

LEGAL DESCRIPTION: Lot 7 (TR-21) in Block 15 of Stephen F Austin Phase 9 Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): I C Cunningham

LIENHOLDER(S)/

MORTGAGEE(S): None

IMPROVEMENT VALUE(S)

(AS APPRAISED BY THE

BRAZOS COUNTY

APPRAISAL DISTRICT): \$21,540 (2011 tax year)

BACKGROUND:

This property came to City staff's attention as it was vacant, un-secured and in a dilapidated condition. Upon receipt of notice from City staff, the property owner contacted staff proposing that demolition be completed by December 31, 2011.

ATTACHMENTS:

- (1.) staff recommendation
- (2.) letter from property owner detailing plan of action to demolish structure
- (3.) letter from Brazos County Health Department concerning condition of on-site septic facility
- (4.) pictures
- (5.) dangerous structures survey reports with recommendations

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



October 24, 2011

Case #: 1767

Building Address: 2707 Sundown Street

Record Owner(s): I C Cunningham

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 ____ days.
- secure the building and accessory structure(s) from unauthorized entry within 30 days.
- demolish/remove by December 31, 2011.**
- 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 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.

Ruby Cunningham Support Trust
Linda Cunningham Guyden, Trustee
2509 West 28th St.
(979) 822-6395

September 6, 2011

City of Bryan
C/O Greg Cox
P. O. Box 1000
Bryan, TX 77805

Reference: 2707 Sundown St, SFA #9, BLOCK 15, LOT 7
Case# 1767

Dear Mr. Cox:

I receive your notice to repair or demolish the above referenced property. I plan to demolish the structure. I have provided a list of the activities associated with the demolition of the above reference structure below:

ACTIVITY NUMBER	ACTIVITY DESCRIPTION	Duration
1	Develop a scope of work to submit to the Demolition contractors for quotes	
2	Receive Bids from Demolition contractors	30 days
3	Evaluate Demolition contractors quotes	
4	Select demolition contractor	30 days
5	Obtain necessary Permits	
6	Start Demolition	
7	Demolition contractors will haul away all debris	
8	Inspect completed work	30 days

I am requesting a total of 90 days to complete this project, no later than December 31, 2011.

Please contact me if you have any questions or concerns. Thank you in advance for your cooperation.

Sincerely,



Ruby Cunningham Support Trust
Linda Cunningham Guyden, Trustee

Cc: Sandra Willis
Code Enforcement Officer



BRAZOS COUNTY HEALTH DEPARTMENT
201 NORTH TEXAS AVENUE • BRYAN, TX 77803-5317
(979) 361-4440 • Fax: (979) 823-2275
healthdept@co.brazos.tx.us • www.brazoshealth.org



Public Health
Prevent. Promote. Protect.

September 14, 2011

Mr. Gregory Cox
P.O. Box 1000
Bryan, TX 77805

Re: On-Site Sewage Facility (OSSF) at 2707 Sundown St.

Mr. Cox:

Upon investigation of the On-Site Sewage Facility (OSSF) at 2707 Sundown St in Bryan, TX, it has been determined, by the Brazos County Health Department, that this system cannot be repaired or used. The tank either needs to be removed or filled with sand and finished being crushed.

