



Alan Cram, Chair
Tim Johnson, Vice Chair
Brad Massey
Katharine Penning
Eric Richards
Justin Robinson
Mark Teplitsky

Location:
This meeting will be held
remotely via Zoom

Staff Liaison:
Rich Anderson
Chief Building Official

AGENDA

January 28, 2021

9:00 AM

Pursuant to City Council Ordinance 079, 2020, a determination has been made by the Chair after consultation with the City staff liaison that conducting the hearing using remote technology would be prudent.

This remote Building Review Board meeting will be available online via Zoom or by phone. No one will be allowed to attend in person. The meeting will be available to join beginning at 8:30 a.m.. Participants should try to join at least 15 minutes prior to the 9:00 a.m. start time.

ONLINE PUBLIC PARTICIPATION:

You will need an internet connection on a laptop, computer, or smartphone, and may join the meeting through Zoom at <https://zoom.us/j/92080227997>. (Using earphones with a microphone will greatly improve your audio). Keep yourself on muted status.

For public comments, the Chair will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to comment.

PUBLIC PARTICIPATION BY PHONE:

Please dial [253-215-8782](tel:253-215-8782) and enter Webinar ID [920 8022 7997](tel:920-8022-7997). Keep yourself on muted status.

For public comments, when the Chair asks participants to click the "Raise Hand" button if they wish to speak, phone participants will need to hit *9 to do this. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address the Board. When you are called, hit *6 to unmute yourself.

Documents to Share: Any document or presentation a member of the public wishes to provide to the Board for its consideration must be emailed to gschiager@fcgov.com at least 24 hours before the meeting.

Provide Comments via Email: Individuals who are uncomfortable or unable to access the Zoom platform or participate by phone are encouraged to participate by emailing comments to gschiager@fcgov.com at least 24 hours prior to the meeting. If your comments are specific to any of the discussion items on the agenda, please indicate that in the subject line of your email. Staff will ensure your comments are provided to the Board.

January 21, 2021

TO: Rich Anderson, Chief Building Official, City of Fort Collins

RE: Request for a Building Review Board Hearing of Review

Dear Rich Anderson:

After reviewing the Fort Collins City Council's motion to approve the use of remote hearings for Appeals to the Hearing by the Building Board of Review. That due to the ongoing concerns with the COVID-19 pandemic that it is prudent to meet virtually rather than in person.

As the Chairman of the Fort Collins Building Review Board I request the above hearings to be held on January 28 2021 at 9:00 AM, to consider items relating to the Building Review Board and with the Fort Collins Building Department.

Sincerely,

Alan Cram
Fort Collins Building Review Board
Chairman

- **CALL TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW**
- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
- **INTRODUCTION OF NEW LEAD BUILDING INSPECTOR**
CBO Rich Anderson will introduce Marcus Coldiron to the Board.
- **DISCUSSION AGENDA**

1. MINUTES OF OCTOBER 29, 2020

The purpose of this item is to consider approval of the minutes from the October 29, 2020 regular meeting of the Building Review Board.

2. UDATES AND CHANGES TO CITY CODE CHAPTER 15 ARTICLE V CONTRACTOR LICENSING

CBO Rich Anderson is seeking the Board's support of the proposed process and timeline for updating the contractor licensing code.

3. CONTRACTOR MENTORSHIP PROGRAM

The City of Fort Collins Building Services Division is seeking approval to implement a Contractor Mentorship program.

4. ADOPTION OF THE 2021 INTERNATIONAL FAMILY OF CODES

The City of Fort Collins makes efforts to adopt the most current version of Building Codes within 12 months of being published. This item is to discuss and determine the timeline for review and adoption.

- **OTHER BUSINESS**
- **ADJOURNMENT**

AGENDA ITEM SUMMARY
Building Review Board

January 28, 2021

STAFF

Gretchen Schiager, Administrative Assistant

SUBJECT

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE OCTOBER 29, 2020 BRB MEETING

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the October 29, 2020 meeting of the Building Review Board.

