BUILDING AND STANDARDS COMMISSION
STAFF REPORT

August 22, 2016

CITY OF BRYAN

Case # 2165 – 600 E 29th Street

LEGAL DESCRIPTION: Mitchell, Block 1, Lot 1 & 4-5

STRUCTURE(S): ☒ single-family residence
☒ accessory structures

PROPERTY OWNER(S): Michael T Bush

LIENHOLDER(S)/ MORTGAGEE(S): Reliance Tax Loans LLC

ACTIVE UTILITIES: ☐ yes ☒ no **DISCONNECTED ON:** 12/12/2013

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID:	33263
IMPROVEMENT VALUE:	$310,220
YEAR BUILT:	1950
SF OF LIVING AREA:	5,884
CURRENT OWNER SINCE:	12/21/2007
PROPERTY TAXES OWED:	none

BACKGROUND:

- The property/structure is in a designated city historic preservation overlay district (Eastside Historic District) and is on the National Register of Historic Places as well as recognized by the State of Texas Historical Commission. The Astin family was a significant to Bryan's history and the family was involved in many businesses. The house is the earliest example of the neo-classical revival style built in Bryan and was built by Mrs. Onah W. Astin in 1902; she lived there until her death in 1944. Onah was James Astin's second wife and had the house built a few years after James died in 1897. The contractor was Charlie Jenkins.
- Permit History: City records show a building permit was obtained in October 2008 for exterior repairs, the inspections / work was never completed and this permit expired; a building permit was also obtained in December of 2007 for the same scope of work, and it too expired without inspections. These are the only permit records on file since at least 1998.
- In September 2008, Code Enforcement received a complaint about the condition of the property and violation notices were sent to the owner.
- On October 13, 2008, the owner and City discussed the scope of repairs underway.
- The City received another complaint about the condition of the property on March 30, 2010 after it had appeared the renovation work was abandoned.
- Staff photographed the exterior of the property on August 8, 2010 to document the condition and noted that the structure continued to fall further into a state of disrepair.
- On August 18, 2010, City staff met with the owner and discussed the condition of the home, the importance of finishing the exterior repairs, and violations of City ordinances.
- On August 24, 2010, a City Code Enforcement Officer sent a letter to the owner summarizing the discussion from August 18, 2010. The letter detailed that the owner needed to maintain and repair the property to comply with the "Demolition by neglect" provision in Section 130-24 of the City of Bryan's Zoning Ordinance. Staff agreed to allow a time line for the owner to obtain permits and complete the exterior repairs according to a timeline.
- Staff contacted the owner multiple times in December 2010 and through the Spring of 2011. Work was not progressing as originally outlined and agreed to per previous deadlines, so on May 4, 2011 a citation was issued.
- In July 2011 City staff offered to meet with owner and discuss a revised timeline for exterior repairs. Exterior conditions were documented, and during a meeting between the owner and City staff the owner was not interested in discussing a new timeline for repairs.
- The City received new complaint about the condition of the property on October 28, 2015.
- A tree had fallen on the electrical service at some point and damaged the electrical weather head, meter, and main panel. Due to the condition and appearance of the house, the City placed a hold on utilities until an electrical permit was obtained by an electrician, with repairs and City inspections

made in.

