

CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
ADMINISTRATION BUILDING AUDITORIUM
500 SAN SEBASTIAN VIEW, AUGUSTINE, FL 32084
MONDAY, February 28, 2022

MINUTES

1) Meeting was called to Order at 4:01 p.m.

2) Roll Call

Board Members Present: John Ruggeri, Bill Lanni, Jeff Hulsberg, Robert Blood, Alex Clay, Dale Jackson, Keith Burney, Mike McCabe, Board Attorney.

Board Members absent/excused: none

Staff Members present: Howard White, Building Official, Official, Roderick Potter, Lori Troxel, Raquel Santiago, Henry Irving, Code Enforcement Officers, Bradley Bulthuis, Staff Attorney, Raquel Santiago, Acting Clerk of the Board.

Public present: Michael Garren, 3571 Evernia Street, St. Augustine, Curtis and Madeline Holtz, 700 W. Pope Road # E34.

3) Minutes from January 24, 2022 reviewed for approval (Section 2)

A motion was made by J. Hulsberg, seconded by B. Lanni to accept the January 24, 2022 minutes as presented.

All in favor. So voted.

4) Public information, exparte communications, and identification of persons present for cases on the agenda read by Chair (Section 1)

5) Board Attorney swears in representatives testifying.

Attorney M. McCabe swore in those representatives testifying.

6) Old Business

a. Unsafe Building Abatement Case # 21-03 (Irving, Henry)

946 Chapin Street, St. Augustine, FL 32084

Code Enforcement (CE) Officer Irving presented the case to the Board as follows:

On October 18, 2021, the Board found Mr. Bautista's Property located at 946 Chapin St. in violation of Chapter 2, Section 202 of the St. Johns County Ordinance 2000-48

Unsafe Building Abatement Code and 2015-8 of the Standard Housing Code. The

Board ordered the County to take all necessary action to abate the hazardous

structure located on the Property, including by demolishing the structure and

removing the demolition debris, as well as any trash, garbage, or debris outside of the

structure, from the property and shall place all cost encumbered to complete this action as a lien against the Property, as allowed by law. Exhibit A (3 pages).

An inspection on February 17, 2022 revealed that the unsafe structure had been removed from the property along with all miscellaneous junk, trash, yard debris, and the inoperable or unregistered motor vehicles stored on the property by Mr. Bautista. Exhibit B (4 Pages). These photographs were taken by myself and are a true and accurate representation of the property when they were taken.

A Notice of Compliance hearing dated January 20, 2022, was sent certified mail and was signed for on January 24, 2022, by Pedro Bautista. Exhibit C (2 Pages). The County asks that you find the case in compliance and remove it from any further Board action at this time.

A motion was made by A. Clay, seconded by J. Hulsberg to find the respondents in compliance of Ordinance 2000-48, and dismiss this case from any further Board action at this time.

All in favor. So voted.

**b. Unsafe Building Abatement Case # 08-06 (Troxel, Lori)
7000 2nd Street, St. Augustine, FL 32084**

Code Enforcement (CE) Officer Troxel presented the case to the Board as follows:

This case was previously heard on September 2, 2008, where an order was obtained to find the property in violation. The case was subsequently transferred to the St. Johns County Housing Partnership Fast Track Program under Benjamin Coney. Exhibit A (1 Original Photograph of the property and the original Boards signed order 5 pages).

The structure was removed using grant money that was not required to be reimbursed. Exhibit B (Compliance Photograph, and St Johns County Partnership Contract Release Order 2 Pages).

The St. Johns County Partnership did not release the previous order therefore, we are asking for the Board to find the property in compliance. The current property owner is in the process of selling the land, and the property needs to be released from the violation.

A notice of violation was sent to the new owner Angela Gaston Williams and was signed for. Exhibit C (Notice of Hearing and Return Receipt).

Therefore, the County requests you find the property in compliance and release it from any further Board action.

A motion was made by J. Ruggeri, seconded by A. Clay to find the respondents in compliance of Ordinance 2000-48 and dismiss this case from any further Board action at this time.

All in favor. So voted.

7) New Business

a. Unsafe Building Abatement Case # 22-02 (Troxel, Lori)

3571 Evernia Street, St. Augustine, FL 32084

Code Enforcement (CE) Officer Troxel presented the case to the Board as follows:

On May 4, 2021, an inspection revealed an unsafe mobile home structure, and a property full of miscellaneous junk, trash, and debris, along with an inoperable vehicle and a camper topper. Exhibit A (12 Photographs)

Property Research with the St. Johns County Property Appraiser, and the St Johns County Tax Collector and the warranty deed now show the ownership of the property to be in the name of Michael Von Garren. Mr. Garren obtained the property from his elderly mother Delania Garren on May 7, 2021. Exhibit B (9 Pages).

A Notice of Violation dated June 2, 2021, was sent certified mail to the property address, and to the daughter of the respondent. Both notices were returned claimed on June 4th, and 7th, 2021. Exhibit C (5 Pages)

I spoke with Michelle Garren via telephone, and she indicated they would be seeking the removal of a brother from the property, and then begin to clean the property. Ms. Garren further indicated the interior of the structure was in very poor shape with holes in the flooring and roof, and that they had no water or electricity at the property. Ms. Garren indicated they were removing her mother from the situation.

