



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

The Code Enforcement Special Magistrate, City of Madeira Beach, Florida will hold a meeting at the Madeira Beach City Hall Patricia Shontz Commission Chambers, 300 Municipal Drive, Madeira Beach, Florida 33708 to discuss the items of business listed hereon at the time and date indicated below:

**SPECIAL MAGISTRATE
CODE ENFORCEMENT AGENDA**

2:00 P.M.

MONDAY, JULY 22ND, 2019

COMMISSION CHAMBERS

A. INTRODUCTION – SPECIAL MAGISTRATE BART R. VALDES.

Welcome to the City of Madeira Beach Code Enforcement Special Magistrate Hearings. The Special Magistrate is charged with conducting hearings to determine whether an alleged violation of the City Code has occurred. In order to meet that obligation, all parties or their representatives will be allowed an opportunity to be heard on matters relevant to the alleged violation(s). All witness offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

The order of presentation will begin with the City presenting their evidence of alleged violation(s) and then the Respondent shall present his/her case. Both parties shall have an opportunity to cross-examine all witnesses. The Special Magistrate may question any witnesses.

The clerk will announce the names of the cases from the agenda. When you hear your case called, please respond by coming to the podium with your representative and/or any witness to be sworn. When addressing the Special Magistrate, please speak clearly into the microphone.

B. CALL TO ORDER

C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES

D. NEW BUSINESS

Case #2019.726	
Respondent/Property Owner; Name & Mailing Address:	DE LEON, LINETTE MARIE 2215 SAND ARBOR CIR ORLANDO FL 32824-4755
Property Location:	240 BOCA CIEGA DR. MADEIRA BEACH
Legal & Parcel #:	PAGE'S REPLAT OF MITCHELL'S BEACH BLK O, LOT 1 15-31-15-65304-015-0010
Violation(s)/Charge(s):	DIVISION 4. - ACCESSORY STRUCTURES Sec. 110-471. - Building permits required. Building permits are required for the construction or placement of all accessory structures. (Ord. No. 2016-11, § 2, 11-15-16) Sec. 110-480. - Maximum size in R-1, R-2 and R-3 zones. For single-family structures, the maximum size for an accessory structure will be eight feet wide by ten feet long by eight feet high. For duplex and multifamily structures, there may not be more than two accessory structures for a maximum size of six feet by eight feet by eight feet or a single accessory structure eight feet by ten feet by eight feet. (Code 1983, § 20-505(J))

Case #2019.742	
Respondent/Property Owner; Name & Mailing Address:	WHALLEY, THOMAS H KLEM, HAROLD T KLEM, SANDRA J 60 137TH AVENUE CIR MADEIRA BEACH FL 33708-2504
Property Location:	60 137TH AVE CIR. MADEIRA BEACH
Legal & Parcel #:	GULF SHORES HARBOR SUB LOT 15 & LAND TO SEAWALL 15-31-15-34488-000-0150
Violation(s)/Charge(s):	DIVISION 2. - LOT, YARD, HEIGHT AND OTHER SITE AREA REGULATIONS Sec. 110-427. - Yard regulations—Open sky requirements. (a) Every part of a required yard (see appropriate section of schedule of use, lot, yard and bulk regulations) must be open to the sky unobstructed, except the following may encroach into the minimum yard requirements of each lot in a residential district, provided the required permits have been obtained: (1) Roof overhangs not exceeding three feet; (2) Rear yard second floor and above balconies not exceeding four feet; (3) Belt courses and ornamental features shall not project more than four inches from the building wall; (4) Awnings and canopies not exceeding three feet; (5) Arbors and trellises may be placed in the required front or side yard at least ten feet from the property line; (6) Flag poles may be placed in any required yard at least ten feet from any property line; (7) Garden ornaments, including but not limited to decorative fountains and birdbaths, which are permanently affixed to the ground may be placed in a required yard at least ten feet from any property line; (8) Handicapped ramps, including vertical guardrails, meeting the requirements of the Florida Accessibility Code for Building Construction, may be placed in any required yard at least five feet from the property line; (9) Recreation and children's playground equipment permanently affixed to the ground, excluding skateboard ramps, may be placed: a. In a non-waterfront rear yard at least ten feet from the property line; b. In a waterfront rear yard at least 20 feet from the property line; An enclosed clubhouse and elevated structures shall not be considered recreation and children playground equipment;(10) Light posts not to exceed six feet in height may be placed in a required front yard at least ten feet from the property line; and shall be in compliance with section 110-502; (11) Ancillary equipment such as: filters and pumps for swimming pools and spas, lawn irrigation pumps and propane gas tanks may be placed in the required side yard setback by 50 percent of the required side yard distance; (12) Chimneys, attached to the dwelling, may be placed three feet into the required setback; and (13) The ordinary projection of steps and sills. Yard setbacks shall be measured from the point where the building reaches the grade. (b) Permitted to encroach into the required yard setbacks and exempt from permitting. (1) Temporary holiday displays or patriotic displays may be placed within any yard setback; (2) Mailboxes installed in conformance with U.S. Postal Regulations, if not permitted on the residential structure by the U.S. Postal Service; (3) Recreation and children's playground equipment, not permanently affixed to the ground; and (4) Garden ornaments, not permanently affixed to the ground. (c) Prohibited. The following are specifically prohibited in the front setback of any lot or

	parcel of land: (1) Portable or temporary structures having structural framing members which do not meet or exceed the applicable wind loads of Chapter 16, Florida Building Code are prohibited from all yards. (2) Clothesline or clothesline poles are prohibited in the front yard. (3) Tents, except as approved for a special event under chapter 42 are prohibited in all yards. (d) Any structures permitted in this section to encroach into a minimum yard shall be so permitted notwithstanding any contrary requirement or provision found within chapter 110, article VI, division 4. (Code 1983, § 20-503(A); Ord. No. 1155, § 1, 8-11-09)
Reference Materials:	Notice of Hearing Affidavit of Service Statement of Violation Notice of Violation Photograph/Audio Evidence

E. OLD BUSINESS

F. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.