



# City of New Smyrna Beach

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THE BUILDING TRADES BOARD  
NOTICE OF MEETING  
TO BE HELD AT 6:30 P.M.  
MARCH 17, 2011  
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, MARCH 17, 2011, 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:

February 17, 2011

IV. SWEARING OF CITY STAFF

V. OLD BUSINESS:

C2010-1341: Carol Maxine Baker 425 Palm St

Consideration from Building Department to demolish a residential structure at 425 Palm Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

January 20, 2011: The Board continued this case to the February 17, 2011 Meeting.

C2010-1182: Ocean Palms Beach Club, Inc 2601 S Atlantic Ave

Consideration from Building Department to demolish 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.

January 20, 2011: The Board's made a motion to secure the property in a better manner, remove scaffolding, address fence issues to make more secure to prevent entry, the owner to provide a written statement specifying the nature of the repairs and the date the repairs will be completed within 30 days to the Building Department. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS:

C2011-0126: B&B Chevron & Regions Bank 1010 Canal St

Consideration from Building Department to demolish a commercial structure at 1010 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2011-00127:**

**Alpheus E. Thompson Et Al**

**424 S Duss St**

Consideration from Building Department to demolish a residential structure at 424 S Duss Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2011-0128:**

**Diamond Motors of Daytona LLC**

**909 N Dixie Freeway**

Consideration from Building Department to demolish a commercial structure at 909 N Dixie Freeway due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2011-0129:**

**Bock LLC**

**531 N Dixie Freeway**

Consideration from Building Department to demolish a residential structure at 531 N Dixie Freeway due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

**C2011-0130:**

**Paul Virgil Thompson**

**434 S Duss St**

Consideration from Building Department to demolish a residential structure at 434 S Duss Street 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. – FEBRUARY 17, 2011  
CITY COMMISSION CHAMBERS, CITY HALL,  
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of February 17, 2011, was called to order at 6:30 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

Joseph Blanchette

Grant Clark

Terry Harrison

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

January 20, 2011

Mr. Clark made a motion to approve the minutes of the January 20, 2011 as written; seconded by Mr. Heer. Motion passed up roll call vote 5-0.

IV. SWEARING OF CITY STAFF

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

V. OLD BUSINESS:

C2010-1176:

Steve's Furniture Emporium LLC

1401 Canal Street

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.

Steve Thomas, Owner was present and sworn in for testimony.

Mr. Cowherd asked staff for a recommendation.

Mr. Knotek testified that Mr. Thomas has provided a construction schedule and plans to have all walls secured and support of roof completed by June 2011. The entire roof should be completed by November 2011 and have entire project completed by end of 2012. Mr. Knotek further testified that Mr. Thomas has completed the items outlined in letter dated October 20, 2010. Mr. Knotek stated that Mr. Thomas is in the process getting Federal approval to establish a food mart to sell organic meat.

Mr. Thomas stated he is raising cows and chickens and currently selling the organic meat at the Farmer's Market on Sams Avenue. He has been working for over a year for Federal approval to establish the Farmer's Store on his property where the meat and produce from other local farmers will be sold. Mr. Thomas further stated there is an issue with the septic system and had contacted Randy Walter of the Utilities Commission to connect to sewer. Mr. Thomas stated that Mr. Walter is not accepting applications to connect into the sewer and referred them back to Volusia County for the septic system. Mr. Thomas further stated they are trying to find a location on the property to install a raised septic tank as required by Volusia County which is now the problem. It appears the only area for the septic tank system is the parking lot or the courtyard.

Mr. Knotek testified that staff recommends the condemnation of the structure and give Mr. Thomas 2 years to renovate the building as per the Senate Bill.

Discussion ensued among staff, the Board Members and Mr. Thomas regarding the condemnation of the building, the implications of condemning the building, when and how a building comes off condemnation list, determined as a nuisance property, numerous complaints on property condition including one from Volusia County, when Senate Bill expires, when condemnation goes into effect and how often inspections required in accordance to the Senate Bill.

