

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

April 25, 2016



Case # 2168 – 4105 Milton Street



LEGAL DESCRIPTION: Margaret Wallace Addition, Block 21, Lot 10 & pt of 11
STRUCTURE(S): single-family residence
PROPERTY OWNER(S): J Trust % Curt Baggett
**LIENHOLDER(S)/
MORTGAGEE(S):** J Trust
ACTIVE UTILITIES: yes no **DISCONNECTED ON:** 08/01/2013

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID: 46825
IMPROVEMENT VALUE: \$47,630
YEAR BUILT: 1977
SF OF LIVING AREA: 1,440
CURRENT OWNER SINCE: 1/20/2007
PROPERTY TAXES OWED: \$0

BACKGROUND:

- Permit history: there are no permits on file for this property since at least 1998.
- After receiving a complaint the structure was found unsecured in December 2014. A utility hold notice, to secure, and request to meet/inspect was sent to the owner on December 10, 2014, and another utility hold notice, and notice that the City of Bryan secured the structure on December 17, 2014. The owner did not contact the City.
- On May 1, 2015 a tenant applied at BTU wanting power. On May 4, the Chief Building Official and Assistant Fire Marshal met with the tenant, who was occupying the house without utilities and taking power from a neighboring apartment by using an extension cord. The tenant was advised that an electrical permit and building permit was required and they could not run an extension cord to a neighboring structure for power. The tenant advised that the owner had stated to them that all repairs were the tenant's responsibility. The tenant was notified by the City that an electrician needed to inspect and make repairs, call for inspections, and inspections approved by the City prior to releasing utilities.
- The tenant called on May 13, 2015, and asked for an inspection to get power on. However, an electrician had not obtained a permit and tenant was reminded of the process to get power back on that was discussed on May 4, 2015.
- The City checked on the structure again in January 8, 2016 after receiving another complaint. The complainant relayed that folks were coming and going from the structure. The structure was found unsecured and a tenant in a neighboring apartment was using the structure for storage. The City was able to secure the structure by locking the door.
- When the City inspected the property and structure on February 23, 2016, a person was found doing work in the structure that required a building permit and possibly plumbing and electrical permits. He was advised to come to city hall and apply for permits. As of April 13, 2016, no applications for

permits had been received.

- Notices that the property would be scheduled for consideration by the Building and Standards Commission was mailed to the property owner on February 12, 2016, and March 21, 2016.
- On February 18, 2016 the owner (Mr. Baggett) called and spoke with City staff that he would start on repairs. City staff advised the owner he needed to submit plans, estimates, and a time line for repairs prior to starting work. The owner was also advised to set up a meeting with the Chief Building Official. The owner said he would call back to set up an appointment. As of April 13, 2016, the owner has not called to set up a meeting.

ATTACHMENTS:

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

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



April 25, 2016

Case #: 2168

Building Address: 4105 Milton Street

Record Owner(s): J Trust % Curt Baggett

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 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 feasibly be repaired so that it is no longer in violation of City ordinances, however, due to complaints the City continues to receive, previous inspections of the property, past issues stated in background, and due to the owner not taking proactive measures to maintain the property or submit applications for permits including plans, estimates, and timeline for repairs to the structure, repairs and full compliance with City codes in near future seem unlikely.**

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

- secure the building from 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 (April 2016):



Front of house – overgrown yard



Side of house looking towards front, overgrown



Left side of house

PICTURES (February 2016):



Front of house, porch is missing a column support



Missing light fixture at exterior



Hose bib replaced (no plumbing permit)



Loose ceiling finish at porch



Broken exterior windows



Rotten and damaged roof overhangs



Damaged exterior HVAC disconnect



Tires



More damaged roof overhangs and fascia



More rot at overhangs



Gas water heater closet unsecured



Hole in wall in bedroom



Missing light fixture, ceiling damage



missing light fixture



Sheetrock repairs without permits



Mold on sheetrock under sink



Damaged sheetrock under kitchen sink



Hole in wall in bath room



More missing light fixtures



Open electrical box in attic



HVAC duct not supported off attic floor per code



Missing attic insulation



Dangerous Structures Survey Report

Chief Building Official

Case # 2168

A. PROPERTY ADDRESS: 4105 Milton Street, Margaret Wallace, Block 21, Lot 10-11

B. SPECIFICATIONS: No. Rooms 5 No. Stories 1 No. Structures 2

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 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?

