



AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
DECEMBER 3, 2020
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

The Regular Code Enforcement & Appeals Board Hearing will be held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM

2. APPROVAL OF MINUTES

2.1 The minutes for November 5, 2020, are presented for approval.

3. OLD BUSINESS

4. NEW BUSINESS

4.1 **PATRICIA K. & WILLIAM R. GASS, JR., 801 WHITE STREET, CASE 2019-0122.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 - Exterior Structure - Maintenance. *Requesting Board determination of the case.*

4.2 **SHEILA HILL, 1316 BEECH STREET, CASE 2020-0004.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 - Exterior Structure - Maintenance. *Requesting Board determination of the case.*

4.3 **ERIC WEBER, 1604 BEECH STREET, CASE 2020-0276.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property. *Requesting Board determination of the case.*

4.4 **SHAUN BARRY, 108 N. 10TH STREET, CASE 2020-0317.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property, Section 42-117 - Exterior Structure - Maintenance, Section 42-119 - Rubbish & Garbage Accumulation, LDC Section 5.01.09 - Outside Storage, LDC Section 7.01.02C - Street Numbers Signs, LDC Section 7.01.05D - Specific Parking Restrictions for Boats and Trailers. *Requesting Board determination of the case.*

4.5 **JESSUP PROPERTIES/JIM JESSUP, 409 FIR STREET, CASE 2020-0407.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 - Exterior Structure - Maintenance. *Requesting Board determination of the case.*

5. BOARD BUSINESS

5.1 **BOARD APPOINTMENTS** - Recommendation of appointments: Reappointment of Member Shults; Appointment of Alternate Member Thompson to the seat vacated by Member Chapman; Appointment of Alternate Member Fotiades to the seat vacated by Member Byrd.

6. ADJOURNMENT

Quasi-Judicial – Denotes that the item must be conducted as a Quasi -Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the Code Enforcement Director (mforstrom@fbfl.city) must be sent no later than 1 PM on December 3, 2020 and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words. Public comment may also be provided virtually through use of the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety. Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 5:20 PM on December 3, 2020 and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Zoom Meeting Link:

<https://zoom.us/j/99038711256?pwd=QXpWVDFiVnA0ZEFOWm9PLzA4SWdVZz09>

Password: CEAB1203

(Users must have a functional microphone): **935 5445 2778** with Password: **CEAB1203**

Or

Zoom Phone Dial-In for Public Comment: + **1 646 558 8656** Meeting ID: **990 3871 1256**

Password: **61442694**

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 5:20 PM to be counted and to complete a speaker form. You will be admitted into City Hall when it is your turn to make your public comments and must exit City Hall after your comments are made.

It is required that you wear a face mask when entering City Hall for your protection and the protection of others.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Code Enforcement Department (904) 310-3440. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will 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 made.

DRAFT



Code Enforcement & Appeals Board Minutes

Regular Hearing

November 5, 2020

Due to the ongoing COVID-19 pandemic, the Code Enforcement & Appeals Board Meeting was held as a combination VIRTUAL and LIVE MEETING with some board members and City staff participating through video conferencing. This virtual meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

1. Call to Order/Roll Call/Determination of Quorum - The meeting was called to order at 5:35 p.m.

Board Members Present:

Chair Adam Kaufman

Vice Chair Nicole Kresse

Buddy Boyd (via Zoom)

Henry Byrd

Cindy Crow (via Zoom)

Andy Fotiades (via Zoom) (Alternate 2 - seated as voting member at this meeting)

Gail Shults

Board Members Absent:

Leroy Thompson

Staff Present:

Tammi E. Bach, City Attorney

Harriet Davis, Administrative Coordinator

Michelle Forstrom, Code Enforcement Director

Kelly Gibson, Planning & Conservation Director

Officer Sturges, Police Department

George Wells, Code Enforcement Officer

Troy Woleshin, IT Specialist

Others Present:

Marc Anderson

Reverend Wardell Avant

Dr. Jeffrey Blyth

Mr. Brown (via Zoom)

Arlene Filkoff (via Zoom)

Arlene Green

Henry Green

Steve Hickman

Barb Kent

Harrison Poole

Julia Roberts

Chip Ross

Jasmine Scarver (via Zoom)

2. **Approval of Minutes** - According to the agenda support documents, the minutes for the September 3rd, 2020 regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Board Member Shults, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

The Board voted to seat Board Member Fotiades as a voting member for this meeting. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Mr. Kaufman introduced attorney Harrison Poole who represented the board for this meeting. Mr. Poole explained the quasi-judicial process.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

3. **Old Business**

STAFF UPDATE ON 409 FIR STREET, CASE 2019-0439

Code Enforcement Director Michelle Forstrom provided an update on this property, which was previously presented to the board in July for violation of Section 42-116, Duty to Maintain Property. The property is still in violation and is currently in the process of being sold. There are fines and fees associated with the case.

4. **New Business**

4.1 JASMINE SCARVER, 1014 S. 10TH STREET, CASE 2020-0287. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.2 DAVID T. & ANTOINETTE BROWN, 823 S. 13TH STREET, CASE 2020-0284. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

4.3 NETHERLAND WILSON, 816 VERNON STREET, CASE 2020-0285. Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Land Development Code, 6.02.16 – Group Homes or 6.02.17 – Group Residential Violation. *Requesting Board determination of the case.*

Chair Kaufman read the cases and noted they will be presented as one case since the violations are the same for each property. City Attorney Tammi Bach presented the case for the City and submitted evidence into the record.

Ms. Bach stated the violations are of the Land Development Code (LDC): Section 6.02.16 – Group Homes, and Section 6.02.17 – Group Residential Violation. Ms. Bach stated that even though the subject matter is complex, the case is simple in that the violations exist because the properties violate the allowable use for R-2 zoning. The properties exceed the allowable number of four (4) unrelated adults living together in a single-family residence. Ms. Bach also noted the City's LDC was written lawfully without the use of the terms "recovery," "sober homes," or "halfway house" since these are discriminatory terms.

Mr. Kaufman reiterated that the cases are brought against the property owners, not against any tenant or individual that has entered into a lease agreement with each owner.

Ms. Bach provided the definitions of "group home" and "group residential" according to the LDC. A group home is a residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) but not more than fifteen (15) residents. A group residential facility is a facility

occupied by five (5) or more unrelated individuals on a monthly or longer basis. Group residential facilities may be operated by a separate entity (whether for-profit or not-for-profit) or may operate under the control of the individuals who occupy the residence. A group residential facility is not a group home facility and does not provide any personal care or supervisory services to its residents. Group homes are allowed in the following zoning districts: RE, R1, R1-G, RLM, R-2, R-3, MU-1, and C-3. They are considered businesses in the City and must obtain a business license.

Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCF) shall be deemed a single-family unit and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents.

Group homes duly licensed by DCF as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in Florida Statute 419.001, shall be allowed in multi-family residential districts.

Ms. Bach presented a map depicting the zoning districts that allow group homes with supervision and DCF licensing. She also provided an aerial shot depicting the properties in violation as listed above. The LDC requires a minimum distance requirement of 1,200 feet between group home locations.

Group residential facilities are allowed in the following zoning districts: R-3, MU-1, and C-3. Group residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services or supervision to its residents. They shall have a maximum occupancy restriction based on a Fire Marshal's inspection. They shall provide one (1) off-street parking space for each two (2) occupants, based on maximum occupancy. There is no distance requirement.

Ms. Bach spoke to the subject of reasonable accommodations for individuals with disabilities and the American Disability Act (ADA) and Fair Housing Act (FHA). She stated the City does not characterize group residential or group homes as "sober homes" or "recovery residences" because it is not the City's business why unrelated individuals are living in these homes. She reiterated the City provides many zoning districts that allow for group homes or group residential, as stated above.

