



**Present Fire Board of Appeals Board Members (5):**

Jannic Ekornes  
David Hewett, Chair  
Ron Honn, Vice Chair  
Vince Colarelli  
Mike Riggs (attended virtually)

**Not Present (1):**

Laurie Olson

**Vacant Position (1):**

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**Present Fire Board of Appeals Secretary:**

Kris Cooper, Deputy Fire Marshal

**Additional Attendee(s):**

Frederick Stein, Senior Attorney  
Connie Manning, Compliance Coordinator  
Nathan Mascarenas, Fire Inspector I  
Ashley Whitworth, Program Administrator  
Desirae Tucker, Administrative Assistant, Senior  
William H. Wiedemann, Homeowner

**Industry Represented:**

Fire Suppression  
Small Business  
Citizen At-Large  
Building  
Architecture

**Industry Represented:**

Insurance

**Industry Represented:**

Large Business

**Representing:**

Colorado Springs Fire Department

**Representing:**

City of Colorado Springs  
Colorado Springs Fire Department  
Colorado Spring Fire Department  
Colorado Springs Fire Department  
Colorado Springs Fire Department  
2093 Stanbridge Ct

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**CALL TO ORDER**

1. **Board Chair Hewett called the meeting to order at 8:32 A.M. and promptly conducted a roll call.**

**ADMINISTRATIVE**

1. **Annual Election of Chair**

**Board Member Colarelli motioned to nominate David Hewett as the Chair.  
Board Member Honn seconded the motion.  
The motion passed unanimously.**

2. **Annual Election of Vice-Chair**

**Board Member Colarelli motioned to nominate Mike Riggs as the Vice Chair.  
Vice Chair Honn seconded the motion.  
The motion passed unanimously.**

3. **Annual Designation of Meeting Notification Posting Location**

**Board members designated meeting notification posting location to be on the the coloradosprings.gov website.**

#### 4. Approval of Meeting Minutes

**Board Member Honn motioned to approve the meeting minutes.  
Board Member Colarelli seconded the motion.  
The motion passed unanimously.**

#### 5. Contractor Licensing

##### A. Fire Alarm Contractor (FAC) A

- i. **Business Name:** Denver Fire Alarm Systems, Inc.  
Principal Officers: Shawn Espinoza, President  
Licensee: Shawn Espinoza  
RME: Shawn Espinoza

Deputy Fire Marshal Cooper stated applicant meets the requirements and recommended approval.

**Board Member Colarelli motioned to approve the application.  
Board Member Ekornes seconded the motion.  
The motion passed unanimously.**

- ii. **Business Name:** Thompson Safety  
Principal Officers: Tommy Thompson, President, CEO  
Rich Stoffie, VP of Operations  
Licensee: Mitch Huyck  
RME: Mitch Huyck

Deputy Fire Marshal Cooper provided a history of the contractor. In 2011, Mitch Huyck's license within the city of Colorado Springs was revoked by the Fire Board of Appeals (FBA) due to business practices. Mr. Huyck's license was reinstated in April 2014 and there were no other issues. Mr. Huyck has now changed companies and is applying for a new license.

Board Member Colarelli stated he was involved in the administrative decision back in 2011 and wanted to let the board know of his involvement.

Deputy Fire Marshal Cooper stated applicant meets the requirements.

**Board Member Honn motioned to approve the application.  
Board Member Ekornes seconded the motion.  
The motion passed unanimously.**

- iii. **Business Name:** Winters Electric, Inc.  
Principal Officer: Damon Winters, President  
Licensee: Jared Reed  
RME: Jared Reed

Deputy Fire Marshal Cooper stated applicant meets the requirements and recommended approval.

**Board Member Ekornes motioned to approve the application.  
Board Member Colarelli seconded the motion.  
The motion passed unanimously.**

**B. Fire Suppression Contractor (FSC) A**

- i. **Business Name:** **Thompson Safety, LLC**  
**Principal Officers:** Tommy Thompson, President, CEO  
Rich Stoffie, VP of Operations  
**Licensee:** Mitch Huyck  
**RME:** Mitch Huyck

Deputy Fire Marshal Cooper stated applicant meets the requirements.

