



Code Compliance Board Regular Meeting

Agenda

March 2, 2023 @ 3:00 pm

City Hall, Commission Chambers

401 S. Park Avenue | Winter Park, Florida

welcome

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

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

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

please note

Times are projected and subject to change.

-
1. **Call to Order**
 - a. [a. Roll Call](#) 2 minutes
 - b. [Statement of Purpose](#)
 2. **Swearing in of Witnesses**
 3. **Consent Agenda**
 - a. [Approve the minutes of regular meeting, February 02, 2023](#) 1 minute
 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.)

Old Item CCB#22-943 2661 Via Tuscany, Winter Park, FL 32789
 - a. [Old Business - 2661 Via Tuscany, Winter Park, FL 32789](#) 30 minutes
 6. **Non-Action Items**
 7. **Staff Updates**
 8. **Board Attorney Report**
 9. **Board Comments**
 10. **Upcoming Agenda Items**
 11. **Adjournment**



Code Compliance Board

agenda item

item type	Call to Order	meeting date	March 2, 2023
prepared by	Tatia Ghviniashvili	approved by	
board approval			
strategic objective			

subject

- a. Roll Call
- b. Statement of Purpose

motion / recommendation

background

alternatives / other considerations

fiscal impact



Code Compliance Board

agenda item

item type	Consent Agenda	meeting date	March 2, 2023
prepared by	Tatia Ghviniashvili	approved by	
board approval			
strategic objective			

subject

Approve the minutes of regular meeting, February 02, 2023

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Draft_Minutes.pdf](#)



Code Compliance Board Meeting Minutes

February 02, 2023 at 3:00 p.m.

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

1) Call to Order

Chairman Paul Mandelkern called the meeting to order at 3:00 p.m.

a. Roll Call

Present: Paul Mandelkern, Larry (Chris) Tabor, Todd Boyer, Douglas Bond.

Absent: John Schmalz, Wayne Johnson, Mark Van Valkenburgh.

Assistant City Attorney J. Giffin Chumley from Fishback Dominick Law Firm.

Staff: Safety & Code Compliance Manager Susanne Porras; Board Coordinator Tatia Ghviniashvili.

b. Statement of Purpose

Chairman Paul Mandelkern read the statement of purpose into the minutes.

2) Swearing in of Witnesses

All witnesses were sworn in by Ms. Ghviniashvili.

3) Consent Agenda

a. Approve minutes of regular meeting December 1, 2022

Motion made by Larry (Chris) Tabor to approve the minutes as presented; seconded by Todd Boyer. Motion carried unanimously with a 4-0 vote.

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

There were no public comments.

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

a. New Case: **CCB# 22-921 1714 Westchester Avenue, Winter Park, FL 32789**

Violation: Unpermitted repeated estate sale events at this location exceeding the number of such sales allowed within a 6-month period, and allowable time per permit and the City Code.

Codes Cited: Article III. Garage Sales – General; Sec. 78-26 Definitions; Sec. 78-27 Permit; Sec. 78-28 Duration of Sale, Frequency; Sec. 78-29 - Sign; Sec. 78-30 Display of Sale Goods, Sec. 78-31- Parking of the City of Winter Park Code of Ordinances.

Susanne Porras, Safety & Compliance Manager, presented the history of the alleged violations, along with the property's details and description as obtained from the records of Orange County Property Appraiser's office. She presented photographs of the alleged estate sale events dating on **July 22, 2022, July 24, 2022, and December 30, 2022**, and offered a brief timeline:

- Property inspections were completed on the following dates: May 18, 2022, May 21, 2022, June 22, 2022, June 23, 2022, July 15, 2022, July 22, 2022, August 01, 2022, August 19, 2022, December 30, 2022, January 12, 2023, January 14, 2023, and January 17, 2023.
- Notice of Hearing was issued for the September 1, 2022 meeting, but the meeting was later canceled.
- Staff continued to monitor the property as needed.
- Secondary Notice of Hearing was issued on January 17, 2023 for this meeting.

The floor opened for discussion and Ms. Porras answered board questions regarding the details of the case presented.

The following spoke on behalf of the Respondent:

Michael Tudor, 1714 Westchester Avenue, presented on his own behalf as the Respondent. He alleged some personal and financial hardships he had encountered in the past year, which included finding himself out of work due to an injury and being unable to provide for himself. He went on to describe some interactions he had with City staff and his neighbors- claiming that his neighbors did not have an issue with his estate sales. Mr. Tudor admitted to hosting the unpermitted estate sales listed above, for the sole purpose of raising enough money to purchase food and pay bills.

Chairman Mandelkern asked the Respondent a few clarifying questions, and the respondent answered appropriately.

The following offered public comment:

Larry Baker, 1651 Westchester Avenue, shared his concerns regarding the ongoing estate sales hosted by the Respondent. He claimed that the sales attract a large number of customers, and consequently, a large number of cars that cause traffic problems in the neighborhood. He asked the board to enforce the City Codes appropriately and end the unpermitted estate sales.

