AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Code Enforcement; Permission to Seek Legal Action;

Action Requested: Motion BOCC authorization for the

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Requesting authorization for the County Attorney to take all necessary enforcement action as it relates to a building code violation

Fiscal Impact:

Submitted by: Crystal Lambert **Submitter's Email Address:** clambert@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 9/11/15

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/11/2015 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\khaase Discharge Date: 9/11/2015

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10 minutes

Agenda Date: 9/15/2015

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

To: Board of County Commissioners

From: Gunnison County Enforcement Team and Russ Forrest, Community Development Director

Date: September 15, 2015

Re: Requesting authorization for the County Attorney to take all necessary enforcement action, including litigation, as described in Article 16 of the Land Use Resolution, Article 16 of the On-site Wastewater Treatment System Regulations, and the 2009 International Building Code as it relates to James Salter and his property, legally described as Lots 1-3, 16-18, Block 7 & adj. Alley Irwin (AKA Parcel 33 Stratman Replat of Irwin), for a structure erected without a building permit.

On July 9, 2015, the Community Development Department received a complaint from a neighboring property owner that Mr. Salter was accessing his property through their property without permission and building a residence. The complaint included concern about lack of sanitation and a building permit. Marlene Crosby, Public Works Director, visited the Townsite of Irwin and took photos of the unpermitted structure and documented disturbance caused by the illegal access. The Community Development Department issued a Stop Work Order and Notice of Violation on July 20, 2015 and gave Mr. Salter a deadline of August 24, 2015 to either remove the structure or submit the requested documentation to pursue building and septic permits.

On August 9, 2015, the complaint provider and a representative of the Irwin Community Association inquired about the status of enforcement for Mr. Salter. In response, the Community Development Department provided a copy of the Stop Work Order and Notice of Violation and explained that Mr. Salter was given a deadline of August 24, 2015 to comply with the violation order.

The August 24, 2015 deadline passed without any contact from Mr. Salter.

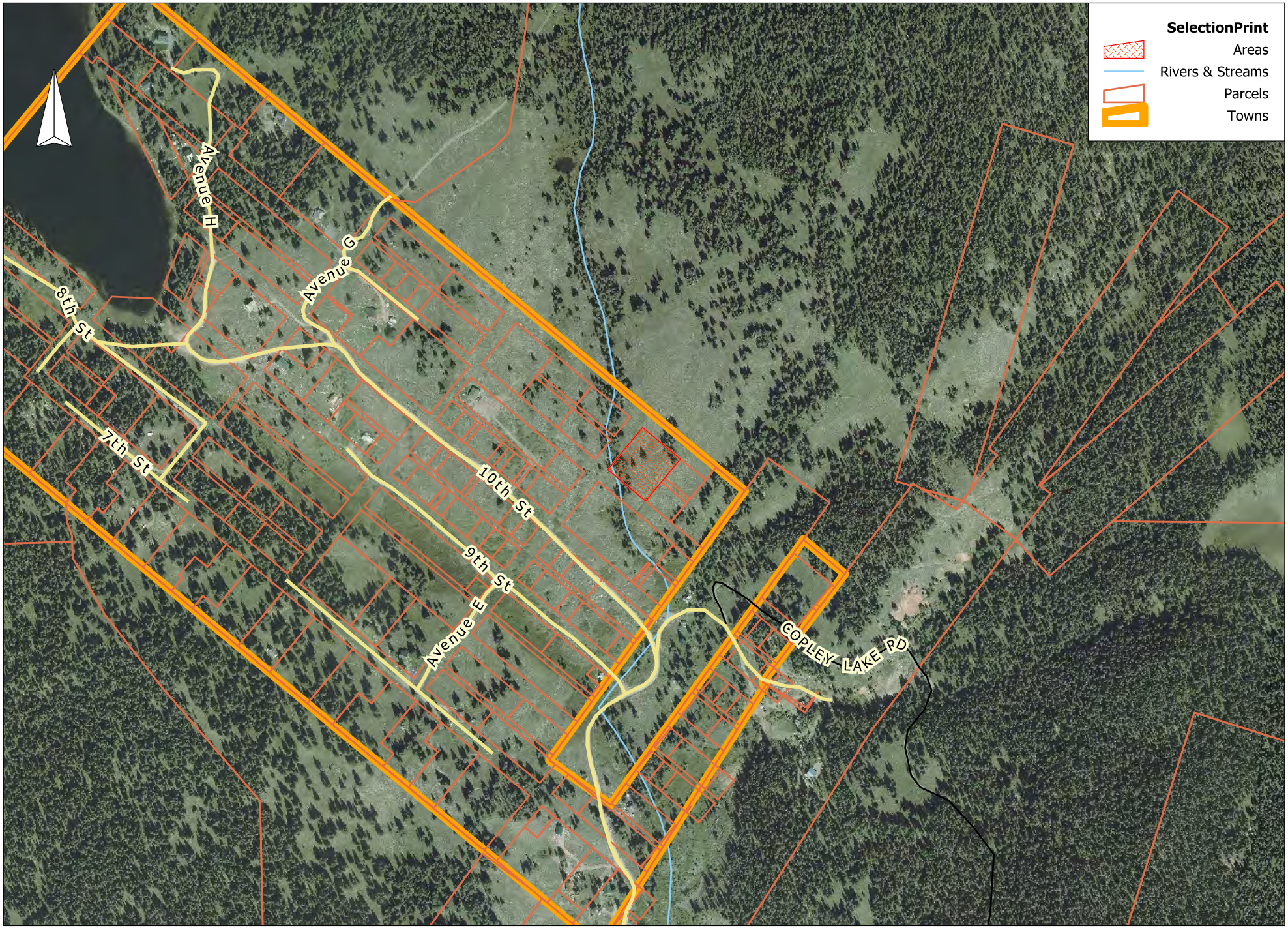
On August 28, 2015, Mr. Salter came to the Community Development Department and spoke with staff. Mr. Salter explained that the structure is his residence and that he plans to live in it year round. Staff went through each item that was requested in the Stop Work Order/Notice of Violation (items needed for a building permit, including septic).