An inspection completed on August 11, 2021, revealed no action towards abatement of the violations. Exhibit D (5 Photographs)

A notice of violation dated August 26, 2021, was sent certified mail to Michael Garren and was returned claimed on September 1, 2021. Exhibit E (3 pages).

Our November 2, 2021, inspection revealed little progress towards the completion of the voluntary abatement action with the windows boarded and the relocation of the junk, trash, and debris to one side of the property, and the right of way in an alley to adjacent the property. Exhibit F (11 Photographs).

A Notice of Hearing dated November 3, 2021, was sent certified mail and was signed for on November 8, 2021. Exhibit G (2 pages).

On January 26, 2022, I received an email advising the respondent no longer has the P.O. Box address and requested all correspondences to be sent to her physical address. I requested a phone call for an update on the property having noticed some activity on the addition of the property. I have not received an update from the respondents to date. Exhibit H (1 page).

Our prehearing inspection on February 23, 2022, reveal further demolition of the addition to the mobile home. A review of permitting reveals there was no permit obtained as required for the demolition. No other action has been taken towards the remaining violations. There is no construction dumpster onsite for the removal of demolition debris or other junk, trash, and debris.

The County recommends that you find the property in violation, and order the respondents to obtain a demolition permit for the demolition of the addition that has occurred. We also recommend the Board order the respondent to correct the remaining violations by May 1, 2022, by either repairing the mobile home structure, or having the structure removed from the property via demolition, and the removal of all demolition debris, along with the miscellaneous junk, trash, and debris currently being stored on the property.

We also ask that the Board order the case to be returned on May 16, 2022, to hear further testimony on compliance or the need for County abatement action.

A motion was made by J. Ruggeri, seconded by J. Hulsberg to find the respondents in violation of Ordinance 2000-48 Unsafe Building Abatement, and order the following:

On or before May 1, 2022, the respondent is to obtain the required building permit for the removal of the addition as required. The respondent is also to correct the remaining violations by either repairing the mobile home structure, or having the structure removed from the property, and properly disposing of all demolition debris and any existing miscellaneous junk, trash, and debris.

The Board will re-hear this case on May 16, 2022, at 4:00 P.M.; therefore the respondents are ordered to reappear, where the Board will hear additional testimony on compliance.

All in favor. So voted.

b. Unsafe Building Abatement Case # 22-03 (Troxel, Lori)

222 W. Ashland Avenue, Hastings, FL 32145

Code Enforcement (CE) Officer Troxel presented the case to the Board as follows:

On March 01, 2021, an inspection revealed two unsafe structures, and one declining and unmaintained double wide mobile home. Exhibit A (7 Photographs of the unsafe structures).

Property Research with the St. Johns County Property Appraiser, and the St Johns County Tax Collector and the warranty deed show the ownership of the property to be in the name of Curtis and Madeline Holtz. Exhibit B (6 Pages)

A Notice of Violation dated March 3, 2021, was sent certified mail and was returned claimed on March 5, 2021. Exhibit C (3 Pages).

I spoke with Ms. Holtz via telephone, and she indicated they would be removing one structure and repairing the second using material salvaged from the structure they choose to demolish. A demolition permit was issued to the respondents on March 29, 2021. Exhibit D (4 pages).

Inspections completed monthly through October revealed progress towards voluntary abatement with the removal of structure one, however, the work stalled with no further progress. A notice of continued violation dated November 1, 2021, was sent certified mail to the respondents and was returned claimed on November 4, 2021. The notice advised no permitting has been issued to repair the existing structure and final clean-up of demolition debris was required. Exhibit E (3 pages).

Our December 10, 2021, inspection revealed no progress towards the completion of the voluntary abatement action. Exhibit F (4 pages).

Mr. and Mrs. Holtz visited the permit center on January 18, 2022, seeking a permit to board the windows of the remaining structure. They were sent to the zoning department and continued to seek approval to board the windows of the structure indicating they were going to use it as a storage unit.

I was contacted by Zoning and advised the structures were required to be repaired or they were to be removed; the option of permanently boarding the windows was not available in St. Johns County. The respondents indicated they did not want to do either. The respondents requested a hearing before the Construction Board of Adjustments and Appeals. Exhibit G (3 pages).

The County recommends that you find the property in violation, and order the respondents to correct the violations by April 1, 2022, by either obtaining a permit to repair the structure, or having the structure removed from the property via demolition, and having removed all demolition debris.

We also ask that the Board order the case to be returned on April 18, 2022, to hear further testimony on compliance or the need for County abatement action.

There was a lengthy discussion regarding a zoning application to rezone the property.

A motion was made by B. Lanni, seconded by J. Ruggeri to find the respondents in violation of Ordinance 2000-48 Unsafe Building Abatement, and order the following: The respondent is to correct the violations by April 1, 2022, by obtaining the required permits to repair the structure per the Florida Building Code requirements or to demolish the structure, removing all demolition debris.

The Board will re-hear this case on April 18, 2022, at 4:00 P.M.; therefore, the respondents are ordered to reappear, where the Board will hear additional testimony on compliance.

All in favor. So voted.

8) N/A

- a. Open Floor
- b. Hearing of Facts
- c. Rebuttals Heard
- d. Close Floor
- e. Discussion
- f. Motion by Board Members
- g. Vote Called
- h. Clerk Records Vote

9) A motion was made, seconded and approved to adjourn the meeting at 4:51 p.m.

Respectfully submitted,

Raquel Santiago
Acting Clerk of the Board

Approved by,

Keith Burney
Chairman