



CITY OF BRYAN  
*The Good Life, Texas Style.™*

## Minutes

**BUILDING AND STANDARDS COMMISSION  
REGULAR MEETING  
MONDAY AUGUST 22, 2011 AT 6PM  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 S. TEXAS AVENUE**

On the 22nd day of August, 2011, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

**BSC Members Present:**

Jerry Ponzio  
Jerry Russum  
Dan Buchly  
Cheryl Free  
Daryl Massey

**Staff Members and Others:**

Greg Cox, Chief Building Official  
Kevin Russell, Director of Planning & Development Services  
Martin Zimmermann, Planning Administrator  
Jonathan Koury, Assistant City Attorney  
Fred Taylor, Deputy Fire Marshall  
Dawn Kaatz, Code Enforcement Officer  
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

**1. CALL TO ORDER.**

Chairman Ponzio called the meeting to order at 6:07pm.

**2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

**3. APPROVAL OF MINUTES FROM THE WORKSHOP MEETING ON JULY 11, 2011 AND THE REGULAR MEETING ON JULY 25, 2011.**

**Commissioner Buchly moved to approve the workshop meeting minutes from July 11, 2011; Commissioner Russum seconded the motion.**

Chairman Ponzio asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote**

**Chairman Ponzio moved to approve the regular meeting minutes from July 25, 2011; Commissioner Buchly seconded the motion.**

Chairman Ponzio asked if there was any discussion  
There was none.

**The motion passed with a unanimous vote**

**4. OPENING STATEMENT FROM THE CHAIR.**

Chairman Ponzio read the opening statement.

**5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.**

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

**6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).**

- a. **Case # 1743 – 1004 E. Martin Luther King Jr Street**  
**Owner: J G Murr Holding company LLC Attn: James G Murr**  
Candy Hill PH 1, Lot 2, Block 1

Mr. Martin Zimmerman, Planning Administrator advised that 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, lien holders, 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. The City recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure(s) within 30 days.

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, lien holder, or mortgagee fails to comply with the Commission's order.

Mr. Zimmermann reminded that this structure was discussed at the July 25, 2011 meeting of the Building Standards Commission and the owner requested additional time to obtain bids for the

repair of the structure. The Commission allowed 30 days and rescheduled consideration to the August 22, 2011 regular meeting.

Chairman Ponzio opened the public hearing.

Mr. Davis with Habitat for Humanity, of 400 Timber, College Station, TX advised the Commission that they were in the process of buying the property, but he didn't want to demolish until everything was finalized.

Commissioner Massey asked Mr. Davis if he could have everything finished in 30 days. Mr. Davis stated he was unsure.

Chairman Ponzio Closed the public hearing.

**Commissioner Massey moved to accept the City's recommendation that this building be secured within 30 days, and demolish structure and all debris removed from the property within 90 days. Commissioner Free seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**Motion passed unanimously.**

- d. Case # 1739 – 3801 East State Highway 21  
Owner: Clark, Irma Jean % Jones, Valeta  
Castle Heights, Lot 1R, Block 1**

Mr. Martin Zimmerman, Planning Administrator advised that the City's Chief Building Official has requested this Commission hearing to discuss the building and one accessory structure(s) on this property, and all legal notices of the hearing were provided to record owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building and/or accessory structure(s) 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. The City recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure(s) within 30 days.

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, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing

Juanita Jones of 2204 Hwy 21 W, Bryan TX stated that she would like to salvage the structure and bring it up to code.

Terrence Murphy of 2204 Hwy 21 W, Bryan TX stated that he had the contractor checklist filled out, and he felt like they could bring it up to code.

Commissioner Buchly asked Mr. Murphy how long it would take him to bring the structure up to code, he stated if he could get the permit October 1, 2011, he would finish Nov. 1, 2011

Chairman Ponzio closed the public hearing

**Commissioner Massey moved to accept the City's recommendation that this building be secured and demolished by the owner, lien holder, or mortgagee within 30 days or the City will demolish. Commissioner Russum seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed unanimously.**

- e. **Case # 1740 – 3804 Old Kurten Road**  
**Owner: Clark Irma, Jean % Jones, Valeta**  
Castle Heights, Lot 1R, Block 1

Mr. Martin Zimmermann, Planning Administrator advised that 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, lien holders, 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. The City recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure(s) within 30 days.

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, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Terrence Murphy of 3801 SH-21 E stated that they so have plans of demolishing this structure.

Chairman Ponzio Closed the public hearing.

