

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF LAKE JACKSON

BE IT KNOWN that the Dangerous Structure Determination Board of the City of Lake Jackson, Texas met and called session on Wednesday, June 29, 2022, 5:30 p.m. with the following in attendance:

Melanie Calvin, Chair
Donny Peltier
Sal Aguirre
Patricia Dusek

David Walton, Building Official
Tina Doyle, Code Enforcement Officer
Sally Villarreal, City Secretary
Sherri Russell, City Attorney
Sabrina England, Public Works Director

ABSENT: Ben Torres

DISCUSS AND CONSIDER THE REHABILITATION OR THE DEMOLITION AND REMOVAL OF 503 GARDENIA

David Walton shared the following information on 503 Gardenia.

- This is a 1,248-Ssq. ft. Single Family Dwelling built in 1954 with a 192-sq. ft. Shed built in 1975
 - Ms. Hartmann said the shed was built in 1986
- Owner is Darla Hartmann from 2015 and previously owned by her parents.
- The Building Official caused the power to be disconnected due to frayed wiring by animal damage in May 2021.
- Owner obtained a permit to rebuild the rear wall and electrical panel June 2021.
- Limited work was performed to repair the wall and the permit expired Dec 2021. No inspections were performed.
- As of this date, the rear wall and roof are still open to the environment and animals. Power remains disconnected.
- Home has been vacant since May 2021.

Notifications:

- Personal contact has been off and on with owner since 2016 regarding accumulation and condition of structures.
- Notified on February 8, 2022 for intent to inspect via certified and regular mail for inspection on March 7, 2022.
- Inspection scheduled for March 7, 2022 was postponed at owner request until March 21, 2022.
- Site inspection by Ken Sherman with RCI Engineering on March 21, 2022.
- Inspection report received April 18, 2022.
- Notification of DSDB meeting sent to owner on May 31, 2022 with copy of inspection report by regular and certified mail.

Mr. Walton shared photos of the property with the board.

Engineering Report – building integrity issues reported:

1. The foundation could not be assessed as to integrity, cracks, etc. due to the limited accessibility of the interior.
2. HVAC system is not functioning. As a result, the interior of home has high humidity making it susceptible to moisture damage, insect damage, and to mold and mildew damage. These types of damages will impact eh wall, ceiling and floor finishes, the electrical system, the cabinetry in the kitchen and bathrooms, and the HVAC system equipment and ductwork.
3. Stress cracks in sheetrock of the walls and ceiling due to apparent foundation movement.
4. Missing areas of siding that are exposing the interior to the exterior elements.
5. One section of siding is missing and has allowed the electrical service panels and meter box to hang free and not be anchored to any structural members.
6. Rotted siding.
7. Holes through the siding that are exposing the interior to the exterior elements.
8. Rotted and missing soffit and fascia boards.
9. Rodent infestation was found in the property.
10. Rotted wall framing at a few locations where missing siding has allowed the framing members to be exposed to the elements. These damages include studs, bottom plates, top plates, and headers over exterior wall openings.
11. Broken window glass exposing the interior of the home to the elements.
12. Hole through the roofing and roof decking in at least one location. Severely rotted roof decking in this same area.
13. Rotted and insect damaged rafters and ceiling joist at several locations.
14. Rotted studs, bottom plates at a few locations.
15. One exterior door is off its hinges and is exposing the interior to the elements.
16. Interior sheet rock has fallen away from the ceiling joist and wall framing, indicating possible roof leaks.
17. Signs of wood boring insect damage on wall and roof framing members.

Based on the observations of the engineer's report, the residential structure needs substantial repairs and the storage building needs to be completely removed. If repairs are not completed soon, the home will experience additional weather exposure damages that will render the structure uninhabitable. The estimate for the cost of the structural repairs to the exterior siding, walls and roof framing, roof decking and complete re-roof is in the order of approximately \$50,000 with an additional estimated interior repairs of \$60,000, totaling \$110,000.

