



City of New Smyrna Beach

THE BUILDING TRADES BOARD
NOTICE OF MEETING
TO BE HELD AT 6:30 P.M.
APRIL 21, 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, APRIL 21, 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:

March 17, 2011

IV. SWEARING OF CITY STAFF

V. OLD BUSINESS:

C2011-0038:

Harold 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.

February 17, 2001: 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.

VI. NEW BUSINESS:

C2011-0185:

Michael & Cindi Clemens

201 S Cooper St

Consideration from Building Department to demolish a residential structure at 201 S Cooper Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-00186:

Eilai Investments LLC

103 S Cooper St

Consideration from Building Department to demolish a residential structure at 103 S Cooper Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – MARCH 17, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of March 17, 2011, was called to order at 6:32 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

Joseph Blanchette

Grant Clark

Terry Harrison

Randy Beach

Also present were Chief Building Official Michael Knotek, Asst. City 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. Heer stated for the record the owner, Craig Conway for case #C2011-0128 Diamond Motors LLC for 909 N Dixie Freeway had contacted him prior to the meeting regarding the demolition of the structure. Mr. Heer stated he had no financial interest or gain in the property.

III. APPROVAL OF MINUTES

February 17, 2011

Mr. Clark made a motion to approve the minutes of the February 17, 2011 as written; seconded by Mr. Heer. 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:

C2010-1341:

Carol Maxine Baker

425 Palm Street

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.

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 house has been vacant for approximately two (2) years and the Board gave Ms. Baker a 60 day continuance to resolve out-of-state business. Mr. Knotek further stated the building is a nuisance and the Police Department has been dispatched numerous times as a result of burglaries. Mr. Knotek testified the building is structurally unsound especially in rear and floor system is unsafe. Staff recommends that the building be condemned and allow 30 days for demolition.

Mr. Blanchette made a motion to condemn the structure at 425 Palm Street and give the owner 30 days to repair the structure or authorize the City to demolish it; seconded by Mr. Heer. Motion passed unanimously upon roll call 6-0.

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.

Reed Boardman was present and sworn in for testimony.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek provided the Board with a brief history on the permit issue with this property. Mr. Knotek testified the property was condemned by the Board at their January 20, 2011 meeting. Mr. Knotek further testified the owner was to provide to the City a timeframe construction schedule, a written agreement within 30 days of the meeting and to maintain the property. Mr. Knotek testified the construction schedule was submitted on the 31st day by the owner without any written agreement and the property has not been maintained.

Staff recommends the following if the Board allows the owner to continue with the repairs: 1) The owner signs an agreement with the City; and 2) The owner adheres to the construction schedule. If the owner fails to do so, the Board authorizes the City to take remedial action with the attachment of liens for all costs incurred by the City.

Discussion ensued among the Board, Staff and Mr. Boardman as to why no action has taken place on the property, Mr. Boardman still has no clear title, why scaffold not removed, still working on obtaining funding, location of coastal construction line, cost on demolition, if asbestos survey required, density for the property currently and proposed if demolished, location of reconstructed buildings compared to the coastal construction line, amount of back taxes on property and the possibility of tax deed sales.

Mr. Boardman requested 30 days to present a financial plan and resolve issues with the Title Company so that a clear title can be presented to the Board.

Mr. Heer made a motion for case C2010-1182 to give the owner 3 business days (March 21, 2011) to execute the agreement provided by the City and agree to the revised construction schedule or authorize the City to proceed under the original condemnation order; seconded by Mr. Clark. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS

C2011-0126: B & B Chevron 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.

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 property has been vacant for a long period and is in foreclosure by Regions Bank with another property on North Dixie Freeway owned by the same people. Mr. Knotek stated Staff recommends condemnation of the building and give the owner 30 days to provide a plan to save the building or demolish the building.

Discussion ensued among Staff and the Board regarding the status of the underground tanks, if tanks would have to be removed if building demolished, any problems with condemning structure with legal issues of property and if any structural damages.

Mr. Heer made a motion to condemn the structure at 1010 Canal Street, give the owner 30 days to comply with repairs or demolish the structure; seconded by Mr. Blanchette. Motion passed unanimously 6-0.

C2011-0127: Alpheus E. Thompson Et Al 424 S. Duss Street

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.

