



Code Compliance Board Regular Meeting

Agenda

February 1, 2024 @ 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings and include virtual meeting instructions.

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"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

1. Call to Order

- a. Roll Call 1 minute
- b. Statement of Purpose 2 minutes

2. Swearing in of Witnesses**3. Consent Agenda**

- a. Approve the minutes of the January 4, 2024 Regular Meeting 5 minutes

4. Public Comments (for items not on the agenda): Three minutes allowed for each speaker**5. Public Hearings (Public participation and comment on these matters must be in person.)**

- a. CCB# - BLDG-23-0008 2661 VIA TUSCANY, WINTER PARK, FL 32789 (MASSEY HEARING) 30 minutes

6. Non-Action Items**7. Staff Updates****8. Board Attorney Reports****9. Board Comments****10. Upcoming Agenda Items****11. Adjournment**



Code Compliance Board

agenda item

item type

Consent Agenda

meeting date

February 1, 2024

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance
Manager

subject

Approve the minutes of the January 4, 2024 Regular Meeting

motion | recommendation

Motion to approve the January 4, 2024, minutes

background**strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. CCB010424 Draft Minutes



Code Compliance Board Meeting Minutes

January 4, 2024 at 3:00 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

1) Call to Order

Chairman Wayne Johnson called the meeting to order at 3:01 p.m.

a. Roll Call

Present: Douglas Bond, Steve Heller, Wayne Johnson, Paul Mandelkern, Todd Boyer

Absent: Melissa Blaney

Assistant City Attorney Rick Geller, Fishback Dominick Law Firm

Staff Present: Safety & Code Compliance Division Manager Susanne Porras; Safety & Code Compliance Officer Christina Bush, Board Secretary Susan Pruchnicki.

b. Mr. Johnson read the Statement of Purpose

2) Swearing in of Witnesses

All witnesses were sworn in by Susan Pruchnicki, Board Secretary

3) Consent Agenda

- a. Approve the minutes of regular meeting, December 7, 2023
Minutes were amended to include the votes of Paul Mandelkern

Motion made by Paul Mandelkern to approve the minutes as amended; seconded by Todd Boyer. Motion carried unanimously with a 5-0 vote.

4) Public Comments (for items not on the agenda):

There were no comments.

5) Public Hearings

a. New Case **CCB#LDC-23-0300 221 Holt Ave Unit 5, Winter Park, FL 32789**

VIOLATION DESCRIPTION: The Property, a residential dwelling, is currently being rented, used, occupied on a short-term rental website for less than one month which is a violation of the City Code.

CODES CITED: Chapter 58, Section 58-71 (aa) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

Safety & Code Compliance Division Manager Susanne Porras addressed the Board, informing them that as of two days ago the property owner applied for a conditional use permit with the Planning and Zoning Department. This request will go before the P & Z Board. She requested that with the Board's authorization that this case be tabled for 30 days from now.

Motion:

Wayne Johnson motioned to table the case as requested. Seconded by Douglas Bond.

Mr. Bond: In favor

Mr. Heller: In favor

Mr. Johnson: In favor

Mr. Mandelkern: In favor

Mr. Boyer: In favor

Motion carried with a 5-0 vote.

b. New Case **PM-22-0041 511 Granada Drive, Winter Park, FL 32789**

VIOLATIONS: The Property, a commercial dwelling, has an accumulation of abandoned unsightly articles such as furniture, pieces of lumber and building materials, buckets and other unused equipment stored on the property's yard. Roofing on the property is caved in and is not capable of supporting all nominal loads and resisting all load effects causing unsafe conditions. Dilapidated wood fencing surrounding the property is missing panels and in need of repair. Accumulation of rubbish and garbage on the exterior of the property. The status of the structure is in a deteriorated state, which is a violation of the city code.

CODES CITED: Chapter 22, Sec. 22-176 (adopting the International Property Maintenance Code, 2021 edition), Sec. 22-177 (amending the International Property Maintenance Code), Sec. 202 Nuisance (2) (3) (18) (21), Sec. 302.1 Sanitation and Storage of Materials, Sec. 302.7 Dilapidated Fences, Sec. 302.8 Abandoned and Disabled Motor Vehicles, Sec. 304.1.1(8) Unsafe conditions, and Sec. 308.1 Accumulation of Rubbish.

Safety & Code Compliance Officer Christina Busch introduced herself and identified the property owners as Eric Blaine Emerson Sr and Shara Mae Guillang Emerson of 913 Fairway Dr., Winter Park, FL 32792. as verified by the OCPA. A Notice of Hearing was provided via certified mail on June 29, 2023. An Amended Notice of Hearing was issued on August 15, 2024. A second Amended Notice of Hearing was issued on September 9, 2023. A Third Amended Notice of Hearing was issued on October 19, 2023. A Fourth Amended Notice of Hearing was on November 9, 2023.

Officer Busch proceeded with the presentation of photos taken on December 16, 2022 of disabled vehicles, discarded furniture and articles stored on the property, and a dilapidated ramp, taken during her inspection of the property. She provided additional photos of the conditions on follow up visits on January 23, 2023, February 28, 2023, March 3, 2023, March 27, 2023, May 11, 2023, May 25, 2023, June 12, 2023, June 27, 2023, and July 25, 2023 noting some improvements and an effort to clean up some of the waste, but also documenting the dilapidated condition of the fence. One photo displayed new fence panels that were installed on the other side of the building without a permit. Otherwise conditions were mostly unchanged. Property posted on July 25, 2023.

During the August 11, 2023 follow up inspection Officer Busch found no significant improvements, but discovered the collapsed roof on the back of the building. Officer Busch amended the Notice of Violation to include this.

During the August 16, 2023 follow-up inspection Office Busch found that the disabled vehicles had been removed from the front of the property, the falling fence panel had been propped up, and discarded articles removed. Posted 1st Amended Notice of Hearing.

During the September 7, 2023 follow-up inspection Officer Busch found additional new fence panels had been installed without a permit, and no progress on the collapsed roof.

During the October 11, 2023 follow-up inspection, a new discarded article was visible on the property, but otherwise it looked pretty clean. A photo of the collapsed roof was also taken documenting no progress on repairs.

During the November 7, 2023 follow-up inspection all fence panels on the left side of the property had fallen, exposing discarded items being stored. Another photo indicating the status of the roof.

During the December 12, 2023 follow-up inspection, the disabled vehicles previously moved were back in plain view with "For Sale" signs. The fencing on the left side was still on the ground.

During the December 18, 2023 follow-up inspection, the vehicles "For Sale" remained in plain view. A "for Sale" sign was placed on a RV stored behind the new fencing. Again, a photo of the collapsed roof shows no improvement. Posted 4th Amended Hearing Notice.

During the December 27, 2023 follow-up inspection the "For Sale vehicles remained in the driveway (the sign had been removed from the white vehicle) , the fencing on the left side of the property was still in disrepair, and the roof was still in a deteriorated state.

Mr. Johnson inquired if a permit had been pulled to repair the roof; Officer Busch confirmed that no permit had been applied for.

Mr. Johnson asked Officer Busch if anyone lived in the building; Officer Busch stated it is vacant.

Mr. Johnson asked Building and Permitting Director Gary Hiatt if the building could be habitable with the current state of the roof. Mr. Hiatt stated that he had not been to the site, however, from the photos presented he did not think so. He would have to visit the site to make that determination.

Mr. Boyer confirmed that the Board was considering the fence condition, the disabled vehicles, and the roof in their decision; Officer Busch confirmed this was correct. Mr. Heller repeated the question to Officer Busch.

The Respondent, Eric Blaine Emerson Sr., who resides at 913 Fairway Dr., Winter Park, FL 32792, stepped to the podium. He identified himself as the owner of 511 Granada Dr., Winter Park, FL 32789. Mr. Emerson stated that he has been working with Officer Busch to come into compliance.

He brought to the Board's attention that in the middle of the clean-up he was hampered by the hurricane that came through. This storm caused several 60 – 70 ft. Oak trees on the back of the property to fall, one landed on the building, damaging the roof on the rear of the building. He noted that because the building was only used for storage it was not insured. He has requested assistance from multiple agencies to help. He stated he spent almost \$40,000 just to remove the fallen trees.

Mr. Emerson then stated that he had applied for a temporary power pole but was denied. Power is needed to facilitate building repairs. Mr. Emerson explained to Officer Busch that he needed cooperation to get the issues handled.

In regard to the dilapidated fencing, Mr. Emerson noted that the panels will be removed.

Mr. Emerson stated that if he can get the power pole installed then he can move forward with the roof repair, assuming it is worth doing. The building is 80 years old, and has no real value; only the property.

Mr. Emerson requested time to work with an Engineer to determine the feasibility of repairing the building. Once the Engineer performs a site visit they will determine if it is fiscally responsible to complete repairs or demolish the structure.

Addressing the vehicles, Mr. Emerson stated that basically every vehicle is operational. They are not currently tagged because they aren't being used.

Mr. Emerson did not feel that unsafe conditions exist because the property is not occupied and is private property. As to the storage of materials, the property is zoned "C" (commercial), and Mr. Emerson holds three licenses (GC, Plumbing and A/C Contractor), he feels he is allowed to store materials.

Mr. Emerson noted that all "rubbish" has been removed, and that he is throwing away items that could be repurposed or sold just to comply with the city.

Finally, Mr. Emerson noted the extreme financial hardship he has experienced in getting to the current state of the property, and that he does not have unlimited capital resources to do everything at once.

