

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1262

Petitioner,

vs.

PERNA, MARINA A,
and PERNA, LYNDIA
15401 Gulf Blvd.
Madeira Beach, FL 33708,

Respondent.

**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 August 23, 2021, after due notice to the Respondent, 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 Respondent and the property located at 15401 Gulf Blvd., Madeira Beach, FL 33708 (the "Property") were found to be in violation of Section(s) 86-52, 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 May 26, 2021. The Property has not been brought into compliance.

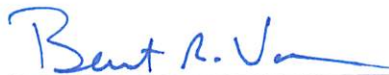
2. A fine is imposed in the amount of \$100.00, per day from July 23, 2021, through the date the Property is brought into compliance, as a result of the Respondent's violation of Section(s) 86-52 of the Code of Ordinances of the City of Madeira Beach.

3. If this fine is not paid within 30 days then the City of Madeira Beach may record this Order in the Official Records of Pinellas County.

4. Upon recording, this Order shall become a lien upon the above described real property, and other real property of Respondent in Pinellas County and any personal property of the Respondent, as provided by law.

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 31st day of August, 2021.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Marina & Lynda Perna, 15401 Gulf Blvd., Madeira Beach, Florida 33708; and 10770 Spring St., Largo, FL 33774;** 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 31st day of August, 2021.



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: 2021.019

Petitioner,

vs.

FREDERICK ROAD REALTY,
14801 Gulf Blvd.
Madeira Beach, FL 33708,

Respondent.

ORDER OF COMPLIANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on August 23, 2021, after due notice to the Respondent, and having received evidence, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

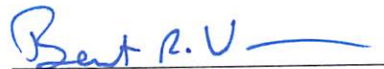
1. The violations set forth in the Findings of Fact, Conclusion of Law and Order Imposing Fine and Certifying Lien dated April 27, 2021, have been corrected. The property located at 14801 Gulf Blvd., Madeira Beach, FL 33708, was brought into compliance on July 12, 2021.

DONE AND ORDERED this 31st day of August, 2021.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Frederick Road Realty, 14801 Gulf Blvd., Madeira Beach, FL 33708; and 606 Frederick Rd., Ste. 2, Catonsville, MD 21228;** 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 31st day of August, 2021.



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.

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 2021-02

Arthur Ray Kerr,
for the property located at
583 Johns Pass Ave.
Madeira Beach, Florida 33708,

Applicant.

_____ /

ORDER GRANTING VARIANCE

The Applicant seeks a variance in regard to Madeira Beach Land Development Regulations, Section 110-181 (3) Side yard: Total side setback of 15 feet with minimum of 7 feet on either side. The property address is 583 Johns Pass Ave., Madeira Beach, FL 33708, and it is identified as:

PARCEL IDENTIFICATION NUMBER: 10-31-15-19998-000-0790

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on August 23, 2021, 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 Arthur Ray Kerr requests a variance from the requirements of the above stated Madeira Beach Code of Ordinances, to reduce the side yard setback to convert a nonconforming garage to occupied space.
2. The applicant's property needs a variance to 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 and Recommendation, to justify the variance.
4. The variance will not cause substantial injury to the value of the other properties in the neighborhood.

5. The special conditions and circumstances do not result from the actions of the applicant since the hardship pre-existed the applicant's ownership.

6. 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. The variance requested is compatible with other houses in the area, is in keeping with the neighborhood character and confers only the minimum privilege enjoyed by surrounding properties. Also, the variance will not impact off-street parking and landscaping and screening will not change.

7. 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.

8. The requested variance is the minimum setback necessary that will make possible the reasonable use of the land.

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

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

CONCLUSION OF LAW

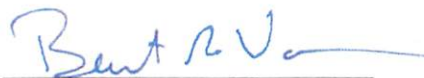
1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result 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 for all the reasons set forth in the record at the hearing and above.

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, Section 110-181(3) in order to allow for the conversion of a nonconforming garage to be used as occupied space.

DONE AND ORDERED on 31st day of August, 2021.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Arthur Ray Kerr
583 Johns Pass Ave.
Madeira Beach, FL 33708