



THE CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE

LOCAL PLANNING AGENCY/ PLANNING COMMISSION

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

6:00 PM

MONDAY, JUNE 11, 2018

COMMISSION CHAMBERS

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF THE MINUTES – May 14, 2018**
- IV. **NEW BUSINESS**
 - A. **PETITION EE 2018-01: REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 12'8" EXTENSION ALONG A 2' 4" ENCROACHMENT INTO THE 5 FOOT SIDE YARD SETBACK TO ALLOW FOR AN ADDITION TO THE EXISTING, LEGAL, NON-CONFORMING STRUCTURE LOCATED AT 13149 3RD ST E. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM**
 - B. **PETITION EE 2018-02: REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 10' ENCROACHMENT INTO THE 20' FRONT YARD SETBACK TO ALLOW FOR A SECOND STORY ADDITION ON THE SAME FOOTPRINT OF THE EXISTING LEGAL NON-CONFORMING STRUCTURE LOCATED AT 343 BOCA CIEGA DRIVE. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM.**
- V. **OLD BUSINESS – N/A**
- VI. **PLANNING COMMISSION DISCUSSION – N/A**
- VII. **NEXT MEETING : JULY 9, 2018 6:00PM**
- VIII. **ADJOURNMENT**

One or More Elected or Appointed Officials May Be In Attendance

Any person who decides to appeal any decision of Planning Commission serving as the Local Planning Agency 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.

POSTED JUNE 1, 2018



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

I. CALL TO ORDER



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

II. ROLL CALL



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

III. APPROVAL OF THE MINUTES – May 14, 2018



THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE

LOCAL PLANNING AGENCY
PLANNING COMMISSION
MINUTES

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet at the City of Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708, to conduct Public Hearings on the following City business.

6:00 P.M.

MONDAY, MAY 14, 2018

COMMISSION CHAMBERS

I. **CALL TO ORDER** The meeting was called to order at 6:00pm by Chairman Mike Noble

II. **ROLL CALL**

Commissioner Gerri Clyatt (Present)

2nd Vice-Chair Michael Wyckoff (Present)

Commissioner Mary Ann Hearn (Absent)*

1st Vice-Chair Robin Biloski (Absent)*

Commissioner Marilyn Rappa (Absent)*

Commissioner Ruth Cabella (Present)

Chairman Mike Noble (Present)

Staff Representatives:

Linda Portal, Planning & Zoning Director

Ralf Brookes, City Attorney

Gwen Sinkfield, Acting Clerk

III. **APPROVAL OF THE MINUTES – APRIL 9, 2018**

Commissioner Wyckoff provided a motion to approve minutes for April 9, 2018.

Commissioner Clyatt provided the second to the motion. The vote was 4-0 with all members voting "aye".

IV. **NEW BUSINESS**

A. **TCH 2018-03**

Proposed Amendment To Part II Code of Ordinances Chapter 110-Zoning, Article II
Site Plans

Commissioner Wyckoff provided a motion to recommend approval to accept proposal with minor changes to Sec. 110-Zoning, Article II intermediate category for residential developments of 5-12 units to not require the Public hearing from 13 to 20 units require the public hearing, parking 7-20 units to not require the public hearing 21-40 units require the public hearing.

Commissioner Cabella provided the second to the motion. The vote was 4-0 with all members voting "aye".

B. **TCH 2018-04**

Proposed Amendment To Part II Code of Ordinances Chapter 110 Zoning, Article III -
Parking

Commissioner Wyckoff provided a motion to recommend approval with the minor amendments to Sec. 66-57(5) To add the words *or for the purpose*.

Commissioner Cabella provided the second to the motion. The vote was with all members voting "aye".

C. TCH 2018-05

**Proposed Amendment To Part II Code of Ordinances Chapter 110 Zoning, Article V
R-2 Low Density Residential**

Commissioner Wyckoff provided a motion to recommend approval as presented.

Commissioner Clyatt provided the second to the motion. The vote was with all members voting "aye".

