



# City of New Smyrna Beach

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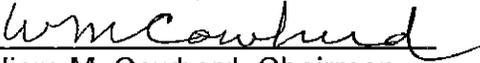
**THE BUILDING TRADES BOARD  
NOTICE OF MEETING  
TO BE HELD AT 6:30 P.M.  
SEPTEMBER 15, 2011  
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA**

## **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, SEPTEMBER 15, 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:

August 18, 2011

IV. SWEARING OF CITY STAFF

V. OLD BUSINESS:

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.

C2011-0441:            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.

VI. NEW BUSINESS:

C2011-0357:            Gerald Martin & GBL Properties LLC            219 Washintgon St

Consideration from Building Department to demolish a residential structure at 219 Washintgon Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0487:            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.



MINUTES OF THE BUILDING TRADES BOARD  
HEARING  
HELD AT 6:30 P.M. – August 18, 2011  
CITY COMMISSION CHAMBERS, CITY HALL,  
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of August 18, 2011, was called to order at 6:30 p.m. Answering to roll call were:

Paul Heer (Vice Chair)

Grant Clark

Terry Harrison

Randy Beach

Joseph Blanchette

Also present were Chief Building Official Michael Knotek, Asst. City Attorney Greg McDole and Permit & License Technician Dorlisa Pogany. Board Member William Cowherd was absent.

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. Heer stated that there were none.

III. **APPROVAL OF MINUTES**

June 16, 2011

Mr. Clark made a motion to approve the minutes of the June 16, 2011 as written; seconded by Mr. Blanchette. Motion passed unanimously 5-0.

IV. **SWEARING OF CITY STAFF**

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

V. **OLD BUSINESS:**

None

## **VI. NEW BUSINESS**

**C2011-0436:**

**Lawrence Kraker LIV Tr**

**551 Julia St**

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

Steven Gray Wischmeier was present and sworn in for testimony.

Mr. Knotek testified that this case was presented to the Board last year and complied with the Board's Order. However, since that time, the property has been neglected and not maintained on a continual basis. Mr. Knotek further testified that he contacted Mr. Wischmeier requesting him to clean up the property which Mr. Wischmeier failed to do.

Discussion ensued among Staff and Mr. Wischmeier regarding when property was maintained, how often maintained and length of time trash in front yard.

Mr. Knotek stated it is staff's recommendation to condemn the property and give Mr. Wischmeier 30 days to demolish the structure.

Mr. Wischmeier stated for the record that he will not demolish the structure and has contacted an engineer, Williamson-Dacar Engineering to complete drawings for repairs. Mr. Wischmeier further stated the structure is not compromised based on an inspection completed by a certified building inspector, Richard McFadden, and is the process of securing finances to purchase his partner's share.

Discussion ensued among Staff, the Board and Mr. Wischmeier regarding the previous items from the past meeting, lack of continual maintenance of property, lack of engineered drawings, number of pilings comprised, repair front porch, if house condemned in past, and establishing a schedule for maintenance with Mr. Knotek.

Mr. Knotek stated Staff's recommendation is to refer this case to the Code Enforcement Board as a public nuisance.

Discussion ensued among Staff, the Board and Mr. Wischmeier regarding the action of the Code Enforcement Board, fines assessed by Code Enforcement and violation citing on a regular basis.

T. Gray Ames, Aunt of Mr. Wischmeier was present and sworn in for testimony.

Ms. Ames stated for the record she will provide the funds for the maintenance and cleaning of the property and requests 30 days from the Board to complete all the work.

Discussion ensued among Staff and the Board regarding the number of days to comply or to continue the case.

Richard Thomas McFadden, a private inspector, was present and sworn in for testimony.

Mr. McFadden stated for the record that Mr. Wischmeier was approached by CRA for a grant but declined the grant which was for aesthetic purposes. Mr. McFadden stated that Mr. Wischmeier wants to repair the property in the proper manner which includes structurally as well as aesthetics and requests 90 days from the Board.

Discussion ensued among Staff and the Board regarding the criteria of bringing a property to the Board, difference between Building Trades Board which deals mainly with the structure and Code Enforcement which deals with public nuisance.

**Mr. Clark made a motion to continue case C2011-0436 until the November 17, 2011 meeting with the stipulation that if the property is not continually maintained the property returns to the Building Trades Board within 30 days for further action; seconded by Mr. Blanchette. Motion passed unanimously 5-0.**

**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.

Steven Gray Wischmeier was present and sworn in for testimony.