2021 Brazoria County Appraisal of Structure \$132,170

Repair Estimate to value = 83%

Mr. Walton discussed the Minimum Standards Violations below:

Sec. 14-307. – Minimum Standards

(1) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(3) Whenever the stress in any material, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location.

(5) Whenever any portion, member, or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(7) Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary to support such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(8) Whenever, for any reason, the building or structure, or any portion thereof, is unmistakably unsafe for the purpose for which it is being used.

(10) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting members, or fifty (50) percent damage or deterioration of its non-supporting members, or fifty (50) percent damage or deterioration of enclosing or outside walls or coverings.

(12) Whenever any building or structure has been constructed, exists, or is maintained in violation of the city's minimum housing standards or technical building codes, to the extent violation poses a threat or potential threat to life, health, safety, or property.

(14) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other mechanical, structural, or social cause, is determined by the fire marshal or building official to be a fire hazard.

(15) Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

Building Official Recommendation:

- The estimated value to work exceeds 50% the appraised value of the structures.
- The home is in a severe state of dilapidation and requires extensive repairs.
- The home should be repaired or demolished.

Darla Hartmann - 503 Gardenia

Ms. Hartmann stated she is blind and on disability and has been given two to six months to live.

Ms. Calvin asked where she was staying at this time. Ms. Hartmann said she was renting and eating every third day since her rent is taking most of her income. She is in process of applying for Medicaid.

Ms. Hartmann shared her current health and financial situation with the board. She is requesting 9-12 months to accomplish repairs to resume living in home.

Below is the Scope of Work presented by Ms. Hartmann for noted violations.

1. STORAGE SHED IN DISREPAIR AND DEMOLITION NECESSARY - removal of contents and structure by September 30, 2022.
2. HVAC – Home is cooled with window air conditioners. No intervention required.
3. FOUNDATION – Foundation is cement slab.
4. MISSING SIDING – Two small areas missing siding near back bedroom. Repairs are in progress ongoing with final house painting.
5. MISSING SIDING NEAR ELECTRICAL BOX – Siding was removed, and electrical box unmounted to make access to wall studs in need of replacement. And for wiring repair between breaker box and junction box. Seeking electrician for repair. Two quotes given for total home repair of \$21,000 and \$29,500. A third quote was given of \$1,000 by a contractor who never followed up.
 - a. New quotes are being sought
 - b. Funding is being sought:
 - i. HUD Housing repair Grant filed 2021 and will file again August 2022
 - ii. Bank loans
 - iii. Fundraisers – Go Fund Me, Facebook fundraisers and other charities
6. ROTTED SIDING, HOLES IN SIDING, ROTTED AND MISSING SIDING BOARDS, ROTTED AND MISSING FASCIA BOARDS, WALL FRAMING STUDS – Timeline: Ongoing, partial repair. Requesting 9-12 months due to severe health and financial situation.
7. BROKEN WINDOW GLASS – Timeline: there are no broken windows.
8. ROOF HOLE – Raccoon damage, lower part of corner overhang decking has hole. Timeline: assistance being sought by Habitat for Humanity for this repair as well as full re-roof.
9. CEILING JOIST, RAFTERS, STUDS, TOP PLATE, BOTTOM PLATE – Timeline: Part of electrical box wall repaired where racoons got in. Ms. Hartmann said she saw a rat snake and is concerned about snakes getting into her house in a section of the garage that was remodeled into a living area. Seeking funding, need 9-12 months.
10. EXTERIOR BACK DOOR – Repairing door frame. Door is ready to hang. Timeline: currently working on it.
11. INTERIOR SHEETROCK – Racoons scratched sheetrock causing it to fall, there is no water damage. Timeline: seeking funding for repair, need 9-12 months.
12. INSECT DAMAGE ON WALL AND HEADER – Damage is claw marks from racoons, not insect damage. Timeline: N/A

Ms. Hartmann stated that racoons were discovered in her attic when she moved to Rosenberg with her aunt. Traps were set out and seven racoons were caught. Ms. Hartmann suspected the racoons used a trashcan to get to the electrical box and believes they created a hole in the attic. Wood deteriorated due to the racoons' sharp claws.

