



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2025-06

Staff Report and Recommendation Special Magistrate Meeting – July 7, 2025

Application: VAR 2025-06
Applicant: Design Freedom, Inc
Property Owner(s): Longline Investments LLC
Property Address: 13212 Boca Ciega Avenue Madeira Beach, Florida 33708
Parcel ID: 15-31-15-65304-009-0040
Legal Description: PAGE'S REPLAT OF MITCHELL'S BEACH BLK I, LOT 4
Zoning/Future Land Use: R-2, Low Density Multifamily Residential/Residential Medium

Request: Side Setback Variance from 15' total to 5' on each side, Rear Setback Variance from 25' to 12', Front Setback Variance from 20' to 15', Structures Coverage Variance from 0.40 to 0.50

Specific Code Provisions: Sec. 110-206. - Setback requirements, Sec. 110-208. - Maximum lot coverage

I. Background

The existing duplex at 13212 Boca Ciega Avenue received substantial damage during Hurricane Helene from storm surge flooding. The applicant can use Section 110-96. - Rebuilding after a catastrophic loss to rebuild a duplex on a nonconforming lot. The applicant is applying for a variance because it would not be possible to build a new duplex that meets the required front setback for the R-2, Zoning District. Section 110-96 does allow for a duplex to be built back to the existing nonconforming side setback and rear setback. The side setback and rear setback are included in this variance request because the applicant would like to propose side and rear setbacks that reduce the nonconformity and make better use of the irregular shaped lot. The applicant is asking for a variance for lot coverage because of the irregular size of the lot. The proposed duplex would still meet the

floor area ratio and impervious surface ratio requirements in the Madeira Beach Code of Ordinances. Located below is a summary table that shows R-2, Zoning District setbacks, the existing setbacks, and the proposed setbacks.

<u>SETBACK</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED SETBACKS</u>
FRONT	20 Feet	3.56 Feet	15 Feet
SIDE	15 Feet total, 7 Feet min per side	3.53 Feet to 8.58 Feet	5 Feet each side
REAR	25 Feet	8.0 Feet	12 Feet

II. Sec. 2-507. – Variances Criteria and Analysis

- (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.

Staff Findings:

A) The lot at 13212 Boca Ciega Avenue was originally platted in 1935. The lot was platted before the current setback requirements and lot area requirements were adopted in the Madeira Beach Code of Ordinances. The lot is both irregularly shaped and substandard. The lot does not meet the minimum land area and lot size requirements for a duplex in the R-2, Zoning District. It would not be possible to build a new duplex as intended by Section 110-96 if it had to conform with the front setback from the R-2, Zoning District.

C) The existing residential neighborhood where the duplex is located has older nonconforming residential structures that have nonconforming setbacks because they are located on irregularly shaped or substandard lots. The proposed setbacks would balance maintaining the existing character of the neighborhood while reducing the nonconformity. If these other neighboring structures were rebuilt, most likely they would need similar variances to rebuild with a similar front setback.

E) The existing duplex flooded during Hurricane Helene and was declared substantially damaged. The proposed duplex would meet all current Florida Building Code and FEMA requirements and be more resilient compared to the previous structure.

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

Staff Findings: The existing duplex was built in 1938. The lot plat was approved in 1935. Both the lot and existing duplex were created before the R-2, Zoning District land minimum building site area requirements and setback requirements were adopted. The applicant did not self-create a hardship since both the existing structure and lot plat were created before the current land development regulations went into effect.

(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.

Staff Findings: There are other neighboring R-2, Zoning District properties with substandard and irregular shaped lots with nonconforming structures on them. For

these properties to be able to rebuild after a catastrophic loss, they would need to apply for similar variances. By granting this variance, the applicant is not receiving any special privilege compared to other neighboring properties.

- (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 or section 14-205 of the Code of Ordinances and would work unnecessary and undue hardship on the applicant.**

Staff Findings: Requiring the applicant to meet the front setback requirement would not allow for the duplex to be rebuilt. For the applicant to be able to rebuild their duplex after a catastrophic loss, the proposed variance is necessary.

- (5) The variance granted is the minimum variance that will make possible reasonable use of the land.**

Staff Findings: The proposed setback and lot coverage variances would be the minimum amount of variance needed to make possible reasonable use of the property. The proposed setbacks would make the property closer to being conforming compared to the existing duplex.

- (6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations or the Code of Ordinances (when it relates to section 14-205), and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Staff Findings: The proposed variance is in harmony with the general intent and purpose of the city land development regulations. The R-2, Zoning District is a residential zoning district that does allow for low density multifamily structures. The proposed duplex would not be injurious to the area involved and would not be detrimental to public welfare.

III. Staff Recommendation: City staff recommends the approval of VAR 2025-06 13212 Boca Ciega Avenue.

Submitted by: Andrew Morris, Long Range Planner, Madeira Beach Community Development Department

Attachments: 1) Application and Support Materials
2) Public Notice Mailing and Posting