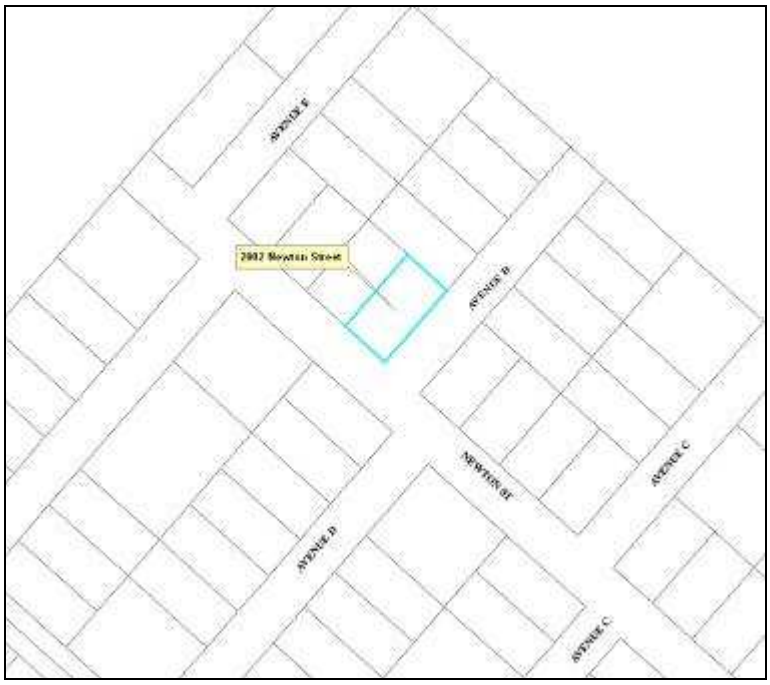
BUILDING AND STANDARDS COMMISSION
STAFF REPORT

February 27, 2012

CITY OF BRYAN

Case #1809 – 2002 Newton Street



LEGAL DESCRIPTION: Lot 5 in Block H of the Jones-Brock Subdivision

STRUCTURE(S):

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

PROPERTY OWNER(S): Betty Ayala Garcia & Roy Sanchez

LIENHOLDER(S)/ MORTGAGEE(S): none

IMPROVEMENT VALUE(S) (AS APPRAISED BY THE BRAZOS COUNTY APPRAISAL DISTRICT): $20,780 (2011 tax year)

BACKGROUND:

On September 7, 2010, Code Enforcement received a call from a concerned citizen advising that one of the two accessory structures on this property had no utilities and was being leased out by the landlord, Roy Sanchez. At this time the accessory structure was found occupied and without utilities. Four tenants were residing in this accessory structure and paying rent to Roy Sanchez. Since then, we had to re-locate those tenants who were living in this accessory building that was converted illegally into a dwelling without Conditional Use Permit and/or building permit approval. The original structure was a garage for vehicles.

On April 8, 2011, Code Enforcement was called back out to this location by the tenants of the main house on this property. Their concern was they did not have running water. The water pipes had burst and the landlord, Roy Sanchez, had not repaired them. In addition, our inspection revealed electrical and structure hazards for this structure and recommended that the tenants relocate to avoid life/safety hazards. On April 21, 2011 the tenants decided to move and terminate their lease with Mr. Sanchez.

On December 8, 2011 city staff met with the new/previous owners of this property, Betty Ayala Garcia and Roberto Garcia, who are in a civil dispute with Mr. Sanchez regarding ownership of this property. The Garcia's met with Chief Building Official Greg Cox and other city staff on the property for a walk through of the structure. They were asked to present a plan for repairs and estimates from contractors.

On January 10, 2012, Mr. Garcia and Mr. Ricky Ruiz submitted estimates for the repairs they planned on completing to this structure in order to bring it up to current standards. Mr. Ruiz is the Garcia's the son-in-law. City staff reviewed the estimates and believes that they are at least $3,000 too low and that the estimates needed to be updated to include complete re-siding of the main structure and more insulation. As of January 18, 2012, one of two accessory structures was torn down. The remaining accessory structure (that was previously unlawfully occupied) and the main structure have remained on the property.

