

**Nassau County Construction Board of Adjustments and Appeals**  
**September 8, 2022 at 6:00 P.M.**  
**Commission Chambers, 96135 Nassau Place, Yulee, FL**

Call to Order, Invocation, and Pledge of Allegiance to the American Flag.

**Board Members:**

**Present:** Chair Michael J. Vatter, Jonathan "Jon" Cantrell, Ron V. Flick, Mike Hagel, and John Stack.

**Absent:** Donna Lynne VanPuymbrouck

**Other Official(s) Present:** Denise May, Assistant County Attorney.

**Staff Present:** Jessica White, Administrative Assistant; and Melissa Lucey and Aleina Colón, Deputy Clerks.

**Official Agenda Summary:**

**APPROVAL OF MINUTES:**

**220908CBAA - 6:01:59 (Tab A)** Approve the regular meeting minutes from June 22, 2022.

**Motion:** Approve minutes from the June 22, 2022, meeting as presented.

**Maker:** Board Member Stack

**Second:** Board Member Cantrell

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member VanPuymbrouck

**QUASI-JUDICIAL PUBLIC HEARING(S) :**

**220908CBAA - 6:02:23 (Tab B)** Ms. May read the Quasi-Judicial procedures applicable for Case Nos. 22-421, 22-546, and 22-545.

**Ex-parte Communications for Tabs C, D, and E:**

All Board Members disclosed they had no ex-parte communications for Case Nos. 22-421, 22-546, and 22-545.

**220908CBAA - 6:06:29** Documents submitted into the record: Case Nos. 22-421, 22-546, and 22-545: Staff PowerPoint presentation - 26 slides; **Case 22-421**, Case History - 2 pages, Property Information - 2 pages, Mailings and Postings - 34 pages, and a

copy of Chapter 7, Article VII, Section 7-93 of Municipal Code of Ordinance - 1 page; **Case 22-546**, Case History - 2 pages, Property Information - 2 pages, Mailings and Postings - 38 pages, and a copy of Chapter 7, Article VII, Section 7-93 of Municipal Code of Ordinance - 1 page; **Case 22-545**, Case History - 2 pages, Property Information - 1 page, Mailings and Postings - 41 pages, and a copy of Chapter 7, Article VII, Section 7-93 of Municipal Code of Ordinance - 1 page.

**Motion:** Accept documents into the record as identified above for Case Nos. 22-421, 22-546, and 22-545.

**Maker:** Board Member Stack

**Second:** Board Member Vatter

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member VanPuymbrouck

**Motion:** Open the floor to public discussion for Case Nos. 22-421, 22-546, and 22-545.

**Maker:** Board Member Cantrell

**Second:** Board Member Vatter

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member VanPuymbrouck

Deputy Clerk swore in Charles Barr, Deputy Building Official, to provide testimony.

#### **NEW BUSINESS**

**220908CBAA - 6:08:30 (Tab C)** Case 22-421, Terry & Marilyn Eby. The property is located at 54520 Jonas Drive in Callahan, Florida.

**Discussion:** Mr. Barr came forward to provide a PowerPoint presentation. He advised that the property is in violation of Chapter 7, Article VII, Section 7-93, Subsection 1 (a), (c), (d), (e), (f), and (g) of the Nassau County Code of Ordinances - unlawful residential, commercial, and industrial building nuisances. He referenced photographs from June 23, 2022, depicting the violations, noting that the property is not secured. Upon re-inspection on September 8, 2022, the structure is no longer visible from the road from a lack of property maintenance. Staff recommended a motion that the property is in violation and to eliminate or cure all violations by repairing the building or structure in accordance with the Florida Building Code or by

demolishing it if the Board determines that repair is not possible. With a certain date that the work shall commence and a reasonable date, which the work shall be completed, provided a date for a future hearing to determine whether the order was complied with. At which time, the Board may direct the County Building Official to repair or demolish the structure and to assess administrative fees and fines, that might be applicable to this case at a later date.

Mr. Barr responded to the Board's inquiry regarding the utilities and the structural integrity of the building. He advised that the utilities are no longer intact and that the concrete block building was a detached garage. He indicated that he spoke with the property owner on June 23, 2022 and was advised that they would produce a scope of work, pull a permit, and complete the work; however, this has not been completed. Mr. Barr stated that the structure is possible to be repaired, but it would take time, effort, and money.

Public input: Terry Eby came forward and was sworn in to provide testimony. He indicated that he is the property owner, and that the property has had power for four years through an isolated breaker that was inspected by the County. He raised concerns that the property and dwelling were inspected on October 22, 2019, by Inspector Roosevelt Morris without permission to access the property. He pointed out that the property is isolated with a fence that is locked and chained and did not provide knowledgeable permission for entry. He requested to provide a photograph for the record. Ms. May indicated that only one photograph was provided and not enough for the entire Board, and it would be the Board's pleasure to accept the document into the record. Mr. Eby elaborated that these photographs would clarify what was visible from the road.

**Motion:**     **Accept a photograph into the record for Case Nos. 22-421.**

**Maker:**     **Board Member Stack**

**Second:**    **Board Member Flick**

**Action:**     **Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter**

**Absent:**     **Board Member Donna VanPuymbrouck**

**Discussion:** Chair Hagel inquired if the property owner was referring to access to the property. Ms. May advised that Mr. Barr can only speak to the record only as of June 23, 2022, noting that Inspector Morris is no longer employed with the County and is not available for questioning regarding entry to the property.

Public input: Mr. Eby indicated that the violations listed would require for entry to the property. He advised that he invited the Building Inspector to the property to show how the property was isolated from the road. He requested to submit additional ten more photographs into the record.

**Motion:**     **Accept ten photographs into the record for Case Nos. 22-421.**

**Maker:**     **Board Member Cantrell**

**Second:**    **Board Member Vatter**

**Action:**    **Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter**

**Absent:**     **Board Member Donna VanPuymbrouck**

**Discussion:** Chair Hagel inquired if entry into the property has any relevance to the case. Ms. May pointed out that the pictures provided do not include the dates that they were taken and recommended that the Board reviews both sets of photographs from staff and the property owner for further determination.

Public input: Mr. Eby reported that the roof was collapsing due to four trespassers stealing the aluminum that plated the garage; unfortunately, the Nassau County Sheriff's Office refused to prosecute the trespassers and referred him to go to Civil Court. He advised that the garage structure is a cinder block building that has a complete roof, but there is damage to the porch roof. He provided a brief overview of the photographs that he provided and advised that he intends to replace a new porch roof and windows. He stated that the no permit violations were due to a trailer that caught on fire and was unaware that it would require a permit. He reiterated that all the violations listed would require entry to the property. Mr. Eby confirmed that weak joints were removed, replaced the broken windows with inserts and plywood, and the electrical power was isolated to the internal boxes. He had requested for the Building Official to provide additional time for all the repairs and to apply for the permits, but he intends to make the corrections. He reiterated that this property is in secure condition that prohibits trespassers' access. The intent of the property is to place a house trailer onto the property, noting that the property has water and sewage. He reiterated that the property only has a storage garage and has not been occupied since 2014. In a response posed by the property owner, Mr. Barr confirmed that he has not had access nor intends to enter the property without the property owners' permission.

**Discussion:** Mr. Barr indicated that there was no demolition permit before the property owner started commencing work. He noted that the garage would be considered an accessory structure, which would cause a conflict with zoning without a primary dwelling on the property. Staff will need to seek further guidance from the Planning Department. He reiterated that the notice was posted on the property on August 28, 2022. He could not confirm if the structure is secured, as staff has not had access to the property. Mr. Bar clarified that Inspector Morris inspected the property because of a Code Enforcement complaint of an unsafe structure.

Public input: Mr. Eby came forward for rebuttal. He indicated that debris removal does not require a permit. He reiterated that access to his property without his permission is illegal and would invalidate staff's report. Ms. May pointed out that the staff pictures provided are dated June 23, 2022.

**Motion:** Close the floor to public discussion.

**Maker:** Board Member Flick

**Second:** Board Member Cantrell

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member Donna VanPuymbrouck

**Discussion:** A brief discussion ensued to provide additional time to address the property's accessory dwelling, permitting, repairs, and potential zoning issues. Ms. May recommended that the Board could order that the property owner allow the Building Official back on site to inspect that the property has been made secured and to allow an additional inspection on or before the meeting if set. Mr. Eby affirmed that the building is secured and safe, access would be granted to the Building Official for inspection and securing necessary permits within a date specified by the Board.

**Motion:** Based on competent and substantial evidence and testimony received in the record, Case 22-421, Terry and Marilyn Eby, are in violation of Nassau County Code of Ordinances, Code of Ordinances, Chapter 7, Article VII, Section 7-93, Subsection (e), and (g).

**Maker:** Board Member Stack

**Second:** Board Member Cantrell

**Action:** Aye: Board Members Cantrell, Hagel, Stack, and Vatter  
Nay: Board Member Flick

**Absent:** Board Member Donna VanPuymbrouck

**Motion:** It would be further ordered that the respondent must eliminate and/or cure all violations in accordance with the Florida Building Code as followed: (1) All work shall commence on/or before September 9, 2022. (2) All work shall be completed on/or before 30 days thereafter. (3) The respondent must eliminate or cure all violations in accordance with the Florida Building Code by repair in accordance with the Florida Building Code. (4) The respondent shall make the structure safe by securing all ingress/egress, post that the structure as unsafe, allow the Building Official access for inspection, and have a plan for permitting and/or rehabbing the structure. (5) The respondent will further be ordered to reappear before this Board on December 1, 2022.

**Maker:** Board Member Stack

**Second:** Board Member Cantrell

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member Donna VanPuymbrouck

**220908CBAA - 7:02:57 (Tab D)** Case 22-546, Janice Barber. The property is located at 95353 Wilder in Boulevard in Fernandina Beach, Florida.

**Discussion:** Mr. Barr came forward to provide a PowerPoint presentation. He advised that the property is in violation of Chapter 7, Article VII, Section 7-93, Subsection 1 (a), (c), (d), (e), (f), and (g) of the Nassau County Code of Ordinances - unlawful residential, commercial, and industrial building nuisances. He referenced photographs from March 26, 2014, December 26, 2019, and December 30, 2019, depicting the violations. He specified that upon re-inspection on September 8, 2022, the property had been cleaned up. He pointed out that on June 9, 2022, the property owner pulled a demolition permit to demolish the structure; however, this has not been completed. Staff recommended a motion that the property is in violation and to eliminate or cure all violations by repairing the building or structure in accordance with the Florida Building Code or by demolishing it if the Board determines that repair is not possible. With a certain date that the work shall commence and a reasonable date, on which the work shall be completed, providing a date for a future hearing to determine whether the order was complied with. At which time, the Board may direct the County Building Official to repair or

demolish the structure and to assess administrative fees and fines, that might be applicable to this case at a later date.

Mr. Barr responded to the Board's inquiry and clarified that the owners have an active building permit to demolish the structure that expires in 180 days in December.

Public input: Janice Barber came forward and was sworn in to provide testimony. She advised that she has been trying to get the structure demolished but having difficulty finding contractors to complete the work. She affirmed that she intended to demolish the structure while keeping the property clean and to sell the property after demolition. She explained that the contractors have been sick with Covid and cannot perform the demolition at this time.

**Motion:** Close the floor to public discussion.

**Maker:** Board Member Cantrell

**Second:** Board Member Stack

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member Donna VanPuymbrouck

**Discussion:** A brief discussion to allow the respondent additional time to correct the violations and having the structured demolished.

Public input: Daniel Dudek came forward to be recognized and was sworn in to provide testimony. He requested that the property be deemed unsafe and immediately demolished.

**Motion:** Based on competent and substantial evidence and testimony received in the record, Case 22-546, Janice Barber, are in violation of Nassau County Code of Ordinances, Code of Ordinances, Chapter 7, Article VII, Section 7-93, Subsection (a), (c), (d), and (g). It would be further ordered that the respondent must eliminate and/or cure all violations in accordance with the Florida Building Code as followed: (1) That the respondent shall repair or demolish the building structure. (2) All work shall be completed on or before December 1, 2022. (3) The respondent is hereby ordered to re-appear before this Board on December 1, 2022, if not accomplished.

**Maker:** Board Member Flick

**Second:** Board Member Hagel

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter  
**Absent:** Board Member Donna VanPuymbrouck

**220908CBAA - 7:21:47 (Tab E)** Case 22-545, Crystal I, LLC. The property is located at 45091 Wordlaw Circle, in Callahan, Florida.

**Discussion:** Mr. Barr came forward to provide a PowerPoint presentation. He advised that the property is in violation of Chapter 7, Article VII, Section 7-93, Subsection 1 (a), (c), (d), (e), (f), (g), and 2 (a) of the Nassau County Code of Ordinances - unlawful residential, commercial, and industrial building nuisances. He reported that he was just informed that the property taxes are in arrears for the past three years and will be placed for auction on November 1, 2022. He referenced photographs from August 16, 2013, June 23, 2020, and September 10, 2021, depicting the violations. The property was still in violation upon re-inspection on September 8, 2022. He stated that notices were posted numerous times, and not much changed except for overgrowth. Staff recommended a motion that the property is in violation and to eliminate or cure all violations by repairing the building or structure in accordance with the Florida Building Code or by demolishing it if the Board determines that repair is not possible. With a certain date that the work shall commence and a reasonable date, on which the work shall be completed, providing a date for a future hearing to determine whether the order was complied with. At this time, the Board may direct the County Building Official to repair or demolish the structure and assess administrative fees and fines, which might be applicable to this case later. Ms. May indicated that this would be a unique case; normally, the County would be contacted by the Tax Collector's Office regarding the tax deed sales which is set for November 1, 2022. She advised that the Board could proceed by finding the violations on the property; however, this might be more difficult as there is an absentee owner. She indicated that the Board could consider continuing this item by December 1, 2022, the County should be notified the property's new owners. However, this Board can make a motion, and the new owners can be made aware of the order. A brief discussion ensued regarding securing the building.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Cantrell  
**Second:** Board Member Flick



**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member Donna VanPuymbrouck

**Discussion:** A further discussion ensued regarding the demolition and securing of the structure.

**Motion:** Based on competent and substantial evidence and testimony received in the record, Case 22-545, Crystal I, LLC., are in violation of Nassau County Code of Ordinances, Code of Ordinances, Chapter 7, Article VII, Section 7-93, Subsection (a), (c), (d), (e), (f) and (g); and Subsection 2 (g). It would be further ordered that the respondent must eliminate and/or cure all violations in accordance with the Florida Building Code as followed: (1) Demolition of the building/structure. (2) All work shall be completed on/or before May 1, 2023.

**Maker:** Board Member Flick

**Second:** Board Member Cantrell

**Action:** Aye: Board Members Cantrell, Flick, Hagel, Stack, and Vatter

**Absent:** Board Member Donna VanPuymbrouck

**220908CBAA - 7:40:18 (Tab F)** Upcoming Meetings will be held on December 1, 2022, at 6:00 p.m.

**Request:** Board Member Flick requested to review the last three years of the Building Utilization Report.

There being no further business, the Nassau County Construction Board of Adjustments and Appeals adjourned at 7:42 p.m.