



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

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Tuesday, March 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 March 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 Cino, Board Attorney

### Staff Members Present:

James Morris, Deputy City Manager  
Glen Urquhart, Chief Building Official  
Robert Jagger, City Attorney  
John Cecil, Demolition and Building Rehabilitation Inspector  
Kim Flaherty, Project Manager  
Doug Gutierrez, Principal Planner  
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 and were sworn in.

4. Approval of Minutes - February 19, 2019

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Bailey, to approve the minutes of the regular meeting of the Board of Building Codes held on February 19, 2019, as presented. The motion carried (5-0).

New Cases:

5. Case A - BP2018-0010 - 132 Dr. Mary McLeod Bethune Boulevard Appeal of Notice of Condemnation and Demolition Order

John Cecil, Demolition and Building Rehabilitation Inspector, stated complaints have been received on the property for 4 or 5 years; and he first visited the property in February, 2019. Mr. Cecil stated he has visited the property 24 times and visited the site this morning. Mr. Cecil presented a slide presentation of photographs of the site. Mr. Cecil stated there is a sag in the property which indicates a structural failure. Mr. Cecil stated the photos indicate the dormer on the second floor has pulled away from the structure and there has been patchwork done to correct the situation. Mr. Cecil stated the patch work covers the separation but no structural work or repairs have been done. Mr. Cecil stated he feels the structure could fall or collapse and go into the street. Mr. Cecil stated there are holes around the poles on the front porch which indicate the structure is sinking. Mr. Cecil stated there is a support beam that is cracking and in danger of collapsing and the wooden planks on the side of the building are pulling away from the structure. Mr. Cecil stated the photos show wood rotting on the first floor of the building, possibly as a result of water damage. Mr. Cecil stated the photos indicate the foundation is shifting and is compromised and, as a result, the windows are buckling. Mr. Cecil stated there is missing concrete block on the foundation which is adding to the sinking of the structure.

Mr. Cecil stated there has been an attempt by the property owner to support the second floor by installation of beams on the front porch area. Mr. Cecil stated there have not been any building permits issued by the City for the work that has been done. Mr. Cecil stated he does not believe the beams that have been installed are sufficient to support the structure.

Mr. Cecil stated he feels there is imminent danger of the structure collapsing; and should it fall, it could fall into the street which could do harm to vehicles and passersby going to the adjacent bus stop. Mr. Cecil stated there was a vehicle on site and the Police Department has had the vehicle towed. Mr. Cecil stated the property is being monitored to ensure there are no people on site and a fence has been installed on the perimeter to the sidewalk; however, if the structure did collapse, it would go through the fence. Mr. Cecil stated an emergency order for demolition has been issued for the property.

James Stowers, Esq., spoke representing Regina Real Estate LLC, the property owner. Mr. Stowers asked Mr. Cecil if he is a structural engineer. Mr. Cecil stated he is not. Mr. Stowers stated Mr. Cecil is the reviewer for the demolition permit issued on February 28, 2019 and asked Mr. Cecil how many demolition permits he has approved since his employment with the city. Mr. Cecil stated he has approved nearly 100 permits, which would include demolition permits requested by a property owner. Mr. Stowers asked how many of those permits have been approved within 24 hours. Mr. Cecil stated the permits are reviewed and issued very quickly, within a day or two. Mr. Stowers asked if coordination is done with FDEP before the permit is issued for asbestos removal. Mr. Cecil stated the city has the contractor contact the asbestos removal team who would provide a quote and a time as to when the project could be started, which would be approved by the Building Official, Glen Urquhart. Mr. Cecil stated if there is a dangerous situation, such as a building has collapsed or there has been a fire, special orders can be granted to go on site and continue the process for an asbestos survey. Mr. Cecil stated the subject property was cited as being in imminent danger of collapsing. Mr. Stowers asked Mr. Cecil if he has seen similar situations where a building permit has been applied for and then removed administratively from the system and demolition begins within 36 hours. Mr. Cecil stated he has seen situations where a permit has been applied for and then the demolition has proceeded as an emergency measure.