**Mr. Heer made a motion to continue case C2010-1176 until the November 17, 2011 and forgo condemnation until then; seconded by Mr. Blanchette. Motion passed unanimously upon roll call 5-0.**

## **VI. NEW BUSINESS**

**C2011-0035:**

**Douglas & Karen Hautz**

**311 Granada St**

Consideration from Building Department to demolish a residential structure at 311 Granada 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 the rear portion of structure was an addition that should be demolished including the falling eaves. Mr. Knotek further testified the front portion of the house is savable but needs work and appears that demolition work was completed on the interior without a permit. The rear yard needs to be cleaned up and the walls along the rear property line stabilized since they are tilting/falling towards the neighbors. Mr. Knotek testified that the property owners received the certified mail but they have made no contact with the City. Mr. Knotek further stated the property is a nuisance and recommends condemnation of the rear room or ask for it to be repaired by a certain date.

Discussion ensued among Staff and the Board regarding if the power still on, how to condemn rear portion, when portion is removed if barricade the rear end of property and windows, if condemnation would get owners attention, questions on where funds come from to demolish house, if property in foreclosure and provide 60 days for corrections in lieu of 30 days.

**Mr. Heer made a motion to condemn the entire structure at 311 Granada Street, give the owner 60 days to comply with the City's recommendation and submit a written agreement or demolish the structure; seconded by Mr. Blanchette. Motion passed unanimously 5-0.**

**C2011-0036:                      Richard & Mary Bage    826 S Myrtle Ave**

Consideration from Building Department to demolish a residential structure at 826 S 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 stated he has been in contact with the property owner and their attorney. Mr. Knotek further stated this structure suffered an electrical fire which gutted interior and insurance company is giving the property owners a difficult time regarding repairing verses demolishing. Mr. Knotek testified staff's recommendation is to continue this case to the March 17, 2011 meeting hoping it motivates the insurance company to make a decision.

**Mr. Clark made a motion to continue case 2011-0036 until the March 17, 2011 meeting; seconded by Mr. Heer. Motion passed unanimously 5-0.**

**C2011-0037:                      Tarpon IV LLC    605 Jefferson St**

Consideration from Building Department to demolish a residential structure at 605 Jefferson 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 stated staff's recommendation is to condemn the structure and demolish the structure. Mr. Knotek further stated the owners received the certified mail but have made no contact with the City.

**Mr. Blanchette made a motion to condemn the structure at 605 Jefferson Street and give the owner 30 days to demolish the structure; seconded by Mr. Heer. Motion passed unanimously 5-0.**

**C2011-0038: Harry K. Terry 52 Richmond Dr**

Consideration from Building Department to demolish a residential structure at 52 Richmond 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 was before the Board in the past and the Board condemned the structure. Mr. Knotek further testified that the structure was removed but the slab remained, the dock was falling in and the pool had been filled in. Mr. Knotek testified that the property is becoming a nuisance and staff is receiving phone calls on the property. Mr. Knotek testified that staff's recommendation is to condemn the property, removal of the slab, demolish the dock and remove the swimming pool. Mr. Knotek further testified he spoke to the property owner who would be contacting someone to remove the dock, pool and slab.

Discussion ensued among staff and the Board regarding the removal or repair of the dock, leaving the pilings and safety of dock.

**Mr. Harrison made a motion to condemn the property at 52 Richmond Drive, remove the footer, slab, swimming pool within 30 days and to provide a plan to the City within 30 days for repair of dock or demolish the dock and leave pilings. Motion passed unanimously 5-0.**

**C2011-0039: Michael A. Cianciarulo TR 105 Washington St**

Consideration from Building Department to demolish a residential structure at 105 Washington 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 he has been in contact with the property owner who is willing to remove the structure. Mr. Knotek further testified the owner would like the City to remove the structure and he would reimburse the City. Mr. Knotek testified the City would have to secure permission to remove the fence for the demolition. Mr. Knotek further testified the demolition contractor would need to remove/reinstall the shed and fence and resod the area. Mr. Knotek testified staff's recommendation is to condemn the property and give the property owner 30 days to work out details with staff.

**Mr. Blanchette made a motion to condemn the structure at 105 Washington Street and to give the property owner 30 days to finalize details with the City to demolish or repair the structure; seconded by Mr. Heer. Motion passed unanimously 5-0.**

**C2011-0040: William & Helen Evans 225 Inwood Avenue**

Consideration from Building Department to demolish a residential structure at 225 Inwood 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 all the certified mail has been returned and unaccepted. Mr. Knotek further testified the front end has been renovated without permits, inside is gutted and roof structure is giving away possibly from renovations. Mr. Knotek testified staff's recommendation is to condemn the property and give the property owner 30 days to make the necessary repairs or demolish.

