



BOARD OF APPEALS (BOARD OF REVIEW - BUILDING DEPARTMENT)

BOARD OF REVIEW MEETING AGENDA THURSDAY, MARCH 3, 2022 – 9:00 AM

MEETING INFORMATION - This meeting will be held online due to the COVID-19 virus. To join the meeting: <https://zoom.us/join>, Meeting ID: 814 7820 9768, Password: 439935; Audio only: Dial 17207072699 or 1-253-215-8782 (long-distance rates may apply).

- 1. 9:00 A.M. Site Visit**
- 2. 10:00 A.M PUBLIC HEARING: APPEAL ON BUILDING OFFICIAL DECISION**

Public Hearing to consider an appeal for a Building Code Decision submitted by Wendy Stevens, 35 Pilot Knob Lane #305.

[35 Pilot Knob Ln UNIT 503 - EERO Required.pdf](#)

[Board of Appeals \(1\).pdf](#)

[EmailHistory.pdf](#)

[2012 IBC Section 1029 Code and Commentary.pdf](#)

- 3. APPROVAL OF MINUTES, BUILDING DEPARTMENT AND BOARD OF REVIEW COMMENTS**

Approval of the February 24, 2022 minutes

Recommended Motion: Move to approve as presented /or amended

[BOR.2.24.22.minutes.draft EDIE NH.docx](#)

- 4. ADJOURN**

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. This meeting is considered a San Miguel County Committee Meeting.

If special accommodations are necessary per ADA, contact 970-728-3844, via email bocc@sanmiguelcountyco.gov prior to the meeting.

The official, designate posting place for all meeting notices will be online at <https://www.sanmiguelcountyco.gov/liveagenda>. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign-up for alerts and follow the prompts.



AGENDA ITEM

TITLE:

Public Hearing to consider an appeal for a Building Code Decision submitted by Wendy Stevens, 35 Pilot Knob Lane #305.

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Building

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[35 Pilot Knob Ln UNIT 503 - EERO Required.pdf](#)

[Board of Appeals \(1\).pdf](#)

[EmailHistory.pdf](#)

[2012 IBC Section 1029 Code and Commentary.pdf](#)

Description:



SAN MIGUEL COUNTY BUILDING DEPARTMENT

MATT GONZALES
BUILDING OFFICIAL

18 JANUARY 2022

Wendy Stevens
1401 W 3rd Ave #1
Durango, CO 81301

RE: EMERGENCY ESCAPE AND RESCUE OPENING IN BEDROOM AT 35 PILOT KNOB LN,
UNIT 503

Dear Ms. Stevens,

On October 22, 2020, San Miguel County (SMC) Planning staff received your short-term rental application for 35 Pilot Knob Lane, Unit 503. Per SMC's Land Use Code, Section 5-3001 B, Item VI:

“The rental residence will be inspected by the Building Department for surface type safety concerns such as emergency escape windows in bedrooms, smoke and CO detectors, and ingress/egress paths of travel for a fee determined by the current Building Code as adopted by the Board of County Commissioners on the initiation of an application for a Short-Term Rental Permit.”

In order to apply the appropriate code to your unit, we needed to determine the occupancy classification for your unit. I researched our building permit archives to find that your building was issued a certificate of occupancy by the SMC Building Department in either 1980 or 1981 under the provisions of the UBC, year unspecified. The occupancy classification assigned is Group R, division not specified on the certificate of occupancy. In Chapter 38 of the 1979 UBC, Section 3802 (b) 1, all occupancies except Group R, Division 3, and Group M were required to have automatic sprinkler systems. Because your building does not have automatic sprinklers, we assume Group R, Division 3 occupancy.

Near the end of 2020, SMC Building Department staff performed a site visit and inspection in which the window in the only bedroom in the unit was identified as non-compliant as it pertains to code required provisions for “emergency escape and rescue openings” (EERO). The window does not meet minimum net clear height and width requirements and has a sill height of approximately 54 inches above the floor.

Section 1204 of the 1979 UBC required that all sleeping rooms have egress or rescue windows with a net clear opening of 5.7 square feet, opening height of at least 24 inches, opening width of at least 20 inches, and a sill height not more than 44 inches above the floor. So, it appears that the window opening in your

only bedroom in your unit should have been flagged as non-compliant during the original inspection process.

As it is, SMC's Land Use Code stipulates that all short-term rentals conform to the currently adopted code, which is the 2009 International Building Code. After March 1, the 2018 International Building Code will be in effect. The 2009

International Building Code (IBC) identifies apartments with more than two units as R-2 occupancy. The requirement in Chapter 10 of the IBC, Section 1029.1 states the following:

“In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with the section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.”

There are 7 exceptions to this requirement in the 2009 IBC, none of which apply to your unit since you do not have fire-resistance rated exit corridors or direct access to public way, yard, from the bedroom. I have attached photocopies of the entire Emergency Escape and Rescue section for your reference.

Section 1029.2 and 1029.2.1 go on to establish minimum dimensions for EEROs; 5.7 square feet net clear opening, a minimum height of 24 inches, and a minimum width of 20 inches. Section 1029.3 establishes a maximum sill height:

“Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.”

As the code is written, your residential unit is required to have a compliant EERO in the bedroom. You have agreed to replace the window in order to satisfy the net clear height and width of 24 inches and 20 inches, respectively. However, you have informed me that it will not be allowable by your HOA to remove a portion of the concrete foundation in order to lower your window sill to a maximum height of 44 inches measured from the floor.

Because your EERO's sill height is over 44 inches measured from the floor and because you plan to rent your unit to the general public as transients, you must bring your EERO into code compliance and achieve the maximum sill height of 44 inches measured from the floor. We cannot process your short-term rental application further until your EERO is compliant.

It is important to note that you have expressed that, when you began this process at the end of 2020, you received direction from SMC staff that an alternative measure, such as a small ladder under the EERO would satisfy the code requirements and allow you to forgo decreasing the distance between your floor and sill. After inquiring my staff, I became aware that previous building officials had allowed similar alternative measures in other circumstances, and that current staff was alluding to these situations. There appears to be no written record of any agreement between you and SMC staff and we have no written policy that would formalize such alternative measures to required EERO dimensions. Any previous communication regarding your application occurred prior to my tenure as the San Miguel County

Building Official. As the building official, I am not comfortable with substituting or waiving requirements of the code or our amendments to the code. I understand that it can be frustrating when communication isn't documented or when you perceive that we are "moving the goal posts" and providing conflicting information at different times. I apologize for any inconvenience that our organization has caused you. Please know that fair and equitable application of the code is paramount for me as I am charged and authorized with the duty to enforce the provisions of the code.

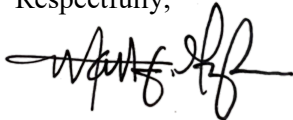
Should you choose to appeal my decision regarding your EERO sill height as it pertains to your short-term rental application, you shall:

- file a written statement setting forth with specificity the decision and/or the applicable building code provision upon which your appeal and/or request for special exception is taken, and the grounds for their appeal and/or special exception;
- such written statement shall be filed with the County Building Official not more than ten calendar days after the decision of the county administrative officer or agency which is the basis for the appeal

Upon receipt of such a written statement, I, the County Building Official, shall promptly advise the members of the Board of Appeals, which shall proceed to conduct a noticed hearing on the appeal and/or request for special exception within sixty days of its receipt, which hearing may be continued from time to time, in the Board of Appeals' discretion. I am also attaching to this correspondence the rest of the language that relates to the Board of Appeals as outlined in Resolution 2010-35.

If you have any questions or concerns, please don't hesitate to call or email at your convenience.

