



**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, JULY 23, 2018

COMMISSION CHAMBERS

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

1. Application 2018.03

**Property Owner/
Applicant:** Luggers Backup LLC dba Don's Dock
12124 Lillian Ave
Largo, FL 33778-3505

Property Address: 215 Boardwalk Place East

Parcel I.D. #: 15-31-15-00000-410-0200

Land Use/Zoning: John's Pass Marine Commercial (C-2)/
Commercial General

Request: **Section 110-291. - Setback requirements. (1) Front yard: 25 feet, measured from the right-of-way to the structure.**

Variance Request: The applicant is requesting a variance to reduce front setbacks from 25 feet to 10 feet to allow for replacement of existing ice trailer with a permanent structure for freezer/cooler/dry storage functions.

- 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: **July 13, 2018**



Variance Hearing

Case No. 2018-03

July 23, 2018

2:00 p.m.



SPECIAL MAGISTRATE – VARIANCE REQUEST

July 23, 2018

Application 2018.03

I. GENERAL INFORMATION

Request:

Property Owners

LUGGERS BACKUP LLC
12124 LILLIAN AVE
LARGO FL 33778-3505

Applicant

Joswig Construction
2150 Lake Ave SE
Largo, FL 33771

Property Address

215 Boardwalk Place E.
Madeira Beach, FL 33708

Parcel I.D.

15-31-15-00000-410-0200

Zoning/Land Use

John's Pass Marine Commercial (C-2)/
Commercial General

Year Built

Vacant Lot with walkway and stairs from dock @1996
Remaining units mobile storage

Variance Request:

Reduce front setbacks from 25 feet to 10 feet to allow for replacement of existing ice trailer with a permanent structure for freezer/cooler/dry storage functions.

Specific Code to vary:

Sec. 110-291. - Setback requirements. (1) Front yard: 25 feet, measured from right-of-way to the structure.

II. BACKGROUND

The request is for the above specified variance to facilitate the replacement of the current mobile ice and cooling trailer with a permanent structure to include ice, cooling and cardboard storage and to replace some portion of the current tented operations with permanently covered area. The reduction is necessitated in part by the shallow dimension of the lot on the side necessarily accessed for loading and unloading of cargo in the historically commercial and industrial fishing district.

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 lot meets the minimum depth for a standard lot of 50 feet on one side but tapers down to a point of about 40 feet at the end of the predominantly dry portion of the lot. Beyond that point to the East, half of the area is in submerged land with the dry portion developed for parking, and being only about 10 feet deep.

The character of the district has changes over time from the historic function of primarily industrial fishing. This parcel is in use as an industrial The portion of the lot needed for the industrial loading and processing of the cargo must be on the narrower east side of the lot due to the location of the docks and the depth of the water. The portion of the lot proposed for the new building is approximately 40 feet deep.

The traditional development setback pattern violates the required 25 feet in almost every case. Structures are setback between 20 and 0 feet and in 1 case built into the setback to the paved roadway. Even the city owned structure sets back only 10 feet. The site is now occupied by and the operation run from entirely mobile units (trailers) and tent covered open areas. These trailers and sometimes the tents now reach to within 10 feet of the right of way. The unit within 10 feet of the ROW is the current ice trailer which is accessed continually throughout the day by forklift which must back only the roadway during maneuvering.

Variance Criteria #2.

The hardship is related to the shape and depth of the lot and the relationship between the dock and the shallowest portion of the dock.

Variance Criteria #3.

The requested variance has been allowed to other properties, several of which are constructed within 10 feet of the property line and 1 of which are build 6 feet back and another with its freezer encroaching into the setback by at least 5 feet. However, this lot includes the shallowest dimension in the district and is the only large scale fishing and processing operation remaining in the district.

Variance Criteria #4.

The City does not have records indicating any other use or property within the district has been denied a variance but then no other property suffers from similar conditions.

Variance Criteria #5.

It is possible that the building could be constructed smaller and a portion of the operation, including the storage of cardboard, be placed in a separate building. This would require considerable greater investment and might result in displacement of some mobile units closer to the setback on the remaining portion of the site. The purpose of the proposal is to hopefully eliminate some of the mobile units and the requirement of a separate building may reduce maneuvering ability for the industrial loading vehicles.

During site planning, the petitioner was asked if the building could be placed parallel instead of perpendicular to the roadway in order to avoid the need for variance. However, doing so would block access to the open area of the site interrupting the processing operation along with access to the commercial rental portion of the business.

Variance Criteria #6.

The proposed structure would replace a mobile ice and cooling unit that is currently quite noisy. The new structure would enclose storage and the compression units thereby making the operation quieter and neater. The overhangs proposed would provide the covered external work area required for handling the seafood product thereby replacing at least most of the tents. The overhangs will also provide some shaded viewing area for the large number of tourist that come to watch the commercial processing operation. The resulting changes will result in a quieter, neater and safer industrial site adjacent to more tourist oriented uses. This would be more in keeping with the character of the neighborhood as it evolves.

V. RECOMMENDATION

Staff recommends approval of the variance requested with the condition that the petitioner explain fully and to the satisfaction of the Magistrate why the building must house all the proposed functions in order to be functional and/or to ensure proper circulation on the site for its industrial purpose or that the building be reduced in size by removal of the storage section to another location on site. Given these circumstances the staff finds the petition substantially meets the criteria set for approval of a variance contained in Sec. 2-507 of the City of Madeira Beach Code of Ordinances.

VI. EXHIBITS

- A. Zoning and Future Land Use Maps
- B. C-2 Zoning District Standards
- C. Application and Supporting Documents (site plan)
- D. Pinellas County Property Appraiser's Database
- E. Site Photographs
- F. Google Maps Site Aerials

