



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

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

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

2:00 P.M.

MONDAY, MARCH 26, 2018

COMMISSION CHAMBERS

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

1. Application 2018.02

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

Property Address: N. Bayshore Drive

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

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

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

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

- 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.

Posted: **March 16, 2018**



Variance Hearing

Case No. 2018-02

March 26, 2018

2:00 p.m.



SPECIAL MAGISTRATE – VARIANCE REQUEST

March 26, 2018

Application 2018.02

I. GENERAL INFORMATION

Request:

Property Owners

Kevin J. Farrow
302 Harbour Place Drive
Tampa, FL 32602

Applicant

Same

Property Address

N. Bayshore Drive
Madeira Beach, FL 33708

Parcel I.D. #

10-31-15-34362-013-0191

Zoning/Land Use

Single-Family Residential (R-1)/
Residential Low (RL)

Year Built

Vacant

Variance Request:

Reduce side setbacks from 15 feet total with a minimum of 7 feet by 3.5 feet on the left and by 5 feet on the right. Reduce the required lot size of 5,800 square feet to allow construction of a single home on a legal, nonconforming lot of 4,800 square feet.

Specific Request:

Sec. 110-181. - Setback requirements. (3) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side. 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 created after December 9, 2008: 5,800 square feet.

II. BACKGROUND

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

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

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

Variance Criteria #1

The lots is unusually constrained by size and shape with a severe pie shape that narrows to 28 feet at its entry. It is also undersized for the district, having been platted prior to the area requirements being adopted. It was never held as excess land or deeded to the public as is often the case with substandard lots. It provides significantly less area and width for building than is available to other lots in the district.

Variance Criteria #2.

Variance Criteria #3.

Variance Criteria #4.

Variance Criteria #5.

Variance Criteria #6.

