

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2022.3431

Petitioner,

vs.

ALJEAN SHORES CONDOMINIUM
ASSOCIATES, INC.,
50 154th Ave.
Madeira Beach, FL 33708,

Respondent.

AMENDED FINDINGS OF FACT,
CONCLUSION OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 24, 2022, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Code Enforcement Officer, Laura Roby provided testimony on behalf of the City.
2. Frank Cusimano appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 50 154th Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

The common elements of Aljean Shores Condominium as reflected in Parcel ID No. 09-31-15-00364-000-0001

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.
6. The Respondent was notified that Respondent was in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 86-52.- When Required.



A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

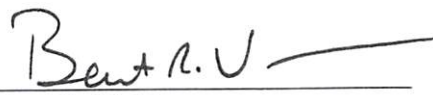
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 86-52 of the Code of Ordinances of the City of Madeira Beach.

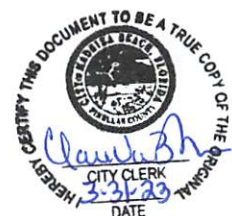
2. The Respondent shall correct the above stated violation on or before November 23, 2022, by taking the remedial action as set forth in the Notice of Code Violation and stated on the record at the hearing to remove the fence posts.

3. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, without further hearing, in the amount of \$25.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after November 23, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

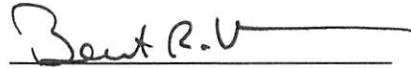
4. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 28th day of March, 2023.


Bart R. Valdes
Special Magistrate



A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Aljean Shores Condominium Association, Inc., P.O Box 618, Bay Pines, Florida 33744; Lisa Cercek, Registered Agent for Aljean Shores Condominium Associations, Inc., 19455 Gulf Blvd., Unit 8A, Indian Shores, Florida 33785; and Frank J. Cusimano and Sharon L. Rider, 50 154th Ave., Madeira Beach, FL 33708;** by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal);** and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708,** on this 28 day of March, 2023.



Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022323226 11/07/2022 09:46 AM
OFF REC BK: 22255 PG: 2106-2106
DocType:CC JUD RECORDING: \$10.00

CITY OF MADEIRA BEACH,

Petitioner,

vs.

CASE NUMBER: 2022.3387

BERNARD SCOTT LLC
13227 2nd St. East
Madeira Beach, FL 33708,

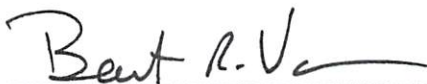
Respondent.

ORDER EXTENDING COMPLIANCE DEADLINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 24, 2022, after due notice to the Respondent, and the Special Magistrate having considered the Respondent's request for an extension of the compliance date, the City's agreement to extend the same, and otherwise being fully advised in the premises, **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

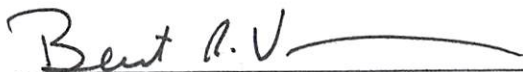
1. The deadline for compliance set forth in the Findings of Fact, Conclusions of Law and Order Imposing Fine dated August 9, 2022, is extended to December 30, 2022, nunc pro tunc.

DONE AND ORDERED this 26th day of October, 2022.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Order Extending Compliance Deadline was delivered by certified mail and regular mail to: **Bernard Scott, LLC, 13227 2nd St. E., Madeira Beach, FL 33708; and 301 W. Platt St., Suite 223, Tampa, Florida 33606;** by electronic mail to **Thomas Trask, Esq. (tom@cityattomeys.legal) and Allison C. Doucette, Esq. (AllisonD@blhtlaw.com);** and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708,** on this 26th day of October, 2022.



Bart R. Valdes
Special Magistrate



CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1296

Petitioner,
vs.

