



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

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

**SPECIAL MAGISTRATE
VARIANCE/SPECIAL EXCEPTION USE
AGENDA**

2:00 P.M.

MONDAY, DECEMBER 18, 2017

COMMISSION CHAMBERS

- A. CALL TO ORDER**
- B. SPECIAL MAGISTRATE STATEMENT**
- C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES**
- D. NEW BUSINESS**

1. APPLICATION 2017.11

Property Owner: Thomas Rozema
8391 56th St.
Pinellas Park, FL 33781

Applicant: Thomas Rozema
8391 56th St.
Pinellas Park, FL 33781

Property Address: 14094 Bayshore Dr.

Parcel I.D. #: 10-31-15-34344-010-0220

Land Use/Zoning: Low Density Multi-Family Residential (R-2)/
Residential Medium (RM)

Request: **Section 110-93-(3)(a), Non-Conforming Structures**
The applicant is requesting reestablishment of a permitted and grandfathered, duplex which is nonconforming for area and variances to reduce the nonconforming setbacks in the R-2 (Low Density, Multi-Family Residential) zoning district in order to allow for capture of former enclosed garage/utility space in elevated occupied space.

2. APPLICATION 2017.12

Property Owner: Fredric S. & Deborah W. Capitosti
452 137th Ave Circle
Madeira Beach, FL 33708

Applicant: Fredric S. & Deborah W. Capitosti
452 137th Avenue Circle
Madeira Beach, FL 33708

Property Address: 452 137th Avenue Circle

Parcel I.D. #: 15-31-15-34488-000-0400

Land Use/Zoning: Low Density Multi-Family Residential (R-2)/
Residential Medium (RM)

Request: **Section 110-720. - Setbacks**
The applicant is requesting variance from the setback required between the pool edge and the structure from 5 feet to 3 feet.

3. **APPLICATION 2017.13**

Property Owner: Holiday Isles Elks Lodge
14111 E Parsley Drive
Madeira Beach, FL 33708

Applicant: Holiday Isles Elks Lodge
14111 E Parsley Drive
Madeira Beach, FL 33708

Property Address: 14111 E Parsley Drive

Parcel I.D. #: 10-31-15-34416-026-0280

Land Use/Zoning: Low Density Multi-Family Residential (R-2)/
Residential Medium (RM)

Request: **Section 110-93-(3)(a), Non-Conforming Structures**
The applicant is requesting variance from the required R-1 rear yard setback for lots on waterfront from 30 feet to 0 feet.

E. OLD BUSINESS

F. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission 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.



Variance Hearing

Case No. 2017-11

December 18, 2017

2:00 p.m.



SPECIAL MAGISTRATE – VARIANCE REQUEST

December 18, 2017

Application 2017.11

I. GENERAL INFORMATION

Request: The applicant is requesting reestablishment of a permitted and grandfathered, duplex which is nonconforming for area and variances to reduce the nonconforming setbacks in the R-2 (Low Density, Multi-Family Residential) zoning district in order to allow for capture of former enclosed garage/utility space in elevated occupied space.

Property Owners

Thomas Rozema
8391 56th St.
Pinellas Park, Florida 33781

Applicant

Thomas Rozema
8391 56th St.
Pinellas Park, Florida 33781

Property Address

14094 Bayshore Dr.

Parcel I.D. #

10-31-15-34344-010-0220

Zoning/Land Use

Low Density Multi-Family Residential (R-2)/
Residential Medium (RM)

Year Built

NA

Variance Request: Section 110-93-(3)(a), Non-Conforming Structures

Any addition, alteration, or renovation to a nonconforming structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area, or other non-habitable area into a habitable area unless specifically approved by the special magistrate.

Specific Request: Petitioner request the reestablishment of a duplex use in a structure designed to recapture previously enclosed area including a garage with all subject area now elevated to meet FEMA standards. The established use has been covered under continuous occupational permit and was interrupted only upon demolition requirements associated with the ongoing FEMA contract.

Variance Request: Section 110-205. Minimum building site area requirements

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

(1) Lot size;

b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit

Specific Request: The lot in question is 5,000 total square feet in area and so has been used as a permitted and grandfathered duplex.

Variance Request: Section 110-206-(1) and (3)(a) – Setback Requirements

Minimum Setbacks:	Front: 20 feet
	Rear: 25 feet
	Side: 15 feet total

7 feet minimum

Existing Setbacks: The existing structure encroaches 10 feet into the front and 1 foot into the east side of the property.

Specific Request: The Petitioner would like to add the enclosed square foot area of the at-grade garage to the elevated Phase 2 area of the new house. The transfer of area would allow the petitioner to move the structure, which was constructed only 3 feet from the rear property line, to 16 feet from the rear property line; bringing the site more into conformance with current requirements. In addition, the original house structure was constructed within 3 feet of the side lot adjoining another residential lot. Because this project is a FEMA reconstruction, it is obligated to build back closely to the original footprint. However, the Petitioner request moving the structure to a setback of 5 feet on that side to reduce the encroachment and bring the site into closer conformance to current codes.

Variance Request: Sec. 110-428. - Same--Side yard of corner lot.

Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street, however, if this restriction does not permit a single-family structure of at least 25 feet in width, this requirement shall be modified to allow construction of a single-family structure 25 feet in width but in any case this side setback shall not be less than ten feet. The width of a corner lot house may be no greater than 25 feet once it infringes upon the required front yard setback of an adjoining lot. (Also consult section 110-418.)

Specific Request: The regulations require corner lots to have 2 front yard setbacks which has always made this lot almost undevelopable. The original house had to be unusually narrow to fit on the open area and still encroached into the setback on the side.

II. BACKGROUND

III. VARIANCE CRITERIA [Section 2-507(b)]

- (1) *Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:*
- a. *Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;*
 - b. *Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*
 - c. *Residential Neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*
 - d. *Public facilities. If the proposed project involves the development of public parks, public facilities, schools, or public utilities;*
 - e. *Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.*
- (2) *The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.*
- (3) *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.*
- (4) *Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.*

- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land.*
- (6) *The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

IV. ANALYSIS

The property is located in a neighborhood of single and two family dwellings and rooming houses/short term accommodations. Adjacent properties include single and two family homes, rooming houses and a City of Madeira Beach access parcel. Facts related to lot size, condition and dimensions are as follows:

- At 50' in width, the lot in question meets the standard for lot width in the R-2 district for single family development but at 5,000 square feet it is undersized for the historic use of duplex.
- The lot in question is a standard, normally proportioned, rectangular shape of 4 right angles and is the same shape as adjacent, facing and neighboring lots.
- The lot is on a corner and as such is required to have 2 front setbacks and with side setbacks a minimum of 7 is restricted to 23 feet of developable width instead of the usual 35.
- City-wide review indicates possibly all R-2 duplexes are nonconforming and that no other R-2 lot appears to have adhered to the 2 front setback requirement.

Facts related to the application of setback requirements:

- Section 110-428 Corner lot setback requirements makes no allowances for narrow lots and appears not to have been enforced. Staff will be proposing amendment to this code and will use the 15% waiver authority when needed to avoid undue hardship.
- The petitioner has adhered to all redevelopment deadlines and criteria and has been held up in the process due to FEMA administrative delays to the quick reestablishment of the use.
- The proposed addition of garage area to the elevated living area gives the owner accessible area otherwise lost due to the restrictive setbacks.
- The intent of the redevelopment code is to allow improvements that do not further non-conformity and this proposal would result in greater conformity to intended separation standards.

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

Variance Criteria #1. The lot is of standard dimensions for a single family lot except that on the corner the lots would need to be deeper to allow for standard building given the extra setbacks. The site does not meet standards for area for a duplex use but has been a permitted and grandfathered use for many years as a duplex.

Variance Criteria #2. The property owner did not create the hardship of extra setbacks to the already small lot. Additionally, the duplex use was in place and permitted before zoning regulations were put in place to make it legal nonconforming. The fact that the use was demolished before this application was also due to requirements of outside agencies.

Variance Criteria #3. Surrounding properties have been constructed with variances for redevelopment to allow for placement on existing encroaching setbacks, including buildings immediately across the street. Other duplexes are in the area as are other nonconforming structures. In fact a review of the R-2 Zoning category indicates that there are few if any lots with area enough to site a duplex or triplex and with the city completely platted, it appears the zoning allows for uses it cannot permit in accord with current code, meaning all existing duplexes and triplexes may be nonconforming. Five multi occupancy structures are to

the NNE and NE of this lot and immediately across the street. The lot is particularly constricted by the requirement that corner lots respect front yard setbacks on both street frontages. New structures in the area have been allowed to ignore the second setback by building on the original side setback of only 5 or 7 feet. Again, in a review of the R-2 Zoning districts, no other corner lot was found to have met the 2 front setback criteria, perhaps due to the relatively narrow widths and the opportunity for variance.

Variance Criteria #4. The existing code provided flexibility to allow redevelopment under a range of specifications. The code provides adequate remedy to the challenge of redevelopment on a standard minimal lot by allowing for reduced setbacks and by allowing redevelopment to current elevation standards on the existing footprint including existing encroachments. The code also allows for the continuance of legal and permitted, nonconforming uses. Thus, loss of the duplex use due to area requirements and adherence to setbacks for a redevelopment would hold this property owner to a higher standard than other similarly situated and developed properties.

Variance Criteria #5. The requested variances give the owner back only the overall enclosed area and the duplex use existing prior to redevelopment. It does not expand intensity or encroachment. The proposed site plan reduces the encroachment into the side and rear yards and requires only a 10% variance to the corner lot setback (a percentage allowed by administrative waiver).

Variance Criteria #6. The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations in that it would reestablish a permitted and grandfathered nonconforming use, be consistent with new development style and intensity on adjacent properties, would reduce encroachments into setbacks and would continue the provision of affordable housing options in accordance with the City's affordable housing policies and goals.

V. RECOMMENDATION

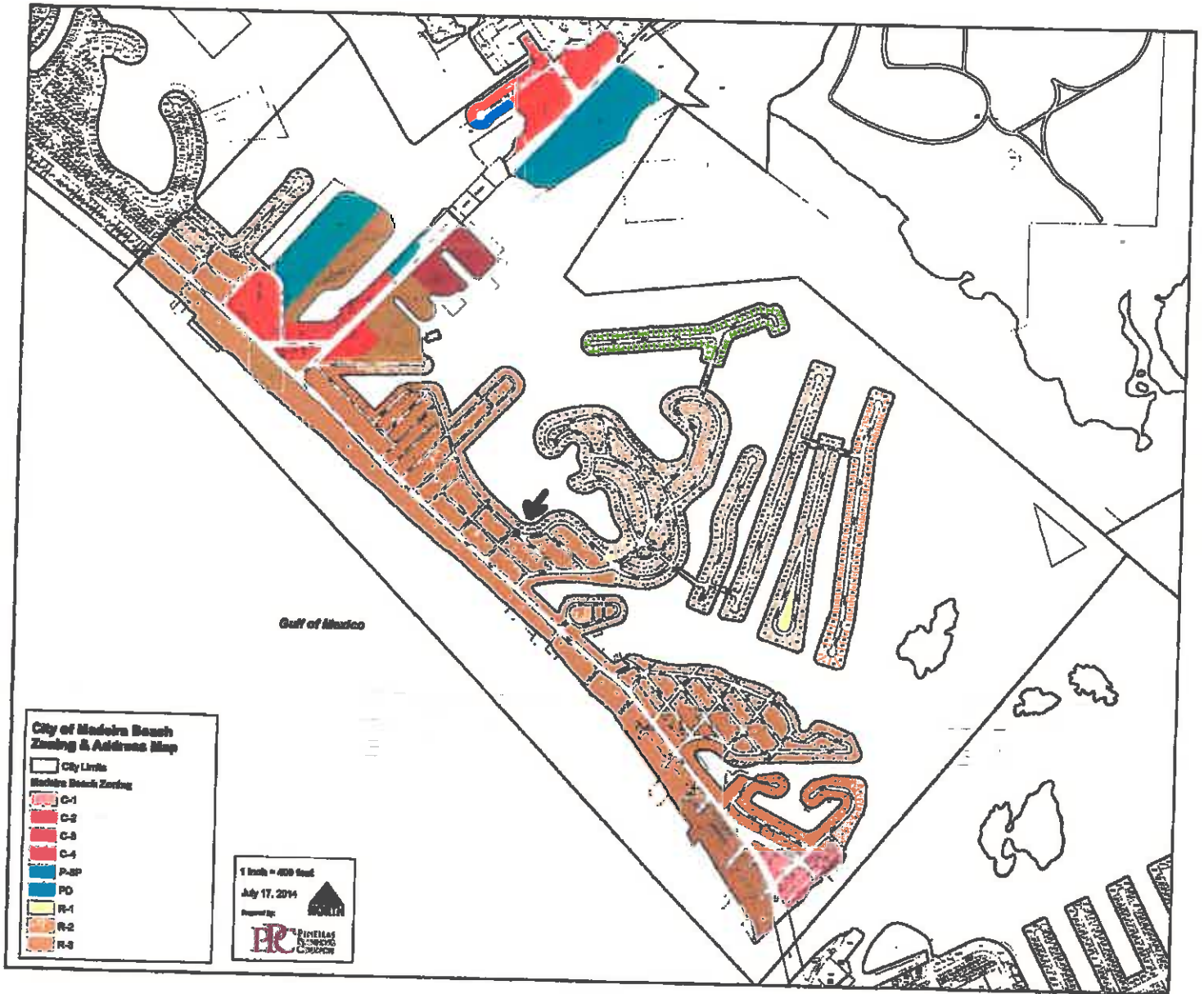
Staff recommends approval of the variance petition based on the above stated findings and in accordance with the stated purpose of a variance and criteria for its evaluation.

VI. EXHIBITS

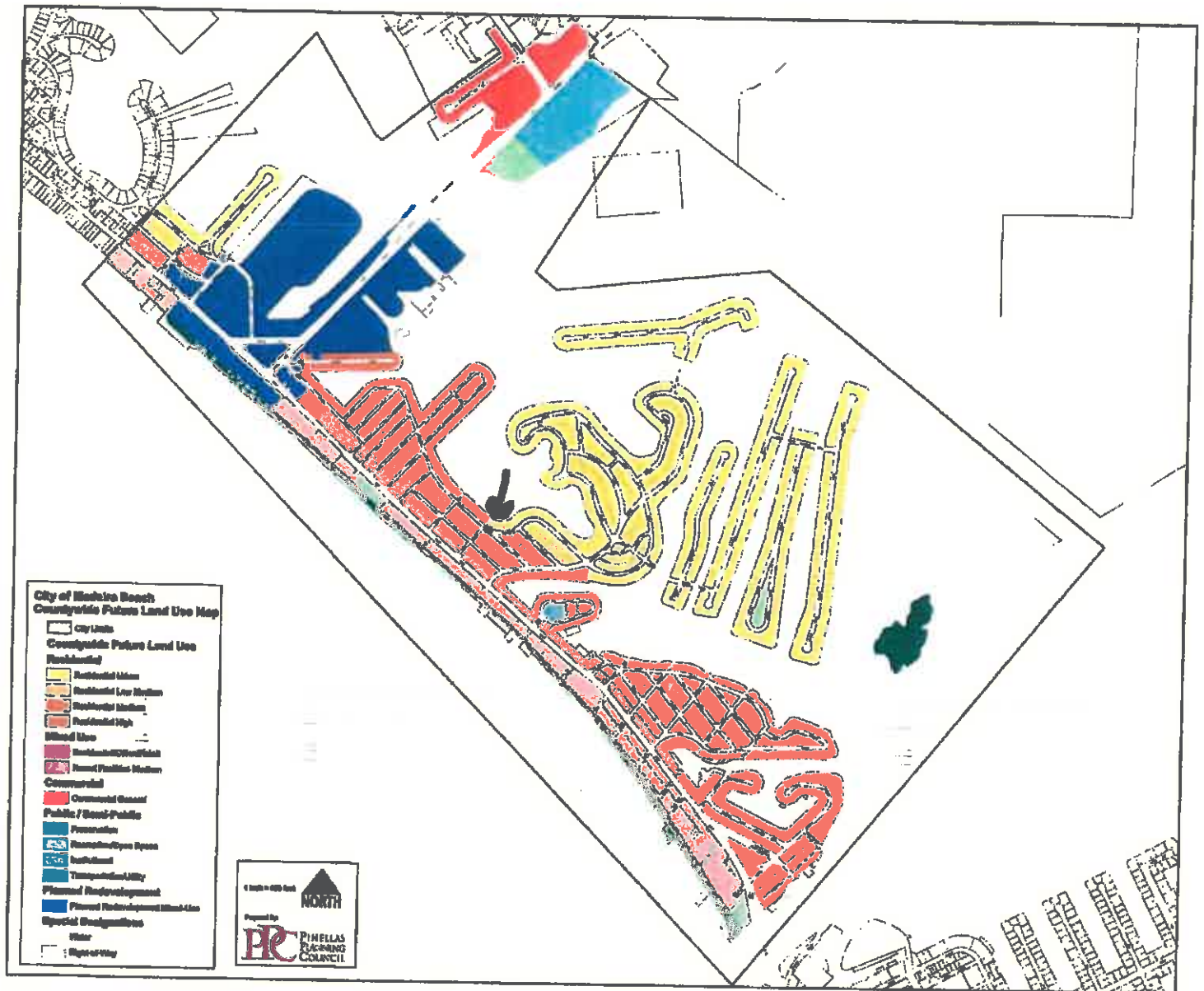
- A. Zoning and Future Land Use Maps
- B. R-2 Zoning District Standards
- C. Section 110-93. – Intent Concerning Nonconforming Property, Structures, and Uses
- D. Section 110-205. Minimum building site area requirements
- E. Section 110-206. – Setback requirements for R-2 district
- F. Section 110-428. –Same—Side yard of corner lot.
- G. Application and Supporting Documents
- H. Pinellas County Property Appraiser's Database
- I. Site Photographs
- J. Google Maps Site Aerial

Exhibit A

Zoning and Future Land Use Maps



14094 Bayshore Dr



14094 Bayshore Dr.

Exhibit B

R-2 Zoning District Standards

Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 2, 2-28-06; Ord. No. 1138, § 3, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-202. - Permitted uses.

The permitted uses in the R-2, low density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Townhouse type construction.
- (5) Public education facilities of the school board.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-203. - Accessory uses.

The accessory uses in the R-2, low density multifamily residential district are as follows:

- (1) Home occupations.
- (2) Private garages and carports.
- (3) Private swimming pools.
- (4) Residential signs.
- (5) Residential docks.
- (6) Essential services.
- (7) Other accessory uses customarily incident to permitted or approved special exception

uses.

(Code 1983, § 20-404)

Sec. 110-204. - Special exception uses.

