



CITY OF CORAL GABLES

Agreed Code Enforcement Board Enforcement Order

The City of Coral Gables

02/16/2022

-vs-

**DENNIS POZZESSERE and
HEATHER POZZESSERE
1104 MALAGA AVE
CORAL GABLES, FL 33134-6321**

Case #: CE302743-052421

Folio #: 0341180031700

**Address of Violation(s):
1104 MALAGA AVE**

This cause having come before the Code Enforcement Board ("Board") for hearing on 2/16/2022, and based on the agreement of the parties, the Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

The Respondent is the property owner and is subject to Section 101-107 of the City Code. The Respondent is in violation of:

- 1. Sections 34-202 and 34-203 of the City Code, to wit: failure to maintain (as set forth herein) and register vacant Property**
- 2. Sections 226, 250, 251, 254, 255, and 278 of Chapter 105, Minimum Housing Code, of the City Code, to wit: repeat violation: Structure's roof, chimney, exterior walls, front and rear steps, patios, and porches, and garage stairs are dirty and in need of cleaning or painting; and front doors are discolored and fading; garage doors are damaged; and some windows are boarded**
- 3. Section 34-104 of the City Code: to wit: repeat violation, there is abandoned vehicle (Jaguar s-type) on the Property. This violation was corrected on February 7, 2022.**

CONCLUSIONS OF LAW

The foregoing findings of fact constitute a violation of the listed sections of the Code of the City of Coral Gables. It is the **Order** of this Board, based upon the foregoing and the agreement of the parties:

1. Unless the Respondent closes on the sale of the Property scheduled for March 7, 2022, and provides to the City a copy of the deed to the Property within 48 hours of March 7, 2022, the Respondent shall correct the violations as set forth below. If the Respondent sells the Property, the buyer, Nicholas V. Soane, has agreed to and shall comply with the deadlines in this Order and the Board shall enter an order in the buyer's name.
2. The Respondent shall register the Property as vacant on the City's Abandoned Real Property registry at www.ProChamps.com, within 48 hours of the Closing, which is to take place on March 7, 2022.
3. The Respondent shall, within 30 days of March 7, 2022, correct all City code violations on the Property that do not require permits (i.e.: as to the single-family home ("Structure"): the Structure's roof, chimney, exterior walls, front and rear steps, patios, and porches, and garage stairs are dirty and in need of cleaning or painting; and front doors are discolored and fading);
4. The Respondent shall, within 90 days of March 7, 2022, apply for all permits or other development approvals required to correct all violations that require permits (i.e.: painting of the Structure, the damaged garage doors and repair and replacement of windows) and to restore the Structure, including, but not limited to building permits ("Permits"). However, the Respondent shall provide a detailed update regarding the status of the plans within 30 days of March 7, 2022 and every 30 days thereafter, 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 obtain all Permits within 30 days of the date that the application is complete and filed and, in any event, no later than 120 days from March 7, 2022.
6. The Respondent shall make substantial progress on the work authorized by the Permits to the satisfaction of the Building Official within 30 days of the date that the City notifies the Respondent that the Permits are ready and every 30 days thereafter, until the work has passed all required inspections and the Permits have been closed.
7. The Respondent shall pass final inspection on all Permits within 305 days of the date that the City notifies the Respondent that the Permits are ready to be picked up and, in any event, no later than 365 days from March 7, 2022.
8. 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.
9. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.
10. In the event of non-compliance with this Order 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 the agreed CEB order to be entered in case CE302743, the Respondent must fully comply with this Order for the fines to cease accruing.
11. The Director of Development Services or the Code Enforcement Board may extend any of the deadlines in this Order, 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.
12. The Respondent shall pay the administrative costs for the hearing of \$108.75.
13. **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.**

Upon complying, the Respondent(s) must notify Code Enforcement Officer **William Ortiz, 305 476-7201/ wortiz@coralgables.com**, who will inspect the property and verify either compliance or non-compliance.

CONCLUSIONES DE LEY

Los resultados de hechos anteriores constituyen una violación de las secciones listadas del Código de la Ciudad de Coral Gables.

Es la **Orden** de esta Junta, basado en lo anterior:

1. El Demandado deberá pagar los gastos administrativos de \$108.75.
2. El Demandado deberá corregir las violaciones. Los párrafos 1-13, escritos en inglés más arriba, se incorporan aquí.
3. Si la violaciones no son corregidas como se describe más arriba, una multa de \$150.00 se impondrá cada día después de que continúe cualquiera violación.
4. **Si el Demandado no cumple dentro del tiempo especificado, una copia certificada de esta Orden será inscrita en los Archivos Públicos del Condado de Miami-Dade y CONSTITUIRA UN GRAVAMEN en contra de la propiedad en donde existe la violación(es) o sobre cualquier propiedad personal del infractor.**

Al corregir la violación, el Demandado(s) debe notificar al Oficial del Cumplimiento del Código **William Ortiz, 305 476-7201/ wortiz@coralgables.com**, quien inspeccionará la propiedad y verificará el cumplimiento o no cumplimiento.

Ivonne Cutie, Clerk
Code Enforcement Board