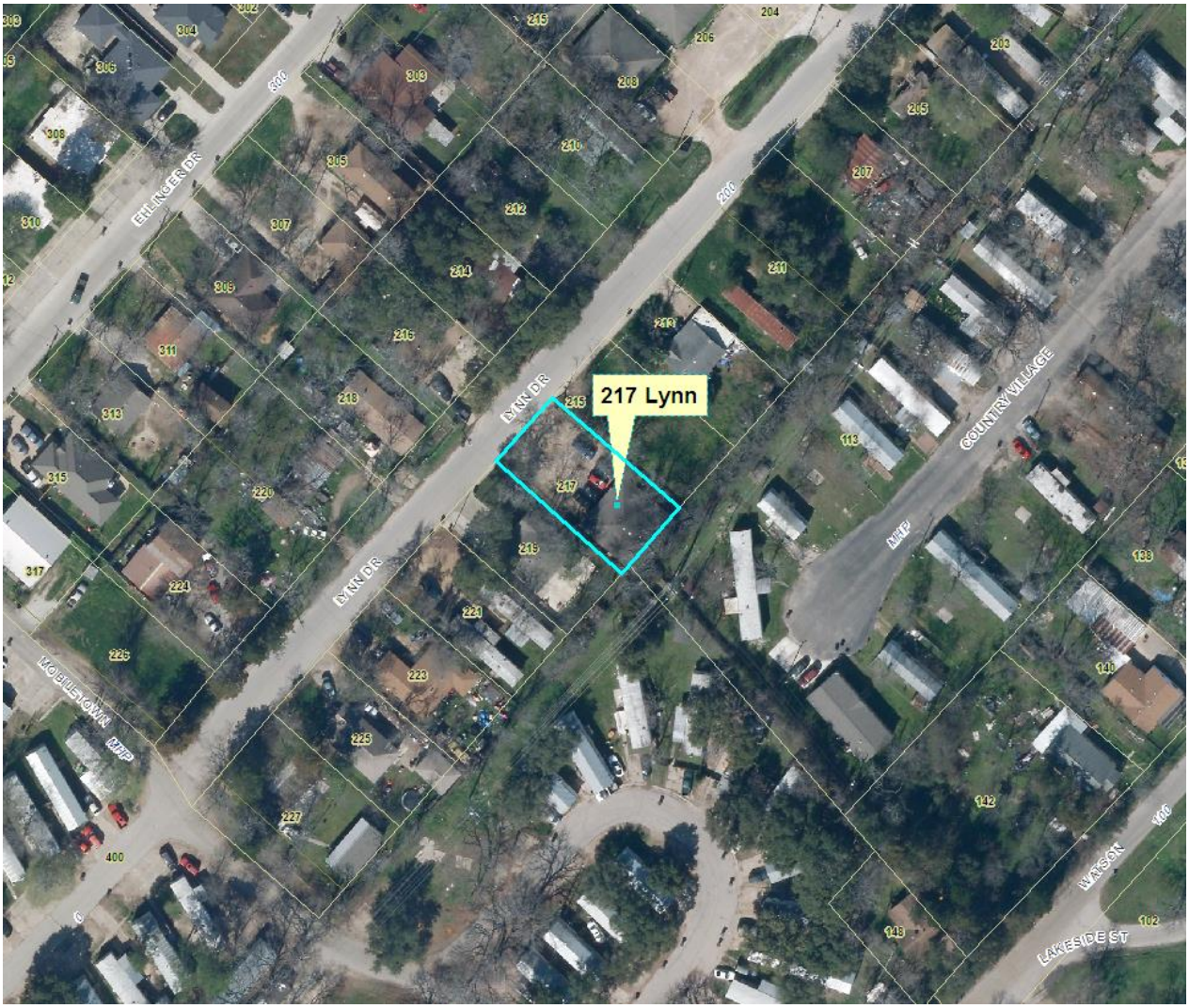
BUILDING AND STANDARDS COMMISSION
STAFF REPORT

April 27, 2015

CITY OF BRYAN

Case # 2053 – 217 Lynn Drive



LEGAL DESCRIPTION:	Munnerlyn Village, Block C, Lot 8
STRUCTURE(S):	☒ multi-family residence
PROPERTY OWNER(S):	Ronald D. & Kimberly A. Selvage
LIENHOLDER(S)/ MORTGAGEEE(S):	Golf International Inc. Deutsche Bank Trust Co.
ACTIVE UTILITIES:	☒ yes (all units except unit# A) **UNIT A DISCONNECTED ON:** 3/26/14

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID:	33677
IMPROVEMENT VALUE:	$0
YEAR BUILT:	1974
SF OF LIVING AREA:	2295
CURRENT OWNER SINCE:	7/15/2004
PROPERTY TAXES OWED:	$0.00

BACKGROUND:

