



Code Compliance Board Regular Meeting

Agenda

September 5, 2024 @ 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

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please note

Times are projected and subject to change.

1. Call to Order

- a. Roll Call
- b. Statement of Purpose 1 Minute

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

- a. Approve the minutes of the August 1, 2024, Regular Meeting 2 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#-PM-24-0085 930 CYPRESS AVE., WINTER PARK, FL 32789 10 Minutes
- b. CCB#-PM-24-0035 290 SOUTH PARK AVE., WINTER PARK, FL 32789 10 Minutes

6. Non-Action Items**7. Staff Updates**

- a. CCB# - LDC-23-0300 221 Holt Avenue, Unit 5, Winter Park, FL 32789 (Short-Term Rental)
- b. CCB# - LDC-23-0373 221 Holt Avenue, Unit 2, Winter Park, FL 32789 (Short-Term Rental)
- c. CCB# - LDC-24-0051 221 Holt Avenue, Unit 4, Winter Park, FL 32789 (Short-Term Rental)
- d. CCB# - LDC-24-0039 961 Bonita Drive, Winter Park, FL 32789 (Short-Term Rental)
- e. CCB# - LDC-24-0087 767 McIntyre Avenue, Winter Park, FL 32789 (Short-Term Rental)
- f. LDC-24-0142 2218 Whitehall Drive, Winter Park, FL 32792 (Boats/Trailers/Recreational Vehicles)

8. City Attorney Reports

- a. 1260 Whitesell Drive, Winter Park, FL 32789 - Foreclosure Update

9. Board Comments**10. Upcoming Agenda Items****11. Adjournment**



Code Compliance Board

agenda item 3.a

item type

Consent Agenda

meeting date

September 5, 2024

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance
Manager

subject

Approve the minutes of the August 1, 2024, Regular Meeting

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

1. CCB080124 draft minutes



Code Compliance Board Regular Meeting Minutes

August 1, 2024 at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Douglas Bond, Steve Heller, Paul Mandelkern, Todd Boyer, Wayne Johnson, Melissa Blaney, Carlos Diez-Arguelles

Legal Representation

Deputy City Attorney Rick Geller

Staff Present

Chief Building Official Gary Hiatt, Allison McGillis, Director, Planning & Zoning, Code Compliance Division Manager Susanne Porras, Code Compliance Officer Phillip Wade; Code Compliance Officer Christina Busch, Board Secretary Susan Pruchnicki.

1. Call to Order

The meeting was called to order at 3:00 PM.

2. Swearing in of Witnesses

Witnesses were sworn in by Board Secretary Susan Pruchnicki

3. Consent Agenda

- a. Approve the minutes of the June 6, 2024, Regular Meeting

Board Member Steve Heller made a motion to approve the minutes as presented. Board Member Paul Mandelkern seconded. Motion unanimously passed 7-0.

4. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

None

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

Division Manager Susanne Porras requested permission to move case LDC-24-0103 to the first case heard; the board agreed.

a. CCB# - LDC-24-0103 1303 W. Fairbanks Ave., Winter Park, FL 32789

VIOLATION DESCRIPTION: The property, a non-residential dwelling, is currently being rented or utilized on a short-term rental website for less than one month, which is a violation of the city code.

CODES CITED: Chapter 58, Section 58-84 (y) Short term rental of residential dwellings of the City of Winter Park Land Development Code.

Code Compliance Officer Christina Busch presented documentation of the property location, zoning, and ownership as verified per Orange County official records. This property was brought to our attention by a third-party website, Granicus Host Compliance, which identifies short term rentals. Notice of Violation and Amended Notice of Violation were sent via regular and certified mail and posted on the property and at City Hall as per Florida Statute 162 due process requirements.

April 1, 2024 was the date of the initial inspection. An Airbnb listing was found for a two-night stay. An educational letter was issued. A follow-up inspection was conducted on April 15, 2024, the property was listed for a two-night stay. A Notice of Violation was issued on April 15, 2024. Follow-up inspections were conducted May 1, 2024, May 8, 2024, May 16, 2024, and May 22, 2024; the property was listed for a minimum two-night stay each time. A follow-up inspection on June 24, 2024, found the Airbnb listing was changed to a minimum stay of 30 nights.

The Notice of Hearing was posted on the property July 18, 2024. Follow up inspections were conducted on July 19, 2024 and August 1, 2024; the Airbnb listing was for 30 nights. As of today, the property is in compliance.

Airbnb reviews were presented to the Board confirming stays for a few nights to one week between 2018 and 2023. Board Member Paul Mandelkern asked officer Busch to confirm that the property was in compliance as of June 24, 2024, and that the violations occurred before that date. Officer Busch responded yes.

Board Chairperson Wayne Johnson noted emails between the city and the owners and inquired how that affected the violation.

Allison McGillis, Director of Planning and Zoning for the City, responded to Mr. Johnson's question, explaining that the property has a non-residential classification, and General Provisions state you cannot have short-term rentals. Even though there is a residential unit on the second floor, it cannot be a short-term rental, which is why it is in violation.

Paul Mandelkern confirmed with Ms. McGillis that it made no difference if the zoning was commercial or residential, the short-term rental was not permitted. She responded yes. Mr. Mandelkern then asked about an exception for a hotel. Ms. McGillis responded yes, however, the city identified a hotel as having 10 or more rooms.

Board Member Melissa Blaney confirmed with Ms. McGillis that short-term rental was defined by 30 days; she responded yes.

Board Member Doug Bond confirmed that the owner is now in compliance. He asked officer Busch if the owner ever contacted her. Officer Busch responded no, but that they did contact Officer Porras. Officer Porras stated that the owner contacted her, and also Jeff Briggs from Planning and Zoning.

Paul Mandelkern asked Officer Busch if other than the reviews, there was other evidence the unit was being occupied. Officer Busch responded yes. She presented the rental history from the Granicus Host Compliance website that tracks the property, showing the number of times the property was rented per month and the number of nights stayed. Mr. Mandelkern requested how a documented stay was determined. Officer Busch responded that Granicus Host Compliance obtains this information from the short-term rental website, in this case Airbnb.

Respondents Jaycelle Veigle, 131 Killarney Dr., Winter Park, FL 32789 and Alison Felix, 1415 Lake Daniel Dr., Orlando, FL 32804, owners of the property, introduced themselves. Ms. Felix offered their apologies and ignorance to the Board, they have never been before them. Ms. Felix stated that she believed there was a misunderstanding, that they were in communication with Jeff Briggs from Planning and Zoning about whether this was a viable listing and it was communicated to them that it was. She stated that when they were notified of the violation, they immediately complied. She then said that she was sure the board had questions, and they did too about how this hearing worked, but that they were doing their best based on what they were instructed to do.

Ms. Veigle noted that the property is zoned commercial; the downstairs portion is commercial, but the upstairs portion is residential. It was their understanding that since the residential property was not in a residential zone that they were able to list it on Airbnb. She stated that they had emailed back and forth with Jeff Briggs multiple times, and it was their understanding that this was allowed. Since then, they had been put in touch with Allison McGillis, and she explained to them that this was not the case. Ms. Veigle stated that the listing was immediately changed to a minimum 30-night stay, and that it was never their intention to break any rules.

Board Member Carlos Diez-Arguelles confirmed with the respondents that they did reach out to the city prior to listing the property. Ms. Veigle responded yes, because the unit was a small piece of the property in a commercial zone. It was their understanding that Airbnb's were not allowed in residential zones. She noted she had emails dated prior to the property being listed clearing that up.

Allison McGillis clarified that Mr. Briggs stated it was permitted was because the city's understanding was that people staying there was in conjunction with the business on the first floor, and that it wasn't an Airbnb or any type of short-term commercial rental. When it was discovered that the unit was being rented on Airbnb, it was determined to be in violation. Being located in a commercial zone, the unit could only be occupied in conjunction with the business on the first floor.

Wayne Johnson referenced an email dated May 10, 2024, from Jeff Briggs saying the property was in a unique situation of commercial office property, in which a short-term rental is permitted. It has always been residential upstairs in commercial zoning and allows for short-term rental ability. Mr. Johnson asked Ms. McGillis if her communications were after that email. Ms. McGillis responded yes, and offered clarification that in the email Mr. Johnson referred to, it was Mr. Briggs' understanding that it was being rented in conjunction with the first-floor modeling agency by the communication given to the city, not as an Airbnb.

Ms. Veigle interjected that the way they read the mail they had permission to proceed with the property rental. However, as soon as they found out from Ms. McGillis that this wasn't the case, they changed the listing to a long-term rental.

Board Discussion:

Steve Heller stated he understood the possibility of a misunderstanding in the matter, and also recognized that the Respondents have made every attempt to put themselves in compliance.

Officer Porras offered Mr. Johnson more information related to the case. The City understands that the Respondents are compliant, and have been for a while. The reason the case was brought before the board was to have it adjudicated and recorded.

Paul Mandelkern questioned what the City wanted the Board to do, if they were to find the property in violation of the short term rental code. Ms. Porras stated that they were in violation, and wished the record to reflect the adjudicated violation so that if it happens again, the case can be brought back as a repeat offender. Mr. Mandelkern confirmed that the property is in compliance today. Ms. Porras responded yes, but the Notice of Hearing had already been issued and the city wants the record to show that they were in violation and the case was adjudicated.

Wayne Johnson expressed his concern that other Respondents had come into compliance, and those cases were dismissed by the city; one dismissed by the board. He referenced one email provided as evidence stating they were in compliance and then a second saying they weren't.

Building and Permitting Director Gary Hiatt addressed Mr. Johnson and the board, stating that as noted at the last meeting, the city is handling these cases at the direction of the City Commission in order to address short-term rentals systematically to increase enforcement. In a memo that was created, this is the process that was outlined. Mr. Hiatt noted that it is up to the Board to decide whether or not the evidence presented is enough to find them in violation. The concept was not to assess fines or find them in violation, but to adjudicate the case so that if the violation occurs again, it is a repeat violation.

Melissa Blaney believed there was a genuine misunderstanding, and felt it would be harsh to put the respondent up for a repeat offense. She does not believe there was ill intent on the part of the Respondents, or with malice based on correspondence with the city.

Doug Bond proposed to dismiss the case.

Motion:

A motion was made by Wayne Johnson:

From the evidence presented today, the property owner has been properly notified per regular and certified mail to satisfy Florida Statute Chapter 162 due process requirements. I move to find the Respondents, Winter Park Land Development, LLC, Compliance Board Case #LDC-24-0103, owners of 1303 W. Fairbanks Avenue, Winter Park, FL 32789 in compliance as of June 26, 2024. Any prior non-compliance appears to have been based upon representations of the city. I therefore move to dismiss the case as presented.

The motion was seconded by Steve Heller. The motion passed with a 6-1 vote.

b. **CCB# - PM-24-0058** 630 W. Swoope Ave., Winter Park, FL 32789

Violation Description: Windows and doors boarded up exceeding 60 days. Utility services to include, electric, water and sewer are disconnected on the property. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.

Codes Cited: Chapter 22 Section 22-176 (adopting the International Property Maintenance Code 2021 edition), 22-177 (amending the International Property Maintenance Code), Section 108.9 Vacant Buildings, Section 202 (1), (2), (6), (8), (13) and (21) Nuisance, and 304.13 Windows, Skylight, and Door Frames.

Code Compliance Officer Phillip Wade presented documentation of the property location, zoning, and ownership as verified per Orange County official records. Officer Wade stated that the property was brought to the city's attention by multiple complaints. Notice of Violation and Amended Notice of Violation were sent via regular and certified mail and posted on the property and at City Hall as per Florida Statute 162 due process requirements.

The initial inspection was conducted on March 21, 2024, based on a complaint from neighbors of a neglected structure. Follow-up inspections were conducted on March 22, 2024, and March 29, 2024. The inspection conducted on April 23, 2024, found broken windows. An inspection on April 24, 2024, found the front windows were boarded up, but the windows in the rear were still broken and the property unsecured. A follow-up inspection was conducted on April 26, 2024, and the Notice of Violation was posted on the property April 26, 2024.

Follow-up inspections were conducted on May 4, 2024, May 8, 2024, and May 10, 2024, but Officer Wade witnessed no resolutions to the violations. A follow-up inspection was performed on May 20, 2024, and the Notice of Hearing was posted on the property that day.

Follow-up inspections were performed May 23, 2024, May 28, 2024, May 29, 2024, June 1, 2024, and June 10, 2024; the windows were still boarded each time. A follow-up inspection on June 24, 2024, found that the boards were removed from the front windows, but the side and rear windows were still boarded.

Follow-up inspections were conducted July 9, 2024, and July 15, 2024; the conditions remained the same. A follow-up inspection conducted on July 18, 2024, found that the only boards remaining were on the side of the house. An Amended Notice of Violation and an Amended Notice of Hearing were posted on the property July 18, 2024.

A follow-up inspection was conducted on July 31, 2024. All boards were removed, and the windows and doors repaired. Utility services had been restored.

Paul Mandelkern asked what the violation was as of August 1, 2024. Officer Wade stated that all violations had been brought into compliance. Wayne Johnson confirmed with Officer Wade that compliance was met on July 26, 2024.

Gary Hiatt added that there is an open window permit for the property that has not been closed out through a final inspection.

Carlos Diez-Arguelles asked if there were any fines levied on the property. Officer Susanne Porras answered that there is currently a lien on the property from a previous case (2021) recorded with Orange County for similar violations. Officer Porras told the board that she had a presentation forthcoming to provide on the previous cases for the property.

Paul Mandelkern asked about the proposed motion provided to declare the property a public nuisance. Officer Porras noted that additional evidence to be presented would support this. Wayne Johnson asked if the presentation was a part of this case, or a separate case. Officer Porras stated she will be presenting evidence from two previous cases showing that the property still has a lien pending, and to demonstrate the repetition of violations. A member of the Winter Park Police Department will also present the criminal mischief side to the case being presented.

Officer Porras presented photos related to Officer Wade's case. Officer Porras assisted Officer Wade on the June 4, 2024 inspection. They met the property owner, Ms. Rosetta Betty. She was there cleaning up debris, trash, and other articles from the interior. At this time, assistance was requested from Winter Park Police Department due to tenants showing up while Ms. Betty was cleaning up the property. A female tenant was very belligerent to Ms. Betty and to city staff. The police officer remained on the property because the situation became risky for a moment. The tenant eventually left with her belongings (pictured).

Officer Porras next presented an overview of previous cases #21-818 (overgrowth/trash/debris/unsightly articles) and #21-98 (broken windows/missing door) that she was involved in that are very similar to the case being presented today by Officer Wade. Notices were served to the property owner, Ms. Rosetta Betty, and a contractor work order was produced to secure the home by boarding the windows and front door. The contractor took care of removing all trash, debris, and unsightly articles from the front, side and rear of the property and mowing the lawn. The property was repaired. Officer Porras provided photos from July 19, 2021, showing the similar violations described. The property was unsafe, there were people coming and going from the property, and the city was receiving numerous complaints from the community. There are neighbors from the community here today to speak on that subject because the property has been deemed unsafe many times.

It creates a problem for the community and for Winter Park Police as they have to respond every time the neighbors call, and becomes a safety issue for code compliance as well.

Officer Porras provided photos dated July 20, 2021, of a contractor sent by the city to clear the trash, debris, and discarded articles; they mowed the property as well. This is where the lien comes in; it is still active with Orange County (has not been paid). This presentation was to document the repetitive history of not only the criminal mischief, but also the broken windows, doors missing, transients, and illegal activities, which she felt were relevant to the case presented today. Sergeant Talton from the Winter Park Police Department will present a history of the calls received daily for this property.

