



The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, September 17, 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. Paul Culver
Mr. Vernon Weatherholtz

Charles Cina, 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
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.

Introduction of City Staff

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

Approval of Minutes - August 20, 2019

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Bailey, to approve the minutes of the regular meeting of the Board of Building Codes held on August 20, 2019, as presented. The motion carried (5-0).

New Cases:

Case A - BP2019-0053 - 713 Marion Street - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

John Cecil, Rehabilitation Inspector, presented the staff report on this case. Mr. Cecil stated he received a complaint from neighbors which prompted him to visit the site. Mr. Cecil stated he has visited the site at least 3 to 4 times per week and has noticed vagrants going in and out of the structure. Mr. Cecil stated no structural work has been done on the property. Mr. Cecil stated there are broken and missing windows as well as deterioration of the front porch which also indicates termite damage. Mr. Cecil stated trash cans indicate people have been living in the site. Mr. Cecil stated the property is overgrown and nothing is being done to maintain it. Mr. Cecil stated the siding is pulling away from the house and is falling to the ground. Mr. Cecil stated there are Code Enforcement violations on the property and the owner has been addressing those violations and not taking care of the violations noted by the Building Department. Mr. Cecil stated the wood has been removed which allows someone to see through the house. Mr. Cecil stated the bathroom has collapsed and there is also a dilapidated shed on site. Mr. Cecil stated the property is covered with junk, litter, and debris. Mr. Cecil stated there is no electric or water service to the property and it is unsecured. Mr. Cecil stated the house was painted in May 2019, as an attempt to cover the damage to the structure. Mr. Cecil stated he has talked with people who were inside the structure and told them they are not to be on the property since it has been condemned. Mr. Cecil stated the individuals stated they pay the owner \$1,000 per month to live in the structure. Mr. Cecil stated the house is not fit for human habitation. Mr. Cecil stated the floors are sagging and the drywall is falling and anyone living there would be in danger.

Respondent Presentation:

V. J. Singh, property owner of 713 Marion Street, stated the pictures presented by City staff are derogatory and do not justify the property. Mr. Singh stated no one is paying him to live there. Mr. Singh stated he opened the property to see what damage is behind the walls, but he was stopped from working because of the demolition order. Mr. Singh stated the property is not falling down and is being inhabited by squatters.

Mr. Cecil stated there is no door on the structure, and it is not secure; Mr. Cecil stated a piece of plywood placed at the door entrance does not make the property secure.

Mr. Singh stated no one has gone through the doorway in months. Mr. Singh stated he has an architect working on the structure and there is no sagging on the porch.

Glen Urquhart, Chief Building Official, stated he visited the site several times with Mr. Cecil and was there this morning. Mr. Urquhart stated the pictures properly depict the site and it is unsafe for human habitation. Mr. Urquhart stated the floor members are deteriorating and there is no insulation on the interior walls. The windowsills are rotting, and vegetation has taken over the structure. Mr. Urquhart stated the building is in the same condition as it was when he first visited the site in May 2019. Mr. Urquhart stated he personally viewed people entering and exiting the property and the neighbors have complained about drug and prostitution activity taking place in the house. Mr. Urquhart stated the owner was asked to provide a Structural Analysis of the building, but the City has not received that. Mr. Urquhart stated there are Code Enforcement cases on the property and there is no water or electric service to the structure. Mr. Urquhart stated the structure is unsecure and there are unsafe walking surfaces and it would be unreasonable to repair the structure.

Mr. Singh stated he disconnected the water service last week and he voluntarily disconnected electric service because of the squatters. Mr. Singh stated he does not promote squatters. Mr. Singh stated he has been trying to get building permits and stated the 6 x 6 beams are strong. Mr. Singh stated he is working to retain an architect to evaluate the site. Mr. Singh stated he bought the property to renovate in order to rent or sell the property. Mr. Singh stated he paid someone \$1,000 to clean up the yard and inside; and shortly thereafter, Mr. Cecil visited the site.

Mr. Weatherholtz asked Mr. Singh if he is a licensed contractor.

Mr. Singh stated no, he is a licensed realtor.

Mr. Culver asked Mr. Singh how long he has owned the property.

Mr. Singh stated he has owned the property since November 2017.

Mr. Culver asked Mr. Singh if he has a contract with an architect.

Mr. Singh stated yes.

Mr. Culver asked how much time he would need to provide drawings to submit in order to apply for a permit.

Mr. Singh stated he could submit drawings today.

Mr. Cino asked if pulling permits will stay the action.

Mr. Jagger stated no.

Mr. Urquhart stated he has had no communication with an architect and has not received any submittals. Mr. Urquhart stated Mr. Singh has owned the property since 2017 and no action has been taken. Mr. Urquhart stated if he had a report from an architect and a permit application, city staff would work with him, but he has not received any submittals.

Mr. Jagger read a letter from Pete Zahn which was provided by Mr. Singh which states that he inspected the area and determined that two areas can be brought into compliance with proper improvements.

Mr. Singh provided a copy of a Trespass Arrest form for the record dated September 8, 2019. Mr. Singh also provided a copy of a contract with Handy Helper Designs which provides an estimate of \$1,500 to do certain work.