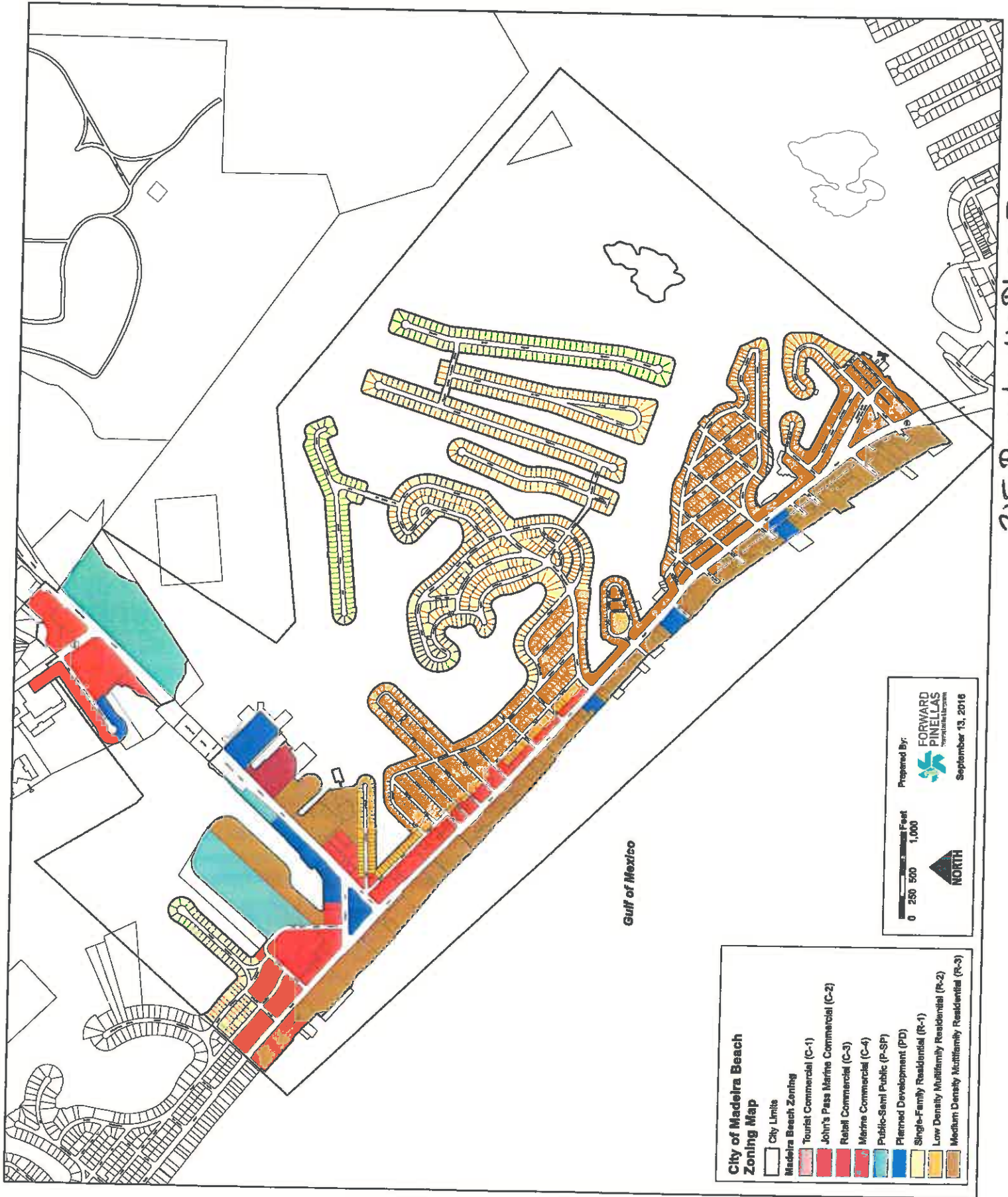
SUBMITTED BY:


Linda Portal, Planning and Zoning Director


Date

Exhibit A

Zoning and Future Land Use Maps



215 Boardwalk Place E



Exhibit B

C-2 Zoning District Standards

DIVISION 6. - C-2, JOHN'S PASS MARINE COMMERCIAL

Sec. 110-286. - Definition; purpose and intent.

The purpose of the C-2, John's Pass marine commercial district is to recognize the unique commercial, marine, tourist and historic value of this area. The C-2, John's Pass marine commercial district correlates with the commercial general (CG) category of the Countywide Plan. It is the intent of the comprehensive land use plan to retain the nautical theme and important character of the waterfront area and of John's Pass Village.

(Code 1983, § 20-404; Ord. No. 1138, § 6, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-287. - Principal permitted uses.

The permitted uses in the C-2, John's Pass marine commercial district are as follows:

- (1) Retail, office and personal service uses.
- (2) Commercial fishing activities.
- (3) Charter and party boat operations.
- (4) Restaurants, excluding drive-in windows.
- (5) Commercial docks.

(Code 1983, § 20-404)

Sec. 110-288. - Accessory uses.

The accessory uses in the C-2, John's Pass marine commercial district are as follows:

- (1) Off-street parking.
- (2) Nonresidential signs.
- (3) Essential services.
- (4) Other customary accessory uses ancillary to the principal uses.

(Code 1983, § 20-404)

Sec. 110-289. - Special exception uses.

There are no special exception uses permitted in the C-2, John's Pass marine commercial district.

(Code 1983, § 20-404)

Sec. 110-290. - Minimum building site area requirements.

The minimum building site area requirements in the C-2, John's Pass marine commercial district are as follows:

- (1) Lot size: All uses within this district is 2,000 square feet.
- (2) Lot width: 40 feet.
- (3) Lot depth: 50 feet.

(Code 1983, § 20-404)

Sec. 110-291. - Setback requirements.

The following minimum setbacks shall apply in the C-2, John's Pass marine commercial district:

- (1) Front yard: 25 feet, measured from right-of-way to the structure.
- (2) Rear yard or waterfront yard: None, however access to the "tie-backs" supporting seawalls shall be provided for maintenance.
- (3) Side yard: five feet.

(Code 1983, § 20-404)

Sec. 110-292. - Maximum building height.

No structure in the C-2, John's Pass marine commercial district shall exceed one story or 30 feet, whichever is more restrictive, except as provided in the land development regulations. A second story for loft storage only is permitted but the total height shall not exceed 30 feet.

(Code 1983, § 20-404)

Sec. 110-293. - Maximum lot coverage.

The maximum lot coverage in the C-2, John's Pass marine commercial district is as follows:

Nonresidential/commercial uses: Floor area ratio (FAR) 0.55.

(Code 1983, § 20-404; Ord. No. 1138, § 6, 12-9-08)

Sec. 110-294. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the C-2, John's Pass marine commercial district for all uses is 0.70.

(Code 1983, § 20-404)

Sec. 110-295. - Special requirements.

- (a) No structure in the C-2, John's Pass marine commercial district may be wider than 60 feet in width parallel to the front yard right-of-way without a minimum of a ten-foot separation between structures. Overall structure width shall also take into consideration adjacent properties in the 60-foot measurement.
- (b) Due to the unique character of the C-2, John's Pass marine commercial district, a nautical theme should be emphasized within all renovations or new construction.

(Code 1983, § 20-404)

Secs. 110-296—110-315. - Reserved.

Exhibit C

Application and Supporting Documents (site plan)

RECEIVED
6-22-18
JP



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 2018-03 PAID ☒ APPLICATION FEE 450.00 DATED: 6-22-18

Applicant: Joshua Construction

Property Owner: AKA Don's Dock

2150 LAKE AVE SE

12124 Lillian Avenue

LARGO, FL 33771

LARGO, FL 33778

POC - Matt Joswig

POC - Jason Delacruz

Telephone #:

(727) 423-9834

Telephone #:

(323) 639-6865

Email Address:

JasonWildSeafoodCo@gmail.com

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

215 Boardwalk Place E. Madeira Bch, FL 33708

Legal description:

See Back (ATTACHED)

Block

Lot(s)

Subdivision

Approx. lot area:

6426

sq. ft.

Lot width

126

ft. Lot depth

51 ft.

Zoning District:

Johns Pass Commercial District C-2

Present structures on property:

NONE

Present use of property:

Marina, Fish House, RETAIL SEAFOOD MARKET

The date my request for a Building Permit was denied:

FILING FEES

Zoning Variance for Residential Dwelling Units (one, two or three units)

450.00

\$350 per variance

☒ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial

450.00

\$350 per variance

After-the-Fact Variance

\$600.00

PART of SE $\frac{1}{4}$ SEC 15-31-15 DESC AS LAND
SE'LY OF 128TH AVE BOUND by the NE'LY
Extended LINE of LOT 1 AND SW'LY
Extended LINE of LOT 3 BLK 1, MITCHELL'S
BEACH REVISED AND Extending to MHWL

Variance(s) needed from the zoning requirements are: SET BACK FROM STREET
due to the unique shape and size of lot

PLEASE ATTACH REQUIRED SUPPORTING MATERIALS

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

See PLANS

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

To build a Freezer Cooler and Ice tower in
Johns Pass Commercial Marina C-2 Zoning
Need 10 feet of the 20 ft ^{front} set back.

