



Code Compliance Board Minutes

November 7, 2019 at 3:00 pm

City Hall, Commission Chambers
Regular Meeting

Meeting Called to Order

Daniel McIntosh, Chairperson, called to order the regular meeting of the City of Winter Park Code Compliance Board at 3:00 pm, on November 7, 2019, in the Commission Chambers, Winter Park, Florida.

Roll Call

Those present were: Daniel McIntosh, Chairperson, Kyle Sanders, Clay Roesch, Paul Mandelkern and Jennifer Frank. Daniel Butts, Todd Boyer and Terry Rooth were absent.

Daniel McIntosh read the Statement of Purpose into the minutes.

Approval of Minutes

Motion made by Clay Roesch; seconded by Kyle Sanders to approve the October 3, 2019 minutes. Motion passed 5-0.

Swearing in of Witnesses

All witnesses were sworn in.

Compliances

None

New Business

None

Old Business

CC#16-1754, 1830 Bryan Avenue, Winter Park, FL 32789. Presentation of the violation remaining in non-compliance was given. Susanne Porras, Winter Park Safety and Code Compliance Officer and Rick Geller, City Attorney spoke in regards to this case and presented evidence that the Respondents had enclosed the garage without a permit and no changes have been made since February 2, 2017.

George Wiggins, Director of Building and Permitting Services provided a summary of the case history. The City Attorney explained that the February 2, 2017 Order had been appealed to the Circuit Court of Orange County, Florida and per curiam affirmed.

The following offered public comment:

Julio C. Bertemati, Sirote & Permutt P.C. (Respondent's counsel) explained that the Respondents have submitted a variance application to the City of Winter Park Board of Adjustments. He asked the board to postpone action on this case until the variance hearing has been rendered.

Upon questioning, Mr. McCoy (Respondent) addressed how long the property has been in his family and explained that he is currently pursuing a civil engineering degree at UCF, and enclosed the garage for use as an office.

Board closed portion of hearing for discussion.

There was consensus not to wait until the Board of Adjustments findings.

A motion was made by Clay Roesch that from the evidence presented today, **this Board is issuing a ruling finding the Respondents, Benjamin D. & Heather F. McCoy, property owners of 1830 Bryan Ave., Winter Park, Florida 32789, Code Compliance Board Case # 16-1754 were in Non-Compliance with the Code Compliance Board Order dated February 2, 2017, in which the Respondents were ordered to contact the Building Department within 30 days of the February 2, 2017 Code Compliance Board hearing to re-instate the permit and complete the work under the approved plans, which must include providing inspections and certifications of all work done to verify code compliance, removal of all work not permitted in plans where the carport opening has been enclosed, and meet the building inspector at the site to verify compliance with building and zoning code provisions for all work. The Respondents are ordered to pay a fine in the amount of \$100.00 per day for each day the property remains in non-compliance from August 13th, 2019 to November 7th, 2019, a total of 57 days.**

The City Attorney stated that the correct total number of days is 88.

Paul Mandelkern amended the motion to impose the fine, but hold it in abeyance until the Respondents appear before the Board of Adjustments and its decision is final, including any appeal period. Clay Roesch did not accept the amendment and the motion failed without a second.

Dan McIntosh amended the motion that the Respondents are ordered to pay a fine in the amount of \$100.00 per day for each day the property remains in non-compliance from August 13th, 2019. Clay Roesch accepted the amendment and Kyle Sanders seconded.

Motion passed 5-0.

Other Business

None

Dan McIntosh commented that this is Jennifer Frank's last Code Compliance meeting and thanked her for her years of service.

Adjournment of Meeting: There being no further business, the Code Compliance Board meeting was adjourned at 3:54 pm

Respectfully submitted,

Nancy McLean, Recording Secretary

Dan McIntosh, Chairman