



CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH FLORIDA 33708
(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131
planning@madeirabeachfl.gov



SPECIAL MAGISTRATE – VARIANCE APPLICATION FOR VARIANCE FROM THE FLOOD RESISTANT CONSTRUCTION REQUIREMENTS OF THE FLOODPLAIN MANAGEMENT ORDINANCE

Applicant: Name and Address

WILLIAM KARNES ENTERPRISES
101 150TH AVE
MADEIRA BEACH, FL 33708

Property Owner: Name and Address

BOARDWALK PLACE PROPERTIES LLC
410 150TH AVE
MADEIRA BEACH, FL 33708

Telephone: (727) 422-1016

Telephone: (727) 422-1016

Email: WKARNES@KARNSETERPRISES.COM **Email:** WKARNES@KARNSETERPRISES.COM

Application for the property located at: (Street Address or Location if a Vacant Lot)

215 BOARDWALK PLACE EAST, MADEIRA BEACH, FLORIDA 33708

Legal Description:

PART OF SE 1/4 OF SEC 15-31-15 DESC AS THAT TRACT LYING SE'LY OF LOTS 1, 2 & 3, BLK 1
OF MITCHELL'S BEACH REV BETWEEN NE LINE OF LOT 1 & SW LINE OF LOT 3 EXT SE'LY TO
MHW & LYING BETWEEN 128TH AVE (AKA BOARDWALK PL) & MHW TOGETHER WITH TIF SLL
#520006273 EXP 3/14/2026

Lot Area: 5793.48 sq ft.

Width: 119.90 ft.

Depth: 52.02 ft.

Zoning District: C-2 JOHN'S PASS MARINE COMMERCIAL DISTRICT

Present Structures on Property: COMMERCIAL DOCK & VACANT COMMERCIAL

Present Use of Property: COMMERCIAL DOCK & VACANT COMMERCIAL

Variance(s) needed from the flood resistant construction requirements:

COASTAL AE-11 FLOOD ZONE BASE FLOOD ELEVATION (BFE) + 1-FT FREEBOARD.

REQUESTING 3-FOOT VARIANCE FROM 15'-0" DFE TO 12'-0" DFE

OWNER CERTIFICATION

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

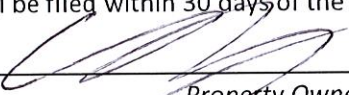
I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as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

I hereby acknowledge that the filing of the 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. 2-509) 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.

X



Property Owner's Signature

Date: 6, 22, 23

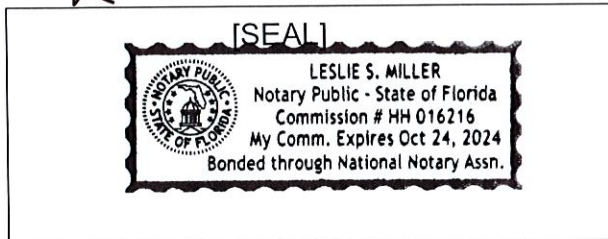
STATE OF

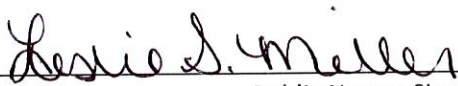
Florida

COUNTY OF

Pineellas

Before me this 22nd day of June, 2023, William Karns appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☒ personally known to me or ☐ has produced _____ as identification.




Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

LANG + FERFOGLIA
ARCHITECTURE | DEVELOPMENT

June 22, 2023

City of Madeira Beach
Planning & Zoning Department
300 Municipal Drive
Madeira Beach, FL 33708
727-391-9951, Ext. 255
planning@madeirabeachfl.gov

Re: Special Magistrate – Variance Application for Variance from the Flood Resistant Construction Requirements of the Floodplain Management Ordinance
215 Boardwalk Place East, Madeira Beach, FL 33708

To the Special Magistrate of the City of Madeira Beach,

Please find attached our request for a variance to the City's' prerequisite of freeboard above the minimum FEMA Base Flood Elevation (BFE) requirement. We here-in request a 3-foot reduction from the City's current requirement of 4-feet of freeboard, to 1-foot. The project site resides in the Coastal AE-11 Flood Zone. This Zone's design standards require deep foundations (suitable to withstand flood driven scour), and that the bottom of the elevated structure's lowest horizontal member is provided at or above the Base Flood Elevation (BFE) of 11-feet.

