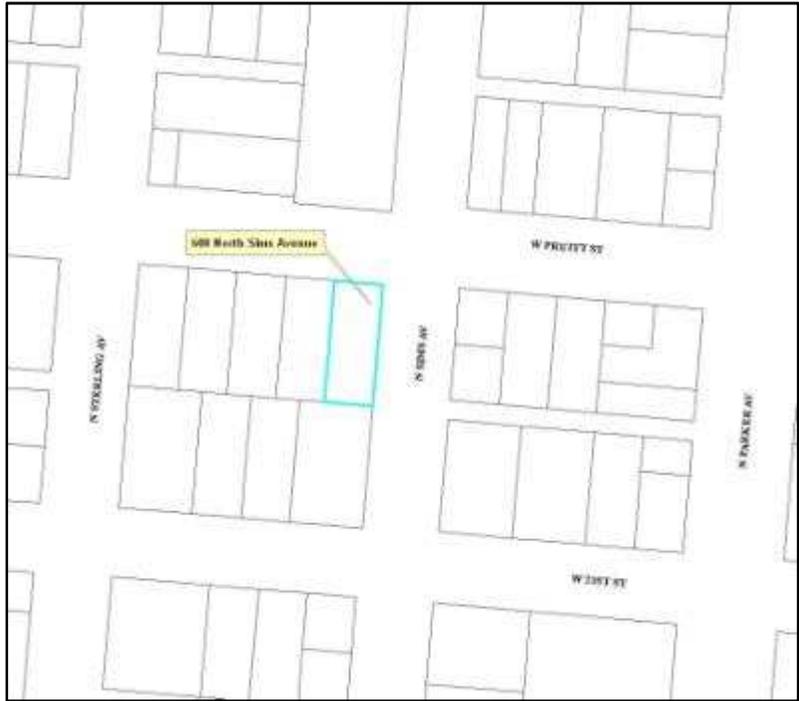


**BUILDING AND STANDARDS COMMISSION  
STAFF REPORT**

**February 27, 2012**



**Case #1741 – 608 N. Sims Avenue**



**LEGAL DESCRIPTION:** CITY OF BRYAN TOWNSITE, BLOCK 164, LOT 6 & PT OF ALLEY

**STRUCTURE(S):**

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

**PROPERTY OWNER(S):** George Cavitt

**LIENHOLDER(S)/  
MORTGAGEE(S):** n/a

**IMPROVEMENT VALUE(S)  
(AS APPRAISED BY THE  
BRAZOS COUNTY**

**APPRAISAL DISTRICT):** \$34,280 (2011 tax year)

**BACKGROUND:**

During its regular meeting on September 26, 2011, the Building and Standards Commission found the building on this property to be unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224. Commissioners ordered that the building be vacated within 30 days and demolished/removed or repaired within 90 days in accordance with a specific time schedule. During its regular meeting on October 24, 2011, the Commission issued a new order to repair the building in accordance with a new time schedule as the property owner's plans for repair had raised some land use/zoning issues that need to be resolved before full building permits may be issued for this project so as to avoid that building permits are issued for a land use that is not permitted at this location. The time schedule that is part of the Commission's order of October 24, 2011 is attached to this staff report below.

On November 7, 2011, the City issued a demolition permit for this property to allow licensed design professional to inspect building for structural issues and to ensure all load bearing elements are safe, in accordance with the Commission-ordered time schedule for repairs. On that same date, the City received an incomplete application for approval of a Conditional Use Permit to allow a boarding house/re-sale shop on this property. The City's Site Development Review Committee (SDRC) reviewed the application and submitted comments to the applicant, asking for the submission of a revised site plan. A copy of the submitted site plan and the SDRC's comments are attached to this staff report below.

During its regular meeting on November 28, 2011, the Building and Standards Commission received an update and was advised that, at that time, that this property was in compliance with the time schedule for repairs that the Commission ordered for this structure on October 24, 2011. The Commission took no action at that meeting.

On January 18, 2012, the property owner's architect submitted a survey of this property. The property survey revealed substantial encroachments of the structure into public street rights-of-way for W. Pruitt Street and N. Sims Avenue. The structure extends approximately 6-8 feet into N. Sims Avenue right-of-way and approximately 19 feet into W. Pruitt Street right-of-way as shown on the attached property survey.

