

**LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES AND APPEALS OF
ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA**

APPLICATION No. SE 2025-01

Amanda Huffman on behalf of
Barefoot Beach Resort South, LLC

For the property located at
13220 Gulf Boulevard,
13220 Gulf Boulevard Unit #1,
13220 Gulf Boulevard Unit #2,
Madeira Beach, Florida,

Applicant.

ORDER GRANTING SPECIAL EXCEPTION USE WITH CONDITIONS

The Applicant seeks a special exception use in regard to Section D-105(6)(c) of the John's Pass Village Activity Center Development Standards of the Code of Ordinances of the City of Madeira Beach to allow commercial use on an open rooftop. The property addresses are 13220 Gulf Boulevard, 13220 Gulf Boulevard Unit #1, 13220 Gulf Boulevard Unit #2, Madeira Beach, Florida, and it is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-02741-000-0001,
15-31-15-02741-000-0010, 15-31-15-02741-000-0020 (the "Property")

Special Magistrate, Bart R. Valdes, heard testimony, and reviewed all evidence received at the Special Magistrate Hearing held on May 27, 2025, and, based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The application of Amanda Huffman (the "Applicant") requests a special exception use from the development standards of the above referenced code to allow the commercial use of the open rooftop at the Property.
2. The Special Magistrate heard testimony from the City of Madeira Beach's Long Range Planner, Andrew Morris, and the City of Madeira Beach's Community Development Director, Jenny Silver and heard testimony on behalf of the Applicant, from Amanda Huffman and Aaron Huffman. The Special Magistrate also heard from affected

property owners John Kline, Ronald Llauget, Tom Edwards, Cynthia Edwards, Robert Bello, Sandra Rayborn and Rose Llauget as well as public comment from Jim Beggins, Jeff Beggins, Andrea Bello and Marcus Winters.

3. The Special Magistrate received into evidence the City's Staff Report and Recommendation (and attachments) consisting of pages 3 through 74 of the agenda package, Notices of Intent to Be and Affected Party submitted by John Kline, Sarah Kline, Ronald Llauget, Thomas Edwards Joann Klaben, Cynthia Edwards, Robert Bello, Barbara Ray, Michael and Ileana Costa, Mitchell and Sandra Rayborn and Rose Llauget, letters and emails from John Napariu, Susan Blevins, Tom Edwards, David Tagliarini, Carole Hall, Greg Budzban, Jerry Klaben, Joann Klaben, Dr. Linton Hutchinson, All Seasons Vacation Resort, Dr. Alvaro Daniel Saenz, Mark Manigan, Jeff Goodman, Ruth Goodman, David Halenda, Robin Halenda, Rex Hall, Joan Ferst, Timothy Taylor, Mathew Moss, Joseph Grabert, Charles Hofer, Sharon Schneider, Joseph Schneider, Candy Halliday, Amanda Huffman, Andrew Morris, Robin Gomez, and Lisa Ammons as well as a Power Point presentation submitted by the Applicant, Incident Detail Reports from Deputy Cory Snyder, lists of types of homes near the Property, aerial printout near the Property, photo of dumpsters at the Property, a photo of a delivery van on Gulf Lane, the Mitchell's Beach Plat, 8 photos of Gulf Lane, portions of the city code, Memorandum of Andrew Morris dated February 23, 2022 and a letter from Jack Bodziak dated February 3, 2022.
4. The Applicant seeks approval to use an open rooftop for commercial use.
5. The use is a permitted special use pursuant to Section D-105(6)(c) of the John's Pass Village Activity Center Development Standards of the Code of Ordinances of the City of Madeira Beach, Florida which provides:

Section D-105 – Special Exception Uses

Upon application for a special exception to the special magistrate and favorable action thereon, the following uses may be permitted in the John's Pass Village District:

