

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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**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

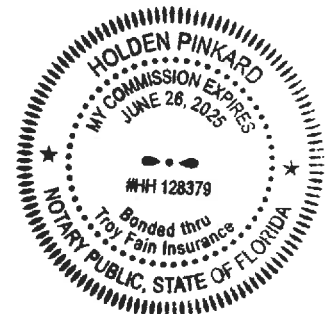
**STATE OF FLORIDA**

**COUNTY OF PINELLAS**

Before me on this 10<sup>th</sup> 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  
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City of Madeira Beach  
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Petitioner,

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CASE NO. 2023.3608

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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 2<sup>ND</sup> ADD LOT 86

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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 **20<sup>th</sup>** 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,

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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 2<sup>ND</sup> ADD LOT 86

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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 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, 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 10<sup>TH</sup> 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 5796



al Drive  
Florida 33708

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

Dependents

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

**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

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

d Mail

d Mail Restricted Delivery

500)

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

Domestic Return Receipt





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









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