

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting  
May 11, 2010

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, May 11, 2010, in the Alcazar Room at City Hall. The meeting was called to order by Irene Arriola, Chairperson, and the following were present:

**1. ROLL CALL**

Irene Arriola, Chairperson  
William Rosenthal, Vice Chairperson  
Rhett Davis  
Chad Smith  
Dave Chatterton

**Excused:**

Enid Hurst  
Cathy Brown

**Staff Present:**

Carlos Mendoza, Esq., Assistant City Attorney  
Mark Knight, Director, Planning & Building Department  
Nick Andrade, Building Official  
Curtis Boles, Code Enforcement Inspector  
Noel Mahr, Code Enforcement Inspector  
Sharon O'Keefe, Administrative Coordinator, Recording

The City staff was sworn in.

**2. APPROVAL OF MINUTES**  
**(April 13, 2010)**

**MOTION**

Mr. Rosenthal moved to approve the minutes. The motion was seconded by Mr. Smith and approved by a unanimous voice vote.

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

Ms. Arriola stated that she frequently drove by 16 Nelmar Street (Case # 2010-4310) because she lived nearby.

**4. REVIEW OF PREVIOUSLY HEARD**  
**CASES**

**Item 4(a)** **2009-4300**  
**Echo House Inc.**  
**100 Martin Luther King**  
**City Code, Chapter 8, Section 8-301**  
**Unsafe Building**

Mr. Knight reported the following:

- Echo House had been found to be an unsafe structure
- At the last hearing the Board allowed the respondent until May 11, 2010 to commence construction for the necessary work to make the building safe

- There were no changes to the property
- Because the respondent was not present at the last hearing he wanted to give him an opportunity to bring the Board up to date

Reverend Ron Rawls, 85 Martin Luther King Avenue, was sworn in and made the following remarks:

- Was surprised by the Board's order of April 13, 2010
- Spent approximately \$3,000 cleaning the property
- Contracted with Sustainable Building Concepts
- Had three fundraising committees actively involved
- Had a lot of community support
- Working with Judith Seraphin and Global Wrap to cover the roof
- Needed more time to accomplish the goal of repairing the building
- Questioned the City's lack of cooperation

Ms. Arriola explained that the partnership between the City and the church had not changed. She said the Board took action last month because there was no explanation of a plan for compliance.

Mr. Davis, said he agreed with Ms. Arriola. He stated that at the last meeting it was not clear if any action was being taken by the respondent and because the respondent failed to attend the meeting the Board was forced to take action.

Judith Seraphin, 102 South Street was sworn and made the following comments:

- Supported the Church's plan to renovate the building for a new school
- Was active in fundraising for the building
- Her company, "Global Wrap", located at 218 Iberia Street, manufactured a waterproof, fire retardant material
- Her company volunteered to cover the building with the material after the roof tiles were removed
- The shrink wrap would protect the remainder of the building until funds could be raised for a new roof
- Her company could monitor the building for damage to the cover because of the close proximity

Mr. Andrade said he was concerned that the building was not being properly secured or monitored. He explained that the property needed to be watched for breaches to the boarding of the building. He stated that the wrap would only be a temporary measure, for six months at the most, and it was not approved for building safety. He said he would like to have a plan for a permanent repair.

Reverend Rawls said he should have a plan ready, and an idea of how the fundraising was going, in six months. He said he did not want to put the church in jeopardy by making any promises. He asked to be put on the

agenda in six months instead of every month.

Mr. Rosenthal asked if the fence was secured around the building.

Mr. Andrade reported that the fence was down in some locations.

Reverend Rawls said he would have the fence repaired by the end of the week.

Deltra Long, 65 Osceola Street, was sworn and made the following comments:

- She was a trustee of the church
- The trustees met last month with the contractor and discussed their plans for repair
- That information was supposed to be relayed to the Board last month
- They realized they inherited a problem but intend to make it an asset
- Was involved with the fundraising and was soliciting for donations
- Asked for cooperation and requested the church be allowed more time to accomplish their goals

Mr. Chatterton appealed to the respondent to secure the building because it was the right thing to do.

#### **MOTION**

**Mr. Davis moved to find that the case remained in violation, and ordered the respondent to board the property and fix the fence by May 14, 2010 and to return to the Board on August 10,**

**2010 for a progress report. The motion was seconded by Mr. Rosenthal and approved by a unanimous voice vote.**

Mr. Mendoza recommended that the respondent post a “No Trespassing Under Construction” sign on the property.

**Item 4(b) 2009-4276  
Josephine Coley  
173A Riberia Street  
Unsafe Building  
City Code, Chapter 8, Section 301**

Mr. Andrade explained that the property had been brought into compliance and an order needed to be issued to officially close the case.

