

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – OCTOBER 21, 2010
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of October 21, 2010, was called to order at 6:30 p.m. Answering to roll call were:

William M. Cowherd (Chair)

Paul Heer (Vice Chair)

Randy Beach

Joseph Blanchette

Terry Harrison

Grant Clark

Also present were Chief Building Official Michael Knotek, Asst. Attorney Greg McDole and Permit & License Technician Dorlisa Pogany.

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

September 16, 2010

Mr. Clark made a motion to approve the minutes of the September 16, 2010 as written; seconded by Mr. Beach. Motion passed up roll call vote 6-0.

IV. SWEARING OF CITY STAFF

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

V. OLD BUSINESS:

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.

Mr. Shui King was present and sworn in for testimony.

Mr. King stated he is obtaining cost estimates which will determine the action he will make on the structures. Mr. King stated engineering plans have been completed and asked the Board to continue the case for 90 days until cost estimates have been obtained.

Mr. Knotek testified that Mr. King does have engineering plans completed and is waiting on the cost estimates to be completed. Mr. Knotek recommends continuing this case for 60 days.

Mr. Harrison made a motion to continue case #2010-1046 to the January 20, 2011 meeting; seconded by Mr. Blanchette. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS

C2010-1180: Jacquelyn Pedrosa ETAL 428 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 428 N Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

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 the owner has given the City permission to demolish the structure and recommends the Board condemn the structure and demolish the structure within 30 days.

Mr. Heer made a motion to condemn 428 N Myrtle Avenue and to have the structure demolished within 30 days; seconded by Mr. Harrison. Motion passed unanimously 6-0.

C2010-1139: Odyssey (III) DP VIII LLC 144 S Timberlane Dr

Consideration from Building Department to demolish a residential structure at 144 S Timberlane Drive due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

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 this property has been a Code Enforcement issued due to constant complaints it has received. The property owners have been notified but there has been no action regarding the complaints. Staff's recommendation is to condemn the structure and demolish it within 30 days.

Mr. Clark made a motion to condemn 144 S Timberlane Drive and allow the owners 30 days to demolish and clear the land and authorize the City to file a lien; seconded by Mr. Harrison. Motion carried unanimously 6-0.

C2010-1181: Willie Mae Hill Estate C/O Gloria Hill 501 Brooks St

Consideration from Building Department to demolish a residential structure at 501 Brooks Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

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 a demolish permit was issued in 1997 but structure was never demolished. He further testified it has been removed from the Property Appraiser's Tax Roll in 1997 and there have been complaints from neighbors due to condition. Staff's recommendation is to demolish the structure within 30 days.

Mr. Blanchette made a motion to demolish 501 Brooks Street within 30 days; seconded by Mr. Heer. Motion carried unanimously 6-0.

C2010-1177: Centex Homes 2275 Eslinger Rd

Consideration from Building Department to demolish a residential structure at 2275 Eslinger Road due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

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 this property was a model home constructed by Centex Homes and has been a Code Enforcement issue due to complaints from Volusia County since the property is surrounded by county property. Mr. Knotek further stated that Centex Homes has given the City authorization to demolish the structure and will reimburse the City for the cost of demolition. Staff's recommendation is to condemn the building and authorize demolition within 30 days.

Mr. Harrison made a motion to condemn 2275 Eslinger Road and to demolish the structure within 30 days; seconded by Mr. Beach. Motion carried unanimously 6-0.

C2010-1179: Investment Club of NSB, Inc 504 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 504 N Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

the City to file a lien and to continue the house to the January 20, 2011 meeting; seconded by Mr. Harrison. Motion carried unanimously 6-0.

C2010-1176: Steve's Furniture Emporium

1401 Canal St

Consideration from Building Department to demolish a commercial structure at 1401 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Steven Thomas and Mr. Charles Brett Bannister were present and sworn in for testimony.

Mr. Thomas presented a letter to the Board regarding the actions he proposes to address the City's concerns. Mr. Thomas stated his intentions are to continue working on the building under the Florida State Bill 1752 in which the permit will be extended for two (2) years. Mr. Thomas further stated the only portion of the building he considers a danger is the northeast corner where a roof is sagging but he is proposing to remove the roof. Mr. Thomas stated his concern is to hold onto the footprint of the building and leave the footers.

Mr. Knotek testified that the City has received numerous complaints regarding the property and he spoke to the property owner who pulled permits in 2008 and has asked for an extension. Staff's recommendation is to demolish approximately 1/3 of the building damaged during the storms within 30 days.

