



MAY SPECIAL MAGISTRATE- VARIANCE/SPECIAL EXCEPTION/CODE ENFORCEMENT MEETING AGENDA

**Monday, May 20, 2024 at 2:00 PM
Commission Chambers, 300 Municipal Drive,
Madeira Beach, FL 33708**

This Meeting will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

1. CALL TO ORDER

2. PUBLIC COMMENT

Public participation is encouraged. If you are addressing the Special Magistrate, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic that is on the agenda.

Public comment on agenda items will be allowed when they come up.

For any quasi-judicial hearings that might be on the agenda, an affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Director, not less than five days prior to the hearing.

3. SPECIAL MAGISTRATE STATEMENT

4. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES

5. NEW BUSINESS

A. VAR 2024-05 14010 W Parsley

B. Case # 2023.3629 654 Normandy Rd

6. OLD BUSINESS

A. Non-Compliance Affidavit Case #2023.3600 414 140th Ave E

B. Non-Compliance Affidavit Case #2023.3608 572 Johns Pass Ave

7. ADJOURNMENT

One or more Elected or Appointed Officials may be in attendance.

Any person who decides to appeal any decision of the Special Magistrate with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call Grace Mills, Code Compliance II, at 727-391-9951 Ext 298 or 727-742-1645, or email a written request to gmills@madeirabeachfl.gov



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2024-05

Staff Report and Recommendation Special Magistrate Meeting – May 20, 2024

Application: VAR 2024-05
Applicant: Kristina Carmichael
Property Owner(s): Kristina Carmichael
Property Address: 14010 W Parsley Dr, Madeira Beach, FL 33708
Parcel ID: 10-31-15-34398-018-0010
Legal Description: GULF SHORES 5TH ADDITION BLOCK R, LOT 1
 OR B23/P67
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: To allow a four and one half (4.5) foot setback on the south side yard, to reduce the total side yard setback from fifteen (15) feet to twelve (12) feet, and to allow the construction of a single-family home on a lot smaller than five thousand (5,000) square feet.

Specific Code Provisions:

Section 110-180(1a): that the minimum building site area required in the R-1, single-family residential district for lots existing on or before December 9, 2008, is 5,000 square feet.

Section 110-181(3): that the minimum side yard setback in the R-1 district shall be a total of fifteen (15) feet with a minimum of seven (7) feet on either side.

I. Background

The lot at 14010 W Parsley Dr was platted in 1946 and is the first lot on Block R of the Fifth Addition to Gulf Shores. The total square footage of the property is 4,765.38 square feet. The rear property line of the lot is a concave curve on the waters of Boca Ciega Bay and consists of 43.9 feet of frontage. Lot 1 is one of the five lots with the shortest water frontage in the plat block, all of which have concave property lines at the rear (see

attachments Original Plat and Survey). The front property line along Parsley Dr is 50 feet long, so the lot narrows from the street side to the rear property line on Boca Ciega Bay. This lot shape creates an unusual setback dimension area which is difficult to accommodate with commonly accepted building practices such as the use of straight lines and 90-degree angles.

The applicant wants to elevate her home with similar side setbacks as the existing structure. The footprint of the existing home is noncompliant with the City's current land development regulations stated above and is therefore legally nonconforming. The applicant cannot raise her home with similar side setbacks as her existing house unless a variance is approved.

The current home on the property was constructed in 1954, before the current zoning regulations were enacted by the City. The existing structure is set back 3.9 feet on the south side at its nearest point and 6.28 feet on the north side at its nearest point, and measures only 16.44 feet from the seawall to the rear wall at its nearest point. The proposed structure would be set back 4.5 feet from the south side property line at its nearest point, 7.5 feet from north side property line at its nearest point, be built to the minimum front setback of twenty (20) feet, and to the minimum rear setback of thirty (30) feet.

II. Variance Criteria (Sec. 2-507(b)) and Analysis

- (1) *Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:*
 - a. *Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions,*

including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;

Findings: The lot is small and irregularly shaped, which adds difficulty in building a single-family home compliant to current setback standards.

- b. *Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*
- c. *Residential neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*

Findings: The variance if approved, would provide more open space between the rear of the house and the water as the rear setback would be brought into compliance.

- d. *Public facilities. If the proposed project involves the development of public parks, public facilities, schools, or public utilities;*
- e. *Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.*

Findings: The new structure will be elevated in accordance with FEMA and City floodplain regulations and will be compliant with all fire protection and Florida Building Code requirements.

- (2) *The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.*

Findings: The hardships encountered are not self-created by the applicant. The lot is smaller in size and irregular in shape compared to the surrounding R-1 zoned lots. .

- (3) *Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.*

Findings: The variance requested is contextual to the site and narrow in scope. The proposed side and rear setback requests in the variance are less nonconforming than the existing structure's setbacks. Many lots from this plat block have narrower setbacks than what the code allows and are considered legally nonconforming. Other platted lots in the zoning district have been allowed to rebuild and elevate their homes.

- (4) *Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code or section 14-205 of the Code of Ordinances and would work unnecessary and undue hardship on the applicant.*

Findings: The applicant seeks relief from frequent flooding events. There are several lots smaller than 5,000 sf which have been platted for single family homes and currently have homes on them such as the lot immediately across the street from the subject property and three waterfront lots at an alcove of Boca Ciega Bay just north of the subject property.

- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land.*

Findings: The variance requested is narrowly focused and suited to the specific dimensions and circumstances of the site area, namely, the irregular lot shape. The applicant's proposed footprint is not excessive in scale or scope, and while it would not meet the current side setback requirement, the request is a reduction of nonconformity. The adjacent buildings

within the same platted block, mentioned above, currently have narrower side and rear setbacks than what is currently permitted.

(6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations or the Code of Ordinances (when it relates to section 14-205), and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Findings: The granting of the variance is in harmony with the general intent and purpose of the land development regulations and is not injurious to the area involved or otherwise detrimental to public welfare. The subject property will have a similar character to adjacent residential structures regarding lot coverage, setbacks, and building orientation.

III. Staff Recommendation: Staff recommends the approval of VAR 2024-05.

Submitted by: Jay Stearman, Planner II, The City of Madeira Beach Community Development Department.

Attachments: 1) Variance Application
2) Property Deed
3) Site Plan/Boundary Survey
4) Applicant Justification
5) Public Notice Mailing Packet
6) Gulf Shores Original Plat



CITY OF MADEIRA BEACH
 PLANNING & ZONING DEPARTMENT
 300 MUNICIPAL DRIVE ♦ MADEIRA BEACH FLORIDA 33708
 (727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131



SPECIAL MAGISTRATE – VARIANCE APPLICATION

***Applicant: Name and Address**

Kristina Carmichael

14010 W. Parsley Dr

Maderia Beach, FL 33708

Telephone: (813) 812-3282

Email: kemplace@gmail.com

***Property Owner: Name and Address**

Kristina Carmichael

14010 W. Parsley Dr.

Maderia Beach, FL 33708

Telephone: (813) 812-3282

Email: kemplace@gmail.com

Application for the property located at: (Street Address or Location of the Vacant Lot)

14010 W. Parsley Dr. Maderia Beach, FL 33708

Legal Description: Lot 1, Block R, Fifth addition to Gulf Shores

a subdivision, according to the plat thereof as recorded in

Plat Book 23, page 67 of the public records of

Pinellas County, Florida

Lot Area: 4765.38

Width: 45 ft.

Depth: 102+¹/₂ ft.

Zoning District: R-1

Present Structures on Property: SFR + SHED

Present Use of Property: SFR

Date Building Permit Request denied: N/A

Variance(s) needed from the zoning requirements: LOT SIZE + SIDE SETBACK

**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:
 SITE PLAN, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, EXPLANATION, ETC.**

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All Documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.



Special Magistrate Case #: _____

**** For City of Madeira Beach Use Only ****

Fee: _____ ☐ Check # 1847 ☐ Cash ☐ Receipt # _____

Date Received: 4 / 3 / 24 Received by: Barbara Scott

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: ____ / ____ / ____ ☐ Approved ☐ Denied

____ Zoning Variance for Residential Dwelling Units (One, Two or Three Units) \$1,800.00 per Variance
 ____ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$2,000.00 per Variance
 ____ After-the-fact Variance \$3,600.00 per Variance

X _____
 Jenny Rowan, Community Development Director

Date: ____ / ____ / ____

X _____
 Robin Gomez, City Manager

Date: ____ / ____ / ____

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Special Magistrate Case #:

APPLICATION (Must submit the following analysis)

This application to the Special Magistrate is requesting permission to:

REDUCED SETBACK FROM 7.5' TO 4.5' AND ON
SOUTH SIDE, REQ TO BUILD NEW SFR BELOW THE
MINIMUM BUILD SITE AREA REQ AND REDUCE TOTAL
SIDE SETBACKS TO 12'

The special magistrate shall authorize, upon application to appeal, after public notice has been given and public hearing held, such variance from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations, subpart B of this Code will result in unnecessary and undue hardship. In order to authorize any variance from the terms of the city land development regulations, the special magistrate shall consider the following criteria and shall find that the criteria has been satisfied in full and that a hardship exists.

On a separate attached page, explain in detail how your request meets City Code Sec. 2-507 by complying with the following rules. Please note that your explanation demonstrate that your request meets one or more of the conditions listed under criteria #1 below and that it also meets in full criteria 2 through 6 below:

1. Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - a. *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
BELOW MINIMUM REQUIRED, ODD SHAPED LOT
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
NEW HOUSE MEETING CURRENT FLOOD REQ.

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Special Magistrate Case #: _____

2. Demonstrate that special condition (s) and circumstance (s) do not result from the actions of the applicant. A self-created hardship shall not justify a variance.

NOT INCREASING NON CONFORMITY, NOT AWARE ZONING REQ FOR CURRENT SETBACK

3. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.

OTHER LOTS IN THIS ZONING DISTRICT ARE ALLOWED TO REBUILD SETBACK

4. Demonstrate that the literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development regulations, subpart B of the code and would work unnecessary and undue hardship on the applicant.

SAME AS #3, OWNER HAS HAD 3 FLOODING EVENTS

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land.

A NOT MAKING SETBACKS ANYMORE NON CONFORMING THAN CURRENT HOUSE

6. Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

NEW HOUSE WILL MEET ALL CURRENT FLOOD REQ

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Special Magistrate Case #:

OWNER CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of the application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing *de novo* but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

X

Property Owner's Signature

Date:

4 / 3 / 24

STATE OF

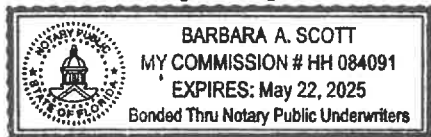
Florida

COUNTY OF

Pinellas

Before me this 3RD day of April, ~~2022~~ ²⁰²⁴, Kristina Carmichael appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☐ personally known to me or ☒ has produced Florida Drivers license as identification.

[SEAL]



Barbara A. Scott
Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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FOR YOUR RECORDS**SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)**

- 1) Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - a. *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
- 2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
- 3) Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.
- 4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.
- 5) The variance granted is the minimum variance that will make possible the reasonable use of the land.
- 6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Special Magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The Special Magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. **Financial loss** standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Magistrate and not acted on within on (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

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Prepared by and return to:
Kathy Sertzel
Coastline Title of Pinellas, LLC
13100 Park Boulevard, Suite A
Seminole, Florida 33776

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2017157353 05/19/2017 at 10:08 AM
OFF REC BK: 19636 PG: 668-669
DocType: DEED RECORDING: \$18.50
D DOC STAMP: \$3213.00

File Number: 17-04-007
Amount: \$459000 ✓

General Warranty Deed

Made this 5 day of May 2017 A.D. By **Erin Brown, a single person**, hereinafter called the grantor, to **Kristina Carmichael**, _____ whose post office address is: 14010 W Parsley Drive, Saint Petersburg, Florida 33708, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Pinellas County, Florida, viz:

Lot 1, Block R, GULF SHORES 5TH ADDITION, a subdivision according to the plat thereof recorded at Plat Book 23, Page 67, in the Public Records of Pinellas County, Florida.