**Mr. Clark made a motion to give the property owner 30 days to repair the structure or provide a written plan for repairs to the City and if the property owner fails to make such repairs within 30 days the structure is to be demolished, the land cleared and the City to file a lien; seconded by Mr. Harrison. Motion passed unanimously 5-0.**

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

Mr. Cowherd asked Staff for an update to cases from the November 16, 2010 meeting.

Mr. Knotek provided an update on the following cases:

**C2011-: 101CTanglewood Avenue** – The structure has been demolished.

**C2010-1177: 2275 Eslinger Drive** – The structure has been demolished and the City reimbursed.

C2010-1043: 312 N Myrtle Avenue – One of the property owners contacted the City to inform us that she has the funds to demolish the structure. Mr. Knotek will be contacting the property owner to finalize the details.

C2010-1182: Ocean Palms – Mr. Knotek stated he has heard nothing from Mr. Boardman on the property or construction schedule. He will have to post the property and obtain funds from the City Commission to demolish the structures.

**VIII. ADJOURNMENT:**

**Mr. Blanchette made the motion to adjourn; seconded by Mr. Heer. All agreed and the hearing adjourned at 7:27 PM.**



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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
425 Palm Street  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1341  
**DATE:** March 17, 2011

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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**

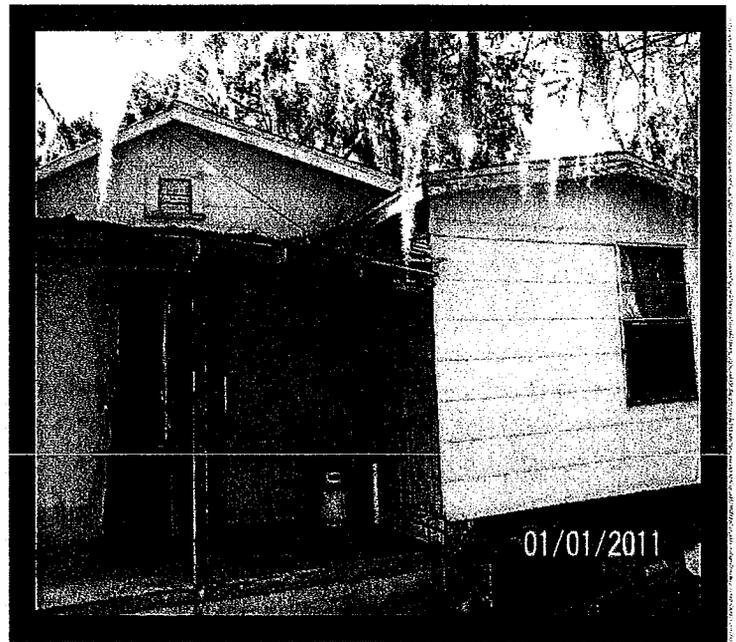
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 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. Staff recommend that the structure be demolished within 30 days from the date of this hearing. If the structure is not demolished within 30 days then the city will proceed with the demolition and all costs

incurred by the city in carrying out the demolition shall be assessed against the owner. The costs incurred by the city are declared to be a debt due the city. Such amounts, if not paid within 30 days of billing, shall be recoverable by the city in court and shall constitute a lien against the property.

If the Board chooses to allow the property owner to repair the structures and bring the structures up to code, Staff recommends that the Board condemn the property and under Section 26-799 (Repairs after condemnation) of the City of New Smyrna Beach Code of Ordinances allow the owner to repair only upon written agreement specifying the nature of the repairs, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city.





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  
2601 S Atlantic Ave  
New Smyrna Beach, Florida  
**CASE NO:** C2010-1182  
**DATE:** March 17, 2011

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### **RECOMMENDATION**

Pursuant to Senate Bill 1752 and the City of New Smyrna Beach Land Development Regulations, Article III, Section 304(F) the city has reinstated permit A2007-2220 for a two year period provided that substantial performance associated with a Class I site plan review is accomplished. Substantial performance will be accomplished when the site has received a certificate of occupancy.

