

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES  
AND APPEALS OF ADMINISTRATIVE DECISIONS  
CITY OF MADEIRA BEACH, FLORIDA  
Application No. 2023-02

William Karns Enterprises  
for the property located at  
215 Boardwalk Place E.  
Madeira Beach, Florida 33708,

Applicant.

**ORDER GRANTING VARIANCE**

Variance to reduce the 15'-0" Design Flood Elevation (DFE) to 12'-0" DFE.

Special Code Provisions: Sec. 94-75. - Considerations for issuance of variances., Sec. 94-76. - Conditions for issuance of variances. The property address is 215 Boardwalk Place East, Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 15-31-15-00000-410-0200

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on July 31, 2023, and, based on the evidence, the testimony of Marcy Forbets, Community Development Engineer, Andrew Morris, Long Range Planner, Scott Brainard, and Ed Lang, Architect, as well as the favorable public comment from Guitano Crittili and Stephanie Berry, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

**FINDINGS OF FACT**

1. The application of William Karns Enterprises ("the applicant") presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance to reduce the 15'-0" Design Flood Elevation (DFE) to 12'-0" DFE.
2. The applicant needs a variance to allow for the construction of a commercial structure to be built that would have level access from the structure to the Johns Pass Boardwalk 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 building will be constructed in accordance with current Florida Building Codes (FBC), meeting all requirements for structures located in a Coastal A zone, including but not limited to deep foundation installation, stringent connection points and fasteners and structural design such that extreme lateral loads are considered. As such there is limited danger associated with loose materials or building debris.

5. The deep foundation design considers scouring caused from erosion around pile foundations during storm events and as such is inherent to the design. In addition, all components constructed below the DFE will be dry floodproofed and a certification as to that fact will be provided by the design engineer. Therefore, there is no anticipated increase in danger to the building, occupants, or surrounding structures due to flooding or erosion.

6. The building below DFE will be dry floodproofed and any non-structural components will be designed to either resist shifting and floatation or to be removed from the site during an approaching storm. The anticipated design and construction techniques will be such that the building will not negatively impact current or future owners.

7. The proposed restaurant will improve upon what is currently located on this parcel and provide another route for ADA accessibility via the restaurant elevator. Promoting business redevelopment in this area while maintaining the unique characteristic of Johns Pass Village is critical given all the businesses require access to the boardwalk as a fixed point providing pedestrian traffic to their businesses.

8. The location of the site is unique and offers an opportunity to provide new construction along the boardwalk and improve on what is currently constructed on the parcel. Another location would not provide the same opportunity as the one here.

9. The proposed development is compatible with both current uses and anticipated future use of all businesses along the boardwalk.

10. Madeira Beach Comprehensive Plan Policy 4.1.9.6 and Policy 4.1.9.8 reference the importance of John's Pass Village for tourism and commerce and that redevelopment needs to fit within the overall theme of the area. The proposed development would align with the redevelopment policies for John's Pass Village in the Madeira Beach Comprehensive Plan and fit within the established theme of the area. The proposed development will be more resilient compared to the existing structure on the property.

11. The structure will be accessed in the same manner as other businesses along the corridor via the one-way Boardwalk Place East.

12. The property is in the AE-11, Coastal A high hazard area and has been mapped as such to take into account expected heights, velocity, duration, etc., associated with storm events. This structure will be built to higher standards than the surrounding buildings, which are much older and were constructed under different building requirements. All necessary studies and reports utilized in the final design of the building will be reviewed by City Staff to ensure the impacts from all storm effects are considered.

13. There is no additional anticipated financial hardship regarding government services associated with the proposed restaurant given the current parcel usage and in consideration that all utilities will be replaced with current, code compliant construction techniques.

14. The applicant has submitted sufficient information showing the unique challenges of the site as related to the necessity of accessing the fixed elevation of the boardwalk as compared to the elevation of the “business” level.

15. Granting of this variance will not result in any negative impact to the property or adjacent properties and will instead help to further options for more resilient construction in John’s Pass Village while maintaining the unique boardwalk, pedestrian friendly build out that currently exists. The designer has spent considerable time reviewing options for meeting FEMA criteria while maintaining access to the boardwalk and has determined this is the option of least variance that will still allow boardwalk access.

16. The applicant is aware of and has acknowledged intent to comply with all recording requirements.

17. The applicant is not requesting to build below the required BFE but is instead requesting relief from the additional requirement of the 4-foot freeboard which is unique to the Madeira Beach LDR. The FBC requires 1-foot of freeboard which the applicant will adhere to.

### 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 15’-0” Design Flood Elevation (DFE) to 12’-0” DFE.

DONE AND ORDERED on August 7, 2023.

  
\_\_\_\_\_  
Bart R. Valdes  
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

William Karns Enterprises  
215 Boardwalk Place E.  
Madeira Beach, Florida 33708

William Karns Enterprises  
101 150<sup>th</sup> Ave.  
Madeira Beach, Florida 33708

DSK Law Group  
609 W. Horatio St.  
Tampa, FL 33606



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215 Boardwalk Place E.  
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