Parcel ID Number: **10-31-15-34398-018-0010**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2016.

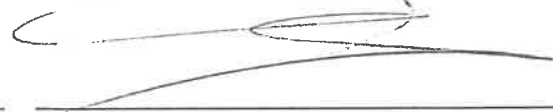
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Prepared by and return to:
 Kathy Sertzel
 Coastline Title of Pinellas, LLC
 13100 Park Boulevard, Suite A
 Seminole, Florida 33776

File Number: 17-04-007
 Amount: \$459000

Signed, sealed and delivered in our presence:


 Witness


 (Seal)
Erin Brown

Printed Name Kathy Sertzel

Address:


 Witness

(Seal)

Printed Name Beverly Keegan

Address: 14039 Cascade Lane
Tampa, FL 33618

State of FLORIDA
 County of PINELLAS

The foregoing instrument was acknowledged before me this 5th day of May, 2017, by Erin Brown, who is/are personally known to me or who has produced driver license(s) as identification.




 Notary Public

Print Name: _____

My Commission
 Expires: _____

Item 5A.

ON-SITE T.B.A.
SET NAIL & TIN
ELEV.= 2.51'
N.A.V.D. 1988

PARSLEY DR.

75R

63

SET BACKS
HOUSE

THIRD ADD. TO GULF SHORES,
REPLAT (P.B. 21, PG. 32)
24

476538 SQ FT LINE 11

S62°49'42"W - 97.66'R
S64°14'17"W - 97.70'M

LINE L2
N59°16'04"E - 106.96'R
N60°19'38"E - 107.06'M

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 Anyone copying this document in any manner without the
 expressed consent of **GEORGE A. SHIMP II & ASSOCIATES, INC.**
 shall be prosecuted to the full extent of the law.
 _____ DO NOT COPY OR REPRODUCE _____

- 1-A. BELOW MINIMUM REQUIRED, ODD SHAPED LOT
- 1-E. NEW HOME MEETING CURRENT FLOOD REQ.
2. NOT INCREASING NON CONFORMITY, NOT AWARE ZONING REQUIRED FOR CURRENT SETBACKS
3. OTHER LOTS IN THIS ZONING DISTRICT ARE ALLOWED TO REBUILD
4. SAME AS #3, OWNER HAS HAD 3 FLOOD EVENTS
5. NOT MAKING ANYMORE NON CONFORMING THAN CURRENT HOME
6. NEW HOME WILL MEET ALL CURRENT FLOOD REQUIREMENTS.



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

**CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE
MADEIRA BEACH, FLORIDA 33708**

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, May 20, 2024, at 2:00p.m.**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the “Watch Live Meetings” button.

THIS APPLICATION IS FOR SPECIAL MAGISTRATE -VARIANCE

Application: VAR 2024-05
Applicant(s): Kristina Carmichael
Property Owner(s): Kristina Carmichael
Property Address: 14010 W Parsley Drive, Madeira Beach FL 33708
Parcel ID: 10-31-15-34398-018-0010

Legal Description: GULF SHORES 5TH ADDITION BLK R, LOT 1 OR B23/P67
Zoning/Future Land Use: R-1, Single-Family Residential Zoning District/Residential Urban

Request: To reduce the minimum side yard setback to 4.5 feet along the southern property line, to reduce the total side setback requirement from 15 feet to 12 feet, to reduce the minimum site area required to construct a single-family home from 5,000 square feet to 4,750 square feet.

Specific Code Provisions: 110-180(1a): Minimum building site area for lots existing on or before December 9, 2008 and 110-181(3): minimum side yard setback requirements in the R-1 District.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comment to planning@madeirabeachfl.gov. *Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708.* The variance application is on file in the Community Development Department and may be reviewed between 8:00 a.m. and 4:00 p.m.

Posted May 10th, 2024, at property the site, City Hall, City of Madeira Beach website, and The Gulf Beaches Public Library.

View more information about this application at <https://madeirabeachfl.gov/plan-review-documents/>



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300 MUNICIPAL DRIVE
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Request: To reduce the minimum side yard setback to 4.5 feet along the southern property line, to reduce the total side setback requirement from 15 feet to 12 feet, to reduce the minimum site area required to construct a single-family home from 5,000 square feet to 4,750 square feet.
Specific Code Provisions: 1.6-18(1a): Minimum building site area for lots existing on or before December 9, 2008 and 110-181(3): minimum side yard setback requirements in the R-1 District.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comment to planning@madeirabeachfl.gov. Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708. The variance application is on file in the Community Development Department and may be reviewed between 8:00 a.m. and 4:00 p.m.

Posted May 10th, 2024, at property the site, City Hall, City of Madeira Beach website, and The Gulf Beaches Public Library.
View more information about this application at <https://madeirabeachfl.gov/plan-review-documents/>

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

GOSNELL- SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708

CASE NO. 2023.3629



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

**CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE
MADEIRA BEACH, FLORIDA 33708**

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, May 20, 2024, at 2:00p.m.**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

THIS APPLICATION IS FOR SPECIAL MAGISTRATE -VARIANCE

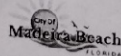
Application: VAR 2024-05
Applicant(s): Kristina Carmichael
Property Owner(s): Kristina Carmichael
Property Address: 14010 W Parsley Drive, Madeira Beach FL 33708
Parcel ID: 10-31-15-34398-018-0010

Legal Description: GULF SHORES 5TH ADDITION BLK R, LOT 1 OR B23/P67
Zoning/Future Land Use: R-1, Single-Family Residential Zoning District/Residential Urban

Request: To reduce the minimum side yard setback to 4.5 feet along the southern property line, to reduce the total side setback requirement from 15 feet to 12 feet, to reduce the minimum site area required to construct a single-family home from 5,000 square feet to 4,750 square feet.
Specific Code Provisions: 110-180(1a): Minimum building site area for lots existing on or before December 9, 2008 and 110-181(3): minimum side yard setback requirements in the R-1 District.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comment to planning@madeirabeachfl.gov. Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708. The variance application is on file in the Community Development Department and may be reviewed between 8:00 a.m. and 4:00 p.m.

Posted May 10th, 2024, at property the site, City Hall, City of Madeira Beach website, and The Gulf Beaches Public Library.
View more information about this application at <https://madeirabeachfl.gov/plan-review-documents/>



CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE, MADEIRA BEACH FL 33708
TELEPHONE: 727-391-9951

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Please indicate your preference of board or commission:
☐ Civil Service Commission
☐ Library Board
☐ Planning Commission
☐ Other _____

Are you a Madeira Beach Resident?





AFFIDAVIT OF MAILING

Date: 5/10/2024

Mailings for Case # VAR 2024-05

Before me this day List Scheuermann personally appeared. He/she has mailed public notices to property owners within a 300 foot radius of the subject property.

List Scheuermann
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn and subscribed before me this 10th day of May, 20 24.

Personally known or produced _____ as identification.

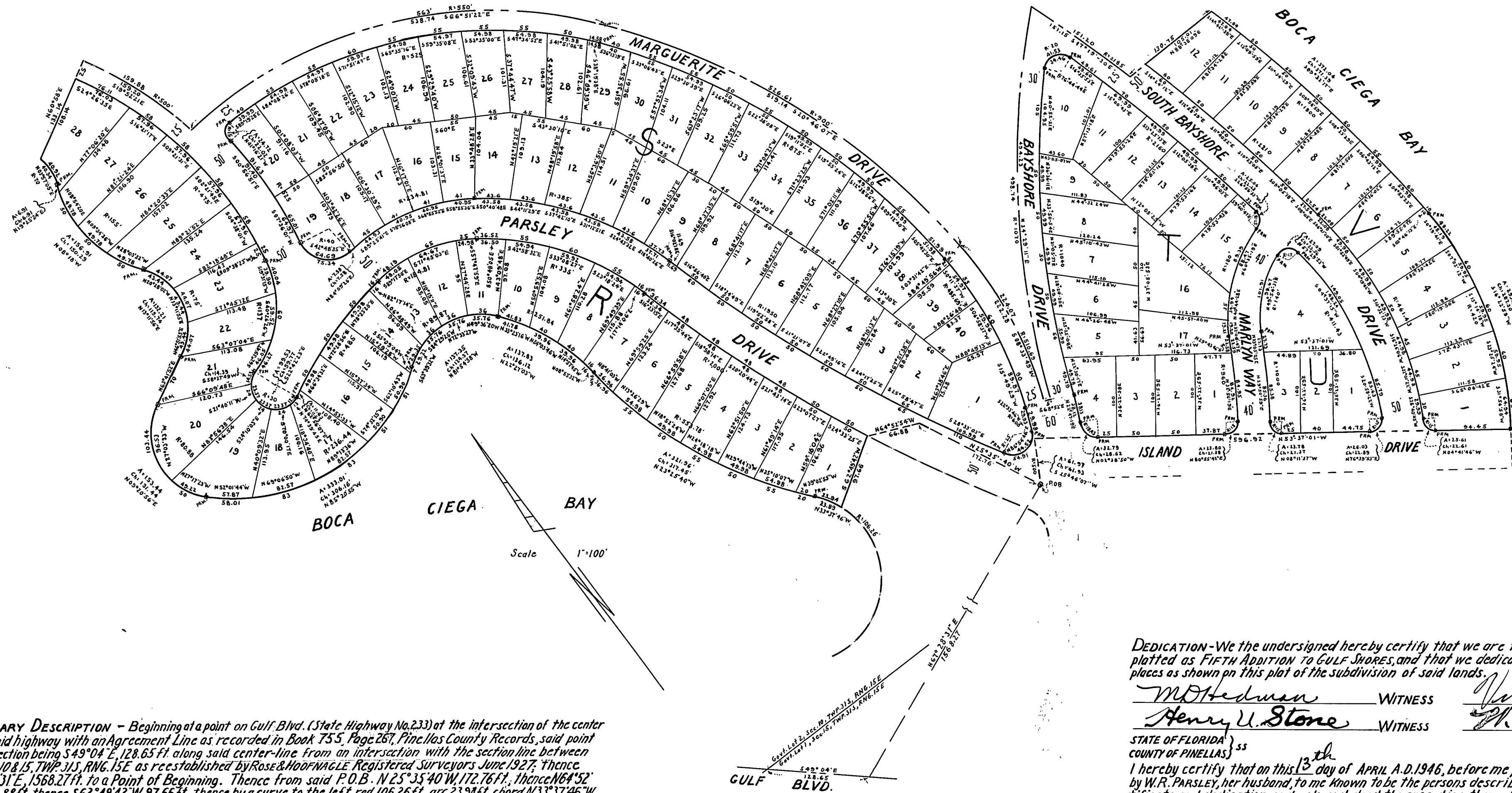


Samantha Arison
Notary Public

5/10/24
Date

*Copy of public notice is attached.

