

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 6/26/09

FILE: DV09-120

THRU: Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)

SUBJECT: Revoke Prior Stay of Demolition
Order for Failure to Meet
Deadline of Repairs -
Owners: Carmen Douglas and
Jonathan Tirado
Address: 39742 Riley Avenue
Zephyrhills, Florida
Parcel ID No. 12-26-21-0080-00000-0170
BCC: 7/28/09, 10:00 a.m., NPR

FROM: Cynthia M. Jolly, P.E., CFM
Development Director

REFERENCES: Comm. Dist. 1

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

DESCRIPTION AND CONDITIONS:

This is a request that the BCC revoke the prior Stay of Demolition Order for failure to meet deadlines for restoration/repairs of the structure. The Stay of Demolition Order is attached as Exhibit 3.

On December 10, 2007, the structure, a 1950 single-family frame structure, located at 39742 Riley Avenue, Zephyrhills, Florida, Parcel ID No. 12-26-21-0080-00000-0170, was inspected by a licensed Building Inspector working under the supervision of the Building Official.

On December 21, 2007, the Building Official determined that the structure met the criteria for demolition because the following conditions existed:

The structure is so unsanitary or so utterly fails to provide the amenities essential to decent living that it is manifestly unfit for human habitation or is likely to cause sickness or disease, so as to cause injury to the life, health, or safety of the general public or occupant. "Amenities essential to decent living" include, but are not limited to, the availability of potable water, at least one working toilet, and protection from exposure to the elements.

The structure has a rotted roof, fascia, and soffit. The exterior and interior walls are rotted. Most of the window glazing is missing, and the remaining windows are screwed shut. All the plumbing fixtures are missing, and the toilet is plugged-up with debris. The home is uninhabitable and is open to vagrants.

The structure was inspected by the Building Official personally on June 2, 2008. The Building Official noted the following conditions:

Severe rotting of weather-resistant roofing surface, as well as roof sheathing and roof framing in various areas.

Exterior siding damaged and incapable of providing weather protection.

Damage and/or removal of major components of electrical and plumbing systems have occurred.

Pier foundation system damaged, missing, or excessively out of plumb in numerous locations.

Windows and doors inoperable throughout the structure.

No required source of heat provided.

Sanitation facilities, including potable water and an identifiable septic system not provided.

No required cooking facilities present.

The property is not in a flood zone. Therefore, there is no prohibition against "substantial improvement" of the structure exceeding 50 percent of the value of the structure.

In an appeal based on the petitioners' desire to reconstruct, repair, or restore a condemned structure, the petitioners must submit, with the written Petition for Appeal, the following documentation regarding the proposed reconstruction, repair, or restoration: a list of proposed work on the structure, estimated construction costs, and a timetable for completion of repairs. The petitioners submitted a list of repairs, bids for the repairs, and a timeline for the repairs to be completed. The correspondence submitted by the petitioners states, "If we get lucky and find a good contractor for the plumbing and electrical, the renovations estimated time will be within the next two years." Based on the lack of specific plans, the Building Official recommended demolition of the structure at the BCC meeting on August 12, 2008. At that meeting, the BCC continued the case to allow the owners to submit more information concerning their plans to rehabilitate the structure.

On the morning of August 27, 2008, the petitioners submitted additional information to the Building Official concerning their plans for renovation of the structure. The new information included specific plans for necessary electrical and structural work, with a total approximate cost to reconstruct in the amount of \$15,000.00, and a proposed timetable of nine months to finish the project from the start of renovations. The Building Official believes that the actual cost to reconstruct will be closer to \$30,000.00 to \$40,000.00, but notes that there is no prohibition against substantial improvement of the structure. The Building Official agrees that the timetable proposed of nine months for construction is reasonable.

The structure is a public nuisance that annoys the community and/or injures and/or harms the health of the citizens and/or the public health.

The structure meets the criteria for demolition.

On August 27, 2008, the BCC agreed to allow the owners to repair the structure instead of demolishing it, conditioned on the following:

1. Building Permit applications, with the required supporting documents, are required for repairs to the existing structure and must be submitted to the Central Permitting Division on or before October 27, 2008. Supporting documents must include, but are not limited to, two accurate site plans, energy calculations, Florida product approval, and proof that a licensed contractor and subcontractor are responsible for the reconstruction or proof that the owner meets the exemption provision as an Owner/Builder pursuant to No. 489.103(7), Florida Statutes.
2. All required Building Permits for the reconstruction or restoration must be obtained on or before November 26, 2008. No extension of time will be granted for delays in the issuance of permits by County staff; the petitioners must anticipate such delays and must submit plans and all required documentation accurately, fully, and timely to obtain the permits by this date.
3. All reconstruction and restoration work must be completed, and all final inspections must be passed on or before August 27, 2009. The petitioners shall pay the usual and customary charges for permitting, impact fees, if required, etc.
4. The petitioners shall not occupy or permit the structure to be occupied, unless and until all final inspections have been passed and completed.
5. Failure to comply with any of the foregoing conditions may result in an immediate and automatic revocation of the BCC's Stay of Demolition Order. Upon a determination by the BCC that the owners or assigns have failed to timely and/or fully comply with each condition and/or provision of this Order, the BCC may revoke the Stay of Demolition Order, and demolition will proceed pursuant to Section 79-8, Pasco County Code of Ordinances (Code), as if such a Stay of Demolition Order had never been granted. Upon revocation of a Stay of Demolition Order, the County may issue immediate notice to its demolition contractor to clear the structure without further notice to the petitioners. If the stay is revoked, demolition may proceed regardless of the condition of the structure or subsequent improvements.

On November 5, 2008, the owners were given a list of deficiencies regarding the completeness of their Building Permit applications and supporting documents. The owners have not made contact with the

Central Permitting Division, Building Inspections Division, or the Building Official since that date. Building Permits were not obtained by the BCC's deadline of November 26, 2008.

On June 23, 2009, the Community Development Division staff, via e-mail, forwarded to the Building Inspections Division a current Ownership and Encumbrance Report (O&E) for the property. The O&E reveals that Carmen Douglas and Jonathan Tirado remain the owners of the said property. The O&E printout for the property is attached as Exhibit 5.

The Building Inspections Division is requesting that the BCC order the structure be demolished within 45 days. The O&E will be ordered within 48 hours prior to demolition.

The structure is still a nuisance that annoys the community and/or injures and/or harms the health of the citizens and/or the public health.

The structure continues to meet the criteria for demolition.

Based on the condition of the building, lack of compliance by the owners to apply for, obtain, and complete restoration/repairs set forth by the BCC, this matter remains in violation of the County's Code, and staff recommends that the structure be demolished and that the BCC order the owners to demolish the structure within 45 days from July 28, 2009.

A proposed Order is attached as Exhibit 7.

ALTERNATIVES AND ANALYSIS:

1. Order the owners to demolish the structure within 45 days from July 28, 2009, and authorize the County Administrator to demolish and clear the structure without further notice to the owners, on behalf of the owners, and at the owners' expense, in accordance with the provisions of Section 79-8 of the Pasco County Code, if the owners should fail to timely demolish the structure.
2. Set a new deadline for the owners to complete restoration/repair work and pass all required final inspections.
3. Direct staff to some other alternative.

RECOMMENDATION AND FUNDING:

The Development Review Services Department recommends that the BCC approve Alternative No. 1.

No funding is required for this recommendation.

ATTACHMENTS:

1. Original Condemnation Determination Dated December 10, 2007
2. Original Condemnation Appeal Dated March 12, 2008
3. Previous BCC Stay of Demolition Order Dated August 27, 2008
4. Nonhistorical Determination, Florida Department of State
5. Ownership and Encumbrance Report
6. Photographs
7. Proposed BCC Order

CMJ/TJM/public/dv/rileydv09120/02

cc: Michael Nurrenbrock, OMB Director
Katherine A. Wooden, Senior Assistant County Attorney
Charlene Daprile, AICP, Assistant Community Development Manager
Timothy J. Moore, Building Official