The Fire inspector was called due to exposed wires. CenterPoint disconnected the meter and electrical. Ms. Hartmann was not present and when she returned there was a DSDB note on her home. Ms. Hartmann stated she secured a permit to make the repairs but was not aware there were deadlines to have the work completed.

Ms. Calvin asked Ms. Hartmann now that she is aware of the timeline and it has been a year, does she have the monetary means to make the repairs? Ms. Hartmann stated that Mr. Walton suggested she apply for HUD housing which she did last year. She paused on the repair thinking she would be selected

for funds. Ms. Hartmann stated she received a confirmation letter indicating she was chosen for repairs, but she has not received anything. She is waiting for a new application to reapply.

Ms. Hartmann shared that Mr. Walton expressed to her that often HUD will come out and inspect the home and if determined that too many things are out of order, they could grant funding, demolish, and possibly rebuild. She has been on hold waiting for the funds to come through. Ms. Hartmann also said she does not have money for rent and cannot work due to her disability.

Ms. Calvin thanked her for her report and sympathized with her and her situation.

Mr. Peltier asked Ms. Hartmann how long the house has been in the family. Ms. Hartmann replied that it has been in the family since 1954. This home was last occupied last May.

Mr. Walton stated this house came to the attention of Code Enforcement in 2016 due to accumulations in the front yard. It became more apparent in 2020 with definite deficiencies.

Mr. Peltier noted he drove by the home and saw a lot of accumulation around the house that could also be a safety hazard. If the repairs are over 50% of the home value, the home would need to be brought up to standards on the areas of that are being worked on. If deficiencies are from a storm, that percentage is lower.

Ms. Hartmann said some of the accumulation is stuff she is preparing to move and has been there for two months.

Mr. Peltier asked why the door that was purchased a year ago has not been installed. Ms. Hartmann stated she has been waiting for funding from HUD to make repairs.

Mr. Peltier informed Ms. Hartmann that when these situations come to this board, it is the last effort. Mr. Peltier stated they wanted to help but allowing more time will only make things more expensive compared to options such as cleaning the property, take the house down and selling the land.

Ms. Hartmann expressed all her parent's possessions and hers are in the house. She has been packing boxes to either move out or donate to Goodwill.

Mr. Walton stated the way the inspections are done are based upon observances in plain view or the street. Ms. Hartmann was given the opportunity to remove some of the interior contents for inspection. The inspector was not able to view everything due to limited access. Mr. Walton stated there is evidence of termites in the home. A good portion of the home has plates and studs that need replacement.

Mr. Walton also noted while cooling can be provided it is not required to pass code, but heating is. There are various areas on the property that need attention. As time passes, the repairs become greater, and the structure loses the ability to hold itself up.

Ms. Dusek asked if it was safe for anyone to go in and out to remove belongings.

Mr. Walton stated the city cannot keep Ms. Hartmann or someone from going into her home. He did feel it is safe enough to go in and remove items.

Mr. Peltier said by looking at the pictures, the repairs are going to be very expensive. Once things are taken out, there will be more issues discovered. A project like this is not cost effective to fix. It can be more expensive to fix up than to rebuild. Saving the structure itself will be extremely cost prohibitive. Ms. Hartmann is relying on the possibility of financial help that may or may not happen with no timeframe.

Ms. Calvin noted Ms. Hartmann is asking for nine months when six months is usually given. She believes Ms. Hartmann realizes the house needs to be demolished.

Ms. Hartmann said she would like nine months to make the repairs. If the funding does not go through and repairs are not made, then the house can be demolished. Her opinion is that the house is in good standing order.

Ms. Calvin shared that the engineer who inspected the home is very well respected. Ms. Hartmann understands all the ramifications due to the racoon damage. She is trying to make the best of the situation. She has been ill and unable to do the cleaning and is asking for more time to make the repairs. She stated she was in shock when she found out her home was being considered for demolition. She repeated she is asking for more time since she does not believe she was properly informed of the time limit.

