



Community Development & Neighborhood Services

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BUILDING REVIEW BOARD

June 28, 2012

1:00 pm – 3:00 pm

City Council Chambers

300 LaPorte Avenue

AGENDA

1. Approve minutes from the January 26, 2012 and February 23, 2012 Meetings

2. Code Appeal: 312 E. Pitkin; Tonya Zook

3. Follow-Up Reports:

4. Other Business
 - Contractor Licensing Committee Update
 - Budget Update

Minutes to be approved by the Board at the May 31, 2012 Meeting

FORT COLLINS BUILDING REVIEW BOARD

Regular Meeting – January 26, 2012

1:00 p.m.

Chairperson: Alan Cram	Phone: 472-1752(H)
Council Liaison: Kelly Ohlson	Staff Liaison: Mike Gebo (416-2618)

A regular meeting of the Building Review Board was held on Thursday, January 26, 2012 in the Council Chambers of the Fort Collins Municipal Building at 300 LaPorte Avenue, Fort Collins, Colorado.

BOARD MEMBERS PRESENT:

Alan Cram
Andrea Dunlap
Torey Lench
Justin Montgomery
Rick Reider
Jeff Schneider
George Smith

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Delynn Coldiron, Customer & Admin. Services Manager
Mike Gebo, Chief Building Official

AGENDA:

1. **ROLL CALL**

The meeting was called to order and roll call was taken.

2. **APPROVAL OF MINUTES**

A motion was made by board member Smith to approve the October 27, 2011 minutes as written. The motion was seconded by board member Reider.

3. **CODE APPEAL: BRINKMAN PARTNERS, LLC.**

A board member disclosed that he has had previous professional involvements with Kevin Brinkman, a principal in Brinkman Partners, LLC to determine whether there was any concern regarding a conflict of interest. He stated that Mr. Brinkman was not a personal friend. Gebo stated that as long as there is not a financial or other conflict of interest, he would not question the affiliation. The board member stated he has no financial arrangement with Mr. Brinkman and did not feel there was any conflict of interest.

A board member questioned whether it was appropriate for David Derbes and Dan Rotner to be speaking on behalf of the appellant, Paul Brinkman, or whether the appellant needed to be present. Gebo stated the gentlemen represent Brinkman Partners and are empowered to speak on the appellant's behalf.

Mr. Derbes introduced himself and stated that he is the real estate development manager for Brinkman Partners and that he is authorized to represent Brinkman Partners at this hearing. Mr. Rotner introduced himself and stated that he is with Coburn Development and is the architect working for Brinkman Partners on this project. He stated he has been working on the Penny Flats project since its inception.

Gebo provided background on the Code Appeal, Case No. 01-2012. He stated that he received a variance submittal on December 15, 2011 requesting an exemption from the Green Code amendments that went into effect on January 1, 2012 for Penny Flats, Building #3. Gebo noted that the basis of the appeal was hardship due to the arson fire which caused a significant delay in document/plan preparation as well as a delayed submittal after the January 1, 2012 Green Code implementation date. Gebo stated that he denied the request. He explained that Penny Flats Building #3 is a four story multi-family building (no mixed uses), over 16,500 square feet, located on the corner of Maple and Mason Streets.

The initial request, according to Gebo, noted that Brinkman Properties fell behind as they were focusing on the fire, removal of debris from the first building, and restoration. There is an event timeline in the appeal which indicates they had every intention of submitting Building #3 prior to January 1, 2012. Had this occurred, the appellant would have been allowed to build under the old codes and not subject to the green codes which went into effect January 1, 2012.

Gebo stated that his initial denial of the variance was based on the fact that it seemed to be a request for a blanket waiver of all green elements. He explained that Mr. Derbes provided supplemental information in which Brinkman Properties identified five specific green code amendments from which they were requesting a variance. Gebo stated that he now believes it is no longer a blanket variance for all green amendments, but rather just for the five specific items listed. Gebo referenced Attachment No. 2 provided to the Board which is the actual code language for the five specific items.

Gebo reviewed the five specific green code amendments for which a variance is requested:

- (1) Section 505.8, Energy Distribution Design. Commercial buildings over 15,000 square feet are now required to have electric service that is subdivided into separate panels for outlets, heating load, and lighting load.
- (2) Section 5024.3.2, Building Envelope Air Barrier. Commercial buildings are now required to be air tested much like a blower door test on a single family home, and must comply with a certain air leakage rate.
- (3) Section 502.1, Building Envelope Insulation Standard. Insulation is now required to be installed to a standard called Resnet Grade 1.
- (4) Section 3603.3, Acoustical Control. In this type of commercial building, a sound transmission rating of a certain number based on location needs to be proved.
- (5) Section 3604.1, Building Commissioning. A specific entity or third party is now required to review the entire system to ensure all functions and systems are working properly.

Mr. Rotner stated that as he prepared the specific response for the variance request, he approached it from the context of his firm's current experience working with green codes with the City of Boulder and with Crested Butte. With regard to energy distribution design, Rotner stated that it seemed impractical to install individual panels for outlets, heating and air conditioning and lighting for each of the 18 units in the building. He believed that this requirement is practical for an office building or warehouse, but not for a multi-family building with individual dwelling units.

Mr. Rotner then discussed the building envelope air barrier. He noted that he talked with Energy Logic about the logistics of this test and found that it requires a fairly high pressure differential. He mentioned that this is difficult for multi-family buildings since each individual unit has its own openings and make up air requirements related to the mechanical systems. He stated that it is different from a large

warehouse or office building where the systems tend to be more centralized. He noted concerns about finding an agency who could accomplish this testing for this building type.

Regarding building envelope insulation standards, Mr. Rotner stated they are familiar with the Resnet standards and have seen results of Resnet inspections. He noted that multiple inspections would most likely be required since it is rare that an entire building would be insulated at one time. He felt this requirement would be burdensome for this type of structure. Rotner explained that individuals who perform this kind of rating are typically geared to small residential projects. He was concerned that it would be some time before these installers work their way up the learning curve to deal with a larger commercial structure.

Mr. Rotner stated that there are two parts to the acoustical control. One is the exterior wall requirement, and the other is the interior sound level requirement. He cited the different windows and systems that would be required as a result of the exterior wall requirements. He was concerned about project consistency amongst the three buildings and the challenges this would create for long term maintenance.

Mr. Rotner stated that the requirement for building commissioning is a substantial expense and will have a big impact on the economics of the project. He also noted that there is an opportunity for the project to be built out in one phase benefiting Brinkman Partners and the displaced residents of 204 Maple Street provided that the construction can get back on track.

A board member asked whether the building would have been approved by City staff as proposed if the submittal had been made prior to December 31, 2011. Gebo confirmed this. A board member asked if there were any health and safety concerns that would affect the future residents of the building if any of these codes were waived. Gebo replied that there were none.

