



- ◆ Construction below the 9.0 BFE should be of flood resistant Materials.
- ◆ Construction plans should bear a statement that flood proofing measures were consistent with associated flood factors and be signed and sealed by a Florida licensed architect or engineer.

Ms. Arriola asked if the variance request was related to the previous variance.

Mr. Andrade clarified that the request was a separate issue and that there was not a time limit on a variance. He further stated that the applicant could utilize either variance if the new application was approved.

James Makowski, 211 Oglethorpe Boulevard, St. Augustine Florida, was sworn in and offered the following:

- The previous variance would not be utilized because the new variance would address the same area.
- The previous plan was not viable due to construction costs.
- Plans were changed to construct a more modest addition.
- Requested that the Board acknowledge staff recommendations and grant the variance.

There was no public comment.

## **MOTION**

**Ms. Reilly moved to approve the variance. The motion was seconded by Mr. Hall and approved by a unanimous voice vote.**

## **5. REVIEW OF PREVIOUSLY HEARD CASES**

**(None)**

## **6. REVIEW OF NEW CASES**

**(None)**

## **7. CITY ATTORNEY ITEMS**

(None)

## **8. OTHER BUSINESS**

a)

Mr. Knight reported the following:

- Ms. Arriola, and Ms. Reilly, were reappointed to the CEAAB, by the City Commission, on December 11, 2006.
- There was no appointment for the vacant seat, created by Ms. O'Keefe's resignation, as the vote had been tied, and the Commission decided to postpone that vote until their next meeting.

b)

According to Mr. Knight there was another issue raised at that Commission meeting regarding a November 14, 2006 CEAAB approval of a tree removal at 46 Fullerwood Drive.

Mr. Knight explained the following:

- An application submitted for tree removal, for purposes of development and a site plan, would

be directed to the Planning and Zoning Board.

- An application to remove a tree, due to its poor condition, or other safety issues, would be directed to the CEAAB.
- City codes required notices be sent to property owners, within 150' of the property for applications to be heard before PZB, however, no notices were required for CEAAB hearings.
- Notices were advertised in the local newspaper, and agendas were sent to the neighborhood councils via Cathy Dupont.

Mr. Knight summarized the following event:

- An application for tree removal had been submitted to the CEAAB.
- That application also qualified for PZB review due to impending development.
- The applicant provided an Arborist's report, which claimed the tree was in declining health.
- The CEAAB granted permission for the tree removal.
- Neighbors in the Fullerwood Drive area were dissatisfied with the decision and for not being notified of the hearing.
- Commissioner Gardner asked if Planning and Building staff could post signs, for tree removal and flood control variances heard the CEAAB, to provide notification to neighbors of hearings.
- Mr. Knight stated that staff did not object to posting signs; however, he was seeking the opinion CEAAB.

Ms. Arriola pointed out that the only application requiring "public hearing" was for the removal of a protected tree.

The discussion revolved around the impact posting would have on staff time, and the impact of more public attendance at the CEAAB meetings.

Mr. Knight suggested posting be done on a trial basis to determine the impact.

Ms. Arriola asked if it was possible for staff to keep track of phone calls and inquiries generated by the posting.

Mr. Knight responded that they would make the extra effort.

Ms. Reilly suggested a 90 day trial period to determine the pros and cons of posting and to examine whether decisions were changed by additional public testimony

Ms. Arriola explained that the CEAAB operated differently than the PZB, and the public might be surprised to learn that their testimony was not relevant.

The consensus of the board was to have a trial period, however, if it was determined that the impact was negative, the practice of posting would be abandoned.

c)

Mr. Knight reported that Contractor, Don Davino, had requested to be placed on the current agenda, but it was too late to meet the deadline. He was advised to attend the meeting to ask the board if they would hear the case.

