

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

November 28, 2011



Case #1760 – 3200 Finfeather Road



LEGAL DESCRIPTION: Powers (Roy), Lot 2, 5.02 Acres, Associated BPP

STRUCTURE(S):

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

PROPERTY OWNER(S): Transform Property LLC

**LIENHOLDER(S)/
MORTGAGEE(S):** none

**IMPROVEMENT VALUE(S)
(AS APPRAISED BY THE
BRAZOS COUNTY
APPRAISAL DISTRICT):** \$3,340,510 (2011 tax year)

BACKGROUND:

During its regular meeting on September 26, 2011, the Building and Standards Commission found the buildings on this property to be unsafe and ordered that the roof be repaired and all loose structural item be secured within 30 days and that a detailed plan for repair be submitted to the Commission for consideration during the Commission's regular meeting on November 28, 2011.

On November 2, 2011, City staff city re-inspected the property and found numerous hazards and dangerous conditions. Please see attached report that lists issues and the affected apartment units. The roofs have not been repaired and there are still loose guardrails, stairs, columns, etc. Approximately 32 of these units are currently vacant/un-occupied. In discussions with United (currently hired to oversee repairs and property management) staff were told that the funding for full repairs has not been released by the bank that is in the process on foreclosing on this property.

The City's Chief Building Official believes that this property is not currently in compliance with the time schedule for repairs that the Commission ordered on September 26, 2011. Staff recommends that the Commission issue a new order to the owner, lienholder, or mortgagee to vacate the occupied affected apartment units or shore /secure any immediate hazards within 15 days and to comply with a new time schedule for repairs. Please see pages 3 and 4 of this staff report for a more detailed description of staff's recommendations.

ATTACHMENTS:

- (1.) staff recommendation
- (2.) list of affected apartment units
- (3.) pictures
- (4.) dangerous structures survey reports with recommendations

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



November 28, 2011

Case #: 1760

Building Address: 3200 Finfeather Road

Record Owner(s): Transform Property LLC

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:

- those apartment units identified in this staff report that are occupied pose a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated or repaired to be made safe.**
- 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 all occupied apartment units identified in this staff report or shore /secure any immediate hazards to make units safe within 15 days.

repair the buildings in accordance with the schedule below:

Deadline

Task

30 Days

Repair all roof leaks (written confirmation from roofer that all roofs have been inspected and permits obtained for roof repairs)

60 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.

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

Unit	Comments (Inspection date: 11.2.11) Avalon
109/209	Columns bowed; top column rotten; columns not anchored
110/210	Top of stairs board rotten; three existing columns shows deterioration
112/212	Columns rotten top and bottom, columns not anchored, top column kicked out
113/213	Bottom column loose at top
114/214	Top column loose at top
115/215	Top guard rail loose; top column loose
119/219	Hand/guard rail stairs broken; bolt missing top of stairs
112/222	Guard rail not attached to column
123/223	Guard rail not connected correctly
113	Bottom column loose at top
214	Column loose
215	Guard rail loose; column loose
119/219	Hand/guard rail broken; bolt missing top of stairs
108/107	Exterior plug out of wall
107/207	Guard rail needs to be attached to column; stair loose open next to wall
106/206	Stair loose open next to wall
105	Column loose
102/202	No bolts top of stairs
201	Column rotten
157/257	Loose column; stairs unsafe; bolts missing top of stairs
159/259	Stairs loose open next to wall; column loose top
160/260	Loose column
162/262	Guard rail repair with a piece of plywood; new bolts loose top of stairs
263	Columns rotten
264	Column resting on rotten wood
266	Porch landing joist rotten
268	Porch landing joist rotten
170/270	Porch landing joist rotten; column resting on rotten wood; guard rail loose
171/271	Columns rotten
172/272	Columns rotten
242	Guard rail repaired with plywood
243	Column rotten; guard rail loose

245	Need new door	
146	No apt. number; electrical cord run from 247 window to 146 door	
247	No bolts top of stairs	
248	Porch landing joist rotten	
149	No porch light	
249	Loose bolts top of stairs; board rotten top of stairs; column loose and not supporting guard rail	
250	Guard rail repaired with plywood	
251	Column rotten; no bolts top of stairs	
252	Column rotten	
253	Bar broken on guard rail	
254	Column rotten	
155/255	Column rotten; lower column not supporting load	
256	Porch landing joist rotten	
140	Need to seal opening under landing and exterior wall	
139/239	Guard rail tied with wire; stairs loose	
138/238	Guard rail/hand rail not connected; stair loose open to wall	
237	Column loose; porch landing joist rotten	
236	Stairs loose open to wall	
130	Exterior plug out of wall	
129/229	Stairs loose; need porch landing repair; column repair	
227	Column rotten	
127	Column loose because of rotten boards	
226	Guard rail needs to be secured to wall	
225	Guard rail loose	
	Exterior LT by meters between 129 and 128 needs repair	
	Exterior LT by meters between 112 and 113 needs repair	
	Exterior LT back north side needs repair	