Upon application for a special exception to the board of adjustment and favorable action thereon, the following uses may be permitted in the R-2, low density multifamily residential district:

- (1) Churches, synagogues or other houses of worship.
- (2) Publicly owned or operated parks or recreation areas.
- (3) Private schools.
- (4) Public service facilities.
- (5) Cabanas used as bathhouses.

(Code 1983, § 20-404)

Sec. 110-205. - Minimum building site area requirements.

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

(1) Lot size:

- a. Single-family: 4,000 square feet.
- b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit.
- c. Townhouses: Minimum land area of 12,000 square feet (3,000 square feet per dwelling unit). (See article VI, division 10, subdivisions II and III of this chapter.)
- d. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.

(2) Lot width:

- a. Single-family: 40 feet.
- b. Duplex: 60 feet.
- c. Triplex: 80 feet.
- d. Townhouses: 100 feet.

(3) Lot depth: 80 feet.

(4) The maximum density is 15 dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-206. - Setback requirements.

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

(1) Front yard: 20 feet.

(2) Rear yard: 25 feet.

(3) Side yard:

a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.

b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.

c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.

d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.

e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.

f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of 25 feet on each side property line.

(4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

Sec. 110-207. - Maximum building height.

No structure in the R-2, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) to the eave line of the building; except as provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

(Code 1983, § 20-404; Ord. No. 1023, § 4, 11-30-04)

Sec. 110-208. - Maximum lot coverage.

The maximum lot coverage in the R-2, low density multifamily residential district is as follows:

- (1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- (3) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.50.
 - b. Transportation/utility: Floor area ratio (FAR) 0.50.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-209. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-2, low density multifamily residential district for all uses is 0.70.

(Code 1983, § 20-404)

Sec. 110-210. - Special requirement.

Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.

(Ord. No. 1138, § 3, 12-9-08)

Secs. 110-211—110-225. - Reserved.

Exhibit C

Section 110-93- Intent Concerning
Nonconforming property, Structures
and Uses

Sec. 110-93. - Intent concerning nonconforming property, structures and uses.

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

(1) *Nonconforming lots.*

a. *Use of single, nonconforming lots for residential districts.*

Notwithstanding the maximum density requirements of the comprehensive plan, in residential districts, the single-family and customary accessory structures may be erected, reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.

b. *Use of single, nonconforming lots for nonresidential uses.* In other than residential districts, a nonconforming lot of record which is not in continuous frontage with other lots in the same ownership, may accommodate uses permitted within that district in accordance with other requirements applying in that district.

c. *Rules concerning combination of contiguous nonconforming lots in same ownership and with continuous frontage.*

1. *Where nonconforming status was created at enactment or amendment of this Code or of the comprehensive plan.* Where more than one nonconforming lot of record in single ownership and with continuous frontage exists, they shall be combined and considered a single zoning lot. The zoning administrator shall authorize their use only when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

2. *Combination not required where nonconformity created by public taking or court order.* Where the nonconforming lots were created by public taking action or as a result of a court order, a combining of the individual lots shall not be required.

(2) *Nonconforming uses.* Nonconforming uses of land shall be brought into

conformance as soon as reasonably possible, but may continue provided:

- a. There shall be no replacement, enlargement, increase in activity or alterations to any nonconforming use, permanent structure or both.
- b. No such nonconforming use shall be relocated or moved to any portion of the lot other than that occupied at the time that the nonconforming status was created.
- c. When a nonconforming use is changed, modified or diversified to meet requirements of a conforming use, the building or structure in which the use is located shall conform to the development standards and regulations as set forth in this Code.
- d. If any nonconforming use, or any portion thereof, ceases for any reason for more than one year (365 days), the grandfather status of the nonconforming use shall terminate and all subsequent uses shall conform to the regulations of the district in which such use is located.

(3) *Nonconforming structures.* Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms of the land development regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other nonhabitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.
- b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance

with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in section 110-95.

- c. Should the damage be less than 50 percent of its current fair market value, then repairs may be made under the "grandfathered" zoning district regulations, provided that they shall be made within 18 months after such damage. All repairs must be made to comply with current building codes and not be in violation of the provisions of the floodplain management regulations and other applicable codes of the city. In the event that the repairs have not been completed within 18 months, the structure shall not be further repaired or rebuilt, except in conformity with the entire requirements of this Code.
- d. Routine repairs and maintenance of nonconforming structures, fixtures, wiring and plumbing, or the repair or replacement of nonload bearing walls shall be permitted.
- e. Owners of nonconforming residential structures in an R-1 or R-2 zoning district that wish to elevate their existing structure with the lowest habitable floor at or above base flood elevation shall be exempt from the setback provisions of article V of this chapter regarding district regulations, so long as the structure remains within the existing footprint.

(4) *Nonconforming characteristics of use.* Nonconforming characteristics of use which may include, but not limited to inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

(Code 1983, § 20-611(C); Ord. No. 918, § 6, 12-7-99; Ord. No. 1051, § 1, 8-9-05; Ord. No. 1071, § 3, 2-28-06; Ord. No. 1143, § 1, 1-27-09; Ord. No. 1166, § 1, 8-10-10)

Exhibit D

Section 110-205- Minimum building site
Area requirements

Sec. 110-205. - Minimum building site area requirements.

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

- (1) Lot size:
 - a. Single-family: 4,000 square feet.
 - b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit.
 - c. Townhouses: Minimum land area of 12,000 square feet (3,000 square feet per dwelling unit). (See article VI, division 10, subdivisions II and III of this chapter.)
 - d. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. Single-family: 40 feet.
 - b. Duplex: 60 feet.
 - c. Triplex: 80 feet.
 - d. Townhouses: 100 feet.
- (3) Lot depth: 80 feet.
- (4) The maximum density is 15 dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Exhibit E

Section 110-206- Setback requirements for
R-2 district

Sec. 110-206. - Setback requirements.

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

- (1) Front yard: 20 feet.
- (2) Rear yard: 25 feet.
- (3) Side yard:
 - a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.
 - b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.
 - c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.
 - d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.
 - e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.
 - f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of 25 feet on each side property line.
- (4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

Exhibit F

Section 110-428- Same- Side yard of
Corner lot.

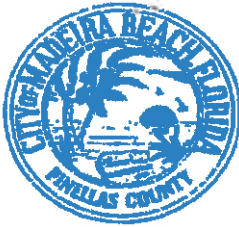
Sec. 110-428. - Same—Side yard of corner lot.

Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street, however, if this restriction does not permit a single-family structure of at least 25 feet in width, this requirement shall be modified to allow construction of a single-family structure 25 feet in width but in any case this side setback shall not be less than ten feet. The width of a corner lot house may be no greater than 25 feet once it infringes upon the required front yard setback of an adjoining lot. (Also consult section 110-418.)

(Code 1983, § 20-503(B))

Exhibit G

Application and Supporting Documents



RECEIVED

NOV 16 2017

BY: Gwen D.

CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT

300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708

(727) 391-9951 EXT. 255 • FAX (727) 399-1131

Email to: gsinkfield@madeirabeachfl.gov

Special Magistrate Case #: 2017-11



SPECIAL MAGISTRATE – VARIANCE APPLICATION

*Applicant: Name and Address

Thomas Rozema
8391 56th ST.
Pineellas Park FL 33781

Telephone: (727) 290-5997

Email: Sidewalkmike@hotmail.com

*Property Owner: Name and Address

Thomas Rozema
8391 56th ST
Pineellas Park FL 33781

Telephone: (727) 290-5997

Email: Sidewalkmikes@gmail.com

Application for the property located at: (Street Address or location of the vacant lot)

14094 Bayshore Dr. Madeira Beach FL 33708

Legal Description: Gulf Shores 2nd Add BLK J, Lot 22

10-31-15-34344-010-0220

Lot Area: 5000ft² Width: 50 ft. Depth: 100 ft.

Zoning District: R-2

Present Structures on Property: Residential in permitting process for new structure

Present use of property: Residential

Date Building Permit Request denied: N/A

Variance(s) need from the zoning requirements are: Improving setbacks, no increase to density
over historic use. Grandfathered duplex use.

PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:
SITE PLAN, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.

Special Magistrate Case #: 2017-11

****For City of Madeira Beach Use Only****

Fee: 350.00 ☐ Check # credit card ☐ Cash ☐ Receipt # 16425

Date Received: 11/16/17 Received by: Patty Kordis

Special Magistrate Case # Assigned: 2017-11

Special Magistrate Hearing Date: 12-18-17 ☐ Approved ☐ Denied

☐ Zoning Variance for Residential Dwelling Units (one, two or three units) \$350 per variance
☒ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$350 per variance
☐ After-the-fact Variance \$350 per variance

Luis Serna, Planning & Zoning Consultant

Date: _____

Linda Portal, Planning & Zoning Director

Chief Derryl O'Neal, Interim City Manager

Date: _____

DISCLAIMER: According to Florida Statute, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.072 are subject to public record requests.

This application to the Special Magistrate is requesting permission to: _____

A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstances does not result from the intentional act of the applicant or the applicant's agent(s). In order to authorize any variance from the provisions of the City Code, the Special Magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists.

On a separate attached page, explain in detail how your request complies with the following rules:

1. Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - ☐ *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
 - ☐ *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - ☐ *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - ☐ *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - ☐ *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
2. Demonstrate that special condition(s) and circumstance(s) do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
3. Demonstrate that the granting of 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.
4. Demonstrate that the literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development

This request is the reestablishment of a use that has never caused any problems for the neighborhood. Occupational permits have been paid without interruption for a duplex in order to the designation in place while construction is completed. The variances will not give any privilege others don't have because most if not all the duplexes in town are nonconforming for area and most redevelopment projects require variances or are allowed by the redevelopment ordinance to maintain their existing encroachments. This lot is unusually restricted because it is on a corner and to have 2 front yard setbacks which takes an extra 14 feet of development potential for no benefit to the public. Also, the hardships were not created by the owner because they are created by zoning made the existing designation nonconforming and that made the lot undevelopable under normal conditions. The structure was only torn down based on staff assurances that it could continue as duplex use. Demolition was required to keep to FEMA timeframes. The new structure will improve neighborhood, meet FEMA requirements and, because it will continue to be a duplex, will provide affordable housing opportunities that are harder to come by as the city redevelops.

The following are the specific variances requested:

Variance Request: Section 110-92-(3)(a), Non-Conforming Structures

To reestablish a duplex use in a structure designed to recapture all my original enclosed area including garage. All the new area will be elevated to meet FEMA standards.

Variance Request: Section 110-205. Minimum building site area requirements

The lot is 5,000 total square feet instead of the required 6,000 and so has been used as a permitted grandfathered duplex. The request is to continue this historic use.

Variance Request: Section 110-206-(1) and (3)(a) - Setback Requirements

The required 25 feet rear yard setbacks has never been used on this lot. The house was 23 feet away but the garage was only 3 feet away. The request is to add the enclosed square foot area of the attached garage to the elevated Phase 2 area of the new house. This would allow moving the structure, which was constructed only 3 feet from the rear property line, to 16 feet from the rear property line; bring the site more into conformance with current requirements. In addition, the original house structure constructed within 3 feet of the side lot adjoining another residential lot. Because this project is a reconstruction, it is obligated to build back closely to the original footprint. However, moving the structure to a setback of 5 feet on that side would reduce the encroachment and bring the site into closer conformance to current codes. In order to do this, the corner setback must be reduced from 18 to 16.

Variance Request: Sec. 110-428. - Same - Side yard of corner lot.

The regulations require corner lots to have 2 front yard setbacks which has always made this lot almost undevelopable. The original house had to be unusually narrow to fit on the open area and still encroached into the setback on the side. This code should be changed because it creates a hardship for corner lot owners and takes development rights for no benefit. Also it has been unevenly applied as there are lots all over town that have not used this deep a setback. Reducing this setback to 18 feet would respect the other side setback to a greater degree.

Regulations, Subpart B of the Code and would work unnecessary and undue hardship on the applicant.

5. Demonstrate that the variance granted is the minimum variance that will make possible the use of the land.
6. Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, 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.

[Signature]
Property Owner's Signature

11-16-17
Date

STATE OF Florida
COUNTY OF Piellas

Before me this 16 day of November 2017, Thomas Rozenc appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☒ personally known to me or ☐ has produced _____ as identification.



[Signature]
Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not protected in F.S. 119.071 and 119.0717 are subject to public record requests.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

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[Signature] 11-16-17
Applicant's Signature (if other than the property owner) Date

STATE OF Florida
COUNTY OF Pineellas

Before me this: 16 day of November, 2017, Thomas Rozema
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☒ personally known to me or ☐ has produced _____ as identification.



[Signature]
Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

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SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition, shall take note of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:
 - a. *Substandard or irregular-shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential Neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
- (2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
- (3) 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.
- (4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land.
- (6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as specified in subsection (a) shall the special magistrate grant a variance to allow a use not generally or by special exception use permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. Financial loss standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

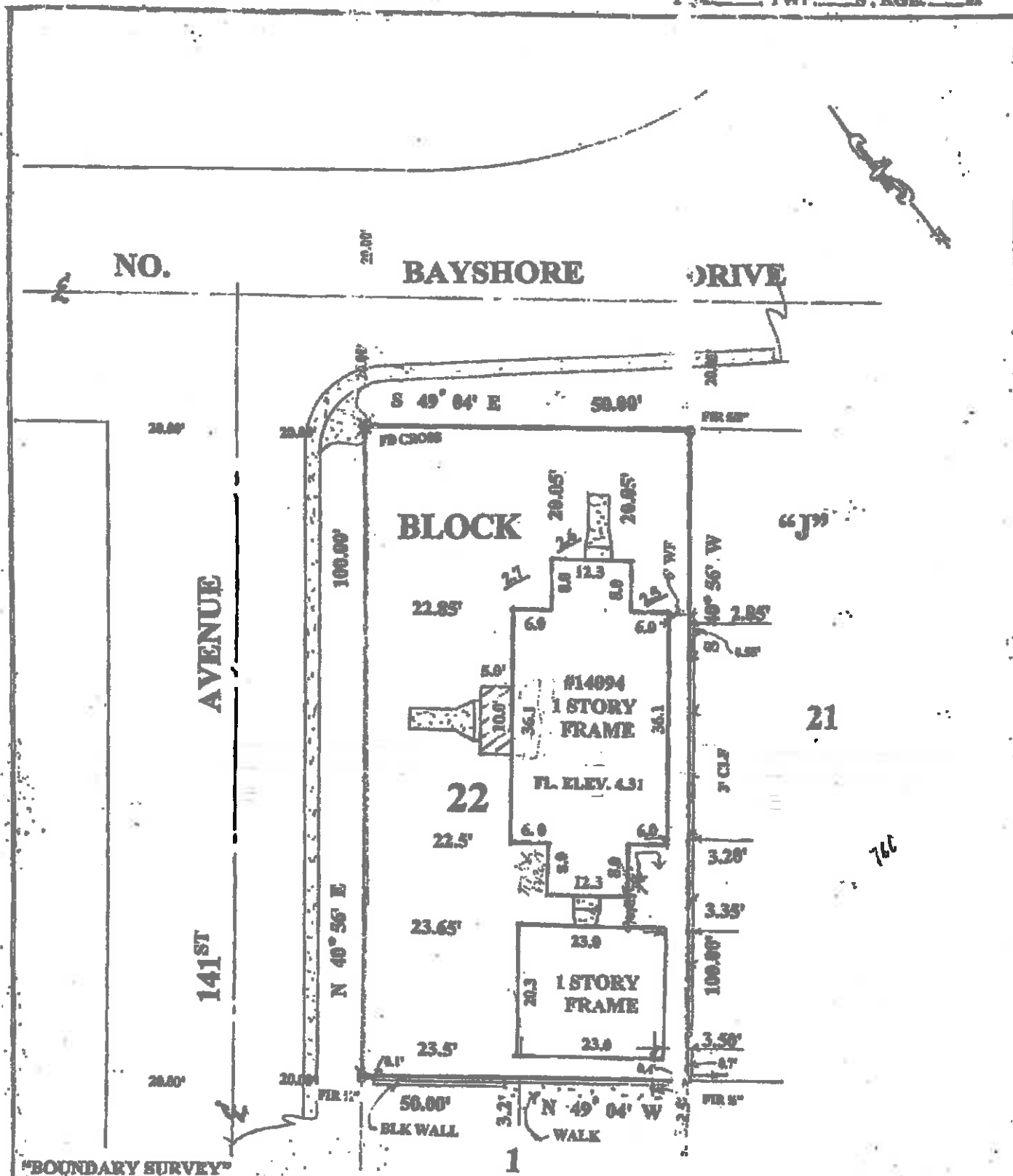
All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

PREPARED FOR :

THOMAS J. ROZEMA

1. 6 TWP. 12 S. RGE. 1 E.



