



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held at the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, Florida 33708 to discuss the agenda items of City Business listed below.

**SPECIAL MAGISTRATE
VARIANCE/SPECIAL EXCEPTION USE MINUTES**

2:00 P.M.

MONDAY, MARCH 26, 2018

COMMISSION CHAMBERS

- A. CALL TO ORDER**
- B. SPECIAL MAGISTRATE STATEMENT**
- C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES – by the Acting Clerk, Gwen Sinkfield**
- D. NEW BUSINESS**

Application 2018.02

**Property Owner/
Applicant:** Kevin Farrow
302 Harbour Place Drive
Tampa, FL 32602

Property Address: N. Bayshore Drive

Parcel I.D. #: 10-31-15-34362-013-0191

Land Use/Zoning: Single-Family Residential (R-1)/Residential Low (RL)

Request: **Section 110-181. - Setback requirements. (3) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.**
Section 110-180. - Minimum building site area requirements. The minimum building site area requirements in the R-1, single-family residential district are as follows: (1) Lot size:
a. Single-family: Lots created after December 9, 2008: 5,800 square feet.

Variance Request: The applicant is requesting a variance to reduce side setbacks from 15 feet total with a minimum of 7 feet on each side by 3.5 feet on the left and 5 feet on the right side the required lot size of 5,800 square feet to allow construction of a single home on a legal, nonconforming lot of 4,800 square feet.

Linda Portal, Planning & Zoning Director administered the Staff Report.

Background: The subject property is a vacant, substandard, legal platted lot in an R-1 district. The property is severely narrowed to 28 feet at its seawall and is only 50 feet wide at its 20 foot front setback. Use of the 15 foot set back would necessitate a house of only 19 feet wide, which is a very narrow and extreme design constraint. The lot has never been developed due to the physical constraints and the fact that it cannot be developed under the existing 5,800 square foot minimum area requirement.

Analysis: Staff has reviewed this request with respect to the variance criteria. Based on this review, staff finds the following

Variance Criteria #1

The lots is unusually constrained by size and shape with a severe pie shape that narrows to 28 feet at its entry. It is also undersized for the district, having been platted prior to the area requirements being adopted.

It was never held as excess land or deeded to the public as is often the case with substandard lots. It provides significantly less area and width for building than is available to other lots in the district.

Variance Criteria #2.

The hardship does not result entirely from the actions of the applicant but could be mediated by a different design for the structure. It is unclear the level of setback reduction and its location due to discrepancies between the plan and the application.

Variance Criteria #3.

The requested variances are more significant than that offered any other property. The neighboring properties were made nonconforming and “took” variances of a significant level in their development. However, no property is given a complete waiver of setbacks. Additionally, the maintenance of only 2 feet of setback might result in only inches of setback once roof overhangs are added. Thus to be consistent with the setback variance granted elsewhere, the order should stipulate a minimum of 18 inches setback be maintained from roof overhangs and that all equipment and balconies be placed at the rear of the structure.

Variance Criteria #4.

Literal interpretation and application of the code would make use of the property development for a typical house impossible although a structure of some design could still be constructed.

Variance Criteria #5.

The variance proposed is not the minimum that could be granted although it is the minimum for this particular house design and placement.

Variance Criteria #6.

Approval of a variance allowing only 6 inches of clearance for overhanging roof structure would be potentially injurious to neighboring properties and potentially cause conflict with building code.

RECOMMENDATION

Staff recommends the approval of a variance for each side setback that allows for a minimum of 18” of clearance for all building elements or 2 feet of clearance for structural elements, whichever is greater, on both sides and a clear passage of 3 feet on the ground on at least one side. Additionally, all mechanical or other equipment along with all balconies (including service balconies) must be placed on the rear of the structure.

