AGENDA

Code Enforcement, Adjustments and Appeals Board
City of St. Augustine, Florida

Alcazar Room

Tuesday, May 10, 2022 at 3:00 p.m.

Regular Agenda

1. **Roll Call**

2. **Swearing in of Staff**

3. **General Public Comments for Items Not on the Agenda**

4. **Approval of Minutes**

   a. Regular Meeting Minutes from April 12, 2022.

5. **Disclosure of Ex-Parte Communications**

6. **Building Code Variances**

   (None)

7. **Review of New Cases**

   a. CE2021-0211 — Luis and Monica Wallpher
   19 Martin Luther King Avenue

   City Code: Chapter 25, Section 25-56,
   Tree Removal and Replacement

8. **Review of Previously Heard Cases**

   (None)

9. **City Attorney Items**

   (None)

10. **Other Business**

    (None)

11. Adjournment

Notices: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the Code Enforcement, Adjustments and Appeals Board with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (904) 825-1007; 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

Please note that one or more members of the City Commission or its appointed boards or committees may attend this meeting and participate, however they may not engage in a discussion or debate amongst themselves on any issue that will likely come before their respective elected or appointed body.

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CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
April 12, 2022

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, April 12, 2022, in the Alcazar Room at City Hall. The meeting was called to order by Larry Weeks, Chairman, and the following were present:

1. ROLL CALL

Larry Weeks, Chairman
Thomas Day, Vice Chairman
Jan Marie Kelly
Marilyn Meade Garrett
CeCe Reigle, absent
Karen Valachovic, absent

Staff Present:

Richard Thibault, Assistant City Attorney
Amy Skinner, Director, Planning & Building Department
Richard "Buddy"Schauland, Building Official
Barry Fox, Code Enforcement Manager
Robert van Mierop, Code Enforcement Officer
Curtis Boles, Code Enforcement Officer
Morganne Pratten, Administrative Coordinator, recording
Elyse Wiemann, Recording Secretary

2. SWEARING IN OF STAFF

The City staff was sworn in.

3. GENERAL PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA

BJ Kalaidi stated the meeting should not be televised; she clarified everything is available to the public via minutes.

Ed Slavin disagreed with Ms. Kailadi that the meetings should be televised. He questioned why someone was only fined $3700 for removing a tree. He quoted COVID and lack of respect and welcoming spirit within the City, the County, and St.Augustine Beach. He questioned why the City Attorney was so slow to respond with legal advice.

Lauren Giber questioned the salaries of the fire inspector and why isn't the job per diem? She questioned short term rental officer salaries. She stated there are 91 short term rentals registered in Lincolnville.

Thomas Day questioned the number of short-term rentals in Licolnville; Ms. Giber responded 91. She stated there is no mandate declaring you must turn yourself in if you are operating as a short-term rental; there is no way to prove if/when a property is a short-term rental. She reiterated the inspectors should be

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paid per diem, not a full-time salary.

4. APPROVAL OF MINUTES (March 8, 2022)

MOTION
Thomas Day moved to accept the minutes. Karen Valchovic seconded the motion.

MOTION APPROVED UNANIMOUSLY BY VOICE VOTE.

5. DISCLOSURE OF EX-PARTE COMMUNICATIONS

Thomas Day stated he had received several emails from multiple people regarding case CE2022-0208.

Jan Kelly stated she talked with the parking lot attendant when she drove her bicycle by to see the trees that case CE2022-0208 was referring to.

6. VARIANCES/TREE REMOVAL

a. Item 6(a) CE2022-0210

First Baptist Church
89 St.Francis Street
Chapter 28, Section 28-29(b)
Application for Variance.

Richard Schauland introduced the case and explained the Floodplain management ordinance for variances. He explained the monetary value improvements for First Baptist Church, he found using the County property appraiser's price and then add ten (10) percent. He stated the improvement percentage was just over 245%. He stated what the requirements are to request a variance from the Floodplain ordinance. He explained what the Board may consider approving the variance application.

Larry Weeks asked if the Board had any questions for the the Building Official, "Buddy" Schauland, they did not.

Sarah Ryan stated that there will be an elevator added to the plan in Phase Two of construction. She spoke upon the building's flooding during Hurricane Matthew.

Mr. Weeks opened the floor for public comments on the case; there were none.

Thomas Day recalled a previous case of variance and stated he would be in favor of granting the variance.

Mr. Weeks **MOVED** to approve the variance for case CE2022-0210 and allow the City's recommendations. Thomas Day seconded the motion.

MOTION APPROVED UNANIMOUSLY

7. REVIEW OF NEW CASES

Item 7(a) CE2021-0208

Trinity Episcopal Parish
City Code: Chapter 25, Section 25-56
Tree Removal/ Replacement

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Mr. Fox introduced the case; He read Section 25-56; subsection (d), subsection (4)- Tree removal and replacement.

The Code Enforcement Officer Mr. Boles explained that on 1/28/22 he responded to the property in question about two trees being removed. He quoted Eddie Conlon about the arborist report he received; stating the trees were recommended for removal based on condition of the trees. He cited the plans that were submitted to the Development Review Committee for the parking lot expansion that referenced the trees in question. Mr. Boles stated that he deferred any questions that the Board may have at this time to Mr.Fox.

Mr. Fox stated there is no additional information he wishes to add, but noted there is an additional individual present to give testimony as required.

Mr. Weeks asked if there as anyone present to represent the respondent; Eddie Conlon of 71 Anastasia Lakes Drive, St. Augustine, FL, 32080 was sworn in.

Edward Conlon spoke upon the trees in question; they had been in question for years, he spoke about protecting people and properties from tree damage. He stated that he sent the arborist report to the City before the trees were cut down, explaining the emergent need to cut them down. He stated the Magnolia Tree had fallen on the house next to the trees. He showed photos of the tree that was cut down and noted the structural integrity loss of the tree, via lateral cracks. He stated most of the canopy was dead wood, covered in mistletoe.

Marilyn Garret questioned if that was the Magnolia tree in the photos; it was.