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2022344884 11/30/2022 02:44 PM
OFF REC BK: 22277 PG: 2557-2559
DocType:LN RECORDING: \$27.00

BRIAN MURRAY,
14033 E. Parsley Dr.
Madeira Beach, FL 33708,

Respondent.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 24, 2022, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

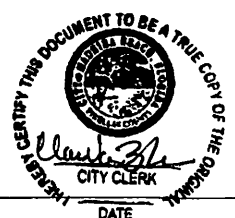
1. The City was represented by the City Attorney, and Holden Pinkard, Frank Desantis and Jenny Rowan provided testimony on behalf of the City.
2. Lori Souza appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 14033 E. Parsley Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

BAY POINT ESTATES BLK 1, LOT 3

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.
6. The Respondent was notified that Respondent was in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 14-70.- Same- General Maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation



and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

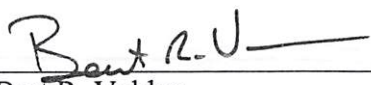
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 14-70 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before November 23, 2022, by taking the remedial action as set forth, and stated on the record at the hearing, which is to demolish the home.

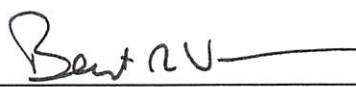
3. If the Respondent fails to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after November 23, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

4. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 28th day of October, 2022.


Bart R. Valdes
Special Magistrate

A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: **Brian Murray, 14033 E. Parsley Dr., Madeira Beach, FL 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708**, on this 28th day of October, 2022.


Bart R. Valdes



APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.



LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 2022-07

Richard and Stephanie Gish
for the property located at
850 Bay Point Dr.
Madeira Beach, Florida 33708,

Applicants.

ORDER GRANTING VARIANCE

Variance request to install a lift adjacent to an existing dock; the elements will extend more than one-half the width and outside the center one-third of the property at the waterfront.

Special Code Provisions: Madeira Beach Land Development Regulations, Sec. 14-205. - Design criteria for private docks. The property address is 850 Bay Point Dr., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 10-31-15-04500-001-0510

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on October 24, 2022, and, based on the evidence, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Richard and Stephanie Gish (collectively, “the applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance that would allow the construction of a boat lift adjacent to a private dock that extends more than one-half width of the property at the waterfront and is located outside the center one-third of the property width at the waterfront.

2. The applicant needs a variance for installing a boat lift adjacent to a private dock in order to comply with the requirements of the Code of Ordinances of the City of Madeira Beach (the “Code”).

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

4. The plat for 850 Bay Point Drive was approved in 1952. Many of the nearby lots have a width at the waterfront of sixty feet, but 850 Bay Point Drive has an irregular shaped lot where the land adjacent to waterfront is more narrow than nearby properties. Since 850 Bay

Point Drive has an irregular shaped lot, there are limitations for what can be constructed for private docks compared to other neighboring properties.

5. The proposed boat lift fits the character of the neighborhood. The R-1, Single-Family Zoning District allows for residential docks as an accessory use. Other nearby properties have similar sized boat lifts and docks. Many of the surrounding docks and boat lifts would require a neighbor sign off or variance because they do not fit within one-half the width and are located outside the center one-third of the property at the waterfront.

6. The existing private dock at 850 Bay Point Drive is located near the intracoastal and on Boca Ciega Bay. The current private dock experiences wave action from boat traffic and wind. The wave action causes the applicant's boat to slam against the dock leading to damage to the boat. The existing mooring whips are not able to hold the boat in place because of the wave action. During a hurricane scenario with even stronger wave action, there is an increase in risk of property damage to applicant's property and surrounding properties because of the lack of a boat lift.

7. The plat for 850 Bay Point Drive and other nearby lots were approved in 1952. The lot predates the design criteria for private docks requirements, which were not implemented until 1983. Other nearby properties are located near the intracoastal and have similar issues with wave action and wind. These conditions are not self-created hardship from the applicant and have existed for decades.

8. Other nearby properties have boat lifts including some in similar locations. Granting this variance would not give the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.

9. Other neighboring properties have similar boat lifts to what the applicant is proposing because they have similar challenges. A literal interpretation of the Code (Sec. 14-205) would deny the applicant of rights commonly enjoyed by other nearby waterfront properties in the R-1 Zoning District.

10. Granting Variance 2022-07 would be the minimum variance to make it possible for a reasonable use of the waterfront portion of 850 Baypoint Drive with the current configuration of the dock. The proposed boatlift would be similar to other neighboring boatlifts.

11. Variance 2022-07 will be in harmony with the general intent and purpose of the city development regulations by allowing for reasonable waterfront access that other neighboring waterfront properties currently enjoy. The proposed boatlift would fit within the character of the neighborhood and would not be detrimental to the public welfare of neighboring properties.