ATTACHMENTS

1. BRB October 29, 2020 Minutes – DRAFT



Alan Cram, Chair
 Tim Johnson, Vice Chair
 Brad Massey
 Katharine Penning
 Eric Richards
 Justin Robinson
 Mark Teplitsky

Staff Liaison:
 Rich Anderson
 Chief Building Official

Meeting Minutes October 29, 2020

A regular meeting of the Building Review Board was held remotely on Thursday, October 29, 2020, at 9:00 a.m..

- **CALL TO ORDER**

Chair Cram called the meeting to order at 9:00 a.m.

Mr. Anderson read a statement regarding authorization and procedures for remote meetings.

- **ROLL CALL**

PRESENT: Cram, Johnson, Massey, Richards, Robinson
 ABSENT: Penning, Teplitsky
 STAFF: Anderson, Manno, Havelda, Schiager

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

None.

- **DISCUSSION AGENDA**

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SEPTEMBER 24, 2020 MEETING.

Mr. Richards moved to approve the minutes of the September 24, 2020 meeting. Mr. Massey seconded. The motion passed 5-0.

2. LUXURY HOMES OF NORTHERN COLORADO REQUEST FOR REINSTATEMENT OF LICENSE WITHOUT UPDATED TESTING

DESCRIPTION: The purpose of this item is to seek a determination from the Building Review Board as to whether or not reinstatement of the license and supervisor certificate for Luxury Homes of Northern Colorado and Matt Tschetter can move forward without receipt of updated testing covering the International Code Council (ICC) 2015 code year.

STAFF: Rich Anderson, Chief Building Official
Shar Manno, Administrative Services Manager

Staff Presentation

Mr. Anderson presented the staff report. He summarized the appellant's request, provided background information about Mr. Tschetter's license, and recommended the Board deny the applicant's request citing Municipal Code Chapter 15, Article V, Section 15-157(C).

Appellant Arguments

Mr. Tschetter identified himself and agreed to the remote format of the meeting. Mr. Tschetter spoke to the Board. He explained he had a change of address and did not notify the City, so did not receive notice of his license expiration.

Staff Response

Mr. Anderson clarified that it is the contractor's responsibility to keep a current address with the City and to renew his license when it expired, adding that the notifications are sent by the City as a courtesy.

Appellant Response

Mr. Tschetter acknowledged that it was his responsibility and explained the circumstances around the oversight.

Board Questions of Staff and Parties-in-Interest

Mr. Richards asked what testing was required of Mr. Tschetter. Mr. Anderson explained he would need to pass a test at least as recent as 2009. Ms. Manno stated she has not received a contractor license application, and she reviewed the requirements, including the recent testing.

Mr. Richards clarified that no testing would have been required if the license had been kept current. Mr. Tschetter stated he had attended code courses with the previous Chief Building Official (CBO). He stated he is more than capable of meeting the 2009 testing requirements. He requested leniency since he was only 20 days late renewing his application. He emphasized the experience he has had over the past few years in Timnath. Mr. Richards asked if the Appellant held any licenses in other municipalities. Mr. Tschetter stated he was only licensed in Timnath.

Mr. Anderson asked if Mr. Tschetter had a Fort Collins project lined up. Mr. Tschetter said he had a couple of basement finishes that may happen in the spring.

Mr. Anderson clarified that according to Code, the Board does not have the authority to waive the 60-day renewal requirement.

Mr. Robinson asked what kinds of homes the appellant builds. Mr. Tschetter stated he specializes in custom residential homes and noted he has built six million-dollar homes at Harmony Golf Club in Timnath. He said he is an advanced builder and has nearly reached his 100th home.

Mr. Robinson asked what Timnath's renewal requirements were. Mr. Tschetter stated Timnath has a simple process and he renews annually.

