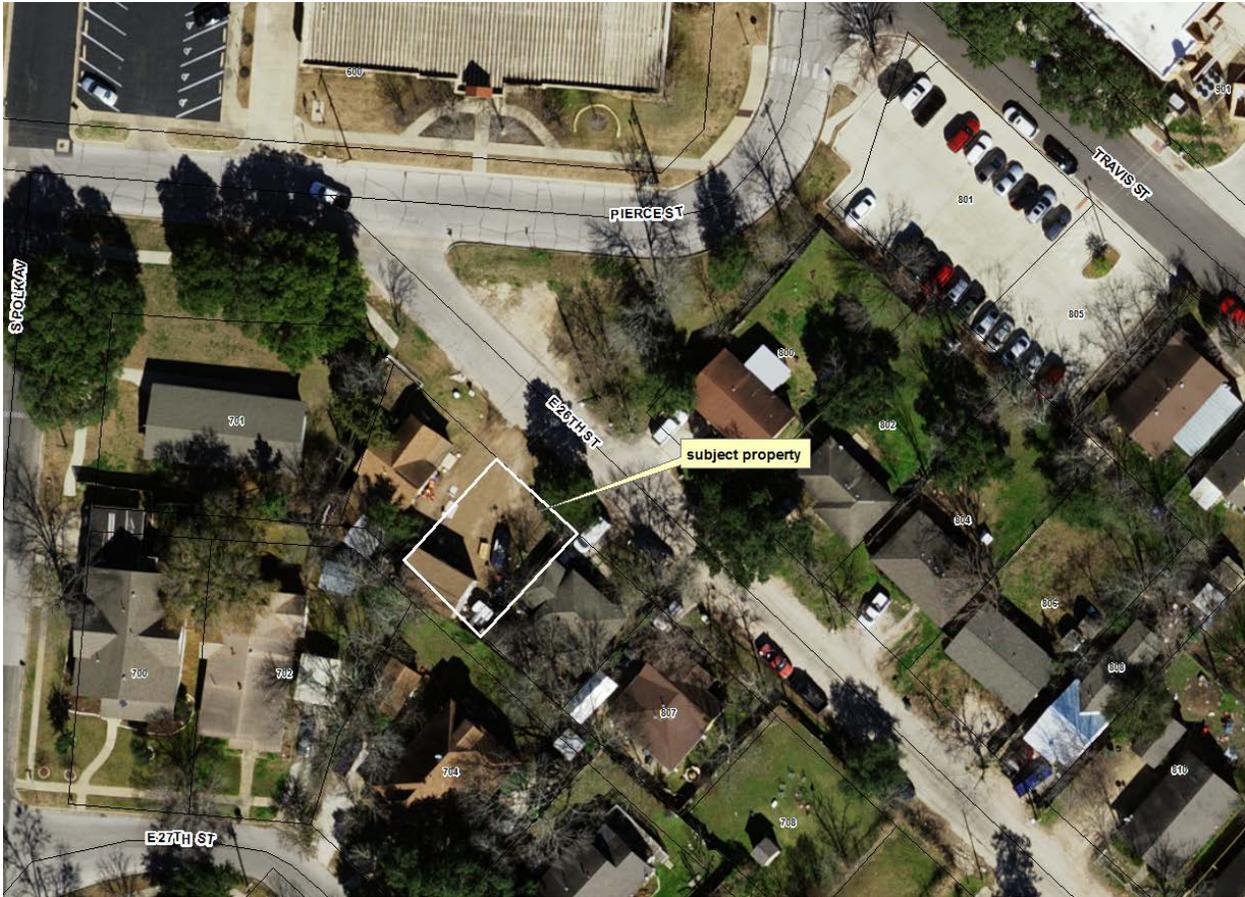


**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

July 25, 2016



Case #2178 – 801 E 26th Street “A”



LEGAL DESCRIPTION: Wiley, Lot 16, Stephan F. Austin A-62

STRUCTURE(S): single-family residence

PROPERTY OWNER(S): Montalvo Cirilo Baca & Dagoberto Deleon

**LIENHOLDER(S)/
MORTGAGEE(S):** Domingo and Carmen Villareal

ACTIVE UTILITIES: yes no **DISCONNECTED ON:** 04/06/2016

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID: 48493
IMPROVEMENT VALUE: \$44,960
YEAR BUILT: 1935
SF OF LIVING AREA: 1,027
CURRENT OWNER SINCE: 3/17/2009
PROPERTY TAXES OWED: None

BACKGROUND:

