



Code Compliance Board Regular Meeting

Agenda

January 8, 2026 @ 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**
- 2. Swearing in of Witnesses**
- 3. Consent Agenda**
 - a. Minutes of December 4, 2025 3 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# N-25-0010 455 Huntington Ave., Winter Park, FL 32789 10 Minutes
 - b. Motion for Foreclosure Proceedings - 2661 Via Tuscany, Winter Park, FL 32789
- 6. Non-Action Items**
- 7. Staff Updates**
 - a. None
- 8. City Attorney Reports**
- 9. Board Comments**
- 10. Upcoming Agenda Items**
 - a. LDC-25-0465 2218 Whitehall Dr., Winter Park, FL 32792 1 Minute
 - b. BLDG-25-0024 508 Brechin Dr., Winter Park, FL 32792 1 Minute
 - c. PM-25-0186 508 Brechin Dr., Winter Park, FL 32792 1 Minute
- 11. Adjournment**



Code Compliance Board

agenda item 3.a

item type

Consent Agenda

meeting date

January 8, 2026

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance
Manager

subject

Minutes of December 4, 2025

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

1. CCB120425 DRAFT MINUTES



Code Compliance Board Regular Meeting Minutes

December 4, 2025, at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Doug Bond, Steve Heller, Wayne Johnson, Paul Mandelkern, Carlos Diez-Arguelles, Melissa Blaney

Absent:

Kristen Matt

Legal Representative for the City:

Assistant City Attorney Richard Geller

Staff Present

Building Official Gary Hiatt, Code Compliance Division Manager Susanne Porras, Parks Services Manager Josh Nye, Urban Forestry Superintendent Jordan Hinrichsen, Code Compliance Officer Christina Busch, Code Compliance Officer Phillip Wade, Code Compliance Officer Cristopher Gomez, Board Secretary Susan Pruchnicki

1. Call to Order

- a. Roll Call
- b. Board Chair Wayne Johnson welcomed everyone and provided guidelines for all to follow during the meeting. He then read the Statement of Purpose.

2. Swearing in of Witnesses

Witnesses were sworn in by Board Secretary Susan Pruchnicki

3. Consent Agenda

- a. Approve the Regular Meeting minutes from November 6, 2025

Board Member Paul Mandelkern made a motion to make one correction to the minutes as presented. Board Member Steve Heller seconded.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed 6-0.

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.)

a. CCB# PM-25-0117 920 Carver St., Winter Park, FL 32789

Code Compliance Officer Phillip Wade introduced himself and presented proof of ownership of the property per the Orange County official records. He stated that the property was brought to the city's attention by a resident who filed a complaint by phone.

The Notice of Violation and the Notice of Hearing were issued via regular and certified mail and posted on the property and at City Hall to meet Florida Statute 162 due process requirements.

CODES CITED: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code); Sec. 302.1 Sanitation & Storage of Materials; Sec. 302.7 Dilapidated Fences of the City of Winter Park Property Maintenance Code.

VIOLATION DESCRIPTION: Unsightly discarded articles of trash, debris, coolers, tables, bucket, storage container, pot, tires, and broken sports equipment stored in the front yard of the property. Dilapidated wood fence surrounding the property is not structurally sound, leaning, missing panels and is in need of repairs.

COMPLIANCE REQUIREMENT: Remove unsightly discarded articles from the front yard. Remove, repair and or replace the dilapidated wood fencing. Apply for a fence permit by contacting the City of Winter Park Building and Permitting Department.

Officer Wade certified that all photographic evidence provided is a true and accurate representation of the property.

The initial inspection was conducted on August 7, 2025, where he observed the dilapidated, not structurally sound fence surrounding the property which was leaning and missing panels. Follow-up inspections were conducted on August 12, 2025, where no changes were observed, and on September 20, 2025, where a portion of the fence panel been removed, but the rest remained dilapidated. A Notice of Violation was posted on the property on September 23, 2025.

Follow-up inspections were conducted on October 9, and October 14, 2025; no changes were observed. During a follow-up inspection conducted on October 23, 2025, unsightly, discarded articles consisting of coolers, a table, buckets, tires, broken sports equipment, and other trash and debris were observed in the front yard.

A follow-up inspection was conducted on October 31, 2025. There was no change to the fence. On November 10, 2025, a follow-up inspection found no changes. On November 11, 2025, an Amended Notice of Violation and a Notice of Hearing was posted on the property.

A follow-up inspection was conducted on November 17, 2025. No changes to the fence were observed, but some of the unsightly discarded articles had been removed from the front yard. On November 19, 2025, a second Amended Notice of Violation and a second Amended Notice of Hearing was posted on the property.

A follow-up inspection conducted on December 3, 2025, found no improvements to the fence and discarded items still stored in the front yard. A follow-up inspection conducted on December 4, 2025, found the front gate panel and a portion of the rear fence was removed but portions of the fence were still leaning, with panels remaining broken or missing, and unsightly articles were still being stored in the front yard.

Wayne Johnson asked Officer Wade about a photo from the December 4, 2025, inspection, specifically if the photo showed a new fence panel. Officer Wade responded that the panel was just leaning against the existing fence, and that the Respondent was told that he needed to apply for a permit before completing any work.

Public Comment

Mr. Daniel Edwards of 920 Carver St., Winter Park, FL 32789 approached the podium and identified himself as the son of the Respondent and caretaker of the property. Mr. Edwards stated that money to make the repairs was an issue, as well as time to come into compliance as he works three jobs. He informed the Board that he removed some trees prior to the hearing that were not on his property but were leaning over his property, making it look worse than it was. He stated that the trees were the cause of the damage to the fence.

Mr. Edwards agreed with Officer Wade that the property is an eyesore, and he is working to make the necessary improvements. He questioned the number of citations issued, and if there was something personal behind them. He apologized, stating he was a black man in America who is trying to Live and make a difference.

Mr. Johnson acknowledged the two new fence panels in the photo evidence provided. Mr. Edwards stated there were five new panels, and that he fixed the front of the fence. He stated that he did not know that he had to apply for a permit to make repairs but would do so while he was at City Hall.

Mr. Johnson asked Mr. Edwards how long he thought it would take to install the fence panels once his permit was issued. Mr. Edwards replied about two weeks. Mr. Johnson then noted that the regulations state that unsightly articles could not remain on the property for more than five days, and asked Mr. Edwards if he could clean them up within five days. Mr. Edwards stated he would work on cleaning up today.

Board Member Steve Heller asked if a permit was required to make repairs to the fence. Building Official Gary Hiatt responded that a permit is required to replace panels and cautioned that the entire fence needs to be addressed, not necessarily individual panels. In that process, Mr. Edwards would need a copy of a survey to show where the fence is, and the Zoning Department will approve the height and location. Mr. Hiatt noted that any of the Permit Techs would be happy to help Mr. Edwards with the process.

Board Discussion

Mr. Johnson stated that in the past the Board has given time to apply for a permit and then time after the permit is approved to get the work done. Mr. Heller agreed, noting that Mr. Edwards was making an effort and has been given the parameters.

Board Member Doug Bond asked Mr. Edwards if he had a survey of the property. Mr. Edwards responded he did not and asked what steps he needed to take to get one. Gary Hiatt responded, suggesting that when he went to the Permitting Office to ask someone in the Zoning Department what they would be willing to accept, if they would let him draw something or if they have a survey or something of that nature. Mr. Johnson added that this was to make sure that the fence is not being installed on the neighbor's property.

Mr. Johnson referred to the Staff Recommended Motion and recommended that it be divided to address the separate violations, then made the following motion:

From the evidence presented today, I move to find the Respondent, Mary Alice Edwards Estate, Code Compliance Board Case #PM-25-0117, owner of 920 Carver Street, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code), 302.1 Sanitation & Storage Of Materials, 302.7 Dilapidated Fences of the International Property Maintenance Code.

The Respondent has been properly notified per regular and certified mail and posting to satisfy Florida Statutes Chapter 162 and City Code Section 2-109 due process requirements.

The respondent is ordered to remove unsightly discarded articles from the front yard within five days of the hearing. The Respondent is also ordered to remove, repair and or replace the dilapidated wood fencing. Apply for a fence permit by contacting the City of Winter Park Building and Permitting Department within 14 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 Code Compliance Officer and provide documentation of action taken within five days of the completion of any fencing work.

Board Member Paul Mandelkern amended the motion, adding the paragraph stating the proper notice was given. Board Member Melissa Blaney seconded the amended motion.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 6-0.

Mr. Johnson confirmed with Mr. Edwards that he understood what he needed to do, noting that if everything was done within the timeframes granted in the order, no fines would be imposed, but fines could be imposed if not. Mr. Edwards stated that he understood and would get everything done then thanked the Board.

b) CCB PM-24-0165 2245 Howard Dr., Winter Park, FL 32789

Officer Christina Busch approached the podium and identified herself and presented proof of ownership of the property per Orange County official records. She stated the case was brought to Code Compliance by the City of Winter Park Building Official, Gary Hiatt.

CODES CITED:

Chapter 22, Sections 22-176 (adopting the IPMC Code, 2021 edition), 22-177 (amending 2021 IPMC Code); Sec. 202 Nuisance (18), and (21); Sec. 304 Exterior Structure; Sec. 304.1 General and Sec. 304.1.1 Unsafe Conditions, (8) Roofing and Roofing Components of the City of Winter Park Property Maintenance Code.

The Notice of Violation and Notice of Hearing were issued via regular and certified mail and posted at the property and City Hall to meet Florida Statutes Chapter 162 and City Code Section 2-109 due process requirements.

VIOLATION DESCRIPTION:

Unightly torn tarp covered in mold and mildew being held down with concrete pavers on top of the roof of the building visible from the public right-of-way and adjacent neighboring properties. The roofing structure on the building has been compromised and is in need of repairs to support all nominal loads.

CORRECTIVE ACTION REQUIRED:

Remove all unsightly articles from the premises, make all necessary repairs to the roof structure, contact the City of Winter Park Building Department to obtain all required permits. All repairs shall be done according to current building standards and by a licensed contractor.

Officer Busch certified that all photographic evidence provided is a true and accurate representation of the property.

The initial inspection was conducted on October 11, 2024, confirming the unsightly tarp being held down by concrete pavers and the roofing structure on the back of the house falling. The Notice of Violation was posted on the property October 16, 2024.

A follow-up inspection was conducted on October 23, 2024. The damaged tarp had been removed, but no change to the roofing structure or the pavers was made. Follow-up inspections conducted on December 9, December 18, and December 26, 2024, and January 3, January 17, February 4, February 14, March 4, March 18, April 2, April 23, May 9, May 21, 2025, found no changes.

A follow-up inspection conducted on June 13, 2025, found that an additional tarp had been added to the roofing structure on top of the existing tarp with pavers to hold it down, but no change in the roofing structure was witnessed.

Follow-up inspections conducted on June 26, July 8, August 27, October 3, and November 3, 2025, found no changes. A follow-up inspection conducted on November 14, 2025, found the tarp had been secured on the south side of the property, but not the back, possibly due to the damage there. The pavers had been removed. On November 19, 2025, the Notice of Hearing was posted on the property.

A follow-up inspection on December 4, 2025, found the tarp on the back slightly secured, however, there was no change to the roofing structure.

Officer Busch stated that she has been working with the property owner for a while due to financial constraints and provided links to Orange County financial aid to assist the owner. Because of the constraints, but due to the severity of the roof damage, the property is unsafe for human habitation.

Mr. Johnson asked Officer Busch if there were any current permits; she responded no.

Mr. Mandelkern asked if it would be fair to say that during all of the follow-up inspections no progress had been made in repairing the roof. Officer Busch replied that no progress was made in repairing the roof, but progress was made by removing the pavers and securing the new tarp.

Mr. Johnson asked if the house was habitable. Gary Hiatt responded that the city has not had access to the inside of the property to make that determination; it has not been posted as unfit. Mr. Johnson wished to determine if a roofing permit or a demolition permit would be required. Mr. Hiatt replied that the city does not know the magnitude of the damage and if there are leaks or anything else that may have caused greater damage than in the overhang areas.

Melissa Blaney referenced the emails between Officer Busch and the Respondent, noting the last one from May, and asked if there had been any movement on it. Officer Busch replied that she has been in contact by phone with the owner, and he states that he is trying to get someone to repair the roof, but with the financial constraints it has been hard to find someone.

Doug Bond asked Mr. Hiatt how long the permit would usually take. Mr. Hiatt responded that for the roof alone, roof coverings, is a matter of three to five days, that those go very quickly. In this case, without knowing if there is structural damage and if the overhangs are all that need repair, or if there is damage inside, further under the tarps. He added the city could determine this with an inspection.

Ms. Blaney confirmed with Officer Busch that she can only see what is not covered by the tarp; Officer Busch replied yes. Ms. Blaney questioned if Officer Busch was assuming that the property only needs to be re-roofed. Officer Busch responded that it would come down to what the Building Department determined. Officer Porrás supported Officer Busch's response, that if the owner grants access to the structure then a better inspection can be conducted of the interior. Mr. Hiatt added that at this point the city is relying on the owner to have the assessment done and if there is structural damage to have that work scope included in the roofing permit.

PUBLIC COMMENT

Steve Otte of 2245 Howard Dr., Winter Park, FL 32789 approached the podium and identified himself as the owner of the property. He stated that Officer Busch gave a good description of the situation, conditions, and such. He apologized for the length of time this case has been dragging out, but it had been a burden because he lacked resources to make the repairs correctly. He explained that a series of things have happened to him over the past year, creating a perfect storm scenario. He stated that his 94-year-old mother has suffered a lot of debilitating medical conditions over that last 12-18 months that required him to be a part-time caretaker, and that he had his own health issues which has hindered him from performing at 100%. He stated that he has also had to make repairs to vehicles and appliances, further hindering his ability to address the roof repairs.

Mr. Otte acknowledged the possible resources that Officer Busch provided, and that he applied to Rebuild Together of Central Florida and left voicemails but has not received a response. He stated that he looked for other resources, but several were specifically for the City of Orlando, so he was not eligible. He stated that he also spoke with neighbors and friends to find another way. He stated that originally he hoped to make the repairs himself, that he purchased some lumber and with his brother's help planned to fix the roof. He stated that he ran into several roadblocks when trying to obtain a permit, that he was unsure about several items they asked for (valuation, etc.). He stated he tried to get help but got mixed responses – one told him he could not do the work himself, that he needed a certified builder, and another person explained that he could fill out the appropriate forms and contact someone if there were things he didn't understand. Mr. Otte stated that he asked Officer Busch if she knew anyone in permitting but recognized that it was a separate department. He stated that he did not have much success going that route and noted this was before he reached out for financial assistance.

Mr. Otte stated that he has recently secured financing through a family member and has been in contact with four roofing contractors who have inspected the damage, which only extends to the eave area of the house. He added that there is no internal damage because of the way the eaves were constructed.

Mr. Johnson interjected, asking Mr. Otte how long it would take him to select a roofer. Mr. Otte stated that he needed to read through the details of each quote to ensure he is making a smart decision. That said, he felt it would be one to two weeks. He stated that it is his intention to get everything done before Christmas, that the contractors are not that busy at this time of year, and the job should be completed in three to four days. He added that he is excited to get the violation resolved. Finally, Mr. Otte recognized the duration of the violation and that the Board could impose fines and asked for leniency to complete the work.

BOARD DISCUSSION

Mr. Johnson stated that this case was similar to the last one presented, and offered the following motion:

From the evidence presented today, I move to find the Respondent, Steven Gregory Severin Otte, Compliance Board Case #PM-24-0165, owner of 2245 Howard Dr., Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IPMC Code, 2021 edition), 22-177 (amending 2021 IPMC Code), Sec. 202 Nuisance (18), and (21); Sec. 304 Exterior Structure; Sec. 304.1 General and Sec. 304.1.1 Unsafe Conditions, (8) Roofing and Roofing Components of the City of Winter Park Property Maintenance Code.

The Respondent has been properly notified per regular and certified mail and posting to satisfy Florida Statutes chapter 162 and City Code section 2-109 due process requirements.

The Respondent is required to remove all unsightly articles from the premises within five days of this hearing date. The Respondent is also required to apply for all required roofing permits within 14 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's Safety & Code Compliance Officer and provide documentation of correction with the roofing issue within five days of completion.

Paul Mandelkern seconded the motion.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 6-0.

Mr. Johnson confirmed with Mr. Otte that he understood the order.

c) CCB#PM-25-0104 1321 Fairview Ave., Winter Park, FL 32789

Officer Porras addressed Mr. Johnson and shared with the Board that the property owner contacted Code Compliance via email and requested more time. She requested that the case be tabled for a future meeting.

Mr. Johnson moved for the case to be tabled until further notice. Mr. Heller seconded.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 6-0.

d) CCB# TRP-2025-0168 125 W. Reading Way, Winter Park, FL 32789

Board Member Steve Heller addressed Mr. Johnson, stating that he was recusing himself from this case because the Respondents are his neighbors and he has discussed the case with them. Mr. Johnson thanked Mr. Heller, and Mr. Heller stepped down from the Dias.

Urban Forestry Superintendent Jordan Hinrichsen approached the podium and identified herself. She noted that this case was an Appeal for the denial of permit TRP-2025-0168 to remove a Live Oak tree. She confirmed the address and zoning for the property.

Ms. Hinrichsen stated that the permit was applied for by the homeowner on September 17, 2025, stating that the tree was too close to the pool area and to the home. The tree was assessed by city staff, and the permit was denied in October as the tree was determined to be in fair health and did not meet the criteria for removal. Ms. Hinrichsen noted to the Board that there was a previous tree removal application and denial when the home was under construction. At the time, the tree was 12" diameter at breast height and requested additionally with two other trees that were permitted at the time.

Ms. Hinrichsen provided a photograph of the Live Oak tree, now 14" diameter at breast height, stating it was assessed by J. J. Rodriguez-Torres, the City Arborist. His field notes stated the roots were solid, there was no root flare, the trunk sounded well, there were no possible voids, the crown was slightly compact due to previous crown competition, there was some mechanical damage on smaller limbs, and the tree appeared to have average foliage and vigor. Ms. Hinrichsen stated that in this case it was reasonable for the tree to have some minimal amount of damage due to construction. She stated that in spite of the efforts made to protect trees during construction they do get dinged.

Ms. Hinrichsen stated that the tree in question is six feet from the pool deck, 12 feet from the pool, and three feet from the house. She recognized that her presentation was missing the criteria for tree removal and apologized to the Board. She went on to explain that according to the city code, things considered for removal are the tree health, structure, location and site, efforts taken to have structures built away from a protected tree, and how reasonable it is to ask for those things. The city also considers other trees on the site and inspects and assesses the tree by qualified staff.

Ms. Hinrichsen provided that the staff recommendation was for the Board to review all apparent factors and uphold the denial.

Mr. Johnson asked about the health of the tree. Ms. Hinrichsen stated that according to field notes this tree has average foliage and vigor, and also the difference in diameter from 2023 to 2025 indicates that the tree is still growing normally. Mr. Johnson asked if Ms. Hinrichsen knew how old the tree was. She answered that there were many factors to consider, but a 14" diameter tree would be 10 or more years old. Mr. Johnson asked if the roots of the tree were causing any damage to the pool deck. Ms. Hinrichsen stated that it is anticipated for trees to get in the way of hardscapes in an urban setting, however, in this case because of the structure of the pool and the hardscape are relatively new, it can be postulated that roots were cut to make room for them so for now they are okay, but it is just a matter of when and depends largely on the distance of the tree from the hardscape, in this case six feet, and the growth of the tree. The Live Oak is a moderate growth tree but does have aggressive roots when it is growing. She offered that the Board had likely seen roots and trunk flares eating the curbs along the streets, but that doesn't happen right away.

Ms. Blaney inquired about a cutoff, what the city deemed as too close to any of the specific structures. Ms. Hinrichsen responded that it depends on the tree and the structure. In this case, she noted that she performed the review for the pool and the pool deck in 2023, so she could not say what her thought process was, but what that would be now is that the hardscape could incur a small amount of damage because they are cheaper to fix than, for instance, the pool itself which is further away from the tree. She stated it really does depend on the tree and the structure, and in this case it was deemed that the tree could stay, and the pool could be installed there.

Mr. Mandelkern asked if the assessment of the tree was performed by Mr. Torres, and if he was a City of Winter Park employee. Ms. Hinrichsen responded that he is the City Arborist and would normally have attended the meeting, but he was otherwise engaged. Mr. Mandelkern asked Ms. Hinrichsen if Mr. Torres was a licensed arborist. Ms. Hinrichsen responded yes that they are all certified through ISA and are also all tree risk assessment certified.

Mr. Bond asked if there was an estimation as to when the tree might start causing problems with the pool, noting that the pool had been there for approximately two years. Ms. Hinrichsen stated that it was something that could be mitigated now with root prunes and barriers, however, if left alone it could be a decade or two. She added it may not do anything to the pool; it might just grow around it. It would depend on what is in the soil in that region.

Mr. Geller stepped to the podium and offered a copy of the actual standard in the code that is supposed to be applied. He projected this information to the display screens for all to view, noting paragraph "C". This was intended for the PowerPoint but was omitted.

Mr. Johnson thanked Mr. Geller noting the information was helpful. Mr. Johnson noted that there was no active damage, and asked Ms. Hinrichsen if she felt there could be mitigation to which she replied yes.

PUBLIC COMMENT

Andrew Carmody approached the podium and stated he was there on behalf of the property owner who was out of the country. He stated they were asking to remove the tree to prevent future potential problems. He stated they were willing to add up to three trees on the property in other locations away from the pool and pool deck. Mr. Carmody stated he was not aware of where the piping for the pool is run underneath and how close that is to the root system that is under the pool deck. He restated that the purpose of removing the tree was to prevent future potential problems such as pulling up the pool deck or root trimming.

Mr. Johnson asked Mr. Carmody if he was involved when the home was originally built. Mr. Carmody responded no. Mr. Johnson confirmed that the request to remove the tree was to prevent future problems, and asked Mr. Carmody if he was aware of any current issues. Mr. Carmody responded that there were some roots on the backside of the tree starting to poke through the surface that were noticed when performing maintenance on the property, so potentially when the pool was installed the roots were addressed at that time. At this point there is no picking up of the pavers on the pool deck, but in a matter of time it will happen. Mr. Johnson asked Mr. Carmody to verify the term "backside", if that was away from the pool. Mr. Carmody replied yes and added that there are Scrub Oaks and a big, beautiful Magnolia that are forcing the growth of the canopy towards the pool, noting this was visible from some of the photos Ms. Hinrichsen presented.

Mr. Bond asked Mr. Carmody if he had any special certifications or licenses. Mr. Carmody responded that he was not an arborist but was a landscaper.