Property Owner Kevin Farrow explained and clarified why he should be entitled to the Variance he’s requested. Originally he was trying to build a standard home not a small mansion but because of the dramatic space reduction from the front to the back it made it difficult and originally they were going to hug the left side of the property but realized when the lot was subdivided it created a nonconforming space on the left hand side and it would squeeze the home a lot more on the left hand side than the right. So he went back to try to center the house on the lot it gets tight on the corners. Also the roof line and overhang is 2ft and not the structural walls. The reason they turned the lot a little is so that they are not hugging the lot of the left hand property the whole way because they’re parallel on the property line on the right hand side of their house so if he goes parallel of the property the left hand side of the neighboring property would be tight in that regard.

The Special Magistrate discussed the drawing on page 22 of the packet that shows the house and where it will be placed.

Property owner Kevin Farrow explained the drawing as the proposed plan as the final drawing. On the property to the left of Mr. Farrow’s lot, the property hugs the right hand side of his property line.

Mr. Farrow explained that he's trying to center the house on the lot as much as possible because he doesn't have too much room to work with but anything that he can do to not have it on top of either side.

The Special Magistrate said the City has questions.

Ralf Brookes, City Attorney asked the property owner Kevin Farrow if there was ever a house on the lot at any point and time.

Mr. Farrow responded he's not fully aware of that and thinks before the lot was subdivided from what he can tell is there may have been a single house between his lot and the lot to the right that was demoed but he doesn't know that for sure.

Ralf Brookes, City Attorney asked property owner Kevin Farrow do you know when the lot split occurred.

Mr. Farrow responded he did look that up but don't have it but he believes it was right around the 2000 area. He also said it was a number of years back. The house that is sitting on the lot right now believes it was built in the early 2000's.

Ralf Brookes, City Attorney said when he pulled up the property appraiser and it looks like there was a building permit issued in 2004 maybe that was a house that was demoed or for the house next door.

Mr. Farrow said he saw a demolition permit at one point and that he doesn't know if it was a physical structure. He was assuming that those two lots were single lots that were sub-divided and the prior home may have actually sat centered on those two lots and they demoed that knocked it down and built a house to the right and then ended up selling the lot to him.

Ralf Brookes, City Attorney asked Mr. Farrow who he purchased the lot from.

Mr. Farrow responded it was two attorneys but would have to pull up the names. It was a private sale. He found the lot on MLS and it was sold to him from a realtor locally and he knows it was two attorneys that held it.

Ralf Brookes, City Attorney asked Mr. Farrow is it Bryant and Buckler Enterprises, LLC.

Mr. Farrow response was yes.

Ralf Brookes, City Attorney asked Mr. Farrow did they own the property next door as well that was the easterly half of lot 19.

Mr. Farrow responded from what he understands they did prior but it was sold to the current owners.

Ralf Brookes, City Attorney asked Mr. Farrow is that when the lot split occurred, I guess before that time.

Mr. Farrow responded yes.

Ralf Brookes, City Attorney asked Mr. Farrow it was done by Bryant and Buckler Enterprises, LLC.

Mr. Farrow responded I'm going on that assumption but I don't have that information. The realtor had told me that's what they believed happened.

Ralf Brookes, City Attorney responded okay.

Ralf Brookes, City Attorney asked Mr. Farrow do you know when the easterly half of 19 your neighbor's house was constructed.

Mr. Farrow responded he did look it up on the property website it was around that time I know.

Ralf Brookes, City Attorney asked Mr. Farrow around 2004.

Mr. Farrow responded he believes so it was around the 2000 era I know that I did look it up at one point on Pinellas County property appraiser website.

Linda Portal, Planning & Zoning Director asked that Mr. Farrow to clarify that he mentioned to center it a little bit better and that the line that we see on the proposal for the outline of the house that is to be the roof overhangs.

Mr. Farrow confirmed and said yes.

Linda Portal, Planning & Zoning Director stated and that the structural walls would set back further.

Mr. Farrow stated yes and that when Thomas, (contractor) went with the architect for the purpose of this meeting he told them to make sure that's the outside of the roof line.

Linda Portal, Planning & Zoning Director asked Mr. Farrow how deep are the overhangs.
The contractor Thomas answered from the audience 12 inches.