Mr. Conlon explained the cracks in the trunk; and the cavity within the canopy, explaining the lack of structural integrity of the tree. He explained codominance in the tree trunk; the most dangerous situation a tree can be in; of which he claimed to notify the City via email prior to the removal of the trees that morning.

Jan Kelly asked Mr. Conlon if he knew the tree were diseased/damaged for some time. Mr. Conlon replied he did, and that in partnership with the Church, they had trimmed and reduced the trees to the best of their ability in the past to try to make the trees as safe as possible. He stated the Church did not want to take out the trees at first.

Jan Kelly asked about the timing of when Mr.Conlon notified the city of the removal of the tree.

He responded he notified the City the morning of the tree removal, approximately 6:30am.

Mr. Conlon stated the only way to make the trees safe was to take them down. Additionally, he expressed that according to the Governor, he had the authority to remove trees without the City's approval if he, being a certified arborist, deemed the tree unsafe.

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Jan Kelly deferred to legal counsel.

Mr. Thibault stated his arborist report would only be relevant on a residential property.

Mr.Conlon cited the residence next door to the Church.

Mr. Thibault clarified the statute Mr. Conlon was referring to and stated again that the Church was on commercial property, not residential, and that the Board needed to distinguish between the two.

Richard “Buddy” Schauland reiterated Mr. Thibault’s point and clarified anything zoned non-residential must get approval from the Planning and Zoning Board.

Mr. Weeks asked if there was anyone directly from the Church present for questions, Fr Matt Marino approached.

Father Matt Marino 13 Ballard Avenue, St.Augustine, FL was sworn in.

Larry Weeks asked about the notes from the Friday Review Meeting dated October 15th regarding the parking lot expansion indicated that those trees would need to be removed, and he asked what happened?

Fr Matt explained the problems with the parking lot and parent pick up and possible solutions via driving and different routes. He stated he had been informed back in October that the trees were not allowed to come down; he stated the Church had been driving between the trees for some time, they would just continue to do so.
He stated Mr. Conlon came to trim the trees in January, and Fr Matt received a call from a property manager at the Church that morning stating the trees needed to come down. Fr Matt explained to the property manager that the City advised the trees were not able to be cut down; to which the property manager replied that was before the trees were diseased.

Thomas Day asked if the trees must come down by law if they are diseased and unsafe.

Richard Thibault stated he was unsure and would research to find an answer and get back to him.

Thomas Day reinstated that Mr. Conlon deemed the trees unsafe and had been asking the Church to take down the trees for some time, and that the decision to take the trees down was made almost three months after the Church discovered they needed to alleviate the parking situation.

Fr Matt stated the parking situation has been ongoing ever since people have had cars.

Thomas Day suggested that they move the school at the Church; to which Fr Matt replied that it would be very difficult to move the school, and is easier in theory than in reality.

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Mr. Conlon explained the safety issue with the tree; reiterating the lack of structural integrity and the need for the tree to be removed. He cited his honorable reputation with thirty-one years of experience within the City. He stated his arborist report had nothing to do with the parking lot expansion plans, and that he was unaware of any plans to expand the parking lot.

Mr. Fox reinstated Mr. Conlon's integrity within the City and stated the case was about the removal of the trees; not the validity of the arborist report. He then stated he felt it was important to bring up the testimony of the staff member that spoke with the Church in October of 2021 specifically regarding the trees in question.

Jacob Frederickson, of 59 Saragossa Street was sworn in.

Mr. Frederickson explained his Friday review comments and stated his report specifically outlined the necessity of appearing before the Planning and Zoning Board for the removal of the trees.

Ms. Garrett questioned why he didn't wait until the City opened to cut the trees down.

Mr. Conlon responded the tree could not wait, as it was added risk to safety of persons/ property. He referenced an email from June 25,2019 stating the tree had dropped limbs onto the parking lot.

Mr. Day stated the discussion started in October; He stated the Board was not questioning if the trees were diseased or the validity of the arborist report. The question was why the process wasn't followed.

Fr Matt stated the permit was not pursued because the original plan was never to take the trees down; it wasn't until he received the phone call from the property manager that morning and understood the emergent need to remove the trees that it was necessary.

Mr. Fox talked about the trees coming down and noted the brush was also gone from the lot, he asked that the board focus back to the case; as to why the trees/brush were removed.

Mr.Conlon showed an email going to Mr. Boles about the removal of the trees on January 28, 2022 at 6:28am.

Ms. Garrett questioned if Mr. Conlon stated in his email sent 1/28/22 that he was getting ready to cut the trees down.

Mr. Conlon quoted the email, saying yes; recommendation was immediate removal.

Mr. Weeks questioned why the trees were removed without City approval.

Mr. Conlon stated there was no time to wait to remove the trees; they were a danger. He continued to say the City should remove hazardous trees and plant new trees to grow with the City.

Mr. Schauland stated the tree still must

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go before the Planning and Zoning Board for approval.

Mr. Weeks stated the City cannot give permission to the arborist to remove the tree if it is preserved and/or of a certain size; the Planning and Zoning Board holds that responsibility.

Mr. Thibault confirmed Mr. Weeks was correct.

Mr. Fox confirmed for the Board that the information regarding the Planning and Zoning Board approval was relayed to the property owner in October 2021.

Ms. Kelly questioned why the Church did not apply for a permit to remove the trees.

Fr Matt stated they were not going to remove the trees.

Jan Kelly questioned the email from Mr.Conlon in 2019.

Mr. Conlon explained the Church was trying not to take the trees down; and the 2019 email Ms. Kelly questioned resulted in the trees left as is.

Mr. Day questioned Mr. Conlon on if he was aware there is a difference between residential and commercial property.

Mr. Conlon responded he understood completely.

Fr Matt stated his original plan to take the trees out.

Mr. Weeks clarified that Mr. Frederickson did not testify the trees could not be taken down; he instead testified they would need Planning and Zoning Board approval for the proper removal of the trees.

Fr Matt stated he was told in 2019 that the trees had to stay.

PUBLIC COMMENT

Irvin Rubin from 224 St. George Street, was sworn in.

He reported he was a neighbor to the Church; his home is zoned HP-1 with no lot line because there is no buffer between his home and the property.

Mr. Thibault stopped the meeting after Jan Kelly excused herself because quorum was not met with 3/7.