At the January 20, 2011 Builders Trade Board meeting the Board condemned the property with a provision per Section 26-799 (Repairs after Condemnation) to allow the owner within 30 days from the date of the hearing to submit a timeframe schedule and to enter a written agreement with the City of New Smyrna, Florida specifying the nature of the repairs, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city and a lien assessed against the property.

The owner submitted the construction schedule on the 31th day with no agreement and the property is not being maintained. Staff recommendation is for the Board to authorize the city to demolish and clear the property. If the Board chooses to allow the property owner to repair the structures and bring the structures up to code, Staff recommends that the Board under Section 26-799 (Repairs after Condemnation) of the City of New Smyrna Beach Code of Ordinances allows the owner to repair only upon signing the attached agreement and adhering to the attached construction schedule and that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city.



**AGREEMENT**

**OWNER:** The person(s) or entity (ies) which own or control the Property.

**PROPERTY:** The property and structures located on the property located at 2601 S. Atlantic Avenue, New Smyrna Beach, Florida.

**CITY:** The City of New Smyrna Beach.

**WITNESSETH**

1. Owner agrees to undertake the renovation and repair of the Property in accordance with plans and specifications submitted per Building Permit #A2007-2220, to comply with applicable building and land development regulations, and proceed with and finish the work accordance with Exhibit A (3 pages) attached hereto and make a part hereof.
2. Owner agrees to maintain the construction site in a clean, well-kept, and organized manner for the duration of the construction under paragraph (1) above.
3. In the event the Owner fails or refuses to comply with any provision of this Agreement in the opinion of the Building Official, the City may immediately proceed with the demolition of the Property in accordance with the Order of the Builders Trade Board dated January 20, 2011, and Ordinance 26-10 of the City.
4. The Building Official's decision in paragraph (3) above shall be in writing and delivered by mail to the Owner. The owner shall have ten (10) days after the decision is mailed to appeal the decision to the City Manager. The City Manager's decision shall constitute final administrative action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

OWNER:

By: \_\_\_\_\_

Signature

Witness: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Address for Notices: Ocean Palms Beach club, Inc.  
1017 E South Street  
Orlando, Florida 32801  
Phone #: 407.694.2072

**BOARDMAN PROPERTY  
DEVELOPMENT COMPANY, LLC.**

1017 E. South Street  
Orlando, FL 32801

Revised 2-15-2011  
(Original – Exterior & Site Only)

PROJECT: Ocean Palms Beach Club  
2601 S. Atlantic Avenue  
New Smyrna Beach, FL

TOTAL DAYS: 332 Days

1. A permit of exemption from Department of Environmental Protection for the following:
  - a) That balconies and stairs outside the footprint of building #1
  - b) The landscaping proposed easterly of the State's Coastal Construction Line
  - c) Repair of the seawall

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**30 Days**
  
2. Reconstruction of 16th Street:
  - a) Public Use permit proposal to Volusia County
  - b) Preliminary Design
  - c) Cost estimate

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**30 Days**
  
3. Site plan review/ Parking requirements

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**30 Days**
  
4. Requires and asbestos survey of the site (all buildings)

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**30 Days**
  
5. Requires a site plan improvement plan

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**30 Days**

**BOARDMAN PROPERTY  
DEVELOPMENT COMPANY, LLC.**

1017 E. South Street  
Orlando, FL 32801

Action Plan #1  
(Original – Exterior & Site Only)

PROJECT: Ocean Palms Beach Club  
2601 S. Atlantic Avenue  
New Smyrna Beach, FL

TOTAL DAYS: 210 Days

- |   |                 |
|---|-----------------|
| 6. Repair Seawall   | <u>120 Days</u> |
| 7. Remove & Replace - existing roof coverings, repair or replace decking and structural members (4 buildings) | <u>136 Days</u> |
| 8. Rebuild balconies and stairs (4 buildings)   | <u>114 Days</u> |
| 9. Install windows (4 buildings)  | <u>83 Days</u>  |
| 10. Stucco exterior (4 buildings)   | <u>61 Days</u>  |
| 11. Architectural Trim (4 buildings)  | <u>41 Days</u>  |
| 12. Paint Exteriors (4 buildings)   | <u>45 Days</u>  |
| 13. Infra-Structure   | <u>120 Days</u> |
| 14. Site Improvements   | <u>70 Days</u>  |