**Board Member Riggs motioned to approve the application.**  
**Board Member Ekornes seconded the motion.**  
**The motion passed unanimously.**

**C. Fire Suppression Contractor (FSC) B**

- i. **Business Name:** **Johnson Controls Fire Protection, LP**  
**Principal Officers:** George Oliver, CEO  
Brian Dunn, Operations Manager  
**Licensee:** Kyle Stump  
**RME:** Kyle Stump

Deputy Fire Marshal Cooper stated applicant meets the requirements and recommended approval.

**Board Member Colarelli motioned to approve the application.**  
**Board Member Honn seconded the motion.**  
**The motion passed unanimously.**

- ii. **Business Name:** **Elite Hood Cleaning Co.**  
**Principal Officers:** Nick Vanbuskirk, President  
**Licensee:** Nicholas Vanbuskirk  
**RME:** Nicholas Vanbuskirk

Deputy Fire Marshal Cooper stated applicant meets the requirements and recommended approval.

**Board Member Ekornes motioned to approve the application.**  
**Board Member Honn seconded the motion.**  
**The motion passed unanimously.**

**6. Appeal**

**William H. Wiedemann of 2093 Stanbridge Court, Colorado Springs, CO 80910 requests variance from Colorado Springs City Ordinance 23-4, Section K103.3, Clearance to the main structure.**

Chair Hewett asked appellant, William Wiedemann to the podium and explained the appeals process to him.

William Wiedemann inquired if the Board received the documents that he provided to the Colorado Springs Fire Department (CSFD).

Members of the board responded affirmatively.

Mr. Wiedemann stated this concerns his residence at 2093 Stanbridge Court. He was cited on September 18, 2023, for violation of the ordinance and he is contesting that. He referred to the photos of the plants on his property.

Deputy Fire Marshal Cooper advised the board members the photos start on page 103 of the packet.

Mr. Weideman stated photo #1 shows junipers and a globe spruce. He showed the board members another picture he did not previously provide of a globe spruce. Photo #2 is a globe spruce. Photo #3 shows the width of the globe spruce which is twenty-six or twenty-seven inches. Photo #4 shows the height of the globe spruce which is two feet. Photo #5 shows a juniper. Photo #6 shows the width of the spruce which is three feet. Photo #7 shows a height of four inches. Photo #8 shows the other juniper. Photo #9 shows the width of forty inches. Photo #10 shows the height of that to be four inches. His measurements were similar to the measurements of the fire marshal. His measurement to the closest adjacent home from the bushes is 112 feet. The measurement to the house across the paved street is eighty-six feet. The landscape to the adjoining house is irrigated flowers in the summer and in the winter is barren and usually covered in snow. Photo #11 is a document from a nursery stating the growth potential of a globe spruce which is four feet in height and four to five feet in width. Photo #12 states the growth potential for junipers is eighteen inches with a spread of six feet. Mr. Weidemann stated this gives the board an idea of how big these plants are going to get. The wording of the ordinance in which he was cited states combustible brush trees and shrubs such as gambles oak, conifers, and junipers shall be allowed to be fifteen feet. His contention is the size of these plants is not a threat to be combustible. The plants are surrounded by rock, there is a rock wall on the house, and the plants are on a drip irrigation in the summer and are covered in snow in the winter. The plants do not represent a threat. The landscape plan he had done cost him a lot of money and for him to remove and replace it will be expensive. At his last house, he had the fire department come out and look at what he had. They recommended he remove the junipers, which he agreed were a hazard, but he does not agree they are a hazard at 2093 Stanbridge Court. He is asking for a variance. He was cited under 102.1.2 and included a copy of that portion of the ordinance and it says there can be an exception for patches or trees not exceeding 100 square feet in size and no more than 15 linear feet in any direction, which may allow him to encroach in the zone. This fits well within that exception. He was cited from section 102.1.2 but the discussion with the fire department addressed a completely different section, 103.3 and that section has the same exception to enforcement. He does not think the size of the plants and the fact that they are irrigated and covered with snow shows they are not a threat to the city. He thinks he should fall in the exception that is in the ordinance. Included in his documentation provide to the board is a copy of section 103 of the ordinance which does not match the one cited by the fire marshal which addresses roofing materials. He thinks at the time the ordinance was enacted it was governed by 102.1.2. That is his position in this case.