- A notice was sent to the owner on December 4, 2015 that a utility hold had been placed on the property and that the house needed repairs. City staff urged a meeting with the owner to discuss / inspect the house before releasing the utility hold and before issuing any permits.
- The owner called Development Services in response to letters sent about the condition of the property He advised he did not want anyone in his house.
- The owner called back on December 18, 2015 and set up a meeting for December 29, 2015 on site at 10am. The owner later called and cancelled this meeting.
- The owner then called on January 4, 2016 and set up a new meeting to discuss the condition of the home on site for January 19, 2016. However the owner later called and again cancelled this meeting also.
- The Chief Building Official, Assistant Fire Marshal, and a Police Officer visited the property on February 2, 2016. The back door was found unlocked. Since the City had an administrative warrant, the structure and property were inspected.
- The Chief Building Official called and spoke with the owner on February 4, 2016 and went over repairs needed, why the structure was placed on the meeting agenda for consideration by the Building and Standards Commission, and discussed the building permit process. The owner asked to apply for his own electrical permit; however the owner does not currently reside at this located even though it is listed as his homestead in Brazos County Appraisal District records. The owner will need to hire a licensed electrician to pull permit and the licensed electrician will need to perform all electrical work.
- The Chief Building Official emailed the owner on February 4, 2016, advising that permits could not be issued until after the Building and Standards Commission hearing (see attachment). The owner was also notified that a licensed electrician would be required to do electrical repair work on the house.
- The Chief Building official emailed the owner a list of items needing repairs, estimates, etc. on February 6, 2016. A second email was also sent on the same day with the City handout for the "contractor's checklist for estimates" and "what to bring to the hearing". (see attachments)
- Notices that the property would be scheduled for consideration by the Building and Standards Commission was mailed to the property owner on February 1, 2016, and February 12, 2016, and July 27, 2016.
- As of March 2, 2016, the owner has not contacted the City about the structures and the owner has not submitted any building permit applications, plans, estimates, or timeline.
- During its regular meeting on March 28, 2016, the Commission voted to order the accessory structure to be removed within 30 days and approved the following timeline for repairs of the main structure, and for the owner to appear during the Commissions regularly scheduled meeting in June 2016 to demonstrate compliance with the order:

☒ demolish the accessory structure and remove the debris within 30 days.

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

Deadline	Task
By May 3, 2016	Submit required documents for exterior repairs as part of an application for approval of a Certificate of Appropriateness (CoA) for review and approval by the City's Historic Landmark Commission during its regularly scheduled meeting on May 25, 2016.

By May 26, 2016	Submit complete building permit application for exterior repairs
By May 26, 2016	With prior CoA and building permit approval:
	Secure detailed bids and estimates.
	Hire a licensed contractor, as well as an engineer and/or architect if necessary, and begin exterior repairs.
	Have roofing contractor obtain permit and repair roof.
	Close all exterior openings in overhangs, soffits, eaves, etc.
By June 27, 2016	Have a licensed electrician obtain electrical permit for exterior and interior repairs, rebuild electrical service, and call for inspections and obtain green tag.
	Complete repair and replacement of upper and lower railings and balustrades after repairing porch floors
By September 26, 2016	Complete all exterior repairs, exterior painting, repair finishes to interior walls where walls are open on first and second floor, seal all holes in exterior walls, floors, ceilings, attic area, etc. All windows including windows in attic to have broken glass replaced and sealed.
	Repair/replace/paint all damaged/rotten wood trim, sills, windows, etc.
	Refurbish the existing rain gutters and soffits.
	Obtain new Certificate of Occupancy for the building.

- **At the June 27, 2016 hearing, the property was not in compliance with the Commission's order from March 28, 2016.** A major reason for this is the owner has decided to sell the property. A contract by a new buyer was scheduled to close on June 30, 2016. City staff has been meeting and discussing the repairs to the property needed for continued commercial use. Due to the historic significance of the structure, city staff recommended a new proposed timeline in the June staff report:

☒ demolish the accessory structure and remove the debris within 30 days.

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

Deadline	Task
by August 3, 2016	Submit required documents for exterior repairs as part of an application for approval of a Certificate of Appropriateness (CoA) for review and approval by the City's Historic Landmark Commission during its regularly scheduled meeting on August 24, 2016.
by August 25, 2016	Submit complete building permit application for exterior repairs

August 25, 2016	With prior CoA and building permit approval:
	Begin exterior repairs.
	Have roofing contractor obtain permit and repair roof.
	Close all exterior openings in overhangs, soffits, eaves, etc.
by September 26, 2016	Have a licensed electrician obtain electrical permit for exterior and interior repairs, rebuild electrical service, and call for inspections and obtain green tag.
	Complete repair and replacement of upper and lower railings and balustrades after repairing porch floors
by January 23, 2017	Complete all exterior repairs, exterior painting, repair finishes to interior walls where walls are open on first and second floor, seal all holes in exterior walls, floors, ceilings, attic area, etc. All windows including windows in attic to have broken glass replaced and sealed.
	Repair/replace/paint all damaged/rotten wood trim, sills, windows, etc.
	Refurbish the existing rain gutters and soffits.
	Obtain new Certificate of Occupancy for the building.

