



The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, October 16, 2018
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 October 16, 2018 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

Charles Cino, Board Attorney

Board Members Absent:

Ms. Patricia Rippey

Staff Members Present:

Glen Urquhart, Chief Building Official
Robert Jagger, City Attorney
John Cecil, 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

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Brown, to approve the minutes of the meeting of September 14, 2018, as presented. The motion carried (4-0).

New Cases:

5. Case A - BP2017-0040 - 611 Weber Avenue - Appeal of Notice of Condemnation and Demolition Order

Robert Jagger, City Attorney stated a letter has been received from Adiba R. Shuja, Manager of ASP-Readychem, LLC, and has been provided to the Board stating that Mr. Shuja is unable to attend the Board hearing. Mr. Jagger stated the letter states that Mr. Shuja indicates the exterior of the building is secure and Mr. Shuja requests the demolition order be removed. Mr. Jagger stated since Mr. Shuja did not request an extension, he recommends that the case be heard.

Mr. Gino asked if there was anyone in the audience representing Mr. Shuja; there was no response.

John Cecil, Building Rehabilitation Inspector, presented a history of the case which outlines Code Enforcement cases starting in 2004. Mr. Cecil stated the property was sold in April, 2017, due to failure to pay property taxes. Mr. Cecil stated a Notice of Demolition was sent to the current property owner in February, 2018; and the property owner filed an appeal of that order in March, 2018 and requested a 180 day extension in order to make repairs. Mr. Cecil stated the requested 180 days expired on September 3, 2018; and to date, no permits have been issued and no improvements have been made to the property.

Glen Urquhart, Chief Building Official, stated the structural stability of the building has been compromised since there has been settling in the structure and damage to the footings. Mr. Urquhart stated a porch has been removed from the structure which exposed the interior of the structure to the elements. Mr. Urquhart stated he has determined the building is unsafe and it would be more costly to repair the building as opposed to demolishing the structure.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Brown, to deny the appeal of BP2017-0040 - 611 Weber Avenue - Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented and based on the evidence and testimony presented at the hearing. The motion carried (4-0).

Case B - BP2017-0028 - 744 Lora Court - Appeal of Notice of Condemnation and Demolition Order

Rene Bueso, 6041 La Prada, Los Angeles, California 90042 (P. O. Box 4341303) stated he is the new owner of the property at 744 Lora Court and closed on the property on October 8, 2018. Mr. Bueso stated he was unaware of the condemnation proceedings on the property. Mr. Bueso stated he is a General Contractor in California and would like to obtain building permits to do the work to repair the property as the homeowner. Mr. Bueso stated an architect has previously prepared plans for repairs to the property but he personally has not been inside the home so he does not know the extent of the repairs that will need to be done.

Stan Hoelle, 114 Mistletoe Drive, Daytona Beach, Florida stated he had prepared drawings for the previous owner of the property but the previous owner did not proceed with the work. Mr. Hoelle stated the drawings indicate all of the repairs that need to be made and the drawing is ready to be submitted for a building permit. Mr. Hoelle stated it will take about \$30,000 to \$40,000 to fix the house but it is fixable. Mr. Hoelle stated he feels the repairs could be made within 90 days.

Mr. Jagger stated the city has no objection to allowing the owner time to make the repairs.

John Cecil presented photos of the property and stated he visited the property yesterday. Mr. Cecil stated no work has been on the property since 2011 when a fire damaged the rear of the home.

Cecelia Diaz stated the yard area has been cleaned and the property currently does not appear as is presented in the photos.

Mr. Hoelle stated the windows have been boarded to secure the property.

Mr. Cino stated the city has agreed to give the property owner a continuance and asked when the owner will start the work.

Mr. Jagger stated the Notice of Condemnation and Demolition Order will be withdrawn and this case will be dismissed. Mr. Jagger stated a time line needs to be established for the repairs.

Mr. Hoelle stated he would like 90 days to complete the work, depending on how long it will take to have the building permit issued.

Mr. Urquhart stated he would like to receive a copy of a signed contract who Mr. Hoelle or whoever the property owner intends to use in order to show due diligence on the part of the property owner. Mr. Urquhart stated the permit could be issued within a week.

Board Action:

There was no Board action and the Notice of Condemnation and Demolition was withdrawn.

Case C - BP2017-0024 - 219, 221, and 223 N. Peninsula Drive Appeal of Notice of Condemnation and Demolition Order

Gloria Gonzalez, property owner, stated she purchased the property through a tax sale in September, 2017, and was not aware that the property was condemned. Ms. Gonzalez stated she applied for permits for a new roof which were denied. Ms. Gonzalez stated she met with Reed Berger, Redevelopment Director, who stated the property had been abandoned. Ms. Gonzalez stated there is a discrepancy with the survey on the property and the attorney she hired stated there was a question regarding the property at the rear of the site. Ms. Gonzalez stated she placed a deposit of \$1,000 with a roofing company who planned to start the work yesterday but she delayed starting the work since she received notice of the hearing today. Ms. Gonzalez stated she would like 6 months in order to complete the work. Ms. Gonzalez stated if the Board allows her additional time, the roof work will start tomorrow.

