

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

October 24, 2016



Case # 2192 – 708 Commerce Street



LEGAL DESCRIPTION: Oliver, Block 4, Lot 11

STRUCTURE(S): multi-family residence (four-plex)

PROPERTY OWNER(S): Gloria Quintero

**LIENHOLDER(S)/
MORTGAGEE(S):** deed of trust

ACTIVE UTILITIES: yes no

DISCONNECTED ON: 2/16/12

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID:	36607
IMPROVEMENT VALUE:	\$46,620
YEAR BUILT:	1950
SF OF LIVING AREA:	5,750
CURRENT OWNER SINCE:	2000
PROPERTY TAXES OWED:	\$0.00

BACKGROUND:

- The Chief Building Official received a complaint from Code Enforcement on August 9, 2016 that construction debris placed by the curb. No demolition permit or building permit was on file.
- The Chief Building Official, Assistant Fire Marshal, and Bryan PD Officer visited the property on August 10, 2016 and found a person working inside the structure without a building permit.
- Two of the apartment units in the four-plex had been gutted with interior finishes and floor framing removed. The owner was contacted and came to the site. City staff went over with owner on what was required. A verbal stop work order was issued. The owner came into the office later in the day and met with the Chief Building Official and a City planner. Several issues were noted:
 - property is not zoned for multi-family residential use;
 - minimum building setback encroachments;
 - flood plain issues; and
 - repairs may not be feasible or exceed the allowance in code for grandfathering the use.

The owner was advised to put together estimates and get a professional land survey done.

- The owner obtained a demolition permit for demo and bracing one wall line only on August 10, 2016.
- Notices that the property would be scheduled for consideration by the Building and Standards Commission were mailed to the property owner on August 25, 2016, and September 14, 2016.
- The Chief Building Official stopped by the property on August 30, 2016 and observed the owner and a worker repairing the structure. Owner was advised to stop work again.
- The Chief Building Official sent the owner a letter on August 30, 2016 outlining what needed to be done, including having a structural engineer assess the framing repairs and existing framing (copy attached).
- City staff met with the owner again on site on September 8, 2016, with the administrative search warrant to document conditions. The previously gutted apartments had new floor framing, foundation beams, and wall framing repairs. Again, the owner was advised of the issues and staff asked for estimates, plans, survey, and repair plan.
- The Chief Building Official met with the owner again on September 23, 2016 at City Hall and went over the issued again (zoning, flood plain, not feasible for repairs). Again, the owner was advised of the issues and staff asked for estimates, plans, survey with lowest finished floor noted, and repair plan.
- As of October 11, 2016, two months after the initial contact with the owner, no plans, estimates, land and elevation survey, nor a timeline for repair have been submitted.

ATTACHMENTS:

1. staff recommendation
2. pictures
3. dangerous structures survey reports
4. letter to owner dated August 30, 2016

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



October 24, 2016

Case #: 2192

Building Address: 708 Commerce

Record Owner(s): Gloria Quintero

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 may not be feasibly repaired in compliance with City ordinances. There are several issues involved: Flood Plain, Zoning, etc.**

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

- vacate the building within 30 days.**
- secure the building from unauthorized entry within 30 days.**
- demolish the building and remove all debris within 60 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 building



Left side, wall rebuilt without permits



Left side, un-level floors and roof line



Rear of building, siding damage



Left side from rear, unlevel



Unit B front door



Unit C, landing and steps not to code



Un-even roof line, hump in roof line



Hump in roof line, foundation and structural issues



Close up of wall on left side rebuilt without permits



Un even roof line, foundation issues



New floor joist, not treated lumber, no hangers



Repaired wall framing, splices



Live electrical hanging from ceiling



Repairs started on floors, no permits



Existing interior wall, older two wire electrical outlet



Existing kitchen in unit A



Loose light fixture, electrical outlet hanging, unit A



Front door in unit C, un level floor, ceiling.



Loose/burnt plug in front unit.



Multiplug adapter in front unit



Electrical outlet taped up in front unit



Condition under sink in front unit



Damaged light fixture in front unit



Attic framing not to code, no insulation.



Open electrical junction boxes in attic (missing covers)



One electrical meter and panel for all four units, Missing blank, no GFI breakers.



Exposed wiring in junction box with no cover in Unit B



No GFI protection at outlets near sinks



Light switch installed in shower in unit B



Damaged shower/tub surround in unit B



Open electrical box in hall in unit B. Ceiling light fixture mounted on wall.



Front door of unit A, steps/landing does not meet code



More loose/hanging live electrical devices



Repaired walls and floors, some damage by door Remains



Wall repairs without permits



Open sanitary sewer.



