

**BOARD OF BUILDING CODES
REGULAR MEETING
June 17, 2025
MINUTES**

The Regular Meeting of the Board of Building Codes was held on June 17, 2025, 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

Scott Simpson, Board Attorney

Board Members Absent:

Staff Members Present:

Glen Urquhart, Chief Building Official
Kim Flaherty, Project Manager
John Cecil, Demolition and Building Rehabilitation Inspector
Alexander Garcia, Combination Inspector
Anthony Jackson, Deputy City Attorney

1. **Call to Order**

Mr. Bailey called the meeting to order at 9:06 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 April 15, 2025, Regular Board of Building Codes meeting, as presented. The motion carried (3-0).

5. **New Cases**

Mr. Jackson, asked chair if it would be alright to hear the second case first, Carrie Morgan to be heard first, due to the fact that it has come to a resolution. We can then move on to the first case if possible.

Mr. Bailey, Chair, accepted.

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

A request by Carrie Morgan, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 645 McCormick Street due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Building Rehabilitation Inspector for the City of Daytona Beach, stated that he would start his presentation with photos of site dated 8-23-2019. Where he showed property with roof damage and in a dilapidated state. It shows that at some time there was roof damage from a tree limb falling on structure. Mr. Cecil continued showing photos from all angles. Mr. Cecil continued with photos from 7-17-2023, four years later, that they had put a temporary cover on the roof. Citing a lot of damage that has happened over time and the temporary roof. Again Mr. Cecil showed the degrading of property with photos from 5-30-2025 of this year and clearly you can see nothing has been fixed from previous years. The discoloration of the roof and very uninhabitable.

Mr. Jackson stated that Mr. Cecil should let the board know who he is and what his credentials are, as to how he has come to his determinations.

Mr. Cecil stated that he is the building rehabilitation inspector, commercial building inspector, fire inspector, asbestos inspector, I go to these projects where the property is abandoned or homeless living in them and we make the determination if these structures are unsafe or uninhabitable.

Mr. Anothony Jackson, introduced himself as the assistant attorney for the city and for the staff. Mr. Jackson stated that Ms. Carrie Morgan, the owner of the property, has stipulated the demolition of the home in this case.

Appellant's Comments:

Carrie Morgan, 645 McCormick St., stated that she took over property after her sister had passed away.

Mr. Jackson asked if she agreed that this was the state in which her property looks like currently as in the photos.

Ms. Morgan stated that yes it was, she also stated she had hired someone to do the demolition and that she had proceeded with the permit to do so with staff.

Mr. Jackson stated that staff has agreed to have the board make a finding of the appeal as denied and to go ahead with the demolition, within the next 60 days.

Ms. Carrie Morgan agreed to the condemnation.

A motion was made by Mr. Culver to approve the condemnation of 645 McCormick Street, seconded by Ms. Blodgett, motion was passed (3-0).

Case A – BP2022-0036 – 410 Arroyo Lane – Appeal of Notice of Prohibited Occupancy

A request by Elizabeth J. Parra de Atencio and Roberto R. Atencio Reinales, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to prohibit occupancy of the structure located at 410 Arroyo Lane, due to unsafe conditions and constructed contrary to law; and the determination that the building must remain vacant.

Staff Presentation:

John Cecil, Building Rehabilitation Inspector, stated that he has been with the city for 8 years. He stated that he looks over structures and buildings to make sure that they are presentable to live in. Mr. Cecil presented photos of 410 Arroyo Lane, the subject property. Mr. Cecil showed that on 6-1-2022 the building had no windows, and there was remodeling clearly being done, piping thrown out. There was a

dumpster and at this time there were no permits, as we took these photos there was no permits pulled. More pictures were taken on 12-15-2023 and by this time everything was filled in with the windows and property was cleared up.

Mr. Jackson asked if any permits were pulled when he took photos.

Mr. Cecil stated not when initially taking pictures the first time but then in July of 2022 a permit was pulled for work that was done and more than what was permitted was happening.

Mr. Cecil stated more pictures from 5-30-2025 still has the property looking the same and that they had finished the work and had not received a certificate of occupancy. Mr. Cecil brought up the Land Development Code (LDC) 9.1.C, which talks about the floodplain. I will let Kim Flaherty continue to speak about that.

Kim Flaherty, project manager, stated that the appeal today is on the notice of prohibited occupancy of the structure. The reason for that is because they failed to meet the code requirements. In our LDC it requires that when you are renovating a structure that exceeds 50% of its value you have to meet all the code requirements. Our code requires that structures be elevated 12" minimum above the base flood elevation, this is mentioned in the same LDC 9.1.C code.

The prior owner had reached the 50% renovation level, and we required an elevation certificate be given to us. His base flood for his area was 8 ft. for this area, his property was at 6.35 according to certificate. What this means is that he cannot proceed until he brings a plan to raise/elevate or demolish the structure. We spoke to the owner numerous times. He decided to sell, and I received a call while the new owners were in closing for the property. They asked status of permit. I told them we could not proceed with the permit because of the elevation issue. The new owners were told and advised of the elevation issues; they obtained an elevation certificate as well, showing 6.15. Prior to closing on property, we advised them to wait until issue was resolved but decided to buy it anyway.

