



## **CITY OF MIAMI SPRINGS, FLORIDA**

The regular meeting of the Miami Springs Code Enforcement Board was held on Tuesday, November 4, 2014 at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive.

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

The meeting was called to order at 7:05 p.m. by Chairman Marlene B. Jimenez. Tex Ziadie called the roll.

Present: Chairman Marlene B. Jimenez  
Vice-Chairman Walter Dworak  
Rhonda Calvert  
Jacqueline Martinez-Regueira  
~~John Bankston~~  
Jorge Filgueira  
Robert Williams

Also Present: Code Compliance Officer Harold (Tex) Ziadie  
Code Compliance Officer Lourdes Taveras

Absent: John Bankston

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

All present participated.

Tex Ziadie administered the oath to all who were present to give testimony.

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

Minutes of the May 6, 2014 meeting were approved as written.

Member Jacqueline Martinez Regueira moved to approve the minutes of May 6, 2014. Member Rhonda Calvert seconded the motion, which was passed unanimously by acclamation, all members voting "aye".

### **4) OLD BUSINESS-NONE**

### **5) NEW BUSINESS-Cases**

- 1) Case# 09-2049  
Address: 272 Hammond Drive  
Owner: Eddy Ramos & Carmen Rodriguez  
Violation: Code Section 150-025 Awnings and Canopies

Officer Lourdes Taveras presented the case as follows:

On 09/10/2009 during routine daily inspections I noticed a canopy like wooden structure in the rear yard setback. The canopy was placed right against the fence and the posts were approximately 8' tall being used as columns. The wood looked fairly new. I Posted an NCIV and granted 7 days to contact me. At approximately 11:45 I received a call from Mr. Ramos stating that he purchased the house with the structure. I advised Mr. Ramos that he would have to remove the structure or apply for a permit and a variance to keep the wood structure. He argued that it would cost too much money to remove it. I advised him that he could remove it in sections but that it had to be removed or legalized.

On 09/21/09 the Structure had not been removed, and no permits were on file. Granted 7 more days.

On 09/22/09 Mr. Eddy Ramos picked up a variance application, will follow up after the first week of October 2009 for submittal of Variance application. Planning Director R. Ventura advised me that this case had already been heard and that the variance was denied in 2006. He stated that the canopy had to be removed.

On 09/23/10 during follow up inspection I noticed that the canopy in the rear had not been removed. Will send letter to inform him to remove the canopy or a UCVN would be issued in the amount of \$100.

09/19/12 during follow up inspections noticed that the structure had not been removed. Will issue a UCVN in the amount of \$100.

On June 14, 2013 an UCVN #02322 was issued in the amount of \$100. Copy of the ticket was mailed to Eddy Ramos and Nationstar Mortgage LLC after a research was done on the Miami Dade Clerk of Courts website and it was found that a Lis Pendens was filed on Dec. 7, 2012 by the bank.

On 07/17/2013 during follow up inspection noticed that no compliance was met, the structure in the rear was still there. Once possession by the bank is confirmed the case will be referred to CEB.

On 09/24/14 a follow up inspection showed that the bank had not taken possession of the property, and the owner's had not complied by removing the illegal structure. Case was referred to the CEB for the meeting of Nov. 4, 2014. Pictures of the structure were displayed.

Mister Eddy Ramos was asked by the Board what he planned to do. He stated that the structure was there when he purchased the house and he would like to save it. The Board asked how much time he needed and what he planned to do. He said that he would get plans and come to the City.

Tex Ziadie stated that in order for Mister Ramos to comply, he either had to remove the structure or apply for a permit to legalize it. To legalize it, he would need a set of plans by an Architect and/or Engineer to show that the structure would meet the requirements for a High Velocity Wind Zone like we are in. He also stated that the structure would have to meet size and setback requirements and that might mean having to move it, since a variance for it had already been denied.

Mister Ramos said that the structure has survived Hurricane Wilma and he was sure that it was structurally sound.

Member Jacqueline Martinez Regueira made a motion to grant Mister Ramos until February 3, 2015 (date of Board meeting in February) to come into compliance by either removing or legalizing the structure. If he is not in compliance by that date, then a fine of \$50 per day would start on that date. The motion was seconded by member Robert Williams and passed unanimously on roll call vote.

Mister Ramos was given Tex's card and advised to call the Office if he needed help.

2)                   Case#           13-517  
                      Address:       1431 Lenape Drive  
                      Owner:         Vernon and Arline Paul  
                      Violation:     Code Section 93-13 Maintenance of Property-  
  Excessive Material

Code Compliance Officer Lourdes Taveras presented the case as follows:

On January 29, 2013 during a routine inspection of the city, CCO Christine Rodriguez noted a car port full of boxes. A courtesy notice for improper accumulation of material or machinery was handed to the homeowner. If no action was taken within 30 days, a Notice of Violation would be given to the homeowner.