Mr. Robinson asked how the appellant adapts to the 2018 code and whether he relies on sub-contractors. Mr. Tschetter stated the fire safety was the biggest change, and he works closely with the inspectors and sub-contractors.

Mr. Anderson asked whether he is on site every day as the supervisor. Mr. Tschetter answered in the affirmative.

Chair Cram asked why Mr. Tschetter did not want to take the test. He said a lot of the information is irrelevant to his work. He stated his objection is based on principle since he's been building with Fort Collins for so long and is only 20 days past the grace period.

Ms. Manno specified which test is required and Mr. Anderson talked about the content of the required test. Mr. Johnson emphasized that they are open book tests. Mr. Anderson clarified that this test is all relevant content. Mr. Richards asked about the testing availability and format. Ms. Manno stated the Pearson VUE centers are open and there is one at CSU and one in Greeley. She said they can be scheduled online, and they are following Covid restrictions for their in-person testing.

Mr. Robinson asked about the fees for retesting. Mr. Johnson said he had recently taken the F-11 for \$150.

Motion

Chair closed the hearing and asked for a motion. Ms. Havelda offered to provide verbiage for a motion based on the preference of the Board.

Chair Cram moved to deny the applicant’s motion for a variance from Article 15-157 waiving the examination requirement. The Board finds that the adopted Code has significantly changed since the 1997 Code the applicant was tested on in 2004. The City adopted the 2015 version of the International Code on July 17, 2017. The Board finds that the request for variance does not meet the requirements of Article II Section 2-119.

Mr. Massey seconded the motion.

Board Discussion

Mr. Robinson commented that not everyone is good at test taking and that this has been a challenging time.

Mr. Johnson said while it was unfortunate that Mr. Tschetter missed the grace period for his license expiration, he did not believe the testing requirement is burdensome. Chair Cram agreed.

Mr. Richards also stated that requiring an open book test does not cause undue harm and burden.

Mr. Massey said unless there was another equivalent test, the Board can’t just waive the requirements of the code. He talked about the need for contractors to stay on top of their license renewals.

Mr. Robinson agreed with the comments of the other board members.

The motion passed 5-0.

3. PROPOSED 2021 WORK PLAN FOR THE BUILDING REVIEW BOARD

DESCRIPTION: All City of Fort Collins Boards & Commissions are required to submit a work plan for the coming year to the City Clerk’s office no later than November 30. The purpose of this item is adoption of the 2021 BRB Work Plan.

Chair Cram asked whether anyone had any questions or comments about the work plan. There were none.

Mr. Massey moved to approve the 2021 work plan as presented.

Mr. Richards seconded. The motion passed 5-0.

Mr. Johnson stated he would be leaving the meeting at this time due to a prior commitment.

● **OTHER BUSINESS**

Mr. Anderson updated the Board about the recent Council resolution allowing the Board to hear appeals remotely without being individually approved by Council.

● **ADJOURNMENT**

Chair Cram adjourned the meeting at 10:06 a.m.

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Minutes respectfully submitted by Gretchen Schiager.
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Minutes approved by a vote of the Board on January 28, 2021.

Rich Anderson, Chief Building Official

Alan Cram, Chair

STAFF

Rich Anderson, Chief Building Official

SUBJECT

UPDATES AND CHANGES TO CITY CODE CHAPTER 15 ARTICLE V CONTRACTOR LICENSING

EXECUTIVE SUMMARY

The City of Fort Collins Building Services Division would like to make updates to Chapter 15 Article V of the Municipal Code. These requirements were last updated and adopted in 2012. Staff is seeking alignment with the building code update schedule which takes place every three years. This will help to ensure we stay up to date with the Land Use Code, other process improvements, and other City Code requirements.

Another facet to these changes is alignment with neighboring jurisdictions. During discussions with our two neighboring communities, Larimer County and the City of Loveland, we all feel that a combined effort in updating contractor licensing would serve each of our communities' needs. We have formed a working group that includes all three communities and have begun the process toward alignment. We recognize that creating a program that allows reciprocity between our communities will add value to each of our programs.