Respectfully,



Matt Gonzales
San Miguel County Building Official

Attachments: - 2009 IBC, Section 1029 "Emergency Escape and Rescue"
- Resolution 2010-35, Section I "The Duly Constituted and Appointed San Miguel County Building Board of Appeals"

Cc: Kaye Simonson, SMC Director of Planning
Amy Markwell, SMC Attorney

1028.13 Handrails. Ramped *aisles* having a slope exceeding one unit vertical in 15 units horizontal (6.7-percent slope) and *aisle stairs* shall be provided with *handrails* located either at the side or within the *aisle* width.

Exceptions:

1. *Handrails* are not required for ramped *aisles* having a gradient no greater than one unit vertical in eight units horizontal (12.5-percent slope) and seating on both sides.
2. *Handrails* are not required if, at the side of the *aisle*, there is a *guard* that complies with the graspability requirements of *handrails*.
3. *Handrail* extensions are not required at the top and bottom of *aisle stairs* and *aisle ramp* runs to permit crossovers within the *aisles*.

1028.13.1 Discontinuous handrails. Where there is seating on both sides of the *aisle*, the *handrails* shall be discontinuous with gaps or breaks at intervals not exceeding five rows to facilitate access to seating and to permit crossing from one side of the *aisle* to the other. These gaps or breaks shall have a clear width of at least 22 inches (559 mm) and not greater than 36 inches (914 mm), measured horizontally, and the *handrail* shall have rounded terminations or bends.

1028.13.2 Intermediate handrails. Where *handrails* are provided in the middle of *aisle stairs*, there shall be an additional intermediate *handrail* located approximately 12 inches (305 mm) below the main *handrail*.

1028.14 Assembly guards. Assembly *guards* shall comply with Sections 1028.14.1 through 1028.14.3.

1028.14.1 Cross aisles. Cross *aisles* located more than 30 inches (762 mm) above the floor or grade below shall have *guards* in accordance with Section 1013.

Where an elevation change of 30 inches (762 mm) or less occurs between a cross *aisle* and the adjacent floor or grade below, *guards* not less than 26 inches (660 mm) above the *aisle* floor shall be provided.

Exception: Where the backs of seats on the front of the cross *aisle* project 24 inches (610 mm) or more above the adjacent floor of the *aisle*, a *guard* need not be provided.

1028.14.2 Sightline-constrained guard heights. Unless subject to the requirements of Section 1028.14.3, a fascia or railing system in accordance with the *guard* requirements of Section 1013 and having a minimum height of 26 inches (660 mm) shall be provided where the floor or footboard elevation is more than 30 inches (762 mm) above the floor or grade below and the fascia or railing would otherwise interfere with the sightlines of immediately adjacent seating. At *bleachers*, a *guard* must be provided where required by ICC 300.

1028.14.3 Guards at the end of aisles. A fascia or railing system complying with the *guard* requirements of Section 1013 shall be provided for the full width of the *aisle* where the foot of the *aisle* is more than 30 inches (762 mm) above the floor or grade below. The fascia or railing shall be a minimum of 36 inches (914 mm) high and shall provide a mini-

um 42 inches (1067 mm) measured diagonally between the top of the rail and the *nosing* of the nearest tread.

1028.15 Bench seating. Where bench seating is used, the number of persons shall be based on one person for each 18 inches (457 mm) of length of the bench.

SECTION 1029 EMERGENCY ESCAPE AND RESCUE

1029.1 General. In addition to the *means of egress* required by this chapter, provisions shall be made for emergency escape and rescue in Group R and I-1 occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where basements contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

Exceptions:

1. In other than Group R-3 occupancies, buildings equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. In other than Group R-3 occupancies, sleeping rooms provided with a door to a fire-resistance-rated *corridor* having access to two remote *exits* in opposite directions.
3. The *emergency escape and rescue opening* is permitted to open onto a balcony within an *atrium* in accordance with the requirements of Section 404, provided the balcony provides access to an *exit* and the dwelling unit or sleeping unit has a *means of egress* that is not open to the *atrium*.
4. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue windows.
5. *High-rise buildings* in accordance with Section 403.
6. *Emergency escape and rescue openings* are not required from basements or sleeping rooms that have an *exit* door or *exit access* door that opens directly into a *public way* or to a *yard*, *court* or exterior *exit* balcony that opens to a *public way*.
7. Basements without *habitable spaces* and having no more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape windows.

1029.2 Minimum size. *Emergency escape and rescue openings* shall have a minimum net clear opening of 5.7 square feet (0.53 m²).

Exception: The minimum net clear opening for *emergency escape and rescue* grade-floor *openings* shall be 5 square feet (0.46 m²).

1029.2.1 Minimum dimensions. The minimum net clear opening height dimension shall be 24 inches (610 mm). The

minimum net clear opening width dimension shall be 20 inches (508 mm). The net clear opening dimensions shall be the result of normal operation of the opening.

1029.3 Maximum height from floor. *Emergency escape and rescue openings* shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.

1029.4 Operational constraints. *Emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided the minimum net clear opening size complies with Section 1029.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, *smoke alarms* shall be installed in accordance with Section 907.2.11 regardless of the valuation of the *alteration*.

1029.5 Window wells. An *emergency escape and rescue opening* with a finished sill height below the adjacent ground level shall be provided with a window well in accordance with Sections 1029.5.1 and 1029.5.2.

1029.5.1 Minimum size. The minimum horizontal area of the window well shall be 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm). The area of the window well shall allow the *emergency escape and rescue opening* to be fully opened.

1029.5.2 Ladders or steps. Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an *approved* permanently affixed ladder or steps. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center (o.c.) vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm). The ladder or steps shall not be obstructed by the *emergency escape and rescue opening*. Ladders or steps required by this section are exempt from the *stairway* requirements of Section 1009.

for not more than ten days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used or maintained in violation of any applicable Colorado law or any provision of the Building Code adopted hereby, the District Attorney of the Seventh Judicial District of Colorado, the Board of County Commissioners of San Miguel County, Colorado, or any owner of real estate within the area, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling maintenance, or use.

Pursuant to Section 30-28-210, C.R.S., as amended, (1) It is unlawful to erect, construct, reconstruct, alter, maintain, or use any building, structure, or land in violation of this part 2 or any provisions of the area building code. In addition to any penalties imposed pursuant to section 30-28-209, any person, firm, or corporation violating any such provision of this part 2 or any provision of the area building code may be subject to the imposition, by order of the county court, of a civil penalty in an amount of not less than two hundred fifty dollars nor more than five hundred dollars. It is within the discretion of the county attorney to determine whether to pursue the civil penalties set forth in this section, the remedies set forth in section 30-28-209, or both. Each day after the issuance of the order of the county court during which such unlawful activity continues shall be deemed a separate violation and shall in accordance with the subsequent provisions of this section, be the subject of a continuing penalty in an amount not to exceed fifty dollars for each such day. In no event shall civil penalties imposed pursuant to this section constitute a lien against the real property.

I. THE DULY CONSTITUTED AND APPOINTED SAN MIGUEL COUNTY BUILDING BOARD OF APPEALS is hereby authorized and empowered to perform all duties and functions of a Board of Review as set forth in Sections 30-28-206 and - 207, C.R.S., as amended, and as further provided by the Codes adopted hereby by reference. The Board of Appeals is further authorized and empowered to adopt Bylaws, as supplemental rules of procedure for the Board, which shall not be inconsistent with the provisions of this resolution, and applicable law.