PICTURES:









CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Code Enforcement

Case #1760

A. PROPERTY DESCRIPTION

Address 3200 Finfeather Road #221 #176 #231 #227 #1104

Lot(s) 2 Block(s) _____ Addition(s) Powers (Roy) Acres 5.02 & Associated BPP

Owner(s) Transform Property LLC

Mailing Address 3200 Finfeather Road, Bryan, Texas

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

Apartments

OCCUPANCY

- Occupied
- Vacant
- Open

B. 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.

C. 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

porch railings loose
porch landings rotten unsafe

D. Kratz

Signature

Dawn Kratz
Code Enforcement
OFFICER

Printed Name/Title

8-17-11

Date

Case # _____



Dangerous Structures Survey Report

Chief Building Official

Case #1760

A. PROPERTY DESCRIPTION

Address 3200 Finfeather Road

Lot(s) 2 Block(s) _____ Addition(s) Powers (Roy) Acres 5.02 & Associated BPP

Owner(s) Transform Property LLC

Mailing Address 3200 Finfeather Road

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 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:

Decks, porches, stairs, guardrails are unsafe and structure are subject to 2009 IBC Section 116 and the city dangerous structures ordinance.

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

City required structural engineer's report (see attachment) and building permit for repairs in early 2011, permit issued in April 2011. Work is not complete per engineer's direction. Some porches and supports have been repaired per engineer's detail and some have not (for example existing 4X4 beam not replaced with 2-2X8 beam per engineer's detail. Work is not being completed fast enough to insure safety of tenants. Many columns and guardrails are loose. There are many holes and openings in the stucco and siding allowing water to possibly damage structures further. Engineer needs to provide report approving all repairs. All stairs, porches, etc. at each building need repairs per engineer's report.

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

8-17-11
Date

April 19, 2011

Mr. Patrick Adams
Transform Properties, LLC.
3200 Finfeather Road
Bryan, TX 77801

Re: Forensic Investigation
Avalon Apartments
3200 Finfeather Road
Bryan, Texas 77801
Gessner Engineering Project No: 11-0138

Dear Mr. Adams:

A visual structural inspection of the Avalon Apartments located at 3200 Finfeather Road in Bryan, Texas was performed by Gessner Engineering as per your request on April 5, 2011. This inspection was requested in response to the letter issued by the City of Bryan regarding the structural integrity of the balconies and stairs for the individual apartment units. The results of this inspection are provided in the following paragraphs and are provided for the exclusive use of Transform Properties, LLC.

Site Background

The apartment complex consists of ten (10) two-story multi-family wood framed structures. Each building has sixteen (16) units, eight (8) on the ground floor and eight (8) on the second floor except building 2 and building 3. Building 2 and building 3 have four (4) units. The type of slab was unknown at the time of inspection although it appeared to be a slab on grade. Each building is clad with stucco. The roof is constructed as a composite shingle roof.

A wood framed balcony extends approximately 4 to 6 feet from each of the units. Additionally, concrete stairs are framed with concrete steps and steel stringers at each balcony.

This inspection was requested to determine the structural integrity of the balconies and stairs and make recommendations for temporary shoring as well as remediation as required.

Findings

- The balconies are constructed of 2x8 joists spaced approximately 16 to 24 inches on center. The joists extend approximately 5 to 6 feet from the exterior wall. Based on



**Gessner
Engineering**

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College Station, Texas 77840

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2204 S. Chappell Hill Street

Brenham, Texas 77833

979.836.6855

fax 979.836.6847

information provided by the property manager, John Combs, the joists extend beyond the exterior wall into the building. The length of the joists beyond the exterior wall and the connection to the existing joists could not be determined during the inspection. In several locations, the joists are not connected to the 4x4 header and do not bear on the header. The joists were noted to be rotting in multiple locations at multiple balconies.

- Several balconies had concrete on the second floor or appeared to have concrete previously but had since been removed. The plywood decking below the concrete showed signs of rotting at multiple locations.
- The 4x4 header spans approximately ten to twelve feet between 4x4 posts. During the inspection, Gessner Engineering noted several headers had visible deflection and were not positively connected to the posts.
- Two 4x4 posts were installed on the second floor and two 4x4 posts were installed on the ground floor. The 4x4 posts on the second floor were installed directly on top of the plywood decking or 2x lumber decking. Several posts on the second floor were visible from below and showed signs of rotting.
- The 4x4 posts on the ground floor were installed directly on the concrete pad for multiple balconies. The concrete pad did not appear to be placed monolithically with the foundation for the building. Several posts on the ground floor did not have a mechanical connection to the concrete pad. Several posts exhibited signs of rotting.