John Cecil stated the property was abandoned and cited by Code Enforcement in 2010. Mr. Cecil stated the case was closed due to a change in ownership, not because repairs were made. Mr. Cecil stated there have been subsequent cases and the cases were closed due to a change in ownership. Mr. Cecil stated Ms. Gonzalez quit claimed the property to a new owner, G&Y Investments, of which Ms. Gonzalez is the primary owner. Mr. Cecil stated the demolition order was issued on February 20, 2018 and a meeting was held with the owner on March 1, 2018; and at that time Ms. Gonzalez stated the property would be brought into compliance. Mr. Cecil stated a permit for the roof was applied for on May 24, 2018 and the permit was issued on June 12, 2018; and no work has been done to date. Mr. Cecil stated the property remains abandoned and in disrepair. Mr. Cecil stated there are three structures on the property which has been vacant since 2010.

Mr. Urquhart stated there are holes in the roof and the property has been exposed to the elements for about eight years. Mr. Urquhart stated he met the owners on site and he has been inside the homes. Mr. Urquhart stated all three structures are in severe disrepair. Mr. Urquhart stated the means of ingress to and from the structure are compromised. Mr. Urquhart stated the property is unfit for human habitation since the structural components, as well as mechanical and electrical systems, have been compromised.

Mr. Jagger asked if Mr. Urquhart feels it would be reasonable for the property owner to make the repairs at this point.

Mr. Urquhart stated no due to the expense that would be incurred to make mechanical, electrical, and plumbing repairs as well as repairs to the roof systems.

Mr. Culver asked if the owner proceeds with the roof repairs, will that stop deterioration of the building.

Mr. Urquhart stated he talked with the property owner in June about the roof system but the owner only obtained a permit for one structure; however, no work has been done since that time so the property has continued to deteriorate.

Mr. Bailey stated he was on the property years ago and it was horrible then.

Mr. Brown stated he feels it will cost more than the property is worth to make the repairs.

Ms. Gonzalez stated the two structures in the front are made of cement and the one building at the rear is made of wood. Ms. Gonzalez stated she agreed with Volusia County to demolish the wood structure since there is a discrepancy on the rear property line. Ms. Gonzalez stated she tried to obtain permits 30 days after acquiring the property but was denied and was told the property is no longer a conforming use as a multiple unit. Ms. Gonzalez stated she did not have the funding to do the work at that time. Ms. Gonzalez stated a wooden shed will be removed. Ms. Gonzalez stated she would like 6 months to make the repairs.

Yuri Miranda stated he is Ms. Gonzalez' partner. Mr. Miranda stated he prepared a sketch to show the plans for the building but he was told the city requires a site plan. Mr. Miranda stated one month after acquiring the property, he contacted a window company to determine what is needed to replace the windows and doors. Mr. Miranda stated there is a discrepancy with the rear property line but the building at the rear of the property could be demolished. Mr. Miranda stated he plans for the building to be a single family home.

Mr. Cino asked if the structure at the rear of the site is on Mr. Miranda's property.
Mr. Miranda stated yes but he stated the city says someone bought half of the property.

Mr. Jagger stated the boundary survey provided by Mr. Miranda dated December 27, 2017 does not show a gap in ownership. Mr. Jagger stated he was unaware of a dispute regarding ownership but there appears to be a question regarding the rear property line.

Mr. Cina stated there appears to be a question about the property line but the city alleges that the house in question is not on the adjoining property.

Mr. Brown asked if a foundation survey has been done to determine if the building can be built on.

Mr. Miranda stated no.

Mr. Urquhart stated he has met with the property owners several times. Mr. Urquhart stated the property owners are asking for 6 months to complete the repairs; however, they previously stated the roofer will be on site tomorrow. Mr. Urquhart stated the property owner agreed to demolish the rear structure and make the repairs to the two other structures. Mr. Urquhart stated a permit was issued in June and nothing has been done. Mr. Urquhart stated he would be opposed to allowing an additional six months delay on this case.

Mr. Culver asked if an architect could be hired and have everything in place within 30 days.

Mr. Miranda stated he has hired someone to do a site plan.

Mr. Cino asked if a contract could be provided.

Mr. Miranda stated the architect stated they would need to see a survey before they could proceed; but the survey does not match Volusia County records.

Mr. Culver asked if a site plan is required for a repair permit. Mr. Urquhart stated a site plan is not required for repairs and the properties on the front could be worked on since a permit has been obtained on one for a roof.

Phil Gonzalez, the husband of Gloria Gonzalez, stated the roof work could be done on the two units in thirty days.

Mr. Jagger stated the property owner has indicated they are agreeable to demolishing two buildings and thirty days could be granted to get the demo completed. Mr. Jagger stated it would be the responsibility of the property owner for the demolition of the two structures.

