

2/11/2021



Bonita JOY Yoder <bonitajoyoder@gmail.com>

Need verification of Flood Dev Permit only

24 messages

Wed, Feb 26, 2020 at 12:48 PM

Bonita Yoder <bonitajoyoder@gmail.com>
To: Chris.Jain@murraysmith.us, Paul Glasgow <Pglasgow@townoflyons.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Troy Dicker <troydicker@caaprofessionals.com>

Good afternoon,

I really need to confirm that I only need to have the Flood Development Permit approved by March 13, 2020, and that the building permit application can be submitted later. When I talked with Paul before the BOT meeting on February 18, he believed that is the case but was going to confirm with Victoria and get back to me. I would like to have that confirmed by email.

Also I found a copy of the FEMA ordered appraisals in Kansas and see the site value is \$100,000. Has the town found the FEMA ordered appraisals or should I email a copy to someone there?

Thank you for your time.

Bonita Yoder
7855504944

Wed, Feb 26, 2020 at 1:11 PM

Chris Jain <Chris.Jain@murraysmith.us>
To: Bonita Yoder <bonitajoyoder@gmail.com>, Paul Glasgow <Pglasgow@townoflyons.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Troy Dicker <troydicker@caaprofessionals.com>

Hi Bonita - I am working to get you answers to all of your questions. I will reply by email today. I apologize for the delay.

As far as the permit timing - yes the floodplain development permit is the time-critical piece, the building permit can come after.

Thank you.

Get Outlook for iOS

Chris Jain PE, CFM
Civil Engineer | Licensed in CO, OR, MT, WI
850 W. South Boulder Road #200, Louisville, CO 80027
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From: Bonita Yoder <bonitajoyoder@gmail.com>
Sent: Wednesday, February 26, 2020 11:48:18 AM
To: Chris Jain <Chris.Jain@murraysmith.us>; Paul Glasgow <Pglasgow@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Troy Dicker <troydicker@caaprofessionals.com>
Subject: Need verification of Flood Dev Permit only

[Quoted text hidden]

Wed, Feb 26, 2020 at 1:23 PM

Bonita Yoder <bonitajoyoder@gmail.com>
To: Chris Jain <Chris.Jain@murraysmith.us>
Cc: Paul Glasgow <Pglasgow@townoflyons.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Troy Dicker <troydicker@caaprofessionals.com>



Bonita JOY Yoder <bonitajoyoder@gmail.com>

Re: 401 2nd Avenue Flood Development Permit application filed today

10 messages

Bonita Yoder <bonitajoyoder@gmail.com>

Wed, Mar 4, 2020 at 2:30 PM

To: Chris Jain <Chris.Jain@murraysmith.us>

Cc: Troy Dicker <troydicker@caaprofessionals.com>, Paul Glasgow <Pglasgow@townoflyons.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Michael Theisen <michaeltheisen@caaprofessionals.com>

Chris and Troy,

The architect, Danielle Lynn, filed the Flood Development Permit application in Lyons Town Hall today in the interest of the time deadline, as you had told me to give you a week or so. Elevation was left as was at 3.69 while I am reaching out to subcontractors about the implications of a potential 4.69 foot elevation as per your inquiry yesterday.

I do have an additional question. If the elevation at whatever height (hopefully agreed upon between us) caused something to run afoul of another aspect of the IRC (e.g a non flood related height requirement for plumbing, electrical, hvac etc) would the Town of Lyons/building inspector grant a variance for that other Code requirement?

My aim is avoid a situation where a flood related elevation requirement causes incompliance with another aspect of the Code. For example, depending upon which of the three elevation certificates on my houses that you go by (that should be in my file at Town Hall), two feet above BFE could result in the outlet height being higher I believe than a 5.5 feet height limitation for outlets.

If you have any additional questions or require additional information, please contact me directly.

Thank you for your time and assistance.

Bonita Yoder
Cell (785) 550-4944

On Tue, Mar 3, 2020, 5:09 PM Bonita Yoder <bonitajoyoder@gmail.com> wrote:

Chris,

I do not need to see the pictures again. One issue is two feet above BFE could be in violation of the electrical code height limitations, depending upon which elevation certificate you deem applicable.

I will need to consult with Danielle, the HVAC contractor as to one feet above BFE and possibly the electrical contractor before we get back with you.

