



City of New Smyrna Beach

**THE BUILDING TRADES BOARD
NOTICE OF MEETING
TO BE HELD AT 6:30 P.M.
JANUARY 19, 2012
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, JANUARY 19, 2012, 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:**

November 17, 2011

IV. **SWEARING OF CITY STAFF**

V. **OLD 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.

VI. **NEW BUSINESS:**

C2011-0658: Charles Mueller 610 Ball St

Consideration from Building Department to demolish a residential structure at 610 Ball Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2011-0762: Scott & Faith Keating 808 24th Av

Consideration from Building Department to demolish a residential structure at 808 24th Avenue 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. – November 17, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of November 17, 2011, was called to order at 6:30 p.m. Answering to roll call were:

Paul Heer (Vice Chair)

Grant Clark

Terry Harrison

Joseph Blanchette

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

October 20, 2011

Mr. Clark made a motion to approve the minutes of the October 20, 2011 as written; seconded by Mr. Blanchette. Motion passed unanimously 4-0.

IV. **SWEARING OF CITY STAFF**

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

V. **OLD BUSINESS:**

C2010-1176:

Steve's Furniture Emporium LLC

1401 Canal St

Consideration from Building Department to demolish a commercial structure at 1401 Canal 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 Staff's recommendation.

Mr. Knotek stated this case was presented to the Board in February 2011 and the Board's recommendation was for the owner to clean up the property and have a roof on the building. Mr. Knotek further stated that as of this date, the property has been cleaned up, exterior of building repainted, landscaping planted but there has been no construction on the property. Mr. Knotek stated staff's recommendation is to demolish the building.

Mr. Steve Thomas, Owner, was present and sworn in for testimony.

Mr. Thomas stated there has not been much progress due to finances but has acquired material to erect the external walls. Mr. Thomas further stated he is trying to secure finances to complete the roof work and with the Senate Bill 1752 it gives them time. Mr. Thomas stated the external wall construction may start next week and holes in existing concrete walls show where the steel is located. Mr. Thomas further stated the plans show shear walls on front and rear walls which will provide support laterally until roof is constructed.

Discussion ensued among Staff, the Board and Mr. Thomas regarding the reason for keeping existing building in lieu of demolishing, name of contractor of record, setback requirements, how many businesses and types of businesses to be established, any inspections since last meeting, inspection within 6 months required by Florida Building Code or Senate Bill, definition of substantially complete adopted by City Commission requires completion of building shell and site improvements, new Florida Building Code effective March 1, 2012 increasing wind zones, variances may be available if structure demolished, permit status if condemned and next required inspection.

Mr. Clark made a motion to condemn the structure at 1401 Canal Street under Section 26-799, allow the owners to continue repairs according to the agreement submitted to the Building Department with the completion date of December 31, 2012 and failure to do so authorizes the City to demolish the structure(s) and assess a lien; seconded by Mr. Blanchette. Motion passed unanimously 4-0.

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.

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 the City is interested in purchasing this property and the adjoin property, 553 Julia Street. Mr. Knotek further stated the City is in the process of obtaining appraisals on the both lots and asks for the case to be continued to the January 19, 2012 meeting.

Mr. Blanchette made a motion to continue case C2011-0436 and C2011-0437 to the January 19, 2012 meeting; seconded by Mr. Clark. Motion passed unanimously 4-0.

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.

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 the City is interested in purchasing the property at 551 Julia Street and 553 Julia Street. Mr. Knotek further stated the City is in the process of obtaining appraisals on the both lots and asks for the case to be continued to the January 19, 2012 meeting.

Mr. Blanchette made a motion to continue case C2011-0436 and C2011-0437 to the January 19, 2012 meeting; seconded by Mr. Clark. Motion passed unanimously 4-0.

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.

Mr. Heer asked for Staff's recommendation.

Mr. Knotek stated staff's recommendation is to condemn and demolish the building. Mr. Knotek further stated he spoke with Mr. Klein today who has purchased a metal building to be placed on the site.

Mr. Frederick Klein was present and sworn in for testimony.

Mr. Klein stated he plans to place a steel building over top of the existing building and remove the old building as time allows. Mr. Klein further stated he was informed by Mr.