Chair Hewett explained the process for the continued discussion of the appeal.

Chair Hewett asked if the board members had any questions.

Board Member Colarelli asked how many bushes, trees, and shrubs are in consideration right now.

Mr. Weidemann replied there are two junipers and one globe spruce.

Board Member Colarelli responded with a thank you.

Chair Hewett asked if there were any other questions from the board members.

Deputy Fire Marshal Cooper stated on page ninety-five of the packet is the original write-up from the Wildfire Mitigation Section that identifies the vegetation in question. The drawing shows four small junipers and one spruce. When the CSFD measured on-site, three of the four junipers were within fifteen feet.

Chair Hewett asked if the three (junipers) were inside or outside (the fifteen feet).

Deputy Fire Marshal Cooper responded three were within the fifteen-foot radius and one was outside of it.

Board member Colarelli clarified that instead of the two in question, there are three.

Deputy Fire Marshal Cooper responded affirmatively, there are three junipers and one globe spruce.

Mr. Weideman stated he made a mistake, he thought there were only two, but the third juniper is identical to the others in size.

Deputy Fire Marshal Cooper stated he has been corrected and there are two junipers within the radius and two are outside the radius.

Chair Hewett stated there were no current questions from the board and invited the (Division of the) Fire Marshal to present their comments based on the testimony that was just heard.

Deputy Fire Marshal Cooper clarified the code citations. The citation for 102 was out of the 2015 International Fire Code(IFC) and that was the code the home was built under. When the CSFD Wildfire Mitigation team went out to the property, their forms had not been updated and still had that 2015 reference. On June 30<sup>th</sup>, 2023, the CSFD adopted the 2021 edition of the IFC. That code reference changed as far as the reference number; however, the condition of the code had not changed, thus the clarification of why two different code references were identified in the document.

Deputy Fire Marshal Cooper invited Fire Code Inspector, Nathan Mascarenas, to the podium.

Nathan Mascarenas, Fire Inspector I, Colorado Springs Fire Department introduced himself. He clarified the date the first contact was made by Andi Gregory (Senior Maintenance Technician with the CSFD) on August 17<sup>th</sup>, not September. She left a door hanger on Mr. Wiedemann's door on August 17<sup>th</sup> giving him until September 18<sup>th</sup> to get the landscape fixed. The notification stated two junipers and one blue spruce were too close (to the house). On August 22<sup>nd</sup>, Chief Randy Royal received a letter from Mr. Wiedemann stating he did not agree with the violation. On November 8<sup>th</sup> at 2:30 p.m., Fire Inspector Mascarenas and Deputy Fire Marshal Cooper met with Mr. Wiedemann on his property to discuss the violation. Fire Inspector Mascarenas obtained permission from Mr. Wiedemann to get on his property so they could measure since Mr. Wiedemann's letter to Chief Royal stated the CSFD was not allowed on his property. They measured from the corner of his house to the two junipers which were within thirteen feet (of the house), the blue spruce was less than three feet from the front (of the house). They informed Mr. Wiedemann that he was in violation of Appendix K, section 103.3 of the 2021 IFC. Mr. Wiedemann was adamant that he would not remove

the plants. Fire Code Inspector Mascarenas stated he could replant them as long as they were outside of the fifteen-foot radius from the home. Mr. Wiedemann did not want to do that. Deputy Fire Marshal Cooper informed Mr. Wiedemann of the FBA appeals process. Fire Inspector Mascarenas provided Mr. Wiedemann with all the information to appeal, and he agreed to go through the appeals process. Fire Inspector Mascarenas talked to Mr. Wiedemann on (November) 9<sup>th</sup> to have another discussion and obtain his signature. Mr. Wiedemann refused and stated he would defer to the board. Fire Inspector Mascarenas asked if the board had any questions.

