



CITY OF BRYAN
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Minutes

**BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY SEPTEMBER 26, 2011 AT 6PM
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 S. TEXAS AVENUE**

On the 26th day of September, 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
Victor Drozd
Kevin Krolczyk
Cheryl Free
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Sandra Willis, 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 6:04pm.

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 AUGUST 8, 2011 AND THE REGULAR MEETING ON AUGUST 22, 2011.

Commissioner Free moved to approve the workshop meeting minutes of August 8, 2011 and the regular meeting minutes of August 22, 2011; Commissioner Massey 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).

- k. Case # 1760 – 3200 Finfeather Road**
Owner: Transform Property LLC
Powers (Roy), Lot 2, Acres 5.02 & Associated BPP

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 repair the buildings in accordance with the schedule below and to appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the orders have been fulfilled.

<u>Deadline</u>	<u>Task</u>
30 Days	Repair all roof leaks (written confirmation from roofer that all roofs have been inspected and permits obtained for roof repairs) Secure either temporarily (or permanently per engineer’s report) any loose guardrails or columns at each porch of all buildings.
90 Days	Complete all repairs to all buildings for siding/stucco, porch, decks, columns, beams, guardrails, and stairs. Seal exterior envelope. Follow original engineer’s report for repairs and submit engineer’s report to city after repairs are made.

Chairman Ponzio opened the public hearing.

Mr. John Webb of 1515 Emerald Plaza, College Station, Texas, advised the Commission that he is the attorney representing the property at 3200 Finfeather Road. Mr. Webb stated that they are in the process of foreclosing at this time.

Mr. Chris Jones of 11401 Olive Boulevard, St. Louis, MO advised the Commission that he is the banker representing the property at 3200 Finfeather Road. Mr. Jones Advised the Commission that they would repair the roof in thirty (30) days, but did not want to do any other repairs until they had full control of the property. He stated that they should have control within sixty (60) days and would then be ready to start the repairs at that time.

Responding to a question from Chairman Ponzio, Mr. Webb stated residents of units where the porch railings were not safe have been moved to other units.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved that the Commission find the buildings unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224, as recommended by staff, and that the roof be repaired and all loose structural item be secured within thirty (30) days and to submit a detailed plan for repair at the Commission's regular meeting on November 28, 2011. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

Motion passed unanimously.

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

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 the building 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 August 22, 2011 meeting of the Building Standards Commission and the owner requested additional time to obtain bids and an engineering report for the repair of the structure. The Commission allowed 30 days and rescheduled

consideration to the September 26, 2011 meeting.

Chairman Ponzio opened the public hearing

Mr. Greg Cox, Chief Building Official, handed out a proposal for services from Gessner Engineering.

Mr. Fred Bastani with Gessner Engineering of PO Box 561, Hearne, TX stated that he is not sure what all is needed at this time. Responding to a question from Commissioner Massey, Mr. Bastani stated that it would take about 30 days to obtain an engineering report.

Mr. Marshall Hussain of 1320 CR 272, Leander TX stated he would like to preserve the building.

Chairman Ponzio remarked that the submitted proposal for engineering services did not constitute a plan for repair.

Responding to a question from Chairman Ponzio, Mr. Fred Taylor, Deputy Fire Marshall, stated that he would recommend that fire fighters not enter the structure if it caught on fire.

Commissioner Massey moved that the Commission accept the recommendations of City staff for the owner, lien holder, or mortgagee to demolish the building within 30 days or the City will demolish to comply with the Commission's order. Commissioner Free seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

g. Case # 1756 – 2906 Old Kurten Road
Owner: Muniz Emmanuel
Parnell, Block 1, Lot 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.

Mr. Emmanuel Muniz of 1014 Burt Street, Bryan, Texas stated that they had sold the house as owner finance. The house burnt and the owner had no insurance so they walked away. He stated that his wife had cancer and that he had no extra funds to fix it up. Mr. Muniz went on to say that they have secured it, and did put it on the market for sale.

Chairman Ponzio Closed the public hearing.

Commissioner Drozd 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 Krolczyk seconded the motion.

Chairman Ponzio asked if there were any discussion

There was none

The motion passed unanimously.

- h. Case # 1757 – 2908 Old Kurten Road**
Owner: Demoss Isabel
Parnell, Block 1, Lot 2

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.

Ms. Anna Muniz of 1014 Burt Street, Bryan, TX translating for Ms. Isabel Demoss, property owner, stated that Ms. Demoss bought the house and was in the process of fixing it up when she fell on hard times Ms. Muniz also stated that they also put this house on the market for sale.