Mr. Cino asked if Mr. Zahn had been hired to write the letter.

Mr. Singh stated yes.

Mr. Cino asked if Mr. Zahn will be doing the work.

Mr. Singh said no.

Mr. Brown stated the house cannot be fixed to a living condition and he feels it should be torn down.

Mr. Weatherholtz asked if Mr. Singh has any active accumulated fines from Code Enforcement.

Mr. Singh stated he does not, but the previous owner does.

Mr. Urquhart stated when someone purchases a property, the new owner assumes the cost for existing Code Enforcement fines. Mr. Urquhart stated the Code Enforcement fines have capped three times at \$10,000 for a total of \$30,000 in existing fines. Mr. Urquhart stated he has verified with Off. Steve Jessamer of the Daytona Beach Police Department that the trespass document has not been filed with the Police Department.

Mr. Singh stated he signed the trespass document and submitted it to the Police Department.

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 BP2019-0053 - 713 Marion Street - Appeal of Notice of Condemnation and Demolition Order, in accordance with the testimony presented. The motion carried (5-0).

Mr. Singh stated this is the first hearing he has had on this property.

Mr. Jagger stated Mr. Singh can appeal the decision made by the Board of Building Codes.

Case B - BP2019-0016 - 817 George W. Engram Boulevard - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

Glen Urquhart, Chief Building Official, stated since the building was posted for demolition, the property owner has applied for the necessary permits which have been approved. Mr. Urquhart stated the owners are proceeding to rectify the problem. Mr. Urquhart recommended the case be dismissed.

Mr. Jagger stated the case will be dismissed at this time.

Review Cases

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

(Continued from July 16 and August 20, 2019 meetings)

Staff Presentation:

Glen Urquhart, Chief Building Official, stated the shed has been removed but nothing has been done to the primary structure. Mr. Urquhart stated the Board has given the owner extensions and nothing has been done. Mr. Urquhart stated he offered to meet with the owners to determine their plans and that has not happened. Mr. Urquhart stated there have been no permits issued and the property owner is not in attendance today. Mr. Urquhart stated he recommends proceeding with the demolition. Mr. Urquhart stated all window openings have been boarded. Mr. Urquhart stated the structure is not in danger of falling since the previous owner did start work but was not completed. Mr. Urquhart stated there is no electric service to the site and the sewer taps are not capped.

Kim Flaherty, Project Manager, stated notice was sent via First Class Mail and certified mail as well as the property being posted. Ms. Flaherty stated the property owners did attend the July 2019, and August 2019 Building Codes Board meetings.

Mr. Weatherholtz asked if there are any existing Code Enforcement fines on the property.

Mr. Urquhart stated there are no Code Enforcement fines.

Respondent's Presentation:

There were no representatives of the property owner in attendance.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Bailey, to deny the appeal of BP2018-0023 - 397 Jefferson Street - Appeal of Notice of Condemnation and Demolition Order, in accordance with the testimony presented. The motion carried (5-0).

Case B - BP2018-0037 - 519 Arthur Avenue - Appeal of Notice of Condemnation and Demolition Order

(Continued from April 16, 2019 meeting)

Staff Presentation:

Glen Urquhart, Chief Building Official, stated the property owner has signed a contract to remove the structure. Mr. Urquhart requested the case be continued 30 days in order to allow time for the owner to have the structure removed.

Respondent Presentation:

Tim Hudson stated he is the property owner and stated he is under contract with Down to Earth. Mr. Hudson stated Down to Earth has indicated the structure will be removed within three weeks.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Brown, to continue BP2018- 0037 - 519 Arthur Avenue - Appeal of Notice of Condemnation and Demolition Order for 30 days for the owner to have the structure removed; and if it is not removed within 30 days, the City will have the structure removed. The motion carried (5-0).

Case C - BP2018-0016 - 14 S. Coates Street - Appeal of Notice of Condemnation and Demolition Order

(Continued from January 15 and July 16, 2019 meetings)

Staff Presentation:

Glen Urquhart, Chief Building Official, stated a permit has been issued for demolition but Mr. Urquhart would like to continue the case for 30 days to ensure the structure is removed. Mr. Urquhart stated if the structure is not removed in 30 days, the City will have it removed.

Respondent's Presentation:

The property owner was not in attendance.

Board Action:

A motion was made by Mr. Brown, seconded by Mr. Culver, for Case C -BP2018-0016 - 14 S. Coates Street - Appeal of Notice of Condemnation and Demolition Order, to allow the owner 30 days to have the structure removed; and if it is not removed within 30 days, the City will have the structure removed.

New Business

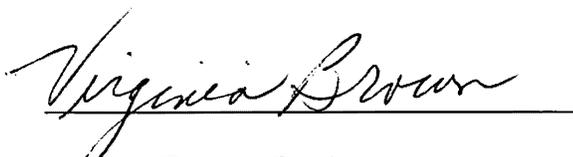
Mr. Weatherholtz asked about the costs to the city for demolition.

Mr. Urquhart stated liens are placed on the tax bills for demolition expenses.

Ms. Flaherty stated as of today, there are no cases to be presented for the October 2019 meeting.

Adjournment

There being no further business, the meeting was adjourned.



Virginia Brown, Chair



Becky Groom, Board Secretary