Mr. Knight summarized the issues of the case as follows:

- The contractor, during a renovation of the building at 1 San Salvador Street, determined that there was too much damage to restore an existing kitchen.
- The damaged part of the building was completely torn down and needed to be rebuilt.
- The existing building was below the required 9 foot Base Flood Elevation.
- The applicant needed a variance to allow rebuilding the kitchen 2'9" below the required BFE.

Mr. Knight told the Board they would be setting a precedent if they heard the case without staff review.

Mr. Hall asked if the board could listen to the case without making a decision.

Mr. Knight responded that they did have the authority to listen to the applicant.

Brian McClosky, 108 First Street, St. Augustine, FL was sworn in. He stated that he was the Architect on the project representing owner Margaret Thorne, who was in attendance.

Mr. Ferrell warned that the approximate 3' elevation variance was a major difference.

Ms. Arriola asked staff if they had a chance to review an elevation certificate or any other plans.

Mr. Knight replied that they had not.

Ms. Reilly said the Board could hear the case, and determine there was not sufficient information to make a decision.

Mr. Knight advised adding the case to the agenda if they intended to hear it.

**Mr. Hall motioned to add the case to the agenda. The motion was seconded by Ms. Reilly and approved by unanimous voice vote.**

Mr. McClosky submitted plans showing the renovations and addition and explained the following:

- The plans were approved by the Historical Architect Review Board.
- Original structure was built in 1924 as a carriage house, with three bay garage doors and an apartment above.
- Sometime in the early 60's a one story addition was built housing the kitchen.
- Plans were to rebuild that addition with a second story porch, remove two exterior stairways, and restore the building to a more historical nature.
- A demolition permit was granted for the project.
- After removing the roof and drywall it was determined that there was nothing worth saving and the section was town down.
- The entire building had been completely gutted.

Mr. McClosky said a hardship existed because the kitchen area could not be located anywhere else in the building.

Ms. Reilly asked if any changes had been made since the plans had been approved by HARB.

Mr. McClosky replied that the new addition was moved back approximately 8" from the face of the existing building to satisfy HARB's desire to have a clear distinction between the historic and new building.

Ms. Reilly thought that digging new footings might require an archaeology dig.

Ms. Arriola asked staff whether an archaeology dig had been performed on the property or whether it was needed.

Ms. Upchurch reminded the Board that staff had not had an opportunity to review of the case. She advised that the Board's decisions be based on competent and substantial evidence, which included a number of different criteria including staff research. She further advised the Board that they had other options, such as scheduling a special meeting to expedite this case.

Mr. Knight explained that a plan for renovation, that changed to new construction, would trigger other actions such as archaeology review.

Mr. Andrade asked if the applicant had applied for a building permit.

Mr. McClosky replied that he had applied for a permit but was denied due to the BFE.

Mr. Andrade explained that because the building was completely gutted the "substantial improvement" provision would apply to the entire structure, which was separate from the flood elevation issue.

Ms. Reilly suggested the applicant proceed through proper channels giving the board the benefit of staff review.

**Ms Reilly moved to deny the application without prejudice. Mr. Ferrell seconded the motion and it was approved by unanimous vote.**

**d) Order Releasing Lien**

2004-2102 -Gertha Hamilton  
Pearl Street

Mr. Knight announced that an Order Releasing Lien was prepared for the Chairman's signature, as the \$1,000 lien imposed on August 9, 2005 had been paid in full after tax deed sale.

e)

The Board deliberated on the matter of applicants, not scheduled on the agenda, coming before them. The consensus was that they did not want to set a precedent by hearing those cases. It was decided no applications would be heard, unless a timely completed application was filed, and staff review had been conducted.

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

(None)

**10. ADJOURNMENT**

**MOTION**

**Ms. Reilly moved to adjourn the meeting.  
The motion was seconded by Ms. Hurst  
and passed by unanimous vote.**

Meeting was adjourned at 3:45 P.M.

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Irene Arriola, Chairperson

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Sharon O'Keefe, Recording Secretary