

**BOARD OF BUILDING CODES  
REGULAR MEETING  
July 20, 2021  
MINUTES**

The Regular Meeting of the Board of Building Codes was held on July 20, 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. Paul Culver  
Mr. Vernon Weatherholtz

Charles Cino, Board Attorney

**Board Members Absent:**

Mr. Thomas Brown

**Staff Members Present:**

Glen Urquhart, Chief Building Official  
Mark Boice, Deputy 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** – February 16, 2021

**Board Action:**

A motion was made by Mr. Weatherholtz, seconded by Mr. Culver, to approve the minutes of the regular meeting of the Board of Building Codes held on February 16, 2021, as presented. The motion carried (3-0).

5. **New Cases:**

**Case A – BP2019-0089 – 112 S. Martin Luther King Blvd. – Appeal of Notice of Condemnation and Demolition Order**

A request by Attorney D. Michael Clower, as Authorized Agent of N & N Consulting, Marketing and Development Corp, interested party, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 112 S. Martin 2 Luther King Blvd. due to unsafe conditions; and the determination that the building must be demolished.

**Staff Presentation:**

Kim Flaherty, Project Manager, stated the Notice of Condemnation was presented to the personal representative of the estate, which is the son, who only uses the subject property address. Ms. Flaherty stated notice was provided by First Class Mail, Certified Mail, notice was posted at the property, notice was posted at city hall, and notice was sent to an email address provided by the representative but there has not been a response. Ms. Flaherty stated there is also a law suit on the property so notice has been given to the plaintiff on that lawsuit. Ms. Flaherty stated notice was provided to the attorney via First Class Mail, Certified Mail, and email. Ms. Flaherty stated the attorney represents the plaintiff over a real estate contract.

Mr. Jagger stated based on Ms. Flaherty's testimony, good notice of service has been given.

Mr. Jagger stated the appeal by the plaintiff's attorney is not to deny the appeal but to have one of the buildings on the site preserved. Mr. Jagger stated staff is in agreement with that request.

John Cecil, Demolition and Building Rehabilitation Inspector, stated he visited the site this morning and has been visiting the site since 2019. Mr. Cecil stated the property is unsecured in the back and there is evidence of vagrants on the site. Mr. Cecil stated there has been no work done on the property since 2019. Mr. Cecil stated the owner's son was staying on the site but the Police Department had him removed since this is a commercial property site. Mr. Cecil showed photographs of water damage and roof collapse. Mr. Cecil stated the original

condemnation notices from 2019 are still in place. Mr. Cecil stated the part of the building that the owner would like to keep does have water damage. Mr. Cecil stated the property abuts Bethune-Cookman University and there is a concern about windborne debris going onto the BCU property if there is a storm. Mr. Cecil stated staff is looking to have the asphalt and pavement removed as well as the structure.

Mr. Weatherholtz stated the costs to take the building down will be substantial and asked if the owner is responsible for those costs.

Mr. Jagger stated all costs for removal will be placed as a lien on the property.

Mr. Cecil stated there are approximately \$33,000 in liens on the property.

Glen Urquhart, Chief Building Official, stated the building is unsafe and there is a concern of windborne debris with BCU being so close to the site. Mr. Urquhart stated the portion that the city proposes to remove is too damaged to be rehabilitated.

Mr. Weatherholtz stated he is in agreement with removing the rear structures as well as the asphalt and paving. Mr. Weatherholtz asked if Mr. Urquhart has been inside the main building.

Mr. Urquhart stated he has not had access to that site. Mr. Urquhart stated once the rear structures are removed, he would require the property owner to provide access to the remaining structure in order to do an evaluation.

Mr. Weatherholtz stated he does not think the building is rehab-able. Mr. Weatherholtz stated the storefront and ceiling would have to be replaced. Mr. Weatherholtz stated if demolition is going to be done on the other buildings, he would be in favor of taking it all down.

Mr. Urquhart stated the one section is tied up in the court system. Mr. Urquhart stated the property is directly behind Buck's Gun Rack so it is very close to International Speedway Blvd. Mr. Urquhart stated he will address the front structure when he can.

Mr. Weatherholtz asked if anything can be done to address the appearance of the site.

Mr. Urquhart stated he will coordinate with staff to see if the trees can be trimmed.

Mr. Jagger stated staff is hoping to work with the new owner to refurbish the remaining structure. Mr. Jagger stated if the Building Official determines the structure is unsafe, this property will come back before this Board.

**Respondent Presentation:**

No one was in attendance to represent the respondent.

