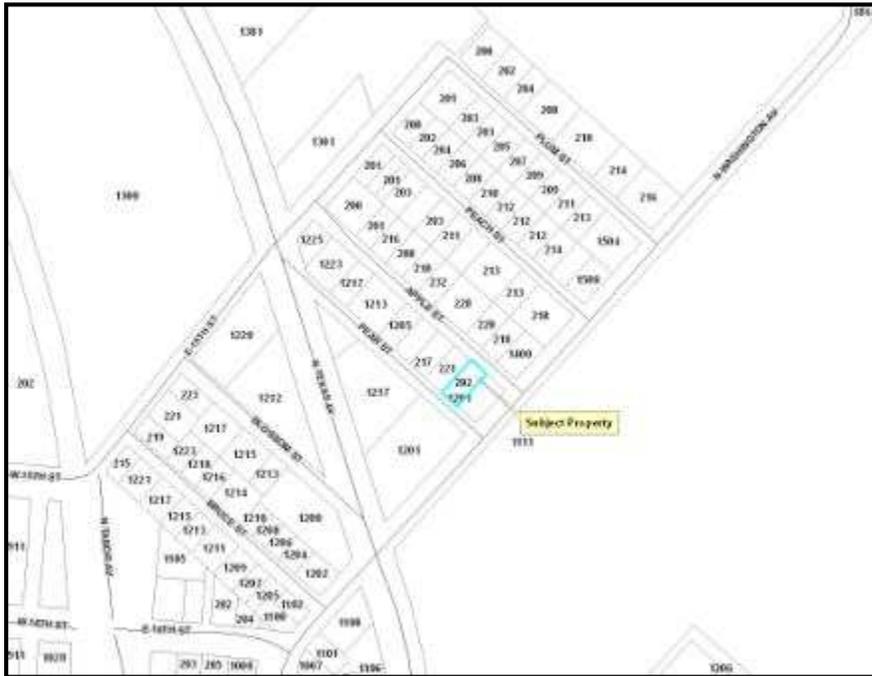


**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

June 27, 2011



Case #1730 – 202 Apple Street



LEGAL DESCRIPTION: Lot 2, Block 1, Ertle and Higgs

STRUCTURE(S):

- single-family residence
- multi-family residence
- mixed use
- commercial
- accessory structure(s)

PROPERTY OWNER(S): William H. Green & Birdie Mae Green

LIENHOLDER(S)/

MORTGAGEE(S): none

IMPROVEMENT VALUE(S)

(AS APPRAISED BY THE

BRAZOS COUNTY

APPRAISAL DISTRICT): \$9,850 (2011 tax year)

BACKGROUND:

The structure at this location has been boarded up and secured for some time. In January 2011, while on inspections in the neighborhood, it was noted that the front porch support was failing and that portions of the tin roof on the rear was missing and allowing water to further deteriorate the structure. It was then placed on the agenda for consideration by the Building and Standards Commission.

ATTACHMENTS:

- (1.) staff recommendation
- (2.) pictures (taken 1/20/2011 and 6/2/2011)
- (3.) dangerous structures survey reports with recommendations

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**

June 27, 2011

Case #: 1730

Record Owner(s): William H. Green & Birdie Mae Green

Building Address: 202 Apple Street

The City's Chief Building Official has requested this Commission hearing to discuss this building, and all legal notices of the hearing were provided to owners, lienholders, and mortgagees. They were also notified that if they wanted to repair the building they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 subsection(s):

- 1) The building, structure, or any part thereof is likely to partially or fully collapse.
- 2) The structure or any part thereof was constructed or maintained in violation of any provision of the City's Building Code, or any other applicable ordinance or law of the city, county, state or federal government.
- 3) One or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base.
- 4) The foundation or the vertical or horizontal supporting members are twenty five percent (25%) or more damaged or deteriorated.
- 5) The non supporting coverings of walls, ceilings, roofs, or floors are fifty percent (50%) or more damaged or deteriorated.
- 6) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
- 7) The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.
- 8) The structure or any part thereof has inadequate means of egress as required by the City's Building Code.
- 9) The structure does not have adequate light ventilation, or sanitation facilities as required by the City's Building Codes and Plumbing Code.

The City further recommends that the Commission find that the building:

- is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated.
- is unsecured and must be boarded up and/or fenced in such a manner to prevent unauthorized entry by a person, including a child, through missing or unlocked doors or windows or through other openings into the structure.
- may feasibly be repaired** so that it is no longer in violation of City ordinances.
- may not be feasibly repaired** in compliance with City ordinances.

The City recommends that Commission issue an order to the owner, lienholder, or mortgagee to:

- vacate the structure within ____ days.
- secure the structure from unauthorized entry within 30 days.
- demolish/remove** or **repair** the structure within 30 days.
- demolish/remove** or **repair** the structure within ____ days, in accordance with the schedule below:

Deadline

Task

- appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.

The City further recommends that the Commission order the City to demolish the building and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.

PICTURES:









CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Chief Building Official

Case # 1730

A. PROPERTY DESCRIPTION

Address: 202 Apple Street

Lot(s) 2 Block(s) 1 Addition(s) Ettle and Higgs

Owner(s) William H. Green, Birdie Mae Green & William H Green Jr.

Mailing Address 329 Garrison Circle, Port Barrington, IL 60010-7058

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories _____ Structures _____

STRUCTURAL USE

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure

CONSTRUCTION

- Box
- Frame
- Masonry
- Mobile Home

OCCUPANCY

- Occupied
- Vacant
- Open

C. FINDINGS

- 01. The structure or a part thereof was constructed or maintained in violation of a provision of the City's building code, other applicable ordinance, state law, or federal law. Specifically, the following:
2003 IRC - ROOF/SIDING/FOUNDATION/ELECTRICAL/PLUMBING - NEEDS REPAIR
- 02. Any wall or other vertical structural members list, lean, or buckle to an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base.
- 03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated.
- 04. The non-supporting coverings of walls, ceilings, roofs, or floors are materially damaged or deteriorated.
- 05. The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
- 06. The structure or any part thereof has inadequate means of egress as required by the city's building code.