Conclusions and Recommendations

The structural members were analyzed based on the International Building Code 2009. Based solely on visual inspection, Gessner Engineering makes the following recommendations:

- Building units 147/247 shall not be accessed until temporary shoring is installed. The stair stringers shall be connected to the header with ½" anchor bolts.
- Shoring shall be installed immediately to support existing joists in all locations where the joists are not bearing directly on the header.
- All rotted members, including joists, posts and decking, need to be removed and replaced. Structural members shall be treated.
- All 4x4 headers shall be removed and replaced with 2-2x10 southern yellow pine number 2 lumber beams. Existing joists shall be shored with a temporary wall prior to removal of the existing header. Shoring shall not be removed until the joists have been properly attached to the header as indicated in this report. The header shall be attached to each post with a mechanical anchor such as a Simpson BC4.
- The joists shall be toenailed to the 2-2x10 header with 16d. Gessner Engineering recommends further investigation to determine the condition of the joists beyond the exterior wall.
- Existing 4x4 posts on the ground level not exhibiting signs of rot shall be attached to the existing concrete pad with a post base and mechanical anchor, such as a Simpson ABU44 with a Simpson Titen HD anchor.

- New treated 4x4 posts shall be installed on the second floor. The posts shall extend to the header below and be connected with a mechanical anchor such as a Simpson BC4. An alternative to replacing the existing posts, is to install 2-2x8 blocking between joists below the 4x4 posts. The post shall be connected to the blocking with a BC4. The blocking shall be toenailed to the joists and header using 16d nails.

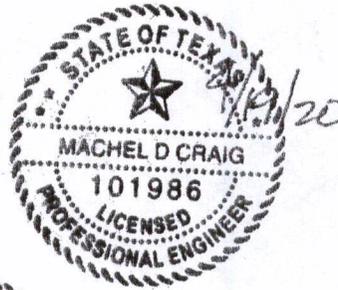
The goal of the above recommendations is to provide general impressions regarding the structural integrity of the balconies and stairs. The scope of this inspection was limited to the existing balconies and stairs for the building units. We would be pleased to develop further recommendations and provide future structural design support as required. Please contact Gessner Engineering for more information.

It has been a pleasure to provide you this information. If I can be of further assistance to you with this situation please contact me.

Sincerely,
GESSNER ENGINEERING, LLP F-7451

Machel D Craig

Machel D. Craig, P.E.



Matthew W. Cowen

Matthew W. Cowen, P.E.





CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Fire Marshal

Case #1760

A. PROPERTY DESCRIPTION

Address 3200 Finfeather Road

Lot(s) 2 Block(s) _____ Addition(s) Powers (Roy) Acres 5.02 & Associated BPP

Owner(s) Transform Property LLC

Mailing Address 3200 Finfeather Road, Bryan, Texas

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 2 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 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 10% 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.

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

COMMENTS

Repairs to porches not meeting Engineer Requirement
Sagging porches
Bowed porch supports
out of Plumb porches + porch roof
Exterior doors pulling apart
Rotten trim on building + window sills
opening in exterior wall exposing interior
sheet rock + floor sill
Rotten porch decking
Plywood covering security light hole
stucco broken off exterior wall
Broken security light
unpainted wood


Signature

FRED TAYLOR / Deputy Fire Marshal
Printed Name/Title

8-17-4
Date



Dangerous Structures Survey Report

Chief Building Official

Case #1760

A. PROPERTY DESCRIPTION

Address 3200 Finfeather Road

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Owner(s) Transform Property LLC

Mailing Address 3200 Finfeather Road

B. SPECIFICATIONS

Sq. Ft. _____ Rooms _____ Stories 2 Structures 10

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

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

- Box
- Frame
- Masonry
- Mobile Home

- 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:

Decks, porches, stairs, guardrails are unsafe and the 10 apartment building structures are subject to 2009 IBC Section 116 and the city dangerous structures ordinance.

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

City required structural engineer's report (see attachment) and building permit for repairs in early 2011, permit issued in April 2011. Work is not complete per engineer's direction. Some porches and supports have been repaired per engineer's detail and some have not (for example existing 4X4 beam not replaced with 2-2X8 beam per engineer's detail. Work is not being completed fast enough to insure safety of tenants. Many columns and guardrails are loose. There are many holes and openings in the stucco and siding allowing water to possibly damage structures further. Engineer needs to provide report approving all repairs. All stairs, porches, etc. at each building need repairs per engineer's report and direction. All holes in siding and stucco need to be repaired and sealed. City had asked that all pot holes and exposed rebar in parking lot be repaired. However, the repairs made amount to "dumping concrete" in the holes and not properly finishing thus creating bumps or rough spots in the parking lot instead of pot holes.

D. DETERMINATION

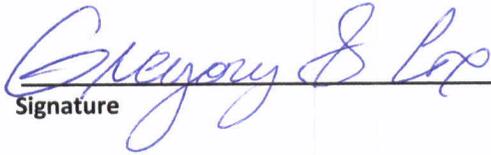
1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:

A. ___ Be vacated OR ___ remain unoccupied; and

B. X 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

8-17-11

Date