Mr. Aguirre asked Mr. Walton when the building permit was issued and the scope of work. The scope was limited to repairing the back wall and electrical service. The permit was issued in June 2021. Mr. Walton gave Ms. Hartmann his cell phone number for her to call him when she was ready for the inspection. He was willing to come out as repairs were made, but she never called. There were a few repairs made, but there was no inspection so he cannot determine if the repairs are code compliant.

Mr. Aguirre stated she asked for 9-12 months to obtain an assistance grant and attempt to accomplish the repairs.

Mr. Aguirre asked Mr. Walton if during that 9-12 grace period the property must be cleaned, and belongings need to be removed. Mr. Walton said it would be for exterior in front and rear.

Mr. Aguirre asked if everything were removed from the home would she still have to go in and close the property to secure it? Mr. Walton said she would need to secure the openings in the home. It would not include the roof corner, but it would include the opening in the rear door and the wall behind the electrical panel just to secure the property.

Ms. Hartmann stated it is her intention to get the door hung and replace the siding along the breaker box to close the openings.

Ms. Calvin stated these repairs need to be taken care of quick for safety issues.

Mr. Peltier stated it is a danger due to the amount of stuff in the yard. He did not see much effort and cleaning.

Mr. Aguirre is disturbed because Ms. Hartmann does not intend to take care of the repairs until she gets funding somehow. He believed in removing the belongings in the front and back of the house and the

shed. The shed is a danger especially going into hurricane season. There needs to be an immediate resolution.

Mr. Peltier felt the best option is to have the place cleaned, demolish the home, and sell the property. The City can arrange the demolition and put a lien on the property. When the land is sold, Ms. Hartmann would pay the city back.

Ms. Calvin shared that from looking at other homes in the area, she agrees with the findings of the engineer and Mr. Peltier, and she felt the home is a danger and makes sense to demolish. She would like to think volunteers or churches could help move stuff out.

Ms. Hartmann stated that due to her health issues, she may need to live in a care facility and is not sure what the purpose of salvaging the property is. She is hoping to do a quick "as is" sale, and the city could deal with the new owner. She also stated she is trying to fundraise to make the needed repairs.

Ms. Dusek felt Ms. Hartmann is delaying the inevitable and does not see this being realistic for Ms. Hartmann to make the repairs. She expressed that the belongings need to be removed and the home demolished.

Mr. Peltier motioned to give Ms. Hartmann 30 days to remove all her belongings off the property and after 30 days the house be demolished by Ms. Hartmann or by the City if Ms. Hartmann does not do it.

Ms. Hartmann said 30 days is not doable, she is gravely ill and could die in two weeks. She asked for 90 days until September 30, 2022 to remove her possessions from the property and demolish the shed.

Mr. Aguirre suggested giving Ms. Hartmann 60 days for the removal of all belongings and everything in the rear part of the property and 30 additional days to remove the shed. This would include securing the building. If all the cleanup is not completed, then the city could remove the building.

Ms. Dusek stated the shed should come down now and should be made a priority.

Ms. Calvin is inclined to give 30 days to knock down the shed and 60 days to remove the belongings and the remainder of the stuff.

Ms. Hartmann said it is not just removing the shed because the shed is full of possessions that she needs to go through. Ms. Calvin suggested she post or have a friend post on Facebook the items she is trying to get rid of. Ms. Hartmann replied that she is too ill to deal with the public.

Ms. Russell said that whoever demolishes the shed, will demolish, and remove everything including the belongings.

Ms. Dusek asked Ms. Hartmann who will help her remove the belongings. Ms. Hartmann said she has friends that will help.

Mr. Peltier stated he believes 30 days is sufficient. For the sake of the neighbors and the city, he does not feel this should be dragged out for another 60-90 days.

Ms. Hartmann is scared she will be reported by her neighbor for putting things out in the yard during the cleaning process.

Ms. Doyle confirmed there is more than one neighbor that has complained about the accumulation.

