

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • AUGUST 8, 2017

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Arthur J. Byrnes

District 3 - Commissioner
John C. Danio

District 2 - Commissioner
Penny Currie

District 4 - Commissioner
Chris Via

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

- a. Roll Call
- b. Invocation
- c. Pledge of Allegiance

2. PRESENTATION

- 1. Proclamation - 75Th Anniversary of Holly Hill City Hall Building
(Requested by Valerie Manning, City Clerk)

3. PUBLIC COMMENTS**4. APPROVAL OF MINUTES**

- 1. Minutes - July 25, 2017 - Regular City Commission Meeting
(Requested by Valerie Manning, City Clerk)

5. CONSENT AGENDA - NONE

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

6. REGULAR AGENDA

- 1. Fountainhead Final Plat Consider Approval of the Replat of the 25 Acre Parcel Located at 1200 Center Avenue
(Requested by Thomas Harowski, Board of Planning and Appeals)

7. PUBLIC HEARINGS

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk's office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

- 1. Variance Request - 536 Center Avenue A Variance of 29 Feet from the Maximum Length of 16 Feet for a Temporary Storage Unit on Residential Property to Allow Placement of Two 45 Foot Long Storage Units, and a Variance from the Maximum Time of 30 Days When the Unit May be Placed on the Property. No Maximum Time Limit is Requested.
(Requested by Thomas Harowski, Board of Planning and Appeals)

2. Condemnation of the Property Located at 1571 Daytona Avenue
(Requested by Joseph Forte, City Manager)
3. Condemnation of Property Located at 430 Burleigh Avenue
(Requested by Joseph Forte, City Manager)

8. COMMUNICATIONS

- A. City Manager & Staff Comments
- B. City Attorney Comments
- C. Mayor's Comments
- D. City Commission Comments

9. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.

**City Commission**

1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED**PRESENTATION (ID # 1739)**

Meeting: 08/08/17 07:00 PM
Department: City Clerk
Category: Proclamation
Prepared By: Valerie Manning
Initiator: Valerie Manning
Sponsors:

DOC ID: 1739

Proclamation - 75Th Anniversary of Holly Hill City Hall Building

**PROCLAMATION
BY THE MAYOR OF THE CITY OF HOLLY HILL, FLORIDA
RECOGNIZING THE 75TH ANNIVERSARY
OF THE CITY HALL BUILDING**

WHEREAS, this Holly Hill Municipal Building was dedicated on September 7, 1942 after being “Erected to the Future of Holly Hill”; and

WHEREAS, it was designed, engineered and constructed by local talent of local coquina stone from a quarry north of Ormond Beach, FL, assisted by additional workers from the national Works Progress Administration; and

WHEREAS, those officials for the construction project were: Alan McDonough, architect, Planning Committee composed of Charles T. Henderson, Chairman, Milton B. Punnett and John Schmahl, George Somers, Superintendent, Mayor Alex Littlefield, City Council members B. M. Beach, A.L. Bean, E. E. Cole and H. R. Smith and Louis Ossinsky, City Attorney; and

WHEREAS, in its earliest configuration, the upper level was dominated by a beautiful gymnasium and stage which local youths were encouraged to use for games, dances and events in a safe environment while the lower level housed the Police Department and jail, the Fire Department as well as two classrooms to accommodate overflow from the adjacent school after WWII; and

WHEREAS, it was added to the National Register of Historic Places on April 8, 1993 as an example of engineering and architecture; and

WHEREAS, now it is transformed into City offices and called “Holly Hill City Hall.”

NOW, THEREFORE, I, John Penny, Mayor of the City of Holly Hill, Florida and on behalf of the City Commission, do hereby proclaim September 7, 2017 as the:

**“75th ANNIVERSARY OF THE HOLLY
HILL MUNICIPAL BUILDING”**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 7th day of August, 2017.

City of Holly Hill, Florida

John Penny, Mayor



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: August 8, 2017
FROM: Valerie Manning
SUBJECT: Minutes - July 25, 2017 - Regular City Commission Meeting
NUMBER: (ID # 1744)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from July 25, 2017 regular City Commission meeting.

FISCAL ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve minutes.

COMMISSION GOAL:

N/A

MOTION:

Approve July 25, 2017 as submitted by staff.

- Minutes - July 25, 2017 - Regular City Commission meeting (PDF)



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • JULY 25, 2017

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

a. Roll Call

*Commissioner Via made a motion to **EXCUSE** Commissioner Currie from the meeting, seconded by Commissioner Danio.*

PASSED, 4-0.

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Absent	
John C. Danio	District 3 - Commissioner	Present	
Chris Via	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

b. Invocation

c. Pledge of Allegiance

2. PUBLIC COMMENTS

None.

Keith Norden from Team Volusia and John Ferguson were present to give an update to the Mayor and Commissioners on Team Volusia.

3. APPROVAL OF MINUTES

1.

Minutes - June 27, 2017 - Budget Workshop and Regular City Commission Meeting

Minutes - July 11, 2017 Budget Workshop and Regular City Commission Meeting

(Requested by Valerie Manning, City Clerk)

Attachment: Minutes - July 25, 2017 - Regular City Commission meeting (1744 : Minutes)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Danio, Via, Penny

Enacted and approved this 25th day of July, 2017, in Holly Hill



4. **CONSENT AGENDA - ITEM (1)**

Mayor Penny asked if any member of the Commission would like to pull the item from the Consent Agenda for further discussion or if any member from the audience would like to discuss it. There was no one.

1.

Payroll & Holiday Calendar FY 2017-2018

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Danio, Via, Penny

Enacted and approved this 25th day of July, 2017, in Holly Hill



5. **REGULAR AGENDA - NONE**

None

6. **PUBLIC HEARINGS**

1. Resolution

Resolution 2017-R-40 A Resolution of the City of Holly Hill, Florida, Adopting a Proposed Millage Rate for the Fiscal Year Beginning October 1, 2017; Providing for a Public Hearing on Millage Rate; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Kurt Swartzlander, Finance)

Mr. Forte read the entire Resolution into the record:

RESOLUTION 2017-R-40

**A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA,
ADOPTING A PROPOSED MILLAGE RATE FOR THE FISCAL
YEAR BEGINNING OCTOBER 1, 2017; PROVIDING FOR A
PUBLIC HEARING ON MILLAGE RATE; PROVIDING FOR**

CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Holly Hill, Florida is required by Florida Statute 200.011 to certify to the County Property Appraiser the general municipal millage rate proposed by said Commission for the tax year beginning October 1, 2017; and

WHEREAS, the City Commission of the City of Holly Hill, Florida, pursuant to the TRIM Bill, shall hold a public hearing adopting proposed millage rate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the millage rate proposed by the City Commission of the City of Holly Hill, Florida, for the tax year beginning October 1, 2017 is 6.8949 (6.8949 Per \$1,000.00); The FY2017 operating millage rate is 6.8949 Mills, which is greater than the rolled-back rate of 6.5426 mills by 5.38%.

SECTION 2. That the City Commission does hereby set a public hearing on the millage rate for 7:00 p.m. on Monday, September 11, 2017, in the Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida.

SECTION 3. That all resolutions made in conflict with this Resolution are hereby repealed.

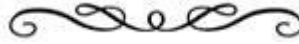
SECTION 4. That this Resolution shall become effective immediately upon its adoption.

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	John C. Danio, District 3 - Commissioner
AYES:	Byrnes, Danio, Via, Penny

RESOLUTION

Enacted and approved this 25th day of July, 2017, in Holly Hill



2. Resolution

Resolution 2017-R-41 A Resolution of the City of Holly Hill, Florida, Setting the Proposed Stormwater Utility Fee at \$7.00 Per Equivalent Residential Unit; Establishing the Equivalent Residential Unit for Non-Residential and Multi-Family Properties; Providing for Severability; Providing for Conflicting Resolutions; and Providing an Effective Date.

(Requested by Kurt Swartzlander, Finance)

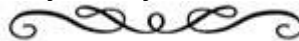
Mayor Penny opened public participation. No one spoke.

Mr. Forte informed the Mayor and City Commissioners that this is not an increase; same rate as before.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John C. Danio, District 3 - Commissioner
SECONDER:	Chris Via, District 4 - Commissioner
AYES:	Byrnes, Danio, Via, Penny

RESOLUTION

Enacted and approved this 25th day of July, 2017, in Holly Hill



7. COMMUNICATIONS

A. City Manager & Staff Comments

a.

Solid Waste Update

(Requested by Joseph Forte, City Manager)

Mr. Forte stated that the Civil Service Board was posted on the website as they requested and only two applications were turned in and they needed five to complete a board. Mr. Forte stated he thinks they have met the intent in trying to fill the board

and unless there is any further direction from the City Commission, staff will notify these two applicants and let them know there wasn't enough to create a board and the city will let it sit static at this point.

Commissioner Via brought up the possibility of having alternates and Mr. Forte informed him that there was a long time ago but the Commission had removed that. There are no more alternates to boards, just board members.

