

**Teller County Board of Review  
February 2, 2011  
Meeting Minutes**

Vice Chairman Jared Bischoff called the meeting to order at 2:07 p.m. Those answering roll call were:

\* Jeff Smith  
\* Sonny Strobl  
\* Dave Dernbach  
\* Jared Bischoff

Staff: Allan Chamberlin  
Chris Brandt  
Lynda Morgan

\*Voting members

Jared Bischoff appointed Jeff Smith a voting member for today's meeting.

Jared Bischoff 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 January 5, 2011 Meeting**

Staff stated that the January 5, 2011 Board of Review Minutes are not available and they will be presented at a later meeting.

**Request for Building Variance**

**Request from Cort Wahl / C.W.'s Plumbing for a variance of a water heater replacement located at 261 Pikeview, Woodland Park per 2003 IRC code section G406.2 #3 gas appliances / Permit P10-0023**

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

Water heater was totally replaced in an unfinished "toilet room" and does not meet the current code  
Identified all other appliances existing in the same area  
Indicated that there were many discussions between Mr. Wahl and the building department regarding the intent of the code and the current situation  
Opinions on the matter were obtained from the State Plumbing Board and the International Code Council  
The current situation poses an unsafe condition with the combination of appliances in the space without adequate combustion air

Mr. Chamberlin presented and read into the record e-mail response from the International Code Council.

It is the recommendation of the Teller County Building Department to deny the request for a variance by Cort Wahl of C.W.'s Plumbing on the failed inspection for permit P10-0023. He should be required to comply with the codes which are in effect, correct the violation and obtain an approval from the building department for this installation.

An alternative to this matter is to submit a change of contactor request with the building department removing C.W.'s Plumbing as the contractor and list either the owner or another licensed plumber as installer of record to complete the job and obtain an approved final inspection.

Cort Wahl and Charles Hensley present. Mr. Wahl's and Mr. Hensley's presentation regarding the matter included but was not limited to the following comments:

The 40 gallon water heater had been in place for 12 years prior to replacement Originally installed as an electric water heater and converted to gas in 1994 The basement is totally unfinished and feels the code is not being interpreted adequately and that the area where the water heater exists is not a "toilet room" as being suggested by the building department and that the area is not going to be a modified to a bathroom in the future

Mr. Hensley commented that perhaps the word "future" should be deleted from the code discussion and also commented that the entire basement is open so the entire basement should be considered a "toilet room"

If the current situation is considered unsafe by the building department regarding combustion air then the furnace and dryer are unsafe as well and this condition has existed for 12 years since the conversion from electric to gas

It was noted that there is no shower or tub in this area

Mr. Wahl indicated no one can seem to find a clear and definitive answer on how this is an unsafe condition. It may be about the interpretation of the code. There have been discussions on different options of direct venting versus traditional venting. Mr. Wahl stated he does not agree with the code and the interpretation of the code and is requesting a variance and/or consideration of other options.

The Board discussion included but was not limited to the following:

- Dimension of room identified

- Established that a louvered door for the room is ready to be installed

- Walls are not finished on the exterior of the room

- Washer & Dryer sit on a concrete stand

- Established that there is no other combustion air other than the doorway

- Toilet does not appear to be a hazard – the flue will handle the moisture issue

- The dryer draws in make up air and the furnace will draw in combustion air and if the furnace is ever replaced it will have to be relocated to another area

- Another consideration would be to interpret the room as a mixed use – mechanical room and laundry room

- Appears that walls cannot be placed either around the toilet or the furnace and water heater due to limited space in the area

- No windows in the room

- Toilet alone does not create a hazard per the code

- Situations such as this one exist throughout the county with older homes

The Board commended Mr. Wahl for pulling the permit, as many times permits of this nature do not always happen, although they should. How to bring combustion air into the room was further discussed.

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

Sonny Strobl moved to grant the variance request made by Cort Wahl of C.W.'s Plumbing of a water heater replacement located at 61 Pikeview, Woodland Park per 2003 IRC Code, section G2406.2 #3 gas appliances, to allow the existing hot water heater, provided that combustion air is provided to the room per current code and that further if modifications to the existing space are made they must be through an issued permit. Jeff Smith seconded.

There was further discussion on the components of the motion brought before the Board and Sonny Strobl amended the motion as follows:

Sonny Strobl moved to grant the variance request made from Cort Wahl of C.W.'s Plumbing of a water heater replacement located at 61 Pikeview, Woodland Park per 2003 IRC Code, section G2406.2 #3 gas appliances, to allow the existing hot water heater, provided that combustion air is provided to the room per current code and that the louvered door is installed and that further if modifications to the existing space are made they must be through an issued permit. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

**Contractor Licenses**

**Continued item:**

**Mountain Wireless Construction, Inc.**

**Randall Hanson**

**Class A**

Mr. Hanson not present. Dave Dernbach moved to continue this item to the March 2, 2011 meeting. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

**H.E. Whitlock**

**Justin Bonham**

**Class A**

Staff indicated that a representative of H.E. Whitlock called to see if there was any date other than the first Wednesday of the month that Mr. Bonham could appear before the Board, as he has a scheduling conflict with the first Wednesday of the month. The Board advised staff to inform H.E. Whitlock that in order to obtain the requested license appearance before the Board is a minimum licensing requirement per the Teller County Building Code.

Jeff Smith moved to continue this item to the March 2, 2011 meeting. Sonny Strobl seconded. Roll call vote and all said yes. The motion carries.

At 3:00 p.m. Jared Bischoff called for a 5 minute recess. At 3:06 p.m. the meeting reconvened.

**Complaint Against Contractor**

**A. H B Construction, Inc. License 601A / Lynn Colligan, examinee / Curtis Colligan, registered agent : Teller County Building Department**

Mr. Colligan present. Jared Bischoff recused himself from this agenda item and left the room. Sonny Strobl moved to appoint Dave Dernbach as acting Chairman for the remainder of the meeting. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

Sonny Strobl and Dave Dernbach both disclosed that they had in the past done work with H. B. Construction, Inc. and Curt Colligan and believed that it will not affect any decision made on this matter.

Mr. Colligan presented the Board with a letter to request this matter be postponed to a future date to allow more time for a proper response to the complaint.

There was discussion, including on whether to continue the item by the Board but after hearing that a building permit application was submitted but not yet reviewed by the building department regarding the matter; it was determined that continuing the item would be in the best interest of everyone involved.

Jeff Smith moved to continue this agenda item to the March 2, 2011 meeting. Sonny Strobl seconded. Roll call vote and all said yes. The motion carries.

There was no Board Discussion.

There being no further business the meeting adjourned at 3:23 p.m.

