



**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.



Code Enforcement Hearing

Case No. 2019.726

July 22, 2019

2:00 p.m.



CITY OF MADEIRA BEACH

**COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
(727) 891-8981 EXT. 295 • FAX (727) 399-1191**



SPECIAL MAGISTRATE AFFIDAVIT OF SERVICE

**CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708 .**

**CASE # 2019.726
DATE: 07/12/2019**

Petitioner,

Vs.

**DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755
Respondent,**

RE: Property: 240 Boca Ciega Dr. Parcel # 15-31-15-65304-015-0010

AFFIDAVIT OF SERVICE

**I, Holden Pinkard, Building Code Compliance Officer of the City of Madeira Beach, upon being duly sworn, deposed and says the following:
That pursuant to Florida Statute 162.12,**

On the _12_ day of July, 2019, I mailed a copy of the attached NOTICE OF HEARING/ORDER via certified Mail, Return Receipt requested.

On the _12_ day of July, 2019, I mailed a copy of the attached NOTICE OF HEARING/ORDER via First Class Mail.

On the _12_ day of July, 2019, I posted a copy of the attached NOTICE OF HEARING/ORDER on the property located at 240 Boca Ciega Dr, Parcel # 15-31-15-65304-015-0010 in the City of Madeira Beach.

On the _12_ day of July, 2019, I caused the attached NOTICE OF HEARING/ORDER to be posted at the Municipal Government Offices, 300 MUNICIPAL DR, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.


Holden Pinkard, Building Code Compliance Officer

State of Florida

County of Pinellas

Before me on 12 day of JULY, 2019, personally appeared Holden Pinkard who executed the foregoing instrument and who is personally known to me.

Patricia Kordis

SEAL

Notary





CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE + MADEIRA BEACH, FLORIDA 33708
(727) 891-8981 EXT. 244 + FAX (727) 899-1181



SPECIAL MAGISTRATE NOTICE OF HEARING

CITY OF MADEIRA BEACH, FL
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner,

CASE # 2019.726
DATE: 07/12/19

vs.

DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755
Respondent,

RE: PROPERTY: 240 Boca Ciega Dr., Madeira Beach, FL 33708. Parcel #: 15-31-15-65304-015-0010

YOU ARE HEREBY FORMALLY NOTIFIED that at 2:00 pm on MONDAY the 22nd day of
JULY a hearing will be held before the Special Magistrate
concerning the following code violations:

Violation Detail:

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))

You are hereby ordered to appear before the Madeira Beach Special Magistrate on that date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$500.00 per day against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may be presented to the Madeira Beach Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation, should you be found in violation of the City Code.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Assistant to Code Enforcement of the City of Madeira Beach within five (5) days at 300 Municipal Drive, Madeira Beach, Florida 33708, telephone number (727) 391-9951 x 244.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to insure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 12th day of JULY, 2019


Holden Pinkard, Building Code Compliance Officer



CITY OF MADEIRA BEACH

**COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
(727) 891-8951 EXT. 244 • FAX (727) 899-1181**



SPECIAL MAGISTRATE STATEMENT OF VIOLATION/REQUEST FOR HEARING

Name and address of violator(s):

CASE # 2019.726

DATE: 07/12/2019

**DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755**

RE: Property 240 Boca Ciega Dr., Madeira Beach, FL 33708. Parcel #: 15-31-15-65304-015-0010

During a recent review of properties, it was noted that your property is in violation of the following code/ordinance:

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))

I DO HEREBY SWEAR THAT THE ABOVE FACTS ARE TRUE TO THE BEST OF MY KNOWLEDGE. I REQUEST A HEARING ON THE ABOVE VIOLATION(S) BY THE MADEIRA BEACH SPECIAL MAGISTRATE OF THE CITY OF MADEIRA BEACH.

Holden Pinkard, Building Code Compliance Officer



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

COURTESY NOTICE OF CODE VIOLATION

MARCH 20, 2019

DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755

Case Number: 726
Parcel #: 15-31-15-65304-015-0010
Property Address: 240 BOCA CIEGA DR

Ordinance:

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))

Violation Text:

An accessory structure has been placed on the property without the required permit.

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

COURTESY NOTICE OF CODE VIOLATION



Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

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www.madeirabeachfl.gov

COURTESY NOTICE OF CODE VIOLATION

Please reply with a plan of correction(s) before the re-inspection date listed for any follow-up actions and/or concerns.

Holden Pinkard

Building Code Compliance

City of Madeira Beach

300 Municipal Drive

Madeira Beach, FL 33708

Office #727.391.9951 x298

hpinkard@madeirabeachfl.gov

Re-inspection date: **APRIL 4, 2019**

Violation Order issued by:

☒ Regular Mail ☐ Certified Mail

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

NOTICE OF CODE VIOLATION

JUNE 18, 2019

DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755

Case Number: 726
Parcel #: 15-31-15-65304-015-0010
Property Address: 240 BOCA CIEGA DR

Ordinance:

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))

Violation Text:

An accessory structure has been placed on the property without the required permit.

