

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3629

Petitioner,

vs.

GOSNELL-SABROSO, DEBRA ANN
654 Normandy Rd.
Madeira Beach, FL 33708,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS 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 May 20, 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. Debra Ann Gosnell-Sabroso, the Respondent, appeared and admitted to the violation.
3. No one provided public comment.
4. The property in question is located at 654 Normandy Rd., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

ISLAND ESTATES UNIT NO. 1 LOT 34

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:

Sec. 14-70.- Same- General maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens

and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

7. The violations 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 violations and bringing the Property into compliance is on or before September 17, 2024.

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 14-70 of the Code of Ordinances of the City of Madeira Beach.

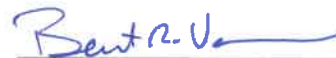
2. The Respondent shall correct the above stated violations on or before September 17, 2024, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing which is to remove, replace and/or repair the seawall at the property.

3. Upon complying, the Respondent shall notify the Code Compliance Officer, at the City of Madeira Beach, who shall then inspect the property to confirm compliance has been accomplished.

4. If the Respondent fails to timely comply with the remedial actions as 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 violations after September 17, 2024, and the fine shall continue to accrue until such time as the Property is brought into compliance.

5. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

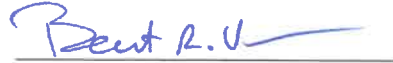
DONE AND ORDERED this 24th day of May, 2024.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order Imposing Administrative Fine and Certifying Lien was delivered by certified mail and regular mail to: **Debra Ann Gosnell-Sabroso, 654 Normandy**

Rd., 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 29th day of May, 2024.



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: 2022.3526

Petitioner,

vs.

VESTGAARDEN, TOV I.,
590 Normandy Rd.
Madeira Beach, FL 33708,


Respondent.

ORDER EXTENDING COMPLIANCE DEADLINE


THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 20, 2024, after due notice to the Respondent, and the Special Magistrate having considered the Respondent's request for an extension of the compliance deadline, heard argument of counsel, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

1. The deadline for compliance set forth in the Findings of Fact, Conclusion of Law and Order Imposing Fine dated March 5, 2024, is extended to July 22, 2024.

DONE AND ORDERED this 24th day of May, 2024.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order Extending Compliance Deadline was delivered by certified mail and regular mail to: **Tov I. Vestgaarden, 590 Norman Rd., Madeira Beach, FL 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; **Timothy Driscoll, Esq., 146 2nd St. N., Ste. 310, St. Petersburg, FL 33701 (Driscoll.lawfirm@gmail.com)**; 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 24th day of May, 2024.


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. VAR 2024-05

Kristina Carmichael
for the property located at
14010 W. Parsley Dr.
Madeira Beach, Florida 33708,

Applicant.

_____ /

ORDER GRANTING VARIANCE

Variance to allow a four and one half (4.5) foot setback on the south side yard, to reduce the total side yard setback from fifteen (15) feet to twelve (12) feet, and to allow the construction of a single-family home on a lot smaller than five thousand (5,000) square feet.

Special Code Provisions: Section 110-180(1a): that the minimum building site area required in the R-1, single-family residential district for lots existing on or before December 9, 2008, is 5,000 square feet; and Section 110-181(3): that the minimum side yard setback in the R-1 district shall be a total of fifteen (15) feet with a minimum of seven (7) feet on either side. The property address is 14010 West Parsley Dr., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 10-31-15-34398-018-0010

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on May 20, 2024, and, based on the evidence, the testimony of Jay Stearman, and recommendations of City Staff in the Staff Report and Recommendations (the "Staff Report") that was admitted into evidence, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Kristina Carmichael (the "applicant") presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance to elevate her home with similar side setbacks as the existing structure.
2. Special conditions and circumstances exist, as stated on the record, and in the Staff Report to justify the variance.
3. The lot is small and irregularly shaped, which adds difficulty in building a single-family home compliant to current setback standards.

4. The variance if approved, would provide more open space between the rear of the house and the water as the rear setback would be brought into compliance.