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 who has no objections with demolishing the structure. Mr. Knotek testified the City gave her a price for demolition which she accepted. Mr. Knotek stated the owner is requesting 60 days to obtain funds to demolish the structure.

Mr. Knotek stated Staff's recommendation is to condemnation the structure and give the owner 60 days to demolish.

Mr. Blanchette made a motion to condemn the structure at 424 S Duss Street and give the owner 60 days to demolish it or authorize the City to demolish; seconded by Mr. Heer. Motion passed unanimously 6-0.

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.

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 owner who has no objections with demolishing the structure and questioned if the business could be extended into that area. Mr. Knotek stated staff's recommendation is to condemn the structure, give the owner 60 days demolish the structure and to talk to the Zoning Department to determine if the business can extend into the space.

Mr. Blanchette made a motion to condemn the structure at 909 N Dixie Freeway and give the owner 60 days to demolish the structure or authorize the City to demolish it; seconded by Mr. Beach. Motion passed unanimously 6-0.

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.

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 owner who has no objections with demolishing the structure and questioned the use of the property. Mr. Knotek stated staff's recommendation is to condemn the structure and give the owner 60 days demolish the structure.

Mr. Harrison made a motion to condemn the property at 531 N Dixie Freeway and give the owner 60 days to demolish or authorize the City to demolish it; seconded by Mr. Heer. Motion passed unanimously 6-0.

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.

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 owner's father and provided him with a demolition cost estimate. Mr. Knotek further testified that the estimate was a little expensive because the demolition contractor could not get close to the house to complete an accurate estimate due to dogs chained to the front of the house. Mr. Knotek stated the owner is going to have the neighbor remove the dogs so that a more accurate estimate can be completed. Mr. Knotek stated staff's recommendation is to condemn the structure and give the owner 60 days to demolish the structure.

Mr. Heer made a motion to condemn the structure at 434 S Duss Street and to give the property owner 60 days to demolish it or authorize the City to demolish it; seconded by Mr. Clark. Motion passed unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Cowherd asked Staff for an update to cases from the February 17, 2011 meeting.

Mr. Knotek provided an update on the following cases:

C2011-1139: 144 S Timberlane Dr – Mr. Knotek stated he has been in contact with the owner who has given us permission to demolish.

C2011-0036: 826 S Myrtle Av – Mr. Knotek stated he has been in contact with the owners and the structure will be demolished. The owners are waiting on a release from the Insurance Company before demolishing.

C2011-0039: 107 Washington St – Mr. Knotek stated he has been in contact with the owner and is working on arranging the demolition but there are sheds and fences that need to be moved.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 7:29 PM.



TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
52 Richmond Drive
New Smyrna Beach, Florida
CASE NO: C2011-0038
DATE: February 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:

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

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

At the February 17, 2011 Builders Trade Board meeting, the board found that the building slab, pool and dock were condemned in violation of Sec. 26-795, City Code of Ordinance and ordered to demolish within 30 days

from the date of the order. The owner has submitted a request to demolish the dock structure, fill the area around the slab with clean fill material and seeded for a slab footprint "green area". A local lawn care service will maintain the lot. It is the owner's intent to leave the slab for the house in order to rebuild it at a later date. The original house footprint design was unique which maximized the view of the river.

If the Board chooses to allow the property owner to proceed with his request, Staff recommends that the Board reconfirms condemnation of 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 proposal, the date on which the repairs shall be complete, and an agreement that failure to complete the repairs within the time and not maintained provide authority the city to take remedial action with attachment of a lien for all costs incurred by the city.



4-6-11

Mr Mike Knotek
Chief Building Official
210 Sams Ave
New Smyrna Beach, Florida 32168

Dr. H. K. Terry
1472 Barrington Circle
St. Augustine, Florida 32092-3616

Dear Mr. Knotek,

Please enter into the open file this letter rescinding the authorization of Edgewater River Front, Inc., and it's principles Tim Howard and Michael Lynn, to act on my behalf of my ownership interest at 52 Richmond Dr.

I hereby authorize Rick McFadden and or Harvin Clark to address the subject matter associated with the property at the meeting.

It is my intent, as it was at the time of the demolition of the structure, to leave the slab for the house in order to rebuild it at a later date. The original house footprint design was unique which maximized the view of the river.