Mr. Bond inquired if the vans on the property were licensed. MR. Emerson stated the newer ones on the left one is and one isn't (just purchased last month). Some of the others weren't; he uses the wrecked one for parts as he owns two other vans of the same make and model. He is willing to store them on the back of the property vs. getting rid of it.

Mr. Bond inquired about the two cars. Mr. Emerson stated that these vehicles belong to his son. They are fully functional, but the tags have been pulled off of them because he is trying to sell them. Mr. Emerson stated that he has another property where these vehicles could be stored, but he has them at the Granada Dr. address so that they can be seen and sold. The other property is in Kissimmee and remote.

Mr. Bond inquired about needing a general contractor to assess the roof. Mr. Emerson stated he needs an engineering assessment of the damage, and that the Engineer will

assist in permitting. Mr. Bond then asked how long Mr. Emerson anticipated needing to get an Engineer. Mr. Emerson felt that this could be done within 60 days. As a licensed general contractor, he can come up with a plan to determine the feasibility of repairing the roof. He again mentioned the denial of the power pole permit. He also noted that due to the significant amount of water damage to the structure that it would most likely be demolished.

Mr. Johnson asked Mr. Emerson when the power permit was denied. Director of Building and Permitting stepped to the podium, stating the permit was denied in March, 2023. The reason it was denied was because there was no reason for it; a building permit is required in order to get temporary power (one is associated with the other). Mr. Hiatt also stated that the property does pose a danger to the neighboring property; that during a storm there is a possibility of wind-borne debris. Mr. Mandelkern then confirmed with Mr. Hiatt that a building permit was necessary to obtain temporary power.

Mr. Emerson stated that there were issues getting into the building in the area of the collapsed roof, and that he was attempting to get power so that he could see the roof debris to see how much damage was done and where the salvageable part might exist.

Mr. Johnson confirmed with Mr. Emerson that he holds a general contractors license. He then asked Mr. Emerson if the Engineer's assessment is not favorable, how long would it take to demolish the structure. Mr. Emerson noted there were other variables involved, but approximately 30-60 days and would involve pulling a permit. This would also require dealing with the plumbing, terminating the septic system, and a couple of other items (power is already terminated). It would also involve smashing and hauling the debris, and scraping the property. If he gets to that point, approximately 90 days would be required, depending on the permitting process.

Mr. Johnson asked the Board if they had anymore questions for Mr. Emerson. Mr. Emerson then tried to raise a couple of other points to the Board, comparing his property in its current state to an adjacent property being overgrown. He was originally cited for this until it was determined that the overgrowth was not on his property but theirs, yet the other owner has not been cited and the overgrowth continues. He then attempted to present pictures he had taken. Mr. Johnson stopped Mr. Emerson, noting that his photos were not provided from the city in this case.

Mr. Bond asked Mr. Emerson if he were to drive past his property if he would see two cars and two vans for sale. Mr. Emerson confirmed yes.

Mr. Emerson again attempted to show the Board additional pictures of adjacent properties with the same issues as his. Mr. Johnson stopped Mr. Emerson again, noting that the Board is only considering the case as it was presented by Officer Busch. Mr. Emerson acknowledged this, but insisted that his illustration showed that only his property is being held to account when the surrounding properties are in disarray. He continued to offer to the Board photos of other properties with what he considered code enforcement issues. He also noted that where he lives (near the golf course) the city upkeep is noticeable, however, Granada Drive seems forgotten.

Mr. Hiatt then interrupted Mr. Emerson, and asked Mr. Johnson that the Board stay focused on the Granada property. He noted that Code Enforcement would certainly address any of his concerns if he provides them to the department. Secondly, Mr. Hiatt noted to the Board that if Mr. Emerson decides to demolish the house that he will expedite the permitting process to get it done. Mr. Hiatt provided Mr. Emerson with his business card to contact him directly when a decision has been made.

Mr. Emerson continued to speak about the engineering assessment. Mr. Johnson thanked Mr. Emerson, that the Board has an idea of the timeframes needed. Mr. Emerson then added throughout this process, Officer Busch has been helpful and he has worked with her throughout the process. He understands that he needs to sell the vehicles and get them off the property, potentially bulldoze the building, and remove the fence. He stated that he has worked tirelessly to get to the point he is today.

Assistant City Attorney Rick Geller asked to address one legal issue that has come up, being the definition of a disabled motor vehicle. He then cited Sec. 302.8 (1) of the city code describing a disabled motor vehicle means any motor driven vehicle regardless of size which is incapable of being self-propelled on the streets of the city, or which does not meet the requirements for operation upon the public streets of the city, including a current motor vehicle license. A motor vehicle shall be considered disabled if it is in a state of evident disuse. Evidence of disuse may include, without limitation, factors such as the vehicle having no valid license. Mr. Johnson thanked Mr. Geller.

There was no public comment offered.

Board Discussion:

Steve Heller recognized that Mr. Heller has started the process and is trying to make a concerted effort to comply. He noted to Mr. Emerson that he knows what still needs to be done, and that if he worked them out with Code Enforcement he would not be in front of the Board. He recognized the effort and progression Mr. Emerson has made with the exception of the vehicles, the fence repair and the roof, and questioned what action the Board needed to take.

Mr. Emerson spoke up, noting that the entire area around Granada Drive is "Winter Park's Private Little Landfill", stating that everyone goes there and dumps their trash. Mr. Johnson interjected, noting that Mr. Emerson was going astray again. Mr. Emerson noted that a lot of the trash on his property is not his, but dumped there. Mr. Johnson noted that the Board is in limited discussion.

Mr. Mandelkern inquired if the Board was in open session or closed session. If in closed, session, there was to be no dialogue between the Board and the Respondent. Mr. Johnson responded that the Board was in a closed session. Mr. Emerson was then asked to be seated.

Mr. Mandelkern noted his concern was placing time limits on what needs to be completed. He expressed that Mr. Emerson is trying to cooperate, but the issues cannot continue indefinitely. He then asked if the city had a position, as the proposed motion has a blank for the number of days to come into compliance. He requested help in determining reasonable timeframes rather than the Board trying to guess.

Mr. Boyer suggested dividing the vehicles and fences from the roof repair due to the need for a permit and the amount of work necessary. Mr. Mandelkern agreed.

Mr. Boyer asked hypothetically if the vehicles were removed, and then brought back, what happens? Assistant Attorney Rick Geller responded that it would then be considered a repeat violation.

Discussion ensued between Building and Permitting Director Gary Hiatt, Safety and Code Compliance Manager Susanne Porras. Officer Porras stated that the city would agree to 60 days to provide something to the Building Department on the roof repair or demolition, reminding the Board that Director Hiatt would expedite the permit application. Mr. Hiatt confirmed a maximum of 60 days would be acceptable to receive an application to rebuild, or a permit application to demolish the structure.

Mr. Boyer offered that the removal of vehicles, debris, and old fencing should be done within five days; a fence permit within 30 days (if the respondent chooses to replace it), and the roof repair or demolition permit application within 60 days. Mr. Hiatt stated again that if notified he will expedite the permit application approval.

Mr. Geller offered, for the clarity of the motion, five days to obtain valid tags for the vehicles, or move them from plain view, 30 days to remove the dilapidated fencing and apply for a fencing permit, and 60 days to apply for a roofing or demolition permit, pending the outcome of the engineering assessment.

Mr. Geller also noted that the motion should include a finding that proper notice was given to the respondent, and include language to include all required permits to be obtained.

Motion:

A motion was made by Wayne Johnson:

From the evidence presented today, I move to find that the City gave proper notice to the the Respondents, Eric Blaine Emerson Sr. and Shara Mae Guillang Emerson, Compliance Board Case #PM-22-0041, owners of 511 Granada Drive, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IMPC, 2021 edition), 22-177 (amending the IPMC), Sec 202 Nuisance (2) (3) (16) (21), Sec 302.1 Sanitation and Storage of Materials, Sec 302.7 Dilapidated Fences, Sec 302.8 Abandoned and Disabled Motor Vehicles, 304.1.1 (8) Unsafe conditions, and Sec 308.1 Accumulation of Rubbish.

The respondents are ordered as follows:

- (a) Within five days of today's hearing to move the disable vehicles from the property;
- (b) Within 30 days of today's hearing to apply for the required permits for fencing or removal of fencing;
- (c) Within 60 days of today's hearing to apply for the required roofing or demolition permit.

Failure to comply with this order will result in fines of up to \$250.00 per day per violation for each day the violation continues. The Respondent is further ordered to contact the City Safety & Code Compliance Officer and provide documentation of each action within the above stated time periods.

Mr. Geller offered a correction from the Building department to replace "acquire the permits" to "apply for the permits". Mr. Johnson agreed to these changes.

Mr. Mandelkern offered a minor amendment to the motion, to include the hearing date in the order.

Mr. Geller clarified with Mr. Johnson if the \$250 per day fine applied to all violations, or if the fine is being applied per violation. Mr. Johnson amended the motion to read "per day, per violation" due to the different time frames provided for compliance.

Motion seconded Mr. Mandelkern

Mr. Bond: In favor

Mr. Heller: In favor

Mr. Johnson: In favor

Mr. Mandelkern: In favor

Mr. Boyer: In favor

Motion carried with a 5-0 vote.