LEGEND : PIR - POUND IRON ROD, PCIR - POUND CAPPED IRON ROD, PIR - PIR CAPPED IRON
PCIR - POUND CAPPED IRON PIR, PIR - POUND NAIL, & DISC JOB - SET NAIL & DISC, PCIR - POUND C.
REFERENCE MONUMENT, TCI - PERMANENT CONTROL POINT, PI - POINT OF INTERSECTION, RW - RAIL
CONCRETE BLOCK STRUCTURE, CONC - CONCRETE, ASPH - ASPHALT, PWT - PAVEMENT, CSU - CL -

14094 Bayshore Dr. Madeira Beach FL 33708
Thomas Rozema

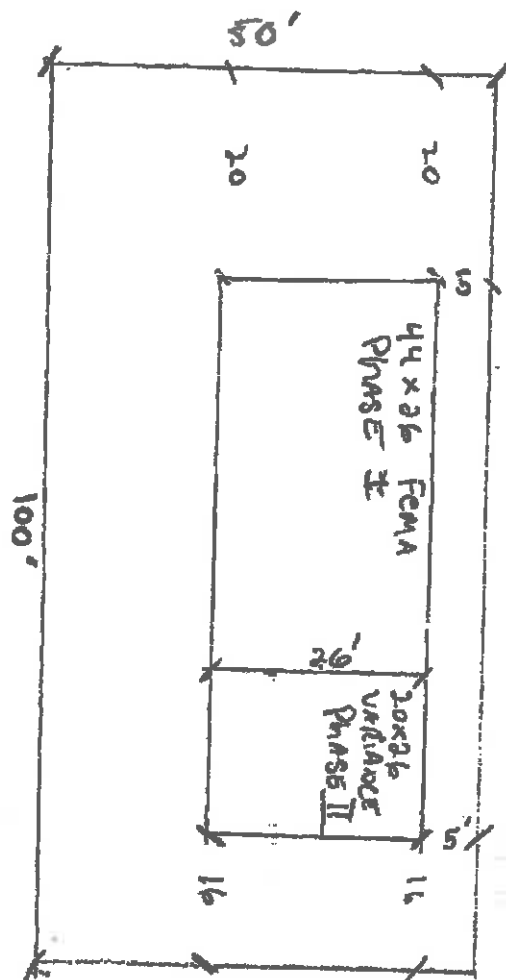


Exhibit H

Pinellas County Property Appraiser's
Database

10-31-15-34344-010-0220

[Compact Property Record Card](#)[Tax Estimator](#)**Updated December 9, 2017**[Email](#)[Print](#)[Radius Search](#)

Ownership/Mailing Address Change Mailing Address	Site Address
ROZEMA, THOMAS J 9517 53RD WAY N PINELLAS PARK FL 33782-3646	14094 N BAYSHORE DR MADEIRA BEACH

[Property Use:](#) 0000 (Vacant Residential - lot & acreage less than 5 acres)

Living Units:

[click here to hide] Legal Description
GULF SHORES 2ND ADD BLK J, LOT 22

Mortgage Letter	File for Homestead Exemption	2018 Parcel Use
Exemption	2017	2018
Homestead:	No	No
Government:	No	No
Institutional:	No	No
Historic:	No	No
		Homestead Use Percentage: 0.00%
		Non-Homestead Use Percentage: 100.00%
		Classified Agricultural: No

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)				
Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
17046/0382	\$137,600	121030278022	A	21/23

2017 Interim Value Information					
Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$115,028	\$77,697	\$77,697	\$115,028	\$77,697

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	No	\$115,028	\$77,697	\$77,697	\$115,028	\$77,697
2016	No	\$128,716	\$100,199	\$100,199	\$128,716	\$100,199
2015	No	\$108,728	\$91,090	\$91,090	\$108,728	\$91,090
2014	No	\$92,627	\$82,809	\$82,809	\$92,627	\$82,809
2013	No	\$75,281	\$75,281	\$75,281	\$75,281	\$75,281
2012	Yes	\$76,076	\$76,076	\$51,076	\$51,076	\$51,076
2011	Yes	\$88,178	\$88,178	\$63,178	\$63,178	\$63,178
2010	No	\$81,955	\$81,955	\$81,955	\$81,955	\$81,955
2009	No	\$93,278	\$93,278	\$93,278	\$93,278	\$93,278
2008	No	\$133,000	\$133,000	\$133,000	\$133,000	\$133,000
2007	No	\$173,300	\$173,300	\$173,300	N/A	\$173,300
2006	No	\$240,200	\$240,200	\$240,200	N/A	\$240,200
2005	No	\$164,800	\$164,800	\$164,800	N/A	\$164,800
2004	No	\$133,900	\$133,900	\$133,900	N/A	\$133,900
2003	No	\$117,300	\$117,300	\$117,300	N/A	\$117,300
2002	No	\$92,200	\$92,200	\$92,200	N/A	\$92,200
2001	No	\$72,800	\$72,800	\$72,800	N/A	\$72,800
2000	No	\$61,300	\$61,300	\$61,300	N/A	\$61,300
1999	No	\$59,600	\$59,600	\$59,600	N/A	\$59,600
1998	No	\$59,900	\$59,900	\$59,900	N/A	\$59,900
1997	No	\$57,300	\$57,300	\$57,300	N/A	\$57,300
1996	No	\$60,700	\$60,700	\$60,700	N/A	\$60,700

[2017 Tax Information](#)[2017 Tax Bill](#)Tax District: [MB](#)

2017 Final Millage Rate 17.4600

Do not rely on current taxes as an estimate following a change in ownership.
A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market

[Ranked Sales](#) [\(What are Ranked Sales?\)](#) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
24 Sep 2010	17046 / 0382	\$95,000	U	I
	03798 / 0561	\$12,000	Q	

conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

2017 Land Information					
Land Use	Seawall: No		Frontage: None		View:
Vacant (00)	Land Size 50x100	Unit Value 2800.00	Units 50.0000	Total Adjustments 0.9500	Adjusted Value \$133,000
					Method FF

(click here to hide) 2018 Extra Features					
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
No Extra Features on Record					

(click here to hide) Permit Data	
Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.	

Permit Number	Description	Issue Date	Estimated Value
ST1605	SPECIAL USE	15 May 2017	\$5,000
506	DEMOLITION	27 Apr 2016	\$10,000
9800464	ROOF	06 Aug 1998	\$1,320



[Interactive Map of this parcel](#)

[Map Legend](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)



MIKE TWITTY, MAI
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

14094 N. Bayshore Dr.
mailed Dec 8, 2017.

Run Date: 17 Nov 2017

Subject Parcel: 10-31-15-34344-010-0220

Radius: 200 feet

Parcel Count: 71

Note: Parcels with protected address status are not included in this report.

Total pages: 4

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

MAIN OFFICE - COUNTY COURTHOUSE

315 Court St - 2nd Floor
Clearwater, FL 33756

Office: (727) 464-3207

Fax: (727) 464-3448

Hearing Impaired:

Office: (727) 464-3370

Commercial Appraisals:

Office: (727) 464-3284

Exemptions:

Office: (727) 464-3294

Fax: (727) 464-3408

Residential Appraisals:

Office: (727) 464-3643

Tangible Personal Property:

Office: (727) 464-8484

Fax: (727) 464-8488

NORTH COUNTY

29268 US Highway 19 N
Clearwater, FL 33761

Office: (727) 464-8780

Fax: (727) 464-8794

MID COUNTY

13025 Starkey Road

Co-Located with Tax Collector

Largo, FL 33773

Office: (727) 464-3207

Fax: (727) 464-3448

SOUTH COUNTY

1800 66th Street N

St. Petersburg, FL 33710

Office: (727) 582-7652

Fax: (727) 582-7610

ALL MAIL: PO Box 1957 - Clearwater, FL 33757



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LAIOSA, ANDREW
LAIOSA, NANCY
3 GRANDVIEW AVE
NANUET NY 10954-2510

MORGAN, LINDA D
20116 BAY CEDAR AVE
TAMPA FL 33647-3820

RUSSO FAMILY TRUST 7/13/98
2308 W 26TH ST
CHICAGO IL 60608-4907

CASTELLUZZO, MICHAEL R
14044 VIVIAN DR
MADEIRA BEACH FL 33708-2219

STRATEGY HOLDINGS LLC
5147 W SAN JOSE ST
TAMPA FL 33629-6414

KNEZICH, MATTHEW G
1851 SETON DR
CLEARWATER FL 33763-4146

TUREK, LADISLAV
TUREK, MARIE
14023 PALM ST
MADEIRA BEACH FL 33708-2216

CARMENATE, YUMARY
7331 BROOKVIEW CIR
TAMPA FL 33634-2825

ESAMANN, DOUGLAS F
ESAMANN, KIMBERLY S
1426 STANLEY RD
PLAINFIELD IN 46168-2328

HOEGG, MARTIN FRANZ
1224 BLACKRUSH DR
TARPON SPRINGS FL 34689-6238

14120 PALM STREET LLC
14120 PALM ST
MADEIRA BEACH FL 33708-2201

BITONTI, JOHN
BITONTI, PASQUALE
10 BITONTI CRESCENT
SAULT STE MARIE ON P6C 6A9

CARTER-JONES, ANNE
4816 SHELL STREAM BLVD
NEW PORT RICHEY FL 34652-4443

ESAMANN, DOUGLAS F
ESAMANN, KIMBERLY S
18419 HARBORSIDE DR
CORNELIUS NC 28031

VICTUS SOMNIUM LLC
11814 SUNCREST DR
WALTON KY 41084-9332

SALSBURY-SMITH, P T
SMITH, JAMES H
583 NORMANDY RD
MADEIRA BEACH FL 33708-2315

SILENCE, CAROLYN
2353 CAMP INDIANHEAD RD
LAND O LAKES FL 34639-5288

SCHABEL, MARGARET J
14088 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

GRESK, WAYNE MICHAEL & CHRISTINE MARIE
TRUST
GRESK, WAYNE MICHAEL TRE
11589 S AVENUE J
CHICAGO IL 60617-7466

CRUZ, HELEN
2702 W WOODLAWN AVE
TAMPA FL 33607-6823

ELSBURY, MICHAEL J
ELSBURY, CHERAL E
1705 HAWTHORNE DR
PLAINFIELD IN 46168-1879

GEISINGER, JEFFREY
14130 N BAYSHORE DR
MADEIRA BEACH FL 33708-2231

MIRASOLA, CHARLES
MIRASOLA, CARMELA
121 WOODBRIDGE AVE # 117
WOODBIDGE ON L4L 8E3

BITONTI, JOSEPH
BITONTI, ANTONIETTA
49 BITONTI CRESCENT
SAULT STE MARIE ON P6C 6B6

TILKA, PAUL D
TILKA, LINDA C
14081 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

D J M A K LLC
14033 PALM ST
MADEIRA BEACH FL 33708-2218

HOPSON, JOHN W
14054 VIVIAN DR
MADEIRA BEACH FL 33708-2219

WITTENBAUER, MATTHIAS N
WITTENBAUER, HELEN S
14133 N BAYSHORE DR
MADEIRA BEACH FL 33708-2230

HILLIOS, STEWART
HILLIOS, CAROL
90 141ST AVE E APT A
MADEIRA BEACH FL 33708-3108

SAXON, THOMAS W
SAXON, CINDY G
14108 N BAYSHORE DR
MADEIRA BEACH FL 33708-2230

40



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MADEIRA BEACH, CITY OF
300 MUNICIPAL DR
MADEIRA BEACH FL 33708-1815

MADIERA FLORIDA LAND TRUST 2011
SEZIONALE, ELISABETH TRE
1001 S MYRTLE AVE STE 1
CLEARWATER FL 33758-3915

RIDLEN, EARL L II
RIDLEN, DEBRA L
4686 SHADY RIDGE ROW
GREENWOOD IN 46143-8481

DORAN, DONNA C
14001 GULF BLVD APT 308
MADEIRA BEACH FL 33708-2282

WINTER, LAURIE
304 BOCA CIEGA POINT BLVD S
ST PETERSBURG FL 33708-2724

CRIMALDI, ANTHONY
CRIMALDI, MICHELLE A
837 CAROLYN DR
BRUNSWICK OH 44212-2201

BARBAZZA, ESTERINA
BARBAZZA, CLAUDIO
140 OLD KING RD
BOLTON ON L7E 3J1

MADEIRA PLACE CONDO ASSN INC
14001 GULF BLVD
MADEIRA BEACH FL 33708-2284

MIRASOLA, JOHN
MIRASOLA, SAM
10 NETTLES ST
WOODBIDGE ON L4H 0W7

GRIECO, DAVID P
GRIECO, ANGELA K
329 OVERBROOK DR
BELLEAIR FL 33758-2030

HALL, DENISE N
HALL, JIMMY L JR
14117 PALM ST
MEDEIRA BEACH FL 33708

GERSCH, HUBERT REV TRUST
GERSCH, HUBERT TRE
14001 GULF BLVD UNIT 209
MADEIRA BEACH FL 33708-2280

MADEIRA PLACE CONDO ASSN INC
14001 GULF BLVD
MADEIRA BEACH FL 33708-2284

EQUITY TRUST CO
3104 WILLIAMS CREEK DR
CINCINNATI OH 45244-3202

VISSICCHIO, CHARLES & SERAFINA JT REV
TRUST
VISSICCHIO, CHARLES TRE
4803 ARROWWOOD DR
TAMPA FL 33615-4932

HELM, BRUCE D
HELM, LORI
2216 GRAND CANYON CT
CARROLLTON TX 75006-1632

MADIERA FLORIDA LAND TRUST 2011
SEZIONALE, ELISABETH TRE
1001 S MYRTLE AVE STE 1
CLEARWATER FL 33758-3915

MILOSEVIC, RADOVAN
MILOSEVIC, DJURDJEVKA
14001 GULF BLVD APT 409
MADEIRA BEACH FL 33708-2284

PLUNKETT, WILLIAM EUGENE II
PO BOX 1032
PLAINFIELD IN 46168-4132

MOHRMANN, LYNN A
MOHRMANN, BRIAN W
14045 VIVIAN DR
MADEIRA BEACH FL 33708-2218

CELSE REVOCABLE TRUST
CELSE, EUGENE TRE
4105 ANGEL WING CT
LUTZ FL 33558-2726

BURNS, CASSANDRA
BURNS, ZACHARY
14046 VIVIAN DR
MADEIRA BEACH FL 33708-2219

SARGENT, WILLIAM R
SARGENT, ANTONIA M
129 REGENCY DR
GRAND ISLAND NY 14072-3241

RANKOVICH, DENI
RANKOVICH, LEANN
411 W JEFFERSON ST
GARDNER IL 60424-7014

CHICKLOWSKI, KEVIN R
NARDI-CHICKLOWSKI, NANCY A
140 HUDSON ST
SPRINGFIELD MA 01118-1708

D J M A K LLC
14033 PLAM ST FRNT
MADEIRA BEACH FL 33708

PENDERGAST, DAVID
14033 PALM ST
MADEIRA BEACH FL 33708-2216

HARDWICK, MARK
HARDWICK, JANICE BELL
6062 DEBRA CT
PLAINFIELD IN 46168-9311

HILDRETH, DOUGLAS C
14041 PALM ST
MADEIRA BEACH FL 33708-2216

PATTEN, ALLEN D
PATTEN, BETTY E
PO BOX 784
PLEASANT VALLEY NY 12568-0784



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BOTTOS, BRUNA
81 LAKE ST UNIT 2
GRIMSBY ON L3M 2G6

GREENE, THOMAS V & JACQUELINE D REV
TRUST
GREENE, THOMAS V TRE
290 N WHEATON AVE
SEEKONK MA 02771-1986

DEL BENE, CHRISTOPHER
70 147TH AVE
MADEIRA BEACH FL 33708-2124

CIMINO, SALVADOR
CIMINO, DORIS
8420 CIMINO ESTATES DR
ODESSA FL 33556-4766

ZBIKOWSKI, ROBERT S & GERMAINE A LIV
TRUST
ZBIKOWSKI, ROBERT S TRE
38327 GLOUCESTER TRL
CLINTON TOWNSHIP MI 48035-1166

S F M B MAD BEACH PROPERTY LLC
406 S HOWARD AVE
TAMPA FL 33606

SAVINO, DOMENICK N JR TRUST
SAVINO, DOMENICK N JR TRE
7880 BOCA CIEGA DR
ST PETE BEACH FL 33708-1760

MENEIAN, ARTHUR
MENEIAN, SHARON
4166 MILLCROFT PARK DR
BURLINGTON ON L7M 3V3

CRUZ & QUINONES FAMILY TRUST
7622 CARON RD
TAMPA FL 33615-1348

WALTER, DANNY N
WALTER, TERESA A
14125 N BAYSHORE DR
MADEIRA BEACH FL 33708-2230

Exhibit I

Site Photograph's



4094 Bayshore Dr.
Posted 12-8-17

44

Exhibit J

Google Maps Site Aerial

Google Maps 14099 N Bayshore Dr



Image capture: Mar 2014 © 2017 Google

Madeira Beach, Florida

Google, Inc.

Street View - Mar 2014





Variance Hearing

Case No. 2017-12

December 18, 2017

2:00 p.m.



SPECIAL MAGISTRATE – VARIANCE REQUEST

December 18, 2017

Application 2017.12

I. GENERAL INFORMATION

Request: The applicant is requesting variance from the setback required between the pool edge and the structure from 5 feet to 3 feet.

Property Owners

Fredric S. & Deborah W. Capitosti
452 137th Avenue Circle
Madeira Beach, FL 33708

Applicant

Fredric S. & Deborah W. Capitosti
452 137th Avenue Circle
Madeira Beach, FL 33708

Property Address

452 137th Avenue Circle

Parcel I.D. #

15-31-15-34488-000-0400

Zoning/Land Use

Low Density Multi-Family Residential (R-2)/Residential Medium (RM)

Year Built

2014

Variance Request: Sec. 110-720. - Setbacks.

- (a) A swimming pool shall be constructed in such a manner as to meet the following minimum setbacks, as measured from the water's edge.

Structure: 5 feet.

Rear, Boca Ciega Bay: 12 feet or greater, so as not to interfere with seawall tiebacks. Pools may be located within the required rear yard setback provided a minimum setback of eight feet is maintained from the rear property line. Prior to issuance of a permit, a signed and sealed certification from an engineer, registered in the State of Florida, must be submitted stating that the proposed swimming pool will not affect the integrity or functioning of the seawall or its deadmen.

Specific Request: Petitioner request a variance from the 5 feet to structure setback. The setback is designed to protect the structural integrity of a slab-on-grade construction. When the home is built on a pier system the setback may not be needed. The code allows specifically for an engineer's approval to waive other setbacks relative to the pool and construction elements of the seawall. A similar variance would be appropriate if the setback is not needed to protect the house as indicated by signed and sealed drawings of an engineer.

II. BACKGROUND

Pools are a common feature of yards abutting the bay and have been installed with similar setback variances in the past. The lots along some portions of the bay are unusually constrained by the conditions of the seawall, density of the fill or level of wave action upon the seawall. This lot is required to have deadmen reaching

underground from the seawall into the yard at lengths between 11ft and 16.5 ft. This reduces the buildable area of the yard significantly, leaving only 5 to 6 feet for the width of a pool. Because of soil conditions on this site, the house is built on 24 individual 30 foot deep pilings. The house is therefore not dependent upon the shallow soils for stability and will not be threatened by a pool closer than 5 ft. This condition is one that the staff will recommend for future amendment to allow for administrative variance with signed and sealed drawings.

III. VARIANCE CRITERIA [Section 2-507(b)]

- (1) *Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:*
 - a. *Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;*
 - b. *Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*
 - c. *Residential Neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*
 - d. *Public facilities. If the proposed project involves the development of public parks, public facilities, schools, or public utilities;*
 - e. *Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.*
- (2) *The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.*
- (3) *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.*
- (4) *Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.*
- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land.*
- (6) *The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

IV. ANALYSIS

The property is located in a neighborhood of single and two family dwellings and rooming houses/short term accommodations. Adjacent properties include single and two family homes, rooming houses and a City of Madeira Beach access parcel. Facts related to lot size, condition and dimensions are as follows:

- The soil conditions of the site and the relative instability of the seawall require significantly greater than average support for both house and seawall. This reduces the buildable area of the yard.
- The lot in question is a standard, normally proportioned, rectangular shape of 4 right angles and is the same shape as adjacent, and neighboring lots at 54 ft. in width. The right-of-way is wide in the front of the house and the lot is only 75 feet deep. This has resulted in homes along the street being pushed back on the lot with many being nonconforming for rear yard setbacks. For similar reasons other homes in the neighborhood have been granted variances from the setbacks for pools.
- Given the length of the deadmen and the size of the backyard, implementation of the 5 ft. setback would reduce the area available to the pool to between 5 and 6 feet. This pool dimension would be considerably smaller than that allowed homes on surrounding lots.
- Given the home's structural design and the testimony of the site engineer, the 5 foot setback serves no structural purpose and could be reduced to 3 ft.

