



# City of New Smyrna Beach

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**THE BUILDING TRADES BOARD  
NOTICE OF MEETING  
TO BE HELD AT 6:30 P.M.  
SEPTEMBER 16, 2010  
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA**

## **BUILDING TRADES BOARD MEMBERS:**

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

Dear Board Members:

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION meeting for the Building Trades Board which has been scheduled for THURSDAY, SEPTEMBER 16, 2010, commencing at 6:30 P.M., in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, to consider the enclosed agenda.

  
\_\_\_\_\_  
William M. Cowherd, Chairman  
Building Trades Board

I. ROLL CALL:

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Building Trades Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred prior to this public hearing for any cases on this Agenda.

III. APPROVAL OF MINUTES:

August 19, 2010

IV. SWEARING OF CITY STAFF

V. OLD BUSINESS:

C2010-0619:           Joyce E. Tumblin Trustee                           331 Canal St

Consideration from Building Department to demolish a commercial structure at 331 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

August 19, 2010: The Board continued this case to the September 16, 2010 Meeting.

VI. NEW BUSINESS:

C2010-1045:           Willie James Mitchell                                   122 ½ Railroad St

Consideration from Building Department to demolish a residential structure at 122 ½ Railroad Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2010-1043:           Jesse Meeks Estate, C/O W. J. Hope & H. C. Meeks  
312 N. Myrtle Ave

Consideration from Building Department to demolish a residential structure at 312 N. Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2010-1042:           Margaret Thompson                                       353 Palm St

Consideration from Building Department to demolish a residential structure at 353 Palm Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2010-1046:**      **Han Xiao Jun & Xiao Jun Chan**                      **545 Washington St**

Consideration from Building Department to demolish a residential structure at 545 Washington Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2010-1044:**      **Stephen D. Camp & Tami L. Camp Tr**      **4312 Saxon Dr**

Consideration from Building Department to demolish a residential structure at 4312 Saxon Drive due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2010-1047:**      **Doc & Hester Wilson**    **512 Ronnoc Ln**

Consideration from Building Department to demolish a residential structure at 512 Ronnoc Lane due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**VII.      COMMENTS FROM BOARD MEMBERS AND STAFF**

**VIII.      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  
HEARING  
HELD AT 6:30 P.M. – AUGUST 19 2010  
CITY COMMISSION CHAMBERS, CITY HALL,  
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of August 19, 2010, was called to order at 6:39 p.m. Answering to roll call were:

William M. Cowherd (Chair)

Paul Heer (Vice Chair)

Randy Beach

Joseph Blanchette

Terry Harrison

Also present were Chief Building Official Michael Knotek and Permit & License Technician Dorlisa Pogany. Grant Clark arrived at 6:44 PM and Terry Harrison asked to be excused at 7:25 PM. Assistant City Attorney Greg McDole was absent.

II. **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Members of the Citizens Code Enforcement Board were asked to please disclose, for the record, the substance of any ex parte communications that occurred prior to this public hearing.

Mr. Cowherd stated that there were none.

III. **APPROVAL OF MINUTES**

July 22, 2009 & July 15, 2010

Mr. Cowherd noted the location on the July 22, 2009 minutes was incorrect and should be corrected to Utilities Commission, DeBerry Room, 3<sup>rd</sup> Floor, 200 Canal Street.

**Mr. Harrison made a motion to approve the minutes of the July 22, 2009 hearing with the corrections noted and the minutes of the July 15, 2010 as written; seconded by Mr. Beach. Motion passed up roll call vote 5-0.**

IV. **SWEARING OF CITY STAFF**

Michael Knotek, Chief Building Official, was sworn for testimony.

V. NEW BUSINESS:

CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A  
SINGLE FAMILY RESIDENCE AT 541 CHARLOVIX STREET

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Discussion ensued among Board members about the structure being unsafe and should be demolished.

Mr. Knotek testified the property owner has been notified by certified mail and accepted the Notice of Determination. He further testified the property owner refused the Notice of Hearing but the property has been posted and owner notified.

Mr. Knotek explained that Staff has posted the structures on this agenda due to concern over condition such as structural issues, damage by wind or fire and sanitary or health issues. Mr. Knotek stated the Board, based on Staff recommendation and testimony from owners, has two alternatives: the structures can be either repaired or demolished which is decision the Board will make.

Concerning the structure at 541 Charlovix, Mr. Knotek testified the structure was damaged by fire, further damaged by weather conditions and vagrants. He stated the structure is a blight to the neighborhood and recommends the structure be demolished. The City can demolish the building and file a lien on the property or the property owner can obtain a demolition permit themselves. Mr. Knotek stated that a time limit be established to prevent structure from remaining an ongoing blight to the neighborhood.

Discussion ensued between the Board Members and staff as to length of time to obtain permit, how long vacant and in this condition, concern since structure close to an elementary school, keeping vagrants out and securing structure.

**Mr. Clark made a motion to have 541 Charlovix demolished within 30 days; seconded by Mr. Harrison. Motion passed unanimously upon roll call 6-0.**

CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A  
SINGLE FAMILY RESIDENCE AT 650 DORA STREET

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified owners are willing to demolish structure and had obtained a permit but did not take any action. He further testified the structure was damaged by fire, has structural issues, is a nuisance and blight to the neighborhood. He further testified that Staff has reposted the property and recommends demolition by owners or the City within 30 days. Mr. Knotek explained that the City Wide Structure Demolish Program will be presented to the City Commission on September 24, 2010. If approved by the Commission, he will be able to provide the owners a cost for demolition.

**Mr. Clark made a motion to have 640 Dora demolished within 30 days; seconded by Mr. Beach. Motion passed unanimously 6-0.**

**CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 551 JULIA STREET**

Steven Gray Wischmeier was present and sworn in for testimony.

Mr. Wischmeier stated for the record that most of the paint on the property has been removed, yard cleaned and dirt leveled, removed construction and other debris, planned removal of ceiling boards, loose boards and deck and will secure the structure. He further stated a feasibility study will be completed by Steelmasters and Kevin Schweizer to determine if structure savable and if not, the structure will be demolished. Mr. Wischmeier stated the property will be cleaned up and a structural determination will be completed within 60 days.

Discussion ensued among the Board Members and Mr. Wischmeier as to type of commercial use such as office, shoring up foundation, condition of structure interior, cosmetic repairs to exterior, repair fence, if structure historic , to make structure and site safe.

Mr. Clark asked staff for a recommendation.

Mr. Knotek stated the property must be maintained, establish a time limit to clean up property, correct violations, bring structure up to standards, paint exterior, remove balcony in front and any other place deemed unsafe.

**Mr. Clark made a motion to continue this case until the November 18, 2010 to allow the owner to stabilize structure, repair fence, demolish unstable back porch, make balcony area inaccessible and any other corrections needed to make the property safe; seconded by Mr. Beach. Motion carried unanimously 6-0.**

**CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A  
SINGLE FAMILY RESIDENCE AT 553 JULIA STREET**

Steven Gray Wischmeier was present and sworn in for testimony.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified this property is similar to 551 Julia Street as the fence connects both properties and the violations for this property are basically the same as the 551 Julia Street property. He stated he did not know the owners desires for the use of this property but it is feasible that it could be repaired for office use.

Mr. Wischmeier stated for the record that the property has been cleaned up, dirt leveled all items removed from rear including paint and remaining paint will be used to paint building exterior.

Discussion ensued among the Board Members and Mr. Wischmeier about intended use of structure, if functionally useable; engineering feasibility study to determine future of structure and property, cosmetic repairs, waterproof structure, future of site if not resolved in 90 days, building permits required for structural work, how to secure building and change window and door interior boards to exterior to prevent glass breakage.

**Mr. Clark made a motion to continue this case to November 18, 2010 to stabilize building, make presentable and secure to neighborhood and repair fence; seconded by Mr. Beach. Motion carried unanimously 6-0. (Mr. Harrison was excused by the Chair after the vote.)**

**CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A  
SINGLE FAMILY RESIDENCE AT 500 WAYNE AVENUE**

Frederick Klein was present and sworn in for testimony.