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:

3. *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;

Not only is the lot shallow being 51 feet deep, it has a tapering triangular shape adjacent to the requested location of the Ice Tower/Freezer/cooler as well as boardwalk easement.

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


Not only irregular shape, the entire length of the property faces the water

Commercial

- 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;

Johns Pass is a historical Fishing village. Doris Dock (Huggers Backup) has been part of this community since the 40's. The Ice Tower/ Freezer/ cooler validates the past, current and future use as a true Fishing Village and attraction. It will compliment the "Nautical theme" as required in Johns Pass C-2 zoning.

- 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.

Will replace the current Mobile Ice trailer with a hurricane Code Structure.

See Attached picture

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.

Extremely Small lot size and Shape requires the Variance to achieve the needed size for the Ice tower / Freezer / cooler without hindering the current and on going use of the property.

3. Demonstrate 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.

Similar variances requests have been granted to the zero line along Boardwalk Place East. We are requesting 10 feet of the 20 foot front set back.

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.

Other properties on Boardwalk place East have been granted this type of variance. By denying the variance it would restrict the structure size making it NON useful and no purpose to build.

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

The addition of the 10 feet will increase the capacity of the structure and improve the curb appeal, while still providing a FREE Attraction to Tourist of a commercial Fishing Vessel unload in Johns Pass Historical Fishing Village.

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 Structure is direct Compliance with listed activities in Johns Pass Marina Commercial District C-2. The structure will add safety of a modern code Compliant Structure while adding Curb appeal.

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. 7-109) 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: 6/22/18 Property owner's signature: [Signature]

Before me, this 22nd day of June, 2018 appeared in person

JASON DELACRUZ
(name of property owner)

who, being sworn, deposes and says that the foregoing

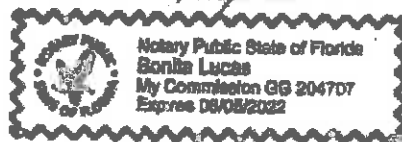
is true and correct certification.

STATE OF FLORIDA
COUNTY OF PINELLAS - NOTARY SIGNATURE

Personally Known to me: [Signature]

Identification Taken: [Signature]

Commission Expires: 6/5/2022
Stamp



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.

I hereby acknowledge 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. (C.F. 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:

Before: this

day of

, 20 , appeared in person

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

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:

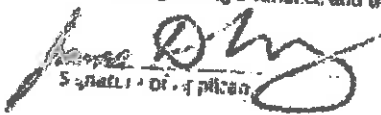
1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine witnesses.
4. Public comment will only be solicited 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.

Appeal. (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.


Special Magistrate

6/22/18
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, buildings, 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.

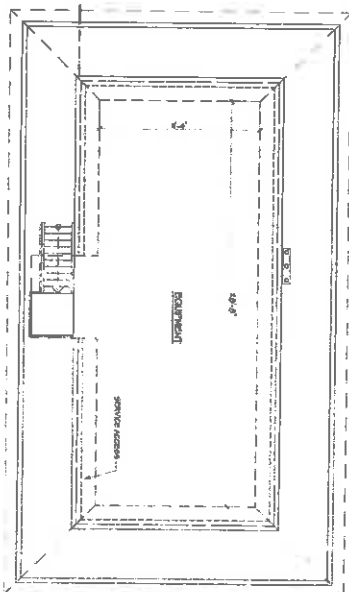
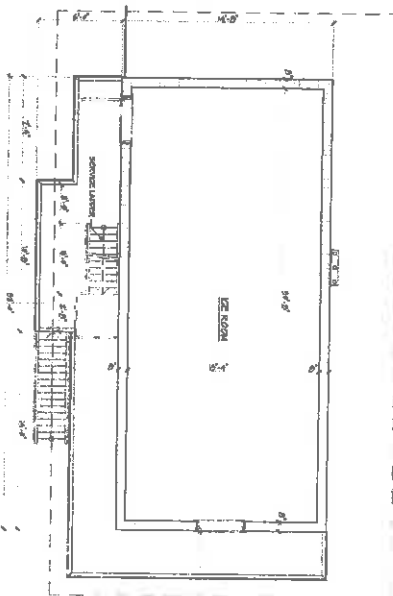
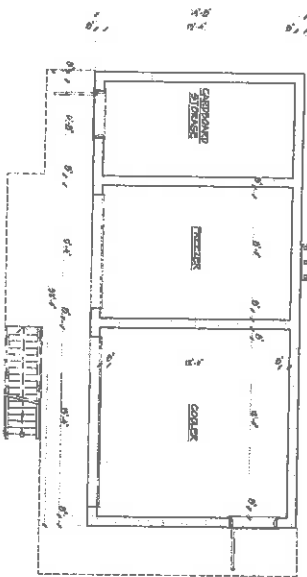
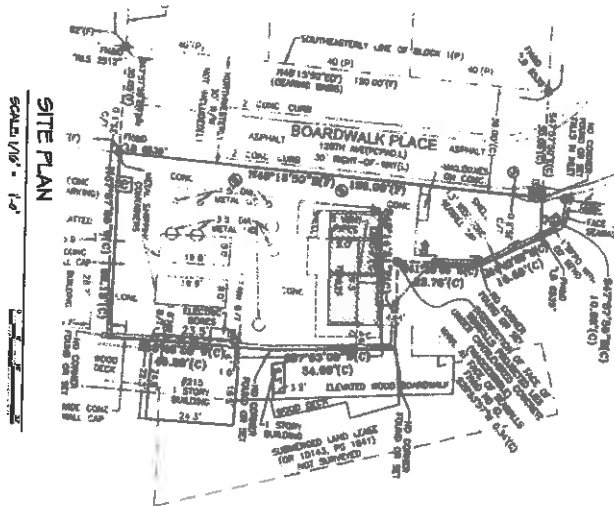
Appeals. (City Code, Sec. 2-509) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the 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

City of Receipt

6/22/18
Date



PRELIMINARY
NOT FOR CONSTRUCTION
DATE OF ISSUE: 11/14/11

JOSEPH W. BELT, P.E.
CONSULTING PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. 12143
11/14/11