Also, the pool was carefully filled with clean material and a drain liner installed so it could be used again when the house was rebuilt.

I am of the opinion that the demolition of the dock and boat house is the best course of action at this time. I have spoken with Mr. Chip Steele, from Coastal Waterway Services, and he confirmed that a dock can be rebuilt at a later date with a permit request.

The immediate site improvement will include the demo the dock structure, fill the area around the slab with clean fill material and seeded for a slab footprint "green area". A local lawn care service will maintain the lot.

Thank you for your time and consideration.



Dr. H.K. Terry

Date 4-10-11



TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
201 S Cooper Street
New Smyrna Beach, Florida
CASE NO: C2011-0185
DATE: April 21, 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:

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

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

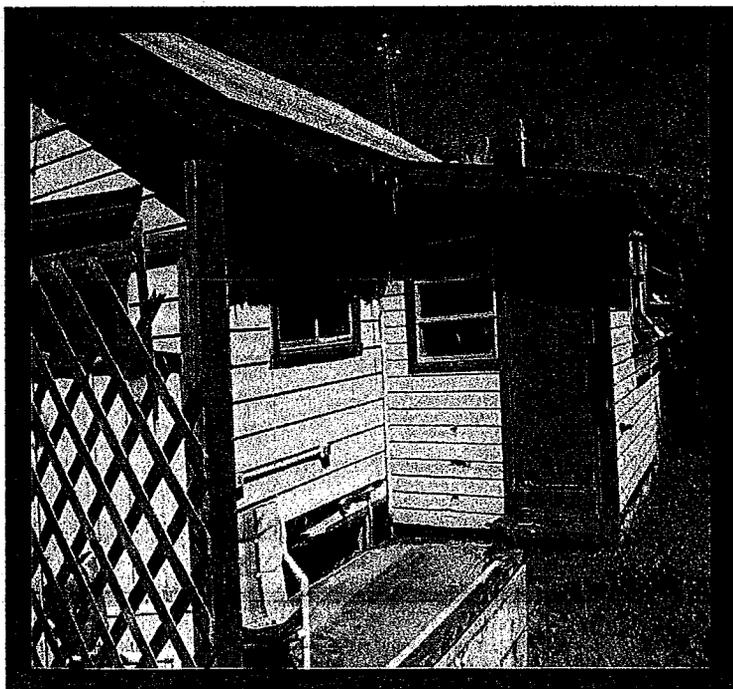
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within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

Building Permit Application

City of New Smyrna Beach
 210 Sarns Avenue
 New Smyrna Beach, Florida 32188
 Building Dept: (386) 424-2140
 Inspection Line: (386) 424-2274
 Fax: (386) 424-2143

Address: 201 COOPER ST S Unit: PID: 740906060010 Owner: CLEMENS MICHAEL P & CINDI B

Application Number: A2004-1277, A2011-0982
 Address: 201 COOPER ST S Unit: Job Name: REPLACE RIM BOARDS
 Tax Parcel #: 740906060010 Application Date: 04/12/2011
 Permit No.: 2011-0982 Issued Date: 04/12/2011
 Classification: Residential Status: Issued
 Start Before Permit: Start Before Permit - Natural Disaster

Name: OWNER/BUILDER Qualifier: OWNER/BUILDER
 Address: City / St. / Zip: License #: Plan Review ONLY?
 Phone: () - Fax: () -

Owner: CLEMENS MICHAEL P & CINDI B
 Name: CLEMENS MICHAEL P & CINDI B
 Address: COOPER PO BOX 11 Unit:
 City / St. / Zip: OSTEEN FL 32764 City/State/Zip: OSTEEN FL 32764
 Phone: () - Fax: () -

Permit Type: Alteration/Addition to SFD Type of Work: Remodel
 Engineering Inspection Required? Elevation Certificate Required?
 Alteration/Addition to SFD If 'Other' # of Stories
 # Units
 SQ. FT. Living Review Required? 2 x Est. Construction Cost \$ 1,000.00
 SQ. FT. Other \$ 30.00
 Total 0.00 SqFt Total Fees - All Building Permits

Contractor: Type of Work: Other
 New Units X Per Unit = # Sub Panels X \$10.00 =
 Service Size X .50 Per AMP = # Inspections X \$10.00 =
 Miscellaneous Permit Fee \$20.00
 Review Required? 2 x