The requested variance results in a Design Flood Elevation (DFE) of 12-feet (AE-11 + 1-foot of freeboard), which still exceeds the Federal Flood Certification minimum. The structure as proposed shall be Type 2 flood proofed construction, minimizing the susceptibility of the proposed development to flood damage and the residual impacts of such events. The requested variance preserves the compatibility of the proposed development with the existing and anticipated future developments along the boardwalk.

We have provided below, the appropriateness of the variance as outlined per Section 94-75 and Section 94-76 of the City of Madeira Beach Municipal Code.

We have attached the following supporting graphics:

- *Exhibit A - Waterside elevation with the existing boardwalk
- *Exhibit B - Section through the proposed building and existing boardwalk
- *Exhibit C - Section through the non-variance building (at 15-feet) and the existing boardwalk
- *Exhibit D – Survey of the subject property at 215 Boardwalk Place East

Please find in detail below how our request meets the considerations for issuance of a variance per Chapter 94 – Floodplain Management (Sec. 94-75):

1. *The danger that materials and debris may be swept onto other lands resulting in further injury or damage;*

There is no variance to the new building's structural requirements proposed. The building shall be constructed in compliance with FBC 2020 7th Edition. The structure will comply with applicable building regulations pertaining to the fastening and securing of the various components to the principal structure. Non-structural elements located below the variance proposed Design Flood Elevation (DFE), shall require removal from site prior to anticipated storm flood events, to eliminate the potential of materials or debris being swept from site onto other adjacent properties.

2. *The danger to life and property due to flooding or erosion damage;*

The building shall be designed to comply with FEMA Coastal A-Zone requirements, specifically deep foundations to avoid scour, elevated principal occupancy, and flood proof construction up to the approved DFE. Danger to life and neighboring property are best mitigated by new construction as proposed that complies with both the FBC 2020 7th Edition and FEMA design parameters for construction in the Coastal Floodplain and wind hazard area that this site resides within. Renovation will improve the existing on-site conditions.

3. *The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners*

The proposed development shall be designed in compliance with all applicable governing codes and standards, the FBC 2020 7th Edition and FEMA design bulletins for all elements below the DFE within delineated Coastal-A Zones. Non-structural elements located below the proposed DFE, shall be designed for removal from site prior to anticipated storm flood events. All construction below the DFE will comply with FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, to sustain longevity.

4. *The importance of the services provided by the proposed development to the community;*

We are addressing how new construction projects abutting the existing boardwalk, for this and for future construction projects, comport with the City and FEMA's design requirements, and will importantly preserve the existing pedestrian access from the boardwalk. We seek to provide an accessible "anchor" to the John's Pass Boardwalk. The variance design request, if approved, will maintain the boardwalk as a commercial corridor that attracts locals and tourists alike as a viable, pedestrian friendly, unique waterside promenade experience and primary business access. The communities' generational financial investment towards the boardwalk as a perpetual commercially viable tourist and community destination that is valued best by our proposed variance. This will allow necessary improvements to be made to that experience in a format that is in compliance with city wide development. Granting of the variance establishes a process whereby other operators may now choose to redevelop to safer building standards knowing continued connection to the boardwalk is achievable, supported by City Staff and in line with City wide Master Plans.

5. *The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;*

The entirety of the John's Pass Boardwalk area resides within the FEMA Coastal AE-11 Flood Designation, and given no alternative vacant parcels along the boardwalk's frontage currently exist, and despite the risk of flood and/or erosion during storm flood events, the site remains unique in its developable potential. Additionally benefitting this specific site, the boardwalk rises to its highest elevation of the

boardwalk. While the subject site does require appropriate flood-proofing design considerations, they are achievable in line with the FBC 2020 7th Edition and FEMA design standards. We reasonably assert that given the boardwalks' unique characteristics, it is necessary to achieve governing principles that will afford and preserve that pedestrian experience.