Recommended timeline:

1. Staff review and recommendations to the Building Review Board due July 2021.
2. Staff to present to various City Boards and Commissions on proposed amendments and adoption between August and October 2021.
3. Staff to submit for Council review, approval, and adoption in October 2021, with an adoption date of January 1, 2022.

STAFF RECOMMENDATION

Staff recommends the approval of the coordinated effort to update Chapter 15 Article V, Contractor Licensing, and the timeline as discussed.

PROPOSED MOTION

I _____ move that the Building Review Board approve the code adoption process and timeline as discussed.

STAFF

Rich Anderson, Chief Building Official

SUBJECT

Contractor Mentorship Program

EXECUTIVE SUMMARY

The City of Fort Collins Building Services Division is seeking approval to implement a Contractor Mentorship program. We would like the Board's approval for the Building Official or their delegates to approve a mentorship without seeking the Building Review Board's approval. Empowering the Building Services Division to review, approve and monitor this program will add value to those we serve. It will allow for a contractor that has met all the requirements for a supervisor certificate other than the three required completed projects to have a licensed contractor mentor them to complete the required projects and obtain their supervisor certificate. If the Building Official or their delegates do not approve a person for the mentorship program, this decision is appealable to the Building Review Board in accordance with Article V section 5-27 (15) of city Code.

(15) SECTION 113, BOARD OF APPEALS

113.1 General. The Building Review Board (hereafter "Board") established in [Section 2-117](#) of the City Code is hereby empowered in accordance with the procedures set forth in this Section and as authorized under [Section 2-119](#) of the City Code to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this code; to determine the suitability of alternative materials or alternative methods of construction; and to grant permit extensions and reinstatements as prescribed by Section 105.5. The *building official* shall serve as the Secretary of the Board. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing.

113.2 Applications/Hearings. When a building *permit* applicant or a holder of a building *permit* desires relief from any decision of the *building official* related to the enforcement of this code, except as is otherwise limited in Section 113.4, such building *permit* applicant, building *permit* holder, or representative thereof may appeal the decision of the *building official* to the Board, stating that such decision by the *building official* was based on an erroneous interpretation of the building regulations or that an alternative design, alternative materials and/or the alternative methods of construction proposed by the appellant are equivalent to those prescribed by this code, considering structural strength, effectiveness, fire resistance, durability, safety and any other pertinent factors.

The Board shall hear and decide all appeals made to it and shall have the authority to rule in favor of the appellant when the Board determines that the interpretation of the building regulations of the City by the *building official* was erroneous, or when the Board determines an alternative design, alternative materials and/or the alternative methods proposed by the appellant are equivalent to those prescribed by this code, considering structural strength, effectiveness, fire resistance, durability, safety and any other pertinent factors. The Board shall require that sufficient evidence be submitted to substantiate any claims

made regarding the proposed alternative design, alternative materials and/or alternative methods of construction. A quorum of 4 members shall be necessary for any meeting of the Board.

113.3 Fees and Notification. Persons desiring to appeal to the Board any decision of the *building official* as provided in this Section shall, at the time of filing such appeal, pay to the City a filing fee in the amount of \$50. Written notice of hearings shall be given to the Appellant and, with respect to requests for exceptions or variances to Section 1101.1 of this code, to the secretary to the Commission on Disability, at least 4 days prior to the hearing by mailing the same to such party's last known address by regular U.S. mail.

113.4 Limitations. The Building Review Board shall have no authority with respect to any of the following functions:

1. The administration of this code except as expressly provided otherwise;
2. Waiving requirements of this code, except as provided in this Section;
3. Modifying the applicable provisions of, or granting variances to, this code, or approving the use of alternative designs, alternative materials and/or alternative methods of construction except as provided for in this Section and based upon a specific appeal from a determination or decision of the *building official* on an individual case basis; and
4. Modifying, interpreting, or ruling on the applicability or intent of the zoning and land use regulations or other laws of the City except as expressly empowered otherwise.

