

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1262

Petitioner,

vs.

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

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2021250081 07/30/2021 10:10 AM
OFF REC BK: 21650 PG: 835-837
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Respondents.

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 May 24, 2021, 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, Holden Pinkard provided testimony evidencing a code violation occurred.
2. No one appeared on behalf of the Respondents.
3. No one provided public comment.
4. The property in question is located at 15401 Gulf Blvd., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

FROM SE COR OF INDIAN ROCKS SUB BLK 10 LOT 12 TH S 60 FT TO S R/W HAMMOCK ST & W R/W SPRING ST BEING POB TH S 120FT TH N89DW 431.1FT TO THE NARROWS BULKHEAD LN TH N19DW ALG BULKHEAD LN 149FT(S) TH E 155FT(S) TH SE'LY 35FT(S) TH E 301FT(S) TO POB CONT 1.4AC(C)

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.

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

City/County of Pinellas
State of Florida
I certify this to be a true & exact copy of the original document.
Certified this 14 day of July 2021
Clara Van Blum Notary Public
Notary Public's Signature

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:

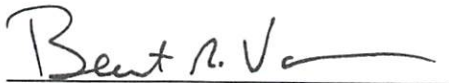
1. The Respondents, and the Property at the above mentioned location, are found to be in violation of Section 86-52 of the Code of Ordinances of the City of Madeira Beach.

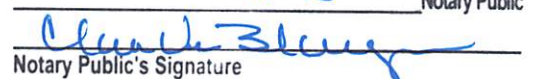
2. The Respondents shall correct the above stated violation on or before July 23, 2021, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing, by applying for and obtaining an after the fact permit for the paver driveway.

3. If the Respondents 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 Respondents have failed to correct the violation after July 23, 2021, 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.

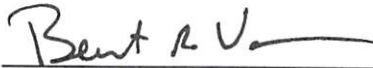
DONE AND ORDERED this 26th day of May, 2021.


Bart R. Valdes
Special Magistrate

City/County of Pineellas
State of Florida
I certify this to be a true & exact copy of the original document.
Certified this 14 day of July 20 21

Notary Public's Signature

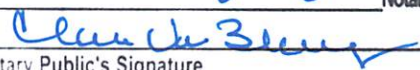
A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail

to: Perna, Marino A and Perna Lynda, 15401 Gulf Blvd., Madeira Beach, FL 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 26th day of May, 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.

City/County of Pinellas
State of Florida
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Certified this 14 day of July 20 21

Notary Public