On 03-07-13, a follow up inspection by CCO Christine Rodriguez noted that the location had failed to comply. A NOV was posted on the door of the property, mailed via USPS (regular mail & certified mail). Pictures were taken by CCO Christine Rodriguez.

On 5-7-13, Homeowner came in to request a 30 day extension. Extension was granted for an additional 30 days.

On 01/09/2014 Case was followed up by CCO Taveras and pictures were taken for CEB, no improvements had been made on the removal of excessive material in the carport area.

On 09/24/14 follow up inspection noticed that no compliance had been met, and there is possibly more items covered in the carport area. Case was referred to the CEB and Summons to Appear will be sent for Nov. 4, 2014. Pictures of the carport were displayed.

Mister David Paul was asked why he had not complied. He stated that he had been working on it and that he had a Garage Sale recently and gave some items away and threw some away. He stated that he wasn't sure what he could keep there.

Tex Ziadie stated that he had met with Mister Paul several times about the carport and explained to him what could be kept there. He stated that by definition in our Code, a carport was designed for the storage of a vehicle. It was not designed to store boxes, papers and other items that could deteriorate in the weather. Some lawn equipment could be kept there and some outdoor furniture. Tex cited a case just a few doors down from Mister Paul that had the same exact situation and the owner had complied within 30 days after coming before the Board.

Mister Paul asked if he could keep the recycling container in the carport and was told yes.

Member Robert Williams made a motion that Mister Paul be granted 60 days, until 1-6-15 (date of the January meeting) to remove the material and be in compliance. If he does not, then a fine of \$50 per day would start on that date. The motion was seconded by member Rhonda Calvert and passed unanimously on roll call vote.

Mister Paul was advised to call Tex or Lourdes if he needed any further guidance.

3) Case# 13-1456  
Address: 168 Hough Drive  
Owner: Oscar Torres and Londy Acevedo  
Violation: Code Section 93-13-Maintenance of Property

Code Compliance Officer Lourdes Taveras presented the case as follows:

On 09/05/2013 during routine daily inspections noticed that the property had many construction materials, machinery, propane tanks, gasoline tanks, and other flammable material on the property in the rear, side and front yard areas. Spoke to the tenant and advised her of the danger and sanitary conditions of the property. She asked if people couldn't keep their possessions where they live. I advised her that the type of items on the property were not appropriate or safe for a residential area. That she needed to get a warehouse to store their machinery and construction supply. She was granted 30 days to clean the property or a ticket for \$100 dollars would be issued for every day the violation continues.

On 10/16/13 a follow up inspection noticed that no action had been taken, posted a Final NCIV and granted 30 days or a UCVN Notice would be issued for \$100 per day. On 11/21/2013 on follow up inspection noticed that very little improvement had been done. There were still many flammable items, machinery and roofing supplies on the property. Issue a UCVN #02567 in the amount of \$100 and mailed to the property owner via cert. mail.

On 12/16/13 during follow up inspection noticed that some items had been removed from the front of the property but the rear still had excessive materials, construction tools, trucks, supplies and other household items unprotected from the elements or view. Case would be referred to CEB.

On 06/13/14 a follow up inspection was done and the property was still in non-compliance. On 09/24/14 Summons to Appear before the CEB on Nov. 4, 2014 was sent via, Police Service, Certified Mail and regular mail. Pictures of the location were displayed.

Mister Torres was asked how much time he needed to remove the material from his house. He stated that he wanted to build a building to store everything in. He was told that some of that material was not appropriate to be stored in a residential area. Tex Ziadie also advised him of the new Commercial vehicle Code and that the vehicles he used could not be stored there. Officer Taveras stated that she had already given them a notice about the Commercial vehicles.

Member Robert Williams made a motion that Mister Torres be given until January 6, 2015 (date of the January Board meeting) to remove all of the material. If he does not by that date, then a fine of \$100 per day would start on that date. The motion was seconded by member Rhonda Calvert and passed unanimously on roll call vote.

4) Case# 13-1457  
Address: 241 North Melrose Drive  
Owner: HSBC Mortgage Service Inc. and Brian O. Toro  
Violation: Code Section 93-13-Maintenance of Property

Code Compliance Officer Lourdes Taveras presented the case as follows:

On 09/06/2013 an inspection of the property was made based on a complaint from an adjacent resident. At the time of inspection noticed that there were many bees coming out from the side door. Researched the public records and found that the property is under the care of HSBC Mort. Corp.

On 09/09/2013 a call was made to the bank's property preservation dept. and spoke to Rosa Harris at 856-917-3808 and advised her of the safety issues at the property. Granted 7 days to comply, or a UCVN would be issued.

