



# City of New Smyrna Beach

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August 5, 2010

## BUILDING TRADES BOARD

William M. Cowherd, Chairman  
Paul Heer, Vice Chairman  
Board Member Joseph Blanchette  
Board Member Randy Beach  
Board Member R. Grant Clark  
Board Member Terry D. Harrison

Dear Board Members:

This letter shall serve to inform you of a meeting for the Building Trades Board which has been scheduled for Thursday, August 19, 2010, commencing at 6:30 P.M., in the City Commission Chambers, 200 Sams Avenue, New Smyrna Beach, to consider the enclosed agenda.

Respectfully submitted,

William Cowherd  
Chairman

Enclosure



# City of New Smyrna Beach

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## CITY OF NEW SMYRNA BEACH BUILDING TRADES BOARD AGENDA

Thursday, August 19, 2010 at 6:30 P.M.

CITY COMMISSION CHAMBERS  
210 SAMS AVE, NEW SMYRNA BEACH, FL

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF MINUTES: July 22, 2009 & July 15, 2010
- D. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 541 CHARLOVIX STREET
- E. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 640 DORA ST
- F. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 551 JULIA ST
- G. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 553 JULIA ST
- H. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 500 WAYNE AV
- I. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 1907 S. ATLANTIC AV
- J. CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A COMMERCIAL BUILDING AT 331 CANAL ST
- K. OLD BUSINESS
- L. ADJOURNMENT

Pursuant to Florida Statutes 286.0160, if an individual decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office in person or by mail at 210 Sams Avenue, New Smyrna Beach, FL 32168, (386) 424-2112, prior to the meeting.

**MINUTES OF THE BUILDING TRADES BOARD**  
**HELD WEDNESDAY, JULY 22, 2009**  
**CITY HALL, 210 SAMS AVENUE,**  
**NEW SMYRNA BEACH, FLORIDA**

Chairman Clark called the meeting to order and the following answered to roll call:

Chairman R. Grant Clark  
Vice Chairman William M. Cowherd  
Board Member John A. Bowman  
Board Member Christopher Frank  
Board Member Terry D. Harrison  
Board Member Paul Heer

Also present were: John "Bob" Pike, Deputy Building Official, Assistant City Attorney Greg McDole and Dorlisa Pogany, Building Trades Board Secretary

**APPROVAL OF MINUTES**

Chairman Clark called for a motion to approve the minutes from the September 11, 2008 Board Meeting.

Board Member Frank asked for clarification on a statement in the Minutes regarding the demolishing of the structure at 428 N Myrtle Ave. He wanted to know the status on the structure and if it had been demolished.

It had been explained to Board Member Frank that the structure had not been demolished due to lack of funds. Code Enforcement did not have any grant funds to demolish the house. It is on a waiting list of approved structures for demolition when funds become available.

**A motion was made by Vice Chairman Cowherd and second by Board Member Frank with the correction of removing the duplicate of Board Member John Bowman's name and replace with Board Member Christopher Frank for approval of the September 11, 2008 minutes as written. The minutes were approved unanimously upon roll call.**

The Board was in agreement to delay the vote for Chairman and Vice Chairman until all the cases have been heard.

**Consideration of request from the Building Department to Demolish a Commercial Structure at 114 Flagler Avenue.**

This item came into compliance and was withdrawn. No further action necessary.

**Consideration of request from the Building Department to Demolish a House at 332 Palm St.**

Chairman Clark read the Notice of Hearing that was mailed to the property owners stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy conditions and the building must be demolished. The structure was damaged by fire and incapable of repairs.

Chairman Clark asked if there were any representatives for 332 Palm St. Mr. Joseph Berkeley, the owner was present and was sworn in by Attorney McDole.

Mr. Berkeley stated that he was in agreement with the Building Department to have the house demolished but he cannot afford the cost demolition.

Chairman Clark explained to Mr. Berkeley that if the Board approves the demolition, there would be a lien assessed against his property. Chairman Clark asked Mr. Berkeley if he had a problem with a lien being assessed against his property.

Mr. Berkeley stated he had no problem and would like for the house to be demolished.

**Board Member Frank made a motion to have the house demolished within 120 days from this date. Board Member Harrison seconded the motion. The motion carried unanimously.**

**Consideration of request from the Building Department to Demolish a House at 336 Palm St.**

Chairman Clark read the Notice of Hearing that was mailed to the property owners stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy conditions. However, due to the extent of the repairs and major costs of repairs, it may be more feasible to demolish the building. The interior has been removed causing the building to collapse in areas and further deterioration.

Chairman Clark asked if there was any representative for 336 Palm St. Chairman Clark said to let the record show that there was no representative for 336 Palm St. Board Member Frank stated that it appears someone had started working on the interior and asked if a permit had been issued. Deputy Building Official Bob Pike stated that no permit had been issued for any of the work that was done.

**Board Member Frank stated that he was concerned that the house may end of being burnt down and made a motion that the house be demolished within 120 days from this date based on the Staff Report from the Building Department. Board Member Bowman seconded the motion. The motion carried unanimously.**

**Consideration of request from the Building Department to Demolish a House at 2105 Saxon Dr.**

Chairman Clark read the Notice of Hearing that was mailed to the property owner stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy conditions and the building and pool may be restored or needs to be demolished. The building has storm, water and termite damage and further damage from the lack of maintenance.

The building, pool and carport are so dilapidated, decayed, unsafe, unsanitary, or so completely fails to provide the amenities essential to decent living that it is unfit for human habitation.

Chairman Clark asked if there was anyone who may inherit the Estate of Luis Geil. It was stated that there is possibly a son but he is in a state institute and is not mentally capable for making any decisions.

Board Member Frank asked Attorney McDole what would happen with the Estate. Attorney McDole stated it would become the property of the State of Florida if there were no relatives. Since there is the possibility of a Son, it may be awarded to the Son by the State of Florida and a guardian would likely be appointed.

Board Member Frank asked if the Board had a legal right to take any action on the house. We only have to post it and that gives us jurisdiction to tear it down. We do not have to get approval if it is a hazard. Chairman Clark asked if the Son was incapacitated, wouldn't he still have rights? Attorney McDole stated that the Son would still have rights to the property. We are not taking the land away from him, just removing an unsafe structure. All the Board is doing is having the structure demolished and liens filed against the property. The ownership rights are still retained by the Son. If the Son were incompetent, he would have a guardianship established by the Court. We do not affect the title of ownership of the property.

**Board Member Frank made a motion to recommend demolishing the structure and to fill the pool within 120 days from this date based on the Staff Report from the Building Department. Vice Chairman Cowherd seconded the motion. The motion carried unanimously.**

There was discussion by Board Member Frank about the pool being opened at that someone could drown in the pool. He asked if there was any way to provide funds to at least secure the pool. Attorney McDole stated that the Board could ask the City to provide emergency repairs and funds to secure the pool.

Chairman Clark asked if the Board would like to make a motion requiring the City to take emergency action to secure the pool. It was agreed by all Board Members that further discussion was necessary.

Board Member Frank asked about possibility erecting a chain link fence, which would provide some protection. He made a motion to instruct Code Enforcement to put an emergency 4 feet fence structure around the pool and deemed as an emergency to isolate the pool for protection in the neighborhood. Board Member Bowman seconded the motion. Further discussion came as to whether to drain the pool and fill with dirt or erect a 4-foot fence.

**Board Member Frank amended his motion as an emergency action to drain and fill the pool until such action that the pool and building can be razed. Vice Chairman Cowherd seconded the motion. The motion carried unanimously.**

### Election of Chairman

Attorney McDole explained the process of electing a new chairman to the Board Members.

The terms of the Board Members were read to the Board to help them in nominating process.