- The Bryan Police Department alerted the Chief Building Official and Fire Marshal in late 2013 that one of the units on this 4-unit multi-family residential structure had vehicle damage that has gone unrepaired.
- The owner was notified on December 14, 2013 to call for inspection and obtain permits for repairs.
- In March of 2014, a building permit still had not been obtained for repairs to the exterior wall. Holds were placed on utilities for all units until repairs were permitted, inspected, and approved.
- The owner was notified again and City staff met with owner on April 17, 2014 and inspected the structure and property and discussed items needing attention and repairs. Owner was notified that exterior wall with vehicle damage needed repair to prevent further deterioration of building, as well as roof, overhangs, etc. Owner advised staff he would start on repairs soon.
- In November 2014, City staff noticed that permits had not been obtained and no improvements had been made. City staff scheduled another meeting with the property owner on December 3, 2014 and reiterated in detail what repairs are needed and advised the owner that the property would be scheduled for the next Building and Standards Commission hearing.
- As of January 2, 2015, no repair permits had been obtained.
- During its regular meeting on January 26, 2015, the Commission voted to issue an order to repair the building within 180 days and to show compliance with the repair order during the April and August 2015 Commission meetings:

☒ repair the building within 180 days, in accordance with the schedule below:

Deadline	Task

30 days	Obtain building permit and electrical permit for repairs to the exterior wall with vehicle damage, roof, and overhang repairs (soffits, fascia board, trim, etc.) Remove all open storage from property. Repair rotten door jamb at unit "B". Install approved fire extinguishers in each unit. Install battery powered smoke detectors in each bedroom and in each living area outside the bedrooms in each unit.
90 days	Call for inspections prior to covering work, obtain approval on all required inspections, and obtain new Certificate of Occupancy for each unit.
180 days	Obtain a driveway permit and install a city approved concrete driveway apron from street to property line (current dirt parking is allowing dirt and erosion in city street). In addition, repair all damaged sidewalks leading to the apartment units. Submit a site plan and install approved paved parking (current dirt parking is allowing dirt and erosion in city street).

☒ appear before the Commission during its regularly scheduled meetings in April 2015 and August 2015 to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.

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 in accordance with Chapter 14 of the City of Bryan's Code of Ordinances.

- A building permit for repairs was obtained by the owner on February 3, 2015.
- A reminder letter that the case is scheduled for updates to during the Building and Standards Commission meeting in April 27, 2015 was mailed on April 7, 2015.
- As of April 8, 2015, it does not appear that any repairs have been made and there is still vehicle damage to the front wall of the structure.
- The City has not been called for inspections for the time schedule for the items needing to be done in 30 and 60 days. New certificate of occupancies have not been obtained.
- Staff contends that the property is not currently in compliance with the Commission's order of January 26, 2015. **Staff proposes a new repair order deadline with a stipulation to complete repairs and obtain a new certificate of occupancies or vacate the structure until repairs are completed. See pages 5 and 6 of this report for a more detailed staff recommendation.**
- The Chief Building Official attempted to make contact with the owner on April 13, 2015 and left a voicemail for the owner to call for inspections if any progress has been made or if items on timeline have been completed. As of April 20, 2015, the City has not heard from the owner.

ATTACHMENTS:

1. staff recommendation
2. pictures
3. dangerous structures survey reports

BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION

April 27, 2015

Case #: 2053
Building Address: 217 Lynn Drive
Record Owner(s): Ronald D. & Kimberly A. Selvage

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 <u>may</u> feasibly be repaired so that it is no longer in violation of City ordinances.**

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

☒ **vacate and secure all apartment units in the building within 60 days if new certificate of occupancies for each unit in the structure are not obtained within 30 days.**

☒ **repair the building within <u>120 days</u>, in accordance with the schedule below:**

Deadline	**Task**
30 days	**Electrician obtain electrical permit and check all electrical systems including areas around damaged wall and attic.**
	Begin repairs to the exterior wall with vehicle damage, roof, and overhang repairs (soffits, fascia board, trim, etc.) (permit #15-0201 has already been obtained)
	Remove all open storage from property.
	Repair rotten exterior door jambs at all apartment units.
	Install approved fire extinguishers in each unit.
	Install battery powered smoke detectors in each bedroom and in each living area outside the bedrooms in each unit.
	Call for inspections prior to covering work, obtain approval on all required inspections, and obtain new Certificate of Occupancy for each apartment units.
	Replace/repair roof finish.
120 days	**Obtain a driveway permit and install a city approved concrete driveway apron from street to property line (current dirt parking is allowing dirt and erosion in city street). In addition, repair all damaged sidewalks leading to the apartment units and submit a site plan for approval and install approved paved parking (current dirt parking is allowing dirt and erosion in city street). The number of paved parking spaces is required to equal the number of bedrooms.**

☒ **appear before the Commission during its regularly scheduled meetings in June 2015 and August 2015 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 in accordance with Chapter 14 of the City of Bryan's Code of Ordinances.**

