

MEETING DATE: Thursday September 04, 2008
MEETING TIME: 2:00 pm
MEETING LOCATION: City Council Chambers, 125 East 3rd Street, Salida, CO

Present: Planner MacDonald, Planning Tech Jefferson, Easterly, Hardwick, Lay,
LeBaron, Tucker, Building Official Paradise
Absent: None

AGENDA SECTION:

I. CALL TO ORDER BY CHAIRPERSON

Hardwick called the meeting to order at 2:00 pm

II. APPROVAL OF THE MINUTES

Not Applicable

II. UNSCHEDULED CITIZENS

None

III. AMENDMENT(S) TO AGENDA

None

V. HEARINGS

1. 536 E. First Street, Units J, K, L, M, N and O, Appeal Application.

- **Open Hearing.** Hardwick opened the hearing on the application.
- **Staff Review of Application.** No review was provided.
- **Applicant's Presentation. Greg Powell, 417 East Third Street of Powell & Murphy P.C. is representing the applicant, David Schultz.** The applicant is appealing requirements of the Building Official to classify the three-unit buildings at the Log Cabins as R-2 occupancy under the International Building Code.

Powell stated that in the IRC (International Residential Code) section 317 and 902 the residential classification of the triplexes should be townhouses and should be designated from the IRC and not the IBC.

Powell stated that section 310 of the IBC has to do with R groupings which include boarding houses, hotels, motels, apartments, etc. and the Schultz's project does not fall into any of the categories.

The developer of this project, David Schultz, was told by the previous Building Official that he would be able to build the townhouses without a fire suppression system as long as they were built with 2-hour fire separation.

Schultz stated that because the previous Building Official told him that he didn't need to sprinker the units he has already tapped the main for the whole project and doesn't want to have to make another tap.

Building Official, Bill Paradise explained that at the beginning of the year new codes were adopted. In the 101 section of the IRC, which Mr. Powell referenced is related to one and two family dwellings and townhouses. The definition of townhouses changed from more than two dwelling units to just one and two dwellings. The definition also states that a townhouse unit is open on two sides from the foundation to the roof. Two of the three units in this project do not meet that definition. Everything in the "R group" of the IBC is required to have a fire suppression system. If all three units in the triplexes were built foundation to roof we would follow the requirements of the IRC.

The building code, section 903.2.7 requires sprinklers for "group R" buildings, no exceptions. **Tucker** asked if the sprinkler system had to be throughout the whole house or just along the fire wall. **Paradise** stated that the whole building had to be sprinklered. **LeBaron** asked if each unit has to have a separate sprinkler system or can the developer purchase one fire suppression tap for each triplex. **Paradise** said that the Fire Chief would have to answer that question because that is a fire code issue.

Paradise stated that he has to follow the building code as it was adopted.

- **Public Input.**
- **Close Hearing.**
- **Board Discussion.** The Commission discussed the subject property and asked a number of questions. **Tucker** stated that he understands how Mr. Powell interprets the language of the code but the Building Official makes the final determination of the code and the County is responsible for their assessment. **Tucker** said that the interpretation is up to the Building Official and when the IRC and IBC were adopted into the code, the first couple of statements of the adoption code talks about the minimum building requirements and that the Building Official has to assess property.

Lay stated that he has concerns with public safety and having the garages inside the living areas. **Lay** said that he agrees with the Building Official's R rating of the structures and that each unit should have a sprinkler system. **Lay** said that in other counties like Gunnison and Crested Butte they require sprinkler systems in everything including single-family and two-family units.

LeBaron stated that he has the same safety concerns and also agrees that the units should all have sprinkler systems

Easterly said that the definition is clear and since the all of the units are not being built foundation to roof and the Building Official is correct with the R rating and all of the units should have sprinkler systems.

Tucker said that he agrees with the Building Official's interpretation of the code and presented the case well. **Hardwick** said that he also agrees that the fire suppression system should be installed according to the Building Official.

- **Board Action.** **Lay** made a motion to deny both appeals and **Easterly** seconded the motion to deny both appeals based on the on the following:

The Building Official's rating of R for both of the structures is correct because one (1) unit in each structure is not built foundation to roof. The code is very clear and it is not a question of interpretation.

All were in favor, the motion carried.

VI. NEW BUSINESS

VII. UNFINISHED BUSINESS

None

VIII. BOARDS COMMENTS

None

IX. ADJOURN

The Board adjourned at 2:55 p.m.