



City of New Smyrna Beach

**THE BUILDING TRADES BOARD
NOTICE OF MEETING
TO BE HELD AT 6:30 P.M.
JUNE 16, 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, JUNE 16, 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:**

April 21, 2011

IV. **SWEARING OF CITY STAFF**

V. **OLD BUSINESS:**

VI. **NEW BUSINESS:**

C2011-0320: **Frances Elizabeth Rand L/E** **2631 Fairfax Ave**

Consideration from Building Department to demolish a residential structure at 2631 Fairfax Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0321: **Karen Lynn Young L/E** **212 Ronnoc Ln**

Consideration from Building Department to demolish a residential structure at 212 Ronnoc Lane due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

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

VIII. **ADJOURNMENT**

Pursuant to Florida Statutes 286.0160, if an individual decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office in person or by mail at 210 Sams Avenue, New Smyrna Beach, FL 32168, (386) 424-2112, prior to the meeting.

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – APRIL 21, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of April 21, 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

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 Building Trades 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**

March 17, 2011

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

C2011-0038:

Harold K. Terry

52 Richmond Drive

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.

Harvin Clark, personal representative of Harold K. Terry was present and sworn in for testimony.

Mr. Clark provided a file for the property showing the proposed outline of work to demolish the dock and site improvements. Mr. Clark stated the owner is proposing to build a new single family home when the economy improves.

Mr. Knotek testified that this property was presented to the Board at the February 17, 2011 meeting. The Board condemned the pool, slab, foundation and boathouse gave the owner 30 days to demolish. He further stated the owner, Dr. Terry, submitted a letter to the City with the proposal that has been provided to the Board.

Mr. Knotek stated Staff recommends the property remains condemned but under Section 26-799 allow the owner to make necessary repairs based upon a written proposal that includes a time element for completion and failure to do so authorizes the City to demolish the slab. Mr. Knotek further stated the adjoining property owner was concerned about the water runoff if the City allows the fill to cover the slab. Based on this concern, Staff requires the owner to meet with the Engineering Department to work out a drainage plan that would prevent the drainage from running onto to the adjoining properties and into the street. Mr. Knotek stated he is concerned about the storm water runoff and the maintenance of the lot and would like the Board to address both issues as well.

Discussion ensued among Staff, the Board and Mr. Clark regarding the rehab or demolition of dock, if slab is included in demolition, timeframe for construction of structure on slab, amount of fill needed and drainage issues and if slab is buildable.

Neil Kapp, 8 Richmond Drive, was present and sworn in for testimony.

Mr. Kapp questioned if the Board allows the slab to be covered, will this set a precedent throughout the City? Mr. Kapp was concerned with the fill that will be brought in as it appears the slab is above road level. Mr. Kapp stated there may be problems with the water running into the street.

Discussion ensued among Staff, the Board and Mr. Clark regarding setting a precedent of burying a slab, what the current Demolition Ordinance states regarding slabs, the age of the house, type of footer on current slab, possible flooding issues with adding fill, possibly remove driveway, unsightliness of the property as you drive into the neighborhood, cost of rebuilding on existing slab vs. a new slab, FEMA base flood

elevation requirements, recertification of foundation prior to construction and discussion on reasonable timeframe.

Mr. Blanchette made a motion to give the owner 30 days to appear before City Staff to see if plan is feasible and will have proper water retention; if so, give additional 30 days to complete the work including the demolition of the dock and if not, the site must be demolished and everything removed from the property; seconded by Mr. Heer. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS

C2011-0185: Michael & Cindi Clemens 201 S Cooper St

Consideration from Building Department to demolish a commercial 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.

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 spoken to the owner who has a permit to repair the floor system inside the structure. Mr. Knotek stated Staff recommends condemnation of the building per Section 26-799 and allow the owner continue repairs to the property. Mr. Knotek further stated one of the concerns for the property is the setbacks since the property as two front yards.

Discussion ensued among Staff and the Board regarding setbacks requirements, if lot buildable, scope of permit issued, determine a completion date and appear before Board for modification of hearing if 50% of repairs completed at deadline.

