

MINUTES FOR ADMISTRATIVE HEARING – 8/8/19

BUILDING CODE ADVISORY BOARD

3900 HOYT STREET

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE

MUNICIPAL BUILDING

Ronald Abo called the hearing to order at 2:05 pm.

Building Code Advisory Board present:

Robert Phillips - District II Representative

Ronald Abo - Chair, District III Representative

John Kellow - District IV Representative

Nathan Hoppe - At-Large Representative

Board members absent: Cynthia Sanchez - District I Representative

Also present: Ken Johnstone-Community Development Director, Randy Slusser-Chief Building Official, Nina Williams-City Attorney's Office, Dina Kemp-Permit Technician, Art Vasquez, Larry Matthews-resident and council member, Carol Matthews-resident and Ms. Teresa Pacheco-resident.

After introductions and the meeting being called to order by Mr. Abo, Mr. Vasquez was given an opportunity to view the packet provided by the city. Upon receipt, he requested a continuance stating that he had not received this information prior to the meeting.

Mr. Hoppe inquired about the property and why it had been three years since the property had been in the same state and getting worse with no improvements after two permit extensions from the building department. Mr. Vasquez expressed his sincere apologies and took full responsibility for the state of 3900 Hoyt Street, being an owner and person responsible for construction.

Mr. Kellow also questioned Mr. Vasquez as to the lack of progress on the property and recommended that in lieu of fixing the property, the property opt for demolition for the overall benefit of the neighborhood and Mr. Vasquez's financial stake in the property. Mr. Vasquez expressed that he had put \$140,000 into the project and would like to finish the project, therefore keeping with his original request for continuance. He accepted full responsibility for its state explaining the conflicts with ICF, his contractors and miscommunication with them. The

issue of not knowing how to complete the concrete portion of the project was also explained. Mr. Vasquez stated that he planned on paying off the \$200,000 owed on the mortgage in the next 30 days.

Mr. Hoppe highly recommended that he opt for an owner representative to expedite to alleviate future issues of this nature of miscommunication. Ms. Williams also agreed that this was forward progress for the project and would facilitate in its completion. Mr. Vasquez was in agreement. Mr. Philips also recommended that a third party escrow as an option to ensure that the city is able to have a guarantee that the work will indeed be finished as the record of three years with no progression on the project. Mr. Vasquez was in agreement with this suggestion.

Mr. and Mrs. Matthews also spoke about their neighborhood and the impact of the unfinished project and how it has affected their neighborhood, and its possible negative impact on neighboring home values. The couple had lived in the neighborhood for 36 years and they stated that the disarray of the dumpster, construction trucks coming in and out of the property had attracted vermin such as rats, and overall disruption of their neighborhood. Mr. Vasquez was in agreement that he would feel the same and verbalized that he would do make the changes necessary to make the property safe, and took responsibility.

Ms. Pacheco, a retired resident that lives across the street stated that she and her husband enjoy sitting on porch of their home and as the unfinished project had continued she has unrest about the dumping of couches and other debris, vermin, and as of last winter, the area had attracted transient individuals. Mr. Vasquez apologized and sympathized with her plight. She was also concerned that the new property purchased by Mr. Vasquez had a lot of landscape debris. Ms. Matthews agreed to keep the subject to the 3900 Hoyt and the latter being discussed at a later time. Mr. Vasquez respectfully disagreed that this property was a problem and nevertheless would address this at a later time.

Mr. Kellow questioned Mr. Vasquez regarding the financial/feasibility of completing the project.

Mr. Abo continued after hearing all of the aspects of both Mr. Vasquez and the neighbors present that he wants to see clear evidence of this project being complete. He also noted that citizens rarely attend the meetings and he wanted to note that the facts stated would strongly weigh heavily on his decision to consider appeal or to recommend demolition. Mr. Abo also wanted to see evidence of contractors on the projects along with the promised 3rd party escrow and independent engineer.

The Building Code Advisory were all in agreement that strong action needed to be taken after so many delays and the unsafe state of the property. The board decided unanimously to give Mr. Vasquez a continuance after the following conditions are met:

- 1. Independent engineer will be hired other than a letter from ICF which is the homeowner's current general contractor to provide a letter structural integrity for the existing structure.**

2. **Proof of a 3rd party escrow account established separate from the city to ensure that construction will be completed.**
3. **30 day break down of work to be performed with deadlines, including clean-up so property is in good standing and safe for neighbors until the next hearing. This would include keeping property free of debris.**
4. **Evidence of having contracts with all necessary licensed subcontractors.**
5. **An owner representative be hired to help Mr. Vasquez facilitate these items and complete the project that has been unfinished since 2016.**

Mr. Hoppe motioned that the next meeting for all parties will be on September 11, 2019 from 8 am to 11 am at city hall with specific room being announced at a later date. The board voted unanimously for the continuance.

Meeting was adjourned at 3:08 pm