



Code Compliance Board Minutes

May 5, 2022 at 3:00 pm

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

Call to Order

Chairman Mandelkern called the meeting of the City of Winter Park Code Compliance Board to order at 3:00 pm on May 5, 2022, in the Commission Chambers, Winter Park, Florida.

Code Compliance Board Members: Paul Mandelkern, Todd Boyer, Douglas Bond, John Schmalz, Mark Van Valkenburgh, and Larry (Chris) Tabor were present. Wayne Johnson was absent.

Assistant City Attorney: Richard Geller from Fishback Dominick Law Firm

Staff: Division Director of Risk Management, Safety & Code Compliance, & Fleet Keri Martin, Safety & Code Compliance Manager Susanne Porras, and Recording Secretary Neena Ramjit.

Chairman Mandelkern stated for the record the new member of the Code Compliance Board, Larry (Chris) Tabor, was appointed by the City Commission.

Paul Mandelkern read the statement of purpose into the minutes.

Consent Agenda

Todd Boyer made a motion to approve the minutes from the February 3, 2022 meeting minutes. Larry (Chris) Tabor seconded the motion.

Paul Mandelkern requested to correct the spelling of Jacob Kingsford's name under the section stating, "the following spoke on behalf of the Respondents," located on page 2 of the minutes. Mr. Mandelkern asked to add the words "they" and "days" to the first bullet point located on page 2 of the minutes.

Minutes from the February 3, 2022 Code Compliance Board were approved with corrections unanimously.

Staff Updates

Compliances

CCB# 22-4 2365 Winter Park Road, Winter Park, FL 32789

Cited for Recreational Vehicle violation.

Officer Porras informed the Board that the property has come into compliance and staff will not be presenting this case.

CCB# 21-818 630 W. Swoope Avenue, Winter Park, FL 32789

Cited for Property Maintenance violation.

Officer Porras advised the Board Members of the progress made regarding the property and asked to table this case until the next Code Compliance Board Meeting.

Mark Van Valkenburgh made a motion to table case #21-818 for the next Code Compliance Board Meeting. John Schmalz seconded the motion. Motion carried unanimously 6-0.

CCB# 21-817 1241 S. Denning Drive, Winter Park, FL 32789

Cited for short-term rental violation.

Officer Ramjit informed the Board Members of the compliance obtained.

Prior Case Reports

CCB#18-870 1260 Whitesell Drive, Winter Park, FL 32789

Assistant City Attorney Rick Geller informed the Board Members of the current unlawful detainer action brought by the City in the Orange County Circuit Court to remove the resident in the condemned house. The resident was defending the action on the basis that he had an application pending with the Florida Department of Economic Opportunity's ReBuild program to fund repair and reconstruction of hurricane-damaged properties. The City was allowing that process to play-out.

CCB# 19-1411 1400 South Denning Drive, Winter Park, FL 32789

Assistant City Attorney Rick Geller updated the Board Members on the appeal pending in the Orange County Circuit Court. The Florida Federation of Garden Clubs appealed that portion of the Code Board Order stating it must obtain the City's consent before holding events. Officer Porras confirmed that the Florida Federation of Garden Clubs has paid for their fines.

CCB# 21-1430 2212 Azalea Place, Winter Park, FL 32789

Assistant City Attorney Rick Geller informed the Board Members that FG Schaub appealed the Code Board's Order to the Orange County Circuit Court. Officer Porras stated that FG Schaub has paid the fine.

Public Hearings

CCB# 22-256 475 Huntington Avenue, Winter Park, FL 32789

Violation: Discarded articles all around the front yard, including a shopping cart and trash bags. Outside storage (carport area) of furniture, bricks, pavers and other items creating unsightly conditions for neighboring properties. Refuse containers stored in plain view all the time and outside the service days. Broken glass in one of the front windows.

Codes Cited: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2018 edition), 22-177 (amending the International Property Maintenance Code), 308.1 Accumulation of Rubbish and 304.13 Window, Skylight and Door Frames of the International Property Maintenance Code. Chapter 82, Section 82-7 (d) & (b) Refuse Disposal and Chapter 82, Section 82-33 & 82.36 of the City of Winter Park Land Development Code.

A presentation of the property conditions was given by Safety & Code Compliance Manager, Susanne Porras.