On January 27, 2012, an application for a license to encroach pursuant to Bryan Code of Ordinances Section 62-231 was submitted and reviewed by the SDRC. On February 7, 2012, the City issued a revocable license to encroach after determining that the encroachments into public street right-of-way is not a detriment to the public health, safety or welfare to the citizens of the city. Approval of such a license was needed before the pending request for Conditional Use Permit approval for a boarding house/re-sale shop at this location can be further processed, and before permits for repair of this substandard structure may be issued.

During this meeting on February 27, 2012, the property owner must demonstrate compliance with the time schedule which was included in the Commission's order on October 24, 2011. The City's Chief Building Official believes that this property is **currently not in compliance with the time schedule for repairs that the Commission ordered** for this structure on October 24, 2011:

1. Not all necessary zoning/land use approvals have been obtained from the City of Bryan. A property survey was submitted on January 18, 2012 almost three weeks after all such approvals were supposed to have been obtained by (December 31, 2011).
2. Even though a demolition permit for this property to allow licensed design professional to inspect the building for structural issues was issued on November 7, 2011, no report on the condition of the structure has been submitted to the City.

**This property first appeared on the Commission's agenda more than 6 months ago on August 22, 2011. At this time, the Commission has the following options:**

1. issue a new order to the owner, lienholder, or mortgagee to comply with a **new time schedule for repair**; or
2. issue a new order that the structure be **demolished** and the debris removed in accordance with Chapter 14 of the City of Bryan's Code of Ordinances.

**If the Commission is inclined to issue a new schedule for repairs, staff suggests the following milestones. The proposed deadlines take into consideration SDRC, Planning and Zoning Commission and City Council (for appeals) meeting dates and submission deadlines.**

<b><u>Deadline</u></b>	<b><u>Task</u></b>
<b>by April 13, 2012</b>	<b>submit an architect's or engineer's report on the structural condition of the building;</b> architect's or engineer's report must contain: <ul style="list-style-type: none"><li>• What is happening to foundation, and is it stable? Recommendations and plan of action for repair to foundation if not stable.</li><li>• Recommendations and plan of action for repairs to structural walls, second floor, rear wall, corner bracing at stair, etc.</li><li>• Overall structural evaluation on all structural walls, support columns, 2<sup>nd</sup> floor framing and roof structure.</li><li>• Plans for re-leveling and repairing interior stair way back to safe and level condition.</li><li>• Address any other unsafe conditions not found by city staff.</li><li>• Is the building currently safe to occupy with current structural and foundation issues?</li></ul>

by May 22, 2012

receive all necessary zoning/land use approvals from the City of Bryan

by June 5, 2012

obtain demolition permit, or

1. General Contractor obtain building permit
2. Licensed Electrician obtain electrical permit
3. Licensed Plumber obtain plumbing permit and
4. Licensed Mechanical contractor obtain mechanical permit
5. Submit complete estimates and plans:

- The rear exterior metal stair will need to be removed to repair rear wall and siding. A new stair needs to be constructed with adequate footings and code complaint treads, risers, guards, and handrails.
- Siding needs to be repaired where openings or damage is present.
- Second floor deck needs to be repaired
- Immediate pest control is needed and scheduling of pest control at least quarterly.
- Gas water heater should be removed from the 2<sup>nd</sup> floor bath room and relocated per code.
- Bath room needs new plumbing fixtures and finishes.
- Kitchen and common areas need new finishes and repairs to finish floor.
- Interconnected hard wired smoke detectors should be installed in all rooms and areas at each floor.
- Handrails should be installed each side of interior stair.
- The plumbing pipes exposed at exterior rear wall need to be cleaned up (i.e. capped, anchored properly, remove un unused items, etc.) There is a PVC line draining to cast iron vent - need to verify that this connection meets code.
- Former toilet sewer connection in front right hand apartment needs to be capped.
- All apartments need working electrical outlets and lights controlled by wall mounted switches. (At least one tenant was found without working lights.)
- Pad locks need to be removed from tenant doors at second floor and appropriate door locks installed per code and per Texas apartment/tenant regulations.
- Verification is needed that all areas of the apartments and common area have a heating system that can maintain 68 degrees per code.
- All apartments need apartment number designations on the doors... i.e. A numbering system is required.... "201", "202", etc.
- The lattice needs to be removed from at least one window in each apartment for emergency egress and rescue.
- Vacuum breakers need to be installed at any exterior hose bibs.
- Common kitchen area needs cleaning.
- An exterior light is needed over the rear exterior stair.
- Wall finishes need repairing at second floor and stair way to seal all openings.

- Ceiling finishes need to be repaired at second floor to seal all openings.
- A threshold and seal needs to be installed at exterior door to stairway.
- Grilles need to be installed where missing at supply registers.
- Additional electrical outlets needed in kitchen area and possible apartments.
- GFI outlets needed in kitchen area and in bath room.

