

Alan Cram, Chair
Tim Johnson, Vice Chair
Brad Massey
Bernie Marzonie
Katharine Penning
Rick Reider
Justin Robinson

City Council Chambers
City Hall West
300 Laporte Avenue
Fort Collins, Colorado

Staff Liaison:
Russ Hovland
Chief Building Official

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

Regular Hearing Agenda June 28, 2018 1:00 PM

- **CALL TO ORDER**
- **ROLL CALL**
- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
- **DISCUSSION AGENDA**
 1. Consideration and Approval of the Minutes of the March 28, 2018 BRB Meeting
 2. Rucker Hill Appeal of D-1 GC License Denial
- **OTHER BUSINESS**
- **ADJOURNMENT**

AGENDA ITEM SUMMARY
Building Review Board

June 28, 2018

STAFF

Gretchen Schiager, Administrative Assistant

SUBJECT

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE MARCH 29, 2018 BRB MEETING

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the March 29, 2018 meeting of the Building Review Board.

ATTACHMENTS

1. BRB March 29, 2018 Minutes - DRAFT



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Regular Meeting Minutes March 29, 2018

A regular meeting of the Building Review Board was held on Thursday, March 29, 2018, at 1:00 p.m. in the Council Chambers of the Fort Collins Municipal Building at 300 Laporte Avenue, Fort Collins, Colorado.

- **CALL TO ORDER**

Mr. Reider, Acting Chair in Chair Cram's absence, called the meeting to order at 1:06 p.m.

- **ROLL CALL**

PRESENT: Massey, Marzonie, Penning, Reider

ABSENT: Cram, Johnson, Robinson

STAFF: Hovland, Van Hall, Schiager

- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

- **DISCUSSION AGENDA**

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF THE FEBRUARY 22, 2018 MEETING.

Mr. Massey pointed out a typo in the minutes. Ms. Schiager stated the correction would be made prior to publication of the minutes.

Mr. Massey moved to approve the minutes of the February 22, 2018 meeting, with the specified correction. Ms. Penning seconded. The motion passed 4:0.

2. WILLIAM TERNES REQUEST FOR VARIANCE FROM WRITTEN EXAM REQUIREMENT**DESCRIPTION:**

Mr. Ternes of Custom Design Storage Sheds and Garages has requested a variance from the requirements of Municipal Code Section 15-157(c) that he must pass a written exam prior to obtaining a supervisor certificate, after his current supervisor certificate and contractor's license had been expired for more than 60 days. If this variance is granted the Mr. Ternes will be granted a supervisor certificate and contractor license without passing a written exam.

The Appellant was not present. Shar Gerber, Customer and Admin Services Manager, stated she had called him at 1:00 p.m., just prior to the meeting being called to order, to inquire as to his whereabouts. She stated he was unable to attend the meeting, and he claimed he was not notified of the date and time of the meeting. She said he asked about rescheduling, but upon learning the date of the next meeting, he informed her he was unable to attend the April meeting.

Ms. Gerber stated that Mr. Ternes had been given a copy of the appeal form indicating the date and time of the meeting. Mr. Hovland asked Mr. Van Hall whether the Board could make a decision based on the information included in the application and the staff report. Mr. Van Hall stated that would be at the discretion of the Board.

Acting Chair Reider asked whether Mr. Ternes had any construction projects in progress that would be a reason to expedite the proceedings. Ms. Gerber stated Mr. Ternes had closed his business in 2009, so there are no active permits, but he now intends to resume the business. Ms. Gerber shared additional details from Mr. Ternes application for variance.

Acting Chair Reider asked Mr. Hovland his thoughts on whether to proceed or reschedule. Mr. Hovland stated he would prefer to proceed, and explained his recommendation to deny the request.

Ms. Penning noted that according to the records included in the agenda packet, Mr. Ternes' previous license was restricted due to his inability to pass the test. Given that, and the fact that he did not appear for the hearing, she supported following Staff's recommendation to deny Mr. Ternes' request.

Mr. Marzonie agreed with Ms. Penning's position.

The Board discussed whether to move forward. Mr. Hovland clarified that if no action is taken, Mr. Ternes remains in the unlicensed status. Mr. Hovland asked Mr. Van Hall whether there was any precedent for moving forward with a hearing without the contractor being present. Mr. Van Hall was not aware of any, but noted he has been representing the Board for only six months. Mr. Hovland deferred to the Board to determine whether to move forward or continue to the next hearing, and reiterated his recommendation to deny the request, adding that he did not believe the Appellant had a strong case. He reviewed the Appellant's options for testing, and restated his preference for moving forward with a decision.

Ms. Penning agreed, emphasizing the importance of knowing the code, particularly with all the changes since 1997. Mr. Massey agreed with Ms. Penning, commenting that the Appellant had already failed the test twice, and he should be required to pass it.

Mr. Marzonie made a motion to proceed in the absence of the Appellant. Ms. Penning seconded. The motion passed 4:0.

Staff Presentation

Ms. Gerber presented the staff report, reviewing the materials included in the packet.

Board Questions of Staff and Parties-in-Interest

Ms. Penning suggested the Board should take into consideration Mr. Ternes' specialization of garages and sheds. Acting Chair Reider asked whether Mr. Ternes had ever passed the test. Mr. Hovland replied that he had not, and that he had also applied for and received permits for basement finishes, which were outside his specialization.

