

**Teller County Board of Review
November 7, 2012
Meeting Minutes**

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

*Carl Andersen, Chairman
*Jared Bischoff, Vice Chairman
*Dave Dernbach
*Sonny Strobl
*Jeff Smith

Staff: Chris Brandt
Allen Chamberlin
Olya Sharonova
Lynda Morgan

* Voting members (some for portions only)

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

Carl Andersen appointed alternate member Jeff Smith as a voting member for today's meeting.

**Review and Approve Minutes
From the April 4, 2012 Meeting**

Jeff Smith moved to approve the September 5, 2012 meeting minutes as presented. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

Jared Bischoff moved to approve the October 3, 2012 meeting minutes as presented. Sonny Strobl seconded. Roll call vote: Jeff Smith and Dave Dernbach abstained, and three said yes. The motion carries.

Request for Variance

Request from Jerry Good the owner of Williams Furniture Store, 120 E. Midland Ave. for a variance to 2003 IBC Sec. 105.1 – Permits required.

Allen Chamberlin joined the meeting at 2:04pm.

Mr. Good present. Mr. Good gave a synopsis of the situation that included but was not limited to the following:

Mr. Good explained that he started out by building a 120 sq. ft. "shed" in the city limits of Woodland Park that he doesn't believe requires a building permit
The shed walls have tempered glass and it will be solar powered
Mr. Good did not see anything in the code that would disallow the use of glass as part of the construction
He has built two other sheds in the past and when complaint was made to the Building Department, the inspector came out and checked the total square footage of those two sheds and told him he was within the code regulations
The City of Woodland Park Planning Department issued Mr. Good a ZDP for the shed's location
Mr. Good explained that at this time if the building permit is required he would spend thousands of dollars for a shed that would only contain storage of nicely arranged furniture

He does not understand what he did wrong, and why he had to file for a variance; he followed the code that said he could build a shed of 120 sq. ft.
He added that he would not have built this building if he thought that was going to be an issue

Allen Chamberlin reviewed the staff report presented and explained that the Building Department had received a couple of complaints for building without a permit at the Williams Furniture Store on the corner of Hwy24 and Fairview.

His report included but was not limited to the following:

Inspector Jim Harris took a look at it, and reported back that it was a log type structure that was completely enclosed in glass.

Mr. Chamberlin reviewed the building code and determined that the structure did not comply with the exception in the code for sheds

Although it did meet the 120 sq. ft. portion of the exception, it did not meet the rest of the code requirements

In a meeting with Mr. Good and his associate they discussed the project in regards to what it was to be used for.

Mr. Good gave a very good description of an elaborate structure in front of his store and referred to it as a shed, like the two he had constructed in the parking lot adjacent to Fairview Ave. His plans that he brought with him had shown a log structure completely surrounded by glass with a sliding glass door.

Mr. Chamberlin stated that he believed this was being constructed to display furniture for Mr. Good's business, and did not meet the intent of the exception from the requirement for a building permit and therefore would attract the public to congregate around it during business hours as well as after hours. At that time Mr. Good stated that he was going to store furniture in this structure but that the furniture would be "set-up" inside.

Mr. Chamberlin stated that if it were being built like the two others in the parking area he would have no problem with Mr. Good's description and construction of the proposed shed out front.

Mr. Good clarified that the public will not have access to the building, the building will be locked

He stated that even though Mr. Chamberlin interprets this building as a display unit, it still meets the requirements of the code by being a shed, and there is nothing in the code that says that you cannot build a shed with glass walls, if you can see in it so be it
He believes that Mr. Chamberlin is building into the code something that is not there and that he is within the code by his interpretation

There was further discussion between Mr. Good, Allen Chamberlin and the Board on the intent of the code and how the minimum intent of the code could be met, which included but was not limited to the following:

Mr. Chamberlin sees this structure as a retail building, displaying and selling merchandise to the public, based on the size of it, it is an occupancy B and it would require plans to be submitted to the building department

A storage building crosses the line and becomes a B building when: somebody enters the building to purchase something, when it attracts the general public to view the contents inside of it, how it is constructed, and Section 104 the ability of Building Official to interpret the code