The Board of Appeals is specifically authorized, in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the adopted building code, to make special exceptions to the terms of the adopted building code in harmony with their general purpose and intent. Appeals to the Board of Appeals may be taken by any person aggrieved by their inability to obtain a building permit or by any officer, department, board, or bureau of the county affected by the grant or refusal of a building permit. Any person, officer, department, board, or bureau may appeal to the Board of Appeals from the decision of any administrative officer or agency, including the County Building Official, based upon or made in the course of the administration or enforcement of the building code. Any such person, officer, department, board, or bureau of the county seeking a special exception to a building code requirement, or seeking to appeal from the granting, or refusal to grant, of a building permit, or seeking to appeal from any decision of any county administrative officer or agency, including the County Building Official, based upon or made in the course of administration or enforcement of the adopted

building code, shall file a written statement setting forth with specificity the decision and/or the applicable building code provision upon which their appeal and/or request for special exception is taken, and the grounds for their appeal and/or special exception. Such written statement shall be filed with the County Building Official not more than ten calendar days after the decision of the county administrative officer or agency which is the basis for the appeal. Upon receipt of such a written statement the County Building Official shall promptly advise the members of the Board of Appeals, which shall proceed to conduct a noticed hearing on the appeal and/or request for special exception within sixty days of its receipt, which hearing may be continued from time to time, in the Board of Appeals' discretion.

The Board of Appeals, in its discretion, may require the county administrative officer or agency, including the County Building Official, whose action is the subject of an appeal and/or request for a special exception, to provide a written response to the statement of appeal and/or request for special exception, copies of which shall be provided to the members of the Board of Appeals and all other interested parties to an appeal, not less than five days prior to the appeal hearing. If such a written response is required, the Board of Appeals shall advise the parties, including the agency or official whom the Board of Appeals has directed to prepare such a written response, upon the setting of the appeal hearing date.

The person or entity which filed the appeal shall be provided with no less than ten days prior written notice of the date, time, and place set for the hearing on the appeal. The County Building Official shall be responsible for notifying all interested parties of the date, time, and place set for the hearing by the Board of Appeals. The Board of Appeals shall render its decision on an appeal and/or request for a special exception within ninety days of the filing of such an appeal and/or request. Subject to compliance with applicable statutory and constitutional due process requirements the Board of Appeals shall have full authority regarding the conduct of hearings within its jurisdiction.

At an appeal hearing the Board of Appeals shall receive and consider such relevant and probative evidence, including, but not limited to, the testimony of witnesses and receipt of documentary evidence, including any relevant provisions of the duly adopted building codes, as the parties to the appeal choose to present, to the extent the Board of Appeals deems such evidence to be relevant to the matters on appeal. The Colorado Rules of Evidence, as adopted by the Colorado Supreme Court, shall not be applicable to the receipt of evidence by the Board of Appeals. However, any decision of the Board concerning an appeal shall be based upon relevant and competent evidence received on the record during the hearing. Each party shall be responsible for the costs associated with the presentation of their witnesses and documentary evidence at the hearing. The County Building Official shall be responsible for the making of a verbatim record of all testimony received during an appeal hearing and of all documents or other exhibits tendered and/or received into evidence during al hearing. Such a verbatim record shall be made by tape recording of the proceedings or by a stenographic reporter, at the County Building Official's discretion. Upon the request of any interested party, including the County Building Official, or upon the Board of Appeals' own motion, it may conduct such site visits or field inspections of such properties or premises as the Board finds to be relevant to the appeal proceedings, subject to the consent of the property owner. The person or entity bringing the

appeal and/or seeking a special exception shall have the burden of proof before the Board of Appeals.

The Board of Appeals shall render its decision on an appeal or request for special exception at the conclusion of the hearing or within ten days of the conclusion of a hearing, which decision shall be memorialized in the form of a written resolution of the Board of Appeals to be prepared by the County Building Official, or such other interested person or entity as the Board of Appeals may direct. Such written resolution shall be prepared and submitted to the Board of Appeals for its review and consideration within ten days of the announcement of the Board of Appeals' decision. The Board of Appeals' decision, as set forth in a duly adopted written resolution, shall constitute the final administrative action of San Miguel County for purposes of appeal and judicial review pursuant to the Colorado Rules of Civil Procedure as adopted by the Colorado Supreme Court.

J. CODE COPIES: Copies of code available - evidence upon the adoption of such area building code, the Board of County Commissioners shall file certified copies thereof in its office, which copies shall be accessible to the public at a cost not to exceed that of printing the same. The Board of County Commissioners shall also file a notice with the County Clerk and Recorder setting forth a description of the area subject to the building code. Copies of the code printed by authority of the Board of County Commissioners shall be prima facie evidence of the original text in all court and tribunals of this state.

K. DESIGNATION OF ENFORCEMENT OFFICIAL: The San Miguel County Building Official shall be authorized to serve as the enforcement officer for standard adopted herein. The San Miguel County Building Official or his assistant shall serve as the enforcement officer.

L. SAVINGS CLAUSE: If any part of this Resolution or of any code or set of standards adopted hereby is ever held to be invalid, such decision shall not affect the validity of codes or standards adopted hereby. The Board of County Commissioners declares that it would have passed the above described codes and standards in each part, section, subsection, sentence, clause or phrase, irrespective of the declared invalidity.

M. REPEAL: All Resolutions or parts of Resolutions in conflict or inconsistent herewith are hereby repealed with regard to their prospective application to structures whose construction is permitted following the effective date of this Resolution, provided, however, that the repeal shall not revive any other Resolution or section of any Resolution heretofore repealed or superseded.

N. EFFECTIVE DATE: This Resolution shall be, and hereby is declared to be, in full force and effect from and after, following final passage and approval, 12:01 a.m., January 1, 2011. On or before the effective date of this Resolution, the building official shall file at least one certified copy of such adopted building codes in the office of the San Miguel County Board of Commissioners, which certified copy or copies shall be accessible to the public in accordance with section 30-28-208, C.R.S., and the building official shall also file a copy of this adopted

To the Board of Appeals of San Miguel County:

Jan 28, 2022

I am writing a letter to appeal my situation involving Unit 503 of Eider Creek Condominiums located on 35 Pilot Knob Lane.

I bought this condo in September of 2020. It is a second home that I would like to rent out short term as needed on a limited basis mainly to the medical community that works in Telluride. I am a critical care nurse practitioner and my primary place of residence is in Durango. As we all know, Telluride is extremely short on rentals for intermittent employees to work in the town of Telluride. I have spoken with Dr. Dan Heir who is the medical director of Telluride Medical Center regarding renting to the staff, however, this has been on hold for a year and a half due to an egress window. Below is a summary of events revolving around trying to come up with a plan for the window as well as why we are still in a standstill situation today.

My condo is a 1 bedroom/1 bath unit with a deck out the front door that is 20 feet from a yard. I am the first condo once you go up the stairs of the complex. There is another condo that shares a wall with mine and two more condos above me. I have a bedroom window that is of 20 inches in height by 24 inches in width, however, it has a divider in place that shortens the opening to 17 inches which does not comply with an emergency escape route opening of 20x24 inches in order to rent on a short term basis.

The window sill is 55 inches from the floor (46 inches to the radiator) which is also too high or above the 44 inches that is needed for an egress according to the San Miguel County code. My ceilings are 94 inches tall and my bedroom is 30 feet from bedroom door to front door. On a good note in terms of fire, the window is surrounded by concrete in a condo building built with steel studs/support structures. On the outside, the window sill is 14 inches above the ground.

I consulted with a contractor in December, 2020, who drafted a plan of cutting in to concrete below the window, but the HOA would not approve due to potential problems with water and snow drainage into the building. A new plan was created in January, 2021 that did not involve cutting into concrete but rather applying a ladder or step up to the window sill to egress in an emergency as well as replace the current window with an appropriate opening of 20x24 inches with no divider. This was approved verbally by the building inspector of San Miguel county. The contractor then took out my flashing around the window for evaluation and ordered a new custom made window as well as a ladder for the egress before obtaining a permit. This was also done after I paid a deposit based on a plan that was thought to be approved by the building inspector. This plan was also approved by the condo HOA. I am new to all of this and did not realize the contractor only had a verbal ok and not an actual permit. I then met the new building inspector for the County, Mathew Gonzales, which leads me to my situation as of now.