- A variance of 2 ft. to require a 3ft. setback from the structure is a minimum adjustment and a reasonable use of the land consistent with surrounding uses.
- The variance of 2ft. to require a 3ft. setback from the structure does not affect surrounding properties or violate the intent of the code.

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

Variance Criteria #1. The soil conditions and condition of the seawall require a large portion of the lots to be undeveloped to accommodate seawall supports. Also, the soil conditions require the house to be build on pilings and thus stabilized against any effect of a pool within 3 ft. of the structure.

Variance Criteria #2. The property owner did not create the hardship associated with the need for extra seawall support. Additionally, the property owner did provide additional support to the home structure required to make the variance appropriate.

Variance Criteria #3. Surrounding properties contain pools, some of which required variances for installation.

Variance Criteria #4. The literal interpretation of the code would deprive the property owner of the opportunity to install a pool of normal size to no real benefit. The intent of the code is to protect the house structure and that protection can be reduced to 3 ft. according to the engineer on record.

Variance Criteria #5. The extra 2 feet of development area for the pool is the minimum needed to allow for a pool of small but more standard dimensions.

Variance Criteria #6. The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations in that it would allow the homeowner the same rights as the neighbors and would have no effect on surrounding properties. It would also accomplish the intent of the code.

V. RECOMMENDATION

Staff recommends approval of the variance petition based on the above stated findings and in accordance with the stated purpose of a variance and criteria for its evaluation.

VI. EXHIBITS

- A. Zoning and Future Land Use Maps
- B. R-2 Zoning District Standards
- C. Section 110-720. – Pool Setbacks
- D. Application and Supporting Documents
- E. Pinellas County Property Appraiser's Database
- F. Site Photographs
- G. Google Maps Site Aerial

Exhibit A

Zoning and Future Land Use Maps



452 137th Avenue Circle



452 137th Avenue Circle

Exhibit B

R-2 Zoning District Standards

Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 2, 2-28-06; Ord. No. 1138, § 3, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-202. - Permitted uses.

The permitted uses in the R-2, low density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Townhouse type construction.
- (5) Public education facilities of the school board.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-203. - Accessory uses.

The accessory uses in the R-2, low density multifamily residential district are as follows:

- (1) Home occupations.
- (2) Private garages and carports.
- (3) Private swimming pools.
- (4) Residential signs.
- (5) Residential docks.
- (6) Essential services.
- (7) Other accessory uses customarily incident to permitted or approved special exception

uses.

(Code 1983, § 20-404)

Sec. 110-204. - Special exception uses.

Upon application for a special exception to the board of adjustment and favorable action thereon, the following uses may be permitted in the R-2, low density multifamily residential district:

- (1) Churches, synagogues or other houses of worship.
- (2) Publicly owned or operated parks or recreation areas.
- (3) Private schools.
- (4) Public service facilities.
- (5) Cabanas used as bathhouses.

(Code 1983, § 20-404)

Sec. 110-205. - Minimum building site area requirements.

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

(1) Lot size:

- a. Single-family: 4,000 square feet.
- b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit.
- c. Townhouses: Minimum land area of 12,000 square feet (3,000 square feet per dwelling unit). (See article VI, division 10, subdivisions II and III of this chapter.)
- d. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.

(2) Lot width:

- a. Single-family: 40 feet.
- b. Duplex: 60 feet.
- c. Triplex: 80 feet.
- d. Townhouses: 100 feet.

(3) Lot depth: 80 feet.

(4) The maximum density is 15 dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-206. - Setback requirements.

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

(1) Front yard: 20 feet.

(2) Rear yard: 25 feet.

(3) Side yard:

a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.

b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.

c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.

d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.

e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.

f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of 25 feet on each side property line.

(4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

Sec. 110-207. - Maximum building height.

No structure in the R-2, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) to the eave line of the building; except as provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

(Code 1983, § 20-404; Ord. No. 1023, § 4, 11-30-04)

Sec. 110-208. - Maximum lot coverage.

The maximum lot coverage in the R-2, low density multifamily residential district is as follows:

- (1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- (3) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.50.
 - b. Transportation/utility: Floor area ratio (FAR) 0.50.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-209. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-2, low density multifamily residential district for all uses is 0.70.

(Code 1983, § 20-404)

Sec. 110-210. - Special requirement.

Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.

(Ord. No. 1138, § 3, 12-9-08)

Secs. 110-211—110-225. - Reserved.

Exhibit C

Section 110-720.- Pool Setbacks

Sec. 110-720. - Setbacks.

- (a) A swimming pool shall be constructed in such a manner as to meet the following minimum setbacks, as measured from the water's edge.

Structure: 5 feet.

Side: 5 feet.

Rear, not on water: 5 feet.

Rear, Boca Ciega Bay: 12 feet or greater, so as not to interfere with seawall tiebacks. Pools may be located within the required rear yard setback provided a minimum setback of eight feet is maintained from the rear property line. Prior to issuance of a permit, a signed and sealed certification from an engineer, registered in the State of Florida, must be submitted stating that the proposed swimming pool will not affect the integrity or functioning of the seawall or its deadmen.

Rear, Gulf of Mexico: landward of the county coastal construction control line.

- (b) The water's edge shall not be located any closer than ten feet horizontally or vertically to any overhead electrical power line.
- (c) In no case shall a pool be located on any easement.
- (d) Screen enclosures must be constructed to meet the setbacks of the principal structure as required for the appropriate zoning district.

(Code 1983, § 20-610(4); Ord. No. 933, § 1, 10-17-00; Ord. No. 1038, § 1(Exh. A), 4-12-05)

Exhibit D

Application and Supporting Documents



CITY OF MADEIRA BEACH
300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708
PHONE (727) 391-9951 • FAX (727) 395-9361
www.madeirabeachfl.gov



SPECIAL MAGISTRATE – VARIANCE APPLICATION

APPLICATION 2017-12 PAID ☒ APPLICATION FEE DATED: 11-27-17

Applicant:	Name and Address	Property Owner:	Name and Address
	<u>Fredric S. Capitosi</u>		<u>Fredric S. & DEBORAH W. CAPITOSTI</u>
	<u>452 137TH AVENUE Circle</u>		<u>452 137TH AVENUE Circle</u>
	<u>MADEIRA BEACH, FL. 33708</u>		<u>MADEIRA BEACH, FL. 33708</u>
Telephone #:	<u>412-551-8389</u>	Telephone #:	<u>412-551-8389</u>
Email Address:	<u>ESCAP@Verizon.net</u>	Email Address:	<u>fscap@Verizon.net</u>

Application for property located at (street address or location of vacant lot):

452 137TH AVENUE Circle, Madeira Beach, FL. 33708

Legal description: 15/31/15/34488/000/0400 Portions of lots 39 and 41
Block ALL OF LOT 40 GULF SHORES HARBOR
Subdivision

Approx. lot area: 4012.5 sq. ft. Lot width 53.5 ft. Lot depth 75 ft.

Zoning district: R2

Present structures on property: 3 STORY BLOCK AND FRAME HOUSE

Present use of property: Residential

The date my request for a Building Permit was denied: Nov. 1, 2017

FILING FEES

☒ Zoning Variance for Residential Dwelling Units (one, two or three units)	\$350 per variance
☐ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial	\$350 per variance
☐ After-the-Fact Variance	\$500

Variance(s) needed from the zoning requirements are: The variance is requested to construct a swimming pool within the "5 foot setback from a structure" requirement under section 110-720 (SETBACKS) of the MADEIRA BEACH MUNICIPAL BUILDING CODE.

PLEASE ATTACH REQUIRED SUPPORTING MATERIALS

SITE PLAN, SURVEY, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.

1. EXHIBIT A : POOL & SPA PLAN SHOWING LOCATION OF SEAWALL TIEBACKS AND 5 FT. SETBACK LINE
2. EXHIBIT B : PROPERTY SURVEY
3. EXHIBIT C : FOUNDATION PLAN SHOWING LOCATION OF DEEP PILING
4. EXHIBIT D : REAR WALL SECTION OF HOME SHOWING WALL COLUMNS, GRADE BEAM, PILE CAPS AND PILING.
5. EXHIBIT E : PILE CAP AND GRADE BEAM DETAIL
6. EXHIBIT F : PERMIT DRAWING for 448 137th Ave Circle
7. EXHIBIT G : PERMIT DRAWING for 460 137th Ave Circle
8. EXHIBIT H : ENGINEER'S LETTER FROM CLARSON CONSULTING

This application to the Special Magistrate is requesting permission to be allowed to:

Construct a swimming pool and spa within the "5 foot setback from a structure" requirement under section 110-720 (SETBACKS) of the Madeira Beach Municipal Building Code.
The variance requests to construct the pool within 3 feet of a structure versus the 5 foot setback in the code.

A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstance does not result from the intentional act of the applicant or the applicant's agent(s). In order to authorize any variance from the provisions of the City Code the Special Magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists:

EXPLAIN IN DETAIL HOW YOUR REQUEST COMPLIES WITH THE FOLLOWING RULES.

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:

- a. *Substandard or irregular-shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;

The back yard is 53.5 Ft. wide, 22.5 ft deep on the left side and 23.5 ft deep on the right side. The rear of the lot is bounded by a Seawall that has four 12 foot long tiebacks on 10 foot centers and two 16 foot long tiebacks on each side. The tiebacks extend into the yard and limit the area a pool can be constructed and reduces the buildable pool width to approximately 6.5 to 7 feet, when the 5 foot pool setback is imposed. A 9 foot wide pool has been requested that will infringe approximately 2 feet into the setback limit. (Refer to Exhibit A)

- b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;

The rear of the lot is restricted by Boca Ceiga Bay.
(Refer to Exhibit B)

- c. **Residential Neighborhood character.** If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;

The neighborhood has multiple homes adjacent to my home that have inground swimming pools with the same basic design and dimensions as the pool I am requesting. My pool follows the established development set by the existing homes with pools.

- d. **Public facilities.** If the proposed project involves the development of public parks, public facilities, schools, or public utilities;

NA

- e. **Architectural and/or engineering considerations.** If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

The engineered design of my home's foundation does not rely on the natural ground or subsoil to support the structure as compared to homes built on a concrete slab or concrete footer. My home's structure is supported by 24 individual 30 foot long pilings driven to bedrock or refusal. The pilings are capped with a 36 in x 36 in x 21 in thick steel reinforced concrete Pile Cap and a 12 in. thick steel reinforced grade beam. Concrete pilasters and cement block w/rebar form the main support walls for the home. The foundation and wall structure are designed to not fail from an adjacent shallow excavation such as a 5 foot deep pool.

REFER TO EXHIBITS: C, D and E and H

2. Demonstrate that a special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.

The hardship is created primarily by the location of the Seawall tiebacks that restrict the area available to construct a pool. In order to construct a 9 foot to 10 foot wide pool and comply with the 5 foot setback rule would require 3 ~~feet~~ of the 12 foot long SEAWALL tiebacks to be removed and replaced with shorter length tiebacks. (Refer to Exhibit A)

3. Demonstrate that that 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.

Eight out of ten homes adjacent to my home have swimming pools. My neighbors on the immediate right and left were granted permits to construct their pools within the 5 foot setback limit. The home at 460 137th Avenue Circle was granted a permit on 9-3-2013 and 448 137th Ave. Circle was approved on 8-14-2014. The home at 460 was approved for a pool with a 2.5 foot setback and the home at 448 was approved for a pool with a 4 foot setback. (REFER TO EXHIBITS F and G)

4. Demonstrate that literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.

My adjacent neighbors enjoy the rights to have pools of 9 feet or wider and encroach on the 5 foot setback rule. The neighboring lots are nearly identical to mine and are restricted in depth by the SEAWALL tiebacks. Eight of ten neighboring homes were built by the same contractor and have the same foundation construction using deep pilings, steel reinforced pile caps and reinforced concrete grade beams. Complying with the 5 foot setback would restrict my pool width to 6.5 to 7 feet while the adjacent homes enjoy pools with 9 foot or greater widths.

5. Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.

In order to construct a minimum 9 foot wide pool a variance allowing a setback of 2.5 to 3 feet instead of the 5 foot setback is required. The 2.5 to 3 foot variance will allow for a reasonable width pool and use of the lot size without disturbing the existing SEAWALL tiebacks.

6. Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of a variance for construction of a private pool is consistent with the established neighborhood land use and is not injurious to the area or detrimental to the public welfare. The property is privately owned and not subject to public access.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, 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.

Date: 11/21/2017 Property owner's signature: Frederic S. Caputo

Before me, this 21ST day of NOVEMBER, 2017, appeared in person

FREDERIC S. CAPUTO who, being sworn, deposes and says that the forgoing
(name of property owner)

is true and correct certification.

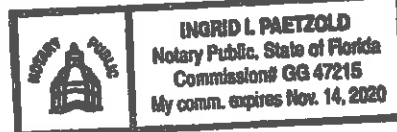
STATE OF FLORIDA
COUNTY OF PINELLAS - NOTARY SIGNATURE

Ingrid I. Paetzold

Personally Known to me: _____

Commission Expires: NOV. 14, 2020
Stamp

Identification Taken: Driver License



NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

CERTIFICATION

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, 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.

Date: _____ Applicant's signature, if
other than Property owner: N/A

Before me, this _____ day of _____, 20____, appeared in person

_____, who, being sworn, deposes and says that the forgoing
(name of applicant, if other than property owner)

is true and correct certification.

STATE OF FLORIDA
COUNTY OF PINELLAS – NOTARY SIGNATURE

Personally Known to me: _____ Commission Expires: _____
Stamp

Identification Taken: _____

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition, shall take note of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:
 - a. *Substandard or irregular-shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential Neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
- (2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
- (3) 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.
- (4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land.
- (6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as specified in subsection (a) shall the special magistrate grant a variance to allow a use not generally or by special exception use permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. Financial loss standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, 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.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Fredrick S. Capistrano
Signature of Applicant

11/21/2017
Date

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APPLICANT'S COPY

JSC
Initials of Receipt

11/21/2017
Date

"Built To Last"

3916 Tampa Road Oldsmar, FL 34677
 Tampa/Oldsmar (813) 925-0909 Pinellas (727) 787-9334 Fax (813) 925-0681
 www.gulfstreampools.com e-mail: mail@gulfstreampools.com

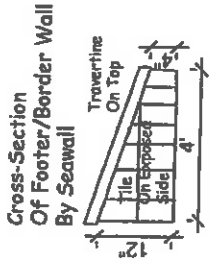
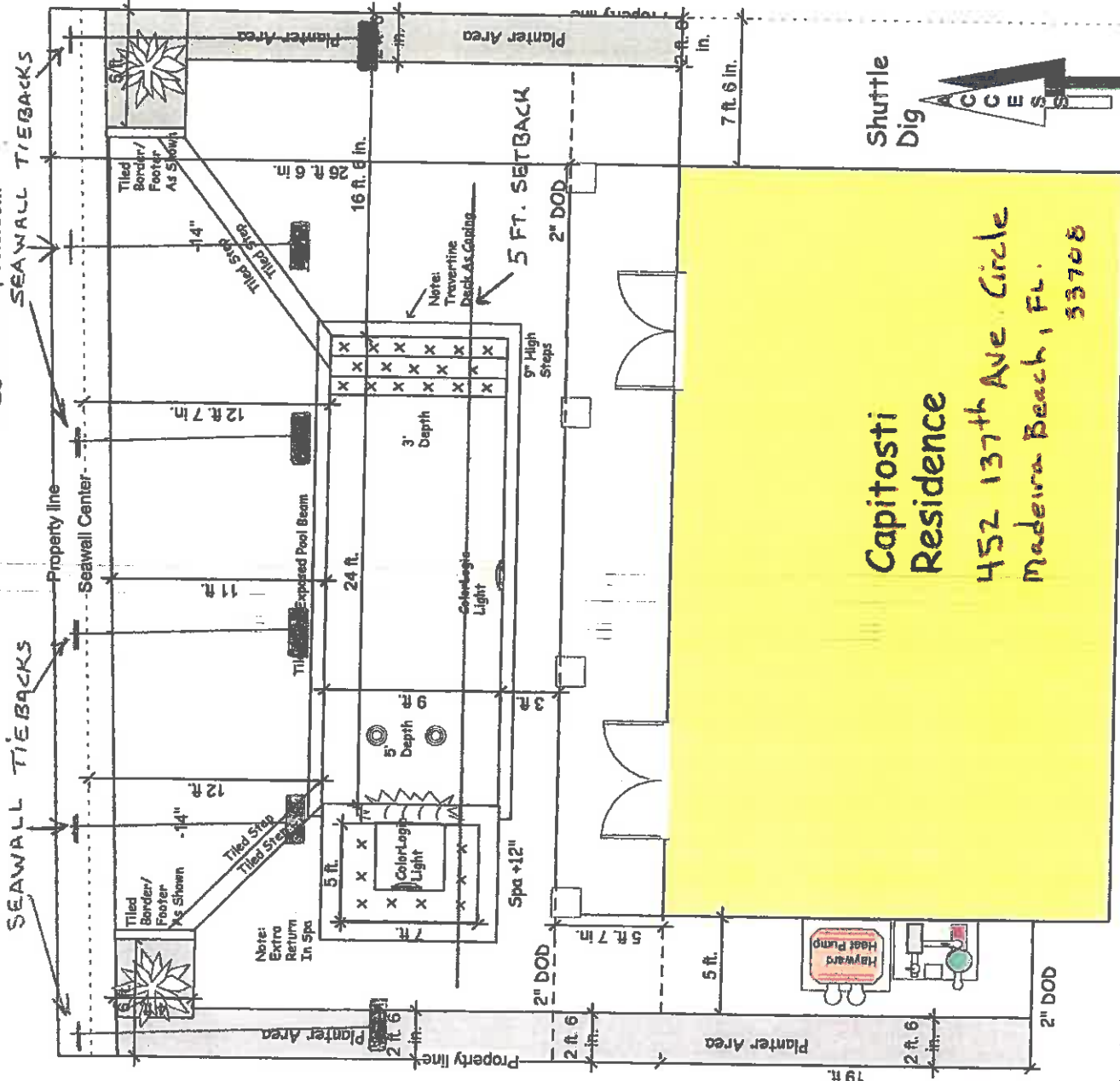


EXHIBIT A

POOL & SPA PLAN
 SHOWING SEAWALL
 TIEBACKS AND
 5 FT SETBACK LINE

SCALE: 1" = 8 FT

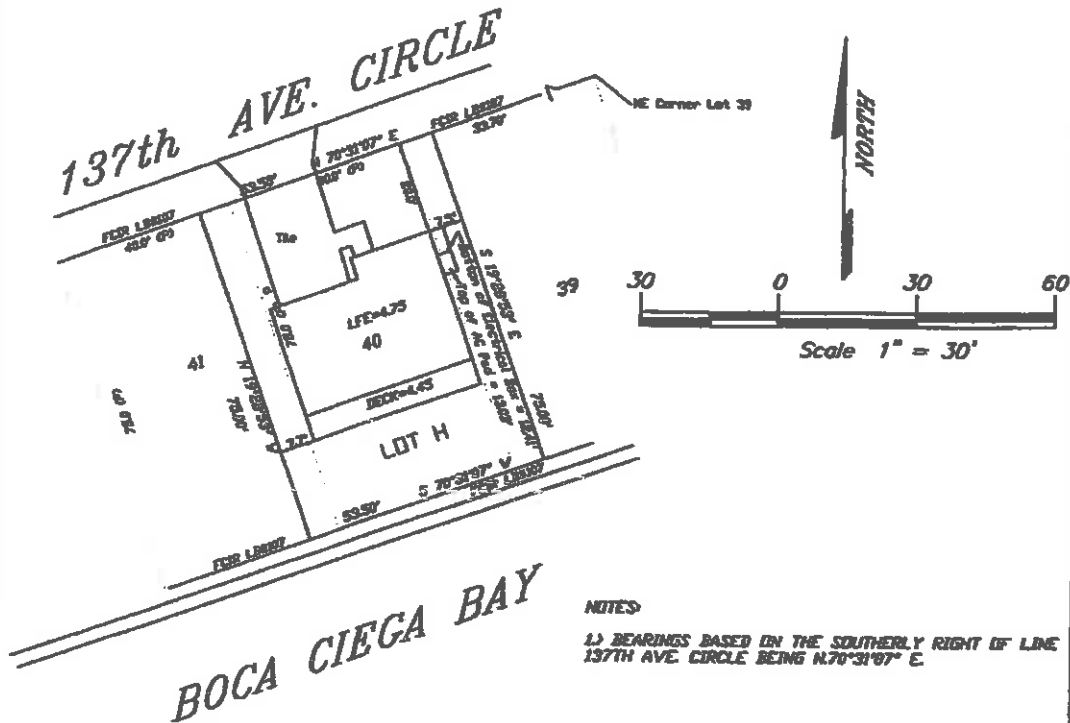


Capitosti
 Residence
 452 137th Ave Circle
 Madeira Beach, FL
 33708

I Have Reviewed And Given My Approval To This Project

The Association of

A PORTION OF LOTS 39 AND 41, AND ALL OF LOT 40, GULF SHORES HARBOR SUBDIVISION ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 23, PAGE 51, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA



NOTES

1) BEARINGS BASED ON THE SOUTHERLY RIGHT OF LINE 137TH AVE. CIRCLE BEING N.70°31'07\" E.