6. The compatibility of the proposed development with existing and anticipated development;

The compatibility of the proposed development with the existing infrastructure and development is to preserve existing access for pedestrians from the boardwalk onto the commercial tenancy. Future development will benefit from this variance by preserving the ability for viable redevelopment, or new development, to occur adjacent to the existing boardwalk, while preserving access to it. The project will still comply with the City wide Floodplain Management policies.

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

The development of the John's Pass Village and Boardwalk as commercially oriented is in line with the City's comprehensive plan for this site. No changes to the floodplain management are being requested; the new construction will be designed to comply with FEMA and the FBC 2020 7th Edition. We seek to provide new storm-safe construction, while continuing to value and engage the boardwalk as shared community asset area and tourist experience.

8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

All vehicular access to the building is via Boardwalk Place East, a regulated, one-way municipal road. Boardwalk Place East is maintained as the only vehicular access during regular business and flood conditions. All municipal utility connections are served from this regulated roadway, a condition shared with all properties along the boardwalk. The new construction will be designed in compliance with the FBC 2020 7th Edition and FEMA design standards, and safety of access will not be reduced as a result of this development.

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

The proposed structure will be designed to resist and overcome the concerns to best avoid danger to life and property due to flooding or erosion damage. The anticipated storm activity (velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action) have been accounted for in the FEMA map designation of this site as a Coastal AE-11 Zone and the associated design requirements.

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

All existing public utilities, and their facilities, located within and adjacent to the Right-of-Way, service all existing properties, as is the predominant pattern of John's Pass Village and the boardwalk area. Our request allows new development to proceed at the requested property. In achieving new construction, governmental interests for services and all public utilities are respected, and improved from existing conditions. The underlying utility performance, during and after flood events, for all of the John's Pass Village area, will continue to be improved by allowing more existing, non-conforming or grand-fathered conditions to be renovated or improved to new construction standards.

Please find in detail below how our application meets the following conditions for issuance of variances (Sec. 94-76):

1. *Demonstration by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;*

The variance request affords the opportunity to preserve the unique and special characteristics of the boardwalk and its existing relationship to the adjacent tenancies which front it and access it directly as their primary frontage. This request still fully complies with FEMA standards, preserves boardwalk accessible frontage, and only seeks to modify City freeboard in excess of FEMA minimums. Without the variance permissions, the character and function of the boardwalk will be substantially diminished as a viable commercial and tourist attraction for this and future development.

2. *Demonstrate to the Special Magistrate that:*

a. *Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;*

The site's location is at the east end of the John's Pass Boardwalk, the only vacant parcel along the frontage, and is south of Boardwalk Place East, a one-way single lane R.O.W. We seek a variance allowing for a reduction of freeboard (3-foot reduction) to maintain established development pattern along the boardwalk frontage. The hardship we are overcoming is the maintenance of boardwalk continuity for patron's access. Without variance of the freeboard requirement sought, we will not be able to develop the site in line with both our, and City zoning district, expectations.

b. *The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and chapters; and*

By granting the variance, we do not compromise full compliance with FEMA and FBC requirements. It will increase the safety of the surrounding neighborhood by providing new flood-proofed construction elevated above the DFE. Concerns to public safety, welfare or interests shall not be negatively impacted, and all local laws, including compliance with the FBC 2020 7th Edition and FEMA design standards shall be adhered to.

c. *The variance is the minimum necessary, considering the flood hazard, to afford relief;*

The variance request is ONLY for a reduction in the City prescribed freeboard, which is in addition to the FEMA Coastal AE-11 Zone design standards. No variance to design requirements, flood safety or wind proofing are requested.

3. *Submission of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and*

We understand that upon approval, the variance shall be recorded with the Clerk of the Court as required.