BOARD DISCUSSION

Mr. Johnson appreciated the homeowner offering to plant three trees, but the standard needs to be considered first, and he did not see where they fit under the items. Ms. Blaney offered that in her opinion the city proved that the tree meets the criteria to stay. Mr. Johnson agreed that there was currently no visible damage and that it could be 10 – 20 years before damage occurred. Ms. Blaney asked how much room was between the pool deck and what looked like a wall on the property line, and if there was enough room to plant more trees. Ms. Hinrichsen pointed out to the Board that the photo presented was taken from the east side and then referenced the overhead view of the property and said there is room for planting. She noted there is a tree just east of the tree in question and then wide-open space. She said from the lens of the Urban Forestry Department it is, in this case, better to keep the tree that represents 10 years of growth than to simply replace caliper. The existing tree is closer to giving the ecological services that a mature tree gives. She then offered that the city wasn't necessarily thinking about spacing because they denied it. She reiterated that there is room for planting.

Mr. Diez-Arguelles asked about moving the tree. Ms. Hinrichsen said it is expensive and doesn't always necessarily work depending on the size. Mr. Johnson requested to see the prior photo of the existing tree. He then asked Mr. Carmody if the replacement trees would be like the three other trees in the photo. Mr. Carmody responded that they could plant whatever trees the city required, i.e. a shade tree or an understory tree. He noted there is also room in the front yard away from the driveway where a tree could be added, and that there is sufficient space in the area where the existing tree is, away from the Magnolia and the Oak trees that are behind the tree in question for planting.

Mr. Bond asked Mr. Carmody what his understanding was as to why the homeowner doesn't want the subject tree, if it was intrusion, possibly because of the pool or because it doesn't match the other trees or landscaping. Mr. Carmody replied it was intrusion to the pool, over time. Mr. Bond restated the 10–20-year period that would take. Ms. Blaney offered that damage to the pool deck would be obvious before it reached the pool. If the concern is for the pool itself, because it would be more expensive to repair, any damage would be visible to the pavers and root pruning could be performed. She acknowledged that she is not versed in trees, but it appeared that enough warning would be apparent, even if a couple of pavers popped up. Mr. Bond suggested that the real problem is that the owner is worried about leaves falling into the pool. Ms. Blaney offered that if you have a pool and a tree like this that would be something to contend with for about three months out of the year. Mr. Carmody stated that the leaf fall would still be an issue from the Scrub Oaks and the Magnolia tree, it was not really what they were dealing with.

Ms. Blaney stated that she did not believe the owner provided sufficient reasons for the Board to reverse Urban Forestry's decision. Mr. Diez-Arguelles noted that the photos provided did not allow a view of other existing trees.

Mr. Mandelkern addressed Mr. Geller. He stated that the code says when there is a tree appeal, the appeal must be in writing, stating the grounds for the appeal, and articulate in detail why the decision is incorrect. He then asked Mr. Geller if there was a written appeal. Mr. Geller responded that he did not have one in his agenda packet. Officer Porras asked Ms. Hinrichsen if the owner provided a written appeal. Ms. Hinrichsen replied that historically this was done via email, which was forwarded to Officer Porras.

Mr. Mandelkern stated he was trying to understand the property owner's basis for the appeal, rather than the Board trying to guess what their issue is. Mr. Geller agreed but said he did not receive that email.

Ms. Hinrichsen offered that from what Mr. Carmody had been saying the reason for the appeal is the same as the reason they listed for removal in the application. Mr. Mandelkern asked again if there was a written appeal. Ms. Hinrichsen replied not in writing, adding that when the owner responded there was no written reason.

Melissa Blaney offered the following motion:

From the evidence presented today, I move to uphold the denial of tree removal for the Live Oak (14 inches diameter-at-breast-height) as requested by the Respondents, Gerald Stay and Forrest McCullough, Compliance Board Case #25-003, in accordance with Chapter 58 (Land Development), Article V. (Environmental Protection Regulations), Division 6. (Tree Preservation and Protection). The property owner has not presented sufficient evidence to justify the removal of the tree under Section 58-284 (Tree Removal Permits), of the City of Winter Park Land Development Code.

The Code Compliance Board affirms the decision of the Urban Forestry Division as follows: the respondents are prohibited from removal of the aforementioned tree. Failure to comply with this order will result in a code violation.

Mr. Mandelkern asked Mr. Geller if the motion was sufficient to meet the standard of the city code. He then amended the motion to include that the property owner had not presented sufficient evidence to justify the removal of the tree.

A vote was taken to approve the amendment:

VOTE:

Steve Heller	Recused
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 5-0.

Mr. Diez-Arguelles seconded the amended motion.

VOTE:

Steve Heller	Recused
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 5-0.

DRAFT

e) CCB#TRP-2025-0171 652 Penn Pl., Winter Park, FL 32789

Superintendent Jorden Hinrichsen with Urban Forestry presented a Tree Permit Denial, Appeal #25-0002. Her presentation included confirming the Parcel ID, zoning, and location of the property. She provided an overhead showing the location of the tree in relation to the home, on the east side at the end of a cul-de-sac. The permit application was submitted in September 2025, with the stated reasons being declining health. The owner does want to plant a replacement.

The tree was assessed by staff, and denied October 9, 2025, on the basis of good health and condition. Ms. Hinrichsen added that there was a previous Tree Removal Permit application submitted in June 2025 that was also denied.

Ms. Hinrichsen displayed the criteria for removal for the Board. She stated that the appealed tree was a Southern Magnolia, 20" diameter at breast height. The tree was originally assessed by City Arborist JJ Rodriguez-Torres. According to field notes, Mr. Torres said the roots are solid with no evidence of significant decay at the base, the trunk sounded solid, and some wounds were present on the trunk. Ms. Hinrichsen stated that after the denial in June 2025, the city was told that the tree was pruned so there are newer wounds. At the time of assessment, the crown was of average vigor. She then offered a recommendation to the Board that they review all apparent factors and uphold the denial.

Ms. Blaney asked for a definition of "good wound response". Ms. Hinrichsen responded that when a tree is wounded its growth and earth's growth point are affected. She offered an example of seeing a "donut" around a wound, noting this is one of the walls. Trees have a mechanism that involves preventing decay from going up and down in the vascular system, outward in the vascular system, and through the rays within the wood. The fourth wall is the one visible from the outside where you see the tree growing around the wound to close it. That is what is being referred to in this case, saying that cuts have wind wood growing towards the center, and we also try to look inside the healing wounds for wetness and decay to see if the third wall is active.

Ms. Blaney asked if there was any change in diameter from the June permit, or if it had remained the same. Ms. Hinrichsen replied that it doesn't grow that fast, that in the span of time it would not have been significant. She stated that she did not think to check the original, but that she could look it up.

Mr. Johnson asked if there was any difference in criteria between a Southern Magnolia as opposed to a Live Oak. Ms. Hinrichsen responded no. She referenced that the criteria for a protected tree in the city is the same, including Southern Magnolia, Live Oaks, Sycamore, and Pine. She displayed the criteria again for the Board's information.

Mr. Mandelkern asked if the health of the tree is the only issue, that the owner says the tree is unhealthy and should be removed but the city says it is healthy is the reason for the appeal. Ms. Hinrichsen said she spoke with the owner, and it sounds like there is some landscaping they want to do but she did not go in to detail.

Mr. Johnson asked if the owner provided an arborist report regarding the health of the tree. Ms. Hinrichsen said no that the arborist works for the city, and we have his field notes, but no notes were received from another arborist unless they were included with the permit. She would have to check to verify.

PUBLIC COMMENTS

Andy Swanson with Signature Landscape Contractors approached the podium stating he was there on behalf of property owner Linda Schofield and Joe Knight who is a Landscape Architect in Winter Park. He stated that the reason Mrs. Schofield wanted to ask the Board for their consideration and possibly removing this tree was due to the street canopy trees being tight and there is a wide spread of encroachment toward her home which is creating some shade in her front yard. This has caused the need to replace her yard three times with the need to do so again. Mr. Swanson offered a landscape plan showing front yard improvements to the Board.

Mr. Johnson asked Mr. Swanson how the tree affected the landscaping, if it killed the grass. Mr. Swanson replied that the way the property faces the front that the street trees reach toward the home so there was quite a bit of shade, and the Magnolia tree also provides some shade. As the Magnolia has grown the lower canopies died out due to the shade that exists on her property. He stated their hope was that the Board might consider the plan to relandscape the entire front yard based on the city street trees, on the canopy, and the lot size of the encroachment on her property and consider the removal of the Magnolia tree in her front yard.

Mr. Johnson then asked what replacement trees would be considered. Mr. Swanson stated that no replacement trees were planned for the front yard due to the crowding of the city street trees. Mr. Swanson also stated that there are 15 understory trees in the back yard, and two understory trees in the front yard, one on each side of the property. Mr. Swanson added that the canopy coverage and available planting space on the lot is the basis for the request. He noted that the city trees were Live Oaks, they are great, and they are healthy, and reiterated that they are reaching towards the owner's property. He stated that there is almost a category of overplanting that can happen in landscaping, offering Baldwin Park as an example.

Mr. Johnson asked Mr. Swanson about the plans, if they were as-is, or if they were proposed changes. Mr. Swanson answered proposed, then offered images showing the street trees.

Mr. Johnson asked Ms. Hinrichsen to address the canopy coverage portion of the code. Ms. Hinrichsen displayed an overhead view of the property showing the street trees and noted that usually when Magnolias are being encroached upon by other trees they do not like to be shaded, even though their profile on the IFS website says that they are okay with partial shade. She noted that the crown of the Magnolia was regular all the way around despite there being trees nearby. She said that she would not have thought the trees were near in her opinion. She also stated that she did not know what the trees were because the Magnolia tree itself was in the front and noted some space which was close to the house. She said if none of the other trees were canopy trees then the Magnolia is the only one and has approximately 20 years of growth. Mr. Johnson rephrased his question, asking if the canopy can kill the grass. Ms. Hinrichsen responded yes that it can happen with any tree where there is an urban canopy. She stated that if they could not use that as a basis for allowing removals in Urban Forestry they would have few trees.

Ms. Blaney asked Mr. Swanson if she heard him correctly that the Magnolia tree was not handling the shade well. Mr. Swanson stated that since the Magnolia was planted some of the lower branches have died from the shade. He explained that over time this can happen to any tree that does not get full sun all the way to the base. Ms. Blaney asked Mr. Swanson if he planted the tree, he responded no. Mr. Swanson offered that the property is in an HOA and has an impervious ratio issue for synthetic grass in the city. He stated this is a new code, and that there is new legislation from Governor DeSantis regarding that for municipalities. The owner's HOA does not allow for synthetic grass in the front yard, thus the reason for the appeal as she has replaced the front yard multiple times.

Mr. Swanson stated that the Magnolia tree is barren from eight feet down. His understanding is that the only part of the code that could apply is the canopy coverage for a lot size. Other than that, the code requires that there be a canopy tree in the front yard, but they are dealing with the encroachment of the street canopy trees.

BOARD DISCUSSION

Mr. Heller stated that none of the criteria were met, so this is a decision the Board will have to make on aesthetics to allow the owner to relandscape the yard. He noted that the Board has not been hearing tree appeals very long but based on the city's presentation there is no criteria to allow the removal. He asked if the canopy from the street trees could be trimmed back to allow more light onto the yard. Someone from the gallery responded that trimming has been done. He recognized what the homeowner was trying to do but did not see a reason to allow removal of the Magnolia tree.

Mr. Diez-Arguelles offered that the Live Oak trees on the city right-of-way were not full grown yet and that the one pictured on the left would grow even further. In his opinion, based on the photograph provided, the Live Oak trees would eventually kill the Magnolia tree and did not feel that the Magnolia would be missed if removed.

Ms. Blaney wished clarification if the Magnolia tree was killing the grass or if the Live Oaks were killing it. She stated if the grass was the predominant heartburn, it didn't sound like removing the Magnolia was going to solve that issue. She asked Mr. Swanson what the diameter of the Live Oak on the right side of the property was. Ms. Hinrichsen searched the city's tree inventory and found it was 20" but may have grown since then. Ms. Blaney stated that she didn't feel that removing the Magnolia would solve the issue because the dead grass is well beyond the canopy of the Magnolia tree.

Mr. Johnson asked if the owner, Linda Schofield, was present and sworn in at the beginning of the meeting, and if she wanted to testify. Mr. Johnson confirmed with her that the lawn has been replaced four times. Mr. Geller interjected, asking for Ms. Schofield to step to the podium so that her comments would be on the record. Ms. Schofield was sworn in by the Board Secretary, and identified herself as the owner of 652 Penn Pl., Winter Park, FL 32789. She stated that she has lived in the home for 13 years, and that the front yard had been sodded and re-sodded and needs to be done again. She stated that she had trimmed the Magnolia tree to try to help, and she paid to have the city trees trimmed every year. She stated that they are trimmed really well from the inside, so the light gets through them. She stated that the Magnolia tree had to be trimmed because of the leaf situation causing a hazard on the sidewalk just walking up to the house. The Magnolia shades the grass under it on the left side, and it won't grow despite various efforts made.

Mr. Johnson asked if an arborist report was provided for the Magnolia tree. Ms. Schofield responded that she had an arborist come to her home but didn't know if she had a report. She continued that Ms. Hinrichsen came out when underground lines were being installed and damage was caused to the roots of the Oak tree.

Mr. Johnson stated that he believed there was criteria if Ms. Scholfield had to replace her lawn every three years, however, as Ms. Blaney stated he did not believe that the Magnolia tree was the only cause. Ms. Blaney offered that she was not an arborist or a tree person but recognized that what Mr. Diez-Arguelles pointed out about the other tree growing to be sizeable. Mr. Diez-Arguelles added that he loves landscaping, but in this case there is just too much that there is competition between the trees, and the Oak trees will continue to grow towards the house no matter how much they are trimmed.

Mr. Johnson asked Mr. Diez-Arguelles if he wanted to make a motion. Mr. Diez-Arguelles declined but stated he would allow the Magnolia tree to be removed. Ms. Blaney added that she did not feel that the criteria for removal has been met. Mr. Johnson stated that he understood that but also thought the landscaping that the owner is doing should be considered. Mr. Diez-Arguelles suggested the Board allow the removal on the contingency that Signature does the landscaping as proposed on the plans submitted.

Mr. Johnson suggested tabling the case until Ms. Schofield obtained an arborist report. Mr. Heller stated that the owner was not contending that there was a problem with the tree, that it is healthy. Ms. Blaney asked if there was another location on the property to plant a tree of equivalent quality. Mr. Swanson returned to the podium and said there may be a possibility, referencing the rendered plan, that there is a green space in the backyard on the south side that could allow for the possibility of a canopy tree. Ms. Blaney asked if that was where the existing generator that Ms. Schofield mentioned was going to go, that is next to the pool equipment. Mr. Swanson did not respond.

Mr. Heller stated that he was leaning toward number two of the code because the canopy coverage is extreme and it will continue to grow out. He didn't think there was a lack of canopy coverage, and he understood the Magnolia was a healthy tree, but if the area was barren and there was nothing in the city right-of-way that he would lean towards leaving the Magnolia but with the Live Oaks being in the right-of-way and them continuing to grow he would consider allowing the removal of the Magnolia tree.

Mr. Johnson proposed the following Motion:

From the evidence presented today, I move to allow the removal for the southern Magnolia (20 inches diameter-at-breast height) as requested by the Respondents, Linda Schofield and Forrest McCullough, Compliance Board Case #25-002, in accordance with Chapter 58 (Land Development), Article V. (Environmental Protection Regulations), Division 6. (Tree Preservation and Protection), Section 58-284 {Tree Removal Permits), of the City of Winter Park Land Development Code. I find that number two, canopy coverage under Section 58-284 applies to the tree removal.

The decision of the Urban Forestry Division is reversed.

Motion seconded by Steve Heller.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	No
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	No

Motion passed 4-2.

The Board Chair granted a five-minute break before proceeding with the next agenda item.

Mr. Diez-Arguelles left the meeting at 4:15 pm due to a family emergency.

OTHER BUSINESS

CCB#LDC-24-0336 Atlantic Oasis Trust 1810 Barker Dr., Winter Park, FL 32789

Mr. Joseph Peckham, PLLC of 7025 CR 46A, Suite 1071-333, Lake Mary, FL 32746, representing Atlantic Oasis Trust and its principal trustee, Caitlyn Pyle, approached the podium and identified himself. He noted this was his third appearance in front of the Board.

Mr. Peckham described his motion as a relatively straightforward exercise, to place a status quo ante while the tendency of the appeal proceeds forward. He stated that he felt, to a certain extent, that some of the cases the Board heard earlier in the meeting presents his case in that his client is already facing a fine of \$12,500.00 for effectively how the property is being used. It is otherwise lawful behavior setting aside the dispute that they have with the city over the utilization. There are no allegations of garbage on the lawn, or the property being unsafe, it is simply who is inside the property is the basis for the finding by the Board that they are now appealing. He noted that the order that was issued on November 6, 2025, also provides for a continuing fine for his client being obliged to prove the empty set, to prove that there is nothing going on. That is something of an impossibility on her part. Mr. Peckham stated he was simply asking through their motion that while the appeal is pending that the fine be stayed and also that the continuing accrual also be stayed. He stated this is consistent with the underlying Massey case. The Massey case itself spells out that the homeowner has a significant interest in the fine not being imposed. Without a stay the fines continue to accrue during the pendency of the appeal. Section 162.09, explicitly the state to find imposed percentage part, can continue to accrue until the violator comes into compliance. The continuous accrual of fines may later be determined improper and constitutes an irreparable injury that cannot be adequately remedied after the fact.

Mr. Peckham continued that the Massey case recognizes that the owner has a substantial interest in these fines being stayed while the appeal is pending. He stated this is a straightforward consideration.

Mr. Peckham stated that he noted during another case being considered for substantial property damage that there was no fine imposed and the case was older than his clients'. He felt that in the balance of equity this would be the appropriate, not necessarily remedy, but just position until the case can be heard by the Circuit Court on appeal.

Mr. Bond asked Mr. Peckham if he was asking the Board to allow his client to violate the laws. Mr. Peckham responded it was their position that his client was not in violation of the law. Mr. Bond responded with a question that the fine is only harmful if you violate the law, noting that you only suffer a fine when you violate the law. Mr. Peckham responded that he did not understand Mr. Bond's question. Mr. Bond referred to number nine in Mr. Peckham's motion on page three that your client was going to suffer irreparable harm if the stay is not granted, but basically the harm is only going to be if your client violates the law. If the property is rented for less than 30 days the fines will be imposed.

Mr. Peckham stated that the order provides for a \$500.00 fine continuing daily until his client does something to convince the city that she/the Trust is no longer violating as interpreted by the city. He stated his point was that seeking to prove something is not happening is a near impossibility. He stated that he didn't know what the math was at this point, but that it would be significant as we are now approximately 30 days removed and by the face of the order the Trust technically could be in violation for another \$15,000.00 by the way the Board wrote the order.

Mr. Johnson stated he understood Mr. Peckham's argument but would need the city's response. He agreed that there would be irreparable harm if the city moved to put a lien on the property. Mr. Peckham responded that the city placed a lien on the property four days after the Massey Hearing.

Mr. Mandelkern asked a procedural question. He wanted to know if after the Board heard the city's response, they could ask Mr. Peckham questions. Mr. Johnson replied yes, and asked Mr. Geller for the city's response.

Mr. Geller began by reviewing what the Board's authority is in the situation. He stated that there was a timely appeal of the initial order. He said he received (he believed on Wednesday, December 3, 2025) a Notice of supplementing the Notice of Appeal to include the next order that was entered in November.

Mr. Geller stated the city code, Division 5, Section 2-103 talks about the Board's jurisdiction: "The Code Compliance Board shall have all of the powers and authority of a code enforcement board pursuant to Florida Statutes Chapter 162. Chapter 162 states 'an enforcement board may reduce a fine imposed pursuant to this section.'" If the Board wanted to, they could hold that the imposition of the fines is reduced to zero during the pendency of the appeal. He said that would be the equivalent to staying the fines, and the Board would have some jurisdiction to do that.

Mr. Geller offered the standard for a stay pending appeal. Citing *Lampert-Sacher v. Sacher* (120 So.3d 667) Florida First District Court of Appeals 2013 case, states a stay pending appeal is appropriate when an appellant shows "a likelihood of prevailing on appeal, irreparable harm to move if the motion is not granted or showing that a stay would be in the public interest." Mr. Geller stated that Mr. Peckham had to establish not only irreparable harm but also must establish a likelihood of prevailing on the appeal. Mr. Geller submitted that the movement here, Atlantic Oasis Trust, cannot do so. Mr. Geller said he did not believe that there has been or can be any showing that a stay would be in the public interest. He felt a stay would be contrary to the public interest. It is in the public interest to enforce the short-term rental ordinance to uphold the rule of law in the city, and not to allow defiance of our ordinance, as well as to preserve neighborhood tranquility.

Mr. Geller moved on to the two other items, both of which must be established. Irreparable harm where to the extent that there are monetary fines. He felt it was a longshot if an Appellate Court were to rule in favor of the Trust, certainly the fines can be reversed. He did not think there was irreparable harm in placing a lien on the property according to law. He said the city has very strictly complied with the law in this case.

Addressing the likelihood of prevailing on the merits, Mr. Geller suggested that there is a very, very low possibility of the Trust prevailing on appeal. The Board would have to determine, or the Court of Appeals, which is the Orange County Circuit Court, would have to find that the word "rental" is vague. He submitted that no one on the Board thought that the word "rental" was vague. The Court would have to determine that the ordinance was preempted, reminding the Board that he had a District Court of Appeals decision regarding the Miami 21 code, which was right on point that there was a recodification of a short-term rental prohibition where that provision got moved within Miami 21, just like it got moved in the city code, from (AA) to (Z). The city's short-term rental prohibition has been in the law since February 2010. The preemption statute did not take effect unless there was an ordinance adopted in 2011. There is virtually no chance because of the Miami 21 precedent that the trust will be able to establish on appeal that there is preemption.

Mr. Geller referenced the next statement in the motion referenced that the evidence was insufficient. He thought it highly unlikely that the Court of Appeal would find that you did not make your decisions based on competent, substantial evidence. You had eyewitness testimony from the mother of one of the residents who lives on the street and visited frequently and testified about the continuing short-term rentals even after the Board voted to prohibit them. He noted that the witness testified at both hearings. There was competent substantial evidence of multiple reviews on the Airbnb and VRBO sites showing multiple stays each month, including after the Board entered its order. There was competent, substantial evidence of continuing advertising, which under the Florida Statutes constitutes the property is a vacation rental. Mr. Geller suggested the standard for granting a stay pending appeal cannot be established. The city would ask this Board to deny the motion, and Mr. Peckham will take it up with the Court of Appeal from there.

