



The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, July 16, 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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Board Members:

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

Charles Cino, Board Attorney

Board Members Absent:

Mr. Paul Culver

Staff Members Present:

Glen Urquhart, Chief Building Official
Robert Jagger, City Attorney
John Cecil, Demolition and Building Rehabilitation Inspector
Kim Flaherty, Project Manager
Off. Steve Jessamer, Daytona Beach Police Department
Becky Groom, Board Secretary

Call to Order

Ms. Brown called the meeting to order at 9:00 a.m.

Roll Call

Roll was called with attendance as noted above.

Mr. Cino stated Mr. Culver has asked to be excused from today's meeting.

Introduction of City Staff

Staff members in attendance were introduced to the Board and were sworn in.

Approval of Minutes - May 21, 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 May 21, 2019, as presented. The motion carried (4-0).

New Cases:

Case A - BP2019-0003 - 915 School Street - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

John Cecil, Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he was made aware of this structure in January, 2019 through a citizen complaint. Mr. Cecil stated he has visited the property at least 20 times and no improvements have been made. Mr. Cecil stated the property is not secure and is open to the elements. Mr. Cecil stated the structure is deteriorated and the support beams and roof are collapsing. Mr. Cecil presented photographs of the site and structure. Mr. Cecil stated he and Kim Flaherty, Project Manager, visited the site on July 15, 2019 to view the status. Mr. Cecil stated he did not enter the building since it is unsafe but noted there is evidence of vagrants being on the site.

Glen Urquhart, Building Official, stated he visited the property when it was posted for condemnation in January, 2019. Mr. Urquhart stated the property is not secure and is in danger of collapsing and feels it is one of the worst structures in the City.

Application Presentation:

Johnny Lee, 112 West New York Avenue, Deland, Florida, 32720 stated he is the Property Manager who was retained by the owner, Glen Miller, to oversee the demolition. Mr. Lee stated the property was acquired 2-1/2 years ago through a deed sale sight unseen and was occupied at the time. Mr. Miller stated the occupants were evicted. Mr. Miller stated he has met with architects and engineers to determine what can be salvaged; and Gentile Construction has been retained to start with a portion of the demolition. Mr. Lee stated he would like more time to work on the property.

Mr. Weatherholtz asked when the occupants were evicted.

Mr. Lee stated it was in June or July of last year. Mr. Lee stated the property was secured but the former occupants re-entered the property. Mr. Lee stated the occupants had a dumpster placed on site and were

removing the garage roof. Mr. Lee stated he contacted the dumpster company and had the dumpster removed but the damage to the structure was already done.

Matt Gentile, Gentile Inc., stated he was contacted by Mr. Lee to view the site. Mr. Gentile stated he told Mr. Lee that he did not believe the structure was salvageable without spending a large amount of money. Mr. Gentile stated Mr. Lee indicated he wanted to proceed with saving the structure. Mr. Gentile stated he feels some of the interior structure can be salvaged and he plans to remove the drywall, repair the holes so water cannot get in, and secure the site. Mr. Gentile stated he has submitted an application for demolition which is pending. Mr. Gentile stated it will cost about \$24,000 to demolish and secure the property and \$100,000 to restore the structure and he has entered into a contract for the demolition portion of the project.

Mr. Bailey asked what the timeframe is for work on the structure.

Mr. Gentile stated once the permit is issued, it will be about two weeks before he can start work.

Mr. Urquhart stated the permit is on hold until the case was presented to the Board for consideration. Mr. Urquhart stated the permit is for a partial demo in the garage area and he is concerned about how long the property may sit before construction begins. Mr. Urquhart stated the owner did try to sell the property but the sale did not go through.

Mr. Weatherholtz stated he feels the property is beyond repair and is a detriment to the neighborhood.

Mr. Bailey stated he agrees with Mr. Weatherholtz.

Mr. Lee stated once the demo is done, an engineer will need to review the property. Mr. Lee asked if the case could be delayed until the next meeting in order to allow the owner time to have the demo work done and then reviewed by an engineer.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Bailey, to deny the appeal of BP2019-0003 - 915 School Street - Appeal of Notice of Condemnation and Demolition Order in accordance with the presentation made by staff. The motion carried (4-0).