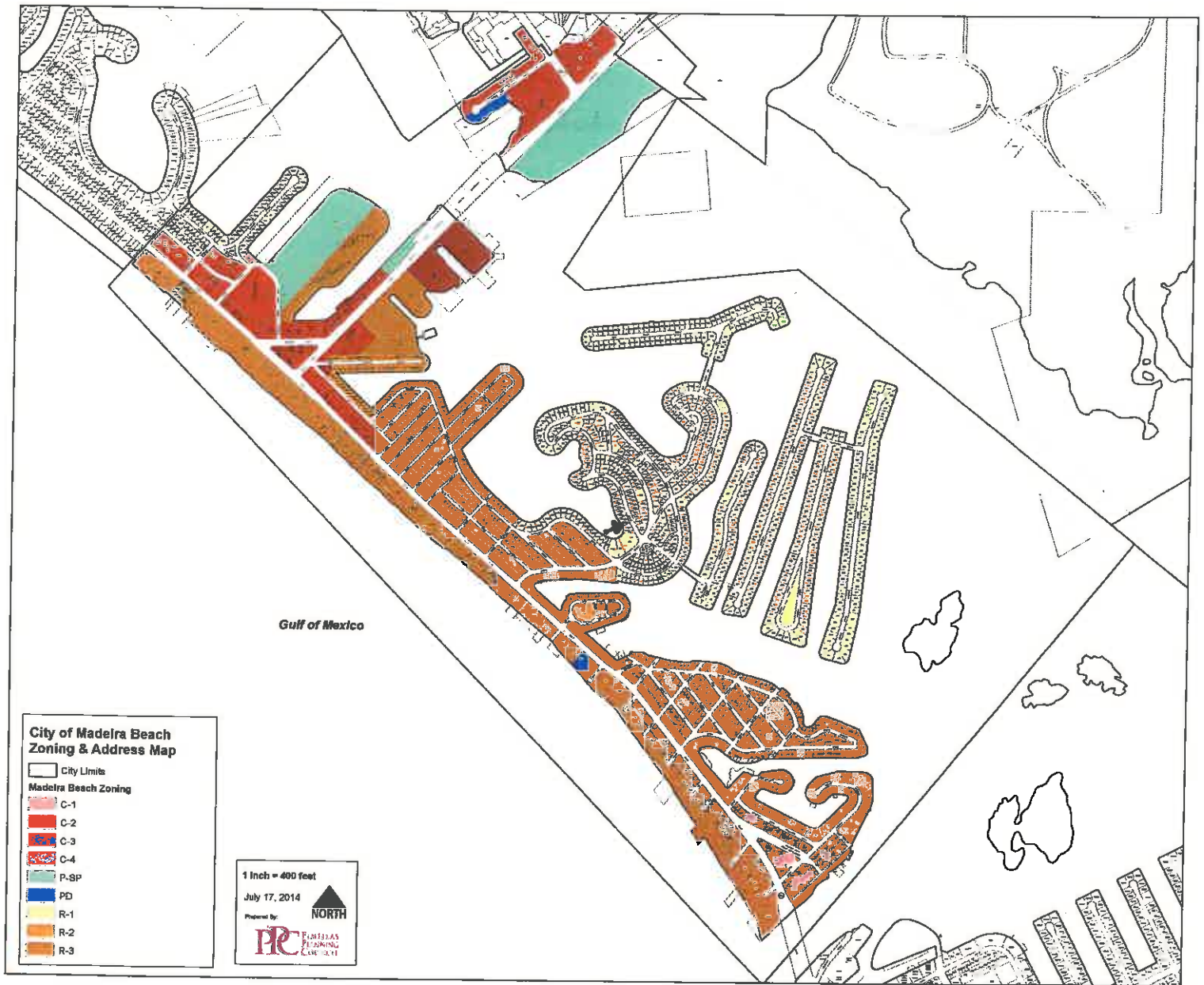
V. RECOMMENDATION

VI. EXHIBITS

- A. Zoning and Future Land Use Maps
- B. R-1 Zoning District Standards
- C. Application and Supporting Documents
- D. Pinellas County Property Appraiser's Database
- E. Site Photographs
- F. Google Maps Site Aerial

Exhibit A

Zoning and Future Land Use Maps



14011 N. Bayshore Dr.



14011 N. Bayshore Dr.

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).

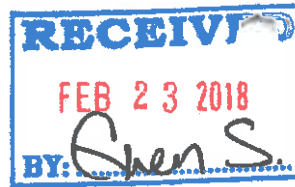
The impervious surface ratio (ISR) in the R-1, single-family residential district for all uses is 0.65.

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

Secs. 110-185—110-200. - Reserved.

Exhibit C

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 ☒ PAID _____ APPLICATION FEE _____ DATED: 02/23/2018

Applicant: *Name and Address* **Property Owner:** *Name and Address*
Kevin J Farrow Same as applicant

302 Harbour Place Drive

Tampa, FL 33602

Telephone #: 407.375.8242

Telephone #: _____

Email Address: Kfarrow00@gmail.com

Email Address: _____

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

14011 N. Bayshore Drive, Madeira Beach, FL

Legal description: _____

	<i>Block</i>		<i>Lot(s)</i>		<i>Subdivision</i>
Approx. lot area:	4800	<i>sq. ft.</i>	Lot width	41.5 <i>avg. ft.</i>	Lot depth
				28 ft wide at narrowest point	122.7 <i>ft.</i>

Zoning district: R-1

Present structures on property: None

Present use of property: Vacant Land

The date my request for a Building Permit was denied: _____

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: Due to pie shaped lot and
dramatic reduction in width from street frontage to sea wall (55' to 28'), I am requesting to build into the side
setbacks by 3.5ft on the left and 5 ft on the right. Front and Rear building setbacks will be met as specified
by code.

PLEASE ATTACH REQUIRED SUPPORTING MATERIALS

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

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

Due to pie shaped lot and dramatic reduction in width from street to seawall (55' to 28'), I am requesting
to build into the side setbacks 3.5' on the left and 5' on the right. The front and rear build setbacks will
be met as required by 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;

- 1) The lot sq ft is below the standard minimum.
- 2) The lot is only 28' wide at its narrowest point
- 3) This lot turns into a pie shape and reduces drastically from front to back making it virtually impossible to fit a standard width structure. The lot width reduces from 55' to 28'. This represents 50% of the front yard width.

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

N/A

- 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;

Due to FEMA regulations prohibiting habitable space on the 1st floor, it is necessary to extend efficient living space into the second and third floors in order to build a standard 3 bedroom 2 bath home.

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

N/A

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

N/A

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.

Lot was purchased as platted. No changes to the site have been undertaken by the owner.

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.

Madeira Beach currently has many homes that do not meet the minimum setback requirements and exists with other challenges that make them non conforming. A variance to the setbacks would be in line with other properties and allow the development of a conforming property in the area.

The home to the left of subject property is built 3 ft from the property line.

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.

- 1) The lot requires a creative structure to overcome its size in area.
- 2) The drastic change in width from front to back would require an unusually shaped home or a significantly narrow home (19' wide) to meet the minimum setbacks and lot width.
- 3) Conforming to the setback guidelines with this lot will prevent building a structure consistent with other structures currently being built in Madeira Beach.

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

By granting the variance to the side setback, a standard, conforming home could be built to fit the lot.

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 intent is to build a modest, conforming, standard home that meets the architectural and structural requirements of the City of Madeira Beach.

