

**Teller County Board of Review
July 7, 2010
Meeting Minutes**

Chairman Bert West called the meeting to order at 2:10 p.m. Those answering roll call were:

*Carl Andersen
* Ed Williams
* Jeff Smith
*Bert West

Staff: Chris Brandt
Allan Chamberlin
Lynda Morgan

*Voting members

Bert West appointed Jeff Smith and Ed Williams as voting members for today's meeting.

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 June 2, 2010 Meeting**

Jeff Smith moved to approve the minutes of the June 2, 2010 meeting as presented. Carl Andersen seconded. Roll call vote and all said yes. The motion carries.

Bert West indicated that as the Building Official had not yet arrived to the meeting, the Variance agenda item would need to move to the end of the meeting. Bert West moved to the Contract Licenses portion of the meeting agenda.

**Contractor Licensing
Continued item:
Craftsman Basement Finish Company, Inc.
Jeff Gowler
Class C**

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

Started in construction by working up through the trades
Was Divisional Manager for Richmond Homes
Started business in Denver in 1981
Also licensed in Douglas, Park and El Paso Counties
Has completed 15 basement finishes in El Paso this year

Upon review of the documents submitted by Mr. Gowler with the licensing application there was a discussion on how the name of the company is registered with the Secretary of State.

Bert West opened the matter up for public comment. No public comment. Close public comment.

Chris Brandt indicated that everything is in order with the Secretary of State.

Carl Andersen moved to grant Craftsman Basement Finish Company, Inc. with Jeff Gowler as examinee a Class C License. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

**Executive Custom Construction, Inc.
Gary Erickson
Class A**

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

- Native to the area
- Been a licensed contractor since 1975
- Has held a license in El Paso since 1992
- Built a church in Greenwood Village with a seating capacity of 5,000
- Bought and developed the Northgate facility in Colorado Springs
- Built the Meadow Park Shopping Center at Powers & I-25 in Colorado Springs
- Has future opportunity in Teller County to build the proposed Womack Ministries campus in Woodland Park

Bert West opened the matter up for public comment. No public comment. Close public comment.

Carl Andersen moved to grant Executive Custom Construction, Inc. with Gary Erickson as examinee a Class A License. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

**Reactivation of License 4836C-1
Outdoor Escapes, Inc.
Douglas Lind**

Mr. Lind is not present. Bert West moved this agenda item to the end of the meeting and moved to the Board Discussion item.

BOARD DISCUSSION

A. Discussion on a proposed code change Article II, Section 101, Definitions – “Agent”

Staff requested the Board consider revising the “Agent” definition for better clarity and definition of the parameters in which an “Agent” may act on behalf of a homeowner. Staff also provided a history of how the “Agent” aspect has worked in the past and indicated that there has been an increase in the use of the “Agent” by homeowners. Board discussion included but was not limited to the following:

- Define the scope and range an “Agent” should have on a project
- Develop a criteria they must meet in order to be an “Agent”
- Tie the definition in with the homeowner’s criteria stipulating how many times they can be an “Agent” before they are considered and must meet a contractor’s requirements
- Determine if the “Agent” is for hire or not
- Family members would not fall under an “Agent” status

The Board asked that staff prepare a proposal to bring forward for further discussion and consideration that would include some or all of the points brought up in today’s meeting.

At 2:35 p.m., Bert West called for a 5 minute recess. At 2:45 p.m. Bert West re-convened the meeting and moved back to the Request for Variance item of the meeting agenda.

A. Request from Ben & Catherine Everett at 780 Pinon Ridge Dr. for a variance on permit fees for an unpermitted finished basement

Al Chamberlin presented the staff report and provided additional handouts of the applicable code sections from the 2003 International Residential Code Commentary referenced in the report that consisted of the following for discussion:

Section 102.7.1 Additions, alteration or repairs
Section R105.1 Permits Required
Section R108.2 Schedule of Permit Fees
Section R109.3 Inspection Requests
Section R113.1 Unlawful Acts
Section 302 Dangerous Building of the 1997 Uniform Abatement of Dangerous Building Code