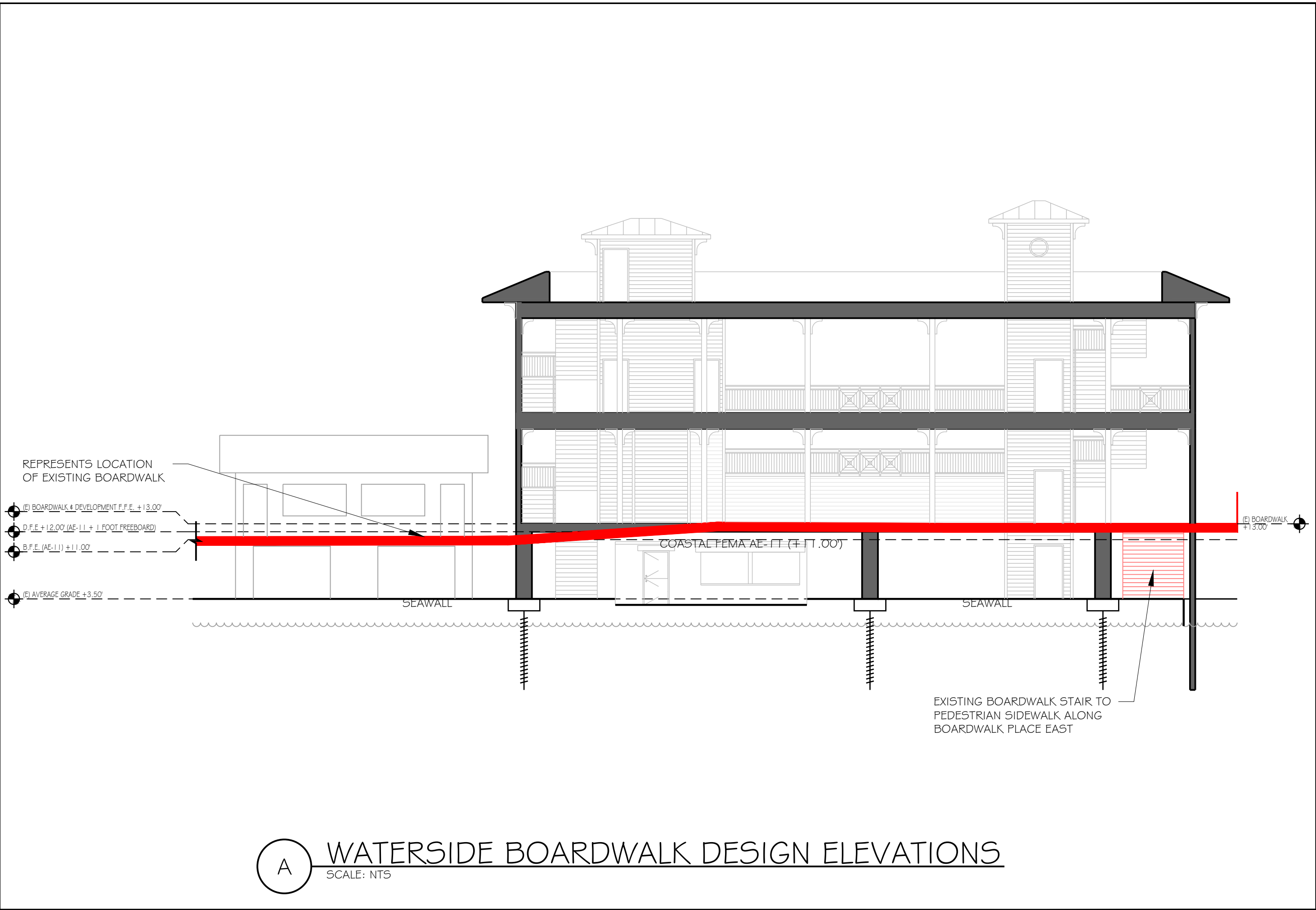
4. *Applicant acknowledges and understands if the request for a variance is granted, allowing construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a letter will be issued by the floodplain administrator to the applicant, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, to inform the applicant that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.*

Acknowledged. The variance request does not result in new construction below the required BFE and is in compliance with the City-wide floodplain management map. This request is ONLY for a reduction in the City prescribed freeboard from 4-feet to 1-foot. The Coastal AE-11 flood design requirements shall still be fully complied with.

Please do not hesitate to call if you have any questions. Respectfully,

A handwritten signature in black ink, appearing to read 'Dennis Lang', with a large, stylized flourish extending from the end of the signature.