Ms. Bach called Ms. Forstrom to testify on behalf of the City and provide a timeline of events. Ms. Forstrom stated City staff met on May 21st, 2019 to discuss the LDC regarding group homes and group residential. This was in response to Mr. Green's request for obtaining a business license. City staff met on July 21st, 2020 to discuss the matter further. On this same day, Ms. Forstrom and Mr. Wells met Mr. Green at 1014 S. 10th Street, where he provided a tour of the home. Ms. Forstrom stated there were many chairs set up in an assembly fashion for Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings. She counted fifteen (15) beds and noted there were three (3) bedrooms and one (1) bathroom in the single-family home. Mr. Green informed Ms. Forstrom that at any given time, there are approximately six (6) men residing at the location for a maximum of ninety (90) days. He stated the other beds are occupied by short term residents, anywhere from one to a few days for transition purposes.

Ms. Forstrom stated she asked Mr. Green about the other homes listed on this agenda and he told her they would be of the same set up. Mr. Green told her he did not need any licensure because he was operating under the category of ministry. Ms. Forstrom told Mr. Green that she would research the matter further to confirm this.

City staff met on July 27th to confirm that Mr. Green is indeed of violation of the LDC by operating a group home without proper licensure.

Ms. Forstrom provided a timeline of the notice letters. These cases were originally scheduled to go before the board on September 3rd; however, all three cases were pulled from the agenda because proper

service was not provided to the property owners. On August 11th, Ms. Forstrom and Ms. Bach met with Mr. Green, along with Dr. Jeffrey Blyth, an associate of Mr. Green, to discuss the cases. After this discussion, City staff told Mr. Green he must comply with the Supplemental Standards in the LDC to continue operating the homes.

On September 10th, staff sent notice letters for the October 1st board meeting. Staff later discovered that 1014 S. 10th Street had changed ownership. Without proper service to the new owner, the cases were pulled from the October 1st agenda and the meeting was cancelled. On October 5th, staff sent a notice letters to the new owner of 1014 S. 10th Street and letters to the other two property owners with a new hearing date scheduled for November 5th.

Ms. Forstrom read the recommended motion: *Staff recommends a motion to find the properties in violation of 6.02.16 Group Homes, giving the respondents two (2) weeks/fourteen (14) additional days to come into compliance by November 19th, 2020. The City recommends a motion that all administrative fees be paid by the Respondent and that a fine of \$200.00 a day for the violation to begin on November 20th, 2020 if not in compliance, along with filing a lien on this property on January 4th, 2021, forty-five (45) days from November 20th, 2020.*

Ms. Bach asked Ms. Forstrom to verify her employment with the City of Fernandina Beach. Ms. Forstrom confirmed she has been employed by the City for almost sixteen (16) years and has been a Code Enforcement Officer for fifteen (15) years, with certifications through the Florida Association of Code Enforcement (FACE).

Ms. Bach asked Ms. Forstrom to provide more details on 823 S. 13th Street and 816 Vernon Street. Ms. Forstrom stated she spoke with a tenant at 823 S. 13th Street. This person stated 5-6 individuals live at this address. On this same day, Ms. Forstrom confirmed during a conversation with Mr. Green that both houses would be of similar setup to 1014 S. 10th Street.

Dr. Blyth inquired how Ms. Forstrom determined the properties are being used for group homes. Ms. Forstrom stated she obtained this information from direct conversation with Mr. Green, along with a conversation with a tenant at 816 Vernon Street when she posted the notice at the property. She stated this property appears to be a group home because AA and NA meetings are held there along with 24-hour supervision. These meetings are referenced in a news article from the Fernandina News-Leader dated September 25th, 2020.

Dr. Blyth inquired as to Ms. Forstrom's thought process in determining all three properties are in violation of both sections of the LDC. Ms. Forstrom stated she cited both sections of the code since both sections could apply in each instance, i.e. group residential is not allowed in R-2 and group homes require licensure.

Vice Chair Kresse inquired about the current administrative fines and fees. Ms. Forstrom provided this information for each property.

The discussion shifted to the subject of preemption. Ms. Bach explained the City is a home-rule city as are all cities incorporated within the State of Florida and that local law cannot preempt state law, meaning that local jurisdiction cannot legislate on certain issues. She shared the example of smoking on the beach. The State preempts the City on this issue. Ms. Bach referred to Florida Statute 397.311, Substance Abuse Services Definitions, and the definition for "recovery residence." Based on the definition, Ms. Bach feels the City is not preemptive in applying the zoning code for group homes and group residential.

Dr. Blyth spoke to the board and those in attendance as acting representation for the property owners and confirmed he did meet with City staff along with Mr. Green on August 11th, 2020 to discuss the cases. He stated City staff agreed the current code in place was not appropriate and they should apply for an

amendment. He cited Florida Statute 419.001, Community Residential Homes which states that a "resident" is defined as a person with developmental disabilities or a child in need of services. He feels the resident population does not meet the parameters outlined in this definition for group homes or group residential and the LDC should not apply in these cases.

Dr. Blyth went on to say he feels the state and its subdivisions, including the City, have a legitimate state interest in protecting those suffering from addiction, and cited Florida Statute 397.487, Substance Abuse Services - Voluntary Certification of Recovery Residences. Dr. Blyth also referred to the Florida Association of Recovery Residences (FARR). He has sought assistance from this organization and stated Mr. Green is in the process of obtaining a recovery residence administrator certification through them.

Dr. Blyth inquired why City code is not in line with the state statute. He feels the state statute should override the City code in these cases. Chair Kaufman stated the task of the board is to rule on the cases brought before them, not to modify the existing codes.

Dr. Blyth asked Mr. Green to share his testimony. Mr. Green stated he consulted with Ms. Forstrom and other City staff in 2014 for the requirements to operate as Grace and Gratitude Sober Living. He was referred to DCF since the City did not have any guidelines in place for recovery residences. After consultation with DCF, he was advised to seek the City's guidance again since recovery residences are not regulated by DCF. After a second meeting with City staff, Mr. Green consulted with the state for their recommendation. He was advised to file the paperwork to incorporate Grace and Gratitude Sober Living. Mr. Green feels he should be "grandfathered in" since he has been operating for five (5) years without any issues or complaints from neighbors. He stated he has been operating under the assumption that no other paperwork or documentation was required.

Mr. Green spoke to Ms. Forstrom's statement above regarding AA and NA meetings at 1014 S. 10th Street. He stated these meetings are not associated with this property, and it is the location for the Fernandina Beach Group of AA and NA, which is part of a worldwide network of meetings. Mr. Green stated he was advised by City staff to apply for a business license before he opened the women's facility.

As mentioned above, Mr. Green confirmed he has applied for a recovery residence administrator license through the Florida Certification Board (FCB) and FARR. As part of the application process, the properties will be inspected. In response to Ms. Forstrom's comment above regarding the number of bathrooms at 1014 S. 10th Street, he stated there are two (2) bathrooms in the house.

Chair Kaufman asked Mr. Green to speak to lease agreements with each property owner. Mr. Green stated he signed these documents as the property manager. Chair Kaufman inquired about liability. Mr. Green stated each residence signs a contract they will not hold Grace and Gratitude Sober Living or himself liable in exchange for a safe place to reside.

A board member asked Mr. Poole to express his interpretation of the LDC. Mr. Poole stated he has reviewed the LDC and it does not make a distinction for recovery residences. Mr. Poole stated the state has not preempted the City in these cases. Dr. Blyth reiterated his thoughts about the City code versus the state code. He continues to question the reasoning applied in these cases.

Dr. Blyth asked Ms. Bach to confirm that since the properties did not fit within the parameters of group home or group residential that Mr. Green was advised to apply for an amendment. Ms. Bach stated that yes, an amendment would be required to change the existing code; however, it would require both Planning Advisory Board (PAB) and City Commission approval. It is not within the purview of the Code Enforcement Board to decide. Dr. Blyth stated he attempted to submit the application to the Planning Department but learned later the application was not moving forward in the process.