Danielle has designed drawings and I have signed an Application for Flood Development Permit. We have been waiting to resolve this issue to submit the application for Flood Development Permit. I understand that tweaks in the design/drawings may be in order on the Town's part or my part before the Flood Development Permit issued and/or before the Building Permit is issued, but we were wanting to resolve the height issue to avoid a permit denial. The plan is for Danielle Lynn to hand walk the application into Town Hall when appropriate.

Thank you for responding today.

Often when I email a town staff member or official, it seems as if the email disappears into a black hole and I do not know if anyone has even read the email. It is nice to receive an acknowledgment of the email, even if to let me know that someone will have to check into the matter to respond (as Troy's email did), or to ask a question or for further information (as your email did today).

Bonita Yoder
Cell 785 550 4944

On Tue, Mar 3, 2020, 4:25 PM Chris Jain <Chris.Jain@murraysmith.us> wrote:

Hi Danielle – you are suggesting to elevate to the BFE, would you and Bonita be willing to flood proof to at least 1 foot above that? Victoria sent Bonita some pictures of this done previously in Lyons. Extending a

waterproof barrier up to the desired level of protection beyond the elevation that surrounds the appliances / mechanical equipment adds greater protection. If Bonita doesn't have the pictures, we can probably send them again.

Thanks,

Chris

—

Chris Jain PE, CFM
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From: Danielle Lynn <daniellelynn303@gmail.com>
Sent: Monday, March 2, 2020 1:40 PM
To: Troy Dicker <troydicker@caaprofessionals.com>
Cc: Chris Jain <Chris.Jain@murraysmith.us>; Paul Glasgow <Pglasgow@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Michael Theisen <michaeltheisen@caaprofessionals.com>
Subject: Re: 401 2nd Avenue clarification before moving forward on Flood Development Permit

Hi Troy, thanks for the email response. I have read all of those sections, however they apply to new construction and substantial improvements. This is below the substantial improvement threshold (construction costs below 50% of value of structure), and is a remodel of existing square footage, not new construction. See section 18-13-310 of the Lyons municipal code below as well.

We are proposing to voluntarily elevate those items to to BFE for best practices. The FPE would be 5.69' above basement floor in this case, and her basement ceiling is only 7.75'. Not only would electrical not meet code if it were installed that high, but it is also not feasible to reinstall a furnace and water heater within the remaining 2' of available space below the ceiling. She cannot afford to raise her home, but will happily voluntarily elevate and use flood resistant construction to the BFE for best practices. I just want to make sure she is granted permits to restore this existing square footage. I know she has pushed this to the wire, but let me know how else I can support this effort to make sure she doesn't lose half of her house.

 image1.jpeg

Thanks so much,

Danielle Lynn

303-947-2497

On Mar 2, 2020, at 12:38 PM, Troy Dicker <troydicker@caaprofessionals.com> wrote:

Danielle,

Thank you,

Chris

—

Chris Jain PE, CFM

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850 W. South Boulder Road #200, Louisville, CO 80027
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From: Danielle Lynn <daniellelynn303@gmail.com>

Sent: Thursday, February 27, 2020 7:52 PM

To: Bonita Yoder <bonitajoyyoder@gmail.com>; Chris Jain <Chris.Jain@murraysmith.us>

Subject: Re: 401 2nd Avenue clarification before moving forward on Flood Development Permit

Apologies, the 5.69' I referenced I meant to call FPE. BFE is 3.69' above basement. I would propose we voluntarily elevate the furnace, water heater and outlets to 3.69' for best practices.

Thanks again,

Danielle

On Feb 27, 2020, at 7:34 PM, Danielle Lynn <daniellelynn303@gmail.com> wrote:

Hi Chris,

I'm helping Bonita with her drawings and applications and I don't see where the IRC requires section R322 to apply if the existing structure is not considered a Substantial Improvement or Restoration of Substantial damage (both defined by work over 50% valuation of structure). Please see attached and highlighted sections of R105.3.1.1 & R322.1. Both state that the entirety of section R322 only applies IF that threshold is met, or there is a portion of new construction (ie: an addition). I know that is certainly best practice, but the BFE is 5.39' above basement floor in her house with only 7.75' ceilings in the basement (6.75' ceiling in the mechanical closet). Her basement houses the washer/dryer and mechanical closet and there is nowhere to put them upstairs. Additionally, locating outlets and switches that high would not meet code for maximum heights above floor.

I did work on a house in Boulder county in the floodplain, in which they remodeled some existing floor area (below BFE) and also constructed a small addition. They stayed under the 50% valuation and only needed the addition to be held to section 322 - that portion of the building was raised. The work in the existing part of the house (including Mech and appliances) were not subject to 322.

