

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-21-0061

Petitioner,

vs.

DOUGLAS J. SEURA and
RACHEL SUURA
709 Pruitt Drive
Madeira Beach, Florida 33708,

Respondents.
_____ /

FINDINGS OF FACT AND CONCLUSION OF LAW

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on January 24, 2022, 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, Thomas Trask, Esq., and Deputy, Jared Moren, provided testimony evidencing that code violations occurred, and also played body camera footage of two (2) short-term rental occupants.
2. Douglas Seura appeared on behalf of the Respondents and admitted to the violations.
3. No one provided public comment.
4. The property in question is located at 709 Pruitt Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

BAY POINT ESTATES BLK 2, THAT PT OF LOT 16 DESC BEG MOST S'LY COR OF LOT 16 TH N42D13'36"W 90FT TO MOST W'LY LOT COR TH N32D10'30"E 30FT ALG NW'LY LOT LINE TH SE'LY TO POINT ON SE'LY LOT LINE 45FT NE'LY OF MOST S'LY LOT COR TH SW'LY 45FT TO POB TOGETHER WITH NE'LY 30FT OF LOT 17
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. Evidence of proper notice also included the Respondents calling the City after the Notice of Violations and Mr. Seura appearing at the hearing.

6. The Respondents were notified that Respondents were in violation of the following sections of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 34-503.- Registration required.

(a) It is unlawful for any person to allow another person to occupy any residential property as a vacation rental within the city or offer such rental services within the city, unless the person has registered the vacation rental property with the city and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this division.

(b) A person may not allow another person to occupy any residential property as a vacation rental without the issuance of a certificate of compliance if;

(1) The residential property has an effective and valid license as a vacation rental classification of public lodging establishment issued by the state department of business and professional regulations prior to February 28, 2006; and

(2) The residential property is not in violation of any section of the Code of Ordinances; and

(3) An application for registration of the residential property as a vacation rental has been filed pursuant to section 34-504 and all applicable fees have been paid; and

(4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contract provided to city code enforcement no later than December 10, 2015.

Sec. 110-176.- Definition; purpose and intent.

The R-1, single-family residential district provides for single-family residential development located where lower density single-family uses are desirable. The R-1, single-family residential district correlates with the residential urban (RU) category of the Countywide Plan. The lots and dwellings are larger sized to provide for the desired density of use. Essential services and public facilities compatible with this residential district are also provided.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a six-month period.

7. The violations set forth in Paragraph 6 above existed as of the date of the Notice of Violation herein. At the public hearing testimony was given that the Property has been brought into compliance but 2 violations did occur.

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

1. The Respondents, and the Property at the above mentioned location, are found to be in violation of Sections 34-503 and 110-176, of the Code of Ordinances of the City of Madeira Beach.

2. In the event the Property is used for short-term rentals in the future then the Respondents, and the Property, may be deemed a repeat offender.

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 26th day of January, 2022.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact and Special Magistrate Order was delivered by certified mail and regular mail to: **Douglas & Rachel Seura, 709 Pruitt Dr., Madeira Beach, FL 33708; and 804 Games St., Raymore, MO 64083;** 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 26th day of January, 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.
