

UNSAFE STRUCTURES BOARD HEARING MINUTES OF October 16th, 2013

Members Present: James Cueva, Chairman Aymara D. Riley Carlos Naumann
James Starkweather Jose Escandell Abel Ramirez
Carlos Naumann

Excused Absent: Emile Amedee Robert Sweeney Kevin Deeb, VC
Benjamin S. Essien Gordon Loader Ramon Arronte

Staff: Kathy Charles, Acting Clerk of the Board
Latisha Byrd, Board Recording Secretary
David Sherman, Asst. County Attorney

Court Reporter: Janice Aguirre, Miami-Dade County Court Reporters, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:30 P.M. on Wednesday, October 16th, 2013, on the 2nd Floor, Conference Room I & J, of the Herbert Saffir Permitting & Inspection Center, Department of Regulatory & Economic Resources located at 11805 SW 26th Street, Miami, Florida, 33175.

Mr. James Cueva requested a motion to approve and accept the minutes of the September 18th, 2013 Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Ramirez seconded the motion.

Motion passed unanimously.
(For a verbatim version, please refer to the transcripts)

Ms. Kathy Charles then announced the following Unincorporated Miami Dade County cases that were agreements with the Building Official/Inspector:

Unincorporated Miami Dade County:
DC20120152557U 10890 Quail Roost Drive, West
DC20120152562U 10890 Quail Roost Drive, East
DC20120152563U 10880 Quail Roost Drive
DCF2012112759U 3641 NW 48 Terrace, #1
DCF2012112779U 2147 NW 32 Avenue, #1
DCF2012113264U 10545 SW 184 Terrace, #1
DCF2012112500U 1236 NE 109 Street, #1
DCF2012113292U 22210 SW 116 Avenue, #1

Ms. Charles announced that the following Unincorporated Miami Dade County, City of North Miami Beach and City of Miami Beach cases that were No Contest/No Show for the Building Official recommendation:

Unincorporated Miami Dade County:
DC20130157361U 11075 NE 13 Avenue
DC20130158775U 8025 NW 4 Avenue
DCF2012112338U 15600 NW 7 Avenue, #1
DCF2012112765U 4205 NW 36 Avenue, #1
DCF2012112788U 3012 NW 27 Avenue, #4
DCF2012113157U 9200 S. Dadeland Blvd., #2
DCF2012113289U 11101 SW 224 Street, #1
DCF2012113319U 23301 S. Dixie Highway, #1

City of North Miami:
NMB-BV13-126 2450 NE 136 Street

City of Miami Beach:
BV13000887 800 84th Street

Ms. Charles announced that the following Unincorporated Miami Dade County cases that were Deferred/Withdrawn by the Building Official:

Unincorporated Miami Dade County:
DC20120154972U 11200 NW 107 Avenue

DCF201111269U	14686 W. Dixie Highway, #1
DCF2012112364U	10935 NW 27 Avenue, #1
DCF2012112628U	9091 NW 27 Avenue, #2
DCF2012112761U	3676 NW 47 Street, #1
DC20100133323U	22210 SW 116 Avenue
DCF2007107425U	14090 SW 127 Street, #10
DCF2007107426U	14090 SW 127 Street, #11
DCF2008108093U	2770 NW 79 Street, #1

The cases and photographs were submitted to the Board for review and were called into the record by Ms. Charles.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. Mr. Starkweather moved to accept the withdrawals, agreed and uncontested cases as called by Ms. Charles. Mr. Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Mr. Cueva then informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

Heard Cases

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:55 P.M. by the court reporter.

Ms. Charles then called forth the first case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Unincorporated Miami Dade County:

DCF2011111462U 4900 NW 27 Avenue, #1

Mr. Monte Lee informed the Board that the above-mentioned case is brought before the Board because the Department's presentation of Property Owner's request for an extension of time to comply with the Board Order dated November 14th, 2012. He informed the Board that the Property Owner has failed to meet the time periods set forth in said Order and seeks additional time to complete the necessary work. Mr. Lee further explained to the Board that the Unsafe Structures Board can ratify the extension of time on the agreement with property owner and the Miami-Dade County Building Department to provide additional time to complete the work on a non-compliant case. He furthered informed the Board that an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case providing sixty (60) days to obtain the permit and to complete the repairs within one hundred eighty (180) days after obtaining the permit.