LEGAL DESCRIPTION: LOT H

A portion of Lots 39 and 41, and all of Lot 40, GULF SHORES HARBOR SUBDIVISION, according to the Plat thereof as recorded in Plat Book 23, Page 51 of the Public Records of Pinellas County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of Lot 39 of said GULF SHORES HARBOR SUBDIVISION, thence along the South right of way line of 137th Avenue Circle, S.70°31'07\" V., 33.70 feet for a Point of Beginning; thence S.19°28'53\" E., 75.00 feet; thence S.70°31'07\" V., 53.50 feet; thence N.19°28'53\" V., 75.00 feet to point on the Southerly right of way line of said 137th Avenue Circle; thence N.70°31'07\" E., 53.50 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SKETCH OF THE AFFIDED SURVEY SHOWN HEREON REPRESENTS AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECTION AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND FURTHER CERTIFY THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND ENGINEERS IN CHAPTER 61G17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

11-13-13
DATE

[Signature]
JAMES A. PARRIS-PLS 00000
FLORIDA PROFESSIONAL LAND SURVEYOR

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE ABOVE LICENSED FLORIDA PROFESSIONAL LAND SURVEYOR THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

Cypress
LAND CONSULTANTS, INC.
Land Surveying • Authorization # LB 6357
12980 34th Street North
Clearwater, FL 33762 (727) 599-5021

Lot H Gulf Shores Harbor

REVISIONS	DATE	BY
CAD FILE: LOT H FINAL.DWG		
DRAWN BY: JAP	DATE: 11/12/13	
CHECKED BY: JAP	DATE: 11/13/13	
FIELD BOOK: NA	PAGE: 1	NO. NUMBER
SCALE: 1"=30'	P.C.	29894.01

Exhibit B - PROPERTY SURVEY

SEC. 15 TWP. 31 S. RG. 15 E

2014年12月10日

- KEVIN S. SMITH
12/9/2012
LICENSE #AR11656



Exit C - Piling Location PLAN

24

FIBERGLASS WATER PROOFING-SYSTEM, SLOPE TO DRAIN, NON-SLIP

Toolbox

1/2" PLYWOOD W/ 1" LAYER-
15lb. FELT W/ PAPER BACKED MTL.
LATH & 7/8" THK. PLASTER FINISH

2-SIMPSON HETA20 STRAPS SET IN CON-
TO BEAM

HSINIA.OCCUTS
-KHL'8/5

2" SQ MASONRY PILASTER COLUMNS -
W/ 4-#6 BARS VERTICAL W/ #3
TIES @ 8" O.C., CONC FILLED
W/ STUCCO FINISH

ALCOFFER & ALB (VA) . 1971

SEARS

FRED CAPITOSTI
452 137th AVE. CIRCLE
MADEIRA BEACH, FL.
412-551-8789
FSCAP @ VERIZON.NET

—SINKING doom ditches

**FLASHING AG-
REQUIRED**

4th STEP DOWN

141 DEEP PRE-ENGINEERED WD.
FLOOR TRUSSES AT 16' O.C.

SIMPSON HETA20-
AP SET IN CONC
AT EACH TRUSS

**SAVING ON
TAXI, AIR-**

DETAIL FOR KATED FLOOR
+ CEILING ASSEMBLY

2 - 5' KNOCK-OUT BLOCKS
W/ 1 - #5, CONC FILLED

#5 BAR VERTICAL IN
CONC. FILLED CELL AT
4'-0" O.C. W/ 30" LAP BAR
(TYP)

**HORIZONTAL REINFORCING AT
EVERY OTHER COURSE**

¹ 1 TBK, 3000 PSI CONC. SLAB
W/ FIBER MESH REINFORCING
OVER 6 MIL V.B. LAPPED & TAPED ON
PROPERLY CLEANED, TREATED &
COMPACTED SOIL.

CUT BLOCK

ALPHE ALAN 1/30, 27

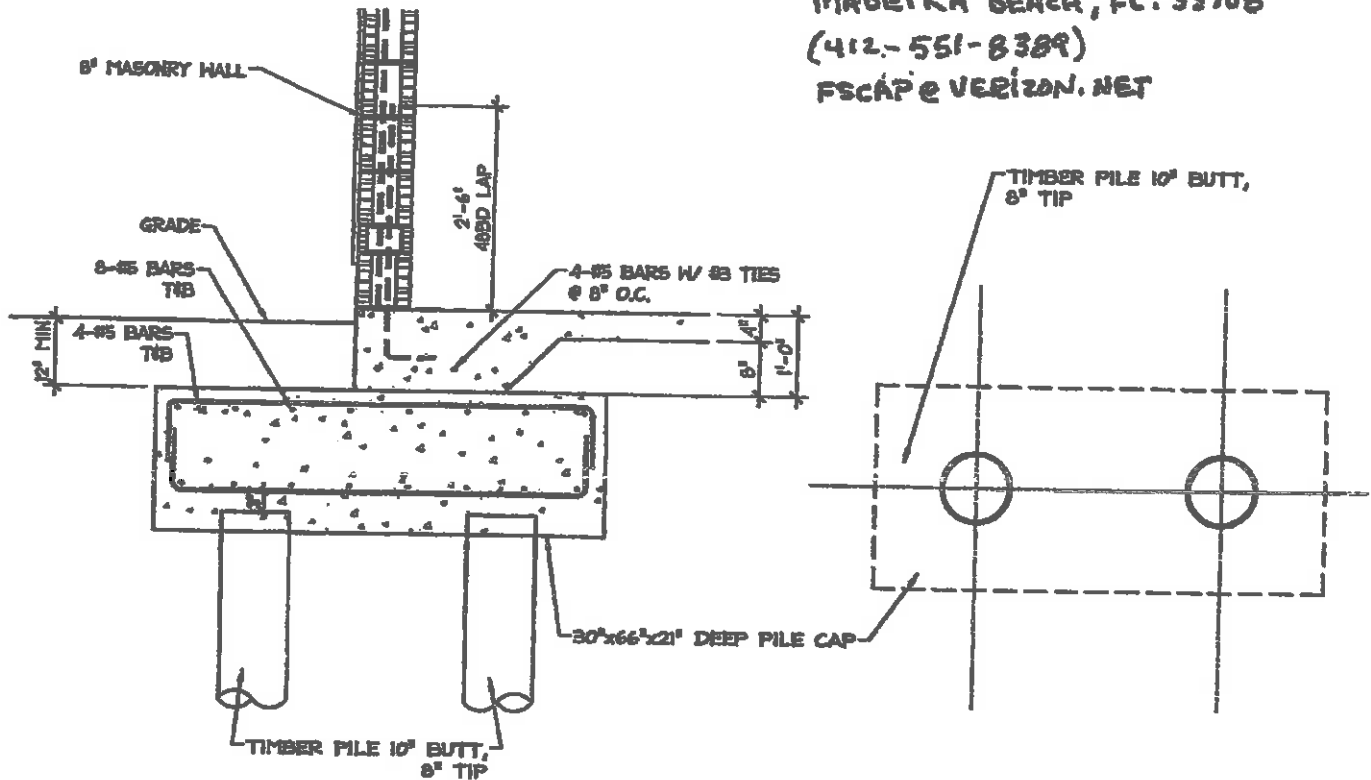
SEE FOOTER DETAILS
SHEET #43

2 WALL SECTION
1/2" = 1'-0"

EXHIBIT D

WALL SECTION SHOWING GRADE BEAM,
PILE CAP AND PILING

FRED CAPITOSTI
 452 137th AVE. CIRCLE
 MADEIRA BEACH, FL. 33708
 (412-551-8389)
 FSCAP@VERIZON.NET



P2 FILE CAP DETAIL
 1/2" = 1'-0"

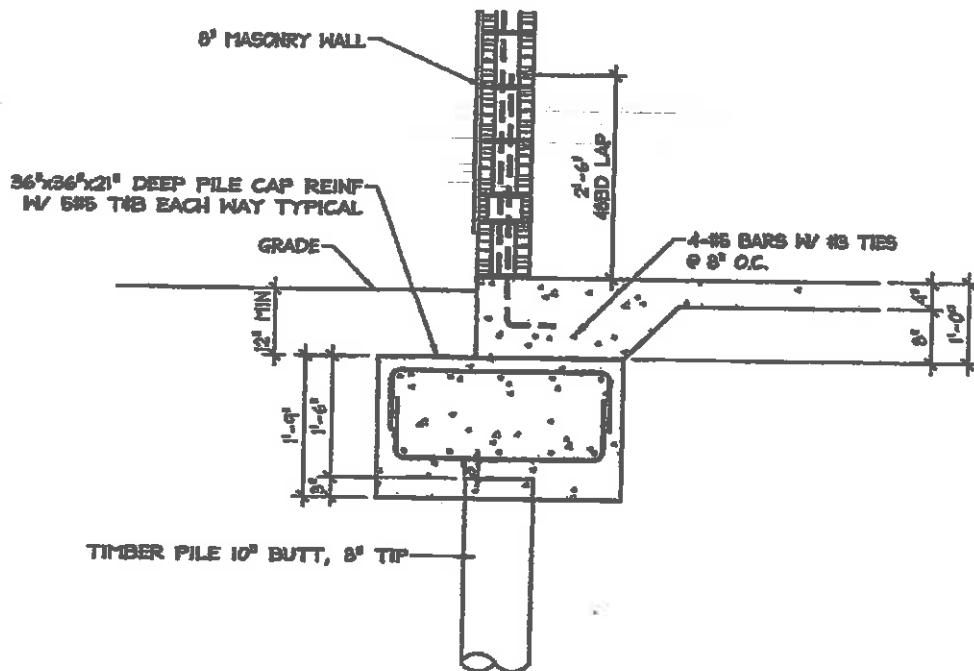


EXHIBIT E — P1 FILE CAP/GRADE BEAM DETAIL
 1/2" = 1'-0"

SHARPER IMAGE POOLS
1202 W. CARMEN ST.
TAMPA, FL.
33606

For:

DAVID CRAWFORD
460 137th Ave Circle
MADIERA BEACH
33708

Cotton Deck

48'9"
4 Steps - 3'0"

Pool Deck

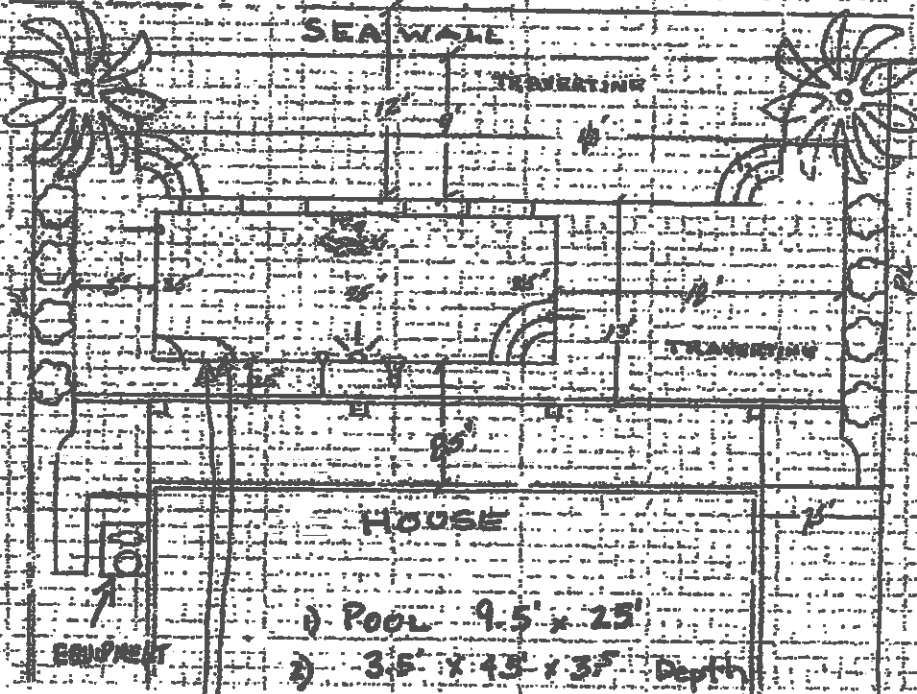
48' x 13'
- 25' x 10' pool

3'7"4

LANAI

5' x 3'8"

1'0"



Add Sets to
②

Approved
Approved w/Conditions
Denied

CDMB

City of Madeira Beach

Lucas

Community Development Director

Asst

9-3-13

Date

EXHIBIT G - Approved PERMIT DRAWING FOR
460 137th AVENUE CIRCLE

Reuben/Clarson CONSULTING

November 21, 2017

Fred Capitosti
452-137th Ave. Circle
Madeira Beach, Fl. 33708

Re: Proposed pool location at the above address

Gentlemen:

I have reviewed the plans for your pile supported grade beam which is located at the rear of the house and supports the first floor patio, the second floor at the rear of the home and the pool cross-sections .

With the depth of the pile caps, patio slab's deepened exterior edge and the depth of the pool being 3'-5' the new pool can be built 3' from the exterior edge of the patio with the sandy soils common to this area.

Please give a copy of this letter to whomever requires one for permitting or variance.

If there are any questions please call. Thank you for the opportunity to be of service.

Sincerely,
Reuben Clarson Consulting
Reuben Clarson
Reuben Clarson, PE
Florida Licensed Engineer 16313

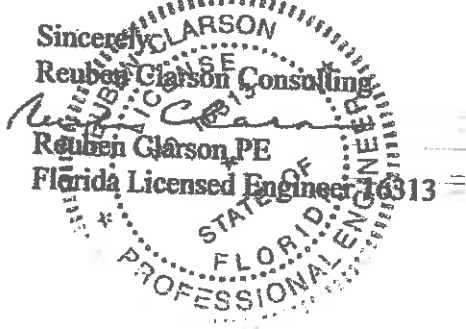


EXHIBIT H

750 94th Avenue North, Suite 213, St. Petersburg, FL 33702
T: 727.895.4717 E: Info@ReubenClarsonConsulting.com W: ReubenClarsonConsulting.com

MARINE ENGINEERING

ASSESS. ADVISE. DESIGN.

80

Exhibit E

Pinellas County Property Appraiser's Database

15-31-15-34488-000-0400

[Compact Property Record Card](#)[Tax Estimator](#)**Updated December 9, 2017**[Email](#) [Print](#)[Radius Search](#)[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
CAPITOSTI, FREDRIC S CAPITOSTI, DEBORAH W 452 137TH AVENUE CIR MADEIRA BEACH FL 33708-2512	452 137TH AVENUE CIR MADEIRA BEACH

[Property Use:](#) 0110 (Single Family Home)

Living Units: 1

[\[click here to hide\] Legal Description](#)

GULF SHORES HARBOR SUB LOT 40 & WLY 6.3FT OF LOT 39 & ELY 7.2FT OF LOT 41

Mortgage Letter File for Homestead Exemption			2018 Parcel Use
Exemption	2017	2018	
Homestead:	Yes	Yes	Homestead Use Percentage: 100.00%
Government:	No	No	Non-Homestead Use Percentage: 0.00%
Institutional:	No	No	Classified Agricultural: No
Historic:	No	No	

Parcel Information [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
18021/2217	\$719,000 Sales Query	121030278022	A	23/51

2017 Interim Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$584,338	\$584,338	\$534,338	\$559,338	\$534,338

[\[click here to hide\] Value History as Certified \(yellow indicates correction on file\)](#)

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	Yes	\$584,338	\$584,338	\$534,338	\$559,338	\$534,338
2016	Yes	\$592,944	\$592,944	\$542,944	\$567,944	\$542,944
2015	No	\$569,084	\$536,614	\$536,614	\$569,084	\$536,614
2014	No	\$198,656	\$198,656	\$198,656	\$198,656	\$198,656
2013	No	\$165,231	\$165,231	\$165,231	\$165,231	\$165,231

2017 Tax Information

2017 Tax Bill	Tax District: MB
2017 Final Millage Rate	17.4600

Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

Ranked Sales [\(What are Ranked Sales?\)](#) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
06 Feb 2013	17885 / 2038	\$220,000	Q	I
22 Oct 2009	16744 / 0132	\$900,000	U	I

2017 Land Information

Seawall: No		Frontage: None			View:	
<u>Land Use</u>	<u>Land Size</u>	<u>Unit Value</u>	<u>Units</u>	<u>Total Adjustments</u>	<u>Adjusted Value</u>	<u>Method</u>
Single Family (01)	54x75	5900.00	53.5000	1.0000	\$315,650	FF

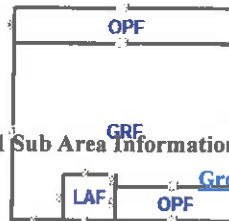
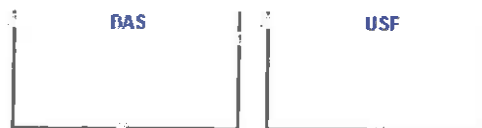
[\[click here to hide\] 2018 Building 1 Structural Elements \[Back to Top\]\(#\)](#)

Site Address:

Quality: Above Average
Square Footage: 4431.00
Foundation: Special Footing Wood
Floor System: Wood
Exterior Wall: Frame/Custom Wood
Roof Frame: Gable Or Hip
Roof Cover: Concrete Tile/Metal
Stories: 2

[Compact Property Record Card](#)

Living units: 1
 Floor Finish:
 Carpet/Hardtile/Hardwood
 Interior Finish: Upgrade
 Fixtures: 10
 Year Built: 2014
 Effective Age: 4
 Heating: Central Duct
 Cooling: Cooling (Central)



Description	Building 1		Sub Area Information		Factor	Effective Ft ²
	Living Area Ft ²		Gross Area Ft ²			
Upper Story	1,353		1,353	0.90		1,218
Open Porch	0		666	0.20		133
Lower Area Finished	72		72	0.69		50
Garage	0		1,011	0.35		354
Base	1,329		1,329	1.00		1,329
Total Living SF: 2,754		Total Gross SF: 4,431		Total Effective SF: 3,084		

[click here to hide] 2018 Extra Features					
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
No Extra Features on Record					

[click here to hide] Permit Data		
Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.		