Mr. Klein stated he purchased the property from Al Sanford two years ago and has given Mr. Sanford life estate. He further states the past use of the property was a used car lot and automobile repair before fire damage approximately 1 ½ years ago. Mr. Klein stated there was not much structural damage but extensive smoke damage to the building. Mr. Klein further stated he is removing items from the house and property in an effort to clean up the property and address the violations. He stated he is considering hiring an engineer to see if any part of the structure is safe and sturdy and whatever is not, he will demolish. He is asking the Board for a continuance for 90 days in order to contact an engineer and make the building habitable.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified he is in agreement with allowing a 90 day continuance and would ask the Board that Mr. Klein would appear before the Board at the end of the 90 days to inform them of what his plans are for the structure. Mr. Knotek requested that Mr. Sanford would continue to clean up the property.

**Mr. Beach made a motion to continue this case to November 18, 2010 to allow owner to continue cleaning property, present engineer's recommendation or to demolish structure; seconded by Mr. Heer. Motion carried unanimously 5-0.**

**CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A SINGLE FAMILY RESIDENCE AT 1907 SOUTH ATLANTIC AVENUE**

Bernard Vazquez was present and sworn in for testimony.

Mr. Vazquez stated the structure has been vacant due to a discrepancy with the Utilities Commission over a past due bill approximately 32 – 35 years ago. He further states the structure has been vandalized and weather damage caused from 2004 hurricanes. He stated he has to sell the home, cannot maintain the property, wants time to find someone to work with him, to remove personal property and possibly demolish the structure.

Discussion ensued among the Board Members and Mr. Vazquez regarding timeframe required, lot rebuildable in same footprint, not causing financial loss to owner, the amount of personal property in house, impact fees creditable if sold, meet with Staff for variances and property size.

Mr. Clark asked Staff for a recommendation.

Mr. Knotek testified his recommendation is to officially condemn the house. Mr. Knotek further stated he could meet with Mr. Vazquez to establish a time table for demolition as well as provide an amount the City would charge to demolish the structure under the City Wide Structure Demolish Project.

**Mr. Clark made a motion to condemn 1907 South Atlantic Avenue with the contingency that a schedule is set with the City within 60 days for demolish; seconded by Mr. Heer. Motion carried unanimously 5-0.**

**CONSIDERATION FROM BUILDING DEPARTMENT TO DEMOLISH A COMMERCIAL BUILDING AT 331 CANAL STREET**

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified that he has spoken to the property owner and her attorney. He further testified that the owner chooses to demolish the building and her attorney is presently obtaining prices for the demolition. Mr. Knotek stated the attorney is requesting we continue this case to the September 18, 2010 meeting and will provide the City with the name of the demolish contractor or have the building demolished by that time.

**Mr. Clark made a motion to continue this case to September 18, 2010; seconded by Mr. Beach. Motion carried unanimously 5-0.**

**VI. OLD BUSINESS:**

**VII. ADJOURNMENT:**

**Mr. Clark made the motion to adjourn; seconded by Mr. Beach. All agreed and the hearing adjourned at 7:58 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  
331 Canal Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-0619  
**DATE:** August 2, 2010

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Since the structures have been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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.

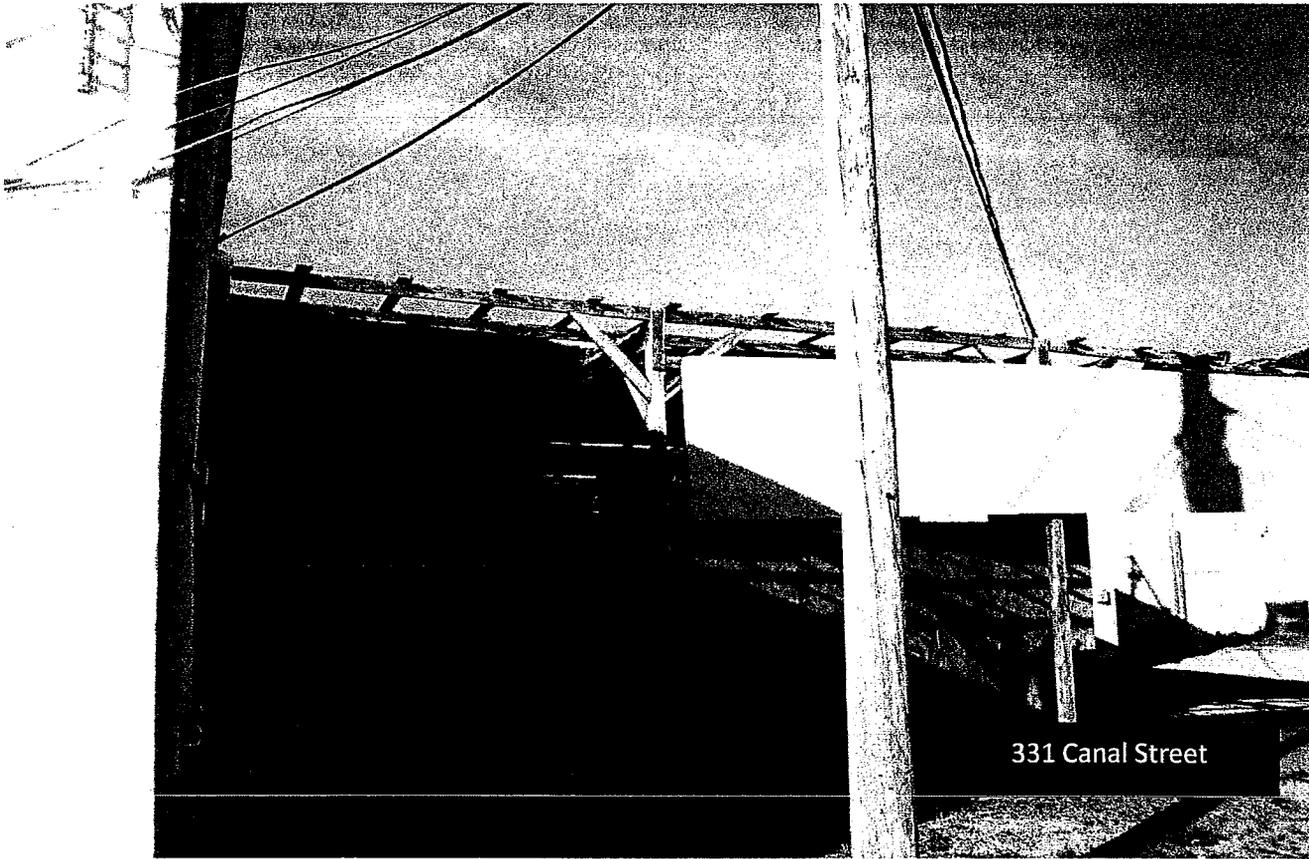
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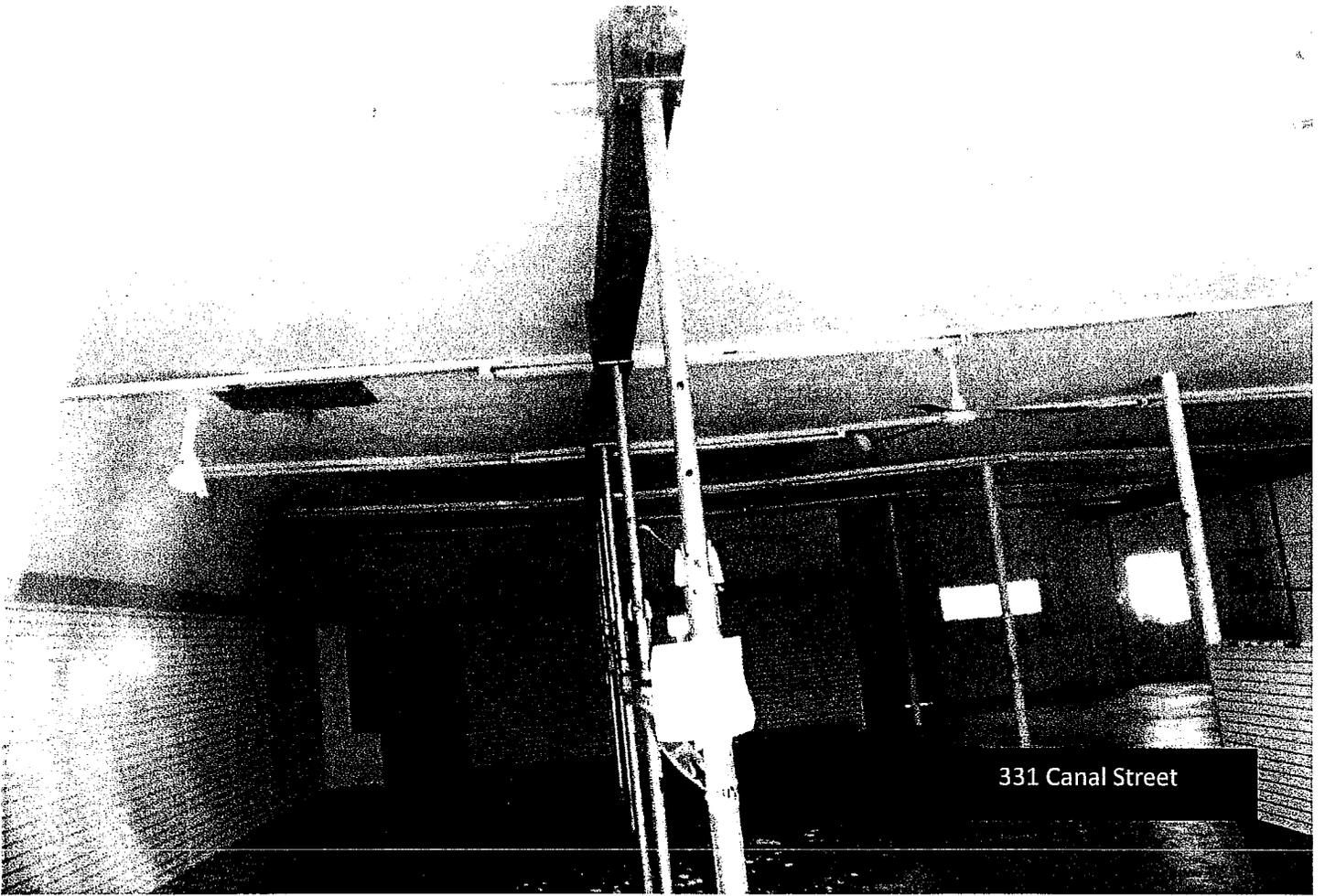
**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



