



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2026-03

Staff Report and Recommendation Special Magistrate Meeting – October 26, 2026

Application: VAR-2026-03.

Applicant: St Pete Beach Investments

Property Owner(s): St Pete Beach Investments LLC

Property Address: 15227 Gulf Boulevard, Madeira Beach FL 33708

Parcel ID: 09-31-15-00000-240-0900

Legal Description: PART OF GOVT LOT 1 LYING WITHIN N ½ OF SEC 09-31-15 DESC AS FROM SW COR OF BLK 4, LOT 10 OF LONE PALM BEACH TH SE'LY 158.4 FT FOR POB TH SE'LY 80FT TH NE'LY 130FT TH NW'LY 80FT TH SW'LY 130FT TO POB LESS RD R/W PER O.R.

Zoning/Future Land Use: C-3, Retail Commercial/Planned Redevelopment Mixed-Use

VARIANCE REQUESTS:

Variance 1: Request a variance to Sec. 110-326 (c) to reduce additional landscaped setback required when adjacent to residential use from 5 feet to 0 feet along the entire length of the southern property line.

Specific Code Provisions: Sec. 110-326. - Special requirements.

(c) When a proposed nonresidential use in the C-3, retail commercial district abuts a residential use an additional five-foot setback is required along the length of the entire shared lot line. This additional setback will be utilized to provide additional landscaped screening.

Variance 2: Request a variance to Sec. 106-35 (1) to reduce the required 5' deep buffer for a length of 11 feet immediately adjacent to the loading zone on the east side of the property.

Specific Code Provision: Sec. 106-35. Perimeter landscaping for residential multifamily or commercial.

(1) The exterior of all vehicular use areas shall be landscaped with a buffer strip which is at least five feet in width. Such buffer strips shall include one tree for each 35 linear feet, or fraction thereof, of perimeter. These trees may be planted in clusters or groupings and not necessarily in an equidistant row planting. Hedges or other durable landscape barriers shall be installed in such a manner as to screen the vehicular use area from the public right-of-way, if applicable.

Variance 3: Request a variance to Sec. 110-998 (5) to reduce the loading zone width from 12-

foot required to 11-feet.

Specific Code Provision: Sec. 110-998. - Off-street loading space standards.

(5) Each required off-street loading space shall have a minimum width of 12 feet and a minimum vertical clearance of 16 feet above finished grade of the space. The length shall be a minimum 30 feet for delivery vehicles and 60 feet for semi-trailers.

The variances requested by the applicant have been submitted under two separate applications but are being addressed under a single magistrate submittal. attached).

I. Background

The variances being requested are in response to comments made by city staff during review of the Major Site Plan (SP 2026-01) submittal for this project site. The designer was unable to meet the requirements outlined in the comments and as such has moved forward with these requests. The proposed project is a mixed-use 11-unit condo-hotel with a café on the ground floor. The café would be dry floodproofed to meet floodplain requirements. The property is adjacent to a mixed-use commercial building with two residential apartments on the second floor, a commercial shopping plaza, and a shopping center with a grocery store.

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

Variance 1

Variance request to Sec. 110-326. - Special requirements (c) to reduce additional landscaped setback required when adjacent to a residential use from 5 feet to 0 feet along the entire length of the southern property line.

(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.*

Findings: This is a conforming lot in width, depth and area for the zoning district, there is no significant vegetation or natural features, this is not a residential neighborhood, and this is not a public facility and therefore criterion in Sec. 2-507 (b) 