



City of New Smyrna Beach

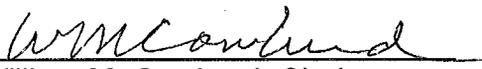
THE BUILDING TRADES BOARD
NOTICE OF MEETING
TO BE HELD AT 6:30 P.M.
AUGUST 18, 2011
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA

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, AUGUST 18, 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:**

June 16, 2011

IV. **SWEARING OF CITY STAFF**

V. **OLD BUSINESS:**

VI. **NEW BUSINESS:**

C2011-0436: **Lawrence Kraker LIV TR** **551 Julia St**

Consideration from Building Department to demolish a residential structure at 551 Julia Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0437: **Partner of Sonlight Dev LLC** **553 Julia St**

Consideration from Building Department to demolish a residential structure at 553 Julia Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0438: **Daniel C. Troian** **409 Magnolia St**

Consideration from Building Department to demolish a residential structure at 409 Magnolia Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0439: **P. Thomas Clark Est EtAl** **559 Charlovix St**

Consideration from Building Department to demolish a residential structure at 559 Charlovix Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0440:

Eileen Singleton

468 Sheldon St

Consideration from Building Department to demolish a residential structure at 468 Sheldon Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0441:

Fred Klein

500 Wayne Ave

Consideration from Building Department to demolish a residential structure at 500 Wayne Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

V2011-0001:

City of New Smyrna Beach

525 Flagler Ave

Consideration from the Building Department for a variance for the elevation of the lowest supporting horizontal member and a variance for the use of a pile foundation as per the City Code of Ordinances, Section 26-665 (b)(6)(b)(c).

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. – June 16, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of June 16, 2011, was called to order at 6:30 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

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. Board Member Joseph Blanchette arrived at 6:35 PM.

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**

April 21, 2011

Mr. Heer made a motion to approve the minutes of the April 21, 2011 as written; seconded by Mr. Clark. 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:**

VI. NEW BUSINESS

C2011-0320:

Frances Elizabeth Rand L/E

2631 Fairfax Ave

Consideration from Building Department to demolish a commercial 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.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified that proper certification has been sent out but we have gotten no response from the owner. Mr. Knotek stated Staff recommends condemnation and demolition of the building within 30 days but if the Board allows the owner to make repairs, a construction schedule with a timeline should be submitted to the Building Department as per Section 26-799. Mr. Knotek further stated this property includes the house, detached garage and a shed in the side yard.

Discussion ensued among Staff and the Board regarding any possibilities of repairs by the owner and legalities since no response and property in life estate.

Mr. Heer made a motion to condemn the structure at 2631 Fairfax Avenue and per Section 26-799 to allow repairs with the condition the owner submits a plan to the Building Department within 30 days or demolish the structure; seconded by Mr. Clark. Motion passed unanimously 6-0.

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.

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 this is a multi-unit structure and the proper certification was sent to the owner but we have received no response. Mr. Knotek further stated the City has received complaints on this property and Staff's recommendation is to condemn the structure and give the owner 30 days to demolish.

Mr. Blanchette made a motion to condemn the structure at 2631 Fairfax Avenue and per Section 26-799 to allow repairs with the condition the owner submits a plan to the Building Department within 30 days or demolish the structure; seconded by Mr. Heer. Motion passed unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Cowherd asked Staff for an update to cases from previous meetings.

Mr. Knotek provided an update on the following cases:

C2010-1182: 2601 S Atlantic Ave – Mr. Knotek stated it may be resolved in a week and demolished in 2 weeks.

C2010-0620: 551 Julia St – Mr. Knotek stated there has been no additional work and will bring this back to the Board in July.

C2010-0621: 553 Julia St – Mr. Knotek stated there has been no additional work and will bring this back to the Board in July.

C2011-0186: 103 S Cooper St – Mr. Knotek stated structure was demolished.

C2011-0187: 309 Flagler Avenue – Mr. Knotek stated this house will be going to the Historic Preservation Board in July for demolition approval.

C2011-0185: 201 S Cooper Street – Mr. Knotek stated renovations have started but the house is in the process of being sold.

C2011-0039: 105 Washington Street – Mr. Knotek stated structure was demolished.

C2011-0127: 424 S Duss Street – Mr. Knotek stated structure was demolished.