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

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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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**NOTICE OF HEARING  
BUILDING TRADES BOARD**

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

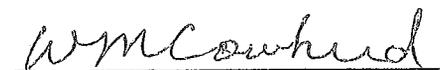
**CASE NO: C2010-0619**

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: 700833300000551265



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)**

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.

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

- 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

- Certified Mail, Return Receipt Requested  
Receipt Number: 7008 32300000552615

  
\_\_\_\_\_  
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  
122 ½ Railroad Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1045  
**DATE:** September 7, 2010

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Since the structure has been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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 within 30 days and a lien assessed against the property.



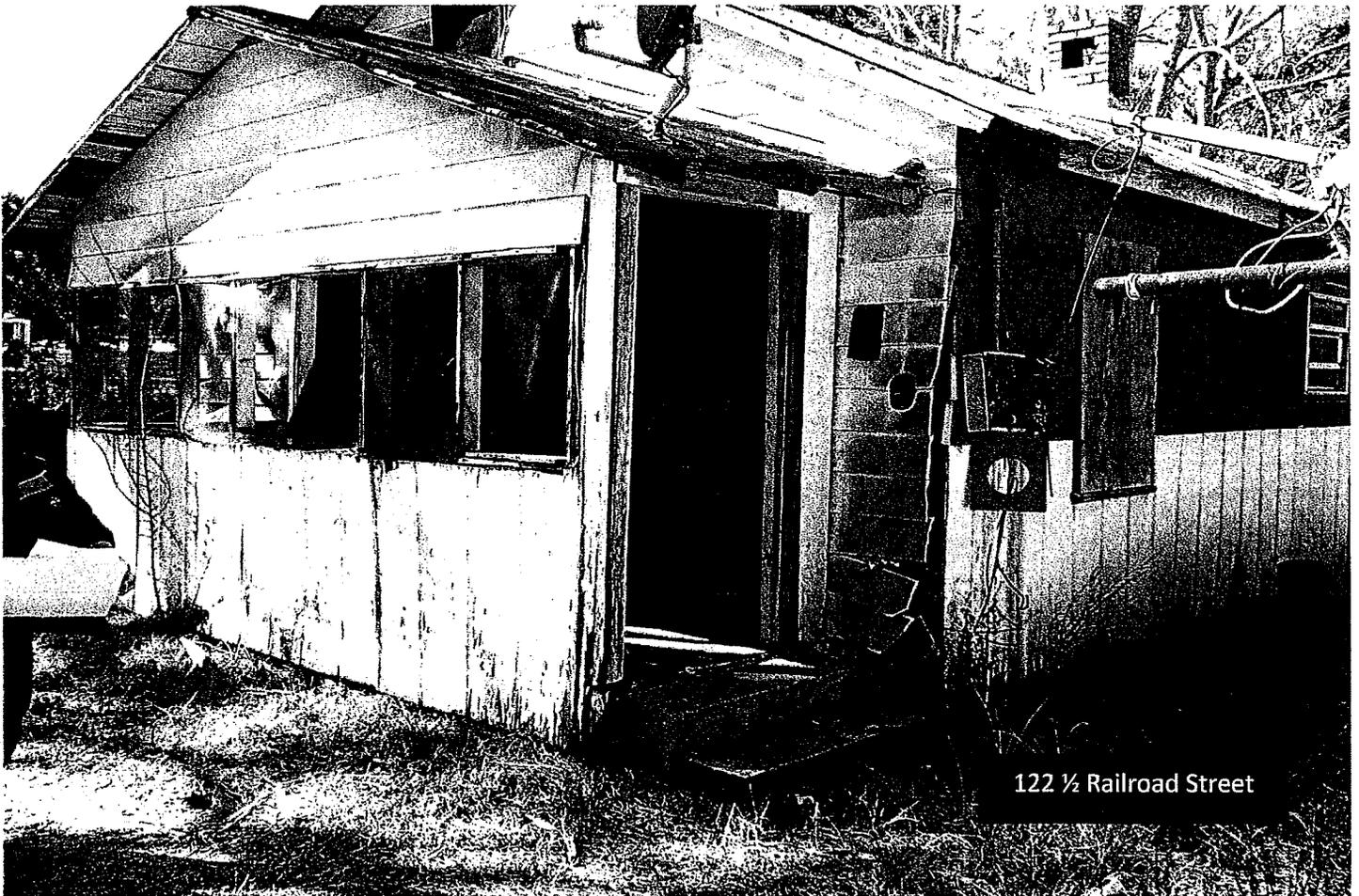
CITY OF NEW SMYRNA BEACH  
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386.424.2141 phone 386.424.2143 fax



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



122 1/2 Railroad Street



122 1/2 Railroad Street



122 1/2 Railroad Street



122 1/2 Railroad 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**

Willie James Mitchell  
122 ½ Railroad Street  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-1045**

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 16th day of September, 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 16<sup>th</sup> day of September, 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 2510 0000 7938 6370

  
\_\_\_\_\_  
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)**

Mitchell, Willie James  
122 ½ Railroad Street  
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:** 122 ½ Railroad Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-24-00-0041  
**LEGAL DESCRIPTION:** E 25 Ft of Lot D, Sub Lot 12, Blk 2V Lowds New Smyrna MB 4 PG 53 per OR 1716 PG 1680

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.

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

- 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 <sup>6170</sup>  
 Receipt Number: 7003 2810000 7538 6390 017

  
 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  
312 N. Myrtle Ave.  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1043  
**DATE:** September 7, 2010

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This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since 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 within 30 days and a lien assessed against the property.