Mr. Massey commented that 15 years ago the Board had approved his license for sheds and garages only, yet he had attempted to use it for basement finishes. He said that reinforces in his mind the need for the Appellant to take the test.

Motion

Mr. Massey moved to deny Mr. Ternes' variance request and uphold the City's recommendation that he be required to pass the written exam.

Ms. Penning seconded.

Acting Chair Reider asked Mr. Van Hall if the language of the motion was sufficient, and Mr. Van Hall suggested some additional language. Mr. Massey amended his motion as follows:

Mr. Massey moved to deny Mr. Ternes' variance request and uphold the City's recommendation that he be required to pass the written exam, because not doing so could be a detriment to the public good, and would impair the intent and purpose of Chapter 15 of the Municipal Code.

Ms. Penning renewed her second.

The motion passed 4:0.

Acting Chair Reider asked about next steps. Mr. Hovland stated that he would contact Mr. Ternes' to inform him of the Board's decision and advise him of his options, including an appeal to Council.

● **OTHER BUSINESS**

Mr. Hovland asked whether the Board wished to continue to hear these kinds of contractor licensing cases, or if they would prefer that Staff handle them administratively. In response to questions from Mr. Marzonie, Staff explained that a notification goes out approximately two months prior to expiration, and there is a 60-day grace period to renew after expiration. Mr. Marzonie said that seemed generous. Mr. Massey said he felt Mr. Hovland could use discretion if there are extenuating circumstances. Mr. Hovland stated that the goal is consistency and following the code, adding that the minutes from a hearing would be a good reference for precedent and disposition of these cases. Ms. Penning recalled to last month's decision to grant a temporary license, noting that the Board should make those decisions. Acting Chair Reider agreed, and said he appreciated Mr. Hovland's attempts to be consistent and fair. He went on to say that many industries require licensing and most are not very lenient regarding expiration. Mr. Hovland said many contractors had commented that they don't think they could pass the test, and hadn't opened a code book in years. He expressed concerns about that and explained that they are encouraging contractors to keep current. Mr. Hovland said Staff will continue to follow the code and utilize the Board as they have been.

Ms. Gerber updated the Board on the status of last month's case. There was some discussion about how testing is scheduled.

● **ADJOURNMENT**

Acting Chair Reider adjourned the meeting at 1:43 p.m.

Minutes respectfully submitted by Gretchen Schiager.

Minutes approved by a vote of the Board on _____.

Russell Hovland, Chief Building Official

Alan Cram, Chair

STAFF

Russ Hovland, Chief Building Official

SUBJECT

RUCKER HILL APPEAL OF D-1 GC LICENSE DENIAL

EXECUTIVE SUMMARY

Summary:

In 2016, Rucker Hill requested a D-1 license to build new houses. The license application process revealed that Mr. Hill did not have the required 3 project verifications (3 new house builds) to approve the license and the license was denied. Mr. Hill did pass the required ICC general contractor C license exam, and the Chief Building Official (CBO) then approved a D-2 license, which allows residential additions/alterations. The CBO also approved a one-time permit for Mr. Hill to build a new house at 1804 W. Mountain.

The above project was completed and received a C.O. in 2017, but there were several failed inspections including several failed blower door tests.

Appeal:

Mr. Hill, the appellant, is requesting a temporary D-1 license so that he may build 2 new houses giving him the required 3 projects to achieve a permanent D-1 license. See supporting attachments/documentation.

The Board's jurisdiction for this appeal is Municipal Code Section 5-27(11) Section 113.1, which empowers this Board to hear and decide appeals of decisions by the building official relative to the application and interpretation of the Municipal Code and Section 15-158(a)(2) Application; review; issuance which relates to the contractor licensing requirements of the City of Fort Collins.

Staff recommendation:

Mr. Hill needs additional training and guidance on new house construction, and I recommend working under an approved licensed GC. That said, I recommend denial of D-1 license.

ATTACHMENTS

1. Appeal application.



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: RUCKER HILL d/b/a RUCKERHILL

Address: 2600 W. PROSPECT RD. FORT COLLINS, CO 80526

Phone #: _____ Mobile #: 970.716.6865

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): _____

REQUESTING A TEMPORARY D1 LICENSE, SO THAT WE (OUR COMPANY) MAY COMPLETE THE FINAL 2 COMPLETE NEW BUILDS REQUIRED FOR THE ISSUANCE OF THE FULL D1 LICENSE BY THE CITY OF FORT COLLINS.

- I CURRENTLY HOLD MY D2 LICENSE WITH THE CITY OF FORT COLLINS AND HAVE DONE SO FOR THE PAST 4 YEARS.

- WE (RUCKERHILL) CURRENTLY HAVE 3 NEW BUILD OPPORTUNITIES WE WOULD LIKE TO BEGIN. ALL ARE WITHIN THE CITY AND ESTIMATED TO BE COMPLETED IN THE NEXT 3 YEARS.

[Signature] Date May 30, 2018

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 1:00 pm

Reviewed by _____

Distribution: Original - Appellant, Copy - File

pd \$50.00 6-8-18