I am asking the Board to evaluate my situation as I am open to any suggestion that could work without cutting into concrete. I have the window and ladder for installation. This window egress situation has existed for 30 years and ironically if I live there, then it's ok. But if I try and rent the condo, it's not. The ladder and larger opening will be a significant improvement to fire egress safety, but will not meet 2022 code. I ask for a special exception for this.

Please know that I am part of the medical community. I am a critical care nurse practitioner and I have been working non stop since covid hit. I have been practicing in the Intensive care unit for 28 years. I am not a builder or building inspector. I want to get things done right but within reason considering this issue is now approaching one and half years. The proposed larger window/ladder solution is an improvement in safety that also doesn't impact the structural integrity/waterproofing of the 1980s building. I ask you, the Board, to please consider this upgraded egress option and approve the special exception. Thank you for listening and your consideration.

Thank you,

Wendy Stevens



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: 35 Pilot Knob LI #305

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:05 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.11.05 EM to WS RE STR inspection results including
EERO dimensions

----- Forwarded message -----

From: **Edie Montague** <ediem@sanmiguelcountyco.gov>

Date: Thu, Nov 5, 2020 at 11:04 AM

Subject: 35 Pilot Knob LI #305

To: Wendy Stevens <wendystevens03@hotmail.com>, Troy Hangen <troyh@sanmiguelcountyco.gov>, Kaye Simonson <kayes@sanmiguelcountyco.gov>, Lisa Garrett <lisag@sanmiguelcountyco.gov>, Todd Herman <toddh@sanmiguelcountyco.gov>

Wendy, thank you for meeting with me yesterday regarding the application for a Short Term Rental permit. The inspection revealed the following non compliance items:

Smoke Alarm - R314.3 - Must be installed inside the bedroom and outside the bedroom within 15'.

Emergency Escape And Rescue Openings - R310 - Each sleeping room shall be provided with the opening as follows: a sill height of not more than 44" above the floor - the clear height of the opening shall be not less than 20" in width and 24" in height and have a minimum of 5.7 square feet of clear opening.

With your situation you will have to provide a compliant window well. R310.2.

This will require a Building Permit. You can apply for that online: <https://www.sanmiguelcountyco.gov/425/Permit-Applications>

When the work is completed you can reapply for the Short Term Rental permit. Let me know if you have any questions or concerns. Kind regards. Edie

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Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

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Edie Montague
San Miguel County
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333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: STR inspection

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:02 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.11.13 WS to EM RE inability to install window well

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>

Date: Fri, Nov 13, 2020 at 5:21 PM

Subject: Re: STR inspection

To: Edie Montague <ediem@sanmiguelcountyco.gov>

Hi Edie

Any chance my condo could get approved as a short term rental if I rented it as a studio and locked the bedroom door.

I do have a pull out couch and I didn't want more than two people in my condo anyway. Not even going to rent it out until March if that. What do you think about that?

I really don't think the window and change in the exterior with an egress is possible after talking with the HOA because snow will probably just come flying towards the window. But I will still try and get an estimate for it.

Have a good weekend. I will be up in Telluride Saturday and Sunday.

Thanks
Wendy

Sent from my iPhone

On Nov 2, 2020, at 12:43 PM, Edie Montague <ediem@sanmiguelcountyco.gov> wrote:

Wendy. tomorrow is Tuesday. I can do either tomorrow or Wednesday. Please let me know. Thank you!
Edie

On Mon, Nov 2, 2020 at 9:30 AM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Left your office a message. I could meet you tomor Wednesday in telluride to do inspection. Call when you can.

970-903-7913.

Thx!
Wendy

Sent from my iPhone

On Oct 30, 2020, at 6:51 PM, Wendy Stevens <wendystevens03@hotmail.com> wrote:

Thanks... I am open on Fridays.

Sent from my iPhone

On Oct 30, 2020, at 4:57 PM, Edie Montague
<ediem@sanmiguelcountyco.gov> wrote:

Wendy, you need to contact me when you are ready (970) 728-3923. The inspections will be Mon - Wed. Thank you. Edie

On Fri, Oct 30, 2020 at 4:46 PM Troy Hangen
<troyh@sanmiguelcountyco.gov> wrote:

Edie

Wendy has submitted a STR application and it looks good. Her iWorq application number is 20203664. Please connect with her to do the inspection. She resides in Durango and her only day to be here is Telluride. Her number is 970-903-7913

--

Troy Hangen

Senior Planner

San Miguel County

P:970-728-3083

[333 W Colorado Ave, 3rd Flr](#)

[Telluride, CO 81435](#)

www.sanmiguelcountyco.gov



--

Edie Montague

San Miguel County

Building Department

[333 W Colorado Ave., 3rd Floor](#)

[Telluride, CO 81435](#)

ediem@sanmiguelcountyco.gov

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

--
Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: \$10

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:02 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.11.13 WS to TH RE WS asks for inspection checklist. TH refers WS to EM

----- Forwarded message -----

From: **Troy Hangen** <troyh@sanmiguelcountyco.gov>

Date: Fri, Nov 13, 2020 at 4:46 PM

Subject: Re: \$10

To: Wendy Stevens <wendystevens03@hotmail.com>, Edie Montague <ediem@sanmiguelcountyco.gov>

Please reach out to Edie. She would have all those requirements.

On Fri, Nov 13, 2020 at 3:56 PM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hey Troy

Do you have the paperwork that the inspection goes by to deem a condo safe for short term rental?

I live in Eider Creek and I am not sure about enlarging the window and digging a window well. The snow is an issue and the window well is not my property. That could be difficult. I'm working on getting a contractor.

Thanks

Wendy

Sent from my iPhone

On Nov 4, 2020, at 12:57 PM, Troy Hangen <troyh@sanmiguelcountyco.gov> wrote:

correct.

troy never received it

On Wed, Nov 4, 2020 at 12:56 PM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hey, remind me to give you \$10 today as Troy never received it...

Sent from my iPhone

--

Troy Hangen

Senior Planner

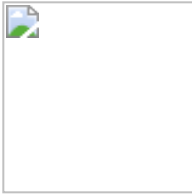
San Miguel County

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--

Troy Hangen

Senior Planner

San Miguel County

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--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: RemoteLock home of Lockstate wifi locks

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:06 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.11.14 WS to EM RE Remote locks

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>

Date: Sat, Nov 14, 2020 at 10:34 AM

Subject: RemoteLock home of Lockstate wifi locks

To: Edie Montague <ediem@sanmiguelcountyco.gov>

This is the type of lock system I will put on my bedroom so that it can be controlled remotely for guests.

<https://shop.remotelock.com/>

Wendy

Sent from my iPhone

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: 35 Pilot Knob Ln 503 | straight-edge-home-inspections-llc

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:07 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.11.20 EM to WS RE Possible solution. In previous email WS states that home inspector didn't flag window

----- Forwarded message -----

From: **Edie Montague** <ediem@sanmiguelcountyco.gov>

Date: Fri, Nov 20, 2020 at 12:50 PM

Subject: Re: 35 Pilot Knob Ln 503 | straight-edge-home-inspections-llc

To: Wendy Stevens <wendystevens03@hotmail.com>

Hi Wendy, I have a possible solution. Please call when you can. 970-708-4283.

On Fri, Nov 13, 2020 at 12:31 PM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hi Edie

I'm working on trying to figure things out but my bedroom window is not even stated in the inspection report. He states that he doesn't inspect for code which I don't understand because this is a safety issue not only for me but for other people. I have emailed the lawyer of the HOA but overall I am super frustrated with all of this. Do you have any other suggestions?