**Board Member Frank nominated William Cowherd as chairman who respectfully accepted. Nominations were closed and Chairman Clark called for a vote. The Board was unanimous in electing William Cowherd as the new Chairman.**

### Election of Vice Chairman

**Chairman Clark called for nominations for a vice chairman. Board Member Frank nominated Paul Heer who respectfully accepted. Nominations were closed and Chairman Clark called for a vote. The Board was unanimous in electing Paul Heer as the new Vice Chairman.**

Board Member Bowman made a motion to adjourn the meeting. Board Member Harrison seconded the motion. The motion carried unanimously.

### Adjournment

**A motion was made by Board Member Bowman and seconded by Board Member Harrison to adjourn. Motion carried unanimously upon roll call. Meeting adjourned at 7:40 PM.**

**MINUTES OF THE BUILDING TRADES BOARD WORKSHOP**  
**HELD THURSDAY, JULY 15, 2010**  
**ADMINSTRATIVE OFFICE BUILDING,**  
**CONFERENCE ROOM, 120 N. CAUSEWAY,**  
**NEW SMYRNA BEACH, FLORIDA**

Chairman Cowherd called the workshop meeting to order at 6:30 PM and the following answered to roll call:

Chairman William Cowherd  
Vice Chairman Paul Heer  
Board Member Joseph Blanchette  
Board Member R. Grant Clark  
Board Member Terry D. Harrison

Also present were: Michael Knotek, Chief Building Official and Dorlisa Pogany, Building Trades Board Secretary. Board Member R. Grant Clark arrived at 6:40 PM and Board Member Randy Beach was absent.

Mr. Knotek presented to the Board Members the Demolition of Unsafe & Dilapidated Structures Ordinance and Abandonment & Vacant Building Registration Ordinance approved by the City Commission. He further stated the Board would be meeting on a regular basis to review structure demolitions. This action is at the request of the City Commission to help clean up the City of unsafe and dilapidated structures. The changes will include shortening the time certain on the process, the appeal of the Board's decision going to circuit court instead of the City Commission and Code interpretations. He further stated that Staff will inform the Board if a structure is to be demolished or can be repaired. If it is repairable, a time limit will need to be imposed. Staff will also provide a recommendation for the time limit.

Mr. Knotek stated the Demolition Ordinance will include the removal of everything from the lot and returning lot to a natural grade. This includes the removal of concrete slabs and re-grading the lot so that it does not become a nuisance or blight at a later date. He also informed the Board of the City Wide Structure Demolition Bid and how it will work regarding the demolition recommendations from the Board. The City will place a lien on the property which will be collected when the property is sold or the City will foreclose on the lien and sell the property.

Mr. Knotek also stated that according to the Land Development Regulations (LDR) the Board is responsible for contractor licensing registration. The Building Department is having issues with some contractors who continually perform work without permits. He would like to bring these contactors before the Board and possibly suspend their

permitting privileges in the City of New Smyrna Beach. He will discuss this with the City Attorney and let the Board know at a later date.

Mr. Knotek stated there are some permits that he has revoked as a result of some language found in the Land Development Regulations (LDR) giving him authorization to revoke a development permit if there is no substantial improvement in two (2) years. He is attempting to wait for the two years on some open permits to start the process of revoking their permit. He has already revoked some permits in which the revocation has remained through the appeal process.

Discussion ensued as to the purpose of the demolition rather for aesthetic or unsafe conditions, liability issues if structure remains, what types of structures considering for demolition, stages and types of condemnation, what all is included in demolition such as pools and underground gas tanks, how properties are placed on demolition list, if complaint filed the initial person is to inspect property and how much flexibility the Board has for setting time limits.

### Adjournment

With no further discussion, Chairman Cowherd asked for a motion to adjourn.

**A motion was made by Mr. Clark and seconded by Mr. Harrison to adjourn. Motion carried unanimously upon roll call. Meeting adjourned at 7:33 PM.**



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
541 Charlovix Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0618  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure had a fire and is vacant. The structure has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

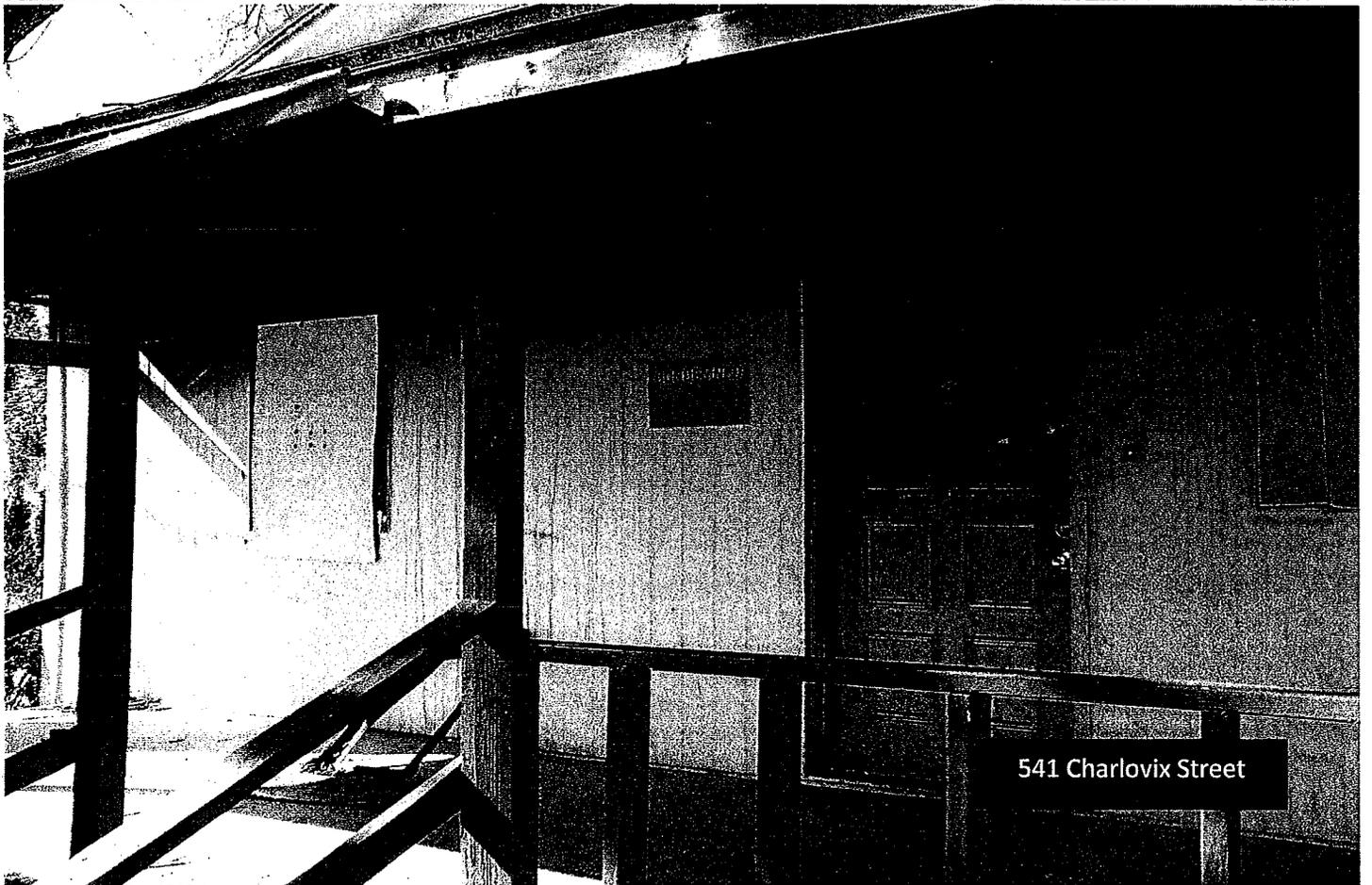
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished and a lien assessed against the property.



