

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

October 24, 2011



Case #1770 – 3301 Providence Avenue (“The Oaks Apartments”)



LEGAL DESCRIPTION: Lot 4.3 (TR-507) in Block 32 of Stephen F Austin Phase 9 Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): Blue Valley Apartments, Inc.

LIENHOLDER(S)/

MORTGAGEE(S): None

IMPROVEMENT VALUE(S)

(AS APPRAISED BY THE

BRAZOS COUNTY

APPRAISAL DISTRICT): \$3,633,410 (2011 tax year)

BACKGROUND:

In late December 2010, city staff received anonymous complaints about abandoned junk vehicles and the overall poor property conditions in this 18-building apartment complex also known as The Oaks Apartments. On January 18, 2011, city staff inspected the property and found the following:

1. Electrical main disconnects, meter boxes, and electrical panels loose or about to detach from walls at seven buildings.
2. Exposed electrical wires in pool and pool pump areas.
3. Electrical receptacle hanging loose in tenant laundry facility.
4. Electrical equipment mounted on pole was rotten and about to fall near tennis courts.
5. Porch roofs and second floor decks not adequately supported.
6. Broken and / or rotten floor joist at exterior balconies.
7. Floor joist without hangers or supports at exterior balconies.
8. Junk vehicles.
9. Dilapidated or missing downspouts
10. Loose ridge caps – tenants reported rain coming in.
11. Loose, damaged, or missing columns supporting second floor balconies.
12. Poor drainage conditions, soil eroded around footings, tenants reported water coming in at some units.
13. Exterior mechanical equipment installed in unsafe manner, missing covers over electrical, non-insulated lines, installed too close to other units, and installed on ground or shipping crates.
14. Exposed electrical Romex wiring at exterior of buildings.
15. Foundation issues reported by tenants at building #9.
16. Porch roofs were added at all apartment buildings between 2002 and 2004 without city permits and inspections. Several or more porch roofs are showing signs of deflection and not supported well or in a safe manner.
17. Loose stairs, guardrails, etc.
18. Damaged treads, rusted stair stringers and supports, missing anchors at some locations.

On January 19, 2011, the apartment management was notified and asked to hire an electrician to make emergency repairs to electrical equipment in danger of falling within 48 hours, especially at building #18. The apartment management complied with this request.

On January 24, 2011, city staff mailed a letter to the property owner requesting that a licensed engineer look at each apartment building and provide a report to the city for repairs needed for the drainage, stairs, columns, footings, porch roof framing. Staff requested submission of such a report on buildings #14 and #18 was requested within 30 days and for all other buildings within 90 days.

On January 28, 2011, the City's Fire Marshal and Chief Building Official visited with the apartment manager and advised that the city may hold utility connections to vacant units and possibly remove power if electrical issues and shoring of dangerous balconies is not immediately started. City staff learns that the property owner will let property go into foreclosure.

On February 3rd, 2011, City staff met with TVO North America representatives who now manage the property. The property was foreclosed on a few days before. City staff is being assured that an engineer had been consulted to look at all items stated in city reports and provide engineer reports.

On March 18, 2011, City staff met with management and inspected the site and found that shoring on most dangerous balconies was completed at that time.

On May 3, 2011, City staff notified TVO that the deadline had passed for submitting an engineer's report and obtaining permits. TVO advised that reports would be submitted within a week.

On June 11, 2011, City staff notified TVO that property has been deemed unsafe and will be scheduled for Building and Standards Commission consideration if engineer's reports are not submitted and permits are not obtained. TVO responded that the structural issues were questionable but would be addressed in a permit submittal package.

On June 14, 2011, City staff received a permit application and engineered plans for repairs to columns, stairs, guardrails, and second floor balcony framing. The engineered drawings were dated March 2011.

On June 16, 2011, City staff notified TVO that the engineer's reports still had not been submitted and that the porch roofs, foundations, and drainage issues were not on the plans. In addition City staff reminded TVO that exterior electrical hazards and mechanical equipment still had not been repaired with permits.

On June 17, 2011, the Chief Building Official met the engineer on site who stated that he was not aware that the porch roofs had previously been added without permits and had therefore not been asked to inspect them. The engineer stated that he never saw the report requests from the city and advised that he could have a full report on building #18 in about a week and reports for all other buildings in about four weeks. TVO was again asked to apply for mechanical and electrical permits to repair hazards. TVO responded by saying that the engineer will provide reports on porch roofs and drainage issues.

On June 23, 2011, the City issues a building permit so a contractor can repair stairs, guardrails, treads, balconies, and columns as soon as possible (\$100,000 project valuation).

On July 12, 2011, City staff receives an engineer's report on building #18. The report addresses drainage issues and proposes solutions. The report identified that the second floor porch roofs added without permits bared on thin slabs and that footings need to be installed under the supporting columns. The report does not cover other buildings and does not address the porch roof structures.

On July 16, 2011, City staff asks TVO to provide timeline to address drainage issues and install footings per engineer's report on building #18. City staff also reminds that the porch roof structures were not mentioned in report as requested. TVO responds on July 20, 2011 stating that the porch roofs were adequate as evidenced by the time elapsed since their installation. City staff advises that an engineer's report is still required for porch roofs at all buildings.

On August 30, 2011, City staff contacts the contractor who says that repairs to all buildings for which building permit was issued in June are complete. Upon inspection of the property, city staff finds that there are still rotten joist, missing joist hangers, bolts missing at stairs, loose guardrails, loose bolts, bolts not tightened and broken guardrails.