PICTURES: 4-13-15

Front of building, no work has been done

Hole/damage remains from vehicle impact

Parking lot is still dirt, with dirt in street

damaged soffit/overhang, damaged fence,

Illegal outdoor storage at unit B remains

damaged soffit remains

PICTURES: 12-02-14

Damaged exterior wall from vehicle impact

Exposed to elements

Showing damage to wall and window

Rotten exterior door jamb

Interior damaged wall from vehicle

Furnace exposed in clothes closet

Graffiti

Dangerous Structures Survey Report

Chief Building Official

Case #2053

A. **PROPERTY ADDRESS:** 217 Lynn Drive, Munnerlyn Village, Block C, Lot 8

B. **SPECIFICATIONS:** No. Rooms 4 ROOMS EACH 4 UNITS No. Stories 1 No. Structures 1

STRUCTURAL USE

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

CONSTRUCTION

- ____ Box
- X Frame
- ____ Masonry
- ____ Mobile Home

OCCUPANCY

- X Occupied 3 UNITS
- X Vacant 1 UNIT
- ____ Open

C. **FINDINGS**

X 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 / 2011 NEC

Main structure? X Accessory structure? ____

X 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? X Accessory structure? ____

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

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

X 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? X 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

Main structure? ____ Accessory structure? ____

Case # 2053

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? X Accessory structure? ____

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? ____

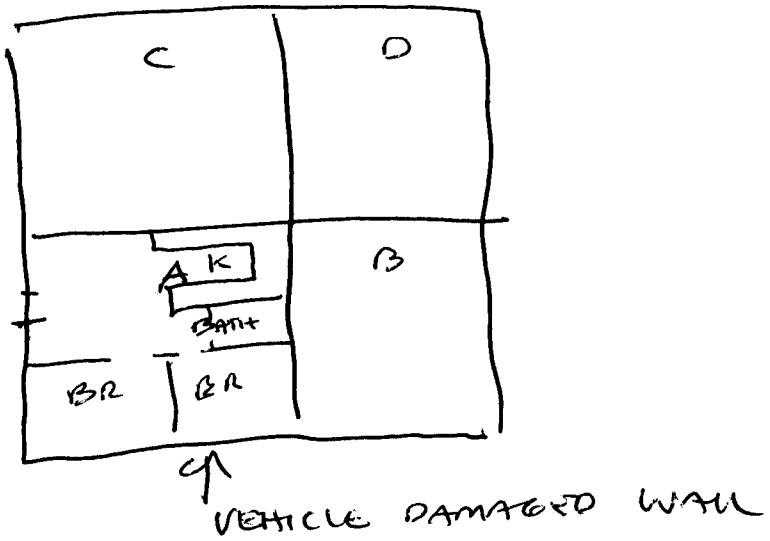
X 10. Is manifestly unsafe for the purpose for which it is being used or so as not to give reasonable protection from danger of collapse or fire because of:
____ Defective materials
X Structural deterioration
X Interior walls or ceilings with holes, cracks or loose plaster
Main structure? X Accessory structure? ____

____ 11. The building, structure, or a part thereof, is unsecured and open.
Main structure? ____ Accessory structure? ____

COMMENTS 1. UNIT "A" WAS DAMAGED BY VEHICLE IMPACT, CITY HAS BEEN UNABLE TO GET OWNER TO REPAIR 2. ROTTEN SOFFIT AT OVER HANG - NEEDS NEW FASCIA BOARD AND SOFFIT 3. UNIT B OUT DOOR STORAGE 4. UNIT B - ROTTEN DOOR JAMB 5. NEWS FIRE EXTINGUISHERS IN EACH UNIT PER FIRE CODE 6. NEEDS SMOKE DETECTORS IN UNITS PER CODE / STATE LAW 7. NEEDS PAVED DRIVE & PARKING LOT - DIRT IS GETTING IN STREET

Case # 2053

D. **FLOOR PLAN** (if necessary)



E. **DETERMINATION**

X 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 X remain unoccupied; and UNIT A

B. X 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 Printed Name Date

Case # 20503

Dangerous Structures Survey Report

Fire Marshal

Case #2053

A. **PROPERTY ADDRESS:** 217 Lynn Drive, Munnerlyn Village, Block C, Lot 8

B. **SPECIFICATIONS:** No. Rooms_____ No. Stories 1 No. Structures 1

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
____ Residential/Single Family	____ Box	X Occupied
____ Mixed Use	X Frame	X Vacant
____ Commercial	____ Masonry	____ Open
X Residential/Multi Family	____ Mobile Home	
____ Accessory Structure		

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 30 % of the main structure is considered a loss.
I estimate that — % 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? —

X 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.
Main Structure? X Accessory Structure? —

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.
Main Structure? X Accessory Structure? —

X 07. The structure or a part thereof is in violation of the City's fire code.
Main Structure? X Accessory Structure? —

Case # ____

_____ 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

Displaced wall from vehicle hitting it
ROTTEN EVES
Improper elec wiring to Heat Unit
BBQ pits within 10' of combustible structure
unpermitted trash + tire storage
Gang Tags on South end of structure

D. DETERMINATION

X 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 X remain unoccupied; and

B. X 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	Printed Name/Title	Date
	FRED TAYLOR / DSM	12-5-14