Wayne Johnson asked about the utilities on the property. Officer Porras noted that they are connected now, but when Ms. Betty's son returns to the property, everything is like a revolving door. It doesn't mean that they will stay current, and that we won't be back here again. Officer Porras stated that it is very important that these details be shared so that the Board can understand the impact that this property is causing to the community, the police department, and to city staff. Officer Porras understands that the older cases are not related to the current one, but wanted to share them.

Mr. Johnson asked if the owner lived there, or does her son live there, or do they just come by and fix it up occasionally. Officer Porras confirmed that Ms. Betty does not live there, and that she allows her son to stay there. The problem is that he allows other people to stay there. The City doesn't know if they are the ones destroying the property and committing the criminal mischief; it's just a mix of different things.

Melissa Blaney asked Officer Porras if the home is a rental property. Officer Porras responded no, that Ms. Betty allows her son to stay there.

Sergeant Talton from Winter Park Police Department introduced himself, and stated that his unit primarily dealt with drug investigations. He stated that this location has been on the radar for years with both the specialized units and the patrol officers due to the type of people that frequent the property, but in particular, between March – April of 2024, there was an uptick in the number of complaints of open-air drug activity that was happening at the property.

Sgt. Talton confirmed that the board was provided a copy of the XCAD History Search for their consideration. He explained that the department has a computer-aided dispatch system through Seminole County; all police officers have this on the computers in their cars. Each column on the report represents a different call for service, catalogued by event number, date, time, type of call code. The numbers to the right are the call signs from the officer(s) that responded to the call. This search was from approximately February of 2023, and Sgt. Talton identified 16 more serious types of calls that were responded to on that street.

Sgt. Talton noted he can confirm without a spreadsheet the number of calls on that property that are responded to are far more than any other house on the street. Some of the calls types on the report are for suspicious persons, stolen vehicle, criminal mischief, trespassing, battery, disturbances, threats, suspicious incident, etc. In particular, in April 2024 there was an uptick in drug activities at that house.

Sgt. Talton stated that an officer could drive by the property any time of day and there would be people hanging out, some who were known to the department through prior interactions as drug dealers. Frequent foot and vehicle traffic in and out was occurring all day long; they weren't even trying to hide it. Surveillance was set up (type undisclosed to protect the integrity), and we continued to monitor the area. What stemmed from there was on April 9, 2024. Officers responded to a disturbance for two people who were squatting there; he believed they were living in the shed located on the back of the property. This turned out to be an attempted murder by strangulation. The subject wasn't arrested on that date, but an arrest warrant was obtained. During the surveillance by the Orange County Felony Apprehension Squad (they are tasked with making arrests of more violent outstanding subjects) for the suspect, officers witnessed many hand-to-hand drug transactions on the side of the property. So much was witnessed that they were able to obtain a search warrant. This addressed the drug activity and they were able to capture the wanted subject on April 18, 2024. In the process of extracting the subject from the residence, the windows were broken.

Other notable events found while searching the report system were the battery by strangulation on April 9, 2024; there was a warrant arrest for a subject there on March 14, 2024; battery to a female on May 3, 2024 (a male was arrested); squatting residents; another arrest of a wanted subject on May 18, 2024; officers also recovered a vehicle that was reported stolen by the Eatonville Police Department at that property on February 14, 2023.

Paul Mandelkern asked Sgt. Tolton what the report code "87-IR" meant. Sgt. Tolton explained that officers had to ability to put themselves out on certain types of calls; this code means that an officer is letting other officers know that they are patrolling or that there is an officer present at the location. Oftentimes the code is used as a deterrent or to spot illegal activity that may be going on.

Wayne Johnson asked Sgt. Tolton if he had personally been to the property. He responded yes, several times over the years. Mr. Johnson asked if Sgt. Tolton saw Ms. Betty's son or anyone there. Sgt. Tolton responded yes, but clarified not on any of the dates mentioned in particular, just that he recalls being at the house and seeing Ms. Betty's son there.

Mr. Johnson asked Sgt. Tolton if the house looked generally in disrepair. Sgt. Tolton responded not for the last month or so, it's been fixed up, but for quite some time it was in disrepair.

Respondent Rosetta Betty introduced herself. Ms. Betty told the board that she was very unaware of what had been described as happening on her property. She stated that when Officer Porras reached out to her by phone she responded and corrected the violations. She said that no one wants their property to be in disregard, much less others in the community. She said the reason the boards remained for so long was because the windows had been fixed, but she felt them being broken in the first place was malicious behavior after she saw what was happening on the property, and wanted to protect the new ones.

Ms. Betty stated that she tried to remove the squatters from her property, and thanked the Winter Park Police Department in aiding her with this task. She then proceeded to fix up the property. She said her intentions are not to let this happen again, that she will be moving into the property to ensure that it doesn't.

Ms. Betty stated that she did buy the property for her son to help him out in 2012. She also said that she realizes that her care and help are not appreciated by her son, that she is being torn down, and her son is not welcome there anymore. She said this is very hard for her to see, that she works hard and this is the thank you she receives. Ms. Betty offered her apologies to many of the neighboring homeowners, that she realizes it is unfair, and she would not like it if it happened to her.

Ms. Betty stated that she has done what was needed to be in compliance, and that these issues will not continue, that she can see the malicious behavior and will not stand for it. She recognized that this situation is like throwing hard earned dollars in the trash. She then apologized again to those present at the meeting, and hoped the Board would be merciful since she was not living there, not personally committing the violations, and was not aware.

Mr. Johnson asked Ms. Betty when her son stopped living there. Ms. Betty stated that she saw her son in April before traveling to Jamaica (bereavement), and told him he was not welcome on the property. Mr. Johnson asked if Ms. Betty could provide a more specific date. She stated late April, that she returned from Jamaica the first week of May, but did not see him. She stated when she finally spoke to him she expressed how disappointed she was in him that the home was in such disarray, the condition just awful.

Mr. Johnson inquired about the unpaid lien for the clean-up from the 2021 case. Ms. Betty stated she was not aware of the lien, but that she would take care of it.

Melissa Blaney asked Ms. Betty who was taking care of the property in 2021. Ms. Betty said that Officer Porras contacted her and she took care of it. She thought her son would have done the correct thing, and understand he cannot harbor people. Ms. Blaney confirmed that Ms. Betty plans to relocate to the home. Ms. Betty said that the inside of the home is being painted, and that she should be moving in a week or two.

Carlos Diez-Arguelles stated he was confused with the timeframe. He noted that from the presentations that the property has been in constant disrepair. He asked Ms. Betty if she was telling the board that she fixes the home and then her son destroys it again? Ms. Betty said no, that when she was called about it, because she is not there all the time. Mr. Diez-Arguelles asked Ms. Betty how far she lived from the property, and if she ever drove by to look at it. She stated that she trusted her son to do the right thing. She visited the property after she was called, she saw what had happened, and she took care of it. This was the first time (2021) the problem occurred.

Officer Porras clarified that she had not spoken to Ms. Betty recently, that she was communicating with Officer Wade. Officer Porras said she did speak with Ms. Betty in 2021 regarding that case, and that Ms. Betty was aware of the lien because she requested a reduction on the administrative fees. We did talk about the lien before it was recorded. Ms. Betty apologized, that she did not remember this, but she can take care of it immediately.

Mr. Johnson then asked Sgt. Talton if he was aware of any requests to remove trespassers from the property. Sgt. Talton replied he had no personal knowledge, and noted that there were requests for assistance at the property but could not confirm who they came from.

Ms. Blaney asked Officer Porras if there was anything prior to 2021 against the property. Officer Porras said no, that those two cases were the only ones that went far enough to issue a Notice of Hearing because it took longer for Ms. Betty to make the repairs, and that only the overgrowth case is linked to the lien.

Ms. Kelly Price of 890 Georgia Ave., Winter Park, FL 32789 introduced herself as a local resident and a Realtor having knowledge of property values and extensive knowledge of the local market, not only the houses but also the people. She stated that Ms. Betty does own this property, but that she has had several encounters with Ms. Betty's son "Shadow" (not his real name, but what everyone calls him). He has always been very respectful and nice to her.

Ms. Price stated there have been many visitors, squatters, and drug dealers on Ms. Betty's property. Ms. Price asked the board if any of them had driven past the property; none responded. She stated that it was a shame, that it was probably on their way to City Hall. She stated that they would not want this property next door to them if you live in Winter Park. She told the board that she lives in a house to the south of the property, owns a house to the east, a house two doors to the north, and a house four doors to the south, so she is kind of surrounded by Shadow and Ms. Betty's house. She stated this has been a most horrible experience, and the problems at the property have been going on for years. She referenced Sgt. Talton's presentation about the number of times the police have been called. Ms. Price presented an extension cord that was being plugged in to her house for electricity by the people living at the property because there were no utilities available (she reported this theft to the Police Department) as evidence. She stated that it is unbelievable that this has been allowed to go on in Winter Park for years. Residents have called the police and code enforcement. She has personally written to and called Ms. Betty. She noted other residents attending the meeting that live across the street from the property, and also a tenant that lives next door to it who is terrified. Ms. Price described when the S.W.A.T. team arrived with tanks and guns, it was an out of body experience for the people that live on W. Swoope Ave.; it was frightening. She stated the fact that this situation has been allowed to go on is really disappointing. She asked the board how they would feel if this occurred in their neighborhood.

Ms. Price noted that Ms. Betty stated she would be moving in to the property. She stated that the people who have been living on the property dealt drugs, and have stolen lawn equipment from her landscaper. She described those same people as hugging her and telling her they didn't do drugs. She noted she could share many stories.

Ms. Price noted that the city has records of the events on the property, that something should be done, that there should be zero tolerance, and there should be fines. She questioned when Ms. Betty would be moving into the property. She mentioned the paint color on the house is not pleasant to look at, but then recognized that the City does have code enforcement for colors. She reiterated that there can't be broken windows and doors, drug dealers, or the S.W.A.T Team, as these terrify the neighbors. She wanted the board to understand that this cannot happen in Winter Park, that it is wrecking her property values and scaring her tenants.

Ms. Price addressed Ms. Blaney directly about the property not having tenants. She stated that she knew there were "tenants" paying Ms. Betty's son rent to live there because they told her.

Wayne Johnson asked Ms. Price how often she went around the property. Ms. Price stated every day. She again noted her disappointed that none of the board members had driven by the property.

Between witnesses Deputy City Attorney Rick Geller addressed the board, noting that the Police report provided to them is a public record and available to anyone.

Mr. Charles Newton of 631 W. Swoope Ave., Winter Park, FL 32789 introduced himself. He stated he lives directly across from the 630 W. Swoope Ave., and is completely terrified. He stated he has seen knives, guns, prostitution and is horrified. He mentioned the subject that was arrested, stating the he saw him abusing the prostitutes. He also mentioned that he was threatened in an attempt to keep him from attending this meeting.

Mr. Newton stated that he saw Shadow at the property 12 days ago. He also does not believe that Ms. Betty has control of the property, in that Shadow was outside the property and brought more of the drug dealing characters with him. The drug dealing has been incessant. The squatters have just moved.

Mr. Newton stated he has been living across the street for three years, has witnessed the code compliance issues and repairs, but went back to a state of disrepair. He offered a quote from another anonymous neighbor who was too afraid to attend the meeting:

"My message is probably no different than everyone else. I do not want the homeless congregating on my street and wandering in my yard. I would like to take my dog for a walk on my own street, not walk on other streets to avoid passing the house. I've been called out and approached on several occasions, and assumed it was sexual given the prostitution on the neighboring property. For the most part, I avoid the area altogether."

Mr. Newton noted that "don't walk down Swoope" is a common phrase in the neighborhood. He asked the board to please help, that he felt trapped in his own house, and there are families with children living on the street. He also thanked Winter Park P.D. as he felt safer having an officer stationed in the neighborhood.

Next, Ms. Cindy Newton of 19025 Lake Swatara Dr., Eustis, FL 32736 introduced herself. She stated that she does not live in Winter Park, but that she loves the city, and comes here for events and to visit her son. She stated that many times she has witnessed what others have in hand-to-hand drug exchanges and also with vehicles pulling up. She stated she has seen things over the past three years go from being really bad, to being improved, to being bad again. She stated she has been watched or followed by persons on that property when walking alone on the street and that it was frightening. She stated she worries about her son, and also the health of the people staying on the property with broken windows and possible mold growth inside.

Mr. Cali Anthony of 601 W. Swoope Ave., Winter Park, FL introduced himself. He stated that he would like to reiterate the information provided by other neighbors about the property. He noted that his family included two young children, and that he travels a lot for work, up to two weeks of every month. He admitted that he worries about his wife and children when he is away. He stated that his yard is always dirty, that people from the property throw trash in his yard. He also supported Ms. Price in her statement about this devaluing neighboring property.

BOARD DISCUSSION:

Prior to discussion beginning, Paul Mandelkern asked Deputy Assistant Rick Geller what the ramification of declaring the property a public nuisance was. Mr. Geller responded that the objective was to have the case adjudicated. Typically, you would not impose fines until a Massey Hearing was held. He stated that if the case is adjudicated as a nuisance, then if nuisance conditions arise again, the case goes straight to the Massey Hearing. You will not have to have an initial hearing. Mr. Mandelkern thanked Mr. Geller for the explanation.

Melissa Blaney inquired if declaring the property a public nuisance was the maximum that could occur. Mr. Geller responded yes, with the understanding that if a Massey Hearing is necessary that fines of up to \$500.00 per day can be imposed since it is a repeat violation.

Wayne Johnson asked Mr. Geller if this decision would affect the policing of the area. Mr. Geller responded no, that this is all civil code enforcement. The police continue to have their ability to monitor the property for any type of criminal activity that may or may not happen in the future.

Ms. Blaney asked Mr. Geller what the Board can do within their bounds. Mr. Geller stated they are within their bounds to find that there are violations of all the code provisions that have been cited in the Notice of Violation. You can make a finding that today the property is in compliance, but the very fact that you have on record all of these particular code violations have occurred, that will assist city staff if they need to come back to you in the future with a repeat violation.

Mr. Mandelkern asked Mr. Geller a follow-up question while reviewing the recommended motion: since the property is in compliance as of today, is it appropriate not to include the second paragraph, only the first paragraph? Mr. Geller responded that the first sentence about removing boards and repairing broken windows would no longer be applicable, but you can say that future violations will result in fines of up to \$500 per day due to the repeat nature of violations that have occurred on this property. Mr. Mandelkern noted that the recommended motion would need to be revised based on the evidence presented; Mr. Geller agreed.

Ms. Blaney asked if they could add to the motion that Ms. Betty will be in residence by a certain date as she stated she would. Mr. Geller responded that the addition would very likely exceed the scope of the Board's authority, to order someone to live somewhere. He would be reluctant to have that included in the motion.

Mr. Geller stated the Board's authority under Florida State Statute 162 would be to make such orders as to bring the property into compliance, but it is now in compliance. Ms. Blaney responded that the board's hands are tied, that is was brought up that nothing was being done about the property, they are only doing what they can, only so much they can adjudicate. Mr. Geller responded that the board can act within the provisions of both the Florida Statutes and within the city codes. The board can make whatever findings you wish. They would set up the "if" circumstances that warrant this coming back in the future, and the staff will have your findings of fact that there were violations and conclusions of law.

Ms. Blaney confirmed that bottom line, the board could declare the property a nuisance, and future violations would be fined at \$500.00 per day. Mr. Geller reminded that this case was not Noticed as a Massey Hearing today; he would be reluctant to have the board go right into issuing more fines.

