

CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
PERMIT CENTER ~ 2ND FLOOR CONFERENCE ROOM
4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FL 32084
MONDAY, October 17, 2022
4:00 p.m.
MINUTES

- 1) Meeting is called to Order at 4:04 p.m.
- 2) Roll Call
Board Members Present: Keith Burney, John Ruggeri, Bill Lanni, Jeff Hulsberg, Robert Blood, Thomas Walsh, Scott Lilley

Board Members absent/excused: Dale Jackson, Alex Clay

Staff Members present: Howard White, Building Official, Official, Lori Troxel, Raquel Santiago, Henry Irving, Code Enforcement Officers, Roderick Potter, Code Enforcement Manager, Kealey West, Staff Attorney, Kathleen Nichols, Clerk of the Board.
Public present: Suzanne Rodrigues; Geraldine Ferry, Heritage Park, HOA Board President
Callers on Phone: Attorney Druitt, 801 New Park Ct; Ronald Caruso, 801 New Park Ct.
- 3) Minutes from September 19, 2022, reviewed for approval (Section 2)
A motion was made by B. Lanni, seconded by J. Hulsberg to accept the September 19, 2022 minutes as presented.
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 Kealey West swore in all those testifying.
- 6) Old Business
 - a. Unsafe Building Abatement Case #21-04 (Santiago)
504 N. Main Street, Hastings FL
On August 15, 2022, the Board found the property in continued violation of Ordinance 2000-48. Mrs. Owens was ordered by the Board to remove the unsafe structure along with any trash, garbage, or debris outside of the structure from the property by October 1st and return before this board today, October 17. Board Order dated August 15, 2022, was sent certified mail and signed for on August 19, 2022. Exhibit A (4 pages).

An inspection of the premises on October 14, 2022, revealed that most of the structure and a significant amount of debris has been removed from the property. Exhibit B (2 Photographs). These photographs were taken by myself and are a true and accurate representation of the violation at the time they were taken.

The County recommends that you find the property in continued violation of Ordinance 2000-48, and order the respondent to correct the violations by January 1, 2023, by completing the demolition and removal of all junk, trash and construction debris located on the property. We also ask that the Board order the case to be returned on January 23, 2023, to hear further testimony on compliance or the need for County abatement action.

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

- 1. The Respondent shall correct the violations by January 1, 2023, by completing the demolition of the structure and clearing all miscellaneous junk, trash, and debris located on the property. Respondent shall secure the property with a fence during demolition and debris removal.**

- 2. The Respondent is hereby ordered to re-appear before this board on January 23, 2023, at 4:00 PM; at that time, the Construction Board of Adjustments and Appeals will hear further evidence on the issue of compliance.**

All in favor. So voted.

b. Unsafe Building Abatement Case #22-06 (Irving)

5212 Big Oak Rd, St. Augustine FL

On July 18, 2022, The Board Ordered the county to take all necessary action to abate the violation by removal of all structures, demolition debris, as well as the accessory structures, along with any miscellaneous junk, trash, or debris outside of the structure and to place those costs as a lien against the property. Exhibit A (3 Pages, 3 Photographs)

The demolition Board Order dated July 18, 2022, was sent by certified mail to Citi Bank and signed for on July 25, 2022. The property and the St. Johns County Court House were posted on July 21, 2022, and In the St. Augustine Record for four consecutive weeks following unsigned and returned Certified mail of the property Owners on July 29, and August 1, 2022. Exhibit B (5 Pages).

The structure was removed by Elev 8 Demolition on or about September 15, 2022. Exhibit C (2 Photographs).

The County was invoiced and paid \$17,539.00. Per Ordinance 2000-48, Chapter 5, Section 502, the County shall add to the total cost an administrative fee of ten percent, \$1,753.90. Therefore, the County requests you confirm the price of abatement at

\$19,292.90 and order it to be recorded with the Clerk of Courts as a lien against the property and upon any other real or personal property owned by the respondents. Exhibit D (1 Page).

A Notice of Cost Confirmation Hearing dated October 17, 2022, was sent by certified mail and was signed for on September 22, 2022, by Citi Bank. The respondents certified mail was returned unclaimed. The property and the St. Johns County Court House were posted on September 19, 2022, and in the St. Augustine Record for four consecutive weeks. Exhibit E (4 Pages)

A motion was made by B. Lanni, seconded by J. Ruggeri to confirm \$19,292.90 as the cost of abatement and so order it to be recorded with the Clerk of Courts as a lien against the property and upon any other real or personal property owned by the respondent.

All in favor. So voted.

7) New Business

a. Unsafe Building Abatement Case #22-08 (Troxel)

9333 Old A1A, St. Augustine, FL

On April 07, 2022, a complaint of an unsafe structure was referred to our division, and the subsequent inspection revealed the structure onsite was in an unsafe condition. Loss of cladding and components, partial collapse, and the imminent collapse of exterior decks. Exhibit A (10 Photographs) These photographs were taken by myself and are a true and accurate representation of the violation at the time they were taken.

