

**CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
PERMIT CENTER ~ 2ND FLOOR CONFERENCE ROOM
4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FL 32084
MONDAY, February 27, 2023
4:00 p.m.**

MINUTES

1) Meeting is called to Order at 4:02 p.m.

2) Roll Call

Board Members Present: Keith Burney, John Ruggeri (arrived 4:04 p.m.), Bill Lanni, Jeff Hulsberg, Robert Blood, Thomas Walsh, Scott Lilley, Alex Clay, Brad Bulthuis, Board Attorney

Board Members absent/excused: Dale Jackson

Staff Members present: Lori Troxel, Henry Irving, Code Enforcement Officers, Roderick Potter, Code Enforcement Manager, Kealey West, Staff Attorney,

Public present: Barbara Dolan, 1010 Leeward Court; Patrica Bonewell, 341 Village Drive; John McCarmick, 104 Leeward Court; Rite Claire-Sallice; 12th Street, Cathy Aissen, 307 12th Street; Riley Mudel, 4110 Helena St.; Brooke Burkett, 4135 Melnille St., Archibald Thomas, 708 McCollope Cir.

3) Minutes from January 23, 2023, reviewed for approval (Section 2)

A motion was made by J. Hulsberg, seconded by A. Clay to accept the January 23, 2023 minutes as present. All in favor. So voted.

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

- J. Ruggeri stated he will not participate/vote on 3560 Coastal Highway as he was the home builder 21 years ago. A Memorandum of Voting Conflict was provided to J. Ruggeri.

5) Board Attorney swears in representatives testifying.

6) Old Business

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

2977 Ponte Vedra Boulevard, St. Augustine

On January 23, 2023, The Board Ordered the County to take all necessary action to abate the hazardous structure located on the property. The demolition of the hazardous structure was started on the day of the hearing, as evidenced by the respondent's photographic evidence.

On or about January 25, 2023, the respondents demolished the hazardous structure voluntarily.

The Board's order and Notice of Compliance Hearing were sent by certified mail and were signed on January 28, 2023. Exhibit A (6 Pages)

Therefore, the County recommends that you find the property in compliance and dismiss it from any further board action at this time.

A motion was made by J. Ruggeri, seconded by R. Blood to find case is found in compliance by voluntary action and is dismissed from any further Board action. All in favor. so voted.

7) New Business

a. **Unsafe Building Abatement Case 23-03 (Troxel)**

3560 Coastal Highway, St. Augustine

On October 3, 2022, the St. Johns County Damage Assessment Team advised that the structure and surrounding area, including Coastal Highway, suffered extensive scour and erosion due to the recent storm. An inspection conducted by our department on October 4, 2022, revealed that the structure was never completely repaired from the previous CBAA Case 17-12. The inspection noted extensive corrosion of the metal gang plates, uplift connectors, and joist hangers due to the failure to complete previously permitted repairs that required the bottom chord of trusses to have a covering sufficient to the previously approved plans. Exhibit A (9 Photographs)

Your packet contains the previous orders issued under CBAA case 17-12. The violation order dated December 11, 2017, resulted from evidence introduced by the respondent from Bracken Engineering. The order advised that a permit was required to remove the breakaway slab and walls, protect off guardrails, close off all windows and door openings, and remove all debris associated with the hurricane damage. The respondents were also required to fence off the property. Exhibit B (9 pages. The Board Signed Order and the Engineering Report)

Permit 11802486 was issued to the respondents for storm damage repairs consistent with the engineering report. Therefore, the Board found the case in compliance with their order, and the case was transferred to the building department to complete the permitted work. Exhibit C (6 pages. The permit and the Boards Signed Order)

On May 2, 2018, the contractor for permit 11802486 emailed the Building Department requesting cancelation of the permit. Exhibit D (2pgs)

On or about November 30, 2018, another complaint was registered with our office that the structure was not being addressed. The property owner was contacted, and on May 16, 2019, the County issued a second Permit, Permit 11906146, to complete

the storm repair requirements noted in the original permit. Exhibit E (6 pages, Incident Form PRIDE 1806308, and Permit 11906146)

A review of the open permit reveals, no inspections have occurred since August 26, 2019, and that the construction plans have been abandoned. Exhibit F (1 Page)

A review of the property records shows the property is still under the ownership of Archibald and Martha Thomas. The taxes are current, and a mortgage exists. Exhibit G (property research) (9 pgs).

A Notice of Violation dated October 6, 2022, was sent by certified mail to the respondents and was returned unclaimed. The Notice was also sent to the Mortgage Company and signed on November 7, 2022. The property and the St. Johns County Courthouse were also posted. The Notice was emailed to Mr. Thomas on November 3, 2022, and numerous communications with the respondent took place. Exhibit H (7 pgs.)

