



Community Development & Neighborhood Services

281 N. College Avenue
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Fort Collins, CO 80522

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BUILDING REVIEW BOARD

September 25, 2014

1:00 pm – 3:00 pm

City Council Chambers

300 LaPorte Avenue

AGENDA

1. Approve minutes from the June 26, 2014 Meeting

2. Contractor Appeal: Mark Cipriani, d/b/a Cipriani Construction, Case #04-14

3. Follow-Up Reports:
 - None

4. Other Business

FORT COLLINS BUILDING REVIEW BOARD Regular Meeting – June 26, 2014 1:00 p.m.	
Council Liaison: Karen Weitkunat	Staff Liaison: Mike Gebo (416-2618)
Chairperson: Alan Cram	

A regular meeting of the Building Review Board was held on Thursday, June 26, 2014 at 1:00 p.m. in the Council Chambers of the Fort Collins Municipal Building at 300 Laporte Avenue, Fort Collins, Colorado.

BOARD MEMBERS PRESENT:

Alan Cram
 Andrea Dunlap
 Justin Montgomery
 Rick Reider
 Torey Lenocho
 George Smith
 Mike Doddridge

STAFF MEMBERS PRESENT:

Delynn Coldiron, Customer and Administrative Services Manager
 Melanie Clark, Staff Support to the Board
 Russ Hovland, Deputy Building Official
 Paul Eckman, Deputy City Attorney

ROLL CALL

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

1. APPROVAL OF APRIL 24, 2014 MINUTES:

Doddridge made a motion, seconded by Reider, to approve the minutes of the April 24, 2014 meeting.

Vote:

Yeas: Dunlap, Smith, Lenocho, Montgomery, Reider, Cram, Doddridge

Nays: None

Abstain:

2. CONSTRUCTION DUST

Brian Woodruff, Environmental Planner, City of Fort Collins Environmental Service proposed a dust control manual consisting of a menu of items to be applied on a site-specific basis be presented for Council approval. Additionally, he suggested dust control plans be prepared for all projects and discussed the general air pollution nuisance ordinance and potential reasonable measures to take in order to decrease dust air pollutants.

Doddridge asked where the majority of complaints originate. Brian Woodruff replied complaints come both from land development activities as well as from individual projects.

3. CONTRACTOR APPEAL: DAVID B. HURST, D/B/A TRIPLE B CONTRACTORS, LLC – CASE #03-14

Coldiron stated Mr. Hurst is seeking an exam waiver for his framing license and discussed the history of the case regarding Mr. Hurst's failure to renew his license. She stated staff is recommending denial of the exam waiver despite the fact the contractor has remained in good standing in other areas.

Mr. Hurst stated his failure to renew the license was simply an oversight.

Coldiron asked if Mr. Hurst has other training staff could possibly consider in lieu of the testing. Mr. Hurst replied he has not completed any training in Fort Collins as most of his work is outside the city. He stated it has been quite some time since he completed training courses.

Mr. Hurst stated he has been a contractor in Fort Collins since 1998 prior to the license being required. He noted he has not had any issues in other areas.

Reider asked whether or not the license would have been automatically renewed if the application had been made within the 60 days after the license expiration. Coldiron replied in the affirmative.

Reider asked if Mr. Hurst would have been out of compliance by not having taken any course updates for the 2009 or 2012 International Building Codes. Hovland replied a renewal class used to exist; however, that was not an exam. He discussed code requirement changes over the past years and expressed concern regarding classes not having been taken on the new codes.

Reider asked about the training and testing timeframe. Hovland replied the International Code Council has classes on a regular basis. Coldiron noted the ICC does not have a test specific to framing; the City has its own framing exam which is specific to the 2006 IBC. She stated a video of the training is available and the exam can be taken at any time.

Mr. Hurst stated he is dependent upon the architects and engineers to develop plans which meet the Code.

Cram noted six code cycles have occurred since Mr. Hurst got his license and expressed concern Mr. Hurst has not taken classes or exams. Mr. Hurst replied the percentage of work he does in Fort Collins is only about 5%.

Doddridge asked if other municipalities in which Mr. Hurst works require licensing. Mr. Hurst replied in the negative and stated the general contractors are required to carry the licenses.

Doddridge asked if Mr. Hurst's company has a documented work history within the City. Mr. Hurst replied he worked for Engle Homes in the Huntington Hills, Registry Ridge, and Rigden Farm neighborhoods. He stated he is presently working at MacKenzie Place and Trailhead.

Lenoch asked if Mr. Hurst is unable to take the exam. Mr. Hurst replied there is no reason he cannot take the test; however, his long hours were likely the cause of the oversight in the first place.

Montgomery took exception to Mr. Hurst's statement regarding it not being his responsibility to know the current codes.

Cram expressed concern with Mr. Hurst having never taken an exam.