Board member Colarelli asked about the risk posed by juniper or globe spruce relative to other plants from a fire standpoint.

Fire Inspector Mascarenas stated he would defer the question to Wildfire Mitigation Program Administrator Ashley Whitworth.

Wildfire Mitigation Section Program Administrator Ashley Whitworth introduced herself. She explained the conifers and junipers have a high oil and resin content. Prior to the Waldo Canyon fire, these plants were not allowed to be planted within ten feet of a house. The CSFD saw the risks these plants posed to houses and the embers that landed in them caught homes on fire. Thus, the requirement was changed to fifteen feet. Any type of vegetation that is on fire, you can imagine (flame heights of) about one and one half to three times the height of the fuel. So, if there is a globe spruce or juniper that is one, two, or three feet tall, there is a potential of five to ten foot flame length coming off of the vegetation. That is why we do not like this hazardous vegetation within fifteen feet of the homes in the wildland-urban interface.

Board Member Colarelli asked if this particular vegetation was watered, how much difference does that make in relation to fire risk.

Program Administrator Whitworth stated she does not have that scientific information. All she can speak to is the code and why we have the code in place of not having hazardous vegetation within fifteen feet of the home.

Chair Hewett asked if there were any other questions.

Board Member Colarelli asked what the cause of the initial inspection was.

Program Administrator Whitworth stated that employees of the Wildfire Mitigation section do onsite consultations with homeowners in the wildland-urban interface to discuss vegetation on their property. They were in the neighborhood and noticed several homes in violation of the code, including the appellant, and did the initial warning to the appellant.

Board Member Colarelli asked if the other homes in violation received a similar warning.

Program Administrator Whitworth responded affirmatively and the CSFD has been in communication with those homeowners about the vegetation on their property.

Board Member Colarelli thanked her.

Chair Hewett asked if there were any other questions.

Board Member Riggs asked if the nature of the surrounding landscape and separation from other materials via the ground cover make any difference in fire spread or fire hazard.

Program Administrator Whitworth replied that even with the rock that is around the house, the proximity of the vegetation to the home and the flame lengths the vegetation can produce is the concern. That was what was seen in Waldo Canyon Fire. The vegetation was within fifteen feet, an ember lands in that vegetation, there is a high resin content, it gives off a flame length, and that is what potentially can catch the home on fire. There were windows that flexed and broke and fire entered the house that way. That is why the requirement of no vegetation within the first fifteen feet of the home.

Chair Hewett asked what year the home was built and what year were these particular trees planted.

Mr. Wiedemann responded that the house was built in 2020 and the landscape was done in the fall of 2020.

Chair Hewett confirmed that everything was done in 2020.

Mr. Wiedemann responded yes. He added that Mr. Mascarenas was correct on the date of the citation which was the seventeenth of August.

Deputy Fire Marshal Cooper stated he wanted to add that when this ordinance was written, it was a systems approach. All the elements within the ordinance are important and one or two issues by themselves might not be an issue. The ordinance was written as a package deal to reasonably address all the concerns and risks that were posed to a house from a wildfire standpoint. When we talk about the clearance of structure of vegetation, we have elements on how the house was built, we have the protection of the eaves and vents, and all those things work together as a package deal to help protect that home. That was the difference between the reasonable approach to the ordinance and why all those elements are there. One or two of these things by themselves may not be an issue but as you compound the risks that go along, we wanted to make sure that we covered all our bases with those elements.

Chair Hewett asked if there were any more questions from the board.

Board Member Riggs asked if there were previous permit comments about character trees that have remained in place and if there were other elements of variance to or exceptions to section K that have already been made during this permitting process.

Deputy Fire Marshal Cooper responded that at the time of plan review when the home was evaluated, the large tree on the backside of the home was evaluated as a character tree and was considered acceptable at the time. Deputy Fire Marshal Cooper further explained when a character tree is acceptable, it is considered to be a package of the fuel load of the home itself, rather than a separate fuel package as a stand-alone tree remote from the house. Ms. Whitworth can speak to character trees in more detail, but that was considered at the time of construction.

