

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. VAR 2025-03

Paul Mazzillo
for the property located at
422 137th Ave. Cir.
Madeira Beach, Florida 33708,

Applicant.

ORDER GRANTING VARIANCE

Variance to reduce the front setback from 20 feet to 12 feet, reduce the rear setback from 25 feet to 15 feet, and reduce the side setback (East) from 5 feet to 4 feet.

Special Code Provisions: Sec. 110-206. - Setback requirements: The following minimum setbacks shall apply in the R-2, low density multifamily residential district: (1) Front yard: 20 feet. (2) Rear yard: 25 feet. (3) Side yard: a. Single-family lots less than 50 feet wide may reduce the total side setback to ten feet with a minimum of five feet on either side. The property address is 422 137th Avenue Cir., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-34488-000-0300

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on April 28, 2025, and, based on the evidence, the testimony of Andrew Morris, 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 Paul Mazzillo (the "applicant") presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance to allow for the construction of a new single-family home on a substandard and irregularly shaped lot.

2. Special conditions and circumstances exist, as stated on the record, and in the Staff Report to justify the variance.

3. Lot 30 is a substandard and irregularly shaped lot. The lot does not meet the minimum site area requirements for a single-family home (4,000 square feet). The lot depth is less than the minimum required (80 feet). The lot width at the front of the lot is less than the minimum required for a single-family home (40 feet).

4. The proposed variance maintains the existing front yard setback of 12 feet, which is similar to nearby properties. The proposed rear yard setback of 15 feet matches the rear yard setback of a neighboring property. The proposed variance supports the traditional development pattern of a block face for the neighborhood.

5. The existing home has habitable space at grade that flooded during Hurricane Helene. The new single-family home would be more disaster resistant since the home would be built to the current floodplain and Florida Building Code requirements.

6. The plat for lot 30 was approved in 1941 before the current Madeira Beach land development regulations were adopted. The existing home was built in 1950, which predates the design criteria requirements for a single-family home in the R-2 Zoning District. Both the lot and the home are considered legally nonconforming. The applicant did not make a self-created hardship since the house and lot predate the current zoning requirements.

7. Many of the lots located in the R-2, Zoning District along 137th Avenue Cir., are nonconforming and have older structures that are at grade. All single-family homeowners in the R-2, Zoning District have the right to rebuild within their existing footprint, but many of the at grade structures have setbacks that are significantly less than what would be conforming. If other neighboring property owners were to rebuild, they would need to apply for a similar variance to reduce the nonconformity of the setbacks.

8. The applicant would not be able to build a new home within the R-2, Zoning District setbacks since the lot is substandard. Relying on rebuilding a home within the existing footprint would create a home with minimal side setbacks. The proposed variance would have side setbacks that would be closer to conforming reducing the impact of the home on neighboring properties. The proposed variance fits within the intent of the R-2, Zoning District of supporting a mix of lower density single-family and multi-family dwellings.

9. Using the existing footprint when rebuilding the home would have led to a house with a side setback far too close to neighboring properties. The proposed variance allows for reasonable use of the land and not go beyond the minimum variance necessary.

10. The proposed variance is in harmony with the general intent and purpose of the city land development regulations. The R-2, Zoning District is a residential zoning district that does allow for single-family homes on smaller sized lots. The new home would not be injurious to the area involved or otherwise detrimental to the public welfare.

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 reduce the front setback from 20 feet to 12 feet, reduce the rear setback from 25 feet to 15 feet, and reduce the side setback (East) from 5 feet to 4 feet, and to allow the construction of a new single-family home.

DONE AND ORDERED on May 6th, 2025.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Paul Mazzillo
422 137th Ave. Cir.
Madeira Beach, Florida 33708

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-71

Petitioner,

vs.

JPV HOTEL PROPERTY, LLC,
129th Ave. 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 April 28, 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 Jenny Silvert, Community Development Director, and Holden Pinkard, Building Compliance Supervisor, provided testimony on behalf of the City.
2. William Karns appeared on behalf of the Respondent. The Respondent was represented by Brian Aungst, Esq.
3. No one provided public comment.
4. The property in question is located at 129th Ave. E., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

MITCHELL'S BEACH REVISED BLK 1, LOT 20, MITCHELL'S BEACH REVISED BLK 1, LOT 19, MITCHELL'S BEACH REVISED BLK 1, LOTS 17 AND 18, MITCHELL'S BEACH REVISED BLK 1, LOT 16, MITCHELL'S BEACH REVISED BLK 1, LOTS 14 AND 15, MITCHELL'S BEACH REVISED BLK 1, LOTS 2 AND 3, MITCHELL'S BEACH REVISED BLK 1, LOT 4, MITCHELL'S BEACH REVISED BLK 1, LOT 5, MITCHELL'S BEACH REVISED BLK 1, LOT 6, MITCHELL'S BEACH REVISED BLK 1, LOT 7, MITCHELL'S BEACH REVISED BLK 1, LOT 8, MITCHELL'S BEACH REVISED BLK 1, 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 sections of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 110-124.- Standards and requirements.