As of August 15, 2016, the property is not in compliance with the Commission's order from June 27, 2016. The property did not sell as anticipated at the end of June.

RECOMMENDATION:

The City recommends that the Commission NOT issue a new order to the owner, lienholder, or mortgagee.

On March 28, 2015, the Commission ordered the building repaired in 6 months, in accordance with the schedule provided by the City. Applications have not been submitted and/or approved per the timeline. The accessory structure was not demolished.

On June 27, 2015, the Commission issued a new order and another 6 months for repair, in accordance with the schedule provided by the city. Applications have not been submitted and/or approved per the timeline. The accessory structure was not demolished.

The City intends issue a citation to the owner for failing to comply with the Commission's previous order from June 27, 2016. The City will continue to issue citations on a periodic basis until the repair is complete on the main structure and the accessory structure is demolished.

ATTACHMENTS:

1. staff recommendation
2. pictures
3. dangerous structures survey reports
4. staff emails to property owner

AUGUST 2016 PICTURES:

Unsecured accessory structure still not Demolished (ordered demolished within 30 days at March 2016 Hearing)

Front of structure from 29th, vines have grown up around front corner

Left side

Ladders placed on left side, vines are growing Up ladders

Top left side, window with board at attic

Exposed corner facing Hill Street

HISTORIC PHOTOS:

EARLY 2016 PICTURES:

Front of structure from East 29th Street

State and National Historical Markers

Astin Porter Home

Built for Onha (Ward) Astin (d. 1944). The wife of cotton planter James H. Astin (d. 1897), this house was designed by the Waco Firm of Howard Messer and S. Wemyss Smith, construction began in 1901 and was completed two years later. The exterior of the classical revival residence features a two story gallery with Corinthian columns. Hollan Porter, a planter, purchased the home in 1946, and addition were made to the structure during ownership. Recorded Texas Historic Landmark – 1980.

Side of home from Hill Street.

Attached carport, from Hill Street

Side of Home from Hill Street, construction debris on ground

Damaged soffits at overhangs, openings into attic

Paint has been removed from wood trim in some areas and left untreated (no protection from elements)

First floor porch floor damaged and missing boards

Paint removed from porch ceiling, missing boards

Openings at overhangs/fascia boards

Rotten wood, openings at outer edge of 2nd Floor exterior porch

Missing railings at second floor exterior porch

Missing railings, scaffolding in place

Paint removed from cornices, fascia. Openings to attic from missing boards/wood trim

Damaged electrical service, tree fell on service

Wall at electrical service. Openings into attic

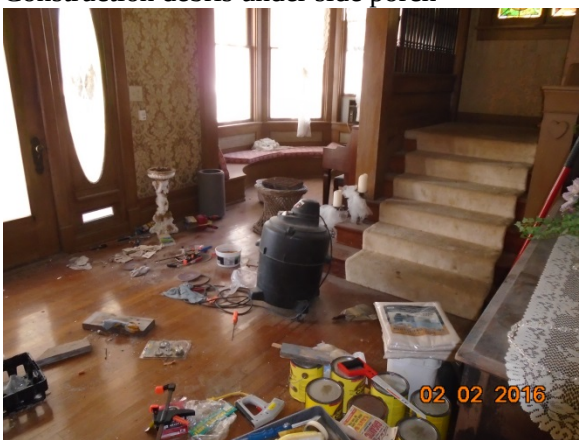
Rear of attached carport

Rear corner of attached carport, damaged eaves

Rear corner of home from Hill Street

Construction debris under side porch

Kitchen ceiling missing panels



Front entryway

Damage at second floor bath ceiling from roof Leaks

Rear bedroom, sheetrock repairs not finished

Open electrical boxes, and loose light fixture

Renovations on second floor at rear bath – no permits file.