6) Non-Action Items

There were no non-action items

7) Staff Updates

There were no staff updates

8) Board Attorney

Assistant City Attorney Rick Geller addressed the Board. He responded to an email from former chair Mr. Mandelkern as to whether there was a requirement to hold a Massey Hearing for the imposition of fines on the 6 Isle of Sicily cases.

Mr. Geller expressed his regret for not being at the December meeting; he was covering an emergency hearing in Circuit Court at that time.

Mr. Chumley, who attended in my absence, was not aware that those were repeat violations. He did not advise the Board that when you have a repeat violation you do not need to have a Massey Hearing. Where typically you give a respondent a set amount of time to come into compliance, then you have a Massey Hearing to determine if compliance was achieved or if other fines should be imposed.

Mr. Geller read Florida Statute 162.09: *An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector.*

In the 6 Isle of Sicily case there were two orders issued. The first one pertained to tree removal, and there was a specific finding by this Board that because the respondent committed repeat violations the board was able to issue fines immediately without allowing additional time for compliance pursuant to Section 2-107 of the City code and F. S. S. 162.09 (1). There was no question that tree removal had occurred previously on the property. The computation of the fines for tree destruction includes a repeat offender fine double as per Section 58-299(c).

The second order pertained to shoreline alteration. There was also a prior history of shoreline alteration, the removal of aquatic vegetation, and damage to the lakes. The one thing that was new was the dumping of sand to create a private beach, but it was not the first time the shoreline had been altered as found by the city. There were findings of violation of Sec. 114.5, damaging lakes, which includes altering, changing, or defacing the banks or shoreline. There was also a violation of Sec. 114-6, shoreline protection, the removal of aquatic shoreline or waterfront vegetation, and that had happened more than once. Again, there was a specific finding in this order that because the respondents committed repeat violations the Board has the authority to issue fines immediately without allowing additional time for compliance.

There was no appeal. If there was any technical objection, it was not raised. The legal term is Res judicata; this is now a matter of settled law.

There were some follow-up questions from Mr. Mandelkern. One was "does recording in public records the Board's orders in both cases constitute a lien on the property, or is a specific recorded lien instrument necessary?" The answer is found in the Florida Statutes, and in the City Code. It says "a certified copy of an order imposing affine or fine plus repair cost may be recorded in public records and thereafter shall constitute a lien against the land on which the violation existed and upon any other real and personal property

owned by the violator.” That is found in Sec. 2-107 (e) as well as in F. S. S. Chapter 162. Once the Board Orders are recorded in public record, they constitute a lien on the property.

The second question was “once the lien was recorded, does the city have any other recourse to enforce compliance with the orders so the fines are paid, and the trees and shoreline are restored?” In other words, does the lien just sit there? The answer is yes, the lien can remain until the owner wants to sell the property. A Title company will not issue title insurance for a property unless the liens are satisfied.

The other possibility here is that after three months after the filing of any such lien, the Code Compliance Board may authorize the City Attorney to foreclose on the lien and also sue to recourse or sue for recovery of the amount of the lien, but that may not be necessary if you already have a lien on the property. This is something that can be considered by the city; the key question there is if the property is Homestead. The city cannot foreclose on Homestead property. In this case, the property is not homestead.

Mr. Boyer confirmed with Mr. Geller that the respondent can leave the lien there.

Mr. Mandelkern asked if the fines imposed keep accruing or if they are now fixed. Mr. Geller stated they keep accruing per the language in the orders. There is a per diem increase in the amount of the fine.

Mr. Heller asked if there was anything that could “make them” comply. Mr. Geller responded no.

Officer Porras informed the Board that the State of Florida has a separate case against the respondent. Code compliance also received confirmation from the Director of Sustainability and Natural Resources, Gloria Eby, in which she received an email confirmation from the State of Florida that they are going forward with a case against Mr. Dawoud as well.

Mr. Mandelkern inquired if the State case was for the shoreline violations; Officer Porras confirmed it was. Mr. Mandelkern inquired if the state has more enforcement than the city; Officer Porras stated it is separate enforcement, but additional enforcement on top of the city.

Mr. Mandelkern asked Mr. Geller if to his knowledge the city has ever foreclosed on a lien placed on a property. Mr. Geller responded not since he has been representing the city, however, there have been discussions with staff in the past year. Mr. Mandelkern asked if foreclosure required city approval; Mr. Geller stated it required the Code Board's approval. Officer Porras noted that a case had to have a minimum of \$50,000.00 in fines, and also required the approval of the City Commission.

Mr. Mandelkern noted that (speaking for himself) the substantial fines placed do not seem to have any effect on the property owner, so he is asking what else the Board can do. Mr. Geller responded that the Board could request this be added to the agenda of the next code board meeting. Whether the Board wants to authorize the city attorney to foreclose on the property and give proper notice to the Mr. and Mrs. Dawoud.

Mr. Mandelkern inquired if there was any knowledge of a mortgage on the property. Mr. Geller noted that would have to be looked into via a Title report to obtain the information. Mr. Mandelkern inquired that if there were liens placed on the property that they would be a violation of the mortgage. Mr. Geller noted he did not know without having the mortgage information, and also that he is not a real estate attorney. Mr. Geller thinks Mr. Mandelkern's assumption made sense, however, if there is a pre-existing mortgage a lien imposed based on the Board orders, the city would likely be in line behind the purchase money mortgage.

Mr. Geller ended his presentation with a question to the Board regarding their desire to see this case on the agenda for the next meeting. Mr. Johnson stated it would be best to perform the title search first. Mr. Geller noted his office would order the title search report and provide the Board with more information to help them decide on possible foreclosure.

There was a question raised about the homestead status of the property; Office Porras told the Board that she verified it is not homesteaded per the Orange County Property Appraiser website.

Mr. Mandelkern asked if this was placed on the agenda, did it give the property owner an opportunity to come before the Board, or is it just a consent item. Mr. Geller stated that out of an abundance of caution he would want to give the owner proper notice because it would be affecting their rights.

Mr. Mandelkern inquired with Mr. Geller about the case with the Federation of Garden Clubs. Mr. Geller reminded Mr. Mandelkern that this case was resolved several months ago; and that the city won in part, and lost in part. The court determined that the Code Compliance Board did not have the authority to require the Garden Club to obtain the City Manager's authorization before holding events, that it was beyond the powers of the Board. The city decided not to appeal the decision because there have been no complaints about the property in more than one year.

9) Upcoming Agenda Items

- a. CCB#-BLDG-23-0008 2661 Via Tuscany, Winter Park, FL 32789
Developer & Builder Group, LLC (Massey Hearing)

10) Adjournment

Mr. Mandelkern made a motion to adjourn the meeting; seconded by Mr. Bond.

All voted in favor to adjourn the meeting at 4:24 pm.

Minutes approved by the Board on February 4, 2024.

/s/ Susan Pruchnicki, Board Secretary



Code Compliance Board

agenda item

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

February 1, 2024

prepared by

Susanne Porras, Code Compliance Manager

approved by

Susanne Porras, Code Compliance Manager

subject

CCB# - BLDG-23-0008 2661 VIA TUSCANY, WINTER PARK, FL 32789
(MASSEY HEARING)

motion | recommendation

From the evidence presented today, I move to issue an Order finding the Respondents, Developer and Builder Group, LLC, owners of 2661 Via Tuscany, Winter Park, Florida (the "Subject Property"), in violation of the Order issued by the City's Code Compliance Board, dated September 7, 2023.

On September 7, 2023, this Board ordered the Respondent to: Submit a new permit application for the pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven (7) days of the hearing date. The Board further ordered respondents to contact the Building Department and the Safety & Code Compliance Officer and provide documentation of action taken by September 15th, 2023.

As of the date of today's hearing, February 1st, 2024, the Board finds by a preponderance of the evidence: (1) The Respondents have not submitted a new permit application for the pool structure to demonstrate compliance with current regulations, to address the comments made in 2021 and the permit is now expired.

The Board finds that the Respondent received all required notices of the September 7, 2023 Order and of this hearing in accordance with Section 2-109 of the City Code, and was given a full and fair opportunity to be heard.

In accordance with the requirements of Massey v. Charlotte County, 842 So. 2d 142 (F) **[the date established for compliance, 7 days after September 7, 2023, such other date as the Board may establish, or from today's date]**. In determining the amount of the fine, in accordance with Section 2-107 of the City Code and Florida Statutes §162.09, the Board considered the gravity of the violations, any actions taken by the violator to correct the violation[s]; and any previous violations committed by the violator.

The lien recorded in connection with this order shall constitute a lien against any real or

personal property owned by the violator.

background

VIOLATION DESCRIPTION: Building Permit • BLDR- 2021-1943 for a pool was issued. They passed all rough inspections but failed the engineering inspection on 03/03/2022. No further inspections were requested ever since. The permit has now expired.

CODES CITED: Article II. - Building Code; Sec. 22-26. Short Title.; Sec. 22-27. - Codes Adopted by reference.; Sec.22-28. Amendments to the Florida Building Code.; Sec.105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.

strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. CCB#-BLDG-23-0008 packet

FACT SHEET

February 1, 2024.

Case No: BLDG#23-0008

Respondents:

DEVELOPER AND BUILDER GROUP, LLC
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707-5371

1. Address where violation exists: **2661 VIA TUSCANY, Winter Park, FL 32789**
2. Parcel I.D. No.: **32-21-30-5478-07-010**
3. Property Zone: **R-1AA**
4. Inspection(s): **02/06/2023, 03/03/2023 and 08/23/2023, 9/18/2023, 12/01/2023 and 1/22/24 (property posted).**
5. Notice for this Massey Hearing was mailed regular, certified mail,
posted on the property and city hall in accordance with Florida Statute 162
Due Process requirements.