Mr. Mandelkern asked Mr. Geller if the Board could reduce the fine to zero, would they be allowed to reduce the fine but still deny the stay as to the violation of the city code, or is it all or nothing. Mr. Geller responded that he believed the Board had inherent authority to modify any of its own orders, just like a judge would have that authority. Mr. Mandelkern responded that they aren't modifying an order, but granting a stay, so wanted to clarify if they can stay the fine but not stay the order, or does the Board have to stay both the violation and the fine. Mr. Geller stated the case law says the lower tribunal has enormous discretion as to what it does on a Motion for Stay. He thought if the Board wanted to split the decision it had the authority to do so.

Mr. Mandelkern then asked Mr. Geller if the Board denies the Motion to Stay if the property owner has the right to ask the appellate court, in this case the Circuit Court, to stay the Board order. Mr. Geller said that he was correct, and the rules of appellate procedure required Mr. Peckham to bring this motion to the Board before he is allowed to bring it to the Court of Appeals. Mr. Geller thought Mr. Peckham was "jumping through the hoops" by bringing it to the Board.

Ms. Blaney asked Mr. Geller for clarifications as she is not an attorney. She stated that Mr. Peckham requested the stay to stop the fines from accruing, and Mr. Geller said that it appeared to be part of it. Ms. Blaney asked if an appeal was submitted, can the owner continue to be in violation, which is causing the accrual of fines, so the owner has the ability to stop the accrual of the fine if she were to comply with the order. Mr. Geller said that was correct. Ms. Blaney stated that as long as the violation continues the fine will accrue, confirming that the stay would allow the owner to continue to violate the order. Mr. Geller responded that the request is to stay the original order of October 2, 2025, as well as the Massey order of November 6, 2025, imposing fines and liens.

Mr. Geller stated he recalled sending Mr. Peckham an email answering his question of how his client could show she was no longer in violation, and Mr. Geller provided a litany of ideas such as giving the code officer proof that there were no longer any stays or availabilities on the Airbnb and VRBO websites for less than 30 days. Mr. Geller stated that certainly could be done, that there would be a cessation of advertising for less than 30 days, and he felt that would go a long way. Mr. Geller stated that as of this date, he was told there had been no contact with the city code officer to establish compliance.

Mr. Peckham approached the podium again. He stated that he concurred with Mr. Geller about the broad power of the Code Board to amend its own orders. He took issue with the idea that if you stayed your own order that the city would continue to look into how the property is being used the way it did leading up to the initial violations alleged. He stated that it is not as if the city would be handcuffed in charging future violations, it is simply asking that while the pendency of appeal is ongoing his client does not suffer the chilling effect of a \$500.00 per day fine while she exercises her absolute rights. She does not have to petition for the right to appeal, she has the right to appeal. Mr. Peckham stated that as he pointed out to the Board the equities are pretty substantial, with no disrespect to any of the other cases heard today. The Board heard about garbage on the front lawn, dilapidated fences, and roofs in need of significant repair, and this Board sought not to impose any kind of fines. He stated this case was simply what is otherwise lawful use of a premises, but for the allegation of the 30-day limitation. He stated if the people that his client allows to stay on her property stayed 31 days there is no allegation of any violation whatsoever. He referenced no noise ordinance, no misuse of the property, that his clients' property was pristine, and the only thing she was accused of doing is violating the 30-day violation which they are challenging on two fronts. He noted that Mr. Geller properly identified one, but the other, plain language, is the 2022 City Commission repeal and replace of the ordinance. He explained the definition of repeal, and stated the Commission repealed the underlying ordinance and then replaced it, that it was not recodified or amended, that is, to the finding that is in the municipal code and how the ordinance exists today. He reiterated that this was also plain language, and that all they were asking was that his client be allowed to exercise her recognized rights by both the city's ordinance as well as the statute, and to pursue the appeal without the specter of the accruing fine at a maximum level during the pendency of the appeal. He also stated that there was no effort made to consider a lesser fine, it went right to the maximum when it was imposed.

Mr. Johnson addressed Mr. Peckham's reference to the previous cases heard during the meeting, noting that Mr. Peckham's client could do the easiest thing and just not advertise her property, to pull it off of Airbnb and VRBO and send an email to the city confirming, and the fines would be stopped at that time. Mr. Peckham responded there were two problems with that, assuming the ordinance is valid, and the city's interpretation is valid, which he was not conceding. The first being that his client is still free to advertise on both websites and rent her property for one month or longer; the second is that the calendaring system as he understands it is an all-or-nothing proposition as he understands it. As an example, he offered that when his client is in town that is one of the ways she can block the property when she is actually in her home, like she is now, and so be held accountable for using it as a calendaring system where she might otherwise be lawful, again with the city's interpretation, becomes an impossibility.

Mr. Johnson responded that Mr. Peckham was revisiting the original order. He stated that technically the Board can revisit the decision, but he was not inclined to. He stated it was just how do you stop the fines from accruing, which is what Mr. Peckham brought, and that's the way to stop. Mr. Peckham stated his primary interest before the Board at this hearing was to stop the fines from being an onerous situation for his client while she exercises her right of appeal.

Ms. Blaney addressed Mr. Peckham to confirm that his interest was for his client, that they were exercising her right to appeal, and stated that no one has suggested stopping the appeal. She stated the Board's point of contention was that his client had the ability, because the law currently stands on the books and is considered valid, considering any other person or violation, and also how Officer Busch monitors the listings and determines if a property is rentable for less than 30 days, to send proof of compliance and the fines will stop. Ms. Blaney stated that Mr. Peckham was asking the Board to allow his client to continue current practices. The Board was not saying she couldn't live in or rent her property within the scope of the ordinance; however, she is wanting to go outside of the scope while the appeal is considered.

Mr. Mandelkern asked if the violation were to stop today, then the fine does not continue to accrue. Mr. Geller responded that it was correct.

Mr. Geller asked for the Board's indulgence, that he wanted to read the email that he sent Mr. Peckham that he paraphrased before:

"Your client must submit to the code officer proof that she has set her VRBO, Airbnb, and any other vacation stay platforms for 30-night minimum stays, 28 nights allowed for February. Such documentation should establish that she has not set her minimum stays to change after business hours to less than one month. She can provide documentary proof of open calendar days to rent her house for an entire month, and not for less than one month. She can provide documentation from VRBO and Airbnb that blacked out months do not have reservations for less than one month. She can provide copies of rental agreements showing stays at least 30 nights for those months. The requirement to provide documentation to stop the accrual of fines is reasonable and appropriate in order to avoid or minimize disputes as to when a violator has achieved compliance. Your client can provide documentary proof, and the code officer will evaluate all evidence to her".

Mr. Mandelkern confirmed with Mr. Geller that if the documentary evidence was provided and confirmed that the fines would stop. Mr. Geller responded yes that the fine would cease to accrue. Ms. Blaney added that the fines would not have started if the October order, which provided ample time to correct the listings, had been complied with.

Mr. Bond agreed, stating the owner held the keys, and that he felt Mr. Peckham understood that. He asked Mr. Peckham why a response was not provided to Mr. Geller's email. Mr. Peckham responded that his client was intermittently unavailable because she spends a significant amount of time "glamping" in a RV in National Parks and whatnot, so she is not always in town or available for him to speak to her. Again, he asked the Board to consider the balance of equities, that if they take the position that his client has not complied that another \$15,000.00 in fines is added to the \$12,500.00 accrued after the first order, equaling \$27,500.00, is even close to reasonable compared to the other cases heard today. He submitted it is not that he is simply asking for status quo ante, not the rescission of the old order. He stated that it was obvious the Board was not of a mind to reconsider that when you notice it was not petitioned for. He was simply asking for his client be given an opportunity to exercise her appeal. He added that if the city finds new behaviors that suggest she is in violation, that should be the basis of a new charge.

Mr. Johnson asked Mr. Geller if the criteria for a stay contained the word "or". Mr. Geller read "a stay pending appeal is appropriate when an appellate shows a likelihood of prevailing on appeal and irreparable harm to movement if the motion is not granted, or a showing that a stay would be in the public interest." Mr. Johnson stated his only question was whether the city moved to foreclose on the lien but recognized that the city would need the Board's approval. Mr. Geller responded that the city has come to the Board for a recommendation in the past, and that it went to the City Commission because they would be authorizing the expenditure of attorney fees to pursue foreclosure.

Mr. Heller asked Mr. Peckham if he knew his client's intention was to continue to rent the property during the appeal process. Mr. Peckham responded that Mr. Heller was asking him to comment on something that would be a privileged conversation, and that he could not make a representation one way or the other without going into something he couldn't. Mr. Peckham asked the Board not to presume anything from his response, that Mr. Geller would confirm that he could not go into privileged conversations with his client.

Ms. Blaney asked Mr. Geller and Officer Busch if they could confirm that the property was still being rented for less than 30 days on VRBO or Airbnb. Officer Busch responded that as of December 3, 2025, at 9:30 PM the property was listed for a two-night minimum on both sites.

Mr. Heller stated that it was a two-way street in that Mr. Peckham was asking for something from the Board, but there was nothing being given back in return. He said they were trying to work this out, but he was finding it extremely difficult to understand where Mr. Peckham was coming from. Mr. Peckham responded that the argument spoke for itself, one being the appearance that the city wants to insert maximum economic pain, that appeals take a while, they don't happen quickly, and the Orange County courts are jammed. The other is that two decisions were made by the Board today that he would submit are far more serious violations of the city code, both of which were immediate public eyesores by any objective standard, were given more time, but his client who is using her property in a way that is otherwise perfectly lawful in the State of Florida but for the ordinance the city claims to be valid that he disputes, is facing a fine right now of \$27,500.00 and climbing. Mr. Peckham stated again that he felt the equities in this situation merit stopping the fine and allowing his client to pursue the appeal until such time as they hear from the Circuit Court. At that point, if the statute is valid and she has exhausted appeals then she obviously has to come into compliance. Mr. Heller responded that the Board understood and thought the Board probably would stop the fines if they knew, even if Mr. Peckham didn't believe that the ordinance says is valid, that he/his client were willing to meet the Board halfway they might be so inclined. He continued that it didn't seem to be the case, and that made the decision difficult. He stated that if the property continues to be rented, noting that he had seen how much it is listed for, that Mr. Peckham's client is making a lot of money and did not feel that the fines were much of a hardship. Mr. Peckham said he could not respond.

Ms. Blaney added that the difference in this case against the other cases presented at this meeting and in the past is that it takes longer to build a fence than it does to change an online listing. The Trust was given time to do that but chose not to, which is where the contention is coming from. The other individuals that came before the Board today were showing moving towards compliance, the Trust is not. She added that it was 5:34 pm, and she thought the horse had been beaten to death again.

Ms. Blaney offered the following motion:

The motion for the request to stay is denied.

Mr. Mandelkern seconded the motion.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Absent
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed unanimously 5-0.

6. Non-Action Items

None

7. Staff Updates

Division Manager Susanne Porras advised the Board of one case that came into compliance prior to the hearing date:

- a. PM-25-0137 2718 Norris Ave., Winter Park, FL 32789 (Property Maintenance)
- b. PM-24-0119 2148 Blossom Ln., Winter Park, FL 32789 (Property Maintenance)

8. City Attorney Reports

None

9. Board Comments:

Mr. Mandelkern noted that a report is provided at every Board meeting showing the fines incurred and pointed out that the two liens on the property located at 6 Isle of Sicily combined now exceed the mortgage on the property and continued to accrue. Mr. Johnson responded that there was nothing the Board could do about it.

Ms. Blaney asked Mr. Geller if Mr. Peckham could come before the Board again, or if his next step is Circuit Court. Mr. Geller replied that Mr. Peckham would have to take his Motion for Stay to the Circuit Court at this point, he has fulfilled his exhaustion requirements. Mr. Johnson offered that Mr. Peckham could bring a motion to reconsider the October 2, 2025, order.

10. Upcoming Agenda Items

Division Manager Susanne Porras informed the Board of one case on the schedule for the January 8, 2026, meeting, brought by the Winter Park Police Department for Nuisance.

11. Adjournment

Board Member Melissa Blaney made a motion to adjourn. Doug Bond seconded.

VOTE:

Steve Heller	Yes
Kristen Matt	Absent
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Absent
Melissa Blaney	Yes
Doug Bond	Yes

Motion passed 5-0.

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

January 8, 2026

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance Manager

subject

CCB# N-25-0010 455 Huntington Ave., Winter Park, FL 32789

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

1. N-25-0010 Agenda Packet

455 Huntington Ave 07-22-30-8760-00-190

Name(s):
MELLOW YELLOW PROPERTIES
LLC

Physical Street Address:
455 Huntington Ave

Property Use:
0104 - Single Fam Class IV

Mailing Address On File:
355 Henkel Cir
Winter Park, FL 32789-5123
[Incorrect Mailing Address?](#)

Postal City and Zip:
Winter Park, FL 32789

Municipality:
Winter Park



455 HUNTINGTON AVE, WINTER PARK, FL 32789 12/29/2025 8:11 AM

[Upload Photos](#)

[View 2025 Property Record Card](#)



2026 Values will be available in August of 2026. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

TROTTERS REPLAT J/58 LOT 19 & W 8 FT OF LOT 20

Total Land Area

10,198 sqft (+/-) | 0.23 acres
(+/-)

[GIS Calculated](#)

Notice

Land

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



Page 1 of 1 (Total Records: 1)

Building

[View Winter Park Permits](#)



Model Code:
1 - Single Fam Residence
Actual Year Built:
1948
Gross Area:
1507 sqft
Type Code:
0104 - Single Fam Class Iv
Beds:
3
Living Area:
1366 sqft
Building Value:
Working Value...
Baths:
2
Exterior Wall:
Conc/Cindr
Estimated New Cost:
Working Value...
Floors:
1
Interior Wall:
Plastered

Model Code:
1 - Single Fam Residence
Actual Year Built:
1937
Gross Area:
1568 sqft
Type Code:
0104 - Single Fam Class Iv
Beds:
2
Living Area:
832 sqft
Building Value:
Working Value...
Baths:
1
Exterior Wall:
Cmt.Fbr.Sh
Estimated New Cost:
Working Value...
Floors:
1
Interior Wall:
Plastered

«« « » »»

Page 1 of 1 (Total Records:2)

Extra Features

Description	Date Built	Units	Xfob Value
Fp1 - Null	01/01/1992	1 Unit(s)	Working Value...
Pt1 - Null	01/01/2011	1 Unit(s)	Working Value...

«« « » »»

Page 1 of 1 (Total Records: 2)

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
Vanessa J. Skinner, Esq.
Winderweeidle, Haines, Ward
& Woodman, P.A.
P.O. Box 880
Winter Park, FL 32790-0880

DOC# 20140180352 B: 10729 P: 1503
04/09/2014 03:06:20 PM Page 1 of 2
Rec Fee: \$18.50
Deed Doc Tax: \$0.70
DOR Admin Fee: \$0.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
PU - Ret To: WINDERWEEDLE HAINES WARD



Parcel ID: 07-22-30-8760-00-190

WARRANTY DEED

THIS WARRANTY DEED is made and executed on April 7, 2014 by GAETANO F. ODDI and KATHERINE T. GILLETT n/k/a KATHERINE G. ODDI, husband and wife ("Grantors"), to and in favor of MELLOW YELLOW PROPERTIES, LLC, a Florida limited liability company ("Grantee"). The mailing address of Grantee is 355 Henkel Circle, Winter Park, Florida 32789.

WITNESSETH:

THAT GRANTORS, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) in hand paid by Grantee to Grantors and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, does, by these presents, grant, bargain, sell, transfer, convey and confirm unto the Grantee, all the following described real property lying and being situated in Orange County, Florida (the "Real Property"), to wit:

Lot 19 and the West 8 feet of Lot 20, Trotter's Replat, according to the plat thereof as recorded in Plat Book J, Page 58, of the Public Records of Orange County, Florida.

This deed was prepared without the benefit of a title search of the subject property and the preparer of this conveyance does not guarantee merchantability or marketability of title.

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

TO HAVE AND TO HOLD unto Grantee and Grantee's successors and assigns in fee simple forever, subject only to encumbrances of record, if any, which reference shall not revive the same, and to taxes for the years 2014 and subsequent years.

GRANTORS warrant that, at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of Grantors' homestead property.

AND GRANTORS do hereby covenant with and warrant to Grantee and Grantee's successors and assigns that the Grantors are the owners of fee simple title to the Real Property; that the Grantors have good right and lawful authority to sell and convey said Real Property; and that the

Grantors hereby fully warrant the title to said Real Property and will defend the same against the lawful claims of all persons whomsoever; and that said Real Property is free of all encumbrances, except any existing mortgages thereon and taxes accruing subsequent to December 31, 2013.

IN WITNESS WHEREOF, Grantors have caused these presents to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Name: Debra LeFever

[Signature]
GAETANO F. ODDI

[Signature]
Name: Vanessa J. Kissel

[Signature]
Name: Debra LeFever

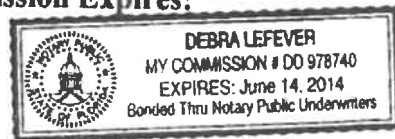
[Signature]
KATHERINE T. GILLETT n/k/a
KATHERINE G. ODDI

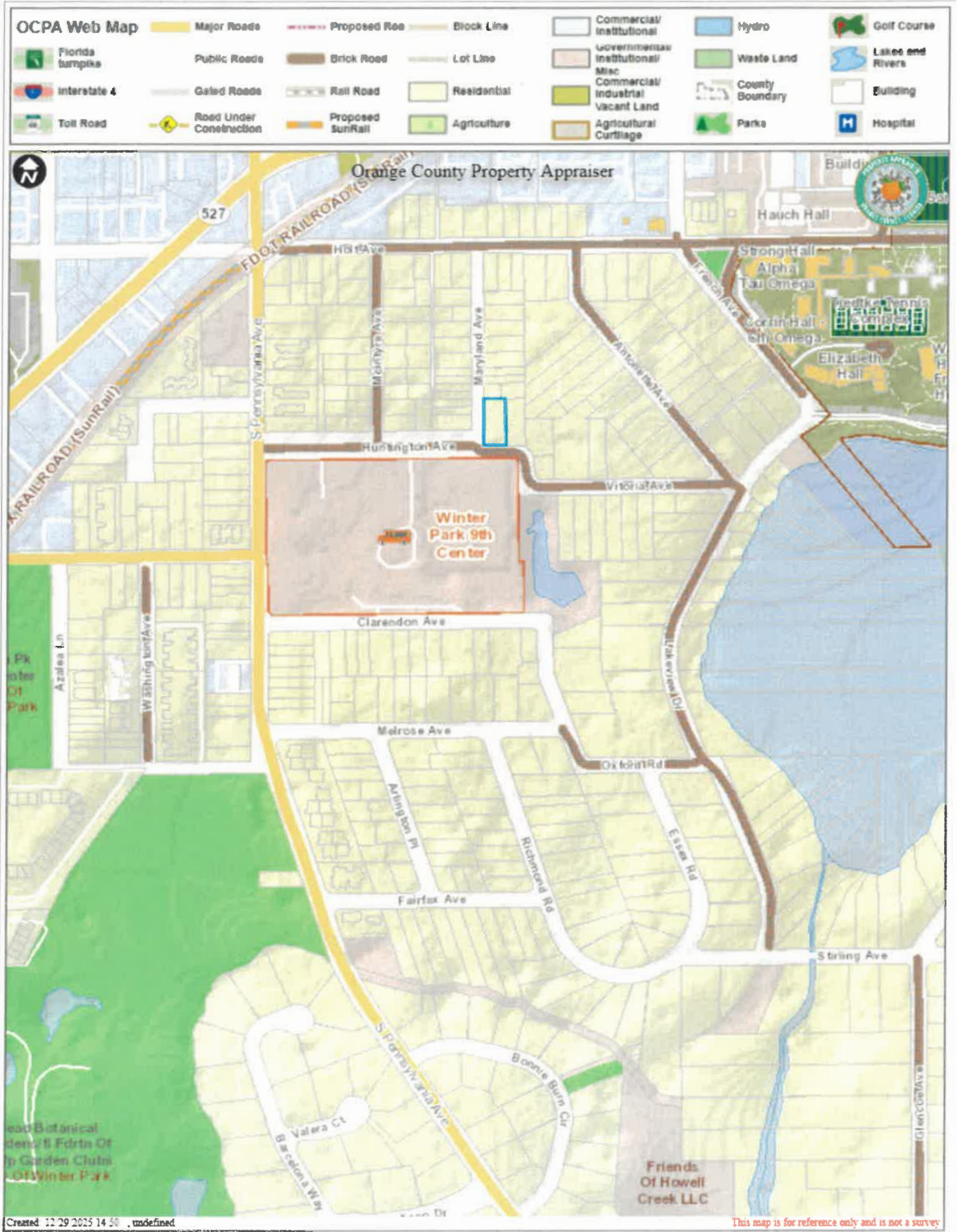
[Signature]
Name: Vanessa J. Kissel

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7th day of April, 2014, by GAETANO F. ODDI and KATHERINE T. GILLETT n/k/a KATHERINE G. ODDI, [] who are personally known to me or [] have produced _____ as identification.

[Signature]
Notary Public
My Commission Expires:





FACT SHEET

January 8th, 2026.

Case No: N-25-0010

Respondents:

MELLOW YELLOW PROPERTIES, LLC
355 HENKEL CIRCLE
WINTER PARK, FL 32789-5123

1. Address where violation exists: **455 Huntington Avenue, Winter Park, FL 32789**
2. Parcel I.D. No.: **07-22-30-8760-00-190**
3. Property Zone: **WP-R-2**
4. Police Calls: **10/10/25 at 23:12, 10/31/25 at 20:33, 10/31/25 at 21:13, 10/31/25 at 22:01, 11/01/25 at 0:22 and 11/01/25 at 00:44**
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

<p><u>VIOLATION DESCRIPTION:</u> Multiple reports received from the police department made by several neighbors related to illegal parties and noise disturbances at this location, creating Public Nuisance conditions for all neighboring properties within a residential zoning district.</p>	<p><u>CORRECTIVE ACTION REQUIRED:</u> Cease all illegal party activities and adhere to the City of Winter Park Noise Disturbance Regulations.</p>	<p><u>CODES CITED:</u> Chapter 62- Offenses and Miscellaneous Provisions; Article IV. – Offenses Involving Public Peace and Order; Sec. 62-81 Urinating and Defecating in Public; Division 2. Noise and Disturbance Control; Sec. 62-91. Short Title; Sec. 62-92. Definitions. Illegal Open House Party; Noise Disturbance; (2), (3), (4) and (5); Sec. 62-95. Owner’s and Lessee’s Responsibility; Sec. 62.94. Enforcement; Sec. 62-96. Noise Disturbances Prohibited Generally, (1), (2), (3), (5), (6), (7), (8) and (9); Sec. 62-97. Specific Prohibitions. (a), (2), (a), 1,2,3, b, c, (4) and (13) of the City of Winter Park Code of Ordinances.</p>
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[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
MELLOW YELLOW PROPERTIES, LLC

Filing Information

Document Number L14000054975
FEI/EIN Number 32-0437621
Date Filed 04/02/2014
State FL
Status ACTIVE

Principal Address

355 HENKEL CIR
WINTER PARK, FL 32789

Mailing Address

355 HENKEL CIR
WINTER PARK, FL 32789

Registered Agent Name & Address

ODDI, GAETANO F
355 HENKEL CIR
WINTER PARK, FL 32789

Authorized Person(s) Detail

Name & Address

Title MGR

ODDI, GAETANO F
355 HENKEL CIR
WINTER PARK, FL 32789

Title MGR

ODDI, KATHERINE G
355 HENKEL CIR
WINTER PARK, FL 32789

Annual Reports

Report Year	Filed Date
2023	01/24/2023

2024 01/23/2024
2025 02/01/2025

Document Images

02/01/2025 -- ANNUAL REPORT	View image in PDF format
01/23/2024 -- ANNUAL REPORT	View image in PDF format
01/24/2023 -- ANNUAL REPORT	View image in PDF format
04/18/2022 -- ANNUAL REPORT	View image in PDF format
04/03/2021 -- ANNUAL REPORT	View image in PDF format
05/01/2020 -- ANNUAL REPORT	View image in PDF format
04/04/2019 -- ANNUAL REPORT	View image in PDF format
03/28/2018 -- ANNUAL REPORT	View image in PDF format
03/22/2017 -- ANNUAL REPORT	View image in PDF format
03/09/2016 -- ANNUAL REPORT	View image in PDF format
02/24/2015 -- ANNUAL REPORT	View image in PDF format
04/02/2014 -- Florida Limited Liability	View image in PDF format

ALERT: WINTER WEATHER IN THE NORTHERN PLAINS, GREAT LAKES, AND NORTHEASTERN ...

