



AGENDA

Code Enforcement, Adjustments and Appeals Board

**City of St. Augustine,
Florida Alcazar Room**

Tuesday, April 13, 2021 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 February 9, 2021.
5. **Disclosure of Ex-Parte Communications**
6. **Building Code Variances**

(None)
7. **Review of Previously Heard Cases**
 - a. 2019-0398 Carmine J Cupo Trust
[28 Grove Avenue](#)
City Code, Chapter 25, Section 25-56
Closing case for compliance.
 - b. 2021-0174 Estate of Thomas Neville
Rose Fieldhouse
[13 Douglas Avenue](#)
Application for recommendation of reduction or
removal of recorded lien.

8. Review of New Cases

a. 2021-0027

Carol Lee Corbitt
[14 Myrtle Avenue](#)
City Code, Chapter 19, Section 19-3,
Unlawful conditions.

9. City Attorney Items

(None)

10. Other Business

(None)

11. Review of Conflict Statements from Previous Meeting

12. 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.

The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance, and are not intended to be relied upon or to reach investors or the trading markets.



**ADMINISTRATIVE ORDER OF THE CITY OF ST. AUGUSTINE, FLORIDA
RELATING TO PUBLIC HEALTH EMERGENCY 20-51 (COVID)
ADMINISTRATIVE ORDER NO. 20-17**

Consistent with the Governor of Florida's Executive Order No. 20-51 and 20-52, as extended, modified, or amended, under the authority granted by the City of St. Augustine's Charter, Article IV, Division 4, and pursuant to Resolution 2020-10, the City Manager, or the Assistant City Manager as designated by the City Charter, or their designee, may make administrative orders and rules that have the full force and effect of local law during the pendency of a federal, state or local emergency or public health emergency. All existing laws, ordinances, and rules inconsistent with the provisions of sections 252.31-252.90, Florida Statutes, or identified as inconsistent with the directives of the State Health Officer and Surgeon General pursuant to their authority under Chapter 381, Florida Statutes, shall be suspended during the period of time and to the extent that such conflict exists. The City Manager, Assistant City Manager, or their designee, may issue administrative orders in support of these public health emergency directives to provide more efficient and orderly preparedness and recovery. Consistent with public health emergency directives of the State of Florida, the City Manager or designee may waive the procedures and formalities otherwise required, when reasonably necessary to preserve the health and welfare of the public.

Consistent with City of St. Augustine Resolutions 2020-20, 2020-21, and 2020-39 the City Manager, or their designee, specifically authorizes the following health and safety protocols:

- 1) All meeting rooms will be configured to maintain the 6-foot social distancing radius recommended by the CDC.
- 2) All meeting rooms will be sanitized by wiping all flat surfaces and chairs prior to each meeting.
- 3) All members of the public, City Commission, staff, and appointed boards or committees are required to wear a face covering over the nose and mouth at all times while in the meeting room.
- 4) Face masks and hand sanitizer will be made available as needed prior to entry.
- 5) Face coverings include a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or full-face shields.
- 6) Participants requesting accommodation due to a disability which prevents the use of face coverings may use alternative face coverings. Alternative face coverings include scarves, other loose face covering, or full-face shield.
- 7) Participants unable or unwilling to wear a face covering will be required to remain outside of the meeting hall where they may audibly observe the meeting or hearing.
- 8) Participants unable or unwilling to wear a face covering will be allowed to participate in any public comment period from a microphone outside the meeting room and audible to the Commission or Board.
- 9) Capacity for physical attendance within the Alcazar Room will be reduced based on the 6-foot social distancing and air flow requirements. Physical attendance will be prioritized as follows until maximum capacity is reached:
 - a. Commission Members
 - b. City Attorney
 - c. City Manager
 - d. City Clerk
 - e. Necessary staff

f. Applicants (one at a time)

g. Public participants

10) Applicants appearing before a board for hearing will be asked to queue outside the meeting room and enter with any witnesses or agents upon the calling of their application for hearing.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in public meetings should contact the City not later than seven (7) days prior to the meeting.

Any administrative action taken on or after the effective date of Resolution 2020-10, is hereby ratified.

This Administrative Order shall expire when the Florida COVID-19 State of Emergency expires, as it may be extended, modified, or amended from time to time.

Filed in the office of the City Clerk, of the City of St. Augustine, this 8th day of Feb, 2021.



John Regan, City Manager

CITY OF ST. AUGUSTINE, FLORIDA

Code Enforcement, Adjustments and Appeals Board Meeting
February 9, 2021

The Code Enforcement, Adjustments and Appeals Board met in formal session at 3:00 P.M., Tuesday, February 9, 2021, in the Alcazar Room at City Hall. The meeting was called to order by Stephen Simmons, Chairperson, and the following were present:

1. ROLL CALL

Stephen Simmons, Chairperson
Larry Weeks, Vice Chairperson
Charles Pappas
Karen Valachovic
Thomas Day

CeCe Reigle - Absent

Staff Present:

Denise May, Esq., Assistant City Attorney
David Birchim, Director, Planning & Building Department
Richard Schauland, Building Official
Curtis Boles, Code Enforcement Inspector
Robert van Mierop, Code Enforcement Inspector
Sandra Partin, Administrative Coordinator
Meredith Randolph, Administrative Coordinator,
Recording

The City staff was sworn in.

3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

MOTION

Mr. Weeks moved to nominate Stephen Simmons as Chair. Motion was seconded by Mr. Pappas. Motion carried unanimously.

Mr. Day moved to nominate Larry Weeks as Vice Chair. Motion was seconded by Mr. Pappas. Motion carried unanimously.

4. APPROVAL OF 2021 BOARD MEETING CALENDAR

MOTION

Mr. Pappas moved to APPROVE the 2021 Code Enforcement Board meeting calendar as presented. Motion was seconded by Mr. Day. Motion carried unanimously.

5. GENERAL PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

None.

6. APPROVAL OF MINUTES
(November 10, 2020)

MOTION

Mr. Pappas moved to **APPROVE** the minutes. Motion was seconded by Mrs. Valachovic. Motion carried unanimously.

7. DISCLOSURE OF EX-PARTE COMMUNICATIONS

Mr. Pappas disclosed he watched the HARB meeting for 97 Masters Drive.

8. BUILDING CODE VARIANCES

Item 8 (a) **2021-0040**

46 Avenida Menendez Inc.
46 Charlotte Street
Variance of Floodplain Management Code
City Code Chapter 8, Section 8-446

Representative for the property owner was present.

Sammy Hale, representative, at 4 Eugene Place spoke on the project and explained the significance of the building. Mr. Hale confirmed the property did not flood in previous hurricanes.

Mr. Schauland reported the following:

- The property had an active building permit and it had been determined the proposed work to be a substantial improvement.
- The property is within flood zone AE with a base flood elevation (BFE) of 8-foot NAVD.

- One of the flood requirements for new construction was for the finished floor elevation to be one foot above the BFE, or 9-foot NAVD 1988 for this structure.
- The finished floor elevation was approximately 3 inches below the required elevation for new construction.
- The building did not receive flood damage during Hurricanes Matthew, Irma, or Dorian.
- The applicant requested a variance to the requirement of elevating the finished floor of the structure as authorized by CoSA Ord. Sec. 8-450 – Historic buildings, which authorized the variance if requirements are met.
- The building is a contributing resource within a National Register of Historic Places listed district.
- The proposed work would not preclude the building's continued designation as an historic building. All proposed work for the building had been approved by the Historic Architectural Review Board.
- This variance was only for elevating the building; all other requirements will be complied with.
- Staff recommended the approval of this variance with the following findings:
 1. The building meets the criteria of an historic structure as it is listed on the St. Augustine Historic District Site Inventory as a contributing building.

2. The proposed work will not preclude the building's continued designation.
3. The requested variance is the minimum necessary to preserve the historic character.
4. The variance will not cause added danger to life or property.
5. The variance will not cause added cost to governmental services.

Public comment was opened. No one spoke.

MOTION

Mr. Pappas moved to APPROVE the variance, to include the findings as provided by staff. Motion was seconded by Mrs. Valachovic. Motion carried unanimously.

9. REVIEW OF PREVIOUSLY HEARD CASES

None.

10. REVIEW OF NEW CASES

Item 10 (a) 2020-0463

Barbara W. Teisan
47 Grove Avenue

City Code, Chapter 3, Section 3-2
Attaching advertising matter to poles, trees, etc.

City Code, Chapter 17, Section 17-72
Engaging in business without a receipt; failure to comply.

Respondent was present.

Jeremy Adam Teisan of 47 Grove Avenue spoke as a witness for

this case. Mr. Teisan had not submitted owner authorization to represent and speak for Mrs. Teisan, the witness' mother. Mr. Teisan stated he was covering for an employee of Mr. Patel's to park cars on a property adjacent to 47 Grove Avenue. He explained that the cars at the property were for his AirBnb at 78 Spanish Street and residents at 47 Grove Avenue. He explained he was not the person to post the signs or park any cars for 47 Grove Avenue.

Mr. van Mierop reported the following:

- On December 28, 2020 a complaint was received from a property owner near 47 Grove Avenue who advised the resident at 47 Grove Avenue was selling parking spaces, parking cars at that address, and attached signs advertising the sales of parking spaces to a Southern Red Cedar tree and to a street sign, both of which are located in the City right of way.
- On December 28, 2020 at 6:45pm, Staff visited the Respondent's address and saw two signs on a Cedar tree located in City right of way along Castillo Drive; and one sign attached to a "No Parking on Grass" sign. On one sign the letter "P" was circled at two locations on the sign, and it had "10.00" in between the two circled letters. The other sign was attached to a "No Parking on

Grass" sign, and it displayed "15.00" with an arrow, and "10."

- On December 28, 2020, Mr. van Mierop removed the signs located in the right of way and spoke to the resident Jeremy Teisan. Mr. Teisan commented he has no other way to make money due to Covid. As of December 28, 2020, there was no record of a Business Tax Receipt for this address. Staff presented photo evidence of the signs.
- On January 10, 2017, Case Number 2016-4488, the property owner was found to be in violation of Engaging in business without a receipt and a fine was imposed in the amount of \$250.00.
- On May 14, 2019, Case Number 2019-0170, the property owner was found to be in violation for attaching advertising matter to poles, trees, etc. and a fine in the amount of \$250.00 a day for two days of violation was imposed. Also on that date, the property owner was found to be in repeat violation of engaging in business without a receipt and a fine was imposed in the amount of \$500.00 a day for two days of violation.
- Staff defined Florida Statute 162.04 (5) of "Repeat Violation."
- Staff recommended that the CEAAB find the Respondent to be in violation of City Code, Chapter 3, Section 3-2, Attaching advertising matter to poles, trees, etc., that the Board find this to be

a repeat violation, and that a fine in the amount of \$500.00 be imposed.

- Staff recommended the CEAAB find the Respondent to be in violation of City Code, Chapter 17, Section 17-72, Engaging in business without a receipt, that the Board find this to be a repeat violation, and that a fine in the amount of \$500.00 be imposed.

Mr. Simmons asked Staff if any ordinance had been changed to permit the Respondent to have a license to park at the property.

Mr. Day asked if the present respondent, Mr. Teisan, was the same individual from the case for 2017. Staff confirmed.

Mr. Weeks questioned the witness about the owner of 78 Spanish Street.

Mrs. Valachovic questioned the witness and Staff about the direction of the signs. Staff clarified the sign with the arrow was positioned on the sign behind the property on the right-hand side of the road at 47 Grove Avenue.

Mr. Day asked Staff if the property had a business license to operate the parking of cars. Staff confirmed no business license for either Mr. Teisan or Mr. Patel.

Mr. Simmons stated a business license would not be allowed for parking due to zoning requirements.

Public comment was opened. No one spoke.

The Board discussed the case and past violations for the property. Mr. Simmons clarified that this violation occurred for one day.

FIRST MOTION

Mr. Pappas moved to find the Respondent in repeat violation of City Code, Chapter 17, Section 17-72 and impose a fine of \$500 for one day of repeat violation. Motion was seconded by Mr. Day. Motion carried unanimously.

SECOND MOTION

Mr. Weeks moved to find the Respondent in repeat violation of City Code, Chapter 3, Section 3-2 and impose a fine of \$500 for one day of repeat violation. Motion was seconded by Mr. Day.

VOTE ON SECOND MOTION:

AYES: Weeks, Day, Valachovic, Simmons

NAYES: Pappas

**MOTION NOT CARRIED
UNANIMOUSLY**

Item 10 (b) 2021-0028

97 Masters LLC

97 Masters Drive

**City Code, Chapter 25, Section 25-56
Tree removal and replacement.**

Respondent was present.

Property owner, Todd Wilson of 1015 Poinsettia Road, spoke. Mr. Wilson explained their plans are to build commercial use on the property. Mr.

Wilson confirmed he knew the property was zoned commercial, but the arborist assumed the property was residential and that it was an honest mistake. He explained the demolition, as well as the City's fiber optics, caused damage to the root system and the proposed building would further damage the tree.

Mr. Boles reported the following:

- On January 14, 2021, staff received an arborist report dated October 27, 2020 from Jack Leake, Affordable Tree and Landscape LLC, recommending the removal of a 29" d.b.h. Eastern Red Cedar Tree which stated they would proceed with removal, citing that the tree would die post construction.
- On January 15, 2021, staff conducted an inspection of records and found that a tree removal permit had not been submitted or approved. In accordance with House Bill 1159, residential properties are not required to obtain a tree removal permit 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.
- This property is zoned Commercial-low one (CL-1).
- On January 21, 2021, staff sent an Official Notice of Violation to the respondent at both the physical address, which was

returned unclaimed, and the address of record, which was received January 23, 2021, via certified mail.

- On January 21, 2021, staff sent an Official Notice of Hearing to the respondent at both the physical address, which was returned unclaimed, and the address of record, which was received January 23, 2021, via certified mail.
- On January 22, 2021, a Posting Affidavit of the February 9, 2021 meeting was posted at the property, as well as the City Clerk's office.
- Staff recommended that the Board find violation for the irreparable or irreversible damage to the 29" d.b.h. Eastern Red Cedar tree and issue an "Order Finding Violation and Imposing a Fine" up to \$5,000, in accordance with Florida Statute 162.09.
- Staff put into record the June 22, 2020 Planning and Zoning Board order for approval of Use by Exception.

The Board asked staff about the proposed plans for the property. Staff could not confirm the intentions for the property, but confirmed the owners were approved for commercial use by PZB.

In response to Board questions about the Statute, Mr. Schauland clarified the Florida Statute 162.09 and the language of the arborist report received.

The Board discussed the tree replacement options and penalty for tree removal without a permit.

Mr. Weeks asked the Respondent if the demolition contractor placed protection around the tree. The Respondent was not sure if this occurred.

Mrs. May clarified the law for this case, which was for the Board to determine if the tree was removed without a permit.

Public comment was opened.

Jack Leake, arborist at 520 Wood Chase Drive, provided testimony. He explained that he made a mistake because he assumed the property was a residential use. Mr. Leake wrote the arborist letter but clarified he did not cut down the tree. He also explained the street was ripped up from the city water department as well.

The Board discussed the need for a permit to remove a tree, the penalties for tree removal, and the HARB meeting for the demolition application for 97 Masters Drive.

Mr. Pappas explained the significance of the removed Cedar tree and he would move for the maximum penalty.

MOTION

Mr. Day moved to find Respondent in violation of Chapter 25, Section 25-56 for irreparable and irreversible damage and impose a fine of \$2,500. Motion was not seconded and failed.

MOTION

Mr. Pappas moved to find Respondent in violation of Chapter 25, Section 25-56 for irreparable and irreversible damage of removal of a tree without a permit and impose a fine of \$5,000. Motion was seconded by Mrs. Valachovic.

VOTE ON MOTION:

AYES: PAPPAS, VALACHOVIC, WEEKS, SIMMONS

NAYES: DAY

**MOTION NOT CARRIED
UNANIMOUSLY**

11. CITY ATTORNEY ITEMS

None.

12. OTHER BUSINESS

None.

**13. REVIEW OF CONFLICT
STATEMENTS FROM PREVIOUS
MEETING**

None.

14. ADJOURNMENT

Meeting was adjourned at 4:03 P.M.

Stephen Simmons, Chairperson

Meredith Randolph, Administrative
Coordinator

**CITY OF ST. AUGUSTINE
MEMORANDUM**

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

DATE: April 13, 2021

SUBJECT: Case Number: 2019-0398

RESPONDENT: Carmine J. Cupo, Trust
Ms. Jerry Cupo

LOCATION: 28 Grove Avenue Parcel Number 194320 0000

VIOLATION: Tree removal without permit
City Code, Chapter 25, Section 25-56
Tree Removal and Replacement

BACKGROUND INFORMATION:

On November 19, 2019, the Code Enforcement Adjustment and Appeals Board found the Respondent in violation and issued an Order Imposing a Fine in the amount of \$800.00. It was also ordered that one replacement tree be planted on the property.

