

November 8, 2022



# CITY OF CORAL GABLES

Code Enforcement Division  
427 Biltmore Way, 2nd floor

91 7108 2133 3932 6226 1122

Before the Code Enforcement Board  
in and for the City of Coral Gables  
Dade County, Florida

## Summons to Appear

The City of Coral Gables  
vs

Case #: NOVI-22-05-0456

ASPEN GROVE PROPERTIES LLC  
2841 EMANTHAL STREET  
MIAMI, FL 33133

Folio: 0341200061320

You, as the Owner and/or Occupant of the  
premises at:

4614 Brooker Street

are in violation of the following sections of the City Code of the City of Coral Gables:

- Section 105.26 of the City Code and Section 105.1 of the Florida Building Code and Section 14-202.7(A)(1) of the City Zoning Code; As to 4610 and 4612: wood slats installed over doors and windows without a permit; As to 4608: demolition of porch roof structure and replacement of wood in the facade without a permit and outside the scope of permits BL-20-07-6672, BL-20-07-6673, BL-20-07-6675, and BL-20-07-6676, which were cancelled on 8-4-22.
- Sections 248, 249, 250, 251, 252, 253, 254, 255, and 278 of Chapter 105, Minimum Housing Code, of the City Code; As to all four units: paint is chipping; steps are dirty; As to 4608: walls are dirty, screen door is damaged and unhinged; As to 4610: screen door is damaged and discolored, window screens are damaged, wooden slats on windows, walls are damaged; As to 4612: porch slabs and walkway are dirty, walls and window damaged, screens are damaged; rear of roof in disrepair; As to 4614: fascia boards in disrepair; missing window screens; damaged window frame; damaged walls.
- Sections 431 of Chapter 105, Minimum Housing Code, of the City Code; As to the residential structure: Allowing the occupancy of units in the Structure that are not in good repair, clean, sanitary, in habitable condition, and in full compliance with all provisions of the Minimum Housing Code, as set forth herein.
- Subsections 8-108(e), (f), (g), and (i) of the City Zoning Code; Demolition by neglect of historic structures; as set forth above and as applicable; e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors; g. Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering; i. Any fault or defect in the property that renders it structurally unsafe or not properly watertight; to wit: damaged doors and window frames that are missing pieces of wood and protective paint; porch ceiling of 4608 has collapsed; porch roof of 4612 has holes and is collapsing.

### The following steps should be taken to correct the violation:

#### Remedy:

1. The Respondent shall correct the violations. 2. The Respondent shall, within 30 60 days of the date of the Order, correct all City code violations on the Property that do not require permits (i.e. clean the steps, walls, porch slabs, and walkway) and shall apply for all permits or other development approvals required to correct all violations that require permits (i.e.: painting of Structures and repair of walls and fascia boards of Structures and of the rear roof of 4612 and of the window frames on 4614; and repair of screen doors), and apply for, obtain, and pass final inspection on color pallet approval to paint Structures on the Property, as required ("Permits"). 3. The Respondent shall obtain all Permits within 30 60 days of the date that the application accepted by the City is complete and, in any event, no later than 60 120 days from the date of this Order. 4. The Respondent shall make substantial progress on the Permits to the satisfaction of the Building Official, within 30 60 days of the date the City notifies the Respondent that the Permits are ready to be picked up. However, the Respondent shall provide a detailed update regarding the status of the plans within 30 days of the date the City notifies the Respondent that the Permits are ready to be picked up, which shows that the Respondent's design professionals are actively working on the plans and expect to submit the plans by the deadline. 5. The Respondent shall continue to make substantial progress on the Permits, to the satisfaction of the Building Official, every 30 60 days thereafter. 6. The Respondent shall pass final inspection on all Permits within 120 240 days of the date that the City notifies the Respondents that the Permits are ready to be picked up and, in any event, no later than 180 360 days from the date of the Order. 7. The Respondent shall consistently maintain the Property to avoid any new violations of the City Code. The City shall, nevertheless, provide the Respondent with written notice of any new violations that arise. Any failure to timely correct a new violation shall be cause for denial of an extension request made pursuant to paragraph 10 of this Order. 8. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections. 9. In the event of non-compliance by the Respondent, a fine of \$150 per day shall accrue for every day that the non-compliance continues. Once the fines begin to accrue pursuant to this Order, the Respondent must fully comply with this Order for the fines to cease accruing. 10. The Respondent may request an extension of any of the deadlines herein by submitting a written request for an extension of time to the City. Once submitted, such a request will toll the deadlines until the City Code Enforcement Division Manager or Code Enforcement Board has approved or denied the request for additional time. The City Code Enforcement Division Manager or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Respondent and that the Respondent acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as "Plans"), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City's review shall be computed from the date the Plans are submitted until the date the City notifies the Respondent that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up. The Respondent may appeal the City Code Enforcement Division Manager's denial of an extension of time to the Code Enforcement Board for a final determination. 11. The Respondent shall pay the administrative costs for the hearing of \$108.75. 12. If the Respondent does not comply within the time specified, a certified copy of this Order shall be recorded in the Public Records of Dade County and thereafter SHALL CONSTITUTE A LIEN against the property upon which the violation(s) exist or upon any real or personal property of the violator.

As a result of the above violation(s), a complaint has been filed against you and you are hereby commanded to appear before the Code Enforcement Board for a hearing on **11/16/2022** at **8:30AM** in the Commission Chambers, located on the second floor of:

**Development Services Center  
427 Biltmore Way  
Coral Gables, FL 33134**

This is your notice to appear at said time and place. Failure to do so will result in the matter being heard in absentia. An administrative fee of \$108.75 will be assessed at the time of your hearing.

Please be advised that if someone will be attending the hearing on your behalf, he or she must provide a power of attorney from you at the time of the hearing

**If this notice pertains to failure to maintain a historic structure, please be advised that:**

- **You may be subject to substantial fines that may not be mitigated.**
- **You may also be required to repair or restore the historic structure.**
- **If the historic structure is allowed to deteriorate to the point where it must be demolished:**
  - **the City Code requires that you replace the structure with a similar historically-appropriate structure; and**
  - **the property will no longer qualify for an historic preservation tax exemption.**

**Terri Sheppard**

Code Enforcement Officer

**tsheppard@coralgables.com**

**(305) 460-5239**

  
Code Enforcement Clerk