**Board Action:**

A motion was made by Mr. Weatherholtz, seconded by Mr. Culver, to deny the appeal of condemnation in Case BP2019-0089 – 112 S. Martin Luther King Blvd. – Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented. The motion carried (3-0).

**Case B – BP2021-0038 – 1000 N. Atlantic Avenue – Appeal of Notice of Condemnation and Demolition Order**

A request by VISHNU LTD, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 1000 N. Atlantic Avenue due to unsafe conditions; and the determination that the building must be demolished.

**Staff Presentation:**

John Cecil, Demolition and Building Rehabilitation Inspector, presented photographs of the site. Mr. Cecil stated the building has been opened to deter vagrants from staying on the site. Mr. Cecil stated he did see a security guard on site when he visited there this morning. Mr. Cecil stated the property is secured on a large portion with chain link fence but is not secured on the north side. Mr. Cecil stated the pool has been drained but most of the site is the same as it was in 2018 to 2020.

Glen Urquhart, Chief Building Official, stated the site is an attractive nuisance for vagrants. Mr. Urquhart stated the owner did cooperate with staff in taking emergency measures regarding the swimming pool. Mr. Urquhart stated the property owner has provided a report that indicates the building is structurally safe. Mr. Urquhart stated what is in place is a skeleton of a property where no work is being done.

Mr. Jagger asked if a structural engineer's report was received and if Mr. Urquhart is in agreement with the report.

Mr. Urquhart stated the report was prepared by Mr. Charles Adams. Mr. Urquhart stated GC Contractors did some concrete restoration work on the property and then did no further work. Mr. Urquhart stated Mr. Adams then did a structural analysis and based on the report and the work that was done by GC Contractors, he is in agreement with the analysis.

Mr. Weatherholtz stated this property has been a Code Enforcement nuisance for years. Mr. Weatherholtz stated there were concerns about an opening in the seawall and it now looks like there are other openings.

Mr. Urquhart stated GC Contractors sealed off those separations which were 18" to 24" wide.

Mr. Weatherholtz asked if the spalling has been addressed by the owners.

Mr. Urquhart stated there was spalling on the balconies and the roof structure and repairs were made. Mr. Urquhart stated there has been a cessation of work on the structure in the last two years.

**Respondent Presentation:**

Nika Hosseini, Cobb Cole, 231 N. Woodland Blvd., DeLand, Florida, spoke representing the applicant. Ms. Hosseini stated an emergency order was issued on the pool and when that was received, a demo company was contracted to drain the pool. Ms. Hosseini stated AAA Fence was also contracted to fence the perimeter area of the pool. Ms. Hosseini stated the hotel grounds have been cleaned. Ms. Hosseini stated a 24-7 security team has been hired to be on site. Ms. Hosseini stated the goal is to rehab the property and then sell the property. Ms. Hosseini asked that the case be continued to the August 17, 2021 meeting since the owners may change between now and August 17, 2021.

Charles Adams, 414 Canal Street, New Smyrna Beach, Florida, stated he has been involved with the property for several years. Mr. Adams stated all of the balconies and walkways have been replaced so concrete-wise, the building is in good shape. Mr. Adams stated he is recommending that the owners put shores around the steel columns in the office building as a safety precaution. Mr. Adams stated there are a couple of beams on the northeast side of the roof that need repair and should be done as soon as the new owner takes over.

Mr. Cino asked what the status is of the ownership.

Ms. Hosseini stated there is currently a contract for sale. Ms. Hosseini stated the new owner has a lender and the goal is to have the closing in the next few weeks.

Mr. Jagger asked if the owners would be willing to do the shoring that has been mentioned and the fencing before the next meeting.

Ms. Hosseini stated yes.

Mr. Weatherholtz asked if there are any outstanding liens on the property.

Ms. Flaherty stated as of Friday, there are no outstanding liens on the property. Ms. Flaherty stated all liens have been satisfied relating to the Code Enforcement matters.

**Board Action:**

A motion was made by Mr. Culver, seconded by Mr. Weatherholtz, to continue Case B – BP2021-0038 – 1000 N. Atlantic Avenue – Appeal of Notice of Condemnation and Demolition Order , to the August 17, 2021 regular meeting of the Building Codes Board, with secured fencing in place and the shoring items addressed that were outlined by Mr. Adams. The motion carried (3-0).

6. **Review Cases**

There were no cases to review.

7. **New Business**

There was no new business.

8. **Adjournment**

There being no further business, the meeting was adjourned.

  
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John Bailey, Chair

  
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Becky Groom, Board Secretary