Linda Portal, Planning & Zoning Director asked Mr. Farrow the setbacks from the structure on each side would be 3 ft.?

Kevin Farrow responded yes.

Ralf Brookes, City Attorney asked Kevin Farrow do you have a site address that shows other than North Bayshore Drive does it have another site number, address number

Kevin Farrow responded he was always told that is was 14011 N. Bayshore Drive but that was the confusing point With Linda so I think that's what it is.

Linda Portal, Planning & Zoning Director stated that she doesn't think the county has assigned an address yet.

Ralf Brookes, City Attorney asked Kevin Farrow what is the address next door on the other half of lot 19

Kevin Farrow responded that he believes that the 14009.

Linda Portal, Planning & Zoning Director stated for the record the county doesn't usually assign an address for a lot that hasn't had a structure they wait until there's a building permit for a structure.

Linda Portal, Planning & Zoning Director states that's all the questions.

Special Magistrate Bart Valdes says look at Variance Criteria #3 is the one that the City has some questions about. Based on what the applicant has presented what's the City's position on Variance condition # 3 now that we've heard the applicant's testimony.

Linda Portal, Planning & Zoning Director states the City would recommend Approval based on there being 3 ft. of structural setback on each side with a maximum overhang of 12 inches as proposed.

Ralf Brookes, City Attorney clarifies that he thinks that the Magistrate's asking is will it confer a special privilege on the applicant that is denied to other lands buildings or structures in the same zoning district.

Linda Portal, Planning responds we have many structures throughout the city that are sitting in that same kind of relationship they weren't granted variances for that they were just built nonconforming or as often the case the city's setback requirements were put in place after the neighborhoods were developed. So this would not be an unusual relationship.

Special Magistrate Bart Valdes stated to Mr. Farrow I understand that you hired an architect to assist you in this Design, is that correct?

Mr. Farrow responded yes sir

Special Magistrate stated to Mr. Farrow and you also have a contractor here with you or is that your architect here?

Mr. Farrow responded it's my contractor Thomas.

Special Magistrate stated in regard to this design did you go through various designs to try to minimize the need to come in and ask for a variance?

Mr. Farrow responded yes, very much so quite a bit of time in doing so.

Special Magistrate stated to Linda Portal, Planning & Zoning Director, in regard to Variance Criteria #6, I was concerned with the City's concern obviously that the roof structure would potentially be injurious to neighboring properties and potentially cause conflict with building codes. Based on the statements of the applicant today does the City still share those concerns?

Linda Portal, Planning & Zoning Director responds no sir the measurements from the structure on the adjacent property would give at least a 5 foot setback between roof lines which meets the current minimal building standard which is only 3 feet and of terms with it being consistent with policy elsewhere as I said we do have a lot of lots that are built close together it provides for the opportunity to develop the lot as an infill lot which is in keeping with the Comprehensive Plan intent.

Special Magistrate asked if the City has any further questions based his questions.

Ralf Brookes, City Attorney & Linda Portal, Planning & Zoning Director both responded no.

Special Magistrate asked Mr. Farrow is there anything else he would like to tell him or anyone to speak on his behalf Like your contractor?

Mr. Farrow responded the contractor may have more insight anything you may want to ask of him he's very knowledgeable and has been great the whole time we definitely want to offer that if anyone has questions to do so. The biggest thing for me is we did spend a lot of time and we knocked it down to just a 3 bedroom house Trying to just conform to this lot it was more difficult than I had thought it was going to be going into it It's not an overly large home its only 2700 sq. ft. we worked as much as we could to get it down and we'll still Continue to do so if need be. But I just don't think we are asking of anything to unrealistic and looking at the city Regulations as I went through the variance process I'm realizing that both land area and also the fact that its Narrows just 28 feet is dramatically less than what is standard in the City's and the reason we're asking for the Variance.