Contractor: Air Cond (Tons) SEER State License No.
 Type of Work: COP Heat-Gas Total Cost
 Notes: Electrical BTU/HR Min Fee
 Oil KW Permit Fee \$20.00
 Make & Model Review Required? 2 x

Contractor: State License No.
 Type of Work: Other
 No. of New Residential Units X Per Unit =
 Urinal Solar Lawn Sprinklers Sewer Water Heater
 Septic Tank Back Flow Lavatory Sink Ice Maker
 Hose Bibs Shower Bath Tub Disposal # Fixtures Fixt. Fee
 Wash. Machine Dish Washer Drains Water Closet Permit Fee \$20.00
 Miscellaneous Review Required? 2 x

Contractor: State License No.
 # Appliances Appliances Fee - 1st at \$10.00, each additional at \$3.00
 REPLACE RIM BOARDS. 2007 FBC Permit Fee \$20.00
 STAFF FEE \$1.50 & TECH FEE \$3.00 Review Required? 2 x
 State Fee (1 + 2 + 3 + 4 + 5 + 6)

TOTAL FEES: TOTAL PAID: BALANCE DUE:

Name: Address: City/State/Zip: Phone: License #:
 Name: Address: City/State/Zip: Phone: License #:

NOTICE: The penalty for commencing work before a permit is issued shall be 200% of the normal permit fee plus \$50.00, except that during or following a natural disaster the penalty shall be 200% of the normal permit fee plus \$100.00. REINSPECTION FEES: For any failed inspection there will be a fee of \$25.00.
 Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of the Florida Building Code 2004 in Effect at the Date of this Application. I understand that a separate permit may be required for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, FENCES, ETC.
 OWNERS AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.
 WARNING TO OWNERS: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.
 In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

SIGNATURE: OWNER OR AGENT SIGNATURE: CONTRACTOR
 DATE: DATE
 NOTARY AS TO: NOTARY AS TO
 OWNER OR AGENT CONTRACTOR
 MY COMMISSION EXPIRES: MY COMMISSION EXPIRES:
 APPLICATION APPROVED BY: BUILDING OFFICIAL
 RECEIPT NUMBER:



TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
103 S Cooper Street
New Smyrna Beach, Florida
CASE NO: C2011-0186
DATE: April 21, 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:

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

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

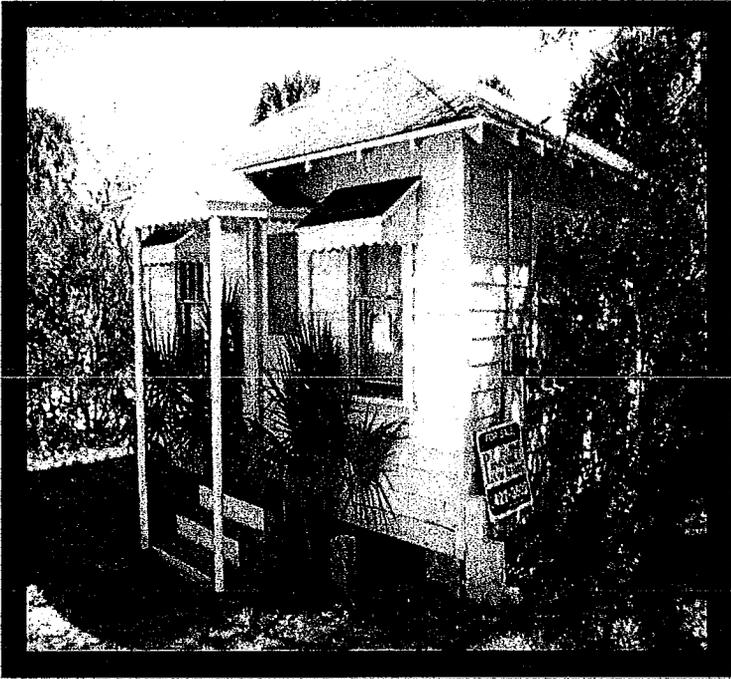
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within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

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
309 Flagler Avenue
New Smyrna Beach, Florida
CASE NO: C2011-0187
DATE: April 21, 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:

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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

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.