Dennis Lang
Lang + Ferfaglia, LLC
Architect, Principal
(727) 656-5677



A

WATERSIDE BOARDWALK DESIGN ELEVATIONS

SCALE: NTS

PROFESSIONAL STATEMENT: TO THE BEST OF THIS ARCHITECT'S KNOWLEDGE, THE ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND ALL APPLICABLE ORDINANCES AND REGULATIONS. THE ARCHITECT DOES NOT WARRANT THAT THE PLANS AND SPECIFICATIONS WILL BE CONFORMANT WITH ALL APPLICABLE ORDINANCES AND REGULATIONS.

DESIGNER: LANG + FERROGLIA ARCHITECTURE | DEVELOPMENT
2000 3RD STREET, SUITE 100, MIAMI, FL 33131
TEL: (772) 655-2077
FL LICENSE #A0100298 / AIA REGISTRATION #9211570

CLIENT: DON'S DOCK - VARIANCE REQUEST
2115 BOARDWALK PLACE EAST, MADEIRA BEACH, FL 33708
PIN#: 15-31-15-00000-4100200
EXHIBIT "A"

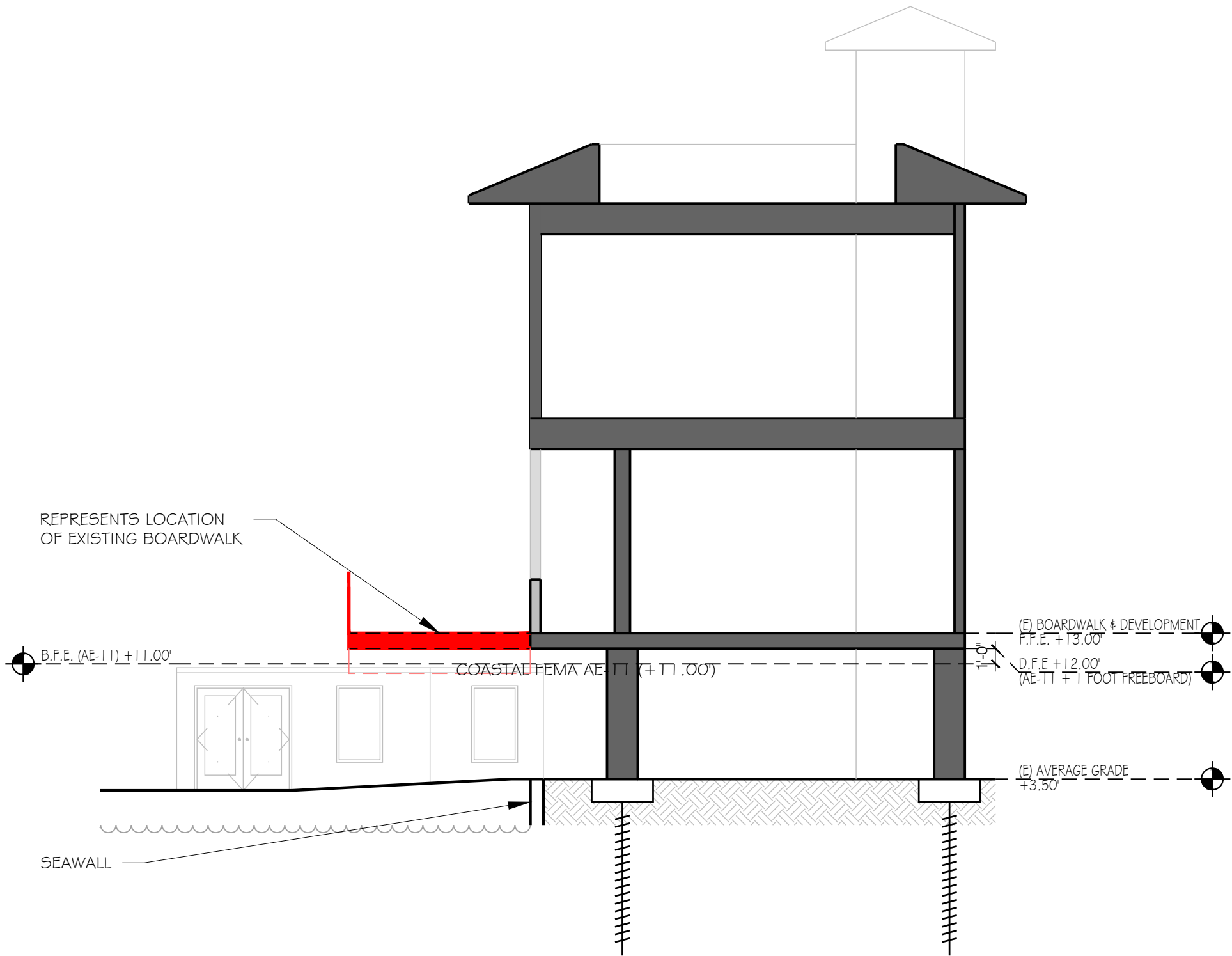
REVISIONS

NO.	DATE	DESCRIPTION
Δ		

B