Special Magistrate stated thank you sir and what I'll do is after we solicit public comment I'm going to give you or Your contractor the ability to come back up and say anything else you want but for right now you can sit down This is the point in the hearing where anyone who is in the public who is directly affected by this may come and Speak with me so if you're a neighbor if you live next to the applicant are directly affected by this or live in the Neighboring area indirectly affected by this you may come up I ask that you give me your name and address and you'll

Have three minutes to tell me anything you want to tell me so any members of the public that want to come forward?

Public comment: Kevin Grzelka 14009 N Bayshore the house to the right on the southeast side. Mr. Grzelka stated he would like to go to the comment 6 criteria that need to be met would like to go line by line Through each of them. Mr. Grzelka discussed Variance Criteria #1 and said his property is the exact same conforming lot is able to fit a 3,000 sq.ft. home with a 4 bedroom 3 ½ half bath. He said the applicant is looking for a much smaller residence but is looking to establish a variance or a setback. In fact in keeping with a 7 ½ foot setback on both sides the 20 ft. in the front and the 30 ft. in the back that gives you a full land area of 2033 sq. ft. on the base that would allow him for over a 4000 sq. ft. home still conforming to the lot dimensions and not requiring a variance.

Mr. Grzelka discussed 2nd special condition under the 1st Criteria that Mr. Farrow is applying under is a residential neighborhood character and he references that FEMA requirements prohibit living space on the ground floor and that is true but it's irrelevant with the regards to the variance to the setback because I've already demonstrated that you can fit a home in there. My home has the same thing my bottom floor is completely none livable space and I have a second floor that's fully compliant with the setback.

Mr. Grzelka mentioned the 2nd Criteria and skipped to the 3rd Criteria stating he will go back to 3. Mr. Grzelka discussed the 3rd Criteria and said the specifics of the other properties that are mentioned in the area have either been granted a variance because their homes were constructed before this they had granted a variance or they had their homes constructed before this code was established are relevant since there are no challenges with meeting the code has demonstrated previously. Specifically in the Madeira Beach code it states that nonconforming buildings in the same zoning district shall not be considered grounds for a variance.

Mr. Grzelka discussed the 4th Criteria and stated that in this case denying the variance does not deny the applicant any rights enjoyed by anybody else in this zoning district. Mr. Grzelka mentioned that the applicant states that conforming to setback requirements will prevent building a structure consistent with other structures currently being built in Madeira Beach is simply not the case as evidence by my conforming property which is next door are on the exact same size lot and shape.

Mr. Grzelka discussed the 5th Criteria and stated that the use of the land is possible without any variance therefore the minimal variance required is no variance the setback. Mr. Grzelka discuss the 6th Criteria and states that it's not in harmony and it sets a precedence for increased residential compactness and to the detriment of residential coastal living and it forces neighbors to re-landscape to their own expense and in-sufficient sunlight that will not be allowed to reach the ground between the unusually close buildings. So conforming properties can be constructed that are not detrimental to the esthetics community or negatively affecting his neighbors as evidence by my house next door. In conclusion the Magistrate I believe has an obligation to up-hold the code and the applicant has failed to communicate a justifiable hardship with regards to setbacks and therefore the Magistrate has no other option but to deny the variance request with regards to section 110 -181 setback requirements.

Special Magistrate asked the City if they have questions.

Ralf Brookes, City Attorney asked Mr. Grzelka what is your east side setback and what is your west side setback?

Mr. Grzelka responded the east side setback is 7.83 feet in the front 7.74 feet in the back.

Ralf Brookes, City Attorney asked Mr. Grzelka only the side setbacks.

Mr. Grzelka responded by offering a copy of his survey for the City Attorney and Magistrate to review.

Ralf Brookes, City Attorney confirmed the side setbacks are 7.83 on one side and 7.63 on the other side.

Linda Portal, Planning & Zoning Director asked Mr. Grzelka how deep are the overhangs.

Mr. Grezelka responded he doesn't know.

Ralf Brookes, City Attorney asked Mr. Grezelka what year was his house constructed.

