



CITY OF CORAL GABLES

Agreed Code Enforcement Board Enforcement Order

The City of Coral Gables

4/20/2022

-vs-

**MIGDALIA GONZALEZ
FERNANDO E. HERIA
RICARDO A. SUAREZ
RICARDO E. SUAREZ
241 ROMANO AVE
CORAL GABLES, FL 33134-7243**

Case #: CE305802-102121

Folio #: 03-4117-007-0070

**Address of Violation(s):
241 ROMANO AVE ("Property")**

This cause having come before the Code Enforcement Board for Hearing on 4/20/2022, and based on the evidence, the Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

The Respondents, Migdalia Gonzalez and Fernando E. Heria ("Sellers") and Ricardo A. Suarez and Ricardo E. Suarez ("Buyers"), who are or may be the Owners of the Property, have agreed to entry of this Order. The Respondents are subject to Section 101-107 of the City Code. The Respondents are in violation of:

1. Zoning Code - Article 3, section 3-208. No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements until an application for a zoning permit therefore has been previously filed with the Building Division. No such miscellaneous work which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements shall commence until a permit has been issued by the City; to wit: exterior painting without a color palate approval.
2. Zoning Code - Article 3, section 3-208. No person shall commence or cause to be commenced any miscellaneous work, which does not otherwise require a building permit, which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements until an application for a zoning permit therefore has been previously filed with the Building Division. No such miscellaneous work which affects the aesthetics, appearance, or architectural design of any structure, site or site improvements shall commence until a permit has been issued by the City; to wit: windows replaced without a permit.

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. The closing on the sale of this Property is scheduled for May 31, 2022 ("Closing"). If the Closing does not occur, the Sellers shall comply with the terms of this Order and the Buyers shall not be responsible for complying with this Order. After the Closing, the Buyers shall be responsible for complying with this Order and the Sellers shall not be responsible for complying with this Order.
2. The Respondents shall apply, within 30 days of the date of this Order, for all required development approvals to repair or replace the windows ("Windows Permit")
3. The Respondents shall obtain the Windows Permit no later than 30 days from the date of the application for the Permits and, in any event, no later than 60 days from the date of this Order.
4. The Respondents 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.
5. The Respondents shall pass final inspection on the Windows Permit and the after-the-fact color palletete approval to paint the structure on the Property within 60 days of the date that the City notifies the Respondents that the Windows Permit is ready to be picked up and, in any event, no later than 120 days from the date of this Order.

6. The Respondents shall consistently maintain the Property to avoid any new violations of the City Code. The City shall, nevertheless, provide the Respondents with written notice of any new violations that arise.
7. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.
8. In the event of non-compliance by the Respondents with this Order, a fine of \$150 per day shall per day shall accrue for every day that the non-compliance continues. Once the fines begin to accrue pursuant to this Order, the Respondents must fully comply with this Order for the fines to cease accruing.
9. The City Code Enforcement Division or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Respondents and that the Respondents 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 Respondents that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up.
10. The Respondents shall pay the administrative costs for the hearing of \$108.75.

11. If the Respondents 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 violators.

Upon complying, the Respondents must notify Code Enforcement Officer Juan Carlos Garcia, **305 460-5274**; jgarcia3@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 1-9, 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 las violaciones o sobre cualquier propiedad personal de los infractores.**

Al corregir la violación, el Demandado deben notificar al Oficial del Cumplimiento del Código Juan Carlos Garcia, **305 460-5274**; jgarcia3@coralgables.com, quien inspeccionará la propiedad y verificará el cumplimiento o no cumplimiento.

Alba Aguila, Acting Clerk
Code Enforcement Board