After some discussion, Mr. James Starkweather moved to ratify an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case by providing sixty (60) days to obtain the permit and one hundred eighty (180) days from today to complete the repairs. Mr. Abel Ramirez seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the second case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Unincorporated Miami Dade County:

DC20110145662U 7723 NW 27 Avenue

Mr. Monte Lee informed the Board that the above-mentioned case is brought before the Board because the Department's presentation of Property Owner's request for an extension of time to comply with the Board Order dated March 14th, 2012. He informed the Board that the Property Owner has failed to meet the time periods set forth in said Order and seeks additional time to complete the necessary work. Mr. Lee further explained to the Board that the Unsafe Structures Board can ratify the extension of time on the agreement with property owner and the Miami-Dade County Building Department to provide additional time to complete the work on a non-compliant case. He furthered informed the Board that an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case providing ninety (90) days to obtain the permit and to complete the repairs within one hundred eighty (180) days after obtaining the permit.

After some discussion, Mr. Abel Ramirez moved to ratify an agreement between Miami-Dade County and Property Owner to provide additional time to resolve a non-compliant case by providing ninety (90) days to obtain the permit and one hundred eighty (180) days from today to complete the repairs. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the third case to be heard from the City of Miami Beach, Unsafe Structures Unit.

City of Miami Beach:

BV13000782

7420 Ocean Terrace

Ms. Rhonda Montoya-Hasan informed the Board that the above-mentioned case is brought before the Board because the property had been sitting up for quite some time. She also informed the Board that a 40 year recertification needs to be submitted to bring the property up to code. Ms. Montoya-Hasan then informed the Board that the property now has a new owner and the City is willing to work with them in allowing additional time to comply.

Mr. Antonio Roca, Attorney, informed the Board that his client recently purchased the property and is working diligently to bring the property up to code. He also informed the Board that the Engineer will be performing a test on the property to submit the plans to the City. Mr. Roca then requested additional time to bring property up to code.

Mr. Cueva asked if they had the plans to show what needed to be done.

Mr. Roca replied "No". He stated that his client recently gained ownership and was waiting to submit the plans after the Engineer completed their inspection.

Mr. Starkweather, Member, asked the City what's their recommendation and is the property secured.

Mr. Montoya-Hasan replied that the City is in agreement with the request of the Property Owner, but the City is requiring a 40 year recertification report to be submitted within 30 to 45 days.

Mr. Starkweather asked how much time do they need to bring the property up to code.

Mr. Roca replied that they will need 60 days to submit the 40 year recertification report and four months to submit the Engineer's report because of the Holidays that are approaching.

Mr. Naumann, Member, inquired if there were any historic issues.

Ms. Montoya-Hasan, replied "no". She further reiterated that the City would like to see some work done and the property maintained secured.

After some discussion, Ms. Amy Riley made a motion to maintain secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration of graffiti. Said structure must be repaired or completed with plans prepared by an Architect/Engineer or by a qualified individual. The Architect/Engineer's report must be submitted to the Unsafe Structures Unit within sixty (60) days from today. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit must be obtained by a qualified homeowner or a licensed contractor pursuant to Section 10-5(2) of the Miami-Dade County Code within one hundred eighty (180) days from today. The complete building or structure shall be made to conform to all the Florida Building Code requirements for a new building or structure and shall be completed within three hundred sixty-five (365) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality as soon as possible. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the fourth case to be heard from the City of Miami Beach, Unsafe Structures Unit.

City of Miami Beach:

BV13000873

1240 71 Street

Ms. Rhonda Montoya-Hasan, City of Miami Beach Legal Advisor, informed the Board that the above-mentioned case is brought before the Board because the property has been abandoned for 10 years. She explained to the Board the damages for each structure on the property. Ms. Montoya-Hasan then informed the Board that the property now has a new owner and the City is willing to work with them in allowing additional time to comply.

Ms. Dawn Martinez, Property Owner, informed the Board that she recently purchased the property. She further informed the Board that she purchased the permit to do a partial demolition. Ms. Martinez then requested additional time to bring property up to code.

Mr. Carlos Rodriguez, Contractor, informed the Board that they are waiting on the approval by the City of the exterior walls.

Mr. Starkweather asked the City for their recommendation on this case.

Ms. Montoya-Hasan replied that the City's recommendation on the property is to submit the 40 year recertification report to the City within 30 to 45 days; to apply for the permit within 120 days to perform a partial demolition.

After some discussion, Mr. James Starkweather moved to maintain secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration of graffiti. Said structure must be repaired or completed with plans prepared by an Architect/Engineer or by a qualified individual. The Architect/Engineer's report must be submitted to the Unsafe Structures Unit within forty-five (45) days from today. If shoring is necessary, an application must be submitted within ninety (90) days from today. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit must be obtained by a qualified homeowner or a licensed contractor pursuant to Section 10-5(2) of the Miami-Dade County Code within one hundred twenty (120) days from today. The complete building or structure shall be made to conform to all the Florida Building Code requirements for a new building or structure and shall be completed within three hundred sixty (360) days from today. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality as soon as possible. Ms. Amy Riley seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts).