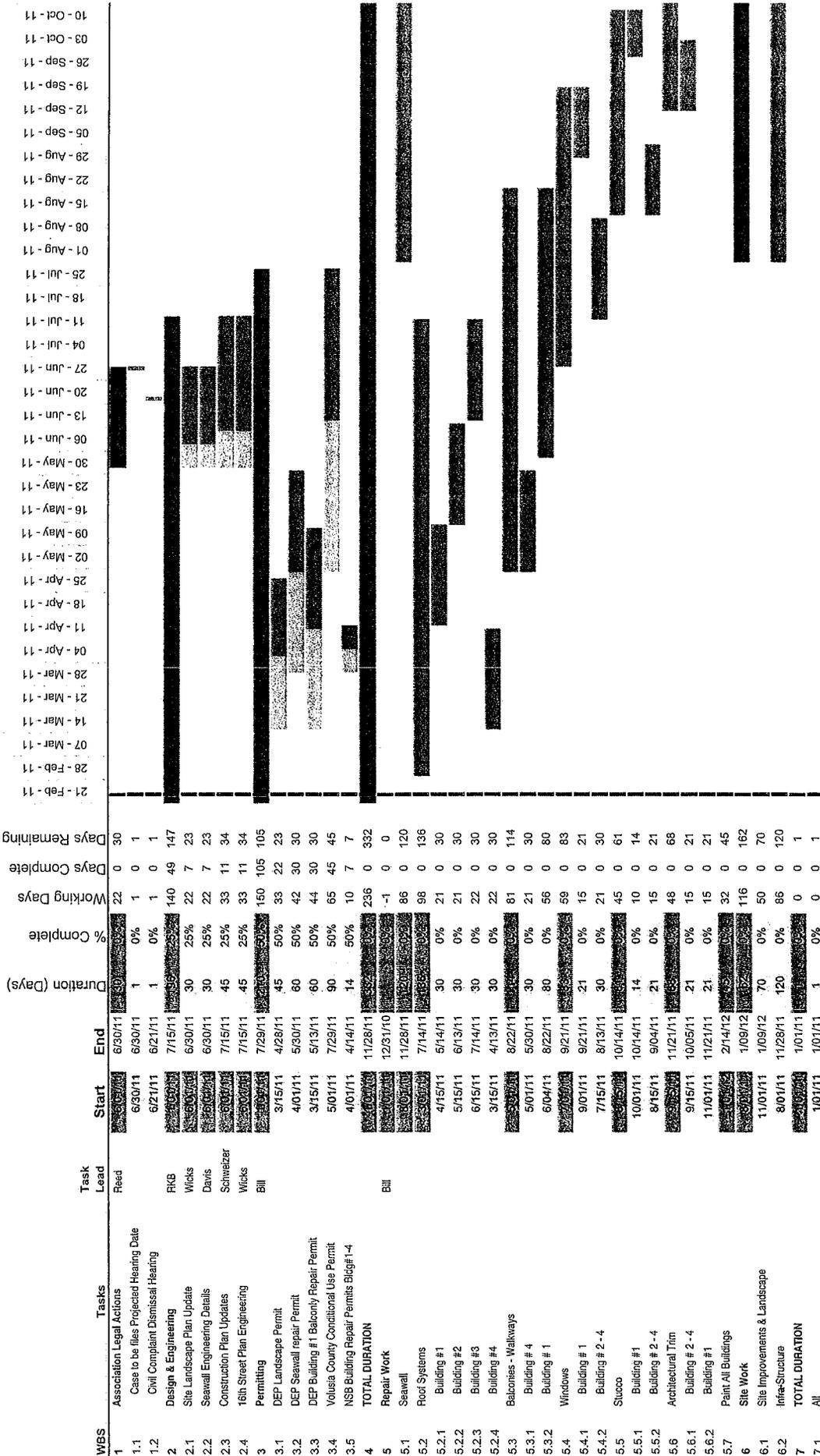
# EXHIBIT A - Page 3 of 3

**Ocean Palms Beach Club**  
 Premiere Construction - Contractor Rob Mott

Today's Date: 2/23/2011 Wednesday  
 (vertical red line)

