

Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 117



Huerfano County Building Authority Board (HCBA)

Staff Report

Complaint: Received information that the landowners (Cindy and Dave Driscoll) were living in a dwelling that had no Certificate of Occupancy.

A Code Violation letter, ZV 24-024, was sent to the landowners Certified Mail with Return Receipt. The landowners then responded by the time frame set in the Code Violation Letter. An inspection of the property was conducted on March 13, 2024, by both Ryan and Cheri.

Huerfano County Building Regulations:

Section 6.03 Certificates of Occupancy

.01 No building constructed after April 1, 2000 shall be used for human occupancy without the issuance of a Certificate of Occupancy by the Building Official.

.02 Such Certificate of Occupancy shall be issued within ten (10) working days of the time of notification to the Building Official that the structure, building or land improvements are completed and the structure(s) ready for occupancy, provided that the structure, building or land improvements meet the requirements of Section 6.05, Adequate Water, Sewage Disposal System Requirements for Building Permits and Certificates of Occupancy.

.03 Certificates of Occupancy shall be issued only for buildings or other structures that comply with all the provisions of these Regulations and with all building, plumbing, mechanical, fire and other codes currently adopted.

.04 Buildings and other structures failing to meet these requirements shall be denied a Certificate of Occupancy.

.05 A copy of all Certificates of Occupancy shall be filed in the office of the Building Official and shall be available for examination by the public.

Section 7.03 Reports and records.

.01 The Building Official shall keep complete records of all licenses, permits, inspections, re-inspections, fees and other monies collected and other official actions performed under the Policy.

.02 The County Building Official or the County Building Official's duly authorized representative shall act as secretary to the Authority and Board of Review and keep an accurate and permanent record of all proceedings before the Authority and Boards of Review.

Section 7.04 Owner obtained permits.

.01 The record owner of a single-family dwelling or manufactured home, including the usual accessory buildings and quarters used exclusively for living purposes, may perform construction work on such dwelling or manufactured home without a license provided the dwelling or manufactured home upon which the work is to be performed will be occupied by the owner as the owner's principal place of residence, and a permit is issued for such work.

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.02 No building permit shall be issued to an owner to construct a new single-family dwelling or manufactured home more often than once every thirty-six (36) months after the date of the Certificate of Occupancy.

Section 9.02 Building Inspection Fees

.01 Fees for Building Inspections and re-inspections will be set by resolution of the jurisdiction.

Section 9.05 Addressing and Certificates of Occupancy

.01 The fee for the first assignment of a new address is \$150.00.

.02 The fee for address verification or change is \$50.00 for each occurrence.

.03 The fee for issuing a Certificate of Occupancy is \$150.00.

Key Considerations:

- The house was permitted in 2013 (BP 13-030) which was under the 2006 I.R.C. Building Codes at that time.
- There are no records of inspections being done since October 2013.
- There has been several changes in staff in the last 11 years.
- The barn is 40x80 (enclosed) with 2-12x80 (connected lean to) is an unpermitted building that was added after the dwelling was started and after the hanger was completed.
- The residence needs a CO and the barn needs a COC to be in compliance.

Staff Thoughts/Comments:

-In order to bring the dwelling up to compliance building permit fees need to be caught up to date and any other fees according to the Building Code will need to be addressed.

-In order to bring the barn into compliance a building permit application will need to be pulled and paid for with penalty.

HCBA Meeting March 21, 2024

The Board unanimously agreed that the Driscoll's should be able to get their Certificate of Occupancy for their permitted residence, without any monetary penalty. As for the unpermitted barn; the Board unanimously agreed that both the building permit fee should be paid along with the penalty of double the permit fee.

Currently:

The Driscoll's have obtained their Certificate of Occupancy for their Residence and they have paid the Building Permit Fee for the barn as well as the extra fee for not having a Building Permit to start.