



CITY OF BRYAN
The Good Life, Texas Style.™

Minutes

**BUILDING AND STANDARDS COMMISSION
REGULAR MEETING
MONDAY, FEBRUARY 27, 2012 AT 6PM
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 S. TEXAS AVENUE**

On the 27th day of February, 2012, the Building and Standards Commission of the City of Bryan, Texas convened in Council Chambers of the Bryan Municipal Building at 6:00pm.

BSC Members Present:

Jerry Ponzio
Victor Drozd
Greg Owens
Joe Montgomery
Daryl Massey

Staff Members and Others:

Greg Cox, Chief Building Official
Lindsey Guindi, Asst Director – Planning & Dev
Martin Zimmermann, Planning Administrator
Jonathan Koury, Assistant City Attorney
Fred Taylor, Deputy Fire Marshall
Jerry Fagan, Community Improvement Specialist
Sharon Hauke, Code Enforcement Officer
Charmaine McKinzie, Dev. Serv. Representative

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairman Ponzio Called the meeting to order at 6:00pm

2. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

3. APPROVAL OF MINUTES FROM THE REGULAR MEETING ON DECEMBER 19, 2011.

**Commissioner Drozd moved to approve the regular meeting minutes of December 19, 2011.
Commissioner Massey seconded the motion.**

Chairman Ponzio asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

4. OPENING STATEMENT FROM THE CHAIR.

Chairman Ponzio read the opening statement.

5. SWEARING IN OF ALL PRESENT AND INTENDING TO TESTIFY.

Chairman Ponzio swore in everyone in the audience that was planning on speaking concerning any of the properties on this meeting agenda.

6. REQUESTS TO DECLARE THE FOLLOWING BUILDINGS UNSAFE AND TO ORDER THE SAME TO BE VACATED, REPAIRED, SECURED OR DEMOLISHED – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (The order of hearings during this meeting is subject to change without notice, anyone wishing to speak at a hearing should be present at the start of the meeting. Commission makes final determination; appeals may be directed to district court).

- a. **Case # 1732 – 229 Moss Street**
Owner: Interstate Advisors LLC
Yeager, Block 2, Lot 15

Mr. Zimmermann advised that this is just an update, and that staff believe that substantial progress on the repair of the structure has been made in this particular case. The City believes that the outstanding inspections will be completed in the next couple of weeks and that no new order by the Commission is necessary at this time. Staff will update the Commission when a certificate of occupancy has been issued for this structure.

Chairman Ponzio Opened the public hearing.

Mr. Andrew Jensen of 402 N Coulter, Bryan, Texas, stated they are very close to completion, and a certificate of occupancy.

Chairman Ponzio Closed the public hearing

- b. **Case # 1741 – 608 N Sims Avenue**
Owner: George Cavitt
City of Bryan Townsite, Lot 6 & pt of Alley, Block 164

Mr. Zimmermann advised that 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. Staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 4, 6, 7, 8 and 9. Staff

recommends that the Commission issue a new order to the owner, lienholder, or mortgagee to comply with a new time schedule for repair; or 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 or Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Responding to a question from Chairperson Ponzio, Mr. Zimmermann stated that we have not received anything since the December 19, 2011 Meeting.

Chairman Ponzio Opened the public hearing.

Mr. Glenn Cheeks of 2703 Briar Glen, Houston, Texas, stated that he would like 24 hours to get the reports to Mr. Cox. Mr. Cheeks went on to say that he had to send the Surveyor's out three times, so this took much longer than expected.

Responding to a question from Chairman Ponzio, Mr. Zimmerman stated that this case was first heard in August 22, 2011

Chairman Ponzio moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Massey seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- c. Case # 1760 – 3200 Finfeather Road**
Owner: Transform Property LLC
Powers Addition, Lot 2 (Avalon Apartments)

Mr. Zimmermann advised that this is also a case you have seen before so this is just an update, and that no new order by the Commission needs to be made. Staff believes that substantial progress on the repair of structures has been made in this particular case. The City believes that the outstanding work and inspection will be completed in the next few months and that no new order by the commission is necessary at this time. Staff will update the Commission when all issues regarding this apartment complex have been addressed.

Chairman Ponzio Opened the public hearing.

Mr. Terry Hoelscher, of 4473 CR 236, Caldwell, Texas, stated that he is here to answer any question the Commission may have.

Chairman Ponzio asked the Commission if there were any questions
There was none

Chairman Ponzio Closed the public hearing

- e. Case # 1819 – 1200 California Street**

Owner: Bernice Cora Carter
McCulloch Addn Ph-3, Lot 1-2, Block 4

Mr. Zimmerman advised there was no action necessary since the structure has been demolished.

f. Case # 1820 – 428 N Coulter Drive
Owner: Pyarali Hirani
Ettle PH 2, Lot 25-27, Block 1

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 5, 6, 7, and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Pyarali Hirani, stated that he would like to be given more time to demolish the structure

Chairman Ponzio Closed the public hearing

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

g. Case # 1821 – 2002 Newton Street
Owner: Roy Sanchez
Jones-Brock, Lot 5, Block H

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 4, 5, 7, and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the accessory structure(s) within 30 days, and demolish/remove or repair the main house within 90 days, in accordance with the schedule of repair. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Betty Garcia of 1513 Baker, Bryan, Texas, stated that they did get bids on the house to repair, and they would like to repair, and move back in

Responding to a question from Commissioner Drozd, Ms. Garcia stated that he has not received any permits; they are waiting for the okay from the Commission

Responding to a question from Commissioner Owens, Ms. Garcia stated that no work has been done without permits.

