

E. FERNANDEZ

CITY OF DELRAY BEACH
CODE ENFORCEMENT DIVISION
100 NW First Avenue
Delray Beach, Florida 33444
(561)243-7283

SPECIAL MAGISTRATE NOTICE OF HEARING

PUCCI DONALD &
PUCCI BIANCA
303 SE 7TH AVE
DELRAY BEACH, FL 334835240

Case Number: MN-23-00017771
Letter Date: 11/29/23
PCN: 12 43 46 16 A9 128 0012
PROPERTY LOCATION: 303 SE 7TH AVE

The City of Delray Beach Code Enforcement Division previously notified you concerning alleged violation(s) of one or more provisions of the City of Delray Beach Code of Ordinances and/or Land Development Regulations. The Code Enforcement Division has determined that the alleged violation(s) has not been corrected, and now requests you to appear before the Special Magistrate in the Commission Chambers of the City of Delray Beach, Florida, located at 100 NW 1st Avenue on DECEMBER 6, 2023 @ 1:30 PM. Failure to appear may result in the Special Magistrate proceeding in your absence.

You are hereby notified to immediately correct the violation(s) listed herein below. Upon achieving compliance it is your responsibility to notify the Code Enforcement at (561) 243-7203 Ext 2.

Date and Time Violation was first observed: NOVEMBER 28, 2023

Code Section(s):

Violation Detail
00010 2.4.13 (B)(4) CONDITIONS OF THE PERMIT
Date Est: November 29, 2023 Location:

Violation Text
DEMOLITION AT THIS PROPERTY WAS PERFORMED BEYOND SCOPE OF WORK APPROVED.

Violation Description
(a) The Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. **A permit issued shall be construed to be a license to proceed with the work and not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or violations of this code.** Any permit issued shall become invalid (1) unless the work authorized shall have been commenced within six months after its issuance, (2) if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

Violation Detail
00020 2.4.10 SITE PLAN APPLICATIONS
Date Est: November 29, 2023 Location:

Violation Description

A) Site Plan Applications

(1) General. A site plan application is required for all exterior site or building improvements or modifications, and/or new construction associated with a multi-family residential, commercial, or mixed-use development. Single family homes and duplexes, and associated site are reviewed for compliance with the Land Development Regulations (LDR) through the building permit approval process.

(a) Level 1. Level 1 Site Plan applications include improvements or modifications to existing development that do not increase building square footage and are generally limited to landscaping, hardscaping, architectural elevations, materials, and colors.

(b) Level 2. Level 2 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or consisting of no more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or non-residential development.

(c) Level 3. Level 3 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or consisting of more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or non-residential development.

(d) Level 4. Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:

1. Increase of height or density as part of a City housing or incentive program.
2. Utilization of the Central Business District (CBD) Incentive Program.
3. Approval of Conditional Use.
4. Granting of an In-lieu of Parking Fee request.
5. Approval of Waiver(s) not otherwise authorized to other approving bodies.

(e) Cumulative Reviews. Excluding Level 1 Site Plan applications, only one site plan application per or property shall be submitted for review and action at a time. Review thresholds are cumulative and are subject to gross square footage amounts and/or number of units.

Notice: Fines of up to \$1,000 per day may be assessed by the Special Magistrate for noncompliance. If the Magistrate finds that the violation(s) presents a serious threat to the public Health, Safety, and Welfare, the Magistrate may grant the City of Delray Beach the ability to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed.

This Special Magistrate Notice of Hearing is issued pursuant to Chapter 162, Florida State Statute.

NOTICE: THIS CASE SHALL BE PRESENTED TO THE SPECIAL MAGISTRATE EVEN IF THE VIOLATION(S) HAS BEEN CORRECTED PRIOR TO THE HEARING AND ADMINISTRATIVE COSTS MAY STILL BE IMPOSED.

Please govern yourself accordingly.


Code Enforcement Officer


Division Administrator

Your signature below does not constitute an admission of guilt.

Hand Delivery Posted

I have read the above Notice of Hearing and indicate by my signature that I have received this notice as owner, agent, or representative of the premises or firm and/or occupant of the above premises and I hereby confirm that I am over the age of 15.

OWNER/AGENT/OCCUPANT (Print Name)

OWNER/AGENT/OCCUPANT (Signature)

Copy to:

Check the ones that apply:

- Registered Agent
- Tenant
- Mortgage Company
- Other: _____

For further information, please read the Information provided and, if applicable, consult with your attorney. You can call us at the above phone number if you need more assistance. Fines for noncompliance may be recorded as liens against real and personal property in official records. The City of Delray Beach Special Magistrate operates pursuant to Chapter 162, Florida Statutes, and Chapter 37, City of Delray Beach Code of Ordinances.

Please be advised that if you decide to appeal the Magistrate's decision to a court of competent jurisdiction, you will need a record of the proceedings. For this purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is to be based. The City does not provide such a record or transcription.

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact ADA Coordinator, (561) 243-7228 at least twenty-four (24) hours prior to the hearing in order for the City to reasonably accommodate your request.