Chair Kaufman entertained a comment from an audience member. Property owner Marc Anderson, 823 Vernon Street, spoke on behalf of Mr. Green's program and the benefits it provides. He feels that many individuals have benefitted from the services, and there are more important issues that should be addressed by City staff and Code Enforcement. Mr. Green reiterated that many individuals have benefitted from his program and that several local agencies contact him when they have individuals that need assistance, such as the hospital and the Barnabas Center.

Board Member Byrd inquired about Mr. Green's inquiry to DCF. Mr. Green reiterated that he was advised to seek the City's guidance since recovery residences are not regulated by DCF; however, neither Dr. Blyth nor Mr. Green could not provide any documentation to confirm this.

Vice Chair Kresse suggested pending this item to the next meeting to allow more time for compliance.

Ms. Gibson provided some points of clarification on the LDC amendment application. She stated the City provides a range of zoning districts and mechanisms to provide and regulate group homes and group residential dwellings, including restrictions that limit placement, licensure requirements, and physical proximity to each other. Since the subject homes do not have DCF licensing or are located within the R-2 zoning district, they are out of compliance according to the City's codes.

Ms. Bach encouraged Dr. Blyth and Mr. Green to approach the City Commissioners if they would like to see changes in the code. Ms. Gibson spoke to the timeline required for a code amendment and stated this process would take approximately 3-4 months, as it requires both PAB and City Commission approval.

Board Member Crow inquired about the group home licensing requirement from DCF. Ms. Gibson stated Mr. Green does not qualify for this license based on the services he provides. Ms. Bach reiterated the range of services is less than the minimum required to obtain a DCF license.

Vice Chair Kresse inquired about the definition of "resident" according to the LDC. Ms. Gibson referred to Chapter 1 of the LDC and stated residents of a dwelling unit may be comprised of: an individual; two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; a group of not more than four (4) individuals, not related by blood or marriage, or groups licensed by the State of Florida as Group Homes, as defined and regulated by Objective 3.05 of the City of Fernandina Beach Comprehensive Plan.

Board Member Byrd inquired if there are other group homes within the City limits. Ms. Gibson stated she is aware of one (1) other location within the City limits.

Ms. Bach spoke to Mr. Green's comment that he has been operating these homes for several years with no issues from neighbors. Ms. Bach feels the need for these types of services has grown within the community since he opened the first home. As more facilities opened, the community has started paying attention to the number of facilities in existence. This was brought to the attention of Code Enforcement.

Ms. Bach asked Mr. Wells to provide testimony on his inspection with Ms. Forstrom at 1014 S. 10th Street. Mr. Wells stated he saw several violations for property maintenance and outside storage. These violations have since been corrected. He also stated the residence was unsanitary and confirmed there were fifteen (15) beds placed throughout the house.

No further testimony was provided on the case. Chair Kaufman called for a motion to close the hearing portion of the meeting.

A motion was made by Board Member Shults, seconded by Board Member Byrd, to close the hearing. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board discussion:

The board members discussed the violations and the applicable zoning restrictions for each property.

Board Member Crow feels it is difficult to decide on this case because of the nature of the licensing requirement and the fact that Mr. Green does not provide services that require a license. She requested documentation from DCF on the requirements. Board Member Byrd also feels it is difficult to ask for licensing since Mr. Green's services do not meet the minimum requirements.

Board Member Boyd feels the duty of the board is to decide if Mr. Green has violated the LDC and can meet the requirements of the code to continue operating these facilities within R-2 zoning.

Vice Chair Kresse feels the board cannot find the properties in violation of both 6.02.16 - Group Homes and 6.02.17 - Group Residential Violation. The motion should include only one violation.

The board discussed whether to find the properties in violation and if they should assess fines and fees before allowing Mr. Green time to apply for a LDC amendment. Mr. Poole suggested they allow some time for this process.

Board Member Boyd feels the board should find the property owners in violation but give them appropriate time to come into compliance. He suggested one hundred and eighty (180) days.

The board members discussed how to word the motion.

A motion was made by Board Member Boyd, seconded by Board Member Byrd, to find the properties in violation of 6.02.16, Group Homes, and to give the respondent one hundred and eighty (180) days to come into compliance. Compliance may include the following: 1) reducing the number of people living in each home to 4 or less; 2) applying for and getting approval from the City a Land Development Code amendment to allow group residential (boarding houses) in R2; or, 3) for Henry Green (the organizer of these sober homes) to get state DCF licensing to change the status of these homes to group homes with onsite supervision and maintain 1200 feet of separation between these group homes. The Board will assess fines and administrative fees at the end of one hundred and eighty (180) days (May 4th, 2021) if the property is not brought into compliance at that time. Vote upon passage of the motion was taken by voice vote being all ayes, carried.

Board Member Boyd thanked Mr. Green for the services he provides. Other board members reiterated their appreciation.

5. Board Business

5.1 BOARD APPOINTMENTS - Recommendation of appointments.

There was no discussion on this item.

5.2 2021 MEETING DATES

All meetings are scheduled for the first Thursday of each month at 5:30 p.m.

6. Adjournment

There being no further business to come before the Code Enforcement and Appeals Board, Chair Kaufman adjourned the meeting at 8:32 p.m.

STAFF REPORT
Case 2019-0122
City of Fernandina Beach Code Enforcement & Appeals Board
December 3, 2020

Violation Information

Owner	Patricia K. & William R. Gass Jr. 801 White Street Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-117 (Exterior Structure-Maintenance)
Location:	801 White Street, Fernandina Beach, Florida 32034

Summary and Background Information

March 20, 2019 – We received a complaint about non-conforming materials being used for replacement materials on the rear siding of this house. Michelle and I spoke with Mrs. Gass at this residence about the non-conforming materials that were used on the rear siding. As we walked around the house and the garage, we noticed numerous other violations that we brought to her attention for correction. We advised the owner she needed to apply and obtain a COA, along with any required building permits. Recorded photographs of the violations.

April 22, 2019 – A second inspection was performed. The property was still in violation.

April 25, 2019 - We mailed a certified NOV/NOH letter to the owner giving the owner until 05/27/2019 to comply. The signed return receipt card was returned with the owners' signature verifying proper service.

May 28, 2019 – A NOV/NOH inspection was performed. Violations were still present.

May 28, 2019 – The owner applied for and was issued a COA by the Planning Department for the repairs to be made to the structure with approved materials and coverings. The COA approval expire date was 5/27/2020.

September 2, 2020 – A field compliance inspection was performed to check the case status. The case was still in violation.

September 11, 2020 – A 2nd certified NOV/NOH letter was mailed to the owner giving 30 days to comply. We received the signed return receipt showing proper service.

September 15, 2020 – A 2nd COA was applied for since the first one had expired. It was approved with a COA approval expire date of 9/16/2021.

October 12, 2020 – A 2nd NOV/NOH inspection was performed. The violations were still present.

November 24, 2020 – A pre-agenda inspection was performed showing the property is still in violation of 42-117 (Exterior Structure-Maintenance). Recorded Photographs of the violation.

Conclusion:

The owner has done nothing that I can see. We allowed the owner a full year and a half to make the repairs under the COA.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-117 (Exterior Structure-Maintenance) giving the respondent (30) additional days to come into compliance by 01/03/21. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 a day to begin on 01/04/2021 if not in compliance, along with filing a lien on this property on 02/04/2021.

Submitted by:

A handwritten signature in blue ink that reads "George Wells". The signature is stylized with a large initial "G" and a cursive "Wells".