The meeting continued and Mr. Rubin reported the Church was motivated to remove the trees to make room for more parking.

September 2021, Mr. Rubin claimed Trinity removed additional landscaping to park cars. He claimed the Church excavated the area to remove all remaining vegetation in the lot; he stated he witnessed the bucket of the excavator digging.

Mr. Weeks stated he was only here to discuss the tree removal, not the parking lot excavation.

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Mr.Rubin stated there were other trees that were improperly removed. He also suggested the area could have been roped off instead of immediately cutting down the trees.

Charles Pappas, of 46 Macaris Street was sworn in.

Charles Pappas stated he thought he saw sufficient proof that the trees were removed but the process wasn't followed to remove them. He questioned the focus of the discussion. He stated instead of trying to figure out how we got here, we needed to find a way forward.

Eddie Conlon stated he could not rope off the tree because the house adjacent was in danger.

Lauren Giber, of 257 Riberia Street was sworn in.

Ms. Giber stated she was concerned with the process and that it must be followed, and if it is not followed, penalties must be incurred. She stated the church was very motivated to remove the trees based upon the money made with parking revenue. She stated there were other trees and shrubs that were improperly removed. She stated they were given instruction in October to go to PZB for removal of the trees. She stated the trees could've been roped off until the proper permits were obtained.

Maddie Harms of 307 St George Street was sworn in.

Ms. Harms stated the importance of trees for oxygen and flooding, and the new construction taking more and more trees down; she stated the trees were important for tourism. She expressed the statement the City makes today is the statement to other residences and businesses in the future.

Lee Geanuleas, of 233 N Forest Dune Drive was sworn in.

Mr. Geanuleas showed a photo of before the trees were removed; the area was flattened, paved with gravel, and the parking lot was expanded. He quoted how the Church was told in October that they needed to go to Planning and Zoning Board. He asked that the Board keep in mind that the Church did all these changes without any approval.

Ed Slavin, of 19 Casanova Road, was sworn in.

Mr. Slaven stated the Church committed a crime by removing the trees; he suggested the board postpone the motion and group the trees together with the other cases for the Church. He asked if the Church gets away with this, who else can get away with it? He stated the importance of trees for drainage within the City and expressed his support for Barry Fox and the Code Enforcement Department for enforcing the law. He recalled a bar that was torn down because of "immediate danger" and questioned why Mr.Conlon did not call John Regan the morning the trees

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were torn down.

BJ Kalaidi of 8 Newcomb Street was sworn in.

Ms. Kalaidi stated there was a concerned citizen that filed a complaint that brought us all here today; she expressed the Board give credit to the public that called the complaint in.

Larry Weeks questioned if Mr. Fox stated he had anything to add; he stated he did not.

Tom Day stated there should be some penalty, but stated there were other things going on that needed to be addressed as a whole.

Mr. Schauland stated the Church has met with Staff and they have directed them as to the steps they need to take to resolve the other issues in accordance with the City.

Mr. Weeks stated he wanted to settle the case today; he explained to the Board they were present to discuss the procedure that was not followed in relation to the removal of two trees.

Mr. Fox stated the cases needed to be separated. And this case was an irreparable/irreversible violation up to a $5k fine per tree.

Mr. Thibault stated the fine options and considerations, including the gravity of the violation, any action taken by the violator to correct the violations, or any previous violations.

Mr. Fox stated the tree case was very co-mingled with other active cases, which is why Staff was dealing with one case specifically at a time.

Tom Day stated he was inclined to fine the Church the $5,000 per tree; and two tree replacements for every one that is removed.

Mr. Weeks asked Buddy if the replacement requirements were correct at up to two replacements per tree. Mr. Schauland confirmed.

Mr. Fox suggested they require if the church does not proceed with the plan to expand the parking lot, and thus comply with parking lot landscape requirements, they come back with specific replacements at that time.

Larry Weeks stated he believed the Board should require replacement trees, regardless of the parking lot expansion plan and subsequent landscape requirements.

Thomas Day suggested they follow up with replacement options for the trees.

Mr. Schauland corrected his previous statement; it is one for one replacement if they come to the Planning and Zoning Board, to which Mr. Day responded he believed for preserved trees it was two for one. Mr. Schauland clarified, if the applicant is able to receive a permit legally, then the requirement is one for one.

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Jan Kelly stated the problem was the removal of trees. She recommended a fine of $5,000 per tree.

Ms. Garret suggested in the motion they address the replacement options.

Mr. Weeks stated he was hesitant to motion for $5k per tree.

Ms. Garrett stated $5k for both trees.

Mr. Weeks stated to the Board the fine was against the property owner, and had nothing to do with the Vendor, or the tree company.

MOTION
Jan Kelly **MOTIONED** to find the Church in violation and impose a fine of $5,000 per tree for a total of $10,000, further requiring the property owner to replace the trees with two approved shade trees if they do not further continue their parking lot expansion and subsequent landscape requirements.

Thomas Day **seconded the motion**.

VOTE ON MOTION

Ayes: Jan Kelly, Thomas Day
Nayes: Marilyn Garrett, Larry Weeks

MOTION DOES NOT CARRY.

Larry Weeks MOTIONED they fine the Church $5,000 with replacement of two trees required. Marilyn Garrett seconded the motion.

Ayes: Larry Weeks, Marilyn Garrett, Jan Kelly
Nayes: Thomas Day

MOTION APPROVED

8. REVIEW OF PREVIOUSLY HEARD CASES

Item 8(a) CE2021-0227

Augustine Development Group LLC
215 Anastasia Boulevard
Alteration/ Construction without Permit.

Mr. Fox introduced the case; he stated the corrective action the Board may take.

Scott Russom of 237 E Pisa Place was sworn in.

He introduced the case and explained all the improvements they made to the property. He stated they did not make any changes to the structural integrity of the building and were unaware they needed permits to change the water flow of the building. He questioned exactly what the problem was.

Brian Griener, of 215 Anastasia Blvd was sworn in.

Brian Griener stated they made no structural changes; he stated he did submit changes to Mr. Schauland, who

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had made comments to the plans. He explained the brand required the opening of the bar, and further expressed the need to get the property back online after being closed due to COVID-19.

