



*City of  
Miami Springs  
Code Enforcement Board*

*Tuesday  
OCTOBER 6, 2015*

*7:00 P.M.*

*Council Chambers*

*201 Westward Drive  
Miami Springs, FL 33166*

*Tel: 305.805-5030  
Fax: 305.805.5036*



**CODE ENFORCEMENT BOARD  
CITY OF MIAMI SPRINGS, FLORIDA**

**Chairperson Marlene B. Jimenez  
Board member Walter Dworak  
Board member Rhonda Calvert  
Board member Jorge Filgueira**

**Board member John Bankston  
Board member Jacqueline Martinez Regueira  
Board member Robert Williams**

**REVISED AGENDA  
Regular Meeting  
Tuesday, October 6, 2015, 7:00 p.m.**

- 1. CALL TO ORDER AND ROLL CALL**
- 2. INVOCATION AND SALUTE TO THE FLAG**
- 3. APPROVAL OF MINUTES OF REGULAR MEETING: August 4, 2015**
- 4. NEW BUSINESS - NONE**
- 5. OLD BUSINESS**
  - 1) Case# 13-1189**  
Address: 298 Glendale Drive  
Owner: Carlos E. Garcia  
Violation: 93-13 Maintenance of Property - General Maintenance of Property
  - 3) Case # 14-302**  
Address: 1085 Nightingale Ave.  
Owner: Gustavo De La Cruz  
Violation: 151-04 Work done beyond the Scope of Work on Permit
  - 4) Case # 14-874**  
Address: 517 Minola Drive  
Owner: Wayne A. McMullen & Joann M. Price  
Violation: 93-13 Maintenance of Property – General Maintenance of Property

**6. COUNCIL LIAISON REPORT AND REQUEST**

**7. ADJOURNMENT**

If any person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based (F.S. 286.0105) 1981

*Minutes*

*August 4, 2015*



## ***City of Miami Springs, Florida***

The regular meeting of the Miami Springs Code Enforcement Board was held on Tuesday, August 4, 2015 at 7:30 p.m. in the Council Chambers at City Hall.

### **1) Call to Order/Roll Call**

The meeting was called to order at 7:32 p.m.

Present: Chairman Marlene B. Jimenez  
Jacqueline Martinez-Regueira  
John Bankston  
Rhonda Calvert

Absent: Walter Dworak  
Jorge Filgueira  
Robert Williams

Also Present: Code Compliance Officer, Lourdes Taveras  
Former Code Compliance Officer, Harold (Tex) Ziadie  
Council Liaison, Councilwoman Roslyn Buckner  
Board Secretary, Deputy City Clerk Elora R. Sakal

### **2) Invocation/Salute to the Flag**

All who were present participated.

### **3) Approval of Minutes:**

Minutes of the February 3, 2015 meeting were approved as written.

**Board member Bankston moved to approve the minutes. Board member Calvert seconded the motion, which carried unanimously on voice vote.**

**5) NEW BUSINESS:**

Board Secretary Sakal administered the oath to all who were present to give testimony.

**1) Case# 13-1189**

Address: 298 Glendale Drive

Owner: Carlos E. Garcia

Violation: 93-13 Maintenance of Property - General Maintenance of Property

Code Compliance Officer Taveras presented the case to the Board.

Code Compliance Officer Taveras stated that Mr. Garcia has made some improvement but then the items begin to accumulate again. He has been advised of what is permitted in a car port. She is mostly concerned with the maintenance of the yard.

Board member Martinez Regueira commented that a list will be provided to Mr. Garcia of what is permitted in a carport. This issue has been going on for too long.

Former Code Compliance Director Tex Ziadie commented that he has a history with this particular case. Mr. Garcia was cited approximately 9 years ago for the same issue. After some time, Mr. Garcia would clean up but then over the course of time it would begin to build up again. By the definitions of the Code, the primary purpose of a carport is for the storage of a car. Lawn mowers, lawn equipment or things that are not subject to deterioration from the elements are allowable as well.

Chair Jimenez said that her concern is hurricanes. It is hurricane season and if a hurricane came within a week, Mr. Garcia would not be able to store all of those items in a safe place.