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

NOTICE OF CODE VIOLATION



Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

NOTICE OF CODE VIOLATION

Action Required:

Either the property owner and/or a licensed contractor will need to obtain an “after the fact” building permit or remove the structure to come into compliance.

Please reply with a plan of correction(s) before the re-inspection date listed for any follow-up actions and/or concerns.

Holden Pinkard

Building Code Compliance

City of Madeira Beach

300 Municipal Drive

Madiera Beach, FL 33708

Office #727.391.9951 x298

hpinkard@madeirabeachfl.gov

Final Inspection Date: **JULY 5, 2019**

Violation Order issued by:

☐ Regular Mail

☒ Certified Mail

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



**300 Municipal Drive
Madeira Beach, Florida 33708**

7015	1730	0002	3023	3423
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Cluster

FIRST-CLASSE MAIL

4107/9-100

251 FOSTAL 2000 2000

Abstract

ZIP 33708
011E11676165

JUNE 18, 2019

DE LEON, LINETTE MARIE
2215 SAND ARBOR CIR
ORLANDO FL 32824-4755

1. Article Addressed to: Complete Items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the magazine, or on the front if space permits.		2. Article Number (Transfer from article label) 7015 1730 0002 3023 3423	
1. Article Addressed to: DE LEON, LINETTE MARIE 2215 SAND ARBOR CIR ORLANDO, FL 32064-4765		2. Article Number (Transfer from article label) 8590 9402 3083 7124 2059 76	

3. Sender Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery		4. Priority Mail Express ☐ Registered Mail ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation ☐ Signature Confirmation Restricted Delivery	
A. Signature X		B. Restricted by (Printed Name) G. Date of Delivery	
D. Is delivery address different from Item 1? YES, enter delivery address below: ☐ No ☐ No		E. Address ☐ Adult ☐ Child	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ONLY WHEN	
1. Article Addressed to: DE LEON, LINETTE MARIE 2215 SAND ARBOR CIR ORLANDO, FL 32664-4765 9590 9402 3093 7124 2059 76		A. Signature <i>[Signature]</i> B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>[Signature]</i> D. Is delivery address different from form 1? ☐ Yes ☒ No If YES, enter delivery address below: ☐ Yes ☒ No	
2. Article Number (Transfer from service label) 7035 1730 0082 3023 3423		3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	

PS Form 3811, July 2013 PSN 7530-02-000-9053 Domestic Return Receipt

UNITED STATES POSTAL SERVICE

9590 9402 3093 7124 2059 76

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box

MADEIRA BEACH
300 Municipal Drive
Madiera Beach, FL 33708

BUILDING





Pre-FIRM-Post (Non-conversion agrmt req'd)



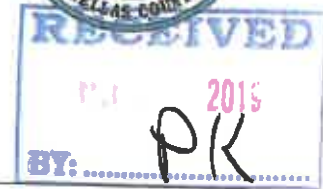
CITY OF MADEIRA BEACH

BUILDING & PERMITTING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 284 ♦ FAX (727) 399-1131
Email to: buildingdept@madeirabeachfl.gov

PERMIT APPLICATION

2017 Florida Building Codes - 6th Edition

<https://codes.iccsafe.org/public/collections/FL>



Date of application: 7/8/2019

Value of Job: \$1,100

Sq. Ft. 96 sf

Parcel #: 15-31-15-65304-015-0010

(MATERIALS & LABOR TOTAL)

Project/Job Site Address:

240 Boca Ciega Drive

Madeira Beach, FL 33708

Homeowner Name:

Linette De Leon

Homeowner Address:

2215 Sand Arbor Cr Orlando FL 32824

Contractor Company Name:

Linette De Leon

Company Address:

same as above

Contact Person:

Linette De Leon

State License:

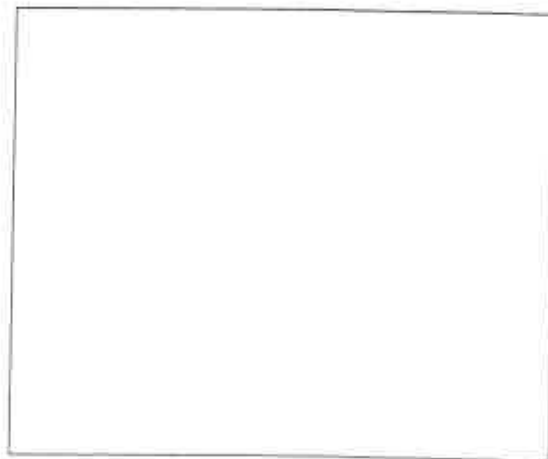
PCCLB License:

Telephone:

407-489-5152

Email:

linettedeleon@yahoo.com



[THIS AREA RESERVED FOR THE BUILDING OFFICIAL'S STAMP]

TYPE OF WORK:

☒ NEW	☐ REPAIR	☐ ALTERATION	☐ MECHANICAL	☐ MOVE
☐ DEMOLITION	☐ REMODEL	☐ FIRE	☐ ELECTRICAL	☐ SEAWALL/CAP
☐ BUILDING	☐ ADDITION	☐ GAS	☐ PLUMBING	☐ DOCK/DECK

Additional permit forms required:

*PERMIT EXTENTION	*SUBCONTRACTOR JOB CARD	
*INSPECTION AFFIDAVIT	*OWNER/CONTRACTOR DISCLOSURE	*FEMA SI/SD
*NOTICE OF COMMENCEMENT	*PINELLAS COUNTY AIR QUALITY	*NONCONVERSION AGREEMENT

Description of work: Shed 8x12 (variance attached) on slab foundation, see survey for details.

Property Holder Name

(if other than Homeowner):

Property Owner Address:

Fee Simple Title Holder

(if other than owner):

Fee Simple Title Holder Address:

Telephone:

Email:

Architect/Engineer's Name:

Architect/Engineer's Address:

Contact Person:

License #:

Telephone:

Email:

Contact Address:

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

WARNINGS AND AFFIDAVIT

Warning to Owner: Your failure to record a Notice of Commencement shall result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Application is hereby made to obtain to do the work and installation as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for all work not provided in this application.

Owner's Affidavit: I certify that all foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating zoning and construction:

105.1 Permit Application of the Florida Building Code

105.1 When required, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain a permit for the work.

108.2 Permit Fees, on all buildings, structure, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing an application, in accordance with the schedule as established by the applicable governing body.

105.8 Notice of Commencement, as per s. 713.135 Florida Statutes

[**Warning to Owner:** Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.]

Linette De Leon

Printed Name:



Signature

7/8/2019

Date

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

SUBCONTRACTOR LIST

Drywall/Plaster/Stucco: _____

License #'s: _____ **Phone:** _____

Frame & Trim: _____

License #'s: _____ **Phone:** _____

Masonry: _____

License #'s: _____ **Phone:** _____

Cement Finisher: _____

License #'s: _____ **Phone:** _____

Electrical: _____

License #'s: _____ **Phone:** _____

Mechanical: _____

License #'s: _____

Plumbing: _____

License #'s: _____ **Phone:** _____

Gas: _____

License #'s: _____ **Phone:** _____

Other: _____

License #'s: _____ **Phone:** _____

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

A "Post FIRM" permit application will require a non-conversion agreement form signed & notarized by the property owner to be compliant with FEMA. This form must accompany the permit to be processed.

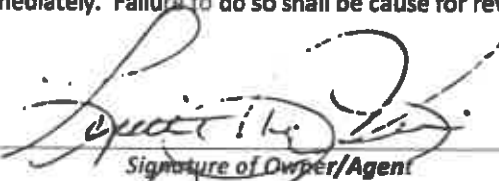
A CURRENT SURVEY IS REQUIRED FOR ALL FENCES, DRIVEWAYS, ADDITIONS, AND POOLS. AN ORIGINAL OR CERTIFIED COPY OF NOTICE OF COMMENCEMENT IS REQUIRED FOR ALL PROJECTS OF \$2,500.00 OR GREATER IN VALUE EXCEPT FOR MECHANICAL PERMITS AT \$7,500.00 OR GREATER AMOUNT, AND MUST BE PROVIDED AT THE TIME OF PERMIT ISSUANCE.

Pinellas County Air Quality Form: FOR DEMOLITION/ASBESTOS REMOVAL – CALL (727) 464-4422

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in Public Records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. F.S. 553.79(10), F.S. 553.79(11) requires notification to you and your responsibility, when applicable to comply with F.S. 469.003 to notify the Department of Environmental Protection of your intentions to remove asbestos, in conjunction with the demolition or renovation of your existing building, in accordance with State and Federal law.

I have read the notification and agree to comply as state and promise, in good faith, to deliver this statement to the person whose property is subject to attachment. I hereby certify that all statements made in this application are true and correct and that no construction has begun, except as other has been disclosed, before the permit for this work has been issued.

I have read, understand, and do hereby certify that the above-listed subcontractors are to be utilized on this project. Should there be any changes, I will notify the City of Madeira Beach Building Department, in writing, immediately. Failure to do so shall be cause for revocation of this building permit.


Signature of Owner/Agent

7/19/2019

Date


Signature of Contractor

7/19/2019

Date

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

Page 5 of 5

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

Application No. 2017-07

**Linette De Leon
for the property located at
240 Boca Ciega Avenue
Madeira Beach, Florida 33708**

Applicant.