- Permit History: there are no permits on record for this property since at least 1998.
- The City received a complaint about dangerous conditions at this address and reported men were using the bath room outdoors due to not having an interior bath room on March 29, 2016.
- On April 6, 2016, The Chief Building Official and Assistant Fire Marshal visited the property and found the upstairs dwelling vacant and unsecured. The downstairs was originally a garage and the garage bays had been illegally converted into apartments without permits and approval from the City. There was evidence of buckets used for urination as no bath room existed for the downstairs illegal apartments. A sink area had been set up outdoors to the side of the building under a lean to. Tenants on site were contacted and notified that the structure was not safe to occupy and needed to be vacated immediately. Power was removed the same day due to the amount of electrical violations, illegal occupancy, and structural rot and decay on the structure.
- Notices that the property had an electrical hold on it from the Chief Building Official were mailed to the property owner on April 7, 2016.
- Notices that the property would be scheduled for consideration by the Building and Standards Commission were mailed to the property owner on May 23, 2016, June 17, 2016, and July 7, 2016.
- To date, the owner has not submitted any plans or estimates for repairs. The owner was notified that the City intended to seek a demolition order for the structure. The property is not zoned for multifamily residential use.

ATTACHMENTS:

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

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



July 25, 2016

Case #: 2178

Building Address: 801 E. 26th Street

Record Owner(s): Montalvo Cirilo Baca & Dagoberto Deleon

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 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 building within 15 days.**
- secure the building unauthorized entry within 30 days.**
- demolish the building and remove all debris within 30 days.**

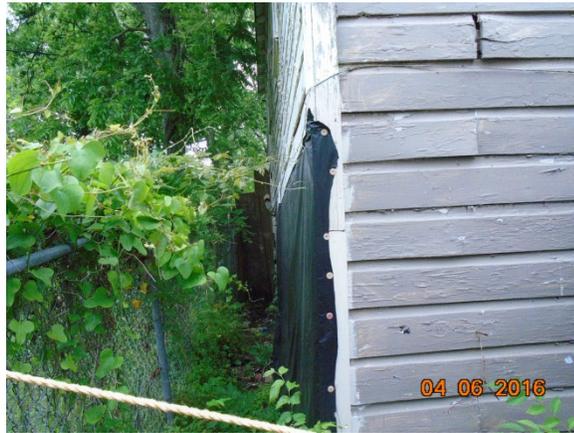
The City recommends that the Commission orders that the City may:

- disconnect water and electric utilities to the building; and**
- 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:



Front of structure, damaged siding/windows



Rear wall, out of plumb and rotten siding



Makeshift illegal addition, with outdoor bathroom



Outdoor bathroom with sink



No permit issued for outdoor sink



Rear corner wall – rotten siding, out of plumb



Rotten exterior window sills



Stair to second floor, not to code



Stair and cover to second floor, not to code



Interior of second floor, trash, debris, rotten wall



Interior bedroom of second floor, damaged windows



Interior bathroom of second floor, damaged finishes.



Interior of first floor, illegally used as living area



Gas water heater in area illegally used as sleeping area



Illegal bedroom



Extension cords throughout first floor



Buckets used for urine, no interior bath room in illegal first floor units



Illegal living room/kitchen set up at first floor



CITY OF BRYAN
The Good Life. Texas Style

Dangerous Structures Survey Report

Chief Building Official

Case #2178

A. PROPERTY ADDRESS: 801 E 26th Street, Wiley's, Lot 16, Acres 0.0653

B. SPECIFICATIONS: No. Rooms 6+/- No. Stories 2 No. Structures 1

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

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

- Box
- Frame
- Masonry
- Mobile Home

- Occupied (Ground)
- Vacant (upstairs)
- 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, 2011 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
- Main structure? Accessory structure?

Case # 2110
2178

- 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?