George Wells
Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

**ADMINISTRATIVE FEES INCURRED FROM
801 White Street
As of 12/03/2020
CODE CASE #2019-0122**

STAFF PERSONNEL OR ITEMS

	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	2	\$27.07	\$54.14
George Wells, Code Enforcement Officer	6	\$23.24	\$139.44
Katie Newton, Board Secretary/Legal Assistant	1	\$25.87	\$25.87
Tammi Bach, City Attorney	0.5	\$72.29	\$36.15
Harriet Davis, Administrative Coordinator	2	\$19.69	\$39.38
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County	 1	 \$10.00	 \$10.00
 Certified letters mailed	 2	 \$6.90	 \$13.80
First Class letters mailed	1	\$0.50	<u>\$0.50</u>

TOTAL ADMINISTRATIVE FEES DUE

\$319.28

*****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY*****

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

PATRICIA K. & WILLIAM R. GASS, JR.
801 WHITE ST
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1944 81

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5274

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Patricia K. Gass ☒ Agent ☐ Addressee
 B. Received by (Printed Name) _____ C. Date of Delivery _____

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

3. Service Type
- ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Priority Mail Express®

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Code
Enforced
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee **3.55**

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

☒ Return Receipt (hardcopy) \$ **2.85**

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage \$ **.50**

Total Postage and Fees \$ **6.90**

Sent To _____

Street _____

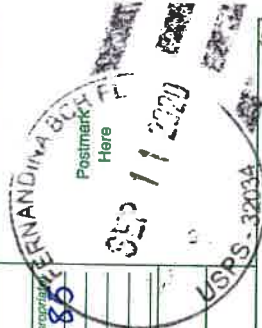
City: \$ _____

State: \$ _____

Zip: \$ _____

PS Form 3811, July 2015 PSN 7530-02-000-9053

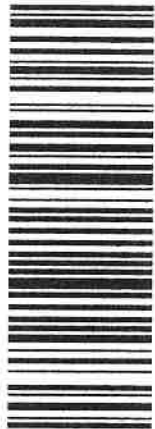
Instructions



4225 6146 7000 0600 0202

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7020 0090 0001 9419 5274
7020 0090 0001 9419 5274

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ **3.55**
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **2.85**
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$ **.50**
Total Postage and Fees \$ **6.90**

Postmark
Here

Sent To
Street
City, State
PATRICIA K. & WILLIAM R. GASS, JR.
801 WHITE ST
FERNANDINA BEACH, FL 32034

PS Form 3811, April 2015 Edition

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

PATRICIA K. & WILLIAM R. GASS, JR.
801 WHITE ST
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1944 81

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5274

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

September 11, 2020

Case Number: CODE-2019-0122

Cert. #: 7020 0090 0001 9419 5274

IN THE MATTER OF:

Patricia K. & William R. Gass, Jr.
801 White Street
Fernandina Beach, FL 32034

PREMISES: 801 WHITE ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLK 5 LOTS 10 12 13 14 OR 185/411 OLD TOWN

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-117	Exterior Structure (Maintenance)	
	Replace all rotten wood on fascia, soffit, roof decking, window trim, lap siding, porch ceiling, and all other areas. Scrape, seal, and paint all peeling and unprotected wood. COA is required, along with necessary building permits. All building materials must be approved by HDC.	By 10/11/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: November 5, 2020
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.



CITY OF FERNANDINA BEACH

Code Enforcement Department

George Wells

Code Enforcement Officer

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

April 25, 2019

Case Number: CODE-2019-0122

Cert. #: 7016 1370 0001 9997 7940

IN THE MATTER OF:

William R. & Patricia Gass
801 White St.
Fernandina Beach, FL 32034

PREMISES: 801 WHITE ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLK 5 LOTS 10
12 13 14 OR 185/411 OLD TOWN

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-117 Exterior Structure (Maintenance)

Replace all rotten wood on fascia, soffit, roof decking, window trim, lap siding, porch ceiling, and all other areas. Scrape, seal, and paint all peeling and unprotected wood. COA is required, along with necessary building permits. All building materials must be approved by HDC.

By 5/27/2019

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code
Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: June 6, 2019
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

A handwritten signature in blue ink, appearing to read "George Wells", is written over a faint, illegible printed name.

George Wells

Code Compliance Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

Article Addressed to:

William R & Patricia Gass
801 White St
Fernandina Beach, FL 32034



9590 9402 3035 7124 1641 32

2. Article Number (Transfer from service label)

7016 1370 0001 9997 7940

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *William R. Gass*☐ Agent☐ Addressee

B. Received by (Printed Name)

William R. Gass

C. Date of Delivery

*4-30-19*D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

/s/ *William R. Gass*
/s/ Restricted Delivery
(0)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



CERTIFICATE OF APPROVAL (COA) HDCSA2019-0052 FOR CITY OF FERNANDINA BEACH

Plan Type: HDC - Staff Review

Project:

App Date: 05/28/2019

Work Class: HDC Staff Review

District: Default

Exp Date: 06/27/2019

Status: Approved w/ Conditions

Square Feet: 0.00

Completed: 05/28/2019

Valuation: \$0.00

Assigned To: Salvatore Cumella

**Approval
Expire Date:** 05/27/2020

Description: Certificate of Approval (COA) to replace all rotten wood on the fascia, soffit, roof decking, window trim, lap siding, porch ceiling and all other areas. Same materials and colors as existing (Valspar Extra White Flat, Pittsburg Paint Stormy, Pittsburg Paint Mauve. Change lattice from 'Traditional' to 'Common'.

Parcel: 00-00-31-1580-0005-0100 Main

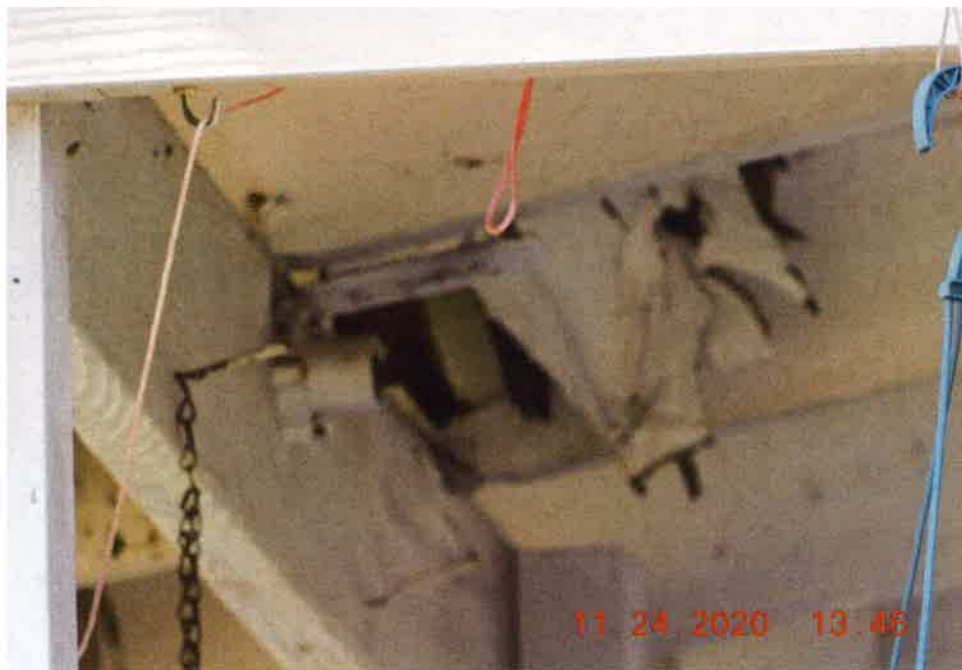
Address: 801 White St
Fernandina Beach, FL 32034 Main

Zone: OT-1(Old Town 1)

Applicant	Owner
William R. & Patricia Gass	William R. & Patricia Gass
801 White ST	801 White ST
Fernandina Beach, FL 32034	Fernandina Beach, FL 32034

Activity Type	Activity Number	Name	User	Created On
Final Decision	DEC-000189-2019		Samantha Rogic	05/28/2019
HDC Application Checklist	APP-000188-2019		Samantha Rogic	05/28/2019