Glen Urquhart, Chief Building Official, provided before and after pictures to the Board.

Mr. Jagger stated there is also a report from MS Structural Engineers as well as additional photos in the packet.

Mr. Urquhart provided his educational and certification background to the Board. Mr. Urquhart stated he became aware of the subject property in 2015 when he was notified by the Police and Fire Departments that the fire systems were no longer working in the structure as well as concerns about vagrants on the property. Mr. Urquhart stated in 2016, Charles Adams, who was retained by the previous owner, submitted a report stating the structural integrity of the floor system was compromised as well as the front porch. Mr. Urquhart stated work was started on the electrical system in 2016 and some structural work but nothing was completed. Mr. Urquhart stated the property was posted in 2017; and in May, 2018, a meeting was held with Joe Osborne, Esq., and Joe Hiller, Structural Engineer, and preliminary drawings were submitted to the city but that was the last meeting with them.

Mr. Urquhart stated the dormer has been sagging since 2015 but is now more prominent. Mr. Urquhart stated the property owners have been told a shoring plan is required but nothing has been submitted.

Mr. Urquhart stated the bottom footings supporting the structure are sinking into the ground. Mr. Urquhart stated there is a 6 inch separation of the dormer from the structure and the walls of the south side of the building are flexing which presents imminent danger. Mr. Urquhart stated the structural issues have never been addressed as were noted in the structural engineer's report. Mr. Urquhart stated he has continued to see a slow decay of the structure over the five years he has worked for the city. Mr. Jagger asked if the main building is in imminent danger. Mr. Urquhart stated yes because the dormer will eventually fall off the structure pulling the rest of the building with it.

Mr. Jagger reviewed the demolition order, a copy of which was included in the Board's packet. Mr. Urquhart stated the collapsing of the structure presents a threat of danger to the public; and as a result, emergency measures were taken and a demolition order was issued. Mr. Urquhart

stated the Police Department was notified to make sure there was no one inside the structure. Mr. Urquhart stated the asbestos was removed from the outside and the demolition was started. Mr. Urquhart stated there was a danger to the public also because there is a public sidewalk at the front of the property; and if the structure collapsed, it could fall onto the sidewalk and passersby approaching the bus stop. Mr. Urquhart stated Public Works assisted by placing barricades along the sidewalk adjacent to the structure.

Mr. Jagger asked why the demolition was not completed.

Mr. Urquhart stated the property owner's attorney filed an appeal and the city stopped the demolition process. Mr. Urquhart stated the danger still exists but the appeal is being heard today. Mr. Urquhart stated the beams were installed on the front of the structure within the last week and no permits were issued for the work. Mr. Urquhart stated the work that was done does not address the imminent danger.

Mr. Jagger asked how the property owner could have addressed the structural issues.

Mr. Urquhart stated a shoring plan should have been presented to the Building Department.

Mr. Jagger stated a structural engineer, John Simko, reviewed the structure and provided a report which is part of the Board's packet. Mr. Jagger read the report into the record, which indicates it is not economically feasible to repair the structure. Mr. Jagger stated the report reflects that, additionally, plumbing, electric, and heating and air issues would also need to be addressed should rehabilitation of the structure be considered. Mr. Jagger stated the report states that demolition of the existing structure is recommended.

Mr. Urquhart stated the report was done after the appeal was filed in order to support the city's findings that the structure should be demolished. Mr. Urquhart stated he feels the structure is beyond repair. Mr. Urquhart stated the application for a building permit that was submitted was for \$80,000 in repairs which only addressed the floor system and dormer but nothing internally. Mr. Urquhart stated the cast iron piping is cracked and rusting so the plumbing, electrical, and mechanical systems would have to be replaced. Mr. Urquhart stated it would not be feasible to make the repairs based on the cost for those items versus the property value.

