



**CODE ENFORCEMENT HEARINGS OF THE  
SPECIAL MAGISTRATE  
MONTVERDE, FLORIDA  
WEDNESDAY, AUGUST 20, 2025  
10:00 a.m.**

**MONTVERDE TOWN HALL  
COUNCIL CHAMBERS**

**17404 SIXTH ST  
MONTVERDE, FLORIDA**

**I. CALL TO ORDER:**

**II. CITY CLERK ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES:**

*I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.*

**III. ANNOUNCE FORMAT OF PROCEEDINGS:**

**IV. CODE ENFORCEMENT OFFICER/TOWN MANAGER AGENDA UPDATES**

**V. NEW CODE COMPLIANCE CASES:**

**Case No. CE 2023-03 – AMENDMENT OF ORDER OF ENFORCEMENT**

**Respondent(s): Parque Verde LLC (Grant Roberts)**

**Violation Address: Fosgate Road, Montverde FL 34756**

**Parcel ID# 11-22-26-0002-000-041000**

**Alt Key# 3779570**

Request for reduction in fine September 14, 2023 through February 11, 2025 \$50.00 per day totaling \$25,850.00

**Case No. CE 25-000130 – ORDER OF ENFORCEMENT**

**Respondent(s): Kyle & Sara Burton**

**Violation Address: 17710 Broad Street, Montverde FL 34756**

**Parcel ID# 01-22-26-0800-000-00200**

**Alt Key# 3921760**

Stop Work Order issued 4/17/2025.

**1. Erosion control measures need to be installed.**

**Sec 4-610 Erosion Control**

No erosion shall be allowed such that soil is discharged from the site to the adjacent public or private properties. Should such erosion occur, the discarded soil should be removed within 24 hours and the permittee shall be subject to penalties as set forth in section 1-12.

(1) Soil stockpiles must be stabilized, covered at the end of each workday or surrounded with silt fence.

(2) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

Corrective Action: Stockpiles of soil on your property and neighboring lot shall be mitigated to bring into compliance with B.M.P. standards for stormwater prevention.

**Sec. 18-49. Construction site waste container—Required.**

The town shall not issue a building permit to construct, renovate, or demolish any building unless the person applying for the permit maintains at the construction site a trash container approved by the town manager. The town manager shall approve all trash containers at the time the building permit is issued. Any person aggrieved by the decision of the town manager shall have a right of appeal to the town council. If an appeal is filed, the town council shall hold a public hearing to approve or disapprove the town manager's decision. The decision of the town council shall be final.

**Sec. 18-50. Same—Maintenance.**

All trash containers approved by the town manager shall be maintained at the construction site until all construction is completed. Construction debris shall be placed in the trash container. No person shall dispose of construction debris except in an approved trash container. Filled trash containers shall be promptly delivered to a commercial garbage hauler or removed to an authorized disposal facility.

**Sec. 18-51. Same—Failure to comply; suspension of building permit.**

Every person to whom a building permit is issued shall be responsible for compliance with this article. The town manager is authorized to suspend a building permit if the person holding the permit fails to maintain a trash container at the construction site in compliance with this article. If a building permit is suspended, notice of suspension shall be mailed or delivered to the person to whom the permit was issued. No person shall engage in any work on a building site if a building permit has been suspended. The town manager is authorized to lift a suspension upon satisfactory proof of compliance with this article.

**Sec. 18-52. Unlawful acts.**

It shall be unlawful for any person to:

- (1) Commence construction without placing on the construction site an approved trash container;
- (2) Fail to maintain a trash container at the construction site;
- (3) Dispose of construction debris except in an approved trash container; or
- (4) Fail to remove construction debris from the building site upon completion of construction.

**Sec. 18-72. Responsibilities of owner.**

It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

**Sec. 18-72** - It shall be unlawful and subject to penalties provided in this article to deposit garbage or weeds of any kind upon any vacant, occupied or unoccupied premises within the town, or upon any street, alley, parkway or park, or in any canal, waterway, rock pit, pool or lake within the town. Garbage and garden clippings shall not be burned within the town limits except when in accordance with the state division of forestry guidelines and/or restrictions. No garbage shall be buried within the town limits.