Thanks

Wendy

<https://www.spectora.com/v/reports/d345915d-03fc-48fa-b920-110775cf499d>

Sent from my iPhone

--
Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov

--
Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov

2020.12.18 Estimate _Approved_ not by SMC.
Goes with 12.21.20 email

Estimate

Approved

Ridgway Custom Builders & Excavation
P.O. Box 753
Ridgway, CO 81432
Office Phone: (970) 369-4444
Mobile Phone: (970) 708-7388
rcb0358@gmail.com

Estimate Number: E201218181
Estimate Date: 12/18/2020
Payment Terms: Due On Receipt
Estimate Amount: 8,500.00

Bill To
Wendy Stevens

Ship To
Wendy Stevens

Item #	Item Name	Quantity	Unit Price	Taxable	Total
1010	CONSTRUCTION JOB SITE: Eider Creek Condos, 35 Pilot Knob LI #503 Emergency Escape And Rescue Openings - R310 - Each sleeping room shall be provided with the opening as follows: a sill height of not more than 44" above the floor - the clear height of the opening shall be not less than 20" in width and 24" in height and have a minimum of 5.7 square feet of clear opening. Will apply for proper permits when approved	1.00	8,500.00		8,500.00

Subtotal: \$ 8,500.00
Estimate Amount \$ 8,500.00



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: Estimate - E201218181

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:04 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.12.21 WS to EM RE sending EM the estimate from contractor

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>

Date: Mon, Dec 21, 2020 at 11:22 AM

Subject: Re: Estimate - E201218181

To: Edie Montague <ediem@sanmiguelcountyco.gov>

Hi

Just wanted you to know the plans. Waiting for the approval from the homeowners. Thanks

Sent from my iPhone

> On Dec 21, 2020, at 8:15 AM, Edie Montague <ediem@sanmiguelcountyco.gov> wrote:

>

> Wendy, thank you for sharing that. I'm not sure what you want me to do but you've been given the parameters for renting that as a short term rental unit. I understand it may be costly and it is what has to be done. Let me know if you have any questions. Thank you Edie

>

> Sent from my iPhone

>

>> On Dec 18, 2020, at 1:53 PM, Wendy Stevens <wendystevens03@hotmail.com> wrote:

>>

>> See below. It's to fix the condo. Estimate from contractors

>>

>>

>> <https://view.invoiceasap.com/view.php?invoiceid=69wd05l5oi>

>>

>>

>> Sent from my iPhone

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: 35 pilot knob, unit 503 window

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:08 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2020.12.24 EM to WS RE Only acceptable solution was
raised portion of floor as discussed by phone

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>

Date: Thu, Dec 24, 2020 at 4:51 PM

Subject: Re: 35 pilot knob, unit 503 window

To: Edie Montague <ediem@sanmiguelcountyco.gov>

Hi
Well I will see what happens when we remove the old window because there might be an inch there to make it the right length without having to get into the concrete.

Thx for your response.

Wendy

Sent from my iPhone

On Dec 24, 2020, at 3:16 PM, Edie Montague <ediem@sanmiguelcountyco.gov> wrote:

Wendy, we have been over this and the option that I gave you is the only acceptable solution. I will be happy to talk to the Contractor and the window has to meet all the requirements not just some of the requirements. Thank you! Edie

On Thu, Dec 24, 2020 at 1:07 PM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hi

My contractor will be reaching out to you regarding what they can do in my condo unit. He will also propose another option which involves just changing the window that will give it the appropriate width as well as possibly reach the adequate height. Then build in a permanent ladder that was proposed as well.

The overall job by the contractor will cost \$15,000 to basically increase the height of a window by 1 inch. Installing the stairs is not the expensive issue.

If there is a way that we are able to remove the window that is in place and put in an adequate one that is big enough that will open width and height wise appropriately for an egress as well as build a permanent step ladder to get out, this would be much more economical and less destructive to the building. Especially to the foundation. Chiseling a foundation to create an inch more in length is quite costly.

The contractor will be sending you an email soon. Please consider this other option.

On the other hand, If we could just change the entire window design without increasing the height by an inch in case there isn't room, it would be nice to have that option as well. Wasn't sure of the San Miguel county's flexibility with that. The stairs are not a problem to install permanently.

Thanks
Wendy

Sent from my iPhone

--

Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

--

Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: 35 Pilot Knob #305

3 messages

Edie Montague <ediem@sanmiguelcountyco.gov>
To: Matt Gonzales <mattg@sanmiguelcountyco.gov>

Mon, Dec 13, 2021 at 8:53 AM

Matt, this is a STR at Eider Creek. It has been a while since I dealt with this one. Don't they have to have a window well? Please advise. Thank you! Edie

----- Forwarded message -----
From: **RCB** <rcb0358@gmail.com>
Date: Fri, Dec 10, 2021 at 2:54 PM
Subject: 35 Pilot Knob #305
To: <ediem@sanmiguelcountyco.gov>

2021.12.13 MG to MW RE EERO sill height and ladder
cannot satisfy code

Edie,

I just received the new window to install at 35 pilot Knob #305 for Mrs. Wendy Stevens. Since we are not using a window well, what kind of fire escape ladder may I use for the egress window inside the residence? Also, what is the code for the fire escape ladder? I just need this information so I can fill out the permit and submit it to you.

Thank you,
Mathew

--
Ridgway Custom Builders & Excavation
Mathew Weedman
P.O Box 753
Ridgway, CO 81432
(970) 369-4444 office



Virus-free. www.avg.com

--
Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

Matt Gonzales <mattg@sanmiguelcountyco.gov>
To: rcb0358@gmail.com
Cc: Edie Montague <ediem@sanmiguelcountyco.gov>

Mon, Dec 13, 2021 at 4:06 PM

Hi Mathew,

My name is Matt Gonzales, San Miguel County's building official. Edie has told me about the situation at your project at 35 pilot Knob #305. In order to have a code-compliant bedroom, at least 1 emergency escape opening needs to exist in the bedroom with a maximum sill height of 44 inches. It sounds like, in your scenario, a window well is required. A ladder cannot serve as a substitute for meeting code requirements for emergency escape openings. Feel free to call if you have any questions.

Thanks,

Matt Gonzales

Building Official
San Miguel County, CO
970-369-5440 (o)
970-708-8821 (c)



For view only access to codes: <https://codes.iccsafe.org/public/collections/I-Codes>

[Quoted text hidden]

RCB <rcb0358@gmail.com>
To: Matt Gonzales <mattg@sanmiguelcountyco.gov>

Tue, Jan 4, 2022 at 10:25 AM

Matt,

I reached out to you by phone yesterday about the above referenced and I couldn't reach you. I have some more questions that I need to ask you. When would be a good time to call you?

Thank you,

Mathew

[Quoted text hidden]



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: 35 pilot knob lane, Unit 503

1 message

Edie Montague <ediem@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:14 AM

To: Wendy Stevens <wstevens@swhealth.org>

Bcc: mattg@sanmiguelcountyco.gov

2021.12.28 WS to EM RE perceived "moving of goal posts"
after MG email to MW

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>

Date: Tue, Dec 28, 2021 at 12:45 PM

Subject: 35 pilot knob lane, Unit 503

To: ediem@sanmiguelcountyco.gov <ediem@sanmiguelcountyco.gov>, Mathew Weedman <rcb0358@gmail.com>

Hi Edie

Mathew Gonzales advised my contractor that now we need a window well? This was not needed when we spoke with you. We were all set to go as of yesterday to get the new window and ladder in according to what you stated to us in the last year. It has taken over 6 months to get the window in and now we are ready to go.

What changed?

Can you please explain? I have clearance below the window on the other side in to the dirt and we all knew this when you inspected initially.

Please call me at 970--903-7913.

