

CITY OF ST. AUGUSTINE, FLORIDA

Regular Code Enforcement, Adjustments and Appeals Board
December 9, 2003

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, December 9, 2003, 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 (absent)
William J. Coughlin
Jackie Leslie
John O. Valdes
Clay Stratton

James Wilson, Esq., City Attorney
James Whitehouse, Esq., City Attorney
John Rayno, Fire Marshal
Ken Woodruff, Building Official
Duane Galambos, Code Enforcement Inspector
Patrick Wolfe, Code Enforcement Inspector
Curtis Boles, Code Enforcement Inspector
Nancy Brilliant, Recording Secretary

The City staff was sworn in.

**2. APPROVAL OF MINUTES
(November 12, 2003)**

MOTION

Mr. Stratton moved to approve the minutes. The motion was seconded by Mr. Valdes 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) 2003-1086

Jay W. Bliss

12 Oglethorpe Boulevard

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 detached garage. He said that the required elevation was 9' and the existing elevation of the house was 6'. He stated that staff recommended approval of the variance with the following conditions:

- The finished floor elevation of the detached garage shall be constructed to match the lowest adjacent grade of 5'6".
- Floodproofing measures were taken to reduce the hydrostatic pressure to the structure in accordance with the

following Federal Emergency Management Association (FEMA) and National Flood Insurance Program (NFIP) guidelines:

- ◆ Technical Bulletin 1-93 (Openings and Foundation Walls)
- ◆ Technical Bulletin 2-93 (Flood Resistant Materials).
- The applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures were consistent with the associated flood factors for their particular flood zone.

Mr. McMahon questioned why the applicant was not required to construct the garage at the same finished floor elevation as the house.

Mr. Woodruff explained that fill would be required to raise the finished floor elevation of the garage to match the house. He noted that the fill would cause a storm water impact to the neighboring properties.

Mr. Stratton asked whether the detached garage would be constructed primarily utilizing wood or masonry.

Mr. Woodruff explained that plans were generally not submitted until a flood control variance was approved. He noted that the applicant was present to answer questions.

Jay Bliss of 12 Oglethorpe Boulevard, St. Augustine, Florida was sworn in and stated the following:

- The detached garage would be constructed utilizing a monolithic slab and wood frame.

- Pressure treated wood would be utilized for the studs and the base of the foundation.

MOTION

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

Item 4(b) 2003-1161

Gaere MacDonald

81 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 following:

- Change of use from retail, which was vacant for over a year, to retail.
- Construction of a 23' x 18'4" addition to match the finished floor elevation of the existing commercial structure.

Mr. Woodruff noted that the required elevation was 9 feet and the existing elevation was 8.07 feet. He stated that staff recommended approval of the variance with the following conditions:

- The 23' x 18'4" addition shall be constructed to match the finished floor elevation of the existing commercial structure.
- Floodproofing measures were taken to reduce the hydrostatic pressure to the complete structure in accordance with the following Federal Emergency Management Association (FEMA) and

the waterproofing option might be challenged and the decision could be modified or reversed.

Mr. Valdes asked whether the audits were performed on a random basis.

Mr. Woodruff explained that the City had been audited three times during the previous year. He stated that the National Flood Insurance Program established a community rating system and the City of St. Augustine had been rated an eight which translated into a 10% discount on flood insurance rates.

Ms. Leslie asked whether the owner would be able to obtain flood insurance.

Mr. Woodruff responded that flood insurance was obtained.

Howard Kennerly of 1333 South Dixie Highway, Suite 7, St. Augustine, Florida was sworn in and stated the following:

- Described himself as a contractor with almost 30 years of experience who had never constructed a house below the finished floor elevation requirements.
- The surveyor did not notify the contractor that a problem existed with the finished floor elevation.
- Experienced a heart attack and then open heart surgery and explained that his son-in-law was overseeing the construction for two months during his recovery.

MOTION

Mr. Stratton moved to accept the staff recommendation and approve the flood control variance. The motion was

seconded by Mr. Valdes and approved by a unanimous voice vote.

Item 4(d) 2003-1177

Ronald Janson
2000 North Ponce De Leon Boulevard
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 following:

- Installation of a new floor in the center of the building to match the existing finished floor elevation.
- Construction of a 391 square foot addition to match the finished floor elevation of the existing commercial structure.