**Violation Date: April 17, 2025**

**Case No. 25-000054 – ORDER OF ENFORCEMENT**

**Respondent(s): Dan Matos**

**Violation Address: 17101 Ridgewood Ave, Montverde, FL 34756**

**Parcel #: 12-22-26-0002-000-01700**

**Alt Key # 3949385**

**1. Permits need to be obtained**

**Sec 5-42 (c) Permits**

- (1) *Permit and permit fee required.* It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.
- (2) *Drawings and specifications additional data.* In addition to the submittals required by the Florida Building Code, the building official shall be allowed to require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.
- (3) *Additional information required prior to issuance of permit.* Prior to issuance of any building permit, the building official shall be allowed to require information to ensure conformance with other town or other agency regulations, including, but not limited to:
  - (i) Zoning review and approval;
  - (ii) Submittal of a sealed boundary survey noting property boundaries and the location of any improvements on the land;
  - (iii) Right-of-way utilization permits, driveway permits or approval from the town engineer verifying that public improvements to support proposed development on the land;
  - (iv) Site development plan approval; and
  - (v) Subdivision approval.

**2. Erosion and sediment control plan**

**Sec 4-608 Erosion and sediment control**

- (a) The erosion and sediment control plan shall include the following:
  - (1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this Code. This map should be at a scale no smaller than 1" = 100'.
  - (2) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping.
  - (3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, after completion of the site's development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - (4) Sodding of all disturbed areas required. Types of sod, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.
  - (5) Provisions for maintenance of control facilities, including easements.

(b) *Modifications to the plan.* Major amendments of the erosion and sediment control plan shall be submitted to the town and shall be processed and approved, or disapproved, in the same manner as the original plans. Field modifications of a minor nature may be authorized by the town by written authorization to the permittee.

3. Design Plan

**Sec 4-609 Design requirements**

- (a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Florida Department of Environmental Protection's (FDEP's) Erosion and Sediment Control Manual, and shall be adequate to prevent the transportation of sediment from the site to the town's satisfaction.
- (b) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other sections of these regulations.
- (c) Clearing techniques that retain natural vegetation and drainage patterns, as described in the FDEP's Erosion and Sediment Control Manual, shall be used to the town's satisfaction.
- (d) Phasing shall be required on all sites disturbing greater than ten acres, with the size of each phase to be established at plan review and as approved by the town.
- (e) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (f) Cut and fill slopes shall be no greater than 2:1, except as approved by the town to meet other community or environmental objectives.

4. Erosion control measures need to be installed.

**Sec 4-610 Erosion Control**

No erosion shall be allowed such that soil is discharged from the site to the adjacent public or private properties. Should such erosion occur, the discarded soil should be removed within 24 hours and the permittee shall be subject to penalties as set forth in section 1-12.

- (2) Soil stockpiles must be stabilized, covered at the end of each workday or surrounded with silt fence.
- (3) Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

5. Construction entrance

**Sec 4-612 Construction Site Access**

- (a) Temporary access road shall be provided at all sites.
- (b) Other measures may be required, at the town's discretion, in order to ensure that construction vehicles do not track sediment onto public streets or washed into storm drains.

**Violation Date: June 18, 2025**

Case No. 25-000054 – ORDER OF ENFORCEMENT

Respondent(s): Florida Educatours LLC

Violation Address: 16525 Magnolia Terrace Blvd, Montverde, FL 34756

Parcel #: 11-22-26-1300-000-005201

Alt Key # 3794941

1. Fence was installed without a permit.

**Sec. 4-260. Permit required.** The purpose of this section is to protect the rights of adjoining property owners, not have fences in excess of the heights set forth in this article, and to minimize property damage associated with weather events and other catastrophes.

(e) The construction of any fence shall require a building permit from the town. Before the building permit is issued, the applicant shall submit plans which shall show the dimension of the property, the type of fence proposed to be constructed and its location on the property. Upon approval by the town manager or designee, a building permit may be issued.

