



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2025-07

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

Application: VAR 2025-07
Applicant: Design Freedom, Inc
Property Owner(s): Longline Investments LLC
Property Address: 13230 Boca Ciega Ave
Parcel ID: 15-31-15-65304-009-0050
Legal Description: PAGE'S REPLAT OF MITCHELL'S BEACH BLK I, LOT 5
Zoning/Future Land Use: R-2, Low Density Multifamily Residential/Residential Medium

Request: Side Setback Variance from 25' total to 5' total, Rear Setback Variance from 25' to 12', & Front Setback Variance from 20' to 15'

Specific Code Provisions: Sec. 110-206. - Setback requirements

I. Background

The existing duplex at 13230 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 property owner is applying for a variance because it would not be possible for the new duplex to meet 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. 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	2.68 Feet to 7.34 Feet	15 Feet
SIDE	25 Feet Total, 12 Feet Min	2.94 Feet to 14.91 Feet	5 Feet
REAR	25 Feet	6.54 Feet to 9.37 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 13230 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. The lot only has three sides since it is a triangle shape. The lots width gets smaller the closer the lot gets to the intersection. The applicant would not be able to rebuild their duplex if it had to meet the front setback in the R-2, Zoning District. The proposed variance allows for the applicant to rebuild their duplex and make reasonable use of this substandard and irregular shaped lot.

C) The existing residential neighborhood where the duplex is located has older nonconforming residential structures that have nonconforming setbacks because they are either located on irregularly shaped lots, substandard lots, or were built before current setback requirements. The proposed setbacks would balance maintaining the existing character of the neighborhood while reducing the nonconformity. If these other neighboring structures were rebuilt, 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 duplex was built in 1942. The lot plat was created in 1935. Both the duplex and lot plat were created before the R-2, Zoning District land minimum building site area requirements and setback requirements. The property owner did not self-create a hardship since both the structure and lot plat predate the current zoning requirements.

(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, Low Density Multifamily 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. It would not be possible to rebuild the duplex if it had to meet the required front setback.

- (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. The applicant has the right to rebuild after a catastrophic loss and other neighboring properties have the same right to do that. 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 variance 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, Low Density Multifamily Residential Zoning District is a residential zoning district that does allow for low density multifamily residential structures. The proposed duplex would not be injurious to the area involved and it would not be detrimental to public welfare.

III. Staff Recommendation: City staff recommends the approval of VAR 2025-07
13230 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