- 07. The structure is unsanitary, unfit for human habitation, or likely to cause sickness due to damage, deterioration, or inadequate design/construction. Specifically the structure does not meet the city's requirements for:
 - light
 - ventilation
 - sanitation facilities
- 08. Injury to persons or damage to property will result because portion, member or appurtenance is likely to fail, become detached or dislodged, or collapse.
- 09. Unable to give reasonable protection to any occupants from weather elements or danger of collapse because of:
 - Holes or cracks in the floor, exterior wall or roof
 - Loose, rotten, warped or protruding boards
- 10. Is manifestly unsafe for the purpose for which it is being used or so as not to give reasonable protection from danger of collapse or fire because of:
 - Defective materials
 - Structural deterioration
 - Interior walls or ceilings with holes, cracks or loose plaster

COMMENTS

HOUSE FULL OF TRASH, DEBRIS, INTERIOR FINISHES
 ARE DAMAGED, HOUSE IS SECURED WITH
 BOARDED UP WINDOWS/DOORS

D. DETERMINATION

- 1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:
 - A. Be vacated OR remain unoccupied; and
 - B. Be repaired OR be demolished.
- 2. It has been determined upon inspection and investigation that the structure is not dangerous, unsafe, or a hazard to public health as defined by the City's Code of Ordinances.

Gregory S Cox GREGORY SCOX 6-03-11
 Signature Printed Name Date

STATE OF TEXAS

§

COUNTY OF BRAZOS

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AFFIDAVIT FOR ADMINISTRATIVE SEARCH WARRANT:
SUBSTANDARD BUILDING

The undersigned Affiant is the duly appointed Chief Building Official for the City of Bryan, Texas, and being duly sworn makes the following affirmations:

1. My name is Gregory Cox, I am the Chief Building Official for the City of Bryan. I have personal knowledge of the facts stated herein and they are true and correct.
2. There is a property in the City of Bryan located at **202 Apple**, Bryan, Texas on which is located a structure that I believe to be dangerous in violation of the City of Bryan Code of Ordinances.
3. The structure is intended for a *single-family*. The property *is* located in a zoning district which permits that use.
4. The structure was built in **1950** per county appraisal district, and currently appears to be *unoccupied*.
5. City staff became concerned about this property and the structure because of the following [**check all that apply**]:

- previous violations or hazards on the premises
- complaints made by other citizens
- public safety concerns raised by fire or law enforcement personnel
- other; [please describe] Condition of home brought attention to city staff as possible dangerous building due to possible structural damage.

6. I believe that the structure is in violation of the City of Bryan Code of Ordinances because of the following [**check all that apply**]:

- reports of visible structural damage on the exterior of the structure
- complaints from citizens, fire department personnel, or law enforcement
- the existence of previous violations and/or inspections of the interior
- the age of the structure combined with the current/intended use
- other; [please describe] Per City of Bryan adopted Building code:

SECTION 116 - UNSAFE STRUCTURES AND EQUIPMENT:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down, removed or made safe, as the building official deems necessary and as provided for in Chapter 14, Article VIII (Dangerous Structures) City of Bryan Code of Ordinances. A vacant structure that is not secured against entry shall be deemed unsafe.

City Code of Ordinances Part II, Chapter 14:

Section 14-211 – Declaration:

All unsafe buildings and structures within the terms of this article are hereby declared to be public nuisances and illegal and shall be vacated, secured, repaired, demolished, or the occupants relocated, as herein provided.

Section 14-215 – Right of Entry:

- (a) The chief building official or authorized representative may enter a building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this article.
- (b) When entering a building, structure or premises that is occupied, the chief building official shall first present proper identification and request entry. If entry is refused, the chief building official shall have recourse to every remedy provided by law to secure entry.
- (c) No person, owner or occupant of any building or premises shall fail, after proper identification, to permit entry into any building or onto any property by the chief building official for the purpose of inspections pursuant to this article.
- (d) The chief building official, fire marshal, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

Per the code and ordinance sections stated above the home appears to be unsafe and dangerous to due to inadequate maintenance, and **roof/ structural failure.**

7. For the above reasons, I believe that there is sufficient reason to believe probable cause exists that the owner of the property is in violation of the City of Bryan Code of Ordinances.

WHEREFORE PREMISES CONSIDERED, Affiant asks for the issuance of an Administrative Search Warrant for the purpose of conducting an inspection to determine if the Property is in violation of the City of Bryan Code of Ordinances.



CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Fire Marshal

Case # 1730

A. PROPERTY DESCRIPTION

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B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 1 Structures 1

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure

- Box
- Frame
- Masonry
- Mobile Home

- Occupied
- Vacant
- Open

C. FINDINGS

- 01. The structure or a part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety, and welfare. I estimate that ___% of the structure is considered a loss.
- 02. The structure or a part thereof has deteriorated to such an extent that it has become dangerous to the public health, safety, and welfare.
- 03. The structure or a part thereof does not have adequate means of egress as required by the City's building code, and poses a danger in case of fire or panic.
- 04. The structure or a part thereof lacks necessary fire-resistive construction, and the threat of a fire in the structure poses a risk to inhabitants, neighboring structures, and fire department personnel.
- 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.
- 06. The proximity of the structure or a part thereof to other structures on this or neighboring properties constitutes a fire hazard for the other structures.
- 07. The structure or a part thereof is in violation of the City's fire code.