Ms. Charles then called forth the fifth case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Unincorporated Miami Dade County:

DCF2012112392U

19301 W. Dixie Highway, #1

Mr. Monte Lee, Building Inspector, Unincorporated Miami Dade County, introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Lee gave an account of the structure and recommended that "A 40-year recertification report has been submitted to the Department of Regulatory and Economic Resources, Unsafe Structures Unit. Any repairs required by the Building Official as a prerequisite for the 40-year recertification of the structures (A) & (B) shall be subject to the following: An application for building and/or electrical permit must be submitted to the Department of Regulatory and Economic Resources within forty-five (45) days from today's date. The Department of Regulatory and Economic Resources Unsafe Structures Unit must first review the application for permit. The application for permit must include as part of the permit documents copies of the engineer's or architect's 40 year recertification report. The permit must be obtained within one hundred twenty (120) days from today's date and the required repairs must be completed inclusive of a final inspection approval on the permit within one hundred eighty (180) days from today's date. Upon the property owner's failure to comply with any of the requirements of this Order the Building Official shall cancel the Certificate of Occupancy, order the power to the building(s) or structure(s) disconnected and order the building(s) or structure(s) vacated and secured in a manner provided under the Building Code. If the property owner fails to secure the building(s) or structure(s), then the Building Official shall hire a private contractor to secure such building(s) or structure(s). If the property owner fails to obtain a new Certificate of Occupancy for the building(s) or structure(s) within one hundred twenty (120) days of the date of cancellation of the original Certificate of Occupancy, then the Building Official shall demolish such building(s) or structure(s). If the permit process is delayed by reasons beyond Owner's control, Owner may request in writing an extension of the time provided for in this agreement and provide proof of the reasons for the delay to the Department of Regulatory and Economic Resources. Such a request must be made prior to the expiration of the deadline set forth in this agreement. Upon receipt of such a written request, the Department of Regulatory and Economic Resources shall provide, if appropriate, a reasonable extension."

Mr. Lee further informed the Board that structures (C), (D) & (E) must be demolished.

Mr. Stanley Price, Attorney, gave a background on the property. He informed the Board that his client hired an Engineer and the report has been submitted to the County. Mr. Price also informed the Board that they will be demolishing structures (C), (D) & (E). He then requested for additional time.

Mr. Deeb asked if 90 days would be feasible to demolish the structures.

Mr. Price replied "yes".

After some discussion, Ms. Amy Riley made a motion to maintain secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration of graffiti. Said structures (C), (D) & (E) shall be demolished by an individual qualified to obtain a demolition permit within ninety (90) days from today. The demolition permit shall be obtained from the Unsafe Structure Unit or the applicable

equivalent in the enforcing municipality. All debris resulting from the demolition shall be promptly removed from the premises. If any of the above conditions are not complied with, said structures shall be demolished by the enforcing municipality as soon as possible. A 40 year recertification report has been submitted. Any repairs to structure (A) shall be required by the Building Official as a prerequisite for the 40 year recertification of the structure(s) shall be subject to the following: An application for building and/or electrical permit must be submitted to the Department of Regulatory and Economic Resources. The department's Unsafe Structures Unit must first review the application for permit. The application for permit must include, as part of the permit documents copies of the engineer's or architect's 40 year recertification report. The permit must be obtained within two hundred seventy (270) days after demolition of structures (C), (D) & (E) and the required repairs for structure (A) must be completed inclusive of a final inspection approval on the permit within three hundred sixty (360) days after obtaining the permit. Upon completion of all required repairs, a revised engineer's or architect's 40 year recertification report shall be submitted to the Department of Regulatory and Economic Resources indicating that the structure, as repaired, can be recertified. If any of the above orders are not complied with, said structure(s) shall be demolished by Miami-Dade County as soon as possible. Except as otherwise specified above, the timeframes to comply will commence from the date of the Hearing at which the Unsafe Structure Board issued this Order. Please also note that all time frames mentioned are in calendar days. Mr. Carlos Naumann seconded the motion.

Motion passed unanimously.

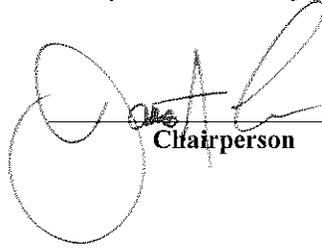
(For a verbatim version, please refer to the transcripts).

There being no further business, a motion was made by Mr. James Starkweather to adjourn the meeting at 2:42 P.M. and seconded by Mr. Deeb.

Prepared by:



Recording Secretary



Chairperson

Date:

11/13/13