Katie Steuck, 1701 Westchester Avenue, also raised concerns regarding the traffic caused by the estate sales. She alleged that the Respondent posts “no parking” signs along the south side of Westchester, which causes people to park exclusively on the north side. She stated that this is not only a nuisance to the neighborhood, but also a safety issue, because in the case of an emergency, first responders would not be able to access the street as needed. She also shared some photographs of a sign promoting an estate sale, along with three “no parking” signs dating back to December 02, 2021.

Sarah Desmond, 1666 Westchester Avenue, shared similar concerns to those of her neighbors who spoke above. She emphasized the disruptions and safety concerns associated with traffic caused by the estate sales, and also noted that there have been times where patrons of the sales were rude and caused damages to some of the flora in neighbors’ yards.

Chairman Mandelkern briefly reopened the case to allow the Respondent to make additional comment. The Respondent claimed that one of the individuals who gave public comment above, does not reside in the neighborhood and therefore should not be allowed to speak on the matter.

Chairman Mandelkern closed the public portion of the hearing, and the floor opened for a brief board discussion.

Motion made by Todd Boyer to find the Respondent, Michael Tudor, Code Compliance Board Case #22-921, owner of 1714 Westchester Ave., Winter Park, FL 32789 in violation of Article III. Garage Sales- General; Sec. 78-26- Definitions; Sec. 78-27 – Permit; Sec. 78-28 – Duration of Sale, Frequency; Sec. 78-29- Sign; Sec. 78-30 – Display of Sale Goods and Sec. 78-31 – Parking, of the City of Winter Park Code of Ordinances. The Respondent is ordered to cease all unpermitted estate and garage sale activity that exceeds the allowable time per City Code effective immediately of this hearing date. Failure to comply with this order will result in fines up to \$250 per day, for each day the violation continues. The Respondent is further ordered to contact the Safety and Code Compliance Officer and provide documentation of action taken by 02/07/2023; seconded by Douglas Bond.

A brief discussion followed, and the board agreed to remove the last sentence of the motion, indicating that there is no condition that needs to be corrected. In this case, the condition needs to cease from happening altogether.

Upon a roll call vote (with the deletion), Chairman Paul Mandelkern, Larry (Chris) Tabor, Todd Boyer, and Douglas Bond voted yes. Motion carried unanimously with a 4-0 vote.

6) Non-Action Items

7) Staff Updates

- a. Compliances – **CCB#22-1087 1276 Richmond Rd.**
CCB#22-1086 1274 Richmond Rd.
CCB#22-449 701 Northwood Cir.

Ms. Porras gave a brief update on the cases listed above informing the board that they are all in compliance.

8) Board Attorney Report

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

Mr. Chumley gave an update noting that an action for injunctive relief has been filed to allow the City to demolish that structure. Since the time of filing, a stipulated final judgment has been obtained with the property owner, who has agreed to demolish the property by March 04, and if not, the City will have the right to demolish the property themselves and charge that amount against the property.

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

Mr. Chumley noted that the City had made a motion to file a Surreply and is awaiting response from the judge.

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

Mr. Chumley provided an update noting that both parties involved (the City and the Florida Federation Garden Clubs) have filed a joint Motion to Expedite the appeal and have yet to receive a response from the Circuit Court.

9) Board Comments

There were no board comments.

10) Upcoming Agenda Items

There are two confirmed cases for the March meeting (subject to change).

11) Adjournment

Douglas Bond made a motion to adjourn the meeting at 4:02 p.m.; seconded by Larry (Chris) Tabor. Motion carried unanimously with a 4-0 vote.

Next meeting is scheduled for March 02, 2023.

Minutes approved by the board on _____.

/s/ Tatia Ghviniashvili, Board Coordinator

DRAFT



Code Compliance Board

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date March 2, 2023
prepared by Susanne Porras	approved by
board approval	
strategic objective	

subject

Old Business - 2661 Via Tuscany, Winter Park, FL 32789

motion / recommendation

background

Determination of non-compliance with Code Compliance Board Order and to impose fines

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[AGENDA PACKET 3.2.2023.pdf](#)

FACT SHEET

March 2, 2023.

Case No: 22-943

Respondent:

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

1. Address where violation exists: **2661 VIA TUSCANY, Winter Park, FL 32789**
2. Parcel I.D. No.: **32-21-30-5478-07-010**
3. Property Zone: **R-1AA**
4. Inspection(s): **08/01/2022 AND 08/19/2022**
5. Notice of Violation and Notice of Hearing was mailed regular, certified mail, posted on the property and city hall in accordance with Florida Statute 162 Due Process requirements.