**Board member Regueira made a motion to grant Mr. Garcia 60 days to come into compliance with the carport and yard maintenance. If the applicant is not in compliance after the 60 days, a fine of \$150 per day will begin. The motion was seconded by Board member Calvert and passed 4-0 on roll call vote.**

**2) Case # 14-137**

Address: 541 Deer Run

Owner: Gladys Hermoza Alegria

Violation: 102-01 Fail to Comply with Re-occupancy Escrow Agreement

Code Compliance Officer Taveras presented the case to the Board.

Representative for the owner, Charles Delgado explained that he purchased the home in this condition. He apologized for any issues and is willing to do whatever is needed to bring this into compliance.

Board member Martinez Regueira advised Mr. Delgado that because he purchased the home those violations are his violations even if they were there before he purchased the home and he still needs to correct them.

Code Compliance Officer Taveras commented that she was unsure if the owner was aware of what was going on with the property. She is aware that the property is vacant and that no work was being done. She attempted to get in contact with Mr. Delgado and the contractor and was unable to so she felt that she was forced to bring Mr. Delgado in front of the board to correct these issues.

**Board member Calvert made a motion to grant Mr. Delgado 60 days to come into compliance. If the applicant is not in compliance after the 60 days, a fine of \$200 per day will begin. The motion was seconded by Board member Regueira and passed 4-0 on roll call vote.**

**3) Case # 14-302**

Address: 1085 Nightingale Ave.

Owner: Gustavo De La Cruz

Violation: 151-04 Work done beyond the Scope of Work on Permit

Code Compliance Officer Taveras presented the case to the Board.

Carlos Martin of 2525 Ponce De Leon Blvd., Ste. 300, Attorney of the applicant explained that Mr. De La Cruz signed a contract with his previous contractor that pulled a permit for the fence that was in compliance with the code. What was delivered was not as contracted and permitted for. When the initial violation was issued, Mr. De La Cruz hired another attorney to seek a variance because he had seen other fences in the community that were above the 61" height.

Mr. Martin commented that Mr. De La Cruz' attorney was present for Mr. De La Cruz at the time of the Board of Adjustment hearing and withdrew the application for the variance. Thereafter, the notice of violation was issued in June. Mr. De La Cruz has contacted his contractor to resolve the issue but the contractor refuses to do the work. He has gone to other contractors and has been advised that due to the way the fence is constructed, it is recommended that it be lowered to approximately 10". Mr. De La Cruz would to ask for 30 days to seek a variance to lower the fence pursuant to the advice of the contractor. Once they are given the direction from the Board of Adjustment, he would like 30 days to come into compliance whether for the approval or denial of the variance.

Board member Bankston asked who the contractor was and Mr. De La Cruz replied that the contractor was Zelia Iron Craft at 2776 N.W. 24 Terrace, Miami, FL.

Former Code Compliance Director Tex Ziadie stated that he was at the Board of Adjustment meeting and Mr. De La Cruz was present at that meeting with his attorney. Prior to the meeting, his attorney met with the City Attorney and discussed the case. City Attorney Seiden explained to the attorney that it was very likely that the variance was not going to be granted because of the situation creating a precedent. The attorney spoke with Mr. De La Cruz and then decided to withdraw their request.

Former Code Compliance Director Tex Ziadie said that the other property who has a fence above the 61" was granted an after the fact variance due to an error by the prior City Planner and therefore the owner was asked to apply for an after the fact variance to legalize it. The only reason that the variance was granted was because the City made the mistake. Mr. De La Cruz is not in that situation and was approved for a permit for a 42" fence which was not installed.

Board member Bankston stated that the fence could be fixed and asked if the applicant contacted Island Fence and Mr. De La Cruz replied affirmatively but that it would be expensive to fix.

**Board member Bankston moved to table this case based on the decision of the Board of Adjustment at their September 7, 2015 meeting. Board member Calvert seconded the motion which carried 4-0 on roll call vote.**

**4) Case # 14-874**

Address: 517 Minola Drive

Owner: Wayne A. McMullen & Joann M. Price

Violation: 93-13 Maintenance of Property – General Maintenance of Property

Code Compliance Officer Taveras presented the case to the Board.

Mr. McMullen is aware of the condition of the house and said that he is going to raze the home. He said he will get in contact with Code Compliance Officer Taveras for permitting information and a list of contractors.

Board member Calvert commented that the issue is the maintenance of the property and Mr. McMullen replied that he is going to comply with both the maintenance of the home and the property.