As of April 7, 2021 the Respondent has paid the \$800.00 fine and one replacement tree has been planted on the property.

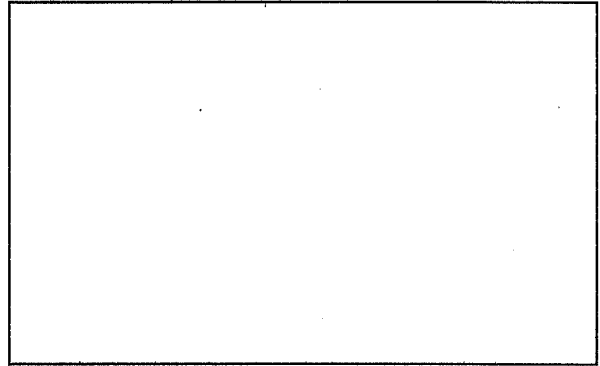
STAFF COMMENTS AND RECOMMENDATIONS:

Staff recommends the CEAAB close this case for compliance. The fine has been paid in full, and the replacement shade tree has been planted.

**Robert van Mierop
Code Enforcement Officer**

BEFORE THE
CODE ENFORCEMENT,
ADJUSTMENTS AND APPEALS BOARD
CITY OF ST. AUGUSTINE, FLORIDA

ORDER FINDING VIOLATION
CEAAB CASE NUMBER: CE2019-0398



IN THE MATTER OF:

CARMINE J CUPO TRUST
28 GROVE AVE
SAINT AUGUSTINE, FL 32084-0000

(Hereinafter referred to as Respondent)

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

City Code, Chapter 25, Section 25-56

VIOLATION SITE: 28 GROVE AVENUE

LEGAL DESCRIPTION: KINGSLAND ADDN S122.5FT OF LOT 42 OR220/46
&2106/655(Q/C)

PARCEL NUMBER: 194320 0000

THE CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD HEARD TESTIMONY AND EXAMINED EVIDENCE AT A HEARING HELD ON NOVEMBER 19, 2019 AND, BASED ON THE EVIDENCE, HAS ADJUDGED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is the legal owner and/or occupant of the subject property and was duly notified of the hearing held on November 19, 2019, in accordance with Chapter 162, F.S.

The respondent and/or authorized representative was present at the November 19, 2019, Code Enforcement, Adjustments and Appeals Board meeting and testified under oath.

2. In response to a public complaint, the staff observed the following code violations on September 9, 2019:

Removal of a 38" d.b.h. Live Oak tree without a permit

3. The above described is a violation of the following Section(s) of the City Code of St. Augustine:

Chapter 25, Section 25-56

4. On October 16, 2019, the Planning and Building Department sent an "Official Notice of Violation" to formally advise the respondent of the violation, via certified mail.
5. On October 17, 2019, the Planning and Building Department sent the respondent, via certified mail, an "Official Notice of Hearing" for November 19, 2019. And on November

13, 2019, the City Clerk's Office and the property were posted with a Posting Affidavit of an "Official Notice of Hearing" for November 19, 2019.

6. On November 19, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in "violation" and issued an "Order Imposing a Fine" in the amount of \$800.00 and stipulated at one replacement shade tree shall be planted on the property.

THIS ORDER MAY BE RECORDED IN THE OFFICIAL RECORD BOOKS OF ST. JOHNS COUNTY FORTHWITH AND SHALL CONSTITUTE A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR, PURSUANT TO CHAPTER 162.08 AND 162.09 OF THE FLORIDA STATUTES. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY.

DONE AND ORDERED THIS 19TH DAY OF NOVEMBER, 2019 in open session at the Alcazar Room, 75 King Street, St. Augustine, Florida.



MARTHA MICKLER, CHAIRMAN
CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Stephen Simmons who is personally known to me who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 25th day of February, A.D., 2019.


Notary Public, State of Florida

You have 30 days in which to appeal this order to the Circuit Court of St. Johns County. The Code Enforcement, Adjustments and Appeals Board, upon notification by the Code Enforcement Inspector that a previous order of the Board has not been complied with by the set time, may order the violator to pay a maximum fine of \$250 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the Sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for the enforcement purposes. After three (3) months from filing of any such liens which remain unpaid, the Code Enforcement, Adjustments and Appeals Board may authorize the local governing body attorney to foreclose on the lien.

MOTION

Mr. Simmons moved to Continue the case until the January 14, 2019 meeting. The motion was seconded by Mr. Masson and approved by unanimous voice vote.²

6. REVIEW OF NEW CASES

Item 6 (a) 2019-0398

Carmine J. Cupo, Trust

28 Grove Avenue

City Code, Chapter 25, Section 25-56

Tree removal without a permit

Mr. Masson recused himself from the hearing of this case, as the firm he is employed by had been hired in the past as counsel for the respondent in this case.

Mrs. Mickler acknowledge that Mr. Masson removed himself from the meeting room for the hearing of the case.

Mr. van Mierop read the staff report and provided staff recommendation that the property be found in violation and that a fine be imposed with required replacements.

² Mr. Weeks asked for clarification of the recommended fine not being included in the motion. Mr. Birchim explained that the staff report with recommendation was prepared prior to the permit application having been received for relocation of the fence.

Geraldine Cupo, 28 Grove Avenue, was present and testified to the following:

- She was testifying on behalf of her father, owner of the property, explaining that her father was 96 and suffered dementia.
- That she did not give permission to the tree company to remove the tree, only to trim the branches from over the house.
- That she had power of attorney for her father, and paid his bills, and looked after him.

Mr. Birchim explained that staff was conducting inspections prior to Hurricane Dorian, when they happened upon this debris and found that more than 30 percent of the tree had been removed.

Public comment was opened, however there was no response.

MOTION

Mr. Simmons moved to approve an Order Finding Violation and Imposing a Fine in the amount of \$800.00, consistent with the “after-the-fact” tree removal fee schedule, and further ordered that one replacement shade tree be planted on the property. The motion was seconded by Mr. Mahr and approved by unanimous voice vote.

Mr. Masson rejoined the meeting.

PAYMENT SUMMARY RECEIPT

CITY OF ST. AUGUSTINE - LIVE
75 King Street
St. Augustine FL 32084

DATE: 02/18/20 CUSTOMER#: 000000000
TIME: 15:25
CLERK: 1596plan

RECPT#: 1795976 PREV BAL:
TP/YR: MS/2020 AMT PAID: 800.00
BILL: ADJSTMNT:
EFF DT: 02/18/20 BAL DUE:
MISCELLANEOUS PAYMENT

-----TOTALS-----

PRINCIPAL PAID:	800.00
INTEREST PAID:	.00
ADJUSTMENTS:	.00
DISC TAKEN:	.00

AMT TENDERED:	800.00
AMT APPLIED:	800.00
CHANGE:	.00

PAID BY: CARMINE CUPO
PAYMENT METH: CHECK
PAYMENT REF: 1112

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 same area. Native vegetation shall be replaced with native vegetation. Shade trees must be replaced by shade trees. Understory 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) 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 of the 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.

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

Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

[Chapter 162](#)
COUNTY OR MUNICIPAL CODE
ENFORCEMENT

[View Entire
Chapter](#)

162.09 Administrative fines; costs of repair; liens.—

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real



Photo taken by City Staff, 09/02/2019
28 Grove Avenue



Photo taken by City Staff, 09/02/2019
28 Grove Avenue



09/09/2019 14:04







09/09/2019 13:43



09/09/2019 14:03



CODE ENFORCEMENT DIVISION



OFFICIAL NOTICE OF CEAAB HEARING

October 17, 2019

IN THE MATTER OF: Name: **CARMINE J. CUPO, TRUST
JERRY CUPO**
 Address: **28 GROVE AVENUE
ST. AUGUSTINE, FL 32084**
 Case #: **CE2019-0398**

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: **28 GROVE AVENUE**

LEGAL DESCRIPTION: **KINGSLAND ADDN S122.5FT OF LOT 42 OR220/46
&2106/655(Q/C)**

PARCEL NUMBER: **194320 0000**

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, November 19, 2019, 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:

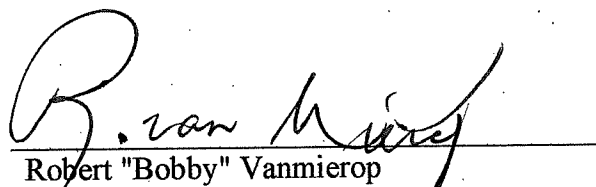
- Removal of a preserved 38" d.b.h. Live Oak tree without a permit, and without documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

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.

Notice of Hearing
CE2019-0398

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 "Bobby" Vanmierop
Code Enforcement Officer

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

Certified Mail Number: 7015 3430 0000 8755 4297

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.

7015 3430 0000 8755 4297

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Price

\$

Sent To

Street a

City, St

Carmine J. Cupo, Trust

Jerry Cupo

28 Grove Avenue

St. Augustine, FL 32084

PS Form 3800, April 2013 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmine J. Cupo, Trust
 Jerry Cupo
 28 Grove Avenue
 St. Augustine, FL 32084

2. Article Number
 (Transfer from service label)

7015 3430 0000 8755 4297

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

Jerry Cupo

C. Date of Delivery

10/29/19

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

28 Grove

POSTING AFFIDAVIT

**OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON TUESDAY, NOVEMBER 19, 2019
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET**

REGARDING THE FOLLOWING:

CASE NUMBER: 2019-0398
PROPERTY LOCATION: 28 GROVE AVENUE
PROPERTY OWNER: CARMINE J. CUPO, TRUST
VIOLATION OF CITY CODE: CHAPTER 25, SECTION 25-56

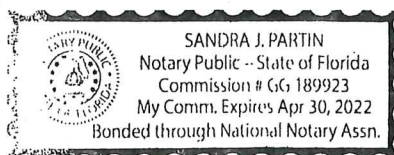
POSTED AT PROPERTY: November 13, 2019



**ROBERT VAN MIEROP
CODE ENFORCEMENT INSPECTOR**

**NOTARY PUBLIC,
STATE OF FLORIDA**

**SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY
OF November, 2019.**




SIGNATURE OF NOTARY

POSTING AFFIDAVIT

OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON TUESDAY, NOVEMBER 19, 2019
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET

REGARDING THE FOLLOWING:

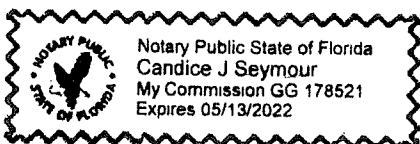
CASE NUMBER: 2019-0398
PROPERTY LOCATION: 28 GROVE AVENUE
PROPERTY OWNER: CARMINE J. CUPO, TRUST
VIOLATION OF CITY CODE: CHAPTER 25, SECTION 25-56

POSTED AT CITY HALL: November 13, 2019

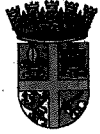
Darlene Galambos
DARLENE GALAMBOS
CITY CLERK

NOTARY PUBLIC,
STATE OF FLORIDA

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY
OF November, 2019.



[Signature]
SIGNATURE OF NOTARY



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



CODE ENFORCEMENT DIVISION

October 16, 2019

IN THE MATTER OF: Name: CARMINE J. CUPO, TRUST
JERRY CUPO
Address: 28 GROVE AVENUE
ST. AUGUSTINE, FL 32084
Case #: CE2019-0398

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

SITE OF VIOLATION: 28 GROVE AVENUE

LEGAL DESCRIPTION: KINGSLAND ADDN S122.5FT OF LOT 42 OR220/46
&2106/655(Q/C)

PARCEL NUMBER: 194320 0000

The City of St. Augustine conducted an inspection and/or review of City records regarding the subject property on September 9, 2019, which revealed the following violations:

- Removal of a preserved 38" d.b.h. Live Oak tree without a permit, and without 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.

In accordance with the Laws and Ordinances of the City of St. Augustine, and Florida Statutes, Section 162.09, if a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing a fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

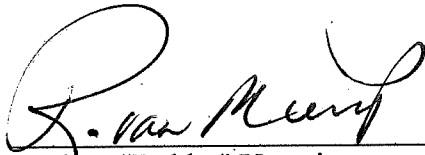
F.S. 162.09 (2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for the first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement

Notice of Violation
CE2019-0398

board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

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.

TAKE NOTICE THAT ANY FINE IMPOSED BY THE BOARD AGAINST YOU CONSTITUTES A LIEN AGAINST THE REAL PROPERTY UPON WHICH THE VIOLATION EXISTS, OR IF YOU DO NOT OWN THE PROPERTY, THEN AGAINST ANY REAL OR PERSONAL PROPERTY WHICH YOU DO OWN. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY. THEREFORE, IF FOR ANY REASON YOU ARE UNABLE TO COMPLY WITHIN THE STATED TIME, PLEASE NOTIFY THE CODE ENFORCEMENT INSPECTOR IMMEDIATELY.



Robert "Bobby" Vanmierop
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: 7015 3430 0000 8755 4280

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.

7015 3430 0000 8755 4280

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☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage	
Sent To	Carmine J. Cupo, Trust
Street and	28 Grove Avenue
City, State	St. Augustine, FL 32084
PS Form 3811, July 2013	Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carmine J. Cupo, Trust
28 Grove Avenue
St. Augustine, FL 32084

2. Article Number
(Transfer from service label)

7015 3430 0000 8755 4280

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Carmine J. Cupo 10-21-19

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

RECEIVED
OCT 23 2019

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

28 Grove



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2019 TRIM Notice

[2019 TRIM Notice](#)

2018 TRIM Notice

[2018 TRIM Notice](#)

Summary

Parcel ID	1943200000
Location Address	28 GROVE AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Kingsland Addition (604)
Tax Description*	KINGSLAND ADDN S122.5FT OF LOT 42 OR220/46 &2106/655(Q/C) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Multi-Family (Less than 10 Units) (0800)
Subdivision	Kingsland Tract Corrected Map
Sec/Twp/Rng	18-7-30
District	City of St Augustine (District 452)
Millage Rate	20.2171
Acreage	0.120
Homestead	Y

Owner Information

Owner Name	Cupo Carmine J Trust 100%
Mailing Address	Cupo Carmine J 100% 28 GROVE AVE SAINT AUGUSTINE, FL 32084-0000

Map



Valuation Information

	2019
Building Value	\$106,038
Extra Features Value	\$0
Total Land Value	\$104,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$210,038
Total Deferred	\$161,156
Assessed Value	\$48,882
Total Exemptions	\$30,000
Taxable Value	\$18,882

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
2018	\$92,206	\$0	\$96,000	\$0	\$0	\$188,206	\$47,971	\$170,235	\$17,971
2017	\$95,003	\$829	\$96,000	\$0	\$0	\$191,832	\$46,984	\$174,848	\$16,984
2016	\$90,415	\$829	\$84,000	\$0	\$0	\$175,244	\$46,018	\$159,226	\$16,018
2015	\$81,103	\$829	\$76,000	\$0	\$0	\$157,932	\$45,698	\$142,234	\$15,698
2014	\$70,592	\$829	\$69,000	\$0	\$0	\$140,421	\$45,335	\$125,086	\$15,335
2013	\$73,662	\$829	\$69,000	\$0	\$0	\$143,491	\$44,665	\$128,826	\$14,665
2012	\$67,284	\$829	\$57,510	\$0	\$0	\$125,623	\$43,918	\$111,705	\$13,918
2011	\$70,030	\$829	\$63,900	\$0	\$0	\$134,759	\$42,639	\$122,120	\$12,639
2010	\$63,280	\$829	\$71,000	\$0	\$0	\$135,109	\$42,009	\$123,100	\$12,009

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Veteran	\$5,000

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	2157	Roof Cover	Metal
Conditioned Area	2257	Interior Flooring	Pine Wood, Sheet Vinyl
Actual Year Built	1900	Interior Wall	Drywall
Use	Duplex	Heating Type	Forced Air
Style	01	Heating Fuel	
Class	N	Air Conditioning	Window
Exterior Wall	Concrete Block, Wood	Baths	2

Category	Type	Pct
Exterior Wall	Concrete Block	50%
Exterior Wall	Wood	50%
Roofing Structure	Gable Hip	100%
Roofing Cover	Metal	100%
Interior Walls	Drywall	100%
Interior Flooring	Pine Wood	80%
Interior Flooring	Sheet Vinyl	20%
Heating Type	Forced Air	100%
Air Conditioning	Window	100%
Frame	Masonry	100%
Plumbing	10 Fixtures	100%
Electrical	Average	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Concrete Slab	100%

Description	Conditioned Area	Actual Area
1.5 STORY	648	432
BASE AREA	1429	1429
HALF SCREEN PORCH	0	116
BASE AREA	180	180
Total SqFt	2257	2157

