

**BUILDING AND STANDARDS COMMISSION  
STAFF REPORT**

April 28<sup>th</sup>, 2014



**Case #2018 –1202 Batts Street**



**LEGAL DESCRIPTION:** Lot 1 in Block A of Jones-Brock

**STRUCTURE(S):**

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

**PROPERTY OWNER(S):** Jennifer K Mejia

**LIENHOLDER(S)/**

**MORTGAGEE(S):** none

**IMPROVEMENT VALUE(S)**

**(AS APPRAISED BY THE**

**BRAZOS COUNTY**

**APPRAISAL DISTRICT):** \$41,460 (2013 tax year)

**BACKGROUND:**

In January 2014, the Bryan Police Department received complaints about people living in accessory structure (garage apartment) on this lot without power. Bryan PD and the Fire Marshal's office investigated the complaint. The owner, Ms. Mejia, who resided in the main building reported that she was moving out due to the dilapidated conditions of the house and that the garage apartment was vacant. The owner's plans were to sell the property.

In February 2014, Bryan PD and Bryan Fire Marshal again visited the property. A sewer leak was found as well as unsafe conditions in both structures were observed. Ms. Mejia advised again that she would be moving out and power could be cut off on March 1, 2014.

In or around February/March 2014, the County Sheriff's Office served warrants on occupants in the rear structure, who were found living there without power. At that time, Ms. Mejia was still occupying the main building but was in process of moving out officially. Mr. Suarez from a house nearby approached Bryan PD and the Fire Marshal and notified them that he had purchased the property. The Chief Building Official was called out to the scene to meet the Mr. Suarez as he wanted to renovate and repair the structures.

On March 11, 2014 City staff inspected the structures with an administrative search warrant for the April 2014 Building and Standards Commission meeting. On March 19, 2014, the Chief Building Official mailed detailed inspection reports concerning both structures to both Ms. Mejia and Mr. Suarez.

On March 26, 2014, the Chief Building Official and a building inspector requested the help of Bryan PD as the property appeared to be under renovations without approved building permits. While looking for the owner, staff found an extension cord that was extending from a second floor window on the main building to the rear structure and to a security light pole in the backyard. The extension cord had been illegally connected to the live wires of the security light and it appeared that someone was stealing electricity. The BTU meter box on the front structure had also been tampered with and damaged. BTU was dispatched to the scene for removal of the service drop and power to the security light. The Bryan Fire Marshal was also dispatched to the scene to document the illegal wiring, theft of electricity, and damage to the meter box for possible prosecution.

Mr. Suarez invited City staff inside the main building to show the demolition work that had been done. Staff advised Mr. Suarez that the wiring to the security light was illegal and the demolition work in process required a city demolition permit.

As of April 17, 2017, staff has not received plans or estimates for repairs, so the Chief Building Official requested that the property be scheduled for consideration by the Commission.

**ATTACHMENTS:**

- (1.) staff recommendation
- (2.) pictures
- (3.) March 19, 2014 letters from the Chief Building Official to Ms. Mejia and Mr. Suarez
- (4.) dangerous structures survey reports

**BUILDING AND STANDARDS COMMISSION  
STAFF RECOMMENDATION**



**April 28, 2014**

**Case #: 2018**

**Building Address: 1202 Batts Street**

**Record Owner(s): Jennifer K Mejia**

**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 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 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 building may not be feasibly repaired in compliance with City ordinances.**

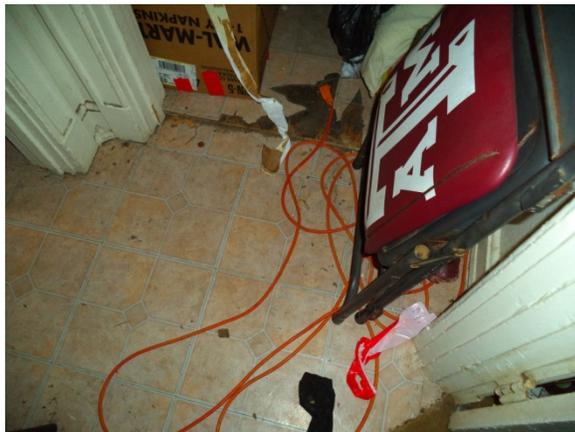
**The City recommends that the Commission issue an order to the owner, lienholder, or mortgagee to:**

- vacate the accessory structure within 30 days.**
- demolish the building and accessory structure and remove the debris within 30 days.**