(a) In consideration of granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest. In granting any special exception use, the special magistrate in addition to the standards enumerated in this article may prescribe appropriate conditions and safeguards in conformity with the land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of the land development regulations. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall commence, be completed or both.

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 June 27, 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 110-124 of the Code of Ordinances of the City of Madeira Beach.

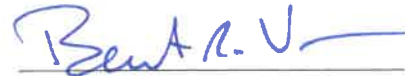
10. The Respondent shall correct the above stated violation on or before June 27, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing which is to bring the property into compliance or close the parking lots.

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 violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after June 27, 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 6th day of May, 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: **JPV Hotel Property, LLC, 129th Ave. E., Madeira Beach, FL 33708; and 101 150th Ave., St. Petersburg, Florida 33708;** by electronic mail to **Brian Aungst, Jr., Esq. (bja@macfar.com); and 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 May, 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).

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. VAR 2025-04

Elizabeth Holloway & Jason Holloway
for the property located at
14830 N. Bayshore Dr.
Madeira Beach, Florida 33708,

Applicants.

ORDER GRANTING VARIANCE

Variance to encroach into the required front setback with an access porch to be located seven (7) feet from the front property line and addition of a rear porch to be located within the existing covered porch footprint 16 feet from the rear property line.

Special Code Provisions: Sec. 110-206. - Setback requirements: (1) Front yard: 20 feet. (2) Rear yard: 25 feet. The property address is 14830 N. Bayshore Dr., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 09-31-15-60858-000-0940

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on April 28, 2025, and, based on the evidence, the testimony of Joseph Petraglia, 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 Elizabeth Holloway & Jason Holloway (the "applicants") presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance to allow for the construction of a new balcony.
2. Special conditions and circumstances exist, as stated on the record, and in the Staff Report to justify the variance.
3. The substandard and irregularly shaped lot was platted before the adoption of the current land development regulations and is not the result of any actions taken by the applicant. The nonconforming building was constructed in 1949 prior to the adoption of the current setback requirements and is not from the actions of the applicant.

4. SM VAR 2016-08 through SM VAR 2016-13 granted variances to several other properties within this same zoning district for a reduction of the rear yard setback by 15 feet (from the required 25 feet to 10 feet) for several single-family homes on the same block. These lots are all 75 feet deep, a similar depth to the applicant's property. The lots from the approved variances SM VAR 2016-08 through SM VAR 2016-13 have rectangle shaped lots and are a slightly larger lot area of about 3,376 square feet per lot. The lot that is located at 14830 N. Bayshore, is approximately 3,128 square feet of lot area.

5. Literal interpretation of the code would reduce the buildable footprint of the lot since the lot depth is less than the required 80 feet and the lot area is less than the required 4,000 square feet. Many other properties in this zoning district have the ability to elevate their existing structure and add the required access stairs and balconies by right.

6. As previously mentioned, VAR 2023-04 was granted, reducing the rear setback to its existing 15.32 feet. The rear yard setback being requested by this variance will be less non-conforming than what exists with this addition as it will be within the covered porch roofline footprint which is shown to be setback 16.00 feet on the site plan submitted with this application. A variance is not needed for the primary structure itself as it will be lifted within the existing footprint which is permitted by right under Madeira Beach Code Section 110-93(3) e. It is also worth noting that the applicant originally proposed a rear yard setback of only 12.33 feet with an additional balcony and stairs beyond the current footprint and had to make two revisions to the site plan before resulting in the current proposal to meet a staff recommendation of approval.

7. The proposed balcony in the front yard is needed to maintain access to the front door when the house is elevated and will be three feet wide which is the minimum width allowed by Florida Building Code. Due to the required elevation of the building, the balcony and access stairs will need to wrap around the Northeast side of the house which, due to the curvature of the front property line is currently only setback 10.76 feet. If the balcony and access stairs were to instead wrap around the Southwest side of the property, it would not encroach as far into the front setback, although it would still be encroaching, and would create an additional encroachment into the side setback which is only five (5) feet.

8. The general intent and purpose of the city land development regulations is not to unduly restrict the owner's ability to maintain or improve their property which they are attempting to do with this variance. Furthermore, none of the proposed work should negatively impact water flow or runoff, as a drainage plan is a requirement as a part of the building permit.

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 reduce the front setback and rear setback, and to allow the construction of a new balcony.

DONE AND ORDERED on May 6, 2025.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Elizabeth Holloway & Jason Holloway
14830 N. Bayshore Dr.
Madeira Beach, Florida 33708

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-238

Petitioner,

vs.

KEYS, RANDALL W TRE
KEYS, RANDALL W REV TRUST,
265 E. Madeira Ave.
Madeira Beach, FL 33708,

Respondents.