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FAQs >

Tracking Number:

Remove X

9489009000276751555055

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Add to Informed Delivery (<https://informedelivery.usps.com/>)

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Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

December 17, 2025

Arrived at USPS Regional Facility

LAKE MARY FL DISTRIBUTION CENTER

December 14, 2025, 12:29 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



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

CASE NO.: **N-25-0010**

City of Winter Park
Petitioner,

vs.

MELLOW YELLOW PROPERTIES LLC
355 HENKEL CIRCLE
WINTER PARK, FL 32789
Respondent, _____

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Wade, Phillip, 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 January 8, 2025, on the property located at 455 HUNTINGTON AVENUE on this **12th day of December 2025**.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT

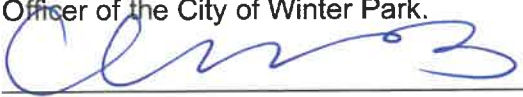
DATED this **15th day of December 2025**



Wade, Phillip, Safety & Code Compliance Officer

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **15th day of December 2025**, by Phillip Wade, who is personally known to me as a Safety & Code Compliance Officer 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 DIVISION
401 SOUTH PARK AVENUE
WINTER PARK, FLORIDA 32789
407-599-3600**

Case No: N-25-0010

CITY OF WINTER PARK,

Petitioner,

vs.

**MELLOW YELLOW PROPERTIES, LLC
355 HENKEL CIRCLE
WINTER PARK, FL 32789-5123**

Respondent.

**NOTICE OF
CODE COMPLIANCE BOARD HEARING**

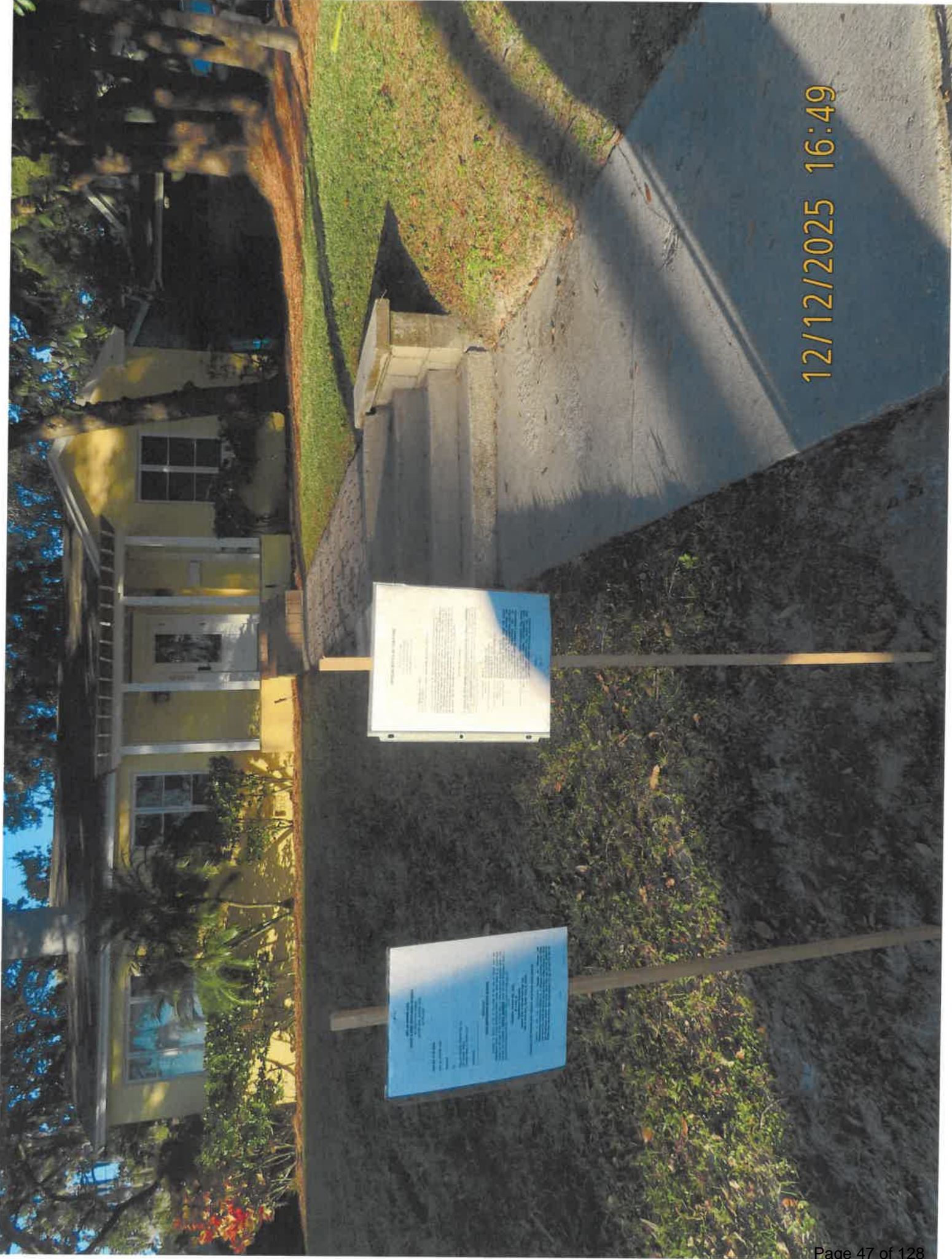
Pursuant to Section 2-105 of the Code of the City of Winter Park, the undersigned Safety & Code Compliance Officer hereby gives notice of an uncorrected violation of the Code of City of Winter Park, as more particularly described herein, and that she has requested a **PUBLIC HEARING** before the Code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

**Thursday, January 8th, 2026
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 62- Offenses and Miscellaneous Provisions; ARTICLE IV. - Offenses Involving Public Peace and Order; Sec. 62-81 Urinating and Defecating in Public; Division 2. Noise and Disturbance Control; Sec. 62-91. Short Title; Sec. 62-92. Definitions. Illegal Open House Party; Noise Disturbance; (2), (3), (4) and (5); Sec. 62-

12/12/2025 16:48



12/12/2025 16:49

Property Information

Title: [Illegible]

Address: [Illegible]

Parcel ID: [Illegible]

Area: [Illegible]

Owner: [Illegible]

Agent: [Illegible]

Phone: [Illegible]

Email: [Illegible]

Website: [Illegible]

Property Description

[Illegible text describing the property]

Items for Sale

- [Illegible list of items]

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

Case No: N-25-0010

CITY OF WINTER PARK,

9489 0090 0027 6751 5550 55

Petitioner,

vs.

MELLOW YELLOW PROPERTIES, LLC
355 HENKEL CIRCLE
WINTER PARK, FL 32789-5123

Respondent.

**NOTICE OF
CODE COMPLIANCE BOARD HEARING**

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95. Owner's and Lessee's Responsibility; Sec. 62.94. Enforcement; Sec. 62-96. Noise Disturbances Prohibited Generally, (1), (2), (3), (5), (6), (7), (8) and (9); Sec. 62-97. Specific Prohibitions (a), (2), (a),1,2,3, b, c, (4) and (13).

2. Address where violation(s) exists: **455 Huntington Avenue, Winter Park, FL 32789.**

3. Parcel I.D. No.: **07-22-30-8760-00-190**

4. Property Zone: **WP-R-2**

5. Legal Description: **TROTTERS REPLAT J/58 LOT 19 & W 8 FT OF LOT 20**

6. Names and address of owner/person in charge of location where violation exists: **Mellow Yellow Properties, LLC – 355 Henkel Circle, Winter Park, FL 32789-5123**

7. Description of Violations: **MULTIPLE REPORTS RECEIVED FROM THE POLICE DEPARTMENT RELATED TO ILLEGAL PARTIES AND NOISE DISTURBANCES AT THIS LOCATION, CREATING PUBLIC NUISANCE CONDITIONS FOR ALL NEIGHBORING PROPERTIES WITHIN A RESIDENTIAL ZONING DISTRICT. EVENT (S) #: 20252832933, 20253042622, 20253042716, 20253050086 AND 20253042801.**

8. Compliance Requirements: **CEASE ALL ILLEGAL PARTY ACTIVITIES AND ADHERE TO THE CITY'S NOISE DISTURBANCE CODE REGULATIONS.**

Compliance Date to avoid hearing: **UPON RECEIPT OF THIS NOTICE.**

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 **January 8th, 2026, 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.**

ACCOMMODATIONS FOR DISABILITIES: In accordance with Florida Statutes § 286.26(1): Persons with disabilities needing assistance to participate in any of these proceedings should contact the office of the City Clerk (407-599-3277), 48 hours prior to the meeting.

Dated this: 11th day of December 2025

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been furnished by certified and regular mail to: **Mellow Yellow Properties, LLC – 355 Henkel Circle, Winter Park, FL 32789-5123**

Certified Mail: 9489 0090 0027 6751 5550 55



Susanne Porras, COSS
Code Compliance Officer/Div. Manager

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

ALERT: WINTER WEATHER IN THE NORTHERN PLAINS, GREAT LAKES, AND NORTHEASTERN ...

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FAQs >

Tracking Number:

Remove X

9489009000276751555048

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USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit to Next Facility

December 17, 2025

Arrived at USPS Regional Facility

LAKE MARY FL DISTRIBUTION CENTER

December 14, 2025, 12:23 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



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

CASE NO.: **N-25-0010**

City of Winter Park
Petitioner,

vs.

MELLOW YELLOW PROPERTIES LLC
355 HENKEL CIRCLE
WINTER PARK, FL 32789
Respondent, _____ /

AFFIDAVIT OF POSTING

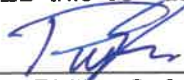
STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Wade, Phillip, 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 455 HUNTINGTON AVENUE on this **12th day of December 2025**.
3. That the attached picture document is proof of the posting.

FURTHER AFFIANT SAYETH NOT


DATED this **15th day of December 2025**



Wade, Phillip, Safety & Code Compliance Officer

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **15th day of December 2025**, by Phillip Wade, who is personally known to me as a Safety & Code Compliance Officer of the City of Winter Park.



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



OFFICIAL NOTICE OF VIOLATION

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

DATE: December 11th, 2025
CASE # N-25-0010
CERTIFIED TRACKING NUMBER: 9489 0090 0027 6751 5550 48

You are hereby notified that the below stated property has been inspected and found to be in violation of Chapter 62- Offenses and Miscellaneous Provisions; ARTICLE IV. -- Offenses Involving Public Peace and Order; Sec. 62-81 Urinating and Defecating in Public; Division 2. Noise and Disturbance Control; Sec. 62-91. Short Title; Sec. 62-92. Definitions. Illegal Open House Party; Noise Disturbance; (2), (3), (4) and (5); Sec. 62-95. Owner's and Lessee's Responsibility; Sec. 62.94. Enforcement; Sec. 62-96. Noise Disturbances Prohibited Generally, (1), (2), (3), (5), (6), (7), (8) and (9); Sec. 62-97. Specific Prohibitions (a), (2), (a), 1,2,3, b, c, (4) and (13).

CODE OF ORDINANCES

On **October 10, 2025**, **October 31, 2025**, at **10:33** and at **21:13** hours and **November 1, 2025**, Violation(s) were reported and observed on your property. The violation(s) must be corrected by **UPON RECEIPT** of this notice. 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: WP-R-2
Parcel ID#: 07-22-30-8760-00-190
Violation Location/Address: 455 HUNTINGTON AVENUE
WINTER PARK, FL 32789
Property Owner/ Tenant: MELLOW YELLOW PROPERTIES, LLC
Mailing Address: 355 HENKEL CIRCLE
City/ State/ Zip: WINTER PARK, FL 32789-5123
Description of Violation: MULTIPLE REPORTS RECEIVED FROM THE POLICE DEPARTMENT RELATED TO ILLEGAL PARTIES AND NOISE DISTURBANCES AT THIS LOCATION, CREATING PUBLIC NUISANCE CONDITIONS FOR ALL NEIGHBORING PROPERTIES WITHIN A RESIDENTIAL ZONING DISTRICT.
Corrective action to be taken: CEASE ALL ILLEGAL PARTY ACTIVITIES AND ADHERE TO THE CITY'S NOISE DISTURBANCE CODE REGULATIONS. CONTACT THE SAFETY AND CODE COMPLIANCE OFFICER WITH YOUR INTENTIONS.

Page 1 of 1

12/11/2025 16:48



12/12/2025 16:49

OFFICIAL NOTICE OF VIOLATION

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

DATE: **December 11th, 2025**

CASE # **N-25-0010**

CERTIFIED TRACKING NUMBER: **9489 0090 0027 6751 5550 48**

You are hereby notified that the below stated property has been inspected and found to be in violation of **Chapter 62- Offenses and Miscellaneous Provisions; ARTICLE IV. – Offenses Involving Public Peace and Order; Sec. 62-81 Urinating and Defecating in Public; Division 2. Noise and Disturbance Control; Sec. 62-91. Short Title; Sec. 62-92. Definitions. Illegal Open House Party; Noise Disturbance; (2), (3), (4) and (5); Sec. 62-95. Owner’s and Lessee’s Responsibility; Sec. 62.94. Enforcement; Sec. 62-96. Noise Disturbances Prohibited Generally, (1), (2), (3), (5), (6), (7), (8) and (9); Sec. 62-97. Specific Prohibitions (a), (2), (a),1,2,3, b, c, (4) and (13).**

CODE OF ORDINANCES

On **October 10, 2025, October 31, 2025, at 20:33 and at 21:13 hours** and **November 1, 2025**, Violation(s) were reported and observed on your property. The violation(s) must be corrected by **UPON RECEIPT of this notice**. 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: **WP-R-2**
Parcel ID#: **07-22-30-8760-00-190**
Violation Location/Address: **455 HUNTINGTON AVENUE
WINTER PARK, FL 32789**
Property Owner/ Tenant: **MELLOW YELLOW PROPERTIES, LLC**
Mailing Address: **355 HENKEL CIRCLE**
City/ State/ Zip: **WINTER PARK, FL 32789-5123**
Description of Violation: **MULTIPLE REPORTS RECEIVED FROM THE POLICE
DEPARTMENT RELATED TO ILLEGAL PARTIES AND
NOISE DISTURBANCES AT THIS LOCATION, CREATING
PUBLIC NUISANCE CONDITIONS FOR ALL
NEIGHBORING PROPERTIES WITHIN A RESIDENTIAL
ZONING DISTRICT.**
Corrective action to be
taken: **CEASE ALL ILLEGAL PARTY ACTIVITIES AND ADHERE
TO THE CITY’S NOISE DISTURBANCE CODE
REGULATIONS. CONTACT THE SAFETY AND CODE
COMPLIANCE OFFICER WITH YOUR INTENTIONS.**

Officer Name: **PORRAS, SUSANNE (407)599-3283** sporras@cityofwinterpark.org

Appeal Process

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

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

CODES CITED:

PART II - CODE OF ORDINANCES

Chapter 62 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE IV. - OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 62-81 – Urinating and Defecating in Public

(a) It shall be unlawful for any person to urinate or defecate in a public place other than one set aside and designated for that particular purpose.

(b) Violations of this section shall be punishable as provided in Winter Park Code section 1-7.43.

DIVISION 2. NOISE AND DISTURBANCE CONTROL

Sec. 62-91. Short title.

This section may be cited as the Noise and Disturbance Control Ordinance.

Sec. 62-92. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Illegal open house party means any gathering of three or more persons unrelated by blood or marriage in a residence or in or adjacent to a neighborhood zoned for residential uses at which underage consumption of alcohol or use of illegal or controlled substances occurs.

Noise disturbance means any sound which:

- (2) Annoys or disturbs a reasonable person of normal sensitivities;
- (3) Endangers or injures personal or real property;
- (4) Is loud or raucous;
- (5) Causes actual or imminent interference with peace or good order

Plainly audible sound means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. A person need not determine the title, specific words, or the artist performing the song.

Real property line means an imaginary line along the surface and its vertical plane extension which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

Residential area means an area classified by the zoning code as residential.

Sec. 62-94. Enforcement.

Any person violating any of the provisions of this division shall be deemed guilty of an offense punishable as provided in section 1-7.

In addition to any other remedies provided under this Code or other applicable law, the city shall provide written notice by first class U.S. Mail to the owner of any property which is found by the city to be the location of an illegal open house party. That notice shall be mailed to the owner of the property as listed in the Orange County Public Records and the notice shall also be placed in the records of the city and at the city's discretion, may be otherwise provided to the owner as well. Each subsequent violation of the prohibition on illegal open house parties at the same property shall carry a civil penalty as established in chapter 1 of this Code, and the enforcement provisions of chapter 1 of this Code shall apply to the enforcement of that penalty. (Code 1960, § 18-19(F); Ord. No. 2760-09, § 4, 1-26-09)

Sec. 62-95. Owner's and lessee's responsibility.

It shall be a violation of this division for an owner or a lessee who is present on any property that he or she owns or leases to allow a noise disturbance to be created or exist from such property so as to violate those prohibitions listed in section 62-97.

It shall also be a violation of this division for an illegal open house party to occur at a property. The owner or owners, the lessee or lessees (whether or not the lease is written), and the occupant or occupants of any such property may not allow an illegal open house party to occur at the property and are jointly and severally responsible under this section for any such illegal open house parties which do occur.

(Code 1960, § 18-19(D); Ord. No. 2760-09, § 5, 1-26-09)

Sec. 62-96. Noise disturbances prohibited generally.

- (a) No person shall make, continue or cause to be made or continued any noise disturbance.
- (b) The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to the following:
 - (1) The level of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities or residential areas;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise; and
 - (9) Whether the noise is recurrent, intermittent, or constant.

(Code 1960, § 18-19(C)(1); Ord. No. 2504-03, § 2, 3-11-03)

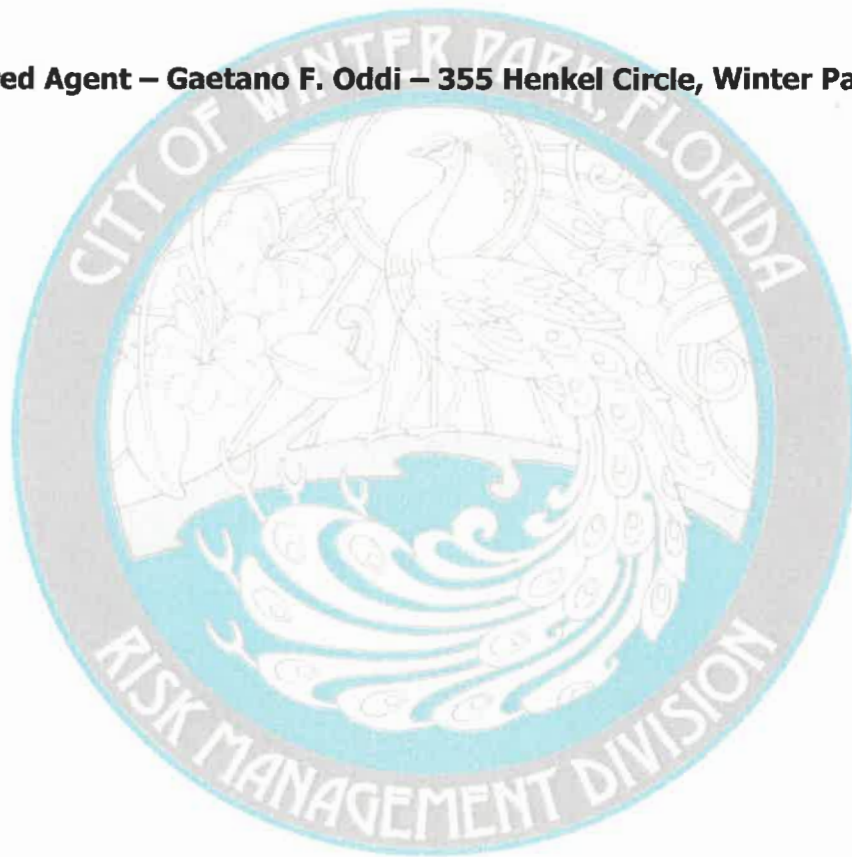
Sec. 62-97. Specific prohibitions.

- (a) The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:
 - (2) *Radios, phonographs, television sets, musical instruments, etc.*
 - a. Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner:
 - 1. As to disturb the peace, quiet and comfort of neighboring inhabitants;
 - 2. At any time with louder volume than is necessary for convenient hearing for the persons who are in the same dwelling unit of any multiple dwelling in which such machine or device is operated and who are voluntarily listeners thereto; or
 - 3. As to create a noise disturbance.
 - b. It shall be a violation to commit any one of the enumerated acts listed in this section.
 - c. The operation of any sound system, speakers, radio, television, turntable, amplifier, musical, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. from outside any residential, office or commercial building or between 11:00 p.m. and 8:00 a.m. from inside any residential, office or commercial building in such manner as to create a plainly audible sound either at a distance of 50 feet from the building, structure or vehicle in which it is located or so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division. In addition, it shall also be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division when any non-commercially zoned property has outdoor or indoor parties, gatherings, music

rehearsals or any other activity where music or other entertainment by sound system, amplifier, musical instruments, or other device is produced on more occasions that once every two months, in such manner as to create a plainly audible sound or vibrations either at a distance of 50 feet from the building or property so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations, occurs after 8:00 p.m., unless specifically approved by a special event permit issued by the city.

