & 70's

Mr. Page presented a handout for the Board to review concerning Technical Infeasibility. Accessibility, flow through and lay out of Gold Hill North was discussed. Mr. Page indicated he wants to set a precedent regarding the Gold Hill properties and accessibility. Proposed options for resolution to this issue included signage, general overall code compliance, and accessible to /use of handicap accessible restrooms in other tenant spaces.

Al Chamberlin commented that in considering solutions don't lose focus of the Codes and that there should be consistency for all situations concerning tenant finish improvements, especially with older structures.

Sonny Strobl opened this matter up for public comment. No *public* comment. Close public comment.

Sonny Strobl moved to deny the Variance request from William Page concerning Variance to handicap accessibility requirements at 112 South Elm Street. Arthur Weaver seconded. Three yes votes and one no vote. Motion carries.

The Board *suggested* that Mr. Page *could* bring back before them a more specific request or perhaps develop a master plan for the entire complex addressing the accessibility issue such as a shopping mall with an atrium.

Applicant's appeal rights were discussed, and ~~the~~ Stop Work Order posted at 112 South Elm Street is still in effect and the space needs to be brought up to current code or put back to it's original status.

Alternate members Jeff Smith and Jared Bischoff returned to the meeting at 3:28 p.m.

Contractor Licenses
Schauer Construction Co. Inc.
Donald R. Schauer
Class A

Regular member John Collins arrived at 3:29 p.m.

Mr. Schauer present. Mr. Schauer gave a brief overview of his work history and building experience, which included the following:

- Hold Contractor Licenses in various jurisdictions
- Reviewed inception and development of the Company
- Currently working in Teller County on the Hybrook Town homes Phase II in Divide

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Class A type work was discussed. It was determined that the Hybrook Town homes project does not fall under Class A type work. Letters of Reference and other documents submitted were reviewed. It was noted that an Insurance Certificate with Description of Operations was needed. Mr. Schauer had one available to present to the Board.

Bert West moved to grant Schauer Construction Co., Inc. with Donald R. Schauer as examinee, an unconditional Class A License. Jeff Smith seconded. All yes.

Sonny Strobl noted that John Collins would now be a voting member for the rest of the meeting, and Bert West would not.

Access Construction Company, Inc.
Mark Ennis
Class B

Mr. Ennis present. Mr. Ennis gave a brief overview of his work history and building experience, which included the following:

- Building commercial construction in Colorado since 1981
- Buildings constructed consist mostly of design built metal structures
- Building have fire resistive components built in
- Currently working on Teller County's Fleet & Maintenance buildings in Divide

Further review by the Board included Letters of Reference submitted and discussion on the scope and range of various work by the applicant. Teller County's code regarding Conditional Licensing was explained to Mr. Ennis. Review of the various class licenses Teller County offers and which one would be most appropriate was discussed. Mr. Ennis requested a change in his requested class licensing from a Class A to a Class B. Mr. Ennis changed and initialed the application he submitted.

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Sonny Strobl moved to grant Access Construction Company, Inc. with Mark Ennis as examinee, a conditional 1 project Class B License upon *receipt of* one more Letter of Reference or an update on one of the originally submitted Letters of Reference. Arthur Weaver seconded. All yes.

Continued item:
Second Chance Renovations, Inc.
K.C. Kuykendall
Class B

Mr. Kuykendall present. Mr. Kuykendall gave a brief overview of his work history and building experience, which included the following:

- Nine years as sole proprietor
- Work mostly in El Paso and Pueblo Counties
- Work consists primarily with residential and commercial remodel and tenant finish
 - First year in business 100 % commercial
 - In 2004 80%/20% residential to commercial
 - Overall average 60%/40% residential to commercial
- Current work includes Military Installs and Shopping Malls and School Renovations
- Holds a Bachelor of Science in Mechanical Engineering
- Under a Conditional License - tore down the Saddle Club in Woodland Park

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Further review by the Board included Letters of Reference, scope and range of various work by the appliance and Insurance Certificates. Review of the various class licenses Teller County offers and which one would be most appropriate occurred and was discussed. Chris Brandt indicated that the State records reflect the name Second Chance Deconstruction & Renovations, Inc. and thus the License should reflect the same name. It was also noted that an updated General Liability Insurance Certificate reflecting the same name was needed.

Jeff Smith moved to grant Second Chance Deconstruction & Renovations, Inc. with K.C. Kuykendall as examinee, a conditional 1 project Class B License upon receipt of an updated General Liability Insurance Certificate. John Collins seconded. All yes.