**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 April 28, 2025, after due notice to the Respondents, 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 Holden Pinkard provided testimony on behalf of the City.
2. Randall Keys appeared on behalf of the Respondents.
3. No one provided public comment.
4. The property in question is located at 265 E. Madeira Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

NORTH MADEIRA SHORES LOT 40

5. Proper notice was served upon the Respondents via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, *Florida Statutes*.
6. The Respondents were notified that Respondents were 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.

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.

(2) Floors, interior walls and ceilings of every structure shall be structurally sound.

(6) Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

(7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.

(11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely.

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 28, 2025.

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

9. The Respondents, and the Property at the above mentioned location, are found to be in violation of Section 14-69 and 14-70 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondents shall correct the above stated violation on or before May 28, 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 a building permit and make all repairs or remove the structure.

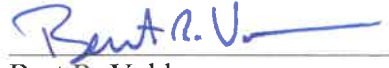
11. Upon complying, the Respondents shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

12. If the Respondents 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 Respondents have failed to correct the violations after May 28, 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 6th day of May, 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: **KEYS, RANDALL W TRE KEYS, RANDALL W REV TRUST, 265 E. Madeira Ave., Madeira Beach, FL 33708; and 356 145th Ave. E., 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 May, 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-24-254

Petitioner,

vs.

McFARLANE, SHIRLEY A,
433 Boca Ciega 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 April 28, 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 Holden Pinkard 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 433 Boca Ciega Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK Z, LOTS 2 AND 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. 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.

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.

(2) Floors, interior walls and ceilings of every structure shall be structurally sound.

(4) All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product or have similar protective coating applied in accordance with the manufacturer's specifications.

(11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely.

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 28, 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 and 14-70 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violations on or before May 28, 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 all required building permits or remove and demolish the structure.

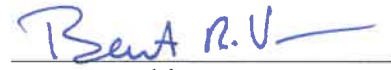
11. Upon complying, the Respondent shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

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 has failed to correct the violations after May 28, 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 6th day of May, 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: **MCFARLANE, SHIRLEY A, 433 Boca Ciega Dr., Madeira Beach, FL 33708; and 864 N. Milford Rd., Highland, MI 48357;** 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 May, 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: SE 2025-01

Petitioner,

vs.

BAREFOOT BEACH RESORT SOUTH, LLC,
13220 Gulf Blvd.
Madeira Beach, FL 33708,

Respondent.


ORDER GRANTING RESPONDENT'S MOTION FOR CONTINUANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on April 28, 2025, after due notice to the Respondent, and the Special Magistrate being advised in the premises:

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

1. The Respondent's request to continue the hearing is hereby GRANTED.
2. This matter shall be continued to the hearing on **May 27, 2025, at 12:00 p.m.**, at 300 Municipal Drive, Madeira Beach, Florida 33708.

DONE AND ORDERED this 6th day of May, 2025.


Bart R. Valdes
Special Magistrate

Copies furnished to:

Thomas Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Barefoot Beach Resort South, LLC
13220 Gulf Blvd.
Madeira Beach, FL 33708

Brian Aungst, Jr., Esq.
625 Court St.
Clearwater, FL 33756
bj@macfar.com

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-122

Petitioner,

vs.

VOLPE JOHN A TRE
VOLPE, JOHN A REV LIV TRUSTVOLPE, VINCENT
VOLPE, JENNIFER A.
VOLPE, THERESA,
13715 Gulf Blvd.
Madeira Beach, FL 33708,

Respondents.

**AMENDED 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 April 28, 2025, after due notice to the Respondents, 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 Holden Pinkard provided testimony on behalf of the City.
2. John Volpe appeared on behalf of the Respondents.
3. 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 Respondents via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, *Florida Statutes*.
6. The Respondents were notified that Respondents were 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.

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.

(2) Floors, interior walls and ceilings of every structure shall be structurally sound.

(6) Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

(7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.

(11) Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely.

(13) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with railings properly designed and maintained to minimize the hazard of people falling, and the same shall be kept structurally sound, in good repair and free from defects

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 28, 2025.

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

9. The Respondents, and the Property at the above mentioned location, are found to be in violation of Section 14-69 and 14-70 of the Code of Ordinances of the City of Madeira Beach.

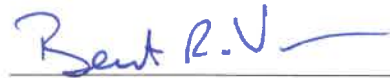
10. The Respondents shall correct the above stated violation on or before May 28, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing which is to apply for and obtain building permit and make all repairs or demolish structure.

11. Upon complying, the Respondents 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 Respondents 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 Respondents have failed to correct the violations after May 28, 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 12th day of May, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Amended Findings of Fact was delivered by certified mail and regular mail to: **VOLPE JOHN A TRE, VOLPE, JOHN A REV LIV TRUSTVOLPE, VINCENT VOLPE, JENNIFER A VOLPE, THERESA, 13715 Gulf Blvd., 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 12th day of May, 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).

DSK Law
609 W. Horatio St.
Tampa, FL 33606



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Reference Number: 50893