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

Evidence

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

VIOLATION DESCRIPTION: Unsecured abandoned construction site, creating unsafe and unsightly conditions for neighboring properties. Construction materials and debris stored on	CORRECTIVE ACTION REQUIRED: Secure the vacant property. Remove all unsightly construction materials and debris from plain view. Reinstate permit to complete construction or restore the property to its original state.	CODES CITED: 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
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the property in plain view.		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.
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If the board is in agreement with the evidence submitted and determines that an order should be issued:

-Staff Recommended Motion –

From the evidence presented today, this board is issuing an order finding the Respondents Developer and Builder Group, LLC owners of 2661 Via Tuscany, Winter Park, Florida 32789, Code Compliance Board Case # 22-943 NOT in compliance with the order that was issued by the Code Compliance Board on November 3, 2022 in which respondents were ordered to obtain a Certificate of Occupancy, secure the property, remove all construction debris, apply for and obtain any necessary extensions of the existing building permits for the Property within 60 days of the hearing date. Failure to comply with this order will result in fines of up to \$ _____ per day, per violation for each day the violation continues. The owners were found in violation of Chapter 22; Section 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 as adopted and amended. 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.

If you own and occupy property as your primary residence as of January 1, 2023, you may qualify for an exemption. The deadline to file a 2023 exemption application is March 1, 2023.

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

Print Date: 02/23/2023 System Refresh Date: 02/22/2023

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

Name(s):

Developer And Builder Group
LLC

Physical Street Address:

2661 Via Tuscany

Property Use:

0001 - Vacant Residential

Mailing Address On File:

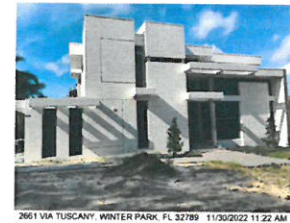
218 Wilshire Blvd
Casselberry, FL 32707-5371
[Incorrect Mailing Address?](#)

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park



2661 VIA TUSCANY, WINTER PARK, FL 32789 11/30/2022 11:22 AM

[Upload Photos](#)

[View 2022 Property Record Card](#)

i PROPERTY FEATURES

\$ VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

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

Total Land Area

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

[GIS Calculated](#)

[Notice](#)

Land

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

«« « 1 » »»

Page 1 of 1 (Total Records: 1)

Building

There are no buildings associated to this parcel.

Extra Features

There are no extra features associated to this parcel.

[View Winter Park Permits](#)

The Orange County Tax Collector makes every effort to produce and publish the most current and accurate information expressed or implied, are provided for the data herein, its use, or its interpretation. The assessed values are NOT certified subject to change before being finalized for ad valorem tax purposes. Utilization of the search facility indicates understatement by the user. This Site Should not be relied upon for a title search.

Parcel/Tangible	32-21-30-5478-	Owner & Address:	
Number:	07010		DEVELOPER AND BUILDER GROUP LLC218 WILSHIRE BLVD
Date: 2/23/2023			5371
Tax Year: <u>2022</u>			
Total Assessed Value:	\$172,040	Legal	MAITLAND SHORES FIRST ADDITION S/68 L
Taxable Value:	\$172,040	Description:	ON NE COR)
Gross Tax Amount:	\$2,677.34	Location	2661 VIA TUSCANY WINTER PARK 32789
Millage Code:	6 WP	Address:	

Comments:

Note: The "Certified Owner" is the Owner of record on the Tax Roll. Check the "Certified Owner" check box and see the certified owner.

Current Taxes and Unpaid Delinquent Warrants:

Year	Owner Information	Amount Due	View Bill/Receipt	Certified (
2022	DEVELOPER AND BUILDER GROUP LLC	\$2,650.57	Taxbill	☐
2020	DEVELOPER AND BUILDER GROUP LLC	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2019	DEVELOPER AND BUILDER GROUP LLC	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2017	DEVELOPER AND BUILDER GROUP LLC	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2016	GARY STEHLI LIVING TRUST STEHLI BRIAN L STEHLI KRISTOFER LENN	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2015	GARY STEHLI LIVING TRUST STEHLI BRIAN L	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2014	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2013	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2012	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2011	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2010	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2009	STEHLI BRIAN L STEHLI KRISTOFER LENN STEHLI GARY LEE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2008	STEHLI DOROTHY P ESTATE	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2007	STEHLI FRANK L	* PAID (View Taxbill For Receipt) *	Taxbill	☐
2006	STEHLI FRANK L	* PAID (View Taxbill For Receipt) *	Taxbill	☐

Unpaid Real Estate Certificates:

Year Current Payoff If Paid By Current Payoff If Paid By Make Payment

2021	\$2,838.96	2/28/2023	\$2,838.96	3/31/2023	Pay Now
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Other Real Estate Certificates:

Year Face Value Certificate Number Status Amount Paid

2018	\$4,336.36	2019-0014791	Paid	\$4,559.43
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* UNPAID DELINQUENT TAXES MUST BE PAID BY A CASHIERS CHECK, MONEY ORDER, OR CERTIFIED FUNI
LAST BUSINESS DAY OF THE MONTH.