The proposed home meets or exceeds the standards of other homes being constructed in the Madeira Beach area.

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: 2/23/18 Property owner's signature: [Signature]

Before me, this 23 day of February, 2018, appeared in person

Kevin Farrow 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
Hillsborough

Erin Minczuk

Personally Known to me: _____

Commission Expires: 06/21/2021

Identification Taken: FL Driver License



Erin Minczuk
State of Florida
My Commission Expires 06/21/2021
Commission No. GG 117455

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: 2/23/18 Applicant's signature, if
other than Property owner: [Signature]

Before me, this 23 day of February, 2018 appeared in person

Kevin Farrow 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
[Signature] Hillsborough

[Signature]

Personally Known to me: _____ Commission Expires: 06/21/2021

Identification Taken: FL Driver License



Erin Minczuk
State of Florida
My Commission Expires 06/21/2021
Commission No. GG 117455

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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.

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.


Signature of Applicant

2/23/2018
Date

SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Section 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.
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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.

APPLICANT'S COPY

Initials of Receipt

Date

Exhibit D

Pinellas County Property Appraiser's Database

10-31-15-34362-013-0191**Compact Property Record Card**[Tax Estimator](#)**Updated March 17, 2018**[Email](#)[Print](#)[Radius Search](#)**Ownership/Mailing Address** [Change Mailing Address](#)**Site Address**FARROW, KEVIN
434 BOUCHELLE DR UNIT 203
NEW SMYRNA BEACH FL 32169-5491N BAYSHORE DR
MADEIRA BEACH**Property Use:** 0090 (Vacant Residential Land w/XFSB)

Living Units:

[\[click here to hide\]](#) **Legal Description**GULF SHORES 3RD ADD REPLAT BLK M, NWLY 1/2 OF LOT 19 DESC FROM SE COR OF LOT 19 TH N49DW 55FT FOR
POB TH N49DW 55FT TH N38DE 122.74 FT TH CUR LEFT RAD 578.44 FT ARC 28.05FT CB S69DE 28.04FT TH S27DW
136.62FT TO POB**Mortgage Letter****File for Homestead Exemption****2018 Parcel Use**

Exemption	2018	2019
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
19679/0554	\$253,500	121030278022	A	21/32

2017 Interim Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$207,712	\$192,050	\$192,050	\$207,712	\$192,050

[\[click here to hide\]](#) **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	\$207,712	\$192,050	\$192,050	\$207,712	\$192,050
2016	No	\$206,980	\$174,591	\$174,591	\$206,980	\$174,591
2015	No	\$184,123	\$158,719	\$158,719	\$184,123	\$158,719
2014	No	\$156,732	\$144,290	\$144,290	\$156,732	\$144,290
2013	No	\$131,727	\$131,173	\$131,173	\$131,727	\$131,173
2012	No	\$119,248	\$119,248	\$119,248	\$119,248	\$119,248
2011	No	\$114,796	\$114,796	\$114,796	\$114,796	\$114,796
2010	No	\$129,682	\$129,682	\$129,682	\$129,682	\$129,682
2009	No	\$174,383	\$174,383	\$174,383	\$174,383	\$174,383
2008	No	\$215,800	\$215,800	\$215,800	\$215,800	\$215,800
2007	No	\$311,100	\$311,100	\$311,100	N/A	\$311,100
2006	No	\$306,800	\$306,800	\$306,800	N/A	\$306,800
2005	No	\$223,700	\$223,700	\$223,700	N/A	\$223,700
2004	No	\$188,200	\$188,200	\$188,200	N/A	\$188,200
2003	No	\$161,700	\$161,700	\$161,700	N/A	\$161,700
2002	No	\$0	\$0	\$0	N/A	\$0
2001	No	\$0	\$0	\$0	N/A	\$0
2000	No	\$0	\$0	\$0	N/A	\$0

1999	No	\$0	\$0	\$0	N/A	\$0
1998	No	\$0	\$0	\$0	N/A	\$0
1997	No	\$0	\$0	\$0	N/A	\$0
1996	No	\$0	\$0	\$0	N/A	\$0

2017 Tax Information		Ranked Sales (What are Ranked Sales?) See all transactions				
2017 Tax Bill	Tax District: MB	Sale Date	Book/Page	Price	Q/U	V/I
2017 Final Millage Rate	17.4600	23 Jun 2017	19679 / 0554 	\$245,000	Q	V
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.		24 Jun 2003	12843 / 2499 	\$180,000	Q	V

2017 Land Information						
Seawall: Yes	Frontage: Bay			View:		
Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Vacant (00)	37x129	5900.00	37.4800	1.1100	\$245,457	FF

[click here to hide] 2018 Extra Features					
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
BT LFT/DAV	\$8,000.00	1.00	\$8,000.00	\$4,800.00	2003
DOCK	\$45.00	96.00	\$4,320.00	\$2,592.00	2003

[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
CR303353	NEW RESIDENCE	17 Sep 2004	\$327,837
	DOCK	14 Oct 2003	
	SEA WALL	08 Aug 2003	



Use of this PARCEL MAP is subject to terms of use at: <http://www.pcpao.org/>

[Interactive Map of this parcel](#)

[Map Legend](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)



mailed 3-16-18

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

Run Date: 27 Feb 2018

Subject Parcel: 10-31-15-34362-013-0191

Radius: 200 feet

Parcel Count: 23

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	Exemptions:	NORTH COUNTY	MID COUNTY	SOUTH COUNTY
315 Court St - 2nd Floor		29269 US Highway 19 N	13025 Starkey Road	1800 66th Street N
Clearwater, FL 33756		Clearwater, FL 33761	Co-Located with Tax Collector	St. Petersburg, FL 33710
Office: (727) 464-3207	Office: (727) 464-3294	Office: (727) 464-8780	Largo, FL 33773	Office: (727) 582-7652
Fax: (727) 464-3448	Fax: (727) 464-3408	Fax: (727) 464-8794	Office: (727) 464-3207	Fax: (727) 582-7610
Hearing Impaired:	Residential Appraisals:			
Office: (727) 464-3370	Office: (727) 464-3643			
Commercial Appraisals:	Tangible Personal Property:			
Office: (727) 464-3284	Office: (727) 464-8484			
	Fax: (727) 464-8488			

ALL MAIL: PO Box 1957 - Clearwater, FL 33757

MABARAK, PATRICK J
MABARAK, LINDSEY R
14000 N BAYSHORE DR
MADEIRA BEACH FL 33708-2211

HURLEY, KEVIN M
HOLLAND, MEREDITH C
420 140TH AVE E
MADEIRA BEACH FL 33708-2302

KOPITA, SALVATORE
KOPITA, STACEY M
7650 132ND WAY
SEMINOLE FL 33776-3920

WOOD, MARK
SCHAFER, JENNIFER L
14004 W PARSLEY DR
MADEIRA BEACH FL 33708-2351

SHIFFLETT, JAMES R
SHIFFLETT, BETTY JANE
483 S BAYSHORE DR
MADEIRA BEACH FL 33708-2305

PETERSEN, MARK
PETERSEN, PATRICIA M
14001 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

DELUSSO, DONNA M
DELUSSO, FRANK A
14017 MIRAMAR AVE
MADEIRA BEACH FL 33708-2214

GRZELKA, KEVIN THOMAS
GRZELKA, HEATHER
14009 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

RYAN, JOHN
RYAN, CYNTHIA ANN
14017 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

O'CONNOR, KEVIN A
101 S 12TH ST UNIT 410
TAMPA FL 33602-4220

DEANOVICH, JOSEPH
DEANOVICH, MICHELLE
14033 N BAYSHORE DRIVE
MADEIRA BEACH FL 33708-2210

MORGAN, GERALD
14025 MIRAMAR AVE
MADEIRA BEACH FL 33708-2214

HOFMEISTER, PATRICIA C LIVING TRUST
HOFMEISTER, PATRICIA C TRE
5724 S MONROE ST
HINSDALE IL 60521-5123

ALVAREZ, RONALD S
ALVAREZ, TENA M
1703 BEACHWAY LN
ODESSA FL 33556-5519

SANTOS, MERCEDES
VOLPE, THERESA
414 140TH AVE E
MADEIRA BEACH FL 33708-2302

MAC DONALD, RICHARD S
MAC DONALD, SYLVIA A
14032 N BAYSHORE DR
MADEIRA BEACH FL 33708-2211

APLIN, KIM
14016 N BAYSHORE DR
MADEIRA BEACH FL 33708-2211

RINNER, ERIN F
FITZGERALD, KELLY
14001 MIRAMAR AVE
MADEIRA BEACH FL 33708-2214

PLATITSA, MICHAEL
PLATITSA, TALYANA
14014 N BAYSHORE DR
MADEIRA BEACH FL 33708-2211

CONKLIN, KAREN A
14038 N BAYSHORE DR
MADEIRA BEACH FL 33708-2211

HOUSER, BILLY R
14008 W PARSLEY DR
MADEIRA BEACH FL 33708-2351

SCHEIFELE, BARBARA
SCHEIFELE, HEINRICHE EMIL FREI
14041 N BAYSHORE DR
MADEIRA BEACH FL 33708-2210

D J M PROPERTIES FUND I LLC
1900 GULF BLVD
BELLEAIR SHORES FL 33786-3439

Exhibit E

Site Photographs

Posted 3-16-18



Posted 3-16-18



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

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

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

2:00 P.M.