I HEREBY CERTIFY all photographs are a true and accurate representation of said violation as cited.

Evidence

Notice of Hearing (Proof of Service)
Photographs
Case History Report
PowerPoint Work Sheet
Codes Cited.
Proof of Ownership

VIOLATION (s) DESCRIPTION:	CORRECTIVE ACTION REQUIRED:	CODES CITED:
Building Permit - BLDR-2021-1943 for a pool was issued. They passed all rough inspections but failed the engineering inspection on 03/03/2022. No further inspections were requested ever since. The permit has now expired.	Comments were not addressed from September 2021. New permit applications will need to be submitted to demonstrate compliance with current regulations and to address the comments made in 2021	Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec.22-28.- Amendments to the Florida Building Code.; Sec.105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.

RECOMMENDED MOTION (Massey Hearing)

2661 Via Tuscany - CCB-BLDG#23-0008 – Developer and Builder Group, LLC

From the evidence presented today, I move to issue an Order finding the Respondents, Developer and Builder Group, LLC, owners of 2661 Via Tuscany, Winter Park, Florida (the "Subject Property"), in violation of the Order issued by the City's Code Compliance Board, dated September 7, 2023.

On September 7, 2023, this Board ordered the Respondent to: Submit new permit application for the pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven (7) days of the hearing date.

The Board further ordered Respondents to contact the Building Department and the Safety & Code Compliance Officer and provide documentation of action taken by September 15th, 2023.

As of the date of today's hearing, February 1st, 2024, the Board finds by a preponderance of the evidence:

(1) The Respondents **have not** submitted a new permit application for the pool structure to demonstrate compliance with current regulations, to address the comments made in 2021 and the permit is now expired.

The Board finds that Respondent received all required notices of the September 7, 2023 Order and of this hearing in accordance with Section 2-109 of the City Code, and was given a full and fair opportunity to be heard.

In accordance with the requirements of *Massey v. Charlotte County*, 842 So. 2d 142 (Fla. 2d DCA 2003), the board hereby assesses a fine against Respondent in the sum of \$_____ **[AMOUNT OF FINE, NOT TO EXCEED \$250]** per day, per violation, running from September 15, 2023 **[the date established for compliance, 7 days after September 7, 2023, such other date as the Board may establish, or from today's date]**. In determining the amount of the fine, in accordance with Section 2-107 of the City Code and Florida Statutes § 162.09, the Board considered the gravity of the violations, any actions taken by the violator to correct the violation[s]; and any previous violations committed by the violator.

The lien recorded in connection with this order shall constitute a lien against any real or personal property owned by the violator.

If you own and occupy property as your primary residence as of January 1, 2024, you may qualify for an exemption. The deadline to file a 2024 exemption application is March 1, 2024.

[Click Here To Apply for Homestead and Other Exemptions Online](#)

Print Date: 01/29/2024 System Refresh Date: 01/28/2024

2661 Via Tuscany 32-21-30-5478-07-010

Name(s):

Developer And Builder Group
LLC

Physical Street Address:

2661 Via Tuscany

Property Use:

0001 - Vacant Residential

Mailing Address On File:

218 Wilshire Blvd
Casselberry, FL 32707-5371

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park

[Incorrect Mailing Address?](#)



2661 VIA TUSCANY, WINTER PARK, FL 32789 12/28/2023 10:47 AM

[Upload Photos](#)

[View 2023 Property Record Card](#)

i PROPERTY FEATURES

\$ VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

2024 Values will be available in August of 2024. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RD R/W ON NE COR)

Total Land Area

10,631 sqft (+/-) | 0.24 acres
(+/-)

[GIS Calculated](#)

Notice**Land**

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

« « 1 » »

Page 1 of 1 (Total Records: 1)

Building

There are no buildings associated to this parcel.

Extra Features

There are no extra features associated to this parcel.

[View Winter Park Permits](#)

DOC # 20170598998
11/02/2017 09:11 AM Page 1 of 4
Rec Fee: \$35.50
Deed Doc Tax: \$1,960.00
Mortgage Doc Tax: \$0.00
Intangible Tax: \$0.00
Phil Diamond, Comptroller
Orange County, FL
Ret To: SIMPLIFILE LC



Prepared by
Meli Trujillo, an employee of
First American Title Insurance Company
931 S. Orlando Avenue
Maitland, Florida 32751
(877)727-5915

Return to: Grantee

File No.: 2020-2482558
Consideration: \$280,000.00

WARRANTY DEED

Made this October 31, of 2017 by and between

Brian L. Stehli, a married man and Kristofer Lenn Stehli, a single man and Gary L. Stehli, a single man Individually and as Trustee of the Gary Stehli Living Trust

whose address is: **2816 Montmart Dr., Orlando, FL 32812**
hereinafter called the "grantor", to

Developer and Builder Group, LLC, a Florida limited liability company

whose post office address is: **328 Wilshire Blvd, Casselberry, FL 32707**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Orange County, Florida**, to-wit:

Lot 1, Block G, MAITLAND SHORES FIRST ADDITION, As Recorded In Plat Book S At Page 68, Public Records Of Orange County, Florida.

Parcel Identification Number: **32-21-30-5478-07010**

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2016.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

B L Stehli
Brian L. Stehli

Signed, sealed and delivered in the presence of these witnesses:

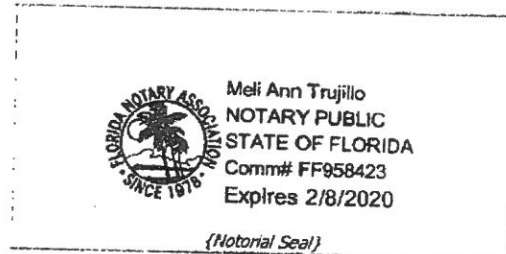
Meli Trujillo
Witness Signature
Print Name: Meli Trujillo
State of Florida
County of Orange

A. Kelley
Witness Signature
Print Name: April Kelley

The Foregoing Instrument was Acknowledged before me on October 30, 2017 by Brian L. Stehli who is/are personally known to me or who has/have produced a valid driver's license as identification.

Meli Ann Trujillo
Notary Public
Meli Ann Trujillo
(Printed Name)

My Commission expires: 2/8/2020



Kristofer Lenn Stehli 10/30/17
Kristofer Lenn Stehli

Signed, sealed and delivered in the presence of these witnesses:

Irene M. Zupko
Witness Signature

Christine Ahern
Witness Signature

Print Name: Irene M. Zupko
State of CALIFORNIA

Print Name: Christine Ahern

County of SAN LUIS OBISPO

The Foregoing Instrument was Acknowledged before me on Oct 30, 2017, by Kristofer Lenn Stehli who is/are personally known to me or who has/have produced a valid driver's license as identification.

Irene M. Zupko
Notary Public

Irene M Zupko
(Printed Name)

My Commission expires: July 14, 2019



The Gary Stehli Living Trust

Gary L. Stehli
Gary L. Stehli, Individually & as Trustee

Signed, sealed and delivered in the presence of these witnesses:

William J. Martinez
Witness Signature

Grover D. Daniels
Witness Signature

Print Name: William J. Martinez

Print Name: Grover D. Daniels

State of Florida

County of St. John

The Foregoing Instrument was Acknowledged before me on 30th Oct. 2017 by Gary L. Stehli, Individually and as Trustee of the Gary Stehli Living Trust who is/are personally known to me or who has/have produced a valid driver's license as identification.

Grover D. Daniels
Notary Public

Grover D. Daniels
(Printed Name)

My Commission expires: 6/12/18



(Notarial Seal)

OCPA Web Map

Florida	Major Road	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Road	Brick Road	Lot Line	Government/Institutional	Waste Land	Lakes and Rivers
Toll Road	Gated Road	Rail Road	Residential	Commercial/Industrial	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curilage	Parks	Hospital	

Orange County Property Appraiser



Howell Branch Preserve Park
City of Winter Park

Howell Branch Rd

436A

Howell Branch Rd

Venetian Way

Moss Ln

Moss Ln

Poinciana Ln

Via Tuscany

Tuscany Pl

Via Tuscany Oaks Way

Cypress Ln

Cypress Ln

Created: 1/29/2024 14:46, undefined

This map is for reference only and is not a survey



ORANGE COUNTY TAX COLLECTOR
SCOTT RANDOLPH
INDEPENDENTLY ELECTED TO SERVE YOU

Orange County Notice of Ad Valorem Taxes & Non-Ad Valorem Assessments

DEVELOPER AND BUILDER GROUP LLC
218 WILSHIRE BLVD
CASSELBERRY, FL 32707-5371

Account Number: 0278487-4
Assessed Value: 175,000
Millage Code: 6 WP
Parcel Number: 32-21-30-5478-07010
Address: 2661 VIA TUSCANY WINTER PARK 32789
Exemptions:

Prior Year Delinquent.
Amounts shown here DO NOT include
amounts from:
2022,2021

AD VALOREM TAXES					
Taxing Authority	Assessed Value	Exempt Value	Taxable Value	Millage	Tax Levied
STATE SCHOOL	175,000	0	175,000	3.1730	\$555.28
LOCAL SCHOOL	175,000	0	175,000	3.2480	\$568.40
GEN COUNTY	175,000	0	175,000	4.4347	\$776.07
WINTER PRK	175,000	0	175,000	4.0923	\$716.15
WP DEBT 2017	175,000	0	175,000	.2379	\$41.63
SJWM	175,000	0	175,000	.1793	\$31.38
				Total Millage:	
				15.3652	Subtotal: \$2,688.91
NON-AD VALOREM ASSESSMENTS					
Levying Authority	Phone	Amount	Levying Authority	Phone	Amount
			Subtotal:		
Combined Total of Ad Valorem Taxes & Non-Ad Valorem Assessments					\$2,688.91

Pay Online, Opt-in to E-Billing and Print your Receipt at octaxcol.com.