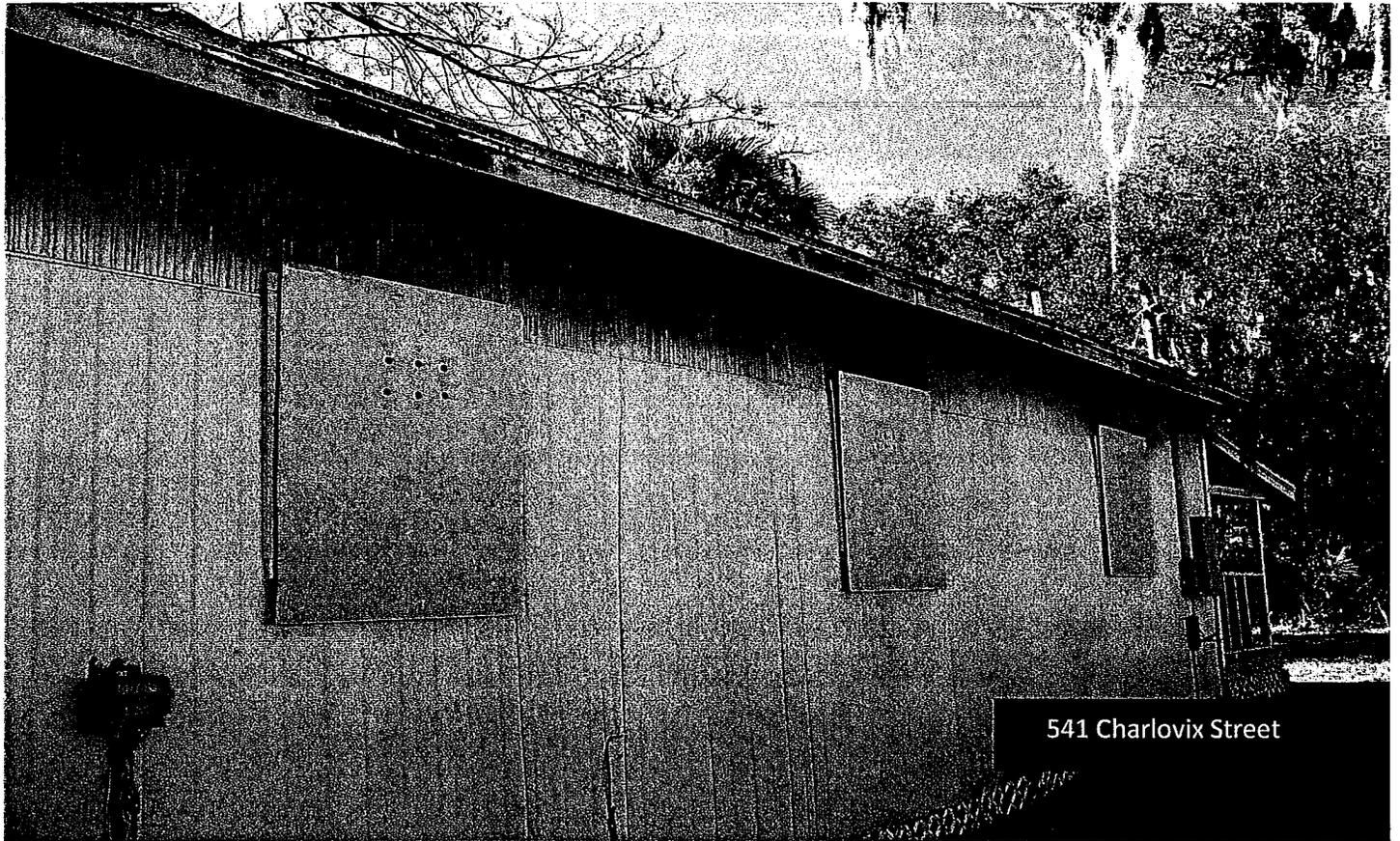
541 Charlovix Street



541 Charlovix Street



CITY OF NEW SMYRNA BEACH  
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NEW SMYRNA BEACH, FLORIDA 32168  
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CITY OF NEW SMYRNA BEACH  
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**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Charles Bernstein  
207 Inlet Shores Drive  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-0618**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 27<sup>th</sup> day of July , 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd  
Chairperson:  
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 7008303000005510600

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Bernstein, Charles  
207 Inlet Shores Drive  
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 541 Charlovix Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-06-10-0060  
**LEGAL DESCRIPTION:** E 44 ft of Lots 5 & 6 F W Sams Sub Daughertys New Smyrnainc per OR 5267 PG 0421

On the basis of my examination I have determined ( the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
 \_\_\_\_\_  
 Michael Knotek  
 Chief Building Official  
 386.424.2139  
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
 Name of person who received service

X Certified Mail, Return Receipt Requested

Receipt Number: 7008 3030 00000551 2673

  
 \_\_\_\_\_  
 Michael Knotek  
 386.424.2139  
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
640 Dora Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0624  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure had a fire and is vacant. The structure has not been maintained and is now a public health and safety issue. The owners have been working with the city in an attempt to demolish the structure. Due to the time that has expired since the fire, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

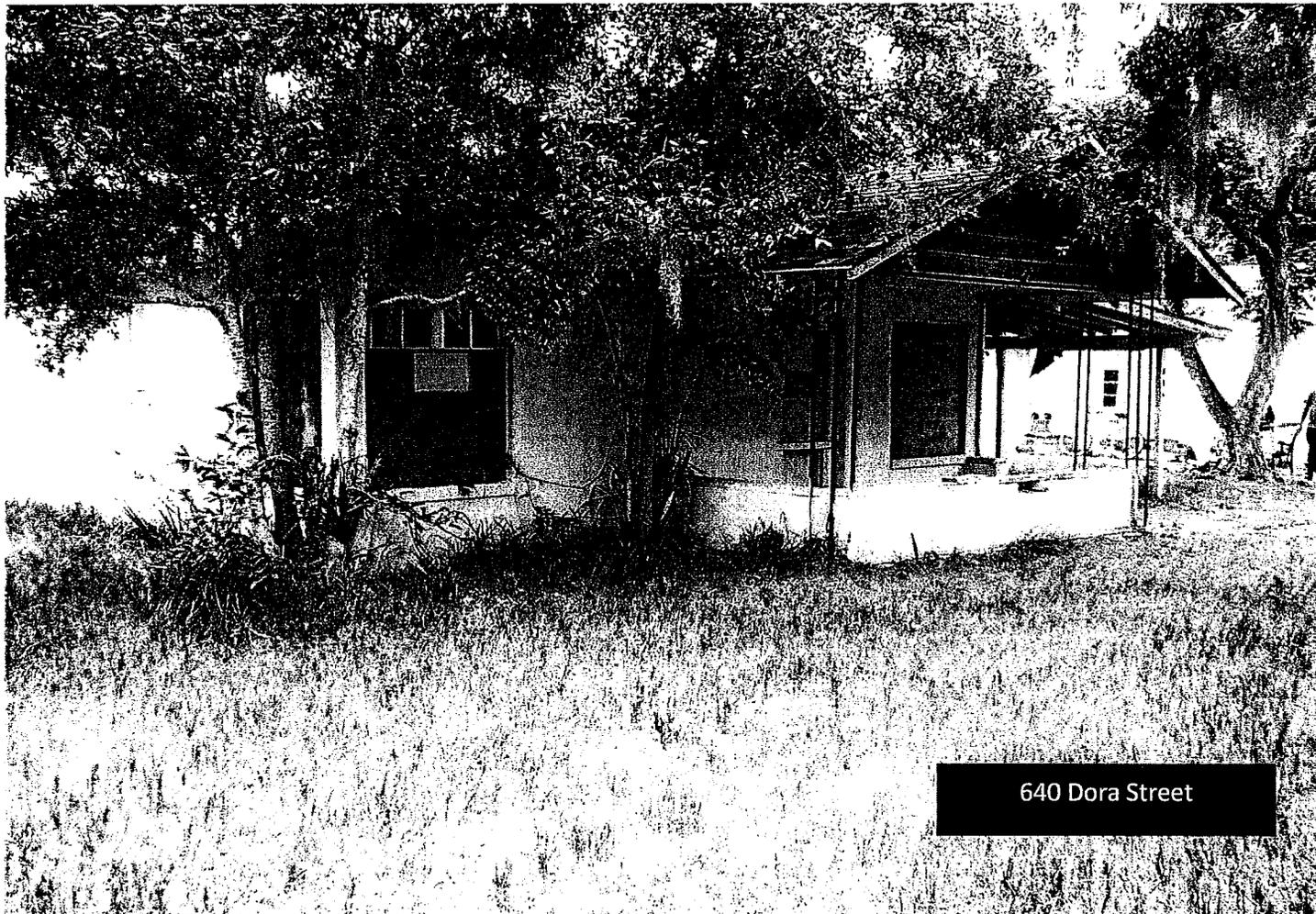
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties, staff recommends that the structure be demolished and a lien assessed against the property. If the owner's chooses to demolish their own structure, a time of 30 days to complete should be placed on the permit.

