BUILDING AND STANDARDS COMMISSION
STAFF REPORT

April 23, 2012

CITY OF BRYAN

Case #1839 – 424 Palasota Drive

LEGAL DESCRIPTION: Lots 3 and 4 of Lobello Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): Alberto and Maria E. Pantoja

LIENHOLDER(S)/ MORTGAGEE(S): none

IMPROVEMENT VALUE(S) (AS APPRAISED BY THE BRAZOS COUNTY APPRAISAL DISTRICT): $37,610 (2011 tax year)

BACKGROUND:

According to building permits archives this property was issued a building permit ($6,000 value) to enclose the carport into a garage on October 14, 2009. The carport slab was approved on October 19, 2009. On July 14, 2010 an electrical permit was issued and approved on August 19, 2010. During the electrical inspection, staff realized that the original permit issued did not cover a second floor living area. City staff placed a hold on the permit and inspections due to "unknown" foundation that the second floor addition partially bears on. Upon further investigation, the right side exterior load bearing wall is not plumb, the wall bracing at first floor openings does not meet code, the garage floor slab does not slope to drain, and the beams over the first floor openings are not framed per code. The owner was given the option of hiring an engineer to verify that the foundation and first floor wall conditions were adequate to support the second floor addition. The property owner apparently has discussed the addition to with several engineers but the City has not received any official reports to date.

The property was scheduled for Building and Standards Commission consideration due to the overall lack of progress on removing or making the illegal building addition Code compliant.

ATTACHMENTS:

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

BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION

CITY OF BRYAN

April 23, 2012

Case #: 1839
Building Address: 424 Palasota Drive
Record Owner(s): Alberto and Marie Pantoja

The City's Chief Building Official has requested this Commission hearing to discuss the building addition started in 2009 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 needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates and an engineer's report. 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 or ☐ repair the building ☐ and accessory structure(s) within 30 days.

☒ **demolish/remove or repair the building addition within 180 days, in accordance with the schedule below:**

Deadline	Task
30 Days	Submit Engineer's report on the foundation, wall bracing, and right side wall that is out of plumb. Engineer's report should detail what repairs are needed.

If Engineer's report and plan for repairs is acceptable to city, then:

60 Days	Obtain new building permit to complete the addition.
	Obtain new electrical, plumbing, mechanical permits.
180 Days	Call all rough in and top out inspections and finish framing repairs.
	Insulate walls and call for inspections.
	Install toping slabs to slope garage floor towards main doors.
	Correct drainage issues around addition (may require removal and replacement of front driveway to divert drainage away from house and addition.
	Finish all work and call for all final inspections, electrical, mechanical, plumbing and building inspections.
	Obtain Certificate of Occupancy from city.

☒ **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 addition 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: **424 Palasota**

Stairs going up to the garage apartment

Interior of garage apartment

CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Code Enforcement **Case #1839**

A. PROPERTY DESCRIPTION

Address 424 Palasota Drive

Lot(s) 3 & 4 Block(s) Addition(s) Lobello

Owner(s) Pantoja Alberto A & Maria E

Mailing Address 424 Palasota Drive, Bryan TX 77803-3843

B. SPECIFICATIONS

Sq. Ft._____ Rooms_____ Stories_____ Structures_____

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

X 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 Structure started as a garage and has evolved to a dwelling. Two bedrooms have been added to the top of this garage. Construction project on hold due to missing site plan for rooms added and concerns regarding the structural soundness.

Sandra Willis — Sandra Willis/Code Officer — 3/6/12

Signature — Printed Name/Title — Date

Case # 1839

CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Fire Marshal **Case #1839**

A. **PROPERTY DESCRIPTION**

Address 424 Palasota Drive

Lot(s) 3 & 4 Block(s) Addition(s) Lobello

Owner(s) Pantoja Alberto A & Maria E

Mailing Address 424 Palasota Drive, Bryan TX 77803-3843

B. **SPECIFICATIONS**

Sq. Ft._____ Rooms_____ Stories 2 Structures 1

STRUCTURAL USE

_____ Residential/Single Family
X Mixed Use
_____ Commercial
_____ Residential/Multi Family
_____ Accessory Structure

CONSTRUCTION

X Box
_____ Frame
_____ Masonry
_____ Mobile Home

OCCUPANCY

_____ Occupied
X 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 ____% 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

STRUCTURE Needs To Meet Codes
Permits & Inspections as needed

FRED TAYLOR FM 3-6-12

CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Chief Building Official Case #1839

A. PROPERTY DESCRIPTION

Address 424 Palasota Drive

Lot(s) 3 & 4 Block(s) Addition(s) Lobello 775-4378

Owner(s) Pantoja Alberto A & Maria E

Mailing Address 424 Palasota Drive, Bryan TX 77803-3843

B. SPECIFICATIONS

Sq. Ft._____ Rooms 5 Stories 2 Structures 1

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
X Residential/Single Family	____ Box	____ Occupied
____ Mixed Use	X Frame	X Vacant
____ Commercial	____ Masonry	____ Open
____ 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 IRC -~~2006~~

____ 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.

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.

_____ 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 (1) DRIVEWAY SLOPES TOWARDS GARAGE

(2) SPLICED COLUMNS SUPPORTING 2ND FLOOR ROOF (3) UNKNOWN FOUNDATION

~~CRACKED TILES~~ (4.) SPLICED 2-2X12 HEADER OVER 10'-4" OPENING

* NEED ARCHITECT OR ENGINEER TO APPROVE FOUNDATION & POSSIBLY SOME FRAMING.

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 X 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.

Gregory S Cox | GREGORY S. COX | 3-7-12

Signature | Printed Name | Date