Payments not received by March 31st are delinquent.

IF YOUR TAXES ARE NOT ESCROWED, PLEASE RETURN THE BOTTOM PORTION WITH YOUR PAYMENT.

0278487-4
2661 VIA TUSCANY WINTER PARK 32789
32-21-30-5478-07010
MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G
(LESS RD R/W ON NE COR)

Prior Year Delinquent.
Amounts shown here DO NOT include amounts from:
2022, 2021

Make checks payable to:
Scott Randolph, Tax Collector

ONLY PAY ONE AMOUNT	
If Paid By	Amount Due
Nov. 30, 2023	\$2,581.35
Dec. 31, 2023	\$2,608.24
Jan. 31, 2024	\$2,635.13
Feb. 29, 2024	\$2,662.02
Mar. 31, 2024	\$2,688.91

DEVELOPER AND BUILDER GROUP LLC
218 WILSHIRE BLVD
CASSELBERRY, FL 32707-5371

**PO Box 545100
Orlando FL 32854-5100**





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
DEVELOPER AND BUILDER GROUP, LLC.

Filing Information

Document Number	L17000038057
FEI/EIN Number	81-5385566
Date Filed	02/16/2017
Effective Date	02/15/2017
State	FL
Status	ACTIVE
Last Event	LC STMNT OF RA/RO CHG
Event Date Filed	08/24/2017
Event Effective Date	NONE

Principal Address

218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Changed: 04/23/2018

Mailing Address

218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Changed: 04/23/2018

Registered Agent Name & Address

BERMUDEZ, FERNANDO
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Name Changed: 08/24/2017

Address Changed: 04/23/2018

Authorized Person(s) Detail

Name & Address

Title MGR

BERMUDEZ, FERNANDO
437 SANDRINGHAM CT
WINTER SPRINGS, FL 32708

Title MBR

JARAMILLO ALVAREZ, CARLOS A
CALLE 5 SUR # 25-130 APTO 315 PARQUE RES.
LA CAMPINA, MEDELLIN, MD 00000 CO

Title MBR

YEPES GIRALDO, NELSON D
CARRETERA 44 SUR #17 C 40 APTO 1908
BARRIO POBLADO, MEDELLIN, MD 00000 CO

Annual Reports

Report Year	Filed Date
2021	03/25/2021
2022	04/28/2022
2023	04/26/2023

Document Images

04/26/2023 – ANNUAL REPORT	View image in PDF format
04/28/2022 – ANNUAL REPORT	View image in PDF format
03/25/2021 – ANNUAL REPORT	View image in PDF format
03/19/2020 – ANNUAL REPORT	View image in PDF format
04/16/2019 – ANNUAL REPORT	View image in PDF format
04/23/2018 – ANNUAL REPORT	View image in PDF format
02/16/2017 – Florida Limited Liability	View image in PDF format

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF YOUR MAIL AND PACKAGES. [READ MORE.](https://about.usps.com/newsroom/service-alerts/)

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[FAQs >](#)

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Anytime, Anywhere

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[Learn More](#)

[https://reg.usps.com/xsell?](https://reg.usps.com/xsell?app=UspsTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action)

[Feedback](#)

Tracking Number:

9171969009350309867844

Copy

[Add to Informed Delivery \(https://informeddelivery.usps.com/\)](https://informeddelivery.usps.com/)

[Remove X](#)

Latest Update

We were unable to deliver your package at 12:13 pm on January 27, 2024 in CASSELBERRY, FL 32707 because the business was closed. We will redeliver on the next business day. No action needed.

Delivery Attempt
Redelivery Scheduled for Next Business Day

CASSELBERRY, FL 32707
January 27, 2024, 12:13 pm

No Access to Delivery Location
CASSELBERRY, FL 32707
January 26, 2024, 11:40 am

[Get More Out of USPS Tracking:](#)

USPS Tracking Plus®

[See All Tracking History](#)



**SAFETY & CODE
compliance**
401 S. Park Ave. • Winter Park, FL 32789

 please remember to recycle

*Developer and Builder Group, LLC
218 Wildstine Blvd.
Casselberry, FL 32707*



**SAFETY & CODE
compliance**
401 S. Park Ave. • Winter Park, FL 32789

 please remember to recycle

*Registered Agent
c/o*

*Fernando Hernandez
218 Wildstine Blvd.
Casselberry, FL 32707*

CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CASE NO.: **BLDG# 23-0008**

City of Winter Park
Petitioner,

vs.

DEVELOPER AND BUILDER GROUP, LLC
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707-5371
Respondents,

AFFIDAVIT OF POSTING

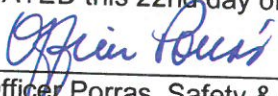
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Officer Porras, Safety & Code Compliance Officer/Div. Manager for the City of Winter Park Safety & Code Compliance, who, after being duly sworn, deposes and says:

1. That he/she is an employee of City of Winter Park, Florida and that he/she is over twenty-one years of age.
2. That he/she posted a Notice of Massey Hearing for the property located at 2661 Via Tuscany on this 22nd day of January 2024.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT

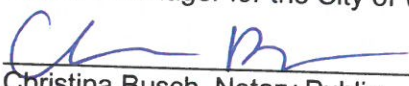
DATED this 22nd day of January 2024



Officer Porras, Safety & Code Compliance Officer/Manager

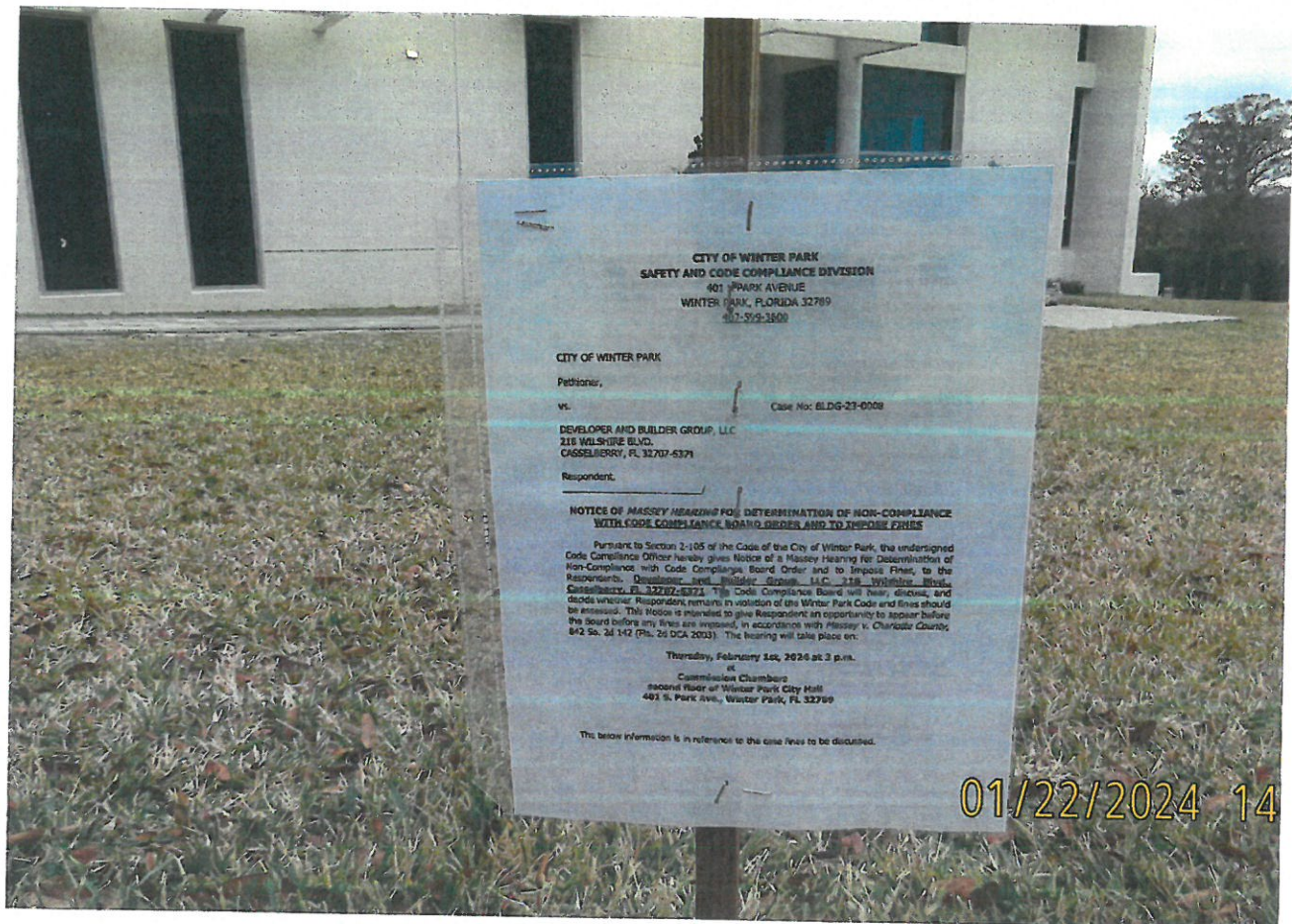
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22nd day of January 2024, by Officer Porras, who is personally known to me as a Safety & Code Compliance Officer / Manager for the City of Winter Park.