Can you please direct us to any sections in the Lyons municipal code that has amended these requirements, because I can't find any. The definitions in Lyons code

for Substantial Improvement or Restoration of Substantial Damage are still the same as stated in the IRC. She is unable to afford raising the home (which would allow other R322 sections for heights of equipment and electrical to be met). I want to make sure she is able to restore her living space in the lower level as that constitutes half of her entire square footage.

Thanks for your assistance.

Danielle Lynn

303-947-2497

<image1.jpeg>

<image2.jpeg>

On Feb 26, 2020, at 4:02 PM, Bonita Yoder <bonitajoyoder@gmail.com> wrote:

More emailing I know, but this is pertinent. He referenced an IRC code. I guess 3.69 plus one foot would bring the outlets under the 5.5 feet.

Bonita

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

From: Chris Jain <Chris.Jain@murraysmith.us>
 Date: Wed, Feb 26, 2020, 3:30 PM
 Subject: RE: 401 2nd Avenue clarification before moving forward on Flood Development Permit
 To: Bonita Yoder <bonitajoyoder@gmail.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Paul Glasgow <Pglasgow@townoflyons.com>, Troy Dicker <troydicker@caaprofessionals.com>

Hi Bonita,

Please see below for some answers to your questions. I tried to summarize all of your questions in the several emails, hopefully I captured all of them.

1. Where is the written guideline for how the structure is valued?

- a. The most comprehensive description is in FEMA 480, Chapter 8, particularly a description on page 8-9. "Market Value" is what FEMA uses and is described in FEMA 480. Link here: https://www.fema.gov/media-library-data/1481032638839-48ec3cc10cf62a791ab44ecc0d49006e/FEMA_480_Complete_reduced_v7.pdf
- b. The Town of Lyons floodplain development permit references the Boulder County assessment on the bottom

Gmail - Re: 401 2nd Avenue Flood Development Permit application filed today
of page 1 of the application.

2. Ultimately is the 50% based upon actual work done, and not estimates of possible work?
 - a. I guess ultimately, yes the permit could be revised to reflect that situation, for instance if a permit was issued and a bunch of the work wasn't completed. However, the permit is issued prior to construction, therefore it is based on estimates and the determination of the permit application is based on those estimates.
3. I need to have the expanded Flood Development Permit approved by March 13, 2020, (but NOT the building permit, correct)?
 - a. Correct.
4. Since the footprint of the house is not changing, would an exterior drawing of the footprint of the house suffice for amending the Flood Development Permit (with a more detailed one to be submitted later for a building permit)?
 - a. No. The plan needs to depict the work being applied for. In the case of utilities or mechanical equipment being installed or replaced, the plan should show their proposed locations along with elevations. It doesn't need to necessarily need to be an engineer or architect drawn plan, but it needs to show the proposed work in enough detail to be evaluated.
5. How many years does the Town go back in accumulating costs for the purpose of calculating substantial damage - I have heard 5 or 10 but I want to know for sure.
6. Please confirm that what you need from me is:
 - a. a narrative – Yes, please describe all work proposed to be covered under the permit.
 - b. contractor's cost estimates – Yes, please include all work proposed to be covered under the permit with the estimate.
 - c. a drawing – Yes, please show all work proposed to be covered under the permit.
 - d. Also a completed application.
 - e. Please see the attached PDFs, particularly the Lyons Floodplain Development Permit Information which describes in detail the information required for the application of a floodplain development permit.
7. Would i need a Flood Development Permit to replace the roof and guttering if I do that in the future?
 - a. Yes.
8. The architect's interpretation is that the elevation of appliances, etc. two feet above Base Flood Elevation does not apply unless 50% of the value of the structure is spent on the improvements. Please confirm this interpretation.
 - a. The intent is for appliances, mechanical equipment, etc. to be elevated two feet above Base Flood Elevation for all instances. The 2015 IRC, section R322 requires that utilities, electrical and mechanical equipment, etc. be elevated or properly designed (floodproofed) in accordance with ASCE 24, to an elevation of at least one foot above the base flood elevation. The recommendation

is still to elevate or properly floodproofed to two feet above the base flood elevation as described in the Town's flood ordinance for substantial or new construction.

Hopefully this helps with your application.