Mr. Knotek stated that Staff recommends the same action for 553 Julia Street that was give to 551 Julia Street.

**Mr. Clark made a motion to continue case C2011-0437 until the November 17, 2011 meeting with the stipulation that if the property is not continually maintained the property returns to the Building Trades Board within 30 days for further action; seconded by Mr. Blanchette. Motion passed unanimously 5-0.**

**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.

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

Mr. Knotek stated that staff's recommendation is to condemn the property and give the owner 30 days to submit a repair schedule or demolish the structure.



Mr. Knotek stated that staff's recommendation is to condemn the property and demolish within 30 days which will allow staff time to contact Bank of America to find out their intentions

Discussion ensued among Staff, the Board and Ms. Singleton regarding any grants available through the City, extent of damage to interior and Ms. Singleton's intentions for the property.

**Mr. Clark made a motion to condemn the structure at 468 Sheldon Street, give the owner 60 days to repair or demolish the structure and clear the land of demolition debris or authorize the City to demolish the structure and file a lien; seconded by Mr. Harrison. Motion passed unanimously 5-0.**

**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.

Bradley Shaw, representative for Mr. Al Sanford, was present and sworn in for testimony.

Mr. Knotek stated he has spoken to Mr. Klein, owner, who has requested the case be continued to the September 15, 2011 meeting. Mr. Knotek further stated that Mr. Klein will explain to the Board his intentions regarding the property.

**Mr. Clark made a motion to continue case C2011-0439 until the September 15, 2011 meeting; seconded by Mr. Blanchette. Motion passed unanimously 5-0.**

**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).

Mr. Heer asked staff for a recommendation.

Mr. Knotek stated that Chapter 26 of the City Code of Ordinances allows the Board to grant variances to the Flood Management in Chapter 26. Mr. Knotek further stated the City has a project to redo the seawall and pavilion and to demolish a total of three structures that include the two buildings for the restrooms and the building in front of the restrooms. Mr. Knotek stated that a new restroom structure would be constructed eastward of the coastal construction line and in a velocity zone. Mr. Knotek further stated that structures in a velocity zone must be above the base flood elevation which the new restrooms will be but the City's Code requires the foundation also be above the crown of the road as well. Mr. Knotek stated staff's recommendation is to allow the finished floor elevation be above the base flood but not the specified feet above as

required by Code. Mr. Knotek further stated that in a velocity zone the City Code requires that all structures be constructed on pilings regardless if habitable or non-habitable. Therefore, staff's recommendation is to allow the structure's foundation to be exempt from being built on pilings since the structure is non-habitable.

Discussion ensued among Staff and the Board regarding the current elevation, proposed elevation for new structure, effects of constructing without variances, explanation for calculations of the base flood elevation and crown of the road elevations, difference between habitable and non-habitable building, variance to City regulations only and protection provided from existing seawall for the structures.

**Mr. Clark made a motion to approve the two variances to both the height and exemption from the pilings; seconded by Mr. Harrison. Motion passed unanimously 5-0.**

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

Mr. Heer 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 that Ocean Palms is going before the City Commission on August 23, 2011 for an update status.

#### **VIII. ADJOURNMENT:**

**Mr. Blanchette made the motion to adjourn; seconded by Mr. Harrison. All agreed and the hearing adjourned at 7:50 PM.**



## **Building Department**

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

## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
559 Charlovix Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0439  
**DATE:** September 15, 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**