Knotek he must secure a state licensed contractor because it is a commercial building. Mr. Klein stated he does not want to lose the existing footprint of the old building and is not sure how long it will take to remove the old building but requests 60-90 days. Mr. Klein further stated he has removed the carport and cleaned up the property.

Discussion ensued among Staff, the Board, Mr. Klein regarding the purpose of enveloping the metal building over existing building, setback requirements, if it is considered new construction or repairs, can a permit be issued to do this type of work, size of new building and if two adjoining lots need to be combined.

Mr. Knotek stated staff's recommendation is to give Mr. Klein 120 days to accomplish his feat. Mr. Knotek further stated he will meet with the Planning Department to see if it is possible for Mr. Klein to remove the old structure and erect the new structure.

Mr. Blanchette made a motion to continue case C2011-0441 to the March 15, 2012 meeting; seconded by Mr. Clark. Motion passed unanimously 4-0.

C2011-0495: Carol Maxine Baker 425 Palm St

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. Heer asked for Staff's recommendation.

Mr. Knotek informed Mrs. Baker that the City received a letter from her contractor stating that work will commence when he has completed his Miami Beach project and will be completed by the end of the year.

Ms. Carol Baker was present and sworn in for testimony.

Ms. Baker asked if the Board will accept her contractor's letter.

Discussion ensued among Staff, the Board and Mrs. Baker regarding the condition of the structure, roof permit has expired, cost of demolition versus repairs, condition of interior, possibly set up payment plan to reimburse City for demolition and if any open permits.

Mr. Blanchette made a motion to condemn the structure at 425 Palm Street, give the owner 60 days to submit a construction schedule for repair to the Building Department or authorize the City to demolish the structure; seconded by Mr. Harrison. Motion passed unanimously 4-0.

VI. NEW BUSINESS

None

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 all the buildings have been removed and the property graded.

C2011-0438: 409 Magnolia St – The City will post a Condemned Sign on the property since the owner has not complied with the Board Order and will probably be the first building to come down.

Mr. Knotek informed the Board that more buildings will be demolished in the near future. Mr. Knotek stated there are approximately 24 condemned buildings that will be demolished in various phases and the funds from CDBG have not been received as of this date.

VIII. ADJOURNMENT:

Mr. Blanchette made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 7:25 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: January 19, 2012

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.

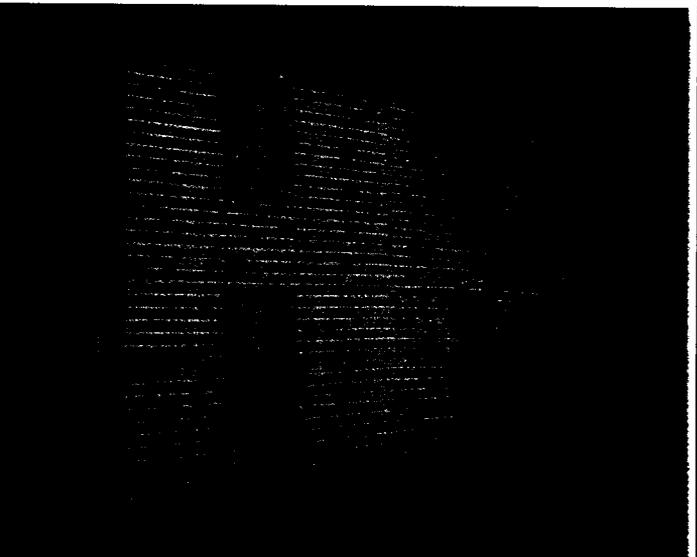
ALTERNATIVES

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

The owners are in negotiations with the City of New Smyrna Beach for the purchase of the properties. If the City purchases the property the structure will be demolished. Staff is recommending a 30 day continuance.





Building Department

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Staff Recommendations

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: January 19, 2012

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.
- 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.

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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

The owners are in negotiations with the City of New Smyrna Beach for the purchase of the properties. If the City purchases the property the structure will be demolished. Staff is recommending a 30 day Continuance.