Mr. Fox stated Mr. Griener is working with City staff to obtain permits and expressed to the Board that this case was solely being brought to their attention as an update; stating the violator was still in violation, and the fine is continuing to accrue. He stated in the event the permits are issued, or Mr. Griener comes into compliance, he would then be brought back to the Board to discuss the fine in question.

Mr. Weeks stated Mr. Griener was aware permits were required in building this bar.

Mr. Thibault asked if they could propose a date to return to the CEAAB Board for discussion of the fine,

Mr. Fox asked the Board to be cognizant of the fact that there are outside factors that may keep the respondent from meeting a deadline, such as permitting approval etc. He stated the case was only brought before the board as an update; the fine was continuing to accrue up to $250 per day.

Item 8 (b) CE2022-0219

James A. Philcox
111 Zoratoa Avenue
City Code: Chapter 19, Section 4 Certain growth and conditions prohibited.

Mr. Fox introduced the case. And explained the violations against the property; the property came into compliance on February 10, 2022.
He informed the Board find that the fine remains unpaid and asked that they approve the motion that the fine remains unpaid and assign the lien.

Thomas Day stated he had no further questions.

MOTION
Larry Weeks **MOTIONED** to find that the fine has not been paid by the respondent and the Board move to file a lien on the property in the amount of $5,000. **The motion was seconded** by Thomas Day.

Ayes: Larry Weeks, Thomas Day, Marilyn Garrett, Jan Kelly.
Nayes: None.

7. CITY ATTORNEY ITEMS

(None)

8. OTHER BUSINESS

(None)

9. REVIEW OF CONFLICT STATEMENTS FROM PREVIOUS MEETING

(None)

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10. ADJOURNMENT

Meeting was adjourned at 4:41 P.M.

Larry Weeks, Chairperson

Morganne Pratten, Administrative Coordinator

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CITY OF ST. AUGUSTINE
MEMORANDUM

TO: **Code Enforcement, Adjustments & Appeals Board (CEAAB)**

DATE: **May 10, 2022**

SUBJECT: **Case Number: CE2022-0211**

RESPONDENT: **Luis Wallpher**

LOCATION: **19 Martin Luther King Avenue Parcel Number 203190 0000**

VIOLATION: **Chapter 25, Section 25-56**
Tree Removal and Replacement

BACKGROUND INFORMATION:

On April 14, 2022, I responded to the above property after receiving a Citizen's complaint about three freshly cut tree stumps in the front yard. When I arrived at the property I noticed the three stumps in the front yard, each was approximately three feet tall. All three were Water Oaks, measured at 16, 18, and 26 inches in diameter. The property owner, Luis Wallpher, was there, and he advised me that all three trees were cut down before he bought the property. I then spoke with Conor Rodgers, of Cutting Edge Tree Experts, who, told me that the two smaller Water Oaks had decay about eight feet up the trunks, and that the largest of the three Water Oaks still had some green leaves in the canopy at the time of its removal, in contradiction to what the property owner told me. None of the three Water Oaks had permits for their removal. I then advised Jason Wagner, also of Cutting Edge Tree Experts, that in the City of St. Augustine, trees over three inches in diameter, other than invasive or exempt trees, require a permit for their removal, in the absence of a Certified Arborist report stating that the tree is an immediate threat to persons or property. I then returned to the office.

About two hours later I returned to the property and noticed two additional trees that had been cut down in the back yard of the residence. One was a Hackberry, approximately 17 inches in diameter. The other was a Southern Red Cedar, approximately 14 inches in diameter, and it was being loaded into a trailer upon my arrival. Neither tree had permits for their removal. I again made contact with Jason Wagner, and he said that if I need an Arborist Report for the Hackberry he could provide one for me. I asked if the Southern Red Cedar that his company had cut down was in poor health, and he said he could get a report for that one as well. The trees removed from this property without tree removal permits are three Water Oaks, one Hackberry, and one Southern Red Cedar. Due to their respective sizes, all five trees are considered significant trees by the Code.

On April 14, 2022, at 11:13 a.m., I received an Arborist report via email from SB Tree Service. This report was for a 19" in diameter Hackberry tree, in the "front left yard". The Hackberry tree that we are considering today, which was removed without a tree removal permit, was located in the back yard.

On April 18, 2022, Angel VanBurger, from SB Tree Service contacted me by phone and advised that her company did the Arborist report only for a Hackberry and not for any other trees at this property. As of today's date there are no tree removal permits for any of the five trees that we are considering today, nor are there any Arborist reports that address these trees.

On April 18, 2022, I received a call from Cutting Edge Tree Experts and they asked about the process for getting an after the fact tree permit for the three Water Oaks and the Cedar that were cut down at this property. I advised that significant trees, like all four of the trees Cutting Edge Tree Experts inquired about, do not qualify for after the fact tree removal permits.

Robert van Mierop
Code Enforcement Officer

Sec. 25-56. - Tree removal and replacement.

(a) *Permits required.* It shall be unlawful for any person directly or indirectly to cut down, destroy, remove or effectively destroy by damaging any tree in the city without first obtaining a permit as herein provided. This requirement shall apply to all trees three (3) inches or larger dbh., and to Southern Red Cedar trees (juniperus silicicola) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch. Provided, however, that it shall not be unlawful to remove a tree other than a Southern Red Cedar (juniperus silicicola) which is less than three (3) inches dbh., nor shall any permit be required for the removal of such tree. In addition, it shall not be unlawful to remove an exempt tree or an invasive species and no permit shall be required for the removal of such.

(b) *Permit applications and application fees.*

(1) Permits for removal or relocation of trees shall be obtained by making application for permit to the city planning and building division. The application shall indicate the number, species and diameter breast height (dbh.) of each tree to be removed or relocated and the reasons for the removal or relocation. Such applications for permits for removal or relocation of trees shall be accompanied by a fee of twenty dollars ($20.00). Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspection for administration and enforcement of this section.

(2) Permits for removal or relocation of trees associated with a site plan for a development shall be obtained by making application for permit for the development to the city planning and building division. The application shall be accompanied by a site plan. When the permit for the development is issued it will include tree removal, relocation and replacement as indicated on the approved site plan for the development.