FIFTH ADDITION TO GULF SHORES
BEING A SUBDIVISION OF A PART OF
GOVERNMENT LOT 2 SECTION 10, TOWNSHIP 31 S, RANGE 15 E
PINELLAS COUNTY FLORIDA



BOUNDARY DESCRIPTION - Beginning at a point on Gulf Blvd. (State Highway No. 233) at the intersection of the center line of said highway with an Agreement Line as recorded in Book 755, Page 287, Pinellas County Records, said point of intersection being S 49° 04' E, 128.65 ft. along said center-line from an intersection with the section line between Sections 10 & 11, T. 31 S., R. 15 E., as reestablished by Rose & Moore & Co. Registered Surveyors June 1927. Thence N 67° 28' 31" E, 156.21 ft. to a Point of Beginning. Thence from said P.O.B. N 25° 35' 40" W, 172.76 ft. Thence N 64° 52' 54" W, 66.88 ft. Thence S 62° 49' 42" W, 97.66 ft. Thence by a curve to the left, rad. 106.26 ft., arc 23.94 ft., chord N 33° 37' 46" W, 23.89 ft. Thence by a curve to the right, rad. 553.78 ft., arc 321.96 ft., chord N 21° 25' 40" W, 317.45 ft. Thence by a curve to the left, rad. 251.84 ft., arc 157.83 ft., chord N 22° 27' 03" W, 136.12 ft. Thence by a curve to the left, rad. 8.9 ft., arc 137.35 ft., chord N 8° 54' 58" W, 124.37 ft. Thence by a curve to the right, rad. 236.44 ft., arc 333.01 ft., chord N 85° 20' 55" W, 308.16 ft. Thence by a curve to the right, rad. 80.88 ft., arc 153.44 ft., chord N 09° 20' 56" E, 131.44 ft. Thence N 63° 41' 52" E, 70 ft. Thence by a curve to the left, rad. 75 ft., arc 132.21 ft., chord N 13° 11' 56" E, 115.74 ft. Thence by a curve to the right, rad. 153 ft., arc 156.91 ft., chord N 08° 18' W, 150.29 ft. Thence by a curve to the left, rad. 70 ft., arc 40.92 ft., chord N 03° 57' 05" E, 40.34 ft. Thence N 60° 58' E, 133.14 ft. Thence by a curve to the right, rad. 500 ft., arc 159.88 ft., chord S 19° 52' 21" E, 159.20 ft. Thence by a curve to the right, rad. 550 ft., arc 563 ft., chord S 66° 51' 22" E, 538.74 ft. Thence by a curve to the right, rad. 900 ft., arc 526.61 ft., chord S 20° 46' 07" E, 519.14 ft. Thence by a curve to the right, rad. 510.69 ft., arc 224.07 ft., chord S 08° 33' 49" W, 222.28 ft. Thence S 68° 52' E, 5 ft. Thence by a curve to the right, rad. 1070 ft., arc 498.74 ft., chord N 34° 29' W, 494.23 ft. Thence by a curve to the right, rad. 2185 ft., arc 151.20 ft., chord S 17° 19' 30" E, 151.15 ft. Thence N 88° 38' 09" E, 130.75 ft. Thence by a curve to the right, rad. 1800 ft., arc 372.04 ft., chord S 09° 32' 17" E, 371.39 ft. Thence by a curve to the right, rad. 420 ft., arc 293.22 ft., chord S 16° 22' 59" W, 287.30 ft. Thence N 53° 37' 01" W, 556.92 ft. Thence by a curve to the right, rad. 500 ft., arc 61.97 ft., chord S 25° 46' 07" W, 61.93 ft. to the P.O.B.

DEDICATION - We the undersigned hereby certify that we are the owners of the tract of land hereby platted as FIFTH ADDITION TO GULF SHORES, and that we dedicate to the public all streets, alleys, and public places as shown on this plat of the subdivision of said lands.

W. H. Hedman WITNESS Vivian Parsley OWNER
Henry U. Stone WITNESS M. R. Parsley OWNER

STATE OF FLORIDA } ss
COUNTY OF PINELLAS }
I hereby certify that on this 13th day of APRIL A.D. 1946, before me personally appeared Vivian Parsley, joined by W.R. Parsley, her husband, to me known to be the persons described in and who executed the foregoing certificate and dedication and acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned, and the said Vivian Parsley, wife of the said W.R. Parsley, on separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to the said plat and dedication for the purpose of renouncing, relinquishing, and conveying all right, title, and interest, whether of dower or separate property, statutory or equitable in and to the lands therein dedicated to the public, and that she executed the same freely and voluntarily and without any compulsion, constraint, apprehension, or fear, of or from her said husband.

WITNESS my hand and official seal of St. Petersburg, County of Pinellas, State of Florida, the day and year aforesaid.

Henry U. Stone Notary Public, State of Florida at large
My commission expires 3-19-1947

I hereby certify that on this 25th day of April A.D. 1946, this property was surveyed and staked and that monuments have been set as indicated and that the dimensions, angles and lengths are correct.

E. F. Young Florida Engineer's Reg. No. 231 - Florida Surveyor's Reg. No. 100

Approved for the board of County commissioners this 2nd day of May A.D. 1946

W. H. Hedman Jr. County Engineer

The within map or plat conforms to the requirements of Chapter 10275, Acts of 1925, Laws of Florida, as to form, was filed for record on the 2nd day of May, 1946, at 3 o'clock P.M., and recorded in the public records of Pinellas County, Florida, in Plat Book 23, Page 67.

RAY E. GREEN, Clerk Circuit Court
By Ray E. Green Deputy Clerk

[Interactive Map of this parcel](#)[Sales Query](#)[Back to Query Results](#)[New Search](#)[Tax Collector Home Page](#)[Contact](#)

Item 5B.

10-31-15-43272-000-0340[Compact Property Record Card](#)[Tax Estimator](#)**Updated July 11, 2023**[Email](#) [Print](#)[Radius Search](#)[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
GOSNELL - SABROSO, DEBRA ANN 654 NORMANDY RD MADEIRA BEACH FL 33708-2371	654 NORMANDY RD MADEIRA BEACH

[Property Use:](#) 0110 (Single Family Home)Current Tax District: MADEIRA BEACH ([MB](#))

Total Living: SF: 1,326 Total Gross SF: 1,518 Total Living Units: 1

[click here to hide] **Legal Description**
ISLAND ESTATES UNIT NO. 1 LOT 34

Tax Estimator	File for Homestead Exemption	2023 Parcel Use	
Exemption	2023	2024	
Homestead:	Yes	Yes	*Assuming no ownership changes before Jan. 1
Government:	No	No	Homestead Use Percentage: 100.00%
Institutional:	No	No	Non-Homestead Use Percentage: 0.00%
Historic:	No	No	Classified Agricultural: No

Parcel Information [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
07485/1510	\$866,600 Sales Query	121030278022	A	Current FEMA Maps	25/19

2022 Final Value Information

Year	Just/Market Value	Assessed Value / SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	\$750,296	\$176,979	\$126,979	\$151,979	\$126,979

[click here to hide] **Value History as Certified (yellow indicates correction on file)**

Year	Homestead Exemption	Just/Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2021	Yes	\$498,882	\$166,819	\$116,819	\$141,819	\$116,819
2020	Yes	\$393,731	\$164,516	\$114,516	\$139,516	\$114,516
2019	Yes	\$369,747	\$160,817	\$110,817	\$135,817	\$110,817
2018	Yes	\$370,177	\$157,818	\$107,818	\$132,818	\$107,818
2017	Yes	\$341,935	\$154,572	\$104,572	\$129,572	\$104,572
2016	Yes	\$313,516	\$151,393	\$101,393	\$126,393	\$101,393
2015	Yes	\$282,366	\$150,341	\$100,341	\$125,341	\$100,341
2014	Yes	\$246,618	\$149,148	\$99,148	\$124,148	\$99,148
2013	Yes	\$253,163	\$146,944	\$96,944	\$121,944	\$96,944
2012	Yes	\$234,046	\$144,488	\$94,488	\$119,488	\$94,488
2011	Yes	\$219,624	\$140,280	\$90,280	\$115,280	\$90,280
2010	Yes	\$236,326	\$138,207	\$88,207	\$113,207	\$88,207
2009	Yes	\$309,111	\$134,574	\$84,574	\$109,574	\$84,574
2008	Yes	\$359,800	\$129,620	\$79,620	\$104,620	\$79,620
2007	Yes	\$402,100	\$125,845	\$100,845	N/A	\$100,845
2006	Yes	\$430,600	\$122,776	\$97,776	N/A	\$97,776
2005	Yes	\$314,300	\$119,200	\$94,200	N/A	\$94,200
2004	Yes	\$272,100	\$115,800	\$90,800	N/A	\$90,800
2003	Yes	\$223,900	\$113,700	\$88,700	N/A	\$88,700
2002	Yes	\$184,000	\$111,100	\$86,100	N/A	\$86,100
2001	Yes	\$137,200	\$109,400	\$84,400	N/A	\$84,400
2000	Yes	\$120,600	\$106,300	\$81,300	N/A	\$81,300
1999	Yes	\$107,100	\$103,500	\$78,500	N/A	\$78,500
1998	Yes	\$108,400	\$101,900	\$76,900	N/A	\$76,900
1997	Yes	\$100,200	\$100,200	\$75,200	N/A	\$75,200
1996	Yes	\$103,900	\$103,900	\$103,900	N/A	\$103,900

2022 Tax Information[2022 Tax Bill](#)Tax District: [MB](#)

2022 Final Millage Rate 16.2571

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

Ranked Sales (What are Ranked Sales?), [See all transactions](#)

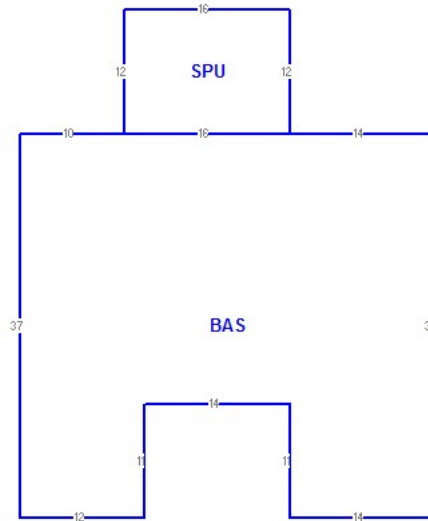
Sale Date	Book/Page	Price	Q/U	V/I
05 Feb 1990	07191 / 2038	\$115,000	Q	I
Jan 1983	05462 / 1368	\$90,000	Q	
1976	04464 / 1386	\$31,900	Q	
1972	03889 / 0278	\$32,500	Q	

2022 Land Information						Item 5B.
Seawall: Yes	Frontage: Canal/River			View: None		
<u>Land Use</u>	<u>Land Size</u>	<u>Unit Value</u>	<u>Units</u>	<u>Total Adjustments</u>	<u>Adjusted Value</u>	<u>Method</u>
Single Family (01)	60x120	13500.00	60.0000	1.1021	\$892,701	FF

[click here to hide] 2023 Building 1 Structural Elements [Back to Top](#)

Site Address: 654 NORMANDY RD

Building Type: **Single Family**
Quality: **Average**
Foundation: **Continuous Footing Poured**
Floor System: **Slab On Grade**
Exterior Wall: **Cb Stucco/Cb Reclad**
Roof Frame: **Gable Or Hip**
Roof Cover: **Shingle Composition**
Stories: **1**
Living units: **1**
Floor Finish: **Carpet/ Vinyl/Asphalt**
Interior Finish: **Drywall/Plaster**
Fixtures: **3**
Year Built: **1952**
Effective Age: **40**
Heating: **Central Duct**
Cooling: **Cooling (Central)**



Compact Property Record Card

[Open plot in New Window](#)

Building 1 Sub Area Information

Description	Living Area SF	Gross Area SF
Screen Porch Unfinished (SPU)	0	192
Base (BAS)	1,326	1,326
Total Living SF: 1,326		Total Gross SF: 1,518

[click here to hide] 2023 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
DOCK	\$44.00	200.00	\$8,800.00	\$3,520.00	1952
SHED	\$0.00	1.00	\$0.00	\$0.00	2006
PATIO/DECK	\$13.00	72.00	\$936.00	\$374.00	1952
PATIO/DECK	\$13.00	154.00	\$2,002.00	\$801.00	1952

[click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
PER-H-CB06-01914	ADDITION/REMODEL/RENOVATION	27 Mar 2006	\$7,500
PER-H-CB05-02420	ROOF	26 Oct 2005	\$4,860
PER-H-CB323810	DAMAGE FIRE/FLOOD/VEHICLE	25 Jul 2005	\$22,300





If you are experiencing [issues with this map loading](#), you may need to clear your web browsing history, then close

[Interactive Map of this parcel](#) [Map Legend](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#)

[Search](#) > Account Summary

Real Estate Account #R115818

Owner:
GOSNELL - SABROSO, DEBRA ANN

Situs:
654 NORMANDY RD
MADEIRA BEACH

[Parcel details](#)
[Property Appraiser](#)
Homestead Exemption

[Get bills by email](#)

Amount Due

Your account is **paid in full**. There is nothing due at this time.
Your last payment was made on **03/30/2024** for **\$2,198.04**.

