BUILDING AND STANDARDS COMMISSION
STAFF REPORT

September 26, 2011

CITY OF BRYAN

Case #1741 – 608 N. Sims Avenue

LEGAL DESCRIPTION: CITY OF BRYAN TOWNSITE, BLOCK 164, LOT 6 & PT OF ALLEY

STRUCTURE(S):

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

PROPERTY OWNER(S): George Cavitt

LIENHOLDER(S)/ MORTGAGEE(S): n/a

IMPROVEMENT VALUE(S) (AS APPRAISED BY THE BRAZOS COUNTY APPRAISAL DISTRICT): $34,280 (2011 tax year)

BACKGROUND:

In the last couple of years, City staff has had discussions with Mr. Kenneth Cavitt regarding his proposals for commercial use of the first floor of this structure. However, no formal applications were ever made. In June 2011, the Bryan Police Department contacted Code Enforcement and Building Services to inspect the property as large crowds of people appeared to be gathering at the property at times. During the property inspection, Mr. Cavitt stated that the first floor is being used for private parties and gatherings. Several rooms on the second floor were leased out as living quarters/apartments.

This case was considered by the Commission during its meeting on August 22, 2011. At that meeting, the Commissioner ordered that the property be secured and vacated within 30 days and a plan for repair be submitted at the Commission's next regular meeting on September 26, 2011. As of September 19, 2011 the owner has not submitted an engineer's report to the building department or obtained a demo or applied for any remodeling permits.

ATTACHMENTS:

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

BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION

CITY OF BRYAN

September 26, 2011

Case #: 1741
Building Address: 608 N SIMS
Record Owner(s): George Cavitt

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:

☒ **<u>the building</u> is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated.**

☐ <u>the accessory structure(s)</u> 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.

☐ <u>the building</u> 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 __30__ 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 within __90__days, in accordance with the schedule below:**

Deadline	**Task**
within 30 days	**obtain demolition permit, or** **1. General Contractor obtain building permit** **2. Licensed Electrician obtain electrical permit** **3. Licensed Plumber obtain plumbing permit** **4. Licensed Mechanical contractor obtain mechanical permit** **5. Submit Engineer's report**; engineer report must contain: • What is happening to foundation, and is it stable? Recommendations and plan of action for repair to foundation if not stable. • Recommendations and plan of action for repairs to structural walls, second floor, rear wall, corner bracing at stair, etc. • Overall structural evaluation on all structural walls, support columns, 2nd floor framing and roof structure. • Plans for re-leveling and repairing interior stair way back to safe and level condition. • Address any other unsafe conditions not found by city staff. • Is the building currently safe to occupy with current structural and foundation issues? **6. Submit estimates and plans:** • The rear exterior metal stair will need to be removed to repair rear wall and siding. A new stair needs to be constructed with adequate footings and code complaint treads, risers, guards, and handrails. • Siding needs to be repaired where openings or damage is present. • Second floor deck needs to be repaired

- Immediate pest control is needed and scheduling of pest control at least quarterly.
- Gas water heater should be removed from the 2nd floor bath room and relocated per code.
- Bath room needs new plumbing fixtures and finishes.
- Kitchen and common areas need new finishes and repairs to finish floor.
- Interconnected hard wired smoke detectors should be installed in all rooms and areas at each floor.
- Handrails should be installed each side of interior stair.
- The plumbing pipes exposed at exterior rear wall need to be cleaned up (i.e. capped, anchored properly, remove un unused items, etc.) There is a PVC line draining to cast iron vent - need to verify that this connection meets code.
- Former toilet sewer connection in front right hand apartment needs to be capped.
- All apartments need working electrical outlets and lights controlled by wall mounted switches. (At least one tenant was found without working lights.)
- Pad locks need to be removed from tenant doors at second floor and appropriate door locks installed per code and per Texas apartment/tenant regulations.
- Verification is needed that all areas of the apartments and common area have a heating system that can maintain 68 degrees per code.
- All apartments need apartment number designations on the doors… i.e. A numbering system is required…. "201", "202", etc.
- The lattice needs to be removed from at least one window in each apartment for emergency egress and rescue.
- Vacuum breakers need to be installed at any exterior hose bibs.
- Common kitchen area needs cleaning.
- An exterior light is needed over the rear exterior stair.
- Wall finishes need repairing at second floor and stair way to seal all openings.
- Ceiling finishes need to be repaired at second floor to seal all openings.
- A threshold and seal needs to be installed at exterior door to stairway.
- Grilles need to be installed where missing at supply registers.
- Additional electrical outlets needed in kitchen area and possible apartments.
- GFI outlets needed in kitchen area and in bath room.

