

AGENDA ITEM SUMMARY

January 26, 2016

City Council

STAFF

Mike Gebo, Chief Building Official
Tom Leeson, Director, Comm Dev & Neighborhood Svcs

SUBJECT

Resolution 2016-009 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Building Review Board Decision Upholding the Chief Building Officer Determination Regarding the Coy Hoffman Silos.

EXECUTIVE SUMMARY

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Building Review Board (BRB) decision to uphold the Chief Building Official's declaration that the two historic farm silos located at 1041 Woodward Way are "dangerous structures" and not structures that pose an "imminent danger" (also referred to "imminent threat"). The appeal was heard by City Council on January 19, 2016.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On September 18, 2015, the Chief Building Official declared that the two historic silos on Woodward, Inc. property at 1041 Woodward Way were "dangerous structures," but not an "imminent danger."

On September 28, 2015, Woodward filed an appeal of the building official's declaration to the BRB, stating that the silos should have been declared an "imminent danger."

On October 29, 2015, the BRB heard Woodward's appeal. The BRB upheld the building official's declaration that the silos were "dangerous," but not an "imminent danger."

On November 12, 2015, Woodward appealed the BRB's decision to Council on the grounds that the BRB failed to properly interpret and apply relevant provisions of the City Code.

On January 19, 2016, City Council heard the appeal. Based on the evidence in the record and presented at the Council Hearing, and pursuant to City Code Section 2-55(f)(2), Council remanded the matter to the BRB for rehearing. On remand, the BRB will receive and consider evidence and analysis regarding the effects of natural conditions and events of a one in ten-year probability on one or both of the silos. Based upon the additional evidence and analysis, the BRB will consider whether one or both silos pose an imminent threat or danger as that term is defined in the International Property Maintenance Code.

RESOLUTION 2016-009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE BUILDING REVIEW BOARD DECISION UPHOLDING THE CHIEF
BUILDING OFFICER DETERMINATION REGARDING THE COY HOFFMAN SILOS

WHEREAS, on October 29, 2015, the Building Review Board (the “BRB”) upheld the Chief Building Official’s determination that the two Coy Hoffman silos (the “Silos”) are dangerous structures, but not imminently dangerous (the “Decision”); and

WHEREAS, on November 12, 2015, Woodward, Inc., the owner of the Silos, filed an appeal of the Decision; and

WHEREAS, the Notice of Appeal requested that City Council review whether the BRB properly interpreted and applied certain relevant portions of the Code of the City of Fort Collins (“City Code”) in rendering the Decision; and

WHEREAS, on January 19, 2016, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered the Appeal, reviewed the record on appeal and the applicable City Code provisions, and heard presentations from the appellant and other parties-in-interest (the “Council Hearing”); and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the Council Hearing that pursuant to City Code Section 2-55(f)(2), that further consideration of the effects of natural conditions and events on the silos is necessary for the proper application of that Code provision; and

WHEREAS, City Code Section 2-55(g) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-55(g) of the City Code, the City council hereby makes and adopts the following findings of fact and conclusions:

Section 1. That the grounds for appeal as stated in the Notice of Appeal conform to the requirements of City Code Section 2-48.

Section 2. That based on the evidence in the record and presented at the Council Hearing, the recitals set forth above are adopted as findings of fact.

Section 3. That based on the evidence in the record and presented at the Council Hearing, and pursuant to City Code Section 2-55(f)(2), the matter shall be remanded to the BRB for rehearing in order for the BRB to receive and consider evidence and analysis regarding the effects of natural conditions and events of a one in ten-year probability on one or both of the

silos to consider whether one or both poses an imminent threat or danger as that term is defined in the International Property Maintenance Code.

Section 4. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-55(g).

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 26th day of January, A.D. 2016.

Mayor

ATTEST:

City Clerk