



The CITY OF DAYTONA BEACH Board of Building Codes Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, January 15, 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 January 15, 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

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
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 - October 16, 2018

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Bailey, to approve the minutes of the meeting of October 16, 2018, as presented. The motion carried (4-0).

New Cases:

5. Case A - BP2018-022 - 520 5. Martin Luther King Boulevard -Appeal of Notice of Condemnation and Demolition Order

Mister Harvin, Manager of Nivrah Consulting & Investment Group, property owner, stated he needs more time to secure funds in order to preserve the property.

Staff Presentation:

John Cecil, Rehabilitation and Demolition Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he has received numerous complaints since May, 2018, regarding the vacant property. Mr. Cecil presented a slide presentation of photographs of the property which showed that portions of the roof, soffit and fascia have fallen from the structure. Mr. Cecil stated there was evidence that homeless people had been in and out of the property. Mr. Cecil stated the trusses are collapsed on the overhang. Mr. Cecil stated he does not believe there is electrical service to the building. Mr. Cecil stated trash, litter, and debris have been removed from the property but there has been nothing done to the structure.

Respondent's Presentation:

Mister Harvin, Manager of Nivrah Consulting & Investment Group, property owner, stated there was no evidence in the photos that homeless people had been staying on the property.

Mr. Cecil stated he visited the property to examine the structure and the other issues he mentioned are the responsibilities of other City Departments.

Mr. Harvin stated he had the fence repaired and it should be in place. Mr. Harvin stated the property is posted for non-trespassing and the City should do their job regarding removal of homeless on the property.

Mr. Cecil stated the fence is open at times and does not close completely which allows the homeless to access the site.

Mr. Harvin stated the roof is 10 feet from the sidewalk so if something fell, it would not fall onto people going by the property. Mr. Harvin stated the property is posted for no trespassing and there should not be anyone on the site. Mr. Harvin stated he would like additional time to make repairs to the structure. Mr. Harvin stated the structure was built in 1920 and he would like time to find investors to address the issues.

Mr. Cecil stated he has received telephone calls from people interested in buying the property and further stated he has not received a plan of action from the property owner on his intentions for rehabilitation or sale of the property. Mr. Cecil stated the property owner has not applied for any building permits to address the issues that were identified in May of 2018. Mr. Cecil stated 2x4's are visible that have been placed inside the structure to support the roof.

Mr. Jagger provided a copy of the Notice of Condemnation to the Board for their review since it was not included in the Board packet.

Glen Urquhart, Chief Building Official, stated he visited the site with Mr. Cecil and determined a Condemnation Order should be issued. Mr. Urquhart stated the fascia boards are loose which would allow water and vermin to enter the building and further stated a large portion of the roof is compromised. Mr. Urquhart stated his role is to determine the safety of the structure but other violations may be noted while he is on the site and, as a result, he will notify the appropriate City Department. Mr. Urquhart stated he believes it would be unreasonable to make repairs to the structure based on the conditions of the roof and walls. Mr. Urquhart stated the electrical system would have to be repaired and the costs to repair the structure would far outweigh the value of the building.

Mr. Harvin stated he did not see any pictures that indicated homeless people are on the site.

Mr. Urquhart stated today's meeting is not to address the homeless issue; the meeting is for the purpose of addressing the unsafe structure. Mr. Urquhart asked if Mr. Harvin is paying an electric bill for the property and if the building is being air conditioned.

Mr. Harvin stated he pays an electric bill and there is an air conditioner on site. Mr. Harvin stated since the building is not occupied, the air conditioner is not being used.

Mr. Urquhart stated a vacant building that is not being air conditioned will allow mold to grow inside.

Mr. Urquhart stated Mr. Cecil advised him that he observed 2x4's inside the structure; and Mr. Urquhart stated the 2x4's are not shored and building permits have not been issued for repair work for the structure.

Mr. Harvin stated he believes the building can be brought up to Code.

Mr. Culver asked Mr. Harvin what his anticipated cost is to preserve the building.

Mr. Harvin stated based on evaluations by people that have looked at the structure, the costs would be between \$50,000 and \$75,000 for a full rehab.

