

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 condemnation 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.