

CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS  
PERMIT CENTER ~ 2<sup>ND</sup> FLOOR CONFERENCE ROOM  
4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FL 32084  
MONDAY, January 23, 2023  
4:00 p.m.

MINUTES

1) Meeting is called to Order @ 4:01 p.m.

2) Roll Call

**Board Members Present:** Keith Burney, John Ruggeri, Bill Lanni, Jeff Hulsberg, Robert Blood, Thomas Walsh, Scott Lilley, Dale Jackson, Alex Clay

**Board Members absent/excused:**

None

**Staff Members present:** Howard White, Building Official, Official, Lori Troxel, Henry Irving, Code Enforcement Officers, Kealey West, Staff Attorney,

**Public present:** Lowes Han, 145 Casa Sevilla Ave; Jeff Brubaker, 5595 St. Ambrose Ch. Rd.; Gary, 1380 CR 13 South; Stan Kamys, 1315 CR 13 South; Terry DeLoach, 1357 CR 13 South, B. Blough, 1373 CR 13 South; Dixie Thompson, 1373 CR 13 South; Carrie Brubaker, 5995 St. Ambrose Ch. Rd.

3) Minutes from October 17, 2022, reviewed for approval (Section 2)

A motion was made by J. Ruggeri, seconded by D. Jackson to accept the October 17, 2022 minutes as presented. All in favor. So voted.

4) Public information, exparte communications, and identification of persons present for cases on the agenda read by Chair (Section 1)

5) Board Attorney swears in representatives testifying.

6) Old Business

a. **Unsafe Building Abatement Case #22-03 (Troxel)**

**222 W. Ashland Avenue, Hastings**

On September 19, 2022, the board ordered the respondents to correct the violations by January 1, 2023, by demolishing the structures and removing all demolition debris. The Board further ordered the respondents to return before you on January 23, 2023. The Boards signed order was sent by certified mail and was signed on September 24, 2022. Exhibit A (4 Pages)

The respondents have removed a small portion of the remaining structure; however, they have requested an additional compliance extension due to inclement weather and health issues. Exhibit B (2 Photographs)

The County recommends that you find the property in continued violation and order the respondents to correct the violations by March 1, 2023, by having the structures removed from the property via demolition and having removed all demolition debris. We also ask that the Board order the case returned on March 20, 2023, to hear further testimony on compliance or the need for County abatement action.

**A motion was made by J. Ruggeri, seconded by J. Hulsberg to find the respondents in continued violation of Ordinance 2000-48 Unsafe Building Abatement and order the following:**

1. The respondent is to correct the violations by March 1, 2023 by completing the demolition of the final structure and removing all demolition debris from the property.
2. The Board will re-hear this case on March 20, 2023 at 4:00 p.m., therefore, the respondents are ordered to reappear, where the Board will hear additional testimony on compliance.

All in favor. So voted.

**b. Unsafe Building Abatement Case # 22-04 (Santiago)**

**504 N. Main Street, Hastings**

Board order for Continued Violation dated October 18, 2022, was sent by Certified mail on October 19, 2022 and signed for on October 25, 2022. Exhibit A (5 Pages)

An inspection on January 06, 2023 revealed that the unsafe structure and all related junk, trash and debris has been removed from the lot. Exhibit B (2 photographs), these photographs were taken by Raquel Santiago and are a true and accurate representation of the violation at the time they were taken.

The County recommends that you find this case in compliance and remove it from any further board action at this time.

**A motion was made by J. Ruggeri, seconded by A. Clay to find the respondents in compliance with Ordinance 2000-48, Unsafe Building Abatement Code and dismiss the case from any further Board action at this time.**

All in favor. So voted.

**c. Unsafe Building Abatement Case #22-09 (Troxel)**

**2977 S. Ponte Vedra Blvd, St. Augustine**

On August 15, 2022, The Board Ordered the respondent to remove the unsafe structure by October 01, 2022, and to return before you on October 17, 2022. The Boards order was sent by certified mail and was signed on August 20, 2022. Exhibit A (4 Pages)

On October 17, 2022, the respondent removed the second half of the structure from the platform and placed it on the ground to be demolished. We removed the case from the October agenda to allow the respondents time to remove the structure per the email received. Exhibit B (1 Pages)

Continued monitoring of the property for compliance resulted in no activity noted. A Notice of Hearing was sent by certified mail to the property and was received on December 23, 2022. Exhibit C (2 pages)

To date, no further action has been taken by the respondent to abate the remaining violations at this location. The unsafe structure and the damaged framing are still located on the property. Exhibit D (2 Photographs)

Therefore the County recommends that you find the property in continued violation and order the County to take all necessary action to abate the hazardous structure located on the Property, including by demolishing the structure and removing the demolition debris, as well as any recreational vehicles, tents, trash, garbage, or debris outside of the structure, from the property, and place all cost encumbered to complete this action as a lien against the Property, as allowed by law.