Deadline	**Task**
within 90 days	**Complete all requested repairs, city inspections, and obtain new Certificate of Occupancy for apartments and ground floor.**

☒ **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:

Dangerous Structures Survey Report

Chief Building Official **Case # 1741**

CITY OF BRYAN
The Good Life, Texas Style.

A. PROPERTY DESCRIPTION

Address 608 N Sims

Lot(s) 6-7,pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

B. SPECIFICATIONS

Sq. Ft._____ Rooms 12+/- Stories 2 Structures 1

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

C. FINDINGS

X 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 Structures, 2005 NEC, 2009 IPC, 2009 IFGC

____ 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.

X 03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated.

X 04. The non-supporting coverings of walls, ceilings, roofs, or floors are materially damaged or deteriorated.

X 05. The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.

X 06. The structure or any part thereof has inadequate means of egress as required by the city's building code.

__X__ 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:

__X_ light
____ ventilation
__X_ sanitation facilities

__X__ 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.

__X__ 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

__X__ 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
__X_ Structural deterioration
__X_ Interior walls or ceilings with holes, cracks or loose plaster

COMMENTS See attachment

D. DETERMINATION

__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 ___ remain unoccupied; and

B. _X_ 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.

Signature	Printed Name	Date
Gregory S Cox	GREGORY S COX	7-7-11

Case # _____

Cox, Gregory

From: Cox, Gregory
Sent: Thursday, July 07, 2011 9:31 PM
To: 'Larry(berryeng@hotmail.com)'
Cc: Russell, Kevin M; Taylor, William F; Guindi, Lindsey
Subject: 608 N Sims FW: Mingle Box

Larry,

The structural issues / concerns are:

- Slab foundation cracked around perimeter of building
- Rear wall loose – i.e. the bottom plate at middle section of wall at slab is out from slab 1- 2" and is loose. The back wall is out of plumb. Sections of siding are open to elements and have been allowing water infiltration – possible all side of structure.
- The front corner wall next to door going up stairs to second floor is loose – i.e. corner bracing ? and what effect does the loose wall have for bracing of structure?
- The second floor structure appears to mimic the broken slab condition at first floor – middle section of second floor is higher than perimeter
- The rear exterior metal stair is leaning against the building and landing floor of stair is higher than the threshold and hallway floor.
- The interior stair to second floor leans out to the exterior wall and is not level.

What the engineer report should contain is:

- What is happening to foundation, and is it stable? Recommendations and plan of action for repair to foundation if not stable.
- Recommendations and plan of action for repairs to structural walls, second floor, rear wall, corner bracing at stair, etc.
- Overall structural evaluation on all structural walls, support columns, 2nd floor framing and roof structure.
- Plans for re-leveling and repairing interior stair way back to safe and level condition.
- Address any other unsafe conditions not found by city staff.
- Is the building currently safe to occupy with current structural and foundation issues?

Other items needing estimates and plans:

- The rear exterior metal stair will need to be removed to repair rear wall and siding. A new stair needs to be constructed with adequate footings and code complaint treads, risers, guards, and handrails.
- Siding needs to be repaired where openings or damage is present
- Second floor deck needs to be repaired
- Immediate pest control is needed and scheduling of pest control at least quarterly
- Gas water heater should be removed from the 2nd floor bath room and relocated per code
- Bath room needs new plumbing fixtures and finishes
- Kitchen and common areas need new finishes and repairs to finish floor
- Interconnected hard wired smoke detectors should be installed in all rooms and areas at each floor
- Handrails should be installed each side of interior stair
- The plumbing pipes exposed at exterior rear wall need to be cleaned up (i.e. capped, anchored properly, remove un unused items, etc.) There is a PVC line draining to cast iron vent - need to verify that this connection meets code.

