

**BOARD OF BUILDING CODES
REGULAR MEETING
May 16, 2023
MINUTES**

The Regular Meeting of the Board of Building Codes was held on May 16, 2023 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
Ms. Jessica Blodgett
Mr. Paul Culver
Mr. Alan Lootens

Scott Simpson, 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 sworn in to provide testimony.

4. **Approval of Minutes**

A motion was made by Mr. Culver, seconded by Ms. Blodgett, to approve the minutes of the July 20, 2021 Regular Board of Building Codes meeting, as presented. The motion carried (4-0).

Mr. Simpson provided an overview of Board procedures.

5. **New Cases**

Case A – BP2021-0060 – 29 S. Grandview Avenue – Appeal of Notice of Condemnation and Demolition Order

A request by Shukhrat Kasimov, as Authorized Agent of Trust Line Trucking LLC, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to 2 condemn the structure located at 29 S. Grandview Avenue due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, stated he first visited the subject property in November, 2021. Mr. Cecil stated the property was unsecured, dilapidated, and vagrants were living on the property. Mr. Cecil stated he visited the property on May 15, 2023, and the house had been secured; however, there are still vagrants living on the property. Mr. Cecil presented photographs indicating the condition of the property. Mr. Cecil noted there are open windows on the property, no stairway to the second floor, and no electric service to the structure. Mr. Cecil stated the structure is unsafe and unfit for occupancy.

Glen Urquhart, Chief Building Official, stated he visited the property several weeks ago and the home is in similar condition to what it was when he visited it in 2021. Mr. Urquhart stated there is overgrowth of plants on the structure which is dilapidated. Mr. Urquhart stated he was inside the home along with the Daytona Beach Police Department, and the floors inside are unstable. Mr. Urquhart stated the structure is unfit for occupancy. Mr. Urquhart stated in order to repair the property, repairs would have to be made in accordance with the Code which would exceed the value of the property.

Respondent's Comments:

Asif Khan, 2943 Conner Lane, Kissimmee., Florida, stated he is an engineer and spoke representing the respondent. Mr. Khan stated he agrees with the

determination of staff and will proceed with the demolition of the property. Mr. Khan requested 60 days in order to complete the demolition.

Mr. Simpson stated he feels there should be a stipulation that the building permit for the demolition should be requested within 30 days and the demolition completed within 60 days.

Mr. Jagger stated typically such a request would be continued to the next meeting and staff will provide an update at that time.

Mr. Urquhart stated Mr. Khan could request the demolition permit today.

Mr. Kahn stated that is his intent.

Chairman Bailey asked if there had been any ex parte communication regarding this item. Board members indicated there had been none.

Public Comment:

There were no public comments.

Board Action:

A motion was made by Mr. Culver, seconded by Ms. Blodgett, to uphold the City's staff determination of BP2021-0060 – 29 S. Grandview Avenue – Appeal of Notice of Condemnation and Demolition Order in accordance with the staff report as presented and that the property owner apply for and receive a demolition permit prior to the next meeting of this Board and the structure be demolished within 60 days from this date; and if the permit is not secured and the demolition is not completed within 60 days from this date, the City will proceed with demolition. The motion carried (4-0).

Case B - BP2021-0059 – 3000 Stanford Avenue – Appeal of Notice of Condemnation and Demolition Order

A request by Jimmy Sherris on behalf of Vana Sherris, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 3000 Stanford Avenue due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

Jim Sherris, who stated he is the son of the owner, joined the meeting via Zoom.

Glen Urquhart, Chief Building Official, stated Kim Flaherty and John Cecil have been in touch with Mr. Sherris regarding an oil tank that is on the property. Mr.

Urquhart stated Mr. Sherris has agreed to demolish the house. Mr. Urquhart stated Mr. Cecil has spoken with a demolition company who has indicated the structure can be removed and the tank will remain in the ground. Mr. Urquhart stated staff would like to have the property owner proceed to have the structure demolished and to leave the oil tank in the ground.