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Staff Recommendations

Builders Trade Board

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
610 Ball Street
New Smyrna Beach, Florida
CASE NO: C2011-0658
DATE: January 19, 2012

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.
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ALTERNATIVES

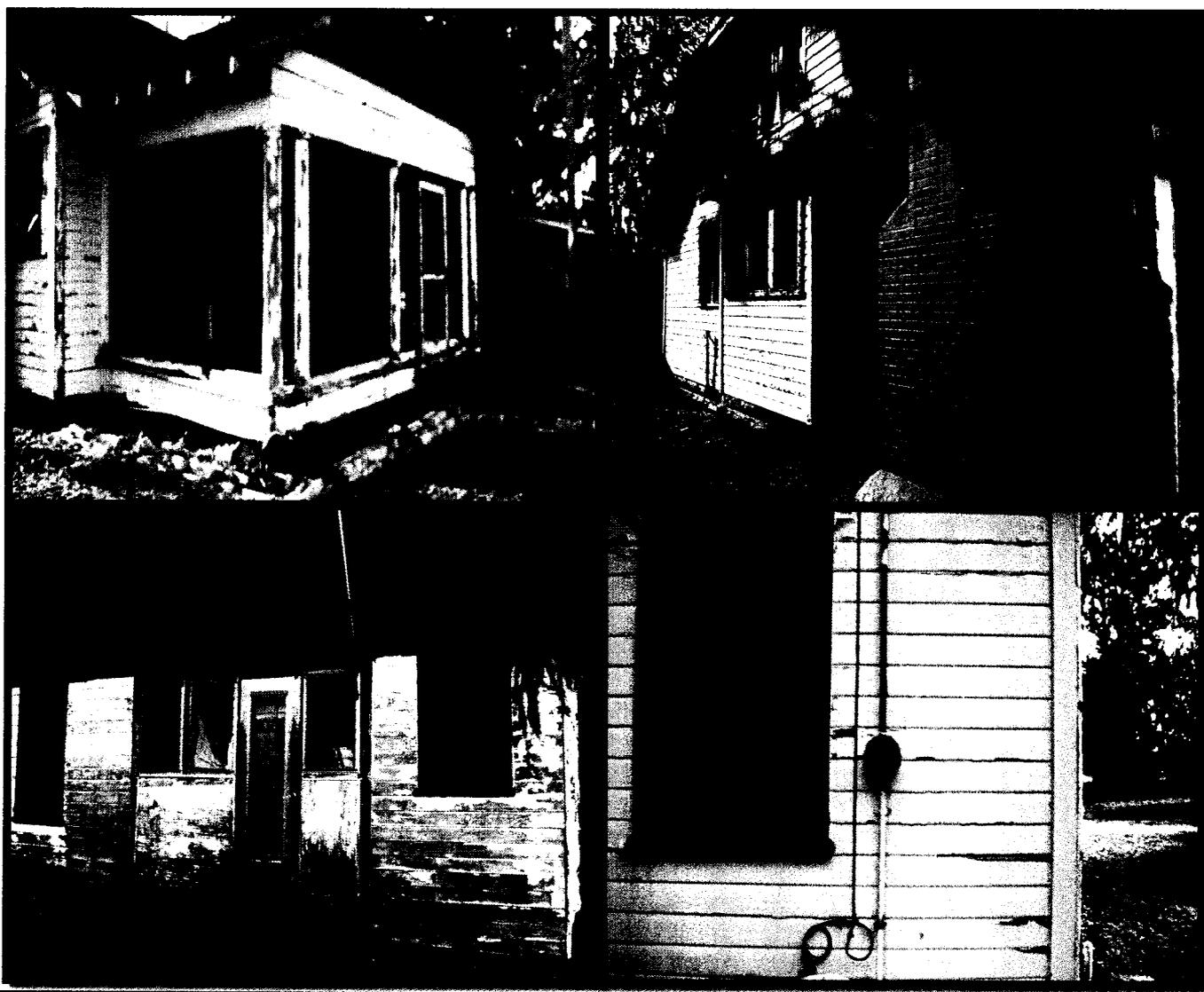
1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New

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

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
808 24th Avenue
New Smyrna Beach, Florida
CASE NO: C2011-0762
DATE: January 19, 2012

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

The owner of this property has been working with the city to repair and maintain the structure and property. Staff recommends that the Board allow the owner to continue with the repairs 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.