(c) *Application review.* Upon receipt of a complete application, which may include a site plan for a development, the city planning and building division shall review such application which may include a field check of the site and referral of the application to other departments or agencies as necessary to determine any adverse effect upon the general public welfare, adjacent properties or city services and facilities.

(1) The planning and building division may issue a tree removal permit for trees which are not considered preserved trees.

(2) To remove a preserved tree anywhere on site, approval shall first be given by the code enforcement, adjustments and appeals board, or by the planning and zoning board, if such approval is related to the review of a site plan.

(3) In determining whether or not a permit required by this section should be issued, the city planning and building division shall consider and base all decisions on the following:

a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.

b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.

c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.

d. The number and density of trees existing in the neighborhood on improved or unimproved property.

The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.

e. Whether the tree has been designated a preserved tree.

f. Impact upon the urban and natural environment, including:

Ground and surface water stabilization.

Water quality and aquifer recharge.

Ecological impacts.

Noise pollution.

Air movement.

Air quality.

Wildlife habitat.

g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.

(d) *Issuance of permit.* The planning and building division shall issue the removal permit unless, upon consideration of the criteria set forth above, the division finds any of the following will result:

(1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.

(2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.

(3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.

(4) That the subject trees are preserved trees and removal must be reviewed by the code enforcement, adjustments and appeals board or the planning and zoning board.

(e) *Denial of permit.* If the planning and building division denies the removal permit it shall set forth with particularity its reasons for such denial in writing.

(f) *Appeals.* When a tree removal permit, including a permit for the removal of a preserved tree not involved with a site plan for new development, has been denied by the planning and building division, the property owner or agent may appeal this decision to the code enforcement, adjustments and appeals board. The code enforcement, adjustments and appeals board shall approve or deny the appeal and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. The board may require more stringent replacement requirements than is required by this chapter. The code enforcement, adjustments and appeals board shall not be empowered to relax the standards and requirements contained herein. If a

preserved tree is approved by the board to be removed, a minimum of two (2) shade trees a minimum of ten (10) feet in height shall be used as replacement. The replacement of trees that have been removed after board approval shall be done within thirty (30) days after the tree has been removed.

(g) *Relocation and replacement.* As condition to the granting of a permit, the property owner or agent will be required to relocate the tree being removed or required to replace the tree being removed with a tree somewhere within the site. Native vegetation shall be replaced with native vegetation. Shade trees must be replaced by shade trees. Understory and palm trees may be replaced by any type tree. Replacement shade trees shall be a minimum of ten (10) feet high and understory trees shall be a minimum of ten (10) feet high when planted. Each Southern Red Cedar tree (juniperus silicicola) removed shall be replaced with a minimum of two (2) Southern Red Cedars of such a size and quality as shall be determined by the city building official to be assured of such Southern Red Cedars' continued viability and growth. The property owner or agent shall also be required to replace the relocated or replacement tree should same die within three (3) years from date of planting.

(h) *Public lands.* No tree shall be removed from any public property or public right-of-way except in accordance with the provisions of this section.

(i) *"After the fact" tree removal permits.*

(1) The application fee shall be as follows:

a. One hundred dollars ($100.00) for each tree three (3) inches or more but less than seven (7) inches dbh.

b. Two hundred dollars ($200.00) for each tree seven (7) inches or more but less than twelve (12) inches dbh.

c. Four hundred dollars ($400.00) for each tree twelve (12) inches or more but less than twenty (20) inches dbh.

d. Eight hundred dollars ($800.00) for each tree twenty (20) inches or more dbh.

(2) The planning and building director may issue an "after the fact" tree removal permit for trees which are not considered preserved trees, but only after considering the above mentioned factors and the reason why a permit was not obtained prior to the removal.

(3) If the planning and building director denies the "after the fact" tree removal permit, he/she shall set forth with particularity the reasons for such denial in writing. When such permit is denied, said denial may be appealed as stated above to the adjustments and appeals board.

(4) No "after the fact" tree removal permits shall be issued for the removal of preserved trees. Any such action shall be subject to code enforcement proceedings wherein any explanation or reason for removal without a permit and evidence as to the tree's condition prior to removal may be presented as mitigation.

(j) In certain instances, it may be impossible or infeasible for a property owner to replace a tree or trees as required by subsection (g) of this section and section 11-28(d) of this Code. In such cases, the owner may instead pay a sum of money into the tree mitigation fund.

(1) The amount to be paid into the tree mitigation fund shall be determined by resolution, updated from time to time in order to reflect the actual cost for the city to purchase and plant an appropriate replacement tree offsite.

(2) Monies paid into the tree mitigation fund shall be used by the city to plant and maintain trees on the city right-of-way or on city or other public property within the city, with the location to be determined by the city

manager or his or her designee, in order to promote street tree rehabilitation, maintain a diverse tree inventory, and support the tree canopy throughout the city.

(3) The city manager or his or her designee shall not issue a tree removal permit until the monies owed for tree mitigation are paid in full.

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 15-09, § 3, 3-19-15; Ord. No. 20-05, § 1, 2-10-20)

The 2021 Florida Statutes

163.045 Tree pruning, trimming, or removal on residential property.—

(1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

(2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

History.—s. 1, ch. 2019-155.

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04/14/2022 08:50

04/14/2022 08:50

04/14/2022 10:54

04/14/2022 08:50

04/14/2022 10:47

04/14/2022 10:48
FREE ESTIMAT

04/14/2022 10:52

04/14/2022 10:35

CODE ENFORCEMENT DIVISION

OFFICIAL NOTICE OF CEAAB HEARING

April 26, 2022

IN THE MATTER OF:	Name:	Wallpher Revocable Living Trust C/O Luis and Monica Wallpher
	Address:	19 Martin Luther King Avenue Saint Augustine, FL 32084
	Case #:	CE2022-0211

HEREBY KNOWN AS RESPONDENT(S)

RE: VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida

Code Section: Chapter 25, Section 25-56

SITE OF VIOLATION:	19 Martin Luther King Ave
LEGAL DESCRIPTION:	3-7 BURT SUB OF BLK 46-J CITY S75 OF W13 6FT LOT A OR4723/327 & 5399/985(Q/C)
PARCEL NUMBER:	2031900000

The purpose of this letter is to notify you that the City of St. Augustine Code Enforcement, Adjustments & Appeals Board (CEAAB) will meet on **Tuesday, May 10, 2022, at 3:00 p.m.** in the Alcazar Room at City Hall, 75 King Street, and you have been placed on the agenda for the meeting in the matter of the following violations:

- **Tree Removal and replacement**.