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

Return to: Grantee

File No.: 2020-2482558

Consideration: \$280,000.00

WARRANTY DEED

Made this October 31, of 2017 by and between

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. L. Stehli
Brian L. Stehli

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

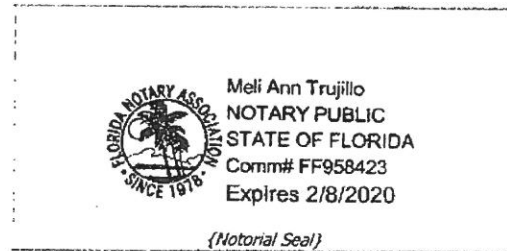
Meli Trujillo
Witness Signature
Print Name: Meli Trujillo
State of Florida
County of Orange

A. Kelley
Witness Signature
Print Name: April Kelley

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

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

My Commission expires: 2/8/2020



Kristofer Lenn Stehli 10/30/17
Kristofer Lenn Stehli

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

Irene M. Zupko
Witness Signature

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 Stehli who is/are personally known to me or who has/have produced a valid driver's
license as identification.

Irene M. Zupko
Notary Public

Irene M. Zupko
(Printed Name)

My Commission expires: July 14, 2019



The Gary Stehli Living Trust

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

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

William J. Martinez
Witness Signature

Grover D. Daniels
Witness Signature

Print Name: William J. Martinez

Print Name: Grover D. Daniels

State of Florida

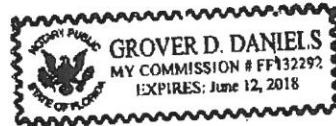
County of St. Johns

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

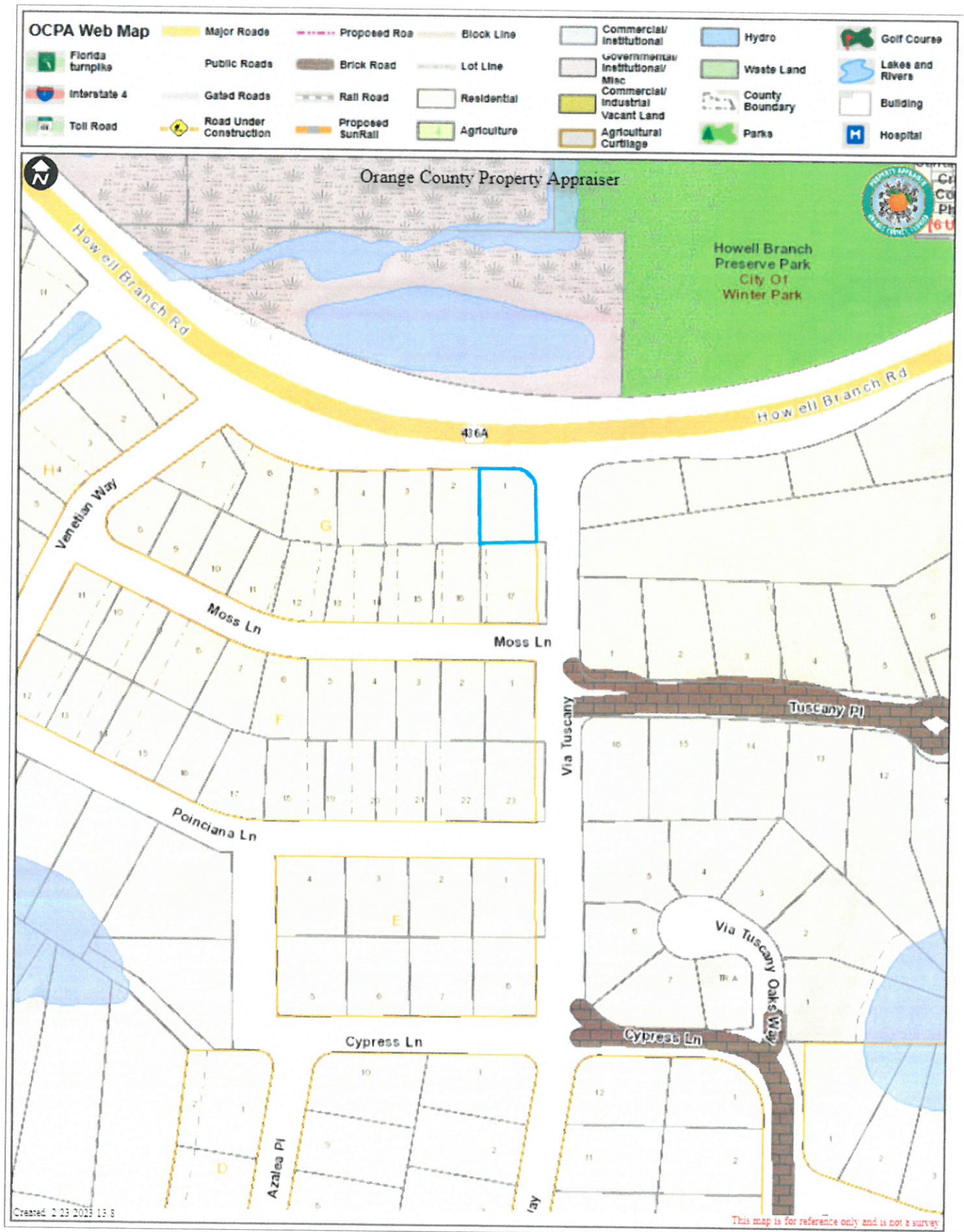
Grover D. Daniels
Notary Public

Grover D. Daniels
(Printed Name)