Case B - BP2018-0023 - 397 Jefferson Street - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

John Cecil, Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he first visited the site in May, 2018, in response to a citizen complaint. Mr. Cecil stated the current owner is the third owner of the property since it was originally posted for demolition and the current owner has owned the property since, June, 2019. Mr. Cecil stated the new owner has been noticed of the demolition and has visited with Mr. Cecil in his office at City Hall. Mr. Cecil stated work

has been done on the property without permits, which includes interior demolition. Mr. Cecil stated the shed on the property is collapsing and vagrants have been seen on the site. Mr. Cecil stated there is an electric meter on site but there is no service connected. Mr. Cecil stated two doors are secured but the glass sliding door is open. Mr. Cecil stated the original owner was issued a building permit and put a new roof on the structure. Mr. Cecil stated a water meter was installed by the City and new piping has been installed to the meter but no permits have been issued for any work done on the property. Mr. Cecil stated the structure is still unsecured and is open to the elements. Mr. Cecil stated he has asked the owner to see the inside to determine the structure's stability and also to determine what work has been done on the interior.

Glen Urquhart, Building Official, stated he visited the site in 2018 and spoke with the first owner who was doing work without permits. Mr. Urquhart stated a Stop Work Order was issued. Mr. Urquhart stated the structure is open and is a nuisance and is uninhabitable in its current condition. Mr. Urquhart stated he has not been inside recently so he does not know the current status of the interior. Mr. Urquhart stated the new roof that has been installed was not inspected; and if the roof is not built to code, it would have to be removed and a new roof installed that would meet the current Building Codes. Mr. Urquhart stated he would be willing to meet with the current owner in order to determine what needs to be done to the structure in order to bring it up to current Code.

Mr. Weatherholtz expressed concern that a water meter was installed at a property that is uninhabitable and no building permits have been issued.

Kim Flaherty stated the roof work was in process and was finalized in January with the second owner. Ms. Flaherty stated a permit was applied for but staff comments were not addressed so no permit was issued.

Application Presentation:

Wilgens Mesalien, 5400 S. Williamson, Port Orange, Florida stated he is the current owner and asked that the City allow him time to retain contractors in order to get the work done.

Mr. Jagger asked if he has prepared any estimates on the work to be done.

Mr. Mesalien stated he has estimates from the previous owner but estimates the work to be done will cost between \$20,000 and \$35,000. Mr. Mesalien stated he plans to meet with contractors this week and get permits for demolition and framing. Mr. Mesalien stated he plans to obtain building permits between July 29, 2019 and August 5, 2019 for framing, windows, and drywall. Mr. Mesalien stated he believes the work can be completed by September 2, 2019.

Mr. Urquhart stated a contractor would have to pull the permits for the work and an on-site visit would have to be conducted by city staff to determine what work will be done. Mr. Urquhart stated a design professional will have to visit the site to determine the safety of the structure. Mr. Urquhart stated he would not be opposed to continuing the case but a site inspection would have to be done by City staff this week.

Charles Bryant, Redevelopment Project Manager, stated this has been a nuisance problem for Midtown for a long period of time. Mr. Bryant stated the new owner will have to go through a process, including the Redevelopment office, in order to bring the property up to code. Mr. Bryant stated staff will need to know the proposed use for the property so the property is correctly zoned.

Mr. Urquhart stated he would be willing to continue the case if the owner agreed to a site visit by staff, agreed to immediately secure the property, and agreed to remove the shed, which would require a permit. Mr. Urquhart stated he would like the owner to provide an update to the Board at their August 20, 2019 meeting.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Bailey, to continue Case BP2018-0023 - 397 Jefferson Street - Appeal of Notice of Condemnation and Demolition Order to the August 20, 2019 Board of Building Codes Meeting, with the stipulation that the property be cleaned and secured to the satisfaction of City staff and that access to the structure be granted to City staff for inspection, in accordance with the presentation made by staff. The motion carried (4-0).

Review Cases

Case A - BP2019-0020 - 632 S. Segrave Street - Appeal of Notice of Condemnation and Demolition Order (Continued from May 21, 2019 meeting)

The property owner was not in attendance. Ms. Flaherty stated the Notice of Hearing was sent via mail and email to the property owner.

Mr. Cecil stated he visited the site today and the property is currently posted for condemnation and for today's hearing. Mr. Cecil presented the staff report which was included as part of the packet. Mr. Cecil stated a site visit was conducted in May, 2019 and it was determined roof work was being done without a permit. Mr. Cecil stated a building permit was issued and inspections were done. Mr. Cecil stated since that time the property has been listed for sale and a determination has been made that the structure should be removed. Mr. Cecil stated the owner has made no representation on how he plans to proceed. Mr. Cecil stated the property is not secured and there is evidence of vagrants on site. Mr. Cecil stated there has been an attempt to make repairs to the floors in order to cover holes but no permit has been issued for that work. Mr. Cecil stated there was a fire on the second floor of the structure which resulted in water damage from fire suppression as well as being open to the elements.

