



City of Miami
444 SW 2nd Avenue
Miami, FL 33130

City of Miami

ORDER OF THE UNSAFE STRUCTURES PANEL

FOR FULL INFORMATION CONCERNING THE DECISION ORDER, PLEASE READ THIS DOCUMENT IN ITS ENTIRETY

File Number: 34

Final Action: 02/10/2023

Owner's Name: **BRICKELL PLACE PHASE II ASSOCIATION, INC**

Owner's Mailing Address: **1925 BRICKELL AVE., SUITE D-201, MIAMI, FL 33129**

Case #: **BB2020021495**

RE: **1915 BRICKELL AV**

Folio Number: **01-4139-031-0001**

Legal Description: **TRACT A, BRICKELL PLACE, PLAT BOOK 113, PAGE 95 N/K/A BRICKELL PLACE PHASE II, OFFICIAL RECORDS BOOK 10610, PAGE 305, MIAMI-DADE COUNTY, FL**

WHEREAS, the Unsafe Structure Panel ("Panel"), having heard, on **FEBRUARY 10TH, 2023** the testimony and other evidence presented at hearing including the recommendations and/or arguments of the Parties and the Property having already been found by previous order to be in violation of the City Code, the Miami-Dade County Code and/or the Florida Building Code ("FBC") on **APRIL 8TH, 2022**:

IT IS ORDERED AND ADJUDGED that *[Check as Appropriate]*:

I. The Property owner breached the Order of the Panel; or

The Property owner did not breach the Order of the Panel.

Therefore *[Check as Appropriate]*,

1. The Panel does not find any good cause based upon the facts and testimony presented to allow any further action for compliance of the violation to occur and as such, the City shall demolish the Property structure(s). All owner permitting processes shall be placed on hold to allow for the City to demolish the Property structure(s).

2. The Panel does find good cause to allow the Owner more time to comply the violation. All prior permitting process holds related to this case shall be lifted by the Department and the timeframes

provided for in Section II shall be followed.

If the Request for Extension of Time was denied, any order of the Panel may be appealed as provided for in Section 5 of this Order. There may be no further extensions of time requested as provided for in Section 3.

II. The Property Structure(s) has been **GRANTED** an extension of time to comply the violation is as follows:

1. **Structure 'A' (CONDO BUILDING); Structure 'B' (CONDO BUILDING); Structure 'C' (CONDO BUILDING):**

****MUST SUBMIT AN ENGINEER LETTER WITHIN 20 DAYS FROM THE ISSUANCE OF THIS ORDER STATING BUILDING IS SAFE FOR OCCUPANCY DURING REPAIRS****

a.) PLANS: A full set of plans shall be submitted **within 90 days from the date of this Order**. Plans shall be prepared by a Registered Architect or a Professional Engineer or as permitted by the FBC and shall be Signed and Sealed, (or Stamped) by the Design Professional. Properties that are occupied shall provide a qualified design professional report stating the structure is safe for occupancy, if occupied, as it exists and during required repairs. All plans shall meet the known scope of work as provided for in the notice of violation and as presented at hearing. This requirement shall not be deemed met until the plans submitted meet the minimum threshold for the scope of work presented at the hearing and any additional work determined through the design professional submissions. The requirements of this subsection can only be met when the plans are approved for iBuild and a process number issued.

b.) BUILDING PERMITS: The owner shall have the required Permit(s) issued **within 120 days from the expiration of the time period listed in Section 1(a)**. If, plans are already accepted and in process with the City and Section 1(a) is not necessary, then the permits shall be issued **within 120 days**. The Permit(s) obtained shall cover all repairs or items needing to be completed and legalized as provided for in the plans along with any other modifications necessary as can and do occur in the normal review process.

c.) FINALIZATION: The Owner shall cause all Permit(s) to be finalized and closed (all fees and costs paid in full) **within 550 days of the expiration of the time period listed in Section 1(b)**. If, permit(s) are issued and Section 1(b) is not necessary, then the permits shall be finalized and closed (all fees and costs paid in full) **within 550 days**.

2. **ENFORCEMENT:** IF THE TIMEFRAMES PROVIDED IN ANY OF THE SECTIONS ABOVE ARE NOT MET, SAID STRUCTURE [*Check as Appropriate*]:

a.) X May be subject to demolition after further hearing before the Panel Order.

b.) ___ Shall be demolished by the City and no further extensions of time shall be considered as provided for in Section 3. All owner permitting processes shall be placed on hold, as allowed, to allow for the City to demolish the Property structure(s). Any further document review or inspections shall not be considered

as estoppel to demolition pursuant to requirements of this Order.

ONE FORM OF ENFORCEMENT SHALL NOT PRECLUDE THE CITY FROM SEEKING ANY OTHER LEGAL REMEDY ALLOWED BY LAW.

Likewise, and to avoid additional hazards, the Electrical Service to the Unsafe Structure may be disconnected, as necessary if the City is proceeding with demolition or any illegal electrical hookup has occurred.

3. **EXTENSION OF TIME:** Any Owner wishing to extend the Order of the Panel shall be required to file a Motion for Extension of Time pursuant to Section 10-101(m) of the City Code. Any request made after the expiration of the required time period shall not be heard.
4. **RECORDATION:** This Order will be recorded by the Building Official or Designee with the Public Records of Miami-Dade County. This recording will constitute constructive notice to all concerned as well as any subsequent purchaser, that a decision has been rendered by the Panel on the above referenced property. Any costs associated with this case and this hearing shall be declared a special assessment pursuant to Chapter 10, Article VI of the City of Miami Code and Chapter 8-5 of the Miami-Dade County Code.
5. **APPEALS:** The City of Miami Unsafe Structures Panel is a Quasi-Judicial Administrative Board. The decision and specified compliance date(s) are final and binding. Any owner or interested party, as defined by Section 10-101 of the City Code aggrieved by a decision of the Panel may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure.

Copy of Order provided to via Certified US Mail and Posting:

Known Interested Parties

FABIAN WISNIACKI

1915 BRICKELL AVE., UNIT C-1513

MIAMI, FL 33129

LENIN SANCHEZ

1925 BRICKELL AVE., UNIT D-0804

MIAMI, FL 33129

CARLOS E. GRANIER
1925 BRICKELL AVE., UNIT D-2008
MIAMI, FL 33129

GILBERTO ALVAREZ
1925 BRICKELL AVE., UNIT D-0713
MIAMI, FL 33129

HEINZ SCHUTZ
1925 BRICKELL AVE., UNIT D-1510
MIAMI, FL 33129

RENE RAFFO
1925 BRICKELL AVE., UNIT D-1104
MIAMI, FL 33129

MIGLENE MARRERO
1915 BRICKELL AVE., UNIT C-0404
MIAMI, FL 33129

CHOI, IL YOUNG; CHOI & MENEZES LLP
BRICKELL PLACE PHASE II ASSOCIATION, INC
1925 BRICKELL AVE STE D-205
MIAMI, FL 33129

At a meeting of the Unsafe Structure Panel, a motion was made that this Order be APPROVED, passed.

Chair, Unsafe Structure Panel:



Miguel Martínez

Date 02/10/2023