

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES  
AND APPEALS OF ADMINISTRATIVE DECISIONS  
CITY OF MADEIRA BEACH, FLORIDA  
Application No. 2023-03

BEACH BUILDERS,  
for the property located at  
578 Johns Pass Ave.  
Madeira Beach, Florida 33708,

Applicant.

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**ORDER GRANTING VARIANCE**

This cause came before the Special Magistrate for hearing at 2:00 p.m., on August 28, 2023, to consider a variance to reduce front set back to 15' from 20' to match the existing garage setback of 15' to allow for a usable third bedroom addition.

Special Code Provisions: Sec. 110-181. – Setback requirements (1) Front yard: 20 feet measured from the right-of-way line to the structure. The property address is 578 Johns Pass Ave., Madeira Beach, FL 33708, and is identified as:

PARCEL IDENTIFICATION NUMBER: 10-31-15-19998-000-0830

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing, and, based on the evidence, the testimony of Marcy Forbes, Community Development Engineer, as well as the favorable public comment from Patricia Solakian, and recommendations of City Staff, enters the following findings of fact, conclusions of law and order.

**FINDINGS OF FACT**

1. The application of BAB Enterprises, LLC, d/b/a Beach Builders (“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 front set back to 15' from 20' to match the existing garage setback of 15' to allow for a usable third bedroom addition.

2. The applicant needs a variance to allow for the construction of a third bedroom with only a small portion of the addition along the eastern corner of the structure encroaching into the 20' setback, 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 front property line of the lot is irregular due to the right-of-way from the cul-de-sac. This structure was built prior to the enactment of the current R-1 zoning district setback requirements. The lot is around 70' in width on the rear and 115' in length on the longest side. The property line follows the curve of the cul-de-sac which decreases the length of the north side of the property to 93'.

5. The hardship of the property line was not created by the applicant. This structure was built in 1964 which was before the R-1 zoning district setbacks were implemented. The unusual property line is due to the increase of right-of-way towards the end of the cul-de-sac.

6. Approval of the variance will not grant any special privilege to the property. Most other properties on Johns Pass Ave. have rectangular-shaped lots and do not have the encroachment of a cul-de-sac. A variance for a similar request was granted at 499 Johns Pass Ave. VAR 2019-02 and approved on April 4, 2019. This property was also located on a cul-de-sac at the opposite end of Johns Pass Ave. This variance was approved, reducing their front yard setback from 20' to 10'.

7. Literal interpretation of the code would mean the front setbacks would be restricted by the irregularly shaped front property line. This would mean the applicant would not be able to extend the front of the house as far as many of their neighbors.

8. Granting the variance would allow for an additional 11'3.5" x 20'8.5" bedroom, matching the current perimeter of the house. This is a reasonable use of the land.

9. The proposed bedroom is in harmony with the general intent and purpose of the city land development regulations and will not negatively affect the character or the neighborhood.

### **CONCLUSIONS OF LAW**

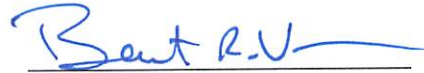
1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result 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 for all reasons set forth in the record at the hearing.

**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 set back to 15' from 20' to match the existing garage setback of 15' to allow for a usable third bedroom addition.

DONE AND ORDERED on September 7, 2023.



Bart R. Valdes  
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

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