A board member asked about the energy distribution design. Gebo stated that the specific requirement about electric distribution is really geared towards the full commercial building where there is rooftop equipment serving the entire building; perhaps an office building where there are various systems in the building where there is a desire to monitor loads.

A board member asked if Gebo anticipated there would be future requests for a variance for other multi-family projects. Gebo stated that he would expect there would be other variance requests. He added that the particular code section pertaining to energy distribution design comes from the International Energy Conservation Code. Chapter 5 is commercial and multi-family buildings of four stories and more. This is a four story building, so it falls under Chapter 5. Gebo stated that it is really not the City's intent to apply this panel distribution to a three story multi-family building.

A board member asked if the building envelope air barrier is also unique for this type of structure. Gebo stated that it could be. He explained that most residential buildings are already fairly air tight. They are also attempting to make commercial buildings air tight. He felt that blower door testing on a multi-family residential building, per unit, could be problematic since common walls would also have to be as tight as the exterior walls.

A board member asked for clarification on the requirements for acoustical control. The appellants discussed proposed HVAC components. They noted that a complete acoustical study had not been done and that they would probably need an acoustical consultant to help select the appropriate system if they were required to comply with the new codes. The board member also questioned sound problems as they dealt with the trains that move along Mason Street. Gebo stated there are three criteria to satisfy the acoustical control. They are exterior sound transmission, interior sound transmission, and background sound.

A board member asked if this building was the last building that was planned for Penny Flats. The appellants stated that this was the last building in this phase of construction. They added that the original plan contained three phases; however economic conditions have changed the picture in terms of how the project is anticipated to be built out. They were unsure of the time frame for the remaining phases of the work.

A board member asked if the appellant will return in the future for the same kind of variance for Phase 2 and Phase 3 because of the desire to keep the continuity and consistency of all the buildings and structures. The appellants stated that they did not anticipate seeking any similar variances except to the electrical distribution and air barrier testing if these requirements had not been changed.

A board member stated that he was concerned that a precedent could be set. He stated he understood the appellants' concerns regarding electrical distribution and thought that the City and staff should look at future multi-family projects to get the code cleaned up for this particular use.

A board member stated he did not have an issue with items 1 and 2. The board member stated that he did have an issue with the third item. It was his feeling that the acoustical sound transmission needs to stay in place because, with the railroad being as close as it is, the exterior noise is a major concern from the life, health, safety standpoint. As to item 4, he thought there were enough HVAC systems available that it would not be hard to find a unit that would work. While the board member understood the philosophy of trying to keep the block or complex consistent, he did not feel it was necessary to allow this variance to go through because there are other options available. As to item 5, building commissioning, he was unsure. He stated that part of commissioning is making sure the air pollutants are out of the building which affects life, health, and safety. He also understands the complications with the multiple units. Gebo offered a correction, stating that as the building is residential, it would not have to comply with the Building Pollutant Flush Out criteria.

A board member asked the appellants why they were opposed to doing the commissioning. The appellants stated that commissioning is much more applicable for larger scale commercial buildings which contain larger systems that are more integrated throughout the space and require more components to be aligned to ensure they are working properly. They added that in a residential environment, there are single systems per individual space. Cost would be a factor since each individual mechanical system of the building would have to be commissioned. The request to eliminate commissioning is a combination of the unique situation of the project and the fact that the building is not very far over the threshold. After further discussion, the appellant added that commissioning does not necessarily add to the performance of the building; it only verifies it.

A board member asked whether the construction would move forward if the code appeal was not approved. An appellant stated that this could be true. He added that they are trying to make a decision on this at this time. The appellant estimated that these changes had the potential to increase the construction cost by \$5-\$10 per square foot.

A board member asked how the fire created such a delay. An appellant stated that the company did not stop working and that their ability to extend into other projects was directly dependent on the impact of the fire. He added that they are still waiting on offers and presentations from the insurance company. He explained that when the fire occurred, the building plans were put on hold because they needed to understand how the fire impacted their current investment. He added that this variance process has taken about a month.

A board member inquired about how the Crested Butte and Boulder municipalities dealt with energy distribution design and commissioning in a building of this size. One of the appellants stated that neither of those municipalities require commissioning for a building of this type. He noted that there were significant discussions with Crested Butte regarding implementation of code requirements because the proposed building was one of the largest buildings that had been constructed in that municipality.

A board member questioned Gebo as to whether he agreed with the appellants' statements that commissioning basically verifies that the systems and products were installed properly. Gebo responded that commissioning really is designed around the owner's needs and his desires for building performance. The building is designed by architects and engineers. Then a third party does the commissioning to verify that the systems and components are installed correctly.

A board member asked about the composition of the building's owners. The appellants stated that 204 Maple Street is a condominium building with individual owners for each one of the units, including the commercial units. He noted that the buildings at 301 N. Mason, will both be apartment buildings and that there will be an individual owner for each building, but not for each unit. From that information, the board member stated that it would be difficult to ascertain one owner's needs as far as overall commissioning. The appellant stated there are sub-entities at 204 Maple Street, so the commissioning would only really apply to Building 3, 210 Maple Street.

The board asked appellant for any final comments. An appellant stated that he has spoken with the president of the owners' association for Penny Flats #2, the condominium building that burned. The president stressed that the residents of the building hoped that this third building would go forward as part of the reconstruction so the entire phase could be completed.

Gebo addressed the commissioning issue. He stated that the building is 16,500 square feet; only 1,500 square feet over the threshold limit. He stated that he agreed that commissioning would be difficult in a residential building because of individual openings into individual spaces. He stated he was looking for the Board's input on this new code as to whether or not the City has exceeded its reach. Should it be re-examined?

A board member stated that he felt the energy distribution design panels could be accomplished on a small panel. He explained that there are some fairly new advances, and a computer report can be printed that provides hour to hour loads. He agreed with Gebo's comments about the new code stating that a balance needs to be achieved.

A board member stated that he would vote in favor of Items 1, 2, and 5, but would question Items 3 and 4. He also asked Gebo if the appellant would be able to come back to this Board to make an additional presentation on Items 3 and 4. Gebo responded that the appellant would need to appeal this Board's decision to City Council.

A board member stated that he did not have an issue with Items 1, 2, and 5, but did feel there was no hardship or concrete reasoning for not doing Items 3 and 4.

A board member commented that within Item 4, acoustical control, the testing component relates back to commissioning. STC ratings need to be met. He noted that there is also a background sound check that is confirmed by spot checks during the commissioning process. He requested clarification.

A board member said that if the commissioning is not required and the Board chooses not to make that a requirement or allow the variance, he wanted to ensure that the design of the wall would meet those standards that are in the building code. Performing the follow up test would not be a necessity as long as the City can verify products that meet STC ratings and that are third-party validated by whatever entity does the UL ratings or whatever organization verifies that the ratings do meet the standards. Gebo responded that if the variance for commissioning is granted, then the City would look to the STC ratings shown on the plans in the wall details, and it would be something that staff would be able to inspect in looking for those particular products.

