

**BEFORE THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS
IN AND FOR PASCO COUNTY**

IN RE: 39742 RILEY AVENUE, ZEPHYRHILLS, FLORIDA
OWNERS: CARMEN DOUGLAS AND JONATHAN TIRADO
PARCEL ID NO. 12-26-21-0080-00000-0170

**ORDER FINDING THE STRUCTURE MEETS THE CRITERIA FOR
DEMOLITION; FINDING THAT THE STRUCTURE SHOULD BE DEMOLISHED;
AND ORDERING DEMOLITION WITHIN 45 DAYS FROM AUGUST 12, 2008**

WHEREAS, the Pasco County Board of County Commissioners, on August 12, 2008, after due notice and opportunity to be heard was given to all interested parties; and being empowered pursuant to its police power to determine whether a structure should be demolished; does hereby make the following findings, interpretations, and conclusions as applied to the above; and orders that the Order of Demolition currently in effect concerning the structure on the above-described property is upheld; and ordering demolition within 45 days from August 12, 2008.

FINDINGS OF FACT

1. 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.

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

a. "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 work injury to life, health, or safety of the general public or occupant. "Amenities essential to decent living" includes, but is not limited to, the availability of potable water, at least one working toilet, and protection from exposure to the elements.

b. "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."

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

a. "Severe rotting of weather-resisting roofing surface as well as roof sheathing and roof framing in various areas.

b. "Exterior siding damaged and incapable of providing weather protection.

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

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

e. "Windows and doors inoperable throughout the structure.

f. "No required source of heat provided.

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

h. "No required cooking facilities present."

4. 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.

5. In an appeal based on the petitioners' desire to reconstruct, repair, or restore a condemned structure, the petitioner 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, renovations estimated time will be within the next two years."

6. 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.

7. The structure meets the criteria for demolition.

FINDINGS OF LAW

In an appeal of an Order of Final Demolition, based on the Building Official's determination that the structure meets the criteria for demolition set out in Section 79-2 of the Pasco County Code, the Board of County Commissioners shall hear and consider all facts material to the appeal and may affirm, reverse, or modify the Order of Demolition.

CONCLUSIONS

- 1. The structure meets the criteria for demolition.
- 2. The structure should be demolished.
- 3. Order demolition within 45 days from August 12, 2008.

IT IS ORDERED that the final Order of Demolition is upheld.

IT IS FURTHER ORDERED that the owners of the property are ordered to demolish the structure within 45 days of August 12, 2008. Should the owners fail to demolish the structure, the County Administrator is authorized 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 Sections 79-8 and 79-9 of the Pasco County Code.

Any person aggrieved by this decision may seek judicial review of this Order in Circuit Court.

DONE AND ORDERED effective as of the _____ day of _____, _____.

(SEAL)

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA

BY: _____
JED PITTMAN, CLERK

BY: _____
TED SCHRADER, CHAIRMAN

DATE: _____