

CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
PERMIT CENTER ~ 2ND FLOOR CONFERENCE ROOM
4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FL 32084
MONDAY, April 17, 2023
4:00 p.m.

MINUTES

- 1) Meeting is called to Order at 4:01 p.m.
- 2) Roll Call
Board Members present: Keith Burney, Jeff Hulsberg, Alex Clay, Dale Jackson, Robert Blood, Scott Lilley,
- 3) **Board Members absent/excused:** John Ruggeri, Bill Lanni, Thomas Walsh
- 4) **Staff Members present:** Lori Troxel, Henry Irving, Code Enforcement Officers, Roderick Potter, Code Enforcement Manager, Jalisa Ferguson, Staff Attorney, John Adams, Senior Plans Examiner, Howard White, Building Official, Charles Crain, Deputy Building Official, Emily Graff, Code Enforcement Clerk, Jared Spong, Code Enforcement Officer
- 5) Minutes from March 20, 2023, reviewed for approval (Section 2)
A motion was made by R. Blood, seconded by D. Jackson to accept the March 20, 2023 minutes as presented. All in favor. So voted.
- 6) Public information, exparte communications, and identification of persons present for cases on the agenda read by Chair (Section 1)
- 7) Board Attorney swears in representatives testifying.
- 8) Old Business
 - a. **Unsafe Building Abatement Case 23-03 (L. Troxel)**
3560 Coastal Highway, Saint Augustine
The Board heard this case on February 27, 2023. Upon the finding of facts presented to you ordered, the respondent to obtain the necessary permits required by law to initiate the repairs of the structure per the recommended structural inspection report, or they were to remove the structure from the property. This order was sent by certified mail and was signed for by Martha Thomas on March 9, 2023. Exhibit A (4 Pages)
Background on this case stems from a complaint received in early October 2016, when the structure was adversely affected by Hurricane Matthew and then again in September 2017 by Hurricane Irma. St. Johns County Unsafe Building Abatement Case

17-12 was established, and corrective action orders were obtained from the CBAA Board at the time. Exhibit B (3 Pages) Board Order Dated December 11, 2017, requiring permitting to repair or remove the said structure.

The photographs attached show the condition of the property at the time this case was progressing. These photographs were taken by myself on November 29, 2017. They are a true and accurate account of the property at the time they were taken. Photo Exhibit 1 (6 Photos) These photos represent the damage to the first floor's uninhabitable space, particularly the breakaway slab, and walls.

The jurisdiction of the case was turned over to the St. Johns County Building Department upon compliance with the board order due to the issuance of Permit 11802486 on February 28, 2018. However, the contractor canceled this permit at the respondent's request on May 2, 2018. Exhibit C (5 pages)

This office was not notified at the time of the permit cancellation until November 30, 2018, when complaint PRIDE 1806308 was entered by the community for permit abandonment and other standard housing issues. This complaint was found in compliance on December 4, 2019, with the issuance of permit 11906146. However, the contractor abandoned this permit without notice to the department, and it expired due to no inspections on March 2, 2023, by order of the Deputy Building Official. Exhibit D (4 pages)

The photographs attached show the condition of the property at the time this case was progressing. Officer Scott Painter took these photographs on December 14, 2018. They are a true and accurate account of the property at the time they were taken. Photo Exhibit 2 (4 Photos) These photographs show that the first-floor slab and walls have been removed, the roof covering is in place, and significant scour and erosion are, in fact, continuing to erode the property.

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 extension corrosion of the metal gang plates, uplift connectors, and joist hangers due to the failure to complete the permitted repairs requiring the bottom chord of trusses to have a covering sufficient to the previously approved plans. The Board Order under Exhibit A was issued upon notice of this information.

Photo Exhibit 3 (2 Photos) These photographs show extensive deterioration to the roof covering and extensive scour and erosion. These are a true and accurate account of the property at the time they were taken.

On March 30, 2023, I personally spoke with Martha Thomas via telephone. Mrs. Thomas advised that they were devastated that they would not be able to keep this vacation home. However, they do not have the funding available to make the repairs

required to abate the violations. Mrs. Thomas further stated that the property was recently placed on the market, and she felt they might have a buyer for the property. I advised Mrs. Thomas of the disclosure requirements per statute and ordinance for any purchaser. Exhibit E (2 pages)

On April 13, 2023, Mr. Thomas emailed the department a copy of an emergency CCCL permit application bearing the same date. Exhibit F (7 pages)

The recent nor'easter has caused significant flooding with breaches across Coastal Highway. The inspection conducted by myself on April 11, 2023, shows significant scour and erosion continuing at this location. This property is one of the three main flooding breaches across Coastal Highway. Access to this property is very difficult and requires a short walk to access. It has become an attraction to the media and community, posing a life safety risk to those trespassing upon the property and under the structure. Photo Exhibit 4 (9 Photographs) These photos accurately represent the property at the time they were taken.

The County has provided this board with evidence and testimony showing the respondent has been continually ordered to repair or remove this structure from the property since the first order shown, dated December 11, 2017, located under Exhibit B of this case packet. Permits have been issued and subsequently closed within a month of compliance or abandoned without notice.

Continual severe weather events add to the unsafe conditions presented before this board without intervention. We are now months away from the next hurricane season, with this structure precariously close to Coastal Highway, creating a further hazard to the public and transportation system. Based on this evidence of noncompliance for the last six years and the recent engineering analysis, the County respectfully 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, and place all cost encumbered to complete this action as a lien against the Property, as allowed by law.

A motion was made by R. Blood, seconded by A. Clay to find the respondents in continued violation of Ordinance 2000-48 and order the following;

- **The County shall take all necessary action to abate the hazardous structure located on the property, including demolishing the structure and removing the demolition debris and any additional miscellaneous debris located on the property. The County shall place all costs encumbered to completed this action as a lien against the Property, as allowed by law.**

All in favor. so voted.

9) 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

10) A motion was made, seconded and approved to adjourn the meeting at 5:06 p.m.

Respectfully submitted,

*Kathleen Nichols
Clerk of the Board*

Approved by,

*Keith Burney
Chair*