



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2025-09

Staff Report and Recommendation

Special Magistrate Meeting – September 16, 2025

Application: VAR 2025-09
Applicant: Jeff Spenceley
Property Owner(s): Azure Coast Properties LLC
Property Address: 13200 Gulf Boulevard Madeira Beach, Florida 33708
Parcel ID: 15-31-15-58320-006-0200
Legal Description: MITCHELL'S BEACH REVISED BLK 6, LOT 20
LESS RD R/W PER O.R. 4557/1338
Zoning/Future Land Use: C-1, Johns Pass Village Activity Center (Transitional
Character District) /Activity Center

Request:

A variance for front yard setback along Gulf Boulevard and a variance for 5 feet side setbacks on both sides of the lot. The variance requested for the front yard setback is for 8 feet 7 inches, as the existing structure is 8 feet 6 inches currently (without bump out included).

Specific Code Provisions:

Section D-107. Setback requirements 6) Transitional: a. Front yard: c. Side Yard:, Sec. 110-428. - Same—Side yard of corner lot

I. Background

The variance request for the property at 13200 Gulf Boulevard is to reduce the front yard setback, and the side yard setback to allow the construction of a duplex. The property had two nonconforming cottages that were encroaching into the required setbacks. These cottages flooded during Hurricane Helene, which was considered a declaration of disaster area event. Since the cottages were damaged during Hurricane Helene, *Section 110-96 - Rebuilding after a catastrophic loss* allows for duplexes on nonconforming lots to retain their existing density and for single-family homes to retain their footprints. But without the approval of this proposed variance, it would be difficult for the applicant to build a new residential structure or structures that would retain the density of the two residential units.

<u>SETBACK</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED SETBACKS</u>
FRONT	20 Feet	8 Feet 6 Inches (Base of Structure) and 3 Feet (Porch Bump Out)	8 Feet 7 Inches
SIDE	5 Feet Interior Side, 10 Feet Street Adjacent	5 Feet Each Side	5 Feet Each Side
REAR	18 Feet	1.2 Feet	18 Feet 1 Inches

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. When the lot plat was originally approved back in 1914, the lot had a width of 40 feet and a lot depth of 104 feet. Cottage A was built in 1939, and Cottage B was built 1925. Both the lot plat and the cottages were created before Madeira Beach adopted Land Development Regulations. When Gulf Boulevard was widened and the intersection of 132nd Avenue and Gulf Boulevard was improved, the lot depth and the front lot width along Gulf Boulevard were reduced. The reduction in lot size increased the nonconformities for this property. The irregular shape of the lot and the lot being adjacent to a street make it difficult to reasonably use the lot compared to neighboring properties.
- c. The proposed variance would support maintaining the existing residential neighborhood character by allowing the construction of a new duplex. This property is in the Transitional Character District of the John's Pass Village Activity Center. The west side Gulf Boulevard is a mix of residential and temporary lodging uses. A duplex would be a more compatible use for this property than the previous nonconforming cottages that had minimal setbacks.
- e. The previous cottages were at grade and flooded with storm surge from Hurricane Helene. Building a new FEMA compliant duplex would be more disaster resistant and would not increase residential density in a coastal high hazard area.

(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 applicant did not make a self-created hardship since the previous nonconforming cottages and irregular shaped lot existed before Madeira Beach adopted Land Development Regulations. The widening of Gulf Boulevard also made the property more nonconforming by reducing the lot size and front setback.

- (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:

The proposed variance would allow for the construction of a new duplex that would not confer on the applicant any special privilege. Other neighboring properties are also able to use *Section 110-96 - Rebuilding after a catastrophic loss* to retain existing residential density. The proposed setbacks would not increase nonconformities and would bring the rear setback fully into compliance.

- (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:

The irregular shape of the lot and the lot being adjacent to a street corner make building a duplex difficult compared to other neighboring properties. *Section 110-96 - Rebuilding after a catastrophic loss* allows duplexes on nonconforming lots to retain their existing density and for single-family homes to retain their existing footprint. Requiring the applicant to meet the required front yard setback and street adjacent side yard setback would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Other neighboring properties on nonconforming lots have the right to retain their existing residential density, but some would require similar variances for setbacks.

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

Staff Findings:

Since the cottages were damaged during a declaration of disaster area event, *Section 110-96. - Rebuilding after a catastrophic loss* does allow for a property owner to build two new cottages within the existing footprints of the previous structures. But if the applicant had built two new cottages instead of a duplex, they would have

continued the existing nonconforming setbacks. The proposed variance would be the minimum needed to allow for a new duplex to be built that would retain the density of the previous cottages. The applicant's proposed setbacks would be closer to being conforming compared to the previous structures and would not increase residential density higher than the previous cottages.

(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 Transitional Character District does support residential uses like duplexes. The proposed variance would bring a previously nonconforming property closer to being conforming and would maintain the existing residential density that is protected because of *Section 110-96 - Rebuilding after a catastrophic loss*. The proposed variance would not be detrimental to public welfare or harmful to nearby property owners. The applicant would still need to meet all other land development regulation requirements for a duplex located in the Transitional Character District.

III. Staff Recommendation: City staff recommends the approval of VAR 2025-09 13200 Gulf Boulevard for a front yard setback of 8 feet 7 inches and for side yard setbacks of 5 feet on both sides of the lot.

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

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