My Commission expires: 6/12/18



(Notarial Seal)



Parcel Photos - 2661 Via Tuscany



2661 VIA TUSCANY, WINTER PARK, FL 32789 11/30/2022 11:22 AM

CODE ENFORCEMENT BOARD
CITY OF WINTER PARK, FLORIDA

Date: January 2, 2023

AFFIDAVIT OF NON-COMPLIANCE

CITY OF WINTER PARK
Petitioner _____/

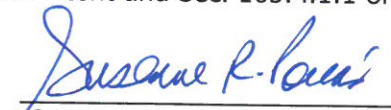
CASE NO.22-943

vs.

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

Respondents _____/

1. I, Susanne R. Porras, have reviewed the case for the property located at **2661 Via Tuscany, WINTER PARK, FL 32789, Parcel I.D.: 32-21-30-5478-07-010** and find that said property is not in compliance with the Code Compliance Board Order dated November 3, 2022 citing 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.


Susanne R. Porras, Affiant

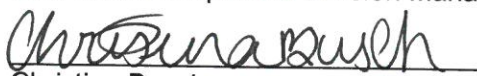
STATE OF FLORIDA
COUNTY OF ORANGE

PERSONALLY APPEARED before me, the undersigned authority, and acknowledge that she did execute the foregoing Affidavit.

SWORN TO AND SUBSCRIBED

Before me this 2nd day of January, 2023

By Susanne R. Porras, who is personally known to me
as a Code Compliance Division Manager of the City of Winter Park.

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



Appeal Process

You have a right to appeal this notice and order by filing a written application for appeal with the City of Winter Park. The application for appeal must be filed within twenty (20) days after the day this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

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

Case No: 22-943

CITY OF WINTER PARK
Petitioner,

vs.

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

Respondents,
_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE came for a public hearing before the City of Winter Park, Florida, Code Compliance Board (the "Board"), on the **3rd day of November, 2022** after due notice to the Respondent, Developer and Builder Group, LLC, owner of 2661 Via Tuscany, Winter Park, FL 32789-5073, and 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 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 I.D.: # 32-21-30-5478-07-010
- D. Notice: The City gave proper notice of this hearing to the Respondent by posting at the Property and at City Hall, and by United States certified mail. The Respondent appeared at the hearing through its representative, Fernando Bermudez, and its contractor, Richard Stubbs of Stubbs Architecture.
- E. Description of Violation: Unsecured, abandoned construction site, creating unsafe and unsightly conditions for neighboring properties. Construction materials and debris stored on the Property in plain view.

II. CONCLUSIONS OF LAW

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, Developer and Builder Group, LLC, violated: 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), and Sec. 302.1 of the IPMC ("Exterior property and premises shall be maintained in a clean, safe and sanitary condition."); 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 Larry Chris Tabor, seconded by Mark Van Valkenburgh, and agreed to unanimously by the Board:

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

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

Failure to comply with this order will result in fines of up to \$250.00 per day for each day each violation continues. The Respondent is further ordered to contact the City Building Department and Code Compliance Officer and provide documentation of action taken to correct these violations by January 2, 2023.

NOTICE OF RIGHT TO APPEAL

Respondent is 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.

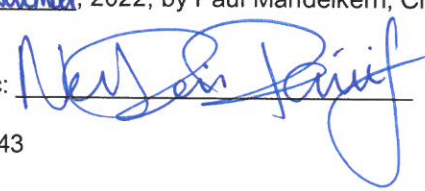
DONE AND ORDERED, effective the 3rd day of November 2022 at Winter Park, Florida.

CITY OF WINTER PARK, FLORIDA
CODE COMPLIANCE BOARD

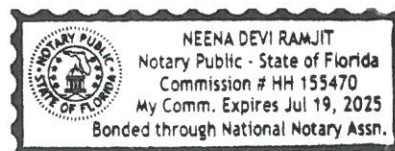

Paul Mandelkern, Chair

STATE OF FLORIDA
COUNTY OF ORANGE

SWORN TO and subscribed before me, by means of ☒ physical presence or ☐ online notarization, this 17th day of November, 2022, by Paul Mandelkern, Chair, who is personally known to me.

Notary Public: 

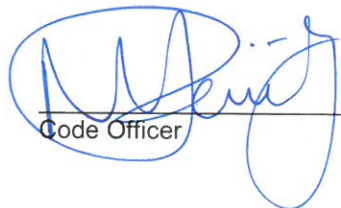
Case # 22-943



Page 2 of 3

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

Certified tracking # 9171 9690 0935 0245 9394 14 (OWNER)

9171 9690 0935 0245 9394 14

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CASSELBERRY, FL 32707

February 23, 2023, 10:35 am

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

Case No: 22-943

9171 9690 0935 0245 9397 04

CITY OF WINTER PARK
Petitioner,

vs.