A board member stated that he had a concern about granting a variance on this particular item. There did not seem to be a lot of argument against it except for cost and the comments that it wasn't

needed. There was a reason commissioning was put in the code. It was felt that granting a variance for the commissioning would set a precedence.

Regarding commissioning, a board member stated that the City needs to revisit the compatibility with the use and ask City Council to approve the change for a residential use.

There was discussion among the Board that there is acknowledgement there are special circumstances surrounding this waiver because of the fire. Additionally, some issues are coming to the forefront that weren't anticipated when the green code was written. The City needs to maintain what they are trying to do with the green codes. The residential and commercial committees wrestled with the code to establish balance for a reasonable code. This situation is more special because the commercial code is being used in a residential setting. This is not a precedent-setting decision, but an effort to allow the City and the community to accomplish what they need to do.

With regard to acoustical control, a board member asked Gebo if the variance was approved to not require commissioning, would the Building Department still make sure that the building meets certain applicable standards. Gebo stated that was correct. The City currently has sound transmission rating requirements from dwelling unit to dwelling unit. If the Board deletes the commissioning but decides to keep the request for acoustic control applicable, then the City would want plan details for those components that could be verified at plan review and in the field. If commissioning is waived, then staff would have to verify acoustical control.

A board member asked further questions about the acoustical control. Gebo stated that for residential, it is room to room or dwelling to dwelling. Also, exterior to interior.

A board member also asked for clarification on the envelope insulation standard. Gebo responded that when batt insulation is installed, the manufacturer stated it must be installed to Resnet standards. In the cavity, it is full lofted. If insulation is going into a box, it must be cut so it fits well within the box. It cannot be compressed. Resnet 2 is used less around the rims because it is very hard to get in between the floor joists. The board member asked why, then, is that a burden to the builder. Gebo speculated that there may be an understanding on the part of the builder that a third party needs to verify that. But, insulation installation is something that the City will continue doing. The board member asked appellants if it was their concern that a third party would need to be hired to perform the appropriate inspection. The appellant said that was basically true. They have had experiences where, instead of a building inspector doing the inspection, a third party inspector completes the inspection and issues a rejection. They will be more comfortable now that they know it will be City inspected. The type of insulation used can also cause specific problems.

Schneider made a motion for Case No. 01-2012 that the Building Review Board allow the variance request for 505.8, the Electrical Distribution Design Requirement for this case. Reider seconded the motion.

The Chair stated that a yes vote is in favor of the variance.

Vote:

Yeas: Cram, Dunlap, Lench, Montgomery, Reider, Schneider, Smith

Nays: None

Schneider made a motion for Case No. 01-2012 that the Building Review Board approve the Variance for Code Requirement 502.4.3.2, the compliance with the continuous air barrier. Dunlap seconded the motion.

Vote:

Yeas: Cram, Dunlap, Reider, Schneider, Smith

Nays: Lench, Montgomery

Schneider made a motion for Case No. 01-2012 that the Building Review Board deny the variance request for Code Requirement 502.1, the installation of the insulation. Dunlap seconded the motion.

The Chair stated that a yes vote would be to deny.

Vote:

Yeas: Cram, Dunlap, Lench, Montgomery, Reider, Schneider, Smith

Nays: None

Schneider made a motion for Case No. 01-2012 that the Building Review Board deny the variance request for Code Requirements 3603.3, 3603.3.1.1., 3603.3.1.2, and 3603.3.1.3. in regards to the acoustical control and sound transmission for interior and exterior application. Dunlap seconded the motion.

Vote:

Yeas: Cram, Dunlap, Lench, Montgomery, Reider, Schneider, Smith

Nays: None

Schneider made a motion for Case No. 01-2012 that the Building Review Board approve the Variance for Code Requirement 3604.1, building commissioning, as requested. Dunlap seconded the motion.

Vote:

Yeas: Cram, Dunlap, Lench, Reider, Schneider, Smith

Nays: Montgomery

One of the appellants asked if they would still be required to do a portion of the commissioning that dealt with acoustical control. Gebo responded that the appellant will be held to the requirements to provide plans and details showing the acoustical components in the design and plans, and that staff will inspect it in the field. Gebo reiterated that there is no commissioning, but acoustical control from the exterior to the interior as well as the building code requirement from dwelling to dwelling will be required.

4. 2011 ANNUAL REPORT:

Coldiron stated that the Board's Annual Report summarizes the Board's activities for 2011. She requested comments and suggestions from the Board members. She also stated that staff is hopeful that more violation checking and field work will be accomplished this year. A board member stated that "OMNI" should be changed to "AAMA" under No. 4, Administrative Items, item 7.

A board member commented that the Board would deal with many green code issues this year. Hotels were specifically discussed. Gebo thanked the members for their comments and stated it would help provide direction as the City moves forward with the next series of 2012 codes. A board member suggested that some of the wording be revised and suggestions be made to City Council regarding clarifications or a new subcategory for unique units. Gebo said that would be appropriate at the time the new codes are presented to City Council for adoption. Gebo stated he will present those new codes to City council for the first quarter of 2013 for adoption that summer. There was further discussion regarding the need for exceptions for the particular type of project that was discussed today.

Smith made a motion to approve the 2011 Annual Report with the correction of "AAMA" as discussed previously. Lench seconded the motion.

Vote:

Yeas: Cram, Dunlap, Leno, Montgomery, Reider, Schneider, Smith

Nays: None

5. OFFICER ELECTIONS:

Schneider made a motion to approve Alan Cram for Chair for the 2012 calendar year. Reider seconded the motion.

Vote:

Yeas: Cram, Dunlap, Leno, Montgomery, Reider, Schneider, Smith

Nays: None

Reider made a motion to retain Jeff Schneider for Vice-Chair again. Smith seconded the motion.

Vote:

Yeas: Cram, Dunlap, Leno, Montgomery, Reider, Schneider, Smith

Nays: None

6. FOLLOW-UP REPORTS:

- Need for additional omissions insurance for fenestration approval agencies.

Gebo stated that the need for additional omissions insurance for fenestration approval agencies was posed at the last Board meeting. Gebo stated that after he researched the cost and time necessary to become AAMA certified, he decided that the City should teach a class on the green code and explain what the City is requiring as far as proper installation of fenestration to those AAMA standards. Those that complete the class as approved agencies would be accepted by the City and can certify back to the City that those windows have been installed properly. Gebo stated he has spoken with Paul Eckman regarding the question. Eckman informed him that contractors will need to determine for themselves if they need additional coverage, and the City will not be requiring additional coverage.