Respondent's Comments:

Mr. Sherris stated he has spoken with Mike McDonald of Samsula Waste who has indicated the demolition of the structure can proceed. Mr. Sherris stated he has spoken with several companies regarding removal of fuel from the tank and well water which has caused a delay. Mr. Sherris stated he has talked with All Florida Plumbing who has indicated they can do the capping of the well.

Mr. Jagger asked Mr. Sherris how much time will be needed to demolish the structure and remove the tank.

Mr. Sherris stated he is unsure and stated the tank can be removed once it is emptied.

Mr. Urquhart stated the demolition could be completed within 30 days, noting staff is not concerned about the oil tank in the ground since Samsula has indicated they can work around that. Mr. Urquhart stated staff would expedite the permit application when it is received and could be issued the day it is received. Mr. Urquhart stated he would agree to having the structure demolished within 30 days.

Mr. Simpson suggested having the structure removed within 30 days; and at the next meeting, staff would provide a status report regarding the removal of the tank.

Mr. Sherris stated he is in agreement with staff's determination that the structure needs to be demolished around the tank and will have the permit for demolition by the next meeting of this Board and will provide a status report regarding the tank removal at the next meeting.

Public Comment:

There was no public comment.

Board Action:

A motion was made by Mr. Culver, seconded by Ms. Blodgett, to uphold staff's determination regarding BP2021-0059 – 3000 Stanford Avenue – Appeal of Notice of Condemnation and Demolition Order, in accordance with the staff report as presented, and by the next meeting of this Board, the applicant will

have submitted an application for a demolition permit for the structure around the tank, and the applicant will provide an update regarding the status of the tank removal at the next meeting. The motion carried (4-0).

Case C – BP2023-0002 – 262 Lexington Drive – Appeal of Notice of Condemnation and Demolition Order

A request by Christine Henley, property owner, to appeal the City of Daytona Beach’s Chief Building Official’s determination to condemn the structure located at 262 Lexington Drive due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

Glen Urquhart, Chief Building Official, stated he and John Cecil met with the homeowner on site yesterday. Mr. Urquhart stated the homeowner has removed debris and the rear structure has been demolished, as was requested by City staff. Mr. Urquhart stated the property owner is in the process of selling the main structure. Mr. Urquhart stated staff is requesting that the case be continued to the next meeting in order to allow time for the property owner to complete the sale. Mr. Urquhart stated pictures have been provided by the applicant of the structure being removed and have also provided a structural report and scope of work for the construction to take place.

Respondent’s Comments:

Bryan Caracciolo joined the meeting by Zoom and indicated he is the purchaser of the property and has a contract for purchase.

Christine Henley, 266 Lexington Drive, Daytona Beach, Florida stated she is the property owner. Ms. Henley stated she has had the debris removed and there are no vagrants on the property. Ms. Henley stated she had the garage demolished. Ms. Henley stated she has a buyer who wants to rehab the property and the closing is scheduled for May 28, 2023.

David Betz, 269 Lexington Drive, Daytona Beach, Florida stated he owns property nearby the subject property and is looking forward to having it restored, noting it is a historic structure.

Mr. Caracciolo stated he is under contract for purchase of the home and is looking forward to rehabbing the property, where he will reside.

Mr. Urquhart provided a rendering of the proposed structure that has been provided by the respondent to staff.

Public Comment:

There were no public comments.

Board Action:

A motion was made by Ms. Blodgett, seconded by Mr. Culver, to continue BP2023-0002 – 262 Lexington Drive – Appeal of Notice of Condemnation and Demolition Order for 30 days and that confirmation of sale be provided to the Board at that time and the new owner will apply for a new permit by the next meeting. The motion carried (4-0).

Case D – BP2022-0007 – 1054 Michael Road – Appeal of Notice of Condemnation and Demolition Order

A request by Shawn Brockington Williams, property owner, to appeal the City of Daytona Beach’s Chief Building Official’s determination to condemn the structure located at 1054 Michael Road due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented a report along with photos to the Board regarding the subject property. Mr. Cecil stated he first visited the property in February, 2022. Mr. Cecil stated there was no electric service to the structure, there was an overgrowth of weeds, and wood rot. Mr. Cecil stated the property was open and unsecured. Mr. Cecil stated he visited the site yesterday and the rear of the structure has been boarded; however, the property is unfit for occupancy.