- Former toilet sewer connection in front right hand apartment needs to be capped.
- All apartments need working electrical outlets and lights controlled by wall mounted switches. At least one tenant was found without working lights.
- Pad locks need to be removed from tenant doors at second floor and appropriate door locks installed per code and per Texas apartment/tenant regulations.
- Verification is needed that all areas of the apartments and common area have a heating system that can maintain 68 degrees per code.
- All apartments need apartment number designations on the doors... i.e. A numbering system is required.... "201", "202", etc.
- The lattice needs to be removed from at least one window in each apartment for emergency egress and rescue.
- Vacuum breakers need to be installed at any exterior hose bibs.
- Common kitchen area needs cleaning
- An exterior light is needed over the rear exterior stair
- Wall finishes need repairing at second floor and stair way to seal all openings.
- Ceiling finishes need to be repaired at second floor to seal all openings.
- A threshold and seal needs to be installed at exterior door to stairway.
- Grilles need to be installed where missing at supply registers.
- Additional electrical outlets needed in kitchen area and possible apartments.
- GFI outlets needed in kitchen area and in bath room.

I am CC'ing the Fire Marshall in case there any concerns I have missed.

This list was quickly generated, additional items or areas of concerns may be found by city after review of any submitted reports or plans, and possibly with additional inspections of the structure. All apartment rooms were not inspected by city staff, as several tenants were not present to unlock pad locks that owner did not have a key to. Three of the six apartments were inspected. All apartments need re-inspection for safety issues.

Please call or email if any questions.

Greg Cox
979-209-5031

From: Russell, Kevin M
Sent: Thursday, July 07, 2011 2:54 PM
To: Cox, Gregory
Cc: Zimmermann, Martin; Guindi, Lindsey
Subject: Mingle Box

Greg,

Larry Berry stopped in to get the items needing to be addressed on the Mingle Box. I told him you gave Mr. Cavitt the list but he said Mr. Cavitt did not have anything to give him. Could you email Larry the list at berryeng@hotmail.com

Thanks

Kevin Russell
Director Development Services
(979)209-5030

Dangerous Structures Survey Report

CITY OF BRYAN
The Good Life, Texas Style.

Fire Marshal **Case # 1741**

A. PROPERTY DESCRIPTION

Address 608 N Sims

Lot(s) 6-7,pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

SPECIFICATIONS

Sq. Ft._____ Rooms_____ Stories 2 Structures 1

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

B. 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 20% 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.

X 07. The structure or a part thereof is in violation of the City's fire code.

C. **DETERMINATION**

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. X Be vacated OR ___ 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

This bld is commercial occupancy on bottom and boarding house on 2nd floor.
The slab is cracked and has sunken on the A/D corner.
The restrooms 1st floor are an add-on and are showing seperation from main structure

2nd floor is boarding house c̄ common bath & kitchen
There is WALL openings along sides of stairs.
The hall floor has soft spots & loose boards
The individual rooms have unvented gas space heaters
The kitchen walls and floor are not plumb or level.
The rear ext stairs lean against the building
The building appears out of plumb along 'C' side

FRED TAYLOR / DSM 7-14-11

Dangerous Structures Survey Report

Code Enforcement **Case # 1741**

A. **PROPERTY DESCRIPTION**

Address 608 N Sims

Lot(s) 6-7,pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

B. **SPECIFICATIONS**

Sq. Ft._____ Rooms_____ Stories_____ Structures_____

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

Sharon Hauke

Signature

Sharon Hauke / Code Enforcement Officer

Printed Name/Title

7/6/11

Date

Case # 1741