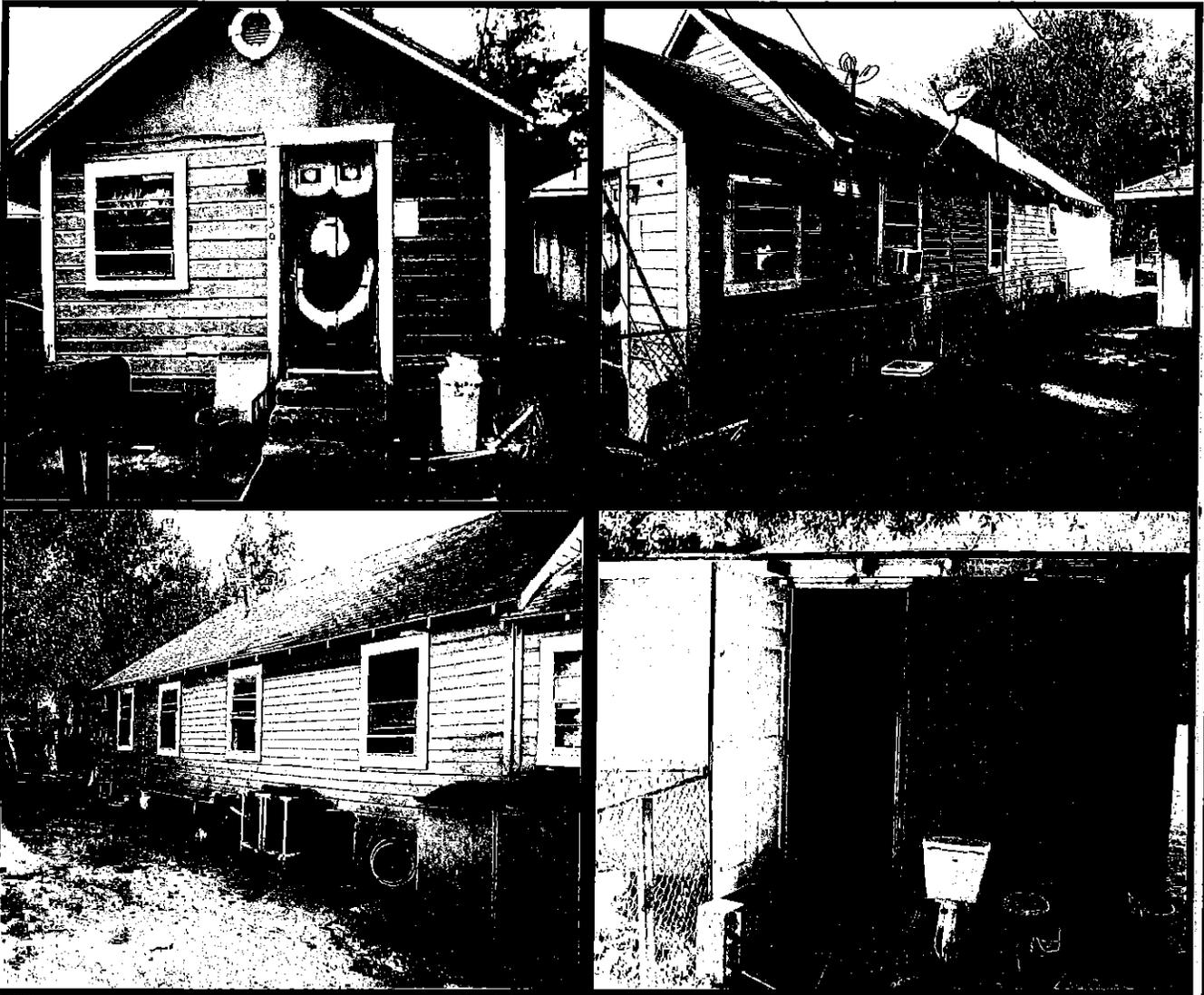
1. Allow the owner additional time to repair or demolish the structures.

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.





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## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
500 Wayne Avenue  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0441  
**DATE:** September 15, 2011

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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.
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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

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## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
219 Washington Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0357  
**DATE:** September 15, 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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### **ALTERNATIVES**

