

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 2022-02

Stephen P. Rivera c/o Ivan Wolfson
for the property located at
306 129th Ave. E.
Madeira Beach, Florida 33708,

Applicant.

ORDER GRANTING VARIANCE

Madeira Beach Land Development Regulations, Section 110-232(1).-Setback Requirements. (1) Front yard: b. Multifamily, tourist and restaurant: 25 feet.

PARCEL IDENTIFICATION NUMBER: 15-31-15-97830-000-0390

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on August 1, 2022, and, based on the evidence, the lack of any objections, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Stephen P. Rivera c/o Ivan Wolfson (collectively, “the applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance reducing the front yard setback from 25 feet to 18 feet to allow a storm damaged building to be replaced with a new structure.

2. The applicant’s property, if built according to the plans, will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach (“the Code”).

3. Special conditions and circumstances exist, as stated on the record, and in the Staff report to justify the variance due to the pie shape of the lot. The variance would be compatible with the neighborhood character of the area and bring the lot more into compliance and allow for a new structure that would meet the requirements in Sec. 110-96 for rebuilding after a loss.

4. The special conditions and circumstances do not result from the actions of the applicant since the hardship pre-existed his ownership. The hardship claimed is the shape of the

lot and the need to comply with current building codes. The hardship does not result from the actions of the applicant and there has been precedence to allow development of surrounding lots with intrusions into the required setbacks.

5. Granting the variance will not confer on the applicant a special privilege that is denied to other lands, buildings or structures in the same zoning district and will have the same density after reconstruction. The requested variance is not more significant than those offered to any other property in the same zoning district. The variance requested is compatible with new structures in the area, is in keeping with the neighborhood character and confers only the minimum privilege enjoyed by surrounding properties.

6. Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of the Code and would work an unnecessary and undue hardship on the applicant and the conceptual structure. Literal interpretation would not allow for the proposed construction, and would prevent redevelopment of the current dilapidated structure.

7. The requested variance is the minimum setback necessary to allow compliance with building standards.

8. The variance requested is in harmony with the general intent and purposes of the city land development regulations to allow for redevelopment on the subject property. The granting of the variance is based on unique circumstances and does not pose a detriment to the public welfare.

9. The variance is appropriate under the following condition(s): N/A

CONCLUSION OF LAW

1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

2. The applicant has the burden to establish the requirements for the variance. Here, the applicant meets the criteria for the variance as set forth in Section 2-507 of the Madeira Beach Code of Ordinances.

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, Section 110-232(1) in order

to allow for the construction of a permanent structure on the lot, reducing the front yard setback from 25 feet to 18 feet.

DONE AND ORDERED on August 9, 2022.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Stephen P. Rivera c/o Ivan Wolfson
306 129th Ave. E.
Madeira Beach, Florida 33708

Stephen P. Rivera c/o Ivan Wolfson
149 Oak Knoll Terrace
Highland Park, IL 60035

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-22-2022

Petitioner,
vs.

JOHNSON, STEVE L,
495 S. Bayshore Dr.
Madeira Beach, FL 33708,

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022278243 09/14/2022 09:48 AM
OFF REC BK: 22201 PG: 932-934
DocType:CC JUD RECORDING: \$27.00

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 August 1, 2022, 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:

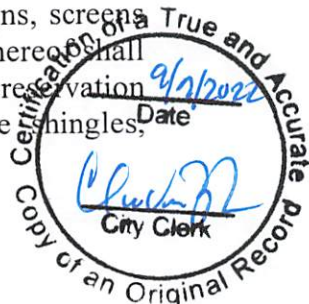
1. The City was represented by the City Attorney, Thomas Trask, Esq., and Deputy Jared Moren provided testimony evidencing that a code violation occurred.
2. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 495 S. Bayshore Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 4TH ADD BLK O, LOT 14

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. 14-70.- 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.

(1) All reconstruction of walls and sidings shall conform to the requirements of the Standard Building Code and shall be finished in a manner such that the materials used will not be of a kind which by their appearance, under prevailing practices and standards, will depreciate the values of the neighboring and adjoining premises.

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

(3) Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, free from cracks, breaks and other hazards.

(4) All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product or have similar protective coating applied in accordance with the manufacturer's specifications.

(5) Washrooms and water closet compartment floors shall be surfaced with water resistant materials and shall be kept in a sanitary condition at all times.

(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.

(8) Every washroom and water closet compartment shall be provided with permanently installed lighting fixtures with a switch and wall plate so located and maintained to ensure there is no danger of short circuiting from water, from other bathroom facilities or from splashing of water.