C2010-1043: 312 N Myrtle Avenue – Mr. Knotek stated structure was demolished.

C2011-0126: 1010 Canal Street – Mr. Knotek stated the Bank started foreclosure but due to environmental issues discontinued the process.

C2011-0128: 909 N Dixie Freeway – Mr. Knotek stated he has spoken to the owner and who will demolish himself.

C2011-0129: 531 N Dixie Freeway – Mr. Knotek stated the structure will be demolished but the City will probably have to pay.

C2010-0623: 500 Wayne Avenue – Mr. Knotek stated the owner demolished the apartment but has not removed the rest of the building or cleaned up the lot. Mr. Knotek will contact the owner for an update.

C2010-1046: 545 Washington Street – Mr. Knotek stated the owner has begun renovations and repairs on the structures.

C2011-0038: 52 Richmond Drive – Mr. Knotek stated a drainage plan was submitted to the City Engineer within the required 30 days, City Engineer met on site with Harvin

Clark and instructed him to make some corrections, dock removed, fill brought in to cover slab and sculptured lot to keep stormwater on property. Mr. Knotek further stated he would review the site with the City Engineer due to concerns raised about the west berm.

C2010-1044: Saxon Drive – Mr. Knotek stated the owner has removed the stairs but has not demolished the structure. Mr. Knotek further stated the owner is concerned if he demolished structure he cannot the sell property for someone to rebuild. The property was issued several variances due to wetlands and the owner is concerned the variances will be void if the structure is demolished. Mr. Knotek stated this property may be coming back to the Board in the near future.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Beach. All agreed and the hearing adjourned at 6:55 PM.



Building Department

210 Sams Avenue
New Smyrna Beach, Florida 32168
Phone: (386) 424-2141
Fax: (386) 424-2143
www.cityofnsb.com

Staff Recommendations

Builders Trade Board

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
551 Julia Street
New Smyrna Beach, Florida
CASE NO: C2011-0436
DATE: August 10, 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

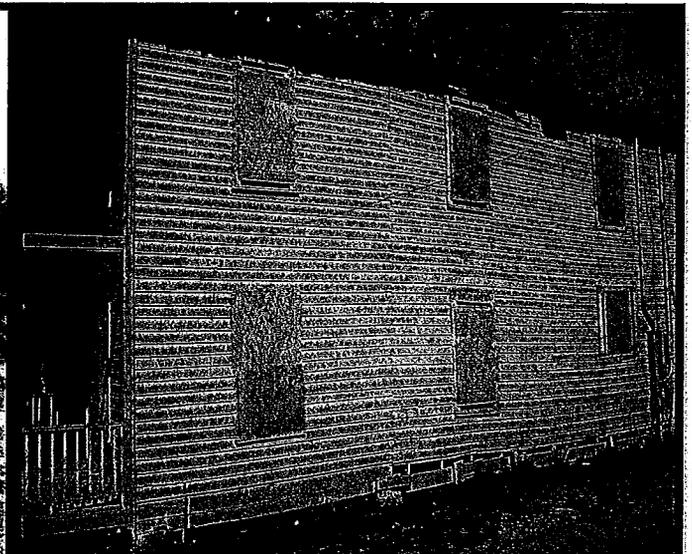
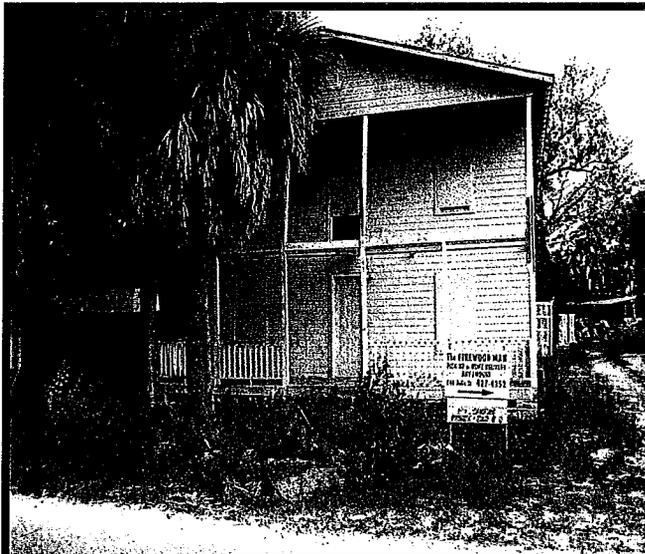
1. Allow the owner additional time to repair or demolish the structures.