- V. OLD BUSINESS – None
- VI. PLANNING COMMISSION DISCUSSION - None
- VII. NEXT MEETING – June 11, 2018 at 6:00pm
- VIII. ADJOURNMENT - Meeting adjourned at 7:28pm

Date Approved: June 11, 2018

Respectfully submitted:

Mike Noble, Chairman

Date

Gwen Sinkfield, Assistant to Planning/Zoning

Date



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

IV. NEW BUSINESS

- A. PETITION EE 2018-01:** REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 12'8" EXTENSION ALONG A 2' 4" ENCROACHMENT INTO THE 5 FOOT SIDE YARD SETBACK TO ALLOW FOR AN ADDITION TO THE EXISTING, LEGAL, NON-CONFORMING STRUCTURE LOCATED AT 13149 3RD ST E. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM
- B. PETITION EE 2018-02:** REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 10' ENCROACHMENT INTO THE 20' FRONT YARD SETBACK TO ALLOW FOR A SECOND STORY ADDITION ON THE SAME FOOTPRINT OF THE EXISTING LEGAL NON-CONFORMING STRUCTURE LOCATED AT 343 BOCA CIEGA DRIVE. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM.

PETITION EE 2018-01

EE 2018-01
Staff Report and Recommendation
June 11, 2018

Property Owner/ Charles & Vicki Clark
Applicant:

Property Address: 13149 3rd St E
Madeira Beach, FL 33708

Parcel I.D. #: 15-31-15-65304-016-0070

NATURE OF REQUEST:

PETITION EE 2018-01: REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 12'8" EXTENSION ALONG A 2' 4" ENCROACHMENT INTO THE 5 FOOT SIDE YARD SETBACK TO ALLOW FOR AN ADDITION TO THE EXISTING, LEGAL, NON-CONFORMING STRUCTURE LOCATED AT 13149 3RD ST E. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM

On June 12, 2018 the Board of Commissioners will consider, on second reading, an ordinance amendment allowing the extension of setback encroachments under certain specific conditions with approval of the Planning Commission upon quasi-judicial review. The Planning Commission recommended approval of this at its May 14, 2018 amendment and the Board of Commissioners approved on 1st reading at their meeting of May 8, 2018. We have received public comment to the effect that the requirement of both neighbor approval and the quasi-judicial hearing is excessive and the Board of Commissioners will consider this input at their hearing on June 12th.

Two properties have requested review under the proposed amended code. Since the rainy season has begun and construction can be significantly delayed due to weather in this season, the property owners request that the Planning Commission conduct the quasi-judicial review of these petitions and issue a decision conditional upon the Board of Commission approval of the amendment to Section 110-93. Otherwise the petitions cannot be heard until the Planning Commission meeting of July 9, 2018, costing the property owners an additional month of construction time.

The owner of this property, 13149 3rd St. E., is requesting approval of a 12'8" extension along the line of an existing 2'4" encroachment on the side yard. Although there is a large setback on the other side of the house, the addition is more appropriate on this side because of the location of the electrical service and access to other portions of the house. The addition on the other side would require considerable remodeling of the existing floorplan and kitchen and require moving the electrical panel. This amount of work would not be permitted due to the 50% value limitations enforced by the Floodplain Ordinance and FEMA compliance. The Planning Commission must

consider the following conditions as required by Sec 110-93, for approval under quasi-judicial review.

Property is within a Residential Zone: The property is designated for R-2 use.

- **A minimum of 5 foot of clearance remains on one side of the structure:** This property has over 9 feet of setback on the other side of the house resulting in adequate access to the rear of the property.
- **Compatibility with Surrounding properties and the Neighborhood in general:** The proposed addition would be in character with surrounding properties and the neighborhood in general in that almost every home on the same block face, both adjacent and opposite, and many of those throughout the neighborhood, encroach into 1 or more setbacks and some with multiple structures and additions, as can be measured from satellite images (example attached with redline showing encroached setbacks). Furthermore, these nonconforming structures can be reconstructed to continue their existing nonconforming setback as is consistent with the redevelopment code, Sec 110-97.
- **Stormwater Drainage Management:** The ordinance requires that the to prevent any impact on adjacent property the site and structural addition must be designed to carry all runoff and direct it away from the neighboring properties. The adjacent property to the east has experienced increased stormwater storage on-site due to redevelopment of surrounding properties. This property used to drain to the northwest across other properties but this pattern was interrupted by new development over time. The addition of updated gutters and the site work associated with this petition may improve the neighbor's situation if any is being caused by run-off from the petitioner's site. This standard can be enforced as a condition to permitting by the design review staff.
- **Neighbor Approval:** Extensions along an existing encroachment line can be approved only if the neighbor on the extending encroached side indicates support for the extension by notarized statement. Since this review process is new and adequate forms and deadlines have not been established, the applicants have not yet submitted approvals by neighbors. I have met with 1 neighbor who indicated her concern but potential support contingent upon drainage issues being addressed. I have offered to meet with the neighbor again to review the proposal and the drainage plan and to include the City Engineer in the meeting in hopes of securing a mutually agreed upon plan. This standard can be enforced as a condition to permitting by requiring letters, *should they be required by final vote of the Board of Commissioners*, be submitted prior to issuance of permits.