Floor of second floor rear bath

Openings to exterior in attic

<u>Detached accessory storage building:</u>

Detached storage building – rotten walls, out of plumb walls, damaged foundation

Door unsecured/blocked by vines, damaged siding

Dangerous Structures Survey Report

Chief Building Official Case #2165

A. PROPERTY ADDRESS: 600 E 29th Street, Mitchell, Block 1, Lot 1 & 4-5

B. SPECIFICATIONS: No. Rooms____15+/-___ No. Stories____3____ No. structures_____2_____

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
__X__ Residential/Single Family	_____ Box	_____ Occupied
_____ Mixed Use	_X__ Frame	__X__ Vacant
_____ Commercial	_____ Masonry	__X__ Open
_____ Residential/Multi Family	_____ Mobile Home	
__X__ Accessory Structure(s)		

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__

__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? _____ Accessory structure? __X___

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

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

__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? _____ Accessory structure? ___X__

_____ 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? _____

_____ 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__ 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___

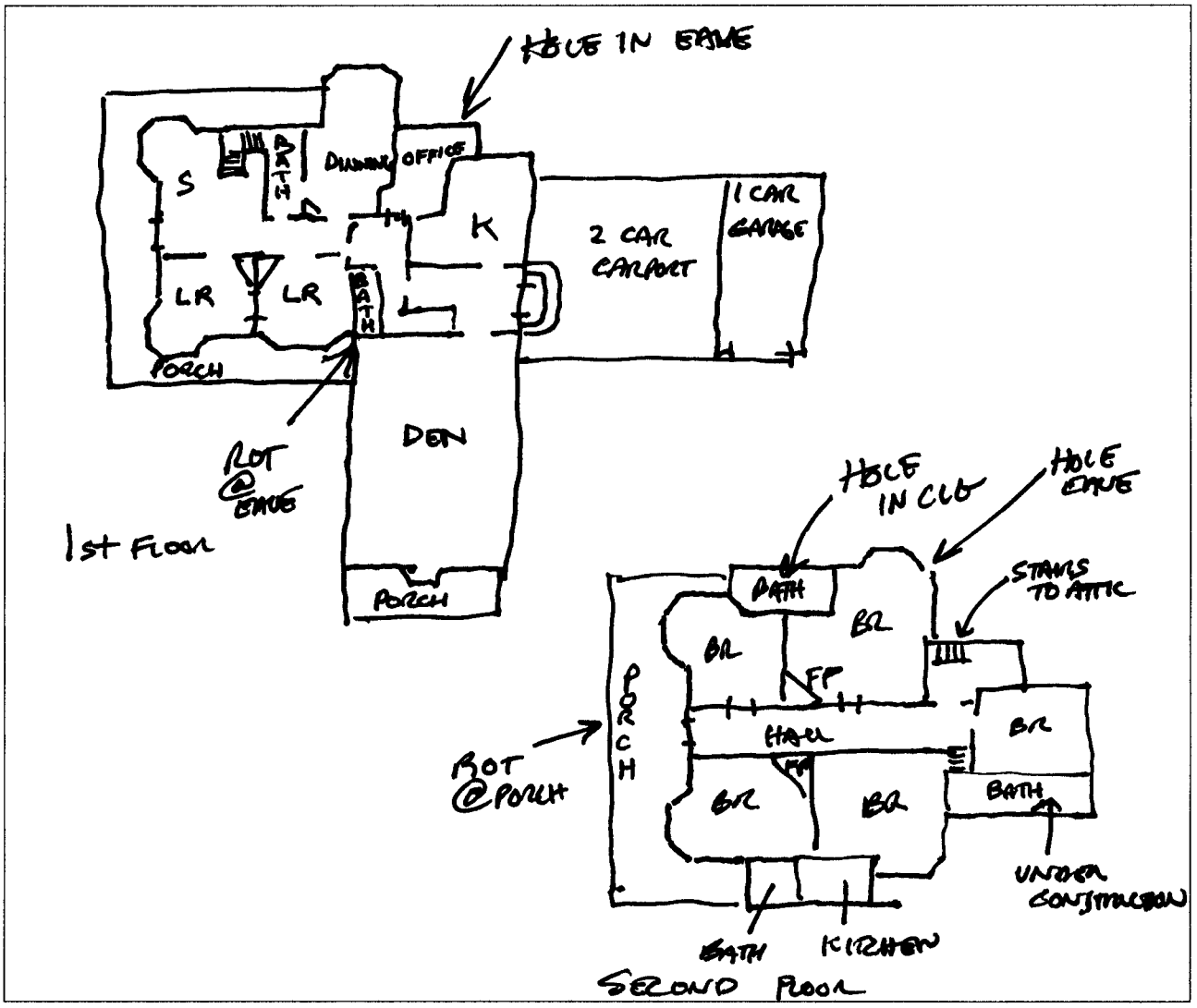
__X__ 10. **Is manifestly unsafe for the purpose for which it is being used or so as not to give reasonable protection from danger of collapse or fire because of:**
____ Defective materials
____ Structural deterioration
__X_ Interior walls or ceilings with holes, cracks or loose plaster
Main structure?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

