

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-63

Petitioner,

vs.

TUCKER, BLAZIA P.,
435 S. Bayshore Dr.
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 at the public hearing before the undersigned Special Magistrate on February 24, 2025, 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. John Dias appeared on behalf of the Respondent with a Power of Attorney for the Respondent and admitted to the violations.

3. Brenda Fernandez provided public comment.

4. The property in question is located at 435 S. Bayshore Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 4TH ADD BLK 0, LOT 5 LESS W 1.25FT

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. 14-69. - Same—Maintenance of the exterior of premises.

The exterior of premises and all structures thereon including but not limited to private

property and vacant lots shall be kept free of all hazards to the health, safety and welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same.

(1) Garbage, trash, refuse, debris, accumulations of filth, broken glass, junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, inoperative machinery, machinery parts, and similar materials shall not be stored or maintained on private property.

(3) Overhanging or overhead objects which are loose, insecurely fastened or otherwise constitute a danger of falling on persons or property by reason of their location above the ground shall not be stored or maintained on private property.

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.

Sec. 110-446. - Applicability of division.

This division applies to all fences, hedges, and walls that are not specifically exempted from this division. This division does not apply to seawalls (see chapter 14, article V of this Code for regulations on seawalls).

(7) Maintenance. After construction, fences and walls must be maintained with original components and remain substantially vertical to serve their function and aesthetic purposes. Structural integrity must be maintained to prevent a danger of destruction or flight during high winds. Hedges must be maintained at or below the maximum height permitted.

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 May 10, 2025.

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 Section 14-69, 14-70, and 110-446 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violations on or before May 10,

2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing.

11. 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.

12. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$250.00 per day for the violations set forth in Paragraph 6 above for each day the Respondent have failed to correct the violations after May 10, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

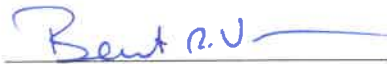
13. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 3rd day of March, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Blazia P. Tucker, 435 S. Bayshore Dr., 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 3rd day of March, 2025.



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. §162.11, *Florida Statutes* (2024).

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-53

Petitioner,

vs.

FORTUNATO, MICHAEL DAVID,
13063 Boca Ciega Ave.
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 at the public hearing before the undersigned Special Magistrate on February 24, 2025, 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. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 13063 Boca Ciega Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK X, LOT 2

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. 14-164. - Structures upon docks, seawall, cap, jetties and groins

(4) If any pier or dock constructed hereunder or continued in existence hereunder is permitted to fall into disrepair so as to become a dangerous structure involving risks to

the safety and well being of the community or individual members thereof such structure must either be removed or repaired so as to conform with the requirements of these regulations.

Sec. 14-186. - Application.

(a) Before the erection, construction, repair, razing, or alteration of any seawall, bulkhead, groin, dock, jetty or any part thereof, there shall first be submitted to the city manager or his designated representative an application in such form as may be prescribed by the city, containing a detailed statement of the specifications and plans for such structure, together with plot plan showing the location of such contemplated structure, alteration or repair in conjunction with adjoining lands, waters and channels, and such other plans and structural drawings as may be reasonable required by the city manager or his designated representative. When additional permits are required, the city manager or his designated representative will direct the contractor to get such permits from other governmental agencies.

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 March 26, 2025.

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 Section 14-164, and 14-186 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violations on or before March 26, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing.

11. 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.

12. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$150.00 per day for the violations set forth in Paragraph 6 above for each day the Respondent have failed to correct the violations after March 26, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

13. 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 3rd day of March, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Michael David Fortunato, 13063 Boca Ciega Ave., 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 3rd day of March, 2025.



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. §162.11, *Florida Statutes* (2024).

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-76

Petitioner,

vs.

KEL PROPERTIES, LLC,
13119 4th St. E.
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 at the public hearing before the undersigned Special Magistrate on February 24, 2025, 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. Kesi St. Louis appeared on behalf of the Respondent as the Manager of the LLC, and admitted to the violation.

3. No one provided public comment.

4. The property in question is located at 13119 4th St. E., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

PAGE'S REPLAT OF MITCHELL'S BEACH BLK Q, LOT 3

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. 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 on or before April 10, 2025.

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 Section 86-52 of the Code of Ordinances of the City of Madeira Beach.

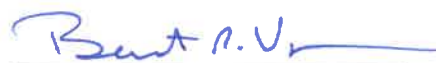
10. The Respondent shall correct the above stated violation on or before April 10, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing which is to apply for and obtain an "after-the-fact" building permit or demolish the shed.

11. 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.

12. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$200.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent have failed to correct the violation after April 10, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

13. 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 3rd day of March, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **KEL Properties, 13119 4th St. E., Madeira Beach, Florida 33708; 2288 Edythe Dr., Dunedin, Florida 34698;** 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 8th day of March, 2025.



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. §162.11, *Florida Statutes* (2024).