STAFF RECOMMENDATION

Staff recommends the Board approve the Building Official or their delegates to approve a mentorship without seeking the Building Review Board's approval.

PROPOSED MOTION

I _____ move that the Building Review Board approve the mentorship program as discussed.

ATTACHMENTS

1. General Contractor Mentorship Agreement



Planning, Development & Transportation Services

Community Development & Neighborhood Services
281 North College Avenue
Fort Collins, CO 80524
970.416.2740
fcgov.com

General Contractor Mentorship Agreement

On February 28th, 2019, the City of Fort Collins Building Review Board approved a variance, pursuant to City Code Section 15-156, for NAME (the "Builder") from the C-2 licensing requirements of City Code Section 15-159(7) to allow the Builder to build 4-plex, 4-unit R-2 apartment building (the "Project"). This agreement is meant to ensure the Builder and Project complies with the Board's order.

This is an agreement between the property owner, the Builder, and MENTOR NAME, the supervising C-1 licensed mentoring general contractor in good standing who has the correct license level to construct/supervise the Project (the "Mentor").

The Builder agrees to do the following related to the Project:

1. Be the acting general contractor and ultimately be responsible for the project including liability insurance and related general contractor requirements as specified in chapter 15 of City of Fort Collins municipal code.
2. Receive direct, personal and ongoing on-site construction supervision of the Project from the Mentor.
3. Be available to the City of Fort Collins Building Official, or his or her designee, to answer any questions about the Project, including the Mentor's involvement in the Project.
4. Submit a passing ICC license exam of the required level for this project within 12 months of signing of this agreement.

The Mentor agrees to do the following related to the Project:

1. Directly supervise the Builder and provide direct, personal and ongoing on-site construction supervision of the Project undertaken by the Builder.
2. Be available to the City of Fort Collins Building Official, or his or her designee, to answer questions about their involvement in the Project.

I/we, the undersigned, understand that failure to comply with any of the above may result in revocation of any permits associated with the above Permit Application number, forfeiture of any fees that have been collected, and a Stop Work Order for the Project, as well as any additional penalties and remedies allowed by City Code or law.

Approved by the City of Fort Collins,
Chief Building Official:

Owner

CBO

The Builder

Date

The Mentor

STAFF

Rich Anderson, Chief Building Official

SUBJECT

ADOPTION OF THE 2021 INTERNATIONAL FAMILY OF CODES

EXECUTIVE SUMMARY

The City of Fort Collins makes efforts to adopt the most current version of Building Codes within 12 months of being published. This item is to discuss and determine the timeline for review and adoption. We would also like to recommend that the Building Review Board support our efforts to create a working group with Larimer County, PFA and the City of Loveland to coordinate adoption efforts. In discussing this with these two neighboring communities, we all feel that a combined effort would streamline processes and allow for alignment in local amendments. This alignment would allow for similarities across our communities, providing those we serve with a consistent code to follow. We also understand that there may be certain local amendments were alignment is not possible. Therefore, we would recommend that the Code adoption committee would only include people that work in all three communities.

Recommended timeline:

1. Staff review and recommendations to the Code Adoption Committee due May 15, 2021.
2. Code Adoption Committee review and additional recommendations due August 15, 2021.
3. Staff to present to various City Boards and Commissions on proposed amendments and adoption between August and October 2021.
4. Staff to submit for Council review, approval, and adoption in October 2021, with an adoption date of January 1, 2022.

STAFF RECOMMENDATION

Staff recommends the approval of the coordinated code adoption efforts and the timeline discussed.

PROPOSED MOTION

I _____ move that the Building Review Board approve code adoption process and timeline as discussed.