



The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, January 21, 2020
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.
--	--	--	--

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:

Glen Urquhart, Chief Building Official
Robert Jagger, City Attorney
John Cecil, Demolition and Building Rehabilitation Inspector
Kim Flaherty, Project Manager
Off. Cortland Lampe, 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 and were sworn in.

Approval of Minutes - September 17, 2019

Board Action:

Case A - BP2019-0069 - 645 McCormick Street - Appeal of Notice of Condemnation and Demolition Order

Staff Presentation:

Mr. Jagger stated there was no one in attendance on behalf of the property owner.

Kim Flaherty, Project Manager, stated notification of today's meeting was sent to the property owner, Lillian Johnson, at 645 McCormick via certified mail, regular first-class mail, and posting of the property. Ms. Flaherty stated the certified notice was returned unsigned, but the first-class notice was not returned.

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated this property abuts a property that was previously presented to the Board and he noticed the McCormick Street property when visiting the other property. Mr. Cecil stated he has visited this property at least two dozen times and no work has been done to improve the property. Mr. Cecil stated that Code Enforcement also has an open case on this property. Mr. Cecil stated the roof is caved in and has continued to cave in. Mr. Cecil stated there is no electric service to the property and there are no signs of vagrants being on site.

Mr. Weatherholtz stated it appears someone is maintaining the lawn on the property.

Mr. Cecil stated the property owner has passed away, but a family member is maintaining the lawn. Glen Urquhart, Chief Building Official, stated he visited the site this morning. Mr. Urquhart stated the roof has been compromised which will allow vermin and elements from the weather to enter the inside of the structure. Mr. Urquhart stated staff has not been inside the structure but feels the property could not be inhabited as is. Mr. Urquhart stated no one has approached the city about making repairs to the structure. Mr. Urquhart stated he feels it would not be reasonable to make repairs based on the value of the property.

Mr. Culver asked if the \$300 fee that is required to appeal the Chief Building Official's decision has been paid.

Mr. Flaherty stated yes.

Board Action:

A motion was made by Mr. Weatherholtz, seconded by Mr. Culver, to deny the appeal of BP2019-0069 - 645 McCormick Street - Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion was denied (0-5).

Mr. Culver stated if the \$300 filing fee was paid and someone is mowing the lawn, there is someone making an effort on the property.

A motion was made by Mr. Weatherholtz, seconded by Mr. Brown, to reconsider the action taken by the Board in the previous motion. The motion carried (5-0).

Mr. Weatherholtz stated this Board was set up to help to get rid of properties that are uninhabitable in the city. Mr. Weatherholtz stated this property has an effect on the property values of the surrounding properties.

Mr. Bailey asked if the property is in probate.

Ms. Flaherty stated no. Ms. Flaherty stated she talked with the owner's family member in September who indicated a permit would be pulled but she has not heard from the family member since September. Mr. Jagger stated the Board could continue the case until the next meeting so staff could make an attempt to reach the family member.

Mr. Weatherholtz stated if the property goes to probate and the title is issued to a family member, that person will be responsible for all costs associated with the property. Mr. Weatherholtz stated the new owner would also have to assume any fines that are in place as a result of Code Enforcement action. Mr. Bailey stated the costs follow the property, not the owner.

A motion was made by Mr. Bailey, seconded by Mr. Culver, to continue BP2019-0069 - 645 McCormick Street - Appeal of Notice of Condemnation and Demolition Order until the February 18, 2020 Board meeting. The motion carried (4-1 with Mr. Weatherholtz voting no).

Case B - BP2019-0094 - 925 Glenwood Street - Appeal of Notice of Condemnation and Demolition Order

Nathaniel Hillary was sworn in and stated he is the property owner's representative. Mr. Hillary stated Mr. Jay Frazier is his business partner. Mr. Jagger stated a notarized authorization from the owner is included in the Board packet.

Staff Presentation:

Ms. Flaherty stated she provided notice of today's hearing via certified mail, first class mail, and the property was posted.

Mr. Cecil presented the staff report which was included as part of the packet. Mr. Cecil stated he observed this property while in the area. Mr. Cecil stated he has visited the site about 12 times and no work has been done on the property since he first observed it. Mr. Cecil stated he visited the site this morning and no work has been done and no permits have been issued for this address. Mr. Cecil stated there is an expired roof permit for this structure, but no work was done, noting shingles were on site but are no longer there. Mr. Cecil noted a section has been removed from the rear of the property, possibly a porch. Mr. Cecil stated all windows are boarded from the inside. Mr. Cecil stated the overhang is rotting and is falling from the structure. Mr. Cecil stated there are cracks in the stucco and foundation. Mr. Cecil stated as the structure currently sits, it is unfit for habitation.

Mr. Urquhart stated the roof structure is compromised and there are cracks in the stucco. Mr. Urquhart stated a structural engineer would have to do an analysis of the property to determine if the structure is settling and the amount of damage. Mr. Urquhart stated there is no way to assess the inside of the property because the windows are all boarded. Mr. Urquhart stated he would think the costs to make the repairs would exceed the value of the structure but could not confirm that since he has not been inside the building.

Respondent's Presentation:

Nathaniel Hillary stated he plans to do a total remodel of the property. Mr. Hillary stated he buys properties at bargain prices and brings properties out of condemnation. Mr. Hillary stated Total Home Roofing will be making the roof repairs. Mr. Hillary stated he would like the board to allow him time to make the repairs since the entire project will take about 6 months to complete.

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

Mr. Hillary stated no but he has one on his team. Mr. Hillary stated Total Home Roofing will be doing the roofing work and M&C Electric will be doing the electrical work. Mr. Hillary stated he plans to invest about \$40,000 into the structure.

Mr. Weatherholtz asked if an engineer can evaluate the structure prior to a building permit being issued. Mr. Urquhart stated he would require a structural analysis to ensure the property is structurally sound prior to issuance of a building permit and would also require that staff be permitted access to the interior of the structure to evaluate the interior.

Board Action:

A motion was made by Mr. Bailey, seconded by Mr. Brown, to continue BP2019-0094 - 925 Glenwood Street - Appeal of Notice of Condemnation and Demolition Order to the February 18, 2020 Board meeting and noted the property owner must allow access to the Chief Building Official to evaluate the interior, the site must remain vacant, an evaluation must be completed by an engineer to determine structural stability, and a building permit must be issued for a new roof. The motion carried (5-0).

Review of Cases

There were no cases to review.

New Business

Election of Officers

Mr. Bailey nominated Mr. Weatherholtz to serve as Chair, Mr. Weatherholtz declined the nomination.

Mr. Weatherholtz nominated Mr. Bailey to serve as Chair. The Board voted 5-0 to elect Mr. Bailey as Chair.

Mr. Culver currently serves as Vice Chair and stated he would agree to continue to serve as Vice Chair if the Board agreed. The Board voted 5-0 to elect Mr. Culver as Vice Chair.

Adjournment

There being no further business, the meeting was adjourned.

A handwritten signature in cursive script that reads "Virginia Brown". The signature is written in black ink and is positioned above a solid horizontal line.

Virginia Brown, Chair

A handwritten signature in cursive script that reads "Becky Groom". The signature is written in black ink and is positioned above a solid horizontal line.

Becky Groom, Board Secretary