MONDAY, MARCH 26, 2018

COMMISSION CHAMBERS

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

1. Application 2018-02

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

Property Address: N Bayshore Drive
Parcel I.D. #: 10-31-15-34362-013-0191

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

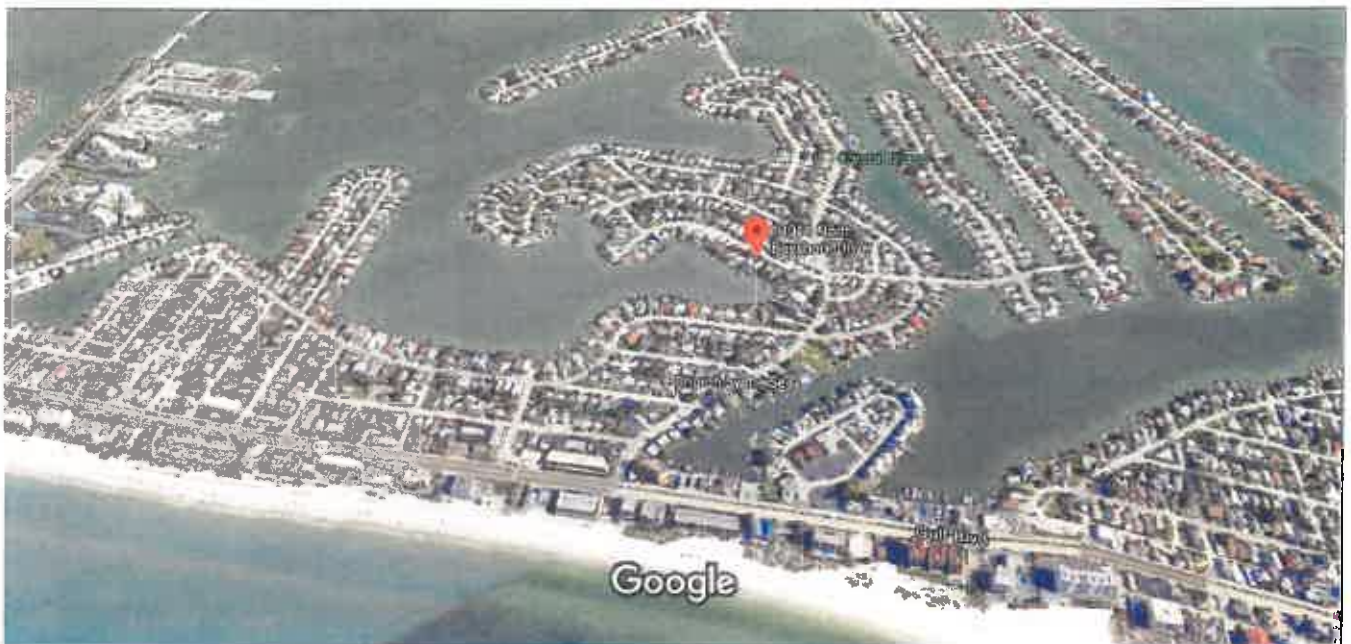
Request: Section 110-181 - Setback requirements. (3) Side yard: Total side setback of 15 feet with a minimum of seven feet on either side
Section 110-180 - Minimum building site area requirements. The minimum building site area requirements in the R-1, single-family residential district are as follows: (1) Lot size: a. Single-family: Lots created after December 9, 2008, 5,800 square feet
Variance Request: The applicant is requesting a variance to reduce side setbacks from 15 feet total with a minimum of 7 feet on each side by 3.5 feet on the left and 5 feet on the right. Reduce the required lot size of 5,800 square feet to allow construction of a single home on a legal, nonconforming lot of 4,800 square feet.

- E. OLD BUSINESS**
F. ADJOURNMENT

Any person who desires to appear at any decision of the City Commission with respect to any matter considered at this hearing 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 professional reporter or person recording live and later the resulting expense. In accordance with the Americans with Disabilities Act, any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-393-8953 or fax a written request to the City Clerk, no later than March 26, 2018.

Exhibit F

Google Maps Site Aerial



Imagery ©2018 Google, Map data ©2018 Google, INEGI 500 ft



14011 N Bayshore Dr

Madeira Beach, FL 33708





Tax Parcel Viewer





Tax Parcel Viewer