Officer Porras presented photos of the case and provided a brief timeline:

- Inspections of the property occurred on February 10, 2022, March 14, 2022, March 30, 2022, April 7, 2022 and April 25, 2022.
- Notice of Violation mailed regular and certified on March 15, 2022.
- Notice of Hearing mailed regular and certified on April 11, 2022.
- Notice of Violation and Notice of Hearing were both posted on the property the same day they were mailed.
- The Notice of Hearing was posted at City Hall on April 25, 2022.

Officer Porras clarified her attempts to contact the personal representative, Steve Broder, in regards to this property at the beginning of the case. The case originated due to multiple weekly emails Officer Porras received from neighbors explaining their concern for the conditions of 475 Huntington Avenue. Assistant City Attorney Rick Geller stated the posting of the Notices at City Hall and on the property complied with the due process requirements mandated by the Florida Statutes chapter 162. Further discussion was held amongst Board Members and Officer Porras.

The following spoke on behalf of the Respondents:

Scott Broder, 475 Huntington Avenue, on behalf of Henry Williams and Steve Broder. He explained that his father, passed away 2 days ago and he just was notified of the Hearing upon returning back to Winter Park from North

Carolina. He assured the Board Members that he will be able to remedy any violations by the end of the day. Mr. Broder expressed his regrets and apologized for the condition of the property. He requested at least a week to get the property brought up to compliance. Upon Board Member questioning, Mr. Broder clarified that he is the current owner of the property and that he inherited this property from his father, Steve Broder, who is the legal representative for Henry Williams.

The following offered public comment:

Linda Merbler, 795 McIntyre Avenue, testified that this property is a blight on the entire neighborhood. 590 and 599 Huntington Avenue are in total decay as well. She mentioned that she did not feel it was fair she received a notice for her own trash cans at the curb outside a service day when this house, 475 Huntington Avenue, is in the condition it is.

Nancy Galyean, 746 McIntyre Avenue, stated the property is an eyesore that brings down the value of neighboring properties. She submitted a photo from Orange County Property Appraiser's website, taken on March 26, 2021, to show how long the property has been in its current state. Mrs. Galyean urged the Board to take appropriate action and get this solved.

Diane Rose, 815 McIntyre Avenue, expressed that she is embarrassed to have her friends come over because they have to pass-by this house. She also claimed to see a rat coming from that property.

Chairman Mandelkern closed the public comment portion of the hearing for board discussion.

Douglas Bond made a motion that from the evidence presented, that the board issue an order finding the Respondent, William Henry S. Estate, Code Compliance Board Case #22-256, owner of 475 Huntington Ave., Winter Park, FL 32789 in violation of Chapter 22, Section 22-176 (adopting the International Property Maintenance Code, 2018 edition), 22-177 (amending the International Property Maintenance Code), 308.1 Accumulation of Rubbish and 304.13 Windows. Chapter 82, Section 82-7 (d) & (b) Refuse Disposal, 82-33 & 82-36 (d) & (b) of the City of Winter Park Code of Ordinances. The Board ordered the respondent, within 14 days, to (1) Remove all discarded articles and outside storage including the shopping cart, trash bags, furniture, pavers and all other items; (2) Keep refuse containers out of sight, in the rear and or side yards, after the property is serviced; and (3) Repair the broken glass window. The Board ordered that failure to comply with their order will result in fines of up to \$100.00 per day for each day the violation continues. The Board further ordered Respondent to contact the City Code Compliance Officer and provide documentation of action taken by 14 days from today (May 19, 2022). Mark Van Valkenburgh seconded the motion.

There was no further discussion on the motion. Upon a roll call vote, the motion passed 6-0.

Board Comments

Neighbors who spoke under public comment asked the Board to address other violations mentioned in the Hearing (590 and 599 Huntington Avenue). Chairman Mandelkern, stated that other violations must be discussed with the Code Compliance Department. He reminded the citizens that the Board's job is to hear cases brought before them by the Code Compliance Department; any other violations must follow the proper process.

Adjournment

There being no further business, Mark Van Valkenburgh made a motion to adjourn the meeting at 3:36 p.m. Larry (Chris) Tabor seconded the motion and it passed unanimously.

Next meeting is June 2 at 3:00 pm.

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Approved by the Board 07/07/2022.

/s/ Neena Ramjit, Recording Secretary