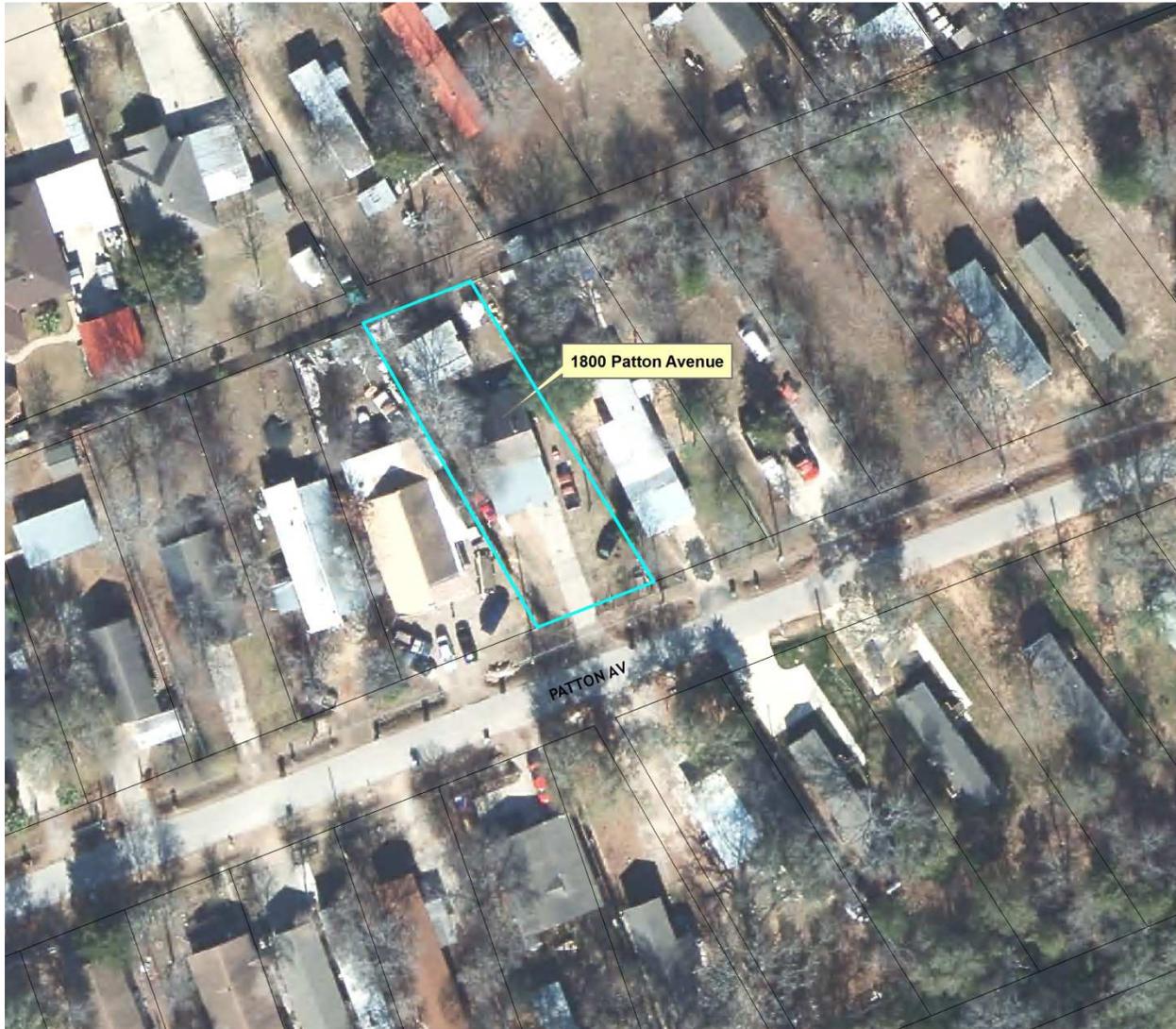


**BUILDING AND STANDARDS COMMISSION  
STAFF REPORT**

**November 26, 2012**



**Case #1892 – 1800 Patton Avenue**



**LEGAL DESCRIPTION:** Lot 11 in Block 4 of Darwin-Kennard Subdivision

**STRUCTURE(S):**

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

**PROPERTY OWNER(S):** Hector and Maria Romero

**LIENHOLDER(S)/**

**MORTGAGEE(S):** none

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

**APPRAISAL DISTRICT):** \$48,580 (2012 tax year) – includes main structure

**BACKGROUND:**

On October 28, 2008, Code Enforcement found an accessory structure in the back of the property separate from the primary residence had been constructed entirely in concrete without permits. The owner was asked to apply for a building permit and to get an engineer to certify the concrete work done and turn in a report to Building Services and not continue working.