Thank you,

Chris

—

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From: Bonita Yoder <bonitajoyoder@gmail.com>
Sent: Thursday, February 20, 2020 4:48 PM
To: Chris Jain <Chris.Jain@murraysmith.us>; Victoria Simonsen <vsimonsen@townoflyons.com>; Paul Glasgow <Pglasgow@townoflyons.com>; Troy Dicker <troydicker@caaprofessionals.com>
Subject: 401 2nd Avenue clarification before moving forward on Flood Development Permit

Chris,

The home has had at least 3 elevation certificates over the years. Attached is the latest one from 2017. I emailed you a different one earlier this week.

I am wanting verification on the date of the applicable Certificate of Elevation.

Also attached is an Appraisal Letter which I received from Victoria via email today, showing the house at \$275,000 pre-flood. I called Boulder County as their 2013 data is in an old database and is no longer on line. i was told the land value was \$100,000 in 2013.

50% of \$275,000 minus \$100,000 is \$87,500.00. I would like an understanding with the Town of Lyons as to dollar amount constitutes substantial damage. I would also like to confirm which of the elevation certificates applies.

My understanding from talking to an architect and reviewing the town's Flood ordinance is that Section 18-13-310 requires flood resistance when the cost of the improvements is over 50% of the value of the structure itself at the time of the Flood. Thus, the architect's interpretation is that the elevation of appliances, etc. two feet above Base Flood Elevation does not apply unless 50% of the value of the

structure is spent on the improvements. Please confirm this interpretation. I also would like to know for sure what the Town of Lyons considers the dollar amount at which the house would be substantially improved.

"Substantial improvement" is defined in Chapter 18, Article 13 of the Town of Lyons Municipal Code

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement.

Also see Division 3 Flood Hazard Reduction Sec. 18-13-310 General standards, Town of Lyons

which applies to substantial improvements. If there is an amendment to the Town of Lyons ordinance or FEMA regulations requiring elevation of appliances in remodelling of UNDER 50% of the cost of the structure, please point me to that section ASAP so I know how to move forward with the narrative needed to amend the Flood Development Permit.

I also sent an email earlier this week with some questions. If you are not going to be in the Town of Lyons and available to meet tomorrow before I leave town Saturday, would you be available for a phone call?

Thank you for your assistance.

Bonita Yoder

<Town of Lyons Floodplain Development Permit Application.pdf>

<Town of Lyons Floodplain Development Permit Information.pdf>

Bonita Yoder <bonitajoyoder@gmail.com>

Mon, Mar 9, 2020 at 9:21 AM

To: Chris Jain <Chris.Jain@murraysmith.us>

Cc: Troy Dicker <troydicker@caaprofessionals.com>, Paul Glasgow <Pglasgow@townoflyons.com>, Victoria Simonsen <vsimonsen@townoflyons.com>, Michael Theisen <michaeltheisen@caaprofessionals.com>

Good morning Chris,

I have checked with subcontractors. A height of BFE above the basement floor does not work for the tankless hot water heater. I could voluntarily agree to an height of four feet above the basement floor for appliances.

Please advise, as the new ordinance takes effect in Friday of this week. Thus, any Flood Development Permit approval needs to take place by this Thursday.

I do not even know if you have seen my application yet. But it was filed last week.

Thank you for your time.

Bonita Yoder

[Quoted text hidden]

Chris Jain <Chris.Jain@murraysmith.us>

Mon, Mar 16, 2020 at 3:54 PM

To: Bonita Yoder <bonitajoyyoder@gmail.com>

Cc: Victoria Simonsen <vsimonsen@townoflyons.com>, Paul Glasgow <PGlasgow@townoflyons.com>

Hello Bonita – I just wanted to follow up on your floodplain development application. I know Paul talked with you late last week when you stopped in the Town Hall, but I also wanted to follow up and confirm we are reviewing your application. Yours was one of several that was submitted late last week that we are working through.

It was submitted before the new ordinance took place and will be process as such, under the previous ordinance requirements. I will follow up again later this week with an update.

Thanks,

Chris

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Thanks so much,

Danielle Lynn
303-947-2497

On Mar 2, 2020, at 12:38 PM, Troy Dicker <troydicker@caaprofessionals.com> wrote:

Danielle,

Good Afternoon. If BFE is 3.69', then the appliances/outlets would need to be elevated to 5.69', as per Lyons code. 2015 IRC Building code R322.3.2 states one foot, however, a Town ordinance requires it to be 2'. Here is the website link to municode, where you find the adopted ordinances: