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MEMORANDUM

TO: Debbie Manns, City Manager
FROM: Dale Hall, Planning & Development Director
DATE: December 22, 2023
RE: 5319 US Highway 19 - Appeal of Order to Demolish

Summary

On October 24, 2023, the City issued a notice to the Property Owner (Goodwater Parc, LLC) to demolish the existing structure at 5319 US Highway 19 (Attachment 1; Map).

On November 22, 2023, the Attorney representing the property owner (Older Lundy Koch & Martino), submitted an appeal of the Order to Demolish (Attachment 2 - Appeal).

The Planning & Development Department recommends the City Council deny the appeal and proceed with the demolition of the structure at the property.

Timeline

May 29, 2021

The building was hit by a vehicle causing minor damage to the exterior block wall. The City Building Official (Rob Perry - Consultant) allowed the Property Owner to fix the building without permits (Attachment 3; Photos 3 - 5).

December 18, 2021

The building was hit by a vehicle causing major damage to a large portion of front wall and the support of a structural load bearing beam (Attachment 3; Photos 6 - 10).

January 1, 2022

The City Building Official (Rob Perry - Consultant) writes a letter stating the building is unsafe per City Code (Attachment 4 - CBO Letter).

Plywood was placed over the damaged areas on the exterior of the building (Attachment 3; Photo 6) but no permanent structural improvements to the bowed exterior wall or the interior load bearing wall were completed (Attachment 3; Photo 7 & specifically the dashed area on Photo 8).

The need to repair the damaged interior load bearing wall is acknowledged by the Owner's Project Engineer in his current assessment of the building (Attachment 2 - Appeal; Exhibit F - Criteria #1).

February 7, 2022

The Property Manager (Channing Harrison) informs Code Enforcement that they will have a contract signed for the demolition of the building.

February 25, 2022

The Property Manager advises Code Enforcement that they have retained an Attorney (Boggs Law Group) to represent the Property Owner.

June 3, 2022

The building is hit a third time by a vehicle. The owner gets an estimate to hire a contractor, as an emergency measure, to shore up the building (Attachment 2 – Appeal; Exhibit D).

The City has no record of whether this work has been completed and, if so, would have only been considered as a temporary measure and not a permanent structural solution to the deteriorated stability of the building.

June 15, 2022

City Attorney emails Property Owner’s Attorney (Boggs Law Group) and notifies them the structure is currently unsafe and that a permit for demolition or engineered drawings for rehabilitation is required (Attachment 5 – Attorney Correspondence).

June 16, 2022

Property Owner’s Attorney (Boggs Law Group) emails City Attorney and acknowledges the need for plans and/or that they may receive a demolition order (Attachment 5 – Attorney Correspondence).

January 11, 2023

City Attorney contacts Property Owner’s Attorney (Boggs Law Group) to inquire about any property updates.

February 9, 2023

City Staff (Attorney and Planning Director) have a phone conference with Property Owner’s Attorney (Boggs Law Group) to discuss options to resolve the site issues and the deteriorated condition of the building.

February 9, 2023

City receives two Concept Sketches illustrating potential site layout designs for an undetermined use (Attachment 6 - Concepts).

September 14, 2023

City Planning & Development Director sends a letter to the Owner’s Attorney of Record providing a detailed list of the inadequacies of the submittal, stating that there is not enough detail to evaluate the Concepts and notifying them the City will initiate the demolition process within 30 days if the outlined items are not addressed (see Attachment 7 – City Comments).

October 24, 2023

Upon passage of the stated timeframe, the Code Enforcement Department issued a notice to demolish the existing structure (Attachment 8 – Order to Demolish).

November 22, 2023

Property Owner’s Attorney (Older Lundy Koch & Martino) files an appeal of the Order to Demolish (Attachment 2 - Appeal).

Additional Details

Ownership/Business Operations

The property was acquired by the Owner in May of 2019 in an Asset Forfeiture transaction for no cost (see highlighted area near the bottom of the page, Attachment 9 – Pasco County Property Appraiser Information). The investment value of this property is therefore extremely limited.

The deed stipulates that the property is subject to zoning rules, regulations, and ordinances (see highlighted area on Attachment 10 – Special Warranty Deed).

The site at present does not meet current Code requirements. Several of the nonconforming issues include deficiencies in parking, lack of landscaping, excess impervious surface coverage and the failure to meet setbacks on all sides of the existing building.

This building has not been used for any commercial purposes since it was acquired by the owner. A Business Tax Receipt has not been issued to this location as far back as 2019, which is the extent of the City record retention. Additionally, there is no record of water usage at the site dating back to 2019 (Attachment 11 – Water Consumption Record).

As per City Code (Attachment 12 – Land Development Code Excerpt), if a structure ceases to be used and/or the utilities have been disconnected for a period of twelve (12) months, then an abandonment/discontinuance of any nonconforming use occurs.

Therefore, this structure has no legal non-conforming status.

Special Flood Hazard Area

This property resides within the Special Flood Hazard Area (SFHA) and any development must meet all applicable FEMA requirements including the 50% Rule. The 50% Rule is a regulation of the National Flood Insurance Program (NFIP) that prohibits improvements to a structure exceeding 50% of its market value unless the entire structure is brought into full compliance with current flood regulations.

The present value of the building as listed by the Pasco County Property Appraiser is \$84,352 (see highlighted area near the top of the page, Attachment 9 – Pasco County Appraiser Information). The Engineer that has been retained by the property owner to oversee this matter, claims that the cost to repair the existing damage ranges from \$32,580 to \$43,700 (Attachment 2 – Appeal; Exhibit F – Criteria #2). No additional data, details, drawings, or concepts has been submitted to substantiate this estimate. Regardless, this amount exceeds the 50% Rule.

It is important to note that this building has been a shell for over four years and currently remains in this state. Any future use will require additional expenditures for renovations, thus further exceeding the 50% Rule.

Conclusion

Since 2021, the building has been struck by vehicles on three separate occasions and has sustained significant structural damage. The owner has neglected to repair the building, disregarded the concerns of the City and the building's present dilapidated state poses a threat to the safety of anyone that may enter the building and to the general public at large. The building continues to deteriorate, as shown by the sag in the building's roof (Attachment 3; dashed area on Photo 12), and has rendered Code compliant renovations not feasible, and the structure should be demolished.