Property Research with the St. Johns County Property Appraiser and the St. Johns County Tax Collector shows the ownership of the property to be Vansparks Mgt LLC. The warranty deed shows ownership of the same. A search of public records reveals subsequent mortgages or others with a binding fiduciary agreement with the subject property by the names of Arlan and Edith Rosenbloom. Exhibit B (11 Pages)

A Notice of Violation was sent by certified mail and served on April 16, 2022. Exhibit C (7 pages)

A re-inspection on May 25, 2022, revealed no activity to abate the violation by agreement with the management company to remove all exterior cladding, components, and decking and place items inside the structure to secure it. Exhibit D (6 Photographs) These photographs were taken by myself and are a true and accurate representation of the violation when they were taken.

Attempts to contact the management company for voluntary abatement failed. A notice of hearing was sent by certified mail and was signed for July 2, 2022; the

mortgage company was sent a notice via regular US Mail. However, the case was pulled from the advertised hearing date for service failure.

A Notice of Hearing was sent by certified mail to both the property owner and the mortgage company; both were returned unclaimed. The property and the courthouse were posted, and this hearing was advertised in the St. Augustine Record for four consecutive weeks. Exhibit E (6 pages)

To date, there continues to be no activity to abate the hazardous conditions at this location. Exhibit F (2 Photographs) These photographs were taken by myself and are a true and accurate representation of the violation when they were taken
The County recommends that you find the property in violation and order the respondents to correct the violations by either repairing the structure or having the structure removed from the property via demolition and properly disposing of all demolition debris. We also ask the Board to order the case returned on January 23, 2023, to hear further testimony on compliance or the need for County abatement action.

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

- 1. The respondent is to correct the violations by January 1, 2023, by either repairing the structure or having the structure removed from the property and properly disposing of all demolition debris.**
- 2. The Board will re-hear this case on January 23, 2023, 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 #22-11 (Irving)

801 New Park Ct., St. Augustine FL

On July 22, 2022, an inspection complaint received in our office revealed an unsafe structure located on this property. Exhibit A (4 photographs). These photographs were taken by myself and are a true and accurate representation of the violation when they were taken.

Our office obtained the fire report where the initial fire occurred the evening of March 1; the large two-story structure had smoke and flames coming from structure. Exhibit B (13 pages).

Property research shows the Tax Collector and the St. Johns County Property Appraiser list the property owner as Ronald C. Caruso. The taxes are current, and the

property is homesteaded. On March 14, 2022, Ronald C. Caruso entered a petition for Power of Attorney with George Truitt. Exhibit C (16 pages).

A Notice of Violation dated July 22, 2022, was sent by certified mail and signed on July 25, 2022. Exhibit D (6 pages).

On September 2, 2022, an inspection revealed the property conditions were the same. Pictures of the property were taken by myself at the time and accurately depicted the state of the property. Exhibit E (4 photographs).

The respondent Ronald C. Caruso Representatives has made phone contact with me and advised his location, and they are negotiations with the insurance company. A Notice of Hearing dated September 06, 2022, was sent by certified mail. Mr. Caruso Signed on September 09, 2022, and Mr. Truitt and was signed on September 12, 2022. Exhibit F (3 pages).

On October 12, 2022, I conducted an inspection that revealed no action had been taken to repair or abate the unsafe structure. Exhibit G (3 Photographs). The County recommends that you find the property in violation, and order the respondent to correct the violations by January 1, 2023, by repairing the structure or having the structure removed from the property, and properly disposing of all demolition debris.

We also ask that the Board order the case to be returned on January 23, 2023, to hear further testimony of compliance or the need for County abatement action.

A motion was made by J. Ruggeri, seconded by R. Blood to find the Respondent in violation of Ordinance 2000-48 Unsafe Building Abatement and order the following: The Respondent is to correct the violations by January 1, 2023, by either repairing the structure or having the structure removed from the property and properly disposing of all demolition debris.

- 1. The Board will re-hear this case on January 23, 2023, at 4:00 P.M.; therefore, the Respondent is ordered to reappear, where the Board will hear additional testimony on compliance.**

All in favor. So voted.

c. Approval of Annual Meeting Dates

A motion was made by R. Blood, seconded by J. Hulsberg to approve the 2023 meeting dates as follows:

- January 23, 2023 (4th Monday)
- February 27, 2023 (4th Monday)
- March 20, 2023

- April 17, 2023
- May 15, 2023
- June 19, 2023
- July 17, 2023
- August 21, 2023
- September 18, 2023
- October 16, 2023
- November 20, 2023 (if needed)
- December 18, 2023 (if needed)

All in favor. So voted.

8) N/A

- Open Floor
- Hearing of Facts
- Rebuttals Heard
- Close Floor
- Discussion
- Motion by Board Members
- Vote Called
- Clerk Records Vote

9) Adjournment

A motion was made, seconded and approved to adjourn the meeting at 4:37 p.m.

Respectfully submitted,



Kathleen Nichols
Clerk of the Board

Approved by,



Keith Burney
Chair