- (4) ***Yelling, shouting, etc.*** Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 8:00 a.m. so as to create a noise disturbance.

cc: Registered Agent – Gaetano F. Oddi – 355 Henkel Circle, Winter Park, FL 32789





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

Detail by Entity Name

Florida Limited Liability Company
MELLOW YELLOW PROPERTIES, LLC

Filing Information

Document Number	L14000054975
FEI/EIN Number	32-0437621
Date Filed	04/02/2014
State	FL
Status	ACTIVE

Principal Address

355 HENKEL CIR
WINTER PARK, FL 32789

Mailing Address

355 HENKEL CIR
WINTER PARK, FL 32789

Registered Agent Name & Address

ODDI, GAETANO F
355 HENKEL CIR
WINTER PARK, FL 32789

Authorized Person(s) Detail

Name & Address

Title MGR

ODDI, GAETANO F
355 HENKEL CIR
WINTER PARK, FL 32789

Title MGR

ODDI, KATHERINE G
355 HENKEL CIR
WINTER PARK, FL 32789

Annual Reports

Report Year	Filed Date
2023	01/24/2023

2024 01/23/202
2025 02/01/2025

Document Images

02/01/2025 -- ANNUAL REPORT	View image in PDF format
01/23/2024 -- ANNUAL REPORT	View image in PDF format
01/24/2023 -- ANNUAL REPORT	View image in PDF format
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02/24/2015 -- ANNUAL REPORT	View image in PDF format
04/02/2014 -- Florida Limited Liability	View image in PDF format

DIVISION 2. NOISE AND DISTURBANCE CONTROL¹

Sec. 62-91. Short title.

This section may be cited as the Noise and Disturbance Control Ordinance.

(Code 1960, § 18-19(A); Ord. No. 2760-09, § 2, 1-26-09)

Sec. 62-92. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"A" Level means the total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dBA.

Commercial area means an area classified by the zoning code as primarily commercial (to include areas zoned C-1, C-2, C-3), light industrial and warehouse (to include areas zoned I-1) and office (to include areas zoned O-1, O-2).

Decibel means a unit of measurement for sound pressure level at a specified location.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Illegal open house party means any gathering of three or more persons unrelated by blood or marriage in a residence or in or adjacent to a neighborhood zoned for residential uses at which underage consumption of alcohol or use of illegal or controlled substances occurs.

Leaf blower means any air blowing machine that uses a concentrated stream of air to push, propel, or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse, or debris.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities;
- (3) Endangers or injures personal or real property;
- (4) Is loud or raucous;

¹Editor's note(s)—Ord. No. 2760-09, § 1, adopted Jan. 26, 2009, changed the title of Div. 2 from "Noise Control" to read as herein set out. See also the Code Comparative Table.

State law reference(s)—Motor vehicle noise generally, F.S. §§ 316.272, 316.293, 316.3045.

-
- (5) Causes actual or imminent interference with peace or good order; or
 - (6) Exceeds any dBA limit established pursuant to this division 2.

Plainly audible sound means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic base component of the music is sufficient to verify plainly audible sound. A person need not determine the title, specific words, or the artist performing the song.

Real property line means an imaginary line along the surface and its vertical plane extension which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

Residential area means an area classified by the zoning code as residential.

Sound level meter means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute specifications for sound level meters S1.4. 1971, as amended.

(Code 1960, § 18-19(B); Ord. No. 2504-03, § 1, 3-11-03; Ord. No. 2760-09, § 3, 1-26-09; Ord. No. 3230-22, § 2, 1-12-22)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 62-93. Exemptions.

The following shall be exempt from the provisions of this division:

- (1) Noise alerting persons to the existence of an emergency or in the performance of emergency work.
- (2) Railway locomotives and cars.
- (3) Chimes, bells and music emanating from religious establishments.
- (4) City refuse operations.
- (5) Traditional community events, such as parades or sports events.
- (6) Routine maintenance of public service facilities.

(Code 1960, § 18-19(E))

Sec. 62-94. Enforcement.

Any person violating any of the provisions of this division shall be deemed guilty of an offense punishable as provided in section 1-7.

In addition to any other remedies provided under this Code or other applicable law, the city shall provide written notice by first class U.S. Mail to the owner of any property which is found by the city to be the location of an illegal open house party. That notice shall be mailed to the owner of the property as listed in the Orange County Public Records and the notice shall also be placed in the records of the city and at the city's discretion, may be otherwise provided to the owner as well. Each subsequent violation of the prohibition on illegal open house parties at the same property shall carry a civil penalty as established in chapter 1 of this Code, and the enforcement provisions of chapter 1 of this Code shall apply to the enforcement of that penalty.

(Code 1960, § 18-19(F); Ord. No. 2760-09, § 4, 1-26-09)

Sec. 62-95. Owner's and lessee's responsibility.

It shall be a violation of this division for an owner or a lessee who is present on any property that he or she owns or leases to allow a noise disturbance to be created or exist from such property so as to violate those prohibitions listed in section 62-97.

It shall also be a violation of this division for an illegal open house party to occur at a property. The owner or owners, the lessee or lessees (whether or not the lease is written), and the occupant or occupants of any such property may not allow an illegal open house party to occur at the property, and are jointly and severally responsible under this section for any such illegal open house parties which do occur.

(Code 1960, § 18-19(D); Ord. No. 2760-09, § 5, 1-26-09)

Sec. 62-96. Noise disturbances prohibited generally.

- (a) No person shall make, continue or cause to be made or continued any noise disturbance.
- (b) The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to the following:
 - (1) The level of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities or residential areas;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise; and
 - (9) Whether the noise is recurrent, intermittent, or constant.

(Code 1960, § 18-19(C)(1); Ord. No. 2504-03, § 2, 3-11-03)

Sec. 62-97. Specific prohibitions.

- (a) The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:
 - (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city for an unnecessary and unreasonable period of time, thereby creating a noise disturbance.
 - (2) *Radios, phonographs, television sets, musical instruments, etc.*
 - a. Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner:

1. As to disturb the peace, quiet and comfort of neighboring inhabitants;
 2. At any time with louder volume than is necessary for convenient hearing for the persons who are in the same dwelling unit of any multiple dwelling in which such machine or device is operated and who are voluntarily listeners thereto; or
 3. As to create a noise disturbance.
- b. It shall be a violation to commit any one of the enumerated acts listed in this section.
- c. The operation of any sound system, speakers, radio, television, turntable, amplifier, musical, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. from outside any residential, office or commercial building or between 11:00 p.m. and 8:00 a.m. from inside any residential, office or commercial building in such manner as to create a plainly audible sound either at a distance of 50 feet from the building, structure or vehicle in which it is located or so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division. In addition, it shall also be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division when any non-commercially zoned property has outdoor or indoor parties, gatherings, music rehearsals or any other activity where music or other entertainment by sound system, amplifier, musical instruments, or other device is produced on more occasions than once every two months, in such manner as to create a plainly audible sound or vibrations either at a distance of 50 feet from the building or property so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations, occurs after 8:00 p.m., unless specifically approved by a special event permit issued by the city.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public street of a residential area for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 8:00 a.m. so as to create a noise disturbance.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise creates a noise disturbance in a residential area.
- (6) *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, automobile or other motor vehicle (with exception of construction or agricultural equipment either on a job site or traveling on the highways) without the use of a muffler or other device which will reduce the noise to such a level so as to not be a noise disturbance and so as to comply with any applicable state law governing motor vehicle noise.
- (7) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise to amount to a noise disturbance in a residential area in connection with loading or unloading any vehicle with the opening and destruction of bails, boxes, crates and containers between the hours of 11:00 p.m. and 8:00 a.m.
- (8) *Schools, courts, churches, hospitals.* The creation of any noise on any street adjacent to any school, institution of learning, church or court while the school, institution of learning, church or court is in use or adjacent to any hospital, which interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital.

- (9) *Construction activities, piledrivers, hammers, etc.* The operation between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Friday, and from 8:00 p.m. on Friday to 8:00 a.m. on Saturday morning, of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, construction appliance or machine, or construction materials or equipment delivery such as to create a noise disturbance across a residential or commercial real property line.
 - (10) *Power tools.* Creating a noise disturbance across a residential or commercial real property line by operating or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. and 7:00 a.m. the following day.
 - (11) *Construction activities on weekends and holidays.* Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, construction appliance or machine, or construction materials or equipment delivery between 6:00 p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.
 - (12) *Power tools on Sunday.* Creating a noise disturbance across a residential or commercial real property line by operating or permitting the operation of any mechanically powered saw, drill, grinder, leaf blower, lawn or garden tool or similar tool between 9:00 p.m. on Saturday and 9:00 a.m. on Sunday.
 - (13) *Illegal open house parties.* Allowing or acquiescing in an illegal open house party, whether directly or indirectly, whether actively or passively, as an owner, lessee, or occupant of a property.
- (b) *Limited allowances for construction activities.* When any of the following conditions exist, the city manager or his or her designee may waive applicable portions of the noise prohibitions listed under section 62-97 of this Code concerning construction activities:
- (1) The construction activities, if conducted within permitted hours, are of a nature or type that will unduly impede, disturb, or interfere with transportation networks, vehicular or pedestrian traffic, or parking, or other logistical operations ordinarily occurring during permitted hours;
 - (2) The work is emergency work or repairs, including, but not limited to, work that must be completed as quickly as possible to avoid injury or damage to persons or property, including, but not limited to, emergency utility work to restore electricity, water, sewer, or other service; or
 - (3) The work, if not completed, commenced, or finished outside of permitted hours, will be damaged or otherwise destroyed by expected inclement weather conditions.

(Code 1960, § 18-19(C)(2); Ord. No. 2760-09, § 6, 1-26-09; Ord. No. 3164-20, § 2, 2-24-20; Ord. No. 3178-20, § 2, 8-12-20; Ord. No. 3230-22, § 2, 1-12-22; Ord. No. 3292-24, § 2, 4-4-24)

Sec. 62-98. Central Business District and Hannibal Square Neighborhood Commercial District.

- (a) The regulations of this section apply within the Central Business District and Hannibal Square Neighborhood Commercial District. As used in this section, the "Central Business District" shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the city, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west. As used in this section, the "Hannibal Square Neighborhood Commercial District" shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the city, article I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.

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- (b) It shall be unlawful for any person operating or occupying a motor vehicle on a street or highway between the hours of 10:00 p.m. and 7:00 a.m. to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device or instrument from within the motor vehicle so that the sound:
- (1) Is plainly audible to a reasonably prudent person of ordinary sensibilities on a public street or highway within the Central Business District or within the Hannibal Square Neighborhood Commercial District but outside the motor vehicle in which the sound is created;
 - (2) Is plainly audible to a reasonably prudent person of ordinary sensibilities within a hotel or restaurant located within the Central Business District or within the Hannibal Square Neighborhood Commercial District; or
 - (3) Is at a level that equals or exceeds 50 dBA measured at the property line of the recipient of such sound.
- (c) It shall be unlawful for any person on a public street or highway between the hours of 10:00 p.m. and 7:00 a.m. to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device or instrument so that the sound:
- (1) Is plainly audible to a reasonably prudent person of ordinary sensibilities within a hotel or restaurant located within the Central Business District or within the Hannibal Square Neighborhood Commercial District; or
 - (2) Is at a level that equals or exceeds 50 dBA measured at the property line of the recipient of such sound.
- (d) If a sound prohibited in subsection (b) of this section is created within a motor vehicle, the driver and each passenger shall be presumed to have individually and collectively used, operated or maintained such sound amplification device in violation of this section.
- (e) It shall be unlawful for any person, business or establishment between the hours of 10:00 p.m. and 7:00 a.m. to provide musical entertainment in such manner as to create a plainly audible sound to a reasonably prudent person of ordinary sensibilities or detectable vibration that:
- (1) Unreasonably disturbs the peace;
 - (2) Can be heard or felt at a distance of 50 feet from the building or structure in which such musical entertainment is located;
 - (3) Can be heard or felt inside any residential occupancy within another building or any tenant space within the same building; or
 - (4) Is in excess of 50 dBA as measured with a sound level meter inside any receiving property.
- (f) A violation of any provision of this section shall be classified as a class II violation. Each successive repeated violation of this section shall be subject to a civil penalty for the next higher violation classification. For example, a first violation of this section will be fined as a class II violation, a second violation will be fined as a class III violation, and so on. Nothing shall prohibit the city from enforcing this section by any other means. Further, the city commission shall have the right to revoke or suspend the permission for any musical entertainment for a period of time to be determined by the city commission in the case of repeated violations of this section.
- (g) Exempted from the prohibitions of this section is the use of sound amplification devices in connection with the use of emergency, fire, police and ambulance vehicles, railway locomotives or railway crossing warning devices, emergency warning systems, and theft alarms, as well as the use of horns or other warning devices required by F.S. § 316.271 when necessary to ensure safe operation of the motor vehicle to which the horn or device is attached. Also exempted from this section is the use of sound amplification devices in connection with an event sanctioned by prior resolution or approval of the city commission or for which a special permit has been issued by the city, and the event has been given specific authority to produce sound amplification or noise within the scope of the permit.

(Code 1960, § 18-19.1; Ord. No. 2504-03, § 3, 3-11-03; Ord. No. 3161-19, § 2, 12-9-19)

Editor's note(s)—Ord. No. 3161-19, § 2, adopted Dec. 9, 2019, changed the title of § 62-98 from "Central business district" to "Central Business District and Hannibal Square Neighborhood Commercial District." The historical notation has been preserved for reference purposes.

Sec. 62-99. Sounding of railroad train horns prohibited during certain hours.

- (a) *Prohibited.* The sounding of railroad train horns and whistles during the hours of 10:00 p.m. and 6:00 a.m. at all public railroad-highway grade crossings within the city is hereby prohibited.
- (b) *Signs to be posted.* The public works department of the city shall erect signs at all railroad-highway grade crossings within the city announcing that railroad train horns and whistles shall not be sounded during the hours of 10:00 p.m. and 6:00 a.m. The signs so erected shall be in conformance with the uniform system of traffic control devices as specified in F.S. § 316.0745.
- (c) *Traffic operations system; implementation.* The public works department of the city shall implement a traffic operations system to secure railroad-highway grade crossings within the city for the purpose of preventing vehicles from going around, under, or through lowered railroad gates.
- (d) *Compliance with state and federal regulations.* The traffic operations system implemented by the city's public works department shall comply with and meet all state and federal safety and traffic regulations and shall demonstrate that such railroad-highway grade crossings can be secured. The city's public works department shall secure for the city the final approval and verification by the Florida Department of Transportation and the Federal Railroad Administration that the city's traffic operations system meets all state and federal safety and traffic regulations and that such railroad-highway grade crossings can be secured.
- (e) *Effective date; exception.* This section shall take effect immediately upon its passage and adoption, except that subsection (a) above shall take effect only upon the satisfaction of the conditions set forth in F.S. § 351.03(4).

(Ord. No. 2579-04, §§ 1—5, 4-12-04)

Secs. 62-100—62-120. Reserved.

Susanne Porras

From: Sheila DeCiccio
Sent: Tuesday, November 18, 2025 8:06 AM
To: Charles Ramdatt; Susanne Porras
Subject: FW: [EXTERNAL] Health and Safety in College Quarter

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Charles and Susanne,

Per the letter below, I was wondering if there is anything in code enforcement where we could site the Rental owners for allowing this type of behavior on their properties in a residential neighborhood.

Thank you.

From: Sheila DeCiccio
Sent: Monday, November 17, 2025 2:29 PM
To: Sheila DeCiccio <sgdeciccio@gmail.com>
Subject: FW: [EXTERNAL] Health and Safety in College Quarter

From: Melinda Wright <mwrightlcs@gmail.com>
Sent: Monday, November 17, 2025 1:06 PM
To: Tim Volkerson <TVolkerson@cityofwinterpark.org>; Mayor and Commissioners <MayorandCommissioners@cityofwinterpark.org>; Randy Knight <Rknight@cityofwinterpark.org>
Subject: [EXTERNAL] Health and Safety in College Quarter

November 17, 2025

Dear Chief Volkerson,

I am writing this as a concerned homeowner and member of a neighborhood advocacy group in the College Quarter neighborhood of Winter Park. We are called the Good Neighbor Working Group and our focus is on health and safety concerns in this community. We seek your help in addressing these concerns.

You may be aware of some serious problems that occurred here on Halloween night. These problems started as Halloween “parties” but quickly morphed into large alcohol fueled out-of-control crowds that disturbed the peace and posed health and safety risks. The worst of these was at a rental property at 455 Huntington Avenue, at the corner of Maryland and Huntington. The size of this (intoxicated) crowd was such that it spilled out into public roads and onto nearby private property, and included noise disturbance as far north as Maryland and Holt, as well as public drunkenness, public urination, heavy cannabis use, loud vehicles cruising the neighborhood, and at least one medical emergency. At several times during the evening Maryland Avenue was blocked to through traffic. Officers were called to this scene four times that evening but never dispersed the crowd until after the medical

emergency. Apparently there is minimal WPPD documentation of the incident. The owner of the adjacent property reported public urination in her front yard and on her house, the stench of which along with the stench of alcohol and vomit required her to pressure-wash her house the next day. We have photos and videos that we can provide. It was not the only wild gathering in College Quarter over that weekend.

While the severity of this disturbance was perhaps the worst I've known in the 14 years that I have lived in College Quarter, it is not a unique or isolated occurrence. College Quarter has had a chronic problem with "party houses" which at times disturb this community with impunity. Some seem to be operating as unofficial off-campus college fraternity houses. Regardless, noise disturbance, underage drinking, public intoxication, reckless and impaired driving, and vandalism, are chronic.

In contemporaneous reporting of some of the more serious offenses (often late at night) many of us have received mixed messages with little or no action taken by the responding officers. It seems that applicable municipal codes and criminal statutes are confusing in their application and inconsistently enforced. It also appears at times that the police department is unwilling to take action against Rollins College students. Is this the policy of the police department? Who within the City of Winter Park is responsible for setting this policy?

As homeowners and taxpayers we are asking you for clarity on these matters and more importantly we are hoping for your willingness to work with us on solutions.

Would you be willing to meet with our group in the near future to discuss our concerns? If so, please contact me at this email address (Melinda Wright, mwrightlcsw@gmail.com), or by phone at 407-247-6118. I look forward to hearing from you.

Respectfully,
Melinda Wright
737 Maryland Ave.
Winter Park, FL 32789
407-247-6118

Robert Peale
737 Maryland Ave.
Winter Park, FL 32789

Nancy M. Galyean
746 McIntyre Ave.
Winter Park, FL 32789

Amie Kozan
803 Maryland Ave.
Winter Park, FL 32789

Cindy Schulz
Long9924@bellsouth.net

Elizabeth Bosserman
818 Antonette Ave.
Winter Park, FL 32789

Cc:
City Manager
City Commission
Ed Kania

10/10/2025 23:24:00	WPK7	WP21	WP219	Remark		LOCATION CHANGED FROM MARYLAND AVE & HUNTINGTON AVE TO 455 HUNTINGTON AVE BY WPK7
10/10/2025 23:26:44	O040	WP672	WP672	Remark		1 BWC
10/10/2025 23:27:43	O089	WP665	WP665	Remark		LOUD NOISES HEARD ALL THE WAY FROM HOLT AVE/MARYLAND AVE: 1025 W HOMERENTER, ADV HE WOULD QUIET PARTY DOWN. ADV HIM THIS WAS HIS 1-TIME WARNING AND TO TELL ENTIRE HOUSE TO ABIDE BY ORDINANCE HRS
10/10/2025 23:28:13	O089	WP665	WP665	Remark		1 BWC
10/10/2025 23:28:24	O089	WP665	WP665	Cleared	WP665	
10/10/2025 23:28:51	O040	WP672	WP672	Cleared	WP672	



Event Report



Event Number: **20253042622** EventType: **Disturbance - Noise (22NIR)** Priority: **ROUTINE** Current Status: **CLEARED**

ANI/ALI:

Initialized: **10/31/2025 20:33:36** Call Source: **TEL**
 Created: **10/31/2025 20:35:49** By: **atirado** On Terminal: **WPK2**
 Dispatched: **10/31/2025 20:36:19** By: **bholifield** On Terminal: **WPK8**
 Enrouted: **10/31/2025 20:40:24**
 Arrived: **10/31/2025 20:51:07** Primary Unit: **WP668** Comments:
 Cleared: **10/31/2025 20:53:50** Disposition Codes: **V** Final Event Type: **Disturbance - Noise (22NIR)**

Location: **455 HUNTINGTON AVE**

Dom Nbr: Agency: **WPK** Region: **WPK** Zone: **WP3** Municipality: **WP**

Business/Subdivision:

Caller Name: Phone: Alt. Phone:

Caller Location:

Case Nbrs:

Vehicles:

Assigned Officers - Radio IDs/Status

WP668(Cuddy, Michael) - CL

History

Date Time	Issuer			Command		Remark
	Terminal	Employee	Radio Id	Name	Radio Id	
10/31/2025 20:35:49	WPK2	WP233	WP233	Event Create		
10/31/2025 20:35:49	WPK2	WP233	WP233	Remark		87 REF PEOPLE OUTSIDE PLAYING LOUD MUSIC FOR PAST 2 HOURS NEG 56
10/31/2025 20:36:19	WPK8	WP242	WP242	Dispatched	WP668	
10/31/2025 20:36:19	WPK8	WP242	WP242	Event Modify		
10/31/2025 20:40:24	WPK8	WP242	WP242	Enroute	WP668	
10/31/2025 20:40:24	WPK8	WP242	WP242	Event Modify		
10/31/2025 20:51:07	O013	WP668	WP668	Arrived	WP668	
10/31/2025 20:51:07	O013	WP668	WP668	Event Modify		
10/31/2025 20:53:46	O013	WP668	WP668	Remark		MUSIC WAS HARDLY HEARD. HOMEOWNER INFORMED OF NOISE ORD AND WAS COOPERATIVE. 1BWC
10/31/2025 20:53:50	O013	WP668	WP668	Cleared	WP668	



Event Report



Event Number 20253042716	EventType Disturbance - Noise (22NJR)	Priority ROUTINE	Current Status CLEARED
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ANI/ALI:

Initialized: **10/31/2025 21:13:54** Call Source: **TEL**

Created: **10/31/2025 21:14:52** By: **blacroix** On Terminal: **WPK1**

Dispatched: **10/31/2025 21:18:15** By: **epierce** On Terminal: **WPK7**

Enrouted: **10/31/2025 21:18:47**

Arrived: **10/31/2025 21:21:31** Primary Unit: **WP646** Comments:

Cleared: **10/31/2025 21:33:37** Disposition Codes: **V** Final Event Type: **Disturbance - Noise (22NJR)**

Location: **455 HUNTINGTON AVE**

Dom Nbr: Agency: **WPK** Region: **WPK** Zone: **WP3** Municipality: **WP**

Business/Subdivision:

Caller Name: Phone: Alt. Phone:

Caller Location:

Case Nbrs:

Vehicles:

Assigned Officers - Radio IDs/Status

WP646(Marc, Vukanson) - CL

History

Date Time	Issuer			Command		Remark
	Terminal	Employee	Radio Id	Name	Radio Id	
10/31/2025 21:14:52	WPK1	WP227	WP227	Event Create		
10/31/2025 21:14:52	WPK1	WP227	WP227	Remark		87 IN REF TO A LARGE PARTY GOING ON
10/31/2025 21:18:15	WPK7	WP268	WP268	Dispatched	WP646	
10/31/2025 21:18:15	WPK7	WP268	WP268	Event Modify		
10/31/2025 21:18:47	O056	WP646	WP646	Enroute	WP646	
10/31/2025 21:18:47	O056	WP646	WP646	Event Modify		
10/31/2025 21:21:31	O056	WP646	WP646	Arrived	WP646	
10/31/2025 21:21:31	O056	WP646	WP646	Event Modify		
10/31/2025 21:33:18	O056	WP646	WP646	Remark		SPOKE W/ RESD AND HE ADVISED THEY WILL BEGIN MOVING PEOPLE INTO THE HOME AND TELLING EVERYONE ELSE TO LEAVE.
10/31/2025 21:33:20	O056	WP646	WP646	Remark		1 BWC
10/31/2025 21:33:35	O056	WP646	WP646	Remark		NO MUSIC COULD BE HEARD, ONLY LOUD TALKING FROM BACKYARD.
10/31/2025 21:33:37	O056	WP646	WP646	Cleared	WP646	
10/31/2025 21:35:16	WPK8	WP242	WP242	Remark		SIG 14- SUNJ WORKING ON CLEARING THE PARTY



Event Report



Event Number: **20253042801** EventType: **Disturbance - Noise (22NJR)** Priority: **ROUTINE** Current Status: **CLEARED**

ANI/ALI:

Initialized: **10/31/2025 22:01:18** Call Source: **TEL**
 Created: **10/31/2025 22:02:32** By: **blacroix** On Terminal: **WPK1**
 Dispatched: **10/31/2025 22:03:11** By: **bholifield** On Terminal: **WPK8**
 Enrouted: **10/31/2025 22:06:16**
 Arrived: **10/31/2025 22:11:06** Primary Unit: **WP671** Comments: **NOTICE ISSUED TO KEEP PEOPLE FROM BLOCKING THE STREET**
 Cleared: **10/31/2025 22:28:48** Disposition Codes: **V** Final Event Type: **Disturbance - Noise (22NJR)**

Location:

Dom Nbr: Agency: **WPK** Region: **WPK** Zone: **WP3** Municipality: **WP**

Business/Subdivision:

Caller Name: Phone: Alt. Phone:

Caller Location:**Case Nbrs:****Vehicles:****Assigned Officers - Radio IDs/Status**

WP658(Patton, Rodricus) - CL, WP671(Thomas, Nicholas) - CL

History

Date Time	Issuer			Command		Remark
	Terminal	Employee	Radio Id	Name	Radio Id	
10/31/2025 22:02:32	WPK1	WP227	WP227	Event Create		
10/31/2025 22:02:32	WPK1	WP227	WP227	Remark		54-56 87 IN REF TO LARGE PARTY GOING ON DOWN THE STREET NEAR THE 9TH GRADE CENTER
10/31/2025 22:03:11	WPK8	WP242	WP242	Dispatched	WP671	
10/31/2025 22:03:11	WPK8	WP242	WP242	Event Modify		
10/31/2025 22:03:50	WPK8	WP242	WP242	Remark		455 HUNTINGTON
10/31/2025 22:04:38	WPK8	WP242	WP242	Dispatched	WP658	
10/31/2025 22:06:16	O048	WP658	WP658	Enroute	WP658	
10/31/2025 22:06:16	O048	WP658	WP658	Event Modify		
10/31/2025 22:07:41	O091	WP671	WP671	Enroute	WP671	
10/31/2025 22:11:06	WPK8	WP242	WP242	Arrived	WP671	
10/31/2025 22:11:06	WPK8	WP242	WP242	Event Modify		
10/31/2025 22:12:25	O048	WP658	WP658	Arrived	WP658	
10/31/2025 22:20:54	O048	WP658	WP658	Remark		1 BWC
10/31/2025 22:22:06	O048	WP658	WP658	Cleared	WP658	
10/31/2025 22:28:48	O091	WP671	WP671	Cleared	WP671	
10/31/2025 22:28:48	O091	WP671	WP671	Remark		CL: WP671 - NOTICE ISSUED TO KEEP PEOPLE FROM BLOCKING THE STREET

Region: WPK CSA: 2 Grid:

OFFENSE REPORT

For the public: No Agency Report #

Juvenile: No 202546001122

Winter Park Police Department

Domestic Violence: No Event #

Agency ORI: FL0480600

Public Version

Dating Violence: No 20253050047

Reported Day/Date: Sat 11/1/2025 0:22 Time Dispatched: 11/1/2025 0:22 Time Arrived: 11/1/2025 0:23 Time Completed: 11/1/2025 06:06 Date Occurred From: Sat 11/1/2025 0:20 Date Occurred To: Sat 11/1/2025 0:20

Subdivision: Forced Entry: N/A Occupancy: Occupied Type of Weapon: NA Location Type: RESIDENCE/SINGLE Municipality: WP

Incident Address:

455 HUNTINGTON AVE WINTER PARK FL 32789

Dispatch Address:

1000 HOLT AVE WINTER PARK FL 32789

#Offenses: 01 #Victims: 02 #Offenders: 01 #Prem. Ent: 0 #Arrested: 01 Drug Related: N Alcohol Related: Y Call Disposition: A1 Signal Code: 90CIR Clearance: Cleared By Arrest

OFFENSES SECTION

Off#	Description	Statute#	UCR	Ordinance	Attempt/ Commit	Warrant #	DVR	Drug Activity
1	CONTRIB DELINQ MINOR ALLOW MINOR ALCOHOL DRUG OPEN HOUSE PARTY	856.0152	4100	No	C		No	

Region: CSA: Grid.
WPK 2

OFFENSE REPORT

Winter Park Police Department

Public Version

For the public: No Agency Report #:
Juvenile: No **202546001122**
Domestic Violence: No Event #:
Dating Violence: No **20253050047**

Agency ORI: **FL0480600**

PERSON SECTION

VICTIM

Name: **CHUSTPUCHADES, ANA** R/S: **W/F** DOB: or Age: Offense Indicator:
 Adult/Juvenile: **A** SSN: Hgt: Wgt: Hair: Eyes: DL#: DL State: **FL**
 Person Type: **VICTIM- ADULT** City of Birth: Place of Birth:
 Address: Phone:
 Email: Cell Phone:
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Relationship:
 Foul Play Suspected: **False**
 Extent of Injuries: **None**
 Injury 1:
 Injury 2:

VICTIM

Name: **HAMMERFURBERT, AALIYAH** R/S: **B/F** DOB: **7/25/2005** or Age: Offense Indicator:
 Adult/Juvenile: **A** SSN: Hgt: **505** Wgt: **140** Hair: **BLACK** Eyes: **BROWN** DL#: DL State: **FL**
 Person Type: **WITNESS- ADULT** City of Birth: Place of Birth:
 Address: **4918 CORTO DR ORLANDO, FL 32837** Phone: **4079608838**
 Email: Cell Phone:
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Relationship:
 Foul Play Suspected: **False**
 Extent of Injuries: **None**
 Injury 1:
 Injury 2:

ARRESTEE

Name: **HARE, RICHARD MICHAEL** R/S: **W/M** DOB: **12/17/2002** or Age: Offense Indicator:
 Adult/Juvenile: **A** SSN: Hgt: **511** Wgt: **185** Hair: **BROWN** Eyes: **BLUE** DL#: DL State: **TX**
 Person Type: **ARRESTEE** City of Birth: Place of Birth:
 Address: **455 HUNTINGTON AVE WINTER PARK, FL 32789** Phone: **2143257407**
 Email: Cell Phone:
 OthPhone1: OthPhone2:
 NOK: NOK:
 NOK Address: NOK Phone:
 Emp. Address: Job: Bus. Phone:
 Comments:
 Arrest Address: **455 HUNTINGTON AVE** Booking Date: Booking #:
WINTER PARK , FL 32789 Arrest Date: Prints:
 Offense Address: **455 HUNTINGTON AVE** Jail Date: Weapon Seized: **False**
WINTER PARK , FL 32789 Weapon#: **0**

LE/BUSINESS SECTION

Name: **Francis, Rickey** Contact: **WP625 - Winter Park Police Dep**
 Offense Indicator: Other Id: Phone#: Comments: **2 BWC**
 Type: **OTHER/LE OFFCR**
 Address:

Name: **Patton, Rodricus** Contact: **WP658 - Winter Park Police Dep**
 Offense Indicator: Other Id: Phone#: Comments: **1 BWC**
 Type: **OTHER/LE OFFCR**
 Address:

Region: CSA: Grid.
WPK 2

OFFENSE REPORT
Winter Park Police Department
Public Version

For the public: No Agency Report #.
Juvenile: No 202546001122
Domestic Violence: No Event #.
Dating Violence: No 20253050047

Agency ORI: FL0480600

Name: **Rojas, Jeancarlo** Contact: **WPS47 - Winter Park Police Dep**
Offense Indicator: Other Id: Phone#: Comments: **2 BWC**
Type: **OTHER/LE OFFCR**
Address:

Name: **STATE OF FLORIDA** Contact:
Offense Indicator: Other Id: Phone#: Comments:
Type: **VICTIM- GOVT**
Address:

NARRATIVES

Rpt Date: 11/1/2025 02:20 Reporter: **PATTON, RODRICUS** WP658 Clearance: **Cleared By Arrest** Nar Type: **O**
Mod By: **WINTERPARK\jrojas** Mod Date: 11/1/2025 03:55 Related Case #:

On 11/01/2025 at approximately 0039 hours, I was dispatched to 455 Huntington Avenue, in reference to a citizen assist that took place at 1000 Holt Avenue. Officers informed a white female who was identified as Ana Chust Puchade W/F DOB (V1) was transported to the hospital due to alcohol poisoning.

V1's friend who was identified as Aaliyah Hammer-Furbert (B/F) DOB 07/25/2005 (W1), spoke with officers and informed W1 and V1 were at a Halloween party located at 455 Huntington Avenue, Winter Park. W1 stated to officers that underage drinking was taking place at the residence. W1 informed her friend V1, was drinking at the party and that no one was checking ID's.

W1 informed she did not want to provide a written sworn statement.

I Officer Patton made contact with the homeowner of 455 Huntington Avenue in his front yard. The homeowner was identified as Richard Hare W/M DOB 12/17/2002 (A1). A1 was read his Miranda Rights and agreed to talk with officers.

Upon speaking with A1, I learned the following in summary.

It should be noted, A1 was informed someone who attended his Halloween party (V1), was intoxicated and in the hospital. A1 stated

I Officer Patton informed A1 that he still was responsible for the people at his party due to him being the homeowner. A1 was informed by officers on scene that multiple female subjects informed no one was checking ID's at the Halloween party. It should be noted, I Officer Patton made contact with A1 on a previous call for a noise disturbance (Event#20253042801). While on scene at the previous call, I notice multiple people entering the back yard of the residence and did not observe anyone checking ID's in my presence. I also observed multiple people coming and going from the residence. On my last encounter at the residence, I observed beer bottles, and red cups, scattered across the yard.

Based on the information provided from W1, A1 was found to have violated Florida State Statue 856.015 CONTRIB DELINQ MINOR ALLOW MINOR ALCOHOL DRUG OPEN HOUSE PARTY. A1 was transported to Orange County Jail without incident. The incident was recorded by my body worn camera. 11 pictures were also taken of the scene.

I swear/affirm the above statements are true and correct:
Officer's Signature:

PATTON, RODRICUS WP658
Name and Employee # (Printed)

Sworn to and subscribed before me, the undersigned

authority, this _____ day of _____, in the year _____

Name/Title of Person Authorized to Administer Oath:

ADMINISTRATIVE SECTION

Was Crime Scene Processed: **No** Processed By:
Officer Reporting: **WP658 PATTON, RODRICUS** Officer Shift: **N** Section: Unit: **WP658** Date: **11/01/2025**
Reviewed By: **WP47 Rojas, Jeancarlo** Review Date: **11/01/2025** Routed to:
Assigned To: Assigned Date: Assigned Dept:
Clearance: **Cleared By Arrest** Clearance Date: **11/01/2025** Referred To:
Comments: **OPEN HOUSE PARTY**



Event Report

Event Number
20253050086

EventType
Assist Other Agency (90IR)

Priority
ROUTINE

Current Status
CLEARED

ANI/ALI:

Initialized: **11/01/2025 00:44:00** Call Source: **ONV**
 Created: **11/01/2025 00:44:00** By: **bholifield** On Terminal: **WPK8**
 Dispatched: **11/01/2025 00:53:40** By: **epierce** On Terminal: **WPK7**
 Enrouted: **11/01/2025 00:53:42**
 Arrived: **11/01/2025 00:53:44** Primary Unit: **WP625** Comments:
 Cleared: **11/01/2025 00:53:50** Disposition Codes: **V** Final Event Type: **Assist Other Agency (90IR)**

Location: **455 HUNTINGTON AVE**

Dom Nbr: Agency: **WPK** Region: **WPK** Zone: **WP3** Municipality: **WP**

Business/Subdivision:

Caller Name: Phone: Alt. Phone:

Caller Location:

Case Nbrs:

Vehicles:

Assigned Officers - Radio IDs/Status

WP625(Francis, Rickey) - CL

History

Date Time	Issuer			Command		Remark
	Terminal	Employee	Radio Id	Name	Radio Id	
11/01/2025 00:44:00	WPK8	WP242	WP242	Event Create		
11/01/2025 00:44:00	WPK8	WP242	WP242	Dispatched	WP625	
11/01/2025 00:44:00	WPK8	WP242	WP242	Event Modify		
11/01/2025 00:44:00	WPK8	WP242	WP242	Enroute	WP625	
11/01/2025 00:44:00	WPK8	WP242	WP242	Arrived	WP625	
11/01/2025 00:44:00	WPK8	WP242	WP242	Event Modify		
11/01/2025 00:44:00	WPK8	WP242	WP242	Event Modify		
11/01/2025 00:48:15	WPK8	WP242	WP242	Pre-Empted	WP625	
11/01/2025 00:53:40	WPK7	WP268	WP268	Dispatched	WP625	
11/01/2025 00:53:40	WPK7	WP268	WP268	Event Modify		
11/01/2025 00:53:42	WPK7	WP268	WP268	Enroute	WP625	
11/01/2025 00:53:42	WPK7	WP268	WP268	Event Modify		
11/01/2025 00:53:44	WPK7	WP268	WP268	Arrived	WP625	
11/01/2025 00:53:44	WPK7	WP268	WP268	Event Modify		
11/01/2025 00:53:50	WPK7	WP268	WP268	Cleared	WP625	



Code Compliance Board

agenda item 5.b

item type

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

meeting date

January 8, 2026

prepared by**approved by**

Susanne Porras, Code Compliance Manager

subject

Motion for Foreclosure Proceedings - 2661 Via Tuscany, Winter Park, FL 32789

motion | recommendation**background****alternatives | other considerations**

https://cityofwinterpark-org.zoom.us/rec/play/-FeCj47gxaU5Idd17iNTQ-uKyAi61_nh2v9NMOWuAlbBIkiuQcvpc8mZ9MEt3eltnNQ6uRivYDVShN2J.2b9YWpBw_wXmg0FN?eagerLoad=1&originRequestUrl=https%3A%2F%2Fcityofwinterpark-org.zoom.us%2Frec%2Fshare%2F0TIX58opx

fiscal impact**attachments**

1. 2661 Via Tuscany Packet

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

Name(s):
DEVELOPER AND BUILDER
GROUP LLC

Physical Street Address:
2661 Via Tuscany

Property Use:
0105 - Single Fam Class V

Mailing Address On File:
218 Wilshire Blvd
Casselberry, FL 32707-5371
[Incorrect Mailing Address?](#)

Postal City and Zip:
Winter Park, FL 32789

Municipality:
Winter Park



2661 VIA TUSCANY, WINTER PARK, FL 32789 2/7/2024 9:15 AM

[Upload Photos](#)

[View 2025 Property Record Card](#)



2026 Values will be available in August of 2026. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

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

Total Land Area

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

[GIS Calculated](#)

[Notice](#)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	WP-R-1AA	1 Code Undefined	Working Value...	Working Value...	Working Value...	Working Value...

«« « » »»

Page 1 of 1 (Total Records: 1)

Building

[View Winter Park Permits](#)



Model Code:
1 - Single Fam Residence

Actual Year Built:
2025

Gross Area:
5260 sqft

Type Code:
0105 - Single Fam Class V

Beds:
4

Living Area:
3880 sqft

Building Value:
Working Value...

Baths:
4

Exterior Wall:
Cb.Stucco

Estimated New Cost:
Working Value...

Floors:
2

Interior Wall:
Drywall

Extra Features

Description	Date Built	Units	Xfob Value
Fnt3 - Null	01/01/2023	1 Unit(s)	Working Value...
PI3 - Null	01/01/2023	1 Unit(s)	Working Value...
Wldc - Null	01/01/2025	23 Unit(s)	Working Value...



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

Return to: Grantee

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

WARRANTY DEED

Made this October 31, of 2017 by and between

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Stehli
Brian L. Stehli

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

M. Trujillo
Witness Signature

Print Name: Meli Trujillo
State of Florida
County of Orange

A. Kelley
Witness Signature

Print Name: April Kelly

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

Meli Ann Trujillo
Notary Public

Meli Ann Trujillo
(Printed Name)

My Commission expires: 2/8/2020



Kristofer Lenn Stehl 10/30/17
Kristofer Lenn Stehl

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

Irene M. Zupko
Witness Signature

Print Name: Irene M. Zupko
State of CALIFORNIA

County of SAN LUIS OBISPO

Christine Ahern
Witness Signature

Print Name: Christine Ahern

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

Irene M. Zupko
Notary Public

Irene M. Zupko
(Printed Name)

My Commission expires: July 14, 2019



The Gary Stehli Living Trust

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

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

William J. Martinez
Witness Signature

Grover D. Daniels
Witness Signature

Print Name: William J. Martinez

Print Name: Grover D. Daniels

State of Florida

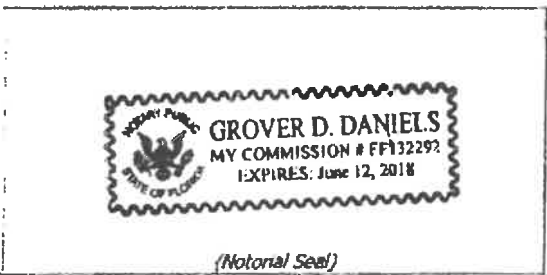
County of St. John

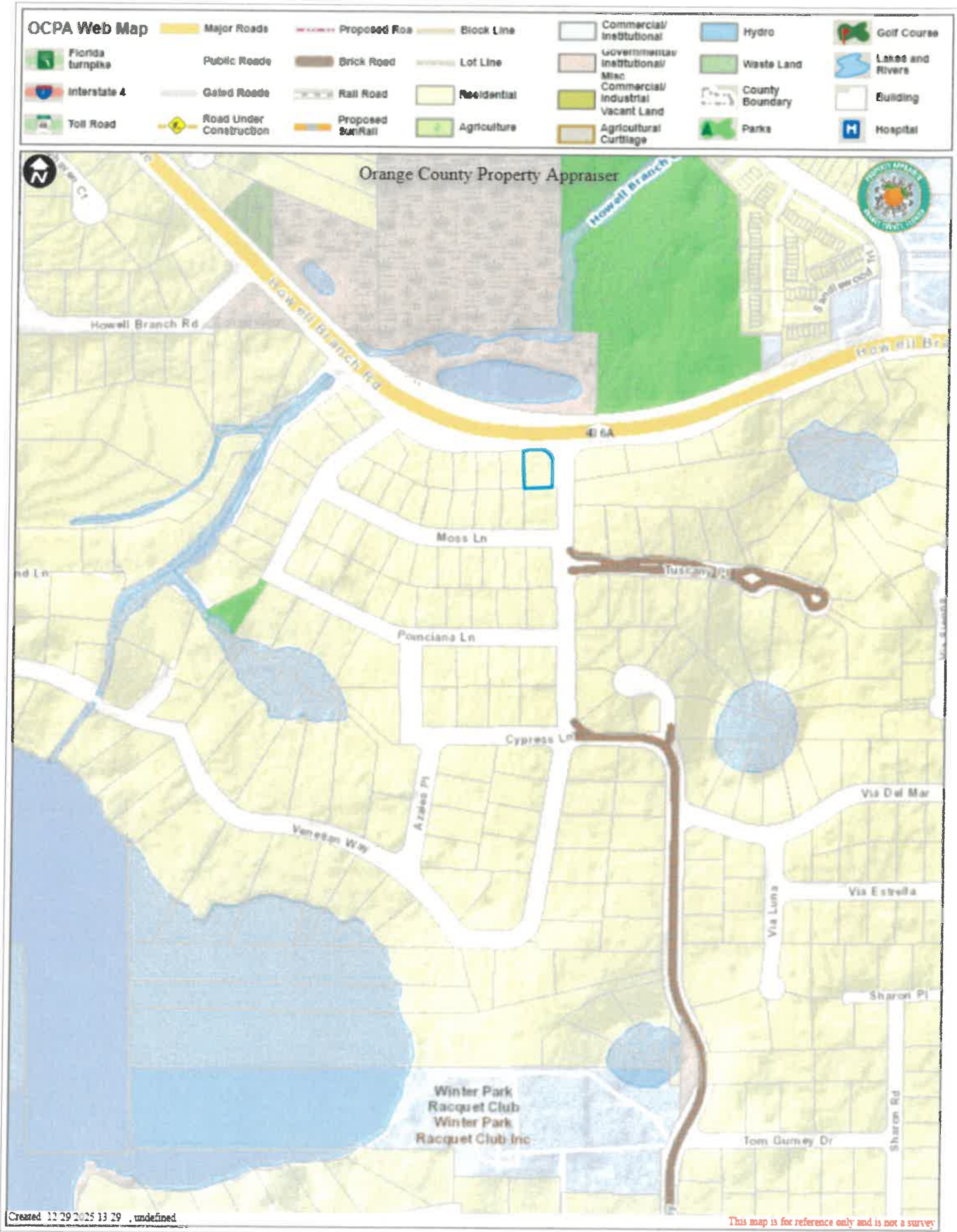
The Foregoing Instrument was Acknowledged before me on 30th Oct 2017 by **Gary L. Stehli, Individually and as Trustee of the Gary Stehli Living Trust** who is/are personally known to me or who has/have produced a valid driver's license as identification.