This is your "Official Notice" for you or your representative to appear before the CEAAB to respond to your violation. The CEAAB will conduct a hearing, in accordance with F.S. 162.07, concerning your case and, subsequently, they will issue findings of fact and may order corrective action and compliance by a specific date. Again, we believe it is important that you be present at the meeting to address the CEAAB. If the violation is corrected and then reoccurs, or if the violation is corrected prior to the referenced hearing, this case may still be presented to the CEAAB.

In accordance with Florida Statutes 286.0105: "If any person decides to appeal any decision made by the Code Enforcement, Adjustments & Appeals Board with respect to any matter considered at this scheduled meeting, the person will need a record of the proceedings and, for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

If you have any questions concerning this correspondence, please contact the Code Enforcement Inspector indicated below.

Robert van Mierop
Code Enforcement Inspector

City of St. Augustine
Planning & Building Department
P.O. Box 210
St. Augustine, FL 32085-0210

Certified Mail Number: **7019 2280 0000 6192 8935**
7019 2280 0000 6192 8942

cc: John P. Regan, City Manager
CEAAB File

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice no later than seven days prior to the proceeding at the address given on the notice. Telephone (904) 825-1007, 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

AFFIDAVIT OF PRIMARY SERVICE

STATE OF FLORIDA
COUNTY OF ST. JOHNS
CITY OF ST. AUGUSTINE

Wallpher Revocable Living Trust

19 Martin Luther King Avenue

St. Augustine, FL 32084

Respondent

CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE CASE NUMBER: CE2022-0211

I, Robert van Mierop, being duly sworn and deposed say:

1. That I am employed by the City of St. Augustine Code Enforcement Department.
2. That pursuant to Florida Statute 162.12, on April 26, 2022, I received a copy of the attached Notice of Hearing for the hearing dated May 10, 2022.
3. That on April 26, 2022, I
   ☑ Mailed said Notice by certified U. S. Mail to the respondent, at the above listed address.
4. That on _____ __, 20__, I
   ☐ Hand delivered said Notice to _____ at _____.

FURTHER, Affiant saith not.

Robert van Mierop
Code Enforcement Inspector

SWORN TO AND SUBSCRIBED BEFORE ME THIS 3RD DAY OF MAY, 2022.

Morganne E. Pratten
Notary Public, State of Florida
My Commission Expires: 20th day of MARCH, 2022.

MORGANNE E. PRATTEN
Notary Public-State of Florida
Commission # HH 242598
My Commission Expires
March 20, 2026

AFFIDAVIT OF SECONDARY SERVICE

STATE OF FLORIDA
COUNTY OF ST. JOHNS
CITY OF ST. AUGUSTINE

Wallpher Revocable Living Trust
19 Martin Luther King Avenue
St. Augustine, FL 32084

Respondent

CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE CASE NUMBER: CE2022-0211

I, Robert van Mierop, being duly sworn and deposed say:

1. That I am employed by the City of St. Augustine Code Enforcement Department.
2. That pursuant to Florida Statute 162.12, on April 28, 2022, I received a copy of the attached Notice of Hearing for the hearing dated May 10, 2022.
3. That on April 28, 2022, I
   ☑ Posted said Notice on the property located at 19 Martin Luther King Avenue, St. Augustine, FL 32084.
4. That on April 28, 2022, I
   ☑ Posted said Notice at the City of St. Augustine Clerks Office located at 75 King St., St. Augustine, FL.

FURTHER, Affiant saith not.

Robert van Mierop
Code Enforcement Inspector

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28 DAY OF APRIL, 2022.

Morganne E. Pratten
Notary Public, State of Florida
My Commission Expires: 20 day of MARCH, 2026.

MORGANNE E. PRATTEN
Notary Public-State of Florida
Commission # HH 242598
My Commission Expires
March 20, 2026

CITY OF ST. AUGUSTINE
CODE ENFORCEMENT DIVISION
75 King Street
St. Augustine, FL 32084
904-825-1065

CODE ENFORCEMENT DIVISION

April 18, 2022

IN THE MATTER OF:	Name:	Wallpher Revocable Living Trust C/O Luis & Monica Wallpher
	Address:	19 Martin Luther King Avenue Saint Augustine, FL 32084
	Case #:	CE2022-0211

HEREBY KNOWN AS RESPONDENT(S)

OFFICIAL NOTICE OF VIOLATION

RE: VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida

Code Section: Chapter 25, Section 25-56(g) – Tree Removal and Replacement

SITE OF VIOLATION:	19 Martin Luther King Avenue
LEGAL DESCRIPTION:	3-7 BURT SUB OF BLK 46-J CITY S75 OF W13 6FT LOT A OR4723/327 & 5399/985(Q/C)
PARCEL NUMBER:	2031900000

The City of St. Augustine conducted an inspection and/or review of City records regarding the subject property on April 14, 2022 which revealed the following violations:

- **Removal of five trees; one (1) 16" diameter Water Oak, one (1) 18" diameter Water Oak, one (1) 26" diameter Water Oak, one (1) approximately 17" diameter Hackberry, and one (1) approximately 14" diameter Southern Red Cedar without tree removal permits.**

It is our goal to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine and, accordingly, your cooperation regarding this matter is greatly appreciated. If you should have any questions concerning this matter, please contact the Code Enforcement Division at (904) 825-1066.

Robert van Mierop

Notice of Violation
CE2022-0211

Code Enforcement Officer

CITY OF ST. AUGUSTINE
Planning and Building Department
P.O. Box 210
St. Augustine, FL 32085-0210
(904) 825-1066

Certified Mail Number: 7019 2280 0000 6192 8843
7019 2280 0000 6192 8867
7019 2280 0000 6192 8850

cc: John P. Regan, City Manager
CEAAB File

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice no later than seven days prior to the proceeding at the address given on the notice. Telephone (904) 825-1007, 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service.

