



Alan Cram, Chair
Tim Johnson, Vice Chair
Shaun Moscrip
Eric Richards
Mark Teplitsky
Vacant Seat
Vacant Seat

This meeting was held remotely

Staff Liaison:
Marcus Coldiron
Chief Building Official

Meeting Minutes April 28, 2022

A regular meeting of the Building Review Commission was held on Thursday, April 28, 2022, at 9:00 a.m. via Zoom.

- **CALL TO ORDER**

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

- **ROLL CALL**

PRESENT: Cram, Johnson, Moscrip, Richards

ABSENT: Teplitsky

STAFF: Coldiron, Manno, Guin, Brennan, Potyondy

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

None.

- **DISCUSSION AGENDA**

[Timestamp: 9:01 a.m.]

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF THE FEBRUARY 28, 2022 MEETING.

Member Richards moved to approve the minutes of the February 28, 2022 meeting. Member Moscrip seconded. The motion passed 4-0.

2. LEGACY DESIGN AND CONSTRUCTION, INC - VARIANCE REQUEST TO COMPLETE WORK OUTSIDE OF CURRENTLY HELD LICENSE CLASSIFICATION

DESCRIPTION:

Mr. Mike Snyder of Legacy Design and Construction, Inc. is requesting a variance to his current license to complete work that falls outside of his license classification.

Disclosure of Conflicts

None.

Staff Presentation

Chair Cram outlined the order of procedure for the hearing.

Administrative Services Manager Sharlene Manno presented the staff report and outlined the variance request to complete work outside of a currently held license classification. She discussed the current license held by Mr. Mike Snyder of Legacy Design and Construction and noted a 30-day exception to complete a commercial general alteration located at 4825 Lemay Avenue for Council Tree Church was approved in October of 2020 by the then Chief Building Official, Rich Anderson. She outlined the project description. She stated Mr. Snyder requested a second license classification variation from Russ Hovland, then acting Chief Building Official, in January of 2022, and Mr. Hovland approved a 30-day license variance to complete a secondary restroom at the same address; however, the license variance request was expired prior to the issuance of building permits. Additionally, the electrician selected for the project had an expired master electrician registration as of March 2nd.

Manno stated staff is recommending approval of a 30-day temporary variance to Mr. Snyder's license and supervisor certificate based on the past project variance requested and approved.

Board Comments on Site Visit

There was no site visit completed.

Procedural Considerations

None.

Appellant and Parties-in-Interest in Support of Appeal Arguments

Mr. Snyder thanked the Commission for the opportunity to request a variance and agreed with Ms. Manno's comments. He discussed his experience remodeling the women's restroom at the church two years ago and stated the church as requested he now remodel the men's restroom, which will have fewer code-related issues than did the women's restroom.

Parties-in-Interest in Opposition to Appeal Arguments

None.

Appellant Rebuttal

Mr. Snyder stated part of his frustration with this process is due to an email from Mr. Hovland stating the 30-day variance would start when the permit was issued. He stated there seemed to be some type of logistical issue given the fact the variance expired prior to the permit being issued.

Opponent Rebuttal

None.

Board Questions of Staff and Parties-in-Interest

Assistant City Attorney Aaron Guin reminded the Commission of the standards and what it must find to grant the variance.

Member Richards asked if the Chief Building Official must follow the same standards as outlined by City Attorney Guin. Chief Building Official Coldiron replied the CBO does not have the authority to grant a variance when it comes to licensing requests and the previous granting of those requests were not in accordance with the Code as adopted. However, given there were no issues with his previous work at the address and there were prior variances approved, staff is recommending approval given the scope of work is the same. He added he does not believe in variance requests for licensing as it devalues licensing requirements and the individuals who have done the work to procure the proper licensing.

Member Moscrip asked if the plumbing or sewers are being moved for the remaining toilet and urinal. Mr. Snyder replied neither of the drain assemblies are moving; however, they are going from two sink surfaces to one therefore one will be capped at the wall.

Member Richards asked if the higher license classification is required because the church is considered a commercial space. Manno replied Mr. Snyder's current level of testing covers residential only and his current level of experience with commercial projects is not enough to push him to a commercial licensing level.

Member Richards asked Mr. Snyder if he has successfully completed any other commercial projects in other jurisdictions. Mr. Snyder replied he was a building in Laramie and during that time remodeled a second-floor office building into a dental office, remodeled another dental office and other businesses, and has built, from scratch 20-25 homes.

Member Richards asked Mr. Snyder if he plans to seek a commercial license in Fort Collins. Mr. Snyder replied in the negative stating he prefers to work on custom residential homes.

Mr. Snyder requested this variance, if approved, not take effect until the purchase of the permit. Manno stated the Commission could guide staff to do that. She noted the permit is currently still being routed for review.

Motion

Chair Cram made a motion, based on Staff's report, analysis, and recommendation, and the evidence and testimony presented today, to approve the applicant's request for a variance from the licensing standards in this Appeal in accordance with Section 15-156 of the City Code finding that:

- ***The applicant has satisfactorily demonstrated that the applicant has prior experience not specifically listed in our Contractor Licensing section of the City Code, as evidenced by his prior project verifications that would qualify the applicant to perform construction authorized under the license or certificate sought in a competent manner, that the 30-day extension and permit would coincide from a timing perspective, the applicant has demonstrated that, if the variance were granted, there would not be substantial detriment to the public good and would not substantially impair the intent and purpose of this section of the City Code.***

Member Richards seconded the motion.

The motion passed 4-0.