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 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.





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Builders Trade Board

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
553 Julia Street
New Smyrna Beach, Florida
CASE NO: C2011-0437
DATE: August 10, 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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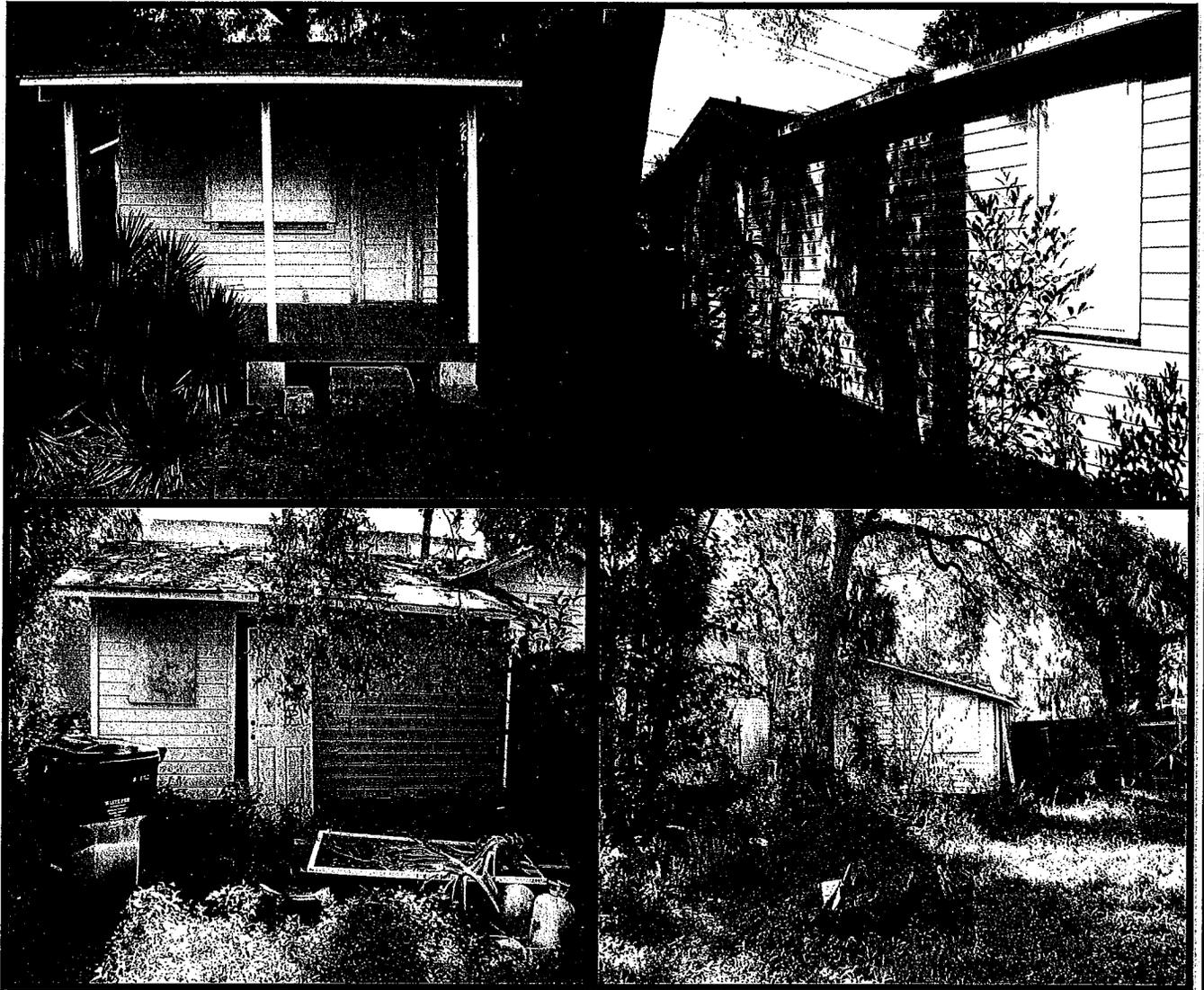
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Builders Trade Board