The Board members brought up playhouses and similar uses and the meaning of that provision; some interpreted the entire section as an exception only to a residential

condition as a way to allow a homeowner to build a storage shed or a playhouse in the back yard and that in no way does this structure meet the intent of the commercial code Mr. Chamberlin stated that the commentary to the code does not provide any more insight into the intent of the code in this particular section

The intent of this building is a business use

As to storage sheds in the back vs. storage display in the front, this structure does expose public to more of the hazardous conditions if the building is not properly engineered and constructed

The way Mr. Good interprets the code is that he has the right to build a 120 sq. ft. storage shed, it does not say that he cannot put glass walls in, or that the public can't look into it

Mr. Good stated that he is building this building at 120 sq. ft. to keep the Teller County Building Department out and not requiring him to engineer the structure or hire a general contractor. If he knew he would have to pull a permit for this structure he would not have built it

Mr. Good contacted the Teller County Building Department in the past for the other two sheds, and was told that as long as they are 120 sq. ft. and separated from each other by 5 ft.; he can construct them without a permit. So this time knowing the parameters he thought he was staying within them so he would not have to pull a building permit

Mr. Chamberlin stated that if Mr. Good had contacted the Teller County Building Department this time he would have been advised by either the plans examiner or himself that this building does not meet the intent of the exception in the code

Mr. Chamberlin stated that there are a lot of safety concerns regarding this building: Are the logs graded? Are they protected against decay? What is the snow load that this building is built to withstand? How is the glass attached to the structure? He is concerned with life and safety of the public in this community

Mr. Good stated that those items are only required to be provided if the permit is pulled

Carl Andersen opened this matter up for public comment.

Joshua Rubbie stated that he did not understand how this structure could be a danger to the community, and that there is no door knob and the only key to the structure is with Mr. Good, there will not be any public access to the interior of this structure, and that section 105 is too ambiguous for the Building Department to make that decision

There was further discussion between Mr. Rubbie, Allen Chamberlin and the Board on the intent of the code and how the minimum intent of the code could be met, which included but was not limited to the following:

Can this building be classified as an accessory use to the retail space, and not a storage building?

The accessory use term is used to identify the spaces within the building that are secondary to the main occupancy and does not apply to detached structures

Chairman Carl Andersen tabled the consideration of this variance at 2:39pm, until the Building Department could make available the 2003 IBC book.

Contractor Licenses

Withdrawn:

Great West Construction, LLC

Wayne DeCosta

Class A

Contractor Licenses
Don Mueller Homes, LLC
Don Mueller
Class C

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

Mr. Mueller has been building homes in Colorado Springs for over 12 years, and during that time has built over 40 homes
Also he taught the trade of construction in school for many years
He has recently built a residence over 7,000 sq. ft. on Rampart Range Rd
He has built over 500 homes when he was a practicing contractor in the state of Oklahoma ranging from 2,000-4,000 sq. ft.
He has built homes which included elevators
He has built additions, covered decks
Mr. Mueller would like to build a custom 3,300 sq. ft. residence in Teller County with four bedrooms and a basement

Carl Andersen opened this matter up for public comment. No public comment. Close public comment.

There was further discussion between the applicant and the Board, which included but was not limited to the following:

The Board and the applicant discussed the construction of the Mary Higgins residence
Current Teller County Build Codes were discussed as well

Chris Brandt indicated everything was in order with the State.

Sonny Strobl moved to grant Don Mueller Homes, LLC, with Don Mueller as the examinee a Class C License. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

Contractor Licenses
Custom Properties Colorado, Inc.
Steven Girard
Class C

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

He would like to be able to build homes in Teller County
Mr. Girard previously built homes in Oregon, Colorado and Florida, approximately 300 residences, also built around 100 homes in the Castle Rock area
He has been building homes since he was 20 years old
He carries a license with El Paso County since 2009
He has remodeled kitchens, built deck over 500 sq. ft., however since the recession no new residences have been built by him in the last four years
The residences in Castle Rock were all custom homes; Mr. Girard was responsible for selling the lots and building the homes as a developer and a contractor

Carl Andersen opened this matter up for public comment. No public comment. Close public comment.

Chris Brandt indicated everything was in order with the State.

Dave Dernbach moved to grant Custom Properties Colorado, Inc., with Steven Girard as the examinee, a Class C License. Jeff Smith seconded. Roll call vote and all said yes. The motion carries.

Request for Variance (continued)

Chairman Carl Andersen reopened the variance for discussion at 3:04pm.