Dangerous Structures Survey Report

Fire Marshal

Case #2192

A. PROPERTY ADDRESS: 708 Commerce Street, Oliver Addition, Block 4, Lot 11

B. SPECIFICATIONS: No. Rooms _____ No. Stories 1 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 60% 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? —
- 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

SAGGING ROOF

OPEN WIRES

NO HEAT

NO CO IN SD

Blocked exits

unpermitted repair work

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 / DFM
9-8-16

Signature Printed Name/Title Date

Date: 9-8-16

Ranking Sheet

Priority: _____

Total Score: 90

Structure location 208 Commerce Bldg 7

- _____ 20 Harbor for vagrants, criminals or immoral persons, or evidence of occupation by vagrants, criminals or immoral persons, or found unsecured from unwanted entry
- _____ 10 Portion of the building has collapsed
- _____ 10 Major structure fire
- X 10 Reported by law enforcement agency, utility company, etc.
- X 10 In high traffic area or near school
- X 10 Damage to exterior electrical service equipment and with power.
- X 8 Supporting members more than 33% damaged or deteriorated
- X 8 Exterior walls or vertical structural members are listing/leaning/buckled
- _____ 8 Roof has holes
- _____ 8 Detached, dislodged or collapsed ceiling beams/wall studs/structural members
- _____ 8 Evidence of leaking roof
- _____ 7 Fire damage exterior or interior that has gone un repaired
- X 7 Roof is sagging
- _____ 7 Vandalism / Graffiti (attractive nuisance to children)
- X 7 Window glass missing/broken
- X 6 Holes in exterior walls, siding missing, broken, damaged, etc
- X 6 Foundation cracked, warped, settled, etc.
- _____ 6 Vacant and electric still connected
- _____ 5 More than 2 complaints
- X 5 Doors missing/broken
- _____ 5 Detached, unanchored, rotten, or unfastened exterior appurtenances, or ornamentation
- _____ 5 Mold
- _____ 5 Stair, step, balcony or porch railings missing, cracked, defective, etc.
- X 5 Damage to interior or exterior electrical equipment or devices
- _____ 5 Damage to exterior or interior plumbing equipment, devices, piping, or fixtures.
- X 4 Rotted/rotting eaves, soffets, etc.
- _____ 3 Storage in building and not approved for storage use
- _____ 3 Trash, rubbish, sewage, waste, etc.
- X 2 Floors are warped, worn, loose, torn or otherwise unsafe
- X 2 Window frames missing, cracked, broken, etc.
- _____ 1 Evidence of animal/pest infestation
- _____ 1 Needs exterior paint to protect from elements

Score ≥ 85 = High Priority

Score 41 to 84 = Medium Priority

Score ≤ 40 = Low Priority



Dangerous Structures Survey Report

Chief Building Official

Case # 2192

A. PROPERTY ADDRESS: 708 Commerce Street, Oliver Addition, Block 4, Lot 11

B. SPECIFICATIONS: No. Rooms 4 units (10+) No. Stories 1 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
 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 IBC , IPC, 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?

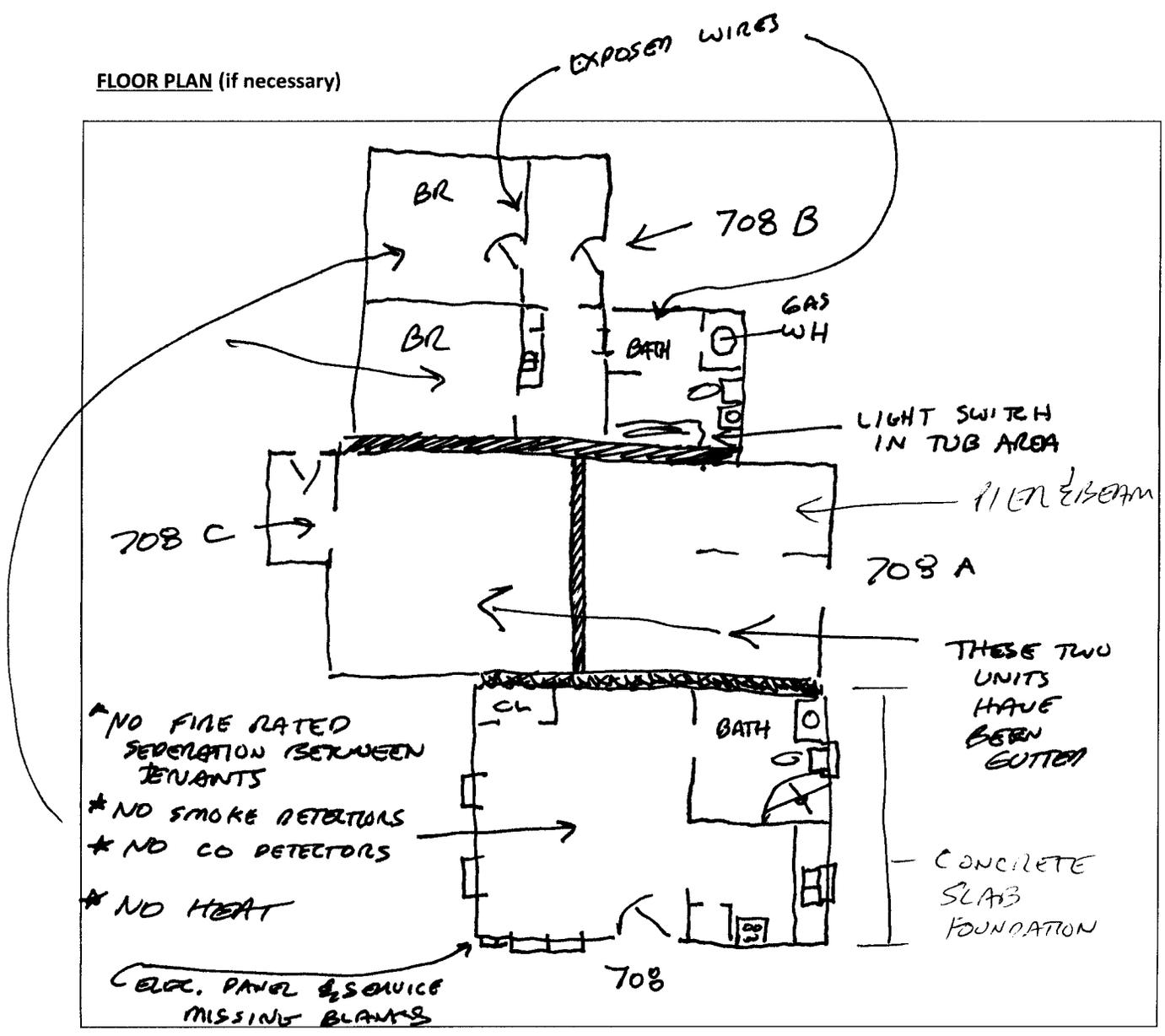
07. The structure is unsanitary, unfit for human habitation, or likely to cause sickness due to damage, deterioration, or inadequate design/construction. Specifically the structure does not meet the city's requirements for:

light
 ventilation
 sanitation facilities
Main structure? Accessory structure?

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: Subject structure is a four plex. Two units have been demolished/gutted down to framing. Other two units are currently occupied. There is one meter and electrical service supplying power to all four units under one service. Attic – open junction boxes, mostly not insulated, some insulation over front unit (708) but is not enough to meet energy code. The bracing in the attic does not meet code. The roof line is not level and has dips and rises. Foundation – foundation for unit 708 is concrete slab of unknown condition. The other units – unit # a, c, and b are on pier and beam. Unit A and Unit C are the two units that have been gutted down to the framing. There was extensive rot and decay in the floor framing and lower walls, some of this if not all has been removed under a demolition permit, some repairs have been made without a building permit. There is open sewer and open electrical (electrical outlets hanging by Romex) that are still live and connected to power. Unit B has open electrical boxes, exposed wires, missing electrical plate covers, No GFI protection at sinks, no smoke detectors, no CO detector, etc. There is a gas water heater located in this unit. Light fixtures are missing covers. There is a light switch located in the shower. Parts of the tub surround are missing. The floor is not level. No signs of heating system. Exterior grade does not slope away from building. The front unit (708) does not have smoke detectors, damaged interior finishes under the sink, no means of heat, etc. There is an open sewer on the exterior, rotten siding, etc. The property is not currently zoned for multifamily, is located in the flood plain, and parts of the structure may be in the building setback or located outside the property on the adjacent lot.

FLOOR PLAN (if necessary)



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

GREGORY S. COX
Printed Name

9-13-16
Date



CITY OF BRYAN
The Good Life, Texas Style.™

August 30, 2016

To: Ramiro Quintero
PO Box 3463
Bryan, TX 77805

Gloria Ramirez
PO Box 802
Bryan, TX 77806-0802

RE: 708 Commerce – permit application 16-2513

Dear Mr. Quintero,

A Building permit application for repairs was received on 8-10-16 for 708 Commerce. Please be advised that the permit application 16-2513 (attached) is **denied** due to the following:

Issues:

- Started work without permits
- Property is zoned Residential District – 5000 (RD-5) and is therefore not currently zoned for Multiple-Family (MF) use
- Property is located in 100 year flood plain.
- Parts of the structures are likely located on neighboring property or encroaching in the building setbacks
- Current inspection by city assumes more than 60% damaged due to deterioration of existing structure, but the other units of the building need to be inspected.

Required before permit can be issued (more than 60% damaged):

1. Zoning change – not currently zoned for multifamily, this property will be tough to get a zoning change on. (Site plan must be submitted for review to address; parking, building setbacks, buffer area requirements, landscaping and other development standards are required for properties zoned MF and these standards may not be achievable due to the limited lot size)
2. Flood plain – development permit approval, may have to elevate structure if too low

Requirements before applying for zoning change:

- Survey of properties – 706 and 708 Commerce (one building may cross interior lot line of 708 and 706 Commerce)
- Estimates are required to be submitted to repair structure to bring up to current code and make it safe per Dangerous Structure Ordinance, current Building Code, Fire Code, Plumbing Code, Energy Code, Mechanical Code, Fuel Gas Code, and National Electric Code. Estimates from licensed plumber, electrician, mechanical contractor and general contractor items required.