Mr. Forte gave an update on the Solid Waste contract with Waste Management, which expires in September 2018. Staff has had visits from representatives from Waste Management and Waste Pro. Waste Management would like to assign their contract to Waste Pro and vice-versa would happen. Waste Pro will assign a contract to Waste Management in another county, in another community. In doing that, that leaves one year remaining on the city's contract and what the city would like to do is go ahead and rewrite the contract, which is a 1997-1998 contract and do it where it will be assigned to Waste Management to Waste Pro and then either create a five year or ten year contract under Waste Pro. The big difference they are going to see here is the elimination of the side arm loader and go to a rear loader where you will find as you drive through the city on trash day, a lot of people will put out containers or bags or other materials outside of the toter and it will not get picked up until Friday because there is only one person on the truck with a side arm loader. The change in service should prove to be an opportunity to clean the city on the days they actually have trash pick up. Keep in mind, the current hauler doesn't want the contract any more, the hauler that wants to take over the contract has a contract in every other city in this county except one on the beach side and for the city to go back out on the street, you might get one other potential vendor that may not be happy with the decision that the city is not going out to publicly bid this. If they did that, there's no guarantee on any reduction in cost or any increase in service based on the way the bids go out and the city would lose the opportunity where when the contract is assigned from Waste Management to Waste Pro, they have to pay the city \$50,000 so the city would lose that opportunity. Mr. Forte stated he thinks it's in the best interest to negotiate with Waste Pro on a contract that assigns the existing remaining one year and then either a five year contract with a five year renewal or a ten year contract with a five year renewal and based on what decision the city gets at that time, will determine the rate structure. Mr. Forte stated that himself, Mr. Juliano and Mr. Swartzlander have been meeting to go through the contract. Once they have gotten the contract cleaned up and forwarded it to Bill Redman who will then review it and then staff will send it to Waste Pro for review then it will go to the City Attorney for review and then it will come back to the City Commission. Mr. Forte stated what he is asking for tonight is to waive the procurement process and not go out and bid on the open market for Solid Waste Services but to go ahead and negotiate a contract with Waste Pro. To automatically replace all the toters is a waste of money. These toters now come with a ten year warranty on them. What they are working on is language that was actually sent to him from Seminole County that talks about replacing toters as needed and it can be based on whether its the hauler that sees it needs to be replaced or city staff or the consultant. If anybody says that a toter needs to be replaced it gets replaced without question. As they get replaced they will have the city logo stamped on them.

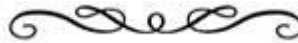
Mayor Penny stated he sees this as a win-win; Commissioner Via agreed as well as Commissioner Byrnes and Danio.

Mr. Forte stated he thinks it will prove to be a cleaner operation on the type of service that is being provided than the side arm loader.

There was *CONSENSUS* from the Mayor and City Commission to waive the procurement process and not go out and bid on the open market for Solid Waste Services but to go ahead and negotiate a contract with Waste Pro.

Mr. Forte stated that the contract will come back before the City Commission.

RESULT:	CM COMMENTS
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B. City Attorney Comments
None.

C. Mayor's Comments
None.

Mr. Juliano came forward and gave a brief update on the plant update regarding the Product Quest business and the issue with the zinc.

D. City Commission Comments
Commissioner Danio reminded everyone about National Night Out on August 1st.

8. **ADJOURNMENT**

The meeting adjourned at approximately 8:00 PM.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: August 8, 2017
FROM: Thomas Harowski
SUBJECT: Fountainhead Final Plat Consider Approval of the Replat of the 25
Acre Parcel Located at 1200 Center Avenue
NUMBER: (ID # 1741)
APPLICANT: Mark Watts
PLANNER: Thomas Harowski

INTRODUCTION:

The applicant is requesting approval of a final plat to replat the approximately 25-acre site located at the 1200 Center Avenue, which is the southwest corner of the intersection of Walker Street and Center Avenue. The replat will create five lots.

BACKGROUND:

In March 2017 the City of Holly Hill approved a Mixed Use Planned Unit Development Agreement which includes a development plan for the subject property. The proposed replat of the parcel is necessary to create lots for development consistent with the approved MPUD agreement. The proposed action is for approval of a final plat.

DISCUSSION:

The proposed final plat with four lots and the well tract is consistent with conceptual development plan approved by the City Commission in the MPUD agreement. The plat has been reviewed by Development Review Committee and by the City surveyor as required by State law. The staff review has identified a few minor corrections to the plat as of this date, and the applicant is in the process of making the final corrections prior to the August 8, 2017 City Commission meeting.

If the City Commission approves the final plat at the August 8, 2017 meeting the applicant will need to obtain the required signatures on the plat and record the plat in the public records of Volusia County.

FISCAL

ANALYSIS:

The approval of the proposed final plat will enable the sale of the initial parcels to the applicant as provided in the approved MPUD agreement.

RECOMMENDATION:

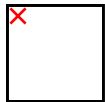
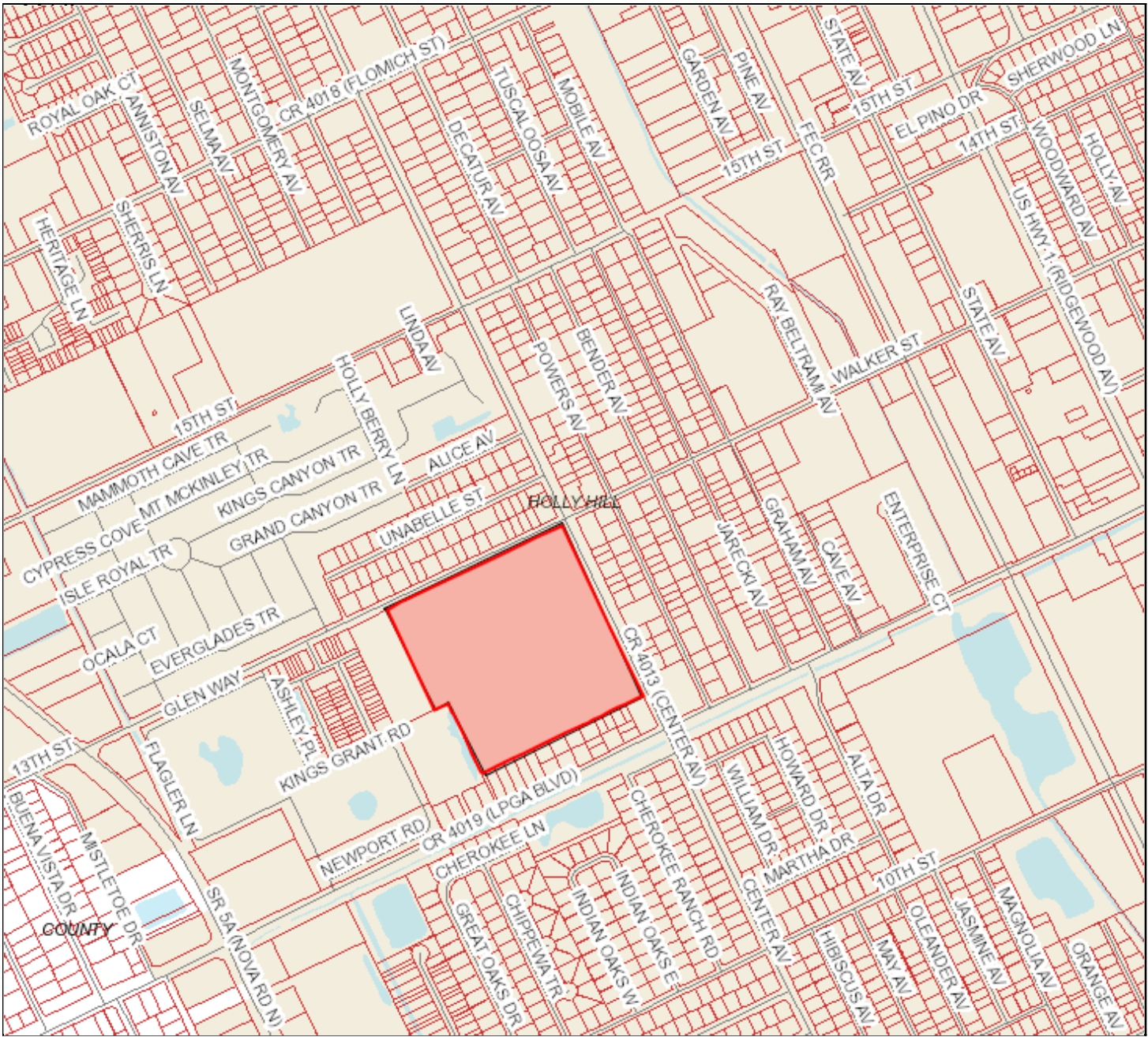
Staff recommends approval of the final plat for Fountainhead provided the applicant revises the language for the “access easement” to an “ingress/egress easement”; the applicant eliminates the 3-foot utility easement remnant from the former Bishop Village Plat; and the applicant complies with any other amendments directed by the City surveyor.

Surveyor Comments:

There are a few minor items to be resolved as follows:

1. The 13-foot ingress-egress easement at the southwest corner needs an OR book and page or labeled as proposed, or removed. The plat cannot create an easement outside the bounds of the plat.
2. A typo on the mandatory note (General Notes #1), is a copy and paste issue from html to autocad text.
3. Licensed Business number and LS number labeling to be inserted.
4. Former 3-foot easement from Bishop Village Plat needs to be removed.
5. City Surveyor approval signature block must be re-inserted.
6. The Dedication Block needs completion, either more information or "and dedicates" removed and a period to the left ending the sentence.
7. There is one PRM yet to be set. Mr. Cullum committed to set it this week.
8. Access easements are to be labeled as ingress-egress easements.
 - S-2017-03 Location Map (PDF)
 - Fountainhead Subdivision Replat 7.28.17 (PDF)

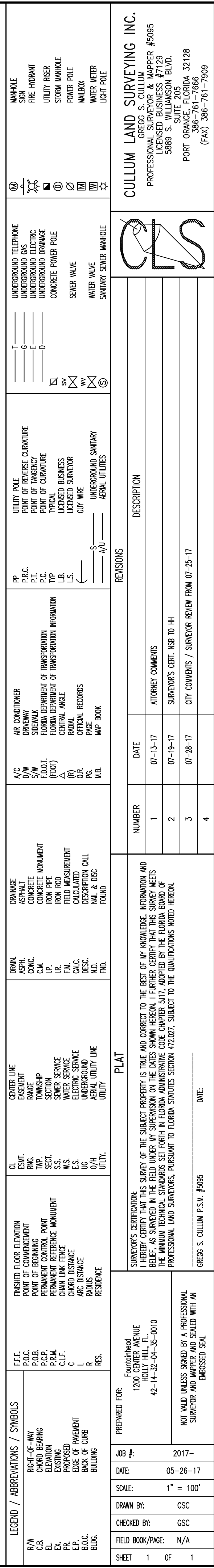
FOUNTAINHEAD REPLAT LOCATION



Scale 1:10,000 - 1 in = 833 ft



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SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER





**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: August 8, 2017
FROM: Thomas Harowski
SUBJECT: Variance Request - 536 Center Avenue A Variance of 29 Feet from the Maximum Length of 16 Feet for a Temporary Storage Unit on Residential Property to Allow Placement of Two 45 Foot Long Storage Units, and a Variance from the Maximum Time of 30 Days When the Unit May be Placed on the Property. No Maximum Time Limit is Requested.

NUMBER: (ID # 1719)
APPLICANT: Richard Nation
PLANNER: Thomas Harowski

INTRODUCTION:

The applicant has two large storage containers located on site at 536 Center Avenue and is asking for a variance to allow the container units to be on site beyond the 30-day limit allowed by Section 114-745 of the land development code. No expiration time period is proposed. The applicant is also seeking a variance from the maximum size for temporary storage units. The maximum length permitted is 16 feet while the storage containers on site are 45 feet long.

BACKGROUND:

In 2011 the applicant sought a similar variance to allow the placement of two storage units on residential property at 536 Center Avenue for a period longer than 30 days. At that time the Board of Planning and Appeals recommended the units be allowed to remain for up to one year. The City Commission granted a two-year variance which expired in 2013. The City did not take any follow up code enforcement action and the units remain on site today. The City, through its code enforcement function, has directed the units be removed in compliance with the 2011 City Commission decision.

The storage units are 45 feet long and about nine feet wide. Subsequent to the 2011 variance the applicant did construct a screening fence and landscaping to limit the view of the units from Center Avenue. The applicant has stated that the conditions which supported the variance in 2011 have not changed and he is applying for another variance to allow the storage units to remain on site beyond the 30-day period allowed for temporary storage units in an effort to address the outstanding code violation. Subsequent to the 2011 variance, the City modified the code to set a maximum size on temporary storage units of 16 feet. The applicant will need a variance from this provision to allow the 45 foot length storage units.

The applicant has explained that the units hold personal belongings and work tools for a construction business that he cannot afford to maintain off-site. At the BOPA meeting the

applicant presented signatures from neighbors who had no objections to the storage units remaining on site.

At the June 5, 2017 Board of Planning and Appeals meeting the Board reviewed the application from Mr. Nation at 536 Center Avenue regarding the continued placement of two 9 x 45 storage units on his property. The Board discussion centered on whether the storage units were in fact accessory structures since they had been tied down and recommended continuation of the variance while this issue was decided.

The applicant's property and the development on the property is presented below in more detail. The subject property is large for a Holly Hill residential property and large for the neighborhood, measuring 2.44 acres according to the property appraiser records. According to the survey submitted by the applicant, the property has a number of structures on it including:

Single-Family Residence	951 square feet
Attached Covered Porch	690 square feet
Detached Garage	400 square feet
Storage Building	504 square feet
Storage Building	160 square feet
Conex Shipping Container	360 square feet
Conex Shipping Container	360 square feet

The City Code for accessory structures begins at Section 114-741 does not limit the number of accessory structures on a residential parcel, so the three accessory structures present on the lot are permitted under the code. If the two storage units are determined to be accessory structures, these would also be permitted by the code if all other requirements for accessory structures are met. The three accessory structures constitute 1060 square feet or 112% of the area of the residence. The two storage containers at 720 square feet are 76% of the area of the residence.

DISCUSSION:

The first point of discussion is whether the storage units are temporary storage units subject to the provisions of Section 114-745. Our code defines a temporary portable storage unit as follows:

Definition: A portable storage unit is any enclosed structure that does not require a building permit, is not required to be anchored according to the city's adopted building codes and is transported by truck or trailer for placement upon residential property for the purpose of short-term storage as defined herein (114-745)

The Conex shipping containers are clearly intended to be transported by truck and placement on a property would not normally require a permit or anchoring. Anchoring of the units on the

subject property was only required as an additional safety condition under the variance granted in 2011 as the units were to remain on site for a much longer period of time than normally allowed for temporary storage units. The units are designed and intended for use in shipping goods between locations. The use of the units for temporary storage may be an adoptive use, but is clearly not the primary intent of the product. The units will now exceed the maximum size allowed for use in residential neighborhoods, but this was not the case in 2011. It is the planning staff's opinion that the containers should be considered under the provisions of 114-745 Portable Storage Units.

To be considered an accessory structure, the Conex units would have to meet a number of general and specific criteria. Section 114-742 (2) h states that:

“Any specific accessory use or structures which are not addressed within this chapter shall not be located on any lot.”

Section 114-741 gives examples of accessory structures including apartments, garages and utility sheds. Another section refers to regulations for swimming pools, so these would also qualify as accessory uses. This rule is open to some interpretation as we have examples of accessory structures rather than a definitive listing, but in the planning staff's opinion, the shipping units would fall outside the scope of a utility shed.

Additionally, under the general requirements accessory structures are to be clearly incidental and subordinate to a principal use. The section (114-742 A) reads:

Accessory structures and uses are permitted in conjunction with any principal use, provided that they are recognized as clearly incidental and subordinate to the principal use and do not alter the characteristics of the lot(s).

An item such as a larger industrial-style containers will alter the characteristics of a residential lot and residential neighborhood. It is also questionable as to whether the two storage units totaling 720 square feet (76% of the living area of the house) are clearly incidental and subordinate to the principal uses - especially when the lot already contains over 1,000 square feet of other accessory buildings. Granted the large lot size makes the impact of the accessory buildings, both number and size, less impactful in the neighborhood, but the introduction of an industrial structure still negatively impacts the overall residential character of the property.

The general requirements for accessory buildings also include a couple of other requirements that may be applicable to this situation. These include:

114-742 A 4: The accessory structure must be similar in design, materials and color as the principal use. (Note: Section 114-742 (2) applies this criterion to accessory structures in excess of 300 square feet. This criterion will apply to the current application.)

114-742 A 8 and 10: The accessory structure may not be used for business use or for a home occupation. If the storage is for materials and equipment in support of Mr. Nation's contracting business, these provisions may apply depending on how he has his contractor's license registered.

The interpretation that has been applied regarding "similar in design" is that exterior wall materials and colors need to be similar to the house, and that the roof line and roofing material needs to be similar to the house.

FISCAL**ANALYSIS:**

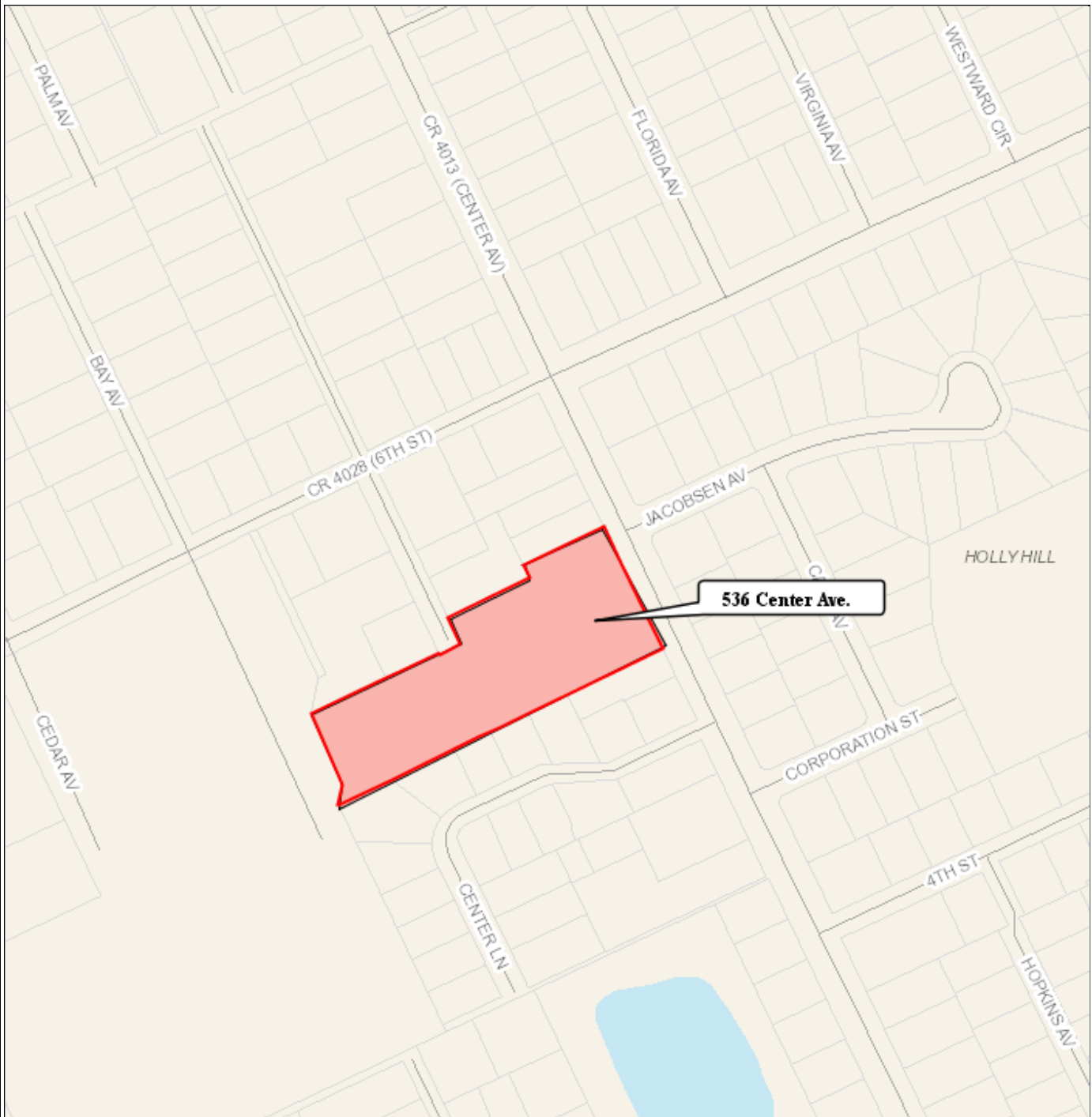
The requested action has no fiscal impact.

RECOMMENDATION:

The planning staff recommended the requested variance not be granted in 2011 and again with the current application. In 2011 the BOPA recommended a one-year variance, and for the current application the BOPA recommended continuation of the use either as a temporary storage unit or as an accessory use if applicable. No time limit was specified by the BOPA.

- V-2017-05 Location Map (PDF)
- V-2017-05 Aerial Photo (PDF)
- V-2017-05 Application (PDF)

V-2017-05 LOCATION MAP



Scale 1:3,000 - 1 in = 250 ft
 Date Created:
 10-May-17 11:34 AM

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 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

Attachment: V-2017-05 Location Map (1719 : Variance Request - 536 Center Avenue)

V-2017-05 AERIAL PHOTO



Scale 1:3,000 - 1 in = 250 ft
 Date Created:
 10-May-17 11:37 AM

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 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

Attachment: V-2017-05 Aerial Photo (1719 : Variance Request - 536 Center Avenue)



GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117

Phone: (386) 248-9424

Fax: (386) 248-9498

Date Received: 6/5/17

Application ID: 2017-05

Received By: [Signature]

REQUESTED ACTION

- | | | | |
|--|--|--|--|
| ☐ Comp Plan Amend | ☒ Variance | ☐ Site Plan | ☐ PUD |
| ☐ Rezoning | ☐ Special Exception | ☐ Subdivision Major | ☐ Subdivision Minor |
| ☐ Waiver Request | ☐ Other: _____ | | |

Describe Request: RENEW - REISSUE VARIANCE FOR (2) STORAGE
CONTAINER(S).

APPLICANT INFORMATION:

Name: RICHARD L. NATION
Address: 536 CENTER AVE
HOLLY HILL FL 32117

E-Mail: daytonafla@gmail.com
Phone: 386.334.5072
Fax: _____

☒ Owner ☐ Agent for Owner ☐ Attorney for Owner

OWNER INFORMATION:

Name: RICHARD L. NATION
Address: 536 CENTER AVE
HOLLY HILL FL 32117

E-Mail: daytonafla@gmail.com
Phone: 386.334.5072
Fax: _____

PROPERTY INFORMATION:

Address: 536 CENTER AVE - HOLLY HILL
General Location: _____
Current Zoning: _____ Current Land Use: _____
Parcel Size: 41-228 X 600 Tax Parcel #: _____

Legal Description Attached ☐ Yes ☐ No Survey Attached ☐ Yes ☐ No

Recpt # 17.1012

Attachment: V-2017-05 Application (1719 : Variance Request - 536 Center Avenue)

Pre-Application Meeting Date: _____
(Attach Pre-Application Form)

Application Fee: \$ _____

Applicant's Signature: _____

(Signature)

05.02.2017
(Date)

RICHARD C. NATION
(Print)

Owner's Signature: _____

*(Provide letter of
 Authorization)*

(Signature)

(Date)

(Print)

Applications must be complete to initiate the preview process.

Any questions please contact our City Planner, Tom Harowski at (386) 248-9424, fax (386) 248-9498 or email him at tharowski@hollyhillfl.org



Fee \$ 350

7.1.c

CITY OF HOLLY HILL SPECIAL EXCEPTION CHECKLIST AND REQUIREMENTS

SPECIAL EXCEPTION CHECKLIST

- ☐ Pre-Application Meeting Form completed and meeting held prior to completion of application
- ☐ Application Fee and Estimated Deposit
- ☐ Completed Special Exception Application
- ☐ One signed and sealed survey of the property (no more than 2 years old).
- ☐ Legal Description (Digital in MS Word)
- ☐ Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).
- ☐ List of property owners within 300 feet
- ☐ A Description of the Special Exception and how it complies with the Special Exception Criteria of Chapter 114, Article III, Division 2.

PUBLIC NOTIFICATION (Sec. 82-347)

- a) The applicant shall provide written notice to property owners regarding his intention to seek a special exception and shall pay all costs of providing such notice as follows:
 - 1) An applicant seeking a special exception shall provide written notice to property owners, as identified in the current tax roll, within 300 feet of the property perimeter which is the subject of the special exception request.
 - 2) In addition to written notice provided in accordance with this section, city staff shall also post a notice on the subject property ten days prior to the board of planning and appeals meeting.
- b) A notice letter will be provided to the applicant by the City. The written notices shall be made at least ten days prior to the date of hearing before the board of planning and appeals. The written notice shall be sent by certified mail, return receipt requested.

ADMINISTRATIVE REVIEW (Section 82-343)

- 1. All requests for special exceptions shall be reviewed administratively by the development code administrator in conjunction with pertinent city staff. The development code administrator shall make a written determination that the request be approved, approved with conditions, or denied based upon the conditions described in section 82-346.
- 2. A determination by the development code administrator to deny a request for special exception shall become final unless the applicant appeals the determination to the city commission within 30 days of the date of such determination.
- 3. When the development code administrator determines that a special exception should be approved or approved with conditions, he shall schedule the matter for review and final determination by the city commission.

CITY COMMISSION PUBLIC HEARING

The City Commission schedules public hearings the second and fourth Tuesday of each month at 7:00 p.m. p.m. in the City Commission Chambers, 1065 Ridgewood Avenue, and Holly Hill, Florida 32117. At this public hearing, the City Commission votes to approve, deny, or continue the application.

Attachment: V-2017-05 Application (1719 : Variance Request - 536 Center Avenue)

WRITTEN PETITION FOR A SPECIAL EXCEPTION

The following items must be completed in sufficient detail to allow the City to determine if the application complies with the City Code Chapter 114 and Section 82-346.

1. Is it inconsistent with the purpose or intent of this subpart? ☐ YES ☒ NO Explain.

UTILITY STORAGE ALLOWED

2. Is it inconsistent with any element of the comprehensive plan? ☐ YES ☒ NO Explain.

3. Will it adversely affect the public interest? ☐ YES ☒ NO Explain.

41-90' FROM PROPT. LINE CENTER AVE
WOOD FENCE & LANDSCAPE SHELTERS
MEETS MINIMUM SET BACKS

4. Does it meet the expressed requirements of the applicable special exception? ☒ YES ☐ NO Explain.

5. Is the applicant able to meet all requirements imposed by federal, state or local governments, or by the city commission? ☒ YES ☐ NO Explain.

6. Will it generate undue traffic congestion? ☐ YES ☒ NO Explain.

41-90 LF FROM CENTER AVE
MEETS MINIMUM SET BACKS

Attachment: V-2017-05 Application (1719 : Variance Request - 536 Center Avenue)

7. Will it create a hazard or a public nuisance, or be dangerous to individuals or to the public? ☐ YES ☒ NO Explain.

UTILITY STORAGE ONLY
MEETS MINIMUM SET BACKS

8. Will it materially alter the character of surrounding neighborhoods, or adversely affect the value of surrounding land, structures or buildings? ☐ YES ☒ NO Explain.

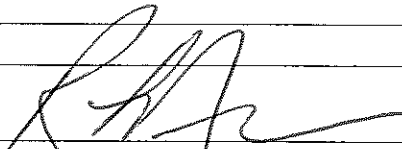
NO FENCE & SHURB SCREEN

9. Will it adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution? ☐ YES ☒ NO Explain.

UTILITY STORAGE ONLY

RICHARD L. NATION

Print Applicant Name



Applicant Signature

Print Applicant Name

Applicant Signature

05.02.2017

Date

Date

Attachment: V-2017-05 Application (1719 : Variance Request - 536 Center Avenue)



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: August 8, 2017
FROM: Joseph Forte
SUBJECT: Condemnation of the Property Located at 1571 Daytona Avenue
NUMBER: (ID # 1743)
APPLICANT:
PLANNER:

DISCUSSION:

The property located at 1571 Daytona Avenue has had numerous complaints by neighbors to both the Holly Hill Building Department, Code Enforcement and the Police Department. The home has been and remains in a state of despair causing several nuisances that are against both the International Property Maintenance Code and the Land Development Code. The current owner, Sarah Davis, resides immediately next door at 1575 Daytona Avenue and has been to the Special Master on numerous occasions to have the property brought into compliance and the stabilized however, she has not responded to or address the Special Masters Orders. To date, no work has been done on this property.

The Special Master has issued several Orders of Non-Compliance.

The most recent Special Master Order required the owner, for a second time, to have the property inspected by a civil engineer to determine the safety of the structure. The owner has failed to have the building inspected. The Chief Building Official, Larry Hites along with the Chief of Police, Steve Aldrich, Code Officer, Mark Ballard and City Manager, Joe Forte have visited the property and are prepared to offer substantial competent evidence that this property is unsafe and presents a hazard to the public.

The structure is a block wall building which has several holes in the roof. The building is leaning and the walls are beginning to collapse. The north side wall has large cracks in it and is moving so much that the windows are breaking. There is a void under the slab that an 8-foot pole can be inserted under the slab without resistance. It is believed there is substantial settling under the building causing the failure.

The Building Official is prepared to testify the structure to be unsafe and a danger to the public.
(See attached letter by Larry Hites)

Complete file can be reviewed in the Code Enforcement office.

At approximately 10:30 am on July 31, 2017, Deputy Chief Miller located Sarah Davis at the McDonalds located in Holly Hill. He provided the letter to Ms. Davis and explained she needed to read it and there was a Public Hearing meeting at City Hall on August 8, 2017. Ms. Davis stated she would read the letter.

FISCAL ANALYSIS:

Upon City Commission approval for condemnation, staff will follow existing procurement procedures to select a vendor for demolition. Exact demolition costs are not yet known and a budget amendment may be required to complete demolition of the property.

STAFF RECOMMENDATION:

There are no lien holders that need to be notified of this action. The only liens on the property are the City of Holly Hill liens and the City should proceed with foreclosing the liens so the property can be sold and the City recoup its losses. Therefore, staff recommends the City Commission declare the property uninhabitable, unsafe and a danger to the public and condemn and order the property located at 430 Burleigh Avenue to be demolished.

COMMISSION GOAL:

Enhance City aesthetics through beautification and maintenance of city property and public rights of way, consistent enforcement of zoning and property maintenance codes and development of reasonable design standards and a corresponding process which is applicable to all new developments and business improvements in the city.

MOTION:

TO DECLARE THE PROPERTY UNINHABITABLE, UNSAFE AND A DANGER TO THE PUBLIC AND HEREBY CONDEMNED. ORDER THE PROPERTY LOCATED AT 1571 DAYTONA AVENUE TO BE DEMOLISHED AND AUTHORIZE THE CITY ATTORNEY TO PROCEED WITH FORECLOSING ON THE LIENS.

- 05-28-1996 - Ordinance 2428 (DOC)
- 02-25-1997 - Ordinance 2452 (DOC)
- 1571 Daytona Ave Building Official letter (PDF)
- 1571 Daytona Hand delivered Notice (PDF)
- 1571 Daytona Ave - Photos (PDF)

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HOLLY, HILL, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The Code entitled "Code of Ordinances, City of Holly Hill, Florida" published by Municipal Code Corporation consisting of chapters 1 through 114, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before February 27, 1996, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every violation of a municipal code is hereby declared to be a misdemeanor and every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$500.00

or a term of imprisonment not to exceed 60 days, or both a fine and term of imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance.

In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, code enforcement, administrative adjudication, injunctive relief and revocation of licenses on permits.

Section 5. Additions on amendments to the Code when passed in the form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after February 27, 1996, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, on application hereof, is for any reason held invalid or unconstitutional by any Court, such portion on application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions on application hereof.

Section 8. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 9. That this Ordinance shall become effective immediately upon its adoption.

Section 10. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in council chambers at City Hall on the 14th day of May, A.D. 1996.

It was moved by Councilman Shirley Heyman and seconded by Councilman Arthur Byrnes that said Ordinance be approved on first reading. A roll call vote of the Council held on said motion for approval of the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

The within and foregoing Ordinance was introduced and read on the second reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in Council Chambers at City Hall on the 28th day of May, A.D. 1996.

It was moved by Councilman Arthur Byrnes and seconded by Councilman J. D. Mellette that said Ordinance be

adopted. A roll call vote of the Council held on said motion to adopt the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

Whereupon, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 28th day of May _____, A.D. 1996, for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA

WILLIAM ARTHUR, MAYOR

ATTEST:

CITY CLERK/MANAGER

D:\DOCUMENT\ORDINANC\2428CODE.ORD

ORDINANCE NO.2452

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTION 114-813, SECTION 114-814, SECTION 58-102, SECTION 58-103, AND SECTIONS 26-63 THROUGH 26-67 OF THE HOLLY HILL CODE OF ORDINANCES WHICH ARE ENFORCEMENT PROVISIONS FOR DIFFERENT REGULATIONS CONTAINED IN THE HOLLY HILL CODE OF ORDINANCES; CREATING A NEW CHAPTER 3 (ENFORCEMENT), SECTION 3-1 (GENERAL ENFORCEMENT PROVISION) CONSOLIDATING THE ENFORCEMENT PROVISIONS CONTAINED IN THE ABOVE REPEALED SECTIONS INTO A SINGLE SECTION; SECTION 3-2 (ABATEMENT OF NUISANCES BY DEMOLITION) ESTABLISHING A PROCEDURE BY WHICH THE CITY CAN ABATE A NUISANCE BY DEMOLITION; AND SECTION 3-3 (NOTICE REQUIREMENTS) SETTING FORTH THE METHOD OF SERVING NOTICE FOR THE ABOVE ENFORCEMENT PROVISIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are several sections of the Holly Hill Code of Ordinances containing enforcement provisions.

WHEREAS, some of these sections contain very similar and in some instances identical enforcement provisions.

WHEREAS, the City believes that for simplicity and ease of enforcement, there should be one enforcement provision for Code violations, except in circumstances that require a separate enforcement provision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. Section 114-813, Section 114-814, Section 58-102, Section 58-103 and Sections 26-63 through 26-67 of the City

of Holly Hill Code of Ordinances are hereby repealed and there is hereby created a new Chapter 3 (Enforcement) Section 3-1 (General Enforcement Provision), Section 3-2 (Abatement of Nuisances By Demolition) and Section 3-3 (Notice Requirements) to read as follows:

Sec. 3.1. General Enforcement Provision.

(A) Except when specifically provided otherwise in this Code, violations of the City of Holly Hill Code of Ordinances shall be enforcement as provided herein.

(B) The City shall have the authority to remove from private property vehicles and other equipment parked or stored in violation of the City of Holly Hill regulations, including but not limited to Divisions 6 and 7 of Chapter 114, and shall have the authority, in addition to any procedure established under State law, to abate nuisances described in Section 26-61 pursuant to the following procedure:

1) Whenever a code enforcement officer, building official, police chief or any member of their respective departments (hereinafter referred to collectively as City Official) determines that there is a violation of a regulation of the City of Holly Hill, said City Official shall issue a notice of violation setting forth the provision(s) of the Holly Hill Code of Ordinances that is/are violated, the corrective action that is required, the time allowed for corrective action which shall be reasonable and that the party has the right to a hearing regarding the violation as long as a request

is submitted in writing to the City within the time allowed for corrective action. The notice shall also provide that failure to correct the violation(s) could result in the City taking the necessary action to correct said violation(s) and charging the property owner for said action plus the levying of fines.

2) If after the reasonable time for corrective action has elapsed and the violation is still in existence and the property owner has not requested a hearing, the City Official is hereby authorized to take the necessary actions, within the legal constraints of the law, to correct the violation.

3) After the corrective action has been performed by the City or its authorized agent(s), the City Official shall immediately notify the property owner of the action that was taken and if property was removed from the premises, that the property owner has the right to reclaim the property by paying all fees and costs incurred by the City and the wrecker company in the removal and impoundment of the property and all fines that have been assessed.

The notice shall include the name and address of the wrecker company where the property is being stored. If the City has corrected the Code violation(s), such as mowing the property, the property shall be liened for the services rendered, plus all costs incurred in lienning the property.

4) Once property is towed at the direction of the City, the property shall become the responsibility of the wrecker company.

If the property is not reclaimed by the property owner, such property shall be disposed of by the wrecker company as provided by law and the City shall not be responsible for said property nor the ultimate disposition of said property.

5) If a hearing is requested under this Section, the hearing shall be held before the City Council, and the matter shall be placed on the Council's agenda at the next regularly held Council meeting following receipt of the written request for the hearing.

The property owner shall be provided written notice of the date, time and place of the hearing. If the City Council determines that a violation exists, the Council has the discretion to allow the property owner additional time for corrective action and shall authorize necessary corrective action.

6) The term "property owner" as used in the Section for purpose of issuance of a notice of violation as provided in Paragraph 1 shall mean the owner for owner-occupied structures and vacant land and the tenant for rental properties. The intent is to provide the notice to the individual in possession and control of the subject premises. If property is removed from the subject premises, i.e., the towing of a vehicle, the notice required in Paragraph 3 shall be given to the same party receiving the notice of violation in Paragraph 1 and to the owner of the property removed.

3.2. Abatement of Nuisance by Demolition.

The City shall have the right to abate a nuisance by demolishing

the structure or other property constituting said nuisance pursuant to the following procedure:

(A) The City Official shall provide a written notice to the property owner and tenant setting forth the following:

- 1) The violation(s) that exist on the premises and a cite to the Code section(s) that are in violation;
- 2) The corrective action to be taken;
- 3) A reasonable time for the corrective action to be performed;
- 4) That if the corrective action is not taken within the time allowed, the City Council will hold a public hearing to determine whether a public nuisance exists and if so, the appropriate remedy to abate the nuisance, including the demolition of said structure or property.

(B) The City shall also perform a title search on the subject property to determine all lien holder(s) and shall provide the notice in Paragraph (A) above to said lien holder(s).

(C) If the corrective action is not performed within the time allowed, and any extensions thereto, the City Official is authorized to request a public hearing before the City Council for a determination as to whether or not a public nuisance exists on the subject property and if so, the remedy that the City Official deems appropriate, including the demolition of the structure. The property owner(s), tenant(s) and all lien holders shall receive a

copy of the notice of public hearing. At said public hearing the City Council shall hear testimony and receive other forms of evidence from all interested parties and shall make its determination based on the evidence presented.

3.3. Notice Requirements. All notices required by this Chapter shall be provided to the required party in one of the following methods:

(A) by certified mail, return receipt requested, to the last known address of the alleged violator pursuant to the tax rolls;

(B) by hand delivery by the code inspector, by a City police officer or other person designated by the City;

(C) by publishing the notice once a week for four (4) consecutive weeks in a paper of general circulation in Volusia County, with the proof of publication made in compliance with Florida Statute Sections 50.041 and 50.051, as amended;

(D) by posting for at least ten (10) days in two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall, along with a proof of posting by affidavit which shall include a copy of the notice posted and the date and place of posting.

(E) evidence that an attempt has been made to hand deliver or mail the notice as provide in (A) and (B) above, together with proof of publication or posting as provided in (C) and (D) above, shall be sufficient to establish that the notice requirements have

been met, without regard to whether or not the party actually received such notice.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall become effective immediately upon its adoption.

Section 5. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in council chambers at City Hall on the 11th day of February, A.D. 1997.

It was moved by Councilman Heyman and seconded by Councilman Mellette that said Ordinance be approved on first reading. A roll call vote of the Council held on said motion for approval of the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>

Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

The within and foregoing Ordinance was introduced and read on the second reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in Council Chambers at City Hall on the 25th day of February, A.D. 1997.

It was moved by Councilman Shirley Heyman and seconded by Councilman Jim Elliott that said Ordinance be adopted. A roll call vote of the Council held on said motion to adopt the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

Whereupon, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 25th day of February, A.D. 1997, for the purpose of authenticity as is required by law.

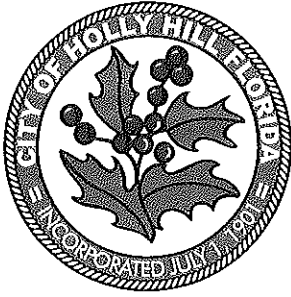
CITY OF HOLLY HILL, FLORIDA

WILLIAM ARTHUR, MAYOR

ATTEST:

CITY CLERK/MANAGER

Attachment: 02-25-1997 - Ordinance 2452 (1743 : Condemnation of the Property Located at 1571 Daytona Ave)



CITY OF HOLLY HILL

The City with a Heart

1065 Ridgewood Avenue ♥ Holly Hill, Florida 32117

www.hollyhillfl.org

**Building,
Zoning,
Licensing &
Inspections**

386-248-9442
Fax 386-248-9498

**City
Clerk**

386-248-9441
Fax 386-248-9448

**City
Manager**

386-248-9425
Fax 386-248-9448

**Community
Services**

386-248-9435
Fax 386-248-9448

**Economic
Development**

386-248-9444
Fax 386-248-9448

Finance

386-248-9427
Fax 386-248-9497

**Human
Resources**

386-248-9440
Fax 386-248-9448

**Information
Technology**

386-248-9459
Fax 386-248-9448

**Public
Works**

386-248-9463
Fax 386-248-9499

**Utility
Billing**

386-248-9432
Fax 386-248-9458

**Mayor & City
Commission**

386-248-9441
Fax 386-248-9448

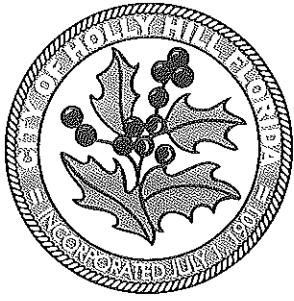
July 27, 2017

To Whom It May Concern:

I have completed the inspection of the structure at 1571 Daytona Avenue and have found it to be in a state of total disrepair. The roof is a total loss and collapsing. There is a large void projecting approximately 10 feet under the structure, which is causing the footing and walls to fail. This structure is a definite hazard to the neighbors and the community as a whole. I have had the power removed from the home deeming it unsafe. In my professional opinion this structure needs to be demolished for the safety of the community.

Larry J. Hites Jr.
Larry J. Hites Jr., C.B.O. 7/27/17

Attachment: 1571 Daytona Ave Building Official letter (1743 : Condemnation of the Property Located at 1571 Daytona Ave)



CITY OF HOLLY HILL
 The City with a Heart
 1065 Ridgewood Avenue ♥ Holly Hill, Florida 32117
 www.hollyhillfl.org

**Building,
Zoning,
Licensing &
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386-248-9442
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386-248-9425
 Fax 386-248-9448

**Community
Services**

386-248-9435
 Fax 386-248-9448

**Economic
Development**

386-248-9444
 Fax 386-248-9448

Finance

386-248-9427
 Fax 386-248-9497

**Human
Resources**

386-248-9440
 Fax 386-248-9448

**Information
Technology**

386-248-9459
 Fax 386-248-9448

**Public
Works**

386-248-9463
 Fax 386-248-9499

**Utility
Billing**

386-248-9432
 Fax 386-248-9458

**Mayor & City
Commission**

386-248-9441
 Fax 386-248-9448

July 31, 2017

Ms. Sarah K. Davis
 1575 Daytona Ave
 Holly Hill, FL 32137

VIA: Hand delivery

Re: 430 Burleigh Ave. Parcel # 37-15-33-34-04-0010

Dear Ms. Sarah K. Davis:

The structure located at 1571 Daytona Ave. Parcel # 43-14-32-05-00-0130 is in such a rundown hazardous condition that the City of Holly Hill is concerned for the safety of the public.

The structure and premise has fallen into a state of disrepair. Inspections by City Code and Building Officials, indicate violations pertaining to structural/building, electrical, plumbing, mechanical systems as well as sanitary nuisances such as overgrown grass and weeds. This property has been determined to be unsafe and a hazard to the public. You have been directed by the Special Master to hire an engineer to evaluate the property for health and safety. You have not done so and the property remains an eyesore, an attractive nuisance as well as a fire safety and health hazard. All of these conditions are in violation of the International Property Maintenance Code, Chapters 1 through 7 and the Holly Hill Code of Ordinances, Article III, Sanitary Nuisances, Section 26-61 (1)(3)(4)(6)(9)(14).

You have failed to address the problems and have not responded to telephone calls nor certified mail.

This letter is to inform you that on **August 8 2017**, the City Commission of the City of Holly Hill will hold a **Public Hearing** to determine if this property is a nuisance and determine if the property to be declared condemned and order the demolition of the property.

City of Holly Hill
 Joseph Forte, City Manager



1571 Daytona Ave





Attachment: 1571 Daytona Ave - Photos (1743 : Condemnation of the Property Located at 1571 Daytona Ave)



Attachment: 1571 Daytona Ave - Photos (1743 : Condemnation of the Property Located at 1571 Daytona Ave)







Attachment: 1571 Daytona Ave - Photos (1743 : Condemnation of the Property Located at 1571 Daytona Ave)



Attachment: 1571 Daytona Ave - Photos (1743 : Condemnation of the Property Located at 1571 Daytona Ave)



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: August 8, 2017
FROM: Joseph Forte
SUBJECT: Condemnation of Property Located at 430 Burleigh Avenue
NUMBER: (ID # 1742)
APPLICANT:
PLANNER:

DISCUSSION:

The property located at 430 Burleigh Avenue has had numerous complaints by neighbors to both the Holly Hill Building Department, Code Enforcement and the Police Department. The home has been and remains in a state of despair causing several nuisances that are against both the International Property Maintenance Code and the Land Development Code. The previous owners are deceased and the property was left to the adult two children, Marcus Torres and Adrianna Torres. The Torres' have been contacted on numerous occasions to have the property brought into compliance and the stabilized however, they have not responded to any communication including certified mail. In 2014 Marcus Torres quit claimed his interest over to the sister who is now the owner of the property along with Lisa Surdyka whose address together is 950 N. Martel Avenue, #950, Los Angeles, CA 90046. These owner(s) have been notified to correct the code violations to no avail. Violations have been in place since 2013 and no repairs have been made since.

The Special Master has issued Orders of Non-Compliance on the following dates:

March 3, 2014, April 8, 2014, May 4, 2014, June 3, 2014 and July 9, 2014.

An Order by the Special Master on September 7, 2016 directed the matter be forwarded to the City Commission to determine whether the property should be demolished.

The Special Master also ordered an engineering inspection and GC inspection of the property which was completed in March of 2014. The results of these inspections determined the structure to be unsafe and a danger to the public. *(See attached inspection reports)*

Complete file can be reviewed in the Code Enforcement office.

Verbal notice has been given to Anthony Damiano. Mr. Damiano has a contract on the property that he is assigning to Carlos Lira, owner of ACL Realty, LLC. a local investor, who is planning to purchase the property on August 8, 2017. The buyer will be at the City Commission meeting.)

FISCAL ANALYSIS:

Upon City Commission approval for condemnation, staff will follow existing procurement procedures to select a vendor for demolition. Exact demolition costs are not yet known and a budget amendment may be required to complete demolition of the property.

STAFF RECOMMENDATION:

There are no lien holders that need to be notified of this action. The only liens on the property are the City of Holly Hill liens and the City should proceed with foreclosing the liens so the property can be sold and the City recoup its losses. Therefore, staff recommends the City Commission declare the property uninhabitable, unsafe and a danger to the public and condemn and order the property located at 430 Burleigh Avenue to be demolished.

COMMISSION GOAL:

Enhance City aesthetics through beautification and maintenance of city property and public rights of way, consistent enforcement of zoning and property maintenance codes and development of reasonable design standards and a corresponding process which is applicable to all new developments and business improvements in the city.

MOTION:

TO DECLARE THE PROPERTY UNINHABITABLE, UNSAFE AND A DANGER TO THE PUBLIC AND HEREBY CONDEMNED. ORDER THE PROPERTY LOCATED AT 430 BURLEIGH AVENUE TO BE DEMOLISHED AND AUTHORIZE THE CITY ATTORNEY TO PROCEED WITH FORECLOSING ON THE LIENS.

- 05-28-1996 - Ordinance 2428 (DOC)
- 02-25-1997 - Ordinance 2452 (DOC)
- Civil engineer and contractor inspection results (PDF)
- 430 Burleigh Ave - Photos (PDF)

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HOLLY, HILL, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. The Code entitled "Code of Ordinances, City of Holly Hill, Florida" published by Municipal Code Corporation consisting of chapters 1 through 114, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before February 27, 1996, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every violation of a municipal code is hereby declared to be a misdemeanor and every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$500.00

or a term of imprisonment not to exceed 60 days, or both a fine and term of imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance.

In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, code enforcement, administrative adjudication, injunctive relief and revocation of licenses on permits.

Section 5. Additions on amendments to the Code when passed in the form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after February 27, 1996, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, on application hereof, is for any reason held invalid or unconstitutional by any Court, such portion on application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions on application hereof.

Section 8. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 9. That this Ordinance shall become effective immediately upon its adoption.

Section 10. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in council chambers at City Hall on the 14th day of May, A.D. 1996.

It was moved by Councilman Shirley Heyman and seconded by Councilman Arthur Byrnes that said Ordinance be approved on first reading. A roll call vote of the Council held on said motion for approval of the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

The within and foregoing Ordinance was introduced and read on the second reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in Council Chambers at City Hall on the 28th day of May, A.D. 1996.

It was moved by Councilman Arthur Byrnes and seconded by Councilman J. D. Mellette that said Ordinance be

adopted. A roll call vote of the Council held on said motion to adopt the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

Whereupon, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 28th day of May _____, A.D. 1996, for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA

WILLIAM ARTHUR, MAYOR

ATTEST:

CITY CLERK/MANAGER

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ORDINANCE NO.2452

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA REPEALING SECTION 114-813, SECTION 114-814, SECTION 58-102, SECTION 58-103, AND SECTIONS 26-63 THROUGH 26-67 OF THE HOLLY HILL CODE OF ORDINANCES WHICH ARE ENFORCEMENT PROVISIONS FOR DIFFERENT REGULATIONS CONTAINED IN THE HOLLY HILL CODE OF ORDINANCES; CREATING A NEW CHAPTER 3 (ENFORCEMENT), SECTION 3-1 (GENERAL ENFORCEMENT PROVISION) CONSOLIDATING THE ENFORCEMENT PROVISIONS CONTAINED IN THE ABOVE REPEALED SECTIONS INTO A SINGLE SECTION; SECTION 3-2 (ABATEMENT OF NUISANCES BY DEMOLITION) ESTABLISHING A PROCEDURE BY WHICH THE CITY CAN ABATE A NUISANCE BY DEMOLITION; AND SECTION 3-3 (NOTICE REQUIREMENTS) SETTING FORTH THE METHOD OF SERVING NOTICE FOR THE ABOVE ENFORCEMENT PROVISIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are several sections of the Holly Hill Code of Ordinances containing enforcement provisions.

WHEREAS, some of these sections contain very similar and in some instances identical enforcement provisions.

WHEREAS, the City believes that for simplicity and ease of enforcement, there should be one enforcement provision for Code violations, except in circumstances that require a separate enforcement provision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOLLY HILL, FLORIDA:

Section 1. Section 114-813, Section 114-814, Section 58-102, Section 58-103 and Sections 26-63 through 26-67 of the City

of Holly Hill Code of Ordinances are hereby repealed and there is hereby created a new Chapter 3 (Enforcement) Section 3-1 (General Enforcement Provision), Section 3-2 (Abatement of Nuisances By Demolition) and Section 3-3 (Notice Requirements) to read as follows:

Sec. 3.1. General Enforcement Provision.

(A) Except when specifically provided otherwise in this Code, violations of the City of Holly Hill Code of Ordinances shall be enforcement as provided herein.

(B) The City shall have the authority to remove from private property vehicles and other equipment parked or stored in violation of the City of Holly Hill regulations, including but not limited to Divisions 6 and 7 of Chapter 114, and shall have the authority, in addition to any procedure established under State law, to abate nuisances described in Section 26-61 pursuant to the following procedure:

1) Whenever a code enforcement officer, building official, police chief or any member of their respective departments (hereinafter referred to collectively as City Official) determines that there is a violation of a regulation of the City of Holly Hill, said City Official shall issue a notice of violation setting forth the provision(s) of the Holly Hill Code of Ordinances that is/are violated, the corrective action that is required, the time allowed for corrective action which shall be reasonable and that the party has the right to a hearing regarding the violation as long as a request

is submitted in writing to the City within the time allowed for corrective action. The notice shall also provide that failure to correct the violation(s) could result in the City taking the necessary action to correct said violation(s) and charging the property owner for said action plus the levying of fines.

2) If after the reasonable time for corrective action has elapsed and the violation is still in existence and the property owner has not requested a hearing, the City Official is hereby authorized to take the necessary actions, within the legal constraints of the law, to correct the violation.

3) After the corrective action has been performed by the City or its authorized agent(s), the City Official shall immediately notify the property owner of the action that was taken and if property was removed from the premises, that the property owner has the right to reclaim the property by paying all fees and costs incurred by the City and the wrecker company in the removal and impoundment of the property and all fines that have been assessed.

The notice shall include the name and address of the wrecker company where the property is being stored. If the City has corrected the Code violation(s), such as mowing the property, the property shall be liened for the services rendered, plus all costs incurred in lienning the property.

4) Once property is towed at the direction of the City, the property shall become the responsibility of the wrecker company.

If the property is not reclaimed by the property owner, such property shall be disposed of by the wrecker company as provided by law and the City shall not be responsible for said property nor the ultimate disposition of said property.

