

**BOARD OF ADJUSTMENTS AND APPEALS
STAFF REPORT**

May 25, 2016



Case – 102 Davis Street



LEGAL DESCRIPTION: Dellwood Park Subd, Block 2, Lot 5

STRUCTURE(S): single-family residence
 accessory structure

PROPERTY OWNER(S): Galvan Jesse C

ACTIVE UTILITIES: yes no **DISCONNECTED ON:**

BACKGROUND:

- Building permit history: There are no building permits on file since at least 1998. Owner recently obtained building and homeowner's plumbing permit in 2016.
- Bryan PD relayed concerns of the living conditions and condition of the property to the Chief Building Official and Assistant Fire Marshal in early January 2015.
- City staff visited the property on January 21, 2015 and tried to contact the tenants. Electrical, plumbing, and structural issues were observed from the unsecured detached garage.
- Notices that the property had an electrical hold on it from the Chief Building Official and request to meet/inspect were mailed to the property owner on January 28, 2015.
- City staff met with the owner on February 16, 2015 and went over the issues, repairs needed, and permits required. City staff asked owner if the interior could be inspected as well, owner said he would call back for date and time for inspection.
- The owner did not schedule a city inspection until March 5, 2015. Again, the owner was advised on permits, repairs needed, and inspections required.
- The owner submitted a general building permit application on March 23, 2015. The City contacted the owner and left a message about additional information needed in order to issue a permit. The owner did not contact the City.
- In November 2015 the Chief Building Official decided to submit the property for consideration by the Commission since the owner was not being proactive in getting permits and making sure all the safety concerns were addressed.
- Notices that the property would be scheduled for consideration by the Building and Standards Commission was mailed to the property owner on December 2, 2015, and January 27, 2016.
- City staff met with the owner on site again on January 13, 2016 with the administrative warrant for this hearing's inspections. It was noted that the property condition had not changed since a year before and plumbing and electrical violations among other lack of maintenance issues still existed.
- During meeting with the owner, he requested to be able to do his own electrical and plumbing repairs. The existing conditions show that the electrical and plumbing systems have had work done without permits, or left in unsafe conditions. The home is not currently the owner's homestead, as it was occupied by tenants.
- On February 22, 2016, the Building and Standards Commission held a regularly scheduled meeting and reviewed evidence from city staff along with a staff report that recommended that the owner vacate and demolish all structures on the property. The owner presented estimates and a timeline for repairs. The Commission ordered the owner to demolish the accessory structure in 30 days, repair the main structure in 90 days, and come back to the June regular meeting to show compliance with the order.
- The owner obtained a building permit and demolition permit on March 9, 2016. The detached garage was demolished by the owner by April 14, 2016.
- In April of 2016, the owner asked city staff and the Building Official if he could appeal the decision of the Chief Building Official on denial of him obtaining a homeowner's electrical permit and

plumbing permit. The Chief Building Official denied the homeowner's permits based on existing conditions, hazards observed, and due to the fact that tenants were renting the subject property up until at least January 2016.

- During April, the owner, Mr. Galvan, continued to stop by to asked for homeowner's electrical and plumbing permits, and after review by the city legal department, it was decided that a property owner could appeal the denial of a homeowner's permit to the Board of Adjustments and Appeals. The owner was notified that he could appeal on or around May 4, 2016.
- City staff met with Mr. Galvan the week of May 9-13, and went over the appeal process as well as re-inspecting the property to take a second look at the conditions for consideration on issuing homeowner's permits for plumbing and electrical. Mr. Galvan relayed he was now living in the home and it was now designated as his homestead at the tax office. When asked if Mr. Galvan rent the house again soon, he mentioned it might be a possibility.
- The Chief Building Official and city staff visited the property again on May 10, 2016 with a second administrative search warrant to review the owner's request for homeowner's electrical and plumbing permits. After re-inspecting the home, and discussing with the city inspectors who also attended the inspection, the Chief Building Official notified Mr. Galvan that the city could issue a home owner's plumbing permit, but not a home owner's electrical permit. Reason for denial of the homeowner's electrical permit was due to the installation of the electrical wiring not meeting code in the attic, and Mr. Galvan had noted that he had done the rewire himself in the 1990's.
- Also noted is that the owner has mentioned that the house was rewired and service rebuilt in the 1990's and approved by the city at one time. After a diligent search, our office could not find any inspection records for this property for a rewire and service rebuild.