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
409 Magnolia Street
New Smyrna Beach, Florida
CASE NO: C2011-0438
DATE: August 10, 2011

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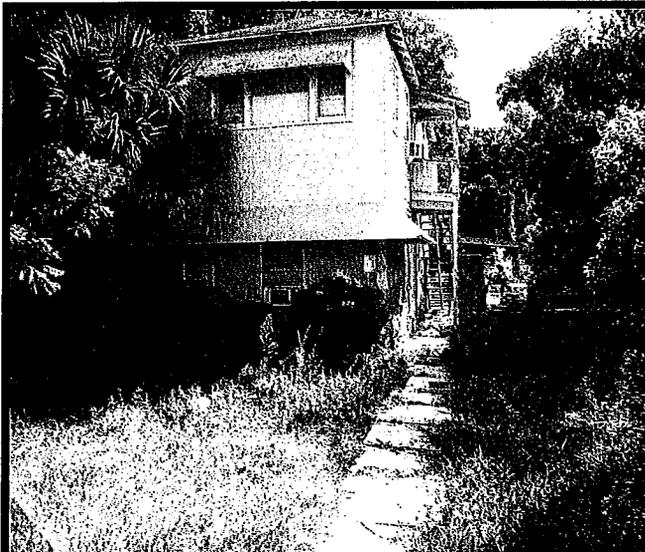
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Builders Trade Board

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FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
559 Charlovix Street
New Smyrna Beach, Florida
CASE NO: C2011-0439
DATE: August 10, 2011

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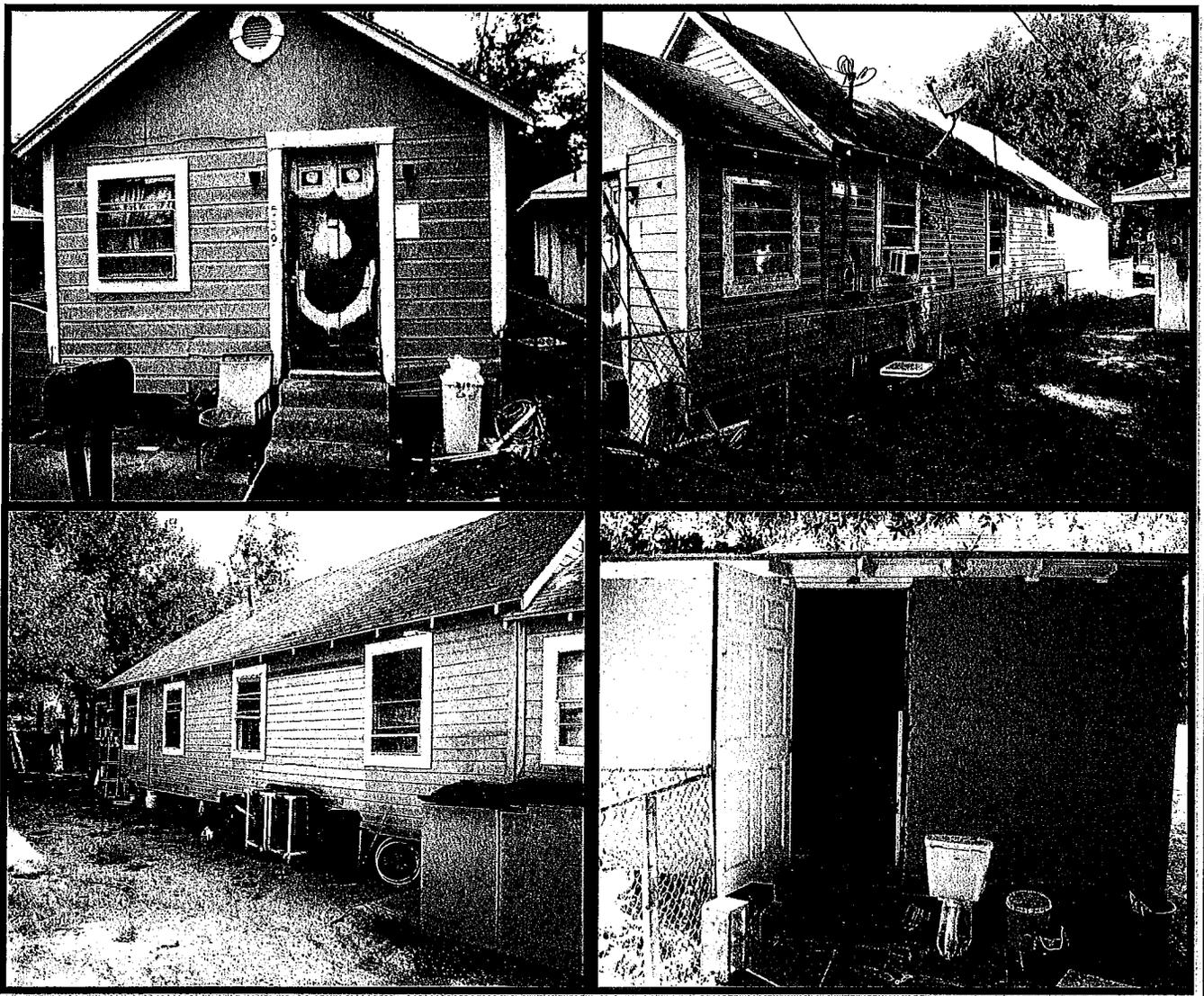
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SUBJECT: Unsafe & Dilapidated Structure
468 Sheldon Street
New Smyrna Beach, Florida
CASE NO: C2011-0440
DATE: August 10, 2011