THUD ZALOGA
REGISTERED PROFESSIONAL SURVEYOR
FLORIDA LICENSE NO. 12143
11/14/11

CONTENTS

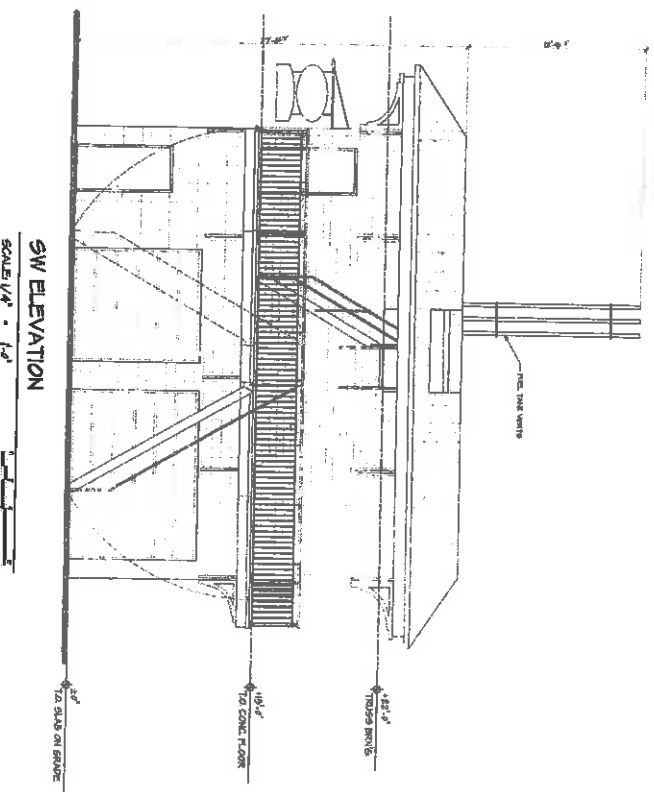
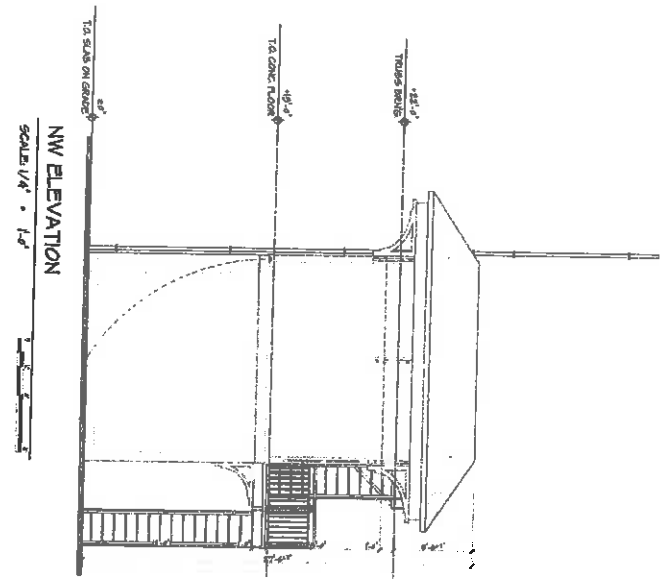
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DON'S DOCK
215 BOARDWALK PLACE
MADEIRA BEACH
FLORIDA 33708

DATE: 11/14/11	DATE OF REVISION:
PROJECT NO.: 11-11	PROJECT NAME: DON'S DOCK
DRAWN BY: JWB	CHECKED BY: JWB
COPYRIGHT:	

SHEET TITLE
PRELIM FLOOR PLANS
1

RECEIVED
11/14/11



PRELIMINARY
NOT FOR CONSTRUCTION
DATE OF ISSUE: 5/15/87

TJL
TJL ZUCKER
ARCHITECTS
1000 10th St., Suite 100
San Francisco, CA 94103
415/774-1100

CONSULTANTS
JOSEPH W. BERT, P.E.
CONSULTING STRUCTURAL ENGINEER
1000 10th St., Suite 100
San Francisco, CA 94103
415/774-1100

JAMES L. BERT, E.I.
1000 10th St., Suite 100
San Francisco, CA 94103
415/774-1100

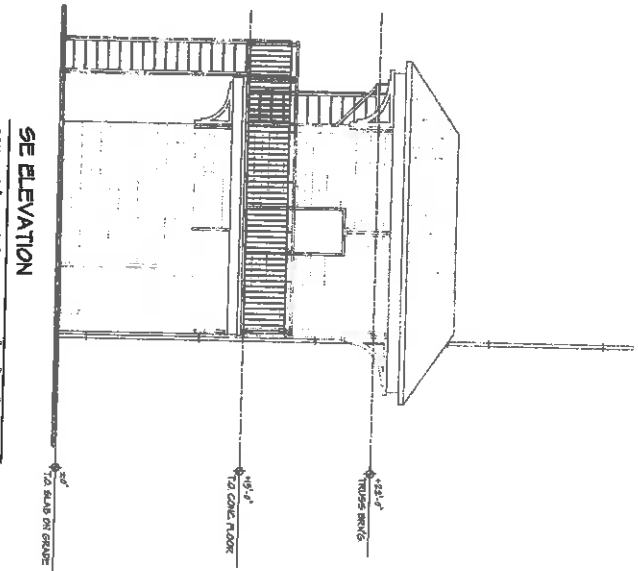
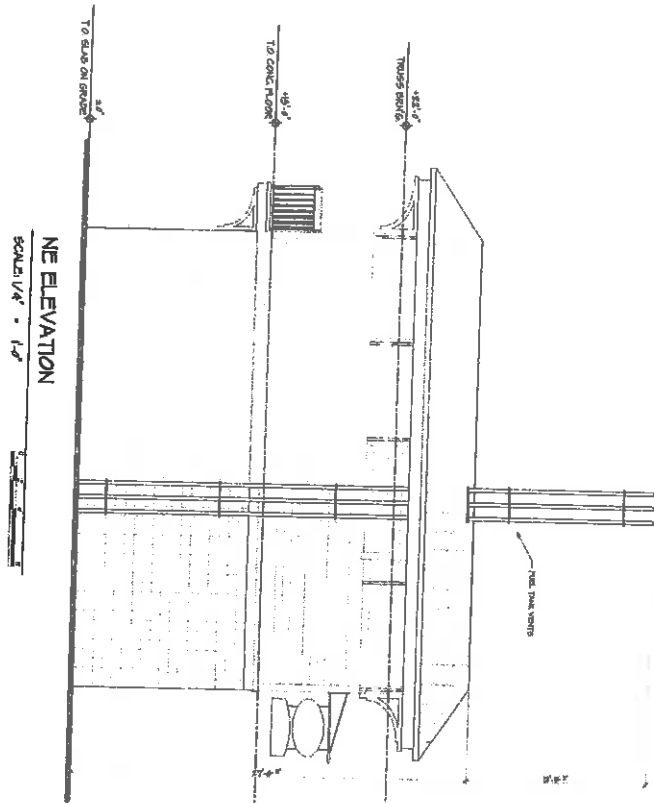
REVISIONS
1. 5/15/87
2. 5/15/87
3. 5/15/87
4. 5/15/87
5. 5/15/87
6. 5/15/87
7. 5/15/87
8. 5/15/87
9. 5/15/87
10. 5/15/87

NOTES
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

ICE TOWER
DON'S DOCK
216 BOARDWALK PL. E
MADEIRA BEACH
FLORIDA 33708

DATE OF ISSUE: 5/15/87
DESIGNED BY: TJL
DRAWN BY: TJL
CHECKED BY: JWB
COPYRIGHT:

SHEET TITLE:
PRELIM. ELEV'S
ELEVATIONS



PRELIMINARY
NOT FOR CONSTRUCTION
DATE OF ISSUE: 8/8/88

CONSULTANTS

TULO ZUPKOW
Architect
1000 N. W. 10th St.
Fort Lauderdale, FL 33304
(305) 463-1111