James Stowers requested permission to see the report that was referenced by Mr. Jagger. Mr. Jagger provided a copy of the report to Mr. Stowers. Mr. Stowers stated a report was prepared by Charles Adams in 2016 and read the last paragraph into the record which indicates demolition is not required at this time. Mr. Stowers provided a copy of the report for the record.

Mr. Stowers asked Mr. Urquhart if he was aware that a building permit application was submitted to the city in August, 2018. Mr. Urquhart stated yes. Mr. Urquhart verified that his comments were posted to the application on January 7, 2019 as part of his fire and life safety review.

Mr. Urquhart stated the end of February, 2019, would be the end of the application period for the application that was submitted. Mr. Urquhart stated a utility bill was unpaid for the address; and the bill was paid which allowed the permit application to continue. Mr. Urquhart stated comments were provided in January, 2019 as part of the application review process; and in February 2019, the permit expired and at that time, he determined the structure was in imminent danger.

Mr. Stowers stated the work that was done to shore up the front of the building on March 7, 2019 was done based on the demand by the City Manager. Mr. Stowers read the letter from the City Manager into the record.

Mr. Urquhart stated the demand was issued based on the property owner's appeal of the demolition.

Mr. Weatherholtz asked who pays for the asbestos removal.

Mr. Urquhart stated that would be part of the city's expense. Mr. Urquhart stated all utilities have been removed from the building.

Mr. Bailey asked what would be the remedy for the joyses.

Mr. Urquhart stated a company such as Ramjack would have to replace the support system.

Mr. Culver asked if the shoring that was done on March 7, 2019 was substantial to secure the building.

Mr. Urquhart stated the plywood was put over the door to keep people from entering the building and the shoring that is in place is not sufficient to support the structure.

Mr. Stowers stated Joe Hiller, who is a structural engineer, is in attendance and would be testifying as part of the appeal process. Mr. Stowers stated on August 28, 2018 the current property owner submitted a building application which was reviewed by September 5, 2018. Mr. Stowers stated at that time, the outstanding utility billing issue was discovered. Mr. Stowers stated a letter was sent to the previous counsel by the Deputy City Manager on November 8, 2018 stating the utility bill needed to be paid and then the permit application would be reviewed. Mr. Stowers stated the property owner paid the utility bill lien on January 4, 2019 and the staff provided review comments on January 7, 2019. Mr. Stowers stated there are no additional comments from the city; and the property owner is in discussions about selling the property. Mr. Stowers stated on February 26, 2019, the building permit application was administratively closed; the following day the property was noticed with a demolition order; the property owner's van was towed from the property; and utility service was removed and a contract with Samsula Demolition was submitted by the City; and on March 1, dumpsters were placed on the property and the removal of the siding begins. Mr. Stowers stated he sent correspondence to the City on March 3, 2019 requesting a meeting and a meeting was held on March 4, 2019 and he was told the city would proceed with demolition. Mr. Stowers stated the notices of demolition should include an appeal process notice and that paragraph was not in this demolition notice. Mr. Stowers stated he requested an appeal on March 3 and again on March 4, 2019. Mr. Stowers stated by March 5, 2019, all siding had been removed from the property which opened the property to the elements. Mr. Stowers stated on March 6, 2019, he received a notice of emergency order of imminent collapse. Mr. Stowers stated a letter was then received from the City Manager demanding the building be shored up immediately.

Mr. Stowers stated the property owner would be willing to address the need for a shoring plan within 14 days and then he anticipates the property will either be sold or a building permit application submitted within 60 days.