**Deadline**

**by September 5, 2012**

**Task**

**Complete all requested repairs, city inspections so that a Certificate of Occupancy may be issued for the entire structure.**

**Furthermore, the City recommends that the owner, lienholder, or mortgagee be required to appear before the Commission at the regular meeting on April 23, 2012, and each subsequent regular Commission meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.**

**ATTACHMENTS:**

- (1.) time schedule for repairs ordered by Commission on October 24, 2011
- (2.) site plan submitted for SDRC review on November 7, 2011
- (3.) SDRC comments of November 15, 2011
- (4.) property survey submitted to the City on January 18, 2012
- (5.) pictures
- (6.) dangerous structures survey reports with recommendations

**TIME SCHEDULE FOR REPAIRS ORDERED BY THE BUILDING AND STANDARDS  
COMMISSION FOR PROPERTY AT 608 N. SIMS AVENUE ON OCTOBER 24, 2011**

<b><u>Deadline</u></b>	<b><u>Task</u></b>
by November 18, 2011	obtain demolition permit to allow licensed design professional to inspect building for structural issues and to ensure all load bearing elements are safe
by December 31, 2011	receive all necessary zoning/land use approvals from the City of Bryan
by January 13, 2012	<p>obtain demolition permit, or</p> <ol style="list-style-type: none"><li>1. General Contractor obtain building permit</li><li>2. Licensed Electrician obtain electrical permit</li><li>3. Licensed Plumber obtain plumbing permit</li><li>4. Licensed Mechanical contractor obtain mechanical permit</li><li>5. Submit Engineer's report; engineer report must contain:<ul style="list-style-type: none"><li>• What is happening to foundation, and is it stable? Recommendations and plan of action for repair to foundation if not stable.</li><li>• Recommendations and plan of action for repairs to structural walls, second floor, rear wall, corner bracing at stair, etc.</li><li>• Overall structural evaluation on all structural walls, support columns, 2<sup>nd</sup> floor framing and roof structure.</li><li>• Plans for re-leveling and repairing interior stair way back to safe and level condition.</li><li>• Address any other unsafe conditions not found by city staff.</li><li>• Is the building currently safe to occupy with current structural and foundation issues?</li></ul></li></ol> <p>6. Submit estimates and plans:</p> <ul style="list-style-type: none"><li>• The rear exterior metal stair will need to be removed to repair rear wall and siding. A new stair needs to be constructed with adequate footings and code complaint treads, risers, guards, and handrails.</li><li>• Siding needs to be repaired where openings or damage is present.</li><li>• Second floor deck needs to be repaired</li><li>• Immediate pest control is needed and scheduling of pest control at least quarterly.</li><li>• Gas water heater should be removed from the 2<sup>nd</sup> floor bath room and relocated per code.</li><li>• Bath room needs new plumbing fixtures and finishes.</li><li>• Kitchen and common areas need new finishes and repairs to finish floor.</li><li>• Interconnected hard wired smoke detectors should be installed in all rooms and areas at each floor.</li><li>• Handrails should be installed each side of interior stair.</li></ul>

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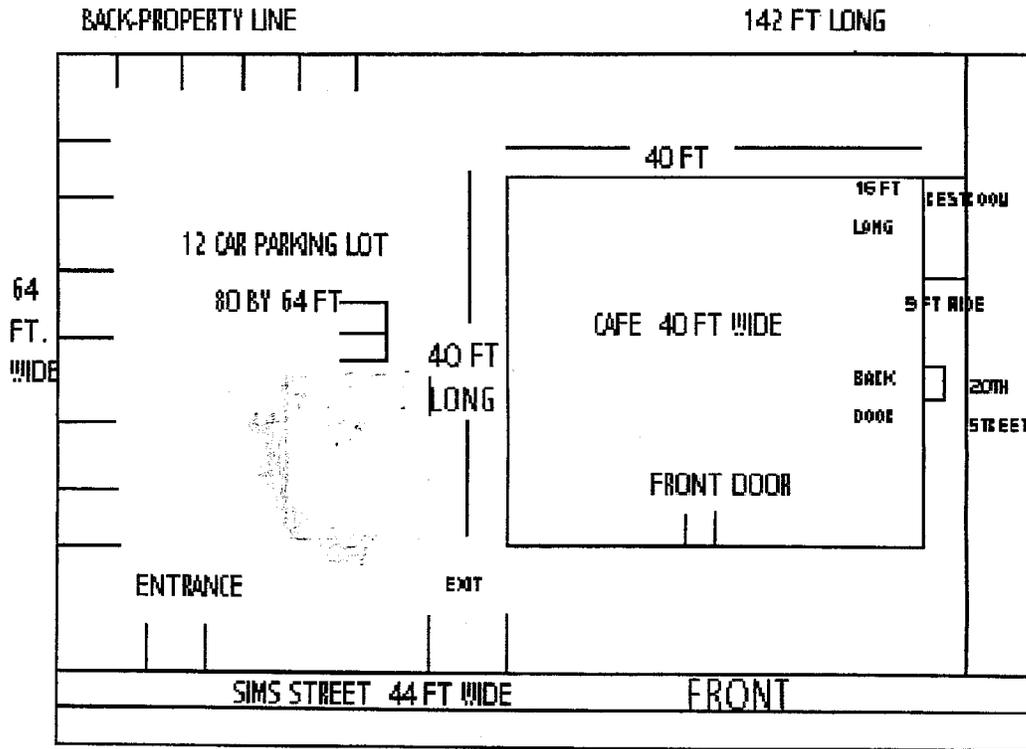
**Deadline**