Carlos Diez-Arguelles inquired what exactly the city wanted to be done. Mr. Geller responded that the city obviously does not want this property in violation anymore, or want repeat violations. Mr. Diez-Arguelles asked Mr. Geller what the board needed to do to prevent future violations; is it adjudication? Mr. Geller responded adjudication, a finding of facts that based on the broken windows, the trash, the drug dealing, all the evidence that you heard here, that this property was a nuisance, all the different codes that were cited in the recommended motion were in fact violated. Again, you will set this up so that if any violations happen again, the case goes straight to a Massey Hearing, and fines can be imposed at that point.

Ms. Price raised her hand; Mr. Johnson told her that that the board was in discussion and questions were only allowed between the Board and the attorney.

Board Member Todd Boyer proposed the following motion:

From the evidence presented today, I move to find Rosetta Betty, Code Compliance Board Case #PM-24-0058, owner of 630 W. Swoope Avenue, Winter Park, Florida 32789 in violation of Chapter 22, Section 22-176 (adopting the International Property Maintenance Code, 22-177 (amending the International Property Maintenance Code), 202 (1), (2), (6), (8), (13) and 21 Nuisance, Section 108.9 Vacant Buildings (boarding) and 304.13 Windows, Skylights, and Door Frames of the City of Winter Park Property Maintenance and Nuisance Code. Staff is requesting that the Board deems the "Property" as a "Public Nuisance" based on the evidence presented by Code Compliance staff and the Winter Park Police Department related to repeat violations of the Nuisance chapter and the history of criminal mischief and that it applies the highest fine possible.

The respondent as of today, August 1, 2024, is in compliance but the owner must remain code compliant and have the home remain safe. Failure to comply with this order will result in fines of up to \$250.00 per day for each date the violation continues. The Respondent is further ordered to contact the City Safety & Code Compliance Officer and provide further documentation of action taken by August 23, 2024.

Mr. Geller suggested changes to the motion, the first being that it could be changed to "was in violation" instead of "in violation", and the second suggestion would be that instead of \$250.00 per day, you could say up to \$500.00 per day for the repeat nature of the violations. Mr. Boyer agreed to make those changes to the motion.

Mr. Johnson reminded Mr. Boyer that the motion should include the proper notification of the owner, and that they appeared live before the board.

Mr. Heller asked if there was anything that could be placed in the motion to expedite future violations. Mr. Geller responded that the case would go directly to a Massey Hearing. Mr. Heller stated that there would still be down time to serve the Notice of Hearing, so it could be a couple of months? Mr. Geller agreed, that there are still the Notice requirements.

Ms. Blaney questioned if the fines would start day one, when it was noticed, and would run up until compliance. Mr. Geller said yes. Ms. Blaney proposed a scenario that if it was 60 days until the Massey Hearing, that the fines would be retroactive at that point. Mr. Geller responded absolutely. The Board can make its findings at the Massey Hearing retroactive to the date the violation was first observed. Ms. Blaney questioned if they could impose fines in this motion. Mr. Geller did not recommend doing so as this was not Noticed as a Massey Hearing.

Mr. Mandelkern stated that the board could not impose fines at this hearing because the property is in compliance.

Mr. Heller asked a process question to staff. If code compliance finds this property in violation, is it an immediate call to the homeowner? Officer Porras responded that it would be a Notice of Hearing sent for the next Code Board Hearing. Mr. Heller understood that, but asked if the officer would contact the owner. Ms. Porras responded that the property would be posted immediately to give the owner notice.

After discussion, Mr. Boyer proposed an amended motion:

The property owner has been properly notified per regular and certified mail and in person to satisfy Florida Statute 162 due process requirements. If the Board is in agreement with this and the evidence submitted and determines an order shall be issued. From the evidence presented today, I move to find the Respondent, Rosetta Betty, Code Compliance Board Case #PM-24-0058, owner of 630 W. Swoope Avenue, Winter Park, Florida 32789 was in violation of Chapter 22, Section 22-176 (adopting the International Property Maintenance Code) 22-177 (amending the International Property Maintenance Code), 202 (1), (2), (6), (8), (13) and 21 Nuisance, Section 108.9 Vacant Buildings (boarding) and 304.13 Windows, Skylights, and Door Frames of the City of Winter Park Property Maintenance and Nuisance Code. Staff is requesting that the Board deems the "Property" as a "Public Nuisance" based on the evidence presented by Code Compliance staff and the Winter Park Police Department related to repeat violations of the Nuisance chapter and the history of criminal mischief and that it applies the highest fine possible.

The Respondent as of today, August 1, 2024, is in compliance but the owner must remain in compliance to have the home remain safe. Failure to comply with this order will result in fines of up to \$500.00 per day per violation for each date the violation continues.

Paul Mandelkern seconded the amended motion. The motion passed unanimously with a 7-0 vote.

c. **CCB# - LDC-24-0039** 961 Bonita Dr., 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(z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

Code Compliance Officer Christina Busch presented documentation of the property location, zoning, and ownership as verified per Orange County official records. Notice of Violation and Amended Notice of Violation were sent via regular and certified mail and posted on the property and at City Hall as per Florida Statute 162 due process requirements.

The property was brought to our attention by Granicus Host Compliance, a website that identifies short-term rentals. The initial inspection was conducted on January 2, 2024. The property was listed for a minimum of three nights. An educational letter was issued. Follow-up inspection completed on February 14, 2024, an Airbnb listing set for a 30-night minimum, and a VRNP listing was also listed for a 30-night minimum. A follow-up inspection on March 18, 2024, showed that the property had reverted its listing to a two night minimum stay for both Airbnb and VRBO. A Notice of Violation was issued on March 18, 2024.

A follow-up inspection was conducted on April 4, 2024. Upon receipt of the Notice the listings for Airbnb and VRBO were changed to a 30-night minimum stay. A follow-up inspection was conducted on May 20, 2024, and the property was found in violation again. Both the Airbnb and VRBO listings were changed back to a two night minimum stay. A Follow-up inspection was conducted on June 26, 2024, both the Airbnb and VRBO listings were changed back to 30 nights. On July 18, 2024, a Notice of Hearing was posted on the property. A follow-up inspection was conducted on July 19, 2024, both listings were set for 30 nights. A Follow-up inspection conducted on August 1, 2024. As of today, the property is in compliance, the Airbnb and VRBO listings are both for a 30-night minimum stay.

Officer Busch provided reviews from Airbnb confirming stays for less than 30 nights. She also provided reviews from VRBO, and a rental history generated by the Host Compliance website used by the city. She noted the purpose of bringing this case today is to have it adjudicated as it is currently in compliance, however the listings keep changing.

Wayne Johnson asked Officer Busch to go back to the slide for July 19, 2024. He asked if on the October VRBO listing someone could select certain dates. Officer Busch explained that once the first date is selected, the calendar automatically blocks the next 29 days, which is how she determines the number of nights of the listing. VRBO doesn't provide an actual display of the minimum nights' stay (as displayed on the Airbnb calendar).

Mr. Johnson asked how many times the listing was changed. Office Busch stated they did it twice, once when they received the educational letter which states the code and lets them know they are in violation it was changed to 30 nights and then they changed it back to the two-night minimum stay about a month later. When the Notice of Violation was issued they changed it to comply with the compliance requirement date, and about four - six weeks later they changed it back to the two night minimum.

Steve Heller asked what the listing is currently. Officer Busch responded it is currently set for a 30-night minimum. He then asked Officer Busch how often she gets the reports. Officer Busch responded as often as she looks at the site. He asked if they had to be ordered for a certain property or if it was city-wide. Officer Busch responded it was city-wide; the Host Compliance site displays a map, then shows what properties have been found in violation of the short-term rental code. The site updates every time it's clicked on to display the most recent information. Mr. Heller then asked when Officer Busch finds a property in violation, how often she checks to see if they are back in compliance. Officer Busch responded typically one to two weeks; it depends on the length of time they are in compliance.

Carlos Diez-Arguelles asked Officer Busch if the people change the listing back and forth because it's easier to rent the property for two or three days than it is for a month. Officer Busch confirmed this. Mr. Diez-Arguelles asked if it was Officer Busch's assumption that the owners are familiar with the code being 30-days. Officer Busch confirmed this.

Mr. Diez-Arguelles then asked how much per night the property was being rented for. Officer Busch did not know; but Mr. Johnson interjected that it was \$150.00 per night per the material provided, and confirmed it was a guest house, not the main house on the property.

BOARD DISCUSSION:

Wayne Johnson noted the recommended motion on the last page after Tab 2 in the material provided to the board.

Steve Heller offered that this case is not the same as the previous one heard, that the people knew what they were doing, and it is obvious that they were trying to game the system. If we're not watching, they are going to do it again. Definitely, he is in favor of the staff recommended motion.

Paul Mandelkern asked if the board has to provide a certain number of days after the hearing date to be in compliance. Can they just say cease renting the dwelling for less than a one-month period, or is a grace period necessary? Mr. Geller responded that is at the board's discretion, that a grace period is not required by code. We have no evidence that someone is staying there and may be kicked out now.

Melissa Blaney noted that as of now the property is in compliance, so there is no need for a grace period. Mr. Mandelkern offered that in previous cases the owners have stated that there were tenants coming in the next week and they have a contract, but no one appeared for this case. Mr. Geller agreed, that no one is being put out on the street. Mr. Mandelkern said that may be, but no evidence to that was presented. Mr. Geller said the board can find them of previously being in violation, and if it happens again the case goes straight to a future Massey Hearing.

Gary Hiatt noted that quite frankly, when the third-party sends the educational flyer and tells them this can't be done, and then you see the listing flipping back and forth that a grace period would ever be appropriate, regardless of their contracts because they know by receiving the initial educational flyer.

Motion:

Paul Mandelkern offered the following motion:

From the evidence provided today, the property owner has been properly notified per regular and certified mail to satisfy Florida Statute 162 due process requirements. I move to find the Respondent, Rubi Akooka, Compliance Board Case #LDC-24-0039, owner of 961 Bonita Drive, Winter Park, Florida 32789 has been in violation of Chapter 58, Section 58-71 General Provisions for residential zoning districts (z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

The respondent is ordered to cease renting the dwelling for periods of less than one month. Failure to comply with this order will result in fines of up to \$250.00 per day for each day the violation continues. The respondent is further ordered to contact the City Safety & Code Compliance Officer and provide documentation of action taken by August 4, 2024.

Mr. Geller suggested adding "or \$500.00 per day for repeat violations". Mr. Mandelkern agreed, and asked that it be added to the motion.

Melissa Blaney stated the last sentence be stricken because they have already shown they are in compliance. Mr. Mandelkern agreed to strike the last sentence.

After discussion, Mr. Mandelkern offered an amended motion:

From the evidence provided today, the property owner has been properly notified per regular and certified mail to satisfy Florida Statute 162 due process requirements. I move to find the Respondent, Rubi Akooka, Compliance Board Case #LDC-24-0039, owner of 961 Bonita Drive, Winter Park, Florida 32789 has been in violation of Chapter 58, Section 58-71 General Provisions for residential zoning districts (z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

The respondent is ordered to cease renting the dwelling for periods of less than one month. Failure to comply with this order will result in fines of up to \$250.00 per day or \$500.00 per day for repeat violations for each day the violation continues.

Todd Boyer seconded the amended motion. The motion carried with a vote of 7-0.

Wayne Johnson suggested a 10-minute break, which was agreed to.

d. **CCB# - LDC-24-0087** 767 McIntyre Ave., 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 (z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

Code Compliance Officer Christina Busch presented documentation of the property location, zoning, and ownership as verified per Orange County official records. Notice of Violation and Amended Notice of Violation were sent via regular and certified mail and posted on the property and at City Hall as per Florida Statute 162 due process requirements. The property was brought to the city's attention by Granicus Host Compliance, a website that identifies short-term rentals.

The initial inspection was conducted on March 18, 2024. The property is being listed on VRBO for a minimum three-night stay. Follow up inspections conducted March 27, 2024, and April 1, 2024; the property was still listed for a minimum three-night stay on both dates.

A Notice of Violation was issued on April 1, 2024. A follow-up inspection was conducted on April 17, 2024, and the property was being listed for 28 nights. A follow-up inspection was conducted May 16, 2024, the minimum night stay had reverted back to a three-night minimum.

A Notice of Hearing was issued May 16, 2024. A follow-up inspection was conducted on June 26, 2024. Upon receipt of the Notice of Hearing the listing was changed to a 28-night minimum stay. A follow-up inspection was conducted July 16, 2024, and the minimum stay remained at 28 nights. On July 18, 2024, the Notice of Hearing was posted on the property. A follow-up inspection on August 1, 2024, found the property listed as a 28-night minimum stay. Officer Busch presented VRBO reviews and a Rental History for the property.

Wayne Johnson asked Officer Busch if there was any communication with the property owner regarding the 28-night minimum stay equating one month. Officer Busch responded that the Host Compliance system counts 28 nights as being in compliance because the code just states a one month minimum. Officer Busch responded yes, that the owner contacted her after the the Notice of Hearing was posted on his property and stated he would not be here.

Paul Mandelkern asked Officer Busch that based on the presentation, the property is still not in compliance. Officer Busch responded that per the code it is one month, but not a specific number of days. Because February is only 28 days, she could not tell the owner he couldn't post it for that timeframe.

Wayne Johnson confirmed that the property is not being listed for 30 days. Mr. Mandelkern noted that the educational letter was sent on March 18, 2024, and asked if the property continued to be listed for less than 30 days. Officer Busch responded yes. Steve Heller confirmed that the owner flip-flopped on the number of days of the listing. Officer Busch responded yes.

Melissa Blaney asked Mr. Geller how the board was to interpret that a month is 28 days. Mr. Geller responded that February is 28 days, when it's not a Leap Year. One month is at least 30 days the rest of the year. Ms. Blaney asked if the intent of the code was 30 days. Mr. Geller responded it's fair if it's February; Mr. Johnson interjected that the owner has the benefit of other months with 31 days.

Board Discussion:

Melissa Blaney asked if in the motion could say less than 30 days instead of less than one month. Mr. Geller said yes, the code says 30 days. Ms. Blaney then asked if the order could be imposed quickly, that complying only requires the owner changing the website listing. Mr. Johnson stated that was correct. Ms. Blaney asked if three days would be appropriate, even if that included the weekend. Mr. Johnson said no, then Mr. Geller asked if the question was directed toward him. Ms. Blaney said no, it was a general question to the other board members. Paul Mandelkern stated that this wording should be eliminated to remain consistent with the previous case. Ms. Blaney questioned this because the owner is not in compliance, the listing is only for 28 days. Todd Boyer suggested a compliance date of August 5, 2024.

MOTION:

Wayne Johnson proposed the following motion:

From the evidence provided today, I find the property owner has been properly notified per regular and certified mail to satisfy Florida Statute 162 due process requirements. I move to find the Respondents, Ronald A. Scarpa and Elisa B. Scarpa, Code Compliance Board Case #LDC-24-0087, owners of 767 McIntyre Avenue, Winter Park, Florida 32789 in violation of Chapter 58, Section 58-71 General Provisions for residential zoning districts (z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

The Respondent is ordered to cease renting the dwelling for periods of less than one month (30 days) within five days of this hearing date. Failure to comply with this order will result in fines of up to \$250.00 per day for each day the violation continues.

Mr. Mandelkern asked if Mr. Johnson wanted to add "or \$500.00 per day for repeat violations" to the motion. Mr. Geller added that he would suggest this change. Mr. Johnson agreed.

Amended Motion:

From the evidence provided today, I find the property owner has been properly notified per regular and certified mail to satisfy Florida Statute 162 due process requirements. I move to find the Respondents, Ronald A. Scarpa and Elisa B. Scarpa, Code Compliance Board Case #LDC-24-0087, owners of 767 McIntyre Avenue, Winter Park, Florida 32789 in violation of Chapter 58, Section 58-71 General Provisions for residential zoning districts (z) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

The Respondent is ordered to cease renting the dwelling for periods of less than one month (30 days) within five days of this hearing date. Failure to comply with this order will result in fines of up to \$250.00 per day or \$500 per day for repeat violations for each day the violation continues.

