

LEGAL DESCRIPTION: Lot 7 in Block 2 of Ertle and Higgs Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): Emma Lee Phillips % Dennis Robertson

**LIENHOLDER(S)/
MORTGAGEE(S):** none

**IMPROVEMENT VALUE(S)
(AS APPRAISED BY THE
BRAZOS COUNTY
APPRAISAL DISTRICT):** \$12,540 (2011 tax year)

BACKGROUND:

This structure is currently a rental property. While in the neighborhood conducting other inspections, the conditions around the property and the structure itself caught the attention of the Building Official and Fire Marshal and they requested entrance from the tenants to perform an inspection. From that inspection, they concluded that this was a potentially dangerous structure and informed the tenants that they should begin looking for other accommodations. It was also decided then to schedule this structure for consideration by the Building and Standards Commission.

ATTACHMENTS:

- (1.) staff recommendation
- (2.) pictures
- (3.) memorandum from City of Bryan Community Development Services Department
- (4.) dangerous structures survey reports with recommendations

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



July 25, 2011

Case #: 1733

Building Address: 210 Apple Street

Record Owner(s): Emma Lee Phillips % Dennis Robertson

The City's Chief Building Official has requested this Commission hearing to discuss the building 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 10 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:







Community Development Services Department



Interdepartmental

MEMO

To: Kevin Russell, Director, Planning and Development Services

From: Art Roach, Assistant Manager, Community Development Services

Subject: 210 Apple Housing Assistance Application by Nathaniel Phillips

cc: Alsie Bond, Manager, Community Development Services

Date: July 11, 2011

Mr. Russell – You inquired as to whether there was a housing assistance application pending for Mr. Nathaniel Phillips for the property at 210 Apple. Mr. Phillips does have an application on file with the department for rehabilitation assistance, however, it has been determined that Mr. Phillips is not eligible for assistance at this time.

If you have any questions regarding this application, please call me at 979-209-5173.

Regards,

Art Roach,
Assistant Manager, Community Development Services

7/11/2011
Date



Dangerous Structures Survey Report

Chief Building Official

Case #1733

A. PROPERTY DESCRIPTION

Address 210 Apple Street

Lot(s) 7 Block(s) 2 Addition(s) Ettle and Higgs

Owner(s) Emma Lee Phillips % Dennis Robertson

Mailing Address 905 W 18th Street, Bryan, TX 77803-1687

B. SPECIFICATIONS

Sq. Ft. _____

Rooms 6+

Stories _____

Structures _____

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 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:
2005 NEC - ELECTRICAL VIOLATIONS
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 STRUCTURAL DAMAGE, HOUSE ON GROUND, ROT & DETERIORATION ALONG NORTH SIDE, POOR SITE DRAINAGE. EXPOSED ROMEX AND ELECTRICAL WIRING AT EXTERIOR & INTERIOR, NOT ENOUGH PLUGS. WATERHEATER & FRIDGE PLUGGED INTO EXTENSION CORD. MANY EXTENSION CORDS THROUGHOUT, LOTS OF ITEMS STORED INSIDE (CAR PARTS, ETC.). NORTH WALL OUT OF PLUMB, DAMAGE TO ROOF STRUCTURE & PORCH.

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

Signature

GREGORY S COX

Printed Name

6-29-11

Date



Dangerous Structures Survey Report

Fire Marshal

Case #1733

A. PROPERTY DESCRIPTION

Address 210 Apple Street

Lot(s) 7 Block(s) 2 Addition(s) Ettle and Higgs

Owner(s) Emma Lee Phillips % Dennis Robertson

Mailing Address 905 W 18th Street, Bryan, TX 77803-1687

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 1 Structures 1

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 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.
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.

COMMENTS Unsafe wiring, exit doors blocked by storage items

Exterior walls are deteriorating

Tenants have been told to find another place to live approximately 3 wks ago.

[Handwritten Signature]

Signature

Deputy Sheriff

Printed Name/Title

6-28-11

Date

Case # _____

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Dangerous Structures Survey Report

Code Enforcement

Case # 1733

A. PROPERTY DESCRIPTION

Address 210 Apple Street

Lot(s) 7 Block(s) 2 Addition(s) Ettle and Higgs

Owner(s) Emma Lee Phillips % Dennis Robertson

Mailing Address 905 W 18th Street, Bryan, TX 77803-1687

B. SPECIFICATIONS

Sq. Ft. 480 Rooms 5 Stories 1 Structures 1

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 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.