A board member asked Gebo who would bring a claim against a contractor. Gebo responded that the owner would make that claim. He stated he understood that most claims have to do with water migrating into a building.

The conversation then turned to contractor licensing. Gebo stated that the contractor licensing code has been around a long time and needs a very thorough review.

A board member who will be on the contractor licensing committee suggested that the City provide background information on the direction they would like to head. Gebo stated that those things could be discussed at the first meeting.

Gebo discussed several concerns he has with the current contractor licensing code. The first is that the City would like to move away from testing; i.e., ICC is doing this. Another area is the level of insurance required from the contractors. He also would like to review the level of licenses and see if some could be eliminated. A review of the exempt worker policy should also be conducted. Gebo stated he would also like to look at how other jurisdictions do their contractor licensing to see if there might be reciprocal opportunities available. He would also like to see the homeowner affidavit procedure reviewed. Coldiron suggested that other areas need examination such as electrical, plumbing and alarm system licensing.

7. OTHER BUSINESS:

- Green Code Classes: Gebo stated that there is one more series of green code classes to be held. He recommended that board members try to attend the classes, if possible. A board member asked if architects, engineers and designers were also attending the classes. Gebo said between 10% to 20% of attendees are from those professions. The City has done a mass emailing advising them of the classes.

- Budgeting For Outcomes (BFO): Coldiron stated that the BFO process for budgeting for the next two year cycle is moving forward. She explained that in this BFO cycle, the City will be adding an outside citizen to the Results Team and it is possible that boards and commission members or individuals who have completed the City 101 classes will be asked to participate. Coldiron stated that in the past the Board has been included in the BFO process later in the process. She stated she would prefer to get Board feedback earlier in the process this time. That way, if there are things the Board thinks should be added, they can add it as an augmented or enhancement offer. She requested that board members contact her with their comments and concerns.

A board member suggested that having group discussions are very valuable. Also, he reiterated that the Board is supportive of staff and is concerned that staff may be short-handed. Gebo stated that he will be requesting one and a half positions. He stated that a lot of reroofing occurred this summer requiring the hiring of two hourly individuals to complete all the roofing inspections.

Meeting adjourned at 3:20 p.m.

Mike Gebo, Chief Building Official

Alan Cram, Chair

Minutes to be approved by the Board at the May 31, 2012 Meeting

FORT COLLINS BUILDING REVIEW BOARD

Regular Meeting – February 23, 2012

1:00 p.m.

Chairperson: Alan Cram	Phone: 472-1752(H)
Council Liaison: Kelly Ohlson	Staff Liaison: Mike Gebo (416-2618)

A regular meeting of the Building Review Board was held on Thursday, February 23, 2012 in the Council Chambers of the Fort Collins Municipal Building at 300 LaPorte Avenue, Fort Collins, Colorado.

BOARD MEMBERS PRESENT:

Alan Cram
Andrea Dunlap
Torey Lench
Justin Montgomery
Rick Reider
Jeff Schneider

BOARD MEMBERS ABSENT:

George Smith

STAFF MEMBERS PRESENT:

Delynn Coldiron, Customer & Admin. Services Manager
Mike Gebo, Chief Building Official

AGENDA:

1. **ROLL CALL**

The meeting was called to order and roll call was taken.

1. **APPROVAL OF MINUTES:** There were no minutes to approve. Minutes from the January 26, 2012 meeting will be finalized and submitted for approval at the next scheduled meeting.

2. **CODE APPEAL: AMSHEL CORPORATION**

Reider and Schneider stated they know Steve Slezak and offered to recuse themselves. Gebo replied that if there are no current financial ties between Board members and Slezak and if the Board members feel they can be unbiased and listen to the facts, the Board members can hear the code appeal. Reider asked Slezak for his opinion. Slezak stated he had also had business dealings with Dunlap and was comfortable with their involvement. Schneider stated that Slezak also built his first home.

Coldiron stated that this was case number 02-12, Stephen Slezak. She reviewed the pertinent sections of the Municipal Code Chapter 15, Section 15-156 that related to this appeal and explained the reasons the Board may grant variances from the terms of this code. She noted that the appellant was seeking a waiver of the required exam.

According to Coldiron, the applicant obtained a Class B license in 1983, and that the license was in good standing until it expired in 2011. She noted that the code provides a 60-day grace period, following the anniversary date of a license or supervisor certificate, for renewal. If renewal does not occur within that time, the license or certificate is considered expired and cannot be renewed. Coldiron explained that once a license or certificate expires, an applicant must reapply and is subject to any of the current requirements, including testing and providing new project verification forms if the ones previously submitted no longer meet the prescribed licensing criteria.

Coldiron included a sample renewal letter that is sent to contractors before their license will expire. She quoted from the last paragraph: "If we don't hear from you within 60 days from your expiration date, your license or supervisor's certificate will be placed on inactive status. A new application, subject to all current requirements including testing when applicable, is required to reactivate any expired license or certificate." She confirmed that a renewal letter had been sent to the appellant and stated that due to this statement in that letter she assumed it was known to the appellant that testing would be required should he not renew within 60 days.

Coldiron stated that there have been no violations against Amshel Corporation. She added that the requirement to complete a new application process does not speak to the quality of work a contractor performs; it is simply staff's requirement to carry out the code as it is written. Staff, according to Coldiron, does not have the ability to waive these requirements. Due to this, Coldiron stated that the recommendation of staff is to deny the request. She added that staff does not feel there is any peculiar or exceptional difficulty as every applicant is required to do the same thing.

Slezak addressed the Board. He stated that he owns Amshel Corporation and has been a general contractor since 1983. He agreed with Coldiron's comments and stated that with all the items related to the economic downturn, he did not keep on top of his renewal deadline. Slezak noted that he has been a contributing member of the Community and has served on numerous boards and commissions. Slezak stated he has a current license in Denver, and has had licenses in Boulder, Colorado Springs, and Aurora. Although he hasn't worked in Fort Collins for a couple of years, Slezak explained that he has tried to keep his Fort Collins license current. He noted that he also lives in Fort Collins. Slezak stated that he understands the code and doesn't want to diminish it, but asked the Board to look at things from a broader perspective.

Slezak stated that he has constructed buildings for the City of Fort Collins, churches and restaurants in town. Over the past 15 years he has developed entry level housing for the Community and other communities in Northern Colorado. Slezak stated that he has been involved with City Plan, the Civic Center Plan, the Downtown Plan, and was a member of the Downtown Development Authority for eight years. He feels that not having a license reflects that he is no longer a member of the Community. He asked whether Fort Collins is a better place with Amshel Corporation not being a part of the Community. He stated that he did not envision himself testing for the license, so this could represent an end to approximately 40 years in the City.