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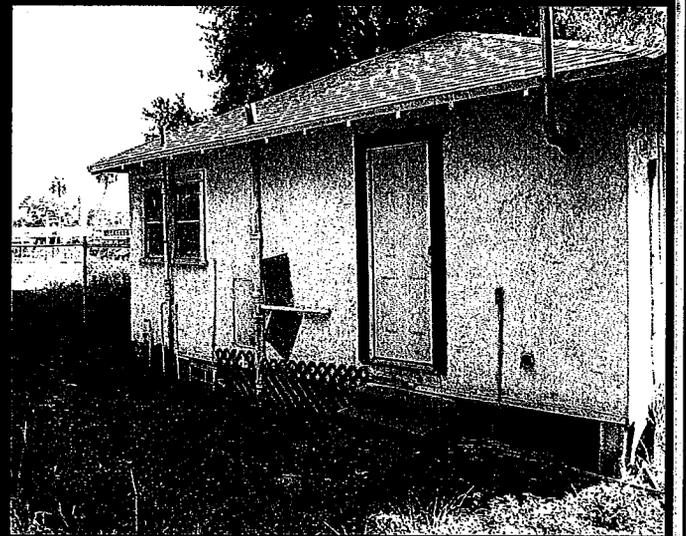
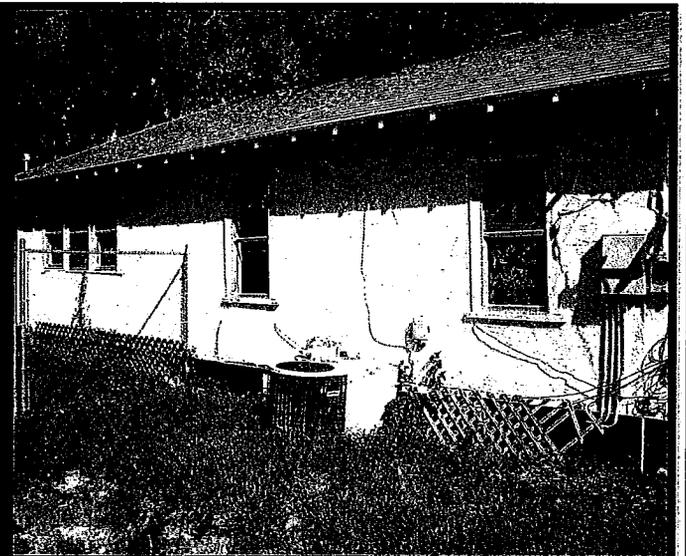
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Builders Trade Board

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FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
500 Wayne Avenue
New Smyrna Beach, Florida
CASE NO: C2011-0441
DATE: August 10, 2011

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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.