ATTACHMENTS:

1. staff recommendation
2. pictures
3. staff email to owner
4. owner's letters for appeal

**BOARD OF ADJUSTMENTS AND APPEALS
STAFF RECOMMENDATION**



May 25, 2016

**Case: 102 Davis
Building Address: 102 Davis St.
Record Owner(s): Galvan Jesse C**

The City recommends that the Board:

To deny the appeal from the owner (Mr. Galvan) for his request to obtain his own homeowner's electrical permit, and that he hire a licensed electrician to obtain an electrical permit and make the necessary repairs and call for inspections after repairing.

For the following reasons: The owner did not meet all of the requirements of Sec 14-75 (From city adopted electrical ordinance amendments) Specifically, *see highlighted sections*:

Sec. 14-75. - Homeowner's rights.

Any bona fide homeowner may personally install electrical conductors or equipment within a residence owned and occupied by him or her, providing that the owner shall:

- (a) File with the electrical inspector proof from the county tax office that the property is his or her homestead.
- (b) File with the electrical inspector approved plans and specifications for the work to be performed.
- (c) **Satisfy the electrical inspector of his or her ability to install electrical wiring.**
- (d) Apply for and receive a permit to perform work.
- (e) Request and receive all required inspections and receive a completion tag for work performed.
- (f) Installation shall be by the owner only. No other person shall be employed to assist him or her. No homeowner permit may be used by another person or on property to be sold or rented.
- (g) If the electrical inspector finds work not in good practice or not in compliant with code city reserves the right to revoke permit and require a licensed electrical contractor to obtain a new electrical permit and repair and finish the work.

PICTURES:



Front of house



Electrical Service



Damaged electrical light fixture, illegal exposed Romex wiring (not connected to electrical panel)



Surface mounted electrical devices



Exposed illegal surface mounted Romex wiring (above door – owner says not connected to panel)



Light fixture in bath room with no cover. Near bathtub



Missing outlet and switch covers in kitchen



Illegal exposed wiring in kitchen



Close up of open wires in kitchen (should be in a Electrical box with cover or removed)



Junction boxes in attic loose, incorrect style box (using disconnect boxes for junction boxes, wires missing bushings were going into boxes)



Junction boxes in attic (wires missing bushings were going into boxes) Metal edges of electrical boxes could cut into wire sheathing causing a short or fire. The orange/black wire in the photo, if of correct gauge, should be in conduit (does not meet color code requirements of the NEC).



Junction boxes in attic – more violations. Using an electrical panel for junction box. Needs to be a junction box.



Loose plug in closet, exposed Romex where Raceway elbow is missing.



Damaged light fixtures (hanging by electrical wire)



Opening to attic, loose junction box in attic, non sheathed wire in attic.

McKinzie, Charmaine

From: Cox, Gregory
Sent: Wednesday, May 04, 2016 5:08 PM
To: McKinzie, Charmaine
Subject: FW: electrical and plumbing permits

fyi

Greg

From: Cox, Gregory
Sent: Wednesday, May 04, 2016 5:08 PM
To: jessegalvan009@gmail.com
Subject: electrical and plumbing permits

Dear Mr. Galvin,

This email will serve as the official written denial of you to obtain homeowner's plumbing and electrical repair permits for 102 Davis. Reason is due to the violations/conditions found over the past few years, as documented through the Building and Standards Commission process you have already been through, and also due to this was not your home, but a tenant occupied structure.

After visiting with our legal department over the past few weeks, it has been determined that you may appeal this decision. You will need to submit a written statement appealing my written statement above to the Board of Adjustments and Appeals.

