

CITY OF ST. AUGUSTINE, FLORIDA

Regular Code Enforcement, Adjustments & Appeals Board  
December 10, 2002

The Code Enforcement, Adjustments & Appeals Board met in formal session at 3:00 P.M., Tuesday, December 10, 2002, in the Alcazar Room at City Hall. The meeting was called to order by Gary G. McMahon, Chairman, and the following were present:

**1. ROLL CALL**

Gary G. McMahon, Chairman  
Vernon A. Davis, Vice-Chairman  
William J. Coughlin  
Robert W. Chase (absent)  
David G. Chatterton  
Catherine L. DuPont

James Wilson, Esq., City Attorney  
Ken Woodruff, Building Official  
Duane Galambos, Code Enforcement Officer  
Nancy Brilliant, Recording Secretary

The City staff was sworn in.

**2. APPROVAL OF MINUTES**  
**(November 12, 2002)**

**MOTION**

**Ms. DuPont moved to approve the minutes. The motion was seconded by Mr. Chatterton and approved by a unanimous voice vote.**

**3. DISCLOSURE OF EX-PARTE**  
**COMMUNICATIONS**

There were no ex-parte items reported.

**4. VARIANCES**

**Item 4(a) 2002-1106**  
**Don Davino**  
**142 Avenida Menendez**  
**City Code, Chapter 8, Section 8-401**  
**Flood control variance.**

Mr. Woodruff reported that the applicant was requesting a variance from flood control requirements to allow the construction of a (12 feet x 10 feet, 11 inch) Handicap Guest Room and a (9 feet, 6 inch x 10 feet, 9½ inch) Tea Room addition to a Bed and Breakfast. He said that the required elevation was 9 feet and the existing elevation adjacent to the Handicap Guest Room and Tea Room addition was 5.45 feet and 7.06 feet. He stated that staff recommended approval of the variance with the following conditions:

- The (12 feet x 10 feet, 11 inch) Handicap Guest Room and a (9 feet, 6 inch x 10 feet, 9½ inch) Tea Room addition were constructed to match the finished floor elevation of the existing structure.
- Floodproofing measures were taken to reduce the hydrostatic and hydrodynamic pressure to the structure.
- The applicant submit a plan or document certified by a registered professional

engineer or architect that the flood-proofing measures were consistent with the associated flood factors for their particular flood zone.

Mr. Chatterton questioned whether the term Handicap Guest Room referred to a room that was wheel chair accessible.

Mr. Woodruff agreed that a Handicap Guest Room referred to a wheel chair accessible room. He noted that City Code required the bed and breakfast to be handicap accessible. He stated that, the applicant had two options:

- Option 1:  
Construct two additions to provide a Handicap Accessible Guest Room and Tea Room on the first floor; or
- Option 2:  
Install an elevator to provide a Handicap Accessible Guest Room and Tea Room on the second floor.

Mr. Davis questioned whether an expired elevation certificate was acceptable.

Mr. Woodruff explained that an expired elevation certificate was acceptable as long as it represented the most recent property survey.

Mr. Davis noted that the finished floor elevations of the Handicap Guest Room and Tea Room addition were 5.45 feet and 7.06 feet.

Mr. Woodruff explained that the variation in the finished floor elevation was due to the use of both slab and pier construction.

Mr. Davino announced that he was present and did not wish to make a statement.

## **MOTION**

**Mr. Chatterton moved to accept staff recommendation and approve the flood control variance. The motion was seconded by Mr. Coughlin and approved by a unanimous voice vote.**

**Item 4(b) 2002-1141  
Charles Sampson  
76 Washington Street  
City Code, Chapter 8, Section 8-401  
**Flood control variance.****

Mr. Woodruff reported that the applicant was requesting a variance from flood control requirements to allow the change of use/conversion of the first floor from commercial use to a two unit apartment. He said that the required elevation was 9 feet and the existing elevation was 7.55 feet. He commented that granting the variance would not result in any additional threats to public safety, nor would it create any public expenditure or nuisance. He noted that the cost of flood insurance would be commensurate with the increased flood risk resulting from the reduced floor elevation. He stated that staff recommended approval of the variance with the following condition:

- Floodproofing measures were taken to reduce the hydrostatic and hydrodynamic pressure to the structure.

Mr. Sampson announced that he was present and did not wish to make a statement.

**MOTION**

**Ms. DuPont moved to accept staff recommendation and approve the flood control variance. The motion was seconded by Mr. Davis and approved by a unanimous voice vote.**

**Item 4(c) 2002-1161**  
**John Valdes and Associates, Inc.**  
**238 San Marco Avenue**  
**City Code, Chapter 8, Section 8-401**  
**Flood control variance.**

Mr. Woodruff reported that the applicant was requesting a variance from flood control requirements to allow the Kid's Bridge Junior Service League to change the use of an existing structure from a Storage Room into a Club House/Meeting Room. He said that the required elevation was 9 feet and the existing elevation was 7.06 feet. He commented that granting the variance would not result in any additional threats to public safety, nor would it create any public expenditure or nuisance. He noted that the cost of flood insurance would be commensurate with the increased flood risk resulting from the reduced floor elevation. He stated that staff recommended approval of the variance with the following condition:

- Floodproofing measures were taken to reduce the hydrostatic and hydrodynamic pressure to the structure.

John Valdes of John Valdes and Associates, Inc., 1395 US 1 South, Suite A-1, St. Augustine, FL was sworn in.

Mr. Davis questioned whether the Club House/Meeting Room would be located in

the structure designated on the property survey as a Garage Apartment.

Mr. Valdes explained that the structure was located directly behind the Kid's Bridge building and had been utilized as a garage/garage apartment at one time. He requested the approval of a flood control variance to allow the change the use to a Club House/Meeting Room.

Mr. Davis stated that he resided in the area and the property had never had a flooding problem to the best of his knowledge.

**MOTION**

**Mr. Davis moved to accept staff recommendation and approve the flood control variance. The motion was seconded by Mr. Chatterton and approved by a unanimous voice vote.**

**5. REVIEW OF PREVIOUSLY HEARD CASES**

(None)

**6. REVIEW OF NEW CASES**

**Item 6(a) 2002-2255**  
**William Askew**  
**35 Bernard Street**  
**City Code, Chapter 19, Section 19-4**  
**Property is overgrown and littered with debris.**

Mr. Galambos reported that the respondent was out of town when the Notice of Violation was delivered and a neighbor at the condominium signed for the certified mail. He noted that the respondent corrected

the violation immediately upon receipt of the notice. He stated that staff recommended the case be closed for compliance.

There was no public comment.

**MOTION**

**Mr. Coughlin moved to close the case for compliance. The motion was seconded by Ms. DuPont and approved by a unanimous voice vote.**

**7. CITY ATTORNEY ITEMS**

(None)

**8. OTHER BUSINESS**

Mr. McMahon noted that the City Commission had appointed two new members to the Code Enforcement, Adjustments and Appeals Board. He suggested that the election of the Chairman and Vice-Chairman be postponed until the January 14, 2003 meeting to allow the new members to participate. He wished everyone a wonderful holiday.

**9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING**

(None)

**10. ADJOURNMENT**

**MOTION**

**Mr. Coughlin moved to adjourn. The motion was seconded by Mr. Davis.**

Meeting was adjourned at 3:12 P.M.

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Gary G. McMahon, Chairman

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Nancy E. Brilliant, Recording Secretary