Board Member Riggs asked if there was another exception for a character tree or character landscaping less than 100 square feet per some of the exceptions would other elements that were character elements impact that allowable square footage or the combustion load?

Deputy Fire Marshal Cooper asked Program Administrator Whitworth to speak to the concept of a character tree and how that varies or differs from other vegetation.

Program Administrator Whitworth stated that character trees are classified as unique trees to a property. Typically, they are very mature trees and are twelve inches or greater at breast height. There is a measuring tool used to measure around the tree to make sure it is greater than twelve inches at breast height. The vegetation in violation today is not considered to be a character tree. On this property, there is a character tree in the back, it is mature, and it is unique to the site, it is not something the CSFD wants to cut down because it adds value to the property. Since character trees are larger trees, the chance of them catching on fire from a wildfire or an ember land in them is significantly low compared to a juniper or globe spruce that is right up next to the property. The vegetation around the character tree and underneath the branches is considered the drip line and must be cleared out within 10 feet of the tree. The character tree is considered part of the home, and the homeowner needs to do mitigation work beyond the character tree to create a defensible space for their home and their community.

Chair Hewett stated thank you.

Board Member Colarelli asked the CSFD staff to explain why the exception to 103.3 does not apply in this case.

Program Administrator Whitworth clarified that Board Member Colarelli is asking about the exception for K103.3.

Board Member Colarelli replied yes, the 100 square foot exception.

Program Administrator Whitworth replied typically with brush patches in the wildland-urban interface (WUI) there are clumps of oak brush and gamble oak, and the CSFD works with the city planning department to not clear-cut the WUI in its entirety to keep some of the characteristics. If a home has a large amount of scrub oak or gamble oak on it, the CSFD mitigation section will work with the homeowner so they can keep some of the vegetation with the stipulation of removing lower limbs and grasses. If it is greater than 100 square feet, then the homeowner must remove some of the oak to meet the guidelines.

Board Member Colarelli replied he appreciated that but remained confused. He reads the exception in the code to allow up to 100 square feet of planting that would otherwise not be allowed. It does not speak to the type of planting as to whether it is a conifer, juniper, or scrub oak. It appears that we are talking about less than 100 square feet in this circumstance of the three plants. On the surface, it looks like the appellant makes a good case about the exception and he wants to understand the staff concern or where he is misreading it.

Deputy Fire Marshal Cooper responded the exception does give discretion to the fire code official to make a determination. What Ms. Whitworth spoke to in terms of scrub oak would be an example. The characteristics of the vegetation that is there and how it could be mitigated in other ways, such as limb up, removing the grasses, and things like that, to isolate it as a fuel package. The vegetation here (2093 Stanbridge Ct) specifically the juniper, the resins, and high oil content leads to a greater risk than what we experience in other vegetation. Therefore, it is discretionary, and we look to our experts to evaluate and see if there are other ways to mitigate that specific clump of vegetation.



In this case, the juniper and the spruce due to their nature, is not considered a reasonable approach.

Board Member Colarelli stated he appreciates that.

Board Member Colarelli asked the appellant if he had a landscape plan prepared by a professional landscape designer.

Mr. Wiedemann responded that he did.

Board Member Colarelli stated this professional landscape designer understood that he was in the WUI and showed these plants within the fifteen-foot zone.

Mr. Wiedemann replied that he could not speculate what the person knew. But he can state the plants were planted in accordance with the professional plan.

Chair Hewett asked Mr. Wiedemann if his home was built in 2002.

Mr. Wiedemann replied no, it was built in 2000.

Chair Hewett asked when these plants were put in.

Mr. Wiedemann responded in the fall of 2000.

Chair Hewett asked if the tree that was looked at was 20 years old.

Mr. Wiedemann apologized and said no, the year is 2020.

Chair Hewett thanked him.