CITY OF DELRAY BEACH

**(Petitioner)
VS**

**DONALD PUCCI & BIANCA PUCCI
303 SE 7TH AVE
DELRAY BEACH, FL 33483 5240**

(Respondent(s))

**VIOLATION ADDRESS AND LEGAL
DESCRIPTION LOCATION:**

**303 SE 7TH AVE, DELRAY BEACH, FL,
BLANK-NICHOLS SUB W 83.09 FT OF LT 1 & W
83.09 FT OF LT 2 (LESS ELY 0.4 FT OF S 36.4 FT)
BLK 128, BK 32930 PAGE 1899 OF THE OFFICIAL
RECORDS OF PALM BEACH COUNTY, FLORIDA**

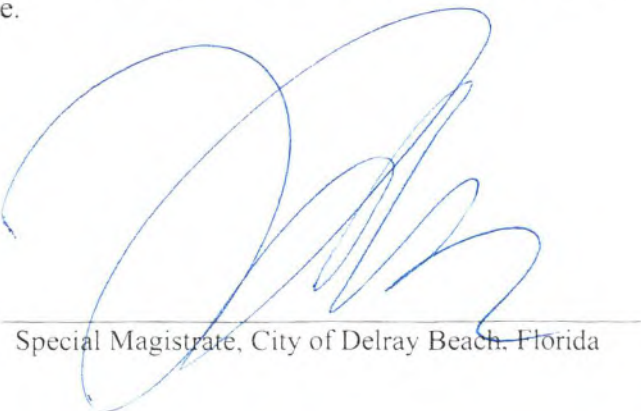
PC # 12-43-46-16-A9-128-0012

**CITY OF DELRAY BEACH, FLORIDA
SPECIAL MAGISTRATE ORDER
CASE NUMBER MN 23-17771**

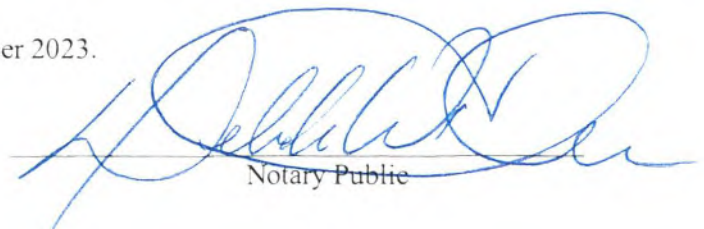
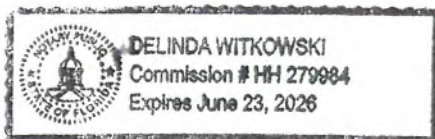
The Special Magistrate appointed by the City Commission to hear Code Enforcement cases for the City of Delray Beach, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Special Magistrate Hearing held on the 6th day of December 2023 before Kevin Wagner, Special Magistrate.

It is the Order of the Special Magistrate that Respondent, Donald Pucci & Bianca Pucci, is hereby given ninety (90) days to obtain a modified certificate of appropriateness and obtain an approved permit through the city, or a Two Hundred and Fifty Dollars (\$250.00) fine thereafter for noncompliance. A status hearing of sixty (60) days was amended to the expiration date.

Done and ordered this month 6th day of December 2023.


Special Magistrate, City of Delray Beach, Florida

Sworn to and subscribed before me this 21th day of December 2023.


Notary Public

CITY OF DELRAY BEACH
CODE ENFORCEMENT DIVISION
100 NW First Avenue
Delray Beach, Florida 33444
(561)243-7283

NOTICE OF IRREVERSIBLE OR IRREPARABLE VIOLATION AND NOTICE OF HEARING

PUCCI DONALD &
PUCCI BIANCA
303 SE 7TH AVE
DELRAY BEACH, FL 334835240

Case Number: IR-23-00017753
Letter Date: 12/1/23
PCN: 12 43 46 16 A9 128 0012
PROPERTY LOCATION: 303 SE 7TH AVE

You are hereby ordered to appear before the Special Magistrate in the Commission Chambers of the City of Delray Beach, Florida, located at 100 NW 1st Avenue on DECEMBER 6, 2023 at 1:30 PM. Failure to appear may result in the Special Magistrate Board proceeding in your absence.

Date and Time Violation was first observed: NOVEMBER 28, 2023

Code Section(s):

Violation Detail

00030 4.5.1 (F)(1-5) DEMOLITIONS
Date Est: December 01, 2023 Location:

Violation Text

THE HISTORIC PROPERTY LOCATED AT 303 SE 7TH AVENUE HAS BEEN DEMOLISHED BEFORE A CERTIFICATE OF APPROPRIATENESS HAS BEEN ISSUED BY THE HISTORIC PRESERVATION BOARD.

Violation Description

Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements:

- (1) No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H)[2.4.12 (A)(1)(b)].
- (2) The application for a Certificate of Appropriateness demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property.
- (3) Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness.
- (4) All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance

with Section 4.5.3(G).

(5) A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements:

(a) A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure will be removed or altered.

(b) The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j).

