

IN AND BEFORE THE SPECIAL MAGISTRATE OF
THE CITY OF MIAMI BEACH, FLORIDA

CASE NO.: SMC2022-02126/ZV2021-03678

Property Address: 3003 Indian Creek Drive
Violator: Indian Creek Lofts, LLC
Owner: Indian Creek Lofts, LLC

ORDER OF SPECIAL MAGISTRATE

THIS CAUSE, having come before the Special Magistrate on December 1, 2022 for a zoning violation issued on May 11, 2022 for failing to comply with the minimum property maintenance standards in a historic district, in violation of section 118-532(g) of the City Code. The Chief Special Magistrate after having note that service was perfected in accordance with Chapter 162 of the Florida Statutes and that no one appeared on behalf of Indian Creek Lofts, LLC, provided the City with an opportunity to present its case and after hearing oral testimony from the witnesses and being otherwise fully advised in the premises, finds as follows:

FINDINGS OF FACT:

1. Code Compliance Officer Nehru Balgobin testified that zoning violation ZV2021-03678 was issued to Indian Creek Lofts for its failure to comply with Sec. 118-532(g) of the City Code for its failure to preserve the structure located at 3003 Indian Creek Drive against decay, deterioration and demolition, and for failing to take prompt and corrective action to comply with the required minimum maintenance standards of this section. Mr. Balgobin further testified that the building is vacant and unsecured; and
2. Deborah Tackett, the City's Historic Preservation and Architecture Officer testified that building is a contributing and that the current state of disrepair jeopardizes the architectural integrity of the structure and that any demolition that may be proposed in the future due to unforeseen consequences will require a Certificate of Appropriateness from the Historic Preservation Board ("HPB") if a Certificate of Appropriateness cannot be issued administratively; and
3. Ana Salgueiro, the City's Building Official and Director of the Building Department testified that the Building Department will post a 48-Hour notice on the property that the building must be secured and in the event the

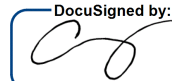
property owner fails to do so, she will notify both Fire and Police and with the assistance of a city contractor, proceed with securing the doors and openings, and thereafter invoice the property owner for the cost of securing the property and lien the property in the event of non-payment. Ms. Salgueiro further testified that there are open violations for suspended permits and that the building was scheduled for recertification in 2019 and that the property owner is not in compliance with the recertification process as set forth in section 8-11 of the Miami-Dade County Code. She further testified that the lack of a structural report is of great concern to her as this goes directly to the issue of the structural integrity of the structure.

4. No one appeared on behalf of the property owner.

IT IS ORDERED AND ADJUDGED, that:

1. The City has proven by clear and convincing evidence that there is non-compliance with section 118-532(g) of the City Code as the property owner has failed to maintain and preserve the building in accordance with the applicable Miami-Dade County Code, the Florida Building Code and City Code and that it has failed to take prompt and corrective to secure the building's historic, architectural, and structural integrity as required by section 118-532(g) of the City Code and as a result there is an adjudication of non-compliance.
2. The City's request to impose civil penalties pursuant to section 118-532(g)(1)(d) is granted.
3. A fine of \$1000 per day for each day of non-compliance shall start running as of March 6, 2023.
4. Additionally, Ms. Tackett will notify the HPB of this Order at its next available meeting as a discussion item.

DONE AND ORDERED in Miami-Dade County, Florida, this 1st day of December, 2022.

DocuSigned by:


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Enrique Zamora, as Chief Special Magistrate
for the City of Miami Beach, Florida