_____ /

ORDER GRANTING VARIANCE

Madeira Beach Land Development Regulations, Section 110-93(3)(a), Non-Conforming Structures; Section 110-480, Maximum Size of Accessory Structures in the R-1, R-2, and R-3 Zoning Districts.

PARCEL IDENTIFICATION NUMBER: 15-31-15-65304-015-0010

Special Magistrate Bart R. Valdes, heard testimony of several witnesses, heard all public comment, and reviewed all evidence received at the Special Magistrate hearing held on July 24, 2017, and, based on the evidence, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Linette De Leon ("the applicant") presents the issue involving a variance from the zoning requirements of the above Madeira Beach Land Development Regulations, requesting variances for the expansion of decks and stairs located within the minimum front yard setback on an existing, nonconforming triplex; and to erect a shed that exceeds the maximum size for accessory structures in the R-2 (Low Density, Multi-family Residential) zoning district.

2. The applicant's proposed rebuilding of the stairs and deck, if built according to the plans will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach ("the Code"), because: the Code provides that the minimum front yard setback is 25 feet, and the minimum side yard setbacks are 20 feet total and 9 feet minimum. The existing structure on the parcel currently encroaches into the right-of-way along the front of the property. The applicant's proposed accessory structure, if built according to the plans will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach ("the Code"), because: the Code provides that the minimum size of an accessory structure is 8 feet wide by 10 feet long by 8 feet high. The accessory structure the applicant has requested exceeds the maximum length by 2 feet.

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, as set forth herein, to specifically grant a variance from the zoning requirements of the Madeira Beach Land Development Regulations, 110-93(3)(a), Non-Conforming Structures; Section 110-480, Maximum Size of Accessory Structures in the R-1, R-2, and R-3 Zoning Districts, to allow the expansion of decks and stairs, consistent with the plans submitted by the applicant, within the minimum front yard setback of a nonconforming structure, and to allow a two-foot increase in the maximum length of an accessory structure within the R-2 zoning district.

DONE AND ORDERED on August 2, 2017.


Bart R. Valdes
Special Magistrate

Copies furnished to:

Thomas J. Trask, City Attorney

Gwen Sinkfield, City of Madeira Beach

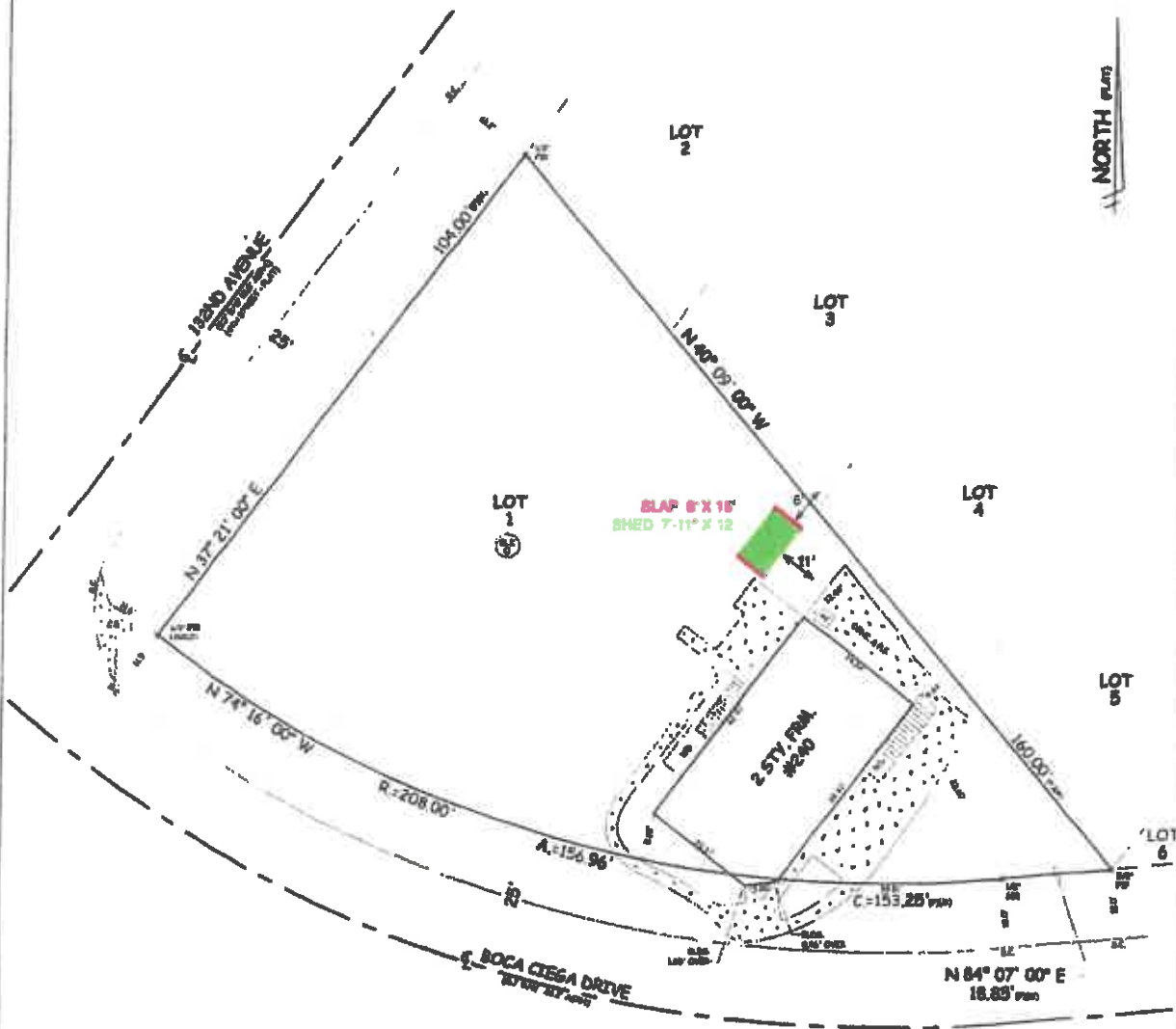
Linette de Leon
240 Boca Ciega Drive
Madeira Beach, FL 33708

