

CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS
PERMIT CENTER ~ 2ND FLOOR CONFERENCE ROOM
4040 LEWIS SPEEDWAY, ST. AUGUSTINE, FL 32084
MONDAY, September 16, 2024
4:00 p.m.

MINUTES

1) Meeting is called to Order at 4:03 p.m.

2) Roll Call

Members present: Keith Burney, Alex Clay, Scott Lilley, Bill Lanni, Robert Blood, Attorney Michael McCabe

Board Members absent/excused: M. Saxe, T. Walsh, Adrienne Reed

Staff Members present: Lori Troxel, Henry Irving, Raquel Santiago, Code Enforcement Officers, Roderick Potter, Code Enforcement Manager, John Adams, Chief Plans Examiner, Kealey West, Staff Attorney, Emily Lunn, Code Enforcement staff.

Members of the Public: Rusty Cullins, 1000 Southpark Blvd; Wendy Willis, 866 Mariane Place, Torrence Roupp, 1600 Brian Way

3) Minutes from August 19, 2024, reviewed for approval (Section 2)

A motion was made by A. Clay, seconded by B. Lanni to accept the August 19, 2024 minutes as presented.

All in favor. So voted.

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

5) The Board Attorney swears in representatives testifying.

6) Old Business

a. Unsafe Building Abatement Case #23-09 (Troxel)

285 Ole Road, St. Augustine

On June 17, 2024, the Board found the respondent continued violation and ordered the County to take all necessary action to remove the unsafe structure by demolition and removal of all debris associated with the demolition. Exhibit A 3 pages

The order was sent by certified mail and was signed for on July 2, 2024. Exhibit B 1 Page

The property owner removed the structure on or about August 8, 2024, without cost to the County. Exhibit C 1 photograph. The photograph was taken by myself and is a true and accurate representation of the violation at the time it was taken.

A Notice of Compliance Hearing dated August 21, 2024, was sent via certified mail and was signed for on September 3, 2024. Exhibit D 2 pages.

Therefore, the County recommends that you find the property in compliance with all previous orders and dismiss the case from any further Board Action.

A motion was made by A. Clay, seconded by R. Blood to find the respondents in compliance with Ordinance 2000-48 and order the case to be dismissed from any further Board action at this time.

All in favor. So voted.

7) New Business

a. Unsafe Building Abatement Case #24-05 (Santiago)

1600 Brian Way, St. Augustine

On February 29, 2024, a complaint was received regarding individuals living in sheds and possible drug activity. Several visits were made to the property to attempt inspection to no avail. On June 14th, 2024, the St Johns County Sheriff's Department executed a Warrant and the respondent was arrested for Maintaining a Drug Dwelling for Sale or Use of a Controlled Substance. (Exhibit A - 5 pages)

Property research shows the Tax Collector, and the Property Appraiser list the property ownership to Torrence G Roupp. The Warranty Deed lists ownership to the same. Exhibit B - 5 Pages)

On August 27, 2024, evidence was received from the Sheriff's Department. An arrest report and physical evidence along with field testing by the Sherriff's Department revealed the presence of both methamphetamine and fentanyl. Large amounts of methamphetamine oil and fentanyl were discovered during the Warrant execution. These amounts are considered trafficking amounts. Studies have shown that the smoking of meth alone can produce levels of airborne meth that may result in a general contamination of the structure in which it is smoked. (Exhibit C - 18 Photographs). These photographs were taken by the Sheriff's Department and are a true and accurate depiction of the violation at the time they were taken.

Notice of Violation/Hearing dated August 27, 2024, was issued and hand delivered to the respondent on August 28, 2024, at which time, the respondent agreed to waive any defect in the manner, sufficiency, or timeliness of service for the notice of hearing. It was explained to the respondent that the property will need to be tested by a professional. (Exhibit D - 4 pages)

On August 28th, 2024, while hand delivering the notice to the respondent, Code Enforcement was granted access to go onto the property. A Strong noxious odor was in the main structure. Our inspection also revealed a Recreational Vehicle in the rear yard being occupied and 2 additional structures/sheds which also appeared to be occupied. The inspection also revealed several unrelated individuals occupying the RV and shed at the end of the driveway. (Exhibit E - 4 Photographs). These pictures were taken by myself and are a true and accurate representation of the conditions of the property at the time of inspection.

Therefore, the County requests you find the respondent in violation of Ordinance 2015-69, St. Johns County Illegal Drug Decontamination, Ordinance 2000-48, Chapter 2, Section 202 Unsafe Building, and Ordinance 1999-51 Land Development Code Section 6.01.03.H(5), and order that the respondent to have the structures sampled for contamination and provide a preliminary assessment and decontamination work plan to St. Johns County Code Enforcement, to cease the use of the Recreational vehicle and secondary structures for living purposes, or obtain the required permits to demolish the unsafe structures and properly remove all debris from the property by November 1, 2024.

Finally, the County requests that you order the respondents to re-appear before this board on November 18, 2024, at 4:00 PM, to hear further testimony on compliance or the need for County abatement action.

A motion was made by B. Lanni, seconded by R. Blood to find the respondents in violation of Ordinances 2000-48, 2015-69 and 1999-51 and order the following:

- 1. The respondent is to correct the violations by November 1, 2024, by having the structures sampled for contamination and provide a preliminary assessment and decontamination work plan to St Johns County Code Enforcement, cease the use of the Recreational Vehicle and secondary structures for living purposes or obtaining any permits necessary to repair and decontaminate the main use structure, clean and properly permit or remove the secondary use structures located on the property, remove all miscellaneous junk, trash and debris, or they may remove the structures from the property, including properly disposing of all debris from such demolition.**
- 2. The Board will re-hear this case on November 18, 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.

8) Adjournment

A motion was made, seconded and approved to adjourn the meeting at 4:21 p.m.

Respectfully submitted,

Emily Lunn
Clerk of Court

Approved by,

Keith Burney
.Chairman