On 09/19/13 on follow up inspection noticed that the bees had not been removed, called Rosa Harris and advised her that no action had been taken. She took my name and phone number.

On 09/24/13 No action taken, bees stun the neighbor next door from 231 N. Melrose Dr. Called Ms. Harris and advised of urgency.

On 09/30/13 issued UCVN #02453 in the amount of \$100.

On 10/07/2013 on a follow up inspection noticed that someone had been to the property, the hole where the bees were flying in and out was sealed with foam and there was only one bee flying around. Property was in compliance, but will continue to follow up.

On 10/10/13 on a follow up inspection noticed many bees flying in and out of the side door. Called Rosa Harris and left a message that the problem was not corrected, issued UCVN #02563 in the amount of \$100 and mailed it to HSBC, also advised that the grass over 6" high.

On 10/16/13 bees were under control, but the ticket had not been paid.

On 03/21/14 a complaint was received by Public Works and from two adjacent neighbors that there were bees coming from the window walls and that they were stinging the neighbors. Called the number for the bank and left a message to remove the bees within 7 days. Issued another NCIV and posted it on the door. If no action was taken a fine would be issued in the amount of \$100. per day.

On 04/23/2014 a follow up inspection was done and the bees were still flying in an out from a window on the west side. It looked like the landscaping company was avoiding the bees and not cutting the grass in the area were of the bees were. As CCO Taveras was inspecting the house an adjacent neighbor came out and related an incident in which a member of her family was stung twice. Fines were issued for 26 days of non-compliance, at \$100 per day, a total of \$2,600.

On 05/27/14 during follow up inspection noticed more bees coming from the west side window, took pictures and added additional fines for 24 days of non-compliance at \$100 per day, a total of \$2400.

On 06/05/14 at follow up inspection noticed that there were more bees on the property. Fines were issued for 17 days at \$100 per day of non-compliance, a total of \$1,700. Also on this day a call was received from a neighbor complaining about the bees.

On 06/10/14 an inspection was made of the property, there were many bees around the structure.

On 06/11/14 a call was received from the adjacent neighbor, they were afraid to go into their vehicles because of the bees. A call was made to Safeguard Properties and spoke to Chelsea; she remembered my last call and asked if something was done. I advised her that nothing had been done, that there were more bees around the property. She was advised that fines were being added to the existing ticket on a daily basis. Fines for 6 days at \$100 per day were added, a total of \$600 for dates 06/06/14 to 06/11/14.

On 07/03/14 a follow up inspection was performed, at the time of inspection the bees had multiply, there were more bees flying in an out of the windows on the East side of the house. Fines were added for 22 days, at \$100 per day from June 11 to July 3, 2014 a total of \$2,200.

On 08/04/14 follow up inspection noticed that no action had been taken, the bees were still flying in an out of the house, and the grass around the area where the bees are was not being cut. Fines for 38 days were added for non-compliance at \$100 per day. Total fines imposed \$3,800. Next follow up in 7 days.

On 08/26/14 on follow up inspection noticed that there were more bees on the property. Issued fines of \$100 per 15 days for dates 08/11/14 to 08/26/14 total \$1,500.

On 09/11/2014 on follow up inspection, the bees were still in the property and the tree was in more deteriorated condition.

On 09/24/14 follow up inspection showed that no compliance had been met. Case referred to CEB for the meeting of Nov. 4, 2014.n. Issued fines of \$1500, for 15 days, from Aug. 27 to Sept. 11. 2014.

On 09/25/14 sent Summons to Appear to the CEB on Nov. 4, 2014 via Certified mail, and regular mail.

On 11/03/14 follow up inspection was made and the bees were still in the structure.

Nobody representing the Bank was present to speak.

Member Rhonda Calvert made a motion that an immediate lien be placed on the property for the total amount that had been previously ticketed which was \$13,300, plus an additional \$1,000 per day to run starting November 5, 2014 and continuing until the property comes into compliance. The motion was seconded by member Walter Dworak and passed unanimously on roll call vote.

#### 6) Council Liaison Report and Request

Several of the members stated that they wanted the Board to be tougher on Code violations in the coming year. They felt that the Code Department had been depleted. Chairman Jimenez stated that she remembered when there were three Code Officers and now there was one. Tex Ziadie stated that he had been given approval to hire one more, who would also back up the Building Department functions. He advised the Board to make their feelings known to the Mayor and Council members.

Tex Ziadie stated that there are only 117 days left before he retires. He displayed his new web site and said that he would be writing full time starting March 1, 2015.

7) Adjournment

There being no further business the meeting was duly adjourned at 8:15 p.m.

Respectfully Submitted:



---

Tex Ziadie  
Code Compliance Officer  
Director-Building & Code Compliance Department  
Acting as Clerk of the Board

Approved as written during meeting of:

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