On November 12, 2008, during a re-inspection it was found that additional work had taken place inside the structure without permits and no engineer report was ever filed. The property owner was issued a notice of violation for working without permits and referred to the Municipal Court system. The owner paid a court fine in March 2009.

The property owner hired engineer Robert Bigham who submitted a report by the agreed-upon deadline on December 18, 2008.

In December 2008 and January 2009 the property owner applied for and was issued building permit for the accessory structure for storage use only. However, no inspections were ever called in and the permit expired.

In April 2012, Code Enforcement found that the accessory storage structure had been converted into a dwelling that is being occupied without prior approval of necessary permits, including building, plumbing and electrical permits as well as a Conditional Use Permit from the Planning and Zoning Commission. It was then also discovered that the owner was in progress of adding a second floor, again without prior application for necessary permits.

**ATTACHMENTS:**

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

**BUILDING AND STANDARDS COMMISSION  
STAFF RECOMMENDATION**



**November 26, 2012**

**Case #: 1892**

**Building Address: 1800 Patton Avenue**

**Record Owner(s): Hector and Maria Romero**

**The City's Chief Building Official has requested this Commission hearing to discuss the 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 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 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 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 accessory structure within 7 days.**
- secure the accessory structure from unauthorized entry within 7 days.**
- demolish/remove the accessory structure(s) within 30 days.**
- demolish/remove or  repair the building  and accessory structure(s) within \_\_\_ days, in accordance with the schedule below:

Deadline

Task

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- 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 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: 10/2/2012



Appears to be adding second floor



Steps not up to code



Garden hose with electrical wiring in concrete





Plumbing/electrical no permits







CITY OF BRYAN  
The Good Life. Texas Style.

# Dangerous Structures Survey Report

Chief Building Official

Case #1892-SW

**A. PROPERTY DESCRIPTION**

Address 1800 Patton Avenue

Lot(s) 11 Block(s) 4 Addition(s) Darwin-Kennard

Owner(s) Romero Hector & Maria

Mailing Address 1800 Patton Avenue, Bryan, TX 77803-2273

**B. SPECIFICATIONS**

Sq. Ft. 240 +/- Rooms 2 Stories 2 Structures 1

**STRUCTURAL USE**

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

**CONSTRUCTION**

- Box
- Frame
- Masonry
- Mobile Home
- CONCRETE

**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 IRC 2005 NEC

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 BATH ROOM OPEN TO LIVING RM
  - 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) GARDEN HOSE WITH ELECTRICAL WIRING IN CONCRETE  
 (2) CONCRETE STEPS NOT TO CODE (3) PLUMBING & ELECTRICAL  
 W/O PERMITS (NO PERMITS OR INSPECTIONS ON FILE)

★ PERMIT ISSUED IN 2008 FOR ACCESSORY STORAGE  
 TO MAIN RESIDENCE - NOW SOMEONE IS LIVING IN  
 IT AND OWNER IS <sup>APPEARING TO BE</sup> ADDING A SECOND FLOOR.  
 ORIGINAL PERMIT WAS NEVER CLOSED OUT - NO INSPECTIONS CALLED IN,

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.



Signature

GREGORY S. COX

Printed Name

10-03-12

Date



CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Code Enforcement

Case # 1892-SW

A. PROPERTY DESCRIPTION

Address 1800 Patton Avenue

Lot(s) 11 Block(s) 4 Addition(s) Darwin-Kennard

Owner(s) Romero Hector & Maria

Mailing Address 1800 Patton Avenue, Bryan, TX 77803-2273

B. SPECIFICATIONS

Sq. Ft. \_\_\_\_\_

Rooms \_\_\_\_\_

Stories 2

Structures \_\_\_\_\_

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 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 Accessory structure occupied as a dwelling without permits and did not receive a certificate of occupancy, or inspections.

Lined area for additional comments.

D. Kaatz Dawn Kaatz/Code Enforcement 10/2/12  
Signature Printed Name/Title Officer Date

Case # 1892



# Dangerous Structures Survey Report

Fire Marshal

Case #1892-SW

A. PROPERTY DESCRIPTION

Address 1800 Patton Avenue

Lot(s) 11 Block(s) 4 Addition(s) Darwin-Kennard

Owner(s) Romero Hector & Maria

Mailing Address 1800 Patton Avenue, Bryan, TX 77803-2273

B. SPECIFICATIONS

Sq. Ft. \_\_\_\_\_

Rooms \_\_\_\_\_

Stories 1

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 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.



Signature

Printed Name/Title

Date

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