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

COMMENTS: Back door was unlocked on main house on day of inspection, accessory structure door is ajar with bushes/vines growing into open door way. Accessory structure: older garage with damaged siding, entry doors, not feasible for repairs. Main structure: a two story with 3rd floor floored attic historic structure - has missing boards on exterior at ceilings/eaves/roof overhangs/ etc. allowing rain water into the structure. The exterior has aluminum siding with decorative wood trim, overhangs, eaves, window trim, and columns. The exterior needs painting. He roof may need repairs but could not be inspected due to height. There are broken attic windows and openings into attic. There is evidence of roof leaks on interior. The second floor balcony / porch railings are in need of repair. The first floor wood porch and second floor wood porch / balconies are in need of repairs.

There are areas on second floor where construction/remodeling was started but never finished, such as the North East second floor bath room, first floor kitchen, The Northwest second floor bath room has a hole/rotten areas in ceiling from roof leaks. The house is currently without power, due to a tree falling on the electrical service and damaging the electrical meter can and weather head. There are various locations where there is exposed electrical wires, covers removed from outlets and switch boxes, etc. There are open electrical boxes in the attic.

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



E. **DETERMINATION**

__X___ 1. It has been determined upon inspection and investigation that the MAIN RESIDETNTIAL 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.

__X___ 3. It has been determined upon inspection and investigation that the Accessory Storage Structure structure is dangerous, unsafe, or a hazard to public health and must be secured and:

C. ___ Be vacated OR _X__ remain unoccupied; and

D. _ __ Be repaired OR _X__ be demolished.

Signature	Printed Name	Date
	GREGORY S. COX	2-4-16

Dangerous Structures Survey Report

Fire Marshal

Case #2165

A. **PROPERTY ADDRESS:** 600 E 29th Street, Mitchell, Block 1, Lot 1 & 4-5

B. **SPECIFICATIONS:** No. Rooms_____ No. Stories 2 ½ No. Structures 1

STRUCTURAL USE	CONSTRUCTION	OCCUPANCY
___ Residential/Single Family	___ Box	___ Occupied
X Mixed Use	X Frame	X Vacant
___ Commercial	___ Masonry	X Open
___ 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 40% 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? ___

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.
Main Structure? X Accessory Structure? —

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.
Main Structure? X 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? —

___ 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 soft floor in area by 1st Floor Kitchen
open wiring in various places
possible unpermitted remodel
Blocked hallways
No smoke detectors
Rotten fascias
Rotten open soffits

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 / DFM	2-3-16

From: Cox, Gregory
To: mb31454@gmail.com
Subject: 600 E 29th Street
Date: Saturday, February 06, 2016 8:26:05 AM

Mr. Bush,

Here is a quick list on things needing repairs, estimates, etc.:

Main Structure:

Exterior:

1. Repair open all roof/eaves/overhangs (replace missing wood fascia/trim, etc.) – exterior needs to be sealed to prevent water damage to structure and interior– repair structural framing as needed where rotten and damaged.

2. Have a roofing contractor evaluate the roof for repairs

3. First floor/second floor porch floors – repair/replace wood porch floor – repair structural framing as needed where rotten and damaged.

4. Repair damaged wood windows, trim, and sills

5. Porch ceilings – replace/replace missing ceiling finishes

6. Front of porch over main entry – check for structural damage before replacing wood finishes

7. Railings at first and second floor porches – repair/replace as needed

8. Preparing/prim/painting all exterior wood surfaces / trim / ceilings/ railings/ capitals/ columns, etc.

9. Electrical service repair

Interior:

10. Electrical repair / clean up (trough out, and on second floor and attic where electrical fixtures/devices are damaged, open boxes, etc.)