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

Respondents,
_____ /

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

Pursuant to Section 2-105 of the Code of the City of Winter Park, the undersigned Code Compliance Officer hereby gives Notice of a Hearing for Determination of Non-Compliance with Code Compliance Board Order and to Impose Fines to the

Respondents,

**Developer and Builder Group, LLC – 218 Wilshire Blvd., Casselberry, FL
32707-5371**. The Code Compliance Board will hear, discuss, and decide Petitioner, the

City's

Request for Determination
of Non-Compliance

with Code Compliance Board Order and to Impose Fines

Thursday, March 2, 2023

at 3 p.m.

at

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

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

1. Violation of City Code Chapter/Section and Order: **On November 3, 2022, the Code Compliance Board determined that Respondents were in violation of 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 was **ORDERED** to:

- (1) Obtain a Certificate of Occupancy for the Property
- (2) Secure the Property and remove construction debris.
- (3) Apply for and obtain any necessary extension of the existing building permit for the Property **within 60 days of the hearing date.**

The order stated **"Failure to comply with this Order will result in fines of up to \$250.00 per day, per violation for each day the violation continues"**. If the Respondent fails to comply with this Order, the City of Winter Park shall take appropriate action.

2. Address where violation exists: **2661 VIA TUSCANY, WINTER PARK, FL 32789-5371.**
3. Parcel I.D. No.: **32-21-30-5478-07-010**
4. Property Zone: **R-1AA**
5. Legal Description: **MAITLAND SHORES FIRST ADDITION S/68 LOT 1 BLK G (LESS RD /W ON NE COR) per Orange County records.**
6. Respondent/Names and address of owner/person in charge of location where violation exists: **DEVELOPER AND BUILDER GROUP, LLC – 218 WILSHIRE BLVD., CASSELBERRY, FL 32707-5371.**
7. Description of Violation(s): **Unsecured, abandoned, construction site, creating unsafe and unsightly conditions for neighboring properties. Construction materials and debris stored on the Property in plain view.**

8. Motion to be Heard: Request for Determination of Non-Compliance with Code Compliance Board Order and assessment of fines.

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

If you feel that you have come into compliance with the terms of the **November 3rd, 2022** Order prior to the **March 2, 2023** hearing, it is your responsibility to contact the City's Safety & Code Compliance Division and provide evidence of compliance.

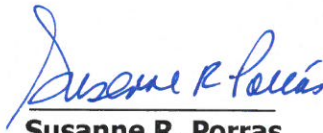
PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated: **February 17th, 2023**

CERTIFICATE OF SERVICE

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

Certified Mail # 9171 9690 0935 0245 9397 04



Susanne R. Porras

Safety & Code Compliance Div. Manager

Appeal Process

Respondent is hereby notified that he or the City of Winter Park, who may be aggrieved by an Order of the Code Compliance Board, has the right to appeal the Order to the Circuit Court in and for Orange County, Florida within thirty (30) calendar days of the rendition of the Order, as set forth in Florida Statutes § 162.11.

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

CODES CITED:

PROPERTY MAINTENANCE SEC 22-176 & 22-177

Sec. 22-176. - Code adopted.

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

Sec. 22-177. - Amendments.

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

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

NUISANCE SEC 202 NUISANCE

Violation Description

202 NUISANCES.

THE FOLLOWING SHALL BE DEFINED AS NUISANCES. IT IS A PUBLIC NUISANCE FOR ANY PERSON OWNING, LEASING, OCCUPYING OR HAVING CHARGE OF ANY PREMISES IN THIS CITY TO MAINTAIN, OR PERMIT TO EXIST THEREON:

(1) ANY PUBLIC NUISANCE KNOWN AT COMMON LAW OR IN EQUITY JURISPRUDENCE.

(2) ANY ATTRACTIVE NUISANCE WHICH MAY PROVE DETRIMENTAL TO CHILDREN WHETHER IN A BUILDING, ON THE PREMISES OF A BUILDING, OR UPON AN UNOCCUPIED LOT. THIS INCLUDES ANY ABANDONED WELLS, SHAFTS, BASEMENTS, OR EXCAVATIONS, ABANDONED REFRIGERATORS AND MOTOR VEHICLES; ANY STRUCTURALLY UNSOUND FENCES OR STRUCTURES; OR ANY LUMBER, TRASH, FENCES, DEBRIS OR VEGETATION WHICH MAY PROVE A HAZARD FOR INQUISITIVE MINORS.