Doddridge commended Mr. Hurst's organization skills; however, he stated there would need to be extenuating circumstances in order to waive the rules. He stated the exam is not particularly onerous.

Mr. Hurst apologized for the misunderstanding regarding his comments.

Lenoch made a motion, seconded by Smith, to deny David Hurst of Triple B Contractors the appeal given the fact that Codes have changed.

Vote:

Yeas: Dunlap, Smith, Cram, Lenoach, Montgomery, Reider, Doddridge

Nays:

Abstain:

4. FOLLOW-UP REPORTS

None.

5. OTHER BUSINESS

Russ Hovland and Boardmembers discussed issues with the installation of sprinkler systems in single-family homes.

Coldiron discussed the budgeting process and stated Finance is currently doing a consultant study on development fees.

The meeting adjourned at 2:04 p.m.

Russ Hovland, Deputy Building Official

Alan Cram, Chair



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BRB Hearing Date: September 25, 2014
Case No: 04-14
Appellant Name: Mark Cipriani
Company Name: Cipriani Construction
Action Requested: Approval of Exam Waiver
Appeal Code Section: Municipal Code, Chapter 15, Section 15-156:

The Building Review Board is authorized, upon appeal in specific cases, to grant variances from the terms of this Article, where the strict application of any provision of this Article would:

1. Result in peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated; or
2. When such applicant can demonstrate to the satisfaction of the board that the applicant possesses other qualifications not specifically listed in this Article, such as specialized training, education or additional experience, which the board has determined qualifies the applicant to perform, in a competent manner, any construction authorized under the license or certificate sought; and
3. Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Article.

Background: The appellant obtained a Class D1 license with the City in 2000. We have one test on file for him that covered the 97 UBC. He has also attended all of the City code amendment classes that have been given. The license remained in good standing through April, 2014, at which time the license expired due to non-renewal.

The City's contractor licensing regulations, City Code Section 15-160, require a license and certificate to be renewed within sixty (60) days following the anniversary date such license and certificate were issued. When the renewal is not completed within the 60-day grace period, the license and certificate expire and are no longer eligible for renewal. According to Code, an applicant must then reapply for the license and certificate by submitting a new application and paying the fees as set forth in Section 15-158. All criteria of getting a new license and certificate must be fulfilled, including providing proof of current testing.

The appellant noted in his information the following reasons an exam waiver should be granted:

1. He did not receive the normal renewal notice from the City that he has typically received;
2. Because he did not get a renewal notice, he assumed the expiration date was in 2015;
3. He found out that his license had expired when he applied for a building permit in August, 2014. At that point, the license was past the 60-day grace period.

The appellant is requesting a waiver to the testing requirement and reinstatement of his Class D1 license. He was granted a temporary 30-day license on August 18, 2014 pending the decision of the Board in this case.

Staff's

Recommendation:

Staff recommends denial of this request, due to the following:

1. Staff can find no peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated.

All applicants that desire to work in the City of Fort Collins must meet the prescribed level of testing and experience prior to obtaining a specific license. Because all applicants face the same expectations, there is no peculiar or exceptional practical difficulty or undue hardship to require that the applicant follow the normal policies and procedures required of all others.

2. Staff cannot find that the applicant possesses current testing or other training over the 2009 or 2012 IBC that would fulfill the testing requirement. Although the appellant did take all of the City code amendment classes, the classes only cover local code amendments, not changes to the main body of the code itself.
3. Staff is unsure that approval of the waiver request could be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Article.



Contractor Licensing
 281 N College Ave. P.O. Box 580
 Fort Collins, CO 80524
 Phone 970-416-2740 Fax 970-224-6134
www.fcgov.com/nbs/contractor.php

BUILDING REVIEW BOARD APPEAL FORM

(Contractor Hearing)

Appellant Name: Mark Lewis Cipriani d/b/a Cipriani Construction
 Address: 2742 Indian Peaks Place Fort Collins, CO. 80526
 Phone #: 970-217-9298 Mobile #: Same

Action Requested:

- Exam Waiver
 License approval (denied by staff)
 License Upgrade
 Other _____

Description of request/problem and other mitigating factors (attach additional information and/or materials): _____

I have had a general Contractors license for 15 yrs. in Fort Collins. In the past I have received notice for license renewal. I thought renewal date was 2015. When I applied for a building permit on 8/15/2014 I was informed my license had expired on 4/20/2014. I would like to request renewal of my general Contractors license.

Mark L Cipriani 8/18/2014
 Appellant Signature Date

Appellant may appear in person, in writing, or by agent and should be prepared to present all relevant details, 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 one month prior to the desired hearing date to ensure consideration.

OFFICE USE ONLY

Hearing Date _____ Hearing Time _____

Reviewed by _____

Distribution: Original – Appellant, Copy – File