Mr. Woodruff said that the required elevation was 9 feet and the existing elevation was 8.3 feet. He stated that staff recommended approval of the variance with the following conditions:

- The new floor in the center of the building and the 391 square foot additional shall be constructed to match the finished floor elevation of the existing commercial structure.
- Floodproofing measures were taken to reduce the hydrostatic pressure to the complete structure in accordance with the following Federal Emergency Management Association (FEMA) and National Flood Insurance Program (NFIP) guidelines:
 - ◆ Technical Bulletin 1-93 (Openings and Foundation Walls)
 - ◆ Technical Bulletin 2-93 (Flood Resistant Materials).

- The applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures were consistent with the associated flood factors for their particular flood zone.

Ronald Janson of 2000 North Ponce De Leon Boulevard, St. Augustine, Florida was sworn and stated the following:

- The building had not been insured for flood damage for 44 years.
- The floor in the center of the building was removed because of the excessive number of cracks.
- Would like to construct a 391 square foot addition in an area that was previously fenced and used for outdoor retail sales.
- To reduce tripping hazards he asked permission to construct the addition at the same elevation as the remainder of the building.

A brief discussion ensued regarding the various methods and materials used for floodproofing and Mr. Woodruff noted that the two technical bulletins previously mentioned gave examples of both.

MOTION

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

**Item 4(e) 2003-1179
Stacy Oldham
21 Grant 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 enclose a 22' x 8' porch in an existing commercial structure. He said that the required elevation was 9 feet and the existing elevation was 7.69 feet. He stated that staff recommended approval of the variance with the following conditions:

- The 22' x 8' porch shall be enclosed to match the finished floor elevation of the existing commercial structure.
- Floodproofing measures were taken to reduce the hydrostatic pressure to the complete structure in accordance with the following Federal Emergency Management Association (FEMA) and National Flood Insurance Program (NFIP) guidelines:
 - ◆ Technical Bulletin 1-93 (Openings and Foundation Walls)
 - ◆ Technical Bulletin 2-93 (Flood Resistant Materials).
- The applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures were consistent with the associated flood factors for their particular flood zone.

John Oldham of 21 Grant Street, St. Augustine, Florida was sworn in and stated the following:

- The porch was originally constructed in 1998.
- Would like to enclose the porch and retain the same finished floor elevation as the remainder of the building.

MOTION

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

Item 4(f) 2003-1127
John Valdes and Associates, Inc.
12 Sevilla Street
City Code, Chapter 25, Section 25-56(c)
Removal of a protected tree.

Mr. Valdes indicated that the property owner was a client and declared a conflict of interest.

Mr. Wolfe reported that the applicant was requesting permission to remove a protected pecan tree measuring twenty-six inches in diameter at breast height (d.b.h.). He stated that the tree was in decline; however a massive trimming should prolong the life of the tree and also reduce the risk of damage caused by falling limbs. He recommended that, if the board decided to approve the application, two 10' replacement shade trees be planted elsewhere on the property within thirty days. He concluded that the applicant must contact the Planning and Building Department to schedule an inspection of the replacement trees within thirty days.

Ms. Leslie asked how much of the tree would remain if massive pruning was performed.

Mr. Wolfe explained that a neighboring property owner had complained about tree debris falling on their property. He recommended that the tree be pruned to

reduce the risks associated with falling limbs.

Ms. Leslie asked whether other trees were present on the property.

Mr. Wolfe stated that other trees were located in the back yard along the fence line.

Elizabeth Robins of 12 Sevilla Street, St. Augustine, Florida was sworn in and stated the following:

- The construction of an addition was planned; however, the tree was not located in the footprint of the addition.
- The tree was at the end of its life span and had become a hazard and a nuisance.
- A falling limb had broken the glass and destroyed the electrical structure of a security light.
- Limbs had fallen on the neighboring property described as the Alexander Homestead Inn.
- Submitted photograph which illustrated fallen tree debris.
- Submitted a letter from Bonnie Alexander of the Alexander Homestead Inn which supported the removal of the tree.
- Offered to plant replacement trees and asked the board for permission to remove the tree.

The board reviewed the photographs and letter submitted by Ms. Robins.

Mr. McMahon asked whether Ms. Robins was willing to plant two replacement pecan trees.

Ms. Robins stated that she was willing to plant any species of tree that the board suggested.