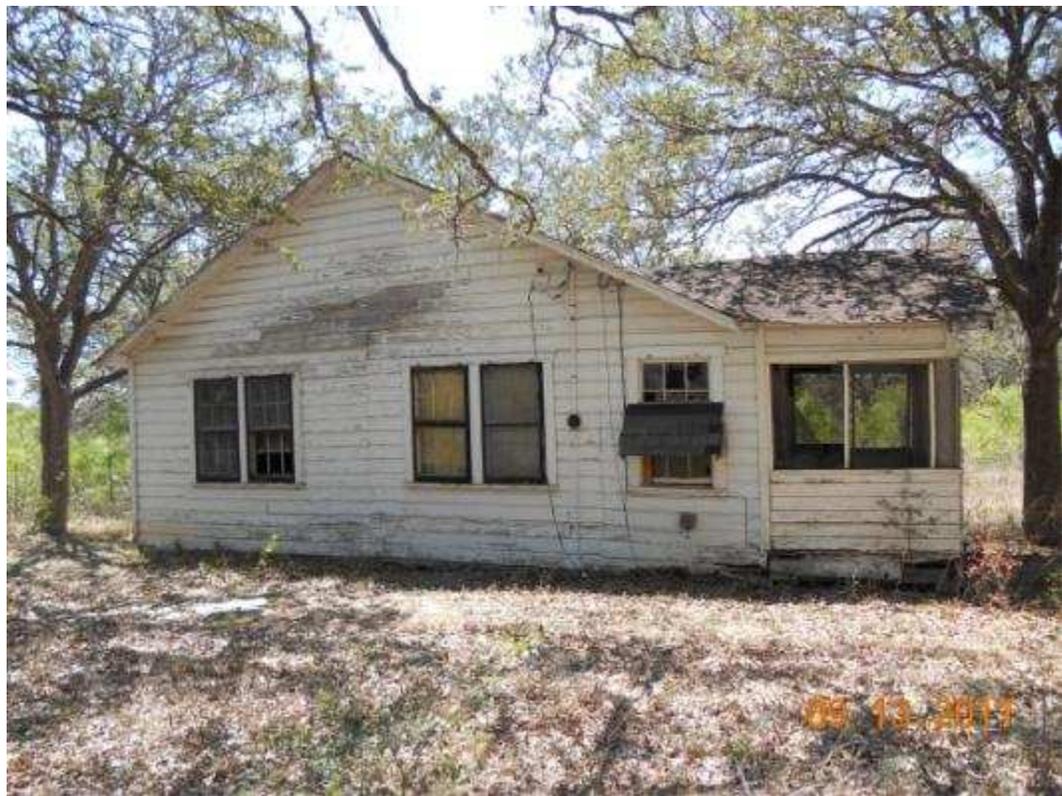
If you have any questions, please call me at 979-361-4450.

Sincerely,

A handwritten signature in cursive script that reads "Robert R. Roggenbuck Jr.".

Robert R. Roggenbuck Jr., RS
Brazos County Health Department
Environmental Health Specialist

PICTURES:









BRAZOS COUNTY HEALTH DEPARTMENT
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If you have any questions, please call me at 979-361-4450.

Sincerely,

A handwritten signature in cursive script that reads "Robert R. Roggenbuck Jr.".

Robert R. Roggenbuck Jr., RS
Brazos County Health Department
Environmental Health Specialist



Dangerous Structures Survey Report

Chief Building Official

Case # 1767

A. PROPERTY DESCRIPTION

Address 2707 SUNDOWN STREET

Lot(s) 7 Block(s) 15 Addition(s) SFA #9,

Owner(s) CUNNINGHAM I C

Mailing Address 2509 W 28TH STREET, BRYAN, TX 77803-2104

B. SPECIFICATIONS

Sq. Ft. _____ Rooms 6+ 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 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 IRC
- 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 HOLE IN EXTERIOR WALL FROM BATH TUB REMOVAL, SIDE
ADDITION POURLY CONSTRUCTED, FOUNDATION DAMAGE, SIDING
DAMAGE, COLLAPSED SEPTIC TANK, BROKEN WINDOWS,
EXPOSED ROMEX WIRING, EVIDENCE OF ROOF LEAKS,

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

9-15-11

 Date

Case # _____



Dangerous Structures Survey Report

Code Enforcement

Case # 1767

A. PROPERTY DESCRIPTION

Address 2707 SUNDOWN STREET

Lot(s) 7 Block(s) 15 Addition(s) SFA #9,

Owner(s) CUNNINGHAM I C

Mailing Address 2509 W 28TH STREET, BRYAN, TX 77803-2104

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ 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 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.



Dangerous Structures Survey Report

Fire Marshal

Case # 1767

A. PROPERTY DESCRIPTION

Address 2707 SUNDOWN STREET

Lot(s) 7 Block(s) 15 Addition(s) SFA #9,

Owner(s) CUNNINGHAM I C

Mailing Address 2509 W 28TH STREET, BRYAN, TX 77803-2104

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 1 Structures 1

STRUCTURAL USE

- 1 Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure

CONSTRUCTION

- Box
- 1 Frame
- Masonry
- Mobile Home

OCCUPANCY

- Occupied
- 1 Vacant
- X Open

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 100% 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.

Case # _____