Mr. Chamberlin provided a brief history of the structure as it relates to the Request for Variance that included but were not limited to the following:

- The permit for the original construction of the house was valued, issued and fees were collected for a house with an unfinished basement of 1157 square feet
- The violation was discovered when the Everett's applied for a plumbing permit to finish the bathroom located in the basement
- Building Department did allow for the plumbing & electrical permits to be pulled and inspection performed for the bathroom area only
- The Everett's did apply for a basement finish permit but have not paid the fees for the finished space portion of the permit. The requested Variance is to eliminate the fees for the basement finish project.
- It has been the building department's policy that the current owner of any property found to have code violation(s) is the responsible party to correct the violation(s) and to bring the structure into compliance with the code.
- The process for achieving compliance is by obtaining the appropriate permit(s), paying the fees for the permit(s) and requesting the appropriate inspection(s), and finaling the permit(s)
- Basement finish type projects are typically straight forward projects that do not involve any engineering components and/or reports
- The direct vent and waste portion of the plumbing system is usually already in place and capped, which makes it easier to verify for compliance
- When inspections for the bathroom were performed the inspector did note that there were several safety issues in the finished basement area that did not meet code
- The basement finish permit(s) will be determined and issued under the now existing code(s)
- The Building Department spends time and effort on these situations, and the fees are appropriate

It is the recommendation of the building department to deny the request for the variance by Ben & Catherine Everett and require that they pay the applicable fees and comply with the codes that are in effect.

Ben & Catherine Everett present. The Everett's comments on the matter included but were not limited to the following:

- Explained how the matter was discovered when pulling the plumbing permit
- They feel the permit fees calculated for the basement finish are punitive
- In budgeting for the bathroom project they did not budget for the finished space fees
- They just wanted to finished the stubbed in bathroom
- Vents that are in place were prepped for completion at time of installation
- Spoke with original builder of the house who indicated he did not finish the basement area
- Discussed the safety issues the inspector found and indicated they would be willing to fix those items
- Mrs. Everett stated that she had tracked down previous invoices of work done on the home

The Everett's submitted the following items for the Board's review:

The Teller County Assessor's Property Records Account Information
History of the Real Estate Records of previous sales of the house
Current pictures of areas on each level of the house

Board discussion included but was not limited to the following:

- Extensive review of the original construction file permit U92-4358, which staff provided from building department archives
- In the original construction file supporting documentation was found from the City of Woodland Park's Building Permit Authorization application reflecting proposed unfinished basement square footage as 1,157 square feet
- Review and discussion on the documents and pictures the Everett's submitted
- From the pictures provided it appeared that the basement was finished in a relatively close time frame to the original construction

At 3:05 p.m. Bert West called a 10 minute recess. At 3:14 p.m. Bert West re-convened the meeting.

There was further review and discussion on the documents in the original construction file and the pictures provided by the Everett's.

Bert West opened this matter up for public comment. No public present. It was noted that the only member in the audience was the County plans examiner, Chris Drone. Close public comment.

- Discussion on what type and number of inspections would be required to complete and close out the finish basement permit, including those related to the safety issues
- The Everett's expressed they were all right with the remaining inspections however, they are not all right with the fees for the finished space due on the permit

Al Chamberlin read into the record Section R108.2 Schedule of Fees from the 2003 International Residential Code Commentary. There was further discussion relating to current requirements regarding disclosure of unpermitted work on any sale of Real Estate as well as the process for researching a property's building history and permits issued that is available through the building department.

The Board commented that they are certainly sympathetic to the Everett's situation but a policy already exists addressing this type of circumstance and the Board must remain consistent with that policy.

Bert West moved to deny the request from Ben & Catherine Everett at 780 Pinon Ridge Drive for a variance on permit fees for an unpermitted finished basement. Jeff Smith seconded. Roll call for and all said yes. The motion carries.

Bert West re-called item C under the Contractor Licenses portion of the meeting agenda

**Reactivation of License 4836C-1
Outdoor Escapes, Inc.
Douglas Lind**

Mr. Lind is still not present. Bert West moved to continue this item to the August 4, 2010 meeting. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

There being no further business the meeting was adjourned at 3:48 p.m.