

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

February 24, 2014



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

LIENHOLDER(S)/

MORTGAGEE(S): none

IMPROVEMENT VALUE(S)

(AS APPRAISED BY THE

BRAZOS COUNTY

APPRAISAL DISTRICT): \$6,780 (2013 tax year)

BACKGROUND:

City staff has been dealing with this property since September 2010 when a concerned citizen advised that one of the two accessory structures on this property had no utilities and was being leased out by then-landlord, Mr. Roy Sanchez. At the time, Mr. Sanchez was in a civil dispute regarding the ownership of the property with Mrs. Betty Garcia. The property was considered by the Building and Standards Commission during its meetings in February, March, April and June 2012 while the ownership dispute remained unresolved. During its meeting on June 25, 2012, the Commission ordered all structures on the property to be demolished within 30 days.

Within the 30 day deadline following the Commission's Order, Mr. Sanchez filed an appeal of the order in District Court. The appeal was consolidated into the already pending lawsuit between Mr. Sanchez and Mrs. Garcia. A writ of certiorari was issued and the Court was provided with a copy of the Commission's file on the case. Mr. Sanchez and Mrs. Garcia elected to participate in a mediation and Assistant City Attorney Jonathan Koury attended the mediation on behalf of the City and the Commission. At the mediation, Mrs. Garcia agreed to pay Mr. Sanchez for his interest in the property. In January 2014, Mr. Sanchez was paid and he conveyed his interest in the property to Mrs. Garcia in a special warranty deed.

Now that Mrs. Garcia is the sole owner of the property, she is in a position to make the necessary repairs and has submitted the attached cost estimate. She has discussed the repairs with Chief Building Official Greg Cox and the City is comfortable with the proposed timeline for repairs. The City would like to propose that the Commission approve the plan and schedule for repairs and make a recommendation to the District Court that an agreed order be entered modifying the Commission's earlier recommendation of demolition, and instead requiring Mrs. Garcia to complete the necessary repairs in accordance with the proposed plan.

ATTACHMENTS:

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

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



February 24, 2014

Case #: 1821

Building Address: 2002 Newton Street

Record Owner(s): Betty Ayala Garcia

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 building and accessory structure may be feasibly repaired in compliance with City ordinances.**

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

- repair the main house and accessory structure within 90 days, in accordance with the schedule below:**

<u>Deadline</u>	<u>Task</u>
30 days	submit plans, building permit application etc. for repairs to main house; obtain building permit, electrical permit, mechanical permits, and plumbing permits. Submit plans and estimates for repair to accessory structure. Further inspections are needed after removal of interior finishes, flooring, etc. for framing inspections.
60 Days	repair foundation, floor framing, exterior wall framing, replace windows, and call for inspections prior to covering work; install new wall insulation and moisture barrier at all exterior walls call for inspections prior to covering; complete electrical repairs, mechanical repairs, and plumbing repairs and call for inspections.
90 Days	complete all exterior and interior repairs, install crawl space skirting and vents per city code, grade exterior ground to slope away from structure, call for final inspections and obtain Certificate of Occupancy.

- appear before the Commission at its regularly scheduled meeting in June 2014 to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.**

The City recommends that the Commission orders that in the event the owner, lienholder, or mortgagee fails to comply with this order, the City:

- will disconnect water and electric utilities to the building; and**
- may ensure the building is vacated and secure the building and/or accessory structure in accordance with Chapter 14 of the City of Bryan's Code of Ordinances.**

COST ESTIMATE (RECEIVED FEBRUARY 11, 2014):

Feb-11-2014 12:24 PM St. Joseph Case Management 979-776-5333

2/2

February 11, 2014

Re: Schedule of value on 2002 Newton Property

Replace siding all the way & Install new insulation	\$1700.00
Re level Flooring foundation as needed	\$1000.00
Install new windows	\$1200.00
Drywall repairs texture & paint	\$2500.00
Miscellaneous Plumbing	\$1500.00

Total Amount	\$7900.00
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PICTURES (taken on 2-17-2014):





PICTURES (2012):

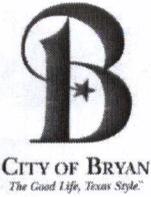
Primary Structure





Accessory Structure





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 ^{NORTH} 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 ^{EXTERIOR} 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 _____ Printed Name/Title **FRED TAYLOR DFM** Date **1-23-12**