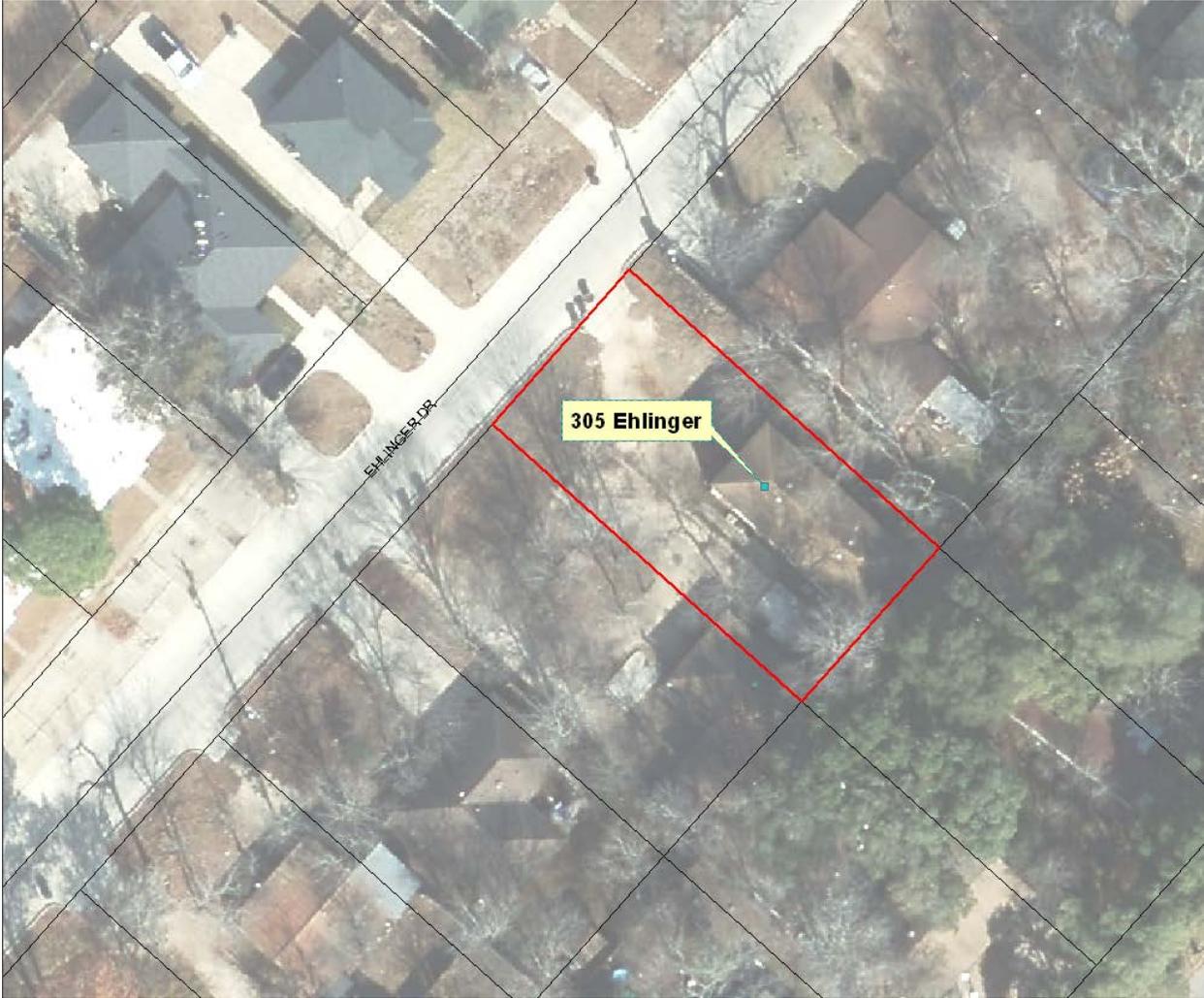


**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

July 22, 2013



Case #1955 – 305 Ehlinger Drive



LEGAL DESCRIPTION: Lot 11 in Block B of Munnerlyn Village

STRUCTURE(S):

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

PROPERTY OWNER(S): Harold T. Eaton and Shirley B. Eaton, Richard E. Hardesty and wife
Linda L. Hardesty

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

none

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

\$75,470 (2013 tax year)

BACKGROUND:

On or around April 3, 2013, the Bryan Police Department contacted the Chief Building Official and Fire Marshal to report the apparently unsafe conditions of at this four-plex structure, specifically that three of the apartment units were damaged, vacant, and unsecured. In one of the units, dead rats were floating in the bathtub. There was also soffit material about to fall onto live power lines servicing the building. At the time of initial inspection, one tenant was living at this location. The property owners were notified to secure the property. The property has since been found unsecured and in unsafe conditions.

