



**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 Recreation Center, 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.**

**WEDNESDAY, MAY 11, 2016**

**COMMISSION CHAMBERS**

**A. INTRODUCTION – SPECIAL MAGISTRATE HERBERT E. LANGFORD, JR.**

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**

<b>Case #2016.02</b>	SCOTT, TYRONE J.
<b>Respondent/Property Owner; Name &amp; Mailing Address:</b>	SCOTT, TYRONE J. 340 – 129 <sup>TH</sup> AVE E MADEIRA BEACH, FL 33708-2770
<b>Property Location:</b>	340 – 129 <sup>TH</sup> AVE E MADEIRA BEACH, FL 33708
<b>Legal &amp; Parcel #:</b>	15-31-15-97848-001-0090
<b>Violation(s)/Charge(s):</b>	<b>1. Sec. 110-201. - Definition; purpose and intent.</b>  The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.  Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.
<b>Reference Materials:</b>	<b>Notice of Hearing on Repeat Violation – 04/15/2016</b> <b>Affidavit of Service – 04/15/2016</b> <b>Statement of Violation/Request for Hearing – 04/15/2016</b>

**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.



## CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT  
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708  
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



### SPECIAL MAGISTRATE NOTICE OF HEARING ON REPEAT VIOLATION

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

vs.

CASE # 2016.02

SCOTT, TYRONE J  
340 129TH AVE E  
MADEIRA BEACH FL 33708-2770

Respondent,

**RE: PROPERTY:** 340 129th Ave E., Madeira Beach, FL 33708. **Parcel #:** 15-31-15-97848-001-0090

**YOU ARE HEREBY FORMALLY NOTIFIED** that at 2:00 pm on Wednesday the 11<sup>th</sup> day of May, 2016, there will be a public hearing at the Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, concerning the following:

#### **Violation Detail**

- **Sec. 110-201. - Definition; purpose and intent**

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

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.

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 to opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

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 Repeat 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 15 day of April, 2016



Chris Kohmann, Code Enforcement Officer



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300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708  
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



### SPECIAL MAGISTRATE AFFIDAVIT OF SERVICE

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

Case # 2016.02

Date: 4/15/16

Petitioner,

Vs.

SCOTT, TYRONE J  
340 129<sup>TH</sup> AVE E.  
MADEIRA BEACH, FL 33708-2770

**RE: Property:** 340 129<sup>TH</sup> AVE E. MADEIRA BEACH, FL 33708 **Parcel #** 15-31-15-97848-001-0090

Respondent.

### AFFIDAVIT OF SERVICE

I, Chris Kohmann, Community Policing 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 15 day of April, 2016, I mailed a copy of the attached **NOTICE OF HEARING/ORDER** via certified Mail, Return Receipt requested.

On the 15 day of April, 2016, I mailed a copy of the attached **NOTICE OF HEARING/ORDER** via First Class Mail.

On the 15 day of April, 2016, I posted a copy of the attached **NOTICE OF HEARING/ORDER** on the property located at 340 129<sup>th</sup> Ave E., Parcel # 15-31-15-97848-001-0090 in the City of Madeira Beach.

On the 15 day of April, 2016, 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.

Chris Kohmann, Community Policing Officer

State of Florida  
County of Pinellas

Before me on 15 day of April, 2016, personally appeared Chris Kohmann who executed  
the foregoing instrument and who is personally known to me.



Notary

SEAL





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### SPECIAL MAGISTRATE STATEMENT OF REPEAT VIOLATION/REQUEST FOR HEARING

**Name and address of violator(s):**

**CASE NO.** 2016.02

**DATE:** 4/15/16

SCOTT, TYRONE J  
340 129TH AVE E  
MADEIRA BEACH FL 33708-2770

**RE: Property:** 340 129th Ave E. Madeira Beach, FL 33708. **Parcel #:** 15-31-15-97848-001-0090

**Code section which have been violated:**

**SEC. 110-201.** - Definition; purpose and intent.

Mr. Scott,

Sec. 110-201 of the Code of Ordinances of the City of Madeira Beach provides:

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

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The special magistrate found you in violation of Section 110-201 on October 26, 2015. Therefore the current violation is a repeat violation. The basis of the violation is as follows:

1. On 2/11/16, I made contact with renters from Michigan. They provided a lease showing dates 11/27/15 – 2/27/16 for their stay. They advised there actually staying 2/6/16 – 2/27/16 and paid \$3800.00.
2. On 3/11/16, I made contact with renters from Canada. They provided a lease showing dates 3/1/16 – 5/30/16 for their stay. They advised there actually staying 3/9/16 – 3/31-16 and paid \$4000.00.
3. On 4/05/16, I made contact with renters from Michigan. They provided a lease showing dates 1/9/16 – 4/9/16. They advised there actually staying 4/1/16 – 4/9/16 and paid \$4149.00.

A Special Magistrate hearing has been set for May 11, 2016 at 2:00 p.m.

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.

A handwritten signature in black ink, appearing to read 'Chris Kohmann', written over a horizontal line.

Deputy Chris Kohmann, Code Enforcement Officer