NORTH-SOUTH SECTION THROUGH BOARDWALK & BUILDING SHOWING APPROVED VARIANCE

SCALE: NTS



PROFESSIONAL STATEMENT: TO THE BEST OF THIS ARCHITECT'S KNOWLEDGE, THE ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND ALL OTHER APPLICABLE REGULATIONS AND ORDINANCES.

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REVISIONS

NO.	DATE	DESCRIPTION
Δ		

WILLIAM JAMES FERFOLLIA, INC.
REGISTERED PROFESSIONAL ARCHITECT
FLORIDA REG. NO. 15-3115-00000-4100200
WJF@WJFARCHITECTURE.COM

CLIENT

DON'S DOCK - VARIANCE REQUEST

215 BOARDWALK PLACE EAST, MADEIRA BEACH, FL 33708

PIN#: 15-31-15-00000-4100200

EXHIBIT "B"

LANG + FERFOLLIA
ARCHITECTURE + DEVELOPMENT

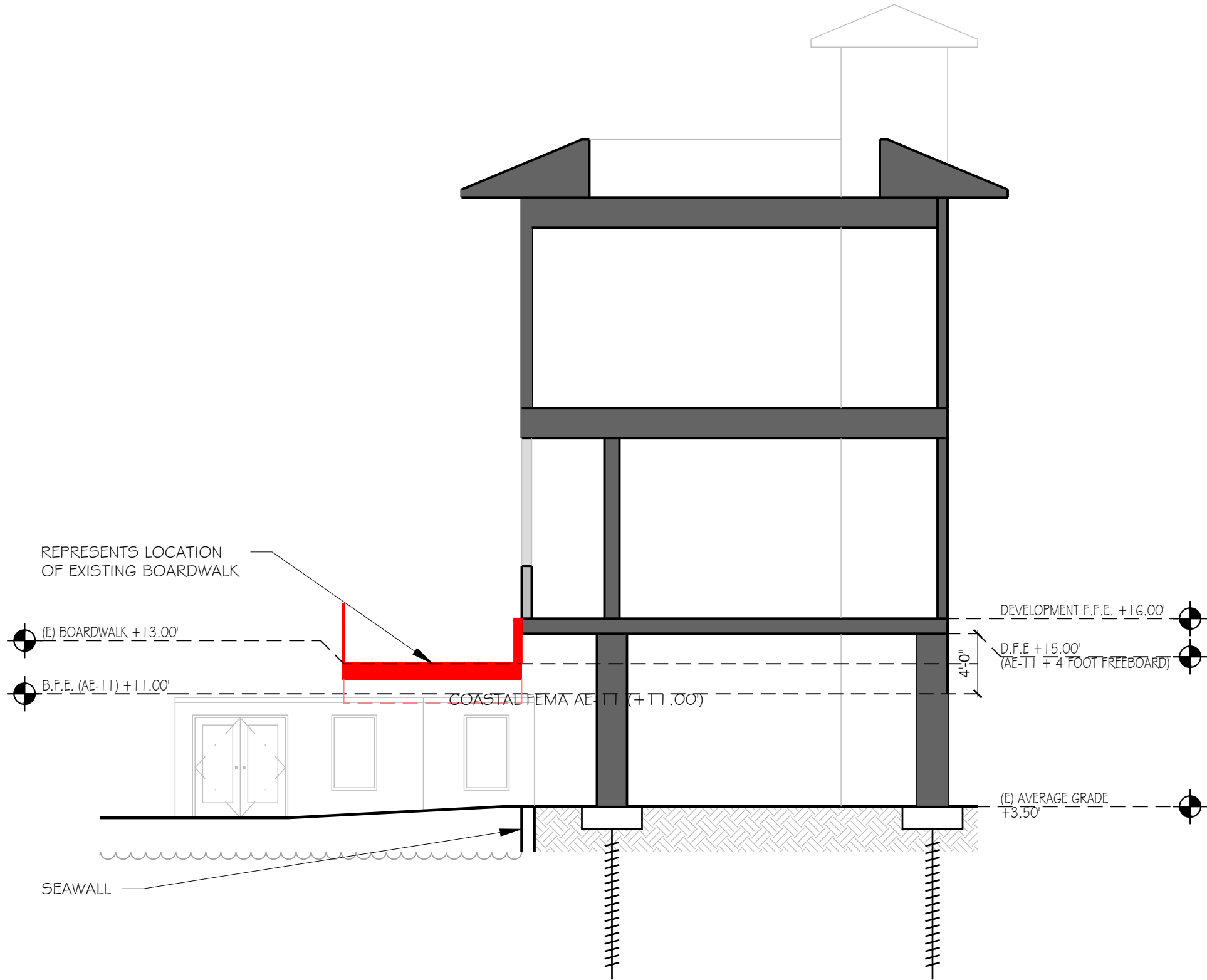
FL LICENSE #A010029 / AIA REGISTRATION #3921570
2000 3RD STREET, SUITE 100, MADEIRA BEACH, FL 33713
TEL: (727) 656-2677