(6) Transitional

- c. Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

6. The use, subject to the conditions outlined below, is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

7. The use, subject to the conditions outlined below, will not cause substantial injury to the value of other property in the neighborhood where it is located.
8. The use, subject to the conditions outlined below, will be compatible with adjoining development and the proposed character of the district where it is to be located.
9. Adequate landscaping and screening is provided, as required in the land development regulations, or otherwise required.
10. Adequate off-street parking and loading, subject to the conditions outlined below, is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
11. The use conforms with all applicable regulations governing the district where it is located.
12. No variance request was included in the Application.
13. The special exception use will not grant the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.
14. The special exception use is appropriate under the following conditions:
 - a. No amplified music and no amplification of sound including but not limited to radios, stereos, karaoke machines and televisions shall be permitted on the open rooftop.
 - b. Applicant will comply with all noise ordinance provisions of the City of Madeira Beach Code of Ordinances.
 - c. No events on the open rooftop that include non-hotel guests. The meaning of a "hotel guest" for this special exception use is a registered overnight hotel room occupant.
 - d. There shall be no special events (50 or more people) on the open rooftop.
 - e. If an alcoholic beverage license is approved by the Board of Commissioners the following conditions shall apply: (i) the Applicant must sell food; (ii) the Applicant must meet the restaurant definition (60% of the sales shall be from the sale of food and non-alcoholic beverages) for an alcoholic beverage license; and (iii) the Applicant shall only sell food and alcohol to hotel guests

and cannot operate a restaurant open to the public; the Applicant shall annually provide the City of Madeira Beach a financial report, in a form acceptable to the City, that confirms that the Applicant is in compliance with the 60/40 sales requirement set forth above. The first report will be provided to the city by January 31, 2026, and by the 31st day of January every year thereafter.

- f. The commercial uses approved in this Order will continue the intent of the Development Agreement dated December 1, 2015, and recorded in OR Book 19105, Pages 1649-1668 of the Official Records of Pinellas County, Florida and allow the open rooftop use of a sundeck and enclosed rooftop area to be used as a fitness room and/or bar restaurant for hotel guests. The uses will be considered ancillary uses for the primary hotel use and shall not become the primary uses of the Property.
- g. Any lighting used on the open rooftop must be compliant with the City of Madeira Beach Code of Ordinances Section 110-505 – Lighting within the Sea Turtle Conservation Zone.
- h. The open rooftop shall close at 9:00 p.m.
- i. The dumpsters on the Applicant's Property shall be screened from public view and shall not be placed in a parking spot(s).
- j. All deliveries to the Applicant's Property shall be made on the Property. Delivery vehicles are prohibited from parking on Gulf Lane.
- k. The Special Magistrate may revoke the special exception use if the conditions and safeguards made part of this approval are violated.

CONCLUSIONS OF LAW

- 15. Section 2-506 of the Code of Ordinances of the City of Madeira Beach authorizes special exception uses with the appropriate conditions and safeguards, when the special exception use will not adversely affect the public interest, or the denial of special exception uses when not in harmony with the purpose and intent of the city land development regulations.
- 16. The Applicant has the burden to establish the requirements for a special exception use. Here. The Applicant has met the criteria for the special exception use as set forth in Section 2-506 of the Code of Ordinances of the City of Madeira Beach.

ORDER

It is ADJUDGED that the application is APPROVED, allowing a special exception from the zoning requirements of the City of Madeira Beach land development regulations, to allow the commercial use of the open rooftop on the Property, as set forth in the application with the following conditions:

- a. No amplified music and no amplification of sound including but not limited to radios, stereos, karaoke machines and televisions shall be permitted on the open rooftop.
- b. Applicant will comply with all noise ordinance provisions of the City of Madeira Beach Code of Ordinances.
- c. No events on the open rooftop that include non-hotel guests. The meaning of a "hotel guest" for this special exception use is a registered overnight hotel room occupant.
- d. There shall be no special events (50 or more people) on the open rooftop.
- e. If an alcoholic beverage license is approved by the Board of Commissioners the following conditions shall apply: (i) the Applicant must sell food; (ii) the Applicant must meet the restaurant definition (60% of the sales shall be from the sale of food and non-alcoholic beverages) for an alcoholic beverage license; and (iii) the Applicant shall only sell food and alcohol to hotel guests and cannot operate a restaurant open to the public; the Applicant shall annually provide the City of Madeira Beach a financial report, in a form acceptable to the City, that confirms that the Applicant is in compliance with the 60/40 sales requirement set forth above. The first report will be provided to the city by January 31, 2026, and by the 31st day of January every year thereafter.
- f. The commercial uses approved in this Order will continue the intent of the Development Agreement dated December 1, 2015, and recorded in OR Book 19105, Pages 1649-1668 of the Official Records of Pinellas County, Florida and allow the open rooftop use of a sundeck and enclosed rooftop area to be used as a fitness room and/or bar restaurant for hotel guests. The uses will be considered ancillary uses for the primary hotel use and shall not become the primary uses of the Property.
- g. Any lighting used on the open rooftop must be compliant with the City of Madeira Beach Code of Ordinances Section 110-505 – Lighting within the Sea Turtle Conservation Zone.