**A motion was made by J. Ruggeri, seconded by A. Jackson to find the respondents in violation of Ordinance 2000-48, Unsafe Building Abatement and order the following:**

- 1. The County shall take all necessary action to abate the hazardous structure located on the property, including by demolishing the structure and removing the demolition debris, as well as any recreational vehicles, tents, trash, garbage, or debris outside the structure, from the property, and place all cost encumbered to complete this action as a lien against the property as allowed by law.**

**All in favor. So voted.**

**d. Unsafe Building Abatement Case #22-10 (Troxel)**

**5483 Riverwood Road, St. Augustine**

On September 19, 2022, The Board Ordered the respondent to remove the unsafe structure by January 1, 2023, and to return before you on January 23, 2022. The Boards order was sent by certified mail and was returned unsigned. The Order was also posted at the courthouse and the property, and the notice of hearing was advertised in the St. Augustine record for four (4) weeks Exhibit A (4 Pages)

Our office was contacted by the realtor for the property owner and advised they have secured an AS IS buyer for the property, who will be demolishing the structure once closing takes place. The closing date is set for February 6, 2023.

The County recommends that we continue this case until April 1, 2023, to allow the prospective purchaser time to close on the sale and secure demolition permitting. We also ask that the Board order the case returned on April 17, 2023, to hear further testimony on compliance or the need for County abatement action.

**A motion was made by B. Lanni, seconded by R. Blood to find the respondents in continued violation of Ordinance 2000-48, Unsafe Building Abatement and order the following:**

- 1. The respondent must correct the violations by April 1, 2023 by obtaining the required permits to repair the structure per the Florida Building Code requirements; or, the respondents may choose to remove the structure from the property via demolition and remove all demolition debris. The respondents are responsible for obtaining all required permits for the structure's demolition.**
- 2. The board will re-hear this case on April 17, @ 4:00 p.m.; therefore, the respondents are ordered to reappear, where the Board will hear additional testimony on compliance.**

**All in favor. So voted.**

## **7) New Business**

### **a. Unsafe Building Abatement Case 23-01 (Troxel) 1365 County Road 13 S, St. Augustine**

On October 19, 2022, a complaint of an unsafe structure was referred to our division. The subsequent inspection revealed a single-family structure compromised due to the failing bulkhead and failure to maintain the structure from damage against previous severe weather events. Exhibit A (19 Photographs) Don Daniels took these photographs, a License Investigator with the St. Johns County Building Department, and they are a true and accurate representation of the violation at the time they were taken.

Property Research with the St. Johns County Property Appraiser and the St. Johns County Tax Collector shows the ownership of the property to be Huang Ju-Chi. The warranty deed shows ownership to the same. A search of public records did not reveal subsequent mortgages or others with a binding fiduciary agreement with the subject property. Exhibit B (6 Pages)

A Notice of Violation dated October 20, 2022, was sent by certified mail to the property owner and was signed for on October 31, 2022, Exhibit C (3 pages)

The notice of violation requested that the respondent repair and complete the installation of the bulkhead per the approved and permitted construction plans with the St. Johns County Building Department and either repair or remove the unsafe structure from the property. Exhibit D (1 page) The building permit for a replacement bulkhead was issued on 03/11/2022.

On November 16, 2022, our office received a copy of the request and approval to extend the bulkhead permit under Brubaker Construction Services, along with a copy of the County issued substantial damage letter. Exhibit E (2 pages)

An inspection completed by Don Daniels, License Investigator with St. Johns County Building department, revealed no activity to abate the violations required in the Notice of Violation. Exhibit F (7 Photographs) Don Daniels took these photographs, a License Investigator with the St. Johns County Building Department, and they are a true and accurate representation of the violation at the time they were taken.

A Notice of Hearing dated December 19, 2022, was sent by certified mail and was signed for on December 23, 2022. A drive by the location revealed again that no activity had taken place in the last sixty days to abate the violations at this location. Exhibit G (2 pages)

Brubaker construction service has applied for a demolition permit for the unsafe structure and has provided our office with a timeline of past and current events indicating the start of the bulkhead repair should have started today, 1.23.2023, and should be completed by March 1, 2023. Exhibit H (4 pages)

The County recommends that you find the property in violation and order the respondents to correct the violations by completing the installation of the replacement bulkhead and removal of the unsafe structure per the construction permits received. We also ask that the Board order the case returned on March 20, 2023, to hear further testimony on compliance or the need for County abatement action.

Jeff Brubaker, Buddy Blough, Dixie Thompson and terry DeLoach spoke about the property and photographs were submitted for the Board's review.

**A motion was made by B. Lanni, seconded by D. Jackson to find the respondents in violation of Ordinance 2000-48, Unsafe Building Abatement and order the following:**

- 1. The respondent must correct the violations by March 1, 2023 by repairing the bulkhead as per the obtained construction permit and demolishing the residential structure based on the demolition permit obtained.**
- 2. The Board will re-hear this case on March 20, 2023 at 4:00 p.m., therefore, the respondents are ordered to reappear where the Board will hear additional testimony on compliance.**

**All in favor. So voted.**

8) N/A

- a. Open Floor
- b. Hearing of Facts
- c. Rebuttals Heard
- d. Close Floor
- e. Discussion
- f. Motion by Board Members
- g. Vote Called
- h. Clerk Records Vote

9) A motion was made, seconded and approved to adjourn the meeting at 4:47 p.m.

*Respectfully submitted,*

*Approved by,*

Kathleen Nichols  
Clerk of the Board

Keith Burney  
Chair