So, we cannot complete the permit and cannot based on Building code and our own Land Development Code, we also cannot issue certificate of completion or occupancy. Therefore, the structure cannot be occupied.

Mr. Glenn Urquhart, Chief Building Official, stated the information presented to you by Kim Flaherty and Mr. John Cecil shows that our codes in place, the building codes and our Land Development Code, by these codes it does not meet the requirements and cannot be given a certificate of occupancy. We require a 1-foot above base flood elevation and that leaves them three ft below that. The reason they are not receiving the occupancy is largely due to this reason.

Mr. Jackson asked what would happen if they occupied the building.

Mr. Urquhart stated they would be in violation and therefore go through the international property maintenance code and begin the eviction process. They can challenge the decision today and go further to the commission.

Mr. Jackson asked if they would then be subject to fines from Code enforcement.

Mr. Urquhart stated yes

Mr. Bailey asked if there were any questions.

Mr. Simpson asked if the 50 percent rule tripped the loss of their status.

Mr. Urquhart stated that no, that this was not a grandfathered in of a type of status, and Ms. Flaherty spoke to them prior to them buying the home. We can get you those numbers, no final inspection was done with the construction going on because originally it was condemned. So, the amount of work done was not actually noted. This is more about the base levels, flood elevation and the bigger implication would be the insurance for the area, because of FEMA regulations.

Mr. Bailey asked if the owners had any comments or questions.

Mr. Raul Hernandez, a friend of family, stated we purchased in good faith. We had never received advice on how to proceed.

Ms. Flaherty stated that she received a call from the title agent while everyone was at the table. It is up to the buyer to research and do the due diligence the property.

Mr. Hernandez stated that they had a certificate approved from FEMA and we did a title search approved the purchase, we were given the elevation certificate from owner who did not mention any of this.

Ms. Flaherty stated that they were told over phone calls and emails. So, the seller was aware and advised of the Daytona Beach Land Development Code and that statement talks about the base flood. Our requirements set the level of 12" above the Base Flood elevation level. The permit was still open, which is why the title company called me, to see if anything could be done.

Mr. Hernandez asked what the certificate from FEMA then meant.

Ms. Flaherty stated that it is for your information, but it does not meet our Code requirements of the Base Flood Elevation or our requirements of 12" above it.

Appellant's Comments:

Robert R. Atencio Reinales (with his daughter translating from Spanish), property owner, stated their case for appealing the condemnation. So, we purchased the

home in good faith. We asked for an inspection which was also required by the bank for the loan. The only thing said after the inspection was that it would need 2 types of insurance so, we applied for both. According to the title company that spoke with the city we were ok to purchase the home. The day after we finalized is when we received notice.

Mr. Hernandez stated that the city requires elevation and that the certificate states the home is fine.

Mr. Bailey stated that FEMA requirements were not city of Daytona Beach land requirements, every requirement is a little different.

Ms. Blodgett stated well if the title company did not make them aware of it, maybe they can, but if they were made aware and still went through with the sale, then it is on them.

Mr. Reinales stated that no he was not made aware.

Mr. Hernandez would like to have a little more time, this being a hardship situation for the family. We were surprised, so we need time to go after this matter.

Mr. Bailey stated this doesn't seem to be an issue with Daytona Beach more with the seller. They would have known about the elevation. The title company may remedy this but that needs to be looked into.

Ms. Reinales (daughter) asked if the assessment could be double checked to see if the percentage is less than 50 percent of house and can we make an appeal.

Mr. Bailey stated you can make an appeal against any decision that is made today.

Mr. Simpson stated that an appeal would have to show any evidence refuting staff decisions. I believe they cannot lift the ban and let them move in because of ramifications liability and a lot of other issues in large part of the whole city. There are disclosure issues, bank issues potentially. I think you may have some avenues but not with this board.

Mr. Hernandez stated that so, once we speak with title office and if they help with elevation, and everything will be fine, we would be ok then to move in and everything.

Ms. Flaherty stated that once the elevation issue is resolved we can complete the permit and issue the occupancy. Staff is more than willing to work with you and to get you into the house.

Motion for approval for the prohibited occupancy of 401 Arroya Lane property by Mr. Culver, seconded by Ms. Blodgett, motion passes (3-0).

6. **Review Cases**

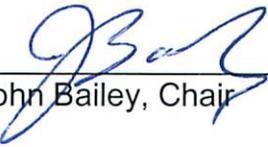
None

7. **New Business**

None

8. **Adjournment**

There being no further business, the meeting was adjourned at 10:06 a.m.



John Bailey, Chair


~~Mandana Carry, Board Secretary~~
Melissa Janssens