Carlos Diez-Arguelles seconded the motion. The motion carried with 7-0 vote.

e. **CCB# - PM-24-0016** 820 W. Webster Ave., Winter Park, FL 32789

VIOLATION DESCRIPTION: Severe conditions causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding. The dilapidated wood fence surrounding the property is not structurally sound and is in need of repair. Unsightly discarded articles, white trash bags, debris, broken bicycles, grill, lawn mower, plastic containers, lawn equipment, leaf blower, trash cans, black trash bags, trolley, wheel barrel, ladder, generator, crate, gas canister, vacuum, metal boxes, white cover, tarp, car parts stored on the property in plain view.

CODES CITED: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code), Sections 202 (1), (2), (14) (b), (c) (16), (18) Nuisance, 302.7 Dilapidated Fences, 302.1 Sanitation & Storage of materials of the International Property Maintenance Code.

Code Compliance Officer Phillip Wade presented documentation of the property location, zoning, and ownership as verified per Orange County official records. Officer Wade stated that the property was brought to the city's attention by routine inspection. Notice of Violation and Notice of Hearing were sent via regular and certified mail and posted on the property and at City Hall as per Florida Statute 162 due process requirements.

On January 30, 2024. Officer Wade self-observed unsightly articles, trash, debris, a boat, and trailers on the front lawn of the property. A Follow-up inspection was conducted on February 7, 2024. During this inspection he observed a tent which appeared to have someone living in it. The tent was surrounded by unsightly articles, and a vehicle under piles of debris. In addition, the fence on the property was found to be dilapidated.

A Notice of Violation was posted on the property and a follow-up inspection conducted on February 16, 2024. Another follow-up inspection was conducted on February 22, 2024. The Winter Park Police Department was called for assistance to clear the tent to see if anyone was living in it.

A follow-up inspection was conducted on March 1, 2024. Some things had been cleaned up and the boat removed. Follow-up inspections were conducted on March 2, 2024, March 4, 2024, March 5, 2024, and March 8, 2024; no visible improvements were noticed. A follow-up inspection on March 22, 2024, found metal barrels with unknown content that were added to the property, and the fence was still dilapidated.

On April 1, 2024, Code Compliance reached out to the owner of 800 W. Webster Avenue, Winter Park, FL 32789, where some of the items were stored. Officer Wade asked the owner and was granted permission to clean up that property.

A follow-up inspection was conducted on April 8, 2024; more items were placed on the right side of the front yard after the left side was cleaned. A follow-up inspection was conducted on April 9, 2024; the fence was still dilapidated and unsightly articles still remained.

On April 10, 2024, an Amended Notice of Violation was posted on the property. An inspection this date found the unsightly articles remained. On April 16, 2024, and April 20, 2024, follow-up inspections found no improvements. On April 26, 2024, a Notice of Hearing was posted on the property. A follow-up inspection found unsightly articles and the fence remained in disrepair.

A follow-up inspection was conducted on May 2, 2024, no improvements were visible. On May 4, 2024, a follow-up inspection was conducted. During this inspection the barrels had been moved, and the labeling was visible on one of them, indicating Flammable contents, unsightly articles were still present and the fence in disrepair. On May 6, 2024, a follow-up inspection was conducted, no improvements were visible. On May 10, 2024, a follow-up inspection found more articles stored on the front lawn. On May 13, 2024, a follow up inspection was conducted. An attempt had been made to repair part of the fence, but other parts remained dilapidated, and items were still stored on the left side of the property.

A follow-up inspection was conducted on May 21, 2024. More items were stored on the property and the fence was still dilapidated. Follow-up inspections were conducted on June 3, 2024, and June 10, 2024, where unsightly articles were still stored on the property. Follow-up inspections on June 14, 2024, and June 28, 2024, found more unsightly articles had been placed on the property.

On July 1, 2024, an Amended Notice of Hearing was posted on the property. On July 5, 2024, and July 9, 2024, follow-up inspections were conducted. Some items had been removed, but a lot still remained. On July 17, 2024, July 18, 2024, and July 25, 2024, follow-up inspections were conducted; items still remained on the property. A follow-up inspection conducted on July 24, 2024, found the fence still dilapidated and unsightly articles still remain. A follow-up inspection conducted on July 31, 2024, still found the fence in disrepair and unsightly articles and trash on the property.

Paul Mandelkern asked Officer Wade about the property being cleaned up at one point. Officer Wade stated that was correct, and confirmed that more items were placed on the property afterward.

Wayne Johnson asked if on April 1, 2024, the owner gave the city permission to clean up. Officer Wade clarified that the owner of the property at 800 W. Webster Ave. gave permission for the articles placed on that property to be removed. Mr. Johnson confirmed that a later inspection found more debris had been placed on that property. Officer Porras clarified that the cleaning was of the driveway only, not the area next to the fence. Mr. Mandelkern then noted that the entire property was not cleaned. Officer Porras told the board that the owner of 820 W. Webster was utilizing the church property that began on Webster and ran all the way to Swoope as additional storage for all the items stored outside.

Doug Bond asked Officer Wade if he had spoken to the property owner. Officer Wade confirmed that he had spoken with the owner's son, who is here today. Mr. Willie Clark Jr. informed Officer Wade that it is his brother who is bringing articles onto the property and he has no control, but there was no effort to make improvements.

Mr. Johnson asked if there was an earlier hearing scheduled as Amended Notices had been issued. Officer Wade responded no. When he discovered that some of the property was owned by the church he put the case on hold. Once the church was cited they gave permission for the property to be cleaned up. Mr. Johnson then clarified that the property at 820 W. Webster was owned by Mr. Clark, and the property at 800 W. Webster was owned by the church. Officer Wade confirmed this, and that additional items were placed on the 800 W. Webster Ave. property after it had been cleaned.

Todd Boyer asked Officer Wade if items remained on the driveway of the church property, and in the front yard. Officer Wade responded yes, as of July 31, 2024.

Mr. Mandelkern asked if the fence was still dilapidated. Officer Wade responded yes.

Mr. Johnson asked if the barrels that were marked Flammable had come and gone from the property. Officer Wade said they were moved when the property was first, but then brought back. He also noted that he could not see the labels on the barrels when they first showed up, but when they returned he could see the Flammable labels.

Mr. Johnson asked if there was a person living in the tent. Officer Wade could not confirm that, but noted that when the Police officers cleared the tent they noticed electricity was present and there was an air conditioning unit. Officer Wade went back to a photo in his presentation from February 22, 2024 to point this out. Officer Porras added that she accompanied Officer Wade on that inspection, and the officers said it appeared from what they found that someone was staying there. Officer Wade and I did not see it, but the Police officers saw things at the back of the tent that indicated someone was staying there, possibly overnight since no one was there at the time of the inspection.

Respondent Willie J. Clark, Jr. of 820 W. Webster Ave., Winter Park, Florida 32789 introduced himself, and noted he was at the hearing on behalf of his father, Willie J. Clark Sr.

Mr. Clark told the board that he is dealing with another family member about the articles and debris being placed on the property. Mr. Clark said that he had cleaned it up, and started repairing the fence. Mr. Clark can't get the family member to understand that they cannot keep bringing things and storing them on the property. Mr. Clark stated he was at the meeting to ask what legal action he could take to stop the family member from continuing to store items on the property.

Mr. Clark noted that his father is on a fixed income, and fencing materials are not cheap. Mr. Clark noted that he works almost six days a week, and does the repairs when he can. He is working to bring the property up to code, but is having problems with the family member that keeps bringing items on to the property. Mr. Clark told the family member he could leave vehicles there for 24 hours, as long as they are moved and brought back. He asked if this was correct. He told the family member they could not be left outside the fence permanently. He mentioned again that the family member continues to bring items onto the property despite being told not to.

He asked about items outside the fence being their responsibility; he thought that his father's property ended at the fence line. He asked who owned the property going toward the right of way that articles are being left on. Wayne Johnson asked city staff if said items were on the 800 property or the 820 property. Officer Wade responded they were on both properties. Officer Wade stated that when they cited the church which owns the driveway at 800 W. Webster Ave. the city sent a contractor out and they cleaned the church property. A lien was placed against the church property for the cost of the cleanup; the church paid the lien. Todd Boyer confirmed that the church paid the lien.

Officer Wade stated that Mr. Clark was being cited for items on the adjacent property and his property as well. Mr. Clark asked Officer Wade if he was referring to the trash cans on the front of his property. Officer Wade responded all of the unsightly articles. Mr. Johnson interrupted, telling Mr. Clark that the board was questioning Officer Wade to determine which property the unsightly articles were on. Mr. Johnson addressed Mr. Clark, noting the violation is not just the fence. The fence is one item, and it is understood that repairs are being facilitated, but the all the debris on the property is a code violation for nuisance, and regardless of family, the homeowner is still responsible for that.

Doug Bond asked if the photo showing the tent, tires, etc. was part of the 820 W. Webster Ave. property or the church property. Mr. Clark asked the same question. Gary Hiatt interjected that the property owner is responsible for maintaining the right of way adjacent to their property.

Mr. Bond asked Mr. Clark if his father lived on the property or if he did. Mr. Clark responded that both live on the property; his father is 87 years old. Mr. Clark said he does not let his father go outside, that is why he is handling this problem. Mr. Bond asked Mr. Clark how many days he thought he would need to clean everything up and repair the fence. Mr. Clark responded it was cleaned up. Mr. Johnson asked Officer Wade to display the photo taken on July 31, 2024. Mr. Bond asked Mr. Clark if the photo was an accurate representation of what the property looks like now. Mr. Clark said yes. He also stated that he was storing the fence debris as he was replacing the panels. The other articles are things his brother has brought to the property. Mr. Bond again asked Mr. Clark how long he thought he would need to clean up and repair the fence. Mr. Clark stated about a month, that he can only work on it on weekends due to his work schedule. Mr. Johnson asked if the pick-up truck picture belonged to Mr. Clark. Mr. Clark responded the white one was his, the maroon one belonged to his father. Mr. Johnson asked if Mr. Clark could drive his father's truck, he responded yes.

Mr. Mandelkern asked about a timeline for the fence repairs. Mr. Clark responded that he had to take down the rest of the fence and haul it away first. He noted he had to dig new holes, set poles and let them settle before installing new panels.

Mr. Johnson questioned why Mr. Clark was storing the old fencing, and why he couldn't load it and the debris on the property in one of the trucks available to him and take it to the landfill on Saturday morning. Mr. Clark stated he only needed to remove the old fence, that the debris needed to be removed by his brother, it belongs to him. Mr. Clark understands that it needs to be moved, but he is trying to get his brother to remove his articles so that he can get to the things that he needs to move.

Mr. Johnson made clear that Mr. Clark's father is the property owner, and that he will be fined \$250.00 per day or \$500.00 a day. Mr. Clark understood, he had been listening. Mr. Johnson recognized the situation with the family member, but from my standpoint it is a nuisance and a dangerous situation.

Board Discussion:

Mr. Johnson stated he did not see the need for the debris to remain why the fence was being repaired. Mr. Boyer agreed, and suggested five days for the debris, and 45 days for the fence repair. Mr. Bond suggested 20 days (three Saturdays) for the debris. He noted Mr. Clark is not a young man and should be given the benefit of the doubt. His 87-year old father will be the one fined. Mr. Boyer pointed out that the more time allowed for clean-up also allows time for more items to be stored on the property. Mr. Bond noted that would be a problem from Mr. Clark to solve, to speak to the family member that is doing it, and tell them that his father is being fined by the city. Mr. Mandelkern suggested 30 days be allowed of everything. Mr. Bond agreed.

Mr. Johnson offered that no neighbors came to the hearing requesting that it had to be done immediately, I agree that 30 days would be fine.

Motion:

Mr. Johnson proposed the following motion:

From the evidence presented today, I find the property owner has been properly notified via regular and certified mail to satisfy Florida Statute 162 due process requirements. I move to find the Respondent, Willie J. Clark Sr., Compliance Board Case #PM-24-0016, owner of 820 W. Webster Avenue, Winter Park, Florida 32789 in violation of Chapter 22 Section 22-176 (adopting the International Property Maintenance Code), Section 22-177 (amending the International Property Maintenance Code), Chapter 202 Nuisance, (1), (2), (14) (b) (c), (16), and (18), Section 302.7 Dilapidated Fences, Section 302.1 Sanitation and Storage of Materials of the City of Winter Park Land Development Code.

The respondent is ordered to repair and or replace the dilapidated fence, remove unsightly, discarded articles out of the plain view from the public right of way and adjacent neighboring properties within 30 days of this hearing date. Failure to comply with this order will result in fines of up to \$250.00 per day for each day the violation continues. The Respondent is further ordered to contact the City Safety & Code Compliance Officer and provide documentation of action taken by August 31, 2024.

Mr. Bond seconded the motion. The motion carried with a 7-0 vote.

6. Staff Updates

a. Code Compliance Division Manager Susanne Porras provided to the Board that Code Compliance was assisting Natural Resources and Sustainability in enforcing the code for illegal haulers. Notices of Hearing were issued for each case, however, came into compliance prior to today's hearing:

1. LDC-24-0269, 607 Ellen Dr., Winter Park, FL 32789
2. LDC-24-0270, 1100 W. Fairbanks Ave., Winter Park, FL 32789
3. LDC-24-0202, 1150 Louisiana Ave., Winter Park, FL 32789
4. LDC-24-360 Garfield Ave., Winter Park, FL 32789

Wayne Johnson requested a definition of "Illegal Hauler". Officer Porras explained that this was a container on a construction site that per city code needed to be registered. Natural Resources and Sustainability normally sends the initial Notice of Violation to the contractor and if they do not comply within the two weeks provided the case comes to Code Compliance for a Notice of Hearing to be issued.

Mr. Johnson clarified that the container was a non-registered dumpster. Ms. Porras responded yes. Mr. Mandelkern stated that he thought it meant a truck, and thanked Officer Porras for taking care of these cases and not bringing them to a hearing.

7. City Attorney Report

Deputy City Attorney Rick Geller first complimented the Board for treating the people that come before them with the utmost fairness, that it does not go unnoticed.

Mr. Geller then provided the Board an update on the foreclosure of the property located at 1260 Whitesell Dr., Winter Park, FL 32789. The Board's recommendation was accepted by the City Commission. He apologized to the Board for his voice, that COVID had finally found him after four years. As such he is a little behind, but does have a draft foreclosure in the works and hopes to have it filed soon. The city received a change by the Property Appraiser to recognize the property as non-Homestead, which will help.

Mr. Geller raised one final point. Kelly Price suggested that the Board do a site inspection of the properties that come before you. I would like to remind you that this is a quasi-judicial proceeding, and that your decisions should be based on the evidence presented at a hearing. That doesn't say that you have to close your eyes if you're driving by a property, but if you do wish to drive by a property that you disclose it, and if you observe anything that is different than what is presented by staff to please disclose it. From a due process standpoint, the Respondents must know exactly what you are basing your decisions on. Just a word of caution.

7. Board Comments

Paul Mandelkern offered that years ago when he was first appointed to this Board, we were advised not to go by and see the properties for those very reasons. Mr. Boyer and Ms. Blaney noted they remembered this as well. Mr. Geller agreed it was the better idea.

Mr. Bond asked if someone would like to return the extension cord Ms. Price left. Mr. Geller noted it actually is evidence, so the city needs to hold on to it for at least a month until the appeal period has passed.

8. Upcoming Agenda Items

9. Adjournment

Wayne Johnson made a motion to adjourn at 6:03 pm, Todd Boyer seconded.

