

**City of South Daytona  
Building Department**

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3025



To: James L. Gillis, Jr, City Manager  
From: Nick Ventura C.B.O., Chief Building Official  
Date: January 3, 2022  
Re: Council Consideration of Resolution 2022-03, a Resolution declaring 530 Elizabeth Place as Unsafe for Human Habitation

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The house located at 530 Elizabeth Place was owned by Ms. Caroline K. Vann until her death over ten years ago. Her daughter, Carolyn V. Vann, then occupied the house until her death in June 2021. Carolyn V. Vann had a son who was living with her in the house, but he too passed away in June 2021. This left the house unoccupied without a lawful owner.

After the City Council meeting on November 9<sup>th</sup>, 2021, staff was approached by a neighbor who claimed that people were living in the subject house without water or electric services. Upon inspection, it was discovered that there were individuals occupying the house without electric or water service and in dilapidated, unsanitary conditions. The occupants could produce no legal instruments to prove that they had the authority to occupy the dwelling.

As a result, staff believes that it is appropriate to present the case to the City Council for further action pursuant to Chapter 5, Article X of the City's Code of Ordinances which makes it unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

The Building and Code Compliance Departments have noticed the property and the property owner (currently listed on the Volusia County Property Appraiser website as Carolyn V. Vann Estate whose address is 530 Elizabeth Place):

<b>Date of Inspection:</b>	December 14, 2021
<b>Notice to Owner and Tenants:</b>	December 14, 2021
<b>Posted on Site:</b>	December 14, 2021
<b>Site Visits:</b>	December 14, 2021 & December 28, 2021
<b>Notice of City Council Hearing (posted and mailed):</b>	December 14, 2021

**Resolution No. 2022-03:**

Attached is Resolution No. 2022-03 which deems the property unfit for human habitation and requires the property owner to restore electric and water service with 24 hours or the City will remove all unauthorized occupants and secure the structure until such time the structure can be deemed fit for habitation.

**Staff recommendation:**

Staff is recommending that Resolution No. 2022-03 be approved as written and an order be issued for the city to remove all unauthorized occupants and secure the property located at 530 Elizabeth Place if water and electric utility services are not restored on or before January 13, 2022.

All costs associated with enforcing the Resolution will be documented and a lien will be filed with Volusia County Clerk of Court against the subject property.

The elimination of blight is for the betterment of the entire community and is an effort to maintain the highest property values.

## **RESOLUTION NO. 2022-03**

**A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA; ADOPTED PURSUANT TO CHAPTER 5 (BUILDING, HOUSING AND STRUCTURAL REGULATIONS, ARTICLE X (DANGEROUS STRUCTURES) OF THE SOUTH DAYTONA CODE OF ORDINANCES FINDING THE STRUCTURE LOCATED AT 530 ELIZABETH PLACE, SOUTH DAYTONA, FLORIDA IS UNSAFE AND UNFIT FOR HUMAN HABITATION; AUTHORIZING THE CITY TO PROCEED WITH THE DECLARATION OF UNSAFE STRUCTURES AND PROCEED WITH ANY AND ALL AVAILABLE LEGAL REMEDIES AS NEEDED TO REMOVE ALL UNAUTHORIZED OCCUPANTS AND SECURE THE STRUCTURE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, this resolution pertains to the real property located at 530 Elizabeth Place, South Daytona, Parcel Number 5328-04-29-0100 (Subject Property) which is owned by the Estate of Carolyn V. Vann (Property Owner); and

**WHEREAS**, the City has found that the structures on this site are unfit for human habitation (Code Reference – City of South Daytona Code of Ordinances Chapter 5, Article X, Sections 5-200 and 5-201); and

**WHEREAS**, on December 14, 2021, the Chief Building Official identified the following: lack of electric power to the structure, lack of water service to the structure, lack of illumination, sanitary and heating facilities; and

**WHEREAS**, due to the condition of the Subject Property the Chief Building Official believed that it is appropriate to present this case to the City Council for further action pursuant to Chapter 5, Article X of the City's Code of Ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SOUTH DAYTONA, FLORIDA:**

**Section 1.** Based on the evidence presented at a public hearing held on 11th day of January, 2022, the City Council hereby makes the following findings:

1. That the owner of the property located at 530 Elizabeth Place, South Daytona (Subject Property) is the Estate of Carolyn V. Vann, whose address according to the Volusia

County Property Appraiser's Office is 530 Elizabeth Place, South Daytona (Property Owner).

2. That the Property Owner was noticed on December 14, 2021 via posting of the home and via US Certified Mail of this public hearing and was given an opportunity to be heard on the issue of the condition of the Subject Property.
3. On December 14, 2021, the Chief Building Official identified individuals living in the structure without electric power, water service and lack of illumination, sanitary and heating facilities.
4. That the Subject Property has become unsafe or unfit for human habitation or use pursuant to City of South Daytona Code of Ordinances Chapter 5, Article X, Sections 5-200.

**Section 2.** Based on the above findings presented at a public hearing, the City Council hereby orders the following:

1. That the Property Owner is given to January 13, 2022, to restore Electric Service and Water Service to the structures at their sole expense and without compensation from the City of South Daytona and arrange for inspection by Chief Building Official.
2. If the Property Owner fails to comply with this Order by the above date, the Chief Building Official is authorized to proceed with any and all available legal remedies, including but not limited to removing all unauthorized occupants and securing the structure to ensure safety of the public and the recording of a lien in the Public Records for all costs incurred by the City.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 4.** That all resolutions made in conflict with this Resolution are hereby repealed.

**Section 5.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** upon first and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 11<sup>th</sup> day of January 2022.

**CITY OF SOUTH DAYTONA**

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William C. Hall, Mayor

ATTEST:

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James L. Gillis Jr.  
City Manager

Approved as to form and legality for use and reliance of the City of South Daytona, Florida:

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Wade C. Vose, City Attorney



## 530 Elizabeth Place, South Daytona



Water disconnected November 12, 2021.

Lock was discovered to be cut and boot was removed, staff removed the Water Meter on November 29, 2021.





On November 17, 2021, Florida Power and Light (FPL) disconnected power.