**by April 13, 2012**

**Task**

**Complete all requested repairs, city inspections so that a Certificate of Occupancy may be issued for the entire structure.**

**SITE PLAN SUBMITTED FOR REVIEW BY THE CITY'S SITE DEVELOPMENT REVIEW  
COMMITTEE ON NOVEMBER 7, 2011**



**RECEIVED**

NOV 07 2011

Development &  
Engineering Services

**SITE DEVELOPMENT REVIEW COMMITTEE (SDRC) COMMENTS OF  
ON NOVEMBER 15, 2011**

**SDRC Chair (Kevin Russell):**

- The submitted application is incomplete. Please submit the following:
  - completed Supplement E to the general application (required for Conditional Use Permits) on which you must provide reasons for the conditional use permit request (see attached).
  - \$150 in additional application fees (11/7/11 application submittal was accompanied by \$250 payment (check#1056); Conditional Use Permit requests require submission of a \$400 application fee)

**Planning Services (Martin Zimmermann):**

- The submitted site plan does not have adequate information for review. Please resubmit a site plan for review that includes, at a minimum, the information listed in Section 62-112 of the City's Land and Site Development Ordinance (Code of Ordinance Chapter 62).
- In addition to providing adequate information about the site itself, please provide more specific information regarding the proposed land uses, for example:
  - proposed boarding house use of 2<sup>nd</sup> floor
    - proposed number of boarding rooms
    - specifics about the kitchen and bathroom areas (how many?)
    - what are the proposed terms for the leases (weekly/monthly)?
    - floor space devoted to the activity
  - proposed re-sale shop use on 1<sup>st</sup> floor
    - floor space devoted to the activity
    - number of employees
    - hours of operation
    - what signage is proposed
- FYI - In order for this request to be considered by the Planning and Zoning Commission during their meeting on December 15, 2011, the SDRC must be able to review a site plan with adequate information before November 30, 2011. Please note that once an accurate site plan is submitted, the SDRC may recommend or the Planning and Zoning Commission may require exterior improvements to the site, including, but not necessarily limited to landscaping and parking lot improvements.

**Engineering Services (Danielle Singh):**

- This plan does not have adequate information for review. Please refer to our Land and Site Development Ordinance (Bryan Code of Ordinance Chapter 62) for form and content requirements.

**Building Services (Greg Cox/Karen Lahde):**

- FYI – no permits for new construction or repair will be approved until land use/zoning issues are resolved.
- FYI – this property is scheduled for consideration by the Building and Standards Commission during their next regular meeting on November 28, 2011 at 6pm in Council Chambers on the first floor of the Bryan Municipal Office Building, 300 S. Texas Avenue. During that meeting, the property owner must demonstrate compliance with the time schedule which was included in the Commission's order of October 24, 2011 regarding this property.

**Water Services (Jayson Barfknecht):**

- Please show water and sewer mains surrounding the site.

- ❑ Also please show any proposed and existing water and sewer taps for the site.