Gebo asked Slezak if he had recently tested for a particular license in a different jurisdiction and what code the test covered. Slezak stated that staff had told him he hadn't tested since 2009. He stated he knew he had taken the IBC and IRC updates with the City of Fort Collins. In response to Gebo's question about testing in other jurisdictions, Slezak stated that Colorado Springs has very tough testing standards, but he thought that was under the UBC. He added that they had built a number of buildings in Colorado Springs. Slezak explained that he hadn't done any testing under the IBC or the IRC in Denver.

Slezak stated that he is remorseful about not renewing on time, but feels it is punitive to withdraw such a long-standing license because the renewal was not paid in a timely fashion.

Montgomery asked about testing requirements for renewals. Coldiron stated that whenever there are substantial changes to codes, or adoption of new codes, existing contractors are required to either

attend a class that is offered by the City or take an amendments exam. She believed the last class Slezak attended covered the 2003 IRC.

Gebo asked if Slezak attended the '09 update that was held on Drake or watched the video of our '09 amendments. Slezak said he wasn't sure, but he thought it was a couple of years ago. Coldiron checked the records and stated that Slezak took the City's '03 IRC class in June of 2005 as well as the '06 IBC class in December of 2008. She reported that Slezak has not taken the 2009 IBC class.

Cram asked Slezak if he had attended any of the green sessions that have been offered. Slezak stated that he had not. He explained that he had changed his email address and was not aware of the classes.

Schneider confirmed that Slezak acknowledged receiving the notice of license renewal. He also asked Slezak if he was out on leave for medical reasons or a sabbatical during the renewal period that would limit his ability to get the information back to the City. Slezak replied no.

Lenoch stated that he thought Slezak was hesitant about testing and questioned why. Slezak stated that if he had a current project to build and had to test, he would test. He stated that the main reason for holding the contractor's license is to feel he is part of the Community.

Schneider asked Gebo if there had been significant changes between the Uniform Codes and the I-codes. Gebo stated there has been a significant philosophical change from the Uniform Codes to the International Codes. He noted a shift to more fire sprinkling as one example.

Reider asked Coldiron how the City would have responded if Slezak brought the funds in to pay for the license renewal. Coldiron stated they would have renewed the license and put a hold on the use of that license until he took the class.

Reider asked Gebo how often the classes are conducted. Gebo stated that all the local amendments for the '09 codes were presented in April of last year. He added that Channel 14 filmed those classes and they are re-presented quarterly.

Dunlap asked Slezak if he had completed three buildings under the current IBC. Gebo was interested in commercial buildings that were built under the 2006 or 2009 building codes. Slezak responded no because his company had been building multi-family properties for the last 15 years. Gebo stated that multi-family would fall under the IBC. Slezak responded that he had completed a number of them.

Schneider asked for clarification on the multi-family projects; i.e., were they mixed use or were they strictly residential multi-family and how many stories. Slezak stated that he had built multi-family properties with no mixed use element. He explained that his company hadn't done anything in the last two years. He added that the buildings were typically two story town homes or condominiums. Gebo stated that those buildings would have fallen under the IBC code for condominiums.

Dunlap asked Slezak if Amshel Corporation had appropriate insurance in place. Coldiron stated that insurance was not necessary to renew a license, although the City would require this prior to issuing any permits for him.

Montgomery stated that Slezak's past experience as a contractor was exemplary. His concern was that a precedence would be set if they approved this request and other contractors would ask for the same exemption.

Lenoch made a motion that the Building Review Board deny the variance request for Mr. Slezak because it appeared that Mr. Slezak received the 60 day notice, and Mr. Slezak was aware that the

Building Department has these safeguards in place to protect the Community. Mr. Slezak has been a respected contractor in this town for 25, almost 30 years. There is no hardship. Montgomery seconded the motion.

Discussion:

Schneider asked the Board members if they thought Slezak should take the full exam or just the local amendment test. Gebo stated that if Slezak were to renew his license, he would be required to participate in the local amendment class. There is also a local exam available that deals with amendments. Dunlap asked what would be missed if Slezak took the local amendments test versus the full exam. Gebo stated no more than he would be missing if his license had remained current and he was simply renewing.

Reider stated that Slezak has a long history of skill and performance. He stated he might be in favor of a middle ground although he didn't disagree with the Board's comments about setting a precedence. He asked Gebo for further information regarding the class or videotape. Gebo stated the ordinance requires that the applicant must take an update exam or attend a training to renew the contractor's license. He added that most contractors choose the training.

Mr. Reider asked Gebo if the Board members would have the authority to require an applicant to take the '09 class and the local exam as a middle ground compromise to reinstate the license. Gebo responded that, yes, they could make that determination.

Coldiron stated that the Board needed to act on the current motion or withdraw it. Lenoach stated that he would withdraw the motion.

Montgomery stated that, as the second, he would approve the removal of that motion, but he still felt the same. He did not think it was an undue hardship to follow the directions of the City code. He heard Slezak say he didn't want to take the test because he doesn't have any work in the City and that it doesn't make sense for him to spend time doing it unless there is some work.

Lenoach stated he is concerned about the precedence that would be set if the variance was granted.

Montgomery offered the same motion as he previously stated. Lenoach seconded the motion.

Vote:

Yeas: Lenoach, Montgomery, Schneider

Nays: Cram, Reider

Abstain: Dunlap

Coldiron stated that the Board could enter a motion to require testing if Slezak were to re-apply. Schneider stated that he was concerned because Slezak could decide to wait five years before he tested. Gebo stated it would be cleaner if a decision was made at the time Slezak was ready to renew his license. It may be that the City will be under a different code.

Cram summarized, saying that the appeal had been denied, and no further motions are forthcoming. Slezak would need to revisit required testing at the time he has a contract and needs a contractor's license.

Gebo informed Slezak that he has a right to file an appeal with City Council and that staff will forward him information about those particular steps.

3. FOLLOW-UP REPORTS:

- None.

4. OTHER BUSINESS:

- **Boards & Commission – City Plan:** Gebo stated he was invited to a meeting of staff liaisons for all the various boards and commissions. When the City adopted Plan Fort Collins, one part of the Plan was to review all the boards and commissions and talk about the best boards to have and what boards are needed. He explained that there does not seem to be an aligned path on how these boards and commissions operate or what their roles and functions are. There doesn't seem to be good communication between the City Council liaisons and boards and staff liaisons and City Council. In April, the chairs and vice-chairs of all boards and commissions will be invited to become part of this conversation.

- **Contractor Licensing Committee Update:** Gebo stated there have been two meetings of the Contractor Licensing Committee to date. Gebo stated the committee is made up of BRB board members and some contractors in the Community. Gebo provided an overview, saying they are discussing aligning the ICC exams to the type of contractor license offered by the City. There has been discussion about requiring that a contractor that has tested under the IBC have a certificate holder that is familiar with the IRC in case he wants to build a single family home. There will be discussions about exempt workers at the next meeting in two weeks. Appropriate credentialing also needs to be discussed. Gebo stated it might even need to be more stringent. Gebo stated they should be done with the committee work after another four or five meetings.