CONCLUSION OF LAW

1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public

interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

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

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, to build a boatlift that is adjacent to a dock that extends more than one half width and outside the center one third of the property at the waterfront of 850 Baypoint Drive.

DONE AND ORDERED on October 28, 2022.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Richard and Stephanie Gish
for the property located at
850 Bay Point Dr.
Madeira Beach, Florida 33708

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 2022-06

Gerald and Watcharin Clouse
for the property located at
431 137th Ave. Cir.
Madeira Beach, Florida 33708,

Applicants.

ORDER GRANTING VARIANCE

Variance request to reduce the front setback from 20 feet to 13 feet and reduce the rear setback from 25 feet to 15 feet to allow for the construction of a new single-family home.

Special Code Provisions: Madeira Beach Land Development Regulations, Setback requirements for R-2 Zoning District Sec. 110-206 (1) Front yard: 20 feet, Sec. 110-206 (2) Rear yard: 25 feet. The property address is 431 137th Ave. Cir., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-34488-000-0850

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on October 24, 2022, and, based on the evidence, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of Gerald and Watcharin Clouse (collectively, “the applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance that would reduce the front and rear setback to allow for the construction of a new single-family home.

2. The applicant needs a variance to build a new single-family home in order to comply with the requirements of the Code of Ordinances of the City of Madeira Beach (the “Code”).

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

4. The lot at 431 137th Avenue Circle is an irregular shaped lot that does not meet the current minimum lot size requirements for the R-2 Low Density Multifamily Residential Zoning District. The lot plat was approved in 1941 and the house was built in 1945, making the

lot legally nonconforming. The R-2 Zoning District requires a minimum lot size of four thousand square feet (Sec. 110-205 (1)a). The lot for 431 137th Avenue Circle is approximately 2,563 square feet. The lot does not meet the required lot depth of eighty feet (Sec. 110-205 (3)). Both the lot plat and house predate the current zoning requirements in the Madeira Beach Code of Ordinances. The lot and home at 431 137th Avenue Circle are legally nonconforming.

5. The surrounding properties near 431 137th Avenue Circle were platted in 1941. Since the nearby lots predate zoning, many of the lots near 431 137th Avenue Circle are irregular shaped nonconforming sized lots. Many of the older nearby homes are legally nonconforming and do not meet setback requirements since they were built before the zoning was established. This proposed project fits within the established character of the neighborhood since nearby lots were platted at the same time and have similar challenges with irregularly shaped lots.

6. The existing home is slab on grade with living space on the ground floor. The current home is at risk of flooding during a flood event. A new home would be built to the current FEMA requirements that would make the structure more disaster resistant than the existing home.

7. The home at 431 137th Avenue Circle was built in 1945 and predates the current zoning requirements. The lot was platted in 1941. Both the home and lot predate the creation of the R-2 Zoning District and Chapter 110-Zoning. Both the home and lot are legally nonconforming and are not self-created hardships.

8. Since the lot at 431 137th Avenue Circle and nearby surrounding properties were platted in 1941, many nearby properties have similar setbacks because of the irregular shaped lots that predate zoning. The new home would meet the side setback requirement that the existing home does not meet. Granting the variance would not give the applicant any special privileges.

9. When the front setback and rear setback (Sec. 110-206(1 - 2)) for the R-2 Low Density Multifamily Residential Zoning District are laid over the existing lot, the allowable buildable area would not allow for a single-family home to be built. A literal interpretation of front and rear setback requirements would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

10. The variance granted would allow for the new structure to meet all other current requirements in the R-2 Zoning District. Building a new single-family home would be a reasonable use of the land.

11. Granting Variance 2022-06 is in harmony with the general intent and purpose of the city land development regulations. The proposed reduction in front and rear setback would allow for the construction of a new home that would meet all the of the other current requirements of a single-family home in the R-2 Zoning District. Variance 2022-06 would not be detrimental to public welfare and would not have a negative impact on nearby properties.

CONCLUSION OF LAW

1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

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

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, to reduce the front setback from 20 feet to 13 feet and reduce the rear setback from 25 feet to 15 feet to allow for a new single-family house.