- h. The open rooftop shall close at 9:00 p.m.
- i. The dumpsters on the Applicant's Property shall be screened from public view and shall not be placed in a parking spot(s).
- j. All deliveries to the Applicant's Property shall be made on the Property. Delivery vehicles are prohibited from parking on Gulf Lane.
- k. The Special Magistrate may revoke the special exception use if the conditions and safeguards made part of this approval are violated.

Done and Ordered on June 7, 2025.


Bart R. Valdes, Special Magistrate

Copies furnished to:

Thomas J. Trask, City Attorney
Clara VanBlargan, City Clerk
Brian Aungst, Esq.
Jane Graham, Esq.

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-75

Petitioner,

vs.

AURORA INVESTMENT GROUP, LLC,
and REM CAPITAL GROUP, LLC,
14110 E. Parsley Dr.
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 27, 2025, 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 14110 E. Parsley Dr., Madeira Beach, FL 33708 (the "Property") were found to be in violation of Section(s) 86-52 and 14-123, 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 February 13, 2025. The Property has not been brought into compliance.

2. A fine is imposed in the amount of \$250.00, per day from March 28, 2025, through the date the Property is brought into compliance, as a result of the Respondents' violation of Section(s) 86-52 and 14-123 of the Code of Ordinances of the City of Madeira Beach.

3. If this fine is not paid within 30 days then the City of Madeira Beach may record this Order in the Official Records of Pinellas County.

4. Upon recording, this Order shall become a lien upon the above described real property, and other real property of Respondents in Pinellas County and any personal property of the Respondents, as provided by law.

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 8th day of June, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Aurora Investment Group, LLC, and Rem Capital Group, LLC, 14110 E. Parsley Dr., Madeira Beach, Florida 33708; 2617 Cove Cay Dr., Unit 210, Clearwater, Florida 33760; and Eric Ling, 5118 Palmetto Point Dr., Palmetto, Florida 34221;** 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 June, 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. Ss. 162-11.

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-106

Petitioner,

vs.

CZAPLINSKY, NANCY,
40 140th Ave. E.
Madeira Beach, FL 33708,

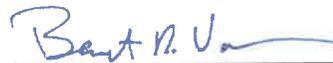
Respondent.

ORDER GRANTING REQUEST FOR ADDITIONAL TIME

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 27, 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, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

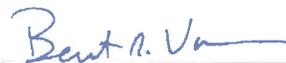
1. The Motion for Request for Additional Time is GRANTED.
2. The deadline for compliance set forth in the Findings of Fact, Conclusion of Law and Order Imposing Fine and Certifying Lien dated April 16, 2025, is extended to July 7, 2025.

DONE AND ORDERED this 8th day of June, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Nancy Czaplinsky, 40 140th Ave. E., Madeira Beach, Florida 33708; 8662 117th St. N., Seminole, Florida 33772;** 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 June, 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-24-233

Petitioner,

vs.

BAKER, KENT RICHARD
CIANCIULLI, DEBORAH ANN,
703 Sunset Cove
Madeira Beach, FL 33708,

Respondents.
_____ /

ORDER GRANTING REQUEST FOR ADDITIONAL TIME

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 27, 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, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

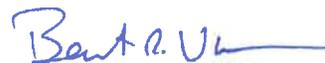
1. The Motion for Request for Additional Time is GRANTED.
2. The deadline for compliance set forth in the Findings of Fact, Conclusion of Law and Order Imposing Fine and Certifying Lien dated April 16, 2025, is extended to July 7, 2025.

DONE AND ORDERED this 8th day of June, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Kent Baker and Deborah Cianciulli, 703 Sunset Cove, 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 8th day of June, 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-24-63

Petitioner,

vs.

TUCKER, BLAZIA P.,
435 S. Bayshore Dr.
Madeira Beach, FL 33708,

Respondent.

