

**BOARD OF BUILDING CODES  
REGULAR MEETING  
February 16, 2021  
MINUTES**

The Regular Meeting of the Board of Building Codes was held on February 16, 2021 at 9:00 a.m. in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members:**

Mr. John Bailey, Chair  
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  
Becky Groom, Board Secretary

1. **Call to Order**

Mr. Bailey called the meeting to order at 9:00 a.m.

2. **Roll Call**

Roll was called with attendance as noted above.

3. **Introduction of City Staff**

Staff members in attendance were introduced and were sworn in.

4. **Approval of Minutes** – October 20, 2020

**Board Action:**

A motion was made by Mr. Culver, seconded by Mr. Weatherholtz, to approve the minutes of the regular meeting of the Board of Building Codes held on October 20, 2020, as presented. The motion carried (4-0).

5. **New Cases:**

**Case A - BP2020-0057 – 821 George W. Engram Blvd. – Appeal of Notice of Condemnation and Demolition Order**

A request by B. Spivey, as Authorized Agent of BMS Holdings LLC, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 821 George W. Engram Blvd. due to unsafe conditions; and the determination that the building must be demolished.

**Staff Presentation:**

Kim Flaherty, Project Manager, stated the notice for today's hearing was mailed on February 4, 2021, but she has not heard from the respondent.

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he first inspected the property on October 6, 2020. Mr. Cecil stated he again inspected the property this morning prior to the meeting. Mr. Cecil stated the doors and windows are open on the second structure. Mr. Cecil stated there are no shingles or roof on the structures and no protection to the interior. Mr. Cecil stated the structure is open to the elements and animals could enter the inside. Mr. Cecil stated there is evidence of vagrants inhabiting the site; and there is no electric or water to the site. Mr. Cecil stated a new owner took possession of the property in 2016. Mr. Cecil stated the interior is collapsing. Mr. Cecil stated the second structure is a two story apartment complex which also housed a barber shop. Mr. Cecil stated at one time, there was a tarp on the roof but that has blown away. Mr. Cecil stated both buildings are considered unsafe and are to be demolished.

Mr. Jagger asked if either structure is fit for human habitation.

Mr. Cecil stated they are not.

Mr. Weatherholtz asked if there has been contact from the owner.

Ms. Flaherty stated the owner did contact staff when the first notice was sent out by certified and regular mail. Ms. Flaherty stated the owner spoke with the Zoning Staff in October but staff has not heard from him

since he filed the appeal. Ms. Flaherty stated there is a maximum fine on the property from a 2019 Code Enforcement case.

Mr. Bailey asked if the cost of the repair will exceed the value of the property.

Mr. Urquhart stated the extent of damage will exceed the 50% guideline of the value of the property. Mr. Urquhart stated the property is overgrown with plants and the structure is unsafe and unfit for human occupancy and would be unreasonable for the owner to repair the structure.

Mr. Cino asked what notice was provided to the owner of today's hearing.

Ms. Flaherty stated notice was provided to the registered agent for this hearing by first class and certified mail on February 4, 2021. Ms. Flaherty stated a notice for the hearing was placed on the structure, and a notice is also posted in City Hall of the hearing.

Mr. Cino asked if anyone was attending the hearing virtually.

Mr. Jagger stated no.

**Respondent's Presentation:**

There was no one in attendance on behalf of the owner.

**Board Action:**

A motion was made by Mr. Weatherholtz, seconded by Mr. Culver, to uphold the City's order and allow for demolition of Case BP2020-0057 – 821 George W. Engram Blvd. – Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried (4-0).

**Case B - BP2020-0059 – 553 Derbyshire Road – Appeal of Notice of Condemnation and Demolition Order**

A request by Adiba Shuja, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 553 Derbyshire Road due to unsafe conditions; and the determination that the building must be demolished.

**Staff Presentation:**

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated

he first visited the site on November 4, 2020 and visited the site this morning prior to the hearing. Mr. Cecil stated the only change to the property is that the plywood on the carport where he had posted the notice for today's hearing has since fallen down. Mr. Cecil stated no work has been done on the property since his first inspection. Mr. Cecil stated the property is unsecured; and since that time, Code Enforcement has boarded the structure so no one can gain access. Mr. Cecil stated the ceiling is collapsing and the structure is in total disrepair. Mr. Cecil stated plywood was laid on the roof area but was not nailed to the structure. Mr. Cecil stated the building is unsafe and unfit for human occupancy. Mr. Cecil stated a Code Enforcement fine is in place and is maxed at \$15,024 and there are also two liens for lot clearing in the amounts of \$141 and \$171.

Glen Urquhart, Chief Building Official, stated the building is dangerous since the roof has failed and the flooring is collapsing. Mr. Urquhart stated he feels the building should be demolished and is unfit for human occupancy.

Ms. Flaherty stated the notice of the hearing was posted on the property, posted in City Hall, and mailed to the property owner by first class and certified mail. Ms. Flaherty stated the owner signed for the certified mail on February 6, 2021.

**Respondent's Presentation:**

There was no one in attendance representing the owner.

**Board Action:**

A motion was made by Mr. Culver, seconded by Mr. Weatherholtz, to uphold the City's order and allow for demolition of Case BP2020-0059 – 553 Derbyshire Road – Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried (4-0).