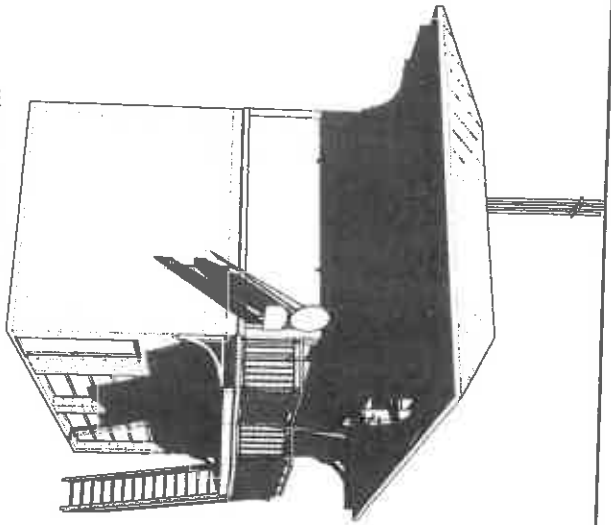
JOSEPH W. BEIT, P.E.
Structural Engineer
1000 N. W. 10th St.
Fort Lauderdale, FL 33304
(305) 463-1111

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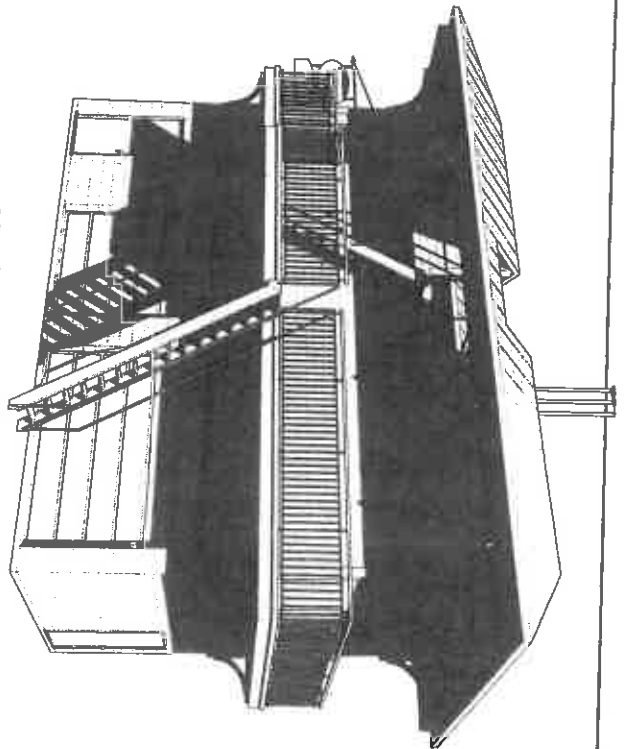
ICE TOWER
DON'S ROCK
215 BOARDWALK PL. E
MADEIRA BEACH
FLORIDA 33708

DATE OF ISSUE	8/8/88
PROJECT NO.	0-444
DRAWN BY	TJA
CHECKED BY	JWS
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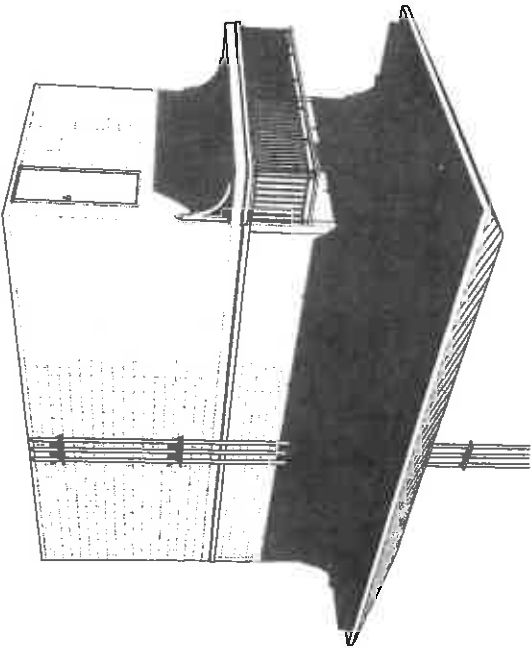
SHEET TITLE
**PRELIM. BLDG.
ELEVATIONS**



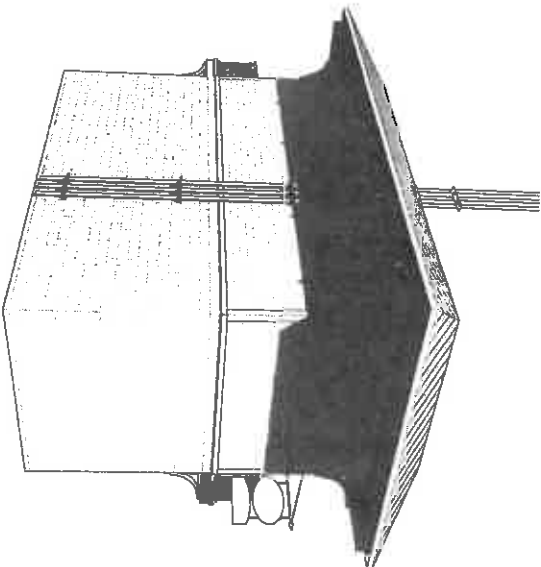
WEST CORNER VIEW
NOT TO SCALE



SOUTH CORNER VIEW
NOT TO SCALE



EAST CORNER VIEW
NOT TO SCALE



NORTH CORNER VIEW
NOT TO SCALE

7/ TULIO ZUJONGA 117 NW 2nd St., Suite 200 Fort Lauderdale, FL 33301 tzu@tzuarchitect.com		CONSULTANTS JOSEPH W. BELT, P.E. JOSEPH W. BELT & ASSOCIATES, INC. 117 NW 2nd St., Suite 200 Fort Lauderdale, FL 33301 JWB DB No. E-18-000		PRELIMINARY NOT FOR CONSTRUCTION DATE OF ISSUE: 8/1/10		219 BOARDWALK, FL. E MADERA BEACH FLORIDA 33709		OF TOWER DON'S DOCK		DATE OF ISSUE: 8/1/10 PROJECT NO. 10-001 DRAWN BY: TAZ CHECKED BY: JWB COPYRIGHT:		SHEET TITLE PRELIM 3D VIEWS		4	
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Exhibit D

Pinellas County Property Appraiser's Database

[Interactive Map of this parcel](#)[Sales Query](#)[Back to Query Results](#)[New Search](#)[Tax Collector Home Page](#)[Contact Us](#)

WM

15-31-15-00000-410-0200[Compact Property Record Card](#)[Tax Estimator](#)**Updated June 26, 2018**[Email](#) [Print](#)[Radius Search](#)[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
LUGGERS BACKUP LLC 12124 LILLIAN AVE LARGO FL 33778-3505	215 BOARDWALK PL E MADEIRA BEACH

[Property Use:](#) 1090 (Vacant Commercial Land w/XFSB)

Living Units:

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

PART OF SE 1/4 OF SEC 15-31-15 DESC AS LAND SELY OF 128TH AVE BOUND BY THE NE'LY EXTENDED LINE OF LOT 1 AND SW'LY EXTENDED LINE OF LOT 3 BLK 1, MITCHELL'S BEACH REVISED AND EXTENDING TO MHWL

[File for Homestead Exemption](#)**2018 Parcel Use**

Exemption	2018	2019	
Homestead:	No	No	Homestead Use Percentage: 0.00%
Government:	No	No	Non-Homestead Use Percentage: 100.00%
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	Plat Book/Page
18481/2428		121030278021	(NOT the same as a FEMA Flood Zone) A	

2017 Final Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$755,648	\$755,648	\$755,648	\$755,648	\$755,648

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

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	No	\$755,648	\$755,648	\$755,648	\$755,648	\$755,648
2016	No	\$731,815	\$731,815	\$731,815	\$731,815	\$731,815
2015	No	\$733,729	\$733,729	\$733,729	\$733,729	\$733,729
2014	No	\$431,501	\$431,501	\$431,501	\$431,501	\$431,501
2013	No	\$397,361	\$397,361	\$397,361	\$397,361	\$397,361
2012	No	\$397,785	\$397,785	\$397,785	\$397,785	\$397,785
2011	No	\$398,207	\$398,207	\$398,207	\$398,207	\$398,207
2010	No	\$449,234	\$449,234	\$449,234	\$449,234	\$449,234
2009	No	\$526,198	\$526,198	\$526,198	\$526,198	\$526,198
2008	No	\$371,700	\$371,700	\$371,700	\$371,700	\$371,700
2007	No	\$337,200	\$337,200	\$337,200	N/A	\$337,200
2006	No	\$296,000	\$296,000	\$296,000	N/A	\$296,000
2005	No	\$258,400	\$258,400	\$258,400	N/A	\$258,400
2004	No	\$258,800	\$258,800	\$258,800	N/A	\$258,800
2003	No	\$228,300	\$228,300	\$228,300	N/A	\$228,300
2002	No	\$228,600	\$228,600	\$228,600	N/A	\$228,600
2001	No	\$228,800	\$228,800	\$228,800	N/A	\$228,800
2000	No	\$229,100	\$229,100	\$229,100	N/A	\$229,100
1999	No	\$231,300	\$231,300	\$231,300	N/A	\$231,300
1998	No	\$231,500	\$231,500	\$231,500	N/A	\$231,500
1997	No	\$229,800	\$229,800	\$229,800	N/A	\$229,800
1996	No	\$180,300	\$180,300	\$180,300	N/A	\$180,300

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

2017 Final Millage Rate

17.4600

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

Sale Date	Book/Page	Price	Q/U	V/I
30 Jul 2014	18481 / 2428	\$1,375,000	Q	V
14 Oct 2008	16402 / 2180	\$1,250,000	U	I
	06215 / 0342	\$225,000	Q	

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.

Amendment 1 - Will you Benefit?

[Check Estimated 3rd Homestead Exemption Benefit](#)

2017 Land Information

Seawall: No	Land Use	Land Size	Unit Value	Units	Total Adjustments	View:	Adjusted Value	Method
	Vacant Commercial (10)	126x51	150.00	6003.2200	0.9000		\$810,435	SF

[click here to hide] 2018 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
ASPHALT	\$1.75	2,500.00	\$4,375.00	\$4,375.00	1996
DOCK	\$25.00	1,670.00	\$41,750.00	\$38,410.00	2014
DOCK	\$25.00	1,144.00	\$28,600.00	\$21,164.00	1996
WORKSHOP	\$24.00	592.00	\$14,208.00	\$12,219.00	1996

[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
F2552	FENCE	27 Apr 2018	\$3,744
519	SPECIAL USE	02 May 2016	\$2,248
298	SPECIAL USE	18 Feb 2016	\$1,000
29	ROOF	16 Nov 2015	\$1,800
201500619	DOCK	03 Sep 2015	\$5,000
CD44223-14	BOAT LIFT/DAVIT	17 Nov 2014	\$0
201400810	BOAT LIFT/DAVIT	06 Nov 2014	\$3,500
201400799	SPECIAL USE	03 Nov 2014	\$8,000
201400799	DOCK	03 Nov 2014	\$8,000
RC43129-13	DOCK	27 Aug 2013	\$0
CD40037-09	DOCK	23 Mar 2010	\$0
CD39703-09	DOCK	03 Mar 2009	\$0





[Interactive Map of this parcel](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)



Mailing labels Posted 7-13-18
MIKE TWITTY, MAI
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 26 Jun 2018

Subject Parcel: 15-31-15-00000-410-0200

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

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



5160®

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T J M JOHNS PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760

HAVERTY, MICHAEL T
3300 OVERLOOK DR NE
ST PETERSBURG FL 33703-5534

~~T J M JOHNS PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760~~

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

PERSHING ENTERPRISES LLC
18650 GULF BLVD APT 314
INDIAN SHORES FL 33785-2080

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

DAG BROS INC
148 BOARDWALK PL E
MADEIRA BEACH FL 33708-2602

CRITELLI FAMILY LIVING TRUST
13025 PELICAN LN
MADEIRA BEACH FL 33708-2642

CHOUINARD, BRENDA M
303 129TH AVE E
MADEIRA BEACH FL 33708-2613

~~T J M JOHN'S PASS LLC
5801 ULMERTON ROAD STE 200
CLEARWATER FL 33760-3951~~

NGUYEN, SON
HUYNH, HONG
12801 EAST END LN
MADEIRA BEACH FL 33708-2785

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

DAG BROS INC
PO BOX 8491
MADEIRA BEACH FL 33738-8491

FISHRUNNER LLC
14041 E PARSLEY DR
MADEIRA BEACH FL 33708-2301

~~CHOUINARD, BRENDA M
303 129TH AVE E
MADEIRA BEACH FL 33708-2613~~

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

FL INT IMP FUND TRE
C/O GARDNER PROPERTIES INC
555 SE ST LUCIE BLVD
STUART FL 34996-1320

FL INT IMP FUND TRE
C/O STRAUBINGER, PAUL R
288 BARBADOS DR
JUPITER FL 33458-2917

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

~~T J M JOHN'S PASS LLC
5801 ULMERTON RD STE 200
CLEARWATER FL 33760-3951~~

FL INT IMP FUND TRE
CRITELLI FAMILY LIVING TRUST
13025 PELICAN LN
MADEIRA BEACH FL 33708-2642

Exhibit E

Site Photographs

Posted 7-13-18
215 Boardwalk Pl E.





Posted 7-13-18
215 Bessieville Pl

RIGHT SIDE

Posted 7-13-18
215 Boardwalk Pl E.

Fres

7E



RIGHT SIDE

DON'S DOCK
215 Boardwalk Pl E



Dani's Dock
215 Boardwalk Pl E.