Christina Busch, Notary Public
My Commission Expires October 9, 2026
Commission #HH319908





CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CEB NO: **BLDG#23-0008**
City of Winter Park
Petitioner,

vs.

Developer and Builder Group, LLC
218 Wilshire Blvd.
Casselberry, FL 32707-5371
Respondents/

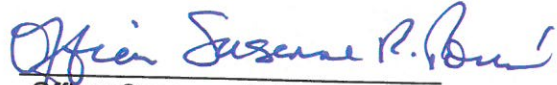
AFFIDAVIT OF PERSONAL SERVICE

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally appeared Officer Porras, Safety & Code Compliance Officer/Manager for the City of Winter Park Code Compliance Division, who, after being duly sworn, deposes and says:

1. That she is an employee of City of Winter Park, Orange County, Florida, and, that she is over twenty-one years of age.
2. That she left a copy of the following document, Notice of Massey Hearing at their place of business at 218 Wilshire Blvd., Casselberry, FL 32707-5371 on the 22nd day of January 2024, at 2:13 pm.

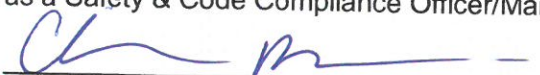
FURTHER AFFIANT SAYETH NOT
DATED this 22nd day of January 2024



Officer Susanne R. Porras
Code Compliance Officer/Manager

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me
This 22nd day of January 2024
By Officer Porras, who is personally known to me
as a Safety & Code Compliance Officer/Manager of the City of Winter Park.



Christina Busch, Notary Public #HH319908
My Commission Expires October 9, 2026



CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CASE NO.: **BLDG#23-0008**

City of Winter Park
Petitioner,

vs.

DEVELOPER AND BUILDER GROUP, LLC
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707-5371
Respondents, _____

AFFIDAVIT OF POSTING AT CITY HALL

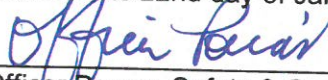
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Officer Porras, Safety & Code Compliance Officer/Manager for the City of Winter Park Safety & Code Compliance, who, after being duly sworn, deposes and says:

1. That he/she is an employee of City of Winter Park, Florida and that he/she is over twenty-one years of age.
2. That he/she posted the Notice of Massey Hearing of Hearing at City Hall for the property located at 2661 Via Tuscany. on this 22nd day of January 2024.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT

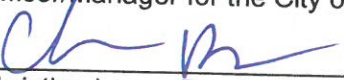
DATED this 22nd day of January 2024



Officer Porras, Safety & Code Compliance Officer/ Manager

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22nd day of January 2024, by Officer Porras, who is personally known to me as a Safety & Code Compliance Officer/Manager for the City of Winter Park.



Christina Leann Busch, Notary Public
My Commission Expires October 9, 2026
Commission #HH319908



**CITY OF WINTER PARK
SAFETY AND CODE COMPLIANCE DIVISION**

401 S PARK AVENUE
WINTER PARK, FLORIDA 32789
407-599-3600

CITY OF WINTER PARK

9171 9690 0935 0309 8678 44

Petitioner,

vs.

Case No: BLDG-23-0008

DEVELOPER AND BUILDER GROUP, LLC
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707-5371

Respondent.

**NOTICE OF MASSEY HEARING FOR DETERMINATION OF NON-COMPLIANCE
WITH CODE COMPLIANCE BOARD ORDER AND TO IMPOSE FINES**

Pursuant to Section 2-105 of the Code of the City of Winter Park, the undersigned Code Compliance Officer hereby gives Notice of a Massey Hearing for Determination of Non-Compliance with Code Compliance Board Order and to Impose Fines, to the Respondents, **Developer and Builder Group, LLC, 218 Wilshire Blvd., Casselberry, FL 32707-5371**. The Code Compliance Board will hear, discuss, and decide whether Respondent remains in violation of the Winter Park Code and fines should be assessed. This Notice is intended to give Respondent an opportunity to appear before the Board before any fines are imposed, in accordance with *Massey v. Charlotte County*, 842 So. 2d 142 (Fla. 2d DCA 2003). The hearing will take place on:

Thursday, February 1st, 2024 at 3 p.m.

at

**Commission Chambers
second floor of Winter Park City Hall
401 S. Park Ave., Winter Park, FL 32789**

The below information is in reference to the case fines to be discussed.

1. Violation of City Code Chapter/Section and Order: **On September 7th, 2023, the Code Compliance Board determined that Respondents were in violation of Article II. – Building Code.; Sec.22-26. Short Title.; Sec. 22-27.- Codes adopted by reference.; Sec. 22-28. - Amendments to the Florida Building Code.; Sec. 105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.**

At the hearing, and in the attached Findings of Fact, Conclusions of Law and Order (executed on September 19th, 2023), the Respondents were **ORDERED** to:

Submit new permit applications for the fence and pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven (7) days of the hearing date.

The order stated **"Failure to comply with this Order will result in fines of up to \$250.00 per day, per violation for each day the violation continue."**

2. Address where violation exists: **2661 VIA TUSCANY, WINTER PARK, FL 32789.**
3. Parcel I.D. No.: **32-21-30-5478-07-010**
4. Property Zone: **R-1AA**
5. Legal Description: **MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RD R/W ON NE COR) per Orange County records.**
6. Respondent/Names and address of owner/person in charge of location where violation exists: **DEVELOPER AND BUILDER GROUP, LLC -218 WILSHIRE BLVD., CASSELBERRY, FLORIDA 32707-5371**
7. Description of Violation(s): **Building Permit -BLDR-2021-1943 for a pool was issued. Respondent passed all rough inspections, but failed the engineering inspection on 03/03/22. Respondent has not requested any further inspections demonstrating compliance with the City Code.**
8. Motion to be Heard: The City's **Request for Determination of Non-Compliance with Code Compliance Board Order and Assessment of Fines.**

NO ADDITIONAL NOTICE OF HEARING WILL BE PROVIDED TO YOU. Even if you do not attend this hearing, the Code Compliance Board will consider the City's Request for Determination of Non-Compliance with Code Compliance Board Order and to Impose Fines, and may assess fines, place liens, or take other actions which will affect your rights.

If you feel that you have come into compliance with the terms of the **September 7th, 2023** Order prior to the **February 1st, 2024** hearing, it is your responsibility to contact the City's Safety & Code Compliance Division and provide evidence of compliance.

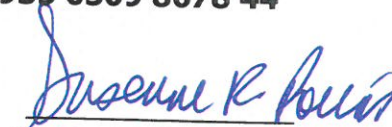
PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated: **January 18th, 2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been furnished by certified and regular mail to: **Developer and Builder Group, LLC -218 Wilshire Blvd., Casselberry, FL 32707-5371**

Certified Mail # 9171 9690 0935 0309 8678 44



Susanne R. Porras
Safety & Code Compliance Div. Manager

Appeal Process

Respondent is hereby notified that Respondent or the City of Winter Park, who may be aggrieved by an Order of the Code Compliance Board, has the right to appeal an Order of the Code Compliance Board to the Circuit Court in and for Orange County, Florida within thirty (30) calendar days of the rendition of the Order, as set forth in Florida Statutes § 162.11. The party bringing the appeal has the responsibility of ensuring that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based, for the reviewing court.

Please contact our office at (407) 599-3600 if you have any questions. Persons with disabilities needing special accommodations or assistance to participate in this proceeding should contact us at least 48 hours in advance of the meeting.

CODES CITED:

Article II. Building Code

Sec. 22-26. – Short Title

Sec. 22-27 – Codes adopted by reference.

Sec. 22-28. - Amendments to the Florida Building Code

Sec. 105.4.1 Conditions of permit; permit term and intent.

Sec. 105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with a work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site developments, and is subject to the approval of the building official.

cc: Registered Agent – Bermudez, Fernando – 218 Wilshire Blvd., Casselberry, FL 32707

CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CITY OF WINTER PARK

CASE NO. BLDG-23-0008

Petitioner, _____/

vs.

Developer and Builder Group, LLC
218 Wilshire Blvd.
Casselberry, Florida 32707-5371

Respondents, _____/

STATE OF FLORIDA :

COUNTY OF ORANGE :

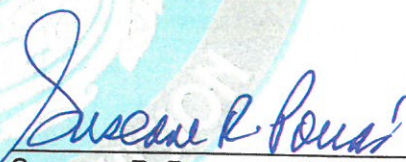
**AFFIDAVIT OF NON-COMPLIANCE WITH
CODE COMPLIANCE BOARD ORDER**

Before me, the undersigned authority, personally appeared Susanne R. Porras, who, after being duly sworn, deposes and says:

1. My name is Susanne R. Porras. I am a Safety and Code Compliance Division Manager with the City of Winter Park.
2. I am over the age of 18 and base the averments in this Affidavit on my personal knowledge, information, and belief.
3. I am familiar with the property located at 2661 Via Tuscany, with a Parcel Identification number of 32-21-30-5478-07-010 (the "Property").
4. I am familiar with, and reviewed the code compliance case involving the Property, Case #. BLDG-23-0008.
5. On September 7, 2023, the Code Compliance Board entered an Order (the "Order") requiring the respondents to submit new permits applications for the

pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven (7) days of this hearing date. Failure to comply with the order will result in fines of \$250 per day for each day the violations continue. The Respondents are further ordered to contact the Building Department and The Safety & Code Compliance Officer and provide documentation of action taken by September 15, 2023.