DONE AND ORDERED on October 28, 2022.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Todd Pressman
Pressman and Assoc., Inc.
200 2nd Ave. S., #451
St. Petersburg, Florida
Todd@pressmaninc.com

Gerald and Watcharin Clouse
431 137th Ave. Cir.
Madeira Beach, Florida 33708

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 2022-05

James and Shannon Sullivan
for the property located at
13411 Boca Ciega Ave.
Madeira Beach, Florida 33708,

Applicants.

ORDER GRANTING VARIANCE

Variance request to build a private dock that extends more than one-half the width and outside the center one-third of the property at the waterfront.

Special Code Provisions: Madeira Beach Land Development Regulations, Sec. 14-205. Design criteria for private docks. The property address is 13411 Boca Ciega Ave., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-65304-001-0050

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on October 24, 2022, and, based on the evidence, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

FINDINGS OF FACT

1. The application of James and Shannon Sullivan (collectively, “the applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance that would allow the construction of a private dock that extends more than one-half the width and outside the center one-third of the property at the waterfront.
2. The applicant needs a variance to build a private dock in order to comply with the requirements of the Code of Ordinances of the City of Madeira Beach (the “Code”).
3. Special conditions and circumstances exist, as stated on the record, and in the Staff report to justify the variance.
4. The lot at 13411 Boca Ciega Avenue was platted in 1935. The lot and setback requirements for the R-2 Low Density Multifamily Residential Zoning District did not exist at the time the plat was created. The lot width of 39 feet does not meet the minimum lot width for a single-family home in the R-2 Zoning District. The lot is also irregularly shaped. There is an

oyster bed with shallow water that extends around 30 feet beyond the seawall. During low tide the water can recede to around 20-25 feet. The oyster bed and shallow water make building a dock without getting both neighbor signatures or a variance not possible. The allowed dock length without a variance or neighbor signature is 23.5 feet and would be unusable.

5. Adjacent to the waterfront of 13411 Boca Ciega Avenue are oyster beds that extend out approximately 30 feet. It would not be possible to build a dock without needing a variance because of limitations caused by the oyster beds.

6. Other nearby properties to 13411 Boca Ciega Avenue have similar physical constraints that would require a variance or the signoff of adjacent properties to build a new dock. The proposed dock would fit the character of the neighborhood and other adjacent properties have similar sized docks.

7. A new dock would be built to all the other current requirements for private docks in the Madeira Beach Code of Ordinances. A new dock would be more disaster resistant compared to older docks nearby.

8. The existing physical and environmental constraints at 13411 Boca Ciega Avenue were not self-created hardships. Other nearby properties have similar constraints due to irregular shaped lots, shallow water, and oyster beds.

9. Other neighboring properties have similar physical and environmental constraints and would require either a variance or adjacent neighbors to sign off on building a new dock. Since other nearby properties in the R-2 Zoning District already have similar sized docks, granting a variance will not confer the applicant any special privilege that other properties in the R-2 Zoning District lack.

10. It would not be possible to build a usable dock the length of one-half of the waterfront lot width of 13411 Boca Ciega Avenue. Other neighboring properties have similar docks to what is being proposed since they also have similar challenges. A literal interpretation of the Code (Sec. 14-205) would deny the applicant of rights commonly enjoyed by other nearby waterfront properties in the R-2 Zoning District.

11. Granting Variance 2022-05 would be the minimum variance to make it possible for a reasonable use of the waterfront portion of 13411 Boca Ciega Avenue. The proposed dock would be of similar length and size as neighboring docks.

12. Variance 2022-05 will be in harmony with the general intent and purpose of the city development regulations by allowing for reasonable waterfront access that other neighboring waterfront properties currently enjoy. The proposed dock would fit within the character of the neighborhood and would not be detrimental to the public welfare of neighboring properties.

CONCLUSION OF LAW

1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

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

ORDER

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, to allow the construction of a private dock that extends more than one-half of width and outside the center one-third of the property at the waterfront of 13411 Boca Ciega Avenue.

DONE AND ORDERED on October 28, 2022.



Bart R. Valdes
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

James and Shannon Sullivan
13411 Boca Ciega Ave.
Madeira Beach, Florida 33708