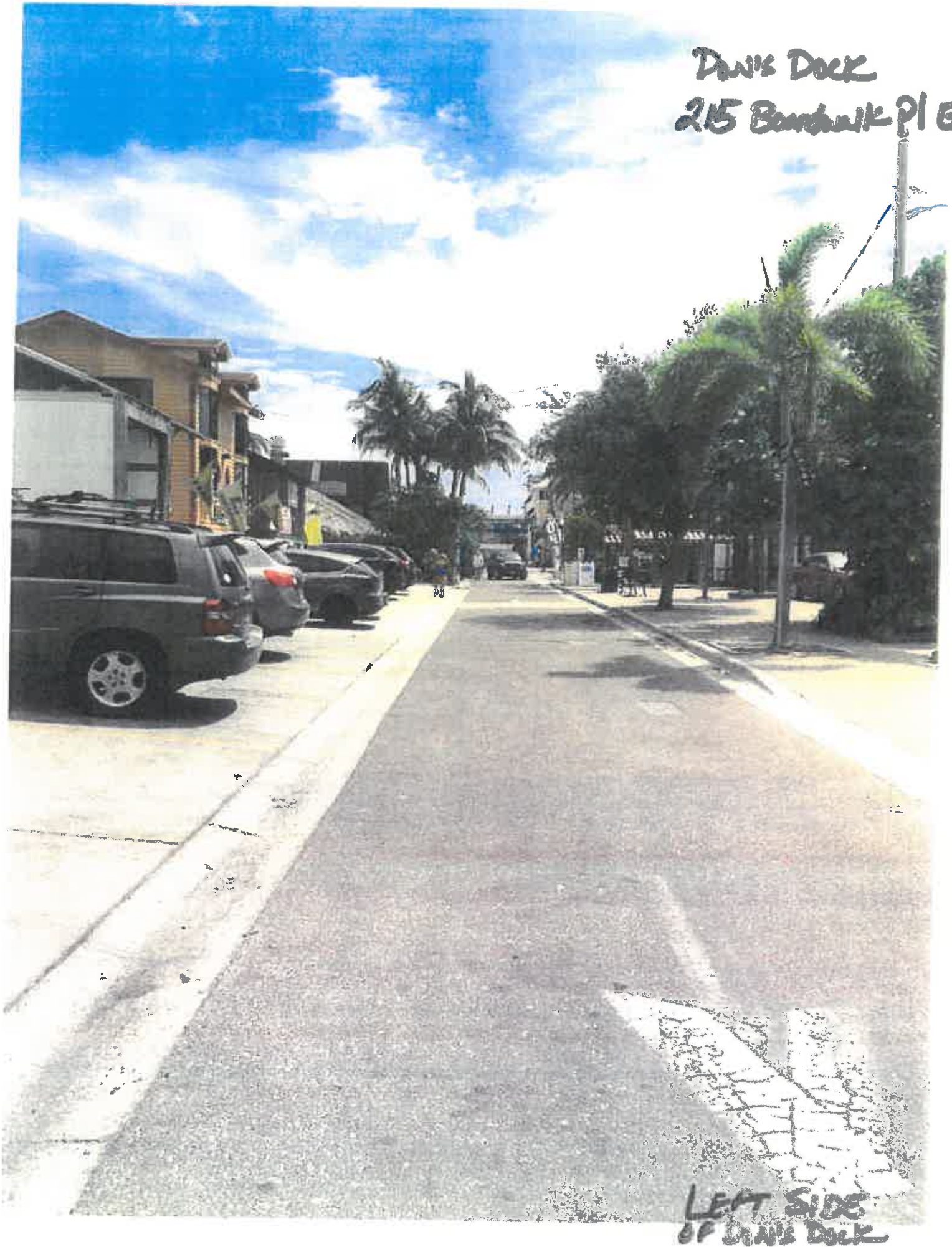


Exhibit F

Google Maps Site Aerials

Google Maps 215 Boardwalk PI E



Imagery ©2018 Google, Map data ©2018 Google, INEGI 100 ft

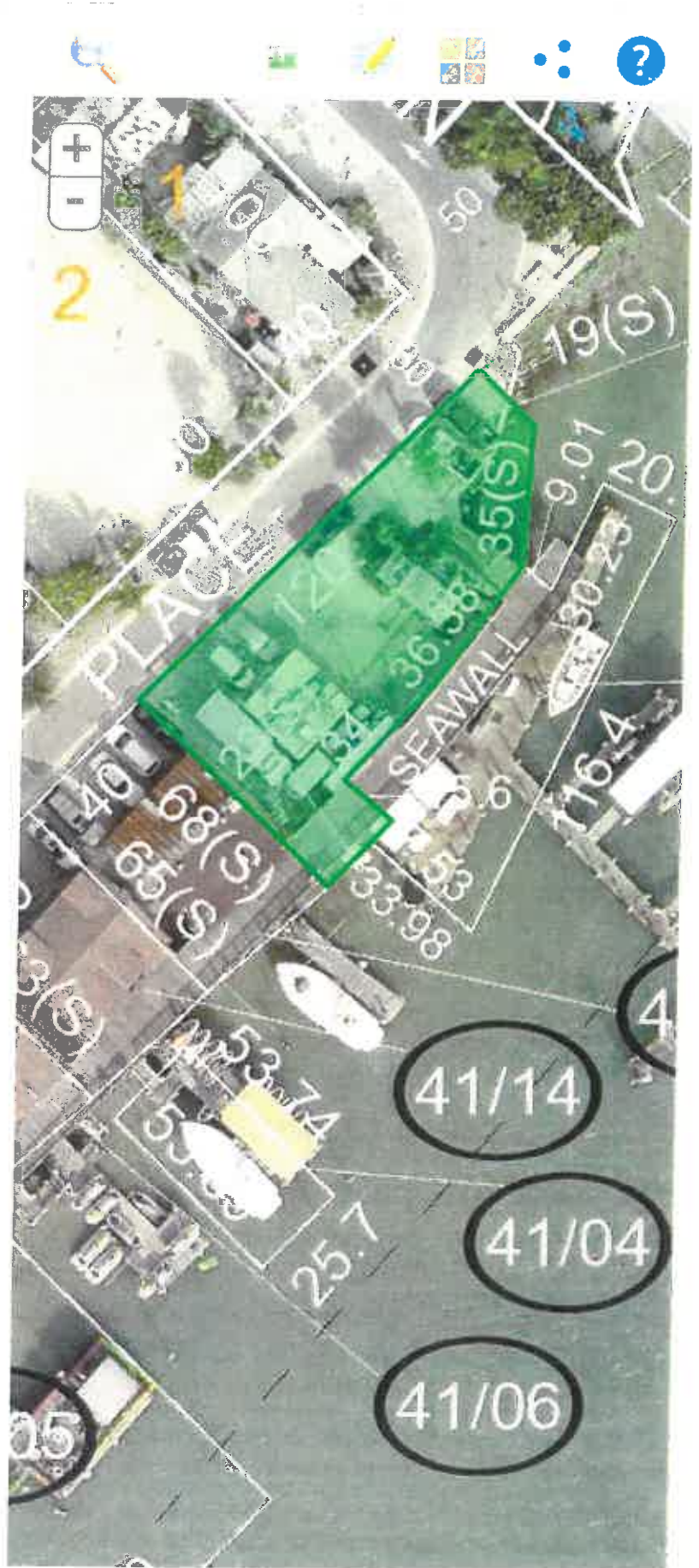
Google Maps 215 Boardwalk PI E