Mr. Peltier amended his motion to give Ms. Hartmann 30 days to remove all her belongings and demolish the house and shed and after 30 days if the property is not cleared, the city will demolish the house and shed and put a lien on the property, seconded by Mr. Aguirre with all present members voting "aye," motion carried.

The 30 days will be from the date Mr. Walton sends written notice of the order.

DISCUSS AND CONSIDER THE REHABILITATION OR THE DEMOLITION AND REMOVAL OF 238 BIRCH

Ms. Russell did not feel comfortable proceeding with this item since Mr. Peltier may need to abstain from this agenda item leaving only three voting members.

Mr. Peltier suggested getting information of the new proposed buyer. Mr. Walton stated the buyer knew about this meeting and it would not affect the sale of the property.

The board decided to hear the condition of the property.

David Walton presented the information on 238 Birch.

The home at 238 Birch is a 1,012-sq. ft. single family dwelling built in 1955 with a 90-sq. ft. addition in 2010. The home has been vacant since June 30, 2021.

Notification timeline:

- 02/08/22 – Notification of inspection was sent.
- 03/08/22 – Site inspection by Ken Sherman RCI Engineering
- 03/15/22 – Inspection report received from RCI Engineering
- 05/31/22 – Notification of DSDB meeting sent to owner with a copy of inspection report by regular and certified mail.

Engineering Report – Some of the building integrity issues that were noted:

1. Concrete slab may be cracked since the floors of the left rear bedroom appear to slope toward one corner.
2. Stress cracks in the walls due to foundation movement.
3. Holes through the siding that are exposing the interior to the exterior elements.
4. Missing exterior trim boards
5. Some rotted wall framing at those few locations where missing siding has allowed the framing members to be exposed to elements.
6. Rotted fascia boards, soffit panels and rafter tails at several locations.
7. Roofing is in extremely poor condition and has reached the end of its effective life.
8. Window glass broken
9. Rotted roof decking and rotted rafters at several locations
10. Rotted and water damaged flooring from water entry either through migration through the slab, areas of missing siding, or through roof leaks.

Based on the observations of the engineering report, it is the professional opinion of the engineer that the structure needs substantial repairs. If not completed soon, the structure will experience additional weather exposure damages that will render the structure uninhabitable.

Mr. Walton discussed the Minimum Standards Violations below:

Sec. 14-307. – Minimum Standards

(b) The following conditions violate minimum standards:

(2) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3) Whenever the stress in any material, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location.

(6) Whenever any portion of a building, any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one and one-half (1½) times that specified in the building code for new buildings of similar structure, purpose, or location without exceeding the working stress permitted in the building code for such buildings.

(11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated, deteriorated, or neglected so as to become a harbor for vagrants or criminals.

(12) Whenever any building or structure has been constructed, exists, or is maintained in violation of the city's minimum housing standards or technical building codes, to the extent violation poses a threat or potential threat to life, health, safety, or property.

(15) Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(17) Whenever any building or structure, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or by vagrants or other uninvited persons as a place of harborage or could be entered by children.

Building Official Recommendation:

- The estimated value to work exceeds the appraised value of the structures.
- The home is in a severe state of dilapidation and requires extensive repairs.
- The home should be repaired or demolished.

It is owned by Mr. Aplin at this time.

Mr. Aguirre asked if the health and safety issue would be eliminated if the building was closed and secured. Mr. Walton believes it would be.

The appraisal used is from the county. This can vary if owners appeal the appraised value. Mr. Aguirre stated depending on the engineer's report, he sees this as a salvageable structure with at least \$50,000 of repairs. He does not believe the appraised value is accurate making the ration incorrect.

Ms. Calvin stated the new owner should be given 30 days to give plan of action.

Mr. Walton stated he is getting verification and documentation for change of ownership.

Ms. Doyle shared that the new owner closed on the property on June 21, 2022.

Mr. Peltier motioned to table this item for a future meeting, seconded by Mr. Aguirre with all present members voting "aye," motioned carried.

ADJOURN

There being no further business the meeting adjourned at 7:20 p.m.

These minutes read and approved this 28th day of July, 2022.

Chair

Secretary