JOB NO: 160049		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYLANDSURVEYING.COM	L.S. #7410
DRAWN BY MRS	CHECKED BY EDM		PH. (727) 347-6740
DATE OF FIELD WORK: 1/13/18			FAX (727) 344-4840
CERTIFIED TO: Brad Jehn			

SCALE: 1" = 20'

Survey not valid for more than one (1) year from date of field work.

SEC. 15 TWP. 31 S. RGE. 15 E.



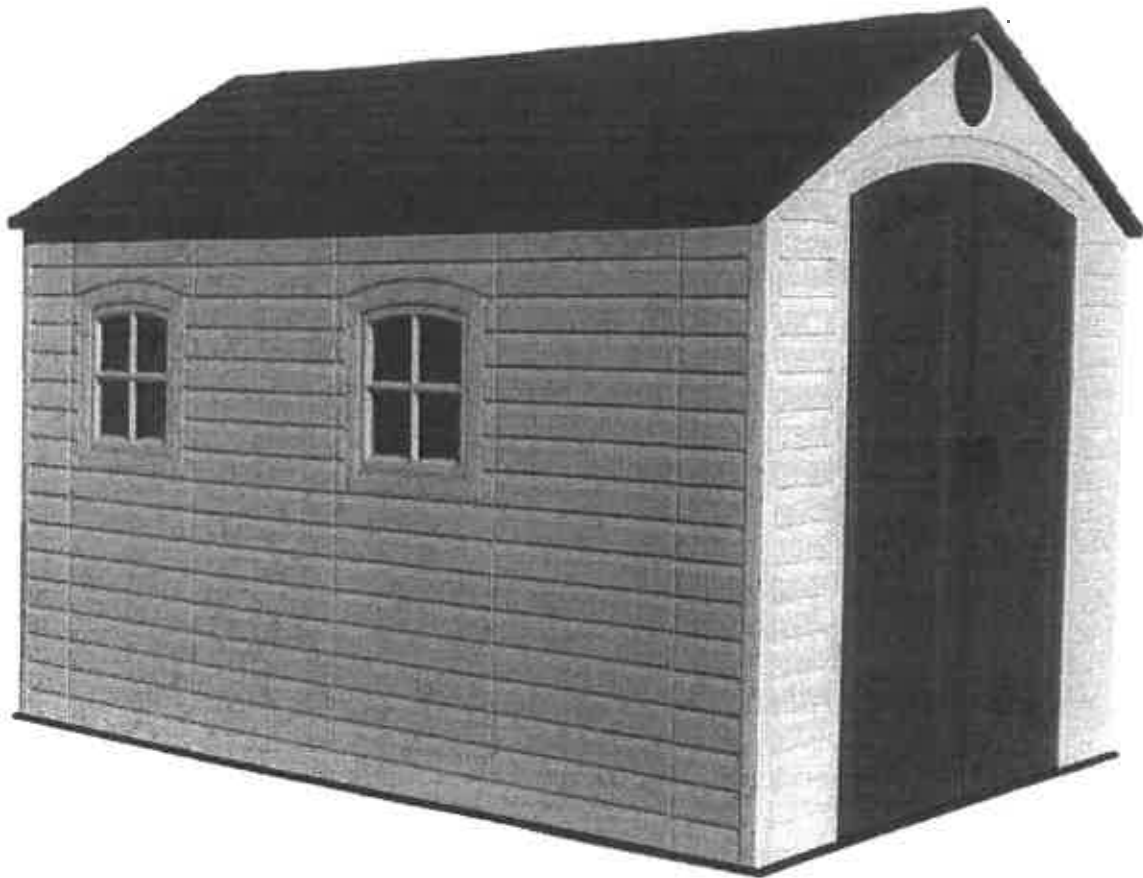
A BOUNDARY SURVEY OF: Lot 1, Block O, PAGE'S REPLAT OF MITCHELL'S BEACH, as recorded in Plat Book 20, Page 69 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
 Flood zone: AE Comm. Panel No. 126127 0181 G Map Date: 9/03/03 Base Flood Elev: 11.0'