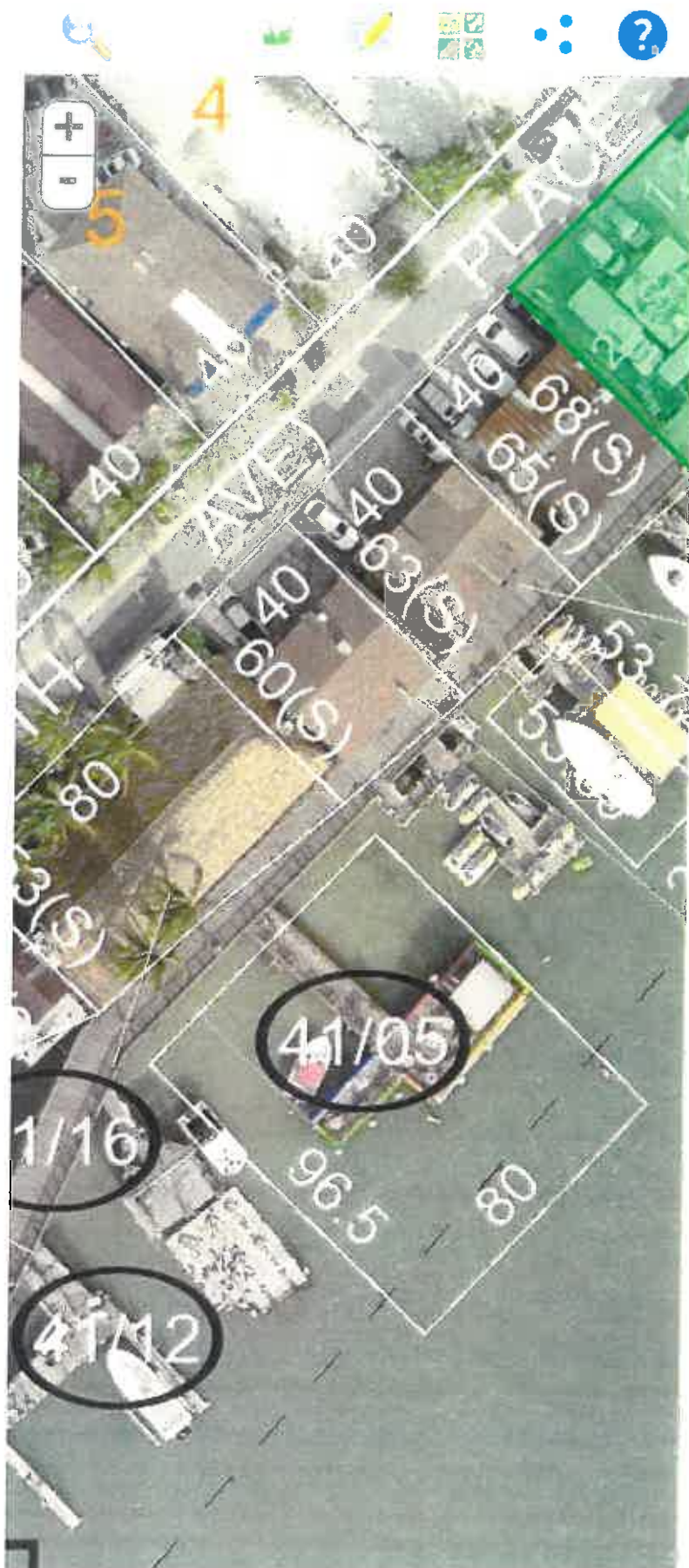
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Pinellas County, Florida

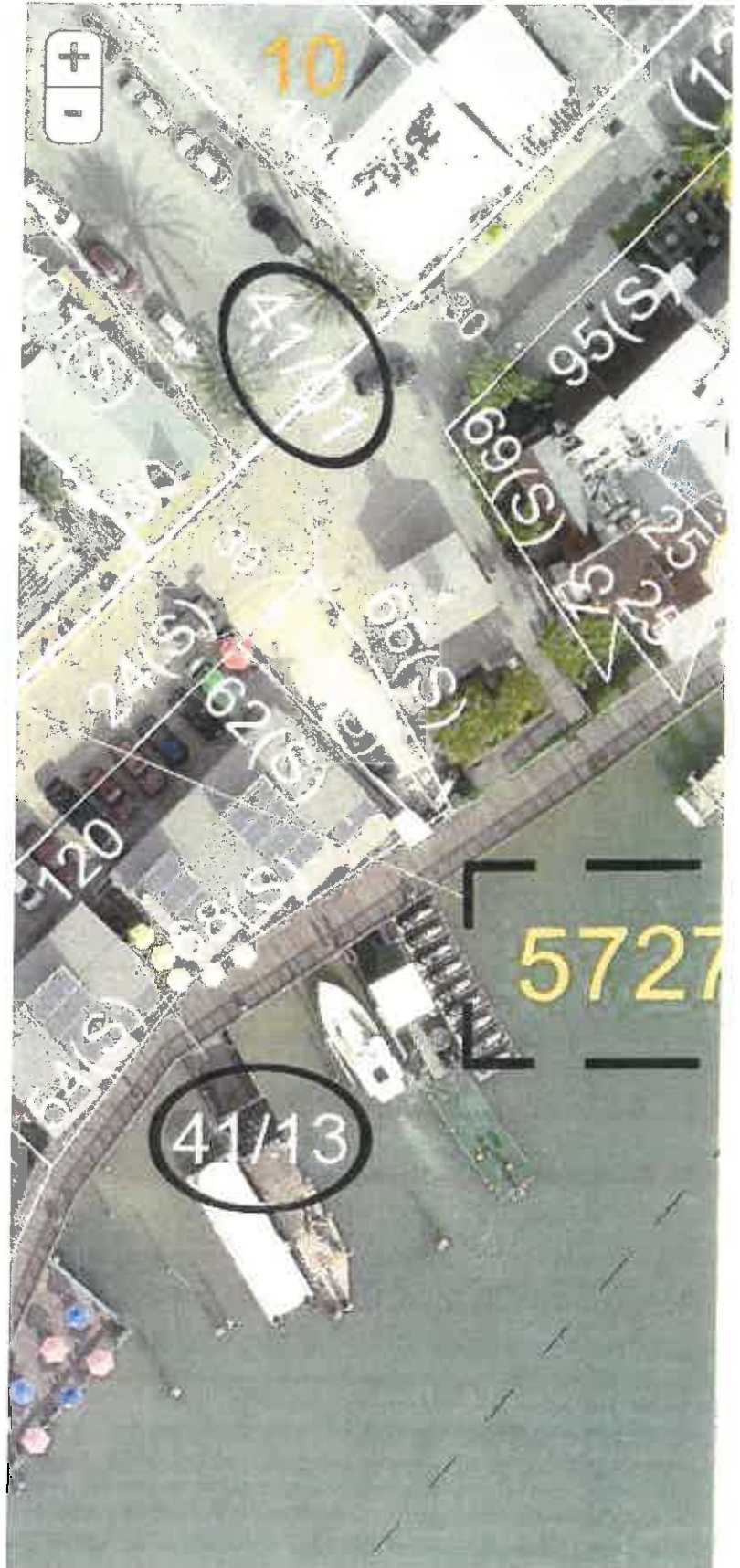








Tax Parcel Viewer





Tax Parcel Viewer

Map Tools