Mr. Clark made a motion to condemn the structure at 201 S Cooper Street and per Section 26-799 to allow repairs with the condition the owner submits a plan to the Building Department within 30 days and to substantially complete and rehabilitate exterior of house, yard and structure within 6 months; seconded by Mr. Blanchette. Motion passed unanimously 6-0.

C2011-0186: 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.

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 stated Staff's recommendation is to condemn the structure and give the owner 30 days to demolish.

Mr. Heer made a motion to condemn the structure at 103 S Cooper Street and give the owner 30 days to demolish it; seconded by Mr. Blanchette. Motion passed unanimously 6-0.

**C2011-0187: Theodore S. Douglas TSTEE 309 Flagler Av
(Debbie Sweat)**

Consideration from Building Department to demolish a commercial structure at 309 Flagler 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 family who want to demolish the structure but this property is located in the Historical District and must be submitted to the Historic Preservation Commission for consideration. Mr. Knotek stated staff's recommendation is to condemn the structure and give the owner 120 days to demolish.

Discussion ensued among Staff and the Board regarding the Historic Preservation Commission recommendation, failure of approval, who is responsible for repairs and dilapidated condition of structure.

Mr. Heer made a motion to condemn the structure at 309 Flagler Avenue subject to approval by the Historic Preservation Commission within 90 days; seconded by Mr. Beach. Motion passed unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

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

Mr. Knotek provided an update on the following cases:

C2011-1139: 144 S Timberlane Dr – Mr. Knotek stated the structure is scheduled for demolition next week.

C2011-0037: 605 Jefferson St – Mr. Knotek stated the structure is scheduled for demolition next week.

C2011-0039: 107 Washington St – Mr. Knotek stated the structure is scheduled for demolition next week.

C2010-1043: 312 N Myrtle Avenue – Mr. Knotek stated the structure should be removed the first part of May.

C2011-0127: 424 S Duss Street – Mr. Knotek stated the structure should be removed the first part of May.

C2011-0130: 434 S Duss Street – Mr. Knotek stated he is working on demolishing it with some other structures.

C2010-1178: 1118 Live Oak Street – Mr. Knotek stated the demolition of front porch, rear garages and remove of storage has been completed and the Bank is foreclosing on the property.

C2010-0623: 500 Wayne Avenue – Mr. Knotek stated the owner started demolishing a portion of the structure and then left town. He will contact the owner to find out the status.

Filed Liens: - Mr. Knotek stated that liens have been filed for 541 Charlovix Street, 353 Palm Street and 2 other properties. We will start the process of foreclosing on the liens

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Blanchette. All agreed and the hearing adjourned at 7:45 PM.



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
2631 Fairfax Avenue
New Smyrna Beach, Florida
CASE NO: C2011-0320
DATE: June 16, 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.

