

UNSAFE STRUCTURES BOARD HEARING MINUTES OF January 21st, 2015

Members Present: James Cueva, Chairman James Starkweather, VC Kevin Deeb
Jose Escandell Carlos Naumann Abel Ramirez
Ramon Arronte

Excused Absent: Gordon Loader Julio Jimenez Aymara D. Riley

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 1:34 P.M. on Wednesday, January 21st, 2015, on the 2nd Floor, Conference Rooms 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 December 10th, 2014, Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Deeb 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:
DC20090126649U 2751 NW 27 Street
DC20140167533U 2230 NW 95 Street
DCF2013114014U 2994 NW 54 Street, #1
DCF2013115105U 6930/6940 Miami Gardens Drive, #1
DCF2013115107U 530 NW 165 Street Road, #1
DCF2013115179U 6952 Miami Gardens Drive, Clubhouse

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

Unincorporated Miami Dade County:
DCF2013113989U 4801 NW 33 Avenue, #1
DCF2013113990U 3265 NW 48 Street, #1
DCF2013113991U 3255 NW 48 Street, #1
DCF2013113992U 3245 NW 48 Street, #1
DCF2013113994U 3225 NW 48 Street, #1
DCF2013113998U 3270 NW 48 Street, #1
DCF2013114000U 3250 NW 48 Street, #1
DCF2013114002U 3255 NW 48 Street, #1
DCF2013114003U 3265 NW 47 Street, #1
DCF2013114004U 4701 NW 33 Avenue, #
DCF2013115266U 14165 SW 87 Street, #D

City of Miami Beach:
BV14000024 501 74th Street
BV14000591 1718 Bay Road

**Unsafe Structures Board
January 21st, 2015**

Ms. Charles announced that the following Unincorporated Miami Dade County, City of Miami Beach, City of South Miami and Village of Key Biscayne cases that were **Deferred/Withdrawn by the Building Official:**

Unincorporated Miami Dade County:

DC20140169326U	2301 NW 79 Street
DCF2013115121U	9210 Fontainebleau Boulevard, #9210
DCF2013115203U	9250 Fontainebleau Boulevard, #9250
DCF2014115390U	100 NW 176 Street, #1

City of Miami Beach:

BV14000291	418 Meridian Avenue
BV14000842	2000 Biarritz Drive
BV14001048	7125 Dickens Avenue
BV14001185	3925 Collins Avenue
BV14001169	415 E. Rivo Alto Drive

City of South Miami

SM2014-001	6321 SW 43 Street
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Village of Key Biscayne

KB2015-01	12 Crandon Boulevard
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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 deferrals, withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. Mr. Starkweather moved to accept the deferrals, 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 Case on Record

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 2:08 P.M. by the Court Reporter.

Ms. Charles then called forth the case to be heard on record from the City of South Miami, Unsafe Structures Unit.

City of South Miami:

SM2014-001	6321 SW 43 Street
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Mr. Bill Riley, Attorney for Neighbor, informed the Board that his client's home is attached to the property located at 6321 SW 43 Street, which is deemed unsafe. He gave a description of the property and explained to the Board that his client bought the property with a high electricity bill and the property is a danger to him and his family due to safety issues. Mr. Riley also informed the Board that his client had suffered through several hurricanes for many years. He enlightened the Board that the City has requested a deferral three (3) times and felt that another deferral should be denied by the Board at this time. Mr. Riley informed the Board that he wanted to go on the record with these facts and proceeded to provide the Board with a copied document of a settlement agreement letter.

Unsafe Structures Board
January 21st, 2015

Mr. Pablo Tamayo, Property Owner's Attorney, informed the Board that several parties are involved in the settlement agreement and the Property Owner is taking the necessary steps to correct the unsafe issues. Mr. Tamayo objected to the submission of the agreement letter due to the settlement having nothing to do with the case before the Unsafe Structures Board. He stated that the Property Owner had been cited for certain Zoning and building violations on the property, but remains committed to bringing the property into full compliance with all applicable Codes and regulations. Mr. Tamayo then informed the Board that the Property Owner had been working diligently to submit an application for all required building permit(s) along with plans to sufficiently meet the requirements of the City of South Miami.

Chairman James Cueva asked Mr. Tamayo why the City of South Miami deferred this case.

Mr. Tamayo responded that the City of South Miami granted the Property Owner a deferral due to unforeseen matters that occurred and doesn't feel any harm was done in allowing the deferral.