Joseph Hiller, Structural Engineer, stated he completed the repair plans that were submitted to the city for supporting the front porch. Mr. Hiller stated he assessed the building and the porch issues in early 2017. Mr. Hiller stated he crawled under the building and assessed the piers and noted

some new piers had been installed under the building but the work was not completed. Mr. Hiller stated he did draw up plans to repair the front porch and dormer. Mr. Hiller stated he had no idea what was going on with the property after that and assumed maybe another engineer was involved. Mr. Hiller stated he visited the site this morning and the temporary shoring that is in place needs work. Mr. Hiller stated he previously indicated that the front porch shoring would have to be secured to the ground since the front porch was rotting. Mr. Hiller stated he feels the salvage company doing the work should have shored the front area since it is a dangerous situation. Mr. Hiller stated a shoring plan could be completed within two weeks. Mr. Hiller stated the piers underneath the building do not meet current lateral loads; but the main structure is not in danger of imminent collapse. Mr. Hiller stated the dormer has pulled away from the building and is not attached to the front of the building; therefore, it will not pull the front of the building down should it collapse. Mr. Hiller stated the dormer was not originally attached properly to the front of the building. Mr. Hiller stated the studs are original hard pine and they are not termite riddled. Mr. Hiller stated the wood is petrified and removing the siding was a good thing.

Mr. Jagger asked Mr. Hiller if the structural foundation is so compromised that the dormer could release from the building.

Mr. Hiller stated yes and stated the dormer needs shoring.

Mr. Jagger asked Mr. Hiller if he agrees with the Building Official that the dormer is in imminent danger.

Mr. Hiller stated yes.

Mr. Jagger stated Mr. Hiller indicated the dormer was poorly constructed.

Mr. Hiller stated yes. Mr. Hiller stated if the structure below the dormer pulls away it could collapse but the foundation underneath it appears to be in ok condition.

Mr. Jagger asked why the foundation is compromised under the dormer that is separating.

Mr. Hiller stated there were gas and water lines underneath that were sweating that caused moisture and caused the beams to deteriorate and has caused the sagging over the years. Mr. Hiller stated the piers do not appear to be sinking and are original brick structure and have no steel reinforcement in them. Mr. Hiller stated the bricks are supported by 100 year old mortar and are shifting. Mr. Hiller stated the columns are sitting on wood beams underneath the floor which are deteriorating.

Mr. Jagger asked if Mr. Hiller agrees that the main structure has foundations issues.

Mr. Hiller stated yes. Mr. Hiller stated the floors are sagging and are uneven and that needs to be repaired.

Mr. Jagger asked Mr. Hiller if the shoring on the front porch, in Mr. Hiller's opinion, is poorly designed and insufficient.

Mr. Hiller stated more columns are needed.

Mr. Jagger asked Mr. Hiller if he agrees with Mr. Urquhart and Mr. Cecil that the building could collapse at any moment into the street, even with that shoring.

Mr. Hiller stated yes, it could still collapse.

Mr. Stowers stated his request is to address the shoring plan for the front porch, which could be completed within 7 days and then go through the permit process; and the property owner still maintains that the property will be sold within the next 30 to 60 days. Mr. Stowers asked that the shoring plan be addressed within the next 7 days and then come back to the Board at the next meeting to advise whether the property has been sold or if a building permit application is in process.

Mr. Cino asked Mr. Stowers if he is requesting that the issue be delayed for 30 days and Mr. Stowers would advise at that time if the shoring plan is in place or if the property has been sold.

Mr. Stowers stated yes.

Mr. Brown asked if the beam installation on the front porch was permitted by the City.

Mr. Stowers stated a permit was not applied for because they were told to immediately do the work.

Mr. Brown expressed concern about liability issues should the building fall.

Mr. Weatherholtz asked Mr. Hiller if he provided a cost for shoring the main building

Mr. Hiller said no; he only spoke to the contractor that was involved in the permitting process for the shoring but a finalized shoring plan was not completed.

Mr. Weatherholtz asked if the shoring underneath the building is structurally sound.

Mr. Hiller stated the area of imminent collapse is the front porch and additional shoring could be added to the process. Mr. Hiller stated the front porch area is not structurally sound and some areas have been repaired and some other beams in the rear need additional work. Mr. Hiller stated he does not feel the other areas are in danger of imminent collapse. Mr. Hiller stated the fire escape stairs at the rear of the structure have rusted and need replaced.

Mr. Weatherholtz asked what Mr. Hiller would estimate the cost to be to secure the building.