DRAWN BY: DL/SFF

DATE: 6-22-23

PROJECT #: 2216

SHEET: 2



C NORTH-SOUTH SECTION THROUGH BOARDWALK & BUILDING SHOWING WITHOUT VARIANCE
SCALE: NTS

PROFESSIONAL STATEMENT: TO THE BEST OF THIS ARCHITECT'S KNOWLEDGE, ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND ALL APPLICABLE ORDINANCES AND REGULATIONS. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
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LANG + FERFOGLIA ARCHITECTURE, P.C.
2000 S.W. 8TH STREET, SUITE 100
MIAMI, FL 33135
TEL: (772) 655-2677
WWW.LFARCHITECTURE.COM

REVISIONS

NO.	DATE	DESCRIPTION
Δ		

WILLIAM JAMES FERFOGLIA, P.C.
REGISTERED PROFESSIONAL ARCHITECT
MADEIRA BEACH, FL 33708
WWW.LFARCHITECTURE.COM

CLIENT

DON'S DOCK - VARIANCE REQUEST
215 BOARDWALK PLACE EAST, MADEIRA BEACH, FL 33708
PIN#: 15-31-15-00000-4100200

EXHIBIT "C"

LANG + FERFOGLIA
ARCHITECTURE | DEVELOPMENT

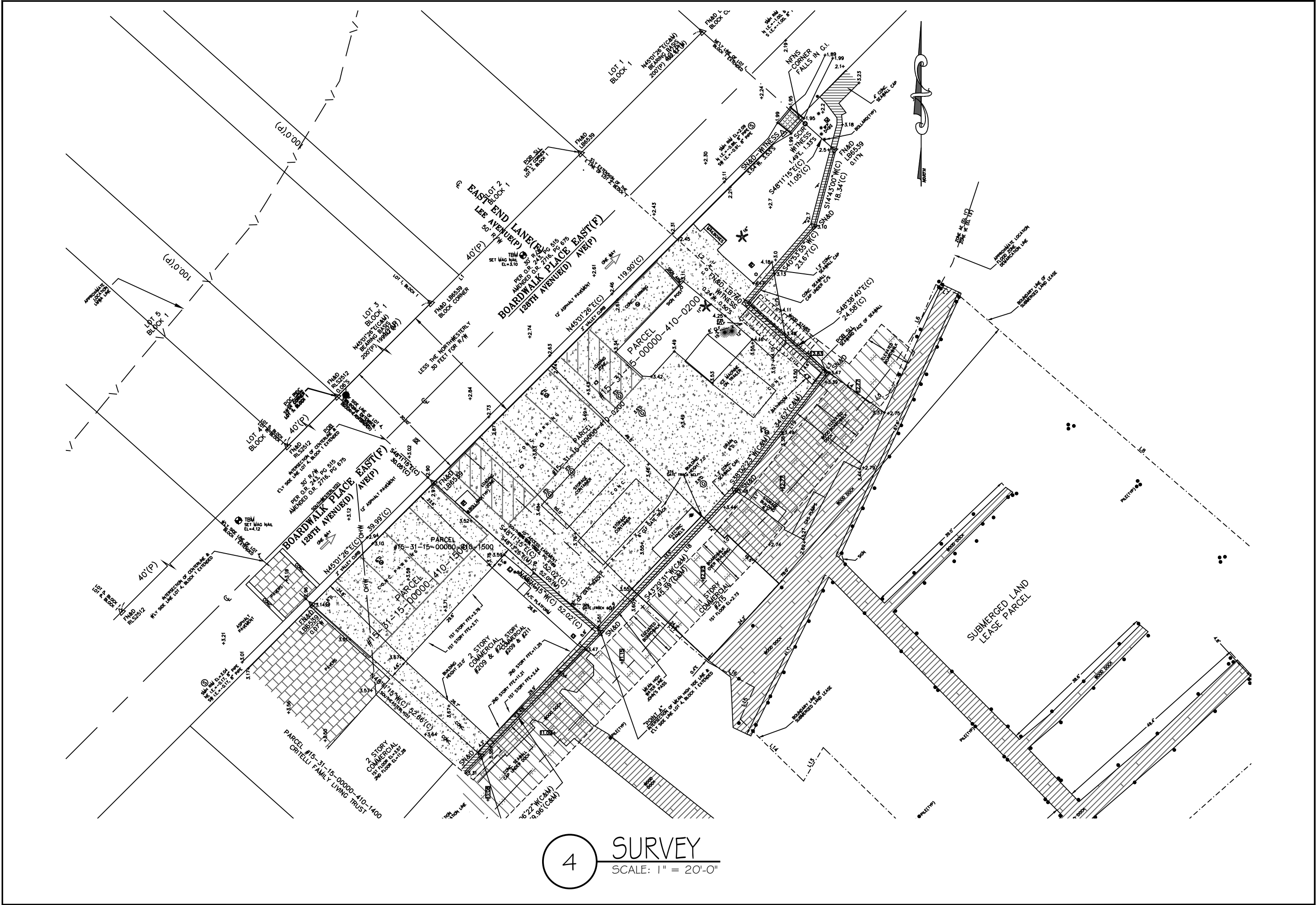
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MIAMI, FL 33135
