

**BUILDING AND STANDARDS COMMISSION  
STAFF REPORT**

**June 25, 2012**



**Case #1821 – 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 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.

During the Building and Standards Commission meeting on March 26, 2012, Mr. Sanchez's attorney stated the ownership of the property is still being disputed and will most likely be going before the court within 90 days. During that meeting, the Commission ordered all parties involved be allowed access to

the property so that a plan and cost of repair can be submitted for review by the Commission during its meeting on April 23, 2012.

During its meeting on April 23, 2012 the Building and Standards Commission issued an order to have the ownership issue resolved and a building permit issued for repair of the main structure within 60 days, and to demolish the accessory structure within 30 days, and to appear at the next regularly scheduled meeting to demonstrate compliance with this time schedule.

**This property first appeared on the Commission's agenda more 4 months ago on February 27, 2012. As of June 14, 2012, no updates have been received by the City of Bryan regarding the property's ownership status, nor have there been any building permit applications made for the repair of the main structure. To date, staff has received only repair estimates from the Garcia's, but not from Mr. Sanchez.**

**The City's Chief Building Official believes that this property is currently not in compliance with the time schedule for repairs of the main structure or demolition of the accessory structure that the Commission ordered for these structures on April 23, 2012. 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 of the main and accessory structures; or**
- 2. issue a new order that the main and accessory structures be demolished and the debris removed in accordance with Chapter 14 of the City of Bryan's Code of Ordinances.**

**Please refer to the next two pages for staff's recommendation in this matter.**

**ATTACHMENTS:**

- (1.) staff recommendation
- (2.) pictures
- (3.) estimates from Mr. Garcia
- (4.) survey reports

**BUILDING AND STANDARDS COMMISSION  
STAFF RECOMMENDATION**



**June 25, 2012**

**Case #: 1821**

**Building Address: 2002 Newton Street**

**Record Owner(s): Betty Ayala Garcia & 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 the main house within 30 days.**

**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:**

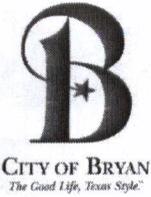
**Primary Structure**





**Storage building converted into dwelling**





# Dangerous Structures Survey Report

Chief Building Official

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 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 <sup>NORTH</sup> SOUTH & 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 <sup>EXTERIOR</sup> WALLS NEEDS NEW SIDING & MOISTURE BARRIER / WINDOWS NOT INSTALLED PROPERLY OR FLASHED PER CODE (?) GAPS AT BOTTOM EDGE OF TUB (DAYLIGHT) NEED NEW TUB SURROUND. ⑧ EXPOSED WALL FRAMING - MAJORITY DOES NOT MEET CODE. ⑨ ACCESSORY STRUCTURE: FLOOR FRAMEN ON GROUND - PARTICLES BOARD SUB FLOOR HAS HOLES & DETERIORATION, PORCH NOT BOLT 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*  
Signature

BREGORY S. COX  
Printed Name

01-18-12  
Date



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**

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

**CONSTRUCTION**

- Box
- Frame
- Masonry
- Mobile Home

**OCCUPANCY**

- Occupied
- Vacant/Secured
- 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.

**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 illegally converted into dwelling has started to be demolished inside. Walls being torn down and holes in the

*Sandra Willis*  
Signature

Sandra Willis/Code Officer  
Printed Name/Title

1-18-12  
Date



CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Fire Marshal

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 1 Structures 1

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

- 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.

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

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

Signature \_\_\_\_\_ FRED TAYLOR DFM \_\_\_\_\_ 1-23-12 \_\_\_\_\_  
Printed Name/Title Date

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

**REPAIR ESTIMATES SUBMITTED BY MR. GARCIA ON JANUARY 10, 2012:**

**Robert & Betty Garcia  
1531 Baker Avenue  
Bryan, Texas 77803**

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

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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.

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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 give 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

# FRANK L. QUINTERO

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

0169

NAME <i>ROBERT GARCIA</i>		NAME	
ADDRESS <i>2000 AVE NEWTON</i>		PHONE	
<i>BRYAN TX</i>		APARTMENT	DATE PROMISED
MAKE	MODEL NO.	SERIAL NO.	DATE OF ORIGINAL INSTALLATION
NATURE OF SERVICE <i>NOTICE REVALIDATE RECONNECT SEWER, WATER CDS</i>		<input type="checkbox"/> ESTIMATE	<input type="checkbox"/> CASH
		<input type="checkbox"/> WARRANTY	<input type="checkbox"/> CHARGE
		<input type="checkbox"/> CONTRACT	<input type="checkbox"/> C.O.D.
QTY.	DESCRIPTION	PRICE	AMOUNT
1	<i>THIS WORK REQUIRES CITY PERMITS AND INSPECTIONS WHICH PROVIDE FOR MATERIALS, MANHOLES, PERMITS, AND LABOR FOR COMPLETION OF THIS</i>		<i>2380.<sup>00</sup></i>
	<i>PROCESSED UNDER #1-12509</i>		
	<i>EXPIRES DATE - 5/31/2012</i>		
REMARKS <i>THIS WILL BE PAID IN THREE DRAWS 12/14/11</i>		TOTAL MATERIALS	<i>2380.<sup>00</sup></i>
TECHNICIAN <i>[Signature]</i>		TECHNICAL SERVICE TIME <input type="checkbox"/> SHOP <input type="checkbox"/> HOME	
State or below completely satisfaction of above service performed as being satisfactory and that the equipment has been left in good condition.		<input type="checkbox"/> PICK UP OR DELIVERY <input type="checkbox"/> SERVICE CALL CHARGE	
		DATE COMPLETED	TAX
		<i>12/22/11</i>	
		TOTAL	<i>2380.<sup>00</sup></i>

# 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
<b>SubTotal</b>			<b>\$1,900.00</b>
<b>Tax (8.25%)</b>			<b>\$0.00</b>
<b>Total</b>			<b>\$1,900.00</b>

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

<b>Scope of Work</b>	<b>Approximate cost of Parts and Labor</b>
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	\$125.00
with it elevated 16" from the floor/ground	
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
<b>Total cost of material and labor:</b>	<b>\$1660.00</b>