Glen Urquhart, Building Official, stated he inspected the site in May, 2019 and observed rotting wood and smoke damage. Mr. Urquhart stated the floor structural members have been burnt out. Mr. Urquhart expressed concern about the roof work that was done on an unsafe structure. Mr. Urquhart stated the property owner stated he purchased the property in conjunction with a 200 parcel acquisition. Mr. Urquhart stated he informed the property owner that the structure would have to be demolished.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Weatherholtz, to deny the appeal of Case BP2019-0020 - 632 S. Segrave Street - Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried (4-0).

Case B - BP2019-0014 - 646 Marco Street - Appeal of Notice of Condemnation and Demolition Order (Continued from May 21, 2019)

Mr. Urquhart stated since the May meeting, he met with the property owner and advised that plans would need to be prepared by a design professional. Mr. Urquhart stated no work has been done on the site; but an application for a building permit has been applied for but staff comments have not been addressed.

Nathaniel Hillery stated he is the Project Manager for the property. Mr. Hillery stated he is working to get a survey done in order to address staff comments. Mr. Hillery stated EFRID Survey from Deland, Florida, has been retained to complete the survey. Mr. Hillery stated the building permit applied for is to do work on the siding and the porch at the rear as well as electrical work. Mr. Hillery stated his plan is to bring the property up to Code and have the condemnation restriction removed in order that the property can be re-sold.

Mr. Urquhart stated he did an interior inspection of the property and wiring was done inside so the property owner was asked to include electrical work on his permit application.

Mr. Weatherholtz asked what would happen if an extension is granted and the property owner sells the property in the meantime.

Mr. Jagger stated if the Board determines the structure is unsafe, the process would have to be started over with the new owner.

Mr. Urquhart stated staff would be willing to work with Mr. Hillery on good faith and he would review plans that have been submitted today in order to get the permit issued.

Mr. Hillery stated he feels he can complete the work by August 20, 2019.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Bailey, to continue Case BP2019-0014 - 646 Marco Street - Appeal of Notice of Condemnation and Demolition Order to the August 20, 2019 Board of Building Codes meeting. The motion carried (4-0).

Case C - BP2017-0024 - 219, 221, and 223 N. Peninsula Drive - Appeal of Notice of Condemnation and Demolition Order (Continued from October 16, 2018 meeting)

Mr. Urquhart stated new roofs have been placed on the two front structures and the garage has been removed. Mr. Urquhart stated a building permit application has been submitted but no work is being done on the interior.

Mr. Cine stated this property is also a Code Enforcement case.

Yuri Miranda, property owner, stated he is working to bring the property in to compliance with the Code. Mr. Miranda stated he feels it will take three to six months to finish the project. Mr. Miranda stated an architect has been hired and work will start once the permit is issued.

Mr. Urquhart stated the property has gone beyond the elements for which it was condemned and now is in the process of issuing the permit and completing the construction work. Mr. Urquhart stated he would recommend removing the property from the demolition/condemnation list and having the project proceed with the permitting process. Mr. Urquhart stated density and parking requirements will have to be met.

Mr. Jagger stated he recommends dismissing the case and rescinding the demolition process but noted if there is a pending Code Enforcement case, that case would proceed.

The case was dismissed.

Case D - BP2018-0037 - 519 Arthur Avenue - Appeal of Notice of Condemnation and Demolition Order (Continued from April 16, 2019 meeting)

Mr. Urquhart stated the demolition permit was issued today and the property owner has asked to be given 60 days to remove the structure. Mr. Urquhart stated an update will be provided on this case at the September 17, 2019 Board meeting.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Brown, to continue Case BP2018-0037 - 519 Arthur Avenue - Appeal of Notice of Condemnation and Demolition Order to the September 17, 2019 Board of Building Codes meeting, in accordance with the recommendation from staff. The motion carried (4-0).

Case E - BP2018-0016 - 14 S. Coates Street - Appeal of Notice of Condemnation and Demolition Order (Continued from January 15, 2019 meeting)

Mr. Urquhart stated he spoke with the property owner prior to today's meeting. Mr. Urquhart stated the property owner has agreed to have 40% of construction completed within 60 days; and if 40% of the work is not done within 60 days, the city may proceed with demolition of the structure. Mr. Urquhart stated his recommendation is to grant the 60 day extension and to have the walls filled and new trusses in place within 60 days. Mr. Urquhart stated the property will be monitored daily.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Brown, seconded by Mr. Bailey, to continue Case BP2018-0016 - 14 S. Coates Street - Appeal of Notice of Condemnation and Demolition Order to the September 17, 2019 Board of Building Codes Meeting, in accordance with the recommendation from staff. The motion carried (4-0).

New Business

There was no new business.

Adjournment

There being no further business, the meeting was adjourned.



Virginia Brown, Chair



Becky Groom, Board Secretary