Statement of Comprehensive Plan Compatibility

The Comprehensive Plan requires the City to adopt ordinances and programs that protect the value of existing homes and neighborhoods and encourage their improvement by means of private sector and homeowner investment. However, property development is becoming prohibitively expensive for those seeking new affordable housing. In order to maintain some stock of affordable ownership opportunities, improvement of existing structures must be allowed. Even with the amendment of

the code to include the proposed options, it is important to note that FEMA rules and the local floodplain ordinance will still limit the nature and value of substantial improvements.

Staff Recommendation:

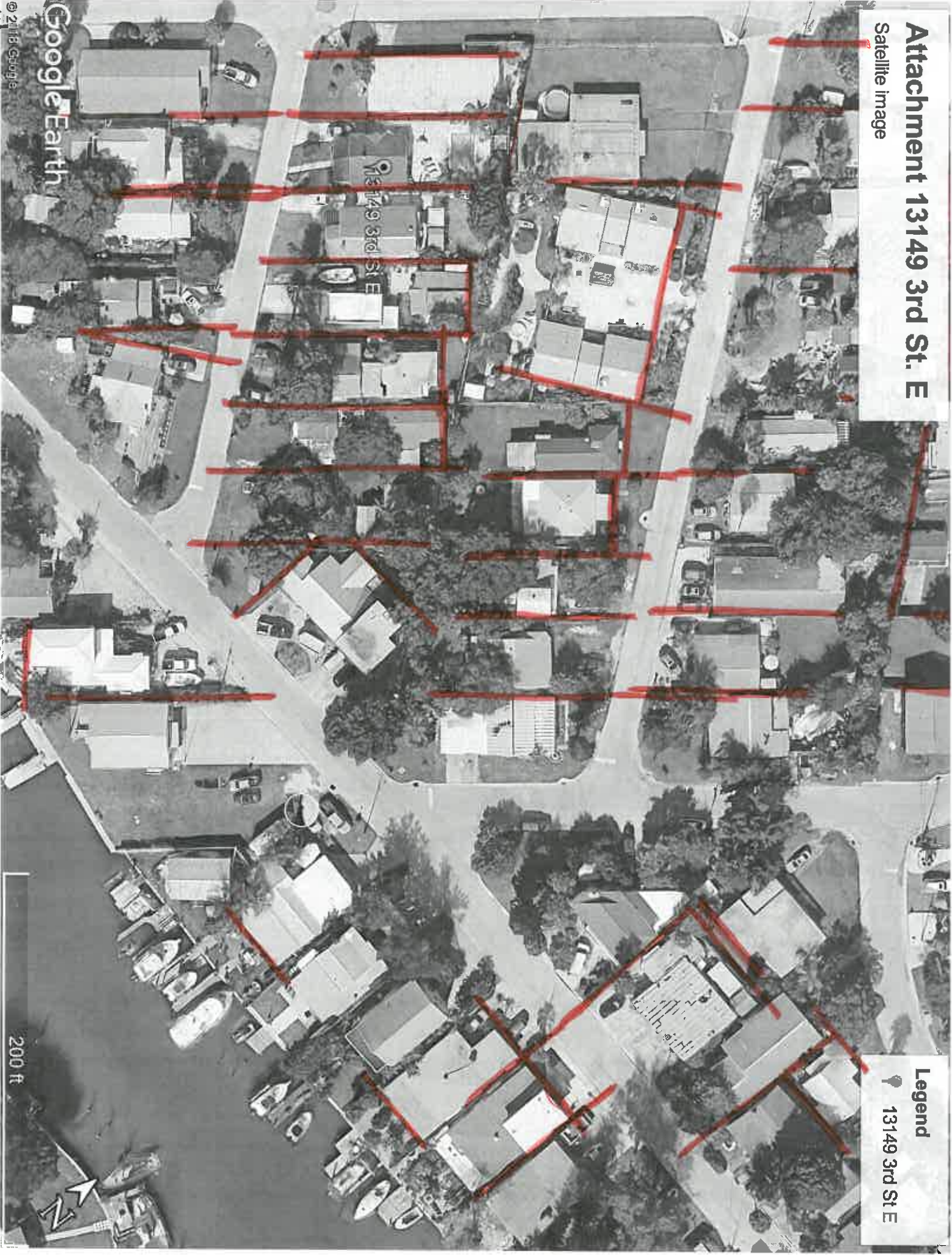
Planning Commission approve Petition EE 2018-01 allowing a 12'8" extension along the line of an existing 2'4" encroachment on the side yard providing the following conditions are met:

1. The Board of Commissioners approve Ordinance No. 2018-04 on second reading
2. The stormwater plan is approved by review staff;
3. Neighbor approval be obtained in accordance with code, *if required by the Board of Commissioners in their final approval of the regulating ordinance.*

Attachment 13149 3rd St. E

Satellite image

Legend
13149 3rd St E



Google Earth

© 2018 Google

200 ft



PETITION EE 2018-02

EE 2018-02
Staff Report and Recommendation
June 11, 2018

**Property Owner/
Applicant:** Sandra Carnes

Property Address: 343 Boca Ciega Dr
Madeira Beach, FL 33708

Parcel I.D. #: 15-31-15-65322-026-0160

NATURE OF REQUEST:

PETITION EE 2018-02: REQUEST FOR PLANNING COMMISSION CONDITIONAL APPROVAL OF A 10' ENCROACHMENT INTO THE 20' FRONT YARD SETBACK TO ALLOW FOR A SECOND STORY ADDITION ON THE SAME FOOTPRINT OF THE EXISTING LEGAL NON-CONFORMING STRUCTURE LOCATED AT 343 BOCA CIEGA DRIVE. THIS REQUEST WOULD NOT INCREASE THE DEPTH OF THE ENCROACHMENT NOR CONSTITUTE A NEW SETBACK. ANY APPROVAL OF THIS REQUEST IS SUBJECT TO THE ADOPTION ON SECOND READING OF ORDINANCE NO. 2018-04 SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF CITY COMMISSIONERS, JUNE 12, 2018 AT 6:00PM.

On June 12, 2018 the Board of Commissioners will consider, on second reading, an ordinance amendment allowing the extension of setback encroachments under certain specific conditions with approval of the Planning Commission upon quasi-judicial review. The Planning Commission recommended approval of this at its May 14, 2018 amendment and the Board of Commissioners approved on 1st reading at their meeting of May 8, 2018. We have received public comment to the effect that the requirement of both neighbor approval and the quasi-judicial hearing is excessive and the Board of Commissioners will consider this input at their hearing on June 12th.

Two properties have requested review under the proposed amended code. Since the rainy season has begun and construction can be significantly delayed due to weather in this season, the property owners request that the Planning Commission conduct the quasi-judicial review of these petitions and issue a decision conditional upon the Board of Commission approval of the amendment to Section 110-93. Otherwise the petitions cannot be heard until the Planning Commission meeting of July 9, 2018, costing the property owners an additional month of construction time.

The owner of this property, 343 Boca Ciega Dr., is requesting approval of an upward extension along the line of an existing 10 ft. front yard encroachment. This home cannot be altered or expanded in the way requested without increasing the nonconformity upwards on the same footprint. Other options for expansion are unavailable because they either increase encroachment depth on the sides or result in the destruction of existing area within the home, thereby actually

reducing usable space. The Planning Commission must consider the following conditions as required by Sec 110-93, for approval under quasi-judicial review.

Property is within a Residential Zone: The property is designated for R-2 use.

- **A minimum of 5 foot of clearance remains on one side of the structure:** This property has a 5 foot setback on one side and a 7 on the other resulting in adequate access to the rear of the property.
- **Compatibility with Surrounding properties and the Neighborhood in general:** The proposed addition would be in character with surrounding properties and the neighborhood in general in that other homes and garages along the same street frontage also encroach substantially into the front setback. Furthermore, the neighbor's home was reconstructed to the former home's nonconforming setback as is consistent with the redevelopment code, Sec 110-97. The same option would be available to the applicant since this does not increase the footprint of the encroachment.
- **Stormwater Drainage Management:** The ordinance requires that the to prevent any impact on adjacent property the site and structural addition must be designed to carry all runoff and direct it away from the neighboring properties. Since this structure is to have the same roof perimeter after addition as it did before, improvements including modern gutters will improve run-off conditions. This standard can be enforced as a condition to permitting by the design review staff.
- **Neighbor Approval:** Extensions along an existing encroachment line can be approved only if the neighbor on the extending encroached side indicates support for the extension by notarized statement. Since this review process is new and adequate forms and deadlines have not been established, the applicants have not yet submitted approvals by neighbors. I have met with 1 neighbor who indicated her approval and another is a family member and has indicated approval verbally. This standard can be enforced as a condition to permitting by requiring letters, should they be required by final vote of the Board of Commissioners, be submitted prior to issuance of permits.