Mr. Hiller stated it would cost between \$10,000 to \$15,000 to temporarily support the building so it wouldn't collapse.

Mr. Weatherholtz asked what the cost would be to bring the structure up to standards so it could be used.

Mr. Hiller stated probably over \$100,000.

Mr. Weatherholtz asked if the structure is a historical registered building.

James Morris, Deputy City Manager, stated the property is not on any register for historic significance.

Ms. Brown asked if it would be cheaper for the owner to just have the building torn down and reconstruct a new one.

Mr. Morris stated the demolition cost is approximately \$40,000 and the testimony this morning stated the property would cost about \$100,000 to bring it up to code standards, which does not address the issue of plumbing, etc. Mr. Morris stated there has been an \$80,000 expenditure to date. Mr. Morris stated the standard for code compliance is when you exceed 50% of the property appraised value then you must come into complete code compliance; and the current appraised value of the property is \$120,000.

Mr. Stowers stated he has reviewed the minutes of previous Board meetings and two cases took up to 8 months before they were presented to the Board.

Mr. Morris stated the two cases referenced by Mr. Stowers were not imminent danger cases. Mr. Morris stated the permit for 132 Dr. Mary McLeod Bethune was closed due to the administrative process since there was not a response within 180 days and due to the inaction of the property owners. Mr. Morris stated the demands of the City Manager were to shore up the property, not to ignore the law, but to do what you should do, which is get the permit and then do the work. Mr. Morris stated the entire process dating back to 2015 is one of delay and the stated delay is to complete a sale of the property. Mr. Morris stated there has not been an offer to provide a bond while the work is being done. Mr. Morris stated this is just another effort to delay the process. Mr. Morris stated the motion before the Board is appropriate and the building should be demolished.

#### Public Comments:

There were no public comments.

#### Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Brown, to deny the appeal of Case A - BP2018-0010 - 132 Dr. Mary McLeod Bethune Boulevard - 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:

Case A - BP2017-0001 - 408 Dr. Mary McLeod Bethune Boulevard Appeal of Notice of Condemnation and Demolition Order

Mr. Jagger stated staff has spoken with the new property owner and they have reached an agreement.

Helida Tdoir, 5144 Conroy Road, Apartment No. 1016, Orlando, Florida, spoke representing Marvin Construction and stated the property is currently being cleaned and about 65% to 70% of the work has been done. Ms. Tdoir stated no structural work has been done to date. Ms. Tdoir stated once the cleaning is done, she will submit an application for a building permit.

Glen Urquhart, Chief Building Official, stated the debris has been removed and shoring needs to be done on the southwest corner. Mr. Urquhart stated after that, the property owner can proceed with their plans. Mr. Urquhart stated in the next 30 days, debris removal should be completed and the southwest corner should be shored up; and then an application will be submitted for the roof. Mr. Urquhart stated a structural engineer's report will be required as part of the roofing permit.

#### Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Brown, to continue BP2017-0001 - 408 Dr. Mary McLeod Bethune Boulevard - Appeal of Notice of Condemnation and Demolition Order until the next meeting. The motion carried unanimously (5-0).

Case B - BP2018-040 - 508 Gibson Street - Appeal of Notice of Condemnation and Demolition Order

Kim Flaherty, Project Manager, stated the property owner has signed a contract and is in the process of demolishing the property. Ms. Flaherty asked that the case be continued for 30 days.

Board Action:

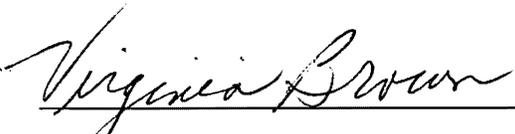
A motion was made by Mr. Brown, seconded by Mr. Weatherholtz to continue BP2018-040 - 508 Gibson Street - Appeal of Notice of Condemnation and Demolition Order for 30 days. The motion carried unanimously (5-0).

7. New Business

There was no new business presented.

8. Adjournment

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

  
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Virginia Brown, Chair

  
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Becky Groom, Board Secretary