

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, 3rd 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.