Statement of Comprehensive Plan Compatibility

The Comprehensive Plan requires the City to adopt ordinances and programs that protect the value of existing homes and neighborhoods and encourage their improvement by means of private sector and homeowner investment. However, property development is becoming prohibitively expensive for those seeking new affordable housing. In order to maintain some stock of affordable ownership opportunities, improvement of existing structures must be allowed. Even with the amendment of the code to include the proposed options, it is important to note that FEMA rules and the local floodplain ordinance will still limit the nature and value of substantial improvements.

Staff Recommendation:

Planning Commission approve Petition EE 2018-02 allowing an upward extension along the line of an existing 10 ft. front yard encroachment, providing the following conditions are met:

1. The Board of Commissioners approve Ordinance No. 2018-04 on second reading;
2. The stormwater plan must be approved by review staff;
3. Neighbor approval be obtained in accordance with code, *if required by the Board of Commissioners in their final approval of the regulating ordinance.*

Architectural drawing of a house showing a cross-section and a floor plan. The cross-section shows a gabled roof with rafters, a truss bearing, a 2x4 wall, and a 10-inch deck. The floor plan shows a truss bearing, existing truss bearing, and finish floor. Dimensions are provided for the roof, walls, and floor.

Labels and dimensions include:

- Truss Bearing
- 2x4 Wall
- 10" Deck
- Finish Floor
- Truss Bearing
- Existing Truss Bearing
- Finish Floor
- Dimensions: 10'-8", 9'-1", 4'-0", 10'-8"

FRONT ELEVATION (Rear Sim.)
1/4" = 1'-0"

NOTE:
Do Not Scale Externals. Use Dimensions Shown (") or Those Scaled. If There Is A Discrepancy, Verify With Builder.

Architectural Fiberglass Shingles Over 1 Ply Peel & Seal Over 1 2" CDX—4 Ply Over Pre-Finimented Wood Ruo® Trusses

Architectural drawing of a building elevation, likely a side or rear view, showing various structural elements and materials. The drawing includes the following labels and dimensions:

- Over Pre-engineered Wood Roof Trusses:** Located at the top of the roof structure.
- Truss Dairing:** A detail showing the truss structure.
- 12'** and **4'**: Dimensions indicating the height and width of the roof section.
- Finish Floor:** The top level of the building.
- Top New Column:** A vertical structural element.
- Existing Building:** The main structure of the building.
- Hand Siding:** A type of exterior cladding.
- Cricket as to quartering:** A detail showing the transition between different siding or roof sections.
- Flashing:** A detail showing the waterproofing at a joint.
- 2'-0" to Match Existing:** A dimension indicating a section to match an existing feature.
- Flare Roof:** A detail showing the roof structure.
- Slope Matches Stairwell:** A detail showing the roof slope matching the stairwell.
- Existing Roof System:** The current roof structure.
- Elevator:** A vertical transport system.
- Existing Building:** The main structure of the building.
- Finish Floor:** The top level of the building.
- 1'-0"** and **2'-0"**: Dimensions indicating the height and width of the building section.
- New Column:** A vertical structural element.
- Existing Building:** The main structure of the building.
- Existing Building:** The main structure of the building.

RIGHT ELEVATION

 $1/4'' = 1'-0''$

DEC 28 2017

David S. McDougall, FL P.E. Lic. # 63703; Date: 12/31/00
2340 Surrey Lane, Clearwater, FL 33763

Bandi Carnes
343 Boca Ciega Drive, Maderia beach, FL.



**SUBJECT
INSPECTION**
March

08/31/

ELEVATIONS
 **Tom Craig**
 DEMONSTRATION AND BUILDING

12/11/17	"A"	Added Elevator and 2'-0" Room Addition
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**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

v. OLD BUSINESS – N/A



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

vi. PLANNING COMMISSION DISCUSSION – N/A



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

vii. NEXT MEETING: July 9, 2018 6:00pm



**LOCAL PLANNING AGENCY/
PLANNING COMMISSION MEETING**
June 11, 2018

viii. ADJOURNMENT