BUILDING AND STANDARDS COMMISSION
STAFF REPORT

July 25, 2011

CITY OF BRYAN

Case #1722 – 1008 E. Martin Luther King Jr Street

LEGAL DESCRIPTION: Lot 4 in Block 1 of Candy Hill Phase 1 Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): John W Foster % Howard Foster

LIENHOLDER(S)/ MORTGAGEE(S): none

IMPROVEMENT VALUE(S) (AS APPRAISED BY THE BRAZOS COUNTY APPRAISAL DISTRICT): $15,120 (2011 tax year)

BACKGROUND:

Code Enforcement contacted the property owner for this location in May 2009 because the property was unsecured. At that time the property owner had the structure secured by a local contractor. The structure has remained boarded up since that time. It was recently found to be unsecured again with evidence of illegal activity going on within the structure.

ATTACHMENTS:

(1.) staff recommendation
(2.) pictures
(3.) dangerous structures survey reports with recommendations

BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION

CITY OF BRYAN

July 25, 2011

Case #: 1722
Building Address: 1008 E. Martin Luther King Jr Street
Record Owner(s): John W Foster % Howard Foster

The City's Chief Building Official has requested this Commission hearing to discuss the on this property, and all legal notices of the hearing were provided to record 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.

☐ the accessory structure(s) is/are occupied and pose a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated.

☒ the building 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 building.

☐ the accessory structure(s) is/are 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(s).

☐ **the building may feasibly be repaired** so that it is no longer in violation of City ordinances.

☒ **the building may not be feasibly repaired** in compliance with City ordinances.

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

☐ vacate the building within ____ days.

☐ secure the building ☐ and accessory structure(s) from unauthorized entry within 30 days.

☒ **demolish/remove** or ☐ **repair** the building ☐ and accessory structure(s) within 30 days.

☐ **demolish/remove** or ☐ **repair** the building ☐ and accessory structure(s) 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 accessory structure(s) 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:

06 28 2011

06.28.2011

06.28.2011

Dangerous Structures Survey Report

CITY OF BRYAN
The Good Life, Texas Style.

Chief Building Official **Case #1722**

A. PROPERTY DESCRIPTION

Address 1008 E Martin Luther King

Lot(s) 4 **Block(s)** 1 **Addition(s)** Candy Hill, Ph 1

Owner(s) John W Foster % Howard Foster

Mailing Address 138 Victoria Street, San Francisco, CA 94132-3126

B. SPECIFICATIONS

Sq. Ft._____ **Rooms** 3+ **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:

2009 IBC SECTION 116 UNSAFE (UNSECURED) STRUCTURAL ISSUES

___ 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 UNSECURE AND HAS SIGNS OF CRIMINAL DRUG ACTIVITY. UNSECURE & UNAUTHORIZED PEOPLE HAVE BEEN STAYING HERE WITHOUT ELECTRICITY AND WATER. SIDING DAMAGED & EXPOSING STRUCTURE

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.

Signature	Printed Name	Date
Gregory S Cox	GREGORY S COX	6-29-11

Case # ____

Dangerous Structures Survey Report

CITY OF BRYAN
The Good Life, Texas Style.

Fire Marshal **Case # 1722**

A. PROPERTY DESCRIPTION

Address 1008 E Martin Luther King

Lot(s) 4 **Block(s)** 1 **Addition(s)** Candy Hill, Ph 1

Owner(s) John W Foster % Howard Foster

Mailing Address 138 Victoria Street, San Francisco, CA 94132-3126

B. SPECIFICATIONS

Sq. Ft.____ **Rooms**____ **Stories** 1 **Structures** 1

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
____ Residential/Single Family	____ Box	____ Occupied
____ Mixed Use	X Frame	X Vacant
____ Commercial	____ Masonry	X Open
____ Residential/Multi Family	____ Mobile Home	
____ Accessory Structure		

C. FINDINGS

X 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 50% of the structure is considered a loss.

X 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.

X 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.

X 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.

X 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.

X 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.

D. DETERMINATION

Case # ____

X 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 X remain unoccupied; and

B. ___ Be repaired OR X 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.

COMMENTS Unsecured.
Evidence of illegal Activities in structure

Signature | Printed Name/Title: Deputy Fire Marshal | Date: 6-23-11

Case # _____

Dangerous Structures Survey Report

CITY OF BRYAN
The Good Life, Texas Style.

Code Enforcement **Case # 1722**

A. PROPERTY DESCRIPTION

Address 1008 E Martin Luther King

Lot(s) 4 **Block(s)** 1 **Addition(s)** Candy Hill, Ph 1

Owner(s) John W Foster % Howard Foster

Mailing Address 138 Victoria Street, San Francisco, CA 94132-3126

B. SPECIFICATIONS

Sq. Ft. 914 **Rooms** _____ **Stories** 1 **Structures** 1

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
✓ Residential/Single Family	___ Box	___ Occupied
___ Mixed Use	✓ Frame	✓ Vacant
___ Commercial	___ Masonry	✓ Open
___ Residential/Multi Family	___ Mobile Home	
___ Accessory Structure		

C. FINDINGS

✓ **01.** **The building, structure, or a part thereof is unsecured and open.**

✓ **02.** **The building, structure, or a part thereof is being used by criminals, vagrants, or squatters for the purpose of suspected illegal activity.**

✓ **03.** **The building, structure, or a part thereof presents an attractive nuisance to children.**

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 or has been secured and must remain so.**

___ **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.**

COMMENTS _____

This property was inspected on 6-28-11. At that time there were lighters, condom packages, and crack pipes found within the structure.

Signature	Printed Name/Title	Date
Sharon Hauke	Sharon Hauke - Code Enforcement Officer	6-28-11

Case # 1722