Permit Number	Description	Issue Date	Estimated Value
D1897	DOCK	05 Sep 2017	\$11,000
	DOCK	12 Jul 2017	\$0





maile Dec. 8 2017

MIKE TWITTY, MAI
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 28 Nov 2017

Subject Parcel: 15-31-15-34488-000-0400

Radius: 200 feet

Parcel Count: 26

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

MAIN OFFICE - COUNTY COURTHOUSE

315 Court St - 2nd Floor
Clearwater, FL 33756

Office: (727) 464-3207
Fax: (727) 464-3448

Hearing Impaired:

Office: (727) 464-3370

Commercial Appraisals:

Office: (727) 464-3284

Exemptions:

Office: (727) 464-3294

Fax: (727) 464-3408

Residential Appraisals:

Office: (727) 464-3643

Tangible Personal Property:

Office: (727) 464-8484

Fax: (727) 464-8488

NORTH COUNTY

29269 US Highway 19 N
Clearwater, FL 33761

Office: (727) 464-8780

Fax: (727) 464-8794

MID COUNTY

13025 Starkey Road

Co-Located with Tax Collector
Largo, FL 33773

Office: (727) 464-3207

Fax: (727) 464-3448

SOUTH COUNTY

1800 66th Street N

St. Petersburg, FL 33710

Office: (727) 582-7652

Fax: (727) 582-7610

ALL MAIL: PO Box 1957 - Clearwater, FL 33757

84



5160°

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®

Go to avery.com/templates
Use Avery Template 5160

TUASON, MICHAEL
TUASON, PAMELA
432 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

HOLLY BERRY GIFTS INC
9810 SAN DIEGO WAY
PORT RICHEY FL 34868-3528

MAZZILLO, PAUL J
422 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

BONNELL, JAMES
117 WALL ST
REDINGTON SHORES FL 33708-1243

SANTONASTASO, MARISA
9821 ABIGAIL GRACE CT
HOUSTON TX 77025-1506

MATHIS, DONAJO LINDA
MATHIS, JERRY
420 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

GILMORE, JAMES B
GILMORE, PATRICE H
52160 MOEN RD
BARNES WI 54873-4765

***** ** *****

DEMONTMOLLIN, DAVID B
DEMONTMOLLIN, CHASITY NICOLE
464 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

MC CLERNAN, SANDRA D
427 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2511

BUCCI, MICHAEL A
1407 E MAIN ST
MILLVILLE NJ 08332-3407

SCHAEDEL, JAN M
488 137TH AVE CIR
MADEIRA BEACH FL 33708-2512

GULF BEACHES CHURCH BY THE SEA INC
495 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2539

MARTINOVIC, PAVO
MARTINOVIC, DEBBIE
189 BECKWICK RD
THUNDER BAY ON P7G 1N7

GREENBERG, MARK A
GREENBERG, BETH E
438 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

CRAWFORD, DAVID W
CRAWFORD, SANDRA D
480 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

CATTAR, CATHERINE
5255 OLIVET DR
RIDGE MANOR FL 33523-9039

MARKUNAS, RICHARD K
PATRI, PERINDA
401 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2511

FL INT IMP FUND TRE
C/O T4 PROPERTIES
606 FREDERICK RD STE 2A
CATONSVILLE MD 21228-4866

MUI, WING HANG
MUI, NIM FONG
339 SOUTHAMPTON DR
GENEVA IL 60134-2557

ANDREWS PARTNERS OF FLORIDA LLC
1002 W BUSCH BLVD STE C
TAMPA FL 33612-7727

FAHRENBRUCK, JOSEPH R
CREPEAU, RACHEL L
PO BOX 66348
ST PETERSBURG FL 33738-8348

BURROWS, LAWRENCE J
BURROWS, DIANE C
470 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2512

ROGERS, GORDON M
ROGERS, BERNADETTE
ROUNABOUT HOUSE MONKMEAD LN
PULBOROUGH
WEST SUSSEX RH20 2PF

MOORE, JAMES
MOORE, CATHY A
13708 SALEM ST
MADEIRA BEACH FL 33708-2544

GULF BEACHES CHURCH BY THE SEA INC
495 137TH AVENUE CIR
MADEIRA BEACH FL 33708-2539

Exhibit E

Site Photograph

452 13th Ave Circle
Posted 12-8-17



Exhibit G

Good Maps Site Aerial

Google Maps 452 137th Ave Cir



Imagery ©2017 Google, Map data ©2017 Google, INEGI 200 ft



452 137th Ave Cir
Madeira Beach, FL 33708





Variance Hearing

Case No. 2017-13

December 18, 2017

2:00 p.m.



SPECIAL MAGISTRATE – VARIANCE REQUEST

December 18, 2017

Application 2017.13

I. GENERAL INFORMATION

Request: The applicant is requesting variance from the required R-1 rear yard setback for lots on waterfront from 30 feet to 0 feet.

Property Owners

Holiday Isles Elks Lodge
14111 E Parsley Drive
Madeira Beach, FL 33708

Applicant

Holiday Isles Elks Lodge
14111 E Parsley Drive
Madeira Beach, FL 33708

Property Address

14111 E Parsley Drive
Madeira Beach, FL 33708

Parcel I.D. #

10-31-15-34416-026-0280

Zoning/Land Use

Low Density Multi-Family Residential (R-2)/
Residential Medium (RM)

Year Built

1948

Variance Request: Section 110-93-(3)(a), Non-Conforming Structures

Sec. 110-181. - Setback requirements.

The following minimum setbacks shall apply in the R-1 district:

- (1) Front yard: 20 feet measured from the right-of-way line to the structure
- (2) Rear yard:
 - a. Waterfront lots: 30 feet.
 - b. Non-waterfront lots: 25 feet.
- (3) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.
- (4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be placed in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

Specific Request: The petitioner request variance of the 30 feet rear yard waterfront setback from 30 feet to 0 feet. The petitioner has also submitted drawings and plans indicating a request to establish an expansion of the non-conformity by installing an 8 foot by 8 foot, sheltered band area at or near the seawall including an L shaped enclosure of 4 foot base walls topped by vinyl windows. The enclosure is intended to buffer the sound of the band from uses across the water. Movable panels

have been used in that location and for that purpose in the past and the enhanced structure is intended to improve sound abatement.

II. BACKGROUND

The Elks lodge is located in the R-1 Residential Low Density district. The building was constructed in 1948 as a yacht club and later converted to the use as a fraternal organization. Both uses are non-conforming under current code and have been for decades, the property having been developed after the area was platted for residential use. There is no record of the construction nor is there an approved site plan for the property, although repair work has been permitted for the building from time-to-time. At some time in the 1980s a canopy was installed that extended from the rear of the building to the seawall. There is no record of the canopy ever being permitted, making the canopy both non-conforming and potentially illegal. Along with lacking a building permit, the structure's placement encroaches all the way into the 30 foot rear yard setback for the district.

During Hurricane Irma, the canopy was damaged and the owners had it inspected and declared unsafe by an outside inspector, with the intent of replacing it with an updated and code compliant structure. Before removal of the structure, staff visited the site and advised that the existing structure was non-conforming and assuming it was legal, could be repaired and restored but if removed could be replaced only with a structure that met the setbacks of the district. Staff further recommended that if replacement was desired a new structure could be designed to cantilever out over the setback as long as permanent structural supports were installed within the setback. This design along with a series of umbrella or other movable screening devices could be used to shade the entire rear yard. Staging and buffering for the band area could be accomplished with temporary systems as well.

The petitioner has submitted statements indicating the nature of the use and the activities supported by the canopy. The request for variance is based on the importance of the shade in conducting the organizations many social and charitable activities. The shaded area has the effect of extending the use to the outdoor space and allowing for additional performance area, making fuller use of the site.

Relevant Code citations are as follows:

Sec. 110-91. - Purpose and intent.

- (a) It is the intent of this article to provide for the continuance of lawful nonconformities, without unduly restricting the owners ability to maintain or improve their property, but to restrict further investment which would make the nonconformity more permanent. This article is intended to permit lawful nonconforming uses and structures created by the adoption of this Code to continue, until removed by economic or other forces. This article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code.

Sec. 110-93. - Intent concerning nonconforming property, structures and uses.

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

- (2) Nonconforming uses. Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but may continue provided:
 - a. There shall be no replacement, enlargement, increase in activity or alterations to any nonconforming use, permanent structure or both.
- (3) Nonconforming structures. Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms

of the land development regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other nonhabitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.
- b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in section 110-95.
- c. Should the damage be less than 50 percent of its current fair market value, then repairs may be made under the "grandfathered" zoning district regulations, provided that they shall be made within 18 months after such damage. All repairs

Sec. 110-94. - Nonconforming structures unsafe for reasons other than lack of maintenance.

Nonconforming structures or portions thereof which are declared unsafe by the building and zoning official or other competent authority, but not because of lack of maintenance, may be repaired and restored except as provided in subsection 110-94(3).

III. VARIANCE CRITERIA [Section 2-507(b)]

- (1) *Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:*
 - a. *Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;*
 - b. *Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*
 - c. *Residential Neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*
 - d. *Public facilities. If the proposed project involves the development of public parks, public facilities, schools, or public utilities;*
 - e. *Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.*
- (2) *The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.*
- (3) *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.*
- (4) *Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.*
- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land.*
- (6) *The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

IV. ANALYSIS

The property is located on several 6 combined lots in a low density neighborhood of single dwellings. Adjacent properties and those across the water are single family homes. Facts related to lot size, condition and dimensions are as follows:

- The property extends approximately 287 feet along E. Parsley Avenue and is approximately 100 feet deep. The property is completely built out and also almost entirely impervious. The property includes 2 lots (94.7 x 102.3 feet total) dedicated to parking and paved vertical parking runs the length of the building frontage. A small marina with docks is also included.
- The building occupies most of 4 original lots and is listed on the Property Appraiser's site as including 8,867. The site also includes a pool and several storage or accessory structures.
- As stated above the entire property abuts seawall along Boca Ciega Bay.

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

Variance Criteria #1. The hardships described by the owner related to the owner's use of the property, not the property itself. The lots combine to a large piece of property. The property is overdeveloped by current standards. It possesses no defining vegetation, historic or architectural relevance. The lot is of adequate size for fraternal organization, as allowed in other districts. Were the use in a permitted district the building would be somewhat longer than allowed and would still have to respect a significant rear setback. The proposed canopy would not enhance floodplain safety and, in-fact, has not been reviewed for building type and construction within the floodplain. The addition of new electrical and structural elements would make it more compliant with building codes but would also extend or increase the non-conformity. Development into the rear yard setback and particularly to the seawall is not in keeping with the character or the development patterns of the neighborhood.

Variance Criteria #2. The hardship being claimed is the need to meet setbacks with a new structure. Damage to the existing structure was not caused by the property owner but the non-conformity was created by the unpermitted construction of the existing structure. Since other options for shading exist, it is the choice of structure type and placement that is creating the hardship.

Variance Criteria #3. No other property in the district has been, or would be granted this variance. Thus the granting would confer a singular privilege upon the applicant. ☐

Variance Criteria #4. Literal interpretation would not deprive the applicant of rights enjoyed by other property owners in the district since no significant waiver of the setbacks has been granted.

Variance Criteria #5. Access to the required setback area is not denied by application of the code nor does it prevent reasonable use customarily enjoyed.

Variance Criteria #6. The intent of the land development regulations is stated in Section 110-91(a) as follows: "It is the intent of this article to ... restrict further investment which would make (the) nonconformity more permanent. This article is intended to permit lawful nonconforming uses and structures created by the adoption of this Code to continue, until removed by economic or other forces. This article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code."

V. RECOMMENDATION

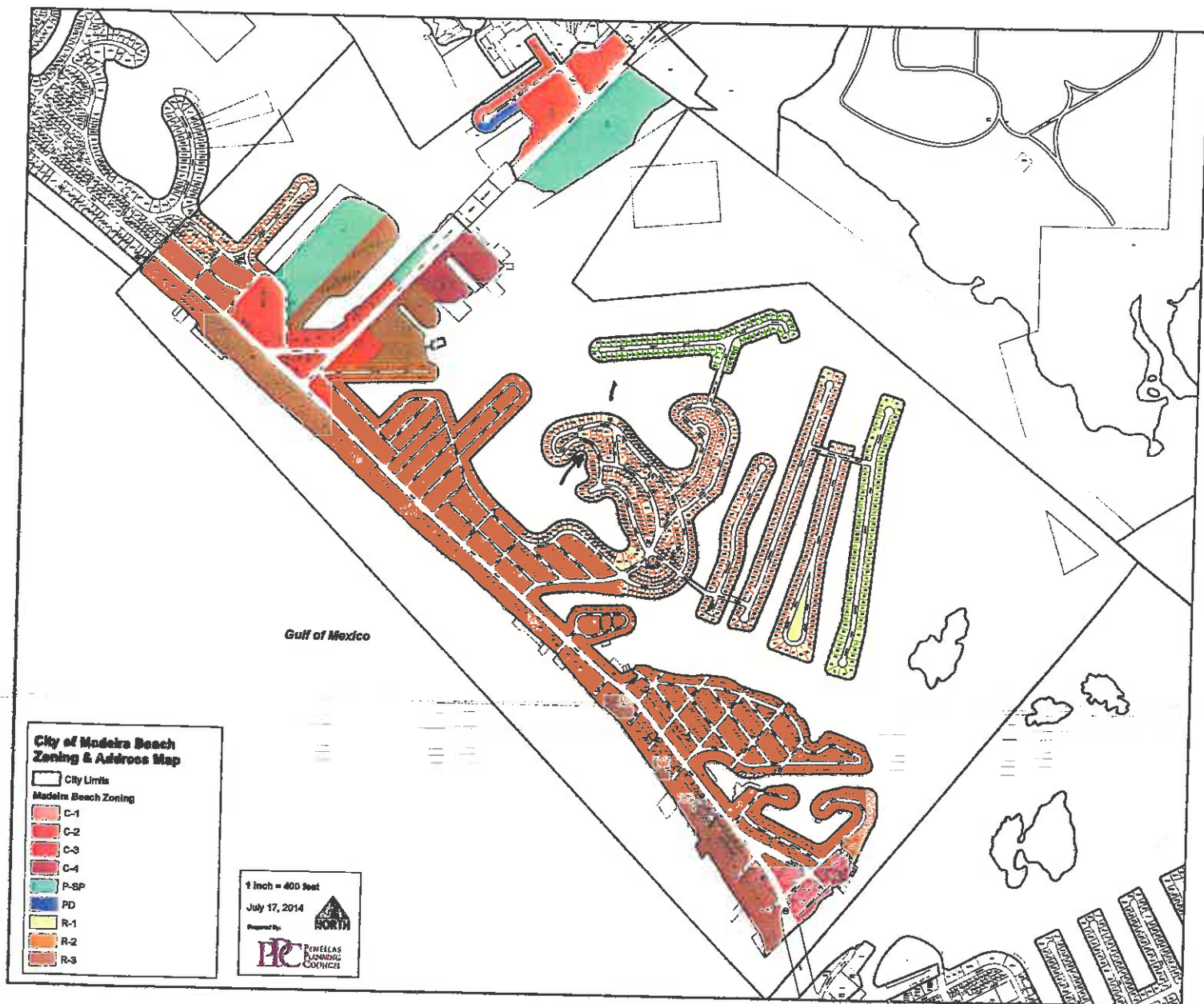
Staff recommends denial of the variance petition based on the above stated findings and in accordance with the stated purpose of a variance and criteria for its evaluation.

