

UNSAFE STRUCTURES BOARD HEARING MINUTES OF March 19th, 2014

Members Present: James Cueva, Chairman Kevin Deeb, VC Benjamin S. Essien
Jose Escandell Robert Sweeney James Starkweather
Carlos Naumann

Excused Absent: Emile Amedee Ramon Arronte Gordon Loader
Abel Ramirez 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 1:30 P.M. on Wednesday, March 19th, 2014, 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 February 19th, 2014, Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Essien 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:
DC20130160300U 2220 NW 102 Street
DC20130162036U 11412 SW 133 Court, #58-2
DCF2012112401U 1700 NE 191 Street, #1

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

Unincorporated Miami Dade County:
DC20130158115U 16665 Krome Avenue
DC20130159600U 11500 NW 10 Avenue
DC20140162483U 2000 NW 47 Avenue, (Picnic Pavilion)
DCF2009109011U 3300 NW 32 Avenue, #5
DCF2009109012U 3300 NW 32 Avenue, #4
DCF2011111373U 9111 NW 22 Avenue, #1
DCF2012112694U 795 NW 72 Street, #1
DCF2012112822U 495 NW 72 Avenue, #1
DCF2012113324U 25120 SW 127 Avenue, #1
DCF2013113993U 3235 NW 48 Street, #1
DCF2013113995U 3215 NW 48 Street, #1
DCF2013113996U 4800 NW 32 Avenue, #1
DCF2013113997U 4725 NW 33 Avenue, #1
DCF2013113999U 3260 NW 48 Street, #1
DCF2013114001U 3245 NW 47 Street, #1
DCF2013114540U 6214 NW 18 Avenue, #1

Village of Pinecrest

VOP2013-002

7895 SW 131 Street

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 Charles announced that the following Unincorporated Miami Dade County cases that were Deferred/Withdrawn by the Building Official:

Unincorporated Miami Dade County:

DC20120151543U	1177 NW 81 Street
DC20130159227U	20075 NE 3 Court, #01
DCF2010109833U	452 NE 167 Street, #1
DCF2007107425U	14090 SW 127 Street, #10
DCF2007107426U	14090 SW 127 Street, #11

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. Deeb moved to accept the withdrawals, agreed and uncontested cases as called by Ms. Charles. Mr. Sweeney 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 1:33 P.M. by the court reporter.

Ms. Charles then called forth the old business on the agenda from the Village of Pinecrest, Unsafe Structures Unit.

Village of Pinecrest:

VOP2013-002

7895 SW 131 Street

Mr. Pablo A. Tamayo, Village of Pinecrest City Attorney, informed the Board that the above-mentioned case is brought before the Board because the Attorney of the previous Property Owner's request for an extension of time to comply with the Board Order dated November 20th, 2013. He informed the Board that the previous Property Owner had failed to meet the time frames set forth in the Board Order and was now seeking additional time to complete the necessary work. Mr. Tamayo further explained to the Board that the City required compliance on this case. He then enlightened the Board that the new owner of the property is aware of the unsafe issues and promises to bring the property up to code. Mr. Tamayo enlightened the Board that the City requested re-notification to the new owner to provide them proper hearing notification, but they did not appear today. He then confirmed the new owner's address, as called by the Recording Secretary.

Mr. James Cueva, Member, asked for clarification of the Board Order.

Mr. Tamayo read into the record the Board Order issued on November 2013.

Mr. Cueva asked if anyone was in the audience for the Village of Pinecrest case and announced on the record that no one was present.

Mr. Leo Llanos, Building Official, informed the Board that the property is still abandoned and the pool is full of water.

After some discussion, Mr. James Starkweather moved to uphold the Building Official Recommendation. Mr. Naumann seconded the motion.

Motion passed unanimously.

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

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

Unincorporated Miami Dade County:

G20130160479U

8271 SW 157 Avenue, #601

Mr. Monte Lee, Building Inspector 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 "said structure be secured within five (5) working days. The structures are to be maintained secure, clean and sanitary. Free of debris, overgrown grass or weeds and free of discoloration or graffiti. Said structures must be repaired or completed with Engineer's Certification and Architect/Engineer sealed plans. 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 licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami Dade County Code within ninety (90) days from today. The completion or repair of said structure (I) shall conform to the Florida Building Code unless application is made pursuant to the provisions of Section 8-11(g) of the code of Miami Dade county and shall be completed within one hundred twenty (120) 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 structures shall be demolished by the enforcing municipality as soon as possible."

Mr. Lee then proceeded to inform the Board that the property is a grow house case and the plumbing work performed within the home was done without a permit. He enlightened the Board that the case was generated from the Miami Dade Police Department. Mr. Lee also informed the Board that an inspection was performed and the County found several violations. He then provided the Board photos of marijuana growing in the house.

Mr. Timothy Suich, Owner, informed the Board that there had not been any alteration or modification throughout property. He stated that there is no evidence to prove that alterations or modifications took place on the property. Mr. Suich then provided the Board photographs of the interior of the property. He informed the Board that access to the property was never denied.

Mr. Cueva read into the record of all the photographs that were provided to the Board by Mr. Suich for evidence. He then brought to the County's attention that no inspection was performed on July 2013.

Mr. Essien inquired how about the police received notice about the grow house.

Mr. Suich replied that he supposed they smelled marijuana from the property or received a complaint from the neighbors.

Mr. Cueva asked Mr. Lee if there were any indications that a fire took place inside the property when they performed the inspection.

Mr. Lee replied that the complaint came from the Police Department.

Mr. Cueva asked if the statements were hear say and does the County have evidence of damages. He then mentioned that the County must be fair to the community.

Mr. Deeb asked if a Notice of Violation issued.

Mr. Lee replied that the Police Department and the County posted a Notice of Violation onto the property.

After some discussion, Mr. Robert Sweeney moved to **dismissed case due to lack of evidence provided by the Building Official**. Mr. Carlos Naumann seconded the motion.

Motion passed 4 to 3. (Jose Escandell, Benjamin Essien and Kevin Deeb opposed)

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

There being no further business, a motion was made by Mr. Benjamin Essien and seconded by Mr. Starkweather to adjourn the meeting at 2:30 P.M.

Prepared by:


Recording Secretary


Chairperson

Date:

23 April 2014