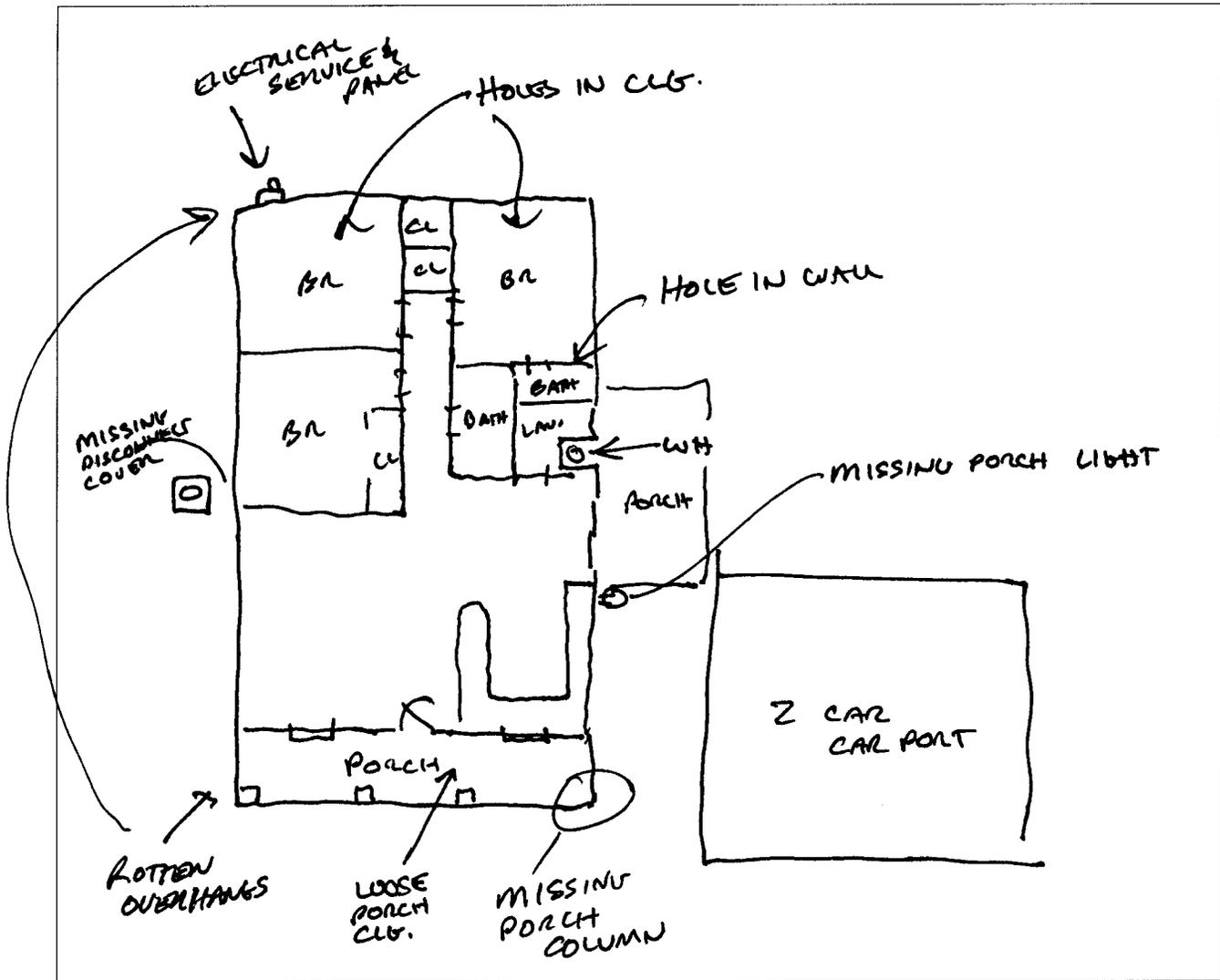
07. The structure is unsanitary, unfit for human habitation, or likely to cause sickness due to damage, deterioration, or inadequate design/construction. Specifically the structure does not meet the city's requirements for:

- light
 - ventilation
 - sanitation facilities
- Main structure? Accessory structure?

- 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: House has been found unsecured in past with people living without utilities. There are missing light fixtures in most rooms/areas, missing light fixture at back door. There are sheet rock repairs taking place without permits. Plumbing valves, etc. are being repaired. The attic has open junction boxes and insulation is missing in some areas. One of the glass panes is broken on rear French doors (double pane), there are missing electrical outlet covers and switch covers. Various holes in sheetrock walls and ceiling. Missing smoke detectors in bedrooms and area outside the bedrooms. A load bearing front porch column is missing in one corner. Missing vacuum breakers at hose bibs. Ceiling finishes are loose at front porch. Various windows have broken glass. Roof overhangs and eaves are rotten and need repairs in various locations. The A/C disconnect box is missing the breaker and cover.

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

B. X Be repaired OR X 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

2-23-16
Date



Dangerous Structures Survey Report

Fire Marshal

Case #2168

A. PROPERTY ADDRESS: 4105 Milton Street, Margaret Wallace, Block 21, Lot 10-11

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 50% 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?