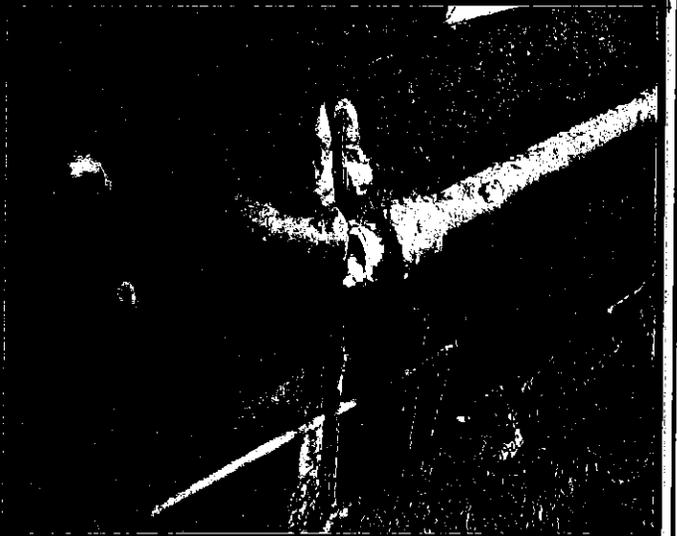
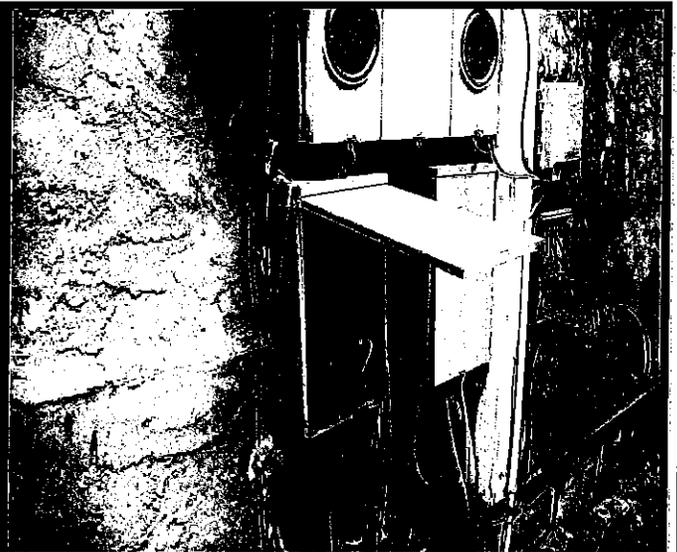
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### RECOMMENDATION

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## **Staff Recommendations**

**Builders Trade Board**

**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:** September 15, 2011

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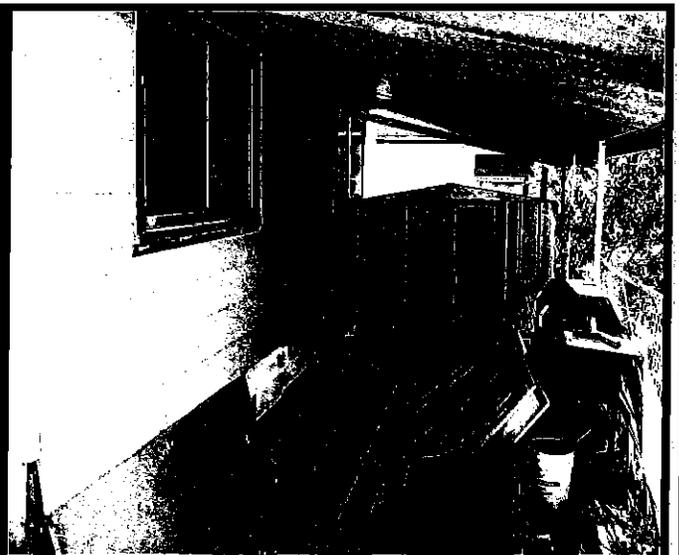
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**RECOMMENDATION**

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## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
546 Washington Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0492  
**DATE:** September 15, 2011

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### **ALTERNATIVES**

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## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
215 Citron Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0493  
**DATE:** September 15, 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**