Mr. Grezelka responded he bought it many years after it was constructed but according to the Pinellas County web page it was 2003.

Ralf Brookes, City Attorney asked Mr. Grezelka does he know if his house was constructed before or after the lot split.

Mr. Grezelka responded he has no idea he is assuming after.

Ralf Brookes, City Attorney confirmed to Mr. Grezelka he probably bought the easterly half according to the survey.

Mr. Grezelka confirms yes.

Ralf Brookes, City Attorney said he has no more questions.

Special Magistrate asked Mr. Grezelka if he wants his survey to be a part of the record.

Mr. Grezelka confirms yes.

Special Magistrate asked does anyone else from the public want to speak.

Public Comment:

John Ryan 14017 N. Bayshore, the lot directly north to the property. Mr. Ryan states that he bought his property in June prior to buying they did their due diligence as to what setbacks would be for doing additions and also checked to see what the setbacks would be to the lot to the south in the event that it was sold and were told by the City that it was 7ft. on each side. He's obviously asking for a considerable reduction, my property is close to that northern boundary approximately 3 ft. Basically if he's granted this setback, we are almost at the 5 ½ to 6 point range between structures excluding overhang. So I'm very concerned about how that's going to be on drainage. As Kevin Grezelka mentioned previously sunlight factors between the homes it will be a darker area. Drainage is my main concern at this point it would be nicer if the house were setback to what is called for by the City without having such drastic 66% reductions. It seems the houses are going to be very close, the house being built to the north of us right now I believe 14015 excuse me 14019 we have approximately 15 feet between the two of our houses now. His setbacks are at what they are suppose be at 7 feet both sides of his property he had to conform. It's nice to have the breeze ways in between so everything's not so tight.

Special Magistrate confirmed with John Ryan by referencing to page 22 of the Variance packet the location of his property.

The Special Magistrate asked Ralf Brookes, City Attorney if he has any questions for Mr. Ryans.

City Attorney Ralf Brookes responded no.

The Special Magistrate asked does anyone else from the public want to speak.

Public Comment: Cynthia Ryan, John's wife 14017 N. Bayshore Drive and want to ask a question. If this gets approved

since they submitted plans for the addition and the City asked that we move the addition further to the north which blocks our view from our Florida room we were asked that because it's not conforming to the setbacks so if he gets

approved we'd like to re-submit and move the addition back over closer to the setback since you are going to approve him then we'd like to get our view back. The Special Magistrate responded to Cynthia Ryan and stated I certainly understand your position I can't do anything that's not before me today but I will encourage you to talk to Ms. Portal after today's hearing Cynthia Ryan responded to the Special Magistrate and stated so we went through engineering cost and changed it based upon what the City told us and now it seems a bit unfair that based upon what the City had told us we had to move it to conform to the setbacks that you're now approving suggesting that you are going to approve this. So we will come back with our drawings and pay more engineering cost that doesn't seem quiet fair but I just want to make a note of that.

Special Magistrate responded to Cynthia Ryan that he will be here every month so whenever you want to submit that I'll be happy to be here.

Special Magistrate asked the City if they have any questions for Cynthia Ryan.

City responded no to the Special Magistrate.

Special Magistrate asked is there's anyone else from the public that would like to speak.

Public Comment: Sal Kopita 14021 N Bayshore two houses to the left in the process of building a home there. Just wanted to state that I had to conform to the setbacks to the size of the lot had to spend a substantial amount with an architect to redesign the property to fit in there with the setbacks that the City said we had to use so it does seem kind of unfair.

Special Magistrate confirmed with Sal Kopita by referencing to page 36 of the Variance packet the location of his property that he's building on.

Special Magistrate asked is there's anyone else from the public that would like to comment.

Special Magistrate asked if the applicant would like to comment.