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

- disconnect water and electric utilities to the building and accessory structure; and**
- secure the structure, 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, lienholder, or mortgagee fails to comply with the Commission's order.**

PICTURES: 03-11-14





Garage Apartment



Pictures 3-8-14 Garage Apartment



March 19, 2014

To: Jennifer K Mejia  
1202 Batts Street  
Bryan, Texas 77803

RE: 3-11-14 Inspection Notes for 1202 Batts (Legal Description - Batts, Block 1, Lot 8 )

Dear Ms. Mejia,

As you are aware, the structures located at the above address have been scheduled for the April Building and Standards Commission Hearing. **City Staff believes the structures are dangerous and that repairs are not feasible due to the appraised value.** A hold has been placed on all utilities since the structures are vacated. City Staff will recommend demolition to the Commission.

As the property owner, you have the right to present evidence to the Commission to plead your case that the structure can be repaired by providing a plan, timeline for repairs, and estimates for all repairs. See attached handouts that explain this more. If the Commission approves your plan, estimates, and timeline for repairs, the following items of concerns need to be addressed before the city will issue building permits and a new Certificate of Occupancy. **Please be advised that city cannot issue any permits unless the Commission approves the plan, timeline and estimates for repairs and directs city staff to do so.**

Main house:

- Rotten siding and rotten wall framing – exterior siding needs to be removed for further inspection and to determine extent of damage.
- Roof construction may not be adequate to support loads, Damaged roof – a roofing contractor needs to access the roof and provide report for new roof finish. A Texas Licensed Engineer needs to submit a report to verify that roof structure is capable of supporting loads. City staff inspected accessible areas and roof rafters may be 2X4 framing.
- Electrical devices and wiring system are questionable – a licensed electrician needs to inspect the wiring systems for current code compliance. City will require up grade on electrical system per Dangerous Structures Ordinance. Repair permits required to be obtained by licensed electrician. Some switches and outlets are missing covers. Previous owner reported that a lot of outlets did not work. Some evidence of spliced wiring outside of approved boxes.

- Some interior finishes damaged, some areas of ceiling damage from leaking roofs – all damaged areas need to be repaired. Repair permits required to be obtained by licensed HVAC contractor. Areas with ceiling damage need to be uncovered for framing inspections. Any damaged or rotten framing will have to be repaired and inspected.
- HVAC system needs to be inspected by licensed HVAC contractor, repair permits required
- Plumber needs to obtain plumbing permit for gas test.
- Wired/battery back up, interconnected smoke detectors need to be installed in the bedrooms and area outside the bedrooms. If any gas appliances, a carbon monoxide detector needs to be installed per code and manufacturer's instructions.
- Front deck needs code approved stairs, handrail, and landing.

#### Garage Apartment:

- Rotten first floor walls, CMU piers placed at some point to shore up structure, unknown footings, Damaged / rotten exterior siding - A Texas Licensed Engineer needs to submit a report to verify that structure is capable of supporting loads and for direction/details on repair of the foundation, wall bracing, second floor framing and supports, and exterior wall framing.
- Dirt floor, low ceiling in garage area – if the area is kept as storage/garage use then the interior walls and ceiling need to be lined with 5/8" Type "X" sheetrock at ceiling and ½" sheet rock at walls for fire protection.
- Damaged/rotten stair to second floor, does not meet current code, stair and storage area pulling away from building, all areas need to be repaired/replaced per current code requirements. The supports need to be replaced and placed in concrete or on an approved footing and anchored. The stair, handrails, and guards need to be replaced and meet all 2009 IRC requirements.
- Damaged interior finishes – need repair
- Wired/battery backup, interconnected smoke detectors need to be installed in the bedrooms and area outside the bedrooms and at first floor garage/storage area. If any gas appliances, a carbon monoxide detector needs to be installed per code and manufacturer's instructions.
- Plumber needs to obtain plumbing permit for gas test and to check water heater for code compliance.
- Licensed electrician to inspect all electrical for any needed repairs. All exposed wiring needs to be covered per 2011 NEC. GFI outlets required in bath room and kitchen. City will require up grade on electrical system per Dangerous Structures Ordinance. Repair permits required to be obtained by licensed electrician.

Please know the sender of this notice strives to provide only factual and accurate information. Any errors or omissions not identified, as a result of the contents of this notice and review of inspection notes to date on the structure does not relieve full compliance with City of Bryan adopted Codes and Ordinances, State, and Federal laws. If repair permits are issued, as parts of the structures are uncovered, additional requirements and inspections may be required.

