



## The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Tuesday, February 19, 2019  
9:00 AM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person 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) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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The Regular Meeting of the Board of Building Codes was held on February 19, 2019 at 9:00 a.m. in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

### Board Members:

Ms. Virginia Brown, Chair  
Mr. John Bailey  
Mr. Thomas Brown  
Mr. Paul Culver  
Mr. Vernon Weatherholtz

Charles Gino, Board Attorney

### Staff Members Present:

Glen Urquhart, Chief Building Official  
Robert Jagger, City Attorney  
John Cecil, Demolition and Building Rehabilitation Inspector  
Kim Flaherty, Project Manager  
Becky Groom, Board Secretary

1. Call to Order  
Ms. Brown called the meeting to order.

2. Roll Call  
Roll was called with attendance as noted above.
3. Introduction of City Staff  
Staff members in attendance were introduced to the Board.
4. Approval of Minutes - January 15, 2019

**Board Action:**

A motion was made by Mr. Weatherholtz, seconded by Mr. Brown, to approve the minutes of the regular meeting of the Board of Building Codes held on January 15, 2019, as presented. The motion carried (5-0).

New Cases:

5. Case A - BP2018-040 - 508 Gibson Street - Appeal of Notice of Condemnation and Demolition Order

Glen Urquhart, Chief Building Official, stated the property owner has voluntarily agreed to remove the structure and has applied for a demolition permit. Mr. Urquhart stated the work should be done within 30 days. Mr. Urquhart asked the Board to continue this case for 30 days in order to allow the property owner time to remove the structure.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Weatherholtz, to continue Case A - BP2018-040, 508 Gibson Street, Appeal of Notice of Condemnation and Demolition Order, for 30 days, in accordance with the report from staff. The motion carried unanimously (5-0).

Case B - BP2018-0057 - 512 South Street - Appeal of Notice of Condemnation and Demolition Order

Ms. Brown stated the respondent was not in attendance.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated the city received on February 18, 2019, a signed statement from the property owners of their intent to voluntarily remove the structure.

Kim Flaherty, Project Manager, stated the property owner wants the city to remove the structure.

Mr. Cecil stated the Notice of Demolition was issued on November 2, 2018. Mr. Cecil stated no repairs or work has been done on the structure since that time. Mr. Cecil presented photos of the structure and stated there is no electrical service to the site.

Glen Urquhart, Chief Building Official, stated he visited the site and, as a result, issued the demolition order. Mr. Urquhart stated the floor system is sagging and the walls are bulging. Mr.

Urquhart stated the structure has termite damage. Mr. Urquhart stated he feels the cost to rebuild the structure would exceed the value of the property.

Mr. Weatherholtz asked if there are requirements for improving the lot once the structure is removed.

Mr. Urquhart stated the property owner is required to seed the lot within 20 feet of the public sidewalk and all debris must be removed.

Mr. Weatherholtz asked how the city will be reimbursed for the city's expense for demolition.

Mr. Jagger stated a lien will be placed on the property.

Public Comment:

Travis Turner, a member of the Fraternal Masonic Lodge 36, stated the Lodge members agree the structure should be removed and they do have plans to use the lot once the structure is removed.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Culver, to deny the appeal of Case B - BP2018-0057, 512 South Street, Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried unanimously (5-0).

Case C - BP2018-0032 - 106 Gardiner Court (including 102 and 104 Gardiner Court) - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he received a citizen complaint about the property in May, 2018. Mr. Cecil stated after inspecting the property, a demolition order was issued. Mr. Cecil stated the structure was damaged as a result of flooding during the last hurricane. Mr. Cecil stated an engineer was retained by the owner to assess the structure; and a copy of the report has been submitted to the city and is included as part of the packet. Mr. Cecil stated there is no electricity to the structure.

Glen Urquhart, Chief Building Official, stated he visited the site on Friday and no work has been done on the site. Mr. Urquhart stated the structural integrity of the building has been compromised and is unsafe. Mr. Urquhart stated the cost to make the structural repairs would exceed the value of the building. Mr. Urquhart stated a report was prepared by Joseph Hiller, a structural engineer, which states the structure has lost its structural integrity. Mr. Urquhart stated he agrees with the structural engineer's findings.

