

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

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. 2022.3526

VESTGAARDEN, TOV I
590 NORMANDY RD
MADEIRA BEACH FL 33708-2343

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

NOTICE OF HEARING

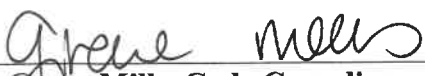
To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **02:00 pm** on **MONDAY** the **29th** 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 Motion for Extension of Time to Comply with Magistrate Order dated July 17, 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. 2022.3526

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 _____

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 590 Normandy Rd, Parcel # 10-31-15-43272-000-0430 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 22nd 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



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:

Vestgaarden, TOV I
590 Normandy Rd
Wadeira Beach FL 33708



9590 9402 5087 9092 7744 02

2. Article Number (Transfer from service label)

7019 2970 0000 5515 2731

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

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



7019 2970 0000 5515 2731

Principal Drive
Madeira Beach, Florida 33708

VESTGAARDEN, TOVI
590 NORMANDY RD
MADEIRA BEACH FL 33708-2343

Respondents.

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 5th 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 5th day of March, 2024.


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

CITY OF MADEIRA BEACH,

CASE NUMBER: 2022.3526

Petitioner,

vs.

VESTGAARDEN, TOV I.,
590 Normandy Rd.
Madeira Beach, FL 33708,

Respondent.

ORDER EXTENDING COMPLIANCE DEADLINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 20, 2024, after due notice to the Respondent, and the Special Magistrate having considered the Respondent's request for an extension of the compliance deadline, heard argument of counsel, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

1. The deadline for compliance set forth in the Findings of Fact, Conclusion of Law and Order Imposing Fine dated March 5, 2024, is extended to July 22, 2024.

DONE AND ORDERED this 24th day of May, 2024.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order Extending Compliance Deadline was delivered by certified mail and regular mail to: **Tov I. Vestgaarden, 590 Norman Rd., Madeira Beach, FL 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; **Timothy Driscoll, Esq., 146 2nd St. N., Ste. 310, St. Petersburg, FL 33701 (Driscoll.lawfirm@gmail.com)**; 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 24th day of May, 2024.



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.

COPY

JUL17 '24 3:56PM

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

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,

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, 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, 2024 Respondent filed an application with the City of Madeira Beach for the required permits, which were denied on May 6, 2024.
3. On May 8, 2024 Respondent filed a motion for extension to the Magistrate's order to comply.
4. On May 20, 2024 the Magistrate granted the motion for extension allowing an extension of time until July 22, 2024 to comply.

COPY

5. Respondent has engaged in extensive discussions with city officials in an effort to address issues relating to the Chickee Hut, without reaching a resolution, including a rejected request to convert the Hut into playground equipment.
6. Respondent is seeking a permit under revised rules approved by the City Commission on June 12, 2024 that would allow the Chickee Hut on another location on Respondent's property.
7. Respondent is in need of additional time to obtain the aforesaid permit and relocate the Chickee Hut to another location on Respondent's property.
8. Respondent is in need of an additional 90 days in order to proceed as outlined.
9. This motion will not prejudice the petitioner, and is not interposed for the purpose of delay.
10. Justice requires that this motion be granted.
11. Respondent has been diligently working with the City to resolve the issues surrounding the Chickee Hut from the time of the original Magistrate order and from the extension granted.
12. This action was not initiated in response to a citizen complaint.

WHEREFORE, Respondent respectfully requests the Magistrate grant this Motion for Extension of Time to Comply with Magistrate Order allow until October 15, 2024 to obtain the required permits in this matter.

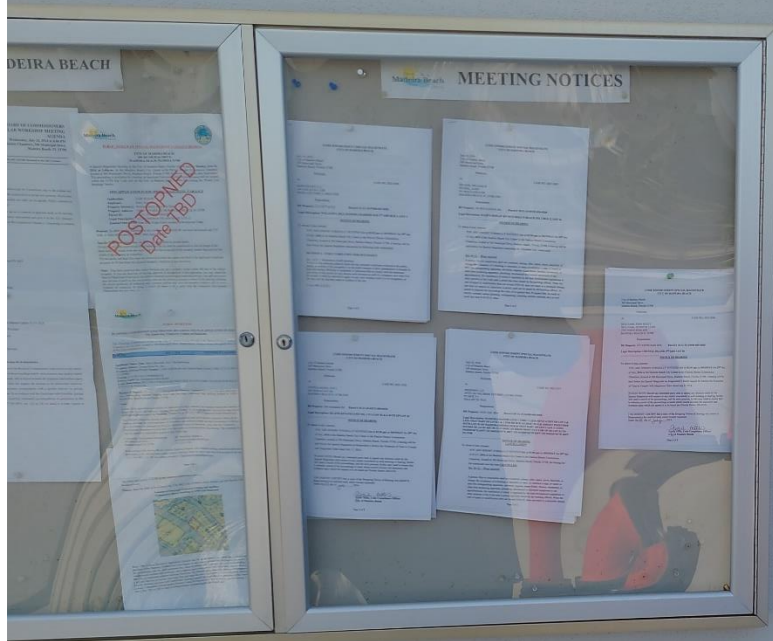
Respectfully submitted this 17th day of July, 2024.



TOV I. VESTGAARDEN



590 Normandy Rd
Madeira Beach, FL
Jul 22, 2024 2:26:51 PM



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