Please call or email if any questions,

Sincerely,

**Gregory S. Cox**, CBO, CFM  
Chief Building Official, Registered Architect  
Development Services, City of Bryan  
[www.bryantx.gov](http://www.bryantx.gov) ~ [gcox@bryantx.gov](mailto:gcox@bryantx.gov)  
979-209-5031 office, 979-209-5035 fax

March 19, 2014

To: Dimas Suarez  
708 Crenshaw  
Bryan, Texas 77803

RE: 3-11-14 Inspection Notes for 1202 Batts (Legal Description - Batts, Block 1, Lot 8 )

Dear Mr. Suarez,

As you are aware, the structures located at the above address have been scheduled for the April Building and Standards Commission Hearing. **City Staff believes the structures are dangerous and that repairs are not feasible due to the appraised value.** A hold has been placed on all utilities since the structures are vacated. City Staff will recommend demolition to the Commission.

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CITY OF BRYAN  
The Good Life, Texas Style

# Dangerous Structures Survey Report

Chief Building Official

Case # 2018

A. PROPERTY ADDRESS: 1202 Batts Street, Batts, Addition, Block 1, Lot 8

B. SPECIFICATIONS: No. Rooms 7+1 No. Stories 1/2 No. Structures 2  
513

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure(s)

- Box
- Frame
- Masonry
- Mobile Home

- 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

Main structure?  Accessory structure?

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. Main structure?  Accessory structure?

03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated. Main structure?  Accessory structure?

04. The non-supporting coverings of walls, ceilings, roofs, or floors are materially damaged or deteriorated. Main structure?  Accessory structure?

05. The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used. Main structure?  Accessory structure?

06. The structure or any part thereof has inadequate means of egress as required by the city's building code. Main structure?  Accessory structure?

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:

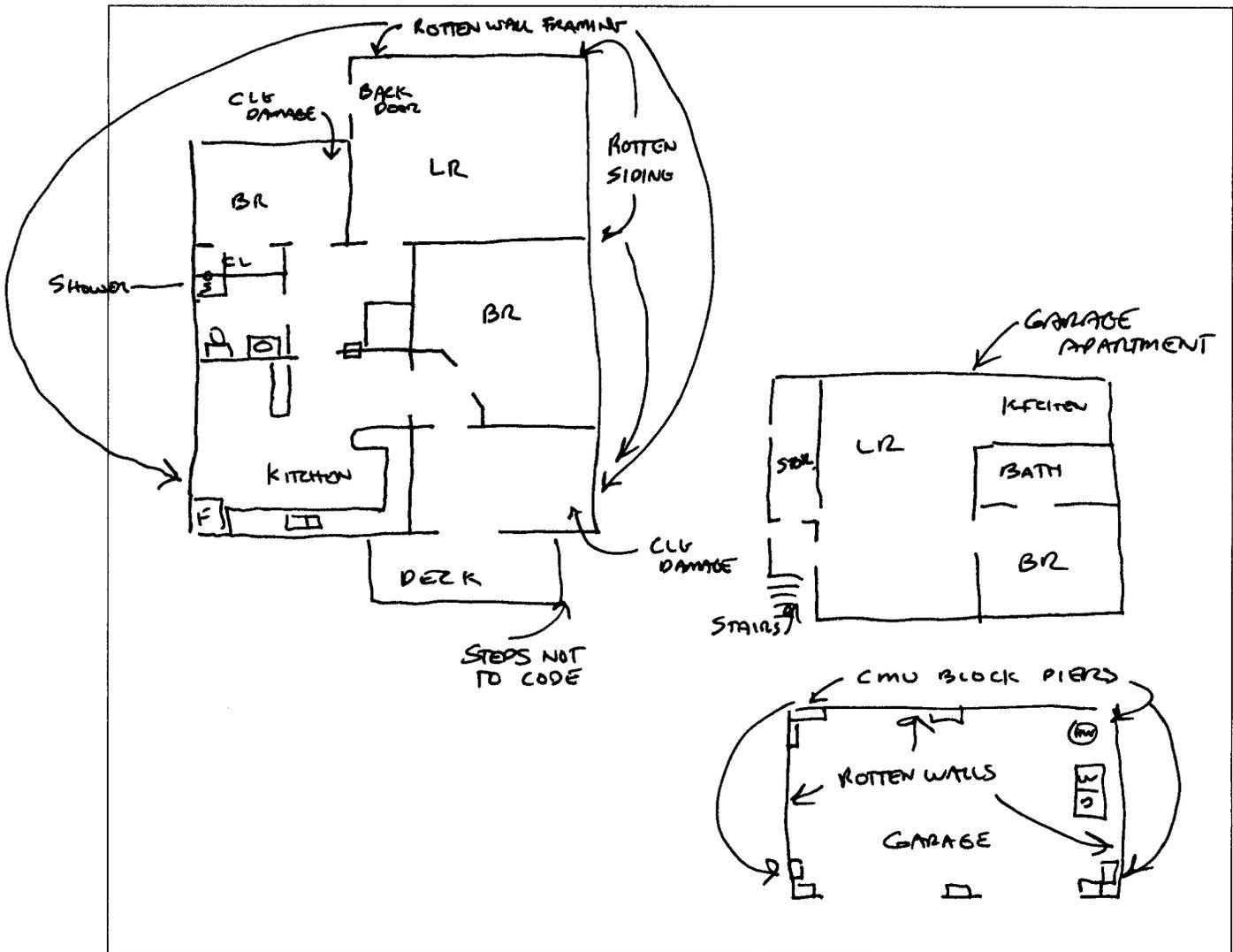
- light
  - ventilation
  - sanitation facilities SEWER LEAKS
- Main structure?  Accessory structure?