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Residential Fence	0	0	0	0	140

Land Information

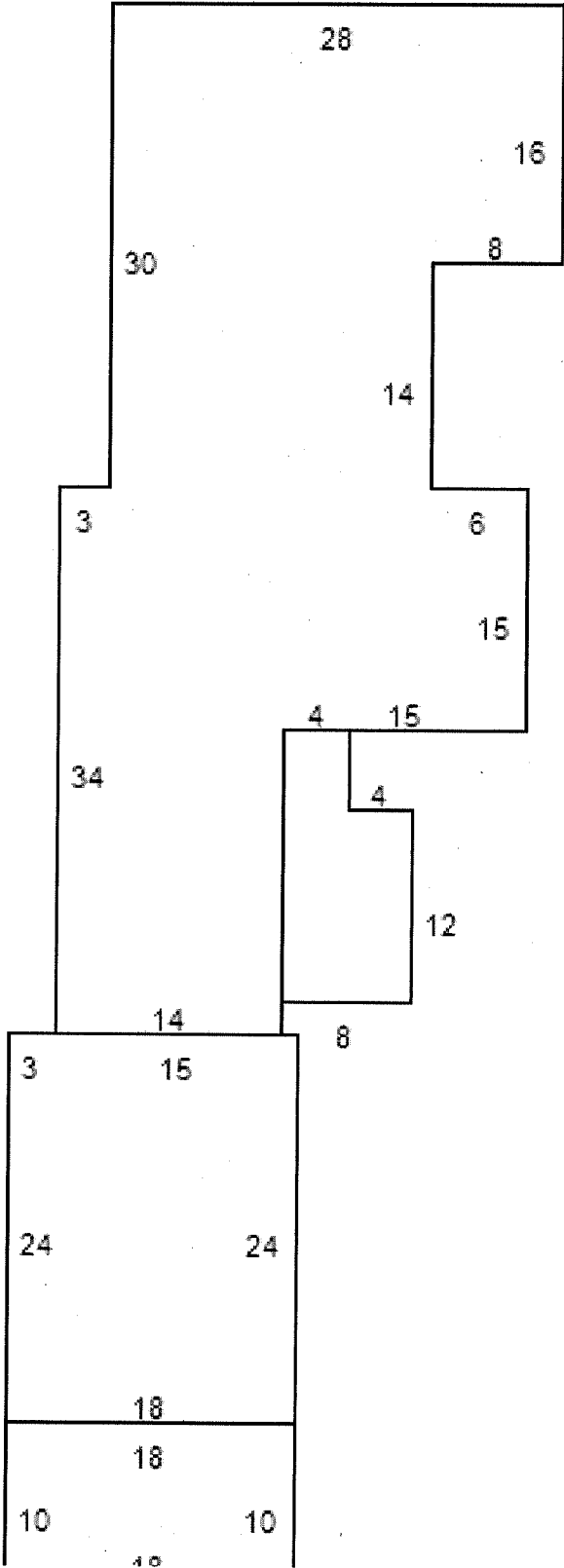
Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Multi-Family (Less than 10 Units)	40	123	40	EF	\$104,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	6/9/1995	\$100.00	QC	2106	655	U	I	CUPO CARMINE J	CUPO CARMINE J TRUSTEE

Area Sales Report[Recent Sales in Area](#)**Sketch Information**

	Room Type	Area
	OWH	0
	Base	0
	HSP	0



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Code Enforcement Adjustments and Appeals Board

DATE: April 13, 2021

RE: 13 Douglas Avenue
Request for Consideration – Removal of Fines and Lien

The property at 13 Douglas Avenue is a single family residence that had a swimming pool in the rear yard, adjacent to an open public alley. This swimming pool was unsecured and unmaintained, it was lifting out of the ground and was partially filled with green water. This was a violation of City Code Sec. 8-301 (Property Maintenance Code).

Between December 2018 and November 2019, the City Code Enforcement Division and the City Code Enforcement Board took actions to address this violation. The respondents during this time were Terence Neville and Thomas Neville. The respondents did not correct the violation and this resulted in a lien of \$54,000 being placed on the property for non-compliance. (see attached chronology)

Apart from the city code enforcement case, a separate legal action was being pursued through the circuit court to contest the ownership of the property. During the time the legal process was occurring in the circuit court, two of the family members who were involved in the title dispute died, one of which was Thomas Neville, a respondent in the City's code enforcement case and the other was Rosalia Neville, the mother of Thomas and Terence and prior owner of the house at 13 Douglas Avenue. Evidently, Terence obtained a quit claim deed to the property from his mother Rosalia when she was incapacitated with dementia and this was being contested by the sister Rose Fieldhouse.

The circuit court invalidated the quit claim deed and title to the property reverted back to a life estate in favor of Rosalia Neville with Thomas Neville as the remainderman. Since the death of Rosalia and Thomas, the circuit court appointed Rose Fieldhouse, who is the daughter of Rosalia and sister of Thomas, as the representative of the estate of Rosalia Neville and Thomas Neville and Rose Fieldhouse now controls the property at 13 Douglas Avenue. The final judgement to quiet title was signed by Judge Lee Smith on December 29, 2020 and the writ of possession was recorded on January 7, 2021. (see attached chronology)

At some point after January 22, 2021, the pool was demolished and the property was brought into compliance by Rose Fieldhouse. On March 12, made an application to the Board to eliminate the fines and lien in order to facilitate the sale of the property. The Board makes a formal recommendation to the City Commission regarding the forgiveness of recorded liens.

CITY CODE ENFORCEMENT CHRONOLOGY

December 19, 2018, the City Code Enforcement Division first noted the condition of the swimming pool on.

January 31, 2019, the City Code Enforcement Division sent the respondent (Terence and Thomas Neville, as identified by the St. Johns County Property Appraiser's database) a Notice of Violation and gave them until February 15, 2019 to correct the violation. No corrective action was taken.

March 9, 2019, the City Code Enforcement Division posted the property and gave the respondent 15 additional days to correct the violation. No corrective action was taken.

April 9, 2019, the Code Enforcement Board (the "Board") issued an Order Finding Violation and gave 7 additional days to correct the violation. No corrective action was taken.

May 14, 2019, the Board issued an Order Finding Violation and ordered a \$250 per day fine until the violation was corrected or until reaching \$50,000.

November 19, 2019, the board found the property in "non-compliance" and issued an Order Imposing a Fine of a total of \$54,000. The St. Johns County Property Appraiser identified the property owner at this time as Terence L. Neville and Thomas A. Neville.

Florida Statutes 162.12(1)(a) Notices directs the notices for these proceedings be sent "to the alleged violator" by Certified Mail "to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database". All notifications were done correctly by the Code Enforcement Division.

PROPERTY TITLE CHRONOLOGY

- 1977** – Warranty Deed – Thomas Arthur Neville and Rosalia Neville
3 children, Thomas Alonso Neville, Terence Lee Neville and Rose Fieldhouse
- 2012** – Death of Thomas Arthur Neville
- 2014** – Probate of Thomas Arthur Neville Estate
- 2014** – Life Estate Deed with Remainder to Thomas Alonso and Rose
- 2016** – Life Estate Deed with Remainder to Thomas Alonso ONLY
- September 4, 2018** – Quit Claim Deed from Rosalia to Terence and Thomas Alonso
- July 2, 2019** – Guardianship of Rosalia to Rose
- June 21, 2019** – Temporary Injunction to Terence from encumbering or disposing of 13 Douglas Ave.
- July 25, 2019** – Quiet Title Action filed
- December 14, 2019** – Rosalia Neville deceased
- April 20, 2020** – Thomas Alonso Neville deceased
- December 18, 2020** – Quit Claim Deed Invalidated – Title returned to 2016 Life Estate Deed of Thomas Alonso Neville Estate
- December 29, 2020** – Final Judgement Filed by Judge Lee Smith
- January 7, 2021** – Writ of Possession
- January 22, 2021** – Pool Demolition



David Birchim, AICP
Director, Planning and Building

ORDINANCE NO. 2020-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE V, DIVISION 2, SECTIONS 2-212 AND 2-213 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE NOTIFICATION TO CITY MANAGER OR HIS OR HER DESIGNEE; TO PROVIDE FOR APPLICATION TO THE CODE ENFORCEMENT, ADJUSTMENTS, AND APPEALS BOARD FOR REDUCTION OF FINES AND FEES PRIOR TO LIEN RECORDATION OR FOR RECOMMENDATION TO THE CITY COMMISSION FOR REDUCTION OF FINES OR FEES ON RECORDED LIENS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.041, Florida Statutes, provides procedures for adoption of ordinances by municipalities; and,

WHEREAS, the designation of a point of contact for notification to the governing body of the City of St. Augustine will clarify the existing informal process by designating the City Manager or his or her designee as the notification point of contact consistent with Chapter 162, Florida Statutes; and

WHEREAS, individuals seeking a reduction of fines and fees prior to recording of a lien against the property due to a resolved code enforcement matter will be able to address the Code Enforcement, Adjustments, and Appeals Board directly, thus minimizing unnecessary procedural steps; and

WHEREAS, individuals seeking a full or partial reduction of a recorded lien due to a code enforcement violation will first be required to obtain a recommendation from the Code Enforcement, Adjustments, and Appeals Board prior to City Commission hearing the matter; and

WHEREAS, the Code Enforcement, Adjustments, and Appeals Board has greater familiarity with the details of the case and the prior representations of the parties during the code enforcement process in order to provide a more meaningful recommendation to the City Commission; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 2, Article V, Division 2, Sections 2-212 and 2-213. Chapter 2, Article V, Division 2, Sections 2-212 and 2-213 of the Code of the City of St. Augustine, Florida are hereby amended, as follows:

“Sec. 2-212. - Organization.

The members of the code enforcement board shall elect a chairman from among the members of the board. The presence of four (4) or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the city commission or as are otherwise provided by law. All notifications to the local governing body required by section 162.09(1), Florida Statutes shall be made by notification to the City Manager or his or her designee.

Sec. 2-213. - Powers.

Enforcement proceedings, conducting of hearings and powers of the code enforcement board shall be as provided by the Local Government Code Enforcement Board Act [F.S. § 162.01 et seq.].

The code enforcement board shall hear applications for reduction of fines or fees prior to recordation of lien and approve or deny applications based on the evidence presented after consideration of factors as outlined in section 162.09(2)(b).

The code enforcement board shall hear application for reduction of recorded liens and make recommendation for approval or denial to the City Commission. The City Commission shall make final determination and approve or deny reduction, modification, or release of recorded liens.”

Section 2. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so

construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

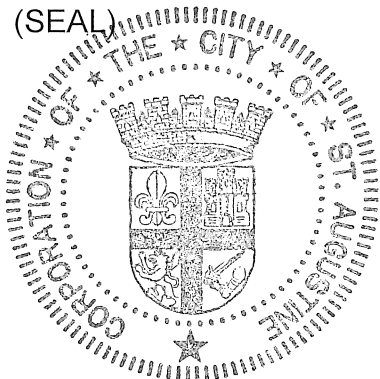
Section 5. Effective Date. This ordinance shall become effective ten (10) days following effective date, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 14th day of December, 2020.

ATTEST:

Darlene Galambos
Darlene Galambos, City Clerk

T.W. Upchurch
Tracy Upchurch, Mayor-Commissioner



BEFORE THE
CODE ENFORCEMENT,
ADJUSTMENTS AND APPEALS BOARD
CITY OF ST. AUGUSTINE, FLORIDA

ORDER IMPOSING A FINE
CEAAB CASE NUMBER: 2018-0773

Public Records of St. Johns County, FL
Clerk number: 2020015174
BK: 4890 PG: 195
2/26/2020 12:13 PM
Recording \$27.00

IN THE MATTER OF:

Terence L. Neville
Thomas A. Neville
13 Douglas Avenue
St. Augustine, FL 32084-2154
(Hereinafter referred to as Respondent)

RE: VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:
City Code, Chapter 8, Section 8-301
International Property Maintenance Code, Section 303.1

VIOLATION SITE: **13 Douglas Avenue**

LEGAL DESCRIPTION: **2-1 NELMAR TERRACE S85FT LOT 74 OR382/484 & 3872/269 (I/e) & 4606/1486 (Q/C).**

PARCEL NUMBER: **154500-0010**

THE CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD HEARD TESTIMONY AND EXAMINED EVIDENCE AT HEARINGS HELD ON **APRIL 9, 2019** AND **NOVEMBER 19, 2019**, AND BASED ON THE EVIDENCE, HAS ADJUDGED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is the legal owner and/or occupant of the subject property and was duly notified of the hearings held on April 9, 2019 and November 19, 2019, in accordance with Chapter 162, F.S.

The respondent and/or authorized representative was not present.

2. The city staff observed the following code violations on December 19, 2018:

- **Swimming pool is lifted out of the ground and is partially full of green water.**

3. The above described is a violation of the following Section(s) of the City Code of St. Augustine:

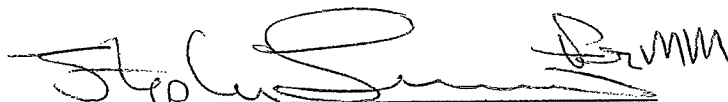
Chapter 8, Section 8-301
International Property Maintenance Code, Section 303.1

4. On January 31, 2019, the Planning and Building Department sent an **"Official Notice of Violation"**, via certified mail, to formally advise the respondent of the violation, via certified mail. The notice gave the respondent until February 15, 2019, to correct the violation, or stipulated that the board may impose a maximum fine of \$250 for each day the violation continued. That notice was returned unclaimed, and on March 9, 2019, the property was posted with an **"Official Notice of Violation"**, to formally advise the respondent of the violation and allowed fifteen (15) days from the date of posting to correct the violation, or stipulated that the board may impose a maximum fine of \$250 for each day the violation continued.

5. On March 26, 2019, the Planning and Building Department sent the respondent, via certified mail, an **"Official Notice of Hearing"** for April 9, 2019. AND a Posting Affidavit was placed at the property and with the City Clerk's office on April 2, 2019, for the CEAAB Hearing for April 9, 2019.
6. On April 9, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in violation and issued an **"Order Finding Violation"** which allowed the Respondent seven (7) days from the date of the "Order" to correct the violation, or the Board stipulated that a fine of \$250 per day would be imposed for each day the violation continued. This "Order" also served as an **"Official Notice of Hearing"** for May 14, 2019, which was sent via certified Mail.
7. On May 14, 2019, the Code Enforcement, Adjustments and Appeals Board heard testimony regarding the case, and discovered that the previously found violations remained, and ordered that the previously imposed fine of \$250.00 per day continue until the property had been brought into compliance or until the accrued daily fine had reached \$50,000.00, at which time the City of St. Augustine would bring the case back to the Board for imposing the fine in the form of a lien against the property.
8. On November 19, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in **"non-compliance"** and issued an **"Order Imposing a Fine"** in the amount of \$54,000.00, to be filed as a lien against the property.
9. In the event of a repeat violation of this **"Order Imposing a Fine,"** Respondent shall again be notified of a compliance hearing, at which time the Board will review the evidence and impose a maximum fine of \$500 per day if said violation is determined to have again occurred.

THIS ORDER MAY BE RECORDED IN THE OFFICIAL RECORD BOOKS OF ST. JOHNS COUNTY FORTHWITH AND SHALL CONSTITUTE A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR, PURSUANT TO CHAPTER 162.08 AND 162.09 OF THE FLORIDA STATUTES. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY.

DONE AND ORDERED THIS 19TH DAY OF NOVEMBER, 2019, in open session at the Alcazar Room, 75 King Street, St. Augustine, Florida.

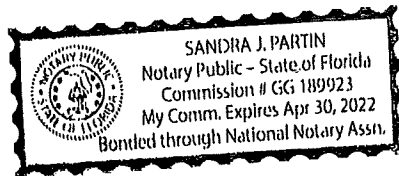


MARTHA MICKLER, CHAIRMAN
CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ~~Martha Mickler~~ ^{Stephen Timmons}, who is personally known to me who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 25th day of February, A.D., 2019.



Sandra J. Partin
Notary Public, State of Florida

You have 30 days in which to appeal this order to the Circuit Court of St. Johns County. The Code Enforcement, Adjustments and Appeals Board, upon notification by the Code Enforcement Inspector that a previous order of the Board has not been complied with by the set time, may order the violator to pay a maximum fine of \$250 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the Sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for the enforcement purposes. After three (3) months from filing of any such liens which remain unpaid, the Code Enforcement, Adjustments and Appeals Board may authorize the local governing body attorney to foreclose on the lien.

Mr. Cary affirmed that he would need to excuse himself from the hearing of that case and provide the clerk with a signed voting conflict of interest form.

4. VARIANCES/TREE REMOVAL

None.