On December 16, 2022, the respondent forwarded the report he received from Fortress Engineering Group LLC. The report is consistent with our inspection results showing substantially deteriorated gusset plates and uplift connectors. On December 20, 2022, the respondent said he needed to find a contractor to complete the work and would contact me. Exhibit I (12 pages)

A review of the permitting and clearance sheet system revealed no new permits requested nor any activity on the open permit. A Notice of Hearing dated January 26, 2023, was mailed by certified mail to the new addresses provided by the respondent and to the mortgage company. They show they were in transit, arriving late. The notices were then mailed via regular mail and have not been returned. The notice was posted at the property, the courthouse, and published for four consecutive weeks in the St. Augustine Record, meeting the service requirements established by law. Exhibit J (6 Pages)

The County recommends that you find the property in violation and order the respondents to correct the violations by April 3, 2023, by either obtaining a permit to repair the structure or having the structure removed from the property via demolition and having removed all demolition debris.

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 A. Clay to find the respondents in violation of Ordinance 2000-48 and order the following:

- 1. Respondents shall correct the violations on or before April 3, 2023, by obtaining any necessary permits required by law and initiate the repairs of the structure per the recommended structural inspection report or remove the structure from the Property.**

2. Respondents are further ordered to fence off the property and post it as no trespassing and dangerous conditions.
3. UPON COMPLIANCE, RESPONDENTS MUST PROVIDE WRITTEN NOTIFICATION TO THE ENFORCEMENT OFFICIAL AT 4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FLORIDA, 32084, TELEPHONE (904) 209-0734, WHO SHALL INSPECT THE PROPERTY AND NOTIFY THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS AS TO THE CORRECTION OF THE VIOLATION.

All in favor. So voted.

b. Unsafe Building Abatement Case 23-04 (Santiago)

201 State Road 16, St. Augustine

On July 28, 2022, a complaint about a fire-damaged structure was received in our office. An inspection conducted revealed an unsafe structure, junk, trash and debris located on this property. Exhibit A (8 Photographs). These photographs were taken by myself and are a true and accurate representation of the violation at the time they were taken.

A copy of the Fire report is attached. Exhibit B (8 Pages).

Property research shows the Tax Collector and the Property Appraiser list the property ownership to Rhonda Reynolds. The Warranty Deed lists ownership to the same. Exhibit C (7 Pages).

A Notice of Violation dated September 1, 2022, was sent certified mail and was returned by the post office as unclaimed. This same notice was posted on the property and at the Court House on September 22, 2022. Exhibit D (7 Pages).

On December 5, 2022 a new address was found for Mrs. Reynolds through our Real Estate Division and a Notice of Violation dated December 6, 2022 was sent certified mail and was returned by the post office as unclaimed. Exhibit E (4 Pages)

A notice of Hearing dated January 9, 2023 was posted on the property and at the Court House on January 10, 2022. This Notice of Hearing was also published on the newspaper for 4 consecutive weeks. Exhibit F (8 Pages). These pictures were taken by myself and are a true and accurate representation of the violation at the time that they were taken.

There have been 20 service calls to the Sheriff's Department in the last year. Exhibit G (3 pages).

A review of SJC Building Records on February 21, 2023 shows no permit applications received for the repair or removal of the structure.

An inspection today revealed that very little progress has been made. Exhibit H (6 Pages).

The County recommends that you find the property in violation, and order the respondent to correct the violations by May 1, 2023, by obtaining any permits required to repair or remove the fire damaged structure and to clear all the miscellaneous junk trash and debris from the property.

We also ask that the Board order the case to be returned on May 15, 2023, to hear further testimony on compliance or the need for County abatement action.

A motion was made by J. Hulsberg, seconded by A. Clay to find the respondent in violation of Ordinance 2000-48, and order the following:

- 1. The respondent is to correct the violations by May 1, 2023, by obtaining any permits required by law to complete the demolition of the structure and to clear all miscellaneous junk, trash and debris located on the property.**

- 2. The Board will re-hear this case on May 15, 2023, at 4:00 P.M.; therefore, the respondent is ordered to reappear, where the Board will hear additional testimony on compliance.**

All in favor. so voted.

c. Proposed Code Enforcement Lien Release or Reduction Ordinance

Attorney Bulthuis provided the Board with a proposed Code Enforcement Lien Release or Reduction Ordinance for their review.

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) Adjournment

- a. A motion was made, seconded and approved to adjourn the meeting at 4:45 p.m.**

Respectfully submitted,

Approved by,

*Kathleen Nichols
Clerk of the Board*

*Keith Burney
Chair*