Mr. McMahon stated that the City code required the planting of two replacement shade trees and did not specify the planting of a particular species of tree.

Ms. Leslie asked Ms. Robin to explain a comment in Bonnie Alexander's letter regarding the tree trimming equipment.

Ms. Robins explained that Ms. Alexander contacted the Tree Medic in hopes that the tree could be trimmed. She noted that Ms. Alexander was told that, due to the limited access to the property, the tree trimming equipment could not gain access.

MOTION

Mr. Stratton moved to approve the removal of a protected tree with the stipulation that two 10' replacement pecan trees be planted on the property within thirty days. The motion was seconded by Mr. Coughlin and approved by a unanimous voice vote.

Item 4(g) 2003-1131
Cameron Jacobs
71 Chapin Street
City Code, Chapter 25, Section 25-56(c)
Removal of a protected tree.

Mr. Boles reported that the applicant was requesting permission to remove a protected oak tree measuring twenty-five inches in diameter at breast height (d.b.h.). He noted that the tree was hit by lightning and was experiencing a rapid decline with only 1/3 of

the crown of the tree remaining; however, the tree did not present an imminent danger to the house. He recommended that, if the board decided to approve the application, two 10' replacement shade trees be planted elsewhere on the property within thirty days. He concluded that the applicant must contact the Planning and Building Department to schedule an inspection of the replacement trees within thirty days.

Cameron Jacobs of 5420 Atlantic View, St. Augustine, Florida was sworn in and stated the following:

- The house was under contract and the new owner viewed the tree as a danger and would like to have it removed.
- The tree was hit by lightning and the complete core of the tree had rotted.
- A large amount of trees were present on the property and the new owner did not wish to plant additional trees. He requested permission to plant the replacement trees at another location.

The board reviewed the photographs submitted by the staff and discussed the health of the tree.

Mr. McMahon asked Mr. Wilson whether the board could make an agreement to have the replacement trees planted on another property.

Mr. Wilson suggested the following options:

- The trees could be planted, within the City limits, on another property owned by the applicant.
- The trees could be donated to a City park.

Mr. Wilson asked Mr. Jacobs whether he owned additional property within the City limits that would benefit from the planting of trees.

Mr. Jacobs responded that his property located at 119 Riberia Street was in need of trees.

MOTION

Ms. Leslie moved to approve the removal of a protected tree with the stipulation that two 10' replacement shade trees be planted on the property located at 119 Riberia Street within thirty days. The motion was seconded by Mr. Coughlin and approved by a unanimous voice vote.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5(a) 2003-2094

Ponce Family Ltd. Partnership
57 Comares Avenue

Florida Fire Prevention Code (2001): Chapter 22, Section 22-1 – Marinas and Boatyards

NFPA 303 (2000): Chapter 303, Section 4.4 – Fire Standpipe Systems

Floating docks on the east end are not connected to the fire standpipe system. The Fire Department connection has not been moved to the edge of the driveway as indicated on the approved drawings previously permitted. Required hose connections have not been installed at the gangways on the south side of the pier.

Mr. Rayno summarized the case as follows:

- On November 12, 2003 the board found the case in non-compliance and issued

an “Order Imposing a Fine” in the amount of \$250 for November 19, 2003 and for each day thereafter of continued violation.

- On November 18, 2003 the final inspection of the fire protection system was conducted and the system was approved.
- Recommended that the case be closed for compliance.

There was no public comment.

MOTION

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

Item 5(b) 2003-2198

Donald A. Matis
158 Twine Street

City Code, Chapter 19, Sections 19-3 and 19-4

Property is overgrown.

Inoperable/unlicensed vehicle(s).

Miscellaneous junk/debris on the property.

Mr. Galambos summarized the case as follows:

- On October 14, 2003 the board found the case in violation.
- On November 12, 2003 the board found that a portion of the violations had been corrected and tabled the case until December 9, 2003 to allow the respondent additional time to reach compliance.
- The violations were corrected prior to the December 9, 2003 meeting and the

staff recommended the case be closed for compliance.

There was no public comment.

MOTION

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

6. REVIEW OF NEW CASES

Item 6(a) 2003-2277

Hazel McCall, Etal

88 Lincoln Street

City Code, Chapter 28, Section 28-7

Multi-unit rental in RS-2 Zoning.

Mr. Galambos reported that the violation had been corrected and 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 Mr. Valdes and approved by a unanimous voice vote.