Account History

BILL	AMOUNT DUE			STATUS		ACTION
2023 Annual Bill ⓘ	\$0.00	Paid \$2,198.04	03/30/2024	Receipt #952-23-132940		Print (PDF)
2022 Annual Bill ⓘ	\$0.00	Paid \$2,129.58	03/27/2023	Receipt #453-22-000006		Print (PDF)
2021 Annual Bill ⓘ	\$0.00	Paid \$2,249.39	05/23/2022	Receipt #952-21-124949		Print (PDF)
2020 Annual Bill ⓘ	\$0.00	Paid \$2,065.12	11/29/2020	Receipt #952-20-065973		Print (PDF)
2019 Annual Bill ⓘ	\$0.00	Paid \$2,109.66	03/08/2020	Receipt #952-19-085564		Print (PDF)
2018 Annual Bill ⓘ	\$0.00	Paid \$2,018.36	03/28/2019	Receipt #952-18-085317		Print (PDF)
2017 Annual Bill ⓘ	\$0.00	Paid \$2,001.06	03/29/2018	Receipt #952-17-077127		Print (PDF)
2016 Annual Bill ⓘ	\$0.00	Paid \$2,043.86	04/28/2017	Receipt #952-16-071892		Print (PDF)
2015 Annual Bill ⓘ	\$0.00	Paid \$2,022.16	03/22/2016	Receipt #952-15-055705		Print (PDF)
2014 Annual Bill ⓘ	\$0.00	Paid \$1,970.21	02/26/2015	Receipt #755-14-124927		Print (PDF)
2013 Annual Bill ⓘ	\$0.00	Paid \$1,880.73	11/20/2013	Receipt #755-13-063081		Print (PDF)
2012 ⓘ						
2012 Installment Bill #4 ⓘ	\$0.00	Paid \$503.75	03/22/2013	Receipt #755-12-054459		Print (PDF)
2012 Installment Bill #3 ⓘ	\$0.00	Paid \$503.76	01/07/2013	Receipt #756-12-084295		Print (PDF)
2012 Installment Bill #2 ⓘ	\$0.00	Paid \$435.30	09/28/2012	Receipt #755-12-011685		Print (PDF)
2012 Installment Bill #1 ⓘ	\$0.00	Paid \$428.46	06/27/2012	Receipt #755-12-004932		Print (PDF)
Paid \$1,871.27						
2011 Annual Bill ⓘ	\$0.00	Paid \$1,750.32	11/14/2011	Receipt #212-11-001600		Print (PDF)
2010 ⓘ						
2010 Installment Bill #4 ⓘ	\$0.00	Paid \$454.41	03/14/2011	Receipt #208-10-000757		Print (PDF)
2010 Installment Bill #3 ⓘ	\$0.00	Paid \$454.42	03/14/2011	Receipt #208-10-000757		Print (PDF)
2010 Installment Bill #2 ⓘ	\$0.00	Paid \$425.73	03/14/2011	Receipt #208-10-000757		Print (PDF)
2010 Installment Bill #1 ⓘ	\$0.00	Paid \$447.02	07/28/2010	Receipt #203-10-000293		Print (PDF)
Paid \$1,781.58						
2009 ⓘ						
2009 Installment Bill #4 ⓘ	\$0.00	Paid \$454.18	03/31/2010	Receipt #755-09-144106		Print (PDF)
2009 Installment Bill #3 ⓘ	\$0.00	Paid \$440.55	12/30/2009	Receipt #756-09-004905		Print (PDF)
2009 Installment Bill #2 ⓘ	\$0.00	Paid \$397.28	09/30/2009	Receipt #209-09-000462		Print (PDF)
Refund		Processed \$17.88	10/21/2009			
2009 Installment Bill #1 ⓘ	\$0.00	Paid \$373.44	06/26/2009	Receipt #205-09-000043		Print (PDF)
Paid \$1,665.45						

2008 ⓘ						
2008 Installment Bill #4 ⓘ	\$0.00	Paid \$364.59	03/30/2009	Receipt #208-08-001592	 Print (PDF)	
2008 Installment Bill #3 ⓘ	\$0.00	Paid \$353.65	12/12/2008	Receipt #755-08-117137	 Print (PDF)	
2008 Installment Bill #2 ⓘ	\$0.00	Paid \$410.62	09/30/2008	Receipt #755-08-013355	 Print (PDF)	
2008 Installment Bill #1 ⓘ	\$0.00	Paid \$404.17	06/30/2008	Receipt #755-08-005997	 Print (PDF)	
Paid \$1,533.03						
2007 ⓘ						
2007 Installment Bill #4 ⓘ	\$0.00	Paid \$408.82	03/31/2008	Receipt #055-07-00182598	 Print (PDF)	
2007 Installment Bill #3 ⓘ	\$0.00	Paid \$396.57	12/28/2007	Receipt #055-07-00146404	 Print (PDF)	
2007 Installment Bill #2 ⓘ	\$0.00	Paid \$430.82	09/28/2007	Receipt #010-07-00000521	 Print (PDF)	
2007 Installment Bill #1 ⓘ	\$0.00	Paid \$424.05	06/28/2007	Receipt #055-07-00006070	 Print (PDF)	
Paid \$1,660.26						
2006 ⓘ						
2006 Installment Bill #4 ⓘ	\$0.00	Paid \$440.56	03/26/2007	Receipt #055-06-00194005	 Print (PDF)	
2006 Installment Bill #3 ⓘ	\$0.00	Paid \$427.34	12/29/2006	Receipt #011-06-00003229	 Print (PDF)	
2006 Installment Bill #2 ⓘ	\$0.00	Paid \$440.90	09/29/2006	Receipt #012-06-00001378	 Print (PDF)	
2006 Installment Bill #1 ⓘ	\$0.00	Paid \$433.98	06/30/2006	Receipt #055-06-00008824	 Print (PDF)	
Paid \$1,742.78						
2005 ⓘ						
2005 Installment Bill #4 ⓘ	\$0.00	Paid \$482.61	03/29/2006	Receipt #055-05-00204662	 Print (PDF)	
2005 Installment Bill #3 ⓘ	\$0.00	Paid \$468.13	12/30/2005	Receipt #009-05-00003152	 Print (PDF)	
2005 Installment Bill #2 ⓘ	\$0.00	Paid \$420.92	09/28/2005	Receipt #011-05-00000829	 Print (PDF)	
2005 Installment Bill #1 ⓘ	\$0.00	Paid \$414.30	06/30/2005	Receipt #055-05-00006838	 Print (PDF)	
Paid \$1,785.96						
2004 ⓘ						
2004 Installment Bill #4 ⓘ	\$0.00	Paid \$448.37	03/31/2005	Receipt #055-04-00189257	 Print (PDF)	
2004 Installment Bill #3 ⓘ	\$0.00	Paid \$434.93	12/30/2004	Receipt #055-04-00151539	 Print (PDF)	
2004 Installment Bill #2 ⓘ	\$0.00	Paid \$413.64	09/29/2004	Receipt #055-04-00012193	 Print (PDF)	
2004 Installment Bill #1 ⓘ	\$0.00	Paid \$407.14	06/10/2004	Receipt #055-04-00002706	 Print (PDF)	
Paid \$1,704.08						
2003 Annual Bill ⓘ	\$0.00	Paid \$1,697.85	01/14/2004	Receipt #007-03-00020106	 Print (PDF)	
2002 ⓘ						
2002 Installment Bill #4 ⓘ	\$0.00	Paid \$510.73	06/01/2003	Receipt #CONV-22817	 Print (PDF)	
2002 Installment Bill #3 ⓘ	\$0.00	Paid \$432.07	06/01/2003	Receipt #CONV-22817	 Print (PDF)	
2002 Installment Bill #2 ⓘ	\$0.00	Paid \$398.87	09/30/2002	Receipt #009-02-00000345	 Print (PDF)	
2002 Installment Bill #1 ⓘ	\$0.00	Paid \$392.60	06/26/2002	Receipt #011-02-00000385	 Print (PDF)	
Paid \$1,734.27						
2001 Annual Bill ⓘ	\$0.00	Paid \$1,815.05	06/01/2002	Receipt #CONV-22817	 Print (PDF)	
2000 Annual Bill ⓘ	\$0.00	Paid \$1,600.82	03/22/2001	Receipt #010-00-00007563	 Print (PDF)	
1999 Annual Bill ⓘ	\$0.00	Paid \$1,677.55	06/01/2000	Receipt #CONV-22817	 Print (PDF)	
Total Amount Due	\$0.00					

Grace Mills

From: Grace Mills
Sent: Tuesday, July 11, 2023 8:09 AM
To: a0cd5961-b234-4d90-bf11-05da4bc25948@silomails.com
Subject: RE: FW: [e] Existing seawall enforcement

Thank you for the information Karl,

This will be addressed. Have a wonderful day

Thank you,

Grace Mills

Code Compliance Officer II
 City of Madeira Beach
 300 Municipal Dr. I (727) 391-9951 x298
www.Madeirabeachfl.gov



Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

From: a0cd5961-b234-4d90-bf11-05da4bc25948@silomails.com <a0cd5961-b234-4d90-bf11-05da4bc25948@silomails.com>
Sent: Thursday, July 6, 2023 4:21 PM
To: Grace Mills <GMills@madeirabeachfl.gov>
Subject: Re: FW: [e] Existing seawall enforcement

Hi Grace,

We are at 652 Normandy Rd and the house to the right when facing our house from the street has the seawall issue. I believe that their address is 654 Normandy.