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**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



640 Dora Street



640 Dora Street



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



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## AUTHORIZATION TO DEMOLISH AND REMOVE STRUCTURES

The undersigned Owner or authorized representative of the Owner of the below-described property (Property) hereby agrees as follows:

1. Owner has ownership or control of the Property and buildings situated thereon, located at 640 Dora, New Smyrna Beach, Florida. The Property and building(s) are more particularly described as:

Legal description of Property:

Parcel Number:

Structure(s) on Property to be removed:

2. The building(s) or structure(s) located on the Property is/are not safe, sanitary or suitable for habitation or other use and it is not feasible to be rehabilitate the building/structures to make it/them safe, sanitary or suitable for habitation or other use, or to otherwise comply with applicable provisions of Chapter 26, Article X, City Code of Ordinances, and other applicable codes or laws.
3. Owner desires to have the structure(s) demolished and removed from the Property, and Owner desires to authorize the City to provide for the demolition and removal of the structure(s), without further notice or hearing.
4. The Property Owner hereby authorizes the City, its employees, agents, or contractors to demolish and remove or cause the demolition and removal of the Structure(s) described above.
5. The City is further authorized to assess the costs of demolition and removal against the Property and to record a lien upon the Property in the Official Records of Volusia County, Florida in the manner provided by Sections 26-797, City Code of Ordinances.
6. The Property Owner shall receive no compensation, reimbursement, or consideration from the City for the demolished structure(s) or for any other action taken by the City pursuant to this Agreement. The Owner agrees that this Authorization provides for the voluntary abatement of a public nuisance.
7. The Property Owner represents that he/she has the authority to grant this Authorization and that Owner will obtain written consent to enter into this Agreement from any person or entity having a valid security interest in the Property, if required.
8. The City is authorized, but is not required, to take any action with respect to the demolition and removal of structures on the Property.

9. The Owner hereby releases the City from any claims arising out of the City's action taken pursuant to this Authorization, and shall defend and hold harmless the City from and against all claims or actions of any persons which may be based upon that person(s) assertion of any ownership interest in the Property or buildings thereon.
10. This Authorization shall take effect when signed by the Owner and shall remain in effect until withdrawn or cancelled by the Owner, in writing.

Paul Hershberger  
Owner

[Signature]  
Witness

Michele Hershberger  
Owner

[Signature]  
Witness

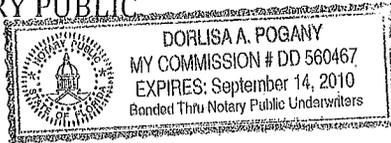
STATE OF Florida, COUNTY OF VOLUSIA

Paul Hershberger & Michele Hershberger, personally appeared before me, this date

and after being duly sworn says that they executed the above Authorization voluntarily as his/her own free act and deed.

Dorlisa A. Pogany 6/18/10

NOTARY PUBLIC





CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Hershberger, Paul & Alice TTEE  
721 Green Street  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-0624**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 27<sup>th</sup> day of July , 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd  
Chairperson:  
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service .

Certified Mail, Return Receipt Requested  
Receipt Number: 70083230 0000 0551 2639

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Hershberger, Paul & Alice TTEE  
721 Green Road  
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 640 Dora Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-03-00-0730  
**LEGAL DESCRIPTION:** E 70 ft of Lots 72 & 73 & 75 Connors Sub MB 5 PG143 per OR 4542 PG 4803

On the basis of my examination I have determined ( the checked box applies to your building):

- X The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

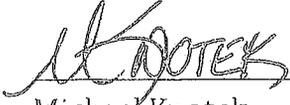
The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof, or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
 \_\_\_\_\_  
 Michael Knotek  
 Chief Building Official  
 386.424.2139  
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

- Hand delivery Upon: \_\_\_\_\_  
Name of person who received service

- Certified Mail, Return Receipt Requested  
 Receipt Number: 7008 3030 0000 0551 2639

  
 \_\_\_\_\_  
 Michael Knotek  
 386.424.2139  
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

---

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
551 Julia Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0620  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure has been vacant for over two years. The structure has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

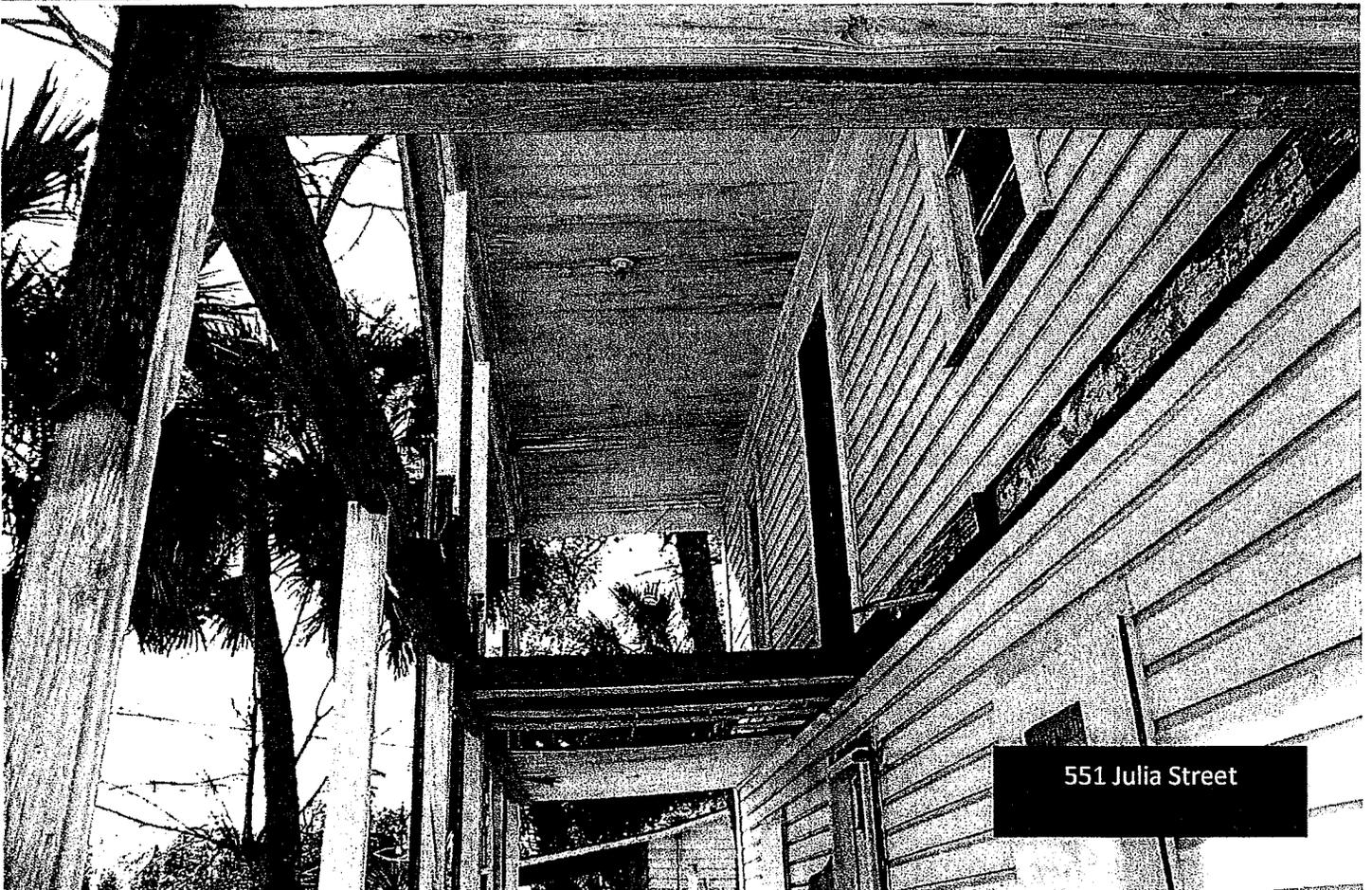
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished and a lien assessed against the property.