Chairman Ponzio closed the public hearing.

Commissioner Drozd 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 Massy seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- i. **Case # 1758 – 518 W Carson Street**
Owner: Zaeske Louis W Jr & Joann
Beason Revised, Block 10, Lot 21 & 22

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.

Ms. Jo Ann Zaeske of 3717 Valley Oaks Drive, Bryan, TX stated that her husband just passed away three weeks ago. She asked for more time to get her thoughts together on what she wants to do with the property.

Chairman Ponzio closed the public hearing.

Commissioner Massey moved to accept the City's recommendation that the structure is a hazard to the health, safety and welfare of citizens and ordered that the structure be secured, and a detailed plan for repair be submitted at the Commission's regular meeting on November 28, 2011. Commissioner Krolczyk seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- i. **Case # 1761 – 920 Clear Leaf Drive #212**
Owner: Arenas Norma Mendez
Part of 65.4432 ac. SFA \$9 Lot 4, Block 32, Oakwood/Country Village MHC, designated as lot #212

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.

Ms. Kellie Elson with Oakwood MHC of 920 Clearleaf Drive, Bryan, TX, stated that she is the manager of the mobile home park where this home is located and that the park has begun taking steps to get possession of this home. She stated that she has sent out the required letter to the registered owner and that the owner has 45 days to respond. After that, the park can demolish and has every intention to do so.

Chairman Ponzio closed the public hearing.

Commissioner Drozd moved to accept the City's recommendation that this structure is a hazard to the health, safety and welfare of citizens and ordered that the structure be secured, in 30 days, a permit be obtained and demolished 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.

The motion passed unanimously.

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

Mr. Zimmermann reminded Commissioners that this structure was discussed at the August 22, 2011 meeting during which the owner requested additional time to obtain bids and an engineering report for the repair of the structure. The Commission allowed 30 days and rescheduled consideration to the September 26, 2011 meeting.

Chairman Ponzio opened the public hearing

Mr. Glenn E Cheeks of 2703 Briar Glen Court, Sugar Land, Texas, stated that he has been retained as the architect for this project but that he has been sick and needed three days to deliver a plan for repairs.

Mr. Kenneth Cavitt, of 605 N Parker, Bryan, Texas stated he would like to be given the chance to repair the structure.

Responding to a question from Commissioner Krolyczk, Mr. Cavitt stated that he would like to rent out the rooms on the second floor again and maybe have a little breakfast place on the first floor. Mr. Zimmermann advised that the RD-5 (Residential District – 5000) zoning, which is primarily intended for single-family residential use, does not allow multi-family or commercial use at this location by right. He advised that the property owner would either have to prove grandfathering of such use or seek appropriate zoning/land use approvals from the City of Bryan.

Commissioner Massey moved to accept the staff's recommendation that the structure is a hazard to the health, safety and welfare of citizens and ordered that the owner, lien holder, or mortgagee vacate the building within 30 days and repair the building within 90 days, in accordance with the schedule listed in the staff report and that the owner, lien holder, or mortgagee appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding order has been fulfilled. Commissioner Krolyczk seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

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

- c. **Case # 1729 – 2319 Old Hearne Road #36**
Owner: Gallegos Erasmo
Part of Aardvark, Block 1, Lot 1 & 3 Acres 6.59 "Green Acres MHP, designated at lot #36
- d. **Case # 1731 – 4220 Old Hearne Road**
Owner: Lenz Bobby Ray
Moses Baine, Block 2, Lot 34
- f. **Case # 1755 – 1004 Hudson Street**
Owner: Hall Kenneth E & Marion Johnson
Bryan's 3rd, Block 4, Lot 36

Chairman Ponzio moved to accept the City's recommendations for agenda items 6 c. d., f 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 Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

Mr. Martin Zimmerman, Planning Administrator advised that structures on the following properties had been demolished after the certified meeting notices had been mailed out:

- e. **Case # 1747 – 1436 Beck Street #B**
Owner: Gott, Stella J
SFA #9, lot 10, Block 4

- j. **Case # 1759 – 1717 Groesbeck Street #80**
Owner: Gallegos, Roberto & Jeannie S
Zeno Phillips (Kreneks MHP space #80), Lot 23, Block 17

Mr. Zimmermann advised that since the structures were demolished there was no action for the Commission to take regarding these properties any longer.

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

Mr. Zimmermann advised that the Commission's next workshop meeting would be held at Noon on October 10, 2011 in Room 305 and that the Commission's next regular meeting is scheduled for 6pm on October 24, 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 8:00pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the 24th day of **October, 2011.**

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

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