Mr. Urquhart stated if the city receives a contract indicating when the demolition would be done and the roof is repaired within thirty days that would be acceptable to the city.

Ms. Gonzalez stated she would get the roof work started and get the cost to demolish the third property in the back.

Mr. Urquhart stated what is proposed is to give an extension on the appeal for thirty days, and within that thirty days, the roofs must be replaced on the two structures as well as securing a contract for demolition; but at the next board meeting if nothing has been done, he will ask the board to proceed with the demolition.

Ms. Gonzalez agreed.

Mr. Jagger stated he would like to continue the case for thirty days and the decision at that time will be based on whether the property owner has come into compliance with the stipulations as stated.

Mr. Miranda expressed concern about demolishing the structure where there is a property line dispute.

Mr. Cino stated Mr. Miranda should provide proof to the city that there is a dispute regarding the rear building because he cannot demolish something that is not on his property.

Mr. Jagger stated it does not appear the building is on an adjacent lot but he cannot confirm or deny that based on what he heard today.

Mr. Cino stated the Board is willing to continue the case for thirty days; and if the property owner comes back with a survey that indicates the rear structure is on someone else's property, the structure cannot be demolished.

Mr. Bailey asked if the Board can require a professional site plan to determine what the owner plans to do with the structure.

Mr. Urquhart stated staff determined a site plan is not required based on the density requirements.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Brown, seconded by Mr. Culver, to continue Case BP2017-0024 - 219, 221, and 223 N. Peninsula Drive - Appeal of Notice of Condemnation and Demolition Order for thirty days, in accordance with the staff report as presented and based on the evidence and testimony presented at the hearing today. The motion carried (3-1 with Mr. Bailey voting no).

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

Mr. Urquhart stated the property owner has requested a 30 day extension due to illness.

Board Action:

A motion was made by Ms. Brown, seconded by Mr. Brown, to continue Case BP2018-0003 - 400 S. Atlantic Avenue -Appeal of Notice of Condemnation and Demolition Order for thirty days, as requested by the property owner. The motion carried (4-0).

Case E - BP2017-0015 - 319 San Juan Avenue - Appeal of Notice of Condemnation and Demolition Order

Abraham Labowz, 5773 Gatlin, Orlando, Florida, 32822 stated he purchased the property six months ago. Mr. Labowz stated he started work on the porch but a stop work order was issued because he did not have a permit. Mr. Labowz stated a condemnation order was then placed on the property. Mr. Labowz stated he hired an architect, general contractor, and electrician and all of the permits were obtained. Mr. Labowz stated he also hired an architect.

John Cecil presented photos of the property and stated a porch was installed without a permit. Mr. Cecil stated the stairs to the second story are in disrepair and there is roof damage. Mr. Cecil stated the electric meter was replaced without a permit. Mr. Cecil stated Mr. Labowz acquired the property and a complaint was received for doing work without a permit and a stop work order was posted. Mr. Cecil stated Mr. Labowz marketed the property for sale and the city was contacted numerous times by potential buyers. Mr. Cecil stated the property could only be used as a single family unit; and Mr. Labowz has told prospective buyers that the building could be used as a four-plex if the adjacent lot is acquired for parking. Mr. Cecil stated applications were received for permits on May 16, 2018 but staff comments were not addressed and no permits have been issued. Mr. Cecil stated the property can only be used as a single family residence since there is not sufficient property for parking for a four-plex.

Mr. Urquhart stated the porch, stairs, and railings were completed without permits and have not been inspected. Mr. Urquhart stated the rear staircase is dilapidated. Mr. Urquhart stated there are holes in the roof and the structure has been compromised. Mr. Urquhart stated the property as it cannot be sold as multi-family. Mr. Urquhart stated based on what is observed from the outside, it is not reasonable to repair the structure.

Mr. Labowz asked if he purchases the lot next door, could the property remain as four units.

Mr. Urquhart stated if the adjacent property was acquired, the site would have to be reviewed by the City's Technical Review Team, which would be a different case. Mr. Urquhart stated his responsibility is to review an existing unsafe structure on the lot as is.

Mr. Labowz stated he talked with an architect and stated he would need four to six months to make the repairs to the property.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Brown, to deny the appeal of Case BP2017-0015 - 319 San Juan Avenue - Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented and based on the testimony and evidence presented at the hearing. The motion carried (4-0).

6. Review Cases

There were no cases from previous Board meetings to review.

7. New Business

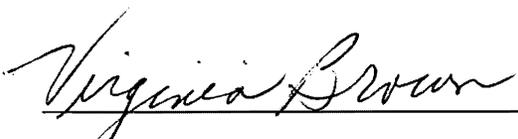
Mr. Jagger stated the Rules and Regulations of the Board were revised based on the discussion at the last Board meeting. A copy of the revision is in the Board packet.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Culver, to adopt the changes to the Rules and Regulations, in accordance with the document presented. The motion carried (4-0).

8. Adjournment

There being no further business, the meeting was adjourned at 11:05 a.m.



Virginia Brown, Chair



Becky Groom, Board Secretary