5) If a hearing is requested under this Section, the hearing shall be held before the City Council, and the matter shall be placed on the Council's agenda at the next regularly held Council meeting following receipt of the written request for the hearing.

The property owner shall be provided written notice of the date, time and place of the hearing. If the City Council determines that a violation exists, the Council has the discretion to allow the property owner additional time for corrective action and shall authorize necessary corrective action.

6) The term "property owner" as used in the Section for purpose of issuance of a notice of violation as provided in Paragraph 1 shall mean the owner for owner-occupied structures and vacant land and the tenant for rental properties. The intent is to provide the notice to the individual in possession and control of the subject premises. If property is removed from the subject premises, i.e., the towing of a vehicle, the notice required in Paragraph 3 shall be given to the same party receiving the notice of violation in Paragraph 1 and to the owner of the property removed.

3.2. Abatement of Nuisance by Demolition.

The City shall have the right to abate a nuisance by demolishing

the structure or other property constituting said nuisance pursuant to the following procedure:

(A) The City Official shall provide a written notice to the property owner and tenant setting forth the following:

- 1) The violation(s) that exist on the premises and a cite to the Code section(s) that are in violation;
- 2) The corrective action to be taken;
- 3) A reasonable time for the corrective action to be performed;
- 4) That if the corrective action is not taken within the time allowed, the City Council will hold a public hearing to determine whether a public nuisance exists and if so, the appropriate remedy to abate the nuisance, including the demolition of said structure or property.

(B) The City shall also perform a title search on the subject property to determine all lien holder(s) and shall provide the notice in Paragraph (A) above to said lien holder(s).

(C) If the corrective action is not performed within the time allowed, and any extensions thereto, the City Official is authorized to request a public hearing before the City Council for a determination as to whether or not a public nuisance exists on the subject property and if so, the remedy that the City Official deems appropriate, including the demolition of the structure. The property owner(s), tenant(s) and all lien holders shall receive a

copy of the notice of public hearing. At said public hearing the City Council shall hear testimony and receive other forms of evidence from all interested parties and shall make its determination based on the evidence presented.

3.3. Notice Requirements. All notices required by this Chapter shall be provided to the required party in one of the following methods:

(A) by certified mail, return receipt requested, to the last known address of the alleged violator pursuant to the tax rolls;

(B) by hand delivery by the code inspector, by a City police officer or other person designated by the City;

(C) by publishing the notice once a week for four (4) consecutive weeks in a paper of general circulation in Volusia County, with the proof of publication made in compliance with Florida Statute Sections 50.041 and 50.051, as amended;

(D) by posting for at least ten (10) days in two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall, along with a proof of posting by affidavit which shall include a copy of the notice posted and the date and placed of posting.

(E) evidence that an attempt has been made to hand deliver or mail the notice as provide in (A) and (B) above, together with proof of publication or posting as provided in (C) and (D) above, shall be sufficient to establish that the notice requirements have

been met, without regard to whether or not the party actually received such notice.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall become effective immediately upon its adoption.

Section 5. That this Ordinance shall be posted at City Hall as required by law.

The within and foregoing Ordinance was introduced and read on first reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in council chambers at City Hall on the 11th day of February, A.D. 1997.

It was moved by Councilman Heyman and seconded by Councilman Mellette that said Ordinance be approved on first reading. A roll call vote of the Council held on said motion for approval of the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>

Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

The within and foregoing Ordinance was introduced and read on the second reading before the City Council of the City of Holly Hill, Florida, at its regular meeting held in Council Chambers at City Hall on the 25th day of February, A.D. 1997.

It was moved by Councilman Shirley Heyman and seconded by Councilman Jim Elliott that said Ordinance be adopted. A roll call vote of the Council held on said motion to adopt the Ordinance resulted as follows:

Mayor William Arthur	<u>Yes</u>
Councilman Arthur Byrnes	<u>Yes</u>
Councilman J. D. Mellette	<u>Yes</u>
Councilman Shirley Heyman	<u>Yes</u>
Councilman Jim Elliott	<u>Yes</u>

Whereupon, the Mayor of the City of Holly Hill, Florida, has hereunto set his official signature, duly attested by the City Clerk, and has caused the official seal of said City to be affixed, all at City Hall in the City of Holly Hill, this 25th day of February, A.D. 1997, for the purpose of authenticity as is required by law.

CITY OF HOLLY HILL, FLORIDA

WILLIAM ARTHUR, MAYOR

ATTEST:

CITY CLERK/MANAGER

Attachment: 02-25-1997 - Ordinance 2452 (1742 : Condemnation of Property Located at 430 Burleigh Avenue)

MetaWorld Civil Consulting, LLC
444 Seabreeze Blvd., Suite 715
Daytona Beach, FL 32118

Phone (386) 530-3850 -- Fax (855) 560-4908
www.metaworldcivil.com

2014 April 16

Ms. Adriana Torres

430 Burleigh Ave.,

Holly Hill, FL 32117

RE: Home Condition Letter

Dear Ms. Torres,

Per your request, on March 29, 2014, MetaWorld Civil Consulting, LLC (MetaWorld) visited your property at 430 Burleigh Ave. in Holly Hill, FL. We visited the home along with a Licensed General Contractor / Inspector, Richard Barker of Richard Barker Construction (Inspector), for the purpose of inspecting the home to determine its structural integrity. The Inspector's official report is attached. The following is a summary of MetaWorld's Engineering opinion of the state of the property, given personal observation in conjunction with the Inspector's opinions and report.

It is our opinion that the home is not in immediate danger of collapse, but does require immediate action. This assessment is based on the fact that the Inspector's report indicates the "[home] is repairable" and is "totally secure ... to prevent unauthorized entry".

The home is however, in very poor shape; and is not suitable for occupancy. Although the external structure doesn't show signs of failure yet, there is structural failure at the interior load bearing wall that supports the second floor, as mentioned in the Inspector's report. This presents an unsafe situation for anybody inside the home. If this failure is allowed to progress, the home will collapse on itself.

The failure of the internal load bearing wall is a result of roof leakage over a very long period of time. Replacing or patching the roof will likely slow the worsening of the failure, and delay collapse considerably. This is not to say that the home will be safe if the roof is replaced. The internal failure will continue to worsen regardless, if it is not repaired.

In order for this home to be considered safe for occupancy, the entire interior of the home will require repair. If it is desired to keep the exterior of the home as is during repair, the specialized labor required will be costly. It is likely that the costs of bringing the existing home to a state where it would be considered safe would exceed the costs of building an entirely new home. We strongly

Project 116-001

Home Condition Letter

Page 1

Attachment: Civil engineer and contractor inspection results (1742 : Condemnation of Property Located at 430 Burleigh Avenue)

MetaWorld Civil Consulting, LLC
 444 Seabreeze Blvd., Suite 715
 Daytona Beach, FL 32118

Phone (386) 530-3850 -- Fax (855) 560-4908
www.metaworldcivil.com

suggest that you compare home prices for neighboring homes in determining whether full repair would be more beneficial than a demolition and complete rebuild.

In closing, it is our opinion that the home is unsafe but not in immediate danger of collapse. We suggest that you consider the complete demolition and rebuild of the home; however we understand that you would like to repair the home if feasible. Given your desire to repair the home, we suggest the following measures be taken to ensure the home against collapse as you gather quotes and the other information you may require:

- As it was at the time of the site visit, the home should be completely secured against unlawful public entry; and
- The roof should be repaired as soon as possible, and no later than the start of the hurricane season.

If these items are not performed in a timely manner, the home may or may not survive another hurricane season. Under no circumstances what-so-ever should the general public be allowed entry to the home.

Please feel free to contact us with any questions at the phone number above or via email at amalek@metaworldcivil.com.

Sincerely yours,

MetaWorld Civil Consulting, LLC

Amir H. Malek, P.E.

Principal / Project Manager

P.S. During our visit to the home, we did not inspect the roof itself because of its condition. Roof repair feasibility will need to be conducted by a licensed roofer.

Attachments: Richard Barker Construction Inspection Report

Page 2

R
B **RICHARD BARKER**
C **CONSTRUCTION, INC.**
Lic. #CBC55360

5967 Boggs Ford Road
Port Orange, Florida 32127

Phone (386) 767-7597
Fax (386) 756-7780

RE;

430 Burleigh Ave Holly Hill FL,32117

Amir, here is a summary of my inspection performed on 3/29/2014

Upon my inspection of the exterior of house i found it to be totally secure with plywoods over entry points to prevent unauthorized entry.

Inspection of interior of home is as follows,structural failure @interior load bearing wall to second floor,second floor floor joists@top of stairs have failed,roof has failure as a result of the roof leaking for a long period of time which is the reason of the first two failure's.

In my perffessional opinion i find the house to be unsafe and a danger to the public.

In closing the house is repairable, the cost to do so would put the house way over the surrounding comps (but this is the owners decision).If the roof isn't repaired in a timely manor in my opinion there'll be total failure by the end of summer rains.

Yours Truley,
Richard Barker Construction





Attachment: 430 Burleigh Ave - Photos (1742 : Condemnation of Property Located at 430 Burleigh Avenue)