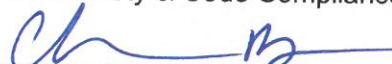
6. On September 18, 2023, I re-inspected the Property to determine if the property owner undertook corrective action. I observed that there was no construction activity at this location. Building records showed that the property owners did not submit the required permit for the pool structure as stipulated in the Order.
7. Therefore, I determined that the property owner has not taken any corrective action and the Property remains out of compliance with Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec. 22-28. – Amendments to the Florida Building Code.; Sec. 105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Code.


Susanne R. Porras, Affiant

SWORN TO AND SUBSCRIBED

Before me this 18th day of September, 2023.

By Susanne R. Porras, who is personally known to me
as a Safety & Code Compliance Officer /Div. Manager of the City of Winter Park.

, Notary Public

Christina Busch, Notary Public

My Commission Expires October 9th, 2026.



CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CITY OF WINTER PARK

CASE NO. BLDG-23-0008

Petitioner,

vs.

Developer and Builder Group, LLC
218 Wilshire Blvd.
Casselberry, FL 32707-5371

Respondents.

_____ /

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA :

COUNTY OF ORANGE :

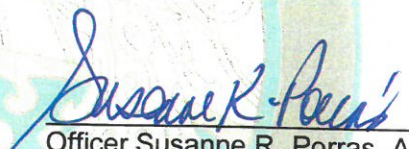
Before me, the undersigned authority, personally appeared Officer Susanne R. Porras, who, after being duly sworn, deposes and says:

1. My name is Officer Susanne R. Porras.
2. I am over the age of 18 and base this Affidavit of Compliance on my personal knowledge, information, and belief.
3. I have reviewed the Code Compliance case for the property located at 2661 Via Tuscany, Winter Park, FL 32789, Parcel ID: 32-21-30-5478-07-010 (the "Property"), Case No. BLDG-23-0008.
4. In an Order dated September 7, 2023, the Code Compliance Board mandated that the owners are required to submit new permit application for the fence structure to demonstrate compliance with current regulations and to

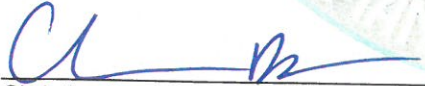
address the comments made in 2021 within seven (7) days of the hearing date. Failure to comply with the order will result in fines of \$250 per day for each day the violations continue and the Respondents are compliant. The Respondents are further ordered to contact the City Code Compliance office by September 15, 2023 to provide documentation of actions taken.

5. On September 18, 2023, I inspected the Property and determined that the property is now in compliance with the Order and Chapter 22 Section(s) as described in the presentation being Article II. – Building Code; Sec. 22-26., Short Title.; Sec. 22-27. -Coded Adopted by reference.; Sec. 22-28. – Amendments to the Florida Building Code.; Sec. 105.4.1 Conditions of a permit, permit term and intent and Sec.105.4.1.1 of the City of Winter Park Code of Ordinances as adopted and amended by the City of Winter Park.

STATE OF FLORIDA
COUNTY OF ORANGE


Officer Susanne R. Porras, Affiant

SWORN TO AND SUBSCRIBED
Before me this 18th day of September, 2023
By Officer Susanne R. Porras, who is personally known to me.


Christina Busch, Notary Public
My Commission Expires October 9th, 2026.



NEW PERMIT

PR

BLDR-2021-1943 • Residential Building • Permit Tech Building

Location

2661 VIA TUSCANY
WINTER PARK, FL 32789

Project

Pool

Apply Date

08/02/2021

Permit Status

Expired

PAY FEES

\$0.00

Summary

Details

Location

Additional Info

Workflow

Linked Records

Holds (1)

Contacts (4)

Fees (6)

Bonds

Activities

Files (13)

Print Documents

Conditions

Tasks

Recent Workflow Activity

Last Completed Action: 687 days ago

Engineering Rough Site Grading Inspection (Residential) v.1

(Inspection)

Scheduled For: 03/02/2022

Assigned To: Jim Struckmeyer

Status: Canceled

Completed On: 03/02/2022

Current Action: 707 days ago

Sub - Residential Electrical Permit (Create Sub Permit)

Case Type & Class: Electrical / Residential Fixtures

Case Status: Expired

Assigned To: Permit Tech Building

Next Action:

Engineering Rough Site Grading Inspection (Residential) v.2 (Inspection)

Workflow Completion Summary

Completed 82%

In Progress 8%

Not Started 31%

JB

Bermudez, Juan

Developer and Buil...

ID-000010146

Applicant

Mobile Phone

(407) 280-5186

Email

bermudez@develop...

Tasks

No Tasks Attached

Page 47 of 59

Susanne Porras

From: Susanne Porras
Sent: Wednesday, August 16, 2023 4:23 PM
To: 'Richard Stubbs'
Subject: Re: Notices for 2161 Via Tuscany - BLDG-23-0008
Attachments: AMENDED NOV NO PERMIT - 2661 VIA TUSCANY - BLDG-23-0008 (1).pdf; Notice of Hearing - 2661 Via Tuscany - Building Code (NP) (final).pdf

Importance: High

Good afternoon Mr. Stubbs,

I hope you are doing well. Please find attached notices for the property at 2161 Via Tuscany. Please let me know if the issues can be resolved before the September 7th, 2023 Code Board Hearing so that I can remove the case from the agenda. Feel free to contact me if you have questions or concerns about this.

Respectfully,

Susanne R. Porras, COSS
Safety & Code Compliance
Code Compliance Div. Manager
Phone: 407-599-3283

NOTE: Florida law prohibits code enforcement officers from investigating potential code violations by way of an anonymous complaint. A person making a code violation complaint must provide their name and address. Providing your phone number and email is optional but recommended so we may contact you if needed

Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

**CODE COMPLIANCE BOARD OF THE
CITY OF WINTER PARK, FLORIDA**

Case No.: BLDG.-23-0008

CITY OF WINTER PARK
Petitioner

Vs.

Developer and Builder Group, LLC.
218 Wilshire Blvd
Casselberry, Florida 32707

Respondents,

_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE came for a public hearing before the City of Winter Park, Florida, Code Compliance Board ("the Board") on the **7th day of September, 2023** after due notice to the Respondents, Developer and Builder Group, LLC, 218 Wilshire Blvd., Casselberry, Florida 32707 and the Board having heard sworn testimony and argument received evidence, the Board thereupon issues its Findings of Fact, Conclusions of Law, and Order as follows

I. FINDINGS OF FACT

The Board makes the following findings of fact:

- A. Address, Ownership, and Possessory Interest: The property is located at 2661 Via Tuscany, Winter Park, FL 32789 (the "Property")
- B. Legal Description MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RD R/W ON NE COR) per Orange County records.
- C. Parcel ID: #32-21-30-5478-07-010
- D. Notice: The City gave proper notice of this hearing to the Respondents by posting at the Property and at City Hall and by United States certified mail.
- E. Description of Violation: Building Permit - BLDR-2021-2116 for a fence was rejected at the review stage and no further plans were re-submitted. The permit is now expired and the fence was installed without a permit. Building Permit BLDR-2021-1943 for a pool was issued. They passed all rough inspections but failed the engineering inspection on 3/3/22. No further inspections were requested ever since. The permit has not expired.
Codes Cited: Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec.22-28.- Amendments to the Florida Building Code.; Sec.105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.

II. CONCLUSIONS OF LAW:

Based on testimony and evidence of record, the Board reaches the following conclusions of law:

- A. The City complied with the procedures and notice requirements of the City Code as required pursuant to Sections 2-105 and 2-110, respectively, of the Winter Park Code of Ordinances and in Florida Statutes chapter 162.
- B. The Respondent, Building and Developers LLC, for Code Compliance Board Case BLDG-23-0008 in violation of Building Code Sec. 22-26. Short Title.: Sec. 22-27. – Codes Adopted by reference.: Sec. 22-28. – Amendments to the Florida Building Code.; Sec. 105.4.1 Conditions of a permit, permit term and intent of the City of Winter Park Building Code.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon a motion made by Todd Boyer, seconded by Steve Heller, and agreed to by a passing 5-0 vote by the Board:

The Respondent, Developer and Builder Group, LLC is ORDERED immediately following the hearing date to:

Submit new permit applications for the fence and pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven (7) days of this hearing date. Failure to comply with this order will result in fines of \$250 per day for each day the violations continue. The Respondents are further ordered to contact the Building Department and the Safety and Code Compliance Officer and provide documentation of action taken by September 15, 2023.

NOTICE OF RIGHT TO APPEAL

Respondents are hereby notified that they, or any party who may be aggrieved by this Order, including the City, has the right to appeal this Order to the Circuit Court in and for Orange County within thirty (30) calendar days of the rendition of this Order, as set forth in Florida Statutes § 162.11 and Section 2-108 of the City Code.

DONE AND ORDERED, effective the 7th day of September, 2023 at Winter Park, Florida.

