

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 5<sup>th</sup> 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 5<sup>th</sup> day of March, 2024.

  
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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**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

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**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.

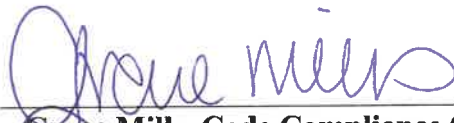
Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

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

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**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 13<sup>th</sup> 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,

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**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 5<sup>th</sup>, 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 3<sup>rd</sup>, 2024, Respondent filed an application with the City of Madeira Beach for the required permits, which were denied on May 6<sup>th</sup>, 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 8<sup>th</sup> day of May, 2024.



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TOV I. VESTGAARDEN

**CERTIFIED MAIL®**



7019 1120 0000 4383 5826



Drive  
ida 33708

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

Respondents.

# 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 20<sup>th</sup> 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

ral maintenance.

ecture or accessory structure (including fences, signs, screens  
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  
les, crumbling stone or brick, excessive peeling paint or other  
terioration or inadequate maintenance to the end which the  
reserved, safety and fire hazards eliminated, and adjoining  
ted from conditions which tend to decrease the property values  
es.

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work less than \$100.00 in value.

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EL

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