Violation Detail

00040 2.4.12 CERTIFICATE OF APPROPRIATENESS

Date Est: December 01, 2023 Location:

Violation Description

(A) Certificate of appropriateness for individually designated historic structures and all properties located within historic districts.

(1) General. A Certificate of Appropriateness shall be required for the following activities which occur on a designated historic site, designated historic interiors, or within designated historic districts:

(a) Any development application which is processed under these regulations for which action is required by the Site Plan Review and Appearance Board or the Board of and in such case, the Historic Preservation Board shall act in-lieu of such Board.

(b) Any building, structure, appurtenance, improvement, or landscape feature, which will be erected, altered, renovated, excavated, relocated, or demolished and which regards any exterior architectural features (and interior architectural features in the case of designated historic interiors), landscape features, or site improvements, for those items specifically exempted by a list promulgated by the Director.

Notice: Fines may be assessed up to \$15,000 per day by the Special Magistrate for noncompliance. If the Magistrate finds that the violation(s) is Irreparable or Irreversible in nature, the Magistrate may grant the City of Delray Beach the ability to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed.

This Notice of Irreversible or Irreparable Violation and Notice of Hearing is issued pursuant to Chapter 162, Florida State Statute.

Please govern yourself accordingly.


Code Enforcement Officer


Division Administrator

Your signature below does not constitute an admission of guilt.

Hand Delivery Posted

I have read the above Notice of Hearing and indicate by my signature that I have received this notice as owner, agent, or representative of the premises or firm and/or occupant of the above premises and I hereby confirm that I am over the age of 15.

OWNER/AGENT/OCCUPANT (Print Name)

OWNER/AGENT/OCCUPANT (Signature)

Copy to:

Check the ones that apply:

_____ Registered Agent

_____ Tenant

_____ Mortgage Company

_____ Other: _____

For further information, please read the Information provided and, if applicable, consult with your attorney. You can call us at the above phone number if you need more assistance. Fines for noncompliance may be recorded as liens against real and personal property in official records. The City of Delray Beach Special Magistrate operates pursuant to Chapter 162, Florida Statutes, and Chapter 37, City of Delray Beach Code of Ordinances.

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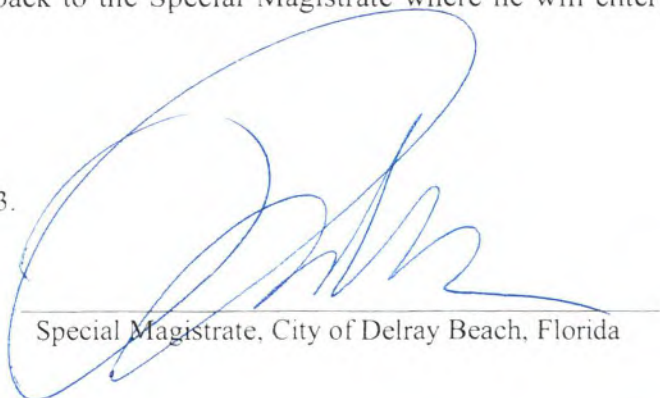
PC # 12-43-46-16-A9-128-0012

CITY OF DELRAY BEACH, FLORIDA
SPECIAL MAGISTRATE
ORDER
CASE NUMBER IR 23-17753

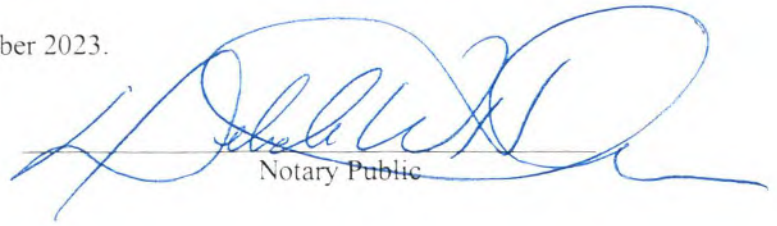
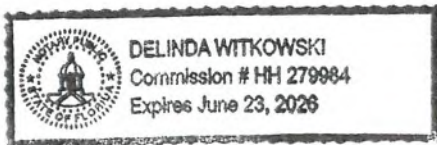
The Special Magistrate appointed by the City Commission to hear Code Enforcement cases for the City of Delray Beach, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Special Magistrate Hearing held on the 6th day of December 2023 before Kevin Wagner, Special Magistrate and based on the evidence and testimony presented made a finding that there is a violation, and that it is irreparable in nature.

It is the Order of the Special Magistrate that Respondent, Donald Pucci & Bianca Pucci, is hereby assessed a one time fine in the amount of **Fifteen Thousand dollars** (\$15,000.00). The Magistrate stated to the respondents to go back to the city and come up with an appropriate plan within thirty (30) days that the city is comfortable with. The respondent may come back to the Special Magistrate where he will entertain a reduction of fine if it is appropriate at that time.

Done and ordered this month 6th day of December 2023.


Special Magistrate, City of Delray Beach, Florida

Sworn to and subscribed before me this 21th day of December 2023.


Notary Public