SB Tree Service

1424 Ridgewood Ave Suite 5
Holly Hill, Fl 32117
(386)341-4800

Services Performed For:
Luis Wallpher
19 Martin Luther King Ave
Saint Augustine, FL 32084
WallpherRL@bellsouth.net

Services Performed By:
Christopher Forrest
ISA Certified Arborist
Tree Risk Assessment Qualified
FL-9678A

04/13/2022

Scope: To Assess the current property and provide recommendations and my professional opinion on the health and structure of the tree and any risk it may pose.

Tree Species: Celtidaceae
Common Name: hackberry
DBH: 19"
Location: Front left yard

Hackberry has a codominant trunk with included bark. Laterals have rot and decay throughout inner cambium. Specimen has a heavy lean towards structure with decayed laterals hanging over roof. Hackberry poses a high risk of failure in abnormal weather conditions.

Conclusion: Upon conduction a visual inspection and listening to the homeowner's desire, Specimen has shallow root system with signs of lifting and the improper pruning that has left the specimen top heavy with branches hanging over target. Homeowner wishes to eliminate all risk by removing the hackberry tree.

CERTIFIED ARBORIST ISA TM

Christopher Forrest
ISA Certified Arborist
Tree Risk Assessment Qualified
FL-9576A

Conor Rodgers
Sales Representative
Tel. 386-320-6307
sales@cuttingedgetreeexperts.com
Licensed & Insured
CUTTING EDGE TREE EXPERTS
Specialty Tree Care
Hurricane Preparation
Tree Removals
Tree Healthcare
Stump Grinding
Servicing Central Florida
24hr Emergency Services

St. Johns County, FL

Apply for Exemptions

Apply for Exemptions

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

Sales Questionnaire

2021 TRIM Notice

2021 TRIM Notice (PDF)

Summary

Clicking Image Opens Cyclomedia Viewer In a New Tab

12/2/2020

© CycloMedia (https://cyclomedia.com/)

Parcel ID	2031900000
Location Address	19 MARTIN LUTHER KING AVE SAINT AUGUSTINE 32084-0000
Neighborhood	City of St. Augustine (610)
Tax Description*	3-7 BURT SUB OF BLK 46-J CITY S75 OF W13 6FT LOT A OR4723/327 & 5399/985(Q/C) *The Description above is not to be used on legal documents.
Property Use Code	Single Family (0100)
Subdivision	Burt Subdivision, Plat Of
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	19.3368
Acreage	0.220
Homestead	N

Owner Information

Owner Name	Wallpher Revocable Living Trust D: 10/20/2021 100% Wallpher Monica CO-Trustee 0% Wallpher Luis A CO-Trustee 0%
Mailing Address	1550 DOEHLER AVE SAINT AUGUSTINE, FL 32084-0000

Map

Valuation Information

	2022
Building Value	$274,238
Extra Features Value	$5,865
Total Land Value	$236,250
Agricultural (Assessed) Value	$0
Agricultural (Market) Value	$0
Just (Market) Value	**$516,353**
Total Deferred	$73,944
Assessed Value	**$442,409**
Total Exemptions	$0
Taxable Value	**$442,409**

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

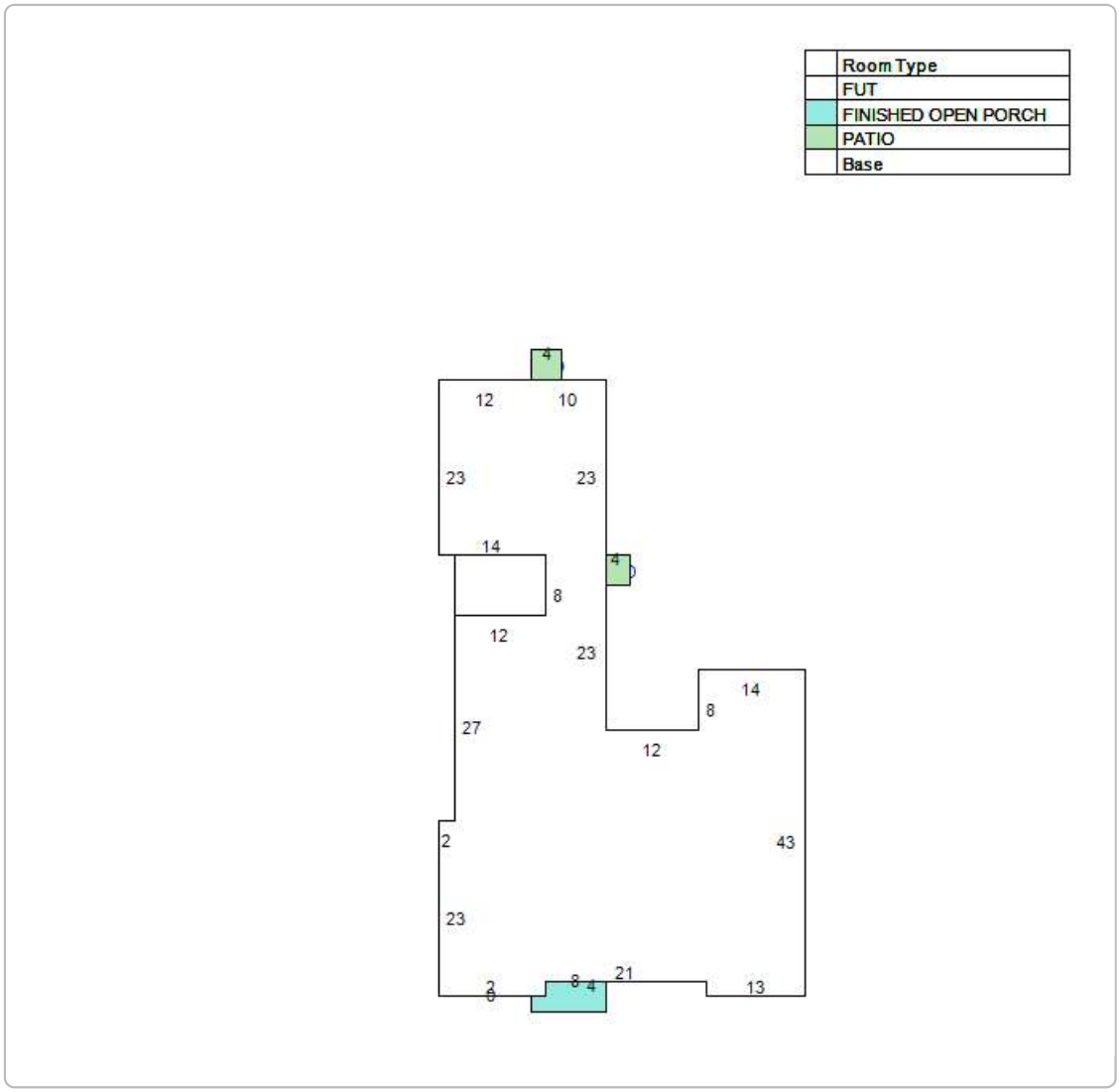
Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2021	$192,267	$5,865	$204,750	$0	$0	$402,882	$402,190	$692	$402,190
2020	$174,700	$5,865	$185,062	$0	$0	$365,627	$365,627	$0	$365,627
2019	$183,163	$1,690	$171,281	$0	$0	$356,134	$218,236	$137,898	$218,236
2018	$69,159	$1,690	$149,625	$0	$0	$220,474	$198,396	$22,078	$198,396
2017	$69,159	$3,300	$149,625	$0	$0	$222,084	$180,360	$41,724	$180,360
2016	$69,159	$3,300	$135,844	$0	$0	$208,303	$163,964	$44,339	$163,964
2015	$62,242	$3,300	$104,344	$0	$0	$169,886	$149,058	$20,828	$149,058
2014	$46,650	$3,300	$94,500	$0	$0	$144,450	$135,507	$8,943	$135,507
2013	$46,650	$3,300	$73,238	$0	$0	$123,188	$123,188	$0	$123,188
2012	$46,650	$3,300	$63,788	$0	$0	$113,738	$113,738	$0	$113,738
2011	$48,982	$3,300	$70,875	$0	$0	$123,157	$123,157	$0	$123,157
2010	$53,647	$3,300	$78,750	$0	$0	$135,697	$135,697	$0	$135,697