551 Julia Street



551 Julia Street



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



551 Julia Street



551 Julia Street



551 Julia Street



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Lawrence L. Kraker Living trust  
805 27<sup>th</sup> Avenue  
New Smyrna Beach, Florida 32169

**CASE NO: C2010-0620**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached Letter of Determination.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this <sup>27<sup>th</sup></sup> day of July, 2010, at City Hall, City of New Smyrna Beach, Florida.



William M. Cowherd  
Chairperson:  
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 7008 3230 0000 0551 2653

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Lawrence L Kraker Living Trust  
2303 Hill Street  
New Smyrna Beach, Florida 32169

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 551 Julia Street, New Smyrna Beach  
PARCEL NUMBER: 7441-14-03-0140  
LEGAL DESCRIPTION: Lot E Blk 3 RUSH ADD New Smyrna MB 3 PG 129 per OR 4997 PG 1454 & OR 5369 PG 4535 per OR 5538 PG 3792 per OR 6406 PGS 13

On the basis of my examination I have determined ( the checked box applies to your building):

- X The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
 \_\_\_\_\_  
 Michael Knotek  
 Chief Building Official  
 386.424.2139  
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
 Name of person who received service

Certified Mail, Return Receipt Requested  
 Receipt Number: 7008 3130000551 2653

  
 \_\_\_\_\_  
 Michael Knotek  
 386.424.2139  
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
553 Julia Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0621  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure has been vacant for over two years. The structure has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

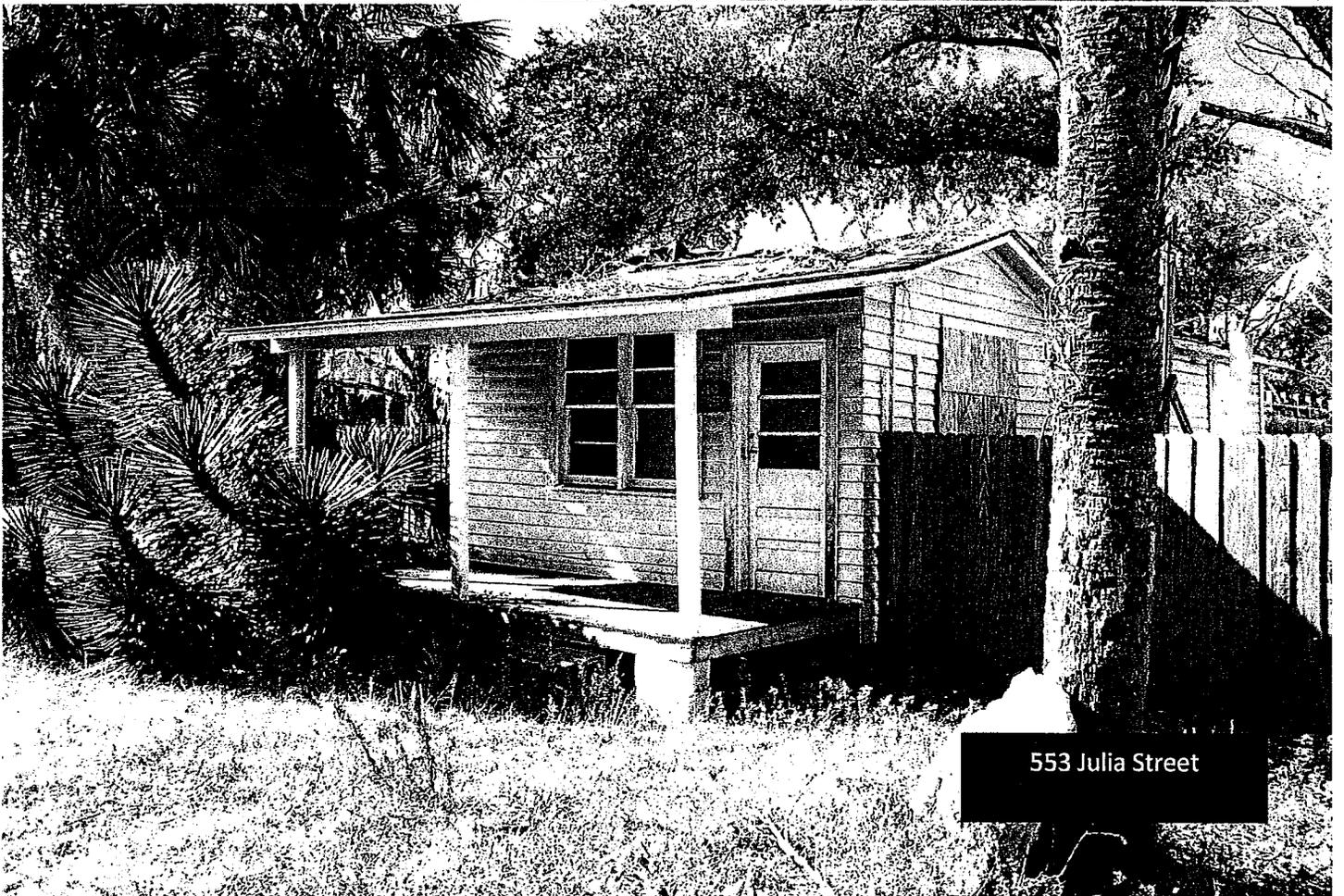
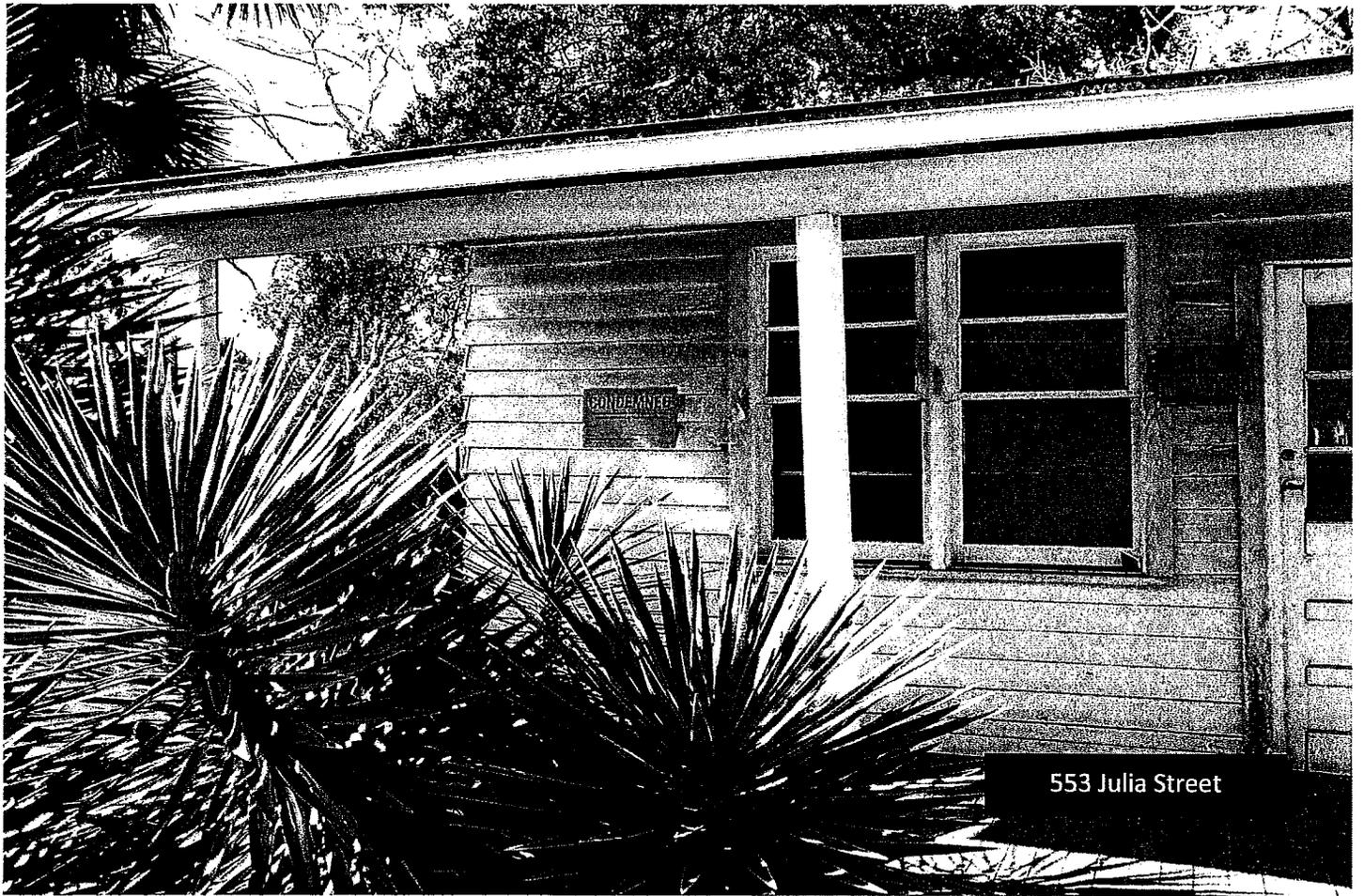
The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished and a lien assessed against the property.





CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



553 Julia Street



551 Julia Street



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Sonlight Dev. LLC  
c/o Lawrence Kraker  
805 27<sup>th</sup> Avenue  
New Smyrna Beach, Florida 32169

**CASE NO: C2010-0621**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 17<sup>th</sup> day of July , 2010, at City Hall, City of New Smyrna Beach, Florida.

A handwritten signature in cursive script, reading "William M. Cowherd".

William M. Cowherd  
Chairperson:  
Builders Trade Board

**NOTICE TO PERSONS WITH DISABILITIES**

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

**RECORD IS REQUIRED TO APPEAL**

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

**CERTIFICATE OF SERVICE**

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 70083230 0000 0251 2608

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Partner of Sonlight Dev LLC  
2303 Hill Street  
New Smyrna Beach, Florida 32169

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 553 Julia Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-14-03-0120  
**LEGAL DESCRIPTION:** Lot D Blk 3 RUSH ADD New Smyrna MB 3 PG 139 per OR 4568  
PGS 3689-3691 INC per OR 5836 PG 0907 per OR 6406 PGS 1318-1364

On the basis of my examination I have determined ( the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

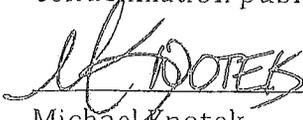
The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
 Michael Knotek  
 Chief Building Official  
 386.424.2139  
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
 Name of person who received service

X Certified Mail, Return Receipt Requested  
 Receipt Number: 7083300005512608

  
 Michael Knotek  
 386.424.2139  
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
500 Wayne Avenue  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0623  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure had a fire and is vacant. This structure was occupied by a Commercial Auto Broker with an attached apartment on the east. Since the fire the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished and a lien assessed against the property.

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**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