There was no public comment.

#### **MOTION**

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

Ms. Arriola announced there were two cases on 90 Oneida and the two would be heard simultaneously.

**Item 4(c) 2009-4297  
Harold Simmons  
90 Oneida Street  
City Code, Chapter 8, Section 8-301  
Unsafe Building  
Item 5(a) 2010-0029  
Harold Simmons, Et AL**

**90 Oneida Street**  
**City Code, Chapter 8, Section 8-401**  
**Flood Control Variance**

Mr. Andrade reported the following:

- Met with Mr. Davis for an inspection of the building and discussed the deficiencies
- Received a letter from Mr. Davis detailing plans for corrections of the deficiencies
- The letter certified that the building was in a safe condition
- Was confident of Mr. Davis' commitment to the project
- The building could be removed from the unsafe building list
- Recommended case 2009-4297 be closed for compliance
- Received the elevation certificate showing the finished floor elevation at 8.4 ft. just shy of the required 9" BFE
- The variance request met the criteria of unreasonable and exceptional hardship as defined in the Flood Management Code
- The granting of the variance would not increase the hazard of flooding to the property or the adjacent properties
- Would not increase the propensity of National Flood Insurance Program (NFIP) flood damage claims
- The granting of the variance would not present a hazard to the life, safety, or welfare of the public
- Recommended the approval of the variance

There was no public comment.

**MOTION**

**Mr. Davis moved to find case 2009-4297 in compliance. The motion was seconded by Ms Arriola and approved by a unanimous voice vote.**

Howard Davis, 128 San Marco Ave, was sworn and made the following comments:

- Summarized the progress made with improvements to the building
- Requested the BFE variance be granted due to the hardship of elevating the building
- Explained that the development plan was to have the building finished by June 2011

**Mr. Davis moved to grant the flood variance for case 2010-0029, and required all electrical and mechanical components be installed at or above 9ft. The motion was seconded by Ms Arriola and approved by a unanimous voice vote.**

**Item 4(d) 2010-4309**  
**Megan Mason/Maquire Land Corp**  
**9 Anastasia Boulevard**  
**Operating a Business without a**  
**Business Tax Receipt**  
**City Code, Chapter 17, Section 17-72**

Mr. Andrade reported the following:

- A backflow preventer was installed on the property
- The respondent could now be issued a business tax receipt

There was no public comment.

### **MOTION**

**Mr. Chatterton moved to close the case for substantial compliance. The motion was seconded by Mr. Davis and approved by a unanimous voice vote.**

**Item 5(b) 2010-4310  
John Morris/Edward Conlon  
16 Nelmar Avenue  
City Code, Chapter 25, Section 25-56  
Removal of Preserved tree without a permit**

Mr. Mahr reported the following:

- An application for tree removal was submitted on April 14, 2010
- He arrived for an inspection of the tree on April 15, 2010 and found the tree had been removed and chipped by Tree Medic
- The trunk left behind measured 24" in diameter
- Was told by the owner of Tree Medic Company that the tree was hollow in the middle and a danger to the public
- It was clear that the core of the tree had severe damage

Mr. Rosenthal said he was disturbed that the Tree Medic wrote the estimate on March 30, 2010, but couldn't wait for a permit from April 14<sup>th</sup> to the 15<sup>th</sup>.

Mr. Arriola said that this action was uncharacteristic of Mr. Conlon.

John Morris, 16 Nelmar Terrace, was sworn and made the following comments:

- Was told by Mr. Conlon that the tree was a danger
- Didn't want to take the tree down but was afraid it would fall
- If the tree fell it would hit his neighbors house

There was no public comment.

### **MOTION**

**Mr. Rosenthal moved to find the case in violation and ordered the Respondent to replant two Southern Red Cedar trees, or contribute \$300 per tree to the tree mitigation fund. The motion was seconded by Mr. Smith and approved by a unanimous voice vote**

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

**Item 6(a) 2010-4311  
Carol Corbitt  
14 Myrtle Avenue  
City Code, Chapter 19, Section 19-3 & 19-4  
Junk & Debris and overgrown lot**

Mr. Andrade requested that the case be continued until June 8, 2010 to allow for sufficient time to discuss the complicated issues.

There was no public comment.

### **MOTION**

**Mr. Rosenthal moved to continue the case until June 8, 2010. The motion was seconded by Mr. Davis and approved by a unanimous voice vote**

**7. CITY ATTORNEY ITEMS**

(None)

**8. OTHER BUSINESS**

(None)

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

(None)

**10. ADJOURNMENT**

Meeting was adjourned at 4:45 P.M.

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Irene Arriola, Chairperson

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Sharon O'Keefe, Administrative  
Coordinator