11. Repairs to floor in rear entry hallway

12. Repairs to second floor bath room currently under demolition (we spoke about how this could come in a future phase since there are other working bath rooms in the structure, but it would be good to list the repair estimate as well)

13. Repair first floor kitchen ceiling

14. Repair second floor front bath room ceiling where roof has leaked

15. Replace broken glass (attic windows)

16. Seal attic from exterior – this should be taken care of when the exterior roof overhangs, eaves, etc. are repaired.

17. Repair / seal nay other areas where finishes are damaged allowing openings to exterior, crawlspace, or attic

Detached Accessory garage/storage:

18. The door to this structure was blocked by vines, etc. Structure appears to have a lot of rot/issues. It may not be feasible to repair and may need to be demolished. You may provide estimates to repair all rotten wood, siding, and roof finishes.

Please call or email if any questions.

Sincerely,

Gregory S. Cox, CBO

Chief Building Official

Development Services, City of Bryan

www.bryantx.gov

gcox@bryantx.gov

979-209-5031 office

979-209-5035 fax

From: Cox, Gregory
Sent: Thursday, February 04, 2016 11:00 AM
To: 'mb31454@gmail.com'
Subject: 600 E 29th Street

Mr. Bush,

Thanks for talking with me today. I will send my notes to you today or tomorrow.

Speaking with others here at the city, we are going to hold all permits unit the March 28th

building and standards hearing, until the repair order is issued by the commission after estimates, plans, and timeline is approved. This is typical for all cases that go before the commission. This means structural, final finish, and electrical repairs need to wait, however, you obviously need to do what is needed to protect the structure from taking on more water damage from the open overhangs/siding/eaves. If there are areas involving structural framing repairs from the exterior, those will need to be covered by a permit and inspected before covering. These areas could be temporarily protected until permits can be issued.

I will also be researching the homestead requirements for you to obtain your own electrical permit.

Please call or email if any questions.

Sincerely,

Gregory S. Cox, CBO

Chief Building Official

Development Services, City of Bryan

www.bryantx.gov

gcox@bryantx.gov

979-209-5031 office

979-209-5035 fax

Michael T. Bush
600 East 29th Street
Bryan, TX 77803-4035

March 14, 2016

Greg Cox
Chief Building Official
City of Bryan
Case 2165

Dear Mr. Cox,

Enclosed is the plan of repair and timeline

Kind regards,

M. T. Bush

Michael Bush
600 East 29th Street
Bryan, TX 77803

Plan of repair and time line

Soffit and fascia repair
Repair estimate, three weeks, with lift (weather dependent)
These are overhang structures and do not allow rain water into the structure.

Painting
The body of the house is metal siding and will be pressure washed as the soffit and fascia are repaired.
Repair estimate, three weeks with lift (weather dependent)

Broken windows
One in the attic and one sash on the first floor.
Repair estimate, three days (weather dependent)

Evidence of roof leaks in the interior
Roof is in good shape (40 year shingles), but in a few spots, flashing should be sealed (ie around dormers)
Repair estimate, one week (weather dependent)

First floor porch
Problem is, 1" offset tongue and groove flooring is not available commercially and has to be custom made. Most, if not all homes in the historic district use ½" readily available tongue and groove. Previous owner did the same, shimmed ½" to fit.
Replacement, two weeks (weather dependent)

Second floor balcony and railing
Repair estimate: This work has been ongoing and is nearing completion. Note: Original framing was without treated lumber and the replacement is treated, so as to extend life.

Miscellaneous notes pointed out

a) Electrical outlets without covers
I sheet rocked the second floor (there was none at the purchase). When you sheet rock, you remove electrical plates and smoke detectors and replace following painting. Three rooms remain to be painted out of the 8 rooms on the second floor (two days/room).

b) Hole in the ceiling in one of the three second floor bathrooms. It's a 6000 square foot structure and I don't visit every room every day. The area of concern is a 2' area below a flat roof, that was punctured by a tree limb.
Repair estimate: Done, tree removed, puncture repaired, ceiling painted.

c) Blocked hallways
Sheet rock work and painting require the removal of any and all furniture in the rooms being worked on and you simply move it to the hall or in my case, down to the first floor game room.