- Coldiron stated there is a potential roofing violation that the City is investigating.

- Schneider asked if a revised Board member contact list could be forwarded.

- Schneider asked about the status the CDNS Director position. Coldiron stated that Laurie Kadrach has been named as interim director.

- Schneider commented on the fact that the minutes from last month's meeting were not completed and stated that Board minutes should be available within a month. Gebo stated that they would arrive at a solution.

- Gebo stated that the construction industry is advising staff that designers and architects are hiring many staff to keep up with the workload. The City is expecting that permit applications will increase. Staff is currently very far behind in the plan review process. There is money available in this year's budget for a half time plan review position and Gebo will be filling that position shortly. Montgomery asked to what extent the City performs plan reviews. Gebo stated that plan reviews are conducted for all projects that have a permit. Gebo stated that hourly employees have been hired to complete roofing inspections. Staff is beginning to have a building inspection backlog.

- Gebo also discussed electrical distribution systems, commissioning, and air tightness testing for a multi-family building. He specifically related ongoing discussions to last month's BRB hearing regarding Penny Flats. As a result of the Board's decision, staff has amended their review process because staff doesn't feel that those three items are practical in a true multi-family building.

- Schneider asked about the status of the ventilation combustion testing issue that plumbers are concerned about. Gebo stated that the Utility Department has scheduled four dates to conduct a one hour class on how to do a combustion safety test.

Meeting adjourned at 2:18 p.m.

Mike Gebo, Chief Building Official

Alan Cram, Chair



Community Development & Neighborhood Services
281 North College Avenue
P.O. Box 580
Fort Collins, CO 80522.0580

970.416.2740
970.224.6134- fax
fcgov.com

Building Review Board
June 28, 2012

Case Number: 03-2012

Appellant Name: Tonya Zook
David Zook, Attorney for Owner

Action Requested; Review of the code official's order to correct.
Review is requested on the grounds that the intent of code has been incorrectly interpreted and the provisions of the code do not apply.

Project Info: 312 E. Pitkin St. main building, 312 ½ E. Pitkin St. second detached building. Larimer County Assessor's office shows the owner of both buildings as Tonya M. Zook (copy attached). Property is rental housing managed by Kevco Property Management, Ft. Collins.

This hearing is in regards to the detached secondary building 312 ½ E Pitkin.

Background: On February 27, 2012, Building Services received a Rental Housing Investigation/Inspection Form from Ms. Anne Maggard, occupant of 312 ½ E Pitkin St. Fort Collins. Ms. Maggard expressed concerns over electrical issues, shower pan cracks and loose exposed insulation inside kitchen cabinets (copy attached).

On February 29, 2012, an inspection was performed by building inspector Fred Ward. Ward noted electric, insulation, shower pan, egress window and outlet issues (worksheet copy attached)

On March 28, 2012, Ward sent a Rental Housing Inspection Results letter to Kevco Property Management, copying to owner, Tonya Zook. The letter indicated that an inspection had been performed in accordance with the adopted 2006 International Property Maintenance Code (IPMC) and that a number of items were found to be not in compliance with the IPMC also known as the Rental Housing Code. Ward indicated that the items to be corrected were considered general maintenance and were to be repaired within 30 days, and that notification of corrections was requested within 30 days (copy attached).

On April 28, 2012, Ward sent a Notice of Violation- Order to Correct letter to Kevco Property Management, copying to owner, Tonya Zook. Ward indicated that he had heard from the tenant and Kevco. Kevco explained that the owner did not have the funds to make the corrections. Ward clarified that since the corrections had not been made, that Kevco and the owner are now in violation, and that if the violations are not corrected within 30 days, a court summons will result. Ward advised that the owner has a right to appeal this order. Appeal was received on May 9, 2012 (copy attached).

Appeal section: *2006 International Property Maintenance Code (IPMC) and the 2009 International Building Code (IBC) as adopted by the City,*

***IPMC Section 111.1.** Except as otherwise provided for in City Code Section 19-36 et seq., the Building Review Board as established in City Code Section 2-117 shall serve to provide final interpretation of the provisions of this Code and to review the code official's orders.*

***IBC 113.1 General.** The Building Review Board (hereafter "Board") as established in Section 2-117 of the Code of the City is hereby empowered in accordance with the procedures set forth in this section to hear and to decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code.*

No further actions have taken place on this case pending the outcome of the hearing in accordance with:

***IPMC Section 111.8 Staying of order under review.** Except for emergency measures and posting orders made pursuant to this Code, enforcement of any notice and order of the code official issued under this Code may be stayed during the pendency of the review therefrom which is properly and timely filed.*

Staff Overview: The appellant Mr. Zook, claims that the true intent of the code has been incorrectly interpreted and that the provisions of the code do not fully apply. Staff believes that the IPMC has been correctly interpreted and that the IPMC does apply in this case.

The IPMC Section 101.2 clarifies how the provisions are applicable:

***101.2 Scope.** Except as otherwise specified, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of*

existing structures and premises, and for administration, enforcement and penalties.

In reviewing Ward's Inspection Results letter dated March 28, 2012, Ward lists IPMC sections that address his concerns.

Item #1 Kitchen cabinets

404.7 Food preparation. *All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.*

The exposed insulation inside the kitchen cabinet does not allow for storage of food or cooking utensils in a sanitary manner.

Item #2 Shower base

305.3 Interior surfaces. *All interior surfaces, including windows and doors, shall be maintained in sound and sanitary condition.*

504.1 General. *All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.*

504.3 Plumbing system hazards. *Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.*

The shower base is not an approved shower base, it is concrete. The shower walls and pan are cracked allowing water to enter the building cavities creating a condition where mold growth can develop.

Item #3 Electrical concerns

605.2 Receptacles. *Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle with a ground fault circuit interrupter. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. Receptacle outlets installed in kitchens, garages, unfinished basements and exterior locations shall have ground fault circuit interrupters.*

102.3 Application of other codes. *Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and the National Electric Code and all other applicable City codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Land Use Code.*

The kitchen outlets are to be Ground Fault Circuit Interrupter (GFCI) protected in accordance with the IPMC. Additionally the National Electric Code (NEC), is an applicable code when the IPMC does not specifically address an issue. In accordance with the adopted 2012 NEC

Section 406.4(D)(2)(c) *A non-grounding-type receptacle shall be permitted to be replaced with a grounding-type receptacle where supplied through a GFCI.*

The electrical receptacle on the common wall is a 3-prong outlet on an un-grounded system and must be protected by a GFCI or replace with a two-prong un-grounded receptacle.