Reconstruction Experts, Inc.
Jeffery Silvey
Class B-1

Mr. Silvey present. Mr. Silvey gave a brief overview of his work history and building experience, which included the following:

- Has been general supervisor for other companies – went out on own 5 years ago
- Flood and fire restorations primary background
- Structural repairs and grading retro for condominiums
- Frame up houses
- Pool enclosures / Greenhouses / snow damage
- Reconstruction of retaining walls / drainage & erosion
- Does work with Insurance companies / claim work
- Have offices through out the State

Sonny Strobl opened this matter up for public comment. No public comment. Close public comment.

Further review by the Board included Letters of Reference and discussion on the scope and range of various work by the applicant. Review of the various class licenses Teller County offers and which one would be most appropriate occurred and was discussed. Mr. Silvey requested a change in his requested class licensing from a Class b to a Class B-1. It was noted that one more Letter of Reference indicating Class B-1 type work referencing Mr. Silvey by name was needed. Chris Brandt indicated everything was in order with the State.

Arthur Weaver moved to grant Reconstruction Experts, Inc. with Jeffery Silvey as examinee, a conditional 1 project Class B-1 License upon receipt of one more Letter of Reference referencing Mr. Silvey by name and an Insurance Certificate with a completed Description of Operations. Jeff Smith seconded. All yes.

Complaint Against Contractor

Because of some involvement with this project, Sonny Strobl, Bert West and Jared Bischof recused themselves from the next two agenda items and left the room. Vice Chairman Dave Dernbach presided over the remainder of the meeting.

At 4:28 p.m. Dave Dernbach declared a 5-minute recess. At 4:36 the meeting reconvened.

A. Continued item: Shull Roofing Plus LLC / Tyler J. Shull / License #3986D: Gunnar Tapper / Permit #OS06-0437 & OS06-0553 / 577 Pikes Peak Dr., Florissant. Co

Dave Dernbach gave instructions and explained the process on how the hearing would proceed. The two complaints will be considered separately.

Those present were petitioner Gunnar Tapper and Tyler Shull, examinee of Shull Construction.

Al Chamberlin reviewed the staff report submitted to the Board, which included discussion of the following code violations:

- Re-roof extended from existing roof over to the new porch addition. No sheathing inspection was requested or performed on the new porch addition
- Valley flashing and underlayment were not installed per code and no inspections were performed on the work completed.
- Flashing was not installed properly for skylights and intersecting vertical sidewalls.

It was noted that Shull Construction removed themselves from the project, as the contractor of record on September 18, 2006 prior to the compliance inspection performed by Al Chamberlin and subsequently was not able to correct or be given the opportunity to correct any violations. Staff recommends that the license #3986D issued to Shull Roofing Plus LLC with Tyler Shull as examinee remain active and the Board of Review stress to Mr. Shull that any future violations could result in suspension or revocation if brought before the Board of Review again.

Mr. Tapper stated he hired another roofing contractor, V-Hill Contractors LLC, to look at the completed work on the roof for a second opinion. Mr. Tapper referenced the letter he

submitted to the Board from V-Hill Contractors LLC dated April 11, 2007 that addressed their findings, which included more issues than found in the compliance inspection. Mr. Tapper asked that the Board suspend the license of Shull Roofing Plus LLC for two months.

Mr. Shull stated that when he started on the project the ice & water and flashing had already been installed. He also stated he intended to do a tear off and fix the items but was not given the opportunity. There were many unpleasant exchanges between himself and Mr. Tapper, which led to removing himself from the project.

Mr. Chiles of Dan Decks was recognized for comment by Mr. Dernbach and verified that he had installed the ice & water and the flashing not Shull Roofing Plus LLC. Mark Montgomery was recognized for comment by Mr. Dernbach and clarified that the skylights in the roof were not Velux type skylights.

Mr. Brian Vigil of V-Hill Contractors LLC identified the following issues on his inspection of the project:

- Valley were not laced
- Paper backing from ice & water was not removed prior to installation
- No flashing was found around the skylights
- Shingles improperly installed in valleys

Mr. Chiles made the following comments:

- Ice & water inspection was performed and passed
- Ice & water was installed below and above all flashing
- The project took much longer than anticipated
- No comments were made by the inspector indicating concerns of installation

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment.