City staff notifies management in early September 2011 that the property has been identified to have dangerous structures and will be scheduled for consideration by the City's Building and Standards Commission for a repair order and a deadline for repairs and submission of engineer's report on porch roofs that had been requested since February 2011. By this time, electrical and mechanical permits still had not been obtained and no engineer's report has been submitted for any of the porch roofs.

On September 28, 2011, City staff receives letter from the owner's attorney with bid cost estimates for additional work and engineer's report dated July 28, 2011 on drainage, gutters, downspouts, missing or damaged post, lack of adequate bearing for some balconies and stairs. The report states that the porch roofs are made of pre-manufactured roof trusses. The bid form includes gutters, drainage, patio repairs with footing install, adding footings to stairs and columns supporting balconies and porches. The owner's attorney requests that the hearing in October be postponed or canceled while they complete the work.

On October 4, 2011, at the contractor's request, City staff updates repair permit so that the contractor can install footings, correct drainage issues and finish repairs to deficiencies noted during the August inspection. The assistant city attorney communicates with the owner's attorney regarding why the hearing cannot be cancelled, detailing documents and reports that the Chief Building Official has requested and not received.

On October 14, 2011, further communications between the attorneys have outlined the remaining issues. The City requires an opinion from an engineer, based on an on site inspection, that the porch roofs are safe as installed. Further, the City requires that electrical and mechanical permits be pulled for the hazards on all the exteriors of the buildings.

ATTACHMENTS:

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

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



October 24, 2011

Case #: 1770

Building Address: 3301 Providence Avenue

Record Owner(s): Blue Valley Apartments, Inc.

The City's Chief Building Official has requested this Commission hearing to discuss the buildings 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 buildings 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 buildings 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 or repair the building and accessory structure(s) within 30 days.
- repair all buildings within 60 days, in accordance with the schedule below:**

Deadline

Task

within 30 days

hire a licensed electrician to obtain electrical permit and correct / repair all hazards at exterior of all buildings up to current code requirements; and

hire a licensed mechanical contractor to obtain permit and repair/correct all hazards and improper installations on mechanical equipment; and

submit engineer's report to Chief Building Official on all porch roofs for all apartment buildings on site; a representative sample of the roofs showing deflection shall be sufficient; the report shall state whether or not porch roofs on buildings 1-18 are adequately secured and supported per minimum code requirements, and, if not, describe necessary repairs needed.

within 60 days

submit final engineer's report to Chief Building Official that all repairs outlined in all engineer's reports have been finished and approved by engineer for all stairs, guardrails, handrails, treads, stringers, balconies, patios, columns, footings, porch roofs, and drainage at each building.

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

PICTURES:













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The Good Life, Texas Style.

Dangerous Structures Survey Report

Chief Building Official

Case # 1770

A. PROPERTY DESCRIPTION

Address 3301 PROVIDENCE AVENUE

Lot(s) 4.3 Block(s) 32 Addition(s) SFA #9

Owner(s) BLUE VALLEY APARTMENTS INC ATTN: CORPORATE SECRETARY

Mailing Address 1661 WORTHINGTON ROAD, WEST PALM BEACH, FL 33409-6488

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 2 Structures 18

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 IBC (PORCHES BUILT WITHOUT PERMITS & INSPECTIONS)

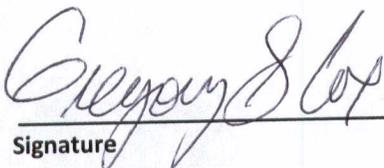
- 02. Any wall or other vertical structural members list, lean, or buckle to an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base.
- 03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated.
- 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 DRAINAGE ISSUES - GROUND ERODING AWAY FROM COLUMN FOOTINGS SUPPORTING PORCH ROOF ADDITIONS (ADDED AROUND 2003 WITHOUT CITY PERMITS AND INSPECTIONS). DEFLECTION IS NOTICEABLE IN SEVERAL PORCH ROOFS. SOME STAIRS, GUARDS, COLUMNS STILL NEED REPAIRS. PERMIT OBTAINED IN 2011 BUT NOT ALL REPAIRS FINISHED. NEED MECHANICAL & ELECTRICAL PERMITS FOR EXTERIOR HAZARDS, NEED ENGINEER'S REPORT ON ALL STRUCTURES, FOUNDATIONS, DRAINAGE, & PORCH ROOFS.

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.



Signature

GREGORY S COX

Printed Name

9-15-11

Date

Case # _____



Dangerous Structures Survey Report

Code Enforcement

Case # 1770

A. PROPERTY DESCRIPTION

Address 3301 PROVIDENCE AVENUE

Lot(s) 4.3 Block(s) 32 Addition(s) SFA #9

Owner(s) BLUE VALLEY APARTMENTS INC ATTN: CORPORATE SECRETARY

Mailing Address 1661 WORTHINGTON ROAD, WEST PALM BEACH, FL 33409-6488

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 2 Structures 18

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 # 1770

A. PROPERTY DESCRIPTION

Address 3301 PROVIDENCE AVENUE

Lot(s) 4.3 Block(s) 32 Addition(s) SFA #9

Owner(s) BLUE VALLEY APARTMENTS INC ATTN: CORPORATE SECRETARY

Mailing Address 1661 WORTHINGTON ROAD, WEST PALM BEACH, FL 33409-6488

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 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 5% 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.

Signature **Printed Name/Title** **Date**

Case # _____