

BEACH SCENE

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A FINE MESS IN MADEIRA BEACH A RESIDENT MUST PAY A HEFTY PENALTY FOR AN OUTDOOR KITCHEN HE LATER DEMOLISHED — ALONG WITH HIS HOUSE

/BY: **Carlos Moncada**

MADEIRA BEACH—After taking a sledgehammer to his unpermitted \$60,000 outdoor kitchen, John Scott Holcomb went before city commissioners to ask that a \$46,000 penalty against him be waived or reduced.

The response: Sorry for your loss, but the fine will stick.

The commission on Aug. 13 narrowly voted to uphold the \$46,022 lien against Holcomb that city staff had recommended.

The levy was half of the actual amount that Holcomb faced paying before he brought himself into permit compliance — by tearing out his backyard kitchen island overlooking the Intracoastal Waterway.



The \$60,000 backyard kitchen that Holcomb demolished in November 2024. Photo from City of Madeira Beach.



John Scott Holcomb asked the Madeira Beach City Commission to waive or reduce a \$46,022 fine for the outdoor kitchen he installed without a permit. Photo from City of Madeira Beach.

That's not all he lost.

Holcomb is demolishing his four-bedroom, four-bath waterfront home at 572 Johns Pass Ave., which he said was substantially damaged in last year's hurricanes.

"The house is currently nearly knocked down," he told commissioners. "I'm going to have to come way out of pocket to rebuild the house to code."

The unusual saga began in 2023, when Madeira Beach informed Holcomb and his wife, Jennifer, their property was in violation of city codes for their outdoor kitchen and for not having a fence around their pool.

The fence violation was resolved in a timely manner, but several months went by with the Holcombs failing to obtain the necessary kitchen permit, city officials said.

Their case subsequently went before a special magistrate who gave them 30 days to comply, by Nov. 22, 2023.

When they didn't, a fine of \$250 stacked

up day after day for nearly a year, until Holcomb obtained a permit to demo the kitchen, which he did last November.

By then, the unpaid fine had escalated to a whopping \$89,250. Including interest, the grand total came to \$92,044.07, city records show.

Holcomb explained that "mitigating circumstances" prevented him from resolving the violations sooner, and that he wasn't simply "thumbing his nose" at the city.

Among other things, Holcomb said he believed the issue was being handled between his construction contractor and the city.

He said his contractor was initially told by building department staff that the kitchen did not require a permit, since it was not "an attached structure to the ground." He also mentioned that the electrical and plumbing for it were already there from a jacuzzi he had removed.

Additionally, Holcomb said he did not see all the city's mailings regarding the case, including hearing date notices, until after the fact because he lives in Hillsborough County.

"I now know, going through all of this, that it absolutely should have been permitted," he said. "I originally asked for this [fine] to be waived. I know that's not going to happen. I would ask that you do something more than just [a] 50 percent [reduction].

"At this point I just want to get this over and done with," he added. "It's affecting my health. It's affecting the stress for me and my wife. And couple that with the fact that now we have to build an entirely new house."

The divided commissioners spent

several minutes grappling with how much Holcomb should pay — at one point City Attorney Thomas Trask gave them what amounted to a lesson in Robert's Rules of Order — and the implications of their decision.

A motion by Commissioner Housh Ghovaei to reduce the fine to \$10,000 failed, 4-1.

"I think that if we diminish the amount too much, then why do we have ordinances and codes?" Commissioner David Tagliarini said. "It takes away the teeth of our enforcement."

Mayor Ann-Marie Brooks said she was concerned about a significant fine reduction setting a precedent for others who violate the city's codes.

She asked Marci Forbes, the city's community development engineer, if the building department could have told Holcomb that he did not need a permit as Holcomb claimed.

"I would speculate if the question wasn't specific and was brought to somebody very general and in passing, yes, it could have very much been stated as such," Forbes replied.

Vice Mayor Ray Kerr pointed out that it took Holcomb almost a year to pull the permit the kitchen required.

"I understand it's a lot of money," Kerr said. "But it's accumulated because Mr. Holcomb decided to ignore it. He came into compliance in November, which is two months after Hurricane Helene. I'm sure [the kitchen] was unusable anyway."

The final motion to approve the staff recommended amount of \$46,022 passed 3-2, with Kerr and Ghovaei voting no.