

CODE ENFORCEMENT BOARD
CITY OF COCOA, FLORIDA
CASE NO. 22-0503

THE CITY OF COCOA

A Florida Municipal Corporation,
Complainant,

vs.

RESICAP FLORIDA OWNER II LLC

Owners of the Property located at:

3629 E MALORY CT

Cocoa, FL 32922

Parcel ID: 24-35-13-77-*-64

Respondent,
_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, having come for consideration, after being duly noticed, before the Code Enforcement Board of the City of Cocoa, Florida, on January 19, 2023 to determine whether any violations of the City of Cocoa Code of Ordinances exist or existed on the property. The Board, having heard the arguments of the parties and the evidence presented and having reviewed the record and being otherwise fully advised, makes the following Findings of Fact, Conclusions of Law and Order as set forth herein.

Findings of Fact and Conclusions of Law

Based upon the evidence and testimony presented at this hearing, the Code Enforcement Board finds: That a code enforcement officer of the City of Cocoa determined the Subject Property was in violation of:

- II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d
- XIV. Landscape Requirements App A Art. XIII Sec 22 (a-i)
- XXIII. Permit Required (fences) App A Art. XIII Sec 5 (c)
- XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)
- XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)
- VI. Clearance of land required Ch.6 Sec. 6-901
- XXII. Permit Required App A Art. XV Sec 2 (a)
- XXVI. Premises Identification Ch 6 Sec. 6-1003 (c)
- XXXI. Storing Vehicles, Ch 6 Sec. 6-900 (b)(8)

of the City Code, and issued a Notice of Violation to Respondent giving a reasonable time to correct the violation(s).

1. That Respondent failed to correct such violation(s) within the reasonable time period provided in the Notice of Violation. Pursuant to section 162.06, Florida Statutes, this hearing was scheduled. Proper written notice of this hearing was given to Respondent.

2. That based on the testimony and evidence presented, including Staff's presentation, the Board finds Respondent is in violation of the following violations of the City Code:

- II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d
- XIV. Landscape Requirements App A Art. XIII Sec 22 (a-i)
- XXIII. Permit Required (fences) App A Art. XIII Sec 5 (c)
- XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)
- XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)
- VI. Clearance of land required Ch.6 Sec. 6-901
- XXII. Permit Required App A Art. XV Sec 2 (a)
- XXVI. Premises Identification Ch 6 Sec. 6-1003 (c)
- XXXI. Storing Vehicles, Ch 6 Sec. 6-900 (b)(8)

Order

BASED UPON THE FOREGOING FACTS AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED:

1. Respondent shall be given until February 18, 2023 to correct all violations set forth herein on the property.

2. If Respondent fails to correct all cited violations within the time period set forth herein, the Code Enforcement Officer shall schedule this Case to appear for a compliance hearing before the Code Enforcement Board at a date to be determined, where the sole issue to be considered is whether compliance has been achieved on all violations. Respondent will be given an opportunity to appear and present evidence regarding compliance.

3. Upon a finding by the Code Enforcement Board that the property was not brought into compliance by the date set forth in this Order, a fine in the amount of **\$200.00** per day may be imposed for each and every day any of the violations continue past the above-stated date ordered for compliance by the Board and the daily fines shall continue to run until the violation is corrected and full compliance is confirmed by the Code Enforcement Officer. Respondent shall be responsible to immediately notify the Code Enforcement Officer if the property has been brought into compliance.

4. If the Board finds Respondent failed to comply with all violations by the date set forth herein, an Order Imposing Fine shall be entered and a certified copy of said Order may be recorded in the public records of Brevard County, Florida, which shall serve as a lien against the property.

Once the violations have been corrected, any of the same violations by Respondent within five years may constitute a repeat violation where the Board may impose a fine of up to \$500.00 per day for each day the violation exists beginning the day the repeat violation is first observed by the Code Enforcement Officer.

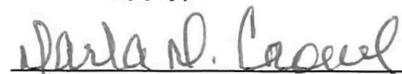
DONE AND ORDERED THIS 19 DAY OF January, 2023.

CODE ENFORCEMENT BOARD OF THE
CITY OF COCOA, FLORIDA



Chairman, Code Enforcement Board

I CERTIFY THAT A COPY OF THIS ORDER was furnished to Respondent(s) at RESICAP FLORIDA OWNER II LLC, whose mailing address is 3630 PEACHTREE RD NE STE 1500 ATLANTA, GA 30326 this 19 day of January, 2023 _____ via ___ hand delivery/ ___ certified mail/ U.S. mail/ ___ posting (mark all that apply).


Secretary, Code Enforcement Board