On August 31, 2015, Community Development Department staff observed that Mr. Salter's structure had not been removed and there was no apparent activity to remove the structure.

On September 2, 2015, Mr. Salter provided the Community Development Department with a statement that he is no longer residing in the structure.

On September 8, 2015, the Community Development Department received an email from Mr. Salter requesting that he be allowed to keep the structure as a storage shed without a building permit even though it exceeds the 120 square foot threshold for being exempt from a building permit and is more than 30 inches above adjacent grade, which also triggers building permit requirements. The structure is also heated with a wood stove which requires a building permit for installation and energy conservation measures, such as insulation.

Mr. Salter is currently working with Public Works to obtain legal access to his parcel. Verbal communications with Mr. Salter have disclosed that he does not intend to take the structure down. The Community Development Department has not received any of the items requested in the Stop Work Order/Notice of Violation.



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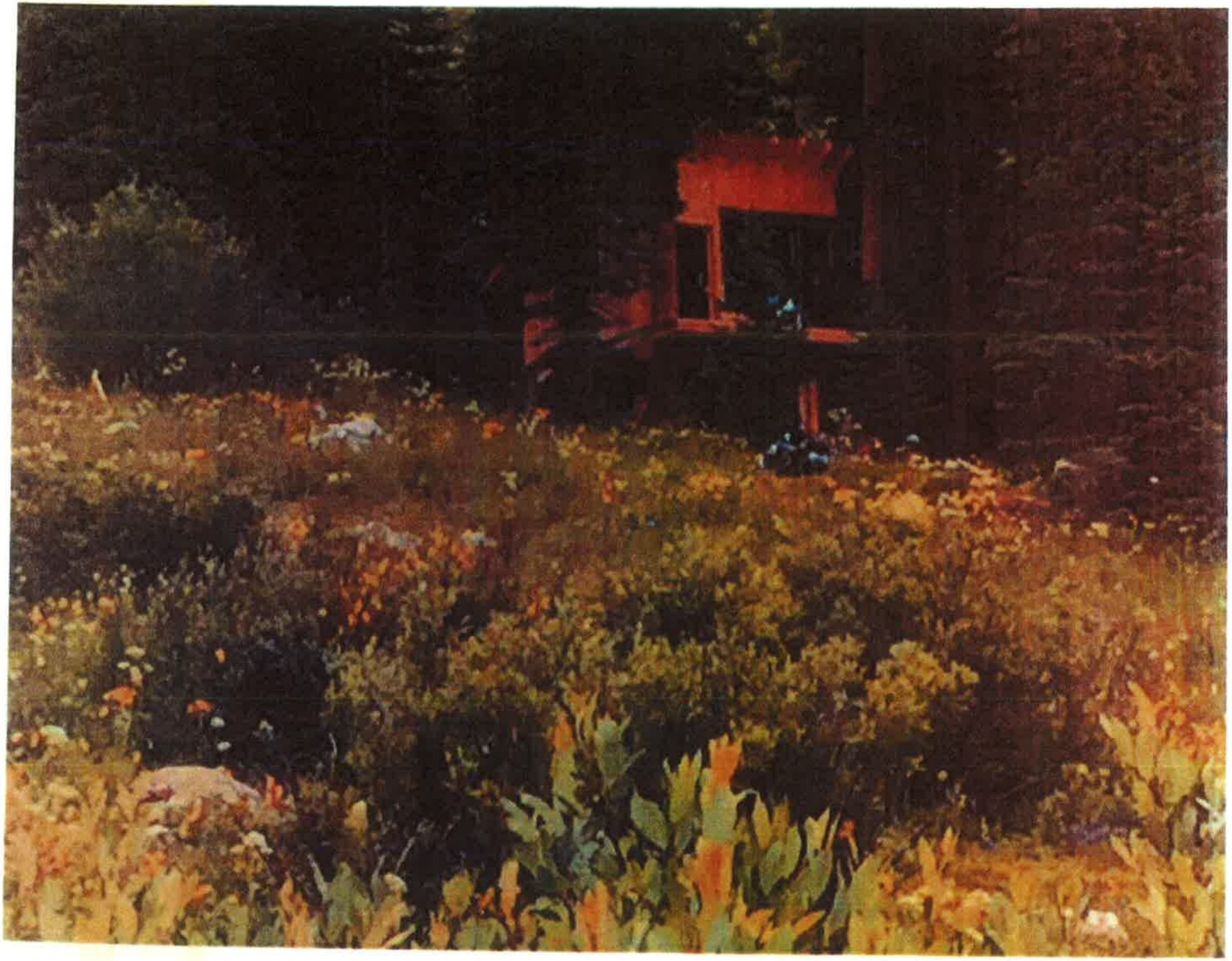
Wednesday, September 09, 2015