5. REVIEW OF PREVIOUSLY HEARD CASES

Item 5 (a) 2018-0773

**Terence L. Neville
Thomas A. Neville
13 Douglas Avenue
City Code, Chapter 8, Section 8-301
International Property Maintenance
Code, Section 303.1**

Mr. van Mierop read the staff report and provided staff recommendation that the Board approve an "Order Closing Case and Imposing a Lien" in the amount of \$54,000.00 for the accrued fines previously set forth by this Board.

Mrs. Mickler added to the record that a copy of an email dated November 18, 2019, from Terry Neville to city staff, had been provided to the Board that day.

Terrence Neville, 13 Douglas Avenue, was present and testified to the following:

- That he had not articulated the situation with the property when he last appeared before this Board.
- He gave a detailed description of the process they had gone through

regarding the property prior to Hurricane.

- That he had re-erected the fence.
- That they were waiting to hear back from Morgan & Morgan.
- That there are not enough funds to correct the violation concerning the pool at that time.

Public comment was opened, however there was no response.

Mr. Cary disclosed that he had received a telephone call earlier that day from Attorney Andrew Jackson explaining that he represented the guardian of the ward, Roselyn Neville, in a filing against Terrence Neville, to obtain the property back. He cautioned the Board about filing the lien prior to the settling of this case.

Ms. Reigle asked for clarification of Mr. Cary's statement.

Mrs. Mickler clarified that the property would be going to court in January and asked if counsel was recommending the Board continue the case until such time as it could be heard by the Courts.

Mr. Cary responded that he was not making any recommendation and was only making the Board aware of the situation.

Mr. Simmons commented that the Board could not make decisions based upon hypotheticals of what may happen down the road.

Mr. Day and Mr. Masson were in agreement with Mr. Simmons. And thanked Mr. Cary for bringing the information to the Board.

MOTION

Mr. Masson moved to close the case and impose a fine in the amount of \$54,000.00 with the St. Johns County Clerk of Court. And further ordered that staff continue to monitor the property and bring it back before this Board should the property not be brought into compliance. The motion was seconded by Mr. Simmons and approved by unanimous voice vote.

Item 5 (b) 2019-0332

**Richard and Beverly Sorrentino
26 Miruela Avenue
City Code, Chapter 25, Section 25-56
Tree removal without a permit.**

Mr. van Mierop read the staff report and provided staff recommendation that the Board find the property to be in violation and impose a fine with the tree replacements required.

Mr. Mahr asked what fine staff was recommending.

Mr. van Mierop stated that he would recommend a fine equivalent to an after-the-fact permit fee.

Beverly Sorrentino, 26 Miruela Avenue, was present and testified to the following:

- That she believed the tree removal company's assessment of the tree, as she inspected the tree and found that the bark was easily falling off the tree.
- She added that she had made comment to the gentleman with the tree company that she believed they needed to have a tree removal permit. The gentleman responded that he was on the phone with the City for the permit. He then left and came back a short time later stating that he had a permit for the removal.
- That she believed he had the permit.

Ms. Riegle asked the respondent if she had solicited the tree company or if they had knocked on her door.

Mrs. Sorrentino responded that they had knocked on her door.

Mr. Simmons asked if she had seen the permit, had she asked if they had insurance to do the work, and for a copy of his business license.

Mr. Mahr asked if the name Josh Shaw of Tree Worx, out of Ormand Beach sounded familiar with her.

Mrs. Sorrentino responded affirmative.

Mr. Day commented that the residents should be aware that they are responsible for their own property.

CITY OF ST. AUGUSTINE
A15-APPLICATION TO BOARD OF ADJUSTMENTS AND APPEALS

Application Fee \$100 + \$5 (processing fee)

BDAC No. CE2021-0174

Receipt No. 2070602

Meeting Date April 13, 2021

Deadline Date March 12, 2021

PLEASE PRINT OR TYPE

1. ACTION REQUESTED: ☐ Building Code Variance ☐ Appeal of Staff Determination
☒ Other Removal of Fines & Release of Lien
2. NAME OF APPLICANT Rose Fieldhouse, as Personal Representative of Daytime Telephone 904-823-3333
Estate of Thomas A. Neville c/o Andrew Jackson, Esq.
Address 10 Nelmar Ave City St. Augustine State FL Zip 32084
3. NAME OF PROPERTY OWNER Estate of Thomas A. Neville Telephone 904-823-3333
Address 13 Douglas Avenue City St. Augustine State FL Zip 32084
4. PROJECT STREET ADDRESS 13 Douglas Avenue
5. TYPE OF CONSTRUCTION Existing X Proposed _____
6. BUILDING USE Existing X Proposed _____
7. REASON FOR ACTION REQUESTED:

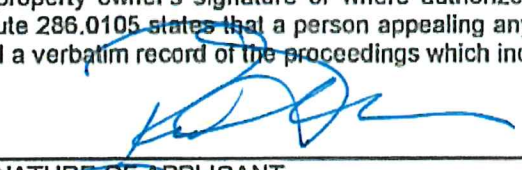
Justification:

See attached

Hardship:

See attached

AGREEMENT: In filing this application, I understand that it becomes a part of the Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge. Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where authorized agent signs in lieu of either property owner or applicant. Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.


SIGNATURE OF APPLICANT

3.10.21
DATE


SIGNATURE OF PROPERTY OWNER

3.10.21
DATE

RECEIVED

MAR 12 2021

Planning/Building Dept.

RECEIVED

MAR 25 2021

Planning/Building Dept.

OWNER'S AUTHORIZATION FOR AGENT

Andrew Jackson is/are hereby authorized TO ACT ON BEHALF
OF, the owner(s) of those lands described within the attached application, and as described in
The attached deed or other such proof of ownership as may be required, in applying the City of
St. Augustine's:

- ☐ Historic Architectural Review Board
☐ Planning and Zoning Board
☒ Code Enforcement, Adjustments and Appeals Board
☐ Other: _____

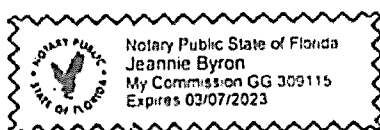
For property located at: 13 Douglas Avenue, St. Augustine, FL 32084

BY: [Signature]
Signature of Owner

Rose Fieldhouse
Print Name of Owner

904-209-7349
Telephone

Sworn to and subscribed before me on this 25th day of March, 2021.



Notary Public: [Signature]

Andrew Jackson, Esq.*
ajackson@jacksonlawgroup.com

**Master of Laws (LL.M.) in Taxation*



Jay Shearer, Esq.
jshearer@jacksonlawgroup.com

Jeffrey Kempf, Esq.*
jkempf@jacksonlawgroup.com

March 12, 2021

Via Email

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

RECEIVED

MAR 12 2021

Re: Estate of Thomas A. Neville
13 Douglas Avenue, St. Augustine, FL 32084
Code Violation for Pool Issues
Request for Consideration - Removal and Reduction of Fines & Lien

Planning/Building Dept.

Dear Board Members:

Our firm represents Rose Fieldhouse, the personal representative of the estate of Thomas A. Neville. We are requesting an adjustment and removal of the fines and lien that have accrued for the code violations related to pool issues. In support thereof, Ms. Fieldhouse states as follows:

1. The Order Imposing a Fine was signed on or about November 19, 2019. See Exhibit A.
 - a. Paragraph 1 notes that Respondent is the legal owner or occupant of the subject property. This is disputed in that the Circuit Court later ruled that Respondent was not the legal owner of the property. See below details.
 - b. Paragraph 2 notes the violation as "swimming pool is lifted out of the ground and is partially full of green water". The violation is not disputed. It has now been fixed.
2. In short, Rosalia Neville was the proper and lawful owner of the subject property during the time period in question. Unfortunately, the property was wrongfully taken from her by her son, Terence Neville, after he got out of jail in September of 2018. Rosalia Neville suffered from dementia and other health issues, leading to a court determination of her total incapacity. Thus, the deed Rosalia Neville signed in 2018 was later determined by the Court to be invalid due to lack of capacity and undue influence. Terence Neville was removed from the property in January of 2021. See Exhibits B through H.
3. Terence Neville was the person who caused the code violations. Since Rose Fieldhouse has taken possession of the property in January of 2021, the code violations have been rectified.

The property is now in compliance and the heirs/beneficiaries of the Estate are in the process of listing the home for sale. See Exhibits I and J.

Based on the foregoing, we would request that the Board remove, reduce, and waive the fines and lien on the subject property. It would be inequitable to hold the Estate liable for fines due to the conduct and actions of another. The applicant promptly pursued court action and subsequently a contractor to dispose of the pool and fill it with dirt.

If you have any questions, please contact me at (904) 823-3333.

Sincerely,
JACKSON LAW GROUP



Andrew Jackson, Esq.

Enclosures:

Exhibit A - Order Imposing a Fine, Code Enforcement, City of St. Augustine; CEAAB Case No. 2018-0073

Exhibit B - Letters of Guardianship in Case No. GA19-0084 dated July 2, 2019

Exhibit C - Temporary Injunction in Case No. GA19-0084 dated June 21, 2019

Exhibit D - Letters of Administration in Case No. CP20-0090 dated February 10, 2020

Exhibit E - Letters of Administration in Case No. CP20-0524 dated August 18, 2020

Exhibit F - Verdict in the Case in Case No. CA19-1088 dated December 18, 2020

Exhibit G - Final Judgment to Quiet Title in Case No. CA19-1088 dated December 29, 2020

Exhibit H - Writ of Possession in Case No. CA19-1088 dated January 7, 2021

Exhibit I - Demolition Contractor's Contract dated January 22, 2021

Exhibit J - Pictures of Work Completed

Additional Evidence available in court records and by way of testimony

RECEIVED

MAR 12 2021

Planning/Building Dept.

Instr #2020015174 BK: 4890 PG: 195, Filed & Recorded: 2/26/2020 12:13 PM #Pgs:3
Brandon Patty, Clerk of the Circuit Court St. Johns County FL Recording \$27.00

BEFORE THE
CODE ENFORCEMENT,
ADJUSTMENTS AND APPEALS BOARD
CITY OF ST. AUGUSTINE, FLORIDA

ORDER IMPOSING A FINE
CEAAB CASE NUMBER: 2018-0773

IN THE MATTER OF:

Terence L. Neville
Thomas A. Neville
13 Douglas Avenue
St. Augustine, FL 32084-2154
(Hereinafter referred to as Respondent)

RECEIVED

MAR 12 2021

Planning/Building Dept.

RE: VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:
City Code, Chapter 8, Section 8-301
International Property Maintenance Code, Section 303.1

VIOLATION SITE: 13 Douglas Avenue

LEGAL DESCRIPTION: 2-1 NELMAR TERRACE S85FT LOT 74 OR382/484 &
3872/269 (l/e) & 4606/1486 (Q/C).

PARCEL NUMBER: 154500-0010

THE CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD HEARD
TESTIMONY AND EXAMINED EVIDENCE AT HEARINGS HELD ON APRIL 9, 2019
AND NOVEMBER 19, 2019, AND BASED ON THE EVIDENCE, HAS ADJUDGED AS
FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is the legal owner and/or occupant of the subject property and was duly notified of the hearings held on April 9, 2019 and November 19, 2019, in accordance with Chapter 162, F.S.

The respondent and/or authorized representative was not present.

2. The city staff observed the following code violations on December 19, 2018:
 - **Swimming pool is lifted out of the ground and is partially full of green water.**
3. The above described is a violation of the following Section(s) of the City Code of St. Augustine:
Chapter 8, Section 8-301
International Property Maintenance Code, Section 303.1

4. On January 31, 2019, the Planning and Building Department sent an "Official Notice of Violation", via certified mail, to formally advise the respondent of the violation, via certified mail. The notice gave the respondent until February 15, 2019, to correct the violation, or stipulated that the board may impose a maximum fine of \$250 for each day the violation continued. That notice was returned unclaimed, and on March 9, 2019, the property was posted with an "Official Notice of Violation", to formally advise the respondent of the violation and allowed fifteen (15) days from the date of posting to correct the violation, or stipulated that the board may impose a maximum fine of \$250 for each day the violation continued.

BK: 4890 PG: 196

EXHIBIT A

19 Milton Street
CEAAB Case No. 2018-0146

5. On March 26, 2019, the Planning and Building Department sent the respondent, via certified mail, an **"Official Notice of Hearing"** for April 9, 2019. AND a Posting Affidavit was placed at the property and with the City Clerk's office on April 2, 2019, for the CEAAB Hearing for April 9, 2019.
6. On April 9, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in violation and issued an **"Order Finding Violation"** which allowed the Respondent seven (7) days from the date of the "Order" to correct the violation, or the Board stipulated that a fine of \$250 per day would be imposed for each day the violation continued. This "Order" also served as an **"Official Notice of Hearing"** for May 14, 2019, which was sent via certified Mail.
7. On May 14, 2019, the Code Enforcement, Adjustments and Appeals Board heard testimony regarding the case, and discovered that the previously found violations remained, and ordered that the previously imposed fine of \$250.00 per day continue until the property had been brought into compliance or until the accrued daily fine had reached \$50,000.00, at which time the City of St. Augustine would bring the case back to the Board for imposing the fine in the form of a lien against the property.
8. On November 19, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in **"non-compliance"** and issued an **"Order Imposing a Fine"** in the amount of \$54,000.00, to be filed as a lien against the property.
9. In the event of a repeat violation of this **"Order Imposing a Fine,"** Respondent shall again be notified of a compliance hearing, at which time the Board will review the evidence and impose a maximum fine of \$500 per day if said violation is determined to have again occurred.

THIS ORDER MAY BE RECORDED IN THE OFFICIAL RECORD BOOKS OF ST. JOHNS COUNTY FORTHWITH AND SHALL CONSTITUTE A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR, PURSUANT TO CHAPTER 162.08 AND 162.09 OF THE FLORIDA STATUTES. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY.

DONE AND ORDERED THIS 19TH DAY OF NOVEMBER, 2019, in open session at the Alcazar Room, 75 King Street, St. Augustine, Florida.


MARTHA MICKLER, CHAIRMAN
CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

RECEIVED

MAR 12 2021

Planning/Building Dept.

BK: 4890 PG: 197

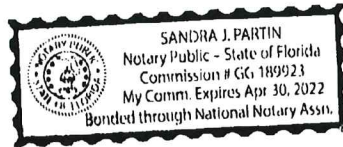
EXHIBIT A

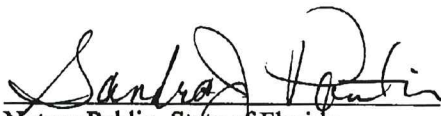
19 Milton Street
CEAAB Case No. 2018-0773

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ~~Martha Muckler~~ ^{Stephen Simmons}, who is personally known to me who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 25th day of February, A.D., 2019.




Notary Public, State of Florida

You have 30 days in which to appeal this order to the Circuit Court of St. Johns County. The Code Enforcement, Adjustments and Appeals Board, upon notification by the Code Enforcement Inspector that a previous order of the Board has not been complied with by the set time, may order the violator to pay a maximum fine of \$250 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the Sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for the enforcement purposes. After three (3) months from filing of any such liens which remain unpaid, the Code Enforcement, Adjustments and Appeals Board may authorize the local governing body attorney to foreclose on the lien.

RECEIVED

MAR 12 2021

Planning/Building Dept.

**IN THE CIRCUIT COURT FOR ST. JOHNS COUNTY,
FLORIDA PROBATE DIVISION
IN RE: GUARDIANSHIP OF**

ROSALIA ALONSO NEVILLE **File No.: GA19-0084**
Division: 55

**LETTERS OF PLENARY GUARDIANSHIP
OF THE PERSON AND PROPERTY
(Total incapacity - advance directive)**

TO ALL WHOM IT MAY CONCERN:

WHEREAS, Rose Fieldhouse has been appointed plenary guardian of the person and property of Rosalia Alonso Neville (the Ward), and has taken the prescribed oath and performed all other acts prerequisite to issuance of plenary letters of guardianship of the person and property of the Ward,

NOW THEREFORE, I, the undersigned Circuit Judge, declare Rose Fieldhouse duly qualified under the laws of the State of Florida to act as plenary guardian of the person and property of Rosalia Alonso Neville, with full power to have the care, custody and control of the Ward, to exercise all delegable legal rights and powers of the Ward, to administer the property of the Ward according to law, and to take possession of and to hold, for the benefit of the Ward, all the property and income of the Ward.

The Ward, prior to incapacity, executed a durable power of attorney pursuant to Florida Statutes Chapter 709 and a designation of health care surrogate pursuant to Florida Statutes Chapter 765. Such advance directives are superceded and the guardian shall exercise all delegable rights otherwise assigned in such documents.

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Page 1 of 2

Planning/Building Dept.

EXHIBIT B

ORDERED on 7/2/19.

R Lee Smith
7/2/2019 2:57 PM GA19-0084

Hon. R. Lee Smith
Circuit Judge

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EXHIBIT C

**IN THE CIRCUIT COURT FOR ST. JOHNS COUNTY,
FLORIDA PROBATE DIVISION
IN RE: GUARDIANSHIP OF**

**File No.: GA19-0084
ROSALIA ALONSO NEVILLE
Division: 55**

TEMPORARY INJUNCTION

Upon the ore tenus motion of Marcus Thompson, Esq., attorney for the Petitioner, Rose Fieldhouse, for a temporary injunction, and the court having considered the evidence and argument of counsel and interested parties finds:

1. The Ward, Rosalia Alonso Neville, was the previous owner of the real property located at 13 Douglas Avenue, St. Augustine, Florida 32084, more particularly described as follows:

The southerly 85 feet of Lot 74, Nelmar Terrace Subdivision, as recorded in Map Book 2, Page 1, of the Public Records of St. Johns County, Florida. Parcel Identification No.: 1545000010.

2. There are concerns that the real property of the Ward was transferred to Terence Neville and Thomas Neville by a Quit Claim Deed that may have been obtained through undue influence or through the lack of capacity of the Ward by Terence Neville.

3. There is an imminent danger that real property of the Ward and its contents are in danger of being wasted, misappropriated, or lost unless immediate action is taken.

On the basis of the foregoing findings, the Court being otherwise fully advised in the premises, it is:

ORDERED that until further order of this Court, Terence Neville, his agents, servants, employees, attorneys, and all persons in active concert and participation with him are enjoined from selling, transferring, encumbering, concealing, assigning, removing, or in any way disposing of any personal property of the Ward or the real property located at 13 Douglas Avenue, St. Augustine, Florida 32084, more particularly described as follows:

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EXHIBIT C

The southerly 85 feet of Lot 74, Nelmar Terrace Subdivision, as recorded in Map Book 2, Page 1, of the Public Records of St. Johns County, Florida. Parcel Identification No.: 1545000010.

DONE and ORDERED at St. Augustine, St. Johns County Florida on
June 27, 2019.

A handwritten signature in black ink, appearing to read "R. Lee Smith", written over a horizontal line.

Hon. R. Lee Smith
Circuit Judge

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EXHIBIT D

**IN THE CIRCUIT COURT FOR ST. JOHNS COUNTY,
FLORIDA PROBATE DIVISION
IN RE: ESTATE OF**

File No. CP20-0090
ROSALIA ALONSO NEVILLE
Division
Deceased.

**LETTERS OF ADMINISTRATION
(single personal representative)**

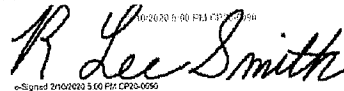
TO ALL WHOM IT MAY CONCERN

WHEREAS, Rosalia Alonso Neville, a resident of St. Johns County, Florida, died on December 14, 2019, owning assets in the State of Florida, and

WHEREAS, Rose Fieldhouse has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare Rose Fieldhouse duly qualified under the laws of the State of Florida to act as personal representative of the estate of Rosalia Alonso Neville, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on 2/10/2020, 2020.


e-Signed 2/10/2020 5:00 PM File: CP20-0090

Hon. R. Lee Smith
Circuit Judge

Copy to:
Andrew Jackson, Esq.

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EXHIBIT E

**IN THE CIRCUIT COURT FOR ST. JOHNS COUNTY,
FLORIDA PROBATE DIVISION
IN RE: ESTATE OF**

THOMAS ALONSO NEVILLE
Deceased.

File No. CP20-524
Division 55

**LETTERS OF ADMINISTRATION
(single personal representative)**

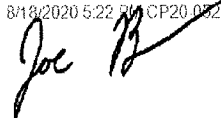
TO ALL WHOM IT MAY CONCERN

WHEREAS, Thomas Alonso Neville, a resident of St. Johns County, Florida, died on April 20, 2020, owning assets in the State of Florida, and

WHEREAS, Rose Fieldhouse has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare Rose Fieldhouse duly qualified under the laws of the State of Florida to act as personal representative of the estate of Thomas Alonso Neville, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on 8/18, 2020.

8/18/2020 5:22 PM CP20-0524

e-Signed 8/18/2020 5:22 PM CP20-0524

Circuit Judge

Copies to:
Andrew Jackson, Esq., ajackson@jacksonlawgroup.com
Jeannie Byron, jeannie@jacksonlawgroup.com

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Planning/Building Dept.

EXHIBIT F

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA19-1088
DIVISION: 55

ROSE FIELDHOUSE, as Personal
Representative of the Estate of
ROSALIA A. NEVILLE and
THOMAS A. NEVILLE,
Plaintiff,

v.

TERENCE NEVILLE and
UNKNOWN TENANT,
Defendants.

_____ /

VERDICT

This matter was before this Court for a non-jury trial conducted on December 15, 2020. This Court has considered the testimony of the witnesses, the exhibits introduced by the parties, and the arguments made by the parties. Accordingly, this Court finds as follows:

A. Procedural Background

This case was initiated by a Complaint filed on July 25, 2019, to quiet title on real property located at 13 Douglas Avenue, St. Augustine, Florida. ("the property") [DIN 6]. The Complaint was brought by Plaintiff Rose Fieldhouse, as guardian of

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EXHIBIT F

Rosalia Neville. *Id.* Rosalia Neville passed away during the pendency of this case, and Rose Fieldhouse, as personal representative of the Estate of Rosalia Neville, was substituted as the Plaintiff. [DIN 122, 123] Rose Fieldhouse is one of Rosalia Neville's three adult children. Rosalia Neville's other two adult children are the named Defendants, Terence Neville and Thomas Neville. Thomas Neville filed an answer agreeing to the quiet title relief sought in the Complaint. [DIN 16]. Thomas Neville also passed away during the pendency of this case, and Rose Fieldhouse, as personal representative of his estate, was substituted as a Defendant. [DIN 122, 123] Terence Neville filed an answer opposing the relief sought in the Complaint. [DIN 21]

The Complaint alleges that Rosalia Neville and her now deceased husband, originally took title to the property in 1977. [DIN 6 ¶7] It is further alleged that in 2016 Rosalia Neville executed a life estate deed, granting her a life estate in the property with the remainder to Thomas Neville. *Id.* at ¶9. It is further alleged that on or about September 3, 2018, Rosalia Neville executed a quitclaim deed, deeding the property to Terence Neville. *Id.* at ¶10. It is further alleged that the 2018 quitclaim deed was fraudulent because it was the result of fraud, undue influence, or Rosalia Neville lacked the capacity to execute that quitclaim deed. *Id.* at 28. Plaintiff seeks to quiet title by cancelling the 2018 deed and reestablishing the 2016 deed. *Id.* at 28.

EXHIBIT F

B. Findings of Fact

At trial, the Court heard from several witnesses and received numerous documents into evidence. The Court received testimony from attorney John Galletta. Mr. Galletta prepared estate planning documents for Rosalia Neville, including the 2016 life estate deed, which created Rosalia's life estate in the property, with the remainder to her son Thomas Neville. (Pl. Exh. 10) Mr. Galletta testified Rosalia wanted her son Thomas to receive the property upon her death, and was adamant that her son Terence Neville not get the property. Although Mr. Galletta prepared many of Rosalia's estate planning documents, including the aforementioned 2016 life estate deed, as discussed below, he did not prepare the 2018 quitclaim deed, which deeded the property from Rosalia to Terence.¹

The Court also received testimony from Emily Dorego, a longtime friend of Rosalia's. Ms. Dorego testified that Rosalia made it clear to her that she wanted her son Thomas to receive the property upon her death, and not Terence.

The Court also received testimony from Rose Fieldhouse, the youngest of Rosalia's three children. Ms. Fieldhouse testified that her mother had been suffering from declining cognition in the years leading up to her death in 2019. Ms. Fieldhouse testified that by September 2018, her mother's dementia had progressed

¹ The 2018 quitclaim deed conveyed the property in equal parts to Thomas and Terence Neville. (Pl. Exh. 16) Because Thomas does not oppose the relief herein, it will be referred to throughout as only deeding the property to Terence.

EXHIBIT F

to a point that she didn't understand things going on. Ms. Fieldhouse testified that in 2018, Terence was living on the property with his mother. Terence would not allow Ms. Fieldhouse to come to the property to see her mother. Rosalia had expressed to Ms. Fieldhouse that she was afraid of Terence, which is corroborated by the police reports introduced into evidence, in which Rosalia called the police on Terence on a number of occasions. Ms. Fieldhouse testified that Rosalia told her that shortly after Terence got out of jail, in early September 2018 he took Rosalia to the courthouse to execute some document. Rosalia told Ms. Fieldhouse that she did not know what she signed. Ms. Fieldhouse testified when Rosalia found out that she deeded the property to Terence, Rosalia was mad.

The Court also received testimony from Ernest Carames, M.D. Dr. Carames is an internal medicine specialist, and was Rosalia's primary care physician. Dr. Carames' medical records, as well as Rosalia's medical records from Flagler Hospital, were received into evidence. (Pl. Exh. 1-4) Dr. Carames testified that Rosalia suffered Hydrocephalus for some time, which led to a diagnosis of dementia in 2017. Dr. Carames testified that by September 2018 Rosalia was suffering from "moderate dementia." Dr. Carames saw Rosalia on September 21, 2018 for an office visit. This was just a few weeks after the subject quitclaim deed was executed. According to Dr. Carames' records, at that time he "deemed (Rosalia) now incompetent for any medical or personal decisions." (Pl. Exh. 2) Dr. Carames

EXHIBIT F

opined during his trial testimony that Rosalia would not have been competent in early September 2018, to understand what she was signing when she executed the subject quitclaim deed. Rosalia told Dr. Carames on September 28, 2018, that her son (Terence) “tricked her to sign her house away.” (Pl. Exh. 3)

After the September 28, 2018 appointment with Dr. Carames, he admitted Rosalia into Flagler Hospital. On September 30, 2018, Rosalia was seen by psychiatrist Greg Dent, M.D. Rosalia, likewise told Dr. Dent that her son (Terence) tricked her into signing her home over to him. (Pl. Exh. 4) Dr. Dent concluded that Rosalia was suffering from dementia, was not competent to make decisions regarding financial matters, and stated that Terence’s conduct in tricking her to sign the house away, was “a case of clear-cut elder abuse.” *Id.*

As result of Terence’s conduct, the Florida Department of Children and Families (DCF) was notified of the elder abuse. The DCF investigator noted in a report that Terence tricked Rosalia into signing the quitclaim deed, and Rosalia didn’t know she was deeding the house to Terence, but thought she was signing a living will. (Pl. Exh. 21) DCF concluded Terence was financially exploiting Rosalia. *Id.*

Following her release from the hospital, Rosalia lived with Rose Fieldhouse until her death. In 2019, a guardianship proceeding was initiated where Rosalia was determined to be totally incapacitated due to her dementia. (Pl. Exh. 8) The

EXHIBIT F

guardianship evaluators also noted that Rosalia told them Terence had tricked her into signing the house over to him. (Pl. Exh. 6-7)

The Court also heard from Terence Neville during the trial. Terence testified that shortly after he got of jail, on September 3, 2018 or September 4, 2018,² he went with his mother to a UPS Store in St. Augustine where Rosalia executed the quitclaim deed, conveying the property to him. Terence testified he download a quitclaim deed form off of the internet. Terence further testified that immediately after going to the UPS Store, he and his mother went to the St. Johns County Courthouse where he recorded the quitclaim deed.³ Terence testified that his mother did not suffer dementia, she was not confused, and she knew what she was doing when she signed the quitclaim deed.

Terence's testimony is directly contradicted by that of other witnesses, including Rose Fieldhouse and Dr. Carames, who indicated Rosalia was suffering from dementia in September 2018. Terence's testimony is also contradicted by Rosalia's statements to Rose Fieldhouse, Dr. Carames, Dr. Dent, the competency evaluators, and the DCF investigator, that she didn't know what she was signing when she signed the quitclaim deed, and Terence tricked her into signing her house away to him. Terence's testimony is also contradicted by statements he made to a

² The subject quitclaim deed is dated September 3, 2018, but the notarization is dated September 4, 2018. (Pl. Exh. 16)

³ The quitclaim deed was recorded in the public records of St. Johns County on September 4, 2018. *Id.*

EXHIBIT F

St. Augustine Police Officer on January 4, 2018, when police responded to the property because Rosalia reported a suspicious person at the residence. (Pl. Exh. 18) Officer E. Yarborough noted in his report “I spoke with Terence some more and he told me his mom has dementia and gets confused about things . . .” *Id.* Accordingly, this Court finds Terence Neville’s testimony is not credible. The Court finds the witnesses called to testify by Plaintiff were credible.

C. Conclusion

This Court concludes, based on the greater weight of the evidence, that Rosalia Neville lacked the capacity to execute the September 2018 quitclaim deed conveying the subject property to Terence Neville. The Court finds the quitclaim deed was the product of Terence Neville’s undue influence over his mother, Rosalia Neville. Therefore, the Court finds that the subject quitclaim deed shall be invalidated, and the life estate deed dated July 15, 2016, wherein Rosalia Neville created a life estate in the property with a remainder to Thomas Neville, is to be re-established. Because Rosalia Neville and Thomas Neville are deceased, final disposition of the property will need be determined in probate.

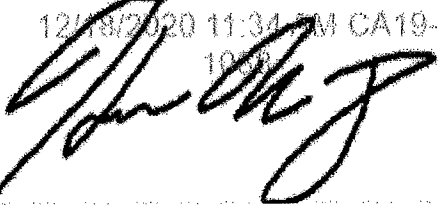
Therefore, is ORDERED and ADJUDGED that:

1. This Court finds in favor of Plaintiff for the relief sought in the Complaint.

EXHIBIT F

2. Counsel for the Plaintiff shall prepare a Final Judgment in accordance with this Verdict, and submit the same to this Court for entry. The Final Judgment shall identify the property by its legal description.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 18 day of December, 2020.

12/18/2020 11:34 AM CA19-1088

e-Signed 12/18/2020 11:34 AM CA19-1088
CIRCUIT JUDGE

Copies to:

Andrew Jackson, Esq., counsel for Plaintiff

Terence Neville, nevillet904@gmail.com

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EXHIBIT G

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT IN AND
FOR ST. JOHNS COUNTY, FLORIDA

ROSE FIELDHOUSE, as Personal
Representative of the Estate of ROSALIA
A. NEVILLE and THOMAS A. NEVILLE,
Plaintiff,

CASE NO.: CA19-1088
DIVISION: 55

v.

TERENCE NEVILLE and
UNKNOWN TENANT,
Defendants.

FINAL JUDGMENT TO QUIET TITLE

This matter was before this Court for a non-jury trial conducted on December 15, 2020. Based on the testimony of the witnesses, the exhibits introduced by the parties, and the arguments made by the parties, a Verdict was rendered by this Court on December 18, 2020. The Verdict, which contains the procedural background, findings of fact, and conclusion, is incorporated by reference and made a part hereof. In accordance with the Verdict, it is ORDERED and ADJUDGED that:

1. The Quitclaim Deed signed by Rosalia Neville and recorded on September 4, 2018 in Deed Book 4606 at Page 1486 under Instrument Number 2018064016 of the public records of St. Johns County, Florida is invalidated, canceled, and void.

2. The Life Estate Deed with Reservation of Powers signed by Rosalia Neville and recorded on July 15, 2016 in Deed Book 4227 at Page 428 under Instrument Number 2016046708 of the public records of St. Johns County, Florida is reestablished.

3. Prior to her death, Rosalia A. Neville was the true and lawful owner of the following described real property located in St. Johns County, Florida ("Property"):

THE SOUTHERLY 85 FEET OF LOT 74, NELMAR TERRACE SUBDIVISION,
AS RECORDED IN MAP BOOK 2, PAGE 1, OF THE PUBLIC RECORDS OF
ST. JOHNS COUNTY FLORIDA.

Parcel ID No.: 154500-0010.

Street Address: 13 Douglas Avenue, St. Augustine, Florida 32084.

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EXHIBIT G

4. Plaintiff's title to the Property is quieted against the claims of Defendants arising from the Quitclaim Deed referenced in Paragraph 1.

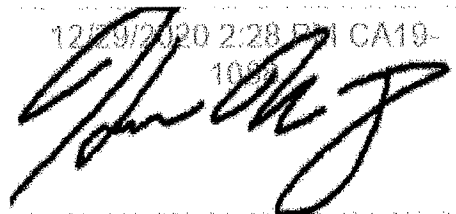
5. Plaintiff, as Personal Representative of the Estate of Thomas A. Neville, who has a remainder interest in the property upon Rosalia Neville's death, shall recover possession of the Property from Defendants.

6. Plaintiff is entitled to the issuance of a Writ of Possession in its favor, without further order of this Court.

7. The Clerk of the Court is directed to issue a Writ of Possession upon Plaintiff's request.

8. The Court retains jurisdiction to enter further orders that are proper to enforce this Final Judgment.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 29 day of December, 2020.

12/29/2020 2:28 PM CA19-1088


e-Signed 12/29/2020 2:28 PM CA19-1088

CIRCUIT JUDGE

Copies to:

Andrew Jackson, Esq., counsel for Plaintiff

Terence Neville, nevillet904@gmail.com

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EXHIBIT H

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT IN AND
FOR ST. JOHNS COUNTY, FLORIDA

ROSE FIELDHOUSE, as personal
representative of the Estate of ROSALIA
A. NEVILLE and THOMAS A. NEVILLE,
Plaintiff,

CASE NO.: CA19-1088
DIVISION: 55

vs.

TERENCE NEVILLE and
UNKNOWN TENANT,
Defendants.

WRIT OF POSSESSION

STATE OF FLORIDA
To the Sherrieff of St. Johns County, Florida

YOU ARE COMMANDED to remove all persons from the following described property in ST.
JOHNS COUNTY:

THE SOUTHERLY 85 FEET OF LOT 74, NELMAR TERRACE
SUBDIVISION, AS RECORDED IN MAP BOOK 2, PAGE 1, OF THE
PUBLIC RECORDS OF ST. JOHNS COUNTY FLORIDA.

Parcel ID No.: 154500-0010.

Street Address: 13 Douglas Avenue, St. Augustine, Florida 32084.

and to put the person and property of ROSE FIELDHOUSE, as personal representative of the
Estate of ROSALIA A. NEVILLE and THOMAS A. NEVILLE, or their agent, in possession
thereof.

Dated January 7, 2021.

BRANDON PATTY
CLERK OF THE COURT
OF ST. JOHNS COUNTY

By: Katy E. France
As Deputy Clerk

Copy to:
Andrew Jackson, Esq.
ajackson@jacksonlawgroup.com; 904-823-3333

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Planning/Building Dept.

ELEV8 Demolition

2825 Mayport Road
Jacksonville, FL 32233
(904) 344-3936
www.elev8jax.com

EXHIBIT I



RECIPIENT:

Matt Neville

13 Douglas Avenue
St. Augustine, Florida 32084

Estimate #2674

Sent on 01/22/2021

Total \$6,000.00

PRODUCT / SERVICE	DESCRIPTION	TOTAL
Demolition	- Complete demolition and disposal of pool, pool deck. - Back Fill with dirt and grade level	\$6,000.00
Notes	- ELEV8 utilizes heavy equipment and trucks to complete the demolition. This will result in significant damage to grass and other landscaping. ELEV8 will make every effort to keep the heavy equipment and trucks within a single 15 foot wide path so as not to damage more grass and landscaping than necessary. - Previously cracked driveways are more vulnerable to damage as their structural integrity has already been compromised. As such, ELEV8 is not responsible for any further cracking or damage to the driveway if cracks are present prior to commencement of demolition. - By signing below, the undersigned acknowledges that ELEV8 is not responsible for repairing damaged lawns or for repairing damage to driveways that were cracked prior to commencement of demolition.	
Terms & Conditions	- The undersigned represents and warrants to ELEV8 Demolition as follows: (i) that the undersigned is the record owner (or authorized agent of the record owner) of the real property identified by the address set forth above and of all structures located thereon (the "Property"), (ii) that the undersigned has the legal right, power, and authority to execute this estimate and contract for the demolition of the Property or a portion thereof. The undersigned hereby agrees to indemnify and hold harmless ELEV8 Demolition, its members, employees and agents (the "Indemnified Parties") and will pay to the Indemnified Parties the amount of any damages and reasonable attorney's fees and costs arising from the undersigned's breach of any of the foregoing representations and warranties. - The parties agree that the electronic signature of a party to this estimate shall be as valid as an original signature of such party and shall be effective to bind such party to this estimate. - By signing below, the undersigned authorizes ELEV8 Demolition to proceed with demolition of the Property or a portion thereof on the terms and conditions set forth in this estimate. - No deposit required. Payment will be due in full upon completion. Payment can be made by credit or debit card, electronic transfer/ACH, check, or cash.	

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EXHIBIT I

ELEV8 Demolition

2825 Mayport Road
Jacksonville, FL 32233
(904) 344-3936
www.elev8jax.com



Total

\$6,000.00

* Non-taxable

- St. Augustine demo permit included in quoted price
- Job duration: 2 days

State License CGC1528313

Signature: _____ **Date:** _____

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Planning/Building Dept.

EXHIBIT J



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St. Johns County, FL

Sales Questionnaire Form

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

[Sales Questionnaire](#)

Summary

12/4/2020

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

Parcel ID	1545000010
Location Address	13 DOUGLAS AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Nelmar Terrace & Genoply Tract (707)
Tax Description*	2-1 NELMAR TERRACE 585FT LOT 74 OR382/474 & 3872/269(L/E) & 4227/428(L/E) & 4606/1486(Q/C) 5020/1927(L/A) <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Nelmar Terrace
Sec/Twp/Rng	53-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.140
Homestead	N

Owner Information

Owner Name	Neville Thomas Estate 100% Fieldhouse Rose 0%
Mailing Address	13 DOUGLAS AVE SAINT AUGUSTINE, FL 32084-2154

Map



Valuation Information

	2021
Building Value	\$123,298
Extra Features Value	\$12,586
Total Land Value	\$120,870
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$256,754
Total Deferred	\$0
Assessed Value	\$256,754
Total Exemptions	\$0
Taxable Value	\$256,754

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
2020	\$139,244	\$12,586	\$107,440	\$0	\$0	\$259,270	\$259,270	\$50,000	\$209,270
2019	\$130,066	\$12,283	\$107,440	\$0	\$0	\$249,789	\$127,669	\$177,620	\$72,169
2018	\$111,811	\$12,283	\$80,580	\$0	\$0	\$204,674	\$125,289	\$134,885	\$69,789
2017	\$116,375	\$10,379	\$73,865	\$0	\$0	\$200,619	\$122,712	\$133,407	\$67,212
2016	\$120,939	\$10,037	\$73,865	\$0	\$0	\$204,841	\$120,188	\$140,153	\$64,688
2015	\$125,502	\$10,037	\$73,865	\$0	\$0	\$209,404	\$119,353	\$145,551	\$63,853
2014	\$100,383	\$10,037	\$66,478	\$0	\$0	\$176,898	\$118,406	\$113,992	\$62,906
2013	\$86,165	\$10,037	\$47,676	\$0	\$0	\$143,878	\$116,656	\$82,722	\$61,156
2012	\$87,625	\$10,037	\$47,593	\$0	\$0	\$145,255	\$114,706	\$85,549	\$59,706
2011	\$90,546	\$10,037	\$52,881	\$0	\$0	\$153,464	\$111,365	\$97,099	\$56,365
2010	\$92,006	\$10,037	\$58,756	\$0	\$0	\$160,799	\$109,719	\$106,080	\$54,719

Building Information

Building 1
 Actual Area 3059
 Conditioned Area 1900
 Actual Year Built 1973
 Use Single Family Residence
 Style 01
 Class N
 Exterior Wall Aluminum Vinyl
 Roof Structure Gable Hip

Roof Structure Gable Hip
 Roof Cover Composite Shingle
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms 0
 Baths

Category	Type	Pct
Exterior Wall	Aluminum Vinyl	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Composite Shingle	100%
Interior Walls	Drywall	100%
Interior Flooring	Carpet	100%
Heating Type	Air Duct	100%
Air Conditioning	Central	100%
Frame	Wood Frame	100%
Plumbing	10 Fixtures	100%
Electrical	Good	100%
Foundation	Concrete Perimeter Footing	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	1088	1088
UNFINISHED GARAGE	0	368
FINISHED UPPER STORY	812	812
FRAME UTILITY	0	629
FINISHED OPEN PORCH	0	84
FINISHED DECK	0	78
Total SqFt	1900	3059

Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Pool Enclosure (Average)	0	0	0	0	924
Residential Fence	0	0	0	0	1
Pool (Concrete)	0	0	0	0	364
Kool Deck	0	0	0	0	554

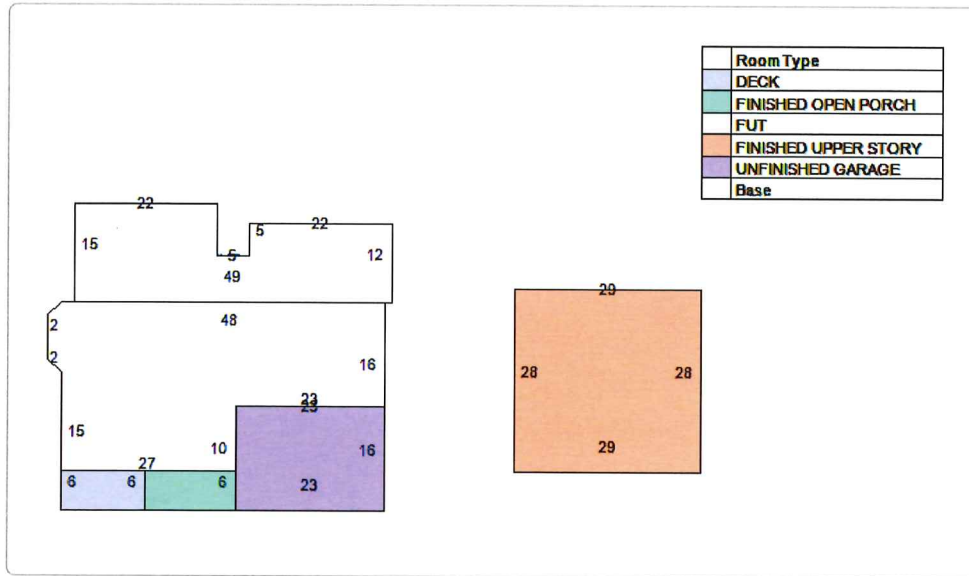
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	85	74	85	EF	\$120,870

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
12/30/2020	12/29/2020	\$0.00	QUIET TITLE	5139	257	U	I	NEVILLE TERENCE ET AL	NEVILLE ROSALIA ESTATE ET AL
8/19/2020	4/20/2020	\$0.00	LETTERS OF ADMN	5020	1927	U	I	NEVILLE THOMAS ALONSO (DECD)	NEVILLE THOMAS A ESTATE
9/4/2018	9/3/2018	\$100.00	QUIT CLAIM DEED	4606	1486	U	I	NEVILLE ROSALIA ***	NEVILLE TERENCE L ETAL
7/21/2016	7/15/2016	\$0.00	LIFE ESTATE	4227	428	U	I	NEVILLE ROSALIA ***	NEVILLE ROSALIA ***
4/25/2014	4/10/2014	\$0.00	LIFE ESTATE	3872	269	U	I	NEVILLE ROSALIA ***	NEVILLE ROSALIA ***
	1/1/1977	\$0.00		382	474	U	I		NEVILLE THOMAS A, ROSALIA
	1/1/1977	\$47,700.00		343	753	U	I		

Sketch Information



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.

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Last Data Upload: 4/6/2021, 1:52:25 AM

Developed by
Schneider
 GEOSPATIAL

Version 2.3.115

Dennis W. Hollingsworth Tax Collector

generated on 4/6/2021 2:44:37 PM EDT

Tax Record

Last Update: 4/6/2021 2:44:37 PM 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	
154500-0010		REAL ESTATE		2020	
Mailing Address NEVILLE THOMAS A C/O NEVILLE THOMAS ESTATE 13 DOUGLAS AVE SAINT AUGUSTINE FL 32084-2154		Physical Address 13 DOUGLAS AVE			
Exempt Amount		Taxable Value			
\$50,000.00		\$209,270.00			
Exemption Detail		Millage Code		Escrow Code	
HB 25000		452			
HA 25000					
Legal Description 53-07-30.14 Acres 2-1 NELMAR TERRACE S85FT LOT 74 OR382/474 & 3872/269(L/E) & 4227/428(L/E) & 4606/1486(Q/C)					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
COUNTY					
GENERAL	4.6537	259,270	50,000	\$209,270	\$973.87
ROAD	0.8444	259,270	50,000	\$209,270	\$176.71
HEALTH	0.0160	259,270	50,000	\$209,270	\$3.35
SCHOOL					
SCHOOL-STATE LAW	3.7050	259,270	25,000	\$234,270	\$867.96
SCHOOL - LOCAL BOARD	2.2480	259,270	25,000	\$234,270	\$526.64
SJRWMD	0.2287	259,270	50,000	\$209,270	\$47.86
MOSQUITO	0.2050	259,270	50,000	\$209,270	\$42.90
CITY OF ST AUGUSTINE	7.5000	259,270	50,000	\$209,270	\$1,569.52
FL INLAND NAV DISTRICT	0.0320	259,270	50,000	\$209,270	\$6.70
PORT AUTHORITY	0.0598	259,270	50,000	\$209,270	\$12.51
Total Millage		19.4926	Total Taxes	\$4,228.02	
Non-Ad Valorem Assessments					
Code	Levying Authority				Amount
4105	C OF S A FIRE ASSESS FEE				\$199.60
Total Assessments					\$199.60
Taxes & Assessments					\$4,427.62
If Paid By					Amount Due
4/30/2021					\$4,560.45
5/26/2021					\$4,562.20
Prior Year Taxes Due					
NO DELINQUENT TAXES					

**CITY OF ST. AUGUSTINE
MEMORANDUM**

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

DATE: April 13, 2021

SUBJECT: Case Number: 2021-0027

RESPONDENT: Carol Lee Corbitt

LOCATION: 14 Myrtle Avenue Parcel Number 190940 0000

VIOLATION: City Code, Chapter 19, Section 19-3
Unsheltered Storage of Junk and Debris

January 13, 2021: Staff conducted an inspection of the above property from outside the property lines. The property was cluttered with unsheltered junk and debris in the form of furniture, clothes, plastic bags filled with garbage, stuffed animals and other unidentifiable debris. The debris was located on the front and side porches of the house and in the driveway. All of the junk and debris was unsheltered and exposed to the elements. The respondent was contacted at the house and I advised that the unsheltered debris must be removed and either discarded or properly stored. The Respondent advised that she needed some time to get her property into compliance. I advised her that the property must be brought into compliance no later than February 1, 2021. The Respondent advised she would have the property in compliance by that date.

February 4, 2021: No progress had been made toward bringing this property into compliance. An official Notice of Violation was sent to the Respondent. The Notice required this property to be brought into compliance by February 10, 2021.

February 11, 2021: Junk and debris were still present and the property was not in compliance.

February 23, 2021: This property has not been brought into compliance. An Official Notice of Hearing was posted at the above property with a Hearing date of March 9, 2021.

February 24, 2021: An investigation showed that the property was in compliance as unsheltered junk and debris had been removed from the driveway and the porch.

March 25, 2021: An Official Notice of Hearing was posted at the above property with a Hearing date of April 13, 2021.

Prior Violation:

On August 13, 2019 the Code Enforcement, Adjustments and Appeals Board found this Respondent in violation of City Code, Chapter 19, Section 19-3 and a fine in the amount of \$3500.00 was imposed. As of today's date the fine has not been paid, and a lien has been recorded.

STAFF COMMENTS AND RECOMMENDATIONS:

Staff recommends the CEAAB:

- **Find that the Respondent was in violation of City Code, Chapter 19, Section 19-3, Unsheltered Storage of Junk and Debris, from February 10, 2021 until February 23, 2021.**
- **Find that this violation is a repeat violation.**
- **Impose a fine in an amount to be determined by the Board.**

**Robert van Mierop
Code Enforcement Officer**

Sec. 19-3. - Unlawful conditions.

It shall be unlawful to deposit, keep, or maintain the unsheltered storage of any junk or refuse, including building materials or similar objects; household goods; inoperable machinery; stripped, junked, inoperable, or unlicensed motor vehicles or boats within the corporate limits of the city. A structure that is in violation of chapter 8, article IV, is a nuisance.

(Code 1964, § 12-19; Ord. No. 96-27, § 2, 6-10-96; Ord. No. 19-05, § 1, 4-22-19)

162.04 Definitions.—As used in ss. 162.01-162.13, the term:

- (1) “Local governing body” means the governing body of the county or municipality, however designated.
- (2) “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.
- (3) “Local governing body attorney” means the legal counselor for the county or municipality.
- (4) “Enforcement board” means a local government code enforcement board.
- (5) “Repeat violation” means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

History.—s. 1, ch. 80-300; s. 4, ch. 82-37; s. 10, ch. 83-216; s. 3, ch. 86-201; s. 3, ch. 89-268; s. 3, ch. 99-360; s. 22, ch. 2001-60.

Note.—Former s. 166.054.



01/13/2021 13:56





02/11/2021 14:39



02/11/2021 14:42



02/18/2021 11:13





CODE ENFORCEMENT DIVISION
OFFICIAL NOTICE OF CEAAB HEARING



March 09, 2021

IN THE MATTER OF: Name: CAROL LEE CORBITT
 Address: 14 MYRTLE AVE
 ST. AUGUSTINE, FL 32084
 Case #: CE2021-0027

HEREBY KNOWN AS RESPONDENT(S)

RE: VIOLATION OF SECTION(S):

Code of Law and Ordinances of St. Augustine, Florida

Code Section: Chapter 19, Section 19-3, Unlawful conditions

SITE OF VIOLATION: 14 MYRTLE AVENUE

LEGAL DESCRIPTION: WILLIAMS ADDN W53FT LOT 4 BLK B OR511/22

PARCEL NUMBER: 1909400000

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, April 13, 2021, 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:

- Unsheltered storage of junk and debris on both sides of the fence in the driveway and covering the front porch.

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."

Notice of Hearing
CE2021-0027

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



Robert van Mierop
Code Enforcement Officer

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

Certified Mail Number: **7019 2280 0000 6192 7914**

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.

7019 2280 0000 6192 7914

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OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$ _____
☐ Return Receipt (electronic)	\$ _____
☐ Certified Mail Restricted Delivery	\$ _____
☐ Adult Signature Required	\$ _____
☐ Adult Signature Restricted Delivery	\$ _____

Postage
 \$ _____

Total P
 \$ _____

Sent To
 Street a
 City, St

Carol Lee Corbitt
 14 Myrtle Avenue
 St. Augustine, FL 32084

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MAR 10 2021
 Postmark Here
 MPO

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>Carol Corbitt</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: Carol Lee Corbitt 14 Myrtle Avenue St. Augustine, FL 32084		B. Received by (Printed Name) <i>Carol Corbitt</i> C. Date of Delivery MAR 19 2021	
2. Article Number (Transfer from service label) 7019 2280 0000 6192 7914		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below: Planning/Building Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery	
PS Form 3811, July 2013		4. Restricted Delivery? (Extra Fee) ☐ Yes Domestic Return Receipt	

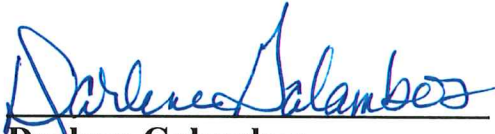
POSTING AFFIDAVIT

**OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON APRIL 13, 2021
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET**

REGARDING THE FOLLOWING:

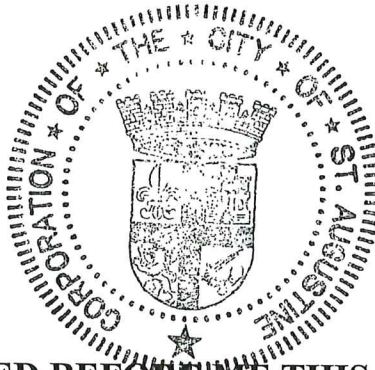
CASE NUMBER: CE2021-0027
PROPERTY LOCATION: 14 MYRTLE AVENUE
PROPERTY OWNER: CAROL LEE CORBITT
VIOLATION OF CITY CODE: CHAPTER 19, SECTION 19-3

POSTED AT CITY HALL: MARCH 25, 2021


Darlene Galambos
City Clerk

**NOTARY PUBLIC,
STATE OF FLORIDA**

**SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th DAY OF
MARCH, 2021.**




SIGNATURE OF NOTARY

POSTING AFFIDAVIT

**OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON APRIL 13, 2021
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET**

REGARDING THE FOLLOWING:

CASE NUMBER: CE2021-0027

PROPERTY LOCATION: 14 MYRTLE AVENUE

PROPERTY OWNER: CAROL LEE CORBITT

VIOLATION OF CITY CODE: CHAPTER 19, SECTION 19-3

POSTED AT PROPERTY: MARCH 25, 2021


Robert van Mierop
Code Enforcement Officer

**NOTARY PUBLIC,
STATE OF FLORIDA**

**SWORN TO AND SUBSCRIBED BEFORE ME THIS 25TH DAY OF
MARCH, 2021.**




SIGNATURE OF NOTARY



03/25/2021 14:36



CODE ENFORCEMENT DIVISION



OFFICIAL NOTICE OF CEAAB HEARING

February 19, 2021

IN THE MATTER OF: Name: CAROL LEE CORBITT
 Address: 14 MYRTLE AVE
 ST. AUGUSTINE, FL 32084
 Case #: CE2021-0027

HEREBY KNOWN AS RESPONDENT(S)

RE: VIOLATION OF SECTION(S):

Code of Law and Ordinances of St. Augustine, Florida

Code Section: Chapter 19, Section 19-3, Unlawful conditions

SITE OF VIOLATION: 14 MYRTLE AVENUE

LEGAL DESCRIPTION: WILLIAMS ADDN W53FT LOT 4 BLK B OR511/22

PARCEL NUMBER: 1909400000

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, March 9, 2021, 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:

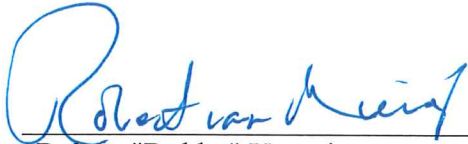
- Unsheltered storage of junk and debris on both sides of the fence in the driveway and covering the front porch.

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."

Notice of Hearing
CE2021-0027

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



Robert "Bobby" Vanmierop
Code Enforcement Officer

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

Certified Mail Number: **7019 2280 0000 6192 7884**

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.

7019 2280 0000 6192 7884

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For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	FEB 19 2021 ST. AUGUSTINE FL IMPD
Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$ _____ ☐ Return Receipt (electronic) \$ _____ ☐ Certified Mail Restricted Delivery \$ _____ ☐ Adult Signature Required \$ _____ ☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total \$ _____	
Sent to Street City, State, ZIP+4®	
Carol Lee Corbitt 14 Myrtle Ave St. Augustine, FL 32084	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <u>Carol Corbitt</u> ☐ Agent ☐ Addressee	
1. Article Addressed to: Carol Lee Corbitt 14 Myrtle Ave St. Augustine, FL 32084		B. Received by (Printed Name) <u>Carol Corbitt</u>	
2. Article Number (Transfer from service label) 7019 2280 0000 6192 7884		C. Date of Delivery MAR 19 2021	
3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery		D. Is delivery address different from item 1? ☐ Yes ☐ No YES, enter delivery address below:	
PS Form 3811, July 2013		Domestic Return Receipt <u>14 Myrtle Ave</u>	

POSTING AFFIDAVIT

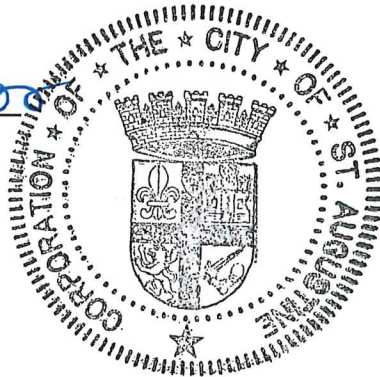
OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON MARCH 9, 2021
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET

REGARDING THE FOLLOWING:

CASE NUMBER: CE2021-0027
PROPERTY LOCATION: 14 MYRTLE AVENUE
PROPERTY OWNER: CAROL LEE CORBITT
VIOLATION OF CITY CODE: CHAPTER 19, SECTION 19-3

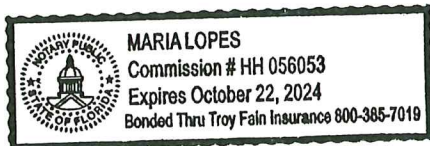
POSTED AT CITY HALL: FEBRUARY 23, 2021


Darlene Galambos
City Clerk



NOTARY PUBLIC,
STATE OF FLORIDA

SWORN TO AND SUBSCRIBED BEFORE ME THIS 23rd DAY OF
FEBRUARY, 2021.




SIGNATURE OF NOTARY

POSTING AFFIDAVIT

**OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON MARCH 9, 2021
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET**

REGARDING THE FOLLOWING:

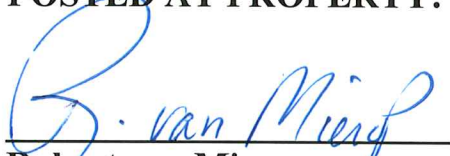
CASE NUMBER: CE2021-0027

PROPERTY LOCATION: 14 MYRTLE AVENUE

PROPERTY OWNER: CAROL LEE CORBITT

VIOLATION OF CITY CODE: CHAPTER 19, SECTION 19-3

POSTED AT PROPERTY: FEBRUARY 23, 2021


Robert van Mierop
Code Enforcement Officer

**NOTARY PUBLIC,
STATE OF FLORIDA**

**SWORN TO AND SUBSCRIBED BEFORE ME THIS 23RD DAY OF
FEBRUARY, 2021.**




SIGNATURE OF NOTARY

POSTING AFFIDAVIT

OFFICIAL NOTICE TO APPEAR FOR A
HEARING TO BE HELD BY THE
CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD
OF THE CITY OF ST. AUGUSTINE
ON MARCH 9, 2021
AT 3:00 P.M. IN THE ALCAZAR ROOM
AT CITY HALL, 75 KING STREET

REGARDING THE FOLLOWING:

CASE NUMBER	CE2001-0077
PROPERTY LOCATION	14 NIVOLLE AVENUE
PROPERTY OWNER	LARRY LEE CARRETT
VIOLATION OF CITY CODE	CHAPTER 10, SECTION 10.3
POSTED AT PROPERTY	FEBRUARY 23, 2021

Robert van Mierop
Robert van Mierop
Code Enforcement Officer

NOTARY PUBLIC
STATE OF FLORIDA

WITNESSED AND SIGNED BEFORE ME ON THIS 23RD DAY OF
FEBRUARY, 2021.



Robert van Mierop
ROBERT VAN MIEROP
NOTARY PUBLIC

02/23/2021 14:31





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



CODE ENFORCEMENT DIVISION

February 04, 2021

IN THE MATTER OF: Name: CAROL LEE CORBITT
Address: 14 MYRTLE AVENUE
ST. AUGUSTINE, FL 32084
Case #: CE2021-0027

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: City Code, Chapter 19, Section 19-3, Unlawful conditions

SITE OF VIOLATION: 14 MYRTLE AVENUE

LEGAL DESCRIPTION: WILLIAMS ADDN W53FT LOT 4 BLK B OR511/22

PARCEL NUMBER: 190940 0000

The City of St. Augustine conducted an inspection and/or review of City records regarding the subject property on January 14, 2021 which revealed the following violations:

- Unsheltered storage of junk and debris on both sides of the fence in the driveway and covering the front porch.
- Unsheltered storage of an unregistered motor vehicle. An unregistered Toyota Scion located in the driveway with expired tags.

It is the Finding of the Code Enforcement Division of the Planning and Building Department of the City of St. Augustine that the Respondent(s) shall comply with the above cited sections of the City Code of St. Augustine, Florida, by February 10, 2021 or a fine of **\$500.00 per day** may be imposed by the Code Enforcement, Adjustments and Appeals Board. The violation may be corrected via:

- Remove or properly shelter junk and debris and remove or register the unregistered Toyota Scion.

Notice of Violation
CE2021-0027

UPON COMPLIANCE, RESPONDENT SHALL PROVIDE NOTIFICATION TO THE CODE INSPECTOR AT THE CITY OF ST. AUGUSTINE, FLORIDA, PLANNING AND BUILDING DEPARTMENT WHO SHALL INSPECT THE PROPERTY TO DETERMINE THE ISSUE OF COMPLIANCE.

IF RESPONDENT HAS **NOT** ABATED or CORRECTED the violation(s) by taking the above steps on or before the compliance date, they will be placed on the agenda for the next meeting of the Code Enforcement, Adjustments and Appeals Board which shall convene in the Alcazar Room to hear evidence on the issue of compliance.

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.

TAKE NOTICE THAT ANY FINE IMPOSED BY THE BOARD AGAINST YOU CONSTITUTES A LIEN AGAINST THE REAL PROPERTY UPON WHICH THE VIOLATION EXISTS, OR IF YOU DO NOT OWN THE PROPERTY, THEN AGAINST ANY REAL OR PERSONAL PROPERTY WHICH YOU DO OWN. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY. THEREFORE, IF FOR ANY REASON YOU ARE UNABLE TO COMPLY WITHIN THE STATED TIME, PLEASE NOTIFY THE CODE ENFORCEMENT INSPECTOR IMMEDIATELY.



Robert "Bobby" Vanmierop
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 7853

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.

7019 2280 0000 6192 7853

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Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$ _____	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____ To \$ _____ \$ _____ St _____ City _____	
Carol Lee Corbitt 14 Myrtle Avenue St. Augustine, FL 32084	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <u>Carol Corbitt</u> ☐ Agent ☐ Addressee
1. Article Addressed to: Carol Lee Corbitt 14 Myrtle Avenue St. Augustine, FL 32084	B. Received by (Printed Name) <u>Carol Corbitt</u>
	C. Date of Delivery <u>2-20-21</u>
	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
	3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery
	4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number (Transfer from service label)	7019 2280 0000 6192 7853
PS Form 3811, July 2013	Domestic Return Receipt <u>14 Myrtle Ave</u>

BEFORE THE
CODE ENFORCEMENT,
ADJUSTMENTS AND APPEALS BOARD
CITY OF ST. AUGUSTINE, FLORIDA

**ORDER CLOSING CASE
AND IMPOSING A FINE
CEAAB CASE NUMBER: 2019-0251**

Public Records of St. Johns County, FL
Clerk number: 2019076712
BK: 4813 PG: 1110
10/15/2019 11:28 AM
Recording \$27.00

IN THE MATTER OF:

**Carol Lee Corbitt
14 Myrtle Avenue
St. Augustine, FL 32084
(Hereinafter referred to as Respondent)**

RE: VIOLATION OF SECTION(S): Code of Law and Ordinances of St. Augustine, Florida:
City Code, Chapter 19, Section 19-3

VIOLATION SITE: **14 Myrtle Avenue**

LEGAL DESCRIPTION: **WILLIAMS ADDN 253FT LOT 4 BLK B OR511/22**

PARCEL NUMBER: **190940 0000**

THE CODE ENFORCEMENT, ADJUSTMENTS AND APPEALS BOARD HEARD TESTIMONY AND EXAMINED EVIDENCE AT HEARINGS HELD ON **AUGUST 13, 2019 AND SEPTEMBER 10, 2019** AND, BASED ON THE EVIDENCE, HAS ADJUDGED AS FOLLOWS:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is the legal owner and/or occupant of the subject property and was duly notified of the hearings held on August 13, 2019 and September 10, 2019, in accordance with Chapter 162, F.S.

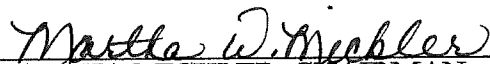
The respondent and/or authorized representative was present at the August 13, 2019 and September 10, 2019 Code Enforcement, Adjustments and Appeals Board meeting and testified under oath.

2. The City of St. Augustine conducted an inspection and/or review of City records regarding the subject property, and observed the following code violations on May 2, 2019:
 - **Unsheltered storage of junk/debris.**
3. The above described is a violation of the following Section(s) of the City Code of St. Augustine:
 - **Chapter 19, Section 19-3**

4. On July 9, 2019, the Planning and Building Department sent an **"Official Notice of Violation"**, via certified mail, to formally advise the respondent of the violation, via certified mail. The notice gave the respondent three (3) days from the receipt of the letter to correct the violation or stipulated that the board may impose a maximum fine of \$250 for each day the violation continued.
5. On July 19, 2019, the Planning and Building Department sent the respondent, via certified mail, an **"Official Notice of Hearing"** for August 13, 2019. AND a Posting Affidavit was placed with the City Clerk's office on July 29, 2019, and at the property on July 30, 2019, for the CEAAB Hearing on August 13, 2019.
6. On August 13, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in violation and issued an **"Order Finding Violation"** which allowed the Respondent until August 19, 2019 to correct the violation, or the Board stipulated that a fine of \$250 per day would be imposed for each day the violation continued. This "Order" also served as an **"Official Notice of Hearing"** for September 10, 2019.
7. On September 10, 2019, the Code Enforcement, Adjustments and Appeals Board found the case in "compliance" and issued an **"Order Closing Case and Imposing a Fine"** in the amount of \$3,500.00 for the days of continued violation past the August 19, 2019 deadline.
8. In the event of a repeat violation of this **"Order Imposing a Fine,"** Respondent shall again be notified of a compliance hearing, at which time the Board will review the evidence and impose a maximum fine of \$500 per day if said violation is determined to have again occurred.

THIS ORDER MAY BE RECORDED IN THE OFFICIAL RECORD BOOKS OF ST. JOHNS COUNTY FORTHWITH AND SHALL CONSTITUTE A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR, PURSUANT TO CHAPTER 162.08 AND 162.09 OF THE FLORIDA STATUTES. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE, AND LOSS OF YOUR PROPERTY.

DONE AND ORDERED THIS **10TH DAY OF SEPTEMBER** in open session
at the Alcazar Room, 75 King Street, St. Augustine, Florida.

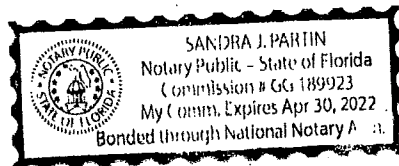


MARTHA MICKLER, CHAIRMAN
CODE ENFORCEMENT, ADJUSTMENTS & APPEALS BOARD

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Martha Mickler, who is personally known to me who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 10th day of September, A.D., 2019.



Sandra J. Partin
Notary Public, State of Florida

You have 30 days in which to appeal this order to the Circuit Court of St. Johns County. The Code Enforcement, Adjustments and Appeals Board, upon notification by the Code Enforcement Inspector that a previous order of the Board has not been complied with by the set time, may order the violator to pay a maximum fine of \$250 for each day the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the Sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for the enforcement purposes. After three (3) months from filing of any such liens which remain unpaid, the Code Enforcement, Adjustments and Appeals Board may authorize the local governing body attorney to foreclose on the lien.

Mrs. Mickler asked if he was home at the time.

Ms. Reigle asked the respondent if he could recall the process in January 2018. She was trying to verify that the respondent had knowledge of the requirement for a permit prior to tree removal.

Mr. Goretskie stated that he did have knowledge of the permitting requirement.

Ms. Reigle encouraged Mr. Goretskie to attend the next CEAAB meeting to speak on an item that will be on the agenda.

The respondent stated that he would like to participate in the discussion at next meeting.

Public comment was opened, however there was no response.

Ms. Reigle moved to continue the case to the November meeting, the motion was seconded by Mr. Day, but later rescinded.

MOTION

Mr. Simmons moved to approve an "Order Finding Violation" imposing a fine in the amount of \$800.00 with stipulation that one replacement shade tree be planted. The motion was seconded by Mr. Masson and approved by the following voice vote:

Ayes: Simmons, Masson, Weeks, Day, Mickler.

Nays: Reigle.

Mr. Simmons called the respondent back to the podium to make certain that he understood what decision had been made by this Board.

Mr. Day encouraged the respondent to take legal action against the tree company.

The respondent confirmed that he understood the ruling that day and would be seeking legal action against the tree company.

6. REVIEW OF PREVIOUSLY HEARD CASES

Item 6 (a) 2019-0251

Carol Corbitt

14 Myrtle Avenue

City Code, Chapter 19, Section 19-3

Unsheltered storage of junk and debris

Mr. van Mierop reported the following:

- On August 13, 2019, the CEAAB found this property to be in violation of the above-mentioned City Code, and allowed the respondent until August 19, 2019, to correct the violation or a fine in the amount of \$250 per day would be imposed.
- On August 20, 2019, staff conducted a follow-up inspection

of the property and found that most of the junk and debris had been removed from the front and side porches of the house. Photos taken at that inspection revealed that there was still debris that remained.

- On Monday, September 9, 2019, a re-inspection was conducted and found that the property was in compliance. The respondent stated that the violations had been cleaned up over the past weekend.
- Staff recommended that the case be closed for compliance and that the board impose a fine of \$4,500 for the 18 days of continued violation.

Carol Corbitt, 14 Myrtle Avenue, testified to the following:

- She stated that the Board had given her until Monday the 19th, the inspector had told her he would be back on Tuesday. And he told her on that Tuesday, that she was in compliance. Then he stopped by and told her she needed to be at the hearing but did not tell her she was not in compliance.
- That the only items on the porch was an exercise bicycle, a stuffed animal, and an inoperable television.
- That she had no knowledge prior to this meeting that she would be imposed a fine and that he had found her to be in violation, that she never had a television. That

she put the stuffed animal back out after the storm.

Mr. Simmons asked the respondent if she had an opportunity to view the photos that were date stamped and presented into evidence that day.

Ms. Corbitt stated that she had not.

Mrs. Mickler asked Ms. Corbitt when she corrected the violation.

Ms. Corbitt replied that she had finished the clean-up with exception of the exercise bicycle. That she never had a television and had placed the stuffed animal back out after the Hurricane.

Ms. Reigle asked the respondent if she had ever been before this Board and commented that the Board was looking at photos from June and asked if she had seen the photos.

Ms. Corbitt stated that she had been before this Board many years ago, and that she had only seen photos that were presented on the overhead monitor that day.

Public comment was opened, however there was no response.

MOTION

Mr. Simmons moved to close the case and impose a fine in the amount of \$3,500.00. The motion was seconded by Mr. Masson and approved by unanimous voice vote.

Mrs. Mickler asked if in the days of continued violation, had the days of lost time due to the Hurricane been considered.

Mr. Simmons confirmed it had and was reflected in the fined amount.

Mrs. Mickler asked the respondent whether she understood the Board's action that day. Ms. Corbitt stated that she understood.

7. REVIEW OF NEW CASES

Item 7 (a) 2019-0328

Neil Sexton

36 Magnolia Avenue

Property Maintenance.

City Code, Chapter 8, Section 8-301

International Property Maintenance Code, Section(s) 304.2, 304.7 & 304.13

Mr. van Mierop reported the following:

- On June 27, 2019, he noticed that the property was in a state of disrepair. A blue tarp on the roof was weather and torn, and it was falling off, exposing roof damage. A previously boarded up window on the north side of the house was open and the plywood had fallen off. A fence panel at the at the northeast corner of the house had fallen to the ground, leaving the property open to trespass.
- On June 28, 2019, during a telephone conversation with the respondent, he advised what

needed to be done in order to bring the property into compliance. The respondent advised that his family was trying to decide what to do with the property.

- On July 10, 2019, a Notice of Violation, allowing 14 days to bring the property into compliance, was sent to the respondent via Certified Mail. This notice was delivered on July 29, 2019.
- August 20, 2019, a follow-up inspection showed that the missing fence panel had been replaced, however the north facing window was still out and not boarded up, and the roof had not been repaired.
- On August 22, 2019, an "Official Notice of Violation" was sent to the respondent via Certified Mail to the property and the address of record. One had been returned and the other was still out for delivery.
- On August 28, 2019, an "Official Notice of Hearing" was sent via Certified Mail to the property and the address of record. One had been returned and the other was still out for delivery.
- On August 28, 2019, the property and the City Clerk's Office was posted with a "Posting Affidavit" of this hearing.
- Staff recommended that the Board find the case in violation, and allow respondent 10 days to start repairs, and that a daily fine be imposed.



St. Johns County, FL

Tax Bill

[My Tax Bill](#)

Estimate Taxes

[Tax Estimator](#)

2020 TRIM Notice

[2020 TRIM Notice \(PDF\)](#)

2019 TRIM Notice

[2019 TRIM Notice \(PDF\)](#)

Summary

Parcel ID	1909400000
Location Address	14 MYRTLE AVE SAINT AUGUSTINE 32084-0000
Neighborhood	Williams Addition (597)
Tax Description*	WILLIAMS ADDN W53FT LOT 4 BLK B OR511/22 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Single Family (0100)
Subdivision	Williams Addition
Sec/Twp/Rng	7-7-30
District	City of St Augustine (District 452)
Millage Rate	19.4926
Acreage	0.150
Homestead	Y

Owner Information

Owner Name	Corbitt Carol Lee 100%
Mailing Address	14 MYRTLE AVE SAINT AUGUSTINE, FL 32084-2830

Map



Valuation Information

	2021
Building Value	\$82,707
Extra Features Value	\$3,903
Total Land Value	\$84,800
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$171,410
Total Deferred	\$120,930
Assessed Value	\$50,480
Total Exemptions	\$25,480
Taxable Value	\$25,000

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
2020	\$82,707	\$3,903	\$84,800	\$0	\$0	\$171,410	\$49,783	\$146,627	\$24,783
2019	\$69,944	\$3,903	\$84,800	\$0	\$0	\$158,647	\$48,664	\$134,983	\$23,664
2018	\$73,356	\$3,903	\$82,680	\$0	\$0	\$159,939	\$47,757	\$137,182	\$22,757
2017	\$69,340	\$3,985	\$65,985	\$0	\$0	\$139,310	\$46,775	\$117,535	\$21,775
2016	\$62,021	\$3,985	\$59,890	\$0	\$0	\$125,896	\$45,813	\$105,083	\$20,813
2015	\$56,794	\$3,985	\$59,890	\$0	\$0	\$120,669	\$45,495	\$100,174	\$20,495
2014	\$52,022	\$3,985	\$54,325	\$0	\$0	\$110,332	\$45,134	\$90,198	\$20,134
2013	\$44,902	\$3,985	\$53,662	\$0	\$0	\$102,549	\$44,467	\$83,082	\$19,467
2012	\$46,662	\$3,985	\$53,662	\$0	\$0	\$104,309	\$43,724	\$85,585	\$18,724
2011	\$48,423	\$3,985	\$59,625	\$0	\$0	\$112,033	\$42,450	\$94,583	\$17,450
2010	\$50,184	\$3,985	\$66,250	\$0	\$0	\$120,419	\$41,823	\$103,596	\$16,823

Exemption Information

Exemption Type	Amount
Homestead	\$25,000
Homestead Band	\$480

Building Information

Building	1	Roof Structure	Gable Hip
Actual Area	1498	Roof Cover	Asbestos
Conditioned Area	1614	Interior Flooring	Carpet, Pine Wood
Actual Year Built	1900	Interior Wall	Plaster
Use	Single Family Residence	Heating Type	Convection
Style	01	Air Conditioning	None
Class	N	Bedrooms	0
Exterior Wall	Wood	Baths	
Roof Structure	Gable Hip		

Category	Type	Pct
Exterior Wall	Wood	100%
Roofing Structure	Gable Hip	100%
Roofing Cover	Asbestos	100%
Interior Walls	Plaster	100%
Interior Flooring	Carpet	50%
Interior Flooring	Pine Wood	50%
Heating Type	Convection	100%
Air Conditioning	None	100%
Frame	Wood Frame	100%
Plumbing	8 Fixtures	100%
Electrical	Average	100%
Foundation	Piers and Posts	100%
Floor System	Wood Frame	100%

Description	Conditioned Area	Actual Area
BASE AREA	234	234
2 STORY	1320	660
PATIO	0	190
FINISHED OPEN PORCH	0	294
FINISHED OPEN PORCH	0	60
FRAME ADDITION	60	60

Total SqFt	1614	1498
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Extra Feature Information

Code Description	BLD	Length	Width	Height	Units
Garage Unfinished (Low)	0	0	0	0	880
Residential Fence	0	0	0	0	30

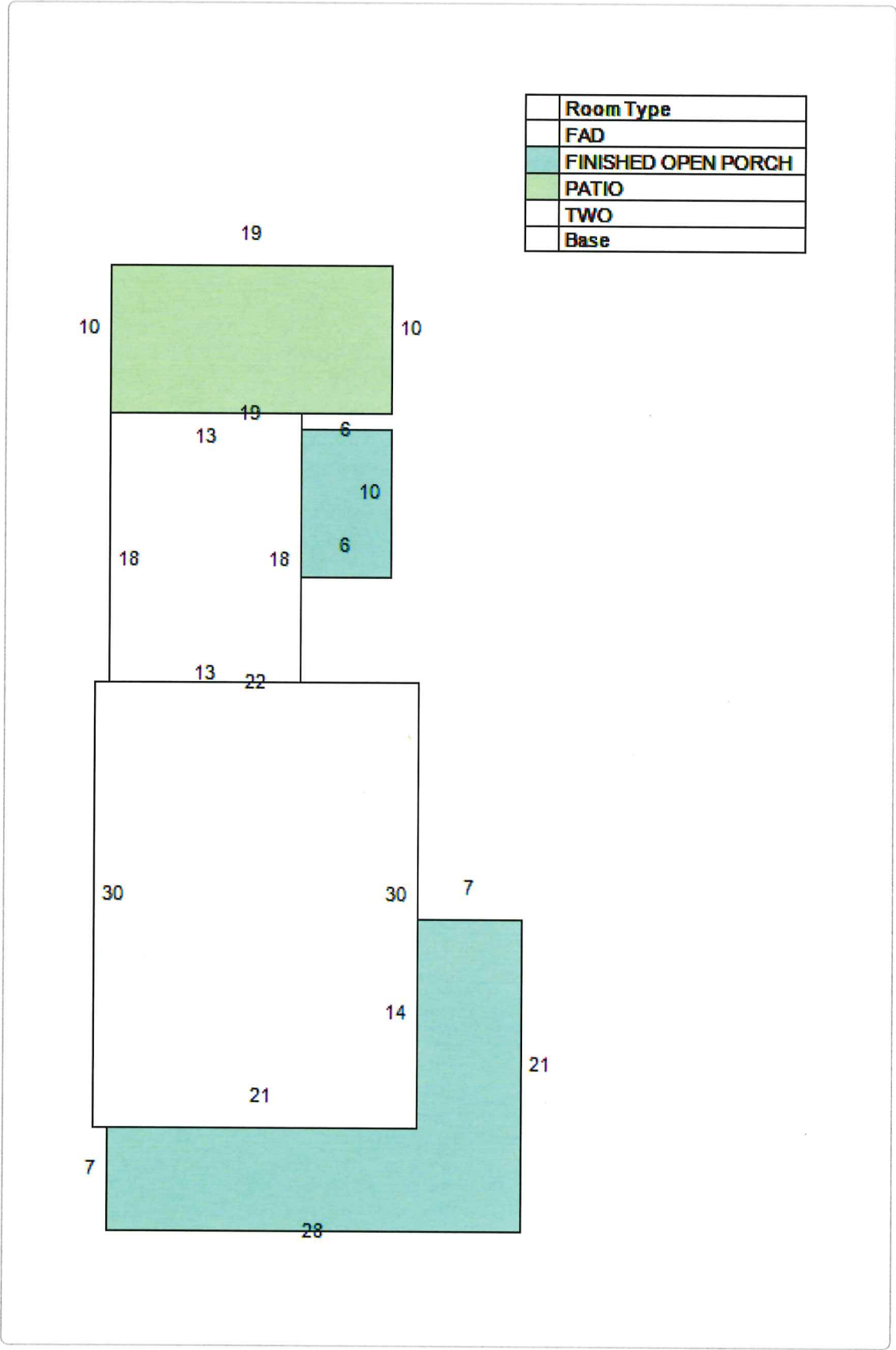
Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Single Family	53	127	53	FF	\$84,800

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	10/1/1981	\$36,000.00		511	22	U	I		CORBITT CAROL LEE

Sketch 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.

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Version 2.3.104

Dennis W. Hollingsworth Tax Collector

generated on 4/6/2021 12:47:20 PM EDT

Tax Record

Last Update: 4/6/2021 12:47:21 PM 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	
190940-0000		REAL ESTATE		2020	
Mailing Address		Physical Address			
CORBITT CAROL LEE		14 MYRTLE AVE			
14 MYRTLE AVE					
SAINT AUGUSTINE FL 32084-2830					
Exempt Amount		Taxable Value			
\$25,000.00		\$24,783.00			
Exemption Detail		Millage Code		Escrow Code	
HX 25000		452			
Legal Description					
07-07-30.15 Acres WILLIAMS ADDN W53FT LOT 4 BLK B OR511/22					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
COUNTY					
GENERAL	4.6537	49,783	25,000	\$24,783	\$115.33
ROAD	0.8444	49,783	25,000	\$24,783	\$20.93
HEALTH	0.0160	49,783	25,000	\$24,783	\$0.40
SCHOOL					
SCHOOL-STATE LAW	3.7050	49,783	25,000	\$24,783	\$91.82
SCHOOL - LOCAL BOARD	2.2480	49,783	25,000	\$24,783	\$55.71
SJRWMD	0.2287	49,783	25,000	\$24,783	\$5.67
MOSQUITO	0.2050	49,783	25,000	\$24,783	\$5.08
CITY OF ST AUGUSTINE	7.5000	49,783	25,000	\$24,783	\$185.87
FL INLAND NAV DISTRICT	0.0320	49,783	25,000	\$24,783	\$0.79
PORT AUTHORITY	0.0598	49,783	25,000	\$24,783	\$1.48
Total Millage		19.4926	Total Taxes		\$483.08
Non-Ad Valorem Assessments					
Code	Levying Authority				Amount
4105	C OF S A FIRE ASSESS FEE				\$65.73
Total Assessments					\$65.73
Taxes & Assessments					\$548.81
If Paid By					Amount Due
					\$0.00

Date Paid	Transaction	Receipt	Item	Amount Paid
3/26/2021	PAYMENT	1124724.0001	2020	\$548.81

Prior Year Taxes Due
NO DELINQUENT TAXES