Project Lead: Reed Boardman  
 Start Date: 1/1/2011 Saturday

First Day of Week (Mon=2): 2





**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
1010 Canal Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0126  
**DATE:** March 17, 2011

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.
- 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

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

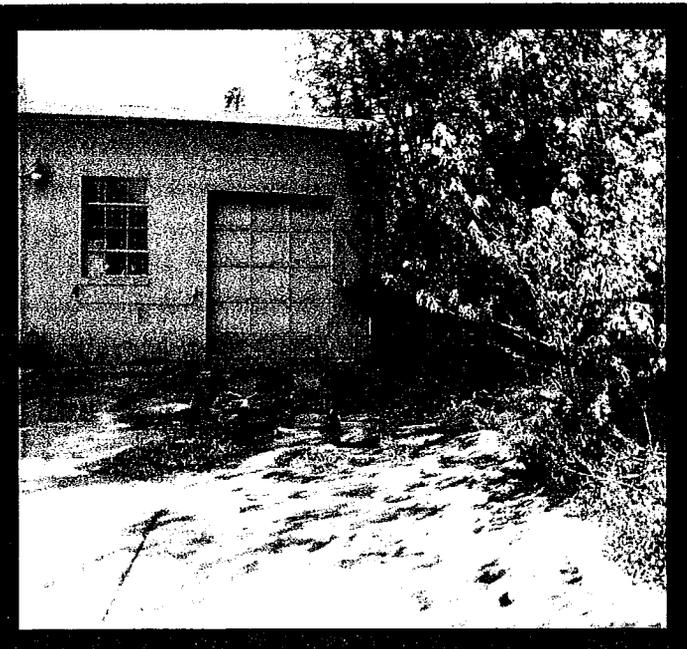
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within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

recommend that the structure be demolished and all underground tank removed within 30 days from the date of this hearing. If the structure is not demolished within 30 days then the city will proceed with the demolition and all costs incurred by the city in carrying out the demolition shall be assessed against the owner. The costs incurred by the city are declared to be a debt due the city. Such amounts, if not paid within 30 days of billing, shall be recoverable by the city in court and shall constitute a lien against the property.

If the Board chooses to allow the property owner to repair the structures and bring the structures up to code, Staff recommends that the Board condemn the property and under Section 26-799 (Repairs after condemnation) of the City of New Smyrna Beach Code of Ordinances allow the owner to repair only upon written agreement specifying the nature of the repairs, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city.





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  
424 Duss Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0127  
**DATE:** March 17, 2011

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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.
- 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.
- 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

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. Staff

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

recommend that the structure be demolished within 30 days from the date of this hearing. If the structure is not demolished within 30 days then the city will proceed with the demolition and all costs incurred by the city in carrying out the demolition shall be assessed against the owner. The costs incurred by the city are declared to be a debt due the city. Such amounts, if not paid within 30 days of billing, shall be recoverable by the city in court and shall constitute a lien against the property.

If the Board chooses to allow the property owner to repair the structures and bring the structures up to code, Staff recommends that the Board condemn the property and under Section 26-799 (Repairs after condemnation) of the City of New Smyrna Beach Code of Ordinances allow the owner to repair only upon written agreement specifying the nature of the repairs, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time provided authorizes the city to take remedial action with attachment of a lien for all costs incurred by the city.





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  
909 N Dixie Freeway  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0128  
**DATE:** March 17, 2011

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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.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

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. Staff

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

recommend that the structure be demolished within 30 days from the date of this hearing. If the structure is not demolished within 30 days then the city will proceed with the demolition and all costs incurred by the city in carrying out the demolition shall be assessed against the owner. The costs incurred by the city are declared to be a debt due the city. Such amounts, if not paid within 30 days of billing, shall be recoverable by the city in court and shall constitute a lien against the property.

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
531 N Dixie Freeway  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0129  
**DATE:** March 17, 2011

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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.
- 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.
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#### ALTERNATIVES

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#### 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. Staff

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**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
434 S Duss Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0130  
**DATE:** March 17, 2011

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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.

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