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00002256	COA - Staff Approval	\$20.00	\$20.00
Total for Invoice INV-00002256		\$20.00	\$20.00
Grand Total for Plan		\$20.00	\$20.00











Submitted by:



George Wells

Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

ADMINISTRATIVE FEES INCURRED FROM

1316 Beach Street

As of 12/03/2020

CODE CASE #2020-0004

STAFF PERSONNEL OR ITEMS

Michelle Forstrom, Code Enforcement Director
George Wells, Code Enforcement Officer
Katie Newton, Board Secretary/Legal Assistant
Tammi Bach, City Attorney
Harriet Davis, Administrative Coordinator

# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	<u>TOTAL</u>
1	\$27.07	\$27.07
5.5	\$23.24	\$127.82
1	\$25.87	\$25.87
0.5	\$72.29	\$36.15
2	\$19.69	\$39.38
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$10.00
Certified letters mailed	1	\$6.90
First Class letters mailed	1	\$0.50

TOTAL ADMINISTRATIVE FEES DUE

\$273.69

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

**SHEILA HILL
1316 BEECH STREET
FERNANDINA BEACH, FL 32034**



9590 9402 5816 0034 1926 85

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5496

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
 B. Received by (Printed Name) CH COV19 C. Date of Delivery
 D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only**

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.55

Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ 2.85
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$ 50

Total Postage and Fees \$ 6.90

Sent To
 Street: **SHEILA HILL**
 City, St: **1316 BEECH STREET
FERNANDINA BEACH, FL 32034**

PS Form 3800, April 2014 PSN 7530-02-000-9053

9645 6746 1000 0600 0202





CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 8, 2020

Case Number: CODE-2020-0004

Cert. #: 7020 0090 0001 9419 5496

IN THE MATTER OF:

Sheila Hill
1316 Beech Street
Fernandina Beach, FL 32034

PREMISES: 1316 BEECH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 242 SUB A OF LOT 10 OR 1588/1490 CASE #08-CP-165 IN OR 1594/78 & 80

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-117

Exterior Structure (Maintenance)

Repair or replace the roof as needed to repair leaks and remove tarps, replace missing asphalt siding shingles, replace all rotten wood trim on the exterior of the structure, replace all rotten and unsafe items on the front porch floor, support posts, and siding that supports the porch ceiling and roof. Replace the broken window on the right side of the house. Pull all necessary building permits as required.

By 11/8/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.









STAFF REPORT
Case 2020-0276
City of Fernandina Beach Code Enforcement & Appeals Board
December 3, 2020

Violation Information

Owner	Eric Walter 1604 Beech Street Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-116 (Duty to Maintain Property)
Location:	1604 Beech Street, Fernandina Beach, Florida 32034

Summary and Background Information

July 17, 2020 – I observed the yard was overgrown and needed cutting. I posted a notice of visit on the front door giving the owner (10) ten days to correct the violation. I recorded photographs of the violations and the posted notice on the front door.

July 28, 2020 – I performed a 2nd inspection that showed the property was still in violation.

October 7, 2020 - A third inspection was performed showing no change from the original inspection.

October 8, 2020 – We mailed a certified NOV/NOH letter to the owner with a compliance date of 10/19/20 to correct the violation.

October 19, 2020 – We received a call from the owner stating he had cut the yard and asked for a reinspection.

October 19, 2020 - A signed return receipt from the certified letter was returned with the owners' signature.

October 20, 2020 – An NOV/NOH inspection of the property showed the property was still in violation.

November 24, 2020 – I called the owner to check the status of the violation.

November 24, 2020 – A pre-agenda inspection was performed showing the property is still in violation of 42-116 (Duty to Maintain Property). Recorded Photographs of the violation.

Conclusion:

The property owners have cut the front and right-side yard. They did not want to cut the left-side yard because of the wildflowers. They cut the left-side yard partial but did not cut down all the saplings.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-116 (Duty to Maintain Property) giving the respondent (10) additional days to come into compliance by 12/13/20. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 25.00 a day to begin on 12/14/2020 if not in compliance, along with filing a lien on this property on 1/14/2021.

Submitted by:



George Wells
Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

**ADMINISTRATIVE FEES INCURRED FROM
1604 Beach Street
As of 12/03/2020
CODE CASE #2020-0276**

STAFF PERSONNEL OR ITEMS

Michelle Forstrom, Code Enforcement Director
George Wells, Code Enforcement Officer
Katie Newton, Board Secretary/Legal Assistant
Tammi Bach, City Attorney
Harriet Davis, Administrative Coordinator

# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	<u>TOTAL</u>
1	\$27.07	\$27.07
5.5	\$23.24	\$127.82
1	\$25.87	\$25.87
0.5	\$72.29	\$36.15
2	\$19.69	\$39.38
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$10.00
Certified letters mailed	1	\$6.90
First Class letters mailed	1	\$0.50

TOTAL ADMINISTRATIVE FEES DUE

\$273.69

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CITY OF FERNANDINA BEACH

Code Enforcement Department

George Wells

Code Enforcement Officer

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 8, 2020

Case Number: CODE-2020-0276

Cert. #: 7020 0090 0001 9419 5472

IN THE MATTER OF:

Eric Walter
1604 Beech Street
Fernandina Beach, FL 32034

PREMISES: 1604 BEECH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 4 LOT 2
IN OR 1094/1583 OAK LAWN PARK #1 PB 2/52

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-116 Duty to Maintain Property

**Cut all high grass and weeds on the entire property which By 10/19/2020
includes the front, rear, and the sides.**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code
Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

ERIC WALTER
1604 BEECH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1926 54

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5472

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ERIC WALTER 10/14/2020 ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ERIC WALTER C. Date of Delivery 10/14/2020
- D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
- Additional Mail Restricted Delivery \$500

Domestic Return Receipt

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

3.55

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

☒ Return Receipt (hardcopy) \$ 2.85

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 50

Total Postage and Fees \$ 6.90

Sent To ERIC WALTER

Street 1604 BEECH STREET

City, St. FERNANDINA BEACH, FL 32034

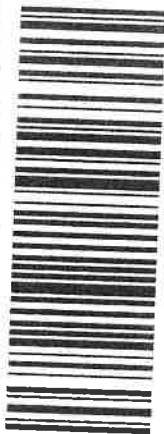
PS Form 3840, April 2012

Instructions

2245 6146 1000 0600 0202

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7020 0090 0001 9419 5472
7020 0090 0001 9419 5472

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

Code Enforcement

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ 3.55

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

☒ Return Receipt (hardcopy) \$ 2.85

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$.50

Total Postage and Fees \$ 6.90

Sent To **ERIC WALTER**
Street **1604 BEECH STREET**
City, St. **FERNANDINA BEACH, FL 32034**

PS Form 3800, April 2015

Postmark Here

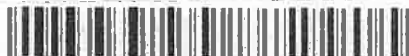
Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

ERIC WALTER
1604 BEECH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1926 54

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5472

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes**
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail®
☐ Registered Mail Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery



STAFF REPORT
Case 2020-0317
City of Fernandina Beach Code Enforcement & Appeals Board
December 3, 2020

Violation Information

Owner Shaun Barry
108 N. 10th Street
Fernandina Beach, Florida 32034

Violation City of Fernandina Beach – Code of Ordinances, Section 42-116 (Duty to Maintain Property), 42-117 (Exterior Structure-Maintenance), 42-119 (Rubbish and Garbage-Accumulation), - LDC, 5.01.09 (Outside Storage), 7.01.02C (Street Numbers Signs), 7.01.05D (Specific Parking Restrictions for Boats and Trailers).

Location: 108 N. 10th Street, Fernandina Beach, Florida 32034

Summary and Background Information

August 11, 2020 – I observed numerous violations on this property starting with yard overgrowth, a utility trailer parked in the front yard, trash and debris scattered all over the property, outside storage of building materials and tools in the yard, the house needs numerals affixed either on the house or the mailbox, the siding needs to be installed over the building wrap that has been installed. I posted a notice of visit on the front door giving the owner (30) thirty days to correct the violations. I recorded photographs of the posting of the notice of visit on the front door and of the violations.