Mr. William Scazzero of 543 William D Fitch, College Station, Texas, stated that he is representing Roy Sanchez, and they have filed a lawsuit in reference to ownership of the property. Mr. Scazzero went on to say that Mr. Sanchez owns a construction company and would like to do a bid, but he has not been able to get access to the house. Mr. Scazzero then stated that all they are asking for is time to get ownership established so that they can honor the Commissioners order.

Chairman Ponzio Closed the public hearing

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to secure building within 30 days and table till the next scheduled Building and Standards meeting March 26, 2012 or the City will secure. Commissioner Montgomery seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- i. **Case # 1822 – 2800 Old Hearne Road #73**
Owner: Ricky Luce
Live Oak, Space 73

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to secure, demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Luce, 3180 Cain Road, College Station, Texas, stated that he is unsure if he is responsible for the trailer since he couldn't get the title in his name, since the previous owner was behind on taxes, so they wouldn't let me put it in his name.

Chairman Ponzio Closed the public hearing

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Montgomery seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- j. Case # 1823 – 1307 Military Drive**
Owner: Bennie Taylor Jr.
Bryan's 1st, Lot 13, Block 4

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Benny Taylor of 1307 A Military Drive, Bryan, Texas, stated that he agrees that the structure needs demolished

Chairman Ponzio Closed the public hearing

Commissioner Drozd moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Montgomery seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- k. Case # 1824 – 606 North Preston Avenue A & B**
Owner: Blanch Mae Barrows
City of Bryan Townsite, Lot 10 & pt of Preston Ave, Block 55

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 1, 2, 4, 5, 6, 7, 8 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to demolish/remove the building and accessory structure within 30 days. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Bryan Barrows, of 7711 Ashton, Houston, Texas, stated that he agrees that the buildings need to be torn down, and he has reached an agreement with a contractor to tear down the structures

Chairman Ponzio Closed the public hearing

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to and demolish the building within 30 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- m. Case # 1826 – 2312 Southside Drive**
Owner: Arturo and Ofelia Garcia
Margaret Wallace, Lot 26 & pt of 25, Block 13

Mr. Zimmermann advised that staff recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 Subsection 2, 5, 7 and 9. Staff recommends that the Commission issue an order to the owner, lien holder, or mortgagee to secure the building within 7 days, and demolish/remove or repair the building and accessory structure within 180 days in accordance with the schedule of repair, and also appear before the Commission at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.. Staff further recommends that the Commission order the City to demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lien holder, or mortgagee fails to comply with the Commission's order.

Chairman Ponzio Opened the public hearing.

Mr. Greg Cox, Chief Building Official, handed out the Bids that Mr. Garacia had to the Commission

Mr. Arturo Garcia, of 1400 Jackson Avenue, Bryan, Texas, stated that he bought the property and would like to repair the structure.

Chairman Ponzio Closed the public hearing

Commissioner Massey moved to accept staff's recommendation that this building is unsafe and that the Commission issue an order to the owner, lien holder or mortgagee to repair the building within 180 days or the City will demolish. Commissioner Drozd seconded the motion.

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed unanimously.

- d. Case # 1809 – 1401 Mason Street**
Owner: Tamara R Jackson
Castle Heights, Lot10, Block 11
- h. Case # 1807 – 406 E 23rd Street**
Owner: Glenn D Thomas
City of Bryan Townsite, Lot 4 & pt of 5 & pt of alley, Block 94
- l. Case # 1825 – 1813 Nevada Street**
Owner: Stanley C Ford
SFA #9, Lot 14.2, block 29

Commissioner Drozd moved to accept the City's recommendations for agenda items 6 d., h., and l that these properties are a hazard to the health, safety and welfare of citizens and ordered that the structures thereon be secured and demolished by the owners, lien holders, or mortgagees within 30 days, or the City will demolish. Commissioner Owens seconded the motion.

7. STAFF PRESENTATION, DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE ADOPTION OF A PROPERTY MAINTENANCE CODE.

Lindsey Guindi, Assistant Director – Planning & Development, stated that at the last workshop we had went over the property maintenance code section by section, and talked about what was going to go over the Maintenance Code. Ms. Guindi stated that the Planning and Zoning Commission wanted the Building and Standards to go over the proposed Maintenance Code.

Responding to a question from Commissioner Massey, Ms. Guindi went over and clarified 107.6 Commissioner Massey stated he understood.

Ms. Guindi stated that if there were any appeals it would come before this board.

Chairman Ponzio made a motion to recommend adoption of the Property Maintenance Code, Commissioner Drozd 2nd the motion

Chairman Ponzio asked if there were any discussion.

There was none.

The motion passed 4 to 1 vote, Commissioner Massey was not in favor.

8. STAFF ANNOUNCEMENTS (This item includes introductions of new employees, meeting reminders, upcoming events, and staff recognition).

- A. The next workshop meeting is scheduled for 12:00 Noon on Monday, March 12, 2012, in Room 305 on the third floor of the Bryan Municipal Office Building, 300 S. Texas Avenue.**
- B. The next regular meeting is scheduled for 6p.m. on Monday, March 26, 2012, in Council Chambers, Bryan Municipal Office Building, 300 S. Texas Avenue.**

Mr. Zimmermann stated that the Workshop meeting scheduled for March 12, 2012, will need to be rescheduled till March 19, 2012 due to spring break, and the next regular meeting is scheduled for March 26, 2012.

9. FUTURE AGENDA ITEMS (A Commissioner may request that a subject for which notice has not been given be placed on an agenda for future meeting).

No future agenda items were requested.

10. ADJOURN.

Without objection Chairman Ponzio adjourned the meeting at 7:30pm.

These minutes were reviewed and approved by the City of Bryan Building and Standards Commission on the 26th day of **March, 2012**.

Building and Standards Commission
City of Bryan, Texas

Greg Cox, Chief Building Official and
Secretary to the Building and Standards
Commission