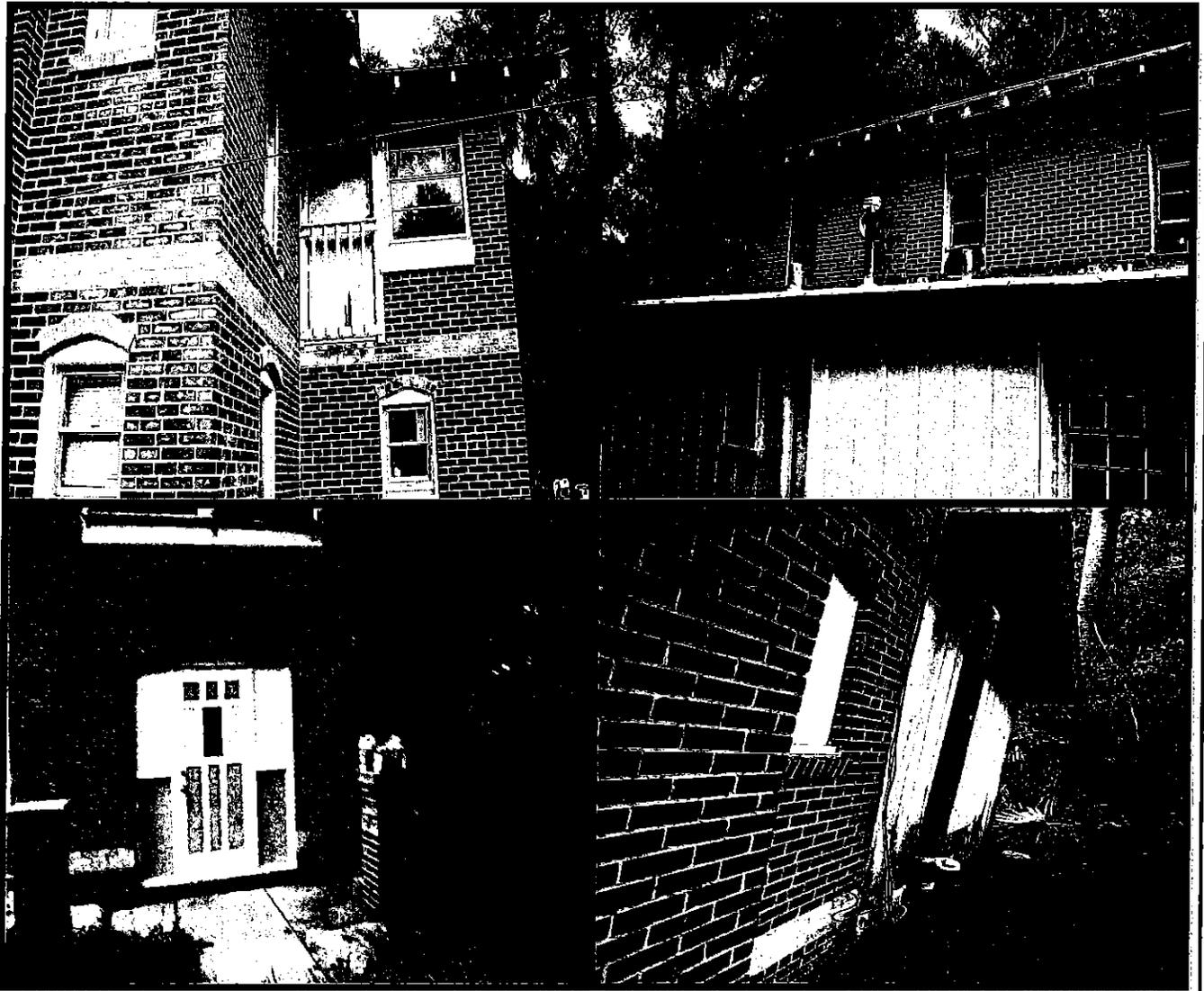
1. Allow the owner additional time to repair or demolish the structures.

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.





## **Building Department**

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

## **Staff Recommendations**

**Builders Trade Board**

**TO:** Building Trade Board  
**FROM:** Michael W. Knotek, Chief Building Official  
**SUBJECT:** Unsafe & Dilapidated Structure  
334 Sheldon Street  
New Smyrna Beach, Florida  
**CASE NO:** C2011-0494  
**DATE:** September 15, 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.
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The property was subsequently posted with the violation letter and notice of hearing.

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### **ALTERNATIVES**

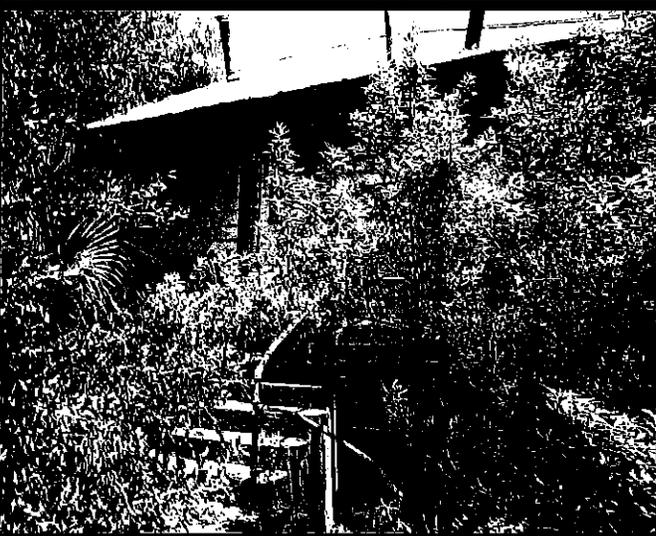
1. Allow the owner additional time to repair or demolish the structures.

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**

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## **Staff Recommendations**

**Builders Trade Board**

**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:** September 15, 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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### **ALTERNATIVES**

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