ATTACHMENTS:

(1.) staff recommendation; (2.) pictures; (3.) estimates; (4) dangerous structures survey reports

BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION

CITY OF BRYAN

February 27, 2012

Case #: 1821
Building Address: 2002 Newton Street
Record Owner(s): Roy Sanchez

The City's Chief Building Official has requested this Commission hearing to discuss the building and one accessory structure 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 and/or accessory structure 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 and accessory structure 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 main house may feasibly be repaired so that it is no longer in violation of City ordinances.**

☒ **the accessory structure 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 the accessory structure(s) within 30 days.**

☒ **demolish/remove or repair the main house within 90 days, in accordance with the schedule below:**

Deadline	Task
30 days	Submit plans, building permit application etc. for repairs to main house. Obtain building permit, electrical permit, mechanical permits, and plumbing permits.
60 Days	Repair foundation, floor framing, exterior wall framing and call for inspections prior to covering work. Install new wall insulation and moisture barrier at all exterior walls call for inspections prior to covering. Complete electrical repairs, mechanical repairs, and plumbing repairs and have sub contractors call for inspections.
90 Days	Complete all exterior and interior repairs, install crawl space skirting and vents per city code, grade exterior ground to slope away from structure, call for final inspections and obtain Certificate of Occupancy.

☒ **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 main structure and/or the accessory structure 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:

Primary Structure

Storage building converted into dwelling

Robert & Betty Garcia
1531 Baker Avenue
Bryan, Texas 77803

RE: Property located at 2002 Newton Street, Bryan, Texas 77803

City of Bryan
Building and Standards Commission

Committee Members:

Below is a very brief description of the issues related to the property listed above:

This home has been a piece of family property of Mrs. Betty Garcia for over 30 years. The home was passed to her from her father upon his death. In the winter of 2007, there was an illegal transfer of ownership made of this property which resulted in the property being occupied by individuals outside of the family. During this timeframe and throughout the legal process of trying to get the home back into Mrs. Garcia's possession the home was occupied by those individuals until it was discovered that the individuals were living in the home with no utilities. The City stepped in and pulled meters and basically sent this property into the current process that we are discussing today. In the meantime, Mrs. Garcia has regained ownership of this property through the legal process using a local attorney just recently.

At this time, we respectfully request that you approve the attached estimates of labor and costs and timeframes associated with bringing this homestead back to meet City of Bryan's standard guidelines.

We have attached copies of the estimates and anticipate the following completion dates for the projects as follows:

Electrical work provided by Benford Electric to be completed by March 15, 2012
Carpentry repairs and work to be completed by April 20, 2012
Heating Ventilation and repairs to be completed by April 30, 2012
Plumbing repairs and work to be completed by May 25, 2012
Final Completion date of this project is proposed as May 31, 2012

Resources to be used to complete this entire project include personal and family funds available to us.

This along with the documentation attached should provide you with the information you have requested in order to make a favorable decision.

Your careful consideration and favorable approval will be greatly appreciated.

Sincerely,

Robert and Betty Garcia

Robert Garcia Betty Garcia 1-9-2012

Building and Standards Commission

Contractor Checklist

Address: 2002 Newton St.
Bryan, Tx 77803

The items included in this checklist will be required when you appear at the Building and Standards Commission meeting. **Please fill out this checklist and bring it with you to the Building and Standards Commission meeting.**

A. **Electrical**

1. Licensed electrical contractor's company name: Benford Electric
2. Bid for electrical work: $ 250—
3. Estimated date for electrical work to start: March 1, 2012
4. Estimated date for electrical work to be complete: March 15, 2012

B. **Plumbing**

1. Licensed plumbing contractor's company name: Quintero Plumbing
2. Bid for plumbing work: $ 2380—
3. Estimated date for plumbing work to start: May 1, 2012
4. Estimated date for plumbing work to be complete: May 25, 2012