VI. EXHIBITS

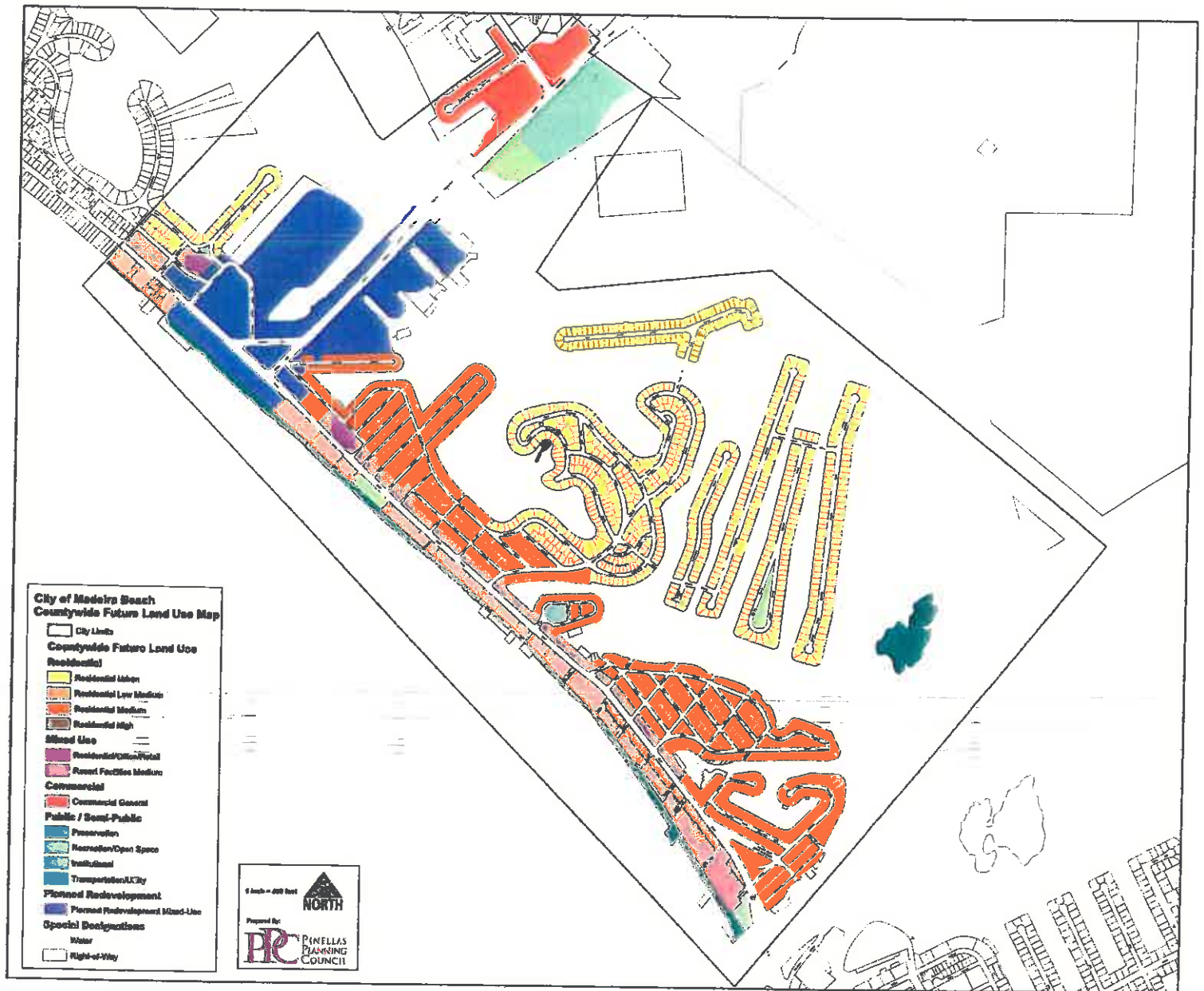
- A. Zoning and Future Land Use Maps
- B. R-1 Zoning District Standards
- C. Article III Non-Conformances; Sec. 110-91. - Purpose and intent.
- D. Sec. 110-93. - Intent concerning nonconforming property, structures and uses.
- E. Sec. 110-94. - Nonconforming structures unsafe for reasons other than lack of maintenance.
- F. Application and Supporting Documents
- G. Pinellas County Property Appraiser's Database
- H. Site Photographs
- I. Google Maps Site Aerial

Exhibit A

Zoning and Future Land Use Maps



14111 E. Parsley Drive



14111 E. Parsley Drive

Exhibit B

R-1 Zoning District Standards

DIVISION 2. - R-1, SINGLE-FAMILY RESIDENTIAL

Sec. 110-176. - Definition; purpose and intent.

The R-1, single-family residential district provides for single-family residential development located where lower density single-family uses are desirable. The R-1, single-family residential district correlates with the residential urban (RU) category of the Countywide Plan. The lots and dwellings are larger sized to provide for the desired density of use. Essential services and public facilities compatible with this residential district are also provided.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a six-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 1, 2-28-06; Ord. No. 1138, § 2, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-177. - Permitted uses.

The permitted uses in the R-1, single-family residential district are single-family residential dwellings and public education facilities of the school board.

(Code 1983, § 20-404; Ord. No. 1138, § 2, 12-9-08)

Sec. 110-178. - Accessory uses.

The accessory uses in the R-1, single-family residential district are as follows:

- (1) Home occupations.
- (2) Private garages and carports.
- (3) Private swimming pools.
- (4) Residential signs.
- (5) Residential docks.
- (6) Essential services.
- (7) Other accessory uses customarily incident to permitted or approved special exception

uses.

(Code 1983, § 20-404)

Sec. 110-179. - Special exception uses.

Upon application for a special exception to the board of adjustment and favorable action thereon, the following uses may be permitted in the R-1, single-family residential district:

- (1) Publicly owned or operated parks or recreation areas.
- (2) Public service facilities.
- (3) Cabanas used as bathhouses.
- (4) Amateur/marine radio antenna's not exceeding 50 feet.

(Code 1983, § 20-404)

Sec. 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 existing on or before December 9, 2008: 5,000 square feet.

Lots created after December 9, 2008: 5,800 square feet.
 - b. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Minimum width: 50 feet.
- (3) Minimum depth: 80 feet.
- (4) Density: The maximum density is seven and one-half dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 2, 12-9-08)

Sec. 110-181. - Setback requirements.

The following minimum setbacks shall apply in the R-1 district:

(1) Front yard: 20 feet measured from the right-of-way line to the structure

(2) Rear yard:

Waterfront lots: 30 feet.

Non-waterfront lots: 25 feet.

(3) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.

(4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be placed in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 1, 11-30-04)

Sec. 110-182. - Maximum building height.

No structure in the R-1, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) to the eave line of the building; unless otherwise provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

(Code 1983, § 20-404; Ord. No. 1023, § 2, 11-30-04)

Sec. 110-183. - Maximum lot coverage.

The maximum lot coverage in the R-1, single-family residential district is as follows:

(1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area.

(2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.

(3) Public service facilities: Floor area ratio (FAR) 0.40.

(Code 1983, § 20-404; Ord. No. 1138, § 2, 12-9-08)

Sec. 110-184. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-1, single-family residential district for all uses is 0.65.

(Code 1983, § 20-404; Ord. No. 1138, § 2, 12-9-08)

Secs. 110-185—110-200. - Reserved.

Exhibit C

Article III Non-Conforming; Sec.110-91.-
Purpose and intent.

Sec. 110-91. - Purpose and intent.

- (a) It is the intent of this article to provide for the continuance of lawful nonconformities, without unduly restricting the owners ability to maintain or improve their property, but to restrict further investment which would make the nonconformity more permanent. This article is intended to permit lawful nonconforming uses and structures created by the adoption of this Code to continue, until removed by economic or other forces. This article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code.
- (b) All rights and obligations associated with a nonconforming status run with the property, are not personal to the present ownership or tenant, and are not effected by a change of ownership or tenancy, unless abandoned.

(Code 1983, § 20-611(A))

Exhibit D

Sec.110-93.-Intent concerning nonconforming
Property, structures and uses.

Sec. 110-93. - Intent concerning nonconforming property, structures and uses.

It is the intent of the land development regulations that these nonconformities shall be considered to be incompatible with the permitted uses within the city districts. Such nonconformities shall not be enlarged or extended in any respect.

(1) *Nonconforming lots.*

a. *Use of single, nonconforming lots for residential districts.*

Notwithstanding the maximum density requirements of the comprehensive plan, in residential districts, the single-family and customary accessory structures may be erected, reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.

b. *Use of single, nonconforming lots for nonresidential uses.* In other than residential districts, a nonconforming lot of record which is not in continuous frontage with other lots in the same ownership, may accommodate uses permitted within that district in accordance with other requirements applying in that district.

c. *Rules concerning combination of contiguous nonconforming lots in same ownership and with continuous frontage.*

1. *Where nonconforming status was created at enactment or amendment of this Code or of the comprehensive plan.* Where more than one nonconforming lot of record in single ownership and with continuous frontage exists, they shall be combined and considered a single zoning lot. The zoning administrator shall authorize their use only when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

2. *Combination not required where nonconformity created by public taking or court order.* Where the nonconforming lots were created by public taking action or as a result of a court order, a combining of the individual lots shall not be required.

(2) *Nonconforming uses.* Nonconforming uses of land shall be brought into

conformance as soon as reasonably possible, but may continue provided:

- a. There shall be no replacement, enlargement, increase in activity or alterations to any nonconforming use, permanent structure or both.
- b. No such nonconforming use shall be relocated or moved to any portion of the lot other than that occupied at the time that the nonconforming status was created.
- c. When a nonconforming use is changed, modified or diversified to meet requirements of a conforming use, the building or structure in which the use is located shall conform to the development standards and regulations as set forth in this Code.
- d. If any nonconforming use, or any portion thereof, ceases for any reason for more than one year (365 days), the grandfather status of the nonconforming use shall terminate and all subsequent uses shall conform to the regulations of the district in which such use is located.

(3) *Nonconforming structures.* Where a lawful structure exists at the time of the passage or amendment of the land development regulations which could no longer be built under the terms of the land development regulations by reason of restrictions on area, lot coverage, height, or other characteristics of the structure or location on lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. That any addition, alteration or renovation to the structure shall not increase the degree of nonconformity or result in the conversion of a nonconforming carport, garage, screen enclosure, patio roof, storage area or other nonhabitable area into a habitable area unless specifically approved by the special magistrate. Structural changes which decrease the degree of nonconformity shall be permitted. Structures that are nonconforming due solely to their flood elevation may be altered in accordance with the provisions of chapter 94.
- b. A nonconforming structure or portion thereof, if damaged by fire, natural elements or force to an amount equal to or greater than 50 percent of its current fair market value as of the day immediately preceding such damage, may only be reconstructed in accordance

with the provisions of article V of this chapter regarding district regulations for the district in which it is located and the floodplain management regulations established in chapter 94 of this Code or as otherwise provided in section 110-95.

- c. Should the damage be less than 50 percent of its current fair market value, then repairs may be made under the "grandfathered" zoning district regulations, provided that they shall be made within 18 months after such damage. All repairs must be made to comply with current building codes and not be in violation of the provisions of the floodplain management regulations and other applicable codes of the city. In the event that the repairs have not been completed within 18 months, the structure shall not be further repaired or rebuilt, except in conformity with the entire requirements of this Code.
- d. Routine repairs and maintenance of nonconforming structures, fixtures, wiring and plumbing, or the repair or replacement of nonload bearing walls shall be permitted.
- e. Owners of nonconforming residential structures in an R-1 or R-2 zoning district that wish to elevate their existing structure with the lowest habitable floor at or above base flood elevation shall be exempt from the setback provisions of article V of this chapter regarding district regulations, so long as the structure remains within the existing footprint.

- (4) *Nonconforming characteristics of use.* Nonconforming characteristics of use which may include, but not limited to inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

(Code 1983, § 20-611(C); Ord. No. 918, § 6, 12-7-99; Ord. No. 1051, § 1, 8-9-05; Ord. No. 1071, § 3, 2-28-06; Ord. No. 1143, § 1, 1-27-09; Ord. No. 1166, § 1, 8-10-10)

Exhibit E

Sec.110-94.-Nonconforming structures unsafe for
Reasons other than lack of maintenance.

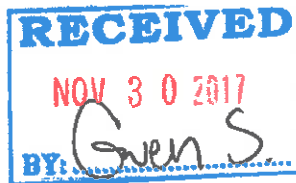
Sec. 110-94. - Nonconforming structures unsafe for reasons other than lack of maintenance.

Nonconforming structures or portions thereof which are declared unsafe by the building and zoning official or other competent authority, but not because of lack of maintenance, may be repaired and restored except as provided in subsection 110-94(3).

(Code 1983, § 20-611(D))

Exhibit F

Application and Supporting Documents



Special Magistrate Case #: 2017-B



CITY OF MADEIRA BEACH
PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE + MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 255 + FAX (727) 399-1131
Email to: gsinkfield@madeirabeachfl.gov

SPECIAL MAGISTRATE – VARIANCE APPLICATION

***Applicant: Name and Address**

HOLIDAY ISLES ELKS LODGE
14111 E PARSLEY DR.
MADEIRA BEACH, FL 33708

***Property Owner: Name and Address**

SAME AS APPLICANT

Telephone: 727.393.1545

Email: HISLES1@TAMPABAY.RR.COM

Telephone: _____

Email: AMANDA@AMANDABAUWEN.COM

Application for the property located at: (Street Address or location of the vacant lot)

14111 E. PARSLEY DR, MADEIRA BEACH, FL 33708

Legal Description: GULF SHORES 6TH ADD BUK Z, LOTS
28, 29, 30 & 31

Lot Area: 22,800 Width: _____ ft. Depth: _____ ft.

Zoning District: R1

Present Structures on Property: 8,867 SF STRUCTURE, 100 SF SERVING STATION

Present use of property: ELKS LODGE

Date Building Permit Request denied: NOV 13, 2017 (SEE ATTACHED EMAIL)

Variance(s) need from the zoning requirements are: VARIANCE REQUEST FROM
THE EXISTING 30 FT SUPPORTING STRUCTURE
SETBACK FROM SEAWALL.

**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:
SITE PLAN, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.**

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

Special Magistrate Case #: 2017-13

****For City of Madeira Beach Use Only****

Fee: _____ ☐ Check # 3185

☐ Cash

☐ Receipt # _____

Date Received: 11/30/17

Received by: Gwen Smithfield

Special Magistrate Case # Assigned: 2017-13

Special Magistrate Hearing Date: _____

☐ Approved

☐ Denied

_____ Zoning Variance for Residential Dwelling Units (one, two or three units) \$350 per variance

_____ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$350 per variance

_____ After-the-fact Variance \$350 per variance

~~Luis Serra, Planning & Zoning Consultant~~

Linda Portal, Planning & Zoning Director

Date: _____

Chief Derryl O'Neal, Interim City Manager

Date: _____

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This application to the Special Magistrate is requesting permission to: REPLACE AN
EXISTING ALUMINUM ROOF OVER A CEMENT PATIO.
THE ALUMINUM ROOF WAS DAMAGED DURING HURRICANE
IRMA ON SEPTEMBER 10/11 2017. WIND DAMAGE IS EXTENSIVE
AND REPAIR/REPLACEMENT OF THIS STRUCTURE IS NECESSARY.

A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstances does not result from the intentional act of the applicant or the applicant's agent(s). In order to authorize any variance from the provisions of the City Code, the Special Magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists.

On a separate attached page, explain in detail how your request complies with the following rules:

1. Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - ☐ *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
 - ☐ *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - ☐ *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - ☐ *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - ☐ *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
2. Demonstrate that special condition(s) and circumstance(s) do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
3. Demonstrate that the granting of 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.
4. Demonstrate that the literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development

Regulations, Subpart B of the Code and would work unnecessary and undue hardship on the applicant.

5. Demonstrate that the variance granted in the minimum variance that will make possible the use of the land.
6. Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, 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.

Amanda Baldwin TRUSTEE 30 NOV 17
Property Owner's Signature Date

STATE OF Florida
COUNTY OF Pinellas

Before me this 30th day of November, 2017, Amanda Baldwin
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☐ personally known to me or ☒ has produced FL Drivers License as identification.

[SEAL]



Gwen Sinkfield
Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

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Applicant's Signature (If other than the property owner)

Date

STATE OF _____

COUNTY OF _____

Before me this _____ day of _____, 2017, _____

appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification

and is ☐ personally known to me or ☐ has produced _____ as identification.

[SEAL]

Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they 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.

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**Request for Variance
Holiday Isles Elks Lodge #1912
14111 E Parsley Drive, Madeira Beach, FL 33708**

The Special Conditions that exist to this variance application are that a pre-existing non-conforming structure (aluminum roof) was damaged during Hurricane Irma and classified as an "Act of Nature" well beyond the control of the members of Holiday Isles Lodge of Elks. The lot is comprised of 22,800 square feet and is located waterfront on Boca Ciega Bay. The proposed aluminum roof repair will encompass a slightly smaller footprint.

Granting of the requested variance will not change the use of the property but will allow Lodge members to utilize the patio deck to its full potential. The Lodge utilizes that space for wedding receptions, anniversaries, birthday parties, and fishing tournaments. Additionally, several times a year events are scheduled with funds from the event going to our charity accounts. Lastly, the awning provides shade and shelter when we host a charitable event such as fishing with Veterans, under privileged children and children of our first responders every year. Simply put, we do not utilize the awning for only profit we also utilize the awning for the necessity of shade and shelter for the citizens we give back to.

Literal interpretation of the Regulation would prevent the Lodge members from utilizing the aluminum roof shade structure that poses no harm to the surrounding neighborhood nor any environmental threat to Boca Ciega Bay.

Undue hardship to the Elks Lodge has been suffered due to Hurricane Irma. The requested variance will make use of the patio deck feasible in the Florida climate.

Granting of the requested variance will be in harmony with the general intent and purpose of the City Land Development Regulations and granting of said variance will not be injurious to the area involved or otherwise detrimental to the public welfare since the proposed repair to the aluminum roof will result in the support poles being located in similar positions as existed prior to Hurricane Irma. The aluminum roof is located nearly 50 feet from the side property line and at the top of the existing seawall.

The non-profit Holiday Isles Elks Lodge #1912 seeks to resume their normal operations as a charitable organization that provides to many local needs in their community, state and nationally.

PYRAMID ALUMINUM

530 Commerce Dr. S., Largo, Florida 33770

Tel: (727) 585-8441 Fax: (727) 581-3953

www.pyramidaluminum.com

Fully Licensed and Insured
#C-2462

CONTRACT/PROPOSAL

DATE: 10-16-17

NAME: ELKS LODGE

PHONE: 808-352-8669

JOB NAME: S

ADDRESS: 14111 EAST PARSLEY ST

STREET: A N E

CITY: MAD BEH STATE: FL ZIP:

CITY:

STATE:

EMAIL: AMANDA@AMANDA.BALDWIN.COM KRIS.DIGIOVANNI@GMAIL.COM

Description of work:

CANOPY DAMAGE FROM "IRMA" - ELKS LODGE TO REMOVE ENTIRE CANOPY, BEAMS, POSTS ROOF AND ANY ATTACHMENTS AND HAVE AREA CLEANED FOR NEW OUTSIDE CANOPY TO CODE. NEW CANOPY TO BE STRUCTURAL INSULATED 3"x030 WITH ALU FINISH TOP AND BOTTOM. NEW ALU ROOF TO BE 4' IN WIDTH INTERLOCKING PANELS. NEW ROOF SIZE APPROX 33' LONG X 44' WIDE. SINGLE ROOF DOES NOT ATTACH TO FASCIA, ROOF WILL BE HIGHER AND GO OVER FLAT ROOF APPROX 3' TO HELP PREVENT WATERS AND BLOWING RAIN FROM COMING IN. ROOF WILL HAVE 2' OH ON BOTH ENDS AND FRONT MOL. NEW ROOF TO HAVE 6" HIDDEN FAN BEAMS FOR ELECTRICAL USE OR LIGHTS. NEW POSTS WILL BE A 3"x3" A LOAD BEARING .125 (NOT FLUTED LIKE EXISTING, TO LIGHT WEIGHT) WITH HEAVY STRUCTURAL 2"x9" S.M BEAMS. ROOF TO HAVE FINISH TRIMS ON ALL SIDES WITH XL 1" GUTTER ACROSS THE FRONT

The description of Work pursuant to this contract is continued on the attached Contract/Proposal Continuation Pages, each of which, by this reference, shall be deemed a part of this Contract and incorporated herein by this reference.