Mr. Good is present.

There was further discussion between Mr. Good, Joshua Rubbie, Allen Chamberlin and the Board on the intent of the code and how the minimum intent of the code could be met, which included but was not limited to the following:

Board looked into a definition for an accessory use in the 2003 IBC Commentary 2003 IRC does have a definition of an accessory structure, but it does not apply in this case A Board member (Jared Bischoff) noted that in his opinion he believes that Mr. Good was not in violation of Section 105.1, that the code does not specify the construction type allowed and that the current code should be looked at and perhaps revised Allen Chamberlin pointed out that the 2003 IBC code states that even where a permit may not be required; the structure shall still be built per adopted codes

The responsibility for acceptable construction falls onto the owner or the contractor performing the work

The decision comes down to the use of the structure, if it is a storage building why does it have glass walls?

Dave Dernbach stated after reviewing the 2003 IBC; that the code refers to accessory and similar uses because of the fire separation required, the areas required to be less than 10% of the main occupancy and those areas are part of the main building and still fall under the main occupancy, in this case occupancy B

This structure is outside of the code definition, the structure is not part of the building

The Board had concerns regarding the structural integrity of the structure

Mr. Rubbie gave a detailed overview of the construction of this structure to the Board

Mr. Rubbie stated that he is not licensed in Teller County and he was unsure regarding the codes that this structure was designed to and built to

The Board asked Mr. Good to clarify the reason why he has applied for the variance

Mr. Good stated that he wants to build a shed without a permit, however not to avoid the codes, but to avoid a large cost

The Board asked Mr. Chamberlin to clarify the reason why this variance shall not be granted

Mr. Chamberlin provided two reasons:

1. Life and safety for the public, the public having access to and around the structure, and the construction of the building
2. This structure does not fit with the exception of Section 105.1 of Teller County Building Code and 2003 IBC

Sonny Strobl moved to deny the request from Jerry Good the owner of Williams Furniture Store, 120 E. Midland Ave. for a variance to 2003 IBC Sec. 105.1 – Permits required. Jeff Smith seconded. Roll call vote and four said yes, Jared Bischoff voted against the motion. The motion carries.

Mr. Good was advised of his appeal rights.

Board Discussion

A. Consider and recommend to the Teller County Board of County Commissioners changes to Teller County Building Code: Article II – Licenses and Registration.

There was discussion between the Board and Staff, which included but was not limited to the following:

- Clarifying and amending the wording in Sections 101, 102b, 102c, 102e, 102g, 102h, and 102i
- The Board members considered changes to the Section 102c Examination, to include contractors with Class License B-1 and C-1
- The Board members considered revisions to Section 102h Letters of Reference, to clarify the requirements for the letters of reference

Jeff Smith moved to recommend to the Teller County Board of County Commissioners changes to Teller County Building Code: Article II – Licenses and Registration as shown in the staff report dated November 7, 2012 and with the following changes: change in section 102c to add Building Contractor B-1 and Building Contractor C-1, changes in section 102h to indicate that the letters of reference shall be from a minimum of two different projects and changing the word homeowners to building owners and also including any other changes approved by the County Attorney. Jared Bischoff seconded. Roll call vote and all said yes. The motion carries.

Chris Brandt stated that the record shall reflect that there is no public present.

A. Discuss the upcoming adoption of the 2009 International Codes.

There was discussion between the Board and Staff, which included but was not limited to the following:

- The Board members suggested that Ice and Water shield currently is insufficient, it should be three runs and not two
- The new requirements for Ice and Water should be five feet in from the outside of the exterior wall
- Mr. Chamberlin agreed with the comments, and let the Board know that he will address that by recommended amendments made to Teller County Building Code with the adoption of 2009 Building Codes
- Also section 105.1 was discussed; the Teller County Building Department will be recommending amending this section to clarify the specific requirements for building without a permit
- Design criteria for Teller County was discussed, the freeze index will be clarified in the recommended amendments in the new code
- The Board asked Mr. Chamberlin to include requirements for building in Radon system components; the members would like to see that item included part of the code because of life and safety
- The Building Department is taking a look at the solar installation requirements as well

as working on the adoption of Fire Codes as part of the adoption of 2009 International Building Codes

There being no further business the meeting was adjourned at 4:39 p.m.