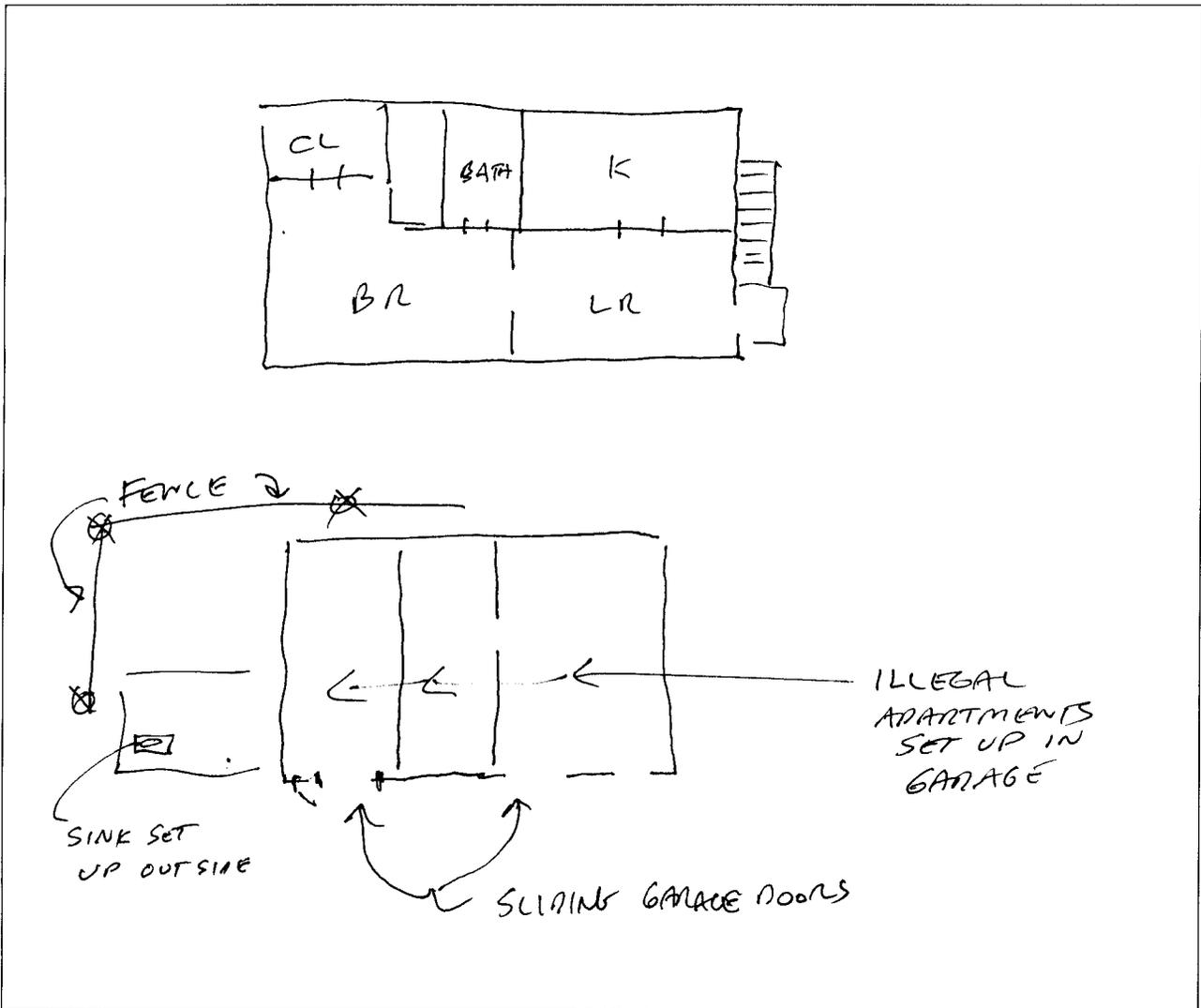
- 09. Unable to give reasonable protection to any occupants from weather elements or danger of collapse because of:
 Holes or cracks in the floor, exterior wall or roof
 Loose, rotten, warped or protruding boards
Main structure? Accessory structure?

- 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
Main structure? Accessory structure?

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

COMMENTS: This is a two story garage / apartment structure. Originally a garage downstairs with apartment upstairs. Work has taken place at second floor without permits. The first floor garage has been converted into more apartments without city approval. The first floor appeared occupied at time of inspection. There were three rooms or areas set up at first floor and an outdoor bathroom constructed with a sink. The first floor tenants did not have a toilet, and a citizen complained that tenants where urinating behind the building. Evidence on site suggested that may be true (buckets, etc.) The structure has a lot of rot and deterioration in ground floor walls and at walls around the windows. Foundation is questionable and structure looks to be in distress (not capable of supporting loads). There is signs of racking along the front wall (due to large garage door openings and lack of wall bracing, the building is leaning). The stair to the second floor apartment is not safe. City removed power to structure. Not feasible for repairs and the property is not zoned for multifamily use.

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.


Signature

GREGORY S. COX
Printed Name

6-13-16
Date



CITY OF BRYAN
The Good Life. Texas Style

Dangerous Structures Survey Report

Fire Marshal

Case #2178

A. PROPERTY ADDRESS: 801 E 26th Street, Wiley's, Lot 16, Acres 0.0653

B. SPECIFICATIONS: No. Rooms _____ No. Stories 2 No. 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

- 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 main structure is considered a loss.
I estimate that 0% 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?

