

CODE ENFORCEMENT SPECIAL MAGISTRATE  
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1236

Petitioner,

vs.

VOLPE, BARBARA TRUST,  
VOLPE, BARBARA TRE,  
13715 Gulf Blvd.  
Madeira Beach, FL 33708

Respondent.

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

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on February 22, 2021, 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 Building Code Compliance Official, Holden Pinkard, provided testimony evidencing that a code violation occurred.

2. Vince Volpe appeared on behalf of the Respondent and raised several arguments in his defense, but admitted that he did work on his driveway of more than 50 sq. ft. without a permit. Also, he admitted that his labor and material cost for the work exceeded \$500.00.

3. Public comment was taken and no one provided public comment.

4. The property in question is located at 13715 Gulf Blvd., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES HARBOR SUB LOT 6 & LAND TO SEAWALL

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:

City/County of Pinellas  
Florida  
I certify this to be a true & exact copy of the original document.  
Certified this 11 day of October 20 21  
\_\_\_\_\_  
Notary Public  
Clara M. Blum  
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 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 Section 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 April 23, 2021, by taking the remedial action as set forth in the Notice of Violation, and at the Hearing, which includes getting a permit for the driveway work and paying all permit fees.

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 April 23, 2021, and the fine shall continue to accrue until such time as the Property is brought into compliance.

4. The City of Madeira Beach may record this Order Imposing Fine and Certifying Lien in the Official Records of Pinellas County.

5. Upon recording, this Order Imposing Fine and Certifying Lien 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.

City/County of Pinellas  
State of Florida  
I certify this to be a true & exact copy of the original document.  
Certified this 11 day of October 2021  
Charles J. [Signature] Notary Public  
Notary Public's Signature



6. 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 24th day of February, 2021.

Bart R. Valdes

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: **Volpe, Barbara Trust and Volpe, Barbara Tre, 13715 Gulf Blvd., Madeira Beach, Florida 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 24<sup>th</sup> day of February, 2021.

Bart R. Valdes

Bart R. Valdes

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#### 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.

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City/County of Pineellas  
State of Florida  
I certify this to be a true & exact copy of the original document.  
Certified this 11<sup>th</sup> day of October 2021  
Clarence Blum Notary Public  
Notary Public's Signature