The applicant Kevin Farrow and his contractor Thomas Green approached the podium. Mr. Farrow stated that he would like to like to touch base on a few things. The lot to the right of his lot in which Kevin Grezelka spoke about is a deeper lot it's not the same exact dimensions as Mr. Farrow's. Mr. Farrow stated taken into consideration setback changes the space you have in width. I'm not saying it's to an extent that would rectify everything but he didn't build the house that way he purchased the house that was that way. As far as shade goes I do want to make it known that in the very early stages when I first bought this lot I had spoken to Kevin's wife and let her know one of the biggest things I was trying to accomplish when designing my house was not to have it so far back on the lot that it actually cut off their view down river so it was in good will actually that I was trying not to be so far back on the lot and that was clearly discussed in conversation. The house to the left of mine on the other side property address 14021 N Bayshore the lot is 60 ft. wide in the front and 60.8 ft. wide in the back so to even state that they are having the same hardships that I'm having is crazy to me to say the least.

The City Attorney Ralf Brookes asked Mr. Farrow to confirm the dimension.

Mr. Farrow confirmed 55 in front and 28 in the back.

Linda Portal, Planning & Zoning Director states the official dimension is actually 50 because we measure the width of the lot at the 20 foot setback according to code.

Special Magistrate asked Linda Portal, Planning & Zoning Director to confirm dimension and Ms. Portal confirmed the dimension is 50.

Mr. Farrow states that is house as shown in the packet would easily fit on his lot.

Thomas Green, Contractor for Mr. Farrow stated that the hardship that he's having is because the lot is pie shaped and if it was a rectangle lot that was 50 ft. wide across the front and the back it would be a different conversation but the point that 14021 N Bayshore folks made they didn't face the same hardship they didn't have to narrow the house towards the back or go away from a conforming structure. We don't have a rectangle lot we have a triangle lot we have a pie shaped lot so it is necessary to narrow the house as we go towards the back of the lot and that's what causes the hardship.

The Contractor Thomas Green proceeded to give the Special Magistrate a copy of the plans to review.

Ralf Brookes, City Attorney asked Mr. Farrow how far back from the Seawall is your house.

Mr. Farrow responds it probably stops at the halfway point of the lot probably great than 60 feet.

Ralf Brookes, City Attorney referenced to page 23 of the Variance packet and stated that it shows where Mr. Farrow's

House would be in relation to the 2 neighbors' houses on either side and your house is back further than either of theirs?

Mr. Farrow confirmed and said yes closest to the street. Mr. Farrow also stated we moved as far forward on that 20 foot setback in the front as much as possible for the obvious reasons it gives us the most width to work with.

Ralf Brookes, City Attorney asked Mr. Farrow is the pool deck grade and is the pool an above or in ground.

Mr. Farrow confirmed it is an in ground pool.

Ralf Brookes, City Attorney stated he has no further questions.

Special Magistrate asked the applicant Kevin Farrow and his contractor Thomas Green if there is anything else they have to tell him and they both replied no.

Special Magistrate asked is there anything else that City would like for him to consider.

Ralf Brookes, City Attorney responded no.

Special Magistrate, Bart Valdes statement to the applicant Kevin Farrow: I just want to make sure that I've got everything correct. It looks like the Variance you're seeking would be to amend the total side setback of 15 feet with a minimum of 7 feet on either side essentially what you're asking me to do is grant a Variance when you factor in the overhang 6ft of side yard with 3ft on each side is that correct?

Mr. Farrow responded yes at those corner points

Special Magistrate stated to Kevin Farrow at its closest point it would be 6 ft. of side setback with 3ft on each side.

Mr. Farrow responded yes sir on the left hand side the other thing I didn't mention and I probably should have is also that the property on the left also doesn't conform to the side setbacks as well so we're not asking for anything that they don't already have.

Special Magistrate stated I know that the City was asking about it and do you know rather this lot was created before or after 2008 because there is a different criteria for the second part of it.

Mr. Farrow responded I am almost certain it was before 2008.

Special Magistrate states I didn't hear any public comment that dealt with the 5800 sq. ft. issue I think everybody was concerned with the minimum setback.