Motion carried 7-0.

ATTEST:

Approved by the board on
/s/ Susan Pruchnicki, Board Secretary



Code Compliance Board

agenda item 5.a

item type

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

meeting date

September 5, 2024

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance Manager

subject

CCB#-PM-24-0085 930 CYPRESS AVE., WINTER PARK, FL 32789

motion | recommendation**background****VIOLATION DESCRIPTION:**

The Property, a residential dwelling, has an accumulation of waste and building materials on the premises in plain view from the public right of way and adjacent neighboring properties located on the front lawn and carport of the property. Open storage of materials such as a satellite dish, plastic buckets, concrete blocks, articles of wood, a vehicle tire, a vehicle battery, a metal cabinet, a discarded bike, discarded tarps, and discarded articles of waste. Hard water staining on the front exterior wall of the property and mold and mildew staining on the awning above the front door on the property.

CODES CITED:

Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.

alternatives | other considerations**fiscal impact**

attachments

1. PM-24-0085 930 CYPRESS AVE WINTER PARK FL

If you own and occupy property as your primary residence as of January 1, 2025, you may qualify for an exemption. The deadline to file a 2025 exemption application is March 1, 2025.

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

Print Date: 07/08/2024 System Refresh Date: 07/07/2024

930 Cypress Ave 12-22-29-5408-00-124

Name(s):

TYRELL HARRIS JR
TYRELL HARRIS SR

Physical Street Address:

930 Cypress Ave

Property Use:

0100 - Single Family

Mailing Address On File:

930 Cypress Ave
Winter Park, FL 32789-5630

[Incorrect Mailing Address?](#)

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park



930 CYPRESS AVE, WINTER PARK, FL 32789 10/23/2020 11:34 AM

[Upload Photos](#)

[View 2023 Property Record Card](#)

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

PETER MACKS REVISION G/21 THAT PART OF BLK 12 FORMERLY KNOWN AS W 40 FT OF LOT 184 & BEG NE COR LOT 185 W 10 FT SWLY 154.65 FT TO SW COR OF LOT 185 E 50 FT TO SE COR N TO POB

Total Land Area

10,506 sqft (+/-) | 0.24 acres
(+/-)

[GIS Calculated](#)

[Notice](#)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-2	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

«« « 1 » »»

Page 1 of 1 (Total Records: 1)

Building

[View Winter Park Permits](#)



[More Details](#)

Model Code:

01 - Single Fam Residence

Actual Year Built:

1955

Gross Area:

1643 sqft

Type Code:

0104 - Single Fam Class IV

Beds:

3

Living Area:

1371 sqft

Building Value:

Working Value...

Baths:

2

Exterior Wall:

Concrete/Cinder Block

Estimated New Cost:

Working Value...

Floors:

1

Interior Wall:

Plastered

« « 1 » »

Page 1 of 1 (Total Records:1)

Extra Features

Description

Date Built

Units

Xfob Value

Pt1 - Patio 1

01/01/1994

1 Unit(s)

Working Value...

« « 1 » »

Page 1 of 1 (Total Records: 1)

The Orange County Tax Collector makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. Utilization of the search facility indicates understanding and acceptance of this statement by the user. This Site Should not be relied upon for a title search.

Property Appraiser Details

Parcel/Tangible Number: 12-22-29-5408-00124

Date: 07/08/2024

Tax Year: 2023

Total Assesed Value: \$216,579.00

Taxable Value: \$191,579.00

Gross Tax Amount: \$2,840.23

Millage Code: 6 WP

Comments:

Owner & Address: TYRELL HARRIS JR
TYRELL HARRIS SR
930 CYPRESS AVE
WINTER PARK, FL 32789-5630

Legal Description: PETER MACKS REVISION G/21 THAT PART OF
BLK 12 FORMERLY KNOWN AS W 40 FT OF
LOT 184 & BEG NE COR LOT 185 W 10 FT
SWLY 154.65 FT TO SW COR OF LOT

Location Address: 930 CYPRESS AVE WINTER PARK 32789

Note: The "Certified Owner" is the owner of record on the Tax Roll. To see the certified owner, select the "Taxbill for Certified Owner" from the Taxbill dropdown.

Current Taxes and Unpaid Delinquent Warrants:

Year	Owner Information	Amoi
2023	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2022	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2021	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta

2020	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2019	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2018	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2017	TYRELL HARRIS JR TYRELL HARRIS SR	* PAID (View Ta
2014	HENDERSON DAWN	* PAID (View Ta
2013	FRAUMAN DAWN	* PAID (View Ta
2012	FRAUMAN DAWN	* PAID (View Ta
2011	FRAUMAN DAWN	* PAID (View Ta
2010	FRAUMAN DAWN	* PAID (View Ta
2009	FRAUMAN DAWN	* PAID (View Ta
2008	FRAUMAN DAWN	* PAID (View Ta
2007	FRAUMAN DAWN	* PAID (View Ta
2006	FRAUMAN DAWN	* PAID (View Ta

Unpaid Real Estate Certificates:

Year	Curent Payoff	If Paid By
No data		

*** UNPAID DELINQUENT TAXES MUST BE PAID BY A CASHIERS CHECK, MONEY ORDER, OR CERTIFIED FUNDS AND ARE DUE BY THE LAST BUSINESS DAY OF THE MONTH.**

[Search Again](#)
[Print](#)

Prepared by & Return to:

Stewart Lender Services

Closer: LAURA GOTZ

2002 N. Lois Ave., Suite 800

Tampa, FL 33607

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

12-22-29-5408-00-124

Property Address:

930 CYPRESS AVE

WINTER PARK, FL 32789

DOC # 20180256174

05/01/2018 11:43 AM Page 1 of 2

Rec Fee: \$18.50

Deed Doc Tax: \$1,785.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

SPECIAL WARRANTY DEED (CORPORATE)

This Special Warranty Deed Made the 26 day of April, 2018, by **Fannie Mae a/k/a Federal National Mortgage Association**, and having its place of business at **P.O. Box 650043 Dallas, TX 75265-0043**, hereinafter called the grantor, to **HARRIS TYRELL JR**, a single man, and **HARRIS TYRELL SR**, a married man, as joint tenants with full rights of survivorship, whose post office address is: **930 CYPRESS AVE, WINTER PARK, FL 32789** hereinafter called the grantee,

WITNESSETH: That grantor, for and in consideration of the sum of \$255,000.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in **ORANGE County, Florida**, viz:

That part of Block 12, Peter Mack's Revision, according to the plat thereof recorded in Plat Book G, Page 21, of the Public Records of Orange County, Florida, formerly known as: The West 40 feet of Lot 184 and begin at the Northeast corner of Lot 185, Palmetto Company's Addition, according to the plat thereof as recorded in Plat Book E, Page 14, Public Records of Orange County, Florida; Run West 10 feet; thence Southwesterly 154.65 feet to the Southwest corner of said Lot 185; thence East 50 feet to the Southeast corner of said Lot; thence North along the East line of said Lot to the point of beginning.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT ALSO to taxes and assessments for the year 2018 and subsequent years.

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

A170740

GRANTOR'S WILL WARRANT and forever defend the right and title to the above-described real property unto the Grantees against the claims of all person, claiming by, through or under Grantor's, but not otherwise.

(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)

Witness Signature: [Signature]
Printed Name: Tina Hammond

Fannie Mae a/k/a Federal National Mortgage Association By Stewart Lender Services as Attorney in fact

Witness Signature: [Signature]
Printed Name: DAMIAN FARWELL

BY: [Signature]
Assistant Vice President

State of MISSOURI
County of St. Louis City

The foregoing instrument was acknowledged before me this 26 day of April 2018 by Erica B White Assistant Vice President of Stewart Lender Services, Inc., as Attorney in Fact for Fannie Mae a/k/a Federal National Mortgage Association. She/He is personally known to me.

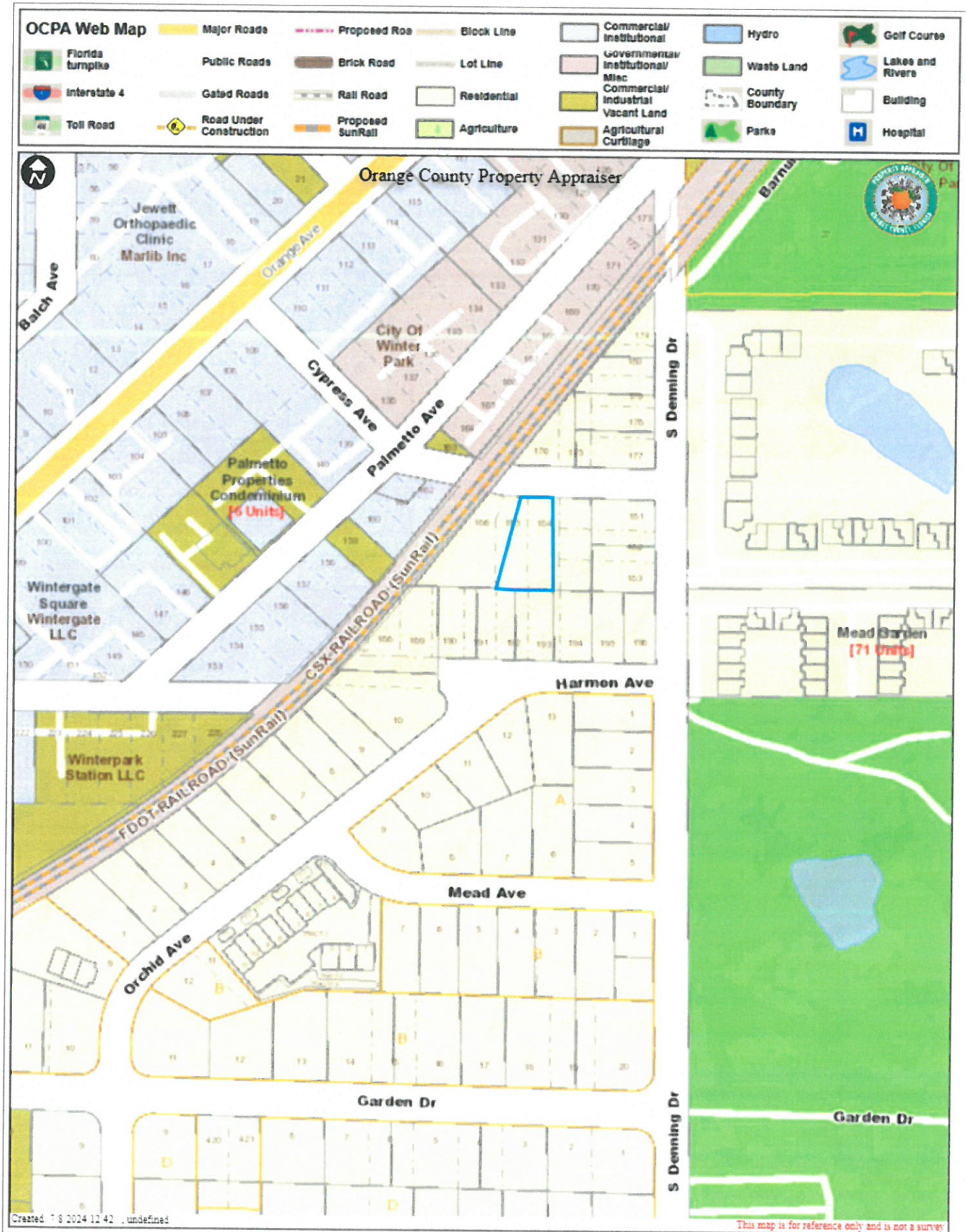
My Commission expires: 9-7-2021



[Signature]
Notary Public Signature
Printed Name: Damian Farwell
Serial Number

(SEAL)

A170740



FACT SHEET

September 5, 2024

Case No: PM-24-0085

Respondents:

Tyrell Harris Jr.
Tyrell Harris Sr.
930 Cypress Ave.
Winter Park, FL 32789-5630

1. Address where violation exists: **930 Cypress Avenue, Winter Park, FL 32789**
2. Parcel I.D. No.: **12-22-29-5408-00-124**
3. Property Zone: **R-2**
4. Inspection(s): **05/07/2024, 06/17/2024, 06/26/2024, 08/06/2024, 08/07/2024, 08/15/2024.**
5. Notice of Violation and Notice of Hearing were mailed regular, certified mail
and posted on the property and at 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 DESCRIPTION: The Property, a residential dwelling, has an accumulation of waste and building materials on the premises in plain view from the public right of way and adjacent neighboring properties located on the front lawn and carport of the property. Open storage of materials such as a satellite dish, plastic buckets, concrete blocks, articles of wood, a vehicle	CORRECTIVE ACTION REQUIRED: Remove the accumulation of waste and building materials from the plain view from the public right of way and adjacent neighboring properties. Remove the stains from the front exterior wall and the awning and apply protective treatment. The premises shall be maintained in a clean, safe and sanitary condition.	CODES CITED: Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.
---	--	--

tire, a vehicle battery, a metal cabinet, a discarded bike, discarded tarps, and discarded articles of waste. Hard water staining on the front exterior wall of the property and mold and mildew staining on the awning above the front door on the property.		
--	--	--

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

CASE NO.: **PM-24-0085**

City of Winter Park
Petitioner,

vs.

TYRELL HARRIS JR.
TYRELL HARRIS SR.
930 CYPRESS AVE.
WINTER PARK, FL 32789-5630
Respondents, /

AFFIDAVIT OF POSTING

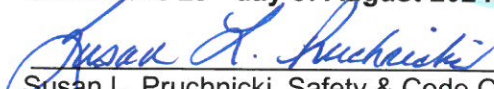
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Susan Pruchnicki, Safety & Code Compliance Coordinator 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 Hearing, scheduled for September 5, 2024, at City Hall for the property located at 930 CYPRESS AVE. on this **29th day of August 2024**.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT

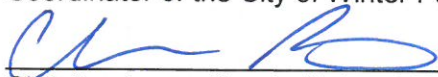
DATED this **29th day of August 2024**



Susan L. Pruchnicki, Safety & Code Compliance Coordinator

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **29th day of August 2024**, by Susan Pruchnicki, who is personally known to me as a Safety & Code Compliance Coordinator of the City of Winter Park.



Christina Leann 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

CASE NO.: **PM-24-0086**

City of Winter Park
Petitioner,

vs.

TYRELL HARRIS JR.
TYRELL HARRIS SR.
930 CYPRESS AVE.
WINTER PARK, FL 32789-5630
Respondent,

AFFIDAVIT OF POSTING

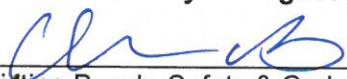
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Christina Busch, Safety & Code Compliance Officer 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 Hearing, scheduled for September 5, 2024, on the property located at 930 CYPRESS AVE. on this **7th day of August 2024**.
3. That the attached picture document is proof of the posting.

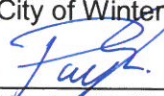
FURTHER AFFIANT SAYETH NOT

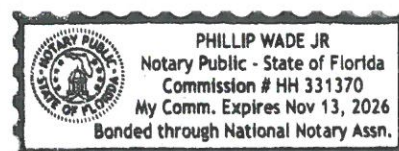
DATED this **7th day of August 2024**


Christina Busch, Safety & Code Compliance Officer

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **7th day of August 2024**, by Christina Busch, who is personally known to me as a Safety & Code Compliance Officer of the City of Winter Park.


Phillip Wade JR, Notary Public
My Commission Expires Nov 13, 2026
Commission #HH331370



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

Case No: PM-24-0085

CITY OF WINTER PARK,

Respondent,

VS.

