



## Steamboat Springs Officials Take Action after Fire in Apartment

By Brandon Gee, Steamboat Pilot & Today  
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Steamboat Springs — City Council members are calling for a review of code enforcement priorities, and city planners hope to inventory Steamboat Springs' stock of secondary residential units in the wake of David Engle's death last weekend in an Old Town apartment.

Engle died of smoke inhalation after a grease fire ignited in his converted garage apartment at 705 Pine St. The apartment had no smoke detectors and is not registered as a legal residence with the city. The city does not actively pursue unregistered secondary units unless a complaint is made. Secondary units are those located on the same lots as principal dwelling units and include a sleeping area, kitchen and bathroom, according to city codes.

"I think this is a real wake-up call," Councilman Steve Ivancie said Friday. "It's a tragedy. There's a lot of blame to go around. If we're not prepared to enforce our codes, we should take some of those rules off the books. ... When it comes to property owners, I really feel they have a moral obligation to provide a safe place. ... For people who circumvent the process, they should be held responsible."

Jeff and Trigg Gerber have owned the property since September 2007; the garage was converted to an apartment sometime before 1990.

Planning Director Tom Leeson said the city has only two code enforcement officers — one of whom was hired this year — to enforce all of its land-use regulations.

"They're busy with a lot of different land-use violations," Leeson said. "Vacation home rentals is probably our biggest one in terms of complaints. Signage, we get a lot of complaints about signage. And particularly this time of year we get a lot of complaints about noxious weeds."

"I don't think there's a lot of illegal units out there, and typically they don't get a lot of complaints in the neighborhood. ... It's very difficult to go after them. It would be pretty time intensive for not a great return."

But both Ivancie and Councilwoman Cari Hermacinski said the enforcement of regulations related to safety should take priority.

"The benefit is saving a life," Hermacinski said. "Protecting people's health and safety is the basic function of government."

Hermacinski said life-safety issues should outweigh aesthetic concerns such as signage.

One tool not available in the enforcement of secondary unit regulations is the city's Finance Department, which helps police vacation home rentals.

"We go through and look at vacation ads and Web sites looking for properties that do not have a sales tax license," said Bob Litzau, assistant finance director.

Litzau said when sales tax auditors find an unregistered vacation home, they contact the owner, tell them to register, have them file back returns and refer them to the Planning Department. No similar process is in place for secondary units. Leeson said his department relies on complaints and does not troll newspaper or Internet advertisements.

"It's not a sales tax issue," Litzau said. "It's a long-term rental, so it really isn't an issue for" the Finance Department.

Mariane Engle, David's mother, said the city's response to the tragedy is of no concern to her at the moment.

"I haven't really been thinking along those lines," she said. "We've been thinking about David. Maybe in time, I'll be able to form an opinion on that."

### **Affordable or enforceable?**

On Thursday, City Council President Loui Antonucci told the Steamboat Pilot & Today that, "Sometimes in a community like this when you do have housing issues, I think that sometimes there's a tendency to allow things to occur, or at least we turn the other cheek sometimes in not knowing about it."

Leeson, Ivancie, Hermacinski and Community Housing Coordinator Nancy Engelken rejected the idea that the city's need for affordable housing would trump a life-safety issue.

"I don't buy that argument," Ivancie said. "I think ... people do this because they can get away with it. Unfortunately, in this town for years people have just done things on the fly."

Engelken and Leeson agreed with Antonucci in the sense that there is a "tremendous need" for the units, which make life more affordable for owners and renters alike. Leeson called them "affordable with a small 'a.'"

"Because of their size, there's a maximum landlords will charge for them," Engelken said. "They fill a good need."

But both said they would not protest on affordable housing grounds if City Council considered upping the enforcement of secondary unit regulations.

"I think this does come down to be a health and safety issue," Engelken said. "It's not about erasing the stock, but making sure everything is up to code in the city. I don't think documenting what exists reduces the stock. I think documenting the stock ensures that it's safe for the people living there."

### **'Painless process'**

Documentation will be a major focus for Engelken and others in the Planning and Community Development Department in coming weeks. Although the city has records of all registered secondary units, there is no database or other organized list to refer to.

"We don't have a particular list," Leeson said. "We have records of them all, but it's just a matter of going through them. Based on this and based on the interest in this, we're going to develop a comprehensive list."

Leeson guessed there are between 50 and 75 secondary units registered in the city and few illegal secondary units. Although no official numbers are available, data prepared by the Routt County Assessor's Office provides some qualified insight.

Out of 2,708 properties classified as improved in Steamboat and the Tree Haus subdivision in unincorporated Routt County, 79 have two kitchens and 75 have a "second residential occurrence" such as a detached living area or caretaker unit. The number of properties with two kitchens excludes duplexes and triplexes.

"These numbers only represent properties that we are aware of as having secondary units either through the permit process or discovery process," Susan Chorak of the Assessor's Office wrote in an e-mail.

Another problem with the data, Assessor Mike Kerrigan said, is that his office often includes areas that may be used as a secondary units in the square footage of the primary residence if the two are connected by means such as a hallway, stairway or door.

"There really is no good definition from an appraisal point of view," Kerrigan said. "There isn't a consistent definition of what (a secondary unit) is. ... There's not that many of them because we don't know about many of them."

Leeson said the city's secondary unit regulations were adopted in 2001.

"There were lots of existing secondary units prior to 2001, but they were all illegal," Leeson said. "You had to have twice the minimum lot size to have a secondary unit. In an effort to make it easier ... we went through the process of establishing some criteria and making it a rather painless process."

The criteria include size limitations as well as occupancy and parking requirements. There is a \$50 fee to register a secondary unit, and Leeson said the requirements are "relatively easy to meet" and applications usually are processed in a few days. A secondary unit application does not require public review by the Steamboat Springs Planning Commission or City Council.

"It's an easy administrative thing," Leeson said.

In the wake of David Engle's death, city officials urged Steamboat renters and landlords to take advantage of smoke detectors available for free from Steamboat Springs Fire Rescue. Routt County Coroner Rob Ryg, who confirmed Engle's cause of death Thursday, said Friday that a toxicology report still is pending and is expected Monday or Tuesday.