CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

CASE NUMBER: 2023.3608

CITY OF MADEIRA BEACH,

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 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 317 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.

in

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

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 **20**th 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 day of My, 202

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.

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

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before physical presence or online notarization, t	his <u>/0⁷⁴</u> day of <u>MA4</u> , 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	HOLDEN PINK 2000 CT. ST. ST. ST. ST. ST. ST. ST. ST. ST. S
Print or type Name.	### 128379 **
HOLDEN PINKARD	SIC STATE OF MINING

GENTIFIED WAIL





al Drive Florida 33708

7019 1120 0000 4383 5796

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

Desnondents

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
 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 	A. Signature X B. Received by (Printed Name) D. Is delivery address different from If YES, enter delivery address be	☐ Agent ☐ Addressee C. Date of Delivery tem 12 ☐ Yes	
9590 9402 7951 2305 9239 63 2. Article Number (Transfer from service label) 7019 1120 0000 4383 5796	Adult Signature Restricted Delivery Certified Mail® Certified Mail®	Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Signature Confirmation™ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053	Don	estic Return Receipt	





CITY OF MADEIRA BEACH



th. Florida will be held on Monday, April

th. Florida 3370s, to discuss the agenda item

Spectrum Television Public Access Channel

ny of Madera Beach website by clicking the

CH REVISED BLK 9, LOT 7 & NELY 1/2 OF

ensity Multifamily Residential/Residential Medium

yard: a. Single-family lots less than 50 feet wide may

mum of five feet on either side. & Sec. 110-206. - (4)

ole space elevated at or above the elevation designated

or stairs, platforms for mechanical equipment, and

ard setback, but only to a depth of no more than one-

be located in the middle one-third of the structure. All

led from public view with materials including, but not

u are a property owner within 300 feet of the subject

or disapproval of this application, you may attend the ments to planning/amadeirabeachfl.gov. Any affected

and can be entitled to present evidence at the hearing

elevant exhibits and other documentary evidence and to Intent to be a party with the Community Development hearing. The nonce, which is attached, can be filed in

ter in the Patricia Shortz Commission

AL MAGISTRATE VARIANCE

DEIRA BEACH, FL 33708

for 3' wide utility deck

BEACH

na Donovan

iin Donovan

58 PG 368

ORIDA 33708

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 Gregg Gallagher Applicant: Property Owner(s): Patrick and Denise Winn

Property Address: 14062 W PARSLEY DR MADEIRA BEACH, FL 33708 Parcel ID: 10-31-15-34398-018-0180

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, 6'8" west side setback and 5'8" east side setback.

Specific Code Provisions: Sec. 110-181. -(2) Rear yard: Waterfront lots: 30 feet. & (3) 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 amadeirabeachfl.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 View more information about this application at https://madetubeschill.gov/plan-poview-documents

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 BLACH, FL 33708

CYBER SECURITY LEADERSHIP & STRATEGY COURSE PRESENTED BY FLORIDA INTERNATIONAL UNIVERSITY

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

Certificates will be provided to all participants.

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



of Maderra Beach, Florida will be beld on Monday, April 22, City Center in the Patricia Shortz Commission Chambers, Beach, Florida 33708, to discuss the agenda item listed below.

DE MADEIRA BEACH

BEACH, FLORIDA 33708

MUNICIPAL DRIVE

in Spectrum Television Public Access Channel 640 for viewers City of Madeira Beach website by clicking the Watch Live FOR SPECIAL MAGISTRATE-VARIANCE

024-03 ak Hayes Architects

Home Pro Inc. Gull Boulevard, Madeira Beach FL 33708 15-58320-010-0080

THELL'S BEACH REVISED BLK 10, LOTS & THRU 10 LESS W PER O.R.'S 4355/231 & 4426/1135 Retail Commercial Zoning District, Residential/Office/Retail 550 Way, 6'-6" rear setback, partial reduction of 5' perimeter

)-(3): minimum rear setback, minimum side setback for lots eet in width, 106-35(1): the exterior of all venoular use areas shall

h is at least five feet in width. because you are a property owner within 300 feet of the subject ing approval or disapproval of this application, you may attend the smit comment to planning@madeirabeachfl.gov. Any affected person ing and can be entitled to present endence at the hearing including ed relevant exhibits and other documentary evidence and to crossnotice of intent to be a party with the Community Development prior to the hearing. The notice, which is attached, can be filed in ity Development Department at Madeira Beach City Hall located at

be reviewed between 8:00 a.m. and 4:00 p.m. City Hall, City of Madeira Beach website, and Gulf Beaches Library

such, 33708. The variance application is on file in the Community

s application at little in aderabes full gos plan-terres documents

CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

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

SANTOS, MERCEDES VOLPE, THERESA

1745 WESLEY AVE

Petitioner,

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

work less than \$100.00 in value.

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):

CASE NO. 2023,3600

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

Page 1 of 2

CODE ENFORCEMENT SPECIAL MAGISTRATE CITY OF MADEIRA BEACH

CASE NO. 2023.3608

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

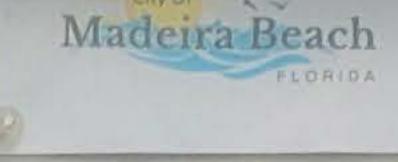
NOTICE OF HEARING

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Page 1 of 2



MEETING



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

CASE NO. 2023.3629

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.

Page 1 of 2

