

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

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

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**NOTICE OF HEARING**

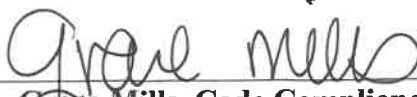
To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **29<sup>th</sup>** day of **July, 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 on Respondent's Email request for Motion for Extension of Time to Comply with Magistrate Order dated July 9, 2024 :

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 22 day of July, 2024.

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

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

July 19, 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 ACE  
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 22 day of July, 2024, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 22 day of July, 2024, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 22 day of July, 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 22 day of July, 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 22<sup>nd</sup> day of July, 2024, by Grace Mills, who is personally known to me, or produced \_\_\_\_\_ as identification. My Commission Expires: 03/15/27

Notary Public- State of Florida

Samantha Arison  
Print or type Name. Samantha Arison





7019 2970 0000 5515 2793

ppal Drive  
Florida 33708

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

**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:

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



9590 9402 7951 2305 9235 12

2. Article Number (Transfer from service label)

7019 2970 0000 5515 2793

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

Domestic Return Receipt

From: Scott <scott.holcomb@gmail.com>

Sent: Tuesday, July 9, 2024 8:02 PM

To: Valdes, Bart R. <bvaldes@dsklawgroup.com>

Subject: [EXT]Madeira Beach Case Number 2023.3608

Special Magistrate Valdes,

Please excuse my intrusion if this is not where you receive City emails but I could not find another email address for you on the City's website.

This is John Holcomb of 572 John's Pass Avenue. The purpose of this email is to ask if you would be willing to put my lien of \$100/day for being non-compliant with my outdoor kitchen on hold.

As you know, there has been an ordinance change recently that now allows for outdoor kitchens. My contractor (Antoine "Ted" Bociek) and I met with City Manager, Robin Gomez, Community Development Engineer, Marci Forbes, and Community Development Director, Jenny Rowan.

I believe Frank DeSantis, CBO Building Official was also in attendance. A gentleman came in after we had started the meeting but did not introduce himself but his badge said Frank so I am assuming this was Frank DeSantis.

During this meeting, we discussed Ordinance 2024-02, specifically Sections 110-4726 paragraph 2 and 110-491. At the recommendation of Mr. Gomez, I am emailing you to ask if you may allow an indefinite stoppage of the \$100/day fine while my contractor and I work with City officials to determine how the aforementioned revised sections of the Ordinance 2024-02 affects my situation.

It was agreed during the meeting that my contractor, Mr. Bociek, would take measurements of the kitchen along with other particulars involving electrical and plumbing hookups, etc., and provide it to Ms. Forbes along with a survey of the property to determine if a) we are now in compliance, or b) what modifications would need to be made in order to be in compliance with the revised sections of the ordinance.

It has always been my intention to be in compliance with the City but was trying to avoid destroying a \$60,000 outdoor kitchen if it could be avoided with the revised sections of the ordinance.

I appreciate your review of my case. I would be happy to answer any further questions you may have relating to this matter.

Thank you

John "Scott" Holcomb

572 John's Pass Avenue

Madeira Beach, FL 33708

813-951-3244

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.

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**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.

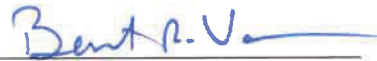
12. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

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

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.  
\_\_\_\_\_ /

**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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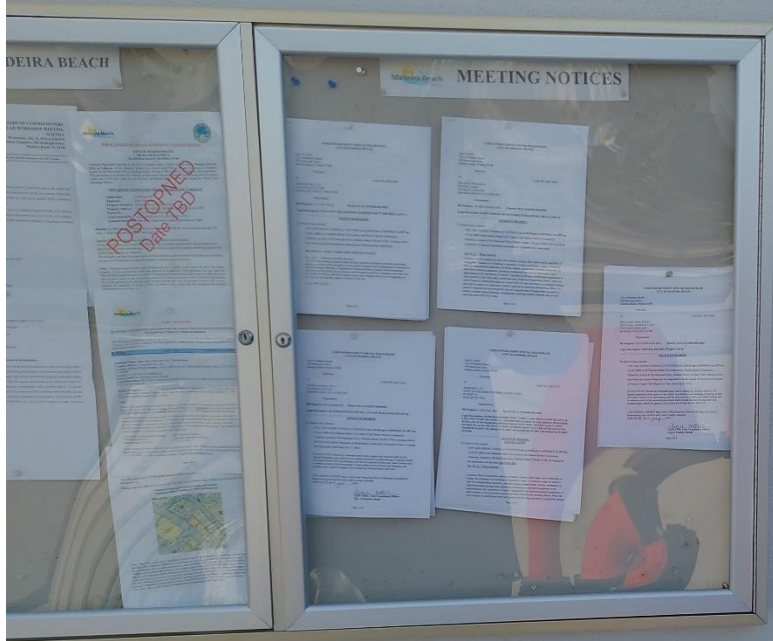
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572 Johns Pass Ave  
Madeira Beach, FL  
Jul 22, 2024 2:22:56 PM



Jul 22, 2024 3:28:44 PM  
300 Municipal Drive  
Madeira Beach  
Pinellas County  
Florida