[Timestamp: 9:36 a.m.]

3. STAFF PRESENTATION - GRAY WATER ORDINANCE

DESCRIPTION:

The purpose of this item is to inform the Building Review Commission on the development of a proposed graywater ordinance and request a recommendation to the City Council on this policy direction. Development of a graywater ordinance is a Council Priority for 2021-2023. Staff presented information to the Council at a November 23, 2021, work session. Council directed staff to develop a draft ordinance that meets the State's Water Quality Regulation 86 (graywater standards) and is in accordance with local water rights.

Staff Report

Water Conservation Specialist Mariel Miller presented the staff report and requested the Commission provide input as to whether it supports the development of a graywater ordinance. She stated staff has been working to develop such an ordinance to meet an identified Council priority and to align with the state's water quality regulation 86. She outlined the definition of graywater and discussed its sources and allowed reuses, subsurface irrigation and toilet flushing, in Colorado. She stated the Fort Collins enabling ordinance is similar in sources; however, it would not allow graywater to be used for landscaping or irrigation due to Fort Collins' water rights, just for toilet flushing. She noted staff is in discussions with the other water districts that serve the Fort Collins growth management regarding the use of graywater and is working with Building Services to develop the program administration.

Miller outlined the treatment requirements for utilizing graywater for toilet flushing and stated it will most likely be used for new construction rather than retrofits and the ordinance would not require the use of graywater, just allow it as an option. She outlined the public outreach noting there will be citizen meetings in June and the ordinance is scheduled to go before Council on August 16th.

Board Questions and Discussion

Member Moscrip asked if this would affect tap sizes on buildings. He commented in support of an enabling ordinance. Chief Building Official Coldiron replied this would not directly affect tap sizes as the water going to the building is being reused and backup potable water is also required to be brought to the toilet in the event the graywater system fails or needs maintenance.

Vice Chair Johnson concurred with Member Moscrip's support and verified this is an option, not a requirement. Miller replied in the affirmative.

Vice Chair Johnson asked how the tank requirement changes for a multi-family building given the single-family requirement is 50 gallons. Miller replied she would do some research on that question.

Vice Chair Johnson asked about the projected \$4,500 cost for a single-family house. Miller replied that is the estimate; however, there are few examples of certified tanks that have been installed in Colorado.

Vice Chair Johnson requested staff be sensitive to not creating a local Code amendment that does not align with state requirements. Miller noted the City is restricted to what the state will allow and if changes are made at the state level, the City's ordinance would need to be updated to align with those.

Member Richards supported graywater use and asked if it would be possible for a future change to use graywater for irrigation. Assistant City Attorney Eric Potyondy replied the most restrictive terms on the City's water portfolio come from the use of Colorado Big Thompson water, and those rules are set by Northern Water which only allow graywater to be used for toilet flushing. He stated it is unlikely they would loosen those restrictions as their position is based on their interpretation of contracts with the federal government.

Member Richards asked if City Utilities might offer subsidies or financial incentives for participation. Miller replied that would not be included in the current process of creating the ordinance, but could be considered in the future. She also noted there is the potential for some grant funding from the state to create a pilot rebate program. Additionally, this is being considered as an item that could be added to the list of points for Metro Districts.

Chair Cram asked if there are negative impacts to pets who make drink this treated water out of toilets and asked how items being left in pockets during laundry, such as medication, will be addressed. Miller replied there are likely best practices that need to be implemented by those who have graywater systems to keep pets from drinking the treated water; however, she noted there are reasons a certain level of disinfection and treatment is required before the water is used in toilets.

Chair Cram asked what could happen if someone moves into a home, does not want the graywater system and therefore stops maintaining it. Miller replied staff is working on a system to verify maintenance is occurring on an ongoing basis. Additionally, she noted a backup system is required to ensure there is a system in place if the graywater system is not working.

Board Deliberation

Vice Chair Johnson made a motion that the Building Review Commission recommend the City Council approve an enabling ordinance for graywater that will be developed in accordance with the state standards as outlined in regulation 86 and local water rights.

Member Richards seconded the motion.

The motion passed 4-0.

[Timestamp: 10:06 a.m.]

- **OTHER BUSINESS**

- Discussion of Appeal Hearing Rules and Procedures

Assistant City Attorney Aaron Guin stated there is an upcoming item that is an appeal related to a decision regarding the Fire Code. He outlined some of the key provisions of the current Fire Code and reminded the members they must only contact him with questions as the Commission is quasi-judicial. He noted the Building Review Commission is de facto the Fire Board of Appeals and the Fire Chief will be an ex officio member of the Board to hear the appeal, though the Chief will not have a vote.

Guin reminded the members that any decision they make must be supported by sufficient evidence. He discussed the requirement of the Commission to adopt rules of procedure prior to the hearing and stated those should be simple but must be formalized.

Vice Chair Johnson expressed concern three of the members may have conflicts given their work in the field and a resulting possible lack of quorum. Guin replied any issues with conflicts will be addressed after the item is announced.

Member Richards asked what would occur if there was a tie vote. Guin replied he would look into that issue.

● **ADJOURNMENT**

Chair Cram adjourned the meeting at 10:29 a.m.

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Minutes prepared by TriPoint Data and respectfully submitted by Aubrie Brennan.
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DocuSigned by:
Minutes approved by a vote of the Commission on
Marcus Coldiron
B42DD1DOC131477...

May 26, 2022

DocuSigned by:
Alan Cram
EB303DAD55FB4C5...

Marcus Coldiron, Chief Building Official

Alan Cram, Chair