Item 4 Electrical equipment cords

605.4 Extension cords. *All extension cords which have been installed in any rental dwelling unit by being wired directly to permanent wiring or in inside walls, through floors, under carpets, attached to trim or walls and by similar methods shall be eliminated, and permanent outlets shall be installed to provide necessary electrical supply.*

The N. exterior light is supplied by an extension cord and must be connected with a permanent wiring system.

Item 5 Egress window

702.4 Emergency escape openings. *Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. The minimum net clear opening size shall comply with the City Building Code that was in effect at the time of construction or shall provide a minimum net clear opening of no less than seven hundred twenty (720) square inches, whichever is greater, and shall not have a sill height greater than*

forty-eight (48) inches as measured above the interior floor level of the room in which such opening is located.

The assessor's records indicate that the building in question was constructed around 1928. There is no City record which indicates the original use of the structure and therefore the City can not claim that the structure was converted to dwelling at some point in the distant past. However, the earliest adopted Building Code was the 1927 Uniform Building Code, which would have been in effect at the time of the assumed construction in 1928. In that earlier UBC, dwelling units were classified as I Occupancies.

Section 1405 All portions of Group I buildings used for eating, living and/or sleeping purposes shall be provided with light and ventilation by means of windows with an area not less than one-eighth (1/8) of the total floor area of any room or rooms.

The window in the bedroom does not meet the 1/8 floor area specified in the 1927 UBC and therefore a new window will need to be installed. Newly installed egress windows must comply with today's code for size and height.

Recommendation: 312 E Pitkin St. is a rental dwelling unit property and is regulated by the adopted 2006 IPMC. Ward's inspection correctly identified the items that need to be addressed in order for the dwelling to be in compliance with the IPMC. Ward listed the appropriate IPMC sections and followed appropriate processes for notification of items to be corrected, allowing for appropriate time to correct.

Staff does not support Mr. Zook's contention that the code has been incorrectly interpreted and the provisions of the code do not apply. Staff further recommends that if the building is currently unoccupied, that prior to re-occupancy, the listed items are to be corrected and a re-inspection be performed.

312 1/2 bldg 2

Assessor Property Information

Property Tax Year 2012

Parcel Number: **97133-20-014**Schedule Number: **R0059641**Tax District: **1100**Current Mill Levy: **90.778**

General Information

<u>Owner Name & Address</u>	<u>Property Address</u>
ZOOK TONYA M C/O WELLS FARGO 3500 JOHN F KENNEDY PKWY FORT COLLINS, CO 80525	312 E PITKIN ST FORT COLLINS 80524-0000

Subdivision #: 1028 - CRAFTS RESUB

Neighborhood #: 19711

Legal Description

LOT 14, BLK 16, CRAFTS RESUB, FTC

Sales Information

Reception #	Sale Price	Deed Type	Sale Date
2002117965	\$205,000	WARRANTY DEED	10/22/2002
98107275	\$0	QUIT CLAIM DEED	12/01/1998
98107273	\$0	QUIT CLAIM DEED	12/01/1998
98107272	\$0	QUIT CLAIM DEED	12/01/1998

Value Information

Abstract Code/Description	Value Type	Actual Value	Assessed Value	Net Acres	Net Sq Ft
1219L Single Family Residence	Land	\$45,000	\$3,580	0.16	7,000
1219 Single Family Residence	Improvement	\$200,300	\$15,940	0.00	0
Totals:		\$245,300	\$19,520	0.16	7,000

Property Attributes and Descriptions

Attribute	Attribute Description
Land	Standard
Access	Alley
Topography/Shape	Level

Building Improvements

Building ID: 002	Heat Forced Air	Total Sq Ft: 400
Property Type: Residential	Roof Type: Gable	Condo Sq Ft:
Built As: Ranch	Roof Cover: Composition Shingle	Bsmt. Sq Ft:
Occupancy: Additional Residence	Foundation: Concrete	Bsmt. Fin. Sq Ft:
Year Built: 1928	Rooms: 3	
Year Remodel:	Bedrooms: 1	
Quality: Fair	Baths: 1.00	
Condition: Average	Units: 1.00	
Class Descr:	Unit Type:	
Exterior: Frame Siding	Stories: 1.00	
Interior: Plaster		

Building Detail Type and Description

Detail Type	Detail Description	Units
Add On	Wood Stove	1
Fixture	Water Heater	1
Fixture	Sink Bathroom	1
Fixture	Sink Standard	1
Fixture	Toilet	1
Fixture	Bathtub Standard	1

Current use may not reflect current zoning. Not all parcels are buildable lots.

For questions about this information or to make corrections contact the Assessor's office:

200 W. Oak Street
 Suite 2000
 Fort Collins, CO 80521
 Mailing address:
 PO BOX 1190
 Fort Collins, CO 80522
 (970) 498-7050
 or e-mail assessor@larimer.org



Building Services Department
 281 North College Avenue
 P.O. Box 580
 Fort Collins, CO 80522-0580
 (970) 221-6760 FAX (970) 224-6134

Rental Housing Investigation/Inspection Request Form

To be filled out by renter of record.

Date Requested: <i>2/27/12</i>	
Rental Address: <i>312 1/2 E. Pitkin St.</i>	Owner's Name:
Requestor's Name: <i>Anne Maggard</i>	Phone #:
Phone #: <i>606.232.7021</i>	Managing Company Name: <i>KEVCO</i>
	Phone #: <i>970.419.8881</i>

Reason for Requesting Inspection: <i>- concerns about wiring / electrical (refrigerator plugged into 2-prong ungrounded outlet via "cheater plug" - Home Depot refused to hook up refrigerator this way, so property management company had private contractor do it), other wiring issues</i> <i>- concerns about poured concrete floor drain as shower (shower enclosure - water leaking into cracks and mildew growth)</i> <i>- loose insulation around pipes inside cabinets, unusable for food or cookware</i>
Has the owner or manager been notified of these issues? <i>Yes - multiple occasions</i>

Requester's signature:

For Office Use Only	
Inspector:	Date Inspected:

This form is considered an Open Public Record

229-12 312 1/2 E. Pitkin

605.2 GFI above kitchen (3)

exposed insulation in lower cabinets

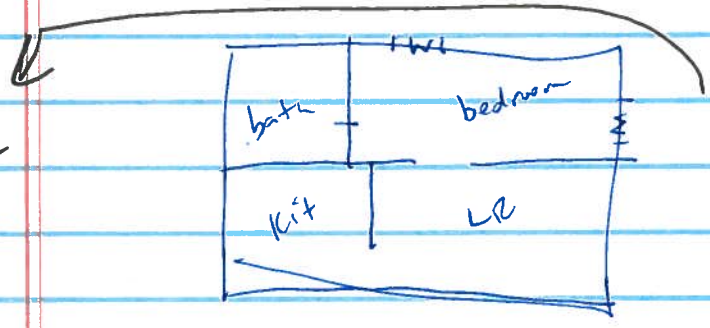
404.7 should be covered w/ wall covering.

