

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3537

Petitioner,

vs.

AUTON, MICHAEL J.,
544 Johns Pass Ave.
Madeira Beach, FL 33708,

Respondent.

**AMENDED 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 February 26, 2024, 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, and Grace Mills provided testimony on behalf of the City.
2. Christine Giovenco appeared on behalf of the Respondent.
3. Michelle Helms provided public comment.
4. The property in question is located at 544 Johns Pass Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

CRYSTAL ISLAND 2ND ADD LOT 9

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.- Same- 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.

Sec. 110-472- R-1, single- family residential zones.

(2) Lots on water. For lots on water in R-1, single-family residential zones, accessory structures may be located in side or rear yards. If the accessory structure is located in a side yard, a minimum of 2½-foot side setback must be provided. If the accessory structure is located in the rear yard, the same rear setback as required for principal structures must be provided.

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 ninety (90) days from the date of the Hearing.

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

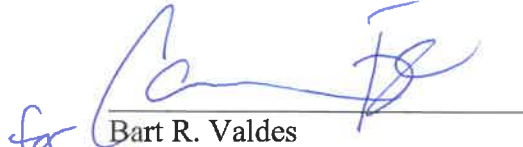
9. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 and 110-472, of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violation within 90 days, by taking the remedial action as set forth in the Notice of Violation, and stated on the record at the hearing, which is to apply for and obtain and after-the-fact building permit and comply with City Code. If the permit cannot be obtained, the structure must be removed, or somehow brought into compliance with City Code.

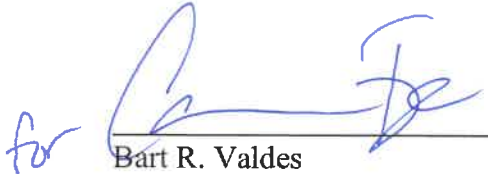
11. If the Respondent fails to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$100.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after 90 days, and the fine shall continue to accrue until such time as the Property is brought into compliance.

12. 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 6th day of March, 2024.

for 
Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Michael J. Auton, 544 Johns Pass Ave., 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 6th day of March, 2024.

for 
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.