Thanks

Wendy

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Board of Appeals

2 messages

Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fri, Jan 14, 2022 at 1:15 PM

To: wstevens@swhealth.org

2022.01.15 MG to WS RE Appeals Process

Hi Wendy,

Generally, the process of appeals will follow these steps:

1. Before Monday, I will get you a written statement of my interpretation of the building code that is relevant to your bedroom window. The statement will include code references, relevant definitions, and how I, as the building official, interpret the codes.
2. Once you receive my letter, you will have 10 days to issue a written appeal. You may submit the appeal in writing via email. Your appeal should explain why you are unable to comply with the code as interpreted by me. The more information, the better. Outline all hardships that present a barrier to your compliance to code as I have interpreted. Lastly, you should provide any alternatives that you and your team believe would meet the intent of the code as written.
3. Once I receive your appeal, I will notify the Board of Appeals, and they will set a date to hold a public hearing. Under State Statute, the Board has 60 days to hold a hearing, but I will recommend that they schedule the hearing as soon as convenient. Please be advised that on February 2nd, the Board of County Commissioners will hold a public meeting in which the nominated Board of Appeals members are appointed. The Board of Appeals has been inactive for many years, and we have had to re-form it.
4. After the Board of Appeals has set a hearing date, I will immediately inform you and notice the public. The period of public notice is 14 days.
5. A public hearing will be held after the 14 day notice period in which the Board of Appeals will hear testimony from you and your team and myself. I will provide the Resolution that delineates the hearing process in another email.

So, for now, think of all your resources that you can use to form a strong appeal to the Board. As I said previously, you will receive my letter via email prior to Monday. If you like, I can also send a certified hard copy via mail. I will be out of service this afternoon, but feel free to call tomorrow or next week with further questions. Until then, have a nice weekend.

Thanks,

Matt Gonzales

Building Official

San Miguel County, CO

970-369-5440 (o)

970-708-8821 (c)



For view only access to codes: <https://codes.iccsafe.org/public/collections/I-Codes>

Wendy Stevens <wstevens@swhealth.org>

Sat, Jan 15, 2022 at 9:52 PM

To: Matt Gonzales <mattg@sanmiguelcountyco.gov>

Thanks Matt, I will get that information to you next week. Also, can you just include it in writing why things changed since Edie Montague approved everything?

Sent from my iPhone

On Jan 14, 2022, at 1:15 PM, Matt Gonzales <mattg@sanmiguelcountyco.gov> wrote:

***** Attention: This is an external email. Use caution responding, opening attachments or clicking on links.*****

[Quoted text hidden]



Matt Gonzales <mattg@sanmiguelcountyco.gov>

35 pilot knob lane

2 messages

~~2022.01.20 WS to EM RE Asking for record of approval that doesnt exist.~~
Alleges EM approved something for the board of appeals. And EMs response

Wendy Stevens <wstevens@swhealth.org>

Thu, Jan 20, 2022 at 5:01 PM

To: Edie Montague <ediem@sanmiguelcountyco.gov>

Cc: Mathew Weedman <rcb0358@gmail.com>, Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Hi Edie

When you get a chance... Can you please send me a letter of how you approved the contractor to do what he was going to do for my condo, unit 503? I'm sure you keep documentation in your office when you make these approvals as it is of legal concern.

We had gotten the greenlight from you and the plan was approved by my homeowners association board members. Would like a statement in writing from you as to why you approved it for the board of appeals.

Thank you

Wendy

Sent from my iPhone

Edie Montague <ediem@sanmiguelcountyco.gov>

Mon, Jan 24, 2022 at 1:34 PM

To: Matt Gonzales <mattg@sanmiguelcountyco.gov>

----- Forwarded message -----

From: **Edie Montague** <ediem@sanmiguelcountyco.gov>

Date: Fri, Jan 21, 2022 at 8:57 AM

Subject: Re: **35 pilot knob lane**

To: Wendy Stevens <wstevens@swhealth.org>

Hi Wendy, thank you for your request. I am forwarding a copy of all the email conversations. I don't have anything in writing from you (plans) for what you were planning to do. I am not aware of the HOA approval or the documentation of the approval.

Thank you and let me know if you have any questions. Edie

[Quoted text hidden]

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435
ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Fwd: Unit 503 , pilot knob lane

4 messages

Edie Montague <ediem@sanmiguelcountyco.gov>
To: Wendy Stevens <wstevens@swhealth.org>
Bcc: mattg@sanmiguelcountyco.gov

2022.01.21 WS to MG RE Deleted emails. Below, WS mentions "deleted emails." It appears that we have the correspondence that WS seems to indicate was deleted.

Fri, Jan 21, 2022 at 9:11 AM

----- Forwarded message -----

From: **Wendy Stevens** <wendystevens03@hotmail.com>
Date: Mon, Dec 28, 2020 at 4:06 PM
Subject: Re: Unit 503 , pilot knob lane
To: Edie Montague <ediem@sanmiguelcountyco.gov>

I got it. Spoke with Mathew.

Thx
W

Sent from my iPhone

On Dec 28, 2020, at 3:05 PM, Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hi

I understand that I need adequate height to get to the window but it was with a vented step. That is how I remember you wording it. Basically to reach to 44 inches from the floor.

You are OK with a permanent step put in over the heater to get out the window?
Is that what you mean by landing? Just want to clarify.

Wendy

Sent from my iPhone

On Dec 28, 2020, at 2:58 PM, Edie Montague <ediem@sanmiguelcountyco.gov> wrote:

Wendy, I didn't approve a ladder. I gave you the one option which is to have a compliant emergency escape and the landing over the heater with a vent. A ladder is not compliant. I have already talked to your contractor today and explained what we need. Thank you!

On Mon, Dec 28, 2020 at 1:53 PM Wendy Stevens <wendystevens03@hotmail.com> wrote:

Hi Edie

I'm speaking with my contractor today. Can you forward me that email that you sent back to me on November 20th approving the ladder with the window?

I can't find it and I believe that was the date that you sent it.

Thanks

Wendy

Sent from my iPhone

--

Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

--

Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

Bcc: mattg@sanmiguelcountyco.gov

[Quoted text hidden]

Wendy Stevens <wstevens@swhealth.org>
To: Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 9:24 AM

Hey, see below, emails have been deleted

Sent from my iPhone

Begin forwarded message:

From: Edie Montague <ediem@sanmiguelcountyco.gov>
Date: January 21, 2022 at 9:13:43 AM MST
To: Wendy Stevens <wstevens@swhealth.org>
Subject: Fwd: Unit 503 , pilot knob lane

***** Attention: This is an external email. Use caution responding, opening attachments or clicking on links.*** .**

[Quoted text hidden]

Wendy Stevens <wstevens@swhealth.org>
To: Mathew Gonzales <mattg@sanmiguelcountyco.gov>
Cc: Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Fri, Jan 21, 2022 at 11:31 AM

Edie

What I need to know, is if you ever approved a plan from my contractor Back in February 2021?

I sent that new invoice to you of \$8500 because it had a new plan with it. He stated he went over the new plan with you and that you approved it but there's nothing in writing. However, I took his word and brought that new plan to the homeowners association board of directors because I heard it was OK by you.

If you didn't approve it, that's all I need to know. That means my contractor lied to me and that is why Mathew Gonzales came to inspect for the permit in December 2021, because my contractor never had the permit to begin with and I am out \$7000.

Please clarify when you get time.

Thanks
Wendy

Sent from my iPhone

On Jan 21, 2022, at 9:24 AM, Wendy Stevens <wstevens@swhealth.org> wrote:

Hey, see below, emails have been deleted

[Quoted text hidden]



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Approved

2022.01.222 WS to EM RE Origin of Approval Stamp

2 messages

Wendy Stevens <wendystevens03@hotmail.com>

Sat, Jan 22, 2022 at 8:26 AM

To: Edie Montague <ediem@sanmiguelcountyco.gov>, Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Is this approval stamp from you Edie?