The above work will be completed in accordance with the terms, conditions and specifications herein, for the sum of _____ Dollars (\$ _____), with payment to be made as follows: CONTINUED

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR OR A SUBCONTRACTOR FAILS TO PAY SUB-CONTRACTORS, SUB-SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER." FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE PROVISIONS OF THIS CONTRACT, INCLUDING THE TERMS AND CONDITIONS CONTAINED ON THE REVERSE SIDE, AND I AGREE TO ALL OF THE PROVISIONS, TERMS AND CONDITIONS THEREOF. THIS CONTRACT SHALL NOT BE BINDING UNLESS AND UNTIL ALL PARTIES BELOW HAVE SIGNED

AGREED TO AND ACCEPTED BY:

Purchaser:

Date:

PYRAMID ALUMINUM OF FL (CONTRACTOR)

Authorized representative:

Date: 10-16-17

PC#1
CUSTOM WORK - ALL TYPES
6" & 7" BEAMLESS GUTTERS
SOFFIT - FASCIA - CARPORTS
SCREENED ROOMS
POOL ENCLOSURES
GLASS & VINYL ROOMS
RAILINGS
HURRICANE PROTECTION
HURRICANE STORM PANELS

530 Commerce Dr. S., Largo, Florida 33770
Tel: (727) 585-8441 Fax: (727) 581-3953

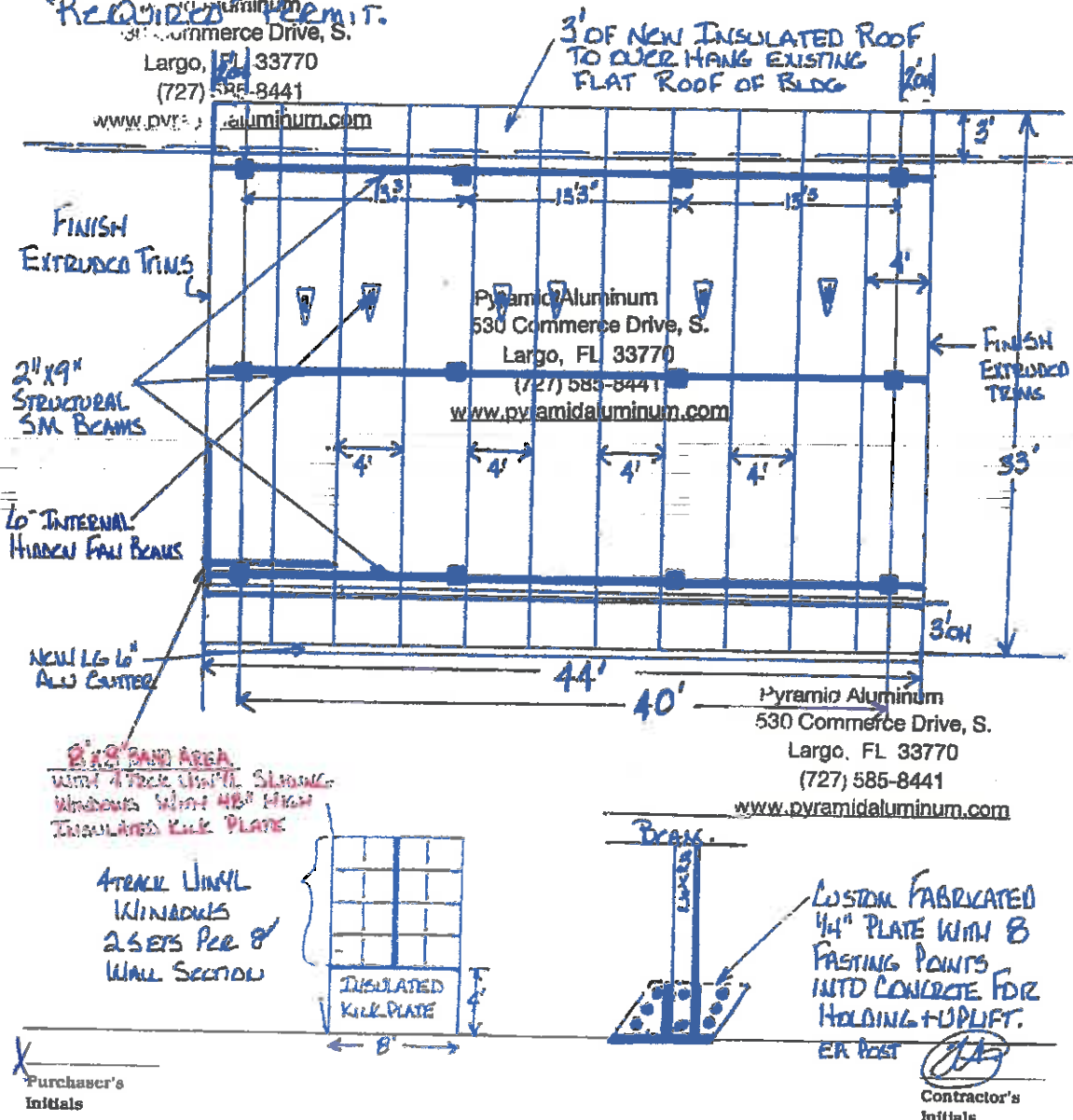
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Page

CONTINUATION PAGE TO CONTRACT/PROPOSAL BETWEEN SIR ARNOLD
ENTERPRISES, LLC DBA PYRAMID ALUMINUM OF FL AND
ELKS LODGE (THE PURCHASER)

14111 EAST PARSLEY ST M.B.H.
#808-352-8669

(Description of work continued)

WITH DOWN SPOUTS DRAINING TOWARDS
THE WATER. CORNER AREA OF CANOPY (BAND AREA) WILL HAVE
4 TRACK VINYL WINDOWS, THAT CAN LET AIR PASS, BUT KEEP
THE RAIN OUT. PRICE INCLUDES MEASURE, LAYOUT, DRAWINGS
SITE SEALED ENGINEERING SPECIFIC TO YOUR JOB AND
REQUIRED PERMIT.





530 Commerce Dr. S., Largo, Florida 33770
Tel: (727) 585-8441 Fax: (727) 681-3953

#3
Page

CONTINUATION PAGE TO CONTRACT/PROPOSAL BETWEEN SIR ARNOLD
ENTERPRISES, LLC DBA PYRAMID ALUMINUM OF FL AND
ELKS LODGE (THE PURCHASER)

14111 EAST PARSLEY ST MCBY
808-352-8669

(Description of work continued)

~ BREAK DOWN ~

- 1) ELKS CLUB TO REMOVE EXISTING ROOF, BEAMS
POSTS, CASTINGS ETC AND HAVE READY FOR
NEW JOB
- 2) ROOF WILL BE WHITE 3" STRUCTURAL INSULATED
4' WIDE PANELS WITH HEAVIER .030 SKIN
- 3) ROOF TO HAVE 6 HIDDEN INTERNAL FAN BEAMS
- 4) ALL FASTENERS TO BE STAINLESS
- 5) ALL POSTS TO BE 3"X3" & LOAD BEARING - 125
- 6) POSTS TO FASTEN TO CONCRETE WITH CUSTOM
FABRICATED 1/4" WELDED BASE PLATES WITH CA
HAVING 8 FASTENING POINTS
- 7) ROOF TO HAVE 3' OH @ REAR TO GO PAST
EXISTING ROOF, WITH 2' OH ON BOTH SIDES AND
3' OH ON FRONT.
- 8) FRONT TO HAVE LARGE GUTTER WITH 4 DOWNSPOUTS
- 9) ALL BEAMS ARE A 2"X9" STRUCTURAL SM BEAM
- 10) BAND AREA TO HAVE A 4' HIGH INSULATED WALL
AT THE BOTTOM WITH VINYL 4 TRACK WINDOW
SYSTEM ABOVE - "SEE INFO"
- 11) ENTIRE JOB TO HAVE SITE SCALED ENGINEERING
SPECIFIC TO YOUR JOB.
- 12) PRICE INCLUDES DRAWINGS LAYOUT + PERMIT!
(LABOR HAS 242 WARRANTY, ROOF 1042 WARRANTY FROM MFG.)

Purchaser's
Initials

Contractor's
Initials

SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition, shall take note of the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:
 - a. *Substandard or irregular-shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential Neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
- (2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
- (3) 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.
- (4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land.
- (6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as specified in subsection (a) shall the special magistrate grant a variance to allow a use not generally or by special exception use permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. Financial loss standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

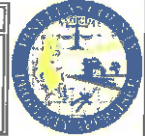
The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

Exhibit G

Pinellas County Property Appraiser's Database

10-31-15-34416-026-0280[Compact Property Record Card](#)[Tax Estimator](#)**Updated December 9, 2017**[Email](#)[Print](#)[Radius Search](#)[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
B P O E LODGE 1912 HOLIDAY ISLES 14111 E PARSLEY DR MADEIRA BEACH FL 33708-2346	14111 E PARSLEY DR MADEIRA BEACH

[Property Use:](#) 7753 (Club, Lodge, Union Hall, Civic Club, Health Spa, YMCA, Boys Club, Girl Scouts)

Living Units: 0

[click here to hide] [Legal Description](#)
GULF SHORES 6TH ADD BLK Z, LOTS 28, 29, 30 & 31

File for Homestead Exemption			2018 Parcel Use
Exemption	2017	2018	
Homestead:	No	No	Homestead Use Percentage: 0.00%
Government:	No	No	Non-Homestead Use Percentage: 100.00%
Institutional:	Yes	Yes	Classified Agricultural: No
Historic:	No	No	

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)				
Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
17436/1930	Sales Query	121030278022	A	23/74

2017 Interim Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$1,249,654	\$1,249,654	\$0	\$0	\$0

[click here to hide] [Value History as Certified \(yellow indicates correction on file\)](#)

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	No	\$1,249,654	\$1,249,654	\$0	\$0	\$0
2016	No	\$1,230,922	\$1,191,333	\$0	\$0	\$0
2015	No	\$1,191,295	\$1,083,030	\$0	\$0	\$0
2014	No	\$984,573	\$984,573	\$0	\$0	\$0
2013	No	\$979,647	\$979,647	\$0	\$0	\$0
2012	No	\$978,115	\$978,115	\$0	\$0	\$0
2011	No	\$1,071,229	\$1,071,229	\$0	\$0	\$0
2010	No	\$1,173,005	\$1,173,005	\$0	\$0	\$0
2009	No	\$1,392,963	\$1,392,963	\$0	\$0	\$0
2008	No	\$1,681,900	\$1,681,900	\$0	\$0	\$0
2007	No	\$1,884,000	\$1,884,000	\$0	N/A	\$0
2006	No	\$1,564,200	\$1,564,200	\$0	N/A	\$0
2005	No	\$1,174,400	\$1,174,400	\$575,500	N/A	\$575,500
2004	No	\$964,600	\$964,600	\$472,700	N/A	\$472,700
2003	No	\$733,200	\$733,200	\$359,300	N/A	\$359,300
2002	No	\$628,300	\$628,300	\$307,900	N/A	\$307,900
2001	No	\$605,100	\$605,100	\$296,500	N/A	\$296,500
2000	No	\$602,400	\$602,400	\$295,200	N/A	\$295,200
1999	No	\$586,000	\$586,000	\$287,100	N/A	\$287,100
1998	No	\$570,500	\$570,500	\$279,500	N/A	\$279,500
1997	No	\$540,600	\$540,600	\$264,900	N/A	\$264,900
1996	No	\$540,600	\$540,600	\$264,900	N/A	\$264,900

2017 Tax Information

2017 Tax Bill	Tax District: MB
2017 Final Millage Rate	17.4600
Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market	

Ranked Sales [\(What are Ranked Sales?\)](#) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
No recent sales on record				

conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.

2017 Land Information						View:
Seawall: No	Frontage: Bay					
Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Clubs/Lodges Halls (77)	228x100	50.00	22222.5700	1.0000	\$1,111,128	SF

[\[click here to hide\] 2018 Building 1 Structural Elements](#) [Back to Top](#)

Site Address: 14111 E PARSLEY DR

Quality: Average
 Square Footage: 8867.00
 Foundation: Continuous Footing
 Floor System: Slab On Grade
 Exterior Wall: Concrete Block
 Roof Frame: Flat
 Roof Cover: Built Up/Composition
 Stories: 1
 Living units: 0
 Floor Finish: Carpet Combination
 Interior Finish: Dry Wall
 Fixtures: 16
 Year Built: 1948
 Effective Age: 35
 Cooling: Heat & Cooling Pkg

**No Building Drawing
Available**

[Compact Property Record Card](#)

Building 1 Sub Area Information				
Description	Building Finished Ft²	Gross Area Ft²	Factor	Effective Ft²
Base	8,867	8,867	1.00	8,867
Total Building finished SF: 8,867		Total Gross SF: 8,867		Total Effective SF: 8,867

[click here to hide] 2018 Extra Features					
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
ASPHALT	\$1.75	16,000.00	\$28,000.00	\$28,000.00	0
DOCK	\$45.00	1,294.00	\$58,230.00	\$23,292.00	1955
POOL	\$32,000.00	1.00	\$32,000.00	\$12,800.00	1955
CANOPY	\$10.00	1,550.00	\$15,500.00	\$15,500.00	1955
SHED	\$30.00	200.00	\$6,000.00	\$2,400.00	1948
CONC PAVE	\$6.00	500.00	\$3,000.00	\$3,000.00	0
PATIO/DECK	\$9.00	2,000.00	\$18,000.00	\$7,200.00	1955

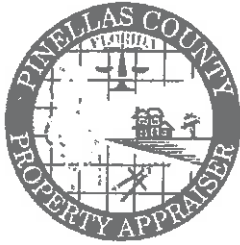
[\[click here to hide\] Permit Data](#)

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
R1979	ROOF	09 Oct 2017	\$39,300
M1915	HEAT/AIR	19 Sep 2017	\$3,500
201110637	DOCK	09 Feb 2011	\$6,692
RC41095-11	COMMERCIAL ADD	09 Feb 2011	\$0
CB309255	ROOF	28 Dec 2004	\$27,000
9800770	ASPHALT	11 Feb 1999	\$2,160
9800500	COMMERCIAL ADD	06 Oct 1998	\$8,050







MIKE TWITTY, MAI
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

mail by Dec. 8th, 2017
14111 E. Parsley Dr.

Run Date: 01 Dec 2017

Subject Parcel: 10-31-15-34416-026-0280

Radius: 200 feet

Parcel Count: 19

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ MAIN OFFICE – COUNTY COURTHOUSE

315 Court St - 2nd Floor
Clearwater, FL 33756

Office: (727) 464-3207
Fax: (727) 464-3448

Hearing Impaired:

Office: (727) 464-3370

Commercial Appraisals:

Office: (727) 464-3284

Exemptions:

Office: (727) 464-3294

Fax: (727) 464-3408

Residential Appraisals:

Office: (727) 464-3643

Tangible Personal Property:

Office: (727) 464-8484

Fax: (727) 464-8488

☐ NORTH COUNTY

29269 US Highway 19 N
Clearwater, FL 33761

Office: (727) 464-8780

Fax: (727) 464-8794

☐ MID COUNTY

13025 Starkey Road
Co-Located with Tax Collector
Largo, FL 33773

Office: (727) 464-3207

Fax: (727) 464-3448

☐ SOUTH COUNTY

1800 66th Street N
St. Petersburg, FL 33710

Office: (727) 582-7652

Fax: (727) 582-7610

ALL MAIL: PO Box 1957 – Clearwater, FL 33757

128

KIKER, JOAN R
14204 E PARSLEY DR
MADEIRA BEACH FL 33708-2349

O'NEILL-LOCKE, EILEEN
14034 MARGUERITE DR
MADEIRA BEACH FL 33708-2336

ROBINS, ARMAND M
14111 W PARSLEY DR
MADEIRA BEACH FL 33708-1873

MADEIRA VILLAS LLC
1608 ALT 19 STE B
PALM HARBOR FL 34683-3555

MARC ANTHONY BUILDERS INC
3708 W BAY TO BAY BLVD
TAMPA FL 33629

B P O E LODGE 1912
HOLIDAY ISLES
14111 E PARSLEY DR
MADEIRA BEACH FL 33708-2346

PENN, DANIEL J
14099 E PARSLEY DR
MADEIRA BEACH FL 33708-2301

H2O REALTY LLC
P O BOX 8671
MADEIRA BEACH FL 33738-8671

DERUSHA, HEATHER G
20 LYNN WAY
MADEIRA BEACH FL 33708-2334

RAINSFORD, TRAVIS
RAINSFORD, JANE
14105 E PARSLEY DR
MADEIRA BEACH FL 33708-2346

MACHIONE-DWYER, KATHY
HICKROD, EARL S
2010 SLEEPY HOLLOW RD
SLEEPY HOLLOW IL 60118-1725

HODGE, JOSH A
HODGE, RYANN
14210 E PARSLEY DR
MADEIRA BEACH FL 33708-1872

AGACINSKI, CATHERINE F
14205 E PARSLEY DR
MADEIRA BEACH FL 33708-2348

CASSITY, LORETTA REVOCABLE LIVING
TRUST
CASSITY, LORETTA TRE
250 E MADEIRA AVE
MADEIRA BEACH FL 33708-2018

CANO, PATRICIA
CANO, MARCO A
11301 NW 8TH ST
PLANTATION FL 33325-1515

~~B P O E LODGE 1912
HOLIDAY ISLES
14111 E PARSLEY DR
MADEIRA BEACH FL 33708-2346~~

DIMECH, MICHAEL
4462 HEARTHSIDE DR
MISSISSAUGA ON L5R 1R4

PHELPS, HATTIE L
14101 E PARSLEY DR
MADEIRA BEACH FL 33708-2346

ANGELOTTI, CAROLYN D
14207 E PARSLEY DR
MADEIRA BEACH FL 33708-2348

Exhibit H

Site Photograph

The drawing at the top of the page shows a stylized sun with rays, a mountain range, and a body of water. Below the drawing, there is handwritten text in a cursive script. The text is partially obscured by a large, dark, irregular shape that appears to be a shadow or a piece of tape. The text is written on a piece of paper that is slightly aged and has some creases. The overall appearance is that of a personal or official document from the mid-20th century.

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Dec 8 2017 at 9:22:51 AM

Exhibit I

Google Maps Site Aerial

Google Maps 14111 E Parsley Dr



Imagery ©2017 Google, Map data ©2017 Google, INEGI 200 ft



14111 E Parsley Dr
Madeira Beach, FL 33708



At this location

Elks Lodge
4.9 (19)

Non-Profit Organization - 14111 E Parsley Dr

HOLIDAY ISLES ELKS LODGE #1912

4.6 (5)

Lodge 14111 E Parsley Dr