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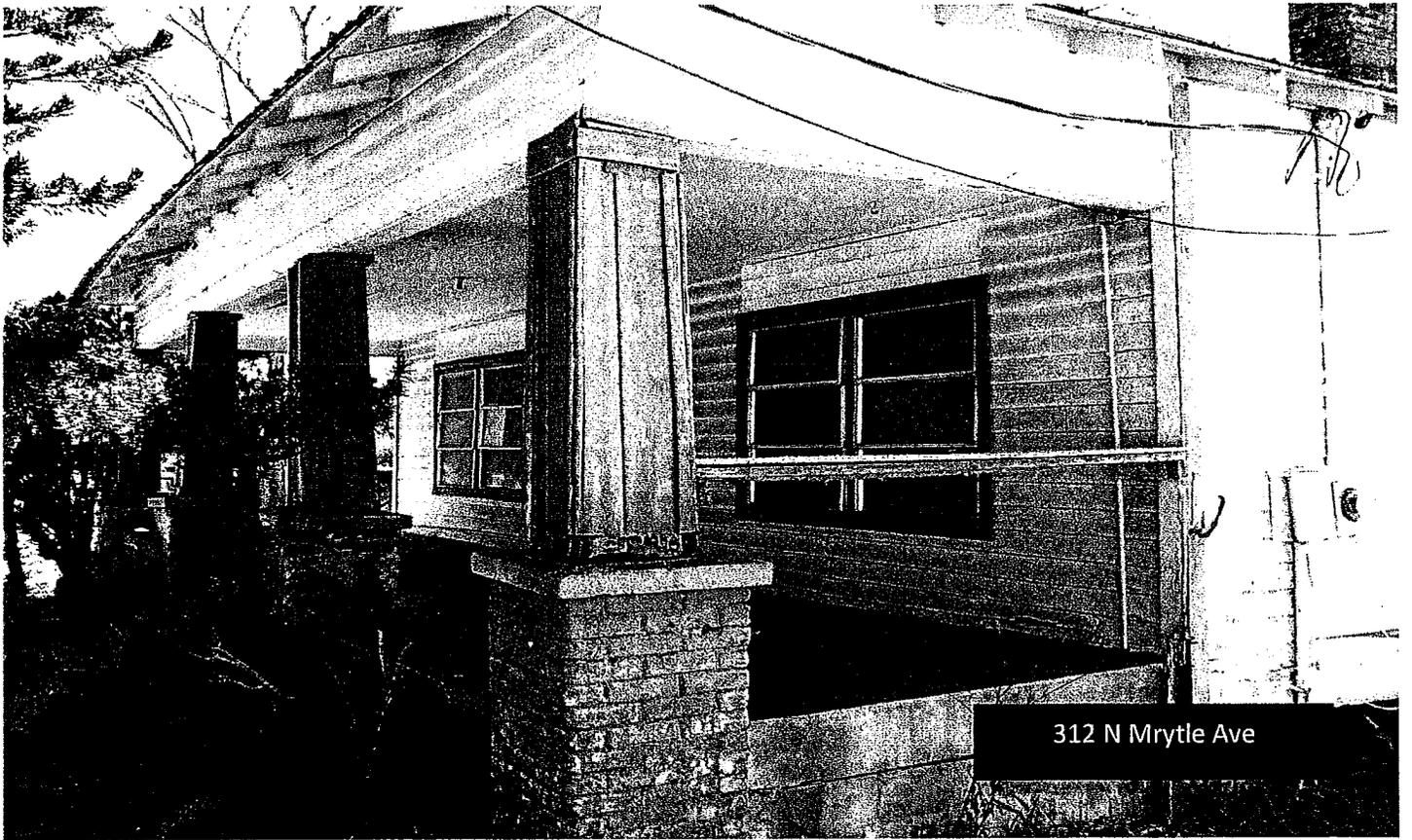
**FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY**



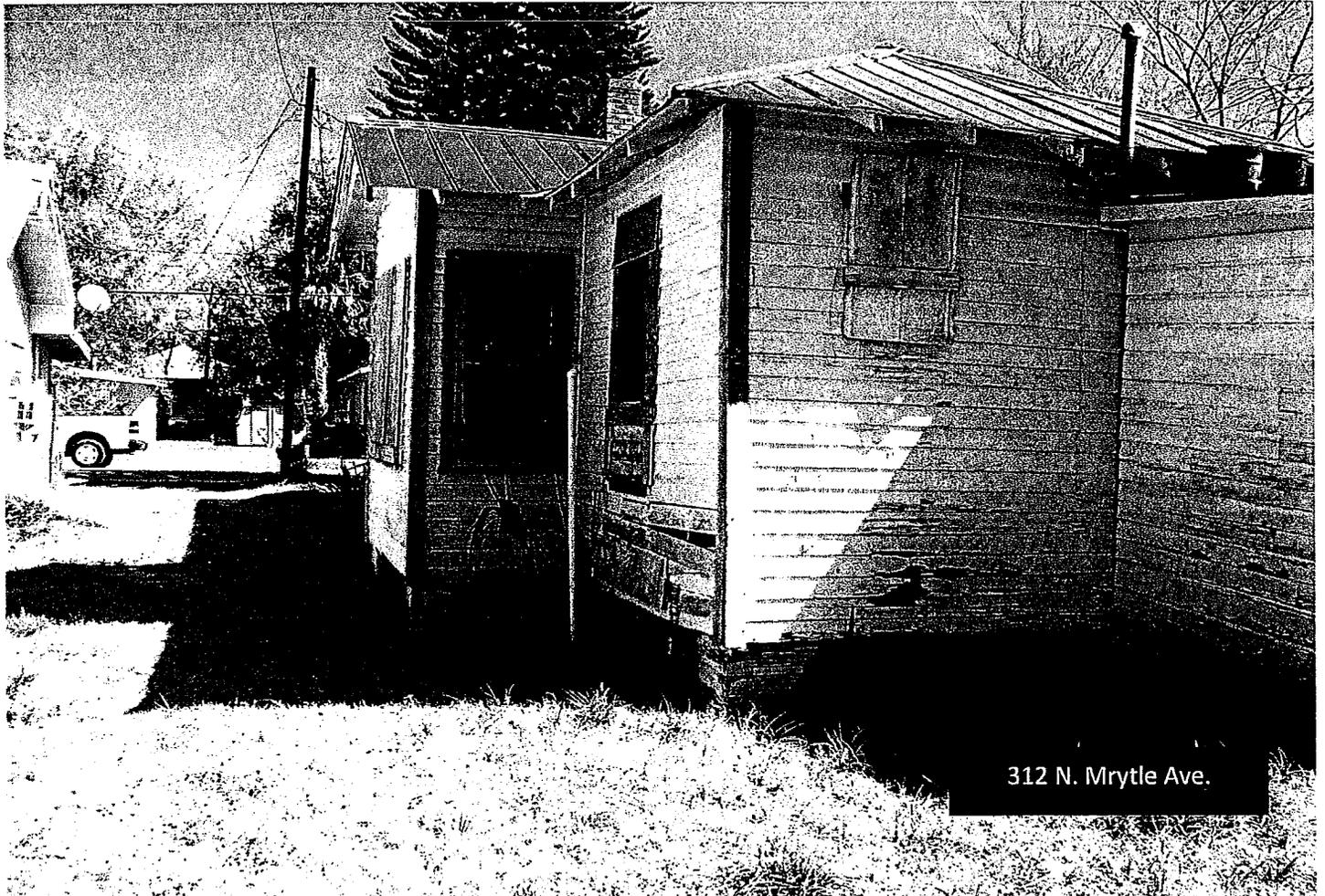
CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



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



312 N Mrytle Ave



312 N. Mrytle Ave.



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**

Meeks, Jesse Estate C/O W J Hope & H C Meeks  
P.O. Box 1688  
New Smyrna Beach, Florida 32170

**CASE NO: C2010-1043**

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 16th day of September, 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>2nd</sup> day of ~~September~~ September, 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: 7009 3130 0000 0551 2813

  
\_\_\_\_\_  
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)**

Meeks, Jesse Estate  
C/O W J Hope & H C Meeks  
P O Box 1688  
New Smyrna Beach, Florida 32170

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:** 312 N Myrtle Avenue, New Smyrna Beach  
**PARCEL NUMBER:** 7418-08-18-0110  
**LEGAL DESCRIPTION:** Lot 11, Blk 18, Inwood New Smyrna

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.
- 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.