2. Non-Conforming Fence

**Sec. 4-256 Height of Fence**

(c) Fences or walls in front yards that are between the front building setback line and the front property line, or fences in side yards or rear yards that are constructed within 25 feet of any right-of-way line, may be no more than four feet in height if the fence is opaque. Fences or walls that exceed four feet in height that are between the front building setback line and the front property line, or fences in side yards or rear yards that are constructed within 25 feet of any right-of-way line, must allow 85 percent of air and light to penetrate through the fence or wall.

**Violation Date: June 9, 2025**

Case #: 25-000278 – ORDER OF ENFORCEMENT

Respondent(s): Brian Moes

Violation Address: Third Street, Montverde Florida 34756

Parcel ID# 01-22-26-0600-000-000000 Alt Key: 1463131

1. Grass and weeds need to be managed

**Sec. 18-71. Definitions.**

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

*Garbage* means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

Nuisance means:

- (1) Any public nuisance known in common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes any abandoned shafts, basements and excavations; or any abandoned or inoperable refrigerators, furnaces, machinery, motor vehicles or parts thereof; structurally unsound fences and structures; or any unsanitary excavations and depressions, any garbage, lumber, trash, fences, debris, weeds or vegetation which may prove a hazard for inquisitive minors.

**Sec. 18-72. - Responsibilities of owner.**

It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

**Violation Date: May 29, 2025**

**Case #: 25-0 – ORDER OF ENFORCEMENT**

**Respondent(s): Giovanni Cunha**

**Violation Address: 17632 Ninth Street, Montverde Florida 34756**

**Parcel ID# 01-22-26-1200-005-00300 Alt Key: 3037511**

**1. Failure to obtain a building permit**

**Sec. 5-42 Administration**

(c) *Permit and permit fee required.* It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

**2. Failure to obtain a permit for land clearing without an approved site plan**

**Sec. 12-5(b) Land clearing.** Unless exempted herein, it shall be unlawful and subject to the penalties provided herein for any person directly or indirectly by another on his behalf to:

- (1) Perform any land clearing or grubbing unless approved as part of a site plan (in accordance with chapter 6) and/or a subdivision plat approval (in accordance with chapter 8).

**3. No land disturbance without sediment control plan**

**Sec. 4-606** - No person shall be granted a site development permit for land-disturbing activity, without the town's approval of an erosion and sediment control plan. Land-disturbing activities of one acre (43,560 square feet) or more require a NPDES permit issued by FDEP.

**Violation Date: March 4, 2025**

**Case No. 24-000194 – ORDER OF ENFORCEMENT**

**Respondent(s): Drew Brecheen**

**Violation Address: 17527 Strahan Street, Montverde FL 34756**

**Parcel ID #: 01-22-26-0700-000-01300 Alt Key #: 1462720**

**Sec. 18-71. Definitions.**

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*Garbage* means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

*Nuisance* means:

- (1) Any public nuisance known in common law or in equity jurisprudence.
- (2) Any attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes any abandoned shafts, basements and excavations; or any abandoned or inoperable refrigerators, furnaces, machinery, motor vehicles or parts thereof; structurally unsound fences and structures; or any unsanitary excavations and depressions, any garbage, lumber, trash, fences, debris, weeds or vegetation which may prove a hazard for inquisitive minors.

**Sec. 18-72. - Responsibilities of owner.**

It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

**Case No. 24-000051 – ORDER OF ENFORCEMENT**

**Respondent(s): Wendy Kozikowski**

**Violation Address: 17521 Strahan Street, Montverde FL**

**Parcel ID #: 01-22-26-0700-000-01200 Alt Key #: 1752604**

**Sec. 18-71. Definitions.**

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

*Garbage* means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

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fences and structures; or any unsanitary excavations and depressions, any garbage, lumber, trash, fences, debris, weeds or vegetation which may prove a hazard for inquisitive minors.

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**Violation Date: June 18, 2025**

**VI. ADJOURNMENT**