**Board member Regueira made a motion to grant Mr. McMullen 60 days to come into compliance and bring it back to the Board for review. The motion was seconded by Board member Calvert and passed 4-0 on roll call vote.**

**5) Case # 14-1107**

Address: 111 Ludlam Drive

Owner: Londono Investments Group LLC

Violation: 93-13 Maintenance of Property – Excessive Mold and Mildew

Code Compliance Officer Taveras presented the case to the Board. She advised the Board that the applicant has complied with the violations and the case has been closed.

6) **Case # 15-293**

Address: 780 Wren Avenue

Owner: William & Barbara Wolff

Violation: 93-13 Maintenance of Property – General Maintenance of Property

Code Compliance Officer Taveras presented the case to the Board.

Code Compliance Officer Taveras stated that the homeowner sent in a letter advising that due to work he could not be present at the meeting and is requesting an extension. Some work has been done to the property but there is still work to be done.

**Board member Regueira made a motion to grant Mr. Wolff 30 days to come into compliance. If the applicant is not in compliance after the 30 days, a fine of \$150 per day will begin. The motion was seconded by Board member Bankston and passed 4-0 on roll call vote.**

6) **Council Liaison Report and Request**

None at this time.

7) **Adjournment**

There being no further business the meeting was duly adjourned at 8:57 p.m.

Respectfully Submitted:



Elora R. Sakal  
Deputy City Clerk  
Clerk of the Board

Adopted by the Board on  
this \_\_\_ day of \_\_\_\_\_, 2015.

Marlene B. Jimenez, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

# *Case Summaries*

*Case #13-1189*

*298 Glendale Drive*

*Code: 93-13*

*Maintenance of Property*

*General Maintenance*

CASE#13-1189

CARLOS E. GARCIA

289 GLENDALE DRIVE

93-13 MAINTENANCE OF PROPERTY

On the CEB meeting of August 4, 2015:

Board member Regueira made a motion to grant Mr. Garcia 60 days to come into compliance with the carport and yard maintenance. If the applicant is not in compliance after the 60 days, a fine of \$150 per day will begin. The motion was seconded by Board member Calvert and passed 4-0 on roll call vote.

On 09/21/15 a follow up inspection was performed to check if any progress was done on the carport or the rear yard. Based on the inspection, the rear yard still looked un-kept and the carport still had excessive material in it.

On 09/28/15 Summons to Appear before the CEB on Oct. 6, 2015 was sent via Police Service, Certified mail and regular mail.

*Case #14-302*

*1085 Nightingale Ave.*

*Code: 151-04*

*Work Beyond the Scope of  
Work on Permit*

CASE #14-302

GUSTAVO DE LA CRUZ

1085 NIGHTINGALE AVE.

151-04 WORK WITHOUT A PERMIT-

WORK DONE BEYOND THE SCOPE OF WORK

On the CEB meeting of August 4, 2015:

Board member Bankston moved to table this case based on the decision of the Board of Adjustment at their September 7, 2015 meeting. Board member Calvert seconded the motion which carried 4-0 on roll call vote.

On 09/21/15 on a follow up inspection and information from the City Planner Chris Heid, it was confirmed that no application for a variance had been submitted or that the fence had been removed or corrected. Will refer the case back to CEB.

On 09/28/15 a Summons to Appear before the CEB on October 6, 2015 was sent via Police Service, Certified Mail and regular mail.

*Case #14-874*

*517 Minola Drive*

*Code: 93-13*

*Maintenance of Property*

*General Maintenance*

CASE#14-874  
WAYNE A. MC MULLEN  
AND  
JOANN M. PRICE  
517 MINOLA DRIVE  
93-13 MAINTENANCE OF PROPERTY

On the CEB meeting of August 4, 2015:

Board member Regueira made a motion to grant Mr. McMullen 60 days to come into compliance and bring it back to the Board for review. The motion was seconded by Board member Calvert and passed 4-0 on roll call vote.

On 09/21/15 during an inspection for a Cert. of Re-occupancy, the buyer Agustin La Rosa, was informed of the pending case for maintenance of property and that it was scheduled for CEB on Oct. 6, 2015. He stated that he would have the property

cleaned and the vegetation cleared, enough to comply with the board, until he decides if it can be repaired or demolished.

On 09/28/15 Summons to Appear before the CEB on October 6, 2015 was sent to the owner on record via Certified Mail and regular mail. A copy of the summons was also sent to the buyer Agustin La Rosa.