Item 6(b) 2003-2278

Carol Lee Corbitt

14 Myrtle Avenue

City Code, Chapter 19, Section 19-3

Property is littered with trash and household garbage, furniture, etc.

Mr. Wolfe summarized the following cases:

1st Violation:

Case Number 2002-2148

Property is littered with trash and household garbage, furniture, etc.

Property is overgrown.

City Code, Chapter 19, Sections 19-3 and 19-4

- On May 17, 2002 the Planning and Building Department sent an "Official Notice of Violation" to the respondent, via certified mail, which was returned unclaimed.
- On May 29, 2002 the Planning and Building Department delivered a "Uniform Code Citation/Warning" to the respondent to formally advise of the violation. The notice gave the respondent fifteen (15) days from the receipt of the letter to correct the violation.
- On July 9, 2002 it was determined that the respondent was not adequately notified of the hearing and the board tabled the case until August 13, 2002.
- On July 10, 2002 the Planning and Building Department sent an "Official Notice of CEAAB Hearing" for August 13, 2002 to the respondent via certified mail.
- On August 13, 2002 the board found the case in violation and issued an "Order Finding Violation" which allowed the respondent ten (10) days from the date of the Order to correct the violation, or the board stipulated that a fine of \$250 per day would be imposed for each day the violation continued.
- On September 10, 2002 the board closed the case for compliance.

2nd Violation:

Case Number 2003-2034

Property is littered with trash and household garbage, furniture, etc.

Property is overgrown.

City Code, Chapter 19, Sections 19-3 and 19-4

- On February 21, 2003 the Planning and Building Department sent an “Official Notice of CEAAB Hearing” for March 11, 2003 to the respondent via certified mail. The notice was unclaimed as of February 27, 2003.
- On February 27, 2003 the property was posted with an affidavit of an “Official Notice of CEAAB Hearing” for March 11, 2003.
- On March 11, 2003 the board closed the case for compliance.

Present Violation:

Case Number 2003-2278

Property is littered with trash and household garbage, furniture, etc.

City Code, Chapter 19, Section 19-3

- On November 10, 2003 the Planning and Building Department received a public complaint regarding the violation.
- On November 13, 2003 the Planning and Building Department sent an “Official Notice of CEAAB Hearing” for December 9, 2003 to the respondent via certified mail.
- An inspection performed on December 9, 2003 verified that the majority of the violation had been corrected.

Carol Corbitt of 14 Myrtle Avenue, St. Augustine, Florida was sworn in and stated the following:

- Was out of town tending to her terminally ill mother in 2002; therefore, she did not receive the certified mail.
- Brought home pieces of furniture to cover and protect her butterfly garden for the winter.
- Noted that newspapers were present on the porch.
- The property had been cleaned and was no longer in violation.

Ms. Leslie noted that the yard and porch were littered with more than newspapers and furniture. She emphasized that the property had been in violation on three occasions within the previous year and a half and asked Ms. Corbitt to alter her behavior so she would not have to appear before the board again.

Ms. Corbitt stated that she did not wish to appear before the board again.

Mr. Coughlin noted that the respondent was a repeat violator and a maximum fine of \$500 per day could be imposed for each day of continued violation.

MOTION

Mr. Stratton moved to find the case in violation and issue an “Order Finding Violation” which allowed the respondent seven days to correct the violation, or a fine of \$500 per day would be imposed for each day the violation continued. The motion was seconded by Mr. Coughlin and approved by a unanimous voice vote.

7. CITY ATTORNEY ITEMS

Payment of Lien Directive

Mr. Wilson stated that a lien directive had been paid and required the Chairman's signature. He summarized the following case:

99-0016
Elsie Robinson Estate
22 Bernard Street
\$705.00

8. OTHER BUSINESS

A brief discussion ensued regarding the board's support of the establishment of a tree restoration fund by the City of St. Augustine.

MOTION

Mr. Valdes supported the establishment of a tree restoration fund by the City of St. Augustine. The motion was seconded by Ms. Leslie and approved by a unanimous voice vote.

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

(None)

10. ADJOURNMENT

MOTION

Mr. Coughlin moved to adjourn the meeting.

Meeting was adjourned at 4:20 P.M.

Gary G. McMahon, Chairman

Nancy E. Brilliant, Recording Secretary