Mr. Weatherholtz asked if the property is in a flood zone.

Mr. Urquhart stated the property as it now stands would not meet current rules regarding a flood plain.

### Respondent's Presentation:

Samson White, 5595 Gordon Grove Circle, Winter Park, Florida spoke on behalf of the property owner. Mr. White stated the report that was presented is outdated and the owner has plans to repair the structure. Mr. White stated plans have been submitted to the city to make the repairs; but his request was denied since the structure is in a historic district. Mr. White stated some of the photos presented were inaccurate and were photos of a shed that is detached from the main structure. Mr. White stated any stucco that has been removed was removed to determine the underlying integrity. Mr. White stated his plan is to raise the structure and replace everything underneath and redesign plans so what is replaced would be similar to the original facade. Mr. White stated he is working with Steve Van Arnhem who is a licensed contractor who has estimated the structural repairs will cost about \$120,000 with the total renovation project estimated to be around \$250,000. Mr. White stated he anticipates the work will only take a few months.

Mr. Urquhart stated the permit that was applied for on December 5, 2018 was to remove and replace the front porch. Mr. Urquhart stated the issue before the Board is the entire building, not just the front porch. Mr. Urquhart stated Mr. White stated the property was purchased for \$300,000 and a 50 percent threshold is used to determine feasibility for replacing the structure. Mr. Urquhart stated the entire project would include replacing mechanical, electrical and plumbing systems and everything would have to be brought to modern code, which would exceed the 50 percent threshold. Mr. Urquhart stated since the building has been vacant for six months, he would not be able to verify the zoning for the property.

Mr. Weatherholtz stated he feels the cost to renovate the property would exceed the value of the structure and recommends that the structure be demolished.

Mr. Brown stated he agrees with Mr. Weatherholtz.

### Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Brown, to deny the appeal of Case C - BP2018-0032, 106 Gardiner Court (including 102 and 104 Gardiner Court, Appeal of Notice of Condemnation and Demotion Order, in accordance with the staff report as presented. The motion carried (3 yes and 2 no).

Case D - BP2018-0003 - 400 S. Atlantic Avenue - Appeal of Notice of Condemnation and Demolition Order

### Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he posted the property on April 6, 2018 and has completed 15 to 20 inspections on the site. Mr. Cecil stated there has been clean up of debris on the property but no repairs have been made to the structure. Mr. Cecil presented photos of the site and noted the railings along the balcony are gone. Mr. Cecil stated there is evidence that vagrants have been staying on the site. Mr. Cecil stated the structure is not secured. Mr. Cecil presented photos that were taken today that showed the separation of the structure.

Glen Urquhart, Chief Building Official, stated he has visited the site 20 to 25 times. Mr. Urquhart stated the owner lives in California and nothing has been done to repair the structure. Mr. Urquhart stated the concrete has fallen from the front section of the structure and the electrical wiring will have to be replaced. Mr. Urquhart stated the necessary repairs to the structure would exceed the value of the building. Mr. Urquhart noted residential properties are located to the rear of the site and complaints have been received regarding vagrants on the site. Mr. Urquhart stated he has not been inside the rooms.

Respondent's Presentation:

Gary Adkinson, 500 Francis Terrace, Daytona Beach, Florida stated he has equitable ownership interest in the property and has managed the property as part of Tropical Palms Investment Inc. for 20 years. Mr. Adkinson stated the property was shut down as a result of hurricane damage. Mr. Adkinson stated he feels the repair cost would be 3 times the value of the building. Mr. Adkinson stated the Building Department has been very helpful during this process.

Mr. Brown stated he feels the building should be torn down.

Mr. Weatherholtz stated he feels the building should be taken down.

Board Action:

A motion was made by Mr. Brown, seconded by Mr. Weatherholtz, to deny the appeal of Case D - BP2018-0003, 400 S. Atlantic Avenue, Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried unanimously (5-0).

6. Review of Cases

There were no cases presented to review.

7. New Business

Ms. Flaherty stated that at this time, there are no cases to be presented in March.

8. Adjournment

There being no further business, the meeting was adjourned. |