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

- 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 3930 0000 0551 0813

  
\_\_\_\_\_  
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  
353 Palm Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1042  
**DATE:** September 7, 2010

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Since the structure has been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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 within 30 days 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

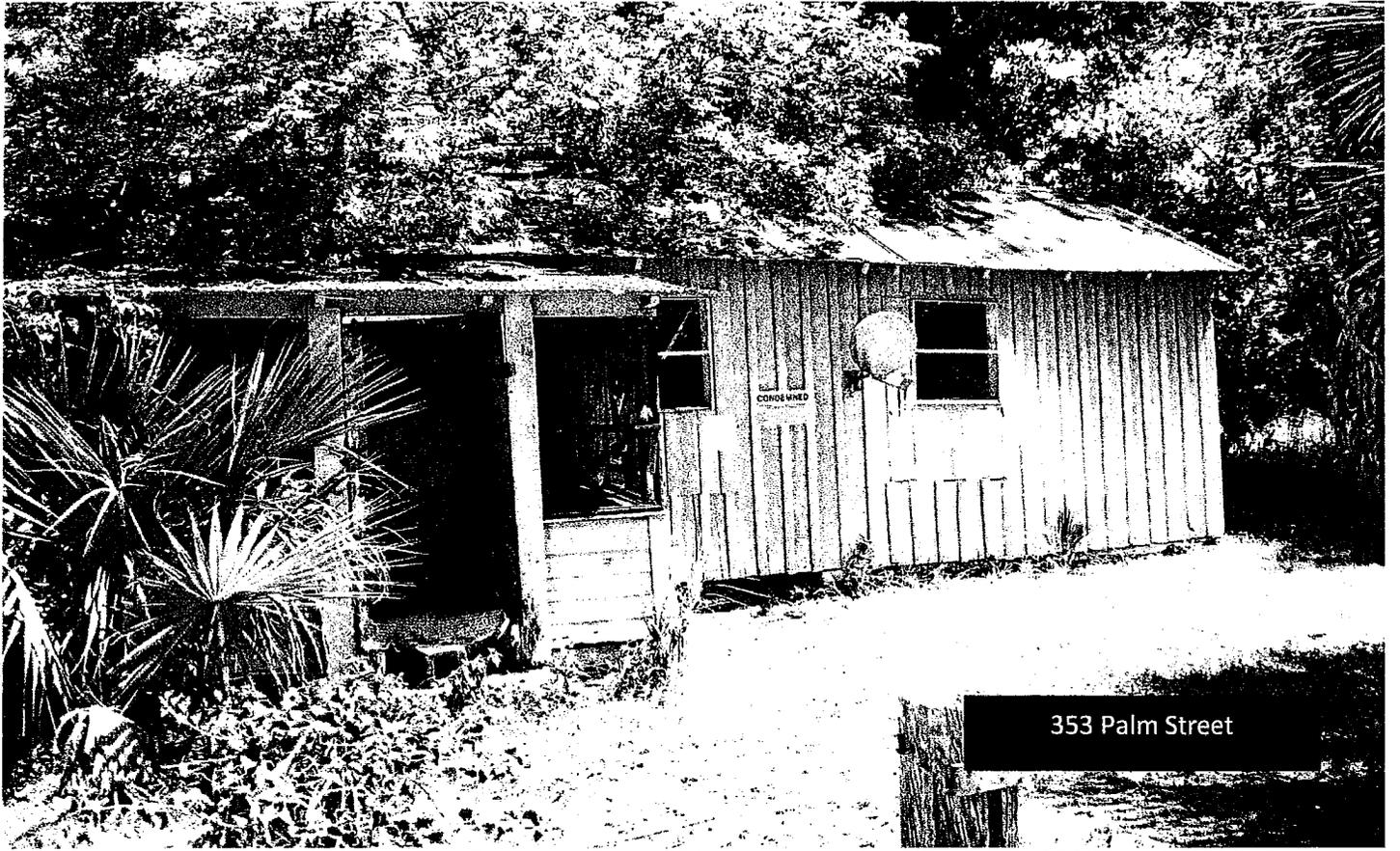


353 Palm Street



353 Palm Street

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



353 Palm Street



353 Palm 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**

Margaret Thompson  
524 Mary Avenue  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-1042**

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 16th day of September, 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>20<sup>th</sup></sup> day of ~~September~~, 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: 9008 3030 0000 0551 2806

  
\_\_\_\_\_  
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)**

Thompson, Margaret  
524 Mary 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:** 353 Palm Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-10-02-0150  
**LEGAL DESCRIPTION:** Lot 15, Blk 2, Sheldons New Smyrna

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.

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

- 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: 7025 3380 0000 0551 3806

  
\_\_\_\_\_  
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  
545 Washington Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1046  
**DATE:** September 7, 2010

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Since the structures have been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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**

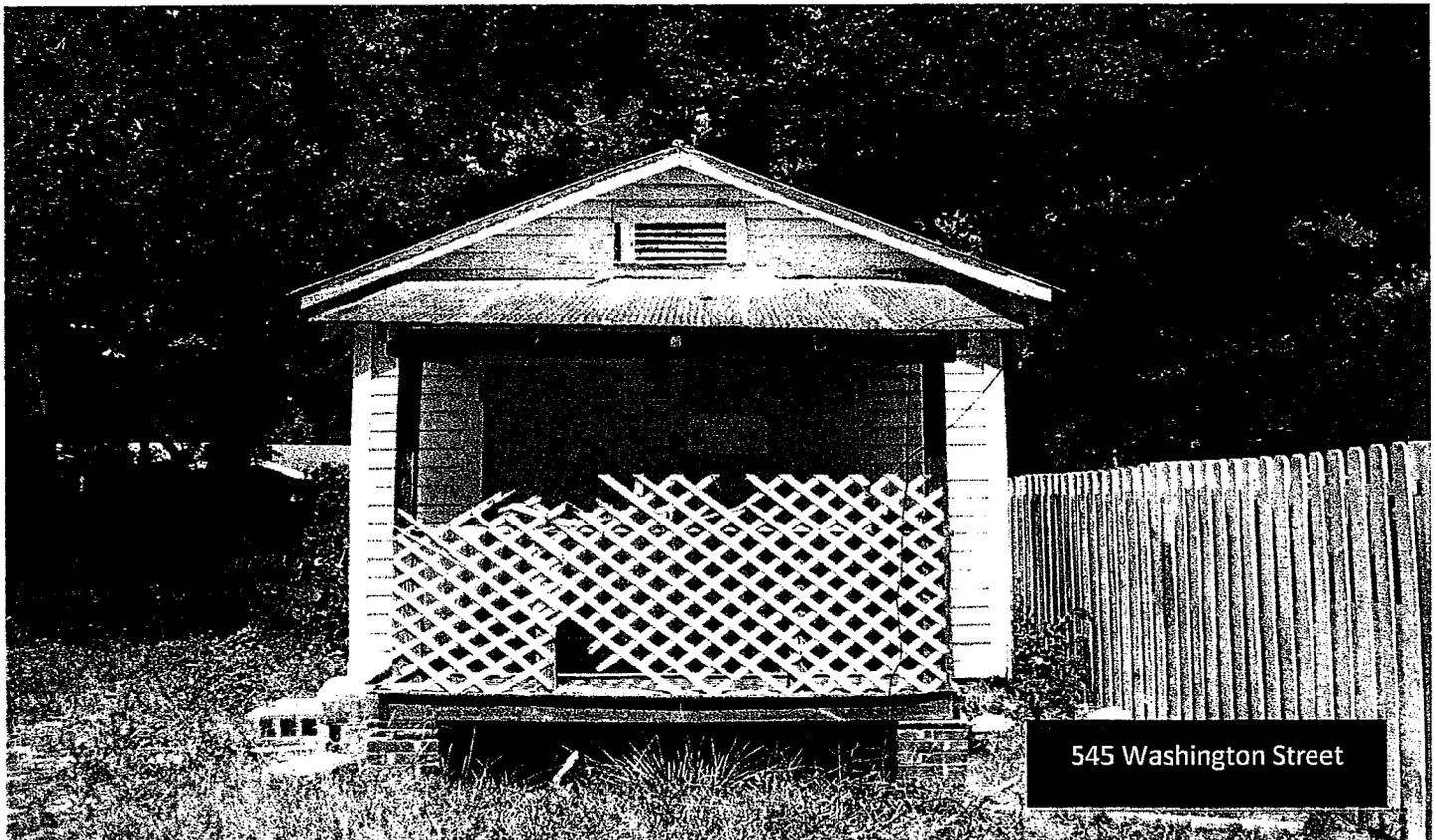
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within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