Mr. Culver asked how much time Mr. Harvin would need to secure financing.

Mr. Harvin stated he has someone visiting from Chicago this week and his property is exactly what that individual is looking for and that individual plans to spend quite a few million dollars in this area. Mr. Harvin stated he would need 90 days to start the renovations and 6 to 8 months to complete.

Mr. Brown stated Mr. Harvin has not done anything to the property since May, 2018 and asked why he hasn't cleaned the area in order to better present the property. Mr. Brown stated he believes it will cost more to make the repairs than the building is worth.

Mr. Harvin stated the back yard has been cut and the City is involved regarding vagrants.

Mr. Brown stated the building is falling down and Mr. Harvin's investors are not in place.

Mr. Bailey asked what the zoning is on the property.

Mr. Harvin stated Multi-Family.

Mr. Bailey stated the Multi-Family zoning has expired since the property has been vacant for more than 6 months.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated the people in the neighborhood deserve to have a decent building around them. Mr. Nicholson stated the owner has neglected the property and there is no evidence of repairs.

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Bailey, to allow Mister Harvin, Manager of Nivrah Consulting & Investment Group, LLC, property owner, an additional 90 days to secure funding and to provide proof to the City within 90 days that funding has been secured for Case BP2018-022 - 520 S. Martin Luther King Boulevard - Appeal of Notice of Condemnation and Demolition Order. The motion carried 3-1 with Mr. Brown voting nay.

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

Glen Urquhart, Chief Building Official, stated he spoke with the property owner of 14 S. Coates Street prior to the meeting. Mr. Urquhart stated the property owner has indicated that plans will be provided to the City within a week and the truss package will be in place within two months. Mr. Urquhart asked that this case be continued for 90 days.

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Bailey, to continue Case BP2018-0016, 14 S. Coates Street, Appeal of Notice of Condemnation and Demolition Order, for 90 days. The motion carried (4-0).

Case C - BP2018-0038 - 299 Morningside Avenue - Appeal of Notice of Condemnation and Demolition Order

There was no one in attendance representing the property owner.

John Cecil, Demolition and Rehabilitation Inspector, stated complaints were received in May and June, 2018 and he has visited the property at least 12 times. Mr. Cecil stated the property was posted on July 19, 2018. Mr. Cecil stated the property is not secured and there is no work being done on the property. Mr. Cecil presented photographs of the property which indicates the roof, soffit, and fascia are falling down. Mr. Cecil stated the windows are broken as well as the sliding glass doors. Mr. Cecil stated there is no electric service to the structure. Mr. Cecil stated there is evidence of vagrants being on the property. Mr. Cecil stated he met the owner's daughter on the property and she permitted Mr. Cecil and Mr. Urquhart to enter the structure and noted there is interior ceiling damage.

Glen Urquhart, Chief Building Official, stated he visited the site with Mr. Cecil along with the property owner's daughter. Mr. Urquhart stated he believes the repairs would far outweigh the value of the property. Mr. Urquhart stated the property owner's daughter indicates she does not have the funds to make the repairs. Mr. Urquhart expressed concern about vagrants being on site since there is a school and bus stops close by. Mr. Urquhart stated the site could be an attractive nuisance for children.

Kim Flaherty, Project Manager, stated notice was provided to the owner regarding today's hearing. Ms. Flaherty stated notices were sent to the owner at the posted property as well as an additional address for the property owner in south Volusia. Ms. Flaherty stated she has not received the receipt for the notice mailed to the south Volusia address but the notice was returned for the cited property address and marked as "Vacant."

Public Comments:

Ed Eide, 301 Morningside Avenue, Daytona Beach, Florida stated what was presented in the photographs by the City is what he looks at every day. Mr. Eide stated the house has been empty for almost ten years. Mr. Eide stated the taxes are in arrears; but when cited, the property owner pays the taxes. Mr. Eide stated occasionally landscaping maintenance is done on the property but you can see completely through the roof. Mr. Eide thanked Ms. Flaherty for the work she is doing on the vacant properties in the City. Mr. Eide stated he hopes the Board will allow the City to remove the structure.

