

**CITY OF ST. AUGUSTINE, FLORIDA**

Code Enforcement, Adjustments and Appeals Board Meeting  
October 14, 2008

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, October 14, 2008, 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  
Enid Hurst  
William Rosenthal  
Gary McMahon  
Cathy Brown  
Chad Smith

**Excused:** Rhett Davis

**Staff Present:**

Robin Upchurch, 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

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City staff was sworn in.

**2. APPROVAL OF MINUTES**  
**(September 9, 2008)**

**MOTION**

Ms. Brown moved to approve the minutes. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.

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

(None)

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**4. VARIANCES/TREE REMOVAL**

(None)

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

**Item 5(a)** **2008-4265**  
**Brandon Parsons**  
**260 St. George Street LLC**  
**City Code, Chapter 8, Section 608**  
**Construction without a permit**

Mr. Boles reported the following:

- The Board issued an Order Finding Violation on August 12,

- 2008, for building without a permit
- The order allowed the respondent until September 9, 2008 to obtain a building permit and bring the property into compliance or a fine of \$250 would be imposed for each day of violation
  - The respondent returned the building to its original condition
  - Staff inspected the property and found the building in compliance on October 6, 2008
  - The duration of violation was 27 days, which had accrued to \$6,750 in fines
  - Recommended the Board close for compliance and impose the fine

Brandon Parsons, 401 E Street, was sworn and stated the following:

- After the last hearing he decided to abandon plans for the loft
- Worked as fast as he could to meet the compliance date
- Completed the work a week ago
- Had not received the Official Notices of violation and hearing because of an address issue and he missed the first hearing
- Once he was aware of the order imposed he acted diligently to comply
- Misunderstood the requirement for drywall, which was first approved by the Fire Marshall then rejected by the Building Official
- Change of the drywall slowed the process

- Was under the impression there was an agreement, during the development review, that he had six months to complete the project
- Asked the Board not to impose a fine

Ms. Brown asked why he had not obtained a permit.

Mr. Parsons said he was inexperienced and had not realized the scope of what he was attempting until he got into the project. He admitted it was a mistake not to find out what was required before beginning a project.

Mr. Rosenthal asked if he had conducted any other work at that location without a permit.

Mr. Parsons stated that he had not.

Mr. Andrade said the remaining issue was an engineering plan he requested at the development review. He said the building was very old, and he needed a report verifying the condition of the building because it housed several tenants. He concluded that the report was required even though the plan to change the building had been abandoned.

Mr. Rosenthal asked what expenses had been incurred by the City.

Mr. Andrade said he estimated the costs to be approximately \$1,248.75.

There was no public comment.

**MOTION**

Mr. McMahon moved to “Close the Case for Compliance and Impose a Fine” in the amount of \$1,248.75”. The motion failed for lack of a second.

**MOTION**

Mr. Rosenthal moved to “Close the Case for Compliance and Impose a Fine” in the amount of \$3,000. The motion was seconded by Ms. Brown and approved by a unanimous vote.

Item 5(b) 2008-4257  
Scott Singleton  
Creekside Dinery- 160 Nix Boat Yard Rd  
City Code, Chapter 8, Section 608  
Failure to obtain a building permit  
City Code Chapter 17, Section 17-67  
Failure to obtain a Use Permit/Cert of Occupancy  
Florida Building Code Chapter 11-4.1 thru 11-4.1.6  
Failure to provide disabled access

Mr. Boles reported the following:

- The Board found the case in violation on September 9, 2008 and gave the respondent 30 days to comply with the order
- On October 6, 2008 the case was brought into compliance
- Recommended the Board close the case for compliance

There was no public comment.

**MOTION**

Mr. McMahon moved to issue an “Order Closing for Compliance” The motion was seconded by Mr. Rosenthal and approved by a unanimous voice vote.

Item 5(c) 2008-4267  
Peter Lawlor  
Creekside Dinery- 160 Nix Boat Yd Rd  
Life Safety Code Section 7-3.1, 7-3.3 & 7.4  
Exceeding Occupant Load, non complying Egress Capacity & Egress Width  
City Code Chapter 17, Section 17-67  
Exceeding Use Permit

Mr. Boles reported the following:

- The Board found the case in violation on September 9, 2008 and gave the respondent 7 days to comply with the order
- On September 15, 2008 the case was brought into compliance
- Recommended the Board close the case for compliance

There was no public comment.

**MOTION**

Mr. Rosenthal moved to issue an “Order Closing for Compliance” The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.

Item 5(d) 2008-4266

**Kathleen & Joseph Latona**  
**24 Louise Street**  
**City Code, Chapter 8, Section 608 & 612**  
**Construction without a permit**  
**City Code Chapter 28, Section 28-7 & 28-33**  
**Multi-residential unit in Industrial Warehouse Zone**

Mr. Mahr reported as followed:

- The Board found the case in violation on September 9, 2008 and gave the respondent until September 23, 2008 to comply with the order to restore the building to storage
- On September 23, 2008 he inspected the building and found it in compliance
- Recommended the Board close the case for compliance

Ms. Arriola questioned whether it was a repeat offence.

Mr. Mahr said the same violation occurred two years ago and was brought back into compliance after the respondent received a violation notice.

Mr. Rosenthal asked Ms. Latona why she repeated the conversion of the garage into a residential unit after she was told it was not allowed.

Ms. Latona said she had no answer for her actions.

There was no public comment.

## **MOTION**

**Ms. Arriola moved to “Close the Case for Compliance”. The motion was seconded by Mr. McMahon and approved by a unanimous voice vote.**

## **7. CITY ATTORNEY ITEMS**

(None)

## **8. OTHER BUSINESS**

The Board discussed the issues of foreclosures and the responsibility for code violations such as overgrown properties.

Mr. Andrade said the properties would be handled the same as other properties. He explained that the lending institutions would be notified of violations and be required to comply with City codes. He concluded that he did not see the issue to be an overwhelming problem for the city.

Mr. Knight said the City could not be expected to cut all overgrown properties; therefore, enforcement would be dealt with on a case-by-case situation. He added that the City would only step in to abate the property when there was a danger to the public, not for esthetics of the neighborhood, and a lien would be placed on the property for that abatement. He noted that enforcement on foreclosed properties had been difficult in the past, and the court would not always uphold liens imposed by the City.

The Board discussed programs and services available to help the elderly or low income with property maintenance and ways to inform the public of those agencies.

Mr. Andrade said he was planning a presentation to the Board on the subject of substantial improvement and the 50% rule at a later date.

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

(None)

**10. ADJOURNMENT**

Ms. Arriola adjourned the meeting at 4:05 P.M.

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Irene Arriola, Chairperson

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Sharon O'Keefe, Administrative Coordinator