**Commissioner Buchly moved to accept the City's recommendation that this building be secured and demolished by the owner, lien holder, or mortgagee within 30 days or the City will demolish. Commissioner Russum seconded the motion.**

Chairman Ponzio asked if there were any discussion

There was none/

**The motion passed unanimously.**

- f. Case # 1741 – 608 North Sims Avenue**  
**Owner: Cavitt, George**  
City of Bryan Townsite, Lot 6 & pt of alley, Block 164

Mr. Martin Zimmermann, Planning Administrator, stated that 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, lien holders, 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.

The City recommends that the Commission issue an order to the owner, lien holder, or mortgagee to vacate the building within 30 days, repair the building within 90 days, in accordance with the schedule listed in the staff report and appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.

Chairman Ponzio Opened the public hearing.

Larry A Berry, of 1811 Rose Street, Bryan, TX, representing the property owner, stated that he really feels this could be brought up to code, and the owner Kenneth Cavitt is willing to put the money up for it. Mr. Berry stated he also needs more time to get bids.

Chairman Ponzio closed the public hearing.

**Commissioner Massey moved to accept the City's recommendation that the property is a hazard to the health, safety and welfare of citizens and ordered that the structure be secured and vacated within 30 days and a detailed plan for repair of the main structure be submitted at the Commission's next regular meeting on September 26, 2011. Commissioner Free seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed unanimously.**

- h. Case # 1748 – 724 North Main Street**  
**Owner: Hussain, Marshall**  
City of Bryan Townsite, Lot 4&5, Block 260

Mr. Martin Zimmermann, Planning Administrator stated that the City's Chief Building Official has requested this Commission hearing to discuss the building and one accessory structure(s) on this property, and all legal notices of the hearing were provided to record owners, lien holders, and mortgagees. They were also notified that if they wanted to repair the building and/or accessory structure(s) 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.

The City further recommends that the Commission issue an order to demolish the building and accessory structure(s) within 30 days.

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, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio opened the public hearing.

Diane Davis of 1000 Harrington Ave, College Station, Texas, stated that she manages this property and this building was built in 1945 and is historic. Ms. Davis went on to say that the owner Mr. Marshall Hussain feels that this building could be repaired and would like to ask the Commission to let them come back with an estimates and a detailed plan in 30 days.

Commissioner Massey asked if the property was up for sale and about the status of the carport. Ms. Davis stated that the building is up for sale and that the owner would have the carport demolished within 30 days.

Chairman Ponzio closed the public hearing.

**Commissioner Massey moved to accept the City's recommendation that the property is a hazard to the health, safety and welfare of citizens and ordered that the owner obtain a permit and demolish the carport and return to the next regular Building and Standards Commission meeting with a detailed plan for repair of the main structure, including schedule of work to be completed and an estimate of cost of repairs. Commissioner Buchly seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed with a vote of 4 in favor and 1 in opposition. Commissioner Russum cast the vote in opposition.**

Mr. Martin Zimmerman, Planning Administrator advised that there was no one in the audience to address the Commission on the remaining agenda items:

- b. Case # 1735 – 115 Lynn Drive #A**  
**Owner: Acosta Noah**  
Zeno Phillips, Lot 4.2, Block 1
- c. Case # 1736 – 1229 West 18<sup>th</sup> Street**  
**Owner: Evans, Bernard V % Evans, Roderick**  
West Side, Lot 20
- g. Case # 1745 – 1714 Louis Street**  
**Owner: Gilbert, Steve**  
Park Heights, Lot 13 (pt of)
- i. Case # 1753 – 3008 First Street #A**  
**Owner: Bateman, Pamela Sue % Cocke, Amber S & Bateman, Russell H**

Dellwood Park, Lot Pt of tract adjacent to lot 6, Block 4

- j. Case # 1754 – 905 Columbus Avenue**  
**Owner: Torres, Linda**  
Bryan's 3<sup>rd</sup>, Lot 3, Block 4

**Commissioner Massey moved to accept the City's recommendations for agenda items 6 b. c., g., i., j. that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures thereon be secured and demolished by the owners, lien holders, or mortgagees within 30 days, or the City will demolish. Commissioner Russum seconded the motion.**

Chairman Ponzio asked if there were any discussion.

There was none.

**The motion passed unanimously.**

**7. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).**

Mr. Martin Zimmermann, Planning Administrator stated that the next Building Standards workshop meeting would be held at Noon on September 12, 2011 in Room 305 and that the Commission's next regular meeting date is September 26, 2011.

**8. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).**

No future agenda items were requested.

**9. ADJOURN.**

Without objection Chairman Ponzio adjourned the meeting at 7:10pm

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the 26<sup>th</sup> day of **September, 2011.**

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Jerry Ponzio, Chairperson  
Building and Standards Commission  
City of Bryan, Texas

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Greg Cox, Chief Building Official and  
Secretary to the Building and Standards  
Commission