I will re-review case, but most likely I would deny your written appeal. At that point, it would go before the Board of Adjustments and Appeals, much like the process of the Building and Standards Commission, and as outlined in the city ordinance.

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

McKinzie, Charmaine

From: Cox, Gregory
Sent: Tuesday, May 10, 2016 4:55 PM
To: jessegalvan009@gmail.com
Cc: McKinzie, Charmaine
Subject: 102 Davis

Mr. Galvan,

Here are two electrical contractors you might want to contact:

J&L electric – Jerry Spies – 979-218-4874

Bobby Felder – 450 0451

As we discussed on the phone, the city will issue a homeowner's permit for plumbing, but not for electrical. Reason for electrical is per the ordinance section 14-75 (I gave you a copy):

Sec. 14-75. - Homeowner's rights.

Any bona fide homeowner may personally install electrical conductors or equipment within a residence owned and occupied by him or her, providing that the owner shall:

- (a) File with the electrical inspector proof from the county tax office that the property is his or her homestead.
- (b) File with the electrical inspector approved plans and specifications for the work to be performed.
- (c) Satisfy the electrical inspector of his or her ability to install electrical wiring.
- (d) Apply for and receive a permit to perform work.
- (e) Request and receive all required inspections and receive a completion tag for work performed.
- (f) Installation shall be by the owner only. No other person shall be employed to assist him or her. No homeowner permit may be used by another person or on property to be sold or rented.
- (g) If the electrical inspector finds work not in good practice or not in compliant with code city reserves the right to revoke permit and require a licensed electrical contractor to obtain a new electrical permit and repair and finish the work.

Item # C was for satisfying the electrical inspector of your ability to install electrical wiring. Based on the installation of electrical wiring in the attic and the questions asked on site, the city is denying the electrical homeowner's permit.

Please let me know if you still want to appeal the decision on denial of the homeowner's 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

Board of Adjustments and Appeals

From Jesse Galvan / RE: 102 Davis

Date 5-11-2016

Written Notice to motion appeal of city denial to issue homeowners electrical permit.

- Appeal basis is to clarified the city's interpretation of item #C and how this
Is applies to the above structure. " Sec. 14-75, listed item #(C) Satisfy the electrical
inspector of his or her ability to install electrical wiring".
- Homeowner has had the ability to install the electrical wiring in prior city permitted
works.
- Exhibits to support the above are BTU account abstract records, practical electrical
Diagram for structure and other available public accessible electricity
information/resources

For Mr. Cox

Development
Services
MAY 11 2016
RECEIVED



May 13, 2016

Galvan Jessie C
7450 Old Jones Road
College Station TX 77845-7576

Galvan Jessie C
102 Davis Street
Bryan, TX 77801

Re: Board of Adjustments and Appeals Meeting

Mr. Galvan,

Your appeal has been scheduled for May 25, 2016 at 6:00pm, in Council Chambers, of the City of Bryan Municipal Building, located at 300 S. Texas Avenue.

You are encouraged to attend this meeting to answer any questions the Board of Adjustments and Appeals may have.

If you have any questions, please feel free to call me at (979) 209-5030

Sincerely,

Greg Cox
Chief Building Official
cm

McKinzie, Charmaine

From: Cox, Gregory
Sent: Friday, May 13, 2016 2:56 PM
To: jessegalvan009@gmail.com
Cc: McKinzie, Charmaine
Subject: May 25th 6:00pm appeal time for Board of Adjustments and Appeals.

Mr. Galvan,

Just wanted to let you know we confirmed a date for the Board of Adjustments and Appeals to meet regarding your appeal to my denial of your home owner's electrical permit.

It will be Wednesday May 25th at 6pm.

Same place that the Building and Standards Commission meet.

Please call or email if any questions.

Sincerely,

Gregory S. Cox, CBO
Chief Building Official
Development Services, City of Bryan
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gcox@bryantx.gov
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979-209-5035 fax