Chairman James Cueva asked the Assistant County Attorney for his advice on the procedure that the Board can take on the deferral.

Mr. David Sherman, Assistant County Attorney, informed the Board that they could consider whether sufficient grounds or good cause exist to grant the deferral. He then explained that the Board would not be able to hear the case given that both parties are in an agreement.

Chairman James Cueva read into the record the Building Official's letter that he emailed to Staff requesting this case for a deferral.

Board Member James Starkweather explained his concern about the FPL meter.

Mr. Alvarez Arona, Neighbor of Property Owner, informed the Board that he has photographs of FPL inspecting the meter. He then informed the Board of his concern in regards to the FPL meter affecting his home. Mr. Arona stated that it's been very costly to him financially, as well as time for him to appear at the hearing.

Mr. Riley stated that this matter had been ongoing for quite some time and needed to be addressed today. He also stated that the Board has jurisdiction and would like timeframes to correct the problem and bring the property up to Code.

Board Member Abel Ramirez inquired if the Board had a cap on the amount of deferrals allowed on a specific case of time for deferrals.

Chairman James Cueva explained to the Board their position in regards to another deferral on this matter.

After some discussion, Mr. James Starkweather moved to allow extension of time to defer the case sixty (60) days from today. Mr. Kevin Deeb seconded the motion. **(Motion Passed 6 to 1) (Mr. Carlos Naumann opposed)**
(For a verbatim version, please refer to the transcripts).

Heard Case

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 2:18 P.M. by the Court Reporter.

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

Unsafe Structures Board
January 21st, 2015

City of Miami Beach:

BV14000222

20 South Shore Drive

Mr. Steven Rothenstein, City Attorney, gave an account of the structure and informed the Board that this case had been previously deferred last month. He informed the Board that the City would allow the property owner to address the Board on this matter. Mr. Rothenstein further commented that the President of the Association's Board was present as well.

Chairman James Cueva inquired about the violations on the property.

Mr. Adrian Avalos, City of Miami Beach Representative, gave a description of the property and informed the Board that this structure is a 40 year recertification case and there are some issues with the electrical work and a lack of effort from the Property Owner in regards to correcting the violations. Mr. Avalos further informed the Board that the property is vacant and recommended that the property be demolished within thirty (30) days.

Mr. Antonio Silva, Condominium Association Board Member and Property Owner, informed the Board that the building is in bad condition. He then informed the Board that he owned 3 of the units on the property since 3 years ago. Mr. Silva enlightened the Board that nothing had been done within the 3 years to bring the property up to Code. He stated that at this time there are no resources available to correct the violations to the property.

Board Member Kevin Deeb asked Mr. Silva how much time is needed.

Mr. Silva responded that he would need to obtain funds to correct the violations. He then stated that he doesn't have insurance for the property, thus any plans to repair is not feasible. Mr. Silva informed the Board that he is not against the property being demolished by the City due to no source of available funds to bring the property up to Code.

Mr. David Lifshultz, Condominium Association Board Member and Property Owner, informed the Board that he owned 2 of the units on the property. He explained to the Board that this matter is in Court and requested additional time until the matter is resolved through the legal system.

Mr. Rothenstein informed the Board that the City is not involved in the Court case. He then advised that the City recommends the property to be demolished within thirty (30) days.

Board Member Kevin Deeb asked if the 40 year recertification had been submitted to the City.

Mr. Rothenstein responded that the 40 year recertification report had been submitted to the City at this time.

After some discussion, Mr. James Starkweather made a motion that "Said structure shall be demolished by an individual qualified to obtain a demolition permit within thirty (30) 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 structure shall be demolished by the enforcing municipality as soon as possible. Mr. Carlos Naumann seconded the motion."

Motion passed unanimously

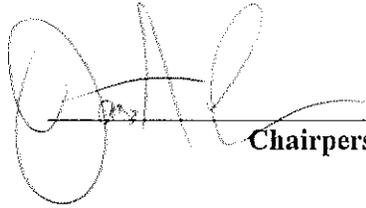
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Unsafe Structures Board
January 21st, 2015

There being no further business, a motion was made by Mr. Deeb and seconded by Mr. Starkweather to adjourn the meeting at 2:40 P.M.

Prepared by: 

Recording Secretary



Chairperson

Date: 18 February 2015