**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 27, 2025, after due notice to the Respondent, 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 Respondent and the property located at 435 S Bayshore Dr., Madeira Beach, FL 33708 (the "Property") were found to be in violation of Section(s) 14-69, 14-70 and 110-446, 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 March 3, 2025. The Property has not been brought into compliance.
2. A fine is imposed in the amount of \$250.00, per day from May 10, 2025, through the date the Property is brought into compliance, as a result of the Respondent's violation of Section(s) 14-69, 14-70 and 110-446, of the Code of Ordinances of the City of Madeira Beach.
3. If this fine is not paid within 30 days then the City of Madeira Beach may record this Order in the Official Records of Pinellas County.
4. Upon recording, this Order shall become a lien upon the above described real property, and other real property of Respondent in Pinellas County and any personal property of the Respondent, as provided by law.

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 8th day of June, 2025.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order 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 8th day of June, 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. Ss. 162-11.

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. VAR 2025-05

Kel Properties, LLC,
for the property located at
13119 4th Street East
Madeira Beach, Florida 33708,

Applicant.

ORDER GRANTING VARIANCE

Variance to reduce the front yard setback from 20 feet to 11 feet and 4 feet 9 inches and to reduce the parking spaces required from 2 spaces per unit to 1 space per unit.

Special Code Provisions: Sec. 110-206. - Setback requirements: (1) Front yard: 20 feet. and Sec. 110-971- Number of spaces.

TABLE OF REQUIRED PARKING SPACES

| Use Categories | Number of Parking Spaces | Spaces Per Unit of Measure |
|-----------------|--------------------------|----------------------------|
| Residential use | 2.0 | Per dwelling unit |

The property address is 13119 4th Street East, Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-65304-017-0030

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on May 27, 2025, and, based on the evidence, the testimony of Andrew Morris on behalf of the City, the testimony of Phillip St. Louis on behalf of the Kel Properties, LLC, the testimony of an interested party, William Simmons, public comment from Pam Odem, and recommendations of City Staff in the Staff Report and Recommendations (the “Staff Report”) that was admitted into evidence, and based upon the legal arguments of Kesi St. Louis, Esq., counsel for Kel Properties, LLC, and Thomas Trask, Esq., counsel for the City, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Kel Properties, LLC (the “applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance to reduce the front yard setback from 20 feet to 11 feet and 4 feet 9 inches and to reduce the required two (2) parking spaces per unit to one (1) parking space per unit.

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

3. The lot is less than the minimum required dimensions for a 4-unit residential structure in the R-2 Zoning District. Both the lot plat and structure pre-date the lot dimension requirements for the R-2, Zoning District.

4. The proposed variance would allow for the new structure to support maintaining the existing residential neighborhood character. Many neighboring properties have similar nonconforming front yard setbacks since they were built before the R-2, Zoning District setback requirements were adopted. The new structure would promote traditional development patterns of a block face.

5. The existing fourplex was substantially damaged during Hurricane Helene. The existing structure had nearly 5 feet of water inside the structure from storm surge. The new fourplex would be disaster resistant because it would need to meet all the applicable Florida Building Code and FEMA requirements.

6. The plat for the lot was approved in 1935. The existing fourplex located on the lot was built in 1945. Both the lot and the existing fourplex predates the R-2, Low Density Multifamily Residential Zoning District and the Land Development Regulations in the Madeira Beach Code of Ordinances. The applicant's request would not be considered a self-created hardship.

7. For rebuilding after a catastrophic loss, duplexes, triplexes, or multifamily structures on nonconforming lots are required to meet the front yard setback. Many nearby R-2, Zoning District properties would require a similar variance to allow for a duplex, triplex, or multifamily structure to be rebuilt on a nonconforming sized lot. Granting this application would not give the applicant any special privilege.

8. The existing fourplex was substantially damaged during Hurricane Helene. It would not be possible for the applicant to be able to build back their fourplex if they were required to meet the current front yard setback and parking requirements. Other neighboring properties with nonconforming structures would need to apply for similar variances. The literal interpretation of the code would deprive the applicant the right to rebuild after a catastrophic loss and create an unnecessary and undue hardship on the applicant.

9. The applicant is proposing a front yard setback variance that is similar to the front yard setback of the current structure. The side yard setback and rear yard setback of the new structure would meet the minimum required in the R-2, Zoning District. The proposed parking space variance would still give each unit has one (1) parking space and there would also be a bike rack. The variance granted would be the minimum variance required to make possible a reasonable use of the land.

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 low density multifamily structures. The new fourplex 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.