(11) BUILDINGS WHICH ARE ABANDONED FOR A PERIOD OF SIX MONTHS, OR PERMITTED TO REMAIN UNREASONABLY IN A STATE OF PARTIAL DESTRUCTION FOR A PERIOD OF FOUR MONTHS WITHOUT A BUILDING PERMIT HAVING BEEN OBTAINED AND SUBSTANTIAL CONSTRUCTION PERFORMED, OR PERMITTED TO REMAIN UNREASONABLY IN A STATE OF PARTIAL CONSTRUCTION WITHOUT SUBSTANTIAL CONSTRUCTION BEING PERFORMED. SUBSTANTIAL CONSTRUCTION SHALL MEAN CONSTRUCTION SUFFICIENTLY NOTICEABLE TO THE PUBLIC TO GIVE NOTICE OF ONGOING CONSTRUCTION WORK.

(12) THE FAILURE TO CLOSE, BY SUCH MEANS AS ARE ACCEPTABLE TO THE CODE OFFICIAL, ALL DOORWAYS, WINDOWS AND OTHER OPENINGS INTO VACANT STRUCTURES.

(14) VEGETATION, INCLUDING DRY GRASS, DEAD SHRUBS, DEAD TREES, COMBUSTIBLE REFUSE AND WASTE, OR ANY MATERIAL GROWING UPON THE AREA BETWEEN THE TRAVELED WAY AND THE PROPERTY LINE, SIDEWALKS OR UPON PRIVATE PROPERTY WHICH BY REASON OF SIZE, MANNER OF GROWTH AND LOCATION WOULD CREATE ANY ONE OR MORE OF THE FOLLOWING:
CREATE ANY ONE OR MORE OF THE FOLLOWING:

a. A CONDITION LIKELY TO CONSTITUTE A FIRE HAZARD TO ANY BUILDING, IMPROVEMENT OR OTHER PROPERTY, OR WHEN DRY WILL IN REASONABLE PROBABILITY CONSTITUTE A FIRE HAZARD.

b. A CONDITION LIKELY TO HARBOR RATS, VERMIN OR OTHER SIMILAR CREATURES CONSTITUTING A HEALTH HAZARD; OR

c. CAUSES APPRECIABLE HARM OR MATERIAL DETRIMENT TO THE AESTHETIC AND/OR PROPERTY VALUES OF SURROUNDING PROPERTY.

SANITATION SEC 302.1 SANITATION & STORAGE

Violation Description

302.1 SANITATION AND STORAGE OF MATERIALS.

ALL EXTERIOR PROPERTY AND PREMISES SHALL BE MAINTAINED IN A CLEAN, SAFE AND SANITARY CONDITION. THE OCCUPANT SHALL KEEP THAT PART OF THE EXTERIOR PROPERTY WHICH SUCH OCCUPANT OCCUPIES OR CONTROLS IN A CLEAN AND SANITARY CONDITION. IT SHALL BE UNLAWFUL FOR ANY PERSON TO PERMIT ANY OLD, BROKEN LUMBER, RUSTED OR UNUSED EQUIPMENT, DISCARDED REFRIGERATORS, STOVES, OLD PIPE OR OTHER USED, DISCARDED AND WORN, UNSIGHTLY ARTICLES OR MATERIALS TO REMAIN AT ANY YARD OR OPEN AREA OWNED, OCCUPIED OR IN THE POSSESSION OF SUCH PERSON FOR A PERIOD OF MORE THAN FIVE DAYS. IT SHALL BE UNLAWFUL FOR THE OWNER OR OCCUPANT OF A BUILDING, STRUCTURE OR PROPERTY TO UTILIZE THE PREMISES OF SUCH PROPERTY FOR THE OPEN STORAGE OF ANY ABANDONED MOTOR VEHICLE, ICEBOX, REFRIGERATOR, STOVE, GLASS, BUILDING MATERIAL, RUBBISH OR SIMILAR ITEMS. IT SHALL BE THE DUTY AND RESPONSIBILITY OF EVERY OWNER OR OCCUPANT TO KEEP THE PREMISES OF SUCH PROPERTY CLEAN AND TO REMOVE FROM THE PREMISES ALL SUCH ABANDONED ITEMS AS LISTED ABOVE, INCLUDING BUT NOT LIMITED TO WEEDS, DEAD TREES, TRASH, GARBAGE, ECT., UPON NOTICE FROM THE CODE OFFICIAL.

PUBLIC NUISANCE SEC 108.7 PUBLIC NUISANCES

Violation Description

SEC. 108.7 PUBLIC NUISANCES. PUBLIC NUISANCES ARE DEFINED IN SECTION 22-177 (202) UNDER "NUISANCE". WHEN NUISANCE CONDITIONS OR HAZARDS DEGENERATE OR CUMULATIVELY IMPACT ON STRUCTURES, DWELLING OR OTHER BUILDINGS REGULATED BY THIS CODE, TO THE EXTENT THAT REPAIR, REMOVAL, SECURING OR DEMOLITION IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, THEN THE BUILDING OFFICIAL OR HIS DESIGNEE OR THE CODE ENFORCEMENT BOARD IS AUTHORIZED TO ORDER THE PROPERTY OWNER OR THE CITY AGENTS TO REPAIR, REMOVE, SECURE, VACATE OR DEMOLISH SUCH STRUCTURES ACCORDING TO PROCEDURES OUTLINED IN THIS CODE. THESE POWERS ARE HEREBY DECLARED TO BE REMEDIAL AND ESSENTIAL FOR THE PUBLIC INTEREST, AND IT'S INTENDED THAT SUCH POWERS BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES STATED HEREIN.