5. The new structure will be elevated in accordance with FEMA and City floodplain regulations and will be compliant with all fire protection and Florida Building Code requirements.

6. The hardships encountered are not self-created by the applicant. The lot is smaller in size and irregular in shape compared to the surrounding R-1 zoned lots.

7. The variance requested is contextual to the site and narrow in scope. The proposed side and rear setback requests in the variance are less nonconforming than the existing structure's setbacks. Many lots from this plat block have narrower setbacks than what the code allows and are considered legally nonconforming. Other platted lots in the zoning district have been allowed to rebuild and elevate their homes.

8. The applicant seeks relief from frequent flooding events. There are several lots smaller than 5,000 square feet which have been platted for single family homes and currently have homes on them such as the lot immediately across the street from the subject property and three waterfront lots at an alcove of Boca Ciega Bay just north of the subject property.

9. The variance requested is narrowly focused and suited to the specific dimensions and circumstances of the site area, namely, the irregular lot shape. The applicant's proposed footprint is not excessive in scale or scope, and while it would not meet the current side setback requirement, the request is a reduction of nonconformity. The adjacent buildings within the same platted block, mentioned above, currently have narrower side and rear setbacks than what is currently permitted.

10. The granting of the variance is in harmony with the general intent and purpose of the land development regulations and is not injurious to the area involved or otherwise detrimental to public welfare. The subject property will have a similar character to adjacent residential structures regarding lot coverage, setbacks, and building orientation.

CONCLUSION OF LAW

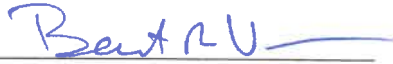
1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the City Land Development Regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result 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.

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, to allow a four and one half (4.5) foot setback on the south side yard, to reduce the total side yard setback from fifteen (15) feet to twelve (12) feet, and to allow the construction of a single-family home on a lot smaller than five thousand (5,000) square feet.

DONE AND ORDERED on May 23, 2024.


Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Kristina Carmichael
14010 W. Parsley Dr.
Madeira Beach, Florida 33708

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3600

Petitioner,

vs.

SANTOS, MERCEDES and
VOLPE, THERESA
414 140th Ave. E.
Madeira Beach, FL 33708,

Respondents.

ORDER OF NON-COMPLIANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 20, 2024, after due notice to the Respondents, 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 Respondents and the property located at 414 140th Ave. E., 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 August 28, 2023.

2. On October 10, 2024, an Order on Respondents' Motion for Rehearing, Motion for Clarification and Motion for Extension of Time for Compliance was entered that extended the compliance deadline to December 28, 2023.

3. The Respondents did not bring the property into compliance by the compliance deadline and are still not in 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 24th day of May, 2024.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Mercedes Santos and Theresa Volpe, 414 140th Ave., E., Madeira Beach, FL 33708; and 1745 Wesley Ave., Evanston, IL 60201;** by electronic mail to **Leslie Conklin, Esq., 1433 S. Fort Harrison Ave., Ste. B., Clearwater, Florida 33756 (conklines@yahoo.com);** and 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 24th day of May, 2024.


Bart R. Valdes

APPEALS

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CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2023.3608

Petitioner,

vs.

HOLCOMB, JOHN SCOTT
HOLCOMB, JENNIFER LYNN
572 Johns Pass Ave.
Madeira Beach, FL 33708,

Respondents.

**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 May 20, 2024, after due notice to the Respondents, 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 Respondents and the property located at 572 Johns Pass Ave., Madeira Beach, FL 33708 (the "Property") were found to be in violation of Section(s) 86-52, 110-471, and 110-719, 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 October 31, 2023.

2. The Respondents did not bring the property into compliance by the compliance deadline and are still not in compliance.

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 24th day of May, 2024.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **John Scott Holcomb and Jennifer Lynn Holcomb, 572 Johns Pass Ave., Madeira Beach, FL**

33708; and 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 24th day of May, 2024.



Bart R. Valdes

APPEALS

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