#### **RECOMMENDATION**

Alternative number 2 is recommended. Based on the inspections, there are parts of the structures 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 both structures be demolished within 30 days 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



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





545 Washington 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**

Han Xiao Jun & Xiao Jun Chan  
708 Seaduck Drive  
Daytona Beach, Florida 32119

**CASE NO: C2010-1046**

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 16th day of September, 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 16<sup>th</sup> day of September, 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)

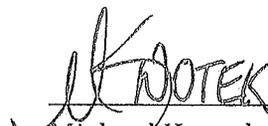
CERTIFICATE OF SERVICE

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: 7003 3910 0000 7833 6163

  
\_\_\_\_\_  
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)**

Han Xiao Jun & Xiao Jun Chan  
 708 Seaduck Drive  
 Daytona Beach, Florida 32119

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 buildings and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 545 Washington Street, New Smyrna Beach  
**PARCEL NUMBER:** 7441-10-03-0020  
**LEGAL DESCRIPTION:** Lot 2, Blk 3, Sheldons New Smyrna per OR 3735, PG 4494 Copy of D/C per OR 5423 PGS 0031-0033 Inc per OR 5648 PG 4472 Per OR

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.
- 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 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: 708 2910 0000 7828 6063

  
 \_\_\_\_\_  
 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  
4312 Saxon Drive  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1044  
**DATE:** September 7, 2010

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Since the structure has been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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 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**

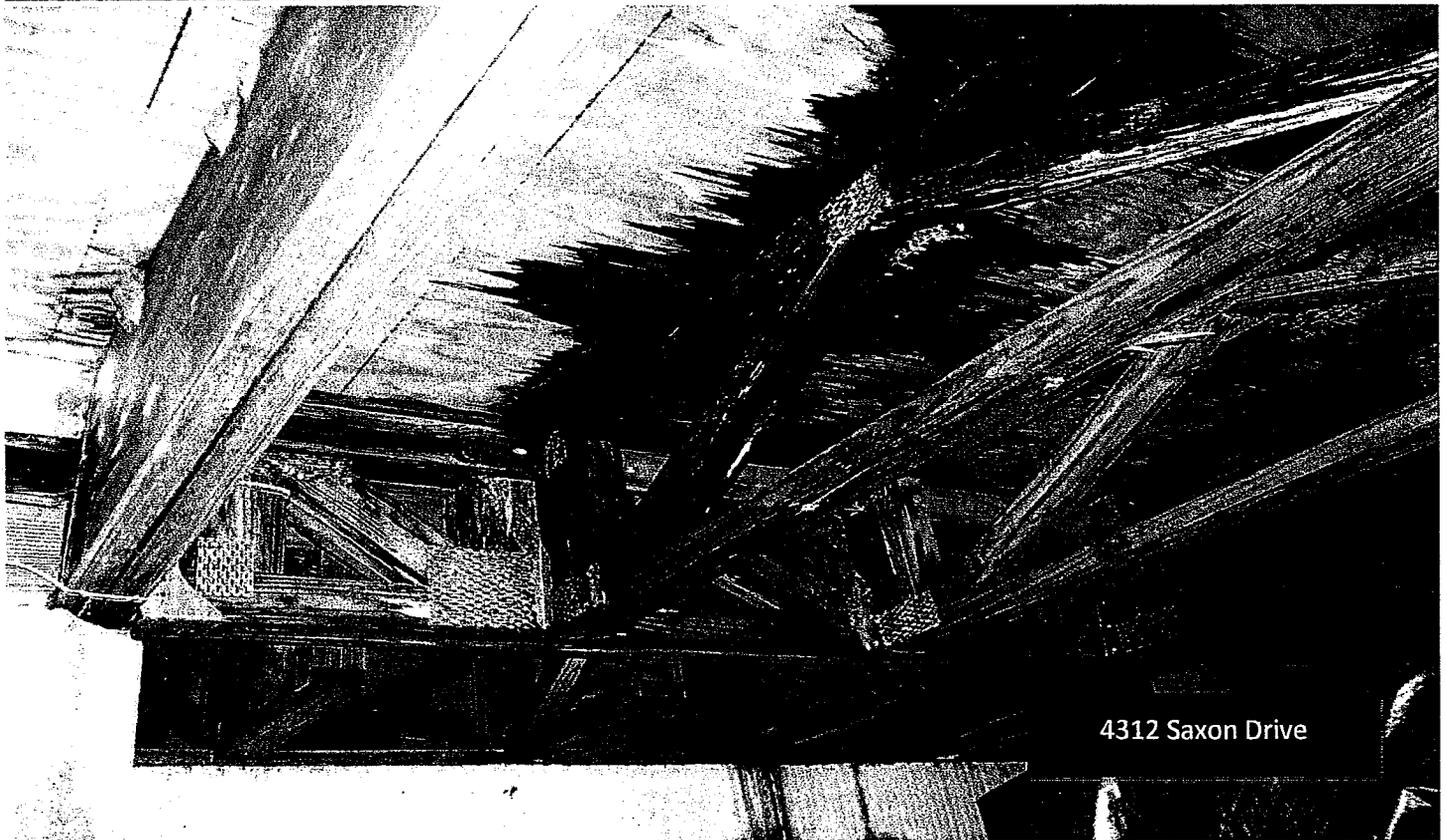
Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days and a lien assessed against the property.