ATTACHMENTS:

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

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



July 22, 2013

Case #: 1955

Building Address: 305 Ehlinger Drive

Record Owner(s): Harold T. Eaton and Shirley B. Eaton, Richard E. Hardesty and wife Linda L. Hardesty

The City's Chief Building Official has requested this Commission hearing to discuss the building 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 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 building 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 30 days if not repaired.**
- secure the building from unauthorized entry within 7 days.**
- demolish/remove or repair the building structure(s) within 90 days, in accordance with the schedule below:**

<u>Deadline</u>	<u>Task</u>
30 days	Submit plans for repairs for approval and obtain building permits for each unit. Obtain electrical, plumbing, and mechanical permits for each unit. Provide paved parking lot plan/site plan that provides one paved parking space for each bedroom and turn around space per city ordinance.
60 days	Call for plumbing top out/electrical rough in, mechanical inspections, framing inspections, insulation inspections, etc. Obtain approval for all called inspections.
90 days	Complete all required final inspections, paved parking lot, and obtain new Certificate of Occupancies for each unit.

- appear before the Commission in 120 days to demonstrate compliance with the repair schedule, unless the building is demolished/removed.**

The City recommends that the Commission orders that the City may:

- disconnect water and electric utilities to the building.**
- secure the structure, demolish the building 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 TAKEN: 06/04/2013



UNIT B



UNIT C



UNIT D





CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Chief Building Official

Case 1955 - AA

A. PROPERTY DESCRIPTION

Address: 305 Ehlinger Drive

Lot(s) 11 Block(s) B Addition(s) Munnerlyn Village

Owner(s) Harold T Eaton and Shirley B Eaton, Richard E Hardesty and wife Linda L Hardesty

Mailing Address: 2885 Eaton Lane, Bryan, Texas 77807-5402

B. 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 1 UNIT
- Vacant
- Open 3 UNITS

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 / 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. STAIRS LOOSE TREADS
- 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 ① 4 UNITS - ALL VACANT & UNSECURED EXCEPT APARTMENT "A"

② APARTMENT "A" - BATH ROOM CEILING OPEN/DAMAGED FROM WATER LEAK, EXTENSION CORDS, NO WORKING SMOKE DETECTOR

③ INTERIOR OF "B" HAS SIGNIFICANT WATER DAMAGE WITH STRUCTURAL DAMAGE - DEAD MICE/RATS ④ SOME INTERIOR DAMAGE TO "D" & "C" - LOTS OF THRASH, ETC.

FROM BEING UNSECURED ⑤ NO ADDRESS # ⑥ MISSING BREAKERS & BLANKS @ ELEC. PANEL ⑦ SOFFIT DAMAGE ⑧ SIDING DAMAGE

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.

Coleman J Cox

Signature

Gregory S. Cox

Printed Name

6-7-13

Date



CITY OF BRYAN
The Good Life, Texas Style.

Dangerous Structures Survey Report

Code Enforcement

Case #1955 - AA

A. PROPERTY DESCRIPTION

Address: 305 Ehlinger Drive

Lot(s) 11 Block(s) B Addition(s) Munnerlyn Village

Owner(s) Harold T Eaton and Shirley B Eaton, Richard E Hardesty and wife Linda L Hardesty

Mailing Address: 2885 Eaton Lane, Bryan, Texas 77807-5402

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 *Unit A*
- Vacant *Unit's B, C, D*
- 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.



Dangerous Structures Survey Report

Fire Marshal

Case 1955 - AA

A. PROPERTY DESCRIPTION

Address: 305 Ehlinger Drive

Lot(s) 11 Block(s) B Addition(s) Munnerlyn Village

Owner(s) Harold T Eaton and Shirley B Eaton, Richard E Hardesty and wife Linda L Hardesty

Mailing Address: 2885 Eaton Lane, Bryan, Texas 77807-5402

B. 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

C. FINDINGS

A 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.

A 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.

Case # _____

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

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. X 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

rot floors
Rotten floors
rotten walls
open eves
rodent infestation
open wiring

[Signature] Forstaylor Deputy Fire Marshal 6-7-13