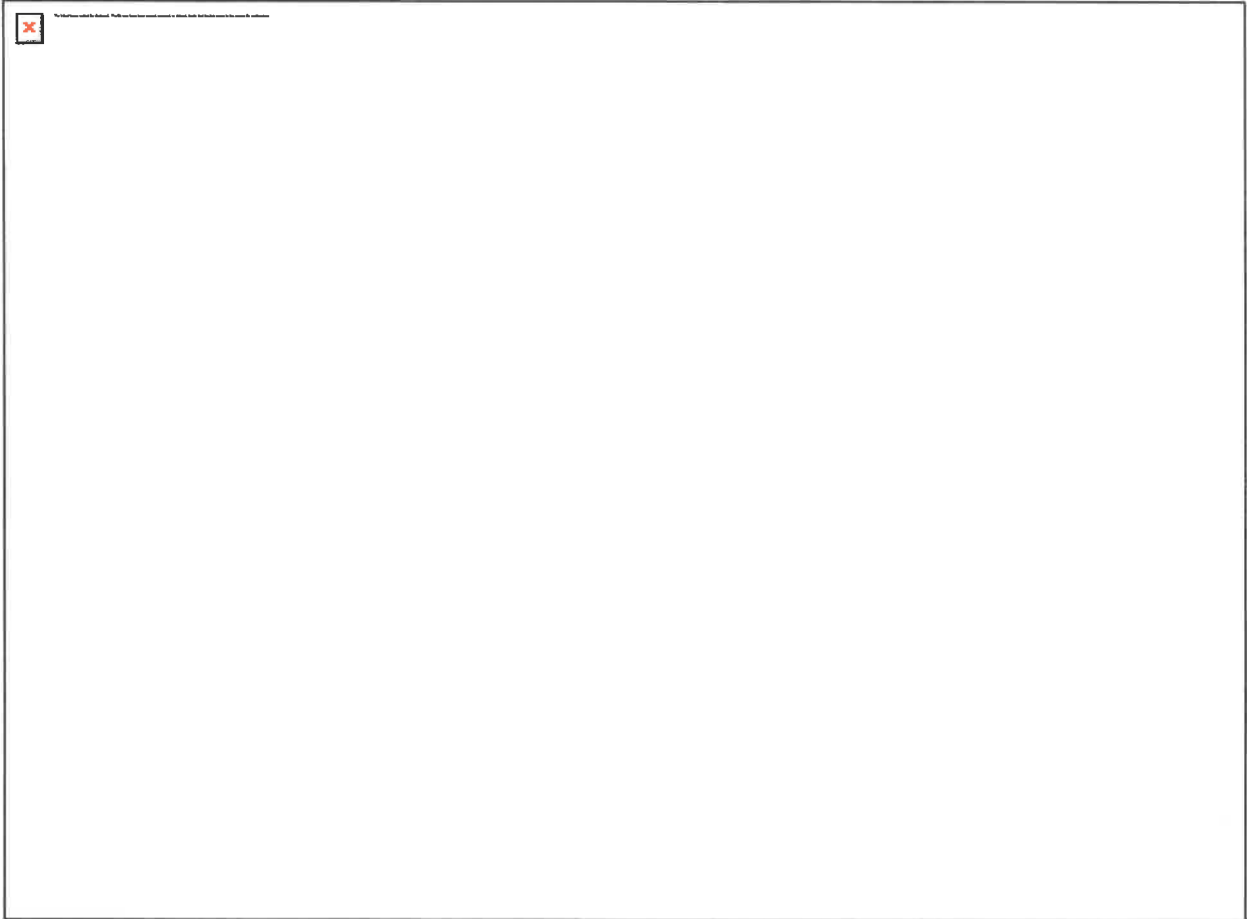
Karl Leibensperger, DO

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Thursday, July 6th, 2023 at 2:03 PM, Grace Mills - GMills(a)madeirabeachfl.gov

<gills_at_madeirabeachfl.gov ltgqrwzng@simplelogin.co> wrote:



From: Building Dept <Buildingdept@madeirabeachfl.gov>
Sent: Thursday, July 6, 2023 1:47 PM
To: Code <code@madeirabeachfl.gov>
Subject: FW: [e] Existing seawall enforcement

From: a0cd5961-b234-4d90-bf11-05da4bc25948@silomails.com <a0cd5961-b234-4d90-bf11-05da4bc25948@silomails.com>
Sent: Thursday, July 6, 2023 1:19 PM
To: Building Dept <buildingdept@madeirabeachfl.gov>
Subject: [e] Existing seawall enforcement

Good afternoon,

Is there any code that requires someone to maintain the integrity of their seawall? Our neighbor's is undermined and will eventually become a problem for us. Photo attached.

Karl Leibensperger, DO

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

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COURTESY NOTICE OF CODE VIOLATION

JULY 11, 2023

GOSNELL - SABROSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708-2371
Case Number: 2023.3629

Parcel #: 10-31-15-43272-000-0340

Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

Address: 654 NORMANDY RD

Due to a complaint we received on the property, it was noted that your property is in violation of the following code/ordinance(s):

Ordinance(s):

ARTICLE III. - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS

Sec. 14-70. - Same—General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).

Violation Detail:

- Please remove, replace and/or repair the seawall at the property. Please see section below for clarification.

Corrective action:

Sec. 14-208. - Permit—Required for repairs.

No building permit shall be issued for the construction of a concrete block seawall. However, a building permit will be required for the repair of any concrete block seawall now in existence, which are located on Boca Ciega Bay, provided that such concrete block seawall is in a repairable condition.

Follow-up date:

July 25, 2023

Grace Mills,

Code Compliance Officer II

City of Madeira Beach – Building Department

gmills@madeirabeachfl.gov

727.391.9951 ext. 298

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).

NOTICE OF CODE VIOLATION

JULY 25, 2023

GOSNELL - SABROSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708-2371
Case Number: 2023.3629

Parcel #: 10-31-15-43272-000-0340

Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

Address: 654 NORMANDY RD

Due to a complaint we received on the property, it was noted that your property is in violation of the following code/ordinance(s):

Ordinance(s):

ARTICLE III. - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS

Sec. 14-70. - Same—General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

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Violation Detail:

- Please remove, replace and/or repair the seawall at the property. Please see section below for clarification.

Corrective action:

Sec. 14-208. - Permit—Required for repairs.

No building permit shall be issued for the construction of a concrete block seawall. However, a building permit will be required for the repair of any concrete block seawall now in existence, which are located on Boca Ciega Bay, provided that such concrete block seawall is in a repairable condition.

Follow-up date:

August 8, 2023

Grace Mills,

Code Compliance Officer II

City of Madeira Beach – Building Department

gmills@madeirabeachfl.gov

727.391.9951 ext. 298

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



Municipal Drive
Madeira Beach, Florida 33708

CERTIFIED MAIL



7022 2410 0002 9255 2759

Item 5B.

JULY 25, 2023

GOSNELL - SABROSO, DEBRA ANN

654 NORMANDY RD

MADEIRA BEACH FL 33708-2371

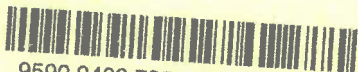
Case Number: 2023.3629

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GOSNELL-SABROSO, DEBRA ANN
654 NORMANDY RD.
MADEIRA BEACH, FL 33708



9590 9402 7951 2305 9248 30

2. Article Number (Transfer from service label)

7022 2410 0002 9255 2759

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GOSNELL-SABROSO, DEBRA ANN
654 NORMANDY RD.
MADEIRA BEACH, FL 33708



9590 9402 7951 2305 9248 30

2. Article Number (Transfer from service label)

7022 2410 0002 9255 2759

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Item 5B.

☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Debra Sabroso

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery over \$500

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



Apr 24, 2024 12:23:40 PM
714 Pruitt Drive
Madeira Beach
Pinellas County
Florida

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3629

GOSNELL- SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708

Respondents.

RE Property: 654 NORMANDY RD **Parcel #** 10-31-15-43272-000-0340
Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

NOTICE OF HEARING

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **20th** day of May, **2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

**ARTICLE III. - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL
MINIMUM STANDARDS**

Sec. 14-70. - Same—General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$250.00 per day for an initial violation(s) and \$500.00 per day for repeat violations against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation(s), should you be found in violation of the City Code.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Maderia Beach within five (5) days at 300 Municipal Drive, Maderia Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 10 day of May, 2024.


Grace Mills, Code Compliance Officer
City of Madeira Beach

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3629

GOSNELL – SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH , FL 33708

Respondents.

RE Property: 654 Normandy Rd

Parcel # 10-31-15-43272-000-0340

Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

STATEMENT OF VIOLATION/ REQUEST FOR HEARING

To whom it may concern:

During a recent review of properties on your street, it was noted that your property is in violation of the following code section(s):

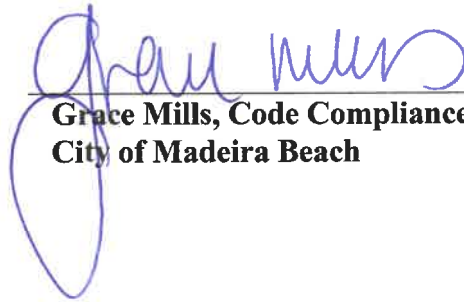
**ARTICLE III. - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL
MINIMUM STANDARDS**

Sec. 14-70. - Same—General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

Please bring the property into compliance by applying for and obtaining an “after-the-fact” building permit or removing unpermitted work within seven (7) days of the date of this letter. Should you fail to bring the property into compliance within seven (7) days the City will bring this case to the Special Magistrate. Please note that the Special Magistrate can levy fines up to \$250.00 per day for each day the property remains in non-compliance.

I DO HEREBY SWEAR THAT THE ABOVE FACTS ARE TRUE TO THE BEST OF MY KNOWLEDGE. I REQUEST A HEARING ON THE ABOVE VIOLATION(S) BY THE SPECIAL MAGISTRATE OF THE CITY OF MADEIRA BEACH.



**Grace Mills, Code Compliance Officer
City of Madeira Beach**

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 14, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3629

GOSNELL- SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH, FL 33708

Respondents.

RE Property: 654 Normandy Rd

Parcel # 10-31-15-43272-000-0340

Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

AFFIDAVIT OF SERVICE

I, Grace Mills, Building Code Compliance Officer II of the City of Madeira Beach, upon being duly sworn, depose and says the following:

That pursuant to Florida Statute 162.12,

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 10 day of May, 2024, I posted a copy of the attached NOTICE OF HEARING on the property located at 654 Normandy Rd, Parcel # 10-31-15-43272-000-0340 the City of Madeira Beach.

On the 10 day of May, 2024, I caused the attached NOTICE OF HEARING to be posted at the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.

Grace Mills
 Grace Mills, Code Compliance Officer
 City of Madeira Beach

STATE OF FLORIDA

COUNTY OF PINELLAS

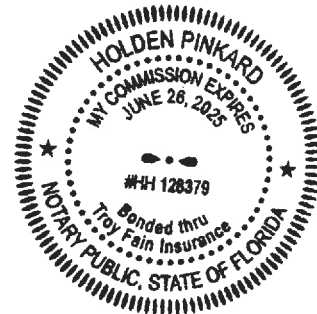
The foregoing instrument was acknowledged before me, the undersigned authority, by means of physical presence or online notarization, this 14TH day of MAY, 2024, by Grace Mills, who is personally known to me, or produced _____ as identification. My Commission Expires: 06/26/2025

Notary Public- State of Florida

[Signature]

Print or type Name.

HOLDEN PINKARD





May 10, 2024 9:35:01 AM
654 Normandy Road
Madeira Beach
Pinellas County
Florida

CITY OF MADEIRA BEACH



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, April 22nd, 2024, at 2:00p.m.**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

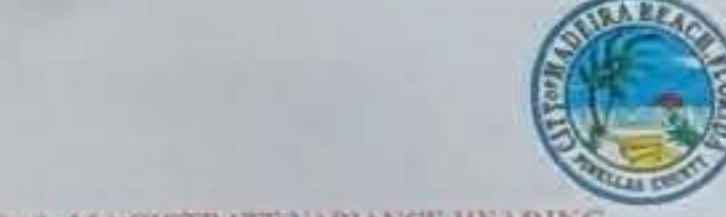
THIS APPLICATION IS FOR A SPECIAL MAGISTRATE VARIANCE

Application: VAR 2024-02
Applicant: Gregg Gallagher
Property Owner(s): Patrick and Denise Winn
Property Address: 14062 W PARSLEY DR MADEIRA BEACH, FL 33708
Parcel ID: 18-31-15-4198-01-0-01-00
Legal Description: GULF SHORES 5TH ADD BLK R, LOT 18
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: 23' Rear setback, 6'3" west side setback and 5'8" east side setback.
Specific Code Provisions: Sec. 110-181.1 – (2) Rear yard: Waterfront lots: 30 feet, & (2) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comments to planning@madeirabeachfl.gov. Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708. The variance application is on file in the Community Development Department and may be reviewed between 8:30 a.m. and 4:00 p.m.