C. **Heating, Ventilation, and Air Conditioning (HVAC)**

1. Licensed HVAC contractor's company name: Chris's AC Shop
2. Bid for HVAC work: $ 1900—
3. Estimated date for HVAC work to start: April 5, 2012
4. Estimated date for HVAC work to be complete: April 25, 2012

D. **Carpentry**

1. Bid for carpentry work (if installed by the owner giver material cost): $ 1660—
2. Estimated date for carpentry work to start: Jan 15, 2012
3. Estimated date for carpentry work to be complete: April 20, 2012

E. **Completion**

1. Estimated project completion date: May 31, 2012

Signature Date

Contract Agreement

This a contract between William Benford DBA:BENFORD ELECTRIC AND ROBERT GARICA , FOR ELECTRIC WORK AT THE HOME AT NEWTON STREET. I WILL BE REPLACEING ONE LIGHTS, TWO SWITCHES, AND REPLACE PLUG COVERS INCLUDING THE DRYER. ANYTHING ELSE WILL BE EXTRA. THE MATERIAL AND LABOR WILL BE $250.00. I WILL ALSO TAKE OUT THE PERMIT WITH THE CITY OF BRYAN.

William Benford

ROBERTS GARICA SR

0169

FRANK L. QUINTERO

Septic Tank & Systems
P.O. Box 1502
BRYAN, TX 77806
24 Hours 779-3972

NAME ROBERT GARCIA			NAME
ADDRESS 2000 AVE NEWTON			PHONE
BRYAN TX		APARTMENT	DATE PROMISED
MAKE	MODEL NO.	SERIAL NO.	DATE OF ORIGINAL INSTALLATION
NATURE OF SERVICE NOTE LEVELING RECONNECT SEWER, WATER CAP			☐ ESTIMATE ☐ WARRANTY ☐ CONTRACT ☐ CASH ☐ CHARGE ☐ C.O.D.

QTY.	DESCRIPTION	PRICE	AMOUNT
1	JOB WILL REQUIRE CITY		
	PERMITS AND INSPECTIONS		
	WELL PROVIDE ALL		
	MATERIALS, MACHINERY		
	PERMITS, AND LABOR FOR		
	COMPLETION OF JOB		2380.00
	MASTER LICENSE #-12509		
	EXPIRATION DATE - 5/31/2012		

REMARKS JOB WILL BE PAYED IN THREE DRAWS 1/2/1/4/1/4	TOTAL MATERIALS	2380.00
	TECHNICAL SERVICE TIME ☐ SHOP ☐ HOME	
	☐ PICK UP OR DELIVERY ☐ SERVICE CALL CHARGE	
TECHNICIAN [signature]		
Signature below constitutes acceptance of above service performed as being satisfactory and that the equipment has been left in good condition.	DATE COMPLETED 12/22/11 TAX	
	TOTAL	2380.00

Chris's Air Conditioning Shop

Chris's Air Conditioning Shop
Division Of:Nova Mechanical, LLC
Lic.#TACLA024544C
2614 Maloney
Bryan, TX 77801-2135

(979)822-0753
chrissacshop@msn.com

Date	Estimate #
01/05/2012	1659
	Exp. Date

Address
Mr.Garcia 202 Newton Bryan,TX

Date	Service	Activity	Amount
01/05/2012	Installation	Install New 3 Ton Luxaire Dry A/C, 30 X 30 Pad, 30 Amp Disconnect	1,900.00

SubTotal	$1,900.00
Tax (8.25%)	$0.00
Total	$1,900.00

Accepted By:

Accepted Date:

PROPERTY LOCATION:

6-MONTH IN SHOP WARRANTY ON ALL UNITS SOLD

Betty Garcia
1531 Baker Avenue
Bryan, Texas 77803

Property Address: 2002 Newton Street
Bryan, Texas 77803

Scope of Work	**Approximate cost of Parts and Labor**
Leveling of house	$800.00
Block and bases	
4 x 6 lumber	
Window Installation	$325.00
1 in front	
1 in kitchen area	
1 in bedroom area	
Water heater moved into house with it elevated 16" from the floor/ground	$125.00
Fix porch with hanger	$30.00
Installation of back door	$250.00
Siding material and installation	
5 T1-11 front side and backside	$40.00
1 roll of black paper	$20.00
Insulation	$70.00
Total cost of material and labor:	**$1660.00**

CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Code Enforcement

Case #1821

A. PROPERTY DESCRIPTION

Address: 2002 NEWTON STREET

Lot(s) 5 **Block(s)** H **Addition(s)** JONES-BROCK

Owner(s) ROY SANCHEZ – 2011 AVENUE B, BRYAN TX 77803-1268

Mailing Address BETTY GARCIA – 1531 BAKER STREET, BRYAN TX 77803

B. SPECIFICATIONS

Sq. Ft._____ **Rooms**_____ **Stories**_____ **Structures**_____

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

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 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.

Case # 11-560

COMMENTS GAS meter at property, no electric meter, and water meter box has water in it. Small storage building on southeast side of lot has been demolished and larger garage building that was illegaly converted into dwelling has started to be demolished inside. Walls being torn down and holes in the

Sandra Willis | Sandra Willis/Code Officer | 1-18-12

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

Case # 11-560

Dangerous Structures Survey Report

Chief Building Official Case #1821

CITY OF BRYAN
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Mailing Address BETTY GARCIA – 1531 BAKER STREET, BRYAN TX 77803

B. SPECIFICATIONS

Sq. Ft._____ **Rooms** 5/1 **Stories** 1 **Structures** 2

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:

2005 NEC, 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 HOUSE: (1) ROOF SHINGLES NOT TRIMMED CORRECTLY IN SOME AREAS, (2) GRADE TOO HIGH ON ~~SOUTH~~ NORTH & FRONT (WEST) OF HOUSE (CAUSING EXTENSIVE ROT & DECAY TO SILL BEAM AND 2X4 WALL FRAMING (3) ROTTEN FLOOR BD ON PORCH (4) KITCHEN SINK NOT PLUMBED (DRAINING TO BUCKET) (5) NOT ALL WALLS HAVE INSULATION. (6) EXTERIOR WALLS NEEDS NEW SIDING & MOISTURE BARRIER / WINDOWS NOT INSTALLED PROPERLY OR FLASHED PER CODE (7) GAPS AT BOTTOM EDGE OF TUB (DAYLIGHT) NEED NEW TUB SURROUND. (8) EXPOSED WALL FRAMING - MAJORITY DOES NOT MEET CODE. (9) ACCESSORY STRUCTURE: FLOOR FRAMED ON GROUND - PARTICLE BOARD SUB FLOOR HAS HOLES & DETERIORATION, PORCH NOT BUILT TO 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.

Gregory S Cox — GREGORY S. COX — 01-18-12

Signature — Printed Name — Date

Case # ____

Dangerous Structures Survey Report

Fire Marshal **Case #1821**

A. PROPERTY DESCRIPTION

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Owner(s) ROY SANCHEZ – 2011 AVENUE B, BRYAN TX 77803-1268

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Sq. Ft._____ **Rooms**_____ **Stories**_____1_____ **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	
__X___ Accessory Structure		

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.

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

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. ___ 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

1. FOUNDATION BEAMS ROTTEN

2. PILINGS SINKING

3. WALL STUDS SHOW INSECT DAMAGE

4. SLOPING FLOORS

5. EXPOSED ELECTRICAL WIRES / UNPERMITTED ELECTICAL WORK

6. NO APPROVED HEATING

7. NO WATER HEATER

8. UNPERMITTED ADDITIONS TO HOUSE SHOWING STRUCTURAL ISSUES

FRED TAYLOR DFM 1-23-12

Signature Printed Name/Title Date

Case # _____