For the SUCCESSFUL USE of this plat, the purchaser is advised that the accuracy of the plat is dependent upon the accuracy of the original survey upon which it is based. The purchaser is advised that the plat is not a substitute for a current title insurance policy and that the purchaser should obtain a current title insurance policy before purchasing the property. The purchaser is advised that the plat is not a substitute for a current title insurance policy and that the purchaser should obtain a current title insurance policy before purchasing the property.

LEGEND P.P. - PLAIN PAPER P.C. - PLAIN PAPER P.S. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER	P.A. - PLAIN PAPER P.B. - PLAIN PAPER P.C. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER	P.A. - PLAIN PAPER P.B. - PLAIN PAPER P.C. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER	P.A. - PLAIN PAPER P.B. - PLAIN PAPER P.C. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER	P.A. - PLAIN PAPER P.B. - PLAIN PAPER P.C. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER	P.A. - PLAIN PAPER P.B. - PLAIN PAPER P.C. - PLAIN PAPER P.D. - PLAIN PAPER P.E. - PLAIN PAPER P.F. - PLAIN PAPER P.G. - PLAIN PAPER P.H. - PLAIN PAPER P.I. - PLAIN PAPER P.J. - PLAIN PAPER P.K. - PLAIN PAPER P.L. - PLAIN PAPER P.M. - PLAIN PAPER P.N. - PLAIN PAPER P.O. - PLAIN PAPER P.P. - PLAIN PAPER P.Q. - PLAIN PAPER P.R. - PLAIN PAPER P.S. - PLAIN PAPER P.T. - PLAIN PAPER P.U. - PLAIN PAPER P.V. - PLAIN PAPER P.W. - PLAIN PAPER P.X. - PLAIN PAPER P.Y. - PLAIN PAPER P.Z. - PLAIN PAPER
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Lifetime 8x12 Outdoor Storage Shed Kit w/ Floor
[6402]



19.2: After doors are aligned, cut off any portion of wood shim that is still exposed. From inside the shed, drive a 1" nail through the floor into the shim to hold it in place.

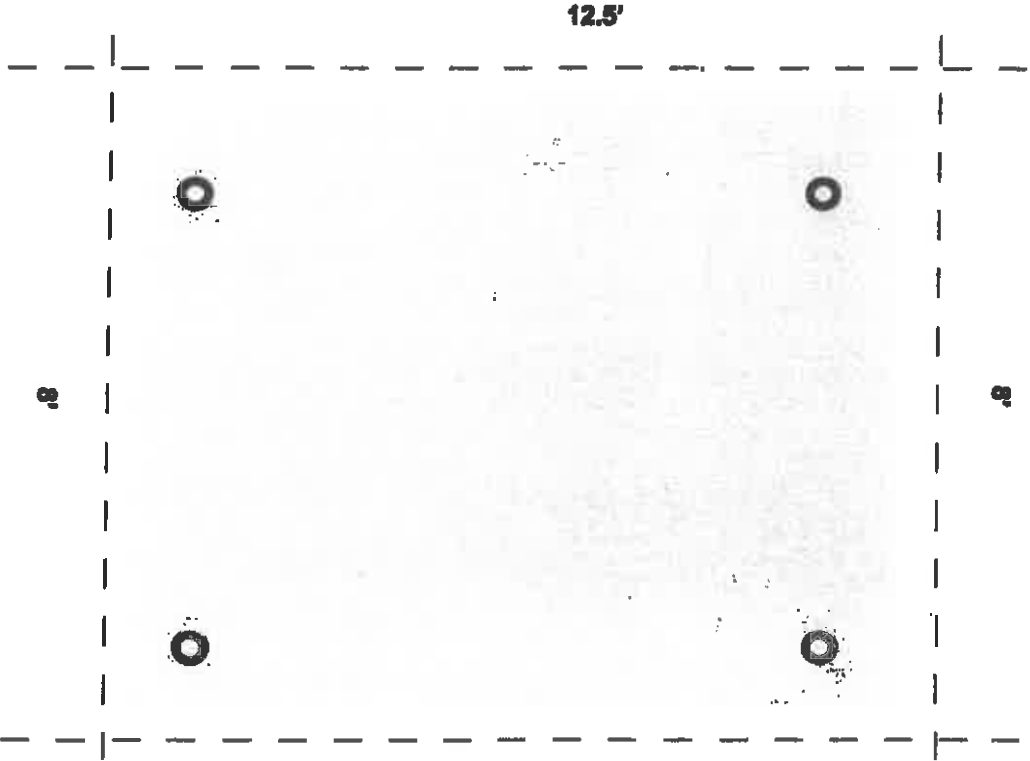
20 Anchor the Shed

20.1: After assembling your shed, you will need to anchor it to the ground through the four indentations in the shed floor. Consult your local hardware store for suggestions on the best hardware to use for anchoring your shed.