TYRELL HARRIS JR.
TYRELL HARRIS SR.
930 CYPRESS AVE
WINTER PARK, FL 32789-5630,
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 fully and 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 5, 2024
at 3:00 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. Violations of City Code Chapter/Section: Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition); 22-177 (amending the IPMC); 302.1 Sanitation and Storage; and 304.1 (adopting the IPMC, 2021 edition) for the treatment of Materials of the International Property Maintenance Code.

Office DEPOT®

08/07/2024

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

Case No: PM-24-0085

CITY OF WINTER PARK,

Petitioner,

vs.

TYRELL HARRIS JR.
TYRELL HARRIS SR
930 CYPRESS AVE.
WINTER PARK, FL 32789-5630,

Respondents.

**NOTICE OF
CODE COMPLIANCE BOARD HEARING**

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1. Violations of City Code Chapter/Section: **Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.**

2. Address where violation(s) exists: **930 Cypress Ave., Winter Park, FL 32789.**
3. Parcel I.D. No.: **12-22-29-5408-00-124**
4. Property Zone: **R-2**
5. Legal Description: **PETER MACKS REVISION G/21 THAT PART OF BLK 12 FORMERLY KNOWN AS W 40 FT OF LOT 184 & BEG NE COR LOT 185 W 10 FT SWLY 154.65 FT TO SW COR OF LOT 185 E 50 FT TO SE COR N TO POB**
6. Names and address of owner/person in charge of location where violation exists: **Tyrell Harris Jr. & Tyrell Harris Sr. - 930 Cypress Ave., Winter Park, FL 32789-5630**
7. Description of Violations: **ACCUMULATION OF WASTE AND BUILDING MATERIALS ON THE PREMISES IN PLAIN VIEW FROM THE PUBLIC RIGHT OF WAY AND ADJACENT NEIGHBORING PROPERTIES LOCATED ON THE FRONT LAWN AND CARPORT OF THE PROPERTY. OPEN STORAGE OF MATERIALS SUCH AS A SATELLITE DISH, PLASTIC BUCKETS, CONCRETE BLOCKS, ARTICLES OF WOOD, A VEHICLE TIRE, A VEHICLE BATTERY, A METAL CABINET, A DISCARDED BIKE, DISCARDED TARPS, AND DISCARDED ARTICLES OF WASTE. HARD WATER STAINING ON THE FRONT EXTERIOR WALL OF THE PROPERTY AND MOLD AND MILDEW STAINING ON THE AWNING ABOVE THE FRONT DOOR ON THE PROPERTY.**
8. Compliance Requirements: **REMOVE THE ACCUMULATION OF WASTE AND BUILDING MATERIALS FROM THE PLAIN VIEW FROM THE PUBLIC RIGHT OF WAY AND ADJACENT NEIGHBORING PROPERTIES. REMOVE THE STAINS FROM THE FRONT EXTERIOR WALL AND THE AWNING AND APPLY PROTECTIVE TREATMENT. THE PREMISES SHALL BE MAINTAINED IN A CLEAN, SAFE AND SANITARY CONDITION.**

Compliance Date to avoid hearing: **August 4, 2024.**

Unless Respondent(s) corrects the violation described herein by the date set forth above and contacts the undersigned Code Inspector to verify compliance with City Code/Sections 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 Compliance Board, on **September 5, 2024,**

at 3 p.m., at 401 S Park Avenue, Winter Park, FL, 2nd Floor (Commissioner's 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.

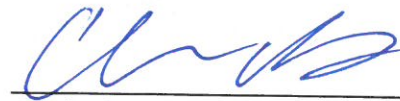
AN AGGRIEVED PARTY MAY APPEAL A FINAL ADMINISTRATIVE ORDER OF THE CODE COMPLIANCE BOARD TO THE ORANGE COUNTY CIRCUIT COURT. ANY SUCH APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE APPEALED, AS SET FORTH IN SECTION 162.11, FLORIDA STATUTES. If a party to the proceedings before the Code Compliance Board decides to appeal a decision of such board, a verbatim record of the proceedings may be required. It is the sole responsibility of the appealing party 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 hearing, it is your responsibility to contact the Code Compliance Division. **PLEASE GOVERN YOURSELF ACCORDINGLY.**

Dated this: 5th day of July 2024

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been furnished by certified and regular mail to: **TYRELL HARRIS JR. & TYRELL HARRIS SR.- 930 CYPRESS AVE., WINTER PARK, FL 32789-5630**

Certified Mail: 9489 0178 9820 3026 1022 27



Christina Busch
Code Compliance Officer

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

CODES CITED:

Sec. 22-176. - Code adopted.

The International Property Maintenance Code, 2021 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the applicable Florida Building Code(s).

(Ord. No. 2357, § 1, 6-27-00; Ord. No. 2769-09, § 2, 4-27-09; Ord. No. 2873-12, § 2, 4-9-12; Ord. No. 3007-15, § 3, 8-24-15)

Sec. 22-177. - Amendments.

The International Property Maintenance Code, 2021 edition, is hereby amended in the following respects:

General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, electrical, and zoning codes of the city.

SEC 302.1 SANITATION & STORAGE

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to

remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five days.

It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

SEC 304.2 PROTECTIVE TREATMENT

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

CASE NO.: **PM-24-0085**

City of Winter Park
Petitioner,

vs.

TYRELL HARRIS JR.
TYRELL HARRIS SR.
930 CYPRESS AVE.
WINTER PARK, FL 32789-5630
Respondents, _____/

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Christina Busch, Safety & Code Compliance Officer 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 Violation on the property located at 930 CYPRESS AVE. on this **17th day of June 2024**.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT

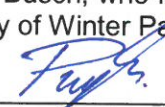
DATED this **17th day of June 2024**



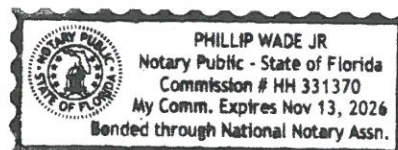
Christina Busch, Safety & Code Compliance Officer

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **17th day of June 2024**, by Christina Busch, who is personally known to me as a Safety & Code Compliance Officer of the City of Winter Park.



Phillip Wade JR, Notary Public
My Commission Expires Nov 13, 2026
Commission #HH331370



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

DATE: May 7, 2024
CASE # PM-24-0085
CERTIFIED TRACKING NUMBER: 9171 9690 0935 0313 3107 01

You are hereby notified that the below stated property has been inspected and found to be in violation of **Chapter 22, Sections 22-176 (adopting the IMPC, 2021 edition), 22-177 (amending the IMPC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.**

MAINTENANCE/NUISANCE

On May 7, 2024 a Violation(s) was observed on your property. The violation(s) must be corrected by June 10, 2024. Failure to comply with city ordinances will result in the issuance of a notice to appear before the Code Enforcement Board with the potential for one day per violation.

Property Zoned: R-2
 33-39-5408-00-124

Parcel ID#: 12-22-29-3408-00-224
Address: 270 CYPRESS AVE.

Parcel ID#:
930 CYPRESS AVE.
930 CYPRESS AVE., FL 32789
Violation
Violation

Violation:
Address:

on/Address: **TYRELL, HARRIS SR.**
on/ Tenant: **TYRELL, HARRIS SR.**

TYRELL, HARRIS SR.
TYRELL, HARRIS SR.
TYRELL, HARRIS SR.

Address: 930 CYPRESS AVE.
CENTER PARK, FL 3278

ing Address: _____
State/ Zip: _____

State/ Zip: / State/ Zip: / State/ Zip:

of Violation:

FROM THE PUBLIC PROPE
FROM THE PUBLIC PROPE

NEIGHBORING AND CARP
LAWN

FRONT STORAGE OF LAWN MOWERS

FRS STORAGE
OPEN DISH, PLAS
TELLITE DISH OF

SATELLITE ARTICLES OF V
BOOKS, ARTICLES

BLOCKS, BATTERY,
VEHICLE

VEHICLE BIKE, DISCARDED ARTICLES

DISCARDED ARTICLES
DISCARDED ARTICLES
DISCARDED ARTICLES

DISCARDED ON THE FRONT STAINING

STAINING

—

10



100

06/17/2024

ALERT: FLOODING AND SEVERE WEATHER IN THE SOUTH, SOUTHEAST, AND CENTRAL U.S. ...

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

9171969009350313310701

[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item arrived at our USPS facility in LAKE MARY FL DISTRIBUTION CENTER on June 16, 2024 at 7:27 pm. The item is currently in transit to the destination.

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

Moving Through Network

Arrived at USPS Regional Facility

LAKE MARY FL DISTRIBUTION CENTER
June 16, 2024, 7:27 pm

Arrived at USPS Regional Facility

ORLANDO FL DISTRIBUTION CENTER
June 16, 2024, 8:25 am

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)[Text & Email Updates](#)[USPS Tracking Plus®](#)

Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Christina Busch

From: noreply@cityofwinterpark.org
Sent: Friday, May 3, 2024 8:58 AM
To: Code Compliance; Gary Hiatt; Renata Minoga; Ashley Ong
Subject: NEW WORK ORDER: 57984, 930 Cypress Ave

A new work request has been routed to you and requires your attention.

Work Order Id: 57984
Date 05/02/2024
Requested:
Request Type: Safety & Code Compliance: Trash
Description: Front yard of house being used as a dump. Tires, paint buckets, metal, wood, plastics litter yard. Neighbors say that this issue was reported last year. We are new to area. Please help!
Location: 930 Cypress Ave
Requestor Name: crandall may
Requestor Address: 911 Harmon Ave
Requestor Phone: 352-410-9736
Requestor Email: crandalltoday@gmail.com
Status: New

OFFICIAL NOTICE OF VIOLATION

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

DATE: **May 7, 2024**

CASE # **PM-24-0085**

CERTIFIED TRACKING NUMBER: **9171 9690 0935 0313 3107 01**

You are hereby notified that the below stated property has been inspected and found to be in violation of **Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.**

PROPERTY MAINTENANCE/NUISANCE

On **May 7, 2024** a Violation(s) was observed on your property. The violation(s) must be corrected by **June 10, 2024**. 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-2**
Parcel ID#: **12-22-29-5408-00-124**
Violation: **930 CYPRESS AVE.**
Location/Address: **WINTER PARK, FL 32789**
Property Owner/ Tenant: **TYRELL, HARRIS JR. &
TYRELL, HARRIS SR.**
Mailing Address: **930 CYPRESS AVE.**
City/ State/ Zip: **WINTER PARK, FL 32789-5630**
Description of Violation: **ACCUMULATION OF WASTE AND BUILDING MATERIALS ON THE PREMISES IN PLAIN VIEW FROM THE PUBLIC RIGHT OF WAY AND ADJACENT NEIGHBORING PROPERTIES LOCATED ON THE FRONT LAWN AND CARPORT OF THE PROPERTY. OPEN STORAGE OF MATERIALS SUCH AS A SATELLITE DISH, PLASTIC BUCKETS, CONCRETE BLOCKS, ARTICLES OF WOOD, A VEHICLE TIRE, A VEHICLE BATTERY, A METAL CABINET, A DISCARDED BIKE, DISCARDED TARPS, AND DISCARDED ARTICLES OF WASTE. HARD WATER STAINING ON THE FRONT EXTERIOR WALL OF**

Corrective action to be
taken:

THE PROPERTY AND MOLD AND MILDEW STAINING ON THE AWNING ABOVE THE FRONT DOOR ON THE PROPERTY.

REMOVE THE ACCUMULATION OF WASTE AND BUILDING MATERIALS FROM THE PLAIN VIEW FROM THE PUBLIC RIGHT OF WAY AND ADJACENT NEIGHBORING PROPERTIES. REMOVE THE STAINS FROM THE FRONT EXTERIOR WALL AND THE AWNING AND APPLY PROTECTIVE TREATMENT. THE PREMISES SHALL BE MAINTAINED IN A CLEAN, SAFE AND SANITARY CONDITION. CONTACT THE CODE COMPLIANCE OFFICER WITH YOUR INTENTIONS.

Officer Name: **BUSCH, CHRISTINA**
cbusch@cityofwinterpark.org 407-599-3382

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.

Violation Detail

PROPERTY MAINTENANCE SEC 22-176 & 22-177

Violation Description

Sec. 22-176. - Code adopted.

The International Property Maintenance Code, 2018 edition, as published by International Code Council, Inc., is hereby adopted by reference, together with modifications and amendments contained in this article, and shall be known as the property and building maintenance code of the city. All references within the International Property Maintenance Code to the International Code(s) shall refer to the

applicable Florida Building Code(s).

(Ord. No. 2357, § 1, 6-27-00; Ord. No. 2769-09, § 2, 4-27-09; Ord. No. 2873-12, § 2, 4-9-12; Ord. No. 3007-15, § 3, 8-24-15)

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General: All references to the International Building, Plumbing, Mechanical, Fuel Gas, Fire, Electrical and Zoning Codes shall mean the respective building, residential, plumbing, mechanical, gas, fire, electrical, and zoning codes of the city.

Violation Detail

SEC 302.1 SANITATION & STORAGE

Violation Description

SEC. 302.1 SANITATION AND STORAGE OF MATERIALS.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. It shall be unlawful for any person to permit any old, broken lumber, rusted or unused equipment, discarded refrigerators, stoves, old pipe or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than five days.

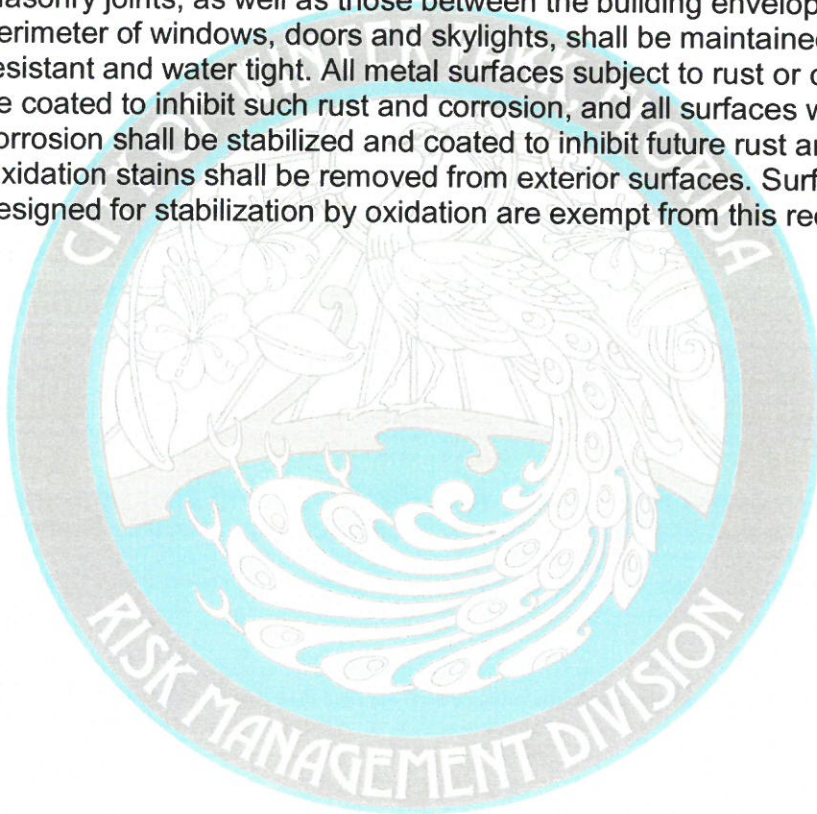
It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the code official.

Violation Detail

SEC 304.2 PROTECTIVE TREATMENT

Violation Description

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08/26/2024 (





08/15/2024













06/26/2024 (







05/07/2024 (



Code Compliance Board

agenda item 5.b

item type

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

meeting date

September 5, 2024

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance Manager

subject

CCB#-PM-24-0035 290 SOUTH PARK AVE., WINTER PARK, FL 32789

motion | recommendation

background

VIOLATION DESCRIPTION:

Illegal dumping of trash and solid waste along city property on center street outside of the designated Waste Pro containers.