(9) All premises shall be properly connected to and be provided with electric power through safely insulated conductors and shall conform to all provisions of the National Electrical Code.

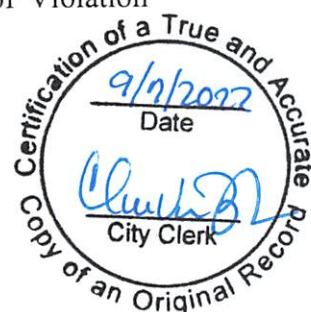
(10) The owner/occupant shall have the duty and responsibility of providing storage containers for the storage and disposal of garbage.

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

(12) Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the function for which they are designed. Chimneys, flues, gas vents, or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.

(13) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with railings properly designed and maintained to minimize the hazard of people falling, and the same shall be kept structurally sound, in good repair and free from defects.

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 August 31, 2022.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Section 14-70 of the Code of Ordinances of the City of Madeira Beach.

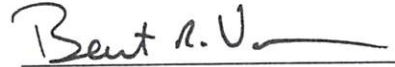
2. The Respondent shall correct the above stated violations on or before August 31, 2022, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing. The Respondent will remove or repair the dock located on the Property.

3. 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.

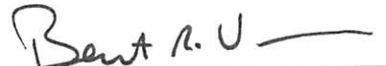
4. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$100.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violations after August 31, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

5. 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 9th day of August, 2022.

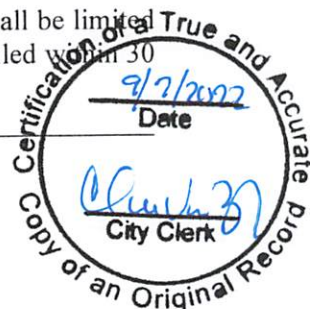

Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Steve Jonhson, 495 S. Bayshore Dr., 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 9th day of August, 2022.


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: 2022.3387

Petitioner,

vs.

BERNARD SCOTT LLC,
13227 2nd St. East,
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 August 1, 2022, 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:

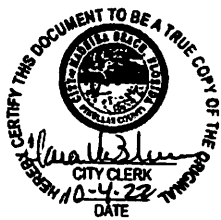
1. The City was represented by the City Attorney, Thomas Trask, Esq., and Laura Roby, Frank Desantis and Jenny Rowan provided testimony on behalf of the City.
2. Daniel Lavender appeared on behalf of the Respondent.
3. No member of the public provided public comment. The Respondent admitted to performing certain work without a permit.
4. The property in question is located at 13227 2nd St. East, Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

PAGE'S REPLAT OF MITCHELL'S BEACH BLK K, LOTS 6 AND 7

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.- 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 sixty (60) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

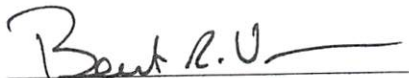
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before September 30, 2022, by taking the remedial action as set forth in the Notice of Code Violation and stated on the record at the hearing, which is to obtain a building permit or remove all unpermitted work.

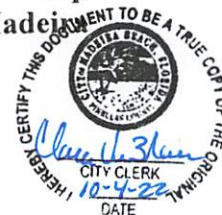
3. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, without further hearing, in the amount of \$100.00 per day for the violations set forth in Paragraph 6 above for each day the Respondent has failed to correct the violations after September 30, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

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

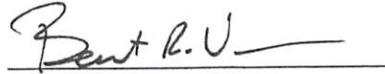
DONE AND ORDERED this 9th day of August, 2022.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Bernard Scott, LLC, 13227 2nd St. E., Madeira Beach, Florida 33708; and 301 W. Platt St., Suite 223, Tampa, Florida 33606;** 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.**



Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 9th day of August, 2022.


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: 2022.3443

Petitioner,
vs.

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022278242 09/14/2022 09:48 AM
OFF REC BK: 22201 PG: 929-931
DocType:CC JUD RECORDING: \$27.00

IVANCHUK, NAZARY,
431 Virginia Ave.
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 August 1, 2022, 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, Thomas Trask, Esq., and Frank Desantis provided testimony on behalf of the City.
2. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 431 Virginia Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 4TH ADD BLK P, LOT 4

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.- 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 thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

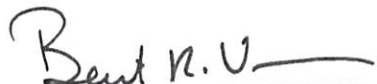
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before August 31, 2022, by taking the remedial action as set forth in the Notice of Code Violation and stated on the record at the hearing to obtain an "after-the-fact" building permit for the mechanical work (which appears to be air conditioners) done at the Property.

3. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, without further hearing, 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 August 31, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

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

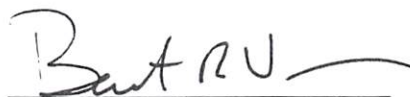
DONE AND ORDERED this 9th day of August, 2022.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Nazary Ivanchuk, 431 Virginia Ave., Madeira Beach, Florida 33708** (cityskynoz@gmail.com); by electronic mail to **Thomas Trask, For a True and Accurate** (tom@cityattorneys.legal); and by U.S. Mail and e-mail transmission to the City of Madeira **Copy of an Original Record**



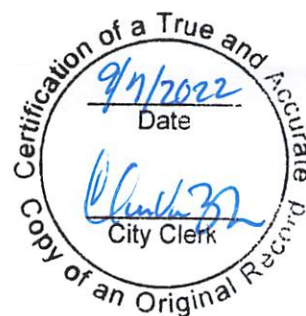
Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 9th day of August, 2022.



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: 2022.3444

Petitioner,

vs.

IVANCHUK, NAZARY,
431 Virginia Ave.
Madeira Beach, FL 33708,

Respondent.

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022278240 09/14/2022 09:48 AM
OFF REC BK: 22201 PG: 923-925
DocType:CC JUD RECORDING: \$27.00

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 August 1, 2022, 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, Thomas Trask, Esq., and Frank Desantis provided testimony on behalf of the City.
2. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 431 Virginia Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 4TH ADD BLK P, LOT 4

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.- 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 thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

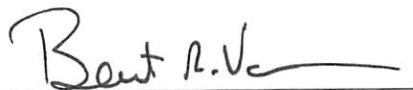
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before August 31, 2022, by taking the remedial action as set forth in the Notice of Code Violation and stated on the record at the hearing to obtain an "after-the-fact" building permit for the awning or patio cover constructed at the Property. If the permit cannot be obtained, then the structure must be removed.

3. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, without further hearing, 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 August 31, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

4. 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 9th day of August, 2022.

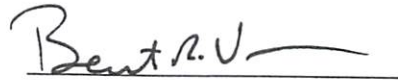


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Nazary Ivanchuk, 431 Virginia Ave., Madeira Beach, Florida 33708 (cityskynoz@gmail.com)**; 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.

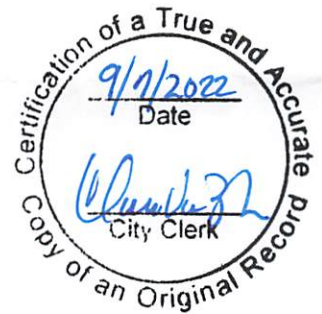


Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 9th day of August, 2022.


Bart R. Valdes

APPEALS

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CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2022.3445

Petitioner,

vs.

IVANCHUK, NAZARY,
431 Virginia Ave.
Madeira Beach, FL 33708,

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022278241 09/14/2022 09:48 AM
OFF REC BK: 22201 PG: 926-928
DocType:CC JUD RECORDING: \$27.00

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 August 1, 2022, 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:

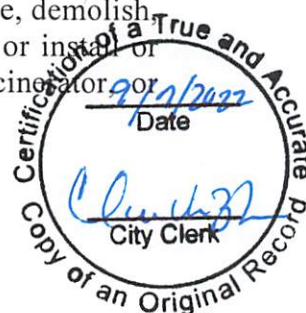
1. The City was represented by the City Attorney, Thomas Trask, Esq., and Frank Desantis provided testimony on behalf of the City.
2. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 431 Virginia Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 4TH ADD BLK P, LOT 4

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.- 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 thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before August 31, 2022, by taking the remedial action as set forth in the Notice of Code Violation and stated on the record at the hearing to obtain an "after-the-fact" building permit for the addition built on the Property. If the permit cannot be obtained, then the unpermitted construction must be removed.

3. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, without further hearing, in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after August 31, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

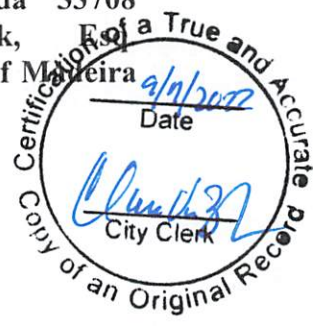
4. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 9th day of August, 2022.

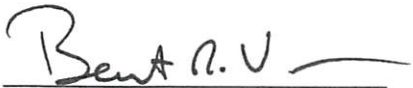


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Nazary Ivanchuk, 431 Virginia Ave., Madeira Beach, Florida 33708 (cityskynoz@gmail.com);** by electronic mail to **Thomas Trask, (tom@cityattorneys.legal);** and by U.S. Mail and e-mail transmission to the City of Madeira Beach.



Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 9th day of August, 2022.


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.