Grover D. Daniels
Notary Public

Grover D. Daniels
(Printed Name)

My Commission expires: 6/12/18







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

Detail by Entity Name

Florida Limited Liability Company
DEVELOPER AND BUILDER GROUP, LLC.

Filing Information

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

Principal Address

218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Changed: 04/23/2018

Mailing Address

218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Changed: 04/23/2018

Registered Agent Name & Address

BERMUDEZ, FERNANDO
218 WILSHIRE BLVD.
CASSELBERRY, FL 32707

Name Changed: 08/24/2017

Address Changed: 04/23/2018

Authorized Person(s) Detail

Name & Address

Title MGR

BERMUDEZ, FERNANDO
437 SANDRINGHAM CT
WINTER SPRINGS, FL 32708

Title MBR

YEPES GIRALDO, AMANDA DEL SOCORRO, MBR
CALLE 5 SUR # 25-130 APTO 315 PARQUE RES.
LA CAMPINA, MEDELLIN 00000 CO

Title MBR

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

Annual Reports

Report Year	Filed Date
2023	04/26/2023
2024	04/19/2024
2025	04/28/2025

Document Images

04/28/2025 -- ANNUAL REPORT	View image in PDF format
04/19/2024 -- ANNUAL REPORT	View image in PDF format
04/26/2023 -- ANNUAL REPORT	View image in PDF format
04/28/2022 -- ANNUAL REPORT	View image in PDF format
03/25/2021 -- ANNUAL REPORT	View image in PDF format
03/19/2020 -- ANNUAL REPORT	View image in PDF format
04/16/2019 -- ANNUAL REPORT	View image in PDF format
04/23/2018 -- ANNUAL REPORT	View image in PDF format
02/16/2017 -- Florida Limited Liability	View image in PDF format

Case Synopsis

A request for reduction or adjustment of Code Compliance Board Fines and Liens was received on September 5, 2025, from the property owner (s) Developer and Builder Group, LLC and CEO Fernando Bermudez.

Property: 2661 Via Tuscany – Developer and Builder Group, LLC

Code Compliance Board – Massey Hearing Case#22-943

March 2nd, 2023 - The Code Compliance Board determined that Respondent was still in violation with the Board's Order approved on November 3, 2022, for: Chapter 22; Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code), Sec. 202

Nuisance; Sec. 108.9 Vacant Buildings; Sec. 108.1.12 Unsafe Structures; Sec. 302.1 Sanitation and Storage and Sec. 108.7 Public Nuisances of the City of Winter Park Property Maintenance Code. Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec. 22-28. Amendments to the Florida Building Code.; Sec. 105.4.1 Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.

The Respondent is **ORDERED within 60 days of the hearing date to:**

- (1) Obtain a Certificate of Occupancy
- (2) Secure the property and remove construction debris.
- (3) Apply for and obtain any necessary extension of the existing permit.

Fines accrued from 01/02/2023 – 07/02/2025 (913 days for first violation x 250.00/per day = \$228,250.00 (CO obtained)

Fines accrued from 02/21/2023 – 06/07/2023 (107 days for second violation x \$250.00/per day = \$26,750.00

Total Outstanding Code Enforcement Board Fees Due is \$255,000.00 plus Administrative Fees in the amount of \$ 649.20 = \$255,649.20 (see enclosed Fine Assessment Sheet).

Code Compliance Board – Massey Hearing Case#BLDG-23-0008

February 1st, 2024 - The Code Compliance Board determined that Respondent was still in violation with the Board's Order approved on September 15th, 2023, for:

Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; Sec. 22-28. Amendments to the Florida Building Code.; Sec. 105.4. Conditions of a permit, permit term and intent and Sec. 105.4.1.1 of the City of Winter Park Building Code.

On September 7th, 2023, the Respondent was **ORDERED** to "Submit new permit

application for the pool structure to demonstrate compliance with current regulations and to address the comments made in 2021 within seven days of the hearing date". The Board assessed a fine against the Respondent in the sum of \$250.00 per day, Per violation, running from **September 15th, 2023** (the date established for compliance, 7 days after September 7th, 2023).

Fines accrued from 09/15/2023 – 07/19/2024 (307 days x \$250.00 per day = \$76,750.00

Total Outstanding Code Enforcement Board Fees Due is \$76,750.00 plus Administrative Fees in the amount of \$649.20 = \$77,399.20 (see enclosed Fine Assessment Sheet).

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

CASE NO.: **22-943 & BLDG-23-0008**

City of Winter Park
Petitioner,

vs.

DEVELOPER AND BUILDER GROUP LLC
218 WILSHIRE BOULEVARD
CASSELBERRY, FL 32707
Respondent,

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned authority, personally posted Wade, Phillip, 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 January 8, 2026, on the property located at 2661 VIA TUSCANY on this **19th day of December 2025**.
3. That the attached picture document is proof of the posting.

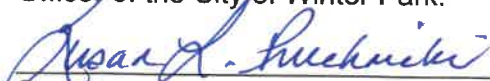
FURTHER AFFIANT SAYETH NOT

DATED this **22nd day of December 2025**


Wade, Phillip, Safety & Code Compliance Officer

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this **22nd day of December 2025**, by Phillip Wade, who is personally known to me as a Safety & Code Compliance Officer of the City of Winter Park.


Susan Pruchnicki, Notary Public
My Commission Expires March 15, 2027
Commission #HH373623





12/19/2025 15:59

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

Case No: 22-943 & BLDG- 23-0008

CITY OF WINTER PARK,

Petitioner,

VS.

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

Respondent.

**NOTICE OF CODE COMPLIANCE BOARD HEARING
ON REQUEST FOR AUTHORIZATION TO FORECLOSE ON PROPERTY**

Pursuant to Section 2-107 of the Code of the City of Winter Park, the undersigned Safety & Code Compliance Officer hereby gives notice of a **PUBLIC HEARING** before the Code Enforcement Board, a governmental board of the City of Winter Park, which will take place on:

JANUARY 8, 2026
at 3:00 p.m. at
Commission Chambers
second floor of Winter Park City Hall
401 S. Park Ave., Winter Park, FL 32789

The hearing will pertain to the following real property (hereinafter, the "Subject Property"):

1. Address of Property Encumbered by municipal code enforcement liens: 2661 Via Tuscany, Winter Park, FL 32789
2. Parcel I.D. No.: 32-21-30-5478-07-010
3. Legal Description: MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RDW ON NE COR) per Orange County records

12/19/2025 15:59

OFFICE REPORT

ALERT: SEVERE FLOODING WITH EVACUATIONS IN SOUTHERN CALIFORNIA, AND WINTER W...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9489009000276751550517

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:21 pm on December 22, 2025 in CASSELBERRY, FL 32707.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

CASSELBERRY, FL 32707

December 22, 2025, 1:21 pm

[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>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package



Feedback

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

Case No: 22-943 & BLDG- 23-0008

CITY OF WINTER PARK,

Petitioner,

9489 0090 0027 6751 5505 17

vs.

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

Respondent.
_____ /

**NOTICE OF CODE COMPLIANCE BOARD HEARING
ON REQUEST FOR AUTHORIZATION TO FORECLOSE ON PROPERTY**

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**JANUARY 8, 2026
at 3:00 p.m. at
Commission Chambers
second floor of Winter Park City Hall
401 S. Park Ave., Winter Park, FL 32789**

The hearing will pertain to the following real property (hereinafter, the "Subject Property"):

1. Address of Property Encumbered by municipal code enforcement liens: **2661 Via Tuscany, Winter Park, FL 32789**
2. Parcel I.D. No.: **32-21-30-5478-07-010**
3. Legal Description: **MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RDW ON NE COR) per Orange County records**

4. Names and address of owner (s): **Developer and Builder Group, LLC
218 Wilshire Blvd., Casselberry, FL 32707-5371**

Authorization for Foreclosure: Section 2-107 of the City Code states, "After three months from the filing of any such lien which remains unpaid, the code compliance board may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest." Therefore, the City's Safety and Code Compliance Division will ask the Code Compliance Board for authorization to foreclose on the liens encumbering the Subject Property or sue to recover a money judgment for the amount of the liens plus accrued interest.

If you do not attend this hearing, the Code Enforcement Board will consider the request to foreclose on your property even though you are not present and base the findings solely on the presentation made by the city.

The City Commission may give final approval of an action to foreclose on your property based on the Code Compliance Board's authorization.

ACCOMMODATIONS FOR DISABILITIES: In accordance with Florida Statutes § 286.26(1): Persons with disabilities needing assistance to participate in any of these proceedings should contact the office of the City Clerk (407-599-3277), 48 hours prior to the meeting.

NO ADDITIONAL NOTICE OF HEARING WILL BE PROVIDED TO YOU. PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated this 18th day of December 2025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Hearing has been posted at the Subject Property and at City Hall, and furnished by certified and regular mail to:

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

Certified Mail: 9489 0090 0027 6751 5505 17



Susanne Porras
Code Compliance Officer/Div. Manager

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

OUTSTANDING FEES DUE REPORT
2661 Via Tuscany
Winter Park, Florida 32789

Assessed Fines: CCB#22-943

Order Imposing Penalty ordered March 2, 2023
Fines imposed \$250.00 per day dating back to January 2, 2023, for 1st violation – Failure to Obtain a Certificate of Occupancy issued on July 02, 2025.

Main Permit #BLDR-2022-0829

From 01/02/2023 – 07/02/2025 = 913 days

913 days x \$250.00 per day = \$228,250.00

Daily fine of \$250.00 imposed dating back to February 21, 2023, for 2nd violation – Date when Respondent allowed the permit to expire.

From 02/21/2023 – 06/07/2023 (day they started reinstating permits) – 107 days

107 days x \$250.00 per day = \$26,750.00

Total Fines Accrued **\$255,000.00**

Administrative Fees (Hard Cost):

Site Inspections (3) x 150.00	\$450.00
Regular Mail (6) letters x .73 each	\$4.38
Certified mail (6) letters x \$7.47 each	\$44.82
Administrative Fee	\$150.00
Total Administrative Fees	\$649.20

Total Outstanding Code Enforcement Board Fees Due:	\$255,000.00
Total Outstanding Administrative Fees Due	\$649.20
Total Outstanding Code Enforcement Board Fees Due	\$255,649.20



FINE ASSESSMENT

City of Winter Park
 401 S Park Avenue
 Winter Park, FL 32789
 407-599-3600

DATE: 12-02-2025
 CASE: CCB#22-943

BILL TO:
 DEVELOPER & BUILDER GROUP, LLC
 218 WILSHIRE BLVD.
 CASSELBERRY, FL 32707-5371

PROPERTY: 2661 VIA TUSCANY

 Parcel #32-21-30-5478-07-010

DESCRIPTION	Sub-Total	AMOUNT
Fine accrued from 01/02/23 thru 07-02-25	(913 days @\$250.00 per day/violation #1)	\$228,250.00
Fine accrued from 02/21/23 thru 06/07/23	(107 days @\$250.00 per day/violation #2)	\$26,750.00
CEB Fines Total:	\$255,000.00	
Site Inspections (3) @ \$150.00	\$450.00	
Regular Mail 6 letters @.73 ea	\$4.38	
Cert Mail 6 letters @\$7.47 ea	\$44.82	
Administrative Fee	\$150.00	
Administrative Fines Total	\$649.20	
Total CEB Fines Due:	255,649.20	\$255,649.20
1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	



SAFETY & CODE compliance

401 S. Park Ave. • Winter Park, FL 32789 • 407-599-3600

December 2, 2025.

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

CCB: 22-943

Re: 2661 Via Tuscany, Winter Park, FL 32789

Parcel Id: 32-21-30-5478-07-010

Dear Developer & Builder Group, LLC:

Per City of Winter Park Code Compliance records, the Order recorded **DOC# 20230190666** dated April 6th, 2023, shows an outstanding fine. A balance of **\$255,649.20** is due unless a copy of a receipt can be provided verifying that payment has been made to the city.

Payment should be made to:
City of Winter Park
ATTN: Safety & Code Compliance Division
401 Park Ave., Winter Park, FL, 32789.

Thank you for your attention to this matter. Should you have any questions, please contact our office at 407-599-3600 and we will gladly assist you.

Respectfully,

Susanne R. Porras, COSS
Safety & Code Compliance
Division Manager
407-599-3283

Case# **CCB-22-943**

Certified Mail# **9489 0090 0027 6751 5554 99**

cc: **Fernando Bermudez, CEO – 218 Wilshire Blvd., Casselberry,
FL 32707-5371**

DOC # 20230653853

11/09/2023 12:04 PM Page 1 of 3

Rec Fee: \$27.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: CSC INC

CODE COMPLIANCE BOARD OF THE CITY OF WINTER PARK, FLORIDA

Case No: 22-943

CITY OF WINTER PARK

Petitioner,

v.

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

Respondents,

DOC # 20230190666

04/06/2023 08:02 AM Page 1 of 3

Rec Fee: \$27.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: CSC INC

9171 9690 0935 0245 9395 44

AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER IMPOSING FINES AND LIEN

THIS CASE came for a public hearing before the City of Winter Park, Florida, Code Compliance Board (the "Board"), on the 2nd day of March, 2023 after due notice to the Respondent, Developer and Builder Group, LLC, owner of 2661 Via Tuscan, Winter Park, FL 32789-5073, to determine whether Respondent remains in violation of the Board's Order approved on November 3, 2022 and entered on November 17th, 2022. The Board having heard sworn testimony and argument and received evidence, the Board thereupon issues its Findings of Fact, Conclusions of Law, and Order as follows

I. FINDINGS OF FACT

The Board makes the following findings of fact:

- A. Address, Ownership and Possessory Interest: The property at issue is located at 2661 Via Tuscan, Winter Park FL, 32789 (the "Property").
- B. Legal Description: MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RDW ON NE COR) per Orange County records.
- C. Parcel I.D.: # 32-21-30-5478-07-010
- D. Notices:
 1. The City gave proper notice of this hearing to the Respondents by posting at the Property and at City Hall and by United States certified mail.
 2. The City gave proper notice to Respondent via U.S. Certified Mail of the Board's Findings of Fact, Conclusions of Law, and Order approved at the Code Compliance Board's November 3, 2022 hearing and entered by the Board's Chair on November 17, 2022.
- E. Description of Violation: Respondent allowed the Building Permit and Pool Electric Permit to expire on February 20, 2023, and the Plumbing Permit and Electrical Permit to expire on February 21, 2023 without completing construction. Respondent failed to obtain a Certificate of Occupancy by January 2, 2023, the compliance deadline in the Board's Order of November 3rd, 2022. The incomplete, vacant structure remains a public nuisance.

Case # 22-943

STATE OF FLORIDA, COUNTY OF ORANGE

HEREBY CERTIFY That the above and foregoing is a true copy of the original filed in This office in the City of Winter Park, Florida

Page 1 of 3

Dated: 11/6/2023 By: Renee Cranis
City Clerk - Deputy Clerk

II. CONCLUSIONS OF LAW

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

- A. The City complied with the procedures and notice requirements of the City Code as required pursuant to Sections 2-105 and 2-110, respectively, of the Winter Park Code of Ordinances and in Florida Statutes chapter 162. In accordance with *Massey v. Charlotte County*, 842 So. 2d 142 (Fla. 2d DCA 2003), the Respondent had a full and fair opportunity to appear and present evidence as to why fines should not be assessed, but voluntarily chose not to appear.

As of the hearing date, the Respondent remains in violation of Chapter 22, Sections 22-176 of the Winter Park Code (adopting the International Property Maintenance Code, 2021 edition (the "IPMC") and establishing the Winter Park Property Maintenance Code); 22-177 of the Winter Park Code (amending the International Property Maintenance Code) to include "Public Nuisance" as defined in Section 202 "General Definitions") and as prohibited in Sec. 108.7 of the Winter Park Property Maintenance Code, Sec. 108.9 of the Winter Park Property Maintenance Code (Vacant Buildings); Sec. 108.1.1 of the IPMC (Unsafe Structures), as well as Article II. – Building Code; Sec. 22-26 (Short Title establishing the Winter Park Building Code); Sec. 22-27 (adopting the Florida Building Code, 7th edition, by reference); Sec. 22-28 (amending the Florida Building Code); Sec. 105.4.1 and Sec 105.4.1.1 of the Winter Park Building Code (Conditions of a permit, permit term, and intent).

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon a motion made by Dwayne Johnson, seconded by Douglas Bond, and agreed to in a unanimous 5-0 vote by the Board:

1. The Respondents are **ORDERED** immediately following the hearing date to:
 - (1) Obtain a Certificate of Occupancy for the Property; and
 - (2) Apply for and obtain any necessary extension of the existing building permits for the Property
2. The Board hereby assesses fines of \$500.00 per day, which consists of \$250.00 per day for each day a Certificate of Occupancy is not obtained and \$250.00 per day for each day Respondent fails to obtain permit extensions. The \$250.00 fine for failure to obtain a Certificate of Occupancy is retroactive to January 2, 2023, the date required for compliance. The latter \$250.00 daily fine is retroactive to February 21, 2023, when Respondent allowed the permits to expire.
3. In setting the amount of the code enforcement fines established above, the Board considered the factors set forth in Florida Statutes § 162.09(2)(b) and section 2-107 of the City Code, which are (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and (3) any prior violations committed by the violator.
2. The fines shall continue to accrue until Respondent establishes compliance with the November 3, 2022 Order. To stop the accrual of fines, Respondent must inform the City's Safety and Code Compliance department in writing and establish when it has achieved compliance with the Code Compliance Board's November 3, 2022 Order.
3. Upon recording in the public records of Orange County, Florida, the fines shall run with the land in favor of the City of Winter Park.
4. All non-homestead real property subject to a code enforcement lien is subject to foreclosure pursuant to Florida Statutes § 162.09(3) and Section 2-107 of the City Code. The City may obtain an award of its costs, including a reasonable attorney's fee, pursuant to Florida Statutes § 162.10. After three months from the filing of any such lien which remains unpaid, the Code Compliance Board may authorize the city attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

A CERTIFIED COPY OF THIS ORDER WILL BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND PURSUANT TO § 162.09, FLORIDA STATUTES AND SECTION 2-107 OF THE CITY CODE, WILL CONSTITUTE A LIEN AGAINST THE RESPONDENT'S REAL PROPERTY THAT IS THE SUBJECT OF THIS ORDER AND AGAINST ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE RESPONDENT.

NOTICE OF RIGHT TO APPEAL

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

DONE AND ORDERED, effective the 2nd day of March 2023 at Winter Park, Florida.

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


Paul Mandelkern, Chair

STATE OF FLORIDA
COUNTY OF ORANGE

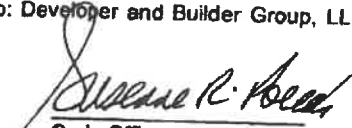
SWORN TO and subscribed before me, by means of physical presence or online notarization, this 22nd day of March, 2023, by Paul Mandelkern, Chair, who is personally known to me.

Notary Public: 



CERTIFICATE OF SERVICE

A true and correct copy of the above and aforementioned Findings of Fact, Conclusions of Law and Order has been furnished by regular and certified mail to: Developer and Builder Group, LLC – 218 Wilshire Blvd., Casselberry, FL 32707-5371.


Code Officer

OUTSTANDING FEES DUE REPORT
2661 Via Tuscany
Winter Park, Florida 32789

Assessed Fines: CCB#BLDG-23-0008

Order Imposing Penalty ordered September 15, 2023, for building permit #BLDR-2021-1943
Fines imposed \$250.00 per day/ per violation dating back to September 15, 2023

From 09/15/2023 – 07/19/2024 = 307 days

307 days x \$250.00 per day/per violation = \$76,750.00

Total Fines Accrued	\$76,750.00
---------------------	--------------------

Administrative Fees (Hard Cost):

Site Inspections (3) x 150.00	\$450.00
Regular Mail (6) letters x .73 each	\$4.38
Certified mail (6) letters x \$7.47 each	\$44.82
Administrative Fee	\$150.00
Total Administrative Fees	\$649.20

Total Outstanding Code Enforcement Board Fees Due:	\$76,750.00
Total Outstanding Administrative Fees Due	\$649.20
Total Outstanding Code Enforcement Board Fees Due	\$77,399.20



FINE ASSESSMENT

City of Winter Park
 401 S Park Avenue
 Winter Park, FL 32789
 407-599-3600

DATE: 12-02-2025
 CASE: BLDG-23-0008

BILL TO:
 DEVELOPER & BUILDER GROUP, LLC
 218 WILSHIRE BLVD.
 CASSELBERRY, FL 32707-5371

PROPERTY: 2661 VIA TUSCANY

 Parcel #32-21-30-5478-07-010

DESCRIPTION	Sub-Total	AMOUNT
Fine accrued from 09/15/23 thru 07-19-24	(307 days @\$250.00 per day)	
CEB Fines Total:	\$76,750.00	
Site Inspections (3) @ \$150.00	\$450.00	
Regular Mail 6 letters @.73 ea	\$4.38	
Cert Mail 6 letters @\$7.47 ea	\$44.82	
Administrative Fee	\$150.00	
Administrative Fines Total	\$649.20	
Total CEB Fines Due:	76,750.00	\$77,399.20
1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	



SAFETY & CODE compliance

401 S. Park Ave. • Winter Park, FL 32789 • 407-599-3600

December 2, 2025.

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

CCB: BLDG-23-0008

Re: 2661 Via Tuscany, Winter Park, FL 32789

Parcel Id: 32-21-30-5478-07-010

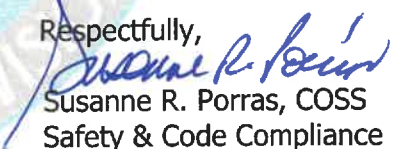
Dear Developer & Builder Group, LLC:

Per City of Winter Park Code Compliance records, the Order recorded **DOC# 20240085235** dated February 1st, 2024, shows an outstanding fine. A balance of **\$77,399.20** is due unless a copy of a receipt can be provided verifying that payment has been made to the city.

Payment should be made to:
City of Winter Park
ATTN: Safety & Code Compliance Division
401 Park Ave., Winter Park, FL, 32789.

Thank you for your attention to this matter. Should you have any questions, please contact our office at 407-599-3600 and we will gladly assist you.

Respectfully,


Susanne R. Porras, COSS
Safety & Code Compliance
Division Manager
407-599-3283

Case# **CCB-BLDG-23-0008**

Certified Mail# **9489 0090 0027 6751 5550 62**

cc: **Fernando Bermudez, CEO – 218 Wilshire Blvd., Casselberry, FL 32707-5371**

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

Case No.: BLDG.-23-0008

CITY OF WINTER PARK
Petitioner

Vs.