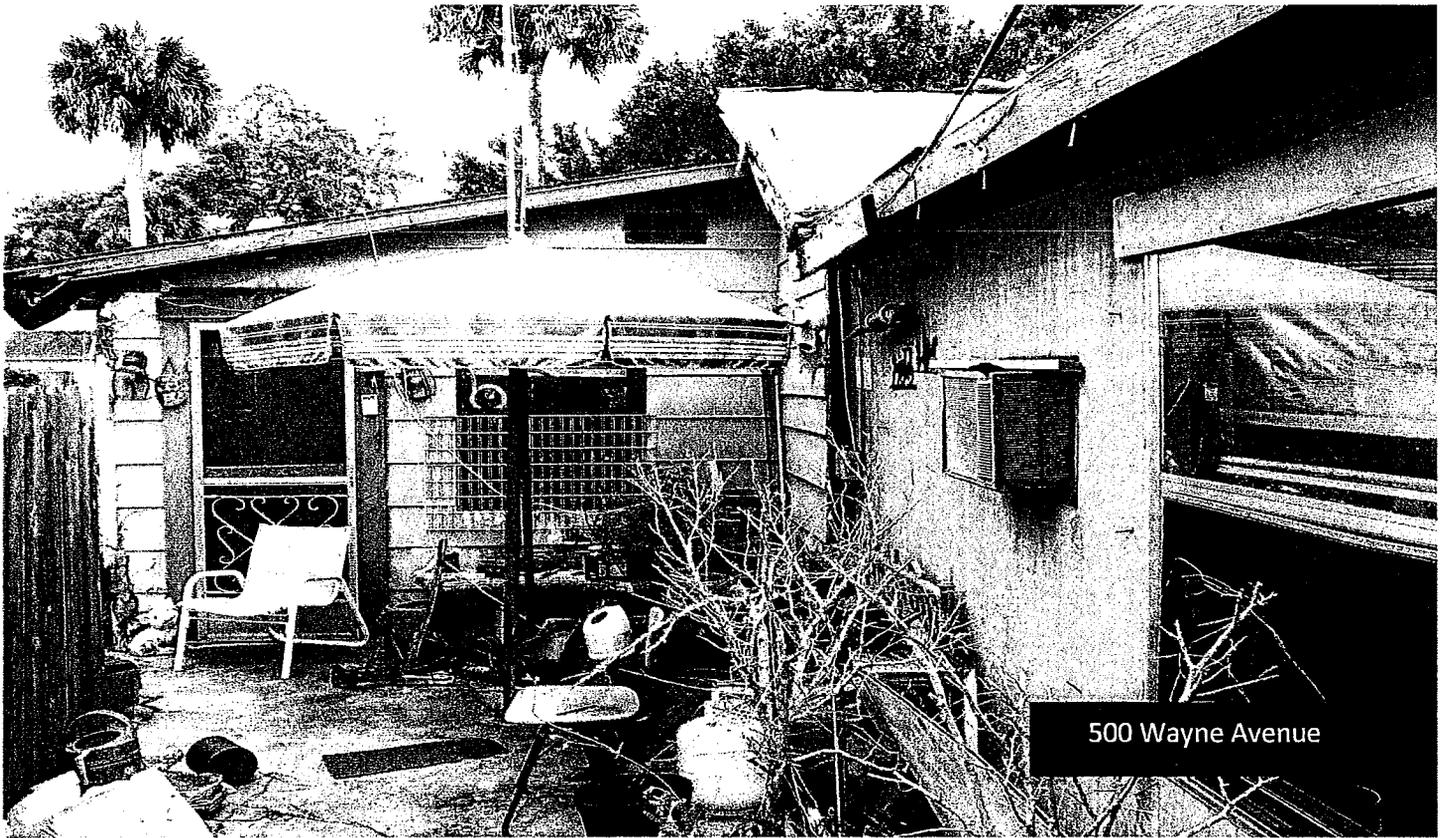
500 Wayne Avenue

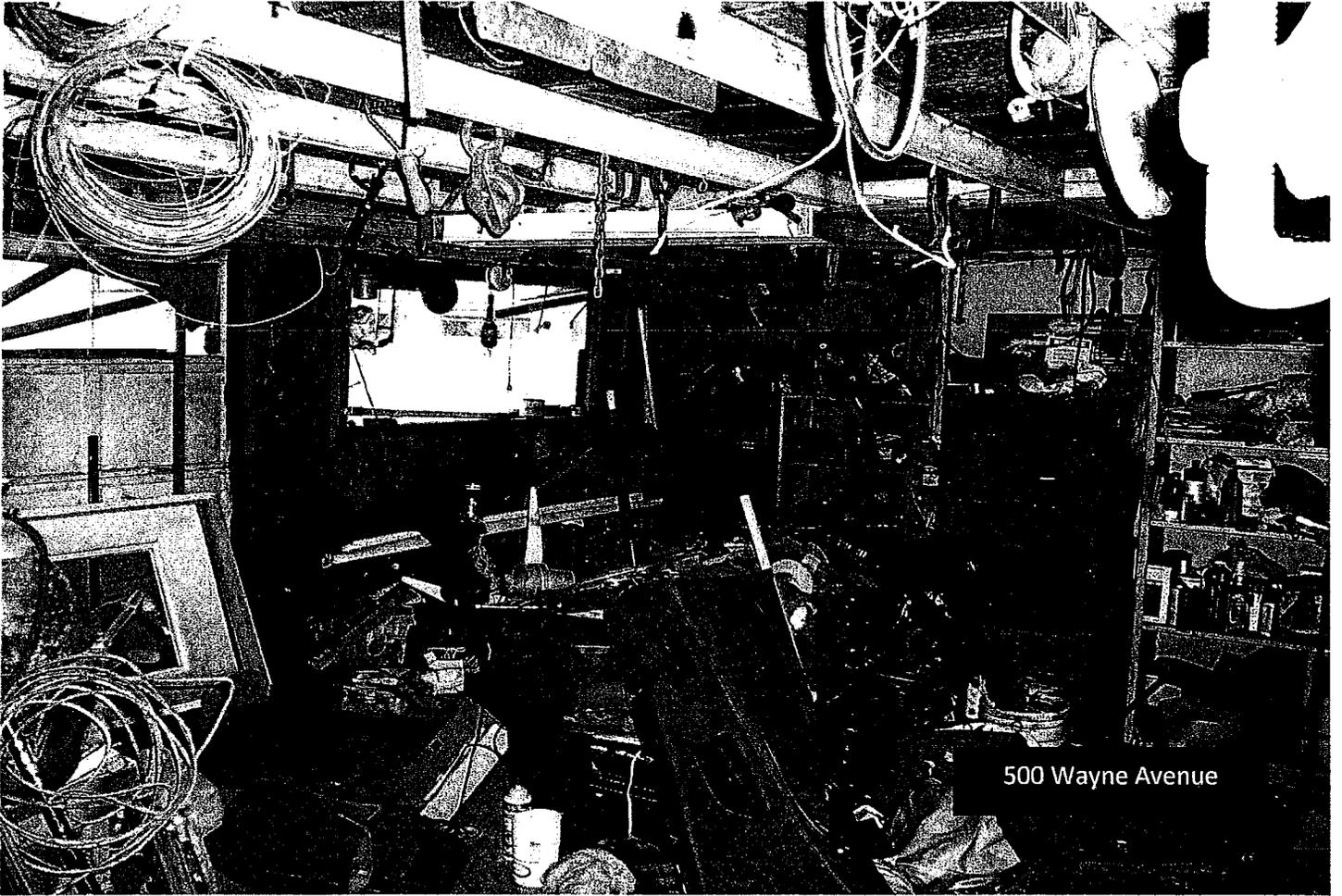


500 Wayne Avenue



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax





500 Wayne Avenue



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Sanford, Al L/E  
500 Wayne Avenue  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-0623**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this 27<sup>th</sup> day of July, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd  
Chairperson:  
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF HEARING** was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 70083230 0000551 0592

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Al L/E Sanford  
500 Wayne Avenue  
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 500 Wayne Avenue  
**PARCEL NUMBER:** 7441-03-00-0960  
**LEGAL DESCRIPTION:** E70 ft of Lot 96 & W 50 ft. of E 70 ft. of Lots 98 & 100 CONNORS  
New Smyrna MB 5 PG 143 per OR 3890PG 4310 per OR 6204P

On the basis of my examination I have determined ( the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
\_\_\_\_\_  
Michael Knotek  
Chief Building Official  
386.424.2139  
mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 7008 3230 0000 0551 259a

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

---

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
1907 S. Atlantic Ave.  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0625  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure was vacant and in disrepair. The structure has not been maintained and is now a public health and safety issue. The owner has had a permit to repair the structure since 1994 with several extensions. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished and a lien assessed against the property.

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**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



1907 S. Atlantic Ave.



1907 S. Atlantic Ave.



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



1907 S. Atlantic Ave.



1907 S. Atlantic

**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Vazquez, Bernard Jr. & Bonnie A.  
1907 S. Atlantic Avenue  
New Smyrna Beach, Florida 32169

**CASE NO: C2010-0625**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this 27<sup>th</sup> day of July, 2010, at City Hall, City of New Smyrna Beach, Florida.



William M. Cowherd  
Chairperson:  
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested  
Receipt Number: 700832300000551 2646

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Vazquez, Bernard Jr. & Bonnie A  
1907 S. Atlantic Avenue  
New Smyrna Beach, Florida 32169

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 1907 S. Atlantic Avenue, New Smyrna Beach  
**PARCEL NUMBER:** 7415-04-10-0090  
**LEGAL DESCRIPTION:** N 80 ft. of Lots 7 & 8 & Lot 9 Blk 10 Coronado Beach

On the basis of my examination I have determined ( the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

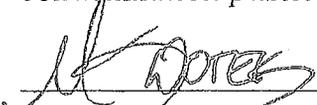
The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

  
\_\_\_\_\_  
Michael Knotek  
Chief Building Official  
386.424.2139  
mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
Name of person who received service

X Certified Mail, Return Receipt Requested  
Receipt Number: 700832300000551 2046

  
\_\_\_\_\_  
Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com



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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
331 Canal Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0619  
**DATE:** August 2, 2010

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This Property was inspected by the Code Enforcement Inspector and referred the Building Department since the structure is structurally unsafe and is vacant. The structure has not been maintained and is now a public health and safety issue. The owners have been working with the city in an attempt to demolish the structure. Due to the time that has expired since the city was made aware of the unsafe nature of the structure, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