Discussion ensued among all parties regarding the Florida State Bill 1752, if permit active, if future permits could be issued, safety of community and aesthetics of gateway of Canal Street, current local code requirements, issuance of a new permit and associated costs and set a timeframe for repairs.

Based on discussion, Staff's recommendation is to continue this case to the January 20, 2011 meeting and within that timeframe clean up the property to make it presentable including the issuance of permits for minor demolition.

Mr. Harrison made a motion to continue case C2010-1176 to the January 20, 2011 meeting, clean up the property, make the repairs as outlined in Mr. Thomas's letter dated October 20, 2010 and revisit demolition if no action taken; seconded by Mr. Heer. Motion carried unanimously 6-0.

C2010-1182: Ocean Palms Beach Club Inc

2601 S Atlantic Ave

Consideration from Building Department to demolish a residential structures at 2601 S Atlantic Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Beach stated for the record that he has a conflict of interest on this case and will complete the Conflict of Interest form.

Mr. Reed K. Boardman, Agent for the Association who is a majority owner, was present and sworn in for testimony.

Mr. Boardman stated the issues are numerous and the project has had significant delays. Mr. Boardman stated he is appealing to the City Commission regarding the interpretation for revoking the building permit as per Mr. Knotek's letter. Mr. Boardman further stated that within 90 days he should have clear title on the property which will allow him to obtain a Title Policy. Mr. Boardman stated he will hold an Association meeting about selling the property to a group of investors who will provide the necessary funds for repairs which will allow them to sell or lease the units when the market improves. Mr. Boardman asked the Board to continue this case for 60 days to allow him to present his appeal to the City Commission.

Mr. Knotek testified these structures were damaged in the 2004 and 2005 hurricanes, repairs were not started until a permit was issued in 2007 and inspections were made one in every 180 days to keep the permit current as per the Florida Building Code. Mr. Knotek further testified that in February 2010 he revoked the building permit based on Land Development Code 304(f) in which Mr. Boardman appealed to the City Manager who upheld Mr. Knotek's interpretation. Mr. Knotek testified that he spoke to Mr. Boardman who will be asking the Board for a continuation.

Discussion ensued among staff, board members and Mr. Boardman regarding the ability to make the necessary repairs, possibility of issuing new permit in lieu of appeal process, if 90 days is sufficient for a continuance and if property will be sold.

Mr. Harrison made a motion to continue case C2010-1182 to the January 20, 2011 meeting; seconded by Mr. Clark. Motion carried unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF:

Mr. Cowherd asked Staff for an update to cases from the September 16, 2010 meeting. Mr. Knotek provided an update on the following cases:

C2008-1135 2105 Saxon Dr – Property has been sold. New property owner has a contractor who will provide a cost analysis for repairs or if it should be demolished. The City gave him 30 days to make a decision and the owner has agreed to provide some type of protection around the pool.

C2010-0625 1907 S Atlantic Ave – Owner has contacted City stating he has contracted with Samsula Landfill for demolition. Structure should be down within a couple of weeks.

C2010-0623 500 Wayne Ave – Mr. Knotek stated based on recent conversation with owner, he is considering demolition but no further action has been taken. Mr. Knotek

reminded the owner he is to appear before the Board on November 18, 2010 and a final decision will be made at that time.

C2010-0624 640 Dora St – Structure will be demolished in mid-November.

C2010-0620 & C2010-0621 551 & 553 Julia St –Mr. Knotek stated he has not seen any progress on the buildings except for tree trimming and this case was continued to the November 18, 2010 meeting.

C2010-0619 331 Canal St – Owner has signed the property over to the City and paid for the cost of the demolition. The asbestos survey was completed today and the results will be available in approximately a week. Once the asbestos issue is resolved the structure will be demolished towards the end of November. The structure needs to be down by the end of the year.

C2010-0618 541 Charlovix – No response from the property owner so the City will be demolishing the structure and assess a lien.

C2010-1045 122 ½ Railroad St – Pop Mitchell, owner is meeting with CRA on October 26, 2010 regarding the purchase of the property and CRA will demolish the structure.

C2010-1047 512 Ronnoc Ln – House has been demolished but the property has not been cleared of the the debris. Mr. Knotek will be contacting Doc Wilson, owner about the removal of the debris.

C2010-1043 312 N Myrtle – Mr. Knotek has been in negotiation with the owner. The property is an estate and one of the heirs cannot seem to collect the money from the other heirs. Mr. Knotek is hoping to help resolve the issue.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 8:10 pm.