CODES CITED:

Chapter 82 - Solid Waste; Section 82-7 - Prohibited Acts, (a), (1), (2) and (3) of the City of Winter Park Code of Ordinances

alternatives | other considerations

fiscal impact

attachments

1. PM-24-0035 290 S PARK AVE WINTER PARK FL

If you own and occupy property as your primary residence as of January 1, 2025, you may qualify for an exemption. The deadline to file a 2025 exemption application is March 1, 2025.

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

Print Date: 03/28/2024 System Refresh Date: 03/24/2024

250 S Park Ave 05-22-30-9400-39-100

Name(s):

BFC PARK AVENUE LLC

Physical Street Address:

250 S Park Ave

Property Use:

1802 - Office Mid-rise

Mailing Address On File:

Po Box 3010

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park

Winter Park, FL 32790-3010

[Incorrect Mailing Address?](#)

Property Name:

Bank Of America At Park Ave



[Upload Photos](#)

[View 2023 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

Historical Value and Tax Benefits

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2023				\$21,888,607	-0.8%	\$21,888,607	7.9%
2022				\$22,070,966	-1.3%	\$20,280,570	10.0%
2021				\$22,362,100	8.8%	\$18,436,882	10.0%
2020				\$20,558,144	N/A	\$16,760,802	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2023			\$0		\$0
2022			\$0		\$16,094
2021			\$0		\$35,464
2020			\$0		\$34,877

2023 Taxable Value and Certified Taxes

Tax Year

2023	2022	2021	2020
------	------	------	------

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$21,888,607	\$0	\$21,888,607	3.1730	-1.3%	\$69,452.55	21%
Public Schools: By Local Board	\$21,888,607	\$0	\$21,888,607	3.2480	0.0%	\$71,094.20	21%
General County	\$21,888,607	\$0	\$21,888,607	4.4347	0.0%	\$97,069.41	29%
City Of Winter Park	\$21,888,607	\$0	\$21,888,607	4.0923	0.0%	\$89,574.75	27%
City Of Winter Park Debt 2017 & 2020	\$21,888,607	\$0	\$21,888,607	0.2379	-10.1%	\$5,207.30	2%
St Johns Water Management District	\$21,888,607	\$0	\$21,888,607	0.1793	-9.2%	\$3,924.63	1%
Totals				15.3652		\$336,322.84	

Non-Ad Valorem Assessments

2023 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rates	Assessment
WINTER PARK STORMWATER	WINTER PARK STM - STMWTR - (407)599-3220	1,284.78	1.00	\$1,284.78
				\$1,284.78

2023 Gross Tax Total: \$337,607.62

2023 Tax Savings Tax Savings

Your taxes without exemptions would be: \$336,322.84

Your ad-valorem tax with exemptions is: - \$336,322.84

Providing You A Savings Of: = \$0.00

The Orange County Tax Collector makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. Utilization of the search facility indicates understanding and acceptance of this statement by the user. This Site Should not be relied upon for a title search.

Property Appraiser Details

Parcel/Tangible Number:	05-22-30-9400-39100
Date:	<u>03/28/2024</u>
Tax Year:	2023
Total Assesed Value:	\$21,888,607.00
Taxable Value:	\$21,888,607.00
Gross Tax Amount:	\$337,607.62
Millage Code:	4 WP
Comments:	
Owner & Address:	BFC PARK AVENUE LLC PO BOX 3010 WINTER PARK, FL 32790-3010
Legal Description:	TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220 LOTS 10 THROUGH 15 BLK 39 SEE 5974/0117
Location Address:	250 S PARK AVE WINTER PARK 32789

Note: The "Certified Owner" is the owner of record on the Tax Roll. To see the certified owner, select the "Taxbill for Certified Owner" from the Taxbill dropdown.

Current Taxes and Unpaid Delinquent Warrants:

Year	Owner Information	
2023	BFC PARK AVENUE LLC	* PAID (Vi
2022	BFC PARK AVENUE LLC	* PAID (Vi
2021	BFC PARK AVENUE LLC	* PAID (Vi
2020	BFC PARK AVENUE LLC	* PAID (Vi
2019	BFC PARK AVENUE LLC	* PAID (Vi

2018	BFC PARK AVENUE LLC	* PAID (Vi
2017	BFC PARK AVENUE LLC	* PAID (Vi
2016	BFC PARK AVENUE LLC	* PAID (Vi
2014	BFC PARK AVENUE LLC	* PAID (Vi
2013	BFC PARK AVENUE LLC	* PAID (Vi
2012	BFC PARK AVENUE LLC	* PAID (Vi
2011	BFC PARK AVENUE LLC	* PAID (Vi
2010	BFC PARK AVENUE LLC	* PAID (Vi
2009	BFC PARK AVENUE LLC	* PAID (Vi
2008	250 PARK AVENUE TRUSTEE INC TR	* PAID (Vi
2007	250 PARK AVENUE TRUSTEE INC TR	* PAID (Vi
2006	250 PARK AVENUE TRUSTEE INC TR	* PAID (Vi

Unpaid Real Estate Certificates:

Year	Curent Payoff	If Paid By
No data		

*** UNPAID DELINQUENT TAXES MUST BE PAID BY A CASHIERS CHECK, MONEY ORDER, OR CERTIFIED FUNDS AND ARE DUE BY THE LAST BUSINESS DAY OF THE MONTH.**

[Search Again](#)
[Print](#)

Prepared By and Return To:

JAMES E. SLATER, ESQ.

Broad and Cassel

P.O. Box 4961

Orlando, Florida 32802-4961



INSTR 20030471611

OR BK 07058 PG 4137

MARTHA O. HAYNIE, COMPTROLLER
ORANGE COUNTY, FL

08/19/2003 03:30:16 PM

DEED DOC TAX 0.70

REC FEE 33.00

For Recording Purposes Only

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed as of the 15th day of August, 2003, by LINCOLN-WINTER PARK TRUSTEE, INC., a Florida corporation, as Trustee of the 250 Park Avenue Trust, dated March 30, 2000 (the "Grantor"), having an address of Lincoln Plaza, 300 South Orange Avenue, Suite 975, Orlando, Florida 32801 (hereinafter referred to as "Grantor") to and in favor of 250 PARK AVENUE TRUSTEE, INC., a Florida corporation, as Successor Trustee of the 250 Park Avenue Trust dated March 30, 2000 (the "Trust Agreement") (the "Grantee") having an address of Lincoln Plaza, 300 South Orange Avenue, Suite 975, Orlando, Florida 32801.

WITNESSETH

THAT the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to it in hand paid by the Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, the following-described lands lying and being situate in the City of Winter Park, Orange County, Florida, to wit:

See Exhibit "A" attached hereto and by this reference made a part hereof (the "Property")

TOGETHER with all tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the Property in fee simple forever upon the trusts and for the uses and purposes set forth herein and in the aforementioned Trust Agreement.

FULL POWER and authority is vested in the Grantee, as Trustee, to improve, protect, conserve, sell, lease, encumber and otherwise manage and dispose of said Property or any part thereof, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said Property or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, to pledge or

otherwise encumber said Property, or any part thereof, to lease said Property or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 99 years, and to renew or extend leases upon any terms and for any period or periods of time, and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion, and to contract respecting the manner of fixing the amount of present or future rentals, to exchange said Property, or any part thereof, for other real or personal Property, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said Property or any part thereof, and to deal with said Property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter. It is the intent, and shall be the effect hereof, to vest in the Grantee all of the rights, powers and duties as is provided in and contemplated by Section 689.071, Florida Statutes.

IN NO CASE shall any party dealing with said Trustee in relation to said Property, or to whom said Property or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on said Property, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said Successor Trustee in relation to said property shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said Trust Agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said Trust Agreement or in some amendment thereof and binding upon all beneficiaries thereunder, (c) that the Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a further successor or successors in trust, that such are fully vested with all the title estate, rights, powers, authorities, duties and obligations of its, his or their predecessors in trust.

AND the Grantor does hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of said lands in fee simple; that the Grantor has good right and lawful authority to sell and convey said lands; that the Grantor fully warrants the title to said lands and will defend the same against the lawful claims of all persons by, through or under the Grantor, but none other; and the Grantor further warrants to the Grantee that said lands are free and clear of all liens and encumbrances whatsoever, save and except only for the following, to wit:

1. Ad valorem taxes or assessments for 2003, and subsequent years.

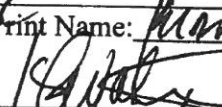
2. All applicable zoning ordinances and other conditions, restrictions and prohibitions imposed by any governmental authority.
3. All conditions, restrictions, limitations and easements of record, if any, provided, however that this reference shall not serve to reimpose same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed as of the day and year first above written.

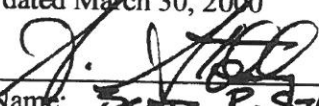
Signed, sealed and delivered
in the presence of:

GRANTOR:

WITNESSES:

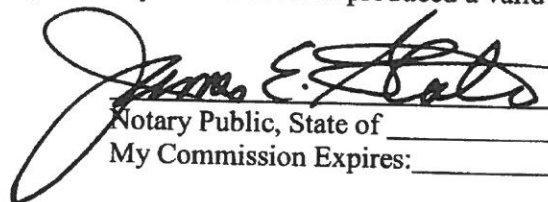

Print Name: Marc T. Summer

Print Name: Keith R. Waters

LINCOLN-WINTER PARK TRUSTEE,
INC., as Trustee of the 250 Park Avenue
Trust, dated March 30, 2000

By: 
Print Name: Scott R. Stanley
Title: PRESIDENT

STATE OF FLORIDA)
) SS:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 15th day of August, 2003 by SCOTT R. STANLEY, as PRESIDENT of Lincoln-Winter Park Trustee, Inc., a Florida corporation, as Trustee of the 250 Park Avenue Trust, dated March 30, 2000, on behalf of such corporation. S/He is personally known to be or produced a valid driver's license as identification.


Notary Public, State of _____
My Commission Expires: _____

JAMES E. SLATER
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD020603
EXPIRES 7/5/2008
BONDED THRU 1-888-NOTARY1

EXHIBIT "A"

Legal Description

Parcel One:

The North 100 feet of Lot 12, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

Parcel Two:

Lot 2, LESS the East 33 feet and LESS the South 10 feet thereof, Lots 3 and 4, LESS the South 10 feet thereof, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Plat Book B, Pages 86 and 87, Miscellaneous Book 3, Page 320, Public Records of Orange County, Florida.

AND

All of Lot 5, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, LESS: the South 10 feet for street right-of-way.

AND

Lot 10, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

AND

The North 17½ feet of Lot 11, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

AND

The South 7½ feet of Lot 11, and the North 10 feet of Lot 12, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

AND

The South 15 feet of Lot 12, ALL of Lots 13, 14 and 15 of Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

AND

Lot 16, LESS the West 40 feet and Lot 17, Less the East 14 feet, and LESS the North 10 feet of Lots, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

PARCEL THREE:

The West 40 feet of Lot 16, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, and located at the Northeast corner of Center Street and the East New England Avenue in said City of Winter Park; LESS the North 10 feet for alley.

PARCEL FOUR:

Lot 9 and the East 20 feet of Lot 10, LESS the South 3 feet thereof (for alley), Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida.

AND

The West 25 feet of Lot 10 (LESS the South 3 feet for alley); and all of Lot 11 (LESS the South 3 feet for alley); all being in Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Plat Book B, Pages 86 and 87, and Miscellaneous Book 3, Page 220, Public Records of Orange County, Florida.

PARCELS ONE, TWO, THREE and FOUR BEING MORE PARTICULARLY DESCRIBED AS TRACTS 1, 2, 3 and 4:

TRACT 1:

A portion of Lots 2, 3, 4 and 5, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 5; run thence East along the North line of said Block 39, a distance of 172.00 feet; thence South $00^{\circ}53'59''$ West, a distance of 113.00 feet; thence West along a line 10.00 feet North of and parallel to the South line of said Lots 2, 3, 4 and 5, a distance of 172.00 feet to a point on the West line of said Lot 5; thence North $00^{\circ}53'59''$ East along said West line, a distance of 113.00 feet to the Point of Beginning.

TRACT 2:

Lots 10 through 15, inclusive, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northwest corner of said Lot 10; run thence East along the North line of said Lot 10, a distance of 138.00 feet to the Northeast corner of said Lot 10; thence South $00^{\circ}53'59''$ West along the East line of said Lots 10 through 15, inclusive, a distance of 155.00 feet to the Southeast corner of said Lot 15; thence West along the South line of said Lot 15, a distance of 138.00 feet to the Southwest corner of said Lot 15; thence North $00^{\circ}53'59''$ East along the West line of said Lots 10 through 15, inclusive, a distance of 155.00 feet to the Point of Beginning.

TRACT 3:

A portion of Lots 16 and 17, Block 39, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of said Lot 16; run thence North $00^{\circ}53'59''$ East along the West line of said Lot 16, a distance of 113.00 feet; thence East along a line 10.00 feet South of and parallel to the North line of said Lots 16 and 17, a distance of 91.00 feet; thence South $00^{\circ}53'59''$ West, a distance of 113.00 feet to a point on the South line of said Lot 17; thence West along the South line of said Lots 16 and 17, a distance of 91.00 feet to the Point of Beginning.

TRACT 4:

A portion of Lots 9, 10, 11 and 12, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, according to the plat thereof as recorded in Plat Book A, Pages 67 to 72, inclusive, Public Records of Orange County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Lot 9; run thence South 00°05'10" West along the East line of said Lot 9, a distance of 142.00 feet; thence West along a line 3.00 feet North of and parallel to the South line of said Lots 9, 10 and 11, a distance of 158.00 feet to a point on the West line of said Lot 11; thence North 00°05'10" East, along said West line, a distance of 42.00 feet; thence West, a distance of 42.00 feet to a point on the West line of said Lot 12; thence North 00°05'10" East, along the West line of said Lot 12, a distance of 100.00 feet to the Northwest corner of said Lot 12; thence East along the North line of said Lots 9, 10, 11 and 12, a distance of 200.00 feet to the Point of Beginning.

TOGETHER WITH:

PARCEL FIVE:

Easement rights appurtenant to Parcels One, Two, Three and Four above, pursuant to Cross-Easement Agreement recorded July 19, 1995, in Official Records Book 4918, Page 1256, Public Records of Orange County, Florida.