Posted: April 12, 2024, at the property site, City Hall, City of Madeira Beach website, and Gulf Beaches Library
View more information about this application at <https://madeirabeachfl.gov/planning-reviews/documents/>.



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, April 22, 2024**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

THIS APPLICATION IS FOR A SPECIAL MAGISTRATE VARIANCE

Application: VAR 2024-03
Applicant: Hayes Architects
Property Owner(s): Home Pro Inc.
Property Address: 1745 WESLEY AVE EVANSTON, IL 60201-3518
Parcel ID: 18-31-15-4198-01-0-01-00
Legal Description: JHELL'S BEACH REVISED BLK 10, LOTS 8 THRU 10 LESS 15' WIDE STRIP OF LAND, 106-35(1), 106-35(2), 106-35(3), 106-35(4), 106-35(5), 106-35(6), 106-35(7), 106-35(8), 106-35(9), 106-35(10), 106-35(11), 106-35(12), 106-35(13), 106-35(14), 106-35(15), 106-35(16), 106-35(17), 106-35(18), 106-35(19), 106-35(20), 106-35(21), 106-35(22), 106-35(23), 106-35(24), 106-35(25), 106-35(26), 106-35(27), 106-35(28), 106-35(29), 106-35(30), 106-35(31), 106-35(32), 106-35(33), 106-35(34), 106-35(35), 106-35(36), 106-35(37), 106-35(38), 106-35(39), 106-35(40), 106-35(41), 106-35(42), 106-35(43), 106-35(44), 106-35(45), 106-35(46), 106-35(47), 106-35(48), 106-35(49), 106-35(50), 106-35(51), 106-35(52), 106-35(53), 106-35(54), 106-35(55), 106-35(56), 106-35(57), 106-35(58), 106-35(59), 106-35(60), 106-35(61), 106-35(62), 106-35(63), 106-35(64), 106-35(65), 106-35(66), 106-35(67), 106-35(68), 106-35(69), 106-35(70), 106-35(71), 106-35(72), 106-35(73), 106-35(74), 106-35(75), 106-35(76), 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CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3600

Petitioner,

vs.

SANTOS, MERCEDES and
VOLPE, THERESA
414 140th Ave. E.
Madeira Beach, FL 33708,

Respondents.

/

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate at 2:00 p.m., on July 31, 2023, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence, received additional briefing from the City and the Respondents, having considered the Request for Judicial Notice submitted by the City, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Grace Mills, and Frank Desantis provided testimony on behalf of the City.
2. Leslie Conklin, Esq., appeared on behalf of the Respondents, as counsel for the Respondents, and Craig Clark and Theresa Volpe provided testimony on behalf of the Respondents.
3. No one provided public comment.
4. The property in question is located at 414 140th Ave. E., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

FINN SHONTZ REPLAT LOT 2

5. Proper notice was served upon the Respondents via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, *Florida Statutes*, and both Respondents appeared in person at the hearing.

6. The Respondents were notified that Respondents were in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 86-52.- When Required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

7. The City withdrew the violation of Sec. 110-177 at the hearing and, as such, the only violation at issue is Sec 86-52.

8. The Respondents essentially argue that the first-floor improvements were in place at the time they purchased the home and were either permitted, did not require a permit under the applicable codes or ordinances in effect at the time the improvements were put in place, or that the improvements were grandfathered-in and, therefore, cannot be a violation of the Sec. 86-52.

9. There was no evidence that a building permit was ever pulled for the improvements shown on the video recording in evidence at the hearing. There is nothing in the chain of title, such as a notice of commencement, to indicate a contractor was hired to do the work that the City alleged was unpermitted.

10. The Pinellas County Property Appraiser records indicate that the first floor is a garage finished with a gross area of 923 feet and a lower area finished consisting of 433 square feet. The video recording in evidence shows much more extensive improvements over a greater area.

11. The video and photographic evidence at the hearing showed extensive improvements on the first floor including two finished bedrooms, a kitchen, hot water heater, HVAC system, a bathroom and more.

12. Based on the testimony of Mr. Desantis, there were numerous life-safety issues with the improvements including, but not limited to, the two bedrooms on the first floor do not have a secondary egress or operating smoke alarms, there was an unpermitted water heater installed, there exists improper electrical wiring and plumbing throughout the first floor, there were multiple penetrations or openings between the first and second floors, there is a washer and dryer within a closet without a proper dryer venting system, and an unpermitted air handler.

13. There is evidence that the first floor was used by occupants as a living space and for habitation in the past.

14. The violations set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the hearing.

15. Based on the nature of the violations, and the life safety issues raised by the City, a reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Order.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

16. Both the City and Respondents were asked to provide post-hearing briefs, and did provide such briefs as to the issue of whether Florida law allows for grandfathering in situations where the issue is non-compliance with buildings codes or life safety issues. There appears to be a dearth of case law on that particular point but case law was provided dealing with grandfathering of uses and the prohibition of grandfathering of issues that arise under the Florida Building Code.

17. Sec. 86-52 of the City of Madeira Beach Code of Ordinances was adopted in 1983 and applies to the Property.

18. Although the use of the first floor of the Property (i.e., as a dwelling) may very well be a grandfathered use, the issue in this case is whether the improvements that do not meet the current building code and present life safety issues can also be considered to be "grandfathered." Based on the case law presented, they cannot.

19. The City has met its burden to prove that no building permit was issued for the improvements and that a building permit was required by the applicable statutes, codes and ordinances. There is no grandfathering provision under the City of Madeira Beach Code of Ordinances that would exempt the unpermitted construction work and the life safety issues that currently exist on the Property from the requirement of obtaining a permit. There is also substantial and competent evidence that the improvements, as they existed at the time of the hearing, present numerous life safety issues.

20. As such, the Respondents, and the Property at the above-mentioned location, are found to be in violation of Sec. 86-52 of the Code of Ordinances of the City of Madeira Beach.

21. The Respondents shall correct the above stated violation within 30 days, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to get an after the fact building permit for the improvements and work done on the first floor, or remove all unpermitted work so that the structure is fully code compliant and the life safety issues no longer exist.

22. If the Respondents fail to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondents have failed to correct the violation after 30 days, and the fine shall continue to accrue until such time as the Property is brought into compliance.

23. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 28th day of August, 2023.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Mercedes Santos and Theresa Volpe, 414 140th Ave., E., Madeira Beach, FL 33708; Mercedes Santos and Theresa Volpe, 1745 Wesley Ave., Evanston, IL 60201;** by electronic mail to **Leslie Conklin, Esq., 1433 S. Fort Harrison Ave., Ste. B., Clearwater, Florida 33756 (conklines@yahoo.com);** and **Thomas Trask, Esq. (tom@cityattorneys.legal);** and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708,** on this 28th day of August, 2023.



Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

City of Madeira Beach,

Petitioner,

vs.

CASE NO. 2023.3600

Mercedes Santos and
Theresa Volpe
1745 Wesley Ave
Evanston, IL 60201-3518

Respondents.

**ORDER ON RESPONDENTS' MOTION FOR REHEARING,
MOTION FOR CLARIFICATION AND
MOTION FOR EXTENSION OF TIME FOR COMPLIANCE**

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on September 25, 2023, after due notice to the Respondents, and the Special Magistrate having heard argument from Respondents' counsel, Leslie Conklin, and from Petitioner's counsel, Thomas J. Trask, and otherwise being fully advised in the premises, it is

ORDERED AND ADJUDGED AS FOLLOWS:

1. Respondents' Motion for Rehearing is hereby DENIED.
2. Respondents' Motion for Clarification is hereby GRANTED and, therefore, paragraph 21 of the Finding of Fact, Conclusions of Law and Order Imposing Fine issued by the Special Magistrate for the City of Madeira Beach on August 28, 2023, is hereby amended to read as follows:

"21. The Respondents shall correct the above stated violation on or before December 28, 2023, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to obtain an after the fact building permit for all of the improvements and work done on the first floor of the structure, or remove all unpermitted work so that the first floor of the structure is fully code compliant."

3. Respondents' Motion for Extension of Time for Compliance is hereby GRANTED and the Respondents shall have until December 28, 2023 to bring the property into compliance. Therefore, paragraph 22 of the Finding of Fact, Conclusions of Law and Order Imposing Fine issued by the Special Magistrate for the City of Madeira Beach on August 28, 2023, is hereby amended to read as follows:

"22. If the Respondents fail to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondents have failed to correct the violation after December 28, 2023, and the fine shall continue to accrue until such time as the Property is brought into compliance."

DONE AND ORDERED this 10th ^{OCTOBER} day of September, 2023.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order on Respondents' Motion for Rehearing, Motion for Clarification and Motion for Extension of Time for Compliance was delivered by electronic mail to Leslie M. Conklin, Esq. (conklinles@yahoo.com), Thomas J. Trask, City Attorney for the City of Madeira Beach (tom@cityattorneys.legal), and Clara VanBlargan, City Clerk of the City of Madeira Beach (cvanblargan@madeirabeachfl.gov) on this 10th day of September, 2023. ^{OCTOBER}


Bart R. Valdes
Special Magistrate

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Florida Statute 162.11.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708,

Petitioner,

vs.

CASE NO. 2023.3600

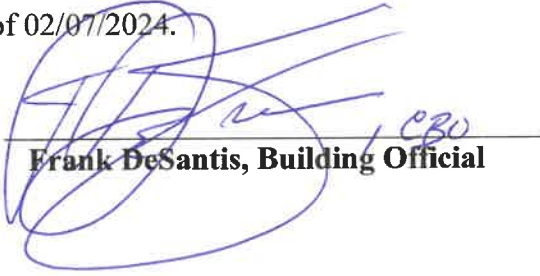
SANTOS, MERCEDES
VOLPE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents.

AFFIDAVIT OF NON-COMPLIANCE

I, Frank DeSantis, *Building Official*, have personally examined the property described in
Madeira Beach Notice of Violation: 04-26-2023
Madeira Beach Special Magistrate Order: 10-10-2023

In the above-mentioned case and find that said property is not in compliance with Sec. 86-52 of the
Code of City of Madeira Beach, Florida, as of 02/07/2024.


Frank DeSantis, Building Official

STATE OF FLORIDA

COUNTY OF PINELLAS

Before me on this 10th day of May, 2024, Frank DeSantis personally appeared who executed the
foregoing instrument and who is personally known to me.

SEAL



Notary



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3600

SANTOS, MERCEDES
VOLPE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents.

RE Property: 414 140TH Ave E

Parcel # 10-31-15-27837-000-0020

Legal Description: FINN SHONTZ REPLAT LOT 2

NOTICE OF HEARING

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **20th** day of May, **2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52. -- When required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovering flat slabs of no greater than 50 square feet, for work of strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Maderia Beach within five (5) days at 300 Municipal Drive, Maderia Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 10 day of may, 2024.


Grace Mills, Code Compliance Officer
City of Madeira Beach

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2023
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3600

SANTOS, MERCEDES
VOLPE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents.

RE Property: 414 140TH AVE E **Parcel # 10-31-15-27837-000-0020**

Legal Description: FINN SHONTZ REPLAT LOT 2

AFFIDAVIT OF SERVICE

I, Grace Mills, Building Code Compliance Officer II of the City of Madeira Beach, upon being
duly sworn, deposed and says the following:

That pursuant to Florida Statute 162.12,

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via
Certified Mail, Return Receipt Requested.