Shower pan - base leaks - 305.3? 504.1, 504.3

702.4 egress window in bedroom (concrete is porous)

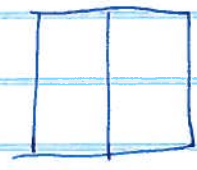
605.2 wire to N. ext light exposed lamp cord needs conduit.

605.2



outlet in common bed LR & Bath is 3 prong - GFI or (11)

bed window



24 1/2 H

28 1/2 W



Planning, Development, and Transportation
Community Development & Neighborhood Services
281 N. College Ave. - PO Box 580
Fort Collins, CO 80522
970.416.2740
970.224.6134 - fax
fcgov.com/nbs

Rental Housing Inspection Results

March 28, 2012

Kevco Property Management
P.O. Box 740
Fort Collins, CO 80522

Property owner:
Tonya M Zook
c/o Wells Fargo
3500 John F Kennedy Pkwy
Fort Collins, CO 80525

Re: 312 E Pitkin Street
Parcel Number: 97133-20-014

Dear Sir or Maam,

This letter is to inform you that an inspection of this property was performed on 02/29/12 the purpose of which was to verify compliance with the Structure and Premises Condition Code of the City of Fort Collins, (Rental Housing Code, 2006 International Property Maintenance Code, (IPMC) as adopted by the City.

The inspection determined items that are not in compliance with the Rental Housing Code that need to be corrected:

- Sec 404.7 (Food Preparation and Storage.) All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. The walls under the kitchen cabinets do not contain any interior hard surface to clean. The exposed insulation is unsanitary and inadequate. Install wall coverings to provide sanitary and cleanable surfaces.
- Sec 305.3 (Interior Surfaces), 504.1 (Plumbing General) and 504.2 (Plumbing System Hazards) All interior surfaces shall be maintained in a sound and sanitary condition. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. All plumbing fixtures shall be properly installed and maintained in working order., and shall be kept free from obstructions, leak and defects and capable of



Planning, Development, and Transportation

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NOTICE OF VIOLATION – ORDER TO CORRECT

April 28, 2012

Kevco Property Management
P.O. Box 740
Fort Collins, CO 80522

Property owner:
Tonya M Zook
c/o Wells Fargo
3500 John F Kennedy Pkwy
Fort Collins, CO 80525

Re: 312 1/2 E Pitkin Street
Parcel Number: 97133-20-014

Dear Sir or Maam,

I sent you a Rental Inspection Result letter dated 3-28-12. (Copy Attached). I have heard from both the current tenant, and property Management Company, that you do not have the money to complete the required repairs within the timeframe allowed. Once the 30 days that was given in the original letter has passed, you will be in violation of the International Property Maintenance Code (IPMC).

You are now ordered to complete all of the required corrections and to schedule an inspection with me within 30 days of the date of this notice of violation. If the repairs are not made within this timeline, the current tenant will need to vacate the premises. **You cannot rent or lease this property to any other tenants until the corrections are completed and verified by this office.** Failure to comply with this order may result in a summons to appear in Municipal Court where fines of up to \$1000.00 per day can be assessed.

Be advised that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Building Review Board, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within 10 days from the date of service of such notice and order; and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Please contact me as soon as possible in order to avoid the issuance of a ticket.

Sincerely,

A handwritten signature in blue ink that reads "Fred Ward".

Fred Ward

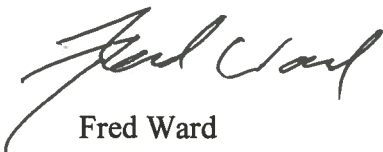
Building Inspector
City of Fort Collins
Community Development & Neighborhood Services
(970)416-2841
fward@fcgov.com

performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. The shower does not contain a shower base or pan. It is just a concrete floor with an unconventional floor drain and the concrete is rough and deteriorated. The wall panels are warped and detached and show signs of water leakage. The shower enclosure and base needs to be repaired or replaced to provide a safe, sanitary and functional condition that can be maintained.

- Sec 605.2 (Electrical Equipment – Receptacles) Need to install GFI protection on 3 electrical outlets in the kitchen.
- Sec 605.2 (Electrical Equipment – Receptacles) One electrical receptacle located in the common wall between the bedroom and living room is a 3 prong on a 2 wire ungrounded branch circuit. Need to replace this with a GFI receptacle or revert back to a two prong outlet.
- Sec 605.4 (Electrical Equipment – Extension Cords) Exterior wiring to the north exterior light is exposed lamp cord. Need to rewire this with appropriate exterior wiring and conduit.
- Sec 702.4 (Emergency Escape Openings.) The window in the bedroom is not large enough to meet egress. The minimum net clear opening shall provide no less than 720 square inches of openable area and shall have a sill height greater than 44 inches as measured above the interior floor level of the room in which such opening is located.

The above mentioned items are considered general maintenance and shall be repaired within 30 days of the date of this letter. Please notify me within 30 days to verify that the above items have been corrected.

Sincerely,



Fred Ward

Building Inspector
City of Fort Collins
Community Development & Neighborhood Services
(970)416-2841
fward@fcgov.com



Planning, Development & Transportation
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 281 North College Avenue, P.O. Box 580
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 fcgov.com

REQUEST FOR HEARING BY THE BUILDING REVIEW BOARD
 (Code Hearing)

Affected Property: 312 E Pitkin St, Fort Collins, CO

Owner: Tonya Zook

Address: c/o Wells Fargo, 3500 JFK Parkway, Fort Collins, CO 80525

Appellant Name: David Zook, Attorney for Owner

Address: 2020 N Tejon, Colorado Springs, CO 80907

Phone #: 719 632 2571 Mobile #: 719 459 6660 E-mail: davidzook@q.com

Description of request and mitigating factors (attach additional information and/or materials): Appellant/
Owner requests a stay and review of the code officials order to

correct (Ex. 1) in its entirety. The true intent of the code has
been incorrectly interpreted; the provisions of the code do not
fully apply. Appellant requests an afternoon hearing if pos-
sible and permission to submit additional materials prior to hearing.

Applicable Code Sections: 305.1, 305.3, 404.7, 605.2, 605.4, 702.4.

David Zook (3031)
 Appellant Signature

May 9, 2012
 Date

Appellant may appear in person, in writing, or by agent and should be prepared to present all relevant details, specifications and plans, or other evidence in support of this hearing request at the hearing time indicated below.

Regular meetings are scheduled for the last Thursday of each month at 1:00 p.m. in the Council Chambers at 300 LaPorte Avenue. **Applications must be filed by the last day of the month prior to the desired hearing date to ensure consideration.** A docket fee of \$50.00 must accompany this hearing request.

OFFICE USE ONLY

Hearing Date _____ Hearing Time _____

Reviewed by _____

Distribution: Original – Appellant, Copy – File