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

Respondents,

_____ /

DOC # 20240100848

02/20/2024 14:37 PM Page 1 of 3

Rec Fee: \$27.00

Deed Doc Tax: \$0.00

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: CSC INC

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

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

I. FINDINGS OF FACT

The Board makes the following findings of fact:

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

Case # BLDG-23-0008

STATE OF FLORIDA, COUNTY OF ORANGE
HEREBY CERTIFY That the above and foregoing
is a true copy of the original filed in This office in the
City of Winter Park, Florida
Dated: 11/31/2024 By: René A. Crans
City Clerk - Deanna P. ...

Page 1 of 3

II. CONCLUSIONS OF LAW:

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

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

III. ORDER

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

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

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

NOTICE OF RIGHT TO APPEAL

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

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


CITY OF WINTER PARK, FLORIDA

CODE COMPLIANCE BOARD


Wayne Johnson, Chair

STATE OF FLORIDA
COUNTY OF ORANGE

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

Notary Public: 



Winter Park, FL, September 5, 2025

To City of Winter Park

Building Division

City Commissioners

Attn Mr. Randy Knight

Reference: 2661 Via Tuscany, Winter Park, FL 32789

Dear Sirs,

My name is Fernando Bermudez, CEO of Developer and Builder Group LLC, headquartered in Casselberry, FL, and owner of the house located at 2661 Via Tuscany, Winter Park, FL 32789.

On behalf of our company, we respectfully request that you, or the appropriate party, consider the possibility of eliminating the extremely high fines imposed on our company, Developer and Builder Group LLC, for alleged noncompliance with certain codes during the construction and completion process of the referenced house at 2661 Via Tuscany, Winter Park, FL 32789.

Statement of Reasons

1. The proposal for the construction of the referenced property was always to build a resilient, modern, and elegant home for the use of one of the company's partners. Among the many alternatives of cities, we ultimately chose Winter Park, Florida, for its excellent location in Central Florida, its proximity to tourist attractions in Orlando and surrounding areas, its cultural environment, its safety, and its socioeconomic level.
2. We hired the services of an architect and general contractor with experience working in the City of Winter Park, Mr. Richard Stubbs. Together with the general contractor and a team of architects, engineers, and designers, we defined the plans and modern models that we built. The construction was designed to satisfy the owner specifications—modern and resistant to hurricanes and environmental challenges that Florida faces each season.
3. During the construction process, we were affected by numerous adverse events. The U.S., and worldwide COVID-19 and its aftermath paralyzed the global economy. This affected us even more severely because all the interior finishes of the house were sourced from Europe—ordered and purchased by us in Italy and Greece—custom-made to fit the architectural plans and the owner's preferences. Once orders were placed and the materials

purchased, COVID-19 forced Europe to shut down for nearly two years. Shipping delays, container shortages, and the global supply chain crisis prevented timely delivery of these materials to Winter Park, FL. We lost 2 years and 8 months, which significantly impacted our construction schedule and costs.

In the U.S., COVID-19 also had devastating effects: several contractors on our project passed away due to the virus, and others went bankrupt, abandoning their businesses. This forced us to find replacements under far higher costs, often three times the original budget. Moreover, new contractors were unwilling to assume responsibility for partially completed work left by the original contractors, compelling us to redo many tasks at great additional expense.

After COVID-19, continuing this construction became extremely costly, but we nonetheless pushed through to complete the house.

4. COVID-19 impacted our lives in many ways. In August 2021, our principal partner—practically the owner of the company—passed away due to COVID-19. I myself nearly died from the virus, spending many days hospitalized, in isolation, and then 10 months in recovery, unable to fulfill company obligations.

These challenges caused further complications, including significant problems with the general contractor and his group, leading to lost time and financial resources. Without our partner's financial backing, we were forced to take on private bank loans to continue and finish construction.

Additionally, on October 9, 2023, I underwent a major surgery with severe complications that left me incapacitated for five months, until March 2024, when—by God's miracle—I began to recover my health.

5. After resuming construction and reaching 80% completion by September 2022, Hurricane Ian caused major interior damage to the house. We had to redo much of the work, reorder materials from Europe, and wait about eight months for production and delivery to Winter Park, FL.

We filed a legitimate claim with our insurance company, which was denied. The insurer argued that the damage was caused by Hurricane Ian's force and flooding, and more specifically by roof sealing issues. Following the denial, our insurance was canceled.

Throughout the final process, I personally and continuously visited Winter Park, often accompanied by some members of my team, to seek guidance from your staff, who were always diligent in their advice. At no point we got informed of any code violations or noncompliance, nor did we receive any stop working notification from the city. Furthermore, since we trusted in our general contractor to resolve any issue with the city, including the notifications referenced above, but he failed to pass that information to me,

consequently I had every reason to believe everything was in compliance.

Thus, we were shocked to learn of these fines and the excessive amounts involved. Even through the City's online logging system—which we regularly checked—there was no indication that our project was noncompliant or accumulating high daily penalties. Had we known, we would have immediately addressed the situation. We also never received invoices from the City notifying us of debts arising from code violations.

Despite all these challenges, we completed construction, and the City issued the Certificate of Occupancy for the home. However, we were later presented with two invoices totaling \$320,000—a debt impossible for us to pay. The property is listed for sale, but the real estate market now is extremely slow. Meanwhile, we face the serious risk of one of our private lenders foreclosing on the house.

For these reasons, we respectfully request that you eliminate the fines and release the lien currently placed on the property by your department and the City of Winter Park, FL.

If required, we are in good disposition to present any documentation or additional information you may consider necessary.

Finally, if you elect to have a meeting with us, please just let me know the location and time so we can present the case to you in person.

We look forward to your prompt and positive response, and we deeply appreciate your collaboration and support.

Sincerely,



Fernando Bermudez
Developer and Builder Group LLC
CEO

From: Bob Halback <bobhalback@embarqmail.com>
Sent: Wednesday, November 5, 2025 8:12 PM
To: Susanne Porras <SPorras@cityofwinterpark.org>
Subject: Re: [EXTERNAL] 2661 Via Tuscany Home

Ms. Porras, as I suggested to you earlier today, there is much I cannot remember about all the problems and code violations from our next-door neighbors. This vagueness is largely due to the length of time the house next door has been under construction, going on NINE years now from when the lot was originally cleared. There have been numerous instances when the owners violated code or just ignored our legitimate concerns about how their construction, or lack of it, affected our property. We have had to deal, for years, with construction debris actually impacting our house, smearing our windows and damaging our pool screen and pool. Also, the contractors purposefully did not finish our side of a privacy wall between our properties for several years. Overall, the experience has been unprofessional (single workers showing up after hours or on weekends, as if the whole project is some sort of shady after thought), unnecessarily drawn out, and damaging to our property. I should also add, that the owners have the house for sale (at last open house) at 6.6 million dollars. The recent sale price of houses in our neighborhood--Maitland Shores--by the square foot would mean the house next door should be listed in the \$1.5 to \$2 million range. Surely, if the owners really wanted to sell, they would price the house accordingly. Bob H.

From: [Barry Render](#)
To: [Susanne Porras](#)
Subject: [EXTERNAL] 2661 Via Tuscany
Date: Wednesday, November 5, 2025 1:30:02 PM

Susanne,

I live at 2630 Via Tuscany, directly across from 2661, a construction project that is now approaching seven years!

It began with a bang--tearing down mature trees that were fenced for protection. It has continued with violation after violation. I cannot even list all the times we called the city to complain. Years ago, the owner's son appeared before P&Z swearing that he would take charge and that the home would be completed in 90 days. He was given extra time but absolutely nothing changed.

Now that the fines have compounded, I understand that the owners are requesting a waiver. The house is priced at about \$7 million I believe. Surely they can afford to pay the legitimate fines they brought on themselves.

Barry

Barry Render, Ph.D.
Harwood Professor of Operations Management (emeritus)
Rollins College Graduate School of Business
407-645-5499 (landline); 407-579-0600 (cell)

Operations Management Blog and Podcast: OperationsManagementBlog.com

Susanne Porras

From: Susanne Porras
Sent: Thursday, December 4, 2025 12:47 PM
To: fernandobermudez.usa@gmail.com
Subject: Re: Request to be Heard at Next Commission Meeting - 12-10-2025
Attachments: SKM_C251i25120413130.pdf; 2661 Via Tuscany - Commission Meeting Request Response - 12-04-25 (SRP).pdf

Importance: High

Good afternoon Mr. Bermudez,

As per our conversation last evening, please find the attached documents pertaining to your Request to be Heard at our next Commission Meeting on December 10th, 2025, at 3:30pm. As I discussed with you, I corrected some of the daily fines for cases, CCB-22- 943 and for BLDG-23-0008. I will be sending the same paperwork via regular and certified mail as well.

Feel free to contact me if you have any questions or concerns about the information that is enclosed. I am always here to help.

Best regards,

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



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

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



City of Winter Park, Florida
Building & Permitting Services Department

CERTIFICATE OF OCCUPANCY

PERMIT NUMBER: BLDR-2022-0829

THIS IS TO CERTIFY THAT THE STRUCTURE, ADDITION AND/OR ALTERATION CONSTRUCTED ON THE BELOW DESCRIBED LAND HAS BEEN INSPECTED FOR COMPLIANCE WITH THE BUILDING CODES, LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE BUILDING & PERMITTING SERVICES DEPARTMENT OF THE CITY OF WINTER PARK, FLORIDA.

Property Address: 2661 VIA TUSCANY, WINTER PARK, FL 32789
General Contactor/Owner:
Address: 2661 VIA TUSCANY, WINTER PARK, FL 32789

Permit Type and Class: Residential Building - New Construction
Permit Description: NEW SINGLE FAMILY RESIDENCE
Design Occupant Load: -----
Sprinkler System Required: No
Sprinkler System Provided: -----
Occupancy Type: Single Family Dwelling
Parcel ID: 302132547807010
Building Code Edition: 7th Edition
Type of Construction: V-B

THE PORTION OF THE STRUCTURE DESCRIBED IN THE BUILDING PERMIT HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CODE FOR THE OCCUPANCY AND DIVISION OF OCCUPANCY AND THE USE FOR WHICH THE PROPOSED OCCUPANCY IS CLASSIFIED.

FOR BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS, THE DOCUMENTATION OF THE AS-BUILT LOWEST FLOOR ELEVATION HAS BEEN PROVIDED AND IS RETAINED IN THE DEPARTMENT RECORDS.

THIS CERTIFICATE BECOMES INVALID UPON ANY CHANGES TO THE BUILDING OR PREMISES OR UPON ANY VIOLATION OF THE ZONING ORDINANCE OR ANY AMENDMENTS THERETO.

Date: 07/02/2025

Gary Hiatt
CITY OF WINTER PARK
BUILDING OFFICIAL

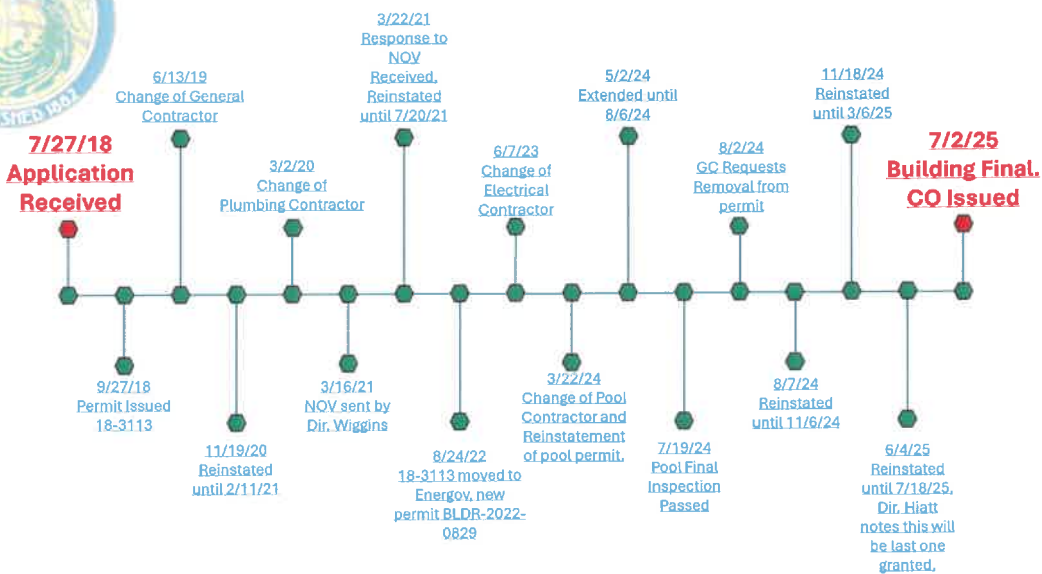


2661 Via Tuscany Building Department Timeline

1



2661 Via Tuscany Timeline [Click to jump to the slide in the detailed timeline](#)



2



2661 Via Tuscany Timeline

Detailed Timeline

- 7/27/2018 – Application received for a new single-family home at 2661 Via Tuscany. The listed contractor is Richard Stubbs.
- 9/27/2018 – Permit 18-3113 for the construction of the SFR is issued – The total permit fees are \$8812.50.
- 12/07/2018 – The first Notice of Commencement, signaling the start of construction, is recorded with Orange County. The document number is DOC#20180708372
- 6/13/2019 – Change of Contractor – The GC changes from the Daniel Corporation to Stubbs Architecture LLC.
 - The individual license holder, Richard Stubbs, is the same. It's likely that contractor changed companies and brought the job with him or the contractor applied under the Daniel Corporation in mistake.

[Click to return to timeline](#)

3



2661 Via Tuscany Timeline

- 11/9/2020 – A reinstatement request for the main permit, 18-3113, is received. The contractor states COVID-19 led to significant delays in window installation, but that the windows are now complete and the project is ready for more inspections.
 - The request is approved for 90 days, until 2/11/21.
- 3/2/2020 – Change of Contractor – Transfer of the plumbing sub-permit from NDS Development to Bryan Plumbing LLC.
- 2/20/2020 – A separate permit application for a retaining wall is received. The listed contractor is Stubbs Architecture.
- 5/27/2020 – Permit 20-734 for a retaining wall is issued.

[Click to return to timeline](#)

4



2661 Via Tuscany Timeline

- 3/16/2021 – A Notice of Violation (NOV) is sent by Director George Wiggins via regular and certified mail to both the contractor and the owner. The letter stated that the site is unsightly and unsafe and requires swift action to remedy this situation. The letter also stated that the unfinished work is in violation of Winter Park’s amendments to the Florida Building Code, as referenced in the Winter Park City Code Sec. 22-28 Subsec. 105.4 which requires the completion of new residential buildings within 12 calendar months from commencement of work. The last recorded inspection of the project occurred on 11/19/19.
 - The letter informs the recipients to immediately contact Dir. Wiggins to begin resolving the code violation and fixing site conditions. Failure to do so will result in the City taking corrective actions by boarding up/otherwise preventing entry to the site OR referring the matter to the Code Compliance Board, who could impose an order of compliance, impose daily fees of \$250 per violation, and issue an order for the demolition of the incomplete structure.

[Click to return to timeline](#)

5



2661 Via Tuscany Timeline

- 3/22/2021 – The contractor emailed a response to the NOV. They stated that COVID-19 had led to severe vendor material delays which significantly slowed construction. This slowdown compounded into the financing agreement between the owner and the lender needing to be extended, the new agreement of which was not approved until 3/3/2021. Because of this, no construction occurred between Feb. 2020 – Mar. 2021.
 - The contractor continues to say the issues with the material vendors and the lenders have been rectified, and he is ready to resume construction. He then laid out a timeline for inspections to occur, with the final building inspection anticipated for 7/1/2021, and the pool construction to be completed on 7/23/2021. He also states that action will be taken immediately to rectify the unsightly construction site and maintain fencing and landscaping.
 - He also requested that the permit be reinstated until 8/15/21.
- Dir. Wiggins responds on the same day and approves a 90-day reinstatement until 7/20/2021, contingent on the removal of a chain link fence, leaving silt fencing in place, and maintaining a clean work site. He notes that temporary landscaping may be necessary.

[Click to return to timeline](#)

6



2661 Via Tuscany Timeline

- 4/6/2021 – Building Inspector Tom Lilly went on site and spoke with the contractor, who stated that he had a crew coming in today to remove the last of the debris. Inspector Lilly reported that no silt fence was up yet, but the property is “pretty well contained with the retaining wall and wall on the west side.”
- 7/16/2021- A reinstatement request for the plumbing sub-permit came from the plumbing sub-contractors, Bryan Plumbing LLC. They state the delay is due to “trying to get fixtures,” and estimated their completion date at 9/1/21.
- Presumably at around the same time (No date on letter sent), a reinstatement request for the electrical sub-permit came from the electrical sub-contractors, Doc Watts Electric. They state the delay was due to the client’s financial restraints and estimated their completion in Dec. 2021.
- 8/2/2021 – A Separate pool permit applied for in Energov. The contractors are RD Pool Maintenance, Inc.
- 11/4/2021 – Pool permit BLDR-2021-1943 is issued.

[Click to return to timeline](#)

7



2661 Via Tuscany Timeline

- 12/11/2021 – A reinstatement request for the retaining wall permit, 20-734, is received. The contractor states the delay was caused by the pool shell, under separate contract, needing to be completed first. He estimated the completion date a 1/7/22.
- 1/11/2022 – Retaining wall permit 20-734 passes its final inspection.
- 8/24/22 – SFR permit 18-3113 is moved to Energov. The new permit number is BLDR-2022-0829.
 - All the sub-permits are moved over the same day or on 8/25.
 - ELEC-2022-0948 – Main electric sub-permit w/ Doc Watts Electric
 - MECH-2022-0548- Mechanical sub-permit w/ Millenium A/C & Refrigeration
 - ROOF-2022-0643 – Roof sub-permit w/ Global Roofing LLC
 - PLMB-2021-0760 – Plumbing sub-permit w/ Bryan Plumbing LLC (applied earlier on 7/26/21)
 - GAS-2022-0137 – Gas sub-permit w/ Thermostat Propane (applied later, on 9/6/2022)

[Click to return to timeline](#)

8



2661 Via Tuscany Timeline

- 6/7/2023 - Change of Contractor –The electric sub-permit, ELEC-2022-0948, is transferred from Doc Watts Electric to Powerline Electrical Services.
 - A new electric sub-permit, ELEC-2023-0571, is issued. The old one is voided.
- 6/15/2023 – PLMB-2021-0760, the plumbing sub-permit, passed its final inspection.
- 8/17/2023 – ROOF-2022-0643, the roof sub-permit, passed its final inspection.
- 9/10/2023 – An aluminum fence permit is applied for in Energov. The listed contractor is Stubbs Architecture.
- 10/26/2023 – The aluminum fence permit, BLDR-2023-0859, is issued.
- 10/30/2023 – BLDR-2023-0859, the aluminum fence permit, passed its final inspection.
- 3/22/2024 – Change of Contractor – The pool permit, BLDR-2021-1943, is transferred from RD Pool Maintenance to Grunit Pool Contractors. The permit number is kept, and the pool permit is reinstated the same day until 6/27/2024.

[Click to return to timeline](#)

9



2661 Via Tuscany Timeline

- 5/2/2024 – An extension request for the main permit, BLDR-2022-0829, is received. The contractor stated the delay stems from that issues with the original pool contractor’s company dissolving, unfinished gas and electric sub-permit work, and needing to correct issues pointed out by an engineering inspector (retention pond location, missing fence, fixing broken concrete sidewalk, collection of stormwater from the roof). They request reinstatement for 3 months and note that a CO is needed ASAP.
- 5/3/2024- The extension request is approved for 90 days, until 8/6/2024.
- 5/3/2024 - A reinstatement request for the gas sub-permit, GAS-2022-0137, is received. Details are sparse, but a separate letter received on 6/4/2024 from the gas sub indicates that they delay is from large changes in scope of work for the gas contractor. The permit is reinstated until 8/5/2024.
- 7/19/2024 – BLDR-2021-1943, the pool permit, passes its final inspection.

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2661 Via Tuscany Timeline

- 8/2/2024 – Stubbs Architecture sends a letter requesting their removal from being listed as a contractor on the permit. As is understood, the issues they had were later resolved, and Stubbs Architecture remained on the project until completion.
- 8/7/2024 – A reinstatement request for the main permit, BLDR-2022-0829, is received from the owner. They state that the delay is due to revisions for the gas work. They request reinstatement for 3 months and note that a CO is needed ASAP.
- 8/12/2024 – The reinstatement request is approved for 90 days, until 11/6/2024.
- 10/11/2024 – The gas sub-permit, GAS-2022-0137, passes their final inspection.
- 11/18/2024 – A reinstatement request for the main permit, BLDR-2022-0829 is received from the owner. They state that the delay is due to issues with the gas work, and because the gas and electric sub-permits are still open. They request reinstatement for 3 months and note that a CO is needed ASAP.
- 12/6/2024 – The reinstatement is approved for 90 days, until 3/6/2025.
- 12/20/2024 – Electric sub-permit ELEC-2023-0571 passed final inspection.

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2661 Via Tuscany Timeline

- 3/4/2025 – An extension request for the main permit, BLDR-2022-0829 is received from the owner. They state the delay is because of an inspection hold placed on the permit due to issues with the length of the boundary retention wall. They noted that the gas and electric sub-permits were finalized. They request reinstatement for 3 months and note that a CO is needed ASAP.
- 3/6/2025 – The extension is approved for 90 days, until 6/6/2025.
- 6/4/2025 – An extension request for the main permit, BLDR-2022-0829 is received from the owner. They state that the delay is due to correcting 5 issues pointed out by inspector, the most difficult of which was replacing a custom, imported glass panel. They request reinstatement for 2 weeks and note that they will call the final inspection upon installation of the glass panel.
- 6/18/2025 – The extension is approved for 30 days, until 7/18/2025. Dir. Hiatt notes that this will be the final extension granted.
- 7/2/2025 – The main permit, BLDR-2022-0829, passes its final inspection. The project is complete, and the CO is issued automatically the same day.

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Code Compliance Board

agenda item 7.a

item type

Staff Updates

meeting date

January 8, 2026

prepared by

Susan Pruchnicki, Coordinator

approved by**subject**

None

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

None



Code Compliance Board

agenda item 10.a

item type

Upcoming Agenda Items

meeting date

January 8, 2026

prepared by

Susan Pruchnicki, Coordinator

approved by

Susanne Porras, Code Compliance
Manager

subject

LDC-25-0465 2218 Whitehall Dr., Winter Park, FL 32792

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

None



Code Compliance Board

agenda item 10.b

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Upcoming Agenda Items

meeting date

January 8, 2026

prepared by

Susan Pruchnicki, Coordinator

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Susanne Porras, Code Compliance
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subject

BLDG-25-0024 508 Brechin Dr., Winter Park, FL 32792

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

None



Code Compliance Board

agenda item 10.c

item type

Upcoming Agenda Items

meeting date

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Susan Pruchnicki, Coordinator

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Manager

subject

PM-25-0186 508 Brechin Dr., Winter Park, FL 32792

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

None