Building Information

Building	1
Year Built	1947
Actual Area	2756
Conditioned Area	2596
Use	Single Family Residence
Style	01
Class	N
Exterior Wall	Brick 2
Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Hardwood, Ceramic Tile
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	4
Baths	3

Description	Square Footage
BASE AREA	2596
PATIO	16
FINISHED OPEN PORCH	36
FRAME UTILITY	96
PATIO	12
Total SqFt	2756

Sketch Information



Extra Feature Information

Code Description	Status	Value
Garage		5865

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	75	136	75	EF	$236,250

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
10/21/2021	10/20/2021	$100.00	QUIT CLAIM DEED	5399	985	U	I	WALLPHER MONICA	WALLPHER REVOCABLE LIVING TRUST D: 10/20/2021
5/13/2019	5/10/2019	$445,000.00	WARRANTY DEED	4723	327	Q	I	KAVANAUGH THOMAS C & CHERYL E NELSON-	WALLPHER MONICA
	11/23/2002	$185,000.00	WARRANTY DEED	1857	1561	Q	I	PLOURDE ROBERT C & ELIZABETH	KAVANAUGH THOMAS C & CHERYL E NELSON-
	4/1/1987	$80,000.00		743	1038	Q	I		PLOURDE ROBERT C,ELIZABETH
	7/1/1985	$0.00		680	1255	U	I		

No data available for the following modules: Exemption Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
User Privacy Policy
GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 4/27/2022, 12:18:54 AM

Version 2.3.191

Dennis W. Hollingsworth Tax Collector

generated on 4/27/2022 10:58:56 AM EDT

Tax Record

Last Update: 4/27/2022 10:58:56 AM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account or Parcel Number	Tax Type	Tax Year
203190-0000	**REAL ESTATE**	**2021**

Mailing Address
WALLPHER MONICA
C/O WALLPHER REVOCABLE LIVING
TRUST D: 10/20/2021
1550 DOEHLER AVE
SAINT AUGUSTINE FL 32084-0000

Physical Address
19 MARTIN LUTHER KING AVE

Exempt Amount	Taxable Value
$0.00	**$402,190.00**

Exemption Detail
NO EXEMPTIONS

Millage Code
452

Escrow Code

Legal Description
18-07-30.22 Acres 3-7 BURT SUB OF BLK 46-J CITY S75 OF W13 6FT LOT A OR4723/327

Ad Valorem Taxes

Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
COUNTY					
GENERAL	4.6537	402,190	0	$402,190	$1,871.67
ROAD	0.8444	402,190	0	$402,190	$339.61
HEALTH	0.0160	402,190	0	$402,190	$6.44
SCHOOL					
SCHOOL-STATE LAW	3.5640	402,882	0	$402,882	$1,435.87
SCHOOL - LOCAL BOARD	2.2480	402,882	0	$402,882	$905.68
SJRWMD	0.2189	402,190	0	$402,190	$88.04
MOSQUITO	0.2000	402,190	0	$402,190	$80.44
CITY OF ST AUGUSTINE	7.5000	402,190	0	$402,190	$3,016.43
FL INLAND NAV DISTRICT	0.0320	402,190	0	$402,190	$12.87
PORT AUTHORITY	0.0598	402,190	0	$402,190	$24.05

Total Millage	19.3368	Total Taxes	$7,781.10

Non-Ad Valorem Assessments

Code	Levying Authority	Amount
4105	C OF S A FIRE ASSESS FEE	$185.48

Total Assessments	$185.48
Taxes & Assessments	$7,966.58

If Paid By	Amount Due
	$0.00

Date Paid	Transaction	Receipt	Item	Amount Paid
11/2/2021	PAYMENT	1011546.0004	2021	$7,647.92

Prior Year Taxes Due
NO DELINQUENT TAXES