TEL: (772) 655-2677

DRAWN BY: DL / SFF

DATE: 6-22-23

PROJECT #: 2216

SHEET: 3



4 SURVEY
SCALE: 1" = 20'-0"

FL LICENSE #A010029 / AIA REGISTRATION #9821570
2000 S.W. 11th Ave., Suite 100, Ft. Lauderdale, FL 33304
TEL: (772) 695-2677

LANG + FERFOGLIA
ARCHITECTURE | DEVELOPMENT

GENERALIST ARCHITECT AIA
LICENSED ARCHITECT

DON'S DOCK - VARIANCE REQUEST
215 BOARDWALK PLACE EAST, MADEIRA BEACH, FL 33708
PIN# 15-31-15-00000-410-0200

EXHIBIT "D"

PROFESSIONAL'S STATEMENT: TO THE BEST OF THIS ARCHITECT'S KNOWLEDGE, THE ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM
REQUIREMENTS FOR CONSTRUCTION AND COORDINATION. ALL DIMENSIONS AND COORDINATES SHALL BE REFERRED TO THE ARCHITECT'S PLANS.
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REVISIONS

NO.	DATE	DESCRIPTION
Δ		

DESIGNED BY: DL/ SFF
DATE: 6-22-23
PROJECT #: 2216
SHEET: 4

CLIENT
WILLIAM JAMES ENTERPRISES, INC.
BILL WILKINS, PRESIDENT
1500 S.W. 11th Ave., Suite 100
MADEIRA BEACH, FL 33708
WWW.WJAEARCHITECTURE.COM