CITY OF WINTER PARK, FLORIDA

CODE COMPLIANCE BOARD


Wayne Johnson, Chair

STATE OF FLORIDA

COUNTY OF ORANGE

SWORN TO and subscribed before me, by means of ☒ physical presence or ☐ online notarization, this 29th day of January 2024, by Wayne Johnson, Chair, who is personally known to me.

Notary Public:





**CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE DIVISION
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
[407-599-3600](tel:407-599-3600)**

Case No: BLDG-23-0008

CITY OF WINTER PARK
Petitioner,

vs.

DEVELOPER AND BUILDER GROUP, LLC
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707-5371

Respondents,

**NOTICE OF
CODE COMPLIANCE BOARD HEARING**

Pursuant to Section 2-105 of the Code of the City of Winter Park, the undersigned Safety & Code Compliance Officer hereby gives notice of an uncorrected violation of the Code of City of Winter Park, as more particularly described herein, and that she has requested a **PUBLIC HEARING** before the Code Enforcement Board, a governmental board of the City of Winter Park, which will take place on

**Thursday, September 7th, 2023
at 3 p.m. at
Commission Chambers
second floor of Winter Park City Hall
401 S. Park Ave., Winter Park, FL 32789**

A hearing on the following code violations will be heard at this meeting:

1. Violation of City Code Chapter/Section: **Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec.22-28.- Amendments to the Florida Building Code.; Sec.105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.**
2. Address where violation(s) exists: **2661 Via Tuscany, Winter Park, FL 32789.**

3. Parcel I.D. No.: **32-21-30-5478-070-010**
4. Property Zone: **R-1AAA**
5. Legal Description: **MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RD R/W ON NE) per Orange County records.**
6. Names and address of owner/person in charge of location where violation exists: **Developer And Builder Group, LLC – 218 Wilshire Blvd., Casselberry, FL 32707-5371.**
7. Description of Violation: **Fence was erected without a required permit. BLDR-2021-2116 - Permit was rejected and no further plans were re- submitted. BLDR-23-1943 - Pool permit was issued. They have passed all the rough inspections but failed the engineering inspection on 03/03/2022. No further inspections were requested ever since. This permit has expired.**
8. Compliance Requirements: **Obtain and finalize all permit requirements for the fence and pool structure. Contact the Code Compliance Manager with your intentions on resolving this issue.**

Compliance Date to avoid hearing: **August 27th, 2023.**

Unless Respondent(s) corrects the violation described and contacts the undersigned Code Inspector to verify compliance with City Code/Section cited herein, notice is hereby given that, pursuant to Section 2-106 of the City of Winter Park, a **PUBLIC HEARING** is hereby scheduled in this case for fines to be assessed/liens placed against your property, or for such other matters as may be within the jurisdiction of the Code Enforcement Board, on the **September 7th, at 3 p.m.**, at 401 S Park Avenue, Winter Park, FL, 2nd Floor (Commission Chambers).

If you do not attend this hearing, the Code Enforcement Board will consider the case even though you are not present, and base the findings solely on the presentation made by the city. The Code Compliance Board has the power by Florida Statute 162 to assess fines, administrative costs, place liens, or take other actions which will affect your rights. If found in violation of the city ordinance, the Code Compliance Board, may impose a fine up to \$250.00 per day, per violation, for each day that the violation(s) continues beyond the compliance date established by the Board in a Final Order. If you

are found to be a repeat violator by the Board, the Board can impose a fine of up to \$500.00 per day, per violation, for each day the violation continues beyond the compliance date established by Safety & Code Compliance.

If you believe that you have come into compliance with the terms of this Order prior to the next hearing, it is your responsibility to contact the Code Compliance Division.
PLEASE GOVERN YOURSELF ACCORDINGLY.

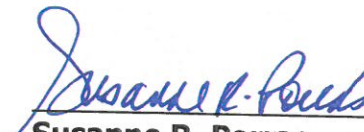
AN AGGRIEVED PARTY MAY APPEAL A FINAL ADMINISTRATIVE ORDER OF THE CODE COMPLIANCE BOARD TO THE CIRCUIT COURT. ANY SUCH APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE APPEALED AS SET FORTH IN SECTION 162.11, FLORIDA STATUTES. If a party to the proceedings before the Code Compliance Board decides to appeal a decision of such board, a verbatim record of the proceedings may be required, or may be desirable. It is the sole responsibility of each party to the proceedings to ensure that a record is made that includes the testimony and evidence upon which an appeal may be taken.

NO ADDITIONAL NOTICE OF HEARING WILL BE PROVIDED TO YOU. If you do not attend this hearing, the Code Compliance Board will consider the case even though you are not present, and may assess fines, place liens, or take other actions which will affect your rights. If you feel that you have come into compliance with the terms of this Order prior to the next hearing, it is your responsibility to contact the Code Compliance Division. **PLEASE GOVERN YOURSELF ACCORDINGLY.**

Dated this: 16th day of August 2023

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been furnished by certified and regular mail to: **DEVELOPER AND BUILDER GROUP, LLC -218 WILSHIRE BLVD., CASSELBERRY, FL 32707-5371**

Certified Mail: 9171 9690 0935 0309 8672 71


Susanne R. Porras
Safety & Code Compliance Manager

Please contact our office at 407-599-3600 if you have any questions.

CODES CITED

105.4 Conditions of permit.

105.4.1 Conditions of permit; permit term and intent.

105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.4.1.2 Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced, and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

105.4.1.3 In constructing, renovating or building a new one or two-family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.4.1.7. When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore, any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property

owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.



AMENDED OFFICIAL NOTICE OF VIOLATION

CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789

DATE: **August 16, 2023.**

CASE # **BLDG-23-0008**

CERTIFIED TRACKING NUMBER: **9171 9690 0935 0309 8672 64**

You are hereby notified that the below stated property has been inspected and found to be in violation of **Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec.22-28.- Amendments to the Florida Building Code.; Sec.105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.**

BUILDING CODE

On **March 3, 2023** a Violation(s) was observed on your property. The violation(s) must be corrected by **August 27, 2023**. Failure to comply with city ordinances will result in the issuance of a notice to appear before the Code Enforcement Board with the imposition of fines of up to \$250 per day, per violation.

Property Zoned: **R-1AA**

Parcel ID#: **32-21-30-5478-07-010**

Violation Location/Address: **2661 VIA TUSCANY
Winter Park, Florida 32789**

Property Owner/ Tenant: **DEVELOPER AND BUILDER GROUP, LLC**

Mailing Address: **218 WILSHIRE BLVD.**

City/ State/ Zip: **CASSELBERRY, FL 32707-5371**

Description of Violation: **Fence was erected without a required permit.
BLDR-2021-2116 - Permit was rejected and no further plans were re-submitted. BLDR-23-1943 - Pool permit was issued. They have passed all the rough inspections but failed the engineering inspection on 03/03/2022. No further inspections were requested ever since. This permit has expired.**

Corrective action to be taken: **Obtain and finalize all permit requirements for the fence and pool structure.**

Contact the Code Compliance Manager with your intentions on resolving this issue.

Officer Name: **S. PORRAS – 407-599-3283** Sporras@cityofwinterpark.org

Appeal Process

An aggrieved party, including the City Commission, may appeal a final administrative order of the Code Compliance Board to the Orange County Circuit Court. Any such appeal shall be filed within 30 days of the execution of the order to be appealed. The scope of review shall be limited to appellate review of the record created before the Code Compliance Board and shall not be a trial de novo. The appealing party will be responsible for paying reasonable charges for preparation of the record on appeal.

If you would like to schedule an appointment to discuss this notice or feel that you have come into compliance with the terms of this notice, please contact Safety & Code Compliance at (407) 599-3600.

105.4 Conditions of permit.

105.4.1 Conditions of permit; permit term and intent.

105.4.1.1 The building official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code (including the Winter Park Code of Ordinances), nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or in construction or of violations of this code (including the Winter Park Code of Ordinances). No substantial building site preparation, including but not limited to excavation or placement of fill or foundation construction, shall take place prior to the issuance of a building, foundation or site development permit. Issuance of such permits is limited to meeting all other city site development requirements, and is subject to the approval of the building official.

105.4.1.2 Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced, and the building official is authorized to require that any work which has been commenced or completed be removed from the building site unless the permit is extended or renewed as approved by the building official due to extenuating circumstances.

105.4.1.3 In constructing, renovating or building a new one or two-family dwelling, additions onto one or two-family dwellings or accessory buildings work under the permit must be substantially completed within 12 calendar months after the time the work is commenced or else the permit shall become invalid. If such permit becomes invalid, no new permit shall be issued covering the same work or any portion thereof if the effect of such permit would be to allow completion of the work begun under the original permit unless an extension or reinstatement of the original permit is granted by the building official after receiving in writing reasons for the delay in completion of the building for good cause (see Section 105.4.1.7. When extending or reinstating a residential permit the building official may impose additional conditions to limit noise, storage of materials or debris, cleanliness of the building site, work hours, construction worker parking or take other actions that will minimize the negative impact of an active construction project for surrounding properties. Furthermore, any structural work partially completed on the property where the permit became invalid shall be removed and the property cleaned to the satisfaction of the building official. If the property owner or holder of the invalidated permit fails to remove the structure and clean the property within 30 days of the

invalidation date, then the building official may take the necessary action to have the structure removed and have the property cleaned with all costs assessed against the property owner and if unpaid for 30 days shall be assessed as a lien against the property. Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

