

**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

What's the Complication: Building Permit holder was Douglas Sysol Permits number 14-115, 15-145, and 17-039. Building Permit Holder has passed away and new owners William and Carolyn Tanner now are the new owners of the property. When researching this permit no inspections of any kind are on file that can be found.

Currently: The new property owners are wanting to take over this endeavor of this single family dwelling and fix any existing problems and move forward. The original owner Sysol pulled the first permit in 2014 then the second in 2015, another one in 2017, and Terry Sandoval allowed a renewal in 2021.

Huerfano County Building Regulations:

R101.3 Purpose.

The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health and general welfare through affordability, structural strength, means of egress, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

R102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

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R102.7 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the [International Property Maintenance Code](#) or the [International Fire Code](#), or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

R104.4 Inspections.

The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

R104.7 Department records.

The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability.

The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R104.10 Modifications.

Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, provided the *building official* shall first find that special individual reason makes the strict letter of this

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code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.11.1 Tests.

Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

R105.1 Required.

Any *owner* or *owner's* authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

R105.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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R105.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code or of any other ordinance of the *jurisdiction*. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this *jurisdiction*.

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R105.5 Expiration.

Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R109.1 Types of inspections.

For on-site construction, from time to time the *building official*, upon notification from the *permit* holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the *permit* holder or his or her agent wherein the same fails to comply with this code.

R109.1.1 Foundation inspection.

Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

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R109.1.4 Frame and masonry inspection.

Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

R109.1.5 Other inspections.

In addition to inspections in [Sections R109.1.1](#) through [R109.1.4](#), the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

R109.3 Inspection requests.

It shall be the duty of the *permit* holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the *person* requesting any inspections required by this code to provide access to and means for inspection of such work.

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R109.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit* holder or an agent of the *permit* holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

Key Considerations:

- The previous permit holder had no inspections that the Building Department can find on record.
- The previous permit holder is no longer available for questions.
- The new permit holder will need guidance on how to proceed.

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Staff Thoughts/Comments:

- An onsite inspection to be conducted by the Huerfano County Building Inspector to determine the process of the build as well as the integrity of the structure, which may/may not have the need for a Colorado Licensed Engineer to look at the integrity of the foundation.
- The original permit would have fallen under the 2009 ICC Building Codes. We are currently under the 2021 Building Codes. After some discussion we would like to have it meet in the middle and at least come into the 2015 Building Codes.
- Would recommend that the new owners take over the existing Building Permit 17-039 and pay the \$150.00 to bring the Building Permit current. (\$50.00 a year for renewal x 3 years.)

Please see the attachments.