

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
April 8, 2008

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, April 8, 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
William Rosenthal
Gary McMahan
Cathy Brown
Sheldon Smith
Rhett Davis

Excused: Enid Hurst

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
Pat Henderson, Supervisor Parks Division
Sharon O'Keefe, Administrative Coordinator, Recording

The City staff was sworn in.

2. APPROVAL OF MINUTES
(March 11, 2008)

MOTION

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

3. DISCLOSURE OF EX-PARTE
COMMUNICATIONS

(None)

4. VARIANCES/ REMOVAL OF
PROTECTED TREES

Item 4(a) 2008-0037

City of St. Augustine

Dupont Lane

City Code, Chapter 25, Section 25-56(c)
Removal of a 25 inch protected Elm tree.

Mr. Mahr reported the following:

- The 27.7" Elm tree was located in a City right-of-way
- It was damaging a foundation at 32 Grove Street owned by Laura Puckett
- The tree had signs of decline

- He recommended removal of the tree and replacement trees be planted in the near vicinity but not in the city right-of way

Pat Henderson, Parks Supervisor, and Certified Arborist, told the Board that the owner of 32 Grove Street, Laura Puckett, contacted her and requested that the tree be taken down, because it was losing limbs and damaging her property.

Ms. Henderson said she inspected the tree and observed rot all the way to the trunk and confirmed that the tree was in danger of falling on the house. She said the closest area for replacement planting would be on Castillo Drive.

There was no public comment.

MOTION

Mr. McMahon moved to allow the tree removal, and required two replacement trees be planted in the vicinity. The motion was seconded by Mr. Rosenthal and approved by a unanimous voice vote.

Item 4(b) 2008-0039
Henry & Jamie Green
24 St. Augustine Boulevard
City Code, Chapter 8, Section 8-401
Flood control variance.

Mr. Andrade reported as follows:

- The applicants requested a variance to allow a 1,197 sq. ft. addition to their existing home
- The value of the addition would represent more than 50% of the value of

the existing structure, thereby requiring that the entire structure be elevated to meet the required base flood elevation

- The applicants had the option to reduce the value of the addition or implement mitigation plans to avoid the need for a variance
- He recommended denying the variance without prejudice, as it did not meet the criteria of unreasonable and exceptional hardship
- The applicant was not present for the hearing

There was no public comment.

MOTION

Ms. Brown moved to table the case to May 13, 2008. The motion was seconded by Ms. Arriola and approved by a unanimous voice vote.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5(a) 2008-4258
Kenneth McClain Sr.
64 Oneida Street
City Code, Chapter 8, Section 301
Unsafe Structure

Mr. Andrade reported the following:

- At the March 11, 2008 meeting the board found the case in violation and gave the Respondent 30 days to bring the property into compliance or the city would abate the property and fine the respondent \$250 per day

- The Board declared an intention to impose a fine to cover all administrative costs associated with the case
- On March 20, 2008 the Historical Architectural Review Board (HARB) had given permission to demolish the structure and asked that the \$460 application fee for the Certificate Of Demolition be assessed during the fine process
- To date the property had not been brought into compliance
- MJ Tractor service submitted a bid of \$4,125 for the removal of the building

BJ Kalaidi, 8 Newcome Street, was sworn and asked the Board if they had taken into consideration that the building was listed on the Master Site File.

Mr. Knight explained that HARB had considered those issues.

MOTION

Mr. McMahon moved to approve the abatement of the property and impose a fine of \$4,575, plus any future administrative costs to be determined at the next meeting. The motion was seconded by Mr. Davis and approved by a unanimous voice vote.

6. REVIEW OF NEW CASES

Item 6(a) 2008-4259

Debbie & James Axen

124 Bravo Street

City Code, Chapter 8, Section 301

Unsafe Structure

City Code, Chapter 19, 19-3

Junk and Debris

Mr. Boles summarized the case as follows:

- After a complaint he inspected the property and found two structures on one lot
- The main building, a two story residence and a one story concrete block structure with no roof and full of refuse, constituted an unsafe structure
- An official notice of violation was sent to the owners on February 19, 2008 requiring them to bring the property into compliance
- On February 27, 2008 the Building Official declared the building unsafe and the property was posted as such
- On March 26, 2008 the owners were sent an official notice of hearing scheduled for April 8, 2008
- His recommendation was to find the building unsafe and require removal

Debbie and James Axen, 124 Bravo Street were sworn and had the following comments:

- Claimed the structure was not in danger of falling down even though it did not have a roof
- Agreed that the property had refuse stored within the walls, which was unsafe.
- Reluctant to remove the structure until they were assured that they could rebuild within the same footprint
- Questioned the type of structures that could be built on the property

The Board deliberated and the consensus was that there was not enough evidence to declare the concrete block structure unsafe and directed the Axens to the Planning and

Building department for answers to questions regarding rebuilding.

MOTION

Ms. Arriola moved to find the property in violation of City Code 19-3, having junk and debris and ordered the respondents to correct the violation within thirty (30) days or a fine of \$250 per day would be imposed. The motion was seconded by Ms. Brown and approved by a unanimous voice vote.

Mr. Davis moved to find that there was not enough evidence to declare the masonry structure unsafe, therefore not in violation. The motion was seconded by Ms. Brown and approved by a unanimous voice vote.

Item 6(b) 2008-4260

Erickson Development

54 Lovett Street

City Code, Chapter 8, Section 301

Unsafe Structure

Mr. Andrade reported the following:

- On February 19, 2008 he performed an inspection and declared the two story building unsafe
- On February 19, 2008 the respondent was notified, by certified mail, and given fifteen days to correct the violation
- On February 27, 2008 the property was posted as unsafe
- On March 26, 2008 the respondent was sent an Official Notice of CEAAB Hearing scheduled for April 8, 2008

- On March 26, 2008 the property was posted with an official notice of the hearing and a statement listing eight deficiencies
- He considered the building to be one of the most severely deteriorated in the Lincolnville area and not a good candidate for rehabilitation
- The respondent was advised to apply to HARB for a Certificate of Demolition
- He recommended the board find the building unsafe and order demolition

George Erickson, 6170 St. Andrews Court, Ponte Vedra Beach was sworn and had the following comments.

- He was the owner of the building at 54 Lovett Street
- The house had historical significance and he wanted to restore it
- Presented pictures of five houses he restored in the Lincolnville area, some he claimed were in worse condition than 54 Lovett Street
- The contractor he hired to board the house had not sufficiently secured it
- Submitted an application to HARB for a demolition permit, as directed in the notice of violation, and scheduled a hearing on April 17, 2008
- Willing to demolish the building only if he could rebuild in the same footprint, which was closer to the street than the current setbacks allowed
- Willing to board the house to make it safe from entry

Mr. Andrade explained that the community was requesting that the city do more than require those types of houses to be boarded up and preferred them removed or restored.

The Board discussed the balance between preserving the historic significance of the building and keeping the neighborhood safe and without blight. The consensus was that there could be a mitigation plan implemented for the property in question.

Mr. Knight advised the Board that they should require a long term mitigation plan to avoid having the property before the Board every six months.

There were no public comments.

MOTION

Ms. Brown moved to find the case in violation and ordered the Respondent to implement a mitigation plan, satisfactory to the Building Official, within thirty (30) days or a fine of \$250 per day would be imposed. The motion was seconded by Mr. McMahon 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

There being no more business before the Board the meeting was adjourned at 6:00 P.M.

Irene Arriola, Chairperson

Sharon O'Keefe, Administrative Coordinator

Note: The recording of this meeting had some interruptions due to defective cassette tapes and parts of the meeting were not recorded.