

**Unsafe Structures Board
March 9th, 2016**

City of Miami Beach Case:

BV15000475 629 Lenox Avenue

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announced that the following Unincorporated Miami Dade County and City of Miami Beach cases that were **Deferred/Withdrawn by the Building Official:**

Unincorporated Miami Dade County Cases:

DC20150175448U 15751 SW 106 Terrace, #303 - *Deferred*
DC20150174314U 13300 SW 189 Avenue - *Deferred*

City of Miami Beach Cases:

BV14000114 1611 Michigan Avenue - *Withdrawn*
BV15000495 1344 15th Terrace - *Withdrawn*
BV15000023 740 83rd Street - *Withdrawn*

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. Mr. Deeb 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 1:47 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.

City of Miami Beach:

BV12000874 8260 Byron Avenue

Mr. Steven Rothenstein, City Attorney, gave an account of the structure and recommended that said structure shall be demolished by an individual qualified to obtain a demolition permit within thirty (30) days from today from the unsafe structures unit. All debris resulting from the demolition shall be 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. He mentioned to the Board that no work had been done since the Board deferred the case at last month's hearing. Mr. Rothenstein informed the Board that the property is not secured nor are they aware of a potential buyer of the property. He enlightened the Board that no contract had been submitted to the City and there was no evidence of a contract for a Charitable Trust.

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Board Member James Starkweather asked if the water and electricity had been disconnected at the property.

Mr. Rothenstein replied "yes".

Board Member James Starkweather asked Mr. Kaul what was his intent for the property.

Mr. Kaul replied that he would like to repair the property and with some proceeds to be donated to a designated Charitable Trust. He then provided the Board the Buyer Contract on the property. Mr. Kaul informed the Board that the building has great potential to be repaired, restored and rehabilitated rather than demolished. He mentioned to the Board that the property had been deemed unsafe for a number of years. Mr. Kaul stated that the property is fenced and trespassing signs are up. He then stated that he has owned the property since 1993. Mr. Kaul also informed the Board that he is aware of the unsafe structure issues, but he had experienced significant financial hardship and hadn't been able to do the necessary repairs to bring the property up to Code. He informed the Board that an Engineer's Report was submitted to the City in 2013 and a new report needed to be updated and resubmitted with revisions. Mr. Kaul also mentioned to the Board that his plans are to donate some sale proceeds of the property to a Charitable Trust.

Board Member James Cueva asked if there was a contract drawn up for the Charitable Trust.

Ms. Ann Kaul, Property Owner, replied that no contract is drawn up for the donation. She stated that she volunteer at the Mt. Sinai Hospital and they were working on arrangements to give part of the proceeds to the Hospital as charity. Ms. Kaul informed the Board that the structural is fixable.

Board Member James Cueva asked who bought the property and were they in attendance at the hearing.

Mr. Allen Kaul replied that he gave the Board the members list of the buyer at last month's hearing. He stated that the buyer had a conflict, which prevented them from being at the meeting today. Mr. Kaul further stated that most of the work is done and provided details to the Board. He also advised the Board that he was able to recently settle and pay associated fines on the property.

Board Member James Cueva circulated the contract amongst the Board for their review.

Mr. Rothenstein stated that the property owner had mentioned that he was giving the property to a Charity Trust, but the City had not seen anything in writing. He also mentioned that the current plans are outdated and the permit had expired a while ago. Mr. Rothenstein advised the Board that the property owner had not done any work for years and that there was some questions as to Mr. Kaul's intent for the property. He stated that the property is open to the public to gain access and informed the Board that the City received numerous complaints from neighbors indicating that illegal activities are being performed onto the property. He also stated that it's been going on for quite some time now. Mr. Rothenstein then informed the Board that the electric had been shut down since 2012 and the owner obtained a demolition permit, but no work had been done and the permits are expired as of today.

Board Member James Cueva asked Mr. Kaul assuming the sale of the property goes through on April 9th, how much time was needed to do all the necessary work.

Mr. Allen Kaul replied that the new owner will need 90 days to submit the drawings. He then stated that 9 months should be sufficient to complete all the work to bring the property up to Code.

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Board Member James Starkweather stated that his concern is if there is an imminent danger to the community and if the property is secured. He also indicated that he believe that significant time had passed and action needs to be taken on the property.

After some discussion, Mr. James Starkweather moved to uphold the Building Official's recommendation to demolish within 30 days. Ms. Riley seconded the motion.

Motion passed 5 to 2. (James Cueva and Abel Ramirez were opposed)
(For a verbatim version, please refer to the transcripts).

Unsafe Structures Board Chairperson and Vice Chairperson Elections

The floor was opened for nominations in the position of Chairperson and Vice-Chairperson of the Unsafe Structures Board.

Mr. Deeb nominated **Mr. James Cueva as Chairperson** of the Unsafe Structures Board for the next year term. Mr. Cueva accepted the nomination. Mr. Deeb moved to elect Mr. Cueva and Mr. Naumann seconded the motion.

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

Mr. Rodriguez nominated **Mr. James Starkweather as Vice-Chairperson** of the Unsafe Structures Board for the next year term. Mr. Starkweather accepted the nomination. Mr. Rodriguez moved to elect Mr. Starkweather and Mr. Naumann seconded the motion.

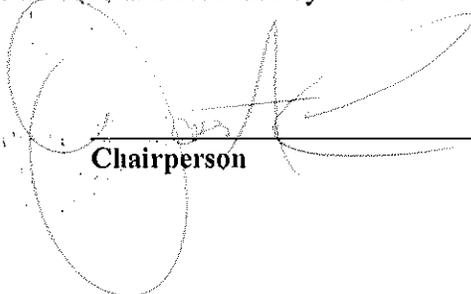
Motion passed unanimously.
(For a verbatim version, please refer to the transcripts).

There being no further business, a motion was made by Mr. Deeb and seconded by Mr. Starkweather to adjourn the meeting at 3:30 P.M.

Prepared by:



Recording Secretary



Chairperson

Date:

20 April 2016