<https://view.invoiceasap.com/pdf.php?invoiceid=69wd05l5oi>

Sent from my iPhone



E201218181.pdf

61K

Edie Montague <ediem@sanmiguelcountyco.gov>

Mon, Jan 24, 2022 at 8:59 AM

To: Wendy Stevens <wendystevens03@hotmail.com>

Cc: Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Wendy, that stamp is not from me or San Miguel County. Thank you! Edie

[Quoted text hidden]

--

Edie Montague

San Miguel County

Building Department

333 W Colorado Ave., 3rd Floor

Telluride, CO 81435

ediem@sanmiguelcountyco.gov



Matt Gonzales <mattg@sanmiguelcountyco.gov>

Approved

2 messages

2022.01.24 EM to WS RE Approval stamp on estimate from 12.18.20 not from SMC

Wendy Stevens <wendystevens03@hotmail.com>

Sat, Jan 22, 2022 at 8:26 AM

To: Edie Montague <ediem@sanmiguelcountyco.gov>, Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Is this approval stamp from you Edie?

<https://view.invoiceasap.com/pdf.php?invoiceid=69wd05l5oi>

Sent from my iPhone



E201218181.pdf
61K

Edie Montague <ediem@sanmiguelcountyco.gov>

Mon, Jan 24, 2022 at 8:59 AM

To: Wendy Stevens <wendystevens03@hotmail.com>

Cc: Mathew Gonzales <mattg@sanmiguelcountyco.gov>

Wendy, that stamp is not from me or San Miguel County. Thank you! Edie

[Quoted text hidden]

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Edie Montague
San Miguel County
Building Department
333 W Colorado Ave., 3rd Floor
Telluride, CO 81435
ediem@sanmiguelcountyco.gov

SECTION 1029

EMERGENCY ESCAPE AND RESCUE

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1029.1 General.

In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group R-2 occupancies in accordance with [Tables 1021.2\(1\)](#) and [1021.2\(2\)](#) and Group R-3 occupancies. Basements and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where basements contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a *public way* or to a *yard or court* that opens to a *public way*.

Exceptions:

1. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have *emergency escape and rescue openings*.
2. *Emergency escape and rescue openings* are not required from basements or sleeping rooms that have an *exit door* or *exit access door* that opens directly into a *public way* or to a *yard, court* or exterior exit balcony that opens to a *public way*.
3. Basements without *habitable spaces* and having no more than 200 square feet (18.6 m²) in floor area shall not be required to have *emergency escape and rescue openings*.

♦ This section requires emergency escape and rescue provisions in residential buildings where occupants may be sleeping during a potential fire buildup, but are capable of self-preservation (Groups R-2, R-3 and R-4). Group R-2 apartment buildings permitted to have a single exit are also required to have emergency escape openings by [Table 1021.2\(1\)](#), Note a. Group R-2 congregate residences permitted to have a single exit are also required to have an emergency escape and rescue opening by [Table 1021.2\(2\)](#), Note a. All Group R-4 congregate residences would also be required to have emergency and escape rescue openings because Group R-4 follows Group R-3 provisions unless specifically mentioned otherwise ([Section 310.6](#)).

All basements and each bedroom/sleeping room are to be provided with an exterior window or door that meets the minimum size requirements and is operable for emergency escape by methods that are obvious and clearly understood by all users. Sleeping rooms four stories or more above grade are not required to be so equipped, since fire service access at that height, as well as escape through such an opening, may not be practical or reliable. Since single-exit apartment buildings are limited to three stories and most Group R-3 and R-4 buildings are two or three stories, this limit is not applicable very often. The provision for basements is in recognition that they typically have only a single means of egress without alternative routes.

It is important to note that this window is only an element of escape and does not comprise any part of the means of egress unless it is a door conforming with normal egress requirements.

Exceptions 1 and 3 are intended to exempt basements that would not be likely to be finished as living space, and thus have sleeping rooms in them.

The intent of Exception 2 is to permit sleeping rooms with a direct access to an exterior-type environment, such as a street or exit balcony, to not have an emergency escape window. The open atmosphere of the escape route would increase the likelihood that the means of egress be available even with the delayed response time for sleeping residents. This would also exempt walk-out basements.

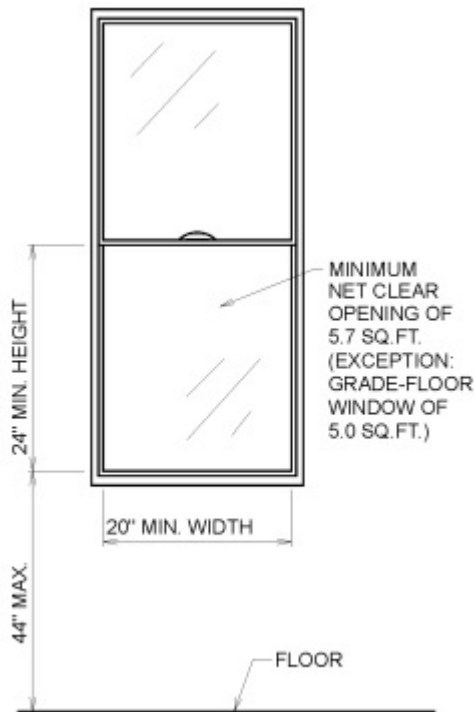
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1029.2 Minimum size.

Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.53 m²).

Exception: The minimum net clear opening for grade-floor *emergency escape and rescue openings* shall be 5 square feet (0.46 m²).

❖ The dimensional criteria of the openings are intended to permit fire service personnel (in full protective clothing with a breathing apparatus) to enter from a ladder, as well as permit occupants to escape. The net clear opening area and minimum dimensions are intended to provide a clear opening through which an occupant can pass to escape the building or a fire fighter can pass to enter the building for rescue or fire suppression activities. Since the emergency escape windows must be usable to all occupants, including children and guests, the required opening dimensions must be achieved by the normal operation of the window from the inside (e.g., sliding, swinging or lifting the sash). It is impractical to assume that all occupants can operate a window that requires a special sequence of operations to achieve the required opening size. While most occupants are familiar with the normal operation by which to open the window, children and guests are frequently unfamiliar with any special procedures that may be necessary to remove or tilt the sashes. The time spent in comprehending the special operation unnecessarily delays egress from the bedroom and could lead to panic and further confusion. Thus, windows that achieve the required opening dimensions only through operations such as the removal of sashes or mullions are not permitted. It should be noted that the minimum area cannot be achieved by using both the minimum height and minimum width specified in [Section 1029.2.1](#) (see [Figure 1029.2](#)).



For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m².

Figure 1029.2

EMERGENCY ESCAPE WINDOW

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1029.2.1 Minimum dimensions.

The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm). The net clear opening dimensions shall be the result of normal operation of the opening.

❖ Note that the minimum dimensions in this section and the minimum area requirements in [Section 1029.2](#) both apply. Thus, a grade-floor window that is only 24 inches (610 mm) in height must be 30 inches (762 mm) wide to meet the 5-square-foot (0.46 m²) area requirement of [Section 1029.2](#) for grade-floor window (see [Figure 1029.2](#)).

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1029.3 Maximum height from floor.

Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.

❖ This section limits the height of the bottom of the clear opening to 44 inches (1118 mm) or less such that it can be used effectively as an emergency escape (see [Figure 1029.2](#)). For a minimum sill height that may affect the emergency escape window, see [Section 1013.8](#).

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1029.4 Operational constraints.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings* provided the minimum net clear opening size complies with [Section 1029.2](#) and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, *smoke alarms* shall be installed in accordance with [Section 907.2.11](#) regardless of the valuation of the *alteration*.

