

# Pikes Peak Regional Building Department

2880 International Circle  
Colorado Springs, Colorado 80910

## BOARD OF APPEALS MINUTES

September 17, 2008

2:30 p.m.

**MEMBERS PRESENT:** Chairman Ken Murphy  
Vice Chairman Frank Watson  
Mr. Sol Chavez  
Mr. Johnny (J.B.) Johnson  
Mr. Rick Johnson

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Henry Yankowski, Regional Building Official  
Mr. Curtis Martinell, Assistant Building Official  
Mr. Terry Brunette, Special Investigator  
Mr. Todd Welch, Regional Building Counsel  
Ms. Linda Gardner, Legal Assistant

### PROCEEDINGS:

The meeting was called to order at 2:40 p.m.

#### 1. CONSIDERATION OF AUGUST 20, 2008 MINUTES

A motion was made by Johnny Johnson to **APPROVE** the minutes as written, seconded by Rick Johnson; the motion carried unanimously.

#### 2. APPEALS

- a) 13 North 25<sup>th</sup> Street – Alma Patrick, owner, represented by Virgil D. Meadows, Strand and Meadows, appeals the Dangerous Building Notice and Order and the Certificate, both dated June 9, 2008, ordering the building to be secured and subsequently repaired, rehabilitated, or demolished. *This appeal was **POSTPONED** from the August 20, 2008, meeting at the homeowner's request.*

Terry Brunette appeared, was sworn in, and stated he initially visited the property on September 18, 2003, pursuant to a complaint regarding the shed, but the shed was not 120 square feet, so he did not write a violation. He said another complaint was filed a month later regarding the garage, and he visited the property again on October 20, 2003, and he wrote a violation at that time. He said Regional Building Department filed a Certificate of Non-Compliance on February 5, 2004, because the homeowner did not take any action

during this time to permit the illegal structures. He said he and a representative from Zoning and Code Enforcement met with Mr. and Mrs. Patrick and their attorney on February 15, 2007, and asked them to correct the violations. Mr. Brunette said Mr. and Mrs. Patrick have not taken any action to correct the violations; therefore, he designated it as a Dangerous Building. He pointed out that one of the buildings does not have a foundation and the proximity of one building to the house is a fire issue. He said the foundation on the house is crumbling. Mr. Brunette said there was a fence around the property up until June of this year, and he believes it blew down. He said RBD posted the dangerous building violation on June 12, 2008. He stated we do not have any record of any permits being issued for this property, and he believes the house was built in 1899.

Virgil Meadows, attorney for Alma Patrick, appeared and stated Mrs. Patrick owned the property; she sold it on a land installment contract; and then she acquired the property again through foreclosure two to three years ago. He said the purchaser built the garage as a replacement to a garage destroyed by fire. Mr. Brunette stated that the El Paso County Assessor's records indicate that this property never changed ownership, and replacing a structure that has been damaged by fire does require a building permit. Mr. Meadows stated the police department has placarded the house and it is currently not occupied, and was not occupied at the time the dangerous building notice was posted in June 2008.

Ginna Sanders, Colorado Springs Zoning Department, appeared. Mr. Meadows stated he objected to Ms. Sanders testimony because zoning has no relevance in this hearing today. Mr. Meadows stated we did not give notice regarding the zoning issue of the proximity of the location of the building to the property line. Johnny Johnson requested that Ms. Sanders give the Committee the property history as it relates to a dangerous building and not a zoning issue. Ms. Sanders appeared, was sworn in, and stated she received a complaint in 2003 from the adjacent property owner that the garage had been built at the property line, the garage overhang was on his property, and touching his structure, and there was drainage from the overhang causing damage to his structure. She stated she sent a notice to Mrs. Patrick at that time to notify her of the offense, and she has met Mrs. Patrick on site numerous times regarding zoning violations.

Virgil Meadows stated the structure does have foundation problems, and the outbuilding to the east are replacement buildings and would be grandfathered in. He said the complaint from the neighbor was due to drainage problems from the building, which were causing damage to his foundation. He stated he has suggested having a gutter system installed to solve this problem. He said the property is vacant and if anyone is in there, they are trespassing. He stated he has discovered that there has been some drug activity in the house and he is trying to get a police report on this issue. He said the police department placarded the house in the spring because of alleged drug and gun activity. He said it is not a dangerous building unless someone is occupying the building and it is a nuisance to public

health and safety. He said Mrs. Patrick has hired a contractor to do a soils test and to prepare a foundation repair assessment for the primary structure.

Alma Patrick appeared, was sworn in, and stated she does not believe this is a dangerous building. Terry Brunette stated the house numbers on the house are 15 N. 25 Street and the legal address is 13 N. 25<sup>th</sup> Street. Mrs. Patrick stated it was a duplex at one point and it was 13 and 15 N. 25<sup>th</sup> Street.

Terry Brunette stated he believes the house should be saved, because it is a historical structure and he believes it can be repaired, but he believes the outbuildings should be permitted or demolished.

A motion was made by Frank Watson to affirm that the garage is a dangerous building because it is not structurally sound, and it could collapse causing damage to other buildings or any individual that may be in the area, seconded by Johnny Johnson; the motion carried unanimously.

A motion was made by Frank Watson to affirm that the storage structure is a dangerous building because it is not structurally sound and it is a hazard to the public, seconded by Rick Johnson; the motion carried unanimously.

A motion was made by Frank Watson to affirm that the house foundation in the main structure of the house is failing and he considers it a dangerous building, seconded by Johnny Johnson; the motion carried unanimously.

### **3. UNFINISHED BUSINESS**

There was no Unfinished Business to discuss.

### **4. NEW BUSINESS**

There was no New Business to discuss.

The meeting was adjourned at 3:57 p.m.

Respectfully submitted,

Henry W. Yankowski  
Regional Building Official  
HWY/llg