Board Member Colarelli stated he would expect a professional licensed landscape designer to understand what acceptable plantings are at this location and if the (design) document showed that these plants were proposed at this location, he (Mr. Colarelli) would have a problem with the landscape designer.

Board Member Colarelli stated he is curious that Mr. Wiedemann received the violation and two days later he wrote a letter to Chief Royal, which sounds like a strong move. Also, there is not much documentation reflecting working with the CSFD to try to come up with a mitigating strategy. When an appellant comes before the FBA and asks for an appeal, the appeal is generally decided upon based on the efforts to mitigate the risks associated with the underlying concern. Why was there not much effort to work with the CSFD to find a mitigating strategy concerning the three plants?

Mr. Wiedemann responded when Mr. Mascarenas came out, he understood that there was no resolution. He understood the only resolution was to remove the plants. He was upset as he paid \$45,000 for this landscaping and to be told that it has to be ripped out does not make him very happy.

Board Member Colarelli stated he could appreciate that.

Chair Hewett stated to remove or relocate to a further point, is that really the two options?

Mr. Wiedemann stated in either case, he has to remove them (the plants).

Chair Hewett stated Mr. Wiedemann was correct. Chair Hewett would put a little bit of fault with the contractor. Mr. Wiedemann has a case against the contractor more than he does the FBA. In his opinion as a homebuyer, the landscape contractor is responsible for some of this as well.

Mr. Wiedemann stated that he would have thought that the contractor would have known this as well.

Board Member Colarelli stated the contractor put in what the landscape designer designed.

Chair Hewett confirmed there are a couple of professionals involved here.

Chair Hewett stated these are things that the board wants to understand what the public is dealing with and how we get to where we are today. That is why these questions are so important. The board is trying to be listeners as well.

Board Member Honn asked the CSFD if there was another option to replace the plants with something less combustible.

Fire Inspector Mascarenas responded affirmatively.

Board Member Honn asked if this was presented to the appellant.

Fire Inspector Mascarenas stated no, not at that time. All that was presented was that the plants could be removed or moved and replanted outside of the fifteen-foot requirement.

Board Member Honn stated Mr. Wiedemann could relocate these plants somewhere else on the property and put acceptable shrubs in their (current) place.

Fire Inspector Mascarenas replied affirmatively.

Chair Hewett asked if there were any other questions or comments from the board.

Board Member Ekornes asked if the CSFD reviews landscape plans.

Program Administrator Whitworth responded no.

Chair Hewett asked if there were any other comments from the CSFD.

Deputy Fire Marshal Cooper stated he had nothing further to add.

Chair Hewett explained to Mr. Wiedemann the process and the board will vote on the acceptance or denial of his appeal. He asked if Mr. Wiedemann had any additional comments or questions.

Mr. Wiedemann stated he did the measurements yesterday from the center of the plant to the house and spruce is 6 feet, one of the junipers is 10 feet and another juniper is 13 feet. He states in fairness to him, he should not be bound to an ordinance that was enacted after he did the landscaping. He was cited with 102.1.2 which was in existence in the time that he did the landscaping. But the gentleman just said that (code) 103.3

was enacted this July. He should not be bound by something that was enacted after he planted the landscaping.

Board Member Colarelli stated Deputy Fire Marshal Cooper was explaining that the language in 103.3 was in fact, in the code in its prior version, it was just 102 rather than 103. The modifications were made in the 2021 (code adoption).

Deputy Fire Marshal Cooper stated Board Member Colarelli is correct. The code language has not changed between the 2015 code and the 2021 code. The home was built under the 2015 code which references the 102 citation. When the Wildfire Mitigation team went out, they had an out-of-date form that had not been updated to the new code that was updated one month prior. That was marked in error of 102.1. When Fire Inspector Mascarenas went out that was cited under the proper 2021 code of 103. The language remained the same, the code reference was in the point of transition at that time of code adoption.

Chair Hewett asked if there were any further comments from the fire department.

Deputy Fire Marshal Cooper responded no.

Chair Hewett asked Mr. Wiedemann if he had any comments or questions.

Mr. Wiedemann responded no.

City attorney Frederick Stein reminded the board of its authority. In city code 8.3.102 the authority of the board, second paragraph, the code states, "the Fire Board may make reasonable interpretations of the provisions of this (code) to grant variances to the Fire Prevention Code and to determine the suitability of alternative materials and type of construction as required by this code. Any determination made by the Fire Board shall be in harmony with the intent of this chapter. The Fire Board may make recommendations from time to time to the City Council for revisions (of the code) or chapter". The board is allowed to make determinations and grant variances based on their reading of the code and the presentation of the petitioner and the CSFD. City Attorney Stein confirms that section K102.1.2 in the 2015 International Fire Code has the same verbiage as in the K103.3 in the 2021 International Fire Code, it was just a numbering change, and the verbiage remains the same. This can be seen on page 85 of the packet which includes the 103.3 provision, on page 89 of the packet the 102.1.2 version.

Chair Hewett thanked Mr. Stein. He stated the board needs to vote to deny or to allow the variance to move forward. He will ask each board Member to verbally give their vote.

Board Member Colarelli stated a motion is needed to deny or approve and give the reason for their vote.

Chair Hewett stated he needs a board Member to provide a motion deny or approve the request.

**Board Member Ekornes motioned to deny the request for relief from Colorado Springs City Ordinance 23-4, Section K103.3, Clearance to the main structure at 2980 Stanbridge Court, Colorado Springs, Colorado 80910.**

**Board Member Honn seconded the motion.  
The motion passed unanimously.**

Chair Hewett asked it member to vote and give their reasons for their vote.

Board Member Colarelli votes to approve the motion to deny. There are no mitigating circumstances that would suggest leaving this would comply with the intent of the code as it is currently written. He cannot in good conscience, vote to approve it. As a side note, he was on the board during the two significant wildfires in this area. He was exposed to the hazards presented by conifers and spruce and is very sensitive to the risk these plantings cause. Due to that experience, he would expect significant mitigation to any variance to this particular code section.

Chair Hewett asked Vice Chair Riggs to vote and comment.

Vice Chair Riggs votes to approve the motion to deny. He believes there are options for the homeowner to modify their planting to be in conformance with the WUI code and the fire mitigation requirements. The code is written not only for the protection of the homeowner but also those surrounding. The fires experienced here reflect the need to be conscientious of ourselves and others.

Chair Hewett asked Board Member Ekornes to vote and comment.

Board Member Ekornes approved to deny the motion. He trusts the CSFD's judgement on this. We have experts locally and in the country with their thoughts and opinions on this and we should follow what they advise to do.

Chair Hewett asked Board Member Honn to vote and comment.

Board Member Honn concurs with the other members of the board. There are reasonable measures to get within the code and he does not see it as outrageous to meet that.

City attorney Stein asked Board Member Honn if he is voting to approve the denial of the request.

Board Member Honn replied correct, he is voting to approve the denial of the variance.

Chair Hewett vote in the same manner as the others. These are difficult meetings with appellants. We want to do what is right for everybody, for our city, for the people that are living in it. It appears Mr. Wiedemann has been through some difficult issues with contractors and others. The number one goal of this committee is to have the safest neighborhoods as possible in our city and this is one small way, we work to do that. He votes to approve the motion to deny.

Chair Hewett asked if Mr. Wiedemann if he had any comments.

Mr. Wiedemann stated the plants are frozen in the ground covered with snow and asked if he could have until the first of June to remove the plants.

Chair Hewett stated that was acceptable.

## **BUSINESS**

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**NEW BUSINESS**

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**ADJOURN**

**Board Member Ekornes motioned to adjourn.  
Board Member Honn seconded the motion.  
The motion passed unanimously.**

**Meeting adjourned at 9:28 A.M.**

Respectfully submitted by,

A handwritten signature in black ink, appearing to be 'Kris Cooper', with a horizontal line extending to the right.

Kris Cooper  
Deputy Fire Marshal and Secretary to the Fire Board of Appeals

KC/cm