

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

May 15, 2025

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

Petitioner,

vs.

CASE NO. CE-24-106

CZAPLINSKY, NANCY
40 140TH AVE E
MADEIRA BEACH, FL 33708-2203

Respondents.

RE Property: 40 140th Ave. E

Parcel #10-31-15-34344-008-0100

Legal Description: GULF SHORES 2ND ADD BLK H, LOT 10 & SE 5FT OF LOT 11

NOTICE OF HEARING
REQUEST FOR ADDITIONAL TIME

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **12:00 pm** on **TUESDAY** the **27th** day of May , **2025** 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. 14-69. - Same—Maintenance of the exterior of premises.

The exterior of premises and all structures thereon including but not limited to private property and va-cant lots shall be kept free of all hazards to the health, safety and welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same.

(1)Garbage, trash, refuse, debris, accumulations of filth, broken glass, junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, inoperative machinery, machinery parts, and similar materials shall not be stored or maintained on private property.

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.

(2) Floors, interior walls and ceilings of every structure shall be structurally sound.

(6) Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

(7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.

(11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely.

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.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation(s), should you be found in violation of the City Code.

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.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

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 15 day of May, 2025.

Holden Pinkard

**Holden Pinkard, Building Compliance Supervisor
City of Madeira Beach**

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

May 15, 2025

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

Petitioner,

vs.

CASE NO. CE-24-106

CZAPLINSKY, NANCY
8662 117th St N.
Seminole, FL 33772

Respondents.

RE Property: 40 140th Ave. E **Parcel #**10-31-15-34344-008-0100

Legal Description: GULF SHORES 2ND ADD BLK H, LOT 10 & SE 5FT OF LOT 11

AFFIDAVIT OF SERVICE

I, Holden Pinkard, Building Compliance Supervisor of the City of Madeira Beach, upon being
duly sworn, deposed and says the following:

That pursuant to Florida Statute 162.12,

On the 15th day of May, 2025, I mailed a copy of the attached NOTICE OF HEARING via
Certified Mail, Return Receipt Requested.

On the 15th day of May, 2025, I mailed a copy of the attached NOTICE OF HEARING via
First Class mail.

On the 15th day of May, 2025, I posted a copy of the attached NOTICE OF HEARING on the
property located at 40 140th Ave. E, Parcel # 10-31-15-34344-008-0100 the City of Madeira
Beach.

On the 15th day of May, 2025, 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.



**Holden Pinkard, Building Compliance Supervisor
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 15th day of May, 2025, by Holden Pinkard, who is personally known to me, or produced — as identification. My Commission Expires: 03-15-27

Notary Public- State of Florida



Print or type Name. Samantha Arison



CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-106

Petitioner,

vs.

CZAPLINSKY, NANCY,
40 140th Ave. E.
Madeira Beach, FL 33708,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER IMPOSING FINE AND CERTIFYING LIEN**

THIS CAUSE came on to be heard at the public hearing before the undersigned Special Magistrate on March 31, 2025, 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. Nancy Czaplinsky appeared at the Hearing and admitted to the violations.
3. No one provided public comment.
4. The property in question is located at 40 140th Ave. E., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 2ND ADD BLK H, LOT 10 & SE 5FT OF LOT 11

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 sections of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 14-69.- Same- Maintenance of the exterior of premises.

The exterior of premises and all structures thereon including but not limited to private property and vacant lots shall be kept free of all hazards to the health, safety and

welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same.

(1) Garbage, trash, refuse, debris, accumulations of filth, broken glass, junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, inoperative machinery, machinery parts, and similar materials shall not be stored or maintained on private property.

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.

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(7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.

(11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safety.

7. The violations 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 violations and bringing the Property into compliance is on or before April 30, 2025.

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 14-69 and 14-70 of the Code of Ordinances of the City of Madeira Beach.


10. The Respondent shall correct the above stated violations on or before April 30, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing.

11. Upon complying, the Respondent shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

12. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$250.00 per day for the violations set forth in Paragraph 6 above for each day the Respondent has failed to correct the violations after April 30, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

13. 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 16th day of April, 2025.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Nancy Czaplinsky, 40 140th Ave. E., Madeira Beach, Florida 33708; 8662 117th St. N., Seminole, Florida 33772;** 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 16th day of April, 2025.


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. §162.11, *Florida Statutes* (2024).



