

# RECORD OF PROCEEDINGS

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## **Meeting Minutes of the Estes Valley Fire Protection District Fire Code Board of Appeals November 22, 2011 10:00 a.m.**

**Dannels Fire Station, 901 N. St. Vrain Ave., Estes Park, CO 80517**

**Board:** Chairperson Frank Theis, Vice-Chairperson Jack Rumley, Bob Cheney

**Staff:** Fire Marshal Tim Spears, Secretary Bowser

**Also Attending:** Joe Coop, Van Horn Engineering; Lonnie Sheldon, Van Horn Engineering

**Absent:** None

The following minutes reflect the order of the agenda and not necessarily the chronological sequence of the meeting.

**Chairperson Theis called the Board of Appeals proceedings to order at 10:00 a.m.**

**Chairperson Theis led the Pledge of Allegiance**

**Secretary Bowser performed roll call- All present**

### **APPROVAL OF AGENDA**

Moved by Bob Cheney, seconded by Jack Rumley to approve agenda as written. Motion carried unanimously.

### **APPROVAL OF MINUTES**

No previous Fire Code Board of Appeals meeting minutes.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

Stonegate Townhome Development on Fall River, Tract 59A, Amended Plat of Tracts 59, 61, 62 & 63, Fall River Addition to the Town of Estes Park, County of Larimer, Colorado.

Owner: Steve Caldwell- Stonegate Homes, Inc.

Applicant: Van Horn Engineering and Surveying

Request: To decrease the width requirements of the fire department access road and decrease the load requirement of the access bridge as established in the 2009 International Fire Code and adopted Appendix Chapters.

Exhibit copies provided to both Appeals Board and Appellants as listed below:

Exhibit A: Stonegate Townhomes preliminary design/development site plan

Exhibit A-1: Van Horn letter dated 11/3/2011

Exhibit B: Van Horn letter dated 10/19/2011

Exhibit C: Fire Marshal Spears e-mail to Van Horn dated 10/20/2011

Exhibit 1: E-mail correspondence from Van Horn dated 10/21/2011

Exhibit 2: Resolution 2011-01 Section I

Exhibit 3: NFPA Official Definitions page

Exhibit 4: Town of Estes Park Development Code Section 1.8.A

Exhibit 5: International Fire Code Chapter 1- Scope and Administration

Exhibit 6: IFC Fire service features: Section 502.1, 503.2

Exhibit 7: IFC Appendix D Fire access roads: D102, D103, D105

### **STAFF COMMENT**

Fire Marshal Spears began with an opening statement, explaining he had received Van Horn's request to modify the fire code requirements by decreasing the weight capacity of the bridge from 75,000 lbs to 50,000 lbs. and to decrease the width requirements from 26 feet to 20 feet. Fire Marshal Spears reviewed Section D102.1 and 503.2.1 regarding the minimum requirements for fire department access as well as Exhibits 1- 7 as listed above. He then explained that Section 108.2 of the 2009 IFC requires the application for appeal to be based on the claim that the intent of the code or the rules have been incorrectly interpreted, the provisions of the code do not fully apply, or an equivalent method of protection or safety is required to be proposed. Spears stated the information provided by Van Horn Engineering failed to show the requirements were interpreted incorrectly, the provision of the fire code do not fully apply, nor did they propose an equivalent method of protection or safety.

### **PUBLIC COMMENT**

Van Horn Engineering expressed concerns regarding the restrictions in effect as related to the adoption of the 2009 International Fire Code, including Appendix D. They reviewed the site and access to the

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proposed Stonegate Townhome Development including, but not limited to: building sizes and possible final height of buildings, fire hydrant locations, bridge construction and other jurisdiction requirements. Van Horn Engineering explained that the fire code restrictions in place would prohibit the development as it would be cost prohibitive and requested that the Board of Appeals make a concession by allowing a reduction in requirements for fire department access. Van Horn Engineering also recommended to the Board of Appeals that the Estes Valley Fire Protection District completely remove Appendix D from the code requirements.

### BOARD COMMENT

Board of Appeals members reviewed all exhibits including the development site plan and submittals provided by Van Horn Engineering and Fire Marshal Spears. Chairperson Theis asked Van Horn Engineering if they could provide equivalent methods of protection or safety. Van Horn Engineering declined, stated they were requesting a reduction in the requirements with no alternatives to be provided. Board members discussed bridge requirements, access requirements, aerial apparatus weight and capabilities of traversing a bridge. Vice-Chairperson Rumley confirmed the smallest aerial apparatus responding to a structure fire with that proposed building height would require bridge access meeting the minimum fire access codes. Chairperson Theis stated the EVFPD adopted Appendix D under Resolution 2011-01 and the Board of Appeals cannot waive an appendix when a designer or developer is not satisfied with fire code requirements.

Chairperson Theis closed the hearing at 11:00 am and the Board of Appeals conducted its deliberations. Board members discussed they do not have the authority to waive the provisions of the fire code and either the designer or developer/owner would need to present an equivalent method of protection or safety for the Board to be able to review. Vice-Chairperson Rumley stated the EVFPD Board of Directors provided ample opportunities for the public to provide input at numerous hearings before the District adopted the 2009 International Fire Code.

Moved by Jack Rumley, seconded by Bob Cheney to uphold the decision of the Fire Marshal in regards to fire department access; as listed under the 2009 International Fire Code, Chapter 5 and Appendix D. The Board of Appeals cannot waive the provisions of the fire code (Section 108.2 of the 2009 IFC); rather it can only hear matters pertaining to the applicability of the provisions of the fire code, interpretations of the fire code by employees of the fire district, and equivalent methods of protection or safety proposed by the appellant. Motion carried by majority, Vice President Theis abstained from vote, explained due to conflict of interest.

Board of Appeals directed Secretary Bowser to provide the decision in writing to Van Horn Engineering no later than 5 business days from date of hearing.

### OTHER BUSINESS

None

Meeting adjourned at 11:08 a.m.

  
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Connie Bowser, Recording Secretary