105.4 Conditions of permit.

105.4.1 Conditions of permit; permit term and intent.

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

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

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

Failure to comply with this section may require referring this matter to the Code Compliance Board to assess fines or other corrective actions.

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

Case No: 22-943

CITY OF WINTER PARK
Petitioner,

vs.

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

Respondents,

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

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Respondents:
Developer and Builder Group, LLC - 218 Wilshire Blvd., Casselberry, FL 32707-5371. The Code Compliance Board will hear, discuss, and decide Petitioner, the

Request for Determination
of Non-Compliance Board Order and to Impose Fines
with Code Compliance Board Order and to Impose Fines

Thursday, March 2, 2023
at 3 pm

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

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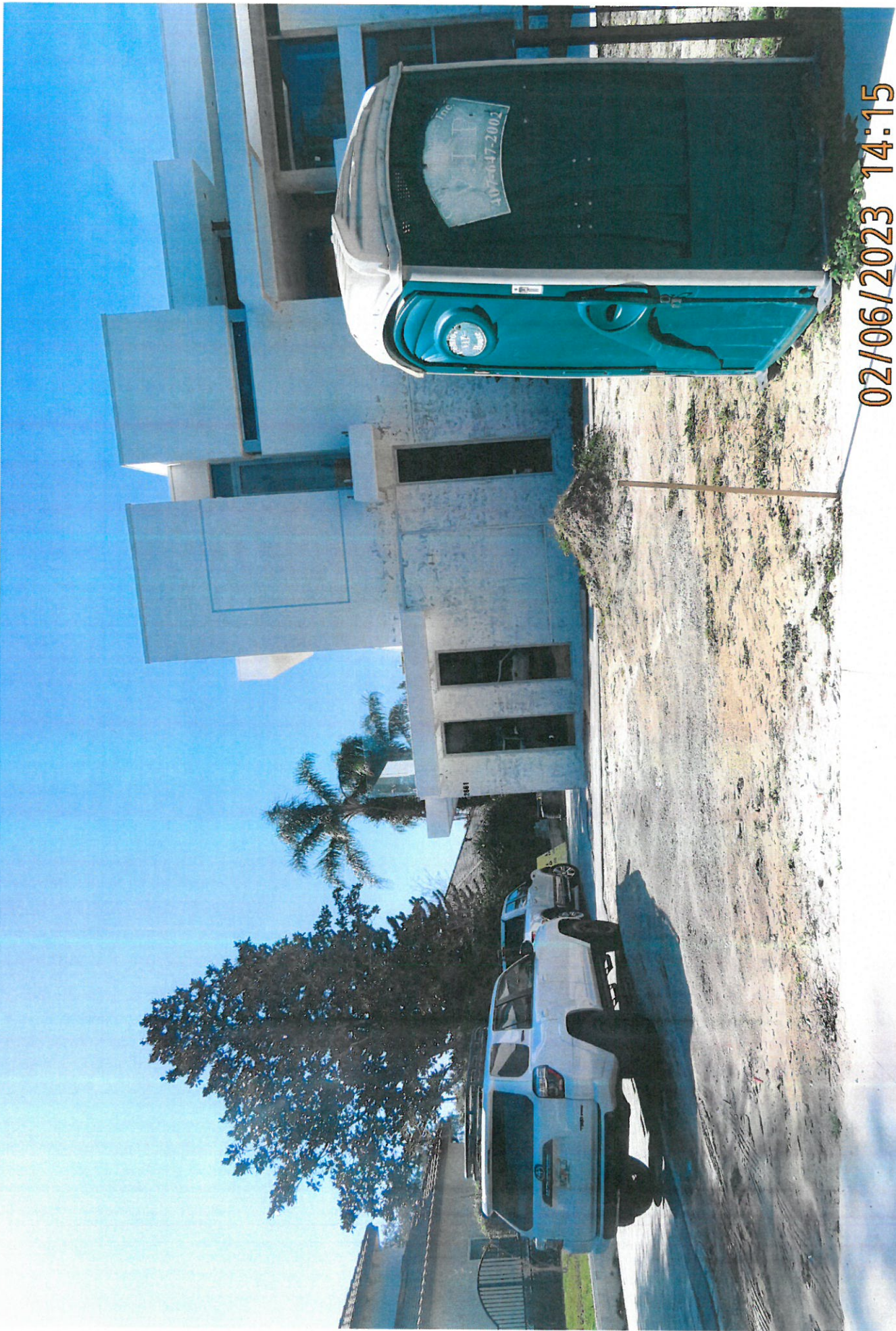




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