WARNING
Failure to anchor your shed may result in property damage and/or personal injury.

Fig. 2

Shim





Code Enforcement Hearing

Case No. 2019.742

July 22, 2019

2:00 p.m.



CITY OF MADEIRA BEACH

**COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 295 • FAX (727) 399-1131**



SPECIAL MAGISTRATE AFFIDAVIT OF SERVICE

**CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner,**

**CASE # 2019.742
DATE: 07/12/2019**

Vs.

**WHALLEY, THOMAS H
KLEM, HAROLD T
KLEM, SANDRA J
60 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2504
Respondent,**

RE: Property: 60 137th Ave Cir. Parcel # 15-31-15-34488-000-0150

AFFIDAVIT OF SERVICE

I, Holden Pinkard, Building Code Compliance Officer of the City of Madeira Beach, upon being duly sworn, deposed and says the following:

That pursuant to Florida Statue 162.12,

On the _12_ day of July, 2019, I mailed a copy of the attached NOTICE OF HEARING/ORDER via certified Mail, Return Receipt requested.

On the _12_ day of July, 2019, I mailed a copy of the attached NOTICE OF HEARING/ORDER via First Class Mail.

On the _12_ day of July, 2019, I posted a copy of the attached NOTICE OF HEARING/ORDER on the property located at 60 137th Ave Cir, Parcel # 15-31-15-34488-000-0150 In the City of Madeira Beach.

On the _12_ day of July, 2019, I caused the attached NOTICE OF HEARING/ORDER to be posted at the Municipal Government Offices, 300 MUNICIPAL DR, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.


Holden Pinkard, Building Code Compliance Officer

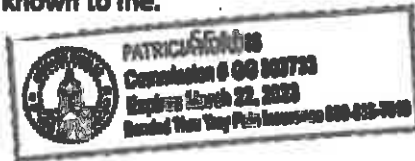
State of Florida

County of Pinellas

Before me on 12 day of JULY, 2019, personally appeared Holden Pinkard who executed the foregoing instrument and who is personally known to me.



Notary





CITY OF MADEIRA BEACH

**COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
(727) 891-9981 EXT. 244 • FAX (727) 899-1131**



SPECIAL MAGISTRATE NOTICE OF HEARING

**CITY OF MADEIRA BEACH, FL
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner,**

**CASE # 2019.742
DATE: 07/12/2019**

vs.

**WHALLEY, THOMAS H
KLEM, HAROLD T
KLEM, SANDRA J
60 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2504
Respondent,**

RE: PROPERTY: 60 137th Ave Cir., Madeira Beach, FL 33708. Parcel #: 15-31-15-34488-000-0150

**YOU ARE HEREBY FORMALLY NOTIFIED that at 2:00 pm on MONDAY the 22nd day of
JULY a hearing will be held before the Special Magistrate
concerning the following code violations:**

Violation Detail:

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)

You are hereby ordered to appear before the Madeira Beach Special Magistrate on that date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$500.00 per day against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may be presented to the Madeira Beach Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation, should you be found in violation of the City Code.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Assistant to Code Enforcement of the City of Madeira Beach within five (5) days at 300 Municipal Drive, Madeira Beach, Florida 33708, telephone number (727) 391-9951 x 244.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to insure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 12TH day of JULY, 2019


Holden Pinkard, Building Code Compliance Officer



CITY OF MADEIRA BEACH

**COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
(727) 391-8951 EXT. 244 • FAX (727) 899-1181**



SPECIAL MAGISTRATE STATEMENT OF VIOLATION/REQUEST FOR HEARING

Name and address of violator(s):

CASE # 2019.742

DATE: 07/12/19

**WHALLEY, THOMAS H
KLEM, HAROLD T
KLEM, SANDRA J
60 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2504**

**RE: Property 60 137TH Ave Cir. Madeira Beach, FL 33708. Parcel #: 15-31-15-34488-000-0150
Code(s) which have been violated:**

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)

I DO HEREBY SWEAR THAT THE ABOVE FACTS ARE TRUE TO THE BEST OF MY KNOWLEDGE. I REQUEST A HEARING ON THE ABOVE VIOLATION(S) BY THE MADEIRA BEACH SPECIAL MAGISTRATE OF THE CITY OF MADEIRA BEACH.