Glen Urquhart, Chief Building Official, stated he visited the site yesterday and the property is unfit for occupancy. Mr. Urquhart stated a new roof and fascia would be needed as well as mechanical and electrical upgrades. Mr. Urquhart indicated vagrants have access through the back window. Mr. Urquhart stated the drywall is saturated and mold is growing inside the house. Mr. Urquhart stated the ceilings are sagging and the walls are absorbing moisture.

Mr. Culver asked what would be required to obtain a roof permit.

Mr. Urquhart stated a full scope of work would be required for the whole house.

Respondent’s Comments:

Shawn Williams stated she is the property owner of 1054 Michael Road. Ms. Williams stated staff only showed pictures of the rear of the house but the front of the house is in good standing. Ms. Williams indicated she had paid \$8,000 to a

contractor but no work was done. Ms. Williams stated any time the City has asked her to do something it has been done. Ms. Williams stated once the roof is fixed the house will be in good condition.

Mr. Culver asked if there was insurance on the house.

Ms. Williams stated yes; but when she got behind in her payments due to illness, her insurance lapsed. Ms. Williams stated she received insurance money, but the contractor stole her money. Ms. Williams indicated she now has a contractor who will do the work.

Mr. Jagger stated the city would need assurance that Ms. Williams has adequate funds and a contractor who is able to do the work.

Ms. Williams stated she has funds available to make the repairs. Ms. Williams stated she believes the cause of the fire was a lightning strike. Ms. Williams stated she has spoken with two contractors and the estimates have been \$25,000 from All Florida Contractors and \$28,000 from Mr. Wright to make the repairs. Ms. Williams stated she has not received an estimate from Jerome Thompson.

Mr. Jagger asked Mr. Thompson if he is a licensed contractor.

Jerome Thompson stated he does the paperwork and works with several different contractors and engineers. Mr. Thompson stated he will determine a price once he has direction from the Board as to what work is to be done. Mr. Thompson stated Marion Taylor will be doing the roof who is a licensed contractor. Mr. Thompson stated the electrical work will be no problem.

Mr. Lootens stated the fire on the structure was in 2015.

Ms. Williams stated yes and stated she had a rental property and was trying to pay the mortgage on this property as well.

Mr. Culver asked how much time will be required for Mr. Thompson to submit for permitting.

Mr. Thompson stated 30 to 45 days.

Mr. Bailey stated a scope of work could be completed with 30 days.

Mr. Urquhart stated, based on FEMA guidelines, he feels the cost of the repairs will exceed the value of the property. Mr. Urquhart stated elevation requirements will have to be met since the property is in a flood zone. Mr. Urquhart stated he would like to have the respondent determine all of the costs and clear scope of work as to what needs to be done and a structural report. Mr. Urquhart stated if

those figures are within the 50% guidelines, the FEMA requirements would not have to be met. Mr. Urquhart stated if it does meet the 50% requirement, the house will have to be demolished. Mr. Urquhart stated by the next meeting, he would need total cost for the roof, soffit and fascia, mechanical, and electrical repairs as well as a scope of work.

Kim Flaherty, Project Manager, stated the 50% is determined by the value placed on the property by the Volusia County Property Appraiser.

Public Comment:

There were no public comments.

Board Action:

A motion was made by Mr. Culver, seconded by Mr. Lootens, to continue BP2022-0007 – 1054 Michael Road – Appeal of Notice of Condemnation and Demolition Order to the June 20, 2023 Board meeting. The motion carried (4-0).

6. **Review Cases**

There were no cases to review.

7. **New Business**

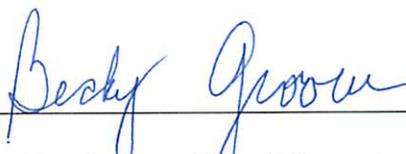
There was no new business to discuss.

8. **Adjournment**

There being no further business, the meeting was adjourned.



Jack Bailey, Chair



Becky Groom, Board Secretary