❖ If security grilles, decorations or similar devices are installed on escape windows, such items must be readily removable to permit occupant escape without the use of any tools, keys or a force greater than that required for the normal operation of the window. This would include any window fall prevention devices and window opening control devices required by [Section 1013.8](#).

Where bars, grilles, grates or other devices that prevent full operation of the window are placed over the emergency escape and rescue opening, it is important that they are easily removable. Thus, the requirements for ease of operation are the same as required for windows.

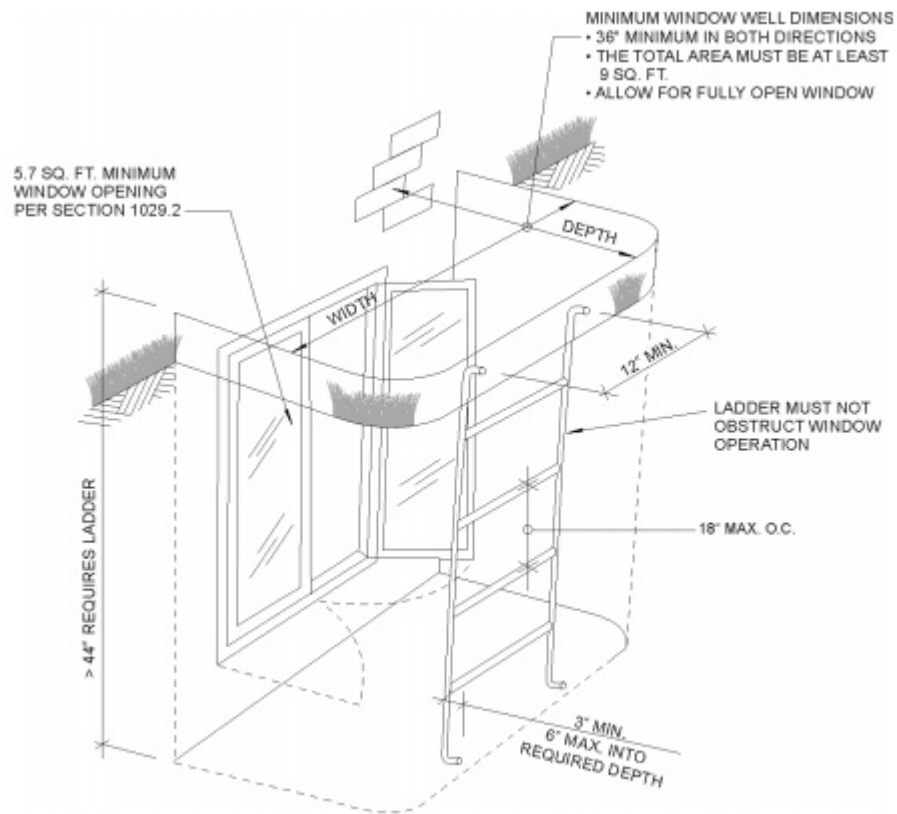
Where smoke alarms are not already provided and when items that could possibly slow the opening of emergency escape and rescue windows are installed in existing buildings, smoke alarms must also be installed. Smoke alarms are necessary to provide advance warning of a fire for safety purposes.

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1029.5 Window wells.

An *emergency escape and rescue opening* with a finished sill height below the adjacent ground level shall be provided with a window well in accordance with [Sections 1029.5.1](#) and [1029.5.2](#).

❖ Emergency escape and rescue openings that are partially or completely below grade need to have window wells so that they can be used effectively (see [Figure 1029.5](#)).



For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m².

Figure 1029.5

WINDOW WELLS AT EMERGENCY ESCAPE WINDOWS

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1029.5.1 Minimum size.

The minimum horizontal area of the window well shall be 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm). The area of the window well shall allow the *emergency escape and rescue opening* to be fully opened.

❖ This section specifies the size of the window well that is needed for a rescue person in full protective clothing and breathing apparatus to use the rescue opening. The required 9 square feet (0.84 m²) is the size of the window well. Thus, the window well must project away from the plane of the window at least 3 feet (914 mm), and the required dimension in the plane of the window along the wall is also 3 feet (914 mm) (see [Figure 1029.5](#)).

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1029.5.2 Ladders or steps.

Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an *approved* permanently affixed ladder or steps. Ladders or rungs shall have an inside width of at least

12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center (o.c.) vertically for the full height of the window well. The ladder or steps shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm). The ladder or steps shall not be obstructed by the *emergency escape and rescue opening*. Ladders or steps required by this section are exempt from the *stairway* requirements of [Section 1009](#).

❖ This section specifies that a ladder or steps be provided for ease of getting into and out of window wells that are more than 44 inches (1118 mm) deep.

Usually ladder rungs are embedded in the wall of the window well. The 44-inch (1118 mm) dimension is the depth of the window well, not the distance from the bottom of the window well to grade. Thus, if the floor of a window well is 40 inches (1016 mm) below grade, but the wall of the window well projects above grade by 6 inches (152 mm), steps or a ladder are required since the vertical depth is 46 inches (1168 mm).

It is important that the ladder not obstruct the operation of the emergency escape window (see [Figure 1029.5](#)).



AGENDA ITEM

TITLE:

Approval of the February 24, 2022 minutes

Presented by:

Time needed:

PREPARED BY:

Nancy Hrupcin, Building

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

[BOR.2.24.22.minutes.draft EDIE NH.docx](#)

Description:

SAN MIGUEL COUNTY BOARD OF APPEALS

MINUTES

Thursday February 24, 2022

Zoom.us

1) Roll Call

Present:

Ken Watt

Jon Foote

Frank Hensen

Emory Smith

John Bockrath

Staff Present:

Matt Gonzales, Building Official

Amy Markwell, County Attorney

2) **9:00 a.m. CALL TO ORDER.** Matt Gonzales called the meeting to order.

3) **REVIEW OF AGENDA**

3.a) Discussion of the need to change the name of the Board of Appeals to the Board of Review. Amy outlined the procedure to go before the BOCC for a resolution.

3.b) Amy outlined the duties of the board regarding Public Hearings.

3.c) Discussion of the Bylaws and any changes. **MOTION** by Ken Watt to amend Article 8 to change Uniform Building Code to International Building Code, **SECONDED** by John Bockrath. **PASSED 5-0.**

MOTION by Ken Watt to amend Article 9 to correct a typo, from “approve of not approve” to “approve or not approve”. **SECONDED** by John Bockrath. **PASSED 5-0.**

MOTION by Ken Watt to amend Article 3 - Board Member Terms to (2) 1 year terms and (3) 2-year terms **SECONDED** by Jonathan Foote. **PASSED 5-0.**

MOTION by John Bockrath to amend Article 4b – add language to read Officers after 1-year term can be reelected for another 1-year term. **SECONDED** by Jon Foote. **PASSED 5-0.**

4) Board Terms were Appointed as follows:

- Ken Watt – 1 yr.
- Emory Smith – 1 yr.
- Jon Foot – 2 yr.
- Frank Hensen – 2 yr.
- John Bockrath – 2 yr.

5) **Election of Officers:**

MOTION by Frank Henson to elect Ken Watt as Chair. **SECONDED** by Jon Foote. **PASSED 5-0.**

MOTION by John Bockrath to nominate Jon Foote to be elected as Vice-Chair
SECONDED Frank Hensen
PASSED 5-0.

MOTION by Ken Watt to adjourn meeting **SECONDED** by Frank Henson. **PASSED 5-0.**

6) **Meeting adjourned.**

Respectfully Submitted,

Edith Montague, Building Department

Approved on _____, 2022

SAN MIGUEL COUNTY BOARD OF APPEALS (BOARD OF REVIEW)

Matt Gonzales, Secretary and Building Official