Linda Portal, Planning & Zoning Director states the reason I had felt comfortable stating we would be able to accept a 3 ft. setback was that the house next door...(pause)
Ralf Brookes, City Attorney intervened to ask the question to Ms. Portal. How many feet are between this proposed house and the house to the west?

Linda Portal responded there would be 6 ½ feet.

Ralf Brookes, City Attorney asked Linda Portal how many feet on each lot.

Linda Portal responded 3 on this house and the proposal 3 ½ on the next door neighbor's house.

Ralf Brookes confirms for a total of 6 ½ sq. ft. in between the rear feet foundations.

Special Magistrate asked if there's anything else the City would like him to consider on this.

Ralf Brookes, City Attorney responds no.

Special Magistrate states having heard the public comment and having listened to the applicant is there any change in the City's staff analysis based upon what's been presented here today.

Linda Portal, Planning & Zoning Director responded it's within the discretion of the Special Magistrate.

Special Magistrate asked Linda Portal is your recommendation still remaining is to recommend approval.

Linda Portal responds, correct but wants to specify that what's being requested is the 3ft. on each side with the minimum of 2 ft. separation from the outside of the roof to the property line.

Special Magistrate confirms with the applicant that the request is understood.

Special Magistrate asked City Attorney, Ralf Brookes is there anything he'd like to consider before
The closing of the hearing.

Ralf Brookes, City Attorney responded no your honor.

Kevin Grezelka commented from the audience to speak and the Magistrate allowed him to come forward. He submitted a copy of the building Envelope to the Special Magistrate, City Attorney and City's staff. Mr. Grezelka stated the handout is the dimensions of the applicant's lot there is a requirement of the 20 foot of setback on the front 30 foot on the back with 7 ½ feet on both sides the building envelope on side is 2033 sq. ft. Obviously he's planning on building a two-living floors above the FEMA requirement above grade which it would give an area of 4066 sq. ft. Applicant stated he's only looking for a 2700 sq. ft. home which can easily fit within this envelope with a stair stepping back just like my home is conforming next door without any variance at all therefore the minimum variance still is no variance because a house can be completely conforming within this envelope to this standard.

Special Magistrate asked the City if they have any questions for Mr. Grezelka based on his additional information.

Ralf Brookes, City Attorney asked Mr. Grezelka do you realize that if he were to build the exact same house as your House that it would stick out just as far to the bay as yours?

Mr. Grezelka responded yes from the audience.

Special Magistrate asked the applicant Mr. Farrow and the contractor Thomas Green to step up to the podium if they would like to speak.

Mr. Farrow states that he sees what Mr. Grezelka put together but it would have to build a home to the exact shape Which nothing is square on this to actually conform to what he just said.

Special Magistrate asked the City if they have any additional questions for the applicant.

City Attorney Ralf Brookes response is no.

Special Magistrate's ending comment: There are two Variances before me today the first one is to grant a variance To the minimum building site area requirement in the R-1 Single-Family Residential District. I didn't hear any public comment to the contrary and I didn't see anything that would indicate that a variance should not be granted so I'm going to go ahead and grant that variance. The second one is a little bit closer issue and has to do with the setback requirements. I understand the applicant is requesting a reduction in the minimum side setback to a certain point 6 ft. with 3 ft. on each side and that's to the actual structure. The variance criteria appears to be met for items 1, 2 , it's a little bit closer to call # 3, Variance Criteria # 4 seems to be met as well as both 5 and 6 based upon the information that's been given today by the applicant In regard to the variance criteria # 3 which relates to granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district. There's been some testimony or presentation today that maybe homes or even next to it but certainly other homes in the city are similarly situated and so it doesn't appear to be a particular special privilege now I certainly understand the Neighbors' concerns that they would like me to consider a variance on their property and of course I'd be happy to do so when the application is submitted to the city. So based upon the record I find the substantial competent evidence to support variance request as well as staff's recommendation and I will grant the variance with that limitation of 6 ft. minimum with 3ft. per side.

E. OLD BUSINESS – N/A

F. ADJOURNMENT -