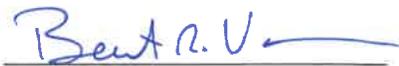
2. The applicant has the burden to establish the requirements for the variance. Here, the applicant meets the criteria for the variance as set forth in Section 2-507 of the Madeira Beach Code of Ordinances.

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 yard setback from 20 feet to 11 feet and 4 feet 9 inches and to reduce the parking spaces required from 2 spaces per unit to 1 space per unit, with the following conditions:

- 1) The parking for the apartment units must be on property.
- 2) The driveway must meet the requirements in Article II. - Sidewalks And Driveways of the Madeira Beach Code of Ordinances.

DONE AND ORDERED on June 8, 2025.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Thomas Trask, Esq., City Attorney

Clara VanBlargan, City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Kel Properties, LLC
13119 4th Street East
Madeira Beach, Florida 33708

Kesi St. Louis, Esq., and Phillip St. Louis
13119 4th Street East

Madeira Beach, Florida 33708
kesistlouis10@gmail.com

Affected Party(ies)-

William Simmons
13101 4th St. E.
Madeira Beach, Florida 33708

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-234

Petitioner,

vs.

NAVARRO, ESTELLA EST,
121 140th 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 May 27, 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 121 140th Ave. E., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 3RD ADD REPLAT BLK N, LOT 4

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.

(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 safety.

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 June 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 14-69 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 June 26, 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 the structure.

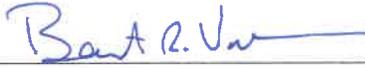
11. Upon complying, the Respondent shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

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 June 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 8th day of June, 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: **Estella Navarro, 11501 47th Ave. N., Madeira Beach, FL 33708; and 121 140th 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 8th day of June, 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-24-255

Petitioner,

vs.

WESNER, GERALD F.
WESNER, DEBORAH K.,
14239 W. Parsley Dr.
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 May 27, 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. No one appeared on behalf of the Respondents.
3. No one provided public comment.
4. The property in question is located at 14239 W. Parsley Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

GULF SHORES 6TH ADD BLK Z, LOT 14

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 section 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 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 26, 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 14-70 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondents shall correct the above stated violation on or before June 26, 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 remove or repair the damaged dock on the property.

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 fail 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 Respondents have failed to correct the violation after June 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 8th day of June, 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: **Gerald Wesner and Deborah Wesner, 14239 W. Parsley Dr., 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 8th day of June, 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: 2024.3764

Petitioner,

vs.

ROSENTHAL, JOSHUA,
13342 3rd St. E.
Madeira Beach, FL 33708,

Respondent.

ORDER OF COMPLIANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 27, 2025, after due notice to the Respondent, and having received evidence, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The violation set forth in Madeira Beach Special Magistrate Order dated April 22, 2025, has been corrected. The property located at 13342 3rd St. E., Madeira Beach, Florida 33708, was brought into compliance on May 2, 2025.

DONE AND ORDERED this 8th day of June, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **Joshua Rosenthal, 13342 3rd St. E., 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 8th day of June, 2025.



Bart R. Valdes

APPEALS

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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.
_____ /

ORDER OF COMPLIANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 27, 2025, after due notice to the Respondent, and having received evidence, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The violation set forth in Madeira Beach Special Magistrate Order dated March 3, 2025, has been corrected. The property located at 13063 Boca Ciega Ave., Madeira Beach, Florida 33708, was brought into compliance on March 26, 2025.

DONE AND ORDERED this 8th day of June, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order 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 8th day of June, 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-24-264

Petitioner,

vs.

SIMON, JOHN V JR
SIMON, KRISTY S,
633 Normandy Rd.
Madeira Beach, FL 33708,

Respondents.

ORDER OF COMPLIANCE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on May 27, 2025, after due notice to the Respondents, and having received evidence, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The violation set forth in Madeira Beach Special Magistrate Order dated April 16, 2025, has been corrected. The property located at 633 Normandy Rd., Madeira Beach, Florida 33708, was brought into compliance on May 7, 2025.

DONE AND ORDERED this 8th day of June, 2025.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail and regular mail to: **John Simon and Kristy Simon, 633 Normandy Rd., Madeira Beach, Florida 33708; 2614 W. Parkland Blvd., Tampa, Florida 33609;** 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 June, 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).