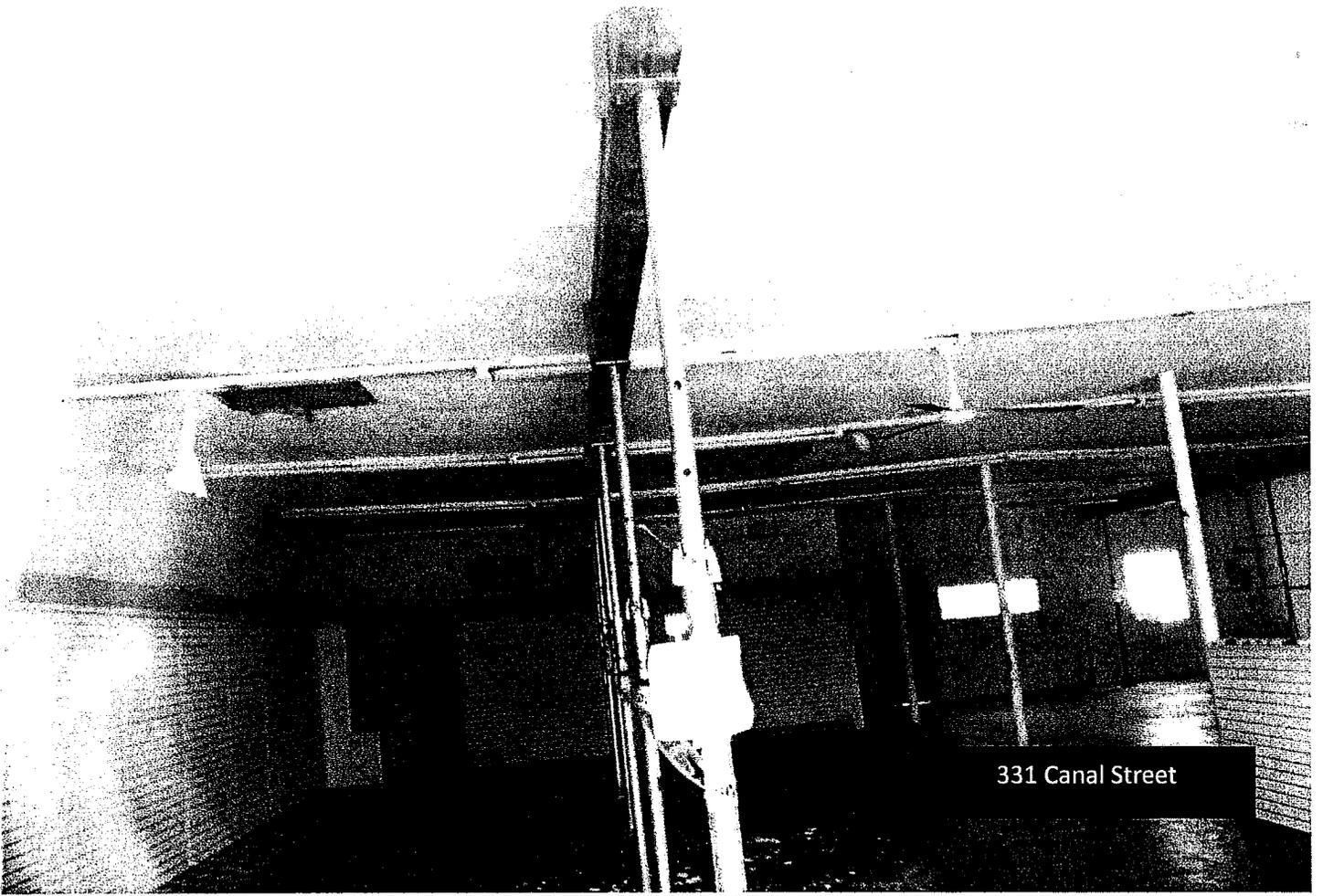
The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

#### **ALTERNATIVES**

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is blight to the neighboring properties, staff recommends that the structure be demolished and a lien assessed against the property. If the owner's chooses to demolish their own structure, a time of 30 days to complete should be placed on the permit.



331 Canal Street

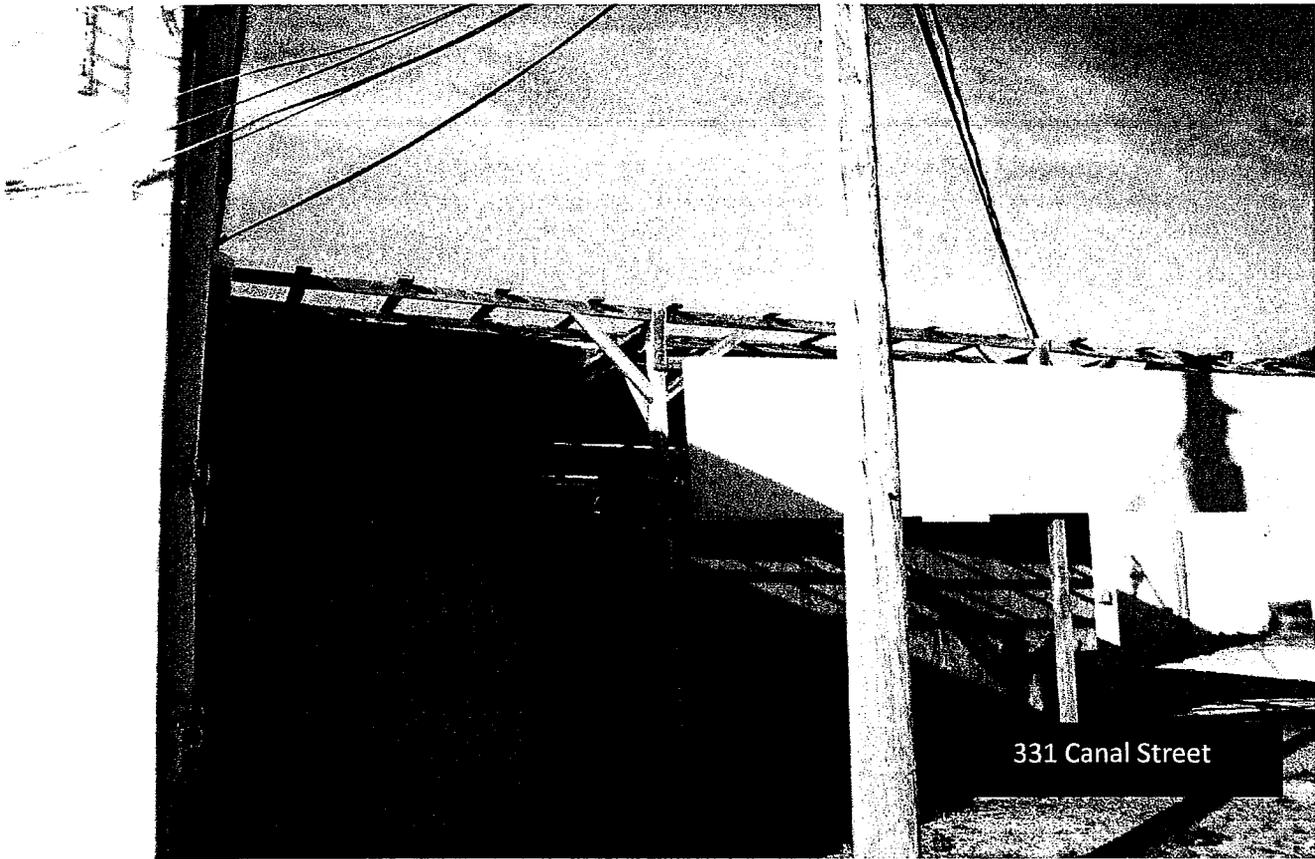


331 Canal Street



CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

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CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING  
BUILDING TRADES BOARD**

Tumblin, Joyce E Trustee  
59 Cunningham Drive  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-0619**

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 19th day of August, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this <sup>27<sup>th</sup></sup> day of July , 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd  
Chairperson:  
Builders Trade Board

**NOTICE TO PERSONS WITH DISABILITIES**

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

**RECORD IS REQUIRED TO APPEAL**

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

**CERTIFICATE OF SERVICE**

The undersigned Official hereby certifies that the forgoing **NOTICE OF HEARING** was served on the day of \_\_\_\_\_, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: \_\_\_\_\_  
Name of person who received service

Certified Mail, Return Receipt Requested

Receipt Number: 7083330000551265

  
\_\_\_\_\_  
Michael Knotek

386.424.2139

mknotek@cityofnsb.com



**NOTICE OF DETERMINATION**  
**UNSAFE OR DILAPIDATED STRUCTURE(S)**

Tumblin, Joyce E Trustee  
59 Cunningham Drive  
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 331 Canal Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-37-01-0080  
**LEGAL DESCRIPTION:** E 44 ft of Lots 5 & 6 F W Sams Sub Daughertys New Smyrnainc per OR 5267 PG 0421

On the basis of my examination I have determined ( the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

**ITEMS IN VIOLATION**

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

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Michael Knotek  
Chief Building Official  
386.424.2139  
mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8<sup>th</sup> day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: \_\_\_\_\_  
Name of person who received service

X Certified Mail, Return Receipt Requested  
Receipt Number: ~~7008 3230000000552615~~



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Michael Knotek  
386.424.2139  
mknotek@cityofnsb.com