

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.

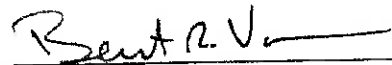
10. The Respondents shall correct the above stated violation within 30 days, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to apply for and obtain and after-the-fact building permit and comply with City Code. If the permit cannot 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.

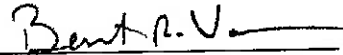
12. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 31<sup>st</sup> 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 31<sup>st</sup> day of October, 2023.



Bart R. Valdes

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#### 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.

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**ORDER OF NON-COMPLIANCE AND  
ORDER IMPOSING FINE AND CERTIFYING LIEN**

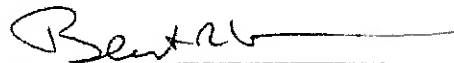
THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 20, 2024, after due notice to the Respondents, and the Special Magistrate having reviewed all filings, received evidence, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

1. The Respondents and the property located at 572 Johns Pass Ave., Madeira Beach, FL 33708 (the "Property") were found to be in violation of Section(s) 86-52, 110-471, and 110-719, of the Code of Ordinances of the City of Madeira Beach based on the Findings of Fact, Conclusion of Law and Order Imposing Fine dated October 31, 2023.

2. The Respondents did not bring the property into compliance by the compliance deadline and are still not in compliance.

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

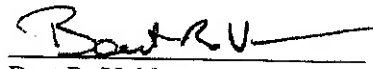
DONE AND ORDERED this 24<sup>th</sup> day of May, 2024.



Bart R. Valdes  
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **John Scott Holcomb and Jennifer Lynn Holcomb, 572 Johns Pass Ave., Madeira Beach, FL**

33708; and 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 24<sup>th</sup> day of May, 2024.

  
Bart R. Valdes

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**ORDER DENYING RESPONDENTS' REQUEST TO STAY FINES**

**THIS CAUSE** came on to be heard before the undersigned Special Magistrate on July 29, 2024, on Respondents' request to stay the daily fine for non-compliance tendered to the Special Magistrate in an e-mail dated July 9, 2024, after proper notice was provided to the Respondents and giving the Respondents adequate opportunity to appear at the Hearing, and the Special Magistrate having reviewed the request and hearing from Petitioner's counsel, Thomas J. Trask, and otherwise being fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** that Respondents' request to stay the fines in that certain Findings of Fact, Conclusion of Law and Order Imposing Fine dated October 31, 2023 is hereby **DENIED**.

**DONE AND ORDERED** this 5<sup>th</sup> day of August, 2024.

By Bart R. Valdes  
Bart R. Valdes, Special Magistrate

I hereby certify that a true and correct copy of this Order was delivered by certified mail and regular mail to John Scott Holcomb and Jennifer Lynn Holcomb, 572 Johns Pass Ave., Madeira Beach, FL 33708, and by e-mail transmission to Thomas J. Trask, City Attorney for the City of Madeira Beach ([tom@cityattorenevs.legal](mailto:tom@cityattorenevs.legal)) and to Clara VanBlargan, City Clerk of the City of Madeira Beach ([cvanblargan@madeirabeachfl.gov](mailto:cvanblargan@madeirabeachfl.gov)), this 5<sup>th</sup> day of August, 2024.

Bart R. Valdes  
Bart R. Valdes