**Environmental Services (Gary Kasner/Nick Koski):**

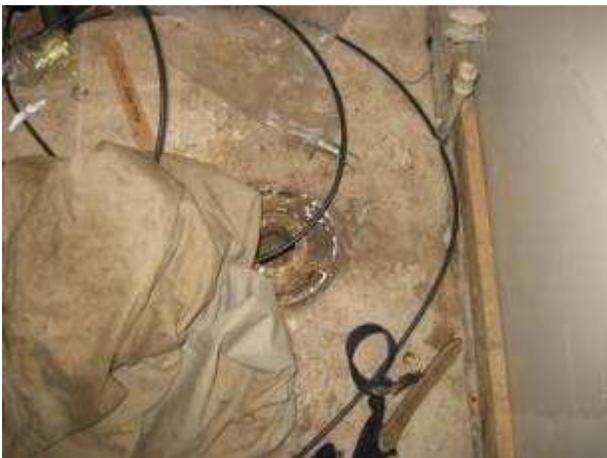
- ❑ Site plan needs to show the location of a designated wash out area for concrete trucks. Note: If concrete pouring is not required on project site, then provide the following notation in general notes section of plan stating “No concrete pouring required on project”.
- ❑ Site plan needs to show the following notation in the general notes section: “The contractor shall be responsible for the containment and proper disposal of all liquid and solid waste associated with this project. The contractor shall use all means necessary to prevent the occurrence of wind blown litter from the project site.”
- ❑ Site plan needs to show the following notation in the general notes section: “NOTE: Demolition/Construction Waste - Site is required to provide containment for waste prior to and during demolition/construction. Solid waste roll off boxes and/or metal dumpsters shall be supplied by City or City permitted contractor(s) only.”
- ❑ Site plan needs to show the location & size of existing or proposed sewer service(s) that connect existing and proposed building(s) to a City sewer main.
- ❑ If site generates wastewater from manufacturing and/or preparing food items [Hot Dogs, Nachos with cheese/chili, Sandwiches, Popcorn, etc.], to public/customers, then site is required to install grease trap and sampling well. Please show on site plan the location and size of trap and sampling well/port. Sampling well/port required to be located between trap and sanitary sewer main and prior to any domestic connection.
- ❑ Note: if site is not manufacturing and/or preparing food items, to public/customers, then provide a notation in general notes section of site plan stating this fact.

**Fire Services (Marc McFeron/Fred Taylor):**

- ❑ Please show fire hydrant and vehicle lay of hose on plan.



**PICTURES:**









CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Chief Building Official

Case # 1741

**A. PROPERTY DESCRIPTION**

Address 608 N Sims

Lot(s) 6-7,pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

**B. SPECIFICATIONS**

Sq. Ft. \_\_\_\_\_ Rooms 12<sup>+</sup> Stories 2 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 IBC /Section 116 Unsafe Structures, 2005 NEC, 2009 IPC, 2009 IFGC

\_\_\_\_\_ 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**    See attachment

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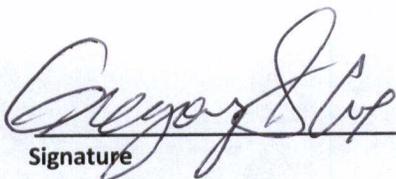
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**D.    DETERMINATION**

- 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

7-7-11

Signature

Printed Name

Date

Case # \_\_\_\_\_



CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Fire Marshal

Case # 1741

A. PROPERTY DESCRIPTION

Address 608 N Sims

Lot(s) 6-7, pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

SPECIFICATIONS

Sq. Ft. \_\_\_\_\_ Rooms \_\_\_\_\_ Stories 2 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

B. 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 20% 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.

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

- A 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. A Be vacated OR \_\_\_ remain unoccupied; and
  - B. \_\_\_ 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.

COMMENTS

This bldg is commercial occupancy on bottom and boarding house on 2nd floor.

The slab is cracked and has sunken on the AD corner.

The restrooms 1st floor are an add-on and are showing separation from main structure

2nd floor is boarding house & common bath & kitchen

There is wall openings along sides of stairs.

The hall floor has soft spots & loose boards

The individual rooms have unvented gas space heaters

The kitchen walls and floor are not plumb on level.

The rear ext stairs lean against the building  
The building appears out of plumb along 'C' side

*Fred Taylor*

FRED TAYLOR / DSm

7-14-11



CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Code Enforcement

Case # 1741

**A. PROPERTY DESCRIPTION**

Address 608 N Sims

Lot(s) 6-7,pt of alley Block(s) 164 Addition(s) City of Bryan Townsite

Owner(s) George Cavitt

Mailing Address 605 N Parker Ave, Bryan, TX 77803

**B. SPECIFICATIONS**

Sq. Ft. \_\_\_\_\_ Rooms \_\_\_\_\_ Stories \_\_\_\_\_ Structures \_\_\_\_\_

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 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.