Holden Pinkard, Building Code Compliance Officer



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

COURTESY NOTICE OF CODE VIOLATION

APRIL 16, 2019

WHALLEY, THOMAS H
KLEM, HAROLD T
KLEM, SANDRA J
60 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2504

Case Number: 742
Parcel #: 15-31-15-34488-000-0150
Property Address: 60 137TH AVE CIR.

During a recent review of properties, it was noted that your property is in violation of the following code/ordinance:

Ordinance:

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;

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

COURTESY NOTICE OF CODE VIOLATION

(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)

Therefore, if the action(s) specified in this notice is not completed by 8:00 am of the re-inspection date listed, the City will take legal action concerning this violation(s). This action may include the issuance of a citation and imposition of a fine of up to five hundred dollars (\$500) per day. The City may also take the required action itself and lien the above property for all costs associated therewith, including an administrative fee of one hundred dollars (\$100).



CITY OF MADEIRA BEACH – BUILDING DEPARTMENT

300 Municipal Drive, Madeira Beach, FL 33708

(727) 391-9951 x246 (727) 399-1131 Fax

www.madeirabeachfl.gov

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COURTESY NOTICE OF CODE VIOLATION

Violation Text:

The previously cited “carport/storage” area panels have been reinstalled. They will need to be removed to comply with Sec. 110-427.

Please reply with a plan of correction(s) before the re-inspection date listed for any follow-up actions and/or concerns.

Holden Pinkard

Building Code Compliance

City of Madeira Beach

300 Municipal Drive

Madeira Beach, FL 33708

Office #727.391.9951 x298

hpinkard@madeirabeachfl.gov

Re-Inspection date: APRIL 30, 2019

Violation Order Issued by:

☒ Regular Mail

☐ Certified Mail

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NOTICE OF CODE VIOLATION

MAY 3, 2019

WHALLEY, THOMAS H
KLEM, HAROLD T
KLEM, SANDRA J
60 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2504

Case Number: 742
Parcel #: 15-31-15-34488-000-0150
Property Address: 60 137TH AVE CIR.

During a recent review of properties, it was noted that your property is in violation of the following code/ordinance:

Ordinance:

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;

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NOTICE OF CODE VIOLATION

Violation Text:

The previously cited “carport/storage” area panels have been reinstalled. They will need to be removed to comply with Sec. 110-427.

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Holden Pinkard

Building Code Compliance

City of Madeira Beach

300 Municipal Drive

Madeira Beach, FL 33708

Office #727.391.9951 x298

hpinkard@madeirabeachfl.gov

Re-Inspection date: MAY 10, 2019

Violation Order issued by:

☐ Regular Mail

☒ Certified Mail

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300 Municipal Drive
Madera Beach, Florida 33708



7015 1730 0002 3023 2747

Header

05/02/2018

POST-CLASS MAIL

\$006.95⁰⁰

ZIP 33708

011E11676165

WHALLEY, THOMAS H
KLEN, HAROLD T
KLEN, SANDRA J
60 137TH AVENUE CIR
MADERA BEACH FL 33708-2504

Domestic Return Receipt

3. Service Type
☐ Adult Signature Restricted Delivery
☐ Certified Mail
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

4. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: ☐ No

5. Restricted by (Printed Name) ☐ Agent ☐ Addressee ☐ Date of Delivery

6. Signature ☒ X

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Addressee Name

WHALLEY, THOMAS H

KLEN, HAROLD T

KLEN, SANDRA J

60 137TH AVE CIR
MADERA BEACH
FL 33708



8560 9402 3088 7124 2053 94

2. Article Number (Number from service label)

7015 1730 0002 3023 2747

PS Form 3811, July 2016 PSN 7500-02-000-9008

**United States
Postal Service**

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• **Sender:** Please print your name, address, and ZIP+4® in this box®

Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

BUILDING

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. 2. Print your name and address on the reverse so that we can return the card to you. 3. Attach this card to the back of the mailpiece, or on the front if space permits. 4. Article addressed to: WHALLEY, THOMAS H KLEN, HAROLD T KLEN, SANDRA J 60 15TH AVE CIR. 8590 9402 9093 7124 2053 34		5. Signature X  6. Registered by (Printed Name) 7. Date of Delivery	
5. Article addressed to: WHALLEY, THOMAS H KLEN, HAROLD T KLEN, SANDRA J 60 15TH AVE CIR. 8590 9402 9093 7124 2053 34		6. Is delivery address different from item 5? ☐ Yes ☐ No If Yes, enter delivery point below MAY 10 2019	
6. Article Number (10) 23 2747		7. Service Type ☒ Adult Signature Restricted Delivery ☐ Adult Signature ☐ Certified Mail ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery ☐ Priority Mail Express ☐ Registered Mail ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation ☐ Signature Confirmation Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9003

Domestic Return Required