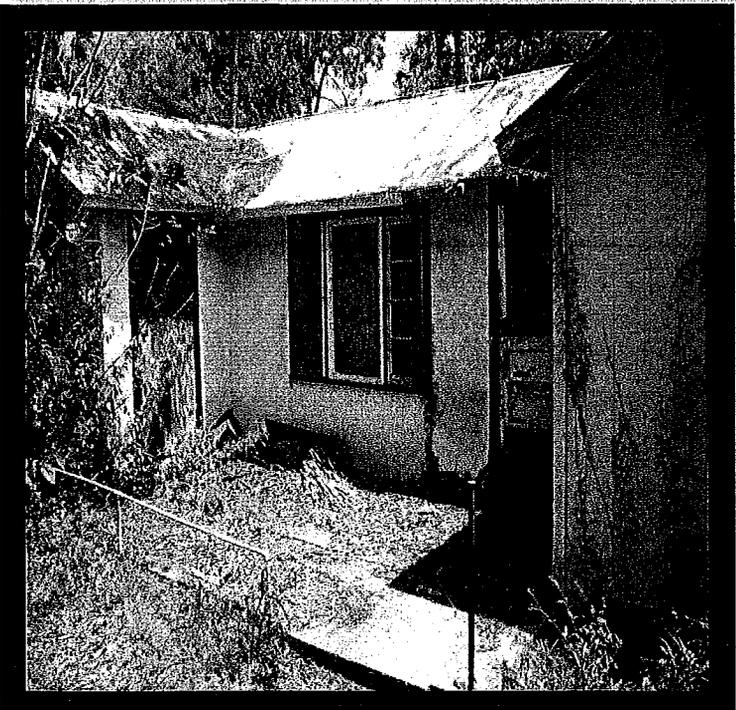
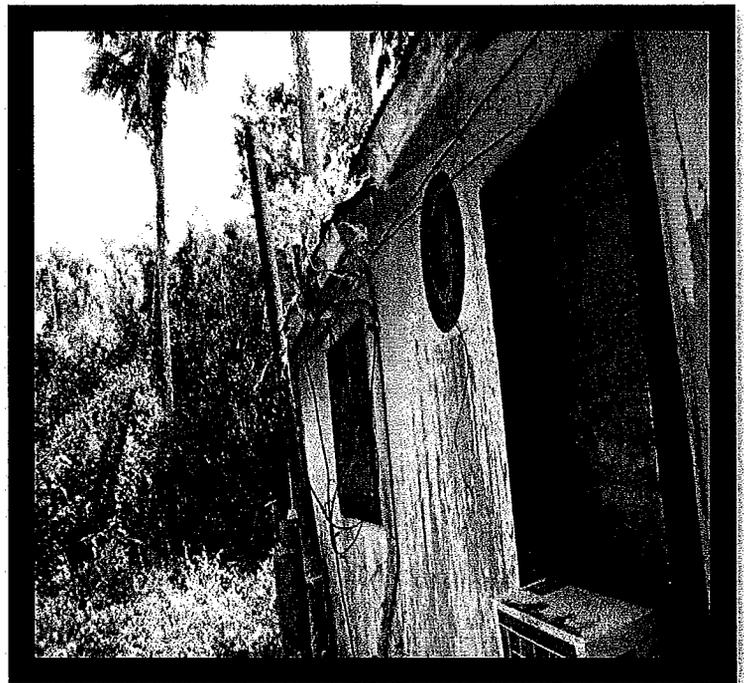
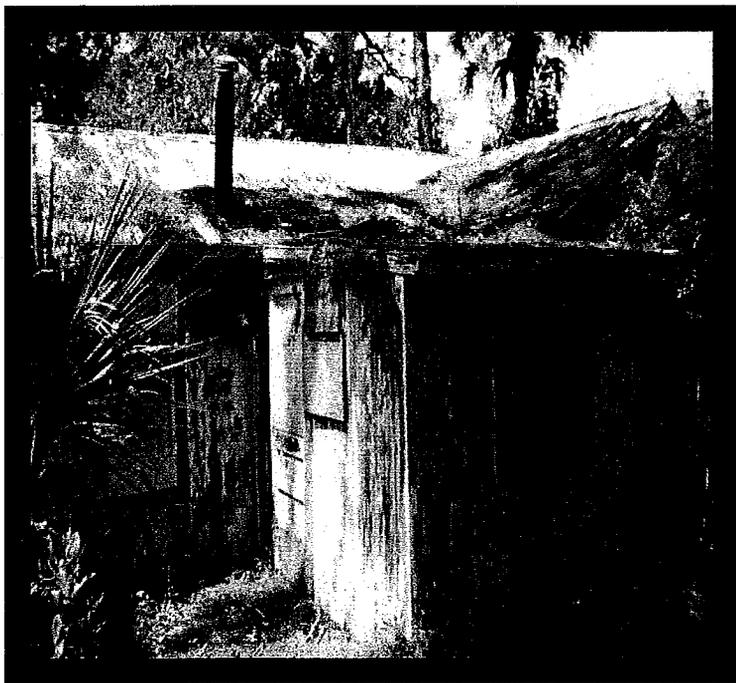
RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structures there

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

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.





TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
212 Ronnoc Lane
New Smyrna Beach, Florida
CASE NO: C2011-0321
DATE: June 16, 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.

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