- X 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.  
Main structure? \_\_\_\_\_ Accessory structure? X
- X 09. Unable to give reasonable protection to any occupants from weather elements or danger of collapse because of:  
X Holes or cracks in the floor, exterior wall or roof  
X Loose, rotten, warped or protruding boards  
Main structure? X Accessory structure? X
- X 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:  
X Defective materials  
X Structural deterioration  
X Interior walls or ceilings with holes, cracks or loose plaster  
Main structure? X Accessory structure? X
- X 11. The building, structure, or a part thereof, is unsecured and open.  
Main structure? \_\_\_\_\_ Accessory structure? X

COMMENTS (1) MAIN HOUSE: ROTTEN SIDING AND WALL FRAMING AT EXTERIOR WALLS, FAT ROOF - 2X4 RAFTERS MAY BE INSUFFICIENT STRENGTH, VARIOUS LOCATIONS OF CEILING DAMAGE DUE TO ROOF LEAKS, TENANT REPORTED THAT MOST ELECTRICAL OUTLETS DO NOT WORK, NEEDS NEW DRIVE WAY WITH CULVERT

(2) GARAGE APARTMENT, ROTTEN LOWER WALLS, CONCRETE CMU PIERS PLACED AT SOME POINT TO SHORE UP STRUCTURE, ROTTEN SIDING, EXPOSED WIRES, PLUMBING, ETC. DAMAGED STAIR TO SECOND FLOOR APARTMENT, DOES NOT MEET CODE, SEWER LEAK, ROTTEN SIDING, DAMAGED INTERIOR FINISHES, DIRT FLOOR IN GARAGE, LOW CEILING, EXPOSED FRAMING IN GARAGE.

D. FLOOR PLAN (if necessary)



E. 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

GREGORY S. COX  
Printed Name

3-11-14  
Date



# Dangerous Structures Survey Report

Fire Marshal

Case # 2018

A. PROPERTY ADDRESS: 1202 Batts Street, Batts Addition, Block 1, Lot 8

B. SPECIFICATIONS: No. Rooms \_\_\_\_\_ No. Stories \_\_\_\_\_ No. 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 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 ~~30~~ % of the main structure is considered a loss.  
I estimate that ~~50~~ % of the accessory 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.  
Main Structure?  Accessory Structure?
- 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.  
Main Structure?  Accessory Structure?
- 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.  
Main Structure?  Accessory Structure?
- 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.  
Main Structure?  Accessory Structure?
- 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.  
Main Structure?  Accessory Structure?
- 07. The structure or a part thereof is in violation of the City's fire code.  
Main Structure?  Accessory Structure?

08. The building, structure, or a part thereof is being used by criminals, vagrants, or squatters for the purpose of suspected illegal activity.  
Main Structure?  Accessory Structure?
09. The building, structure, or a part thereof presents an attractive nuisance to children.  
Main Structure?  Accessory Structure?

COMMENTS Holes in exterior walls  
Leaks in roof  
Rotten Siding  
open wiring

Accessory -  
Floor Not Properly Supported - sags  
open wiring  
Rotten Siding

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.

 FRED TAYLOR / DSM 3-11-14  
 Signature Printed Name/Title Date