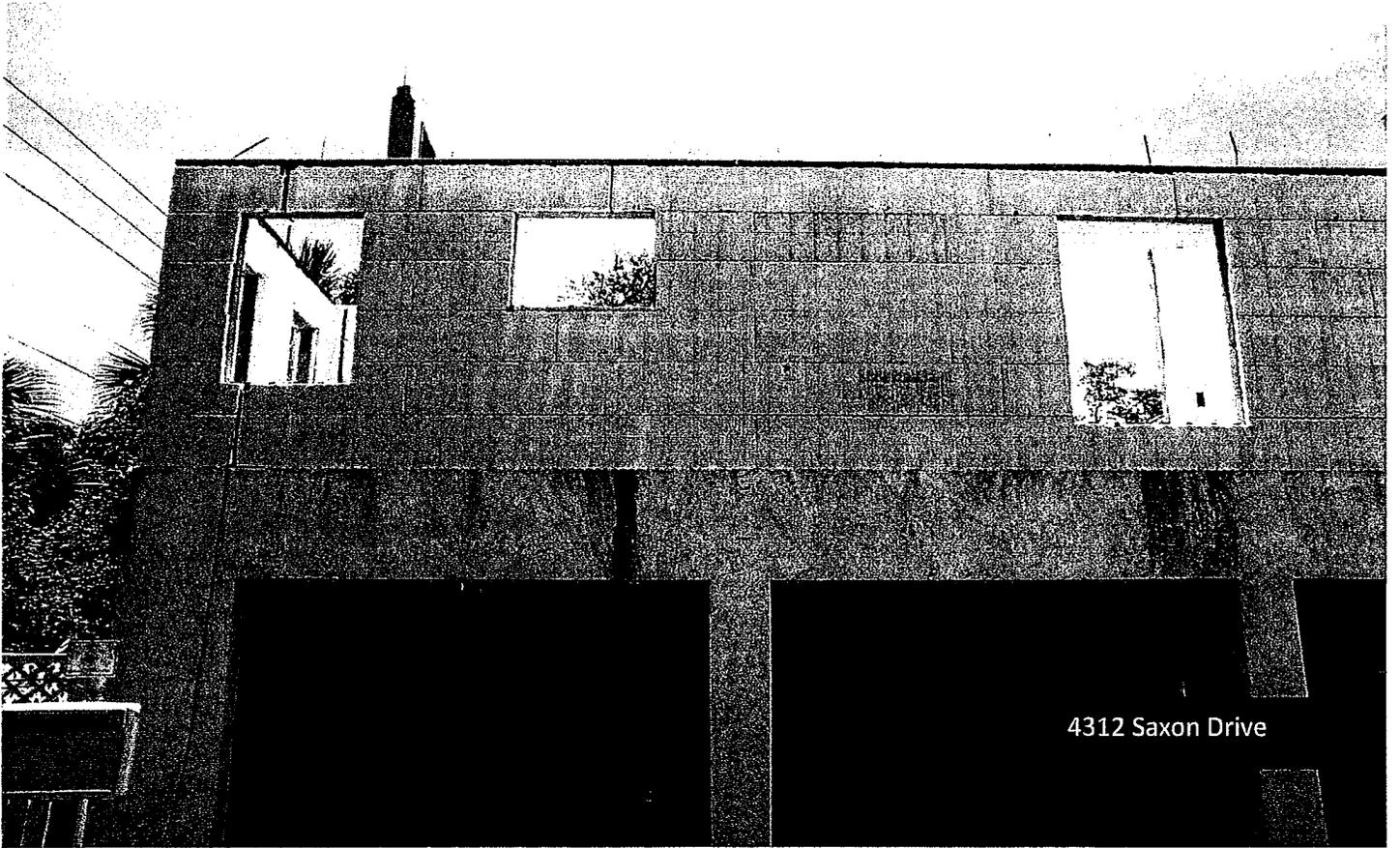
CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168  
386.424.2141 phone 386.424.2143 fax



4312 Saxon Drive



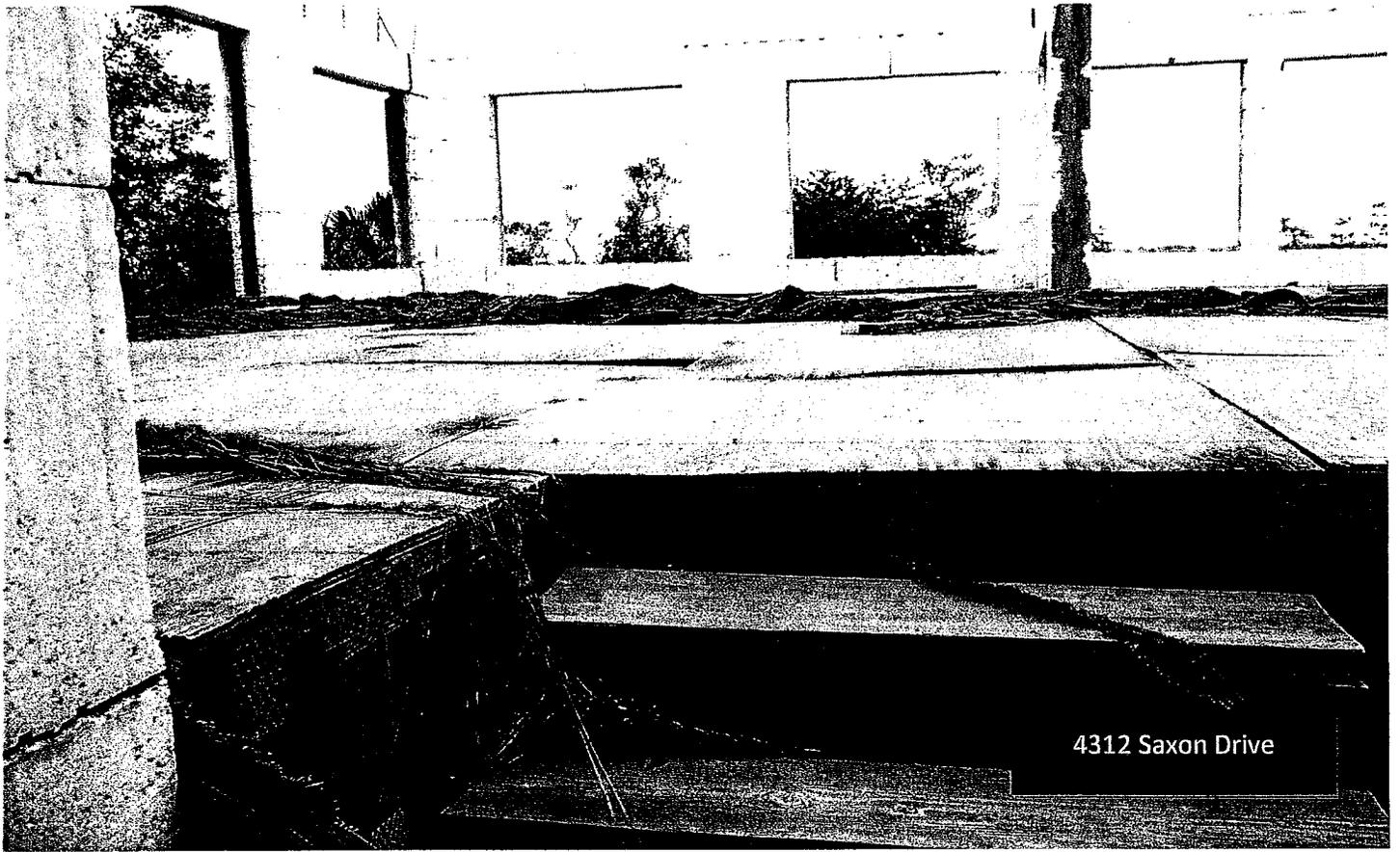
4312 Saxon Drive



4312 Saxon Drive



4312 Saxon Drive



4312 Saxon Drive



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**

Stephen D. & Tami L TR Camp  
112 Golf Club Drive  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-1044**

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 16th day of September, 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 16<sup>th</sup> day of September, 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 3810 0000 7623 6348

  
\_\_\_\_\_

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)**

Camp, Stephen D & Tami L TR  
112 Golf Club 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:** 4312 Saxon Drive, New Smyrna Beach  
**PARCEL NUMBER:** 7426-01-21-0130  
**LEGAL DESCRIPTION:** Lot 13 to 16 Inc Lying Westerly of Existing Pavement of Saxon Drive Blk 21 Atlantic Heights MB 11 PG 134 per OR 5295 PG 24

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.