**Case C - BP2020-0064 – 836 Maley Street – Appeal of Notice of Condemnation and Demolition Order**

A request by Mohammad Mounir Khabazeh, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 836 Maley Street due to unsafe conditions; and the determination that the building must be demolished.

**Staff Presentation:**

John Cecil, Demolition and Building Rehabilitation Inspector, presented the staff report which was included as part of the packet. Mr. Cecil stated he first visited the site on December 3, 2020 and was drawn to the site since he noticed the graffiti. Mr. Cecil stated he visited the site this morning prior to the hearing and no work has been done on the structure; however, junk and debris as well as abandoned vehicles have been removed. Mr. Cecil stated when he first visited the site, the property gate was open but has since been locked. Mr. Cecil stated the windows are missing and the structure is unsecured. Mr. Cecil stated the property has been owned by the current owner since 2011. Mr. Cecil stated there is no electric service to the property but he was unsure if the water service has been disconnected. Mr. Cecil stated he has talked with the owner who advised that he has never visited the property. Mr. Cecil stated the property is overgrown with weeds and there is no drywall inside. Mr. Cecil stated the owner applied for a building permit on January 19, 2021 for drywall repair and to replace a window. Mr. Cecil stated comments were emailed to the contractor but no response has been received. Mr. Cecil stated staff has asked to see inside the structure as part of the permit review process. Mr. Cecil stated there is an open Code Enforcement case for abandoned property and the site being unsecured. Mr. Cecil stated the vehicle has been removed that was on site as well as two trailers.

Glen Urquhart, Chief Building Official, stated he visited the site on February 15, 2021. Mr. Urquhart stated the windows are missing and the property is unsecured but noted the graffiti on the structure indicates there have been people on site. Mr. Urquhart stated staff would like permission to see inside the structure to make an assessment; but based on his inspection from the exterior, he feels the structure is uninhabitable.

**Respondent's Presentation:**

Mohammad Mounir Khabazeh, property owner, was in attendance and was sworn in. Mr. Khabazeh stated he purchased the property with the intent to renovate the structure. Mr. Khabazeh stated he contacted someone to take care of the property but the individual used the property as storage. Mr. Khabazeh stated he takes responsibility for not checking on the property and knows it does need a lot of work. Mr. Khabazeh stated he has submitted an amendment today to the permit application he previously submitted to include repairs to the flooring, drywall, framing, bathroom, and wiring. Mr. Khabazeh stated he obtained quotes for demolition of the structure and the lowest price he received was \$8,300 and has included that price in the repair cost which brings the total to approximately \$27,400. Mr. Khabazeh stated the repairs would include replacing the framing, the openings would be boarded and siding applied, and a new door would be installed. Mr. Khabazeh stated staff would be permitted to go inside the structure but noted he is in the process of

removing debris and would like to have the debris removed before staff enters the structure.

Mr. Jagger stated the case could be continued for one month in order to allow the Building Official to enter the site to do an inspection and provide assistance in obtaining the building permit.

Mr. Urquhart stated he would be agreeable to continuing the case.

Mr. Weatherholtz asked who would be pulling the permit.

Mr. Khabazeh stated he would pull the permit and he is a contractor.

Mr. Urquhart stated staff can verify the licensing information.

**Board Action:**

A motion was made by Mr. Culver, seconded by Mr. Brown, to continue Case BP2020-0064 – 836 Maley Street – Appeal of Notice of Condemnation and Demolition Order for 30 days. The motion carried (4-0).

6. **Review Cases**

**Case 6A - BP2020-0042 – 623 S. Ridgewood Avenue – Appeal of Notice of Condemnation and Demolition Order**

A request by Kelly Riley, relative of the deceased property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 623 S Ridgewood Avenue due to unsafe conditions; and the determination that the building must be demolished.

Ms. Flaherty stated staff is requesting this case be continued since the heirs of the deceased property owner have entered into a contract with a purchaser. Ms. Flaherty stated the purchaser has hired a probate attorney and would like an opportunity to get the court case in order so they can proceed with permitting and rehabilitation after closing. Ms. Flaherty stated staff would like to continue the case for 30 days. Ms. Flaherty stated the purchaser has talked with staff and has agreed to secure the building and to do some clean up of the lot.

**Board Action:**

A motion was made by Mr. Culver, seconded by Mr. Weatherholtz, to continue Case BP2020-0042 – 623 S. Ridgewood Avenue – Appeal of

Notice of Condemnation and Demolition Order for 30 days, in accordance with the staff report as presented. The motion carried (4-0).

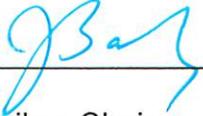
7. **New Business**

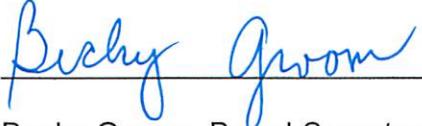
There was no new business to discuss.

Ms. Flaherty stated depending on the case load, there may not be a Board meeting in March.

8. **Adjournment**

There being no further business, the meeting was adjourned at 9:45 a.m.

  
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Jack Bailey, Chair

  
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Becky Groom, Board Secretary