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Brown to deny the appeal of Case BP-2018-0038, 299 Morningside Avenue, Appeal of Notice of Condemnation and Demolition Order. The motion carried (4-0).

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

Maicol Payares, 5524 Metro West Boulevard, Orlando, Florida stated through an interpreter that he is the new owner of the property, which he purchased on December 28, 2018 but does not have a title since he made the initial purchase.

Ms. Flaherty stated she checked public records this morning and the Court does not have a recorded deed for the property.

Mr. Jagger stated there is no evidence of ownership and the previous owner did the appeal.

Mr. Cino suggested continuing the case for 30 days noting the new property owner would have to be cited.

Glen Urquhart, Chief Building Official, stated he would not be comfortable granting a 30 days extension since the wall is pulling away from the building and could fall onto the sidewalk and cause injury. Mr. Urquhart asked that the photographs of this structure be shown to the Board.

Mr. Jagger stated perhaps Mr. Payares would be agreeable to some sort of remedial work on the structure. Mr. Jagger asked Mr. Payares what his intention is regarding the property.

Mr. Payares stated, through an interpreter, that he wants to renovate the property and make it structurally sound again. Mr. Payares stated through an interpreter

that he is aware that the front of the building is detaching and he wants to make the repairs.

Mr. Jagger asked if the owner intends to make any repairs within the next 30 days.

Mr. Payares stated, through an interpreter, that he did not want to make repairs until he had approval from the City but he wants to have the trusses made and wants to make sure the structure is sound before he starts work.

Mr. Jagger asked if Mr. Payares has made an attempt to secure building permits.

Mr. Payares stated through an interpreter that he is waiting to receive the title for the property before proceeding to obtain permits.

Mr. Cino stated if Mr. Payares has not purchased the property as indicated, the Building Official has stated that he does not want to wait another 30 days to remove the structure.

Mr. Jagger stated the Board could require that the new owner provide proof of ownership within a specific period of time, such as 5 days. Mr. Jagger stated he suggests that the Board continue to hear the case and require the new owner to provide proof of ownership within a specified timeframe.

Mr. Payares stated, through an interpreter, that his intentions are to renovate the building and make it structurally sound; and Mr. Payares stated he has his own company that does construction work that would make the repairs and he would be willing to provide his bank account information to indicate that he has funds to do the work.

Mr. Urquhart stated that Ms. Flaherty placed a telephone call and confirmed that there was a closing on the property.

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Brown, to reset Case BP2017-0001, 408 Dr. Mary M. Bethune Boulevard, Appeal of Notice of Condemnation and Demolition for the February, 2019 meeting. The motion carried (4-0).

6. Review Cases

There were no cases from previous Board meetings to review.

7. New Business

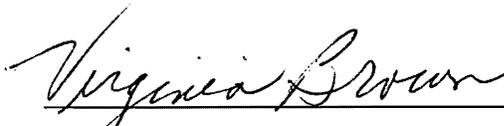
Kathyn G. Devincenzo, 1630 East Harwood Street, Orlando, Florida stated she is the owner of 357 S. Seneca Blvd., and was told her case would be on the agenda today.

Ms. Flaherty stated the case was originally scheduled for the November, 2018 meeting and the respondent asked for the case to be continued since she had holiday travel plans. Ms. Flaherty stated the case was then scheduled for the December, 2018 and Ms. Devincenzo advised that she had jury duty. Ms. Flaherty stated since the December, 2018, meeting Ms. Devincenzo has taken action on her property so the case was not scheduled for this meeting.

Ms. Devincenzo stated a tree went through the roof in 2005 and nothing had been done on the property. Ms. Devincenzo stated she purchased the property in 2017 and tried to obtain a roofing permit and garage door permit but was told separate permits could not be issued. Ms. Devincenzo praised Ms. Flaherty for the work she does for the city. Ms. Divincenzo stated she would like the City to be more helpful to people who are trying to repair their properties.

8. Adjournment

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



Virginia Brown, Chair



Becky Groom, Board Secretary