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

Detail by Entity Name

Florida Limited Liability Company
BFC PARK AVENUE, LLC

Filing Information

Document Number	L08000100151
FEI/EIN Number	59-1225442
Date Filed	10/24/2008
Effective Date	07/17/2003
State	FL
Status	ACTIVE
Last Event	CONVERSION
Event Date Filed	10/24/2008
Event Effective Date	NONE

Principal Address

250 S Park Ave
B10
WINTER PARK, FL 32789

Changed: 03/25/2021

Mailing Address

P.O. BOX 3010
WINTER PARK, FL 32790

Changed: 03/11/2009

Registered Agent Name & Address

BATTAGLIA, R.E.
250 S Park Ave
B10
WINTER PARK, FL 32789

Name Changed: 06/08/2023

Address Changed: 03/25/2021

Authorized Person(s) Detail

Name & Address

Title MGRM

BFC INVESTMENT CORP.
P.O. BOX 3010
WINTER PARK, FL 32790

Title P, T

BATTAGLIA, R.E.
P.O. BOX 3010
WINTER PARK, FL 32790

Title ExecVP, S

Butts, A. B.
P.O. BOX 3010
WINTER PARK, FL 32790

Title Sr.VP, Asst.S

Kest, B. B.
P.O. BOX 3010
WINTER PARK, FL 32790

Annual Reports

Report Year	Filed Date
2023	03/20/2023
2023	06/08/2023
2024	03/25/2024

Document Images

03/25/2024 -- ANNUAL REPORT	View image in PDF format
06/08/2023 -- AMENDED ANNUAL REPORT	View image in PDF format
03/20/2023 -- ANNUAL REPORT	View image in PDF format
03/25/2022 -- ANNUAL REPORT	View image in PDF format
03/25/2021 -- ANNUAL REPORT	View image in PDF format
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03/19/2019 -- ANNUAL REPORT	View image in PDF format
04/05/2018 -- ANNUAL REPORT	View image in PDF format
03/28/2017 -- ANNUAL REPORT	View image in PDF format
04/13/2016 -- ANNUAL REPORT	View image in PDF format
04/07/2015 -- ANNUAL REPORT	View image in PDF format
04/09/2014 -- ANNUAL REPORT	View image in PDF format
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04/07/2011 -- ANNUAL REPORT	View image in PDF format
02/18/2010 -- ANNUAL REPORT	View image in PDF format
03/11/2009 -- ANNUAL REPORT	View image in PDF format
10/24/2008 -- Florida Limited Liability	View image in PDF format

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Florida Department of State - Division of Corporations

FACT SHEET

September 5, 2024.

Case No: PM-24-0035

Respondents:

AVA MediterrAegean
290 South Park Ave.
Winter Park, FL 32789

1. Address where violation exists: **290 S. Park Avenue, Winter Park, FL 32789**
2. Parcel I.D. No.: **05-22-30-9400-39-100**
3. Property Zone: **C-2**
4. Inspection(s): **03/07/2024, 03/25/2024, 04/15/2024, 04/29/2024, 05/13/2024, 05/15/2024, 05/17/2024, 06/10/2024, 06/20/2024, 07/12/2024, 07/19/2024, 07/29/2024, 08/02/2024, 08/20/2024.**
5. Notice of Violation and Notice of Hearing were mailed regular, certified mail and posted on the property and at 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 DESCRIPTION: Illegal dumping of trash and solid waste along city property on center street outside of the designated waste pro containers.	CORRECTIVE ACTION REQUIRED: Cease the illegal dumping of trash and solid waste along center street immediately. All trash shall be disposed on the designated containers provided by waste pro.	CODES CITED: Chapter 82 - Solid Waste; Section 82-7 – Prohibited Acts, (a), (1), (2) and (3) of the City of Winter Park Code of Ordinances
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CITY OF WINTER PARK
SAFETY & CODE COMPLIANCE
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
(407) 599-3600

CASE NO.: **PM-24-0035**

City of Winter Park
Petitioner,

vs.

AVA MEDITERRAEGEAN
290 S. PARK AVE.
WINTER PARK, FL 32789
Respondents,

AFFIDAVIT OF POSTING

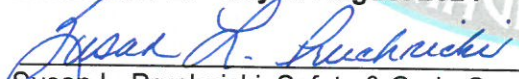
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Susan Pruchnicki, Safety & Code Compliance Coordinator 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 Hearing, scheduled for September 5, 2024, at City Hall for the property located at 290 S. PARK AVE. on this **29th day of August 2024**.
3. That the attached picture document is proof of the posting.

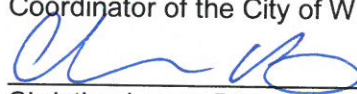
FURTHER AFFIANT SAYETH NOT

DATED this **29th day of August 2024**


Susan L. Pruchnicki, Safety & Code Compliance Coordinator

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **29th day of August 2024**, by Susan Pruchnicki, who is personally known to me as a Safety & Code Compliance Coordinator of the City of Winter Park.


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



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Delivered, Left with Individual

WINTER PARK, FL 32789
August 1, 2024, 10:46 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

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Feedback

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

Case No: PM-24-0035

CITY OF WINTER PARK,

Petitioner,

vs.

AVA MEDITERRAEGEAN
290 S. PARK AVE.
WINTER PARK, FL 32789
Respondents.

**AMENDED 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 5, 2024
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. Violations of City Code Chapter/Section: **Chapter 82 - Solid Waste; Section 82-7 – Prohibited Acts, (a), (1), (2) and (3) of the City of Winter Park Code of Ordinances**
2. Address where violation(s) exists: **290 S. Park Ave., Winter Park, FL 32789.**
3. Parcel I.D. No.: **05-22-30-9400-39-100**

4. Property Zone: **C-2**
5. Legal Description: **TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220 LOTS 10 THROUGH 15 BLK 39 SEE 5974/0117**
6. Names and address of owner/person in charge of location where violation exists: **Ava MediterrAegean – 290 S. Park Ave., Winter Park, FL 32789**
7. Description of Violations: **ILLEGAL DUMPING OF TRASH AND SOLID WASTE ALONG CITY PROPERTY ON CENTER STREET OUTSIDE OF THE DESIGNATED WASTE PRO CONTAINERS.**
8. Compliance Requirements: **CEASE THE ILLEGAL DUMPING OF TRASH AND SOLID WASTE ALONG CENTER STREET IMMEDIATELY. ALL TRASH SHALL BE DISPOSED ON THE DESIGNATED CONTAINERS PROVIDED BY WASTE PRO.**

Compliance Date to avoid hearing: **Immediately**

Unless Respondent(s) corrects the violation described herein by the date set forth above and contacts the undersigned Code Inspector to verify compliance with City Code/Sections 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 Compliance Board, on **September 5, 2024, at 3 p.m.**, at 401 S Park Avenue, Winter Park, FL, 2nd Floor (Commissioner's 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 ORANGE COUNTY 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. It is the sole responsibility of the appealing party 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 hearing, it is your responsibility to contact the Code Compliance Division. **PLEASE GOVERN YOURSELF ACCORDINGLY.**

Dated this: 26th day of July 2024

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been furnished by certified and regular mail to: **AVA MEDITERRAEGEAN, 290 S. PARK AVE., WINTER PARK, FL 32789**

Certified Mail: 9171 9690 0935 0313 3102 13


Christina Busch
Code Compliance Officer

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

CODES CITED

Chapter 82 - SOLID WASTE

Sec. 82-7. - Prohibited acts.

(a) It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:

(1) To dispose of solid waste or recovered materials except as provided in this chapter or fail to comply with a provision of a federal, state, or local law, statute, ordinance, resolution, rule, regulation or policy.

(2) To place, throw, or abandon any solid waste or recovered materials in or upon any public street, sidewalk, right-of-way, alleyway, or other public place in the city, or any stream, ditch, river, pond, creek, or other body of water.

(3) To place or throw solid waste or recovered materials on private property, whether owned by such person or not, within the city, except in proper containers for collection or under express approval granted by the city manager or his designee.

(b) The city incorporates the provisions of F.S. § 403.413, the Florida Litter Law, as part of this section, and violations of said law may be subject to the enforcement provisions of this section.

(Ord. No. 3055-16, § 2, 11-28-16; Ord. No. 3230-22, § 3, 1-12-22)

cc: BFC PARK AVENUE, LLC
Register Agent:
BATTAGLIA, R.E.
250 S. Park Ave. B10
WINTER PARK, FL 32789

Amanda Hessein, Esq.
Rutledge Ecenia, P.A.
119 S. Monroe Street, Suite 202
Tallahassee, FL 32301
850-681-6788

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Latest Update

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Delivered, Left with Individual

WINTER PARK, FL 32789

March 18, 2024, 11:16 am

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[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

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Product Information



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OFFICIAL NOTICE OF VIOLATION

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

DATE: **March 12, 2024**

CASE # **PM- 24-0035**

CERTIFIED TRACKING NUMBER: **9171 9690 0935 0313 3042 50**

You are hereby notified that the below stated property has been inspected and found to be in violation of **Chapter 82 - Solid Waste; Section 82-7 – Prohibited Acts, (a), (1), (2) and (3) of the City of Winter Park Code of Ordinances.**

ZONING/OTHER CITY ORDINANCES

On **March 8, 2024** a Violation(s) was observed on your property. The violation(s) must be corrected by **Immediately**. 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: **C-2**
Parcel ID#: **05-22-30-9400-39-100**
Violation: **290 S. PARK AVE.**
Location/Address: **WINTER PARK, FLORIDA 32789**
Property Owner/ Tenant: **AVA MEDITERRAEGEAN**
Mailing Address: **290 S. PARK AVE.**
City/ State/ Zip: **WINTER PARK, FL 32789**
Description of Violation: **ILLEGAL DUMPING OF TRASH AND SOLID WASTE ALONG CITY PROPERTY ON CENTER STREET OUTSIDE OF THE DESIGNATED WASTE PRO CONTAINERS.**
Corrective action to be taken: **CEASE THE ILLEGAL DUMPING OF TRASH AND SOLID WASTE ALONG CENTER STREET IMMEDIATELY. ALL TRASH SHALL BE DISPOSED ON THE DESIGNATED CONTAINERS PROVIDED BY WASTE PRO. CONTACT THE SAFETY & CODE COMPLIANCE MANAGER WITH YOUR INTENTIONS.**

Officer Name: Busch, Christina – 407-599-3382
cbusch@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.

Chapter 82 - SOLID WASTE

Sec. 82-7. - Prohibited acts.

(a)

It shall be unlawful and an offense against the city for any unauthorized person, entity or corporation to do any of the following:

(1)

To dispose of solid waste or recovered materials except as provided in this chapter or fail to comply with a provision of a federal, state, or local law, statute, ordinance, resolution, rule, regulation or policy.

(2)

To place, throw, or abandon any solid waste or recovered materials in or upon any public street, sidewalk, right-of-way, alleyway, or other public place in the city, or any stream, ditch, river, pond, creek, or other body of water.

(3)

To place or throw solid waste or recovered materials on private property, whether owned by such person or not, within the city, except in proper containers for collection or under express approval granted by the city manager or his designee.(b)

The city incorporates the provisions of F.S. § 403.413, the Florida Litter Law, as part of this section, and violations of said law may be subject to the enforcement provisions of this section.

(Ord. No. [3055-16](#), § 2, 11-28-16; [Ord. No. 3230-22](#), § 3, 1-12-22)

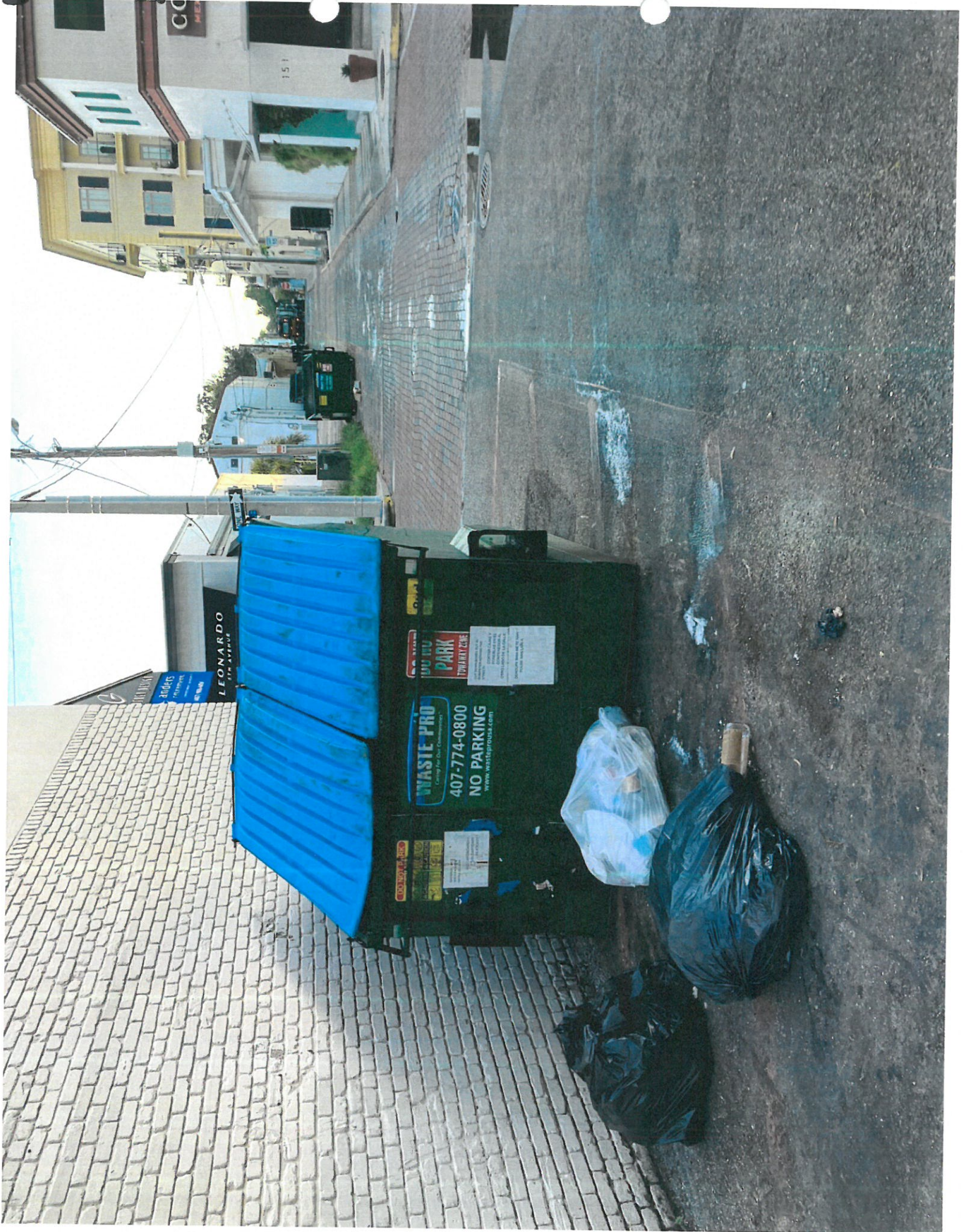
8-20-24



8-20-24



B-2-24



7-29-24



7-19-24



7-12-24



0-10-24



C0-20-24



5-17-24



5-15-24



6-13-24



4-29-24



4-15-24



3-25-24



3-7-24





Code Compliance Board

agenda item 7.a

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by**

Susanne Porras, Code Compliance
Manager

subject

CCB# - LDC-23-0300 221 Holt Avenue, Unit 5, Winter Park, FL 32789 (Short-Term Rental)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 7.b

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by**

Susanne Porras, Code Compliance
Manager

subject

CCB# - LDC-23-0373 221 Holt Avenue, Unit 2, Winter Park, FL 32789 (Short-Term Rental)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 7.c

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by**

Susanne Porras, Code Compliance
Manager

subject

CCB# - LDC-24-0051 221 Holt Avenue, Unit 4, Winter Park, FL 32789 (Short-Term Rental)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 7.d

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by****subject**

CCB# - LDC-24-0039 961 Bonita Drive, Winter Park, FL 32789 (Short-Term Rental)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 7.e

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by**

Susanne Porras, Code Compliance
Manager

subject

CCB# - LDC-24-0087 767 McIntyre Avenue, Winter Park, FL 32789 (Short-Term Rental)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 7.f

item type

Staff Updates

meeting date

September 5, 2024

prepared by**approved by****subject**

LDC-24-0142 2218 Whitehall Drive, Winter Park, FL 32792 (Boats/Trailers/Recreational Vehicles)

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None



Code Compliance Board

agenda item 8.a

item type

City Attorney Reports

meeting date

September 5, 2024

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance
Manager

subject

1260 Whitesell Drive, Winter Park, FL 32789 - Foreclosure Update

motion | recommendation**background****alternatives | other considerations****fiscal impact****attachments**

None