Board discussion including the following items:

- Roof load exceed for the project
- Installation of ice & water and flashing done incorrectly
- Building Department has yet to do a final inspection of the project as the contractor removed himself from the project.
- Project could have gone better on both sides (owner & contractor)
- If proper inspections had been called in and performed the issues and violations could have been addressed and / or corrected and resolved.

Jeff Smith moved to take no action against License #3968D / Shull Roofing Plus LLC with Tyler Shull as examinee and stressed that any future violations could result in suspension or revocation if brought before the Board of Review again. John Collins seconded. Three yes votes and one no vote. Motion carries.

B. Continued item: Dan's Deck / Cary Dan Chiles / License #'s 4163D & 4214D: Gunnar Tapper / Permit #OS06-0437 & OS06-0553 / 577 Pikes Peak Dr., Florissant, Co

Those present were petitioner Gunnar Tapper and Dan Chiles, examinee for Dan's Decks.

Al Chamberlin reviewed the staff report submitted to the Board, which included the following code violations:

- Dan Chiles holds two separate Class D Licenses, one for concrete and the other for framing
- Contractor did not adhere to nor submit numerous change orders from the approved building plans issued by the Building Department
- Contractor performed sub standard framing throughout the project; did not follow framing codes concerning exceeded rafter span, rafters spliced improperly and set improperly at the existing roof, cripple wall was not placed over the existing exterior wall
- Contractor changed work approved on piers, framing and structural components without obtaining engineering.
- Performed work outside the scope of License held in Teller County
- Contractor did work and covered it up without calling for and passing inspections for sheathing, beams, and piers.

Mr. Tapper reviewed submitted photos with the Board labeled Exhibit A, which included roofing, joists & rafters, stringers for stairs, and deck supports. It was noted there were no attachments of 6 X 6's to the house. Mr. Tapper then reviewed further photos and documentation in a red binder with the Board labeled Exhibit B. Some of the documentation reviewed was from Colorado Engineering indicating areas that should be corrected and advised that the work be removed and to start over. The documentation also stated two piers should be re-poured. Mr. Tapper stated that the work was torn out and he and Mark Montgomery did the rebuild themselves.

Mr. Chiles stated he had not reviewed all the photos submitted but indicated he has been working in the area for eight years and this is the first complaint his Company has received. Mr. Chiles made the following comments regarding the project:

- It rained almost everyday, which affected the timing of the project
- He was removed from the project and wasn't given the opportunity to correct items or finish the job
- Inspections performed were all passed.
- Roof issue of 2 X 10's spliced – support beams carried load down to concrete but didn't get a chance to finish or apply for a change order to rectify
- Piers over spanned but could have added another pier given the opportunity
- All framing and roofing experience acquired in Texas

Dave Dernbach opened this matter up for public comment. No public comment. Close public comment.

Board discussion included the following items:

- Poor framing job – codes not followed
- Review of original building plans submitted – lack of engineering
- Many alterations to the project including the scope and range
- Review chronology of project concerning start date, work completed, and release / removal of contractors
- Finished product of piers – post half on caisson and half off caisson
- Some items were close to or finished and not completed correctly or to code
- System was not properly spanned to begin with
- Plans submitted were not very detailed
- Change orders should have been reviewed and approved prior to doing the work

Discussion to determine any action against Mr. Chiles' Licenses included possibility of revoking the framing license and get more experience under a General Contractor and length of suspension.

Arthur Weaver moved to suspend for 3 months the contractor's license of Dan's Deck, with Dan Chiles as examinee, license number 4163D under Section 107.b of the Teller County Building Code, based on the following numbered acts or omissions listed in Section 107.b as numbers: 2- Departure from approved plans, 3 – Any violations of the Teller County Building Code including any building-related codes which are adopted by reference, except such violations that result only in trivial imperfections in or omissions from the structure or work to which the code applies, 4 – Failure to comply with any lawful order of the building official or of any other authorized representative of the building department pertaining to the administration of the building codes and those codes adopted by reference, and with the finding that the commission of such violations was willful, substantial, reckless, or repeated and that the commission of such violations has caused, or could cause, personal injury, substantial damage to property, or substantial economic harm. John Collins seconded. Three yes votes and one no vote. Motion carries.

Board Discussion

A. Discussion on Suppliers/Vendor produced framing plans

Dave Dernbach asked that this agenda item be continued to the June 6, 2007 meeting.

Other Items

Jeff Smith asked that a discussion concerning Class A-1 Licensing be placed on a future meeting agenda.

Adjournment

There being no further business the meeting was adjourned at 6:16 p.m.