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via First
Class mail.

On the 10 day of May, 2024, I posted a copy of the attached NOTICE OF HEARING on the
property located at 414 140th Ave E, Parcel # 10-31-15-27837-000-0020 the City of Madeira
Beach.

On the 10 day of May, 2024, I caused the attached NOTICE OF HEARING to be posted at
the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said
papers remain posted at the Municipal Government Offices for a period of not less than ten
days from the date of posting.


 Grace Mills, Code Compliance Officer
 City of Madeira Beach

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, the undersigned authority, by means of X physical presence or online notarization, this 10TH day of MAY, 2024, by Grace Mills, who is personally known to me, or produced as identification. My Commission Expires: 6/26/2024

Notary Public- State of Florida



Print, or type Name.

HOLDEN PINKARD



CERTIFIED MAIL®



7019 1120 0000 4383 5819

Item 6A.

Drive
ida 33708

SANTON, MERCEDES
VOLPE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Santos, Mercedes
Volpe, Theresa
1745 Wesley Ave
Evans ton IL 60201



9590 9402 7951 2305 9239 56

2. Article Number (Transfer from service label)

7019 1120 0000 4383 5819

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



May 10, 2024 9:31:15 AM
401 Virginia Avenue
Madeira Beach
Pinellas County
Florida

CITY OF MADEIRA BEACH



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, April 22nd, 2024, at 2:00p.m.**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

THIS APPLICATION IS FOR A SPECIAL MAGISTRATE VARIANCE

Application: VAR 2024-02
Applicant: Gregg Gallagher
Property Owner(s): Patrick and Denise Winn
Property Address: 14062 W PARSLEY DR MADEIRA BEACH, FL 33708
Parcel ID: 10-31-15-4198-01-0-01-00
Legal Description: GULF SHORES 5TH ADD BLK R, LOT 18
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: 23' Rear setback, 6'3" west side setback and 5'8" east side setback.

Specific Code Provisions: Sec. 110-181, (2) Rear yard: Waterfront lots: 30 feet, & (2) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comments to planning@madeirabeachfl.gov. Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708. The variance application is on file in the Community Development Department and may be reviewed between 8:30 a.m. and 4:00 p.m.

Posted: April 12, 2024, at the property site, City Hall, City of Madeira Beach website, and Gulf Beaches Library. View more information about this application at <https://madeirabeachfl.gov/planning-review-documents/>.



CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
vs.
SANTOS, MERCEDES
YOLFE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents,
RE Property: 414 140TH Ave E **Parcel #** 10-31-15-27837-000-0020
Legal Description: FINN SHONTZ REPLAT LOT 2

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm on MONDAY the 20th day of May, 2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52, - When required.
A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appendances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change and does not require an inspection, a permit need not be issued by the building official. No strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.



THE CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE

AGENDA
CYBER SECURITY EXECUTIVE SEMINAR
MAY 14, 2024
8:30 a.m. - 12:30 p.m.
COMMISSION CHAMBERS
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708

CYBER SECURITY LEADERSHIP & STRATEGY COURSE PRESENTED BY FLORIDA INTERNATIONAL UNIVERSITY

FIU's Cyber Security Leadership & Strategy Executive Seminar is specifically crafted for public-sector senior leaders and officials that hold non-technical responsibilities, and it offers a comprehensive yet accessible approach to cybersecurity policy and strategy. This high-level training session will emphasize cybersecurity compliance, and economic impacts and is designed to be an elected officials, and municipal and state leaders with essential skills in cybersecurity management, legislative compliance, and economic impacts and is designed to be an elected officials, and municipal and state leaders with essential skills in cybersecurity policy, strategy, and response. Two learning sessions over a 4-hour period are tailored to strategic leadership levels and contexts within local governments. The learning sessions incorporate real-world scenarios and strategies, challenging participants to identify key threats and prepare them to formulate policies and response strategies including those relevant to the 2022 Local Government Cybersecurity Act (Florida Statute Section 282.3185).

Certificates will be provided to all participants.

One or more Elected or Appointed Officials may be in attendance.

CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
vs.
HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH FL 33708

Respondents,
RE Property: 572 JOHNS PASS AVE **Parcel #** 10-31-15-19998-000-0860
Legal Description: CRYSTAL ISLAND 2ND ADD LOT 86

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm on MONDAY the 20th day of May, 2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52, - When required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appendances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovering flat slabs of no greater than 50 square feet, for work of strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

MEETING



CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
vs.
GOSNELL-SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708

Respondents,
RE Property: 654 NORMANDY RD **Parcel #** 10-31-15-43272-000-0340
Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm on MONDAY the 20th day of May, 2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

ARTICLE III. - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS

Sec. 14-70. - Same—General Maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3608

Petitioner,

vs.

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 Johns Pass Ave.
Madeira Beach, FL 33708,

Respondents.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 23, 2023, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Grace Mills provided testimony on behalf of the City.

2. The contractor, Antonce Bociek, appeared on behalf of the Respondents and admitted to the violations.

3. Jean Farnan provided public comment indicating a violation occurred.

4. The property in question is located at 572 Johns Pass Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

CRYSTAL ISLAND 2ND ADD LOT 86

5. Proper notice was served upon the Respondents via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.

6. The Respondents were notified that Respondents were in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 86-52.- Same- When Required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

Sec. 110-471. - Building permits required.

Building permits are required for the construction or placement of all accessory structures.

Sec. 110-719. - Fencing.

All swimming pools shall be enclosed with a screen enclosure or a fence or wall having a minimum height of four feet and in compliance with the provisions of article VI, division 3 of this chapter. The fence, wall or door to the screen enclosure shall be equipped with a self-closing and self-latching gate which operates from the interior of the swimming pool area only.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9. The Respondents, and the Property at the above mentioned location, are found to be in violation of Sections 86-52, 110-471, and 110-719 of the Code of Ordinances of the City of Madeira Beach.

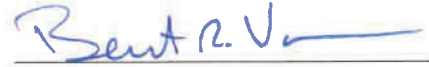
10. The Respondents shall correct the above stated violation within 30 days, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to apply for and obtain and after-the-fact building permit and comply with City Code. If the permit cannot be obtained, the structure must be removed. Also, proper fencing will need to be constructed in regard to the pool in compliance with Florida Statutes and City Code.

11. If the Respondents fail to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondents have failed to correct the violation after 30 days, and the fine

shall continue to accrue until such time as the Property is brought into compliance.

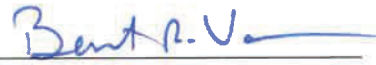
12. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 31st day of October, 2023.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **John Scott Holcomb and Jennifer Lynn Holcomb, 572 Johns Pass Ave., Madeira Beach, FL 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708**, on this 31st day of October, 2023.



Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708,

Petitioner,

vs.

CASE NO. 2023.3608

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH, FL 33708

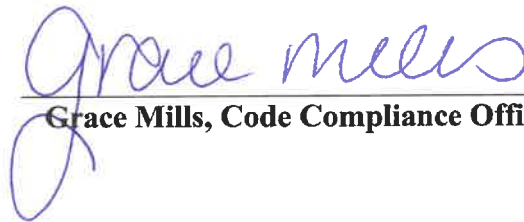
Respondents.

AFFIDAVIT OF NON-COMPLIANCE

I, Grace Mills, *Code Compliance Officer II*, have personally examined the property described
in

Madeira Beach Notice of Violation: 05-17-2023
Madeira Beach Special Magistrate Order: 10-31-2023

In the above-mentioned case and find that said property is not in compliance with Sec. 86-52 of the
Code of City of Madeira Beach, Florida, as of 04/24/2024.


Grace Mills, Code Compliance Officer II

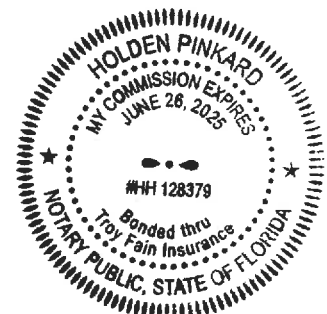
STATE OF FLORIDA

COUNTY OF PINELLAS

Before me on this 10th day of May, 2024, Grace Mills personally appeared who executed the
foregoing instrument and who is personally known to me.

SEAL


Notary



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3608

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH FL 33708

Respondents.

RE Property: 572 JOHNS PASS AVE **Parcel #** 10-31-15-19998-000-0860
Legal Description: CRYSTAL ISLAND 2ND ADD LOT 86

NOTICE OF HEARING

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **20th** day of May, **2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52. – When required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovering flat slabs of no greater than 50 square feet, for work of strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

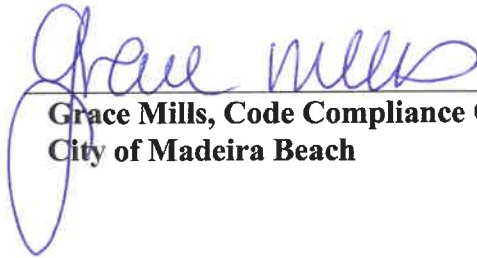
Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Madeira Beach within five (5) days at 300 Municipal Drive, Madeira Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 10 day of May, 2024.


Grace Mills, Code Compliance Officer
City of Madeira Beach

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 10, 2023
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3608

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH FL 33708

Respondents.

RE Property: 572 Johns Pass Ave

Parcel # 10-31-15-19998-000-0860

Legal Description: CRYSTAL ISLAND 2ND ADD LOT 86

AFFIDAVIT OF SERVICE

I, Grace Mills, Building Code Compliance Officer II of the City of Madeira Beach, upon being duly sworn, deposed and says the following:

That pursuant to Florida Statute 162.12,

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 10 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 10 day of May, 2024, I posted a copy of the attached NOTICE OF HEARING on the property located at 572 Johns Pass Ave, Parcel # 10-31-15-19998-000-0860 the City of Madeira Beach.

On the 10 day of May, 2024, I caused the attached NOTICE OF HEARING to be posted at the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.

Grace Mills
 Grace Mills, Code Compliance Officer
 City of Madeira Beach

STATE OF FLORIDA

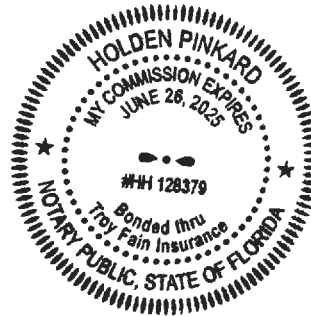
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, the undersigned authority, by means of _____ physical presence or _____ online notarization, this 10TH day of MAY, 2024, by Grace Mills, who is personally known to me, or produced _____ as identification. My Commission Expires: 6/26/2024

Notary Public- State of Florida

[Signature]

 Print or type Name.
 HOLDEN PINKARD



CERTIFIED MAIL

Item 6B.



7019 1120 0000 4383 5796



al Drive
Florida 33708

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH FL 33708

Respondents

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT BOTTOM LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Holcomb, John Scott +
Holcomb, Jennifer Lynn
572 Johns Pass Ave
Madeira Beach 33708



9590 9402 7951 2305 9239 63

2. Article Number (Transfer from service label)

7019 1120 0000 4383 5796

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

d Mail

d Mail Restricted Delivery

500)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



May 10, 2024 9:40:24 AM
575 Johns Pass Avenue
Madeira Beach
Pinellas County
Florida

CITY OF MADEIRA BEACH



PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE
MADEIRA BEACH, FLORIDA 33708

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **Monday, April 22nd, 2024, at 2:00p.m.**, at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

THIS APPLICATION IS FOR A SPECIAL MAGISTRATE VARIANCE

Application: VAR 2024-02
Applicant: Gregg Gallagher
Property Owner(s): Patrick and Denise Winn
Property Address: 14062 W PARSLEY DR MADEIRA BEACH, FL 33708
Parcel ID: 10-31-15-4198-01-0-0-00
Legal Description: GULF SHORES 5TH ADD BLK R, LOT 18
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: 23' Rear setback, 6'3" west side setback and 5'8" east side setback.
Specific Code Provisions: Sec. 110-181.1 - (2) Rear yard: Waterfront lots: 30 feet, & (2) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.