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

- 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

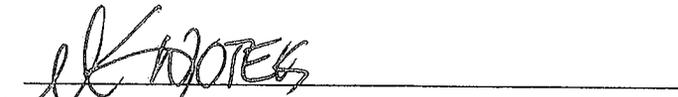
CERTIFICATE OF SERVICE

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: 7009 2810000 7828 6348

  
 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  
512 Ronnoc Lane  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1047  
**DATE:** September 7, 2010

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Since the structure has been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. 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**

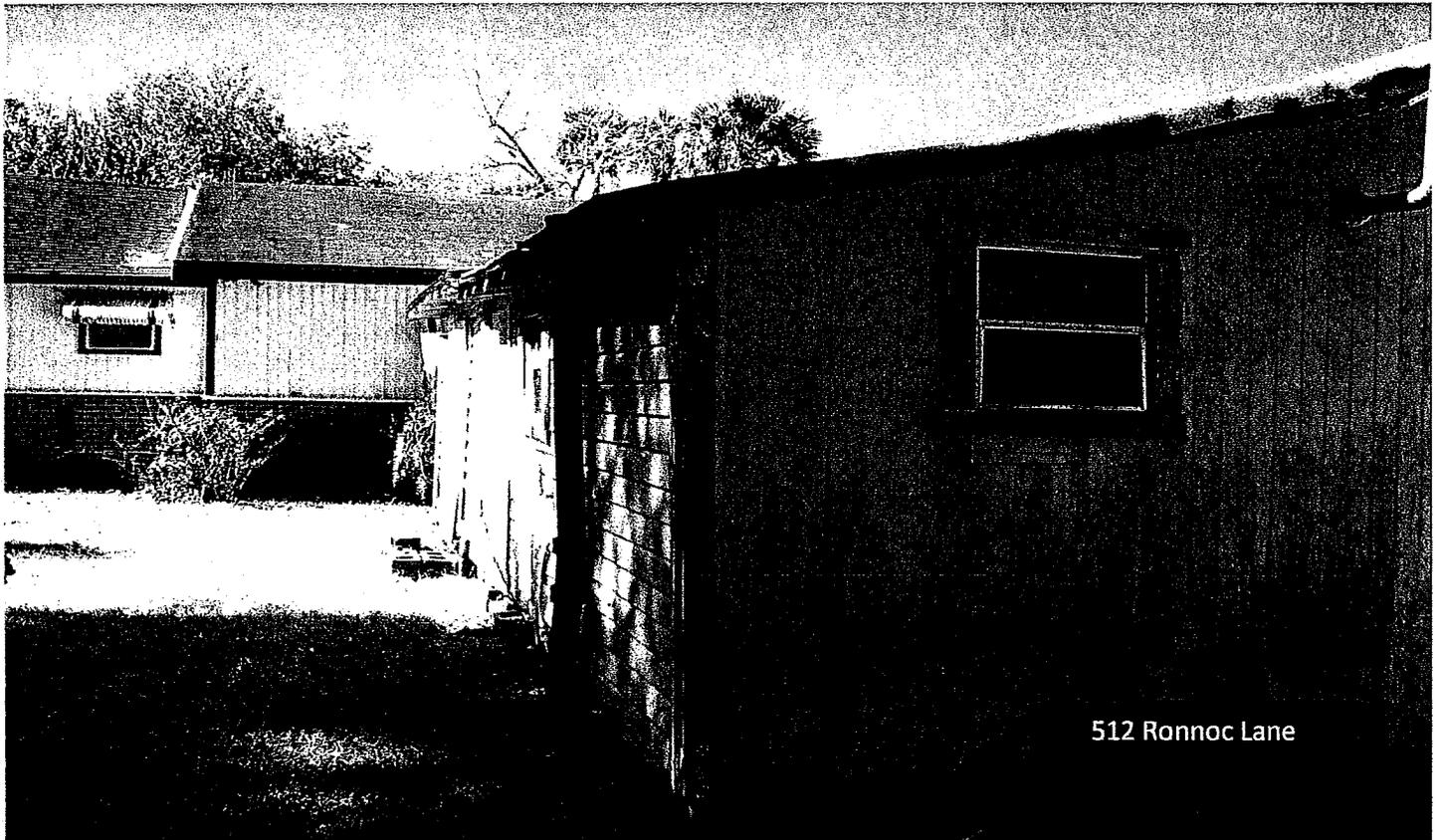
Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days 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



512 Ronnoc Lane

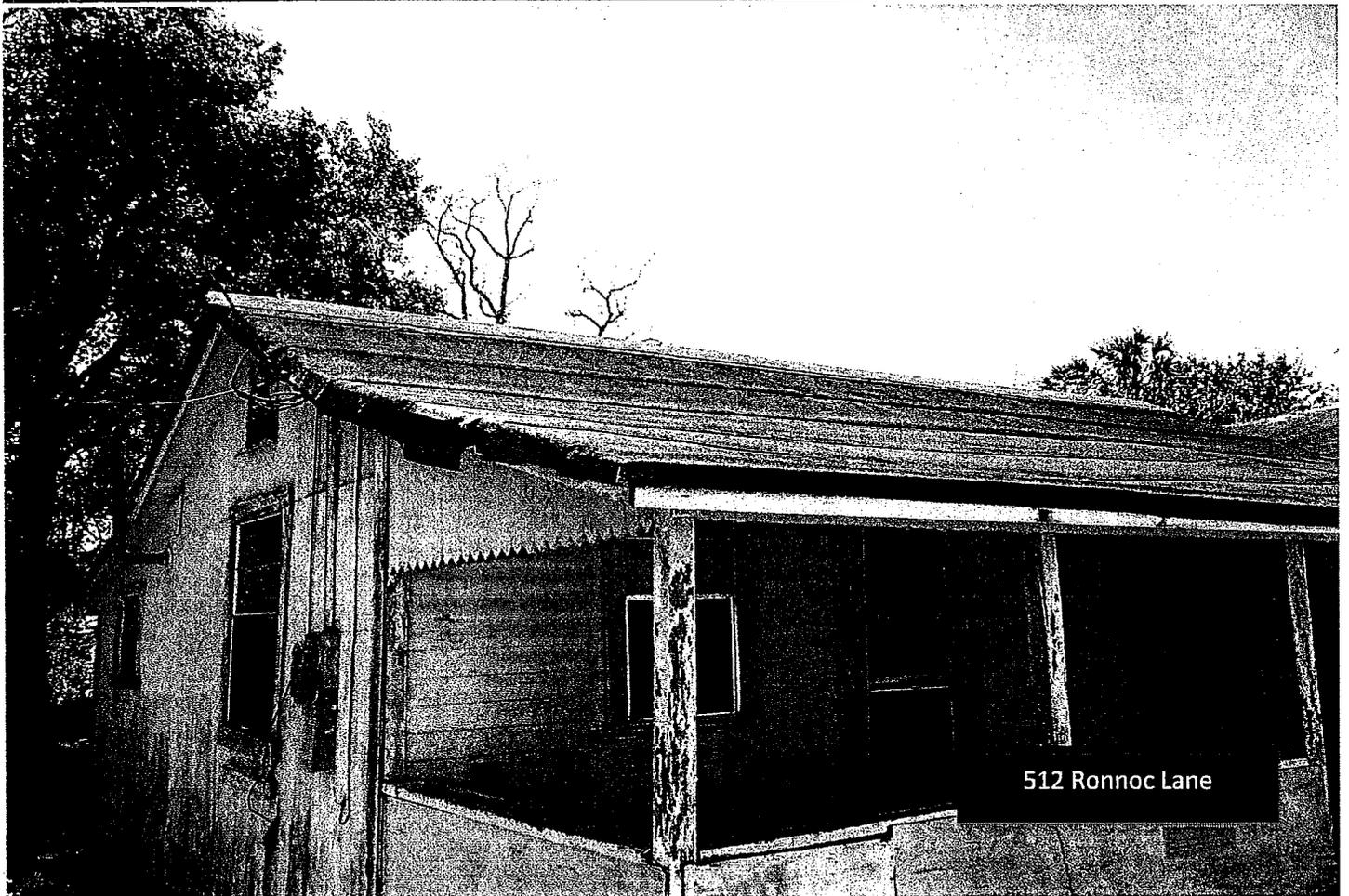


512 Ronnoc Lane

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



512 Ronnoc Lane



512 Ronnoc Lane



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**

Doc & Hester Wilson  
401 Howard Avenue  
New Smyrna Beach, Florida 32168

**CASE NO: C2010-1047**

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 16th day of September, 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>2nd</sup> day of ~~September~~, 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 3510 0000 7821 6 331

  
\_\_\_\_\_  
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)**

Wilson, Doc & Hester  
401 Howard 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 buildings and the legal description of the property which it is located is as follows:

**STREET ADDRESS:** 512 Ronnoc Lane, New Smyrna Beach  
**PARCEL NUMBER:** 7441-41-00-0080  
**LEGAL DESCRIPTION:** N ½ of Lot 8, Fulfords New Smyrna

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.
- 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.
- 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: 7008 2810 0000 7838 6331

  
 Michael Knotek  
 386.424.2139  
 mknotek@cityofnsb.com