September 14, 2020 –A second inspection was performed, and the property was still in violation.

September 15, 2020 – A certified NOV/NOH letter was mailed to the owner giving an additional (30) thirty to correct the violations.

September 30, 2020 – I posted a copy of the NOV/NOH letter on the property at 108 N. 10th St., City Hall, and The Peck Ctr. I recorded a photograph of the posting at the property and filled out notarized affidavit of service for the other locations.

October 9, 2020 – We received the signed return receipt from the certified letter with the owners' signature on it giving us proper service.

October 30, 2020 – I performed a NOV/NOH inspection which confirmed the property was still in violation.

November 24, 2020 – A pre-agenda inspection was performed showing the property is still in violation of 42-117 (Exterior Structure-Maintenance). Recorded Photographs of the violation.

Conclusion:

The owner has removed the utility trailer from the front yard, He has affixed an address on the mailbox, but the yard still has overgrowth, outside storage of building products and tools are still visible, the siding has not been installed over the exposed building wrap, and trash and debris is still laying around on the ground. This property owner needs to bring this property into compliance.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-117 (Exterior Structure-Maintenance) giving the respondent (30) additional days to come into compliance by 01/03/21. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 a day to begin on 01/04/2021 if not in compliance, along with filing a lien on this property on 02/04/2021.

Submitted by:



George Wells
Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

ADMINISTRATIVE FEES INCURRED FROM

108 N. 10th Street

As of 12/03/2020

CODE CASE #2020-0317

STAFF PERSONNEL OR ITEMS

Michelle Forstrom, Code Enforcement Director
George Wells, Code Enforcement Officer
Katie Newton, Board Secretary/Legal Assistant
Tammi Bach, City Attorney
Harriet Davis, Administrative Coordinator

# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	<u>TOTAL</u>
1	\$27.07	\$27.07
5.5	\$23.24	\$127.82
1	\$25.87	\$25.87
0.5	\$72.29	\$36.15
2	\$19.69	\$39.38
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	\$10.00
Certified letters mailed	1	\$6.90
First Class letters mailed	1	\$0.50

TOTAL ADMINISTRATIVE FEES DUE

\$273.69

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

September 30, 2020

Case Number: CODE-2020-0317

POSTED

IN THE MATTER OF:

Shaun Barry
108 N. 10th Street
Fernandina Beach, FL 32034

PREMISES: 108 N 10TH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 80
N1/2 OF LOT 1 IN OR 2021/1164 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

- | | | |
|-------------------|---|----------------------|
| 42-116 | Duty to Maintain Property | |
| | Cut and/or clean up property | By 10/30/2020 |
| 42-117 | Exterior Structure (Maintenance) | |
| | Finish and complete the installation of wood siding over the building wrap on the exterior of the house. | By 10/30/2020 |
| 5.01.09 | Outside Storage | |
| | Properly store all building materials, roll wire, tools, ladders that are being stored on the exterior of the house. | By 10/30/2020 |
| 7.01.02(C) | Street Number Signs - Numerals shall be attached to the front of the structure or shall be on both sides of the post supporting a mailbox at the street side of the property, shall be at least three (3) inches high, and shall be either of reflective material or in such color as to provide maximum contrast to the background. | |

Affix proper numerals for addressing

By 10/30/2020

7.01.05 D Specific Parking Restriction for Boats and Trailers - Boats, boat trailers, utility trailers, and similar vehicles shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Such vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard

Remove or relocate utility trailer parked on the front yard to a side or rear yard or inside a structure. By 10/30/2020

42-119 Rubbish and Garbage (Accumulation)

Remove all trash and debris from the property. By 10/30/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition. Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).


George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0317

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 30th Day of September 2020, at 11:30 a.m. I posted the Notice of Violation/Notice of Hearing letter at 108 N. 10th Street for **Case 2020-0317, 108 N. 10th Street, Fernandina Beach, FL 32034.**

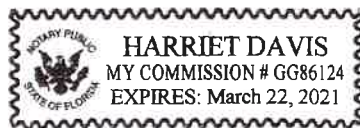
FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____

George Wells
George Wells
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 30th day of September 2020.

(SEAL)



Signature: _____

Harriet Davis
Harriet Davis
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0317

I, Harriet Davis, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 30th Day of September 2020, at 11:30 a.m. I posted the Notice of Violation/Notice of Hearing letter at the Peck Center, 516 S. 10th Street, Fernandina Beach, FL 32034 for **Case 2020-0317, 108 N. 10th Street, Fernandina Beach, FL 32034.**

FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____

Harriet Davis

Harriet Davis

(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 30th day of September 2020.

(SEAL)

Signature: _____

Katie A. Newton

Katie A. Newton

(Printed name of Notary)



Katie A. Newton
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG123810
Expires 7/13/2021

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0317

I, Virginia Hudecki, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 30th Day of September 2020, at 1:30 p.m. I posted the Notice of Violation/Notice of Hearing letter at City Hall, 204 Ash Street, Fernandina Beach, FL 32034 for **Case 2020-0317, 108 N. 10th Street, Fernandina Beach, FL 32034.**

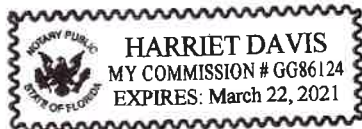
FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____

Virginia O. Hudecki
Virginia O. Hudecki
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 30th day of September 2020.

(SEAL)



Signature: _____

Harriet Davis
Harriet Davis
(Printed name of Notary)



CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

September 15, 2020

Case Number: CODE-2020-0317

Cert. #: 7020 0090 0001 9419 5014

IN THE MATTER OF:

Shaun Barry
108 N. 10th Street
Fernandina Beach, FL 32034

PREMISES: 108 N 10TH ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 80
N1/2 OF LOT 1 IN OR 2021/1164 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-116	Duty to Maintain Property	
	Cut and/or clean up property	By 10/15/2020
42-117	Exterior Structure (Maintenance)	
	Install siding around windows that is missing.	By 10/15/2020
5.01.09	Outside Storage	
	Properly store all building materials, roll wire, tools, ladders that are on exterior of the house.	By 10/15/2020
7.01.02(C)	Street Number Signs - Numerals shall be attached to the front of the structure or shall be on both sides of the post supporting a mailbox at the street side of the property, shall be at least three (3) inches high, and shall be either of reflective material or in such color as to provide maximum contrast to the background.	
	Affix proper numerals for addressing	By 10/15/2020

7.01.05 D Specific Parking Restriction for Boats and Trailers - Boats, boat trailers, utility trailers, and similar vehicles shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Such vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard

**Remove or relocate utility trailer parked on the front yard By 10/15/2020
to a side or rear yard or inside a structure.**

42-119 Rubbish and Garbage (Accumulation)

Remove rubbish and/or garbage By 10/15/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition. Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells
Code Enforcement Officer

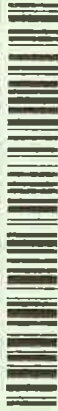
Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

SHAUN BARRY
108 N. 10TH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1948 25

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5014

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature **x Jeff G2** Agent
 B. Received by (Printed Name) **Jeff G2** Addressee
 C. Date of Delivery **05-19-2000**
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

05-15-2000

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

3.55

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

☒ Return Receipt (hardcopy) \$ 2.85

☐ Return Receipt (electronic) \$

☐ Certified Mail (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$.50

Total Postage and Fees \$ 6.90

Sent To: **SHAUN BARRY**

Street: **108 N. 10TH STREET**

City: **S FERNANDINA BEACH, FL 32034**

PS Form 3800, April 2015 PSN 7530-02-000-9053

Instructions

4105 6146 1000 0600 0202

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7020 0090 0001 9419 5014
7020 0090 0001 9419 5014

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

Code Enforcement

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.55
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ 2.85
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____
Postage \$.50
Total Postage and Fees \$ 6.90

Postmark
Here

Sent To: **SHAUN BARRY**
Street: **108 N. 10TH STREET**
City, St: **FERNANDINA BEACH, FL 32034**

PS Form 3800, April 2015 PSN 7530-02-000-9053

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

SHAUN BARRY
108 N. 10TH STREET
FERNANDINA BEACH, FL 32034



9590 9402 5816 0034 1948 25

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5014

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

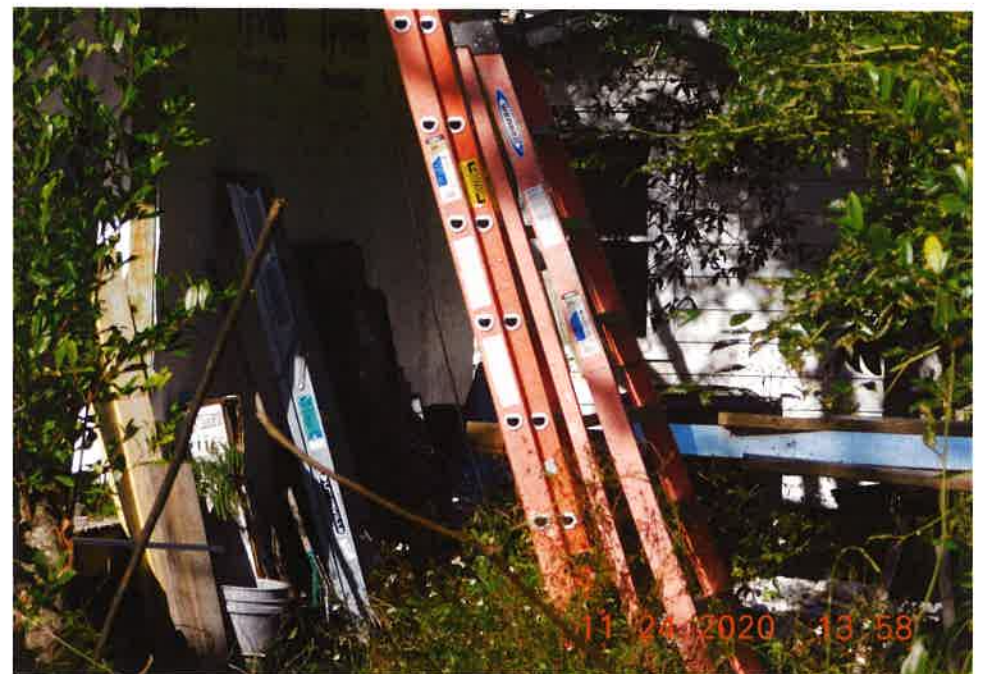
C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes**
If YES, enter delivery address below: ☐ No

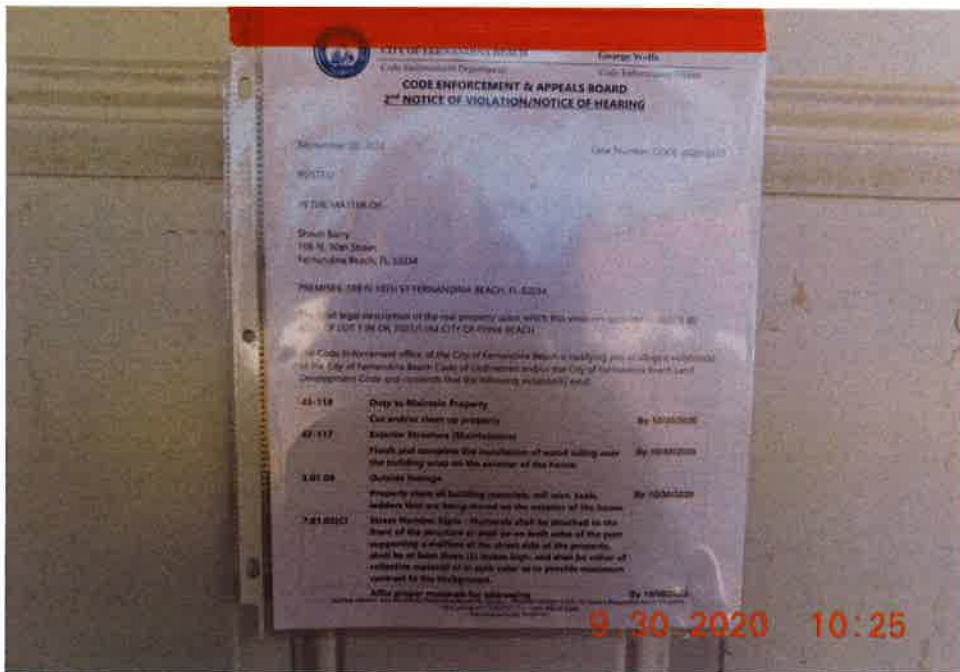
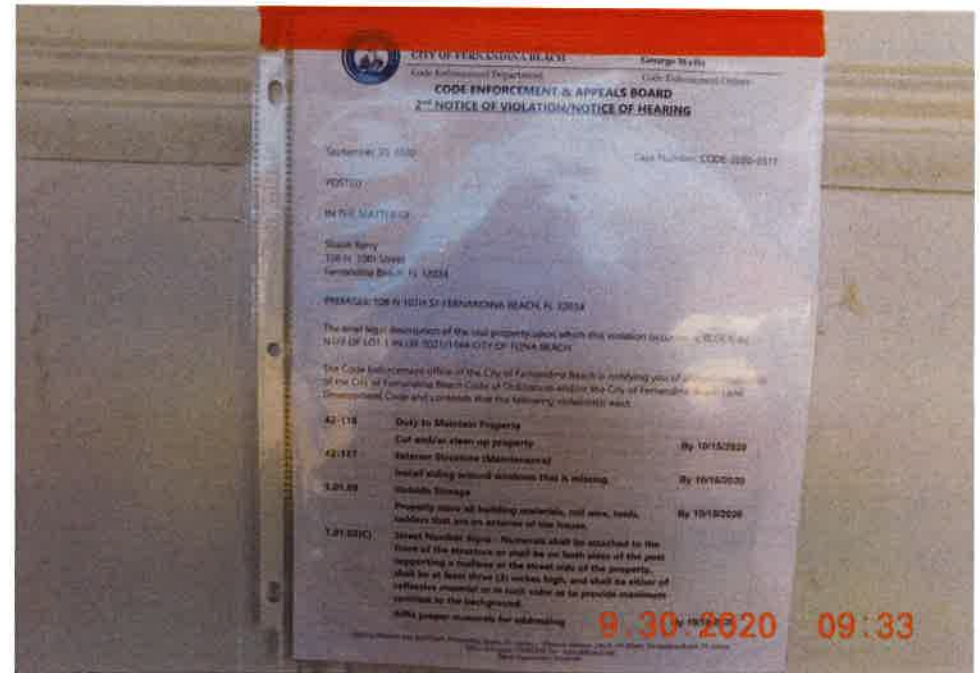
3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery













STAFF REPORT
Case 2020-0407
City of Fernandina Beach Code Enforcement & Appeals Board
December 3, 2020

Violation Information

Owner	Jessup Properties Jim Jessup 24409 Moss Creek Lane Ponte Vedra, Florida 32082
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-117 (Exterior Structure-Maintenance)
Location:	409 Fir Street, Fernandina Beach, Florida 32034

Summary and Background Information

October 6, 2020 – We received a complaint this house was open and unsecure and homeless people were trespassing and living in the house and shed. We confirmed the house was open and unsecure and opened a code enforcement case. We also cited the front porch roof for being in violation of 42-117 (Exterior Structure-Maintenance). The roof support piers and posts were severely leaning needing to be repaired. We posted a notice of visit on the front door giving (30) thirty days to correct the violations. I recorded a photograph of the posted notice of visit and the violations.

October 19, 2020 – We decided to expediate the process due to numerous safety complaints with a lack of respond from the notice of visit from the owner. We mailed a certified NOV/NOH letter to the owner along with posting a copy of the NOV/NOH letter at 409 Fir St., City Hall, and the Peck Ctr. with a compliance date of 10/26/20 to correct the violations. The signed receipt was not returned, so we posted all required locations filling out notarized affidavits of service for each location.

October 27, 2020 – A NOV/NOH inspection was performed showing the property was still in violation.

October 28, 2020 – We e-mailed Mr. Mathew Miller a copy of the fines and fees that were due to date.

October 29, 2020 - We e-mailed Mr. Mathew Miller a copy of the Findings of Fact from this case.

October 30, 2020 – We e-mailed a copy of the NOV/NOH letter to Matthew Miller the prospective owner/buyer

November 6, 2020 – A inspection was performed (30) thirty days from the original posting. The property was still in violation.

November 24, 2020 – A pre-agenda inspection was performed showing the property is still in violation of 42-117 (Exterior Structure-Maintenance). Recorded Photographs of the violation.

Conclusion:

Jessup Properties still has ownership of this property according to the Property Appraisers web site, but according to Mathew Miller he is the new prospective owner/buyer. He has the property up for sale by ARC Realty. He is trying to

make a quick sale and control what is to be built there. The violation of 42-117 (Exterior Structure-Maintenance) has not been corrected.

Recommendation:

The City recommends a motion to be made to find the property in violation of 42-117 (Exterior Structure-Maintenance) giving the respondent (15) additional days to come into compliance by 12/18/20. The City recommends a motion to be made that all administration fees be paid by the Respondent and that a fine of \$ 50.00 a day to begin on 12/19/2020 if not in compliance, along with filing a lien on this property on 1/19/2021.

Submitted by:



George Wells

Code Enforcement Officer



CITY OF FERNANDINA BEACH

George Wells

Code Enforcement Department

Code Enforcement Officer

ADMINISTRATIVE FEES INCURRED FROM

409 Fir Street

As of 12/03/2020

CODE CASE #2020-0407

STAFF PERSONNEL OR ITEMS

	<u># OF UNITS OR HOURS</u>	<u>PRICE OR RATE PER HOUR</u>	<u>TOTAL</u>
Michelle Forstrom, Code Enforcement Director	1	\$27.07	\$27.07
George Wells, Code Enforcement Officer	5.5	\$23.24	\$127.82
Katie Newton, Board Secretary/Legal Assistant	1	\$25.87	\$25.87
Tammi Bach, City Attorney	0.5	\$72.29	\$36.15
Harriet Davis, Administrative Coordinator	3	\$19.69	\$59.07
 Record Findings of Facts with the Clerk of Circuit Court of Nassau County	 1	 \$10.00	 \$10.00
 Certified letters mailed	 1	 \$6.90	 \$6.90
First Class letters mailed	1	\$0.50	<u>\$0.50</u>

TOTAL ADMINISTRATIVE FEES DUE

\$293.38

****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY****



CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 19, 2020

Case Number: CODE-2020-0407

POSTED

IN THE MATTER OF:

Jim Jessup
Jessup Properties
24409 Moss Creek Lane
Ponte Vedra, FL 32082

PREMISES: 409 FIR ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 280
LOT 8 IN OR 2191/701 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-117

Exterior Structure (Maintenance)

Repair leaning concrete block piers and wood posts that support the front porch overhang roof that is unsafe. By 10/26/2020
Secure and lock all windows, doors, and openings to keep the vagrants out. The rear shed also needs to be locked and secured so that vagrants are not living in there as well.

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

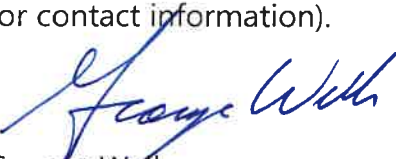
YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0407

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 19th Day of October 2020, at 10:45 a.m. I posted the Notice of Violation/Notice of Hearing letter at 409 Fir Street for **Case 2020-0407, 409 Fir Street, Fernandina Beach, FL 32034.**

FURTHER AFFIANT SAYETH NAUGHT.

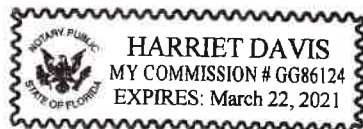
Signature: _____



George Wells
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 19th day of October 2020.

(SEAL)



Signature: _____



Harriet Davis
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0407

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 19th Day of October 2020, at 10:15 a.m. I posted the Notice of Violation/Notice of Hearing letter at the Peck Center, 516 S. 10th Street, Fernandina Beach, FL 32034 for **Case 2020-0407, 409 Fir Street, Fernandina Beach, FL 32034.**

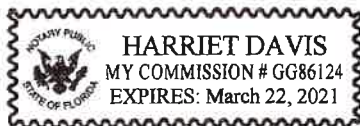
FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____

George Wells
George Wells
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 19th day of October 2020.

(SEAL)



Signature: _____

Harriet Davis
Harriet Davis
(Printed name of Notary)

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2020-0407

I, Virginia O. Hudecki, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.
2. That part of my duties include posting Notice of Violation/Notice of Hearing letters, and other correspondence; and
3. That on the 19th Day of October 2020, at 11:54 a.m. I posted the Notice of Violation/Notice of Hearing letter at City Hall, 204 Ash Street, Fernandina Beach, FL 32034 for Case 2020-0407, 409 Fir Street, Fernandina Beach, FL 32034.

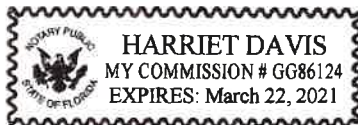
FURTHER AFFIANT SAYETH NAUGHT.

Signature: _____

Virginia O. Hudecki
Virginia O. Hudecki
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 19th day of October 2020.

(SEAL)



Signature: _____

Harriet Davis
Harriet Davis
(Printed name of Notary)



CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

October 19, 2020

Case Number: CODE-2020-0407

Cert. #: 7020 0090 0001 9419 5601

IN THE MATTER OF:

Jim Jessup
Jessup Properties
24409 Moss Creek Lane
Ponte Vedra, FL 32082

PREMISES: 409 FIR ST FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK 280
LOT 8 IN OR 2191/701 CITY OF FDNA BEACH

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s)
of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land
Development Code and contends that the following violation(s) exist:

42-117

Exterior Structure (Maintenance)

**Repair leaning concrete block piers and wood posts that
support the front porch overhang roof that is unsafe.
Secure and lock all windows, doors, and openings to keep
the vagrants out. The rear shed also needs to be locked
and secured so that vagrants are not living in there as well.**

By 10/26/2020

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code
Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: December 3, 2020
TIME: 5:30 PM
LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED \$250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).



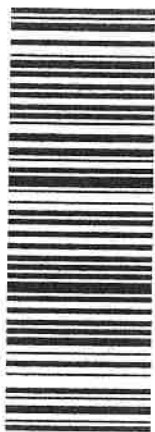
George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7020 0090 0001 9419 5601
7020 0090 0001 9419 5601

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ **3.55**
Extra Services & Fees (check box, add fee as appropriate)
☒ Return Receipt (hardcopy) \$ **2.85**
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$ **.50**
Total Postage and Fees \$ **6.90**

Sent To
Street and A
City, State, Z
PS Form 3811, July 2015 PSN 7530-02-000-9053

JIM JESSUP
JESSUP PROPERTIES
24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082

Postmark
Here

409 Fir St.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

JIM JESSUP
JESSUP PROPERTIES
24409 MOSS CREEK LANE
PONTE VEDRA, FL 32082



9590 9402 5816 0034 1928 14

2. Article Number (Transfer from service label)

7020 0090 0001 9419 5601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