Note: You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comments to planning@madeirabeachfl.gov. Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708. The variance application is on file in the Community Development Department and may be reviewed between 8:30 a.m. and 4:00 p.m.

Posted: April 12, 2024, at the property site, City Hall, City of Madeira Beach website, and Gulf Beaches Library
View more information about this application at <https://madeirabeachfl.gov/planning-reviews/documents/>.



CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
SANTOS, MERCEDES
YOLFE, THERESA
1745 WESLEY AVE
EVANSTON, IL 60201-3518

Respondents,
RE Property: 414 140TH Ave E Parcel # 10-31-15-27837-000-0020
Legal Description: FINN SHONTZ REPLAT LOT 2

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at 02:00 pm on MONDAY the 20th day of May, 2024 at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52 - When required.
A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appliances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change and does not require an inspection, a permit need not be issued by the building official. No strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.



THE CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE

AGENDA
CYBER SECURITY
EXECUTIVE SEMINAR
MAY 14, 2024
8:30 a.m. - 12:30 p.m.

COMMISSION CHAMBERS
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708

CYBER SECURITY LEADERSHIP & STRATEGY COURSE

PRESENTED BY FLORIDA INTERNATIONAL UNIVERSITY

FIU's Cyber Security Leadership & Strategy Executive Seminar is specifically crafted for public-sector senior leaders and officials that hold non-technical responsibilities, and it offers a comprehensive yet accessible approach to cybersecurity policy and strategy. This high-level training session will emphasize risk management, legislative compliance, and economic impacts and is designed to be elected officials, and municipal and state leaders with essential skills in cybersecurity policy, strategy, and response. Two learning sessions over a 4-hour period are tailored to strategic leadership levels and contexts within local governments. The learning sessions incorporate real-world scenarios and strategies, challenging participants to identify key threats and prepare them to formulate policies and response strategies including those relevant to the 2022 Local Government Cybersecurity Act (Florida Statute Section 282.3185).

Certificates will be provided to all participants.

One or more Elected or Appointed Officials may be in attendance.

CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 JOHNS PASS AVE
MADEIRA BEACH FL 33708

Respondents,
RE Property: 572 JOHNS PASS AVE Parcel # 10-31-15-19998-000-0860
Legal Description: CRYSTAL ISLAND 2ND ADD LOT 86

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at 02:00 pm on MONDAY the 20th day of May, 2024 at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52 - When required.

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MEETING



CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

May 10, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,
GOSNELL-SABOSO, DEBRA ANN
654 NORMANDY RD
MADEIRA BEACH FL 33708

Respondents,
RE Property: 654 NORMANDY RD Parcel # 10-31-15-43272-000-0340
Legal Description: ISLAND ESTATES UNIT NO. 1 LOT 34

NOTICE OF HEARING

To whom it may concern:
YOU ARE HEREBY FORMALLY NOTIFIED that at 02:00 pm on MONDAY the 20th day of May, 2024 at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

ARTICLE III - RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL MINIMUM STANDARDS
Sec. 14-70. - Same - General Maintenance.
The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.



Apr 24, 2024 12:35:27 PM
570 Johns Pass Avenue
Madeira Beach
Pinellas County
Florida

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2022.3526

Petitioner,

vs.

VESTGAARDEN, TOV I.,
590 Normandy Rd.
Madeira Beach, FL 33708,

Respondent.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on February 26, 2024, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Grace Mills provided testimony on behalf of the City.
2. Tov Vestgaarden appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 590 Normandy Rd., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

ISLAND ESTATES UNIT NO. 1 N 1/2 LOT 43 & S 49 FT OF LOT 42

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.
6. The Respondent was notified that Respondent was in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 86-52.- Same- When Required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish,

or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is ninety (90) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9. The Respondent, and the Property at the above mentioned location, are found to be in violation of Section 86-52, of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violation within 90 days, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to apply for and obtain and after-the-fact building permit and comply with City Code. If the permit cannot be obtained, the structure must be removed, or somehow brought into compliance with City Code.

11. If the Respondent fails to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$100.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after 90 days, and the fine shall continue to accrue until such time as the Property is brought into compliance.

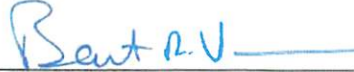
12. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 5th day of March, 2024.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Tov I. Vestgaarden, 590 Norman Rd., Madeira Beach, FL 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708**, on this 5th day of March, 2024.


Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 13, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3526

VESTGAARDEN, TOV I
590 NORMANDY RD
MADEIRA BEACH, FL 33708

Respondents.

RE Property: 590 Normandy Rd

Parcel # 10-31-15-43272-000-0430

Legal Description: ISLAJND ESTATES UNIT NO. 1 N ½ LOT 43 & S 49 FT OF LOT 42

NOTICE OF HEARING

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **20th** day of May, **2024** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52. – When required.

A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovering flat slabs of no greater than 50 square feet, for work of strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$250.00 per day for an initial violation(s) and \$500.00 per day for repeat violations against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

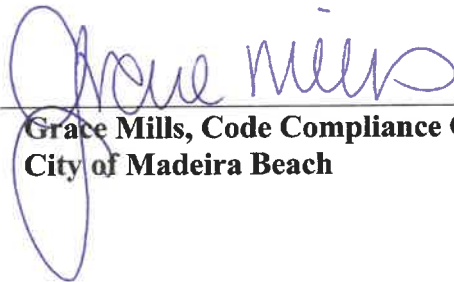
Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Madeira Beach within five (5) days at 300 Municipal Drive, Madeira Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 13 day of May, 2024.



Grace Mills, Code Compliance Officer
City of Madeira Beach

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 13, 2023
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3526

VESTGAARDEN, TOV I
590 NORMANDY RD
MADEIRA BEACH, FL 33708

Respondents.

RE Property: 590 Normandy Rd **Parcel # 10-31-15-43272-000-0430**

Legal Description: ISLAND ESTATES UNIT NO. 1 N ½ LOT 43 & S 49 FT OF LOT 42

AFFIDAVIT OF SERVICE

I, Grace Mills, Building Code Compliance Officer II of the City of Madeira Beach, upon being duly sworn, deposed and says the following:

That pursuant to Florida Statute 162.12,

On the 13 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 13 day of May, 2024, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 13 day of May, 2024, I posted a copy of the attached NOTICE OF HEARING on the property located at 590 Normandy Rd, Parcel # 10-31-15-43272-000-0430 the City of Madeira Beach.

On the 13 day of May, 2024, I caused the attached NOTICE OF HEARING to be posted at the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than seven days from the date of posting.

Grace Mills
 Grace Mills, Code Compliance Officer
 City of Madeira Beach

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, the undersigned authority, by means of ✓ physical presence or _____ online notarization, this 13th day of May, 2024, by Grace Mills, who is personally known to me, or produced _____ as identification. My Commission Expires: 03/15/2027

Notary Public- State of Florida

Samantha Arison

Print or type Name. Samantha Arison



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

MAY'8 '24 4:06PM

CITY CLERK

CITY OF MADEIRA BEACH,

Petitioner,

CASE NO. 2022.3526

v.

**TOV I. VESTGAARDEN
590 NORMANDY ROAD
MADEIRA BEACH, FL 33708-2343,**

Respondent.

RE: 590 Normandy Road
Parcel #:10-31-15-43272-000-0430
Legal: Island Estates Unit No. 1,
N ½ Lot 43 & S 49 Ft Lot 42,

MOTION FOR EXTENSION OF TIME TO COMPLY WITH MAGISTRATE ORDER

Respondent, **TOV I. VESTGAARDEN**, hereby files this Motion for Extension of Time to Comply with Magistrate Order, on the following grounds:

1. On March 5th, 2024 the Magistrate issued an order requiring Respondent to seek permits for or remove a Chickee Hut on Respondent's property within 90 days or face daily fines.
2. On May 3rd, 2024, Respondent filed an application with the City of Madeira Beach for the required permits, which were denied on May 6th, 2024.
3. Respondent intends to appeal the denial of the permits and/or seek a variance to the city ordinances, in order to obtain the requested permits.
4. Respondent is in need of an additional 90 days in order to file and pursue the appeal and/or variance.

5. This motion will not prejudice the petitioner, and is not interposed for the purpose of delay.
6. Justice requires that this motion be granted.

WHEREFORE, Respondent respectfully requests the Magistrate grant this Motion for Extension of Time to Comply with Magistrate Order allow until September 2, 2024 to obtain the required permits in this matter.

Respectfully submitted this 8th day of May, 2024.



TOV I. VESTGAARDEN

CERTIFIED MAIL®

Item 6C.



7019 1120 0000 4383 5826



Drive
ida 33708

VESTGAARDEN, TOV I
590 NORMANDY RD
MADEIRA BEACH, FL 33708

Respondents.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vestgarden, Tor I
590 Normandy Rd
Madeira Beach FL 33708
2023-3586



9590 9402 7951 2305 9239 18

2. Article Number (Transfer from service label)

7019 1120 0000 4383 5826

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Registered Mail Restricted Delivery (\$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



May 13, 2024 2:11:39 PM
588 Normandy Road
Madeira Beach
Pinellas County
Florida

MENT SPECIAL MAGISTRATE
OF MADEIRA BEACH

CASE NO. 2023.3629

Parcel # 10-31-15-43272-000-0340
ES UNIT NO. 1 LOT 34

NOTICE OF HEARING

ALLY NOTIFIED that at 02:00 pm on MONDAY the 20th day
Beach City Center in the Patricia Shontz Commission
Municipal Drive, Madeira Beach, Florida 33708, a hearing will be
istrate concerning the following code violation(s):

RTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL

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maintained in good repair, termite free and all surfaces
ted or have similar protective coating where necessary for
and appearance. All surfaces shall be maintained free of
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reserved, safety and fire hazards eliminated, and adjoining
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Page 1 of 2

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

May 13, 2024
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2023.3526

VESTGAARDEN, TOV I
590 NORMANDY RD
MADEIRA BEACH, FL 33708

Respondents.

RE Property: 590 Normandy Rd

Parcel # 10-31-15-43272-000-0430

Legal Description: ISLAJND ESTATES UNIT NO. 1 N ½ LOT 43 & S 49 FT OF LOT 42

NOTICE OF HEARING

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at 02:00 pm on MONDAY the 20th
day of May, 2024 at the Madeira Beach City Center in the Patricia Shontz Commission
Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be
held before the Special Magistrate concerning the following code violation(s):

Sec. 86-52. - When required.

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change the occupancy of a building or structure, or erect, or construct a sign, or install or
alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or
other heat producing apparatus, plumbing, mechanical or electrical equipment or any
appurtenances, the installation of which is regulated by the land development regulations or
other sections of the Code until a permit has been issued by the building official. When the
cost of repair or modification does not exceed \$500.00, does not result in a structural change,
and does not require an inspection, a permit need not be issued by the building official. No
permit is required for uncovering flat slabs of no greater than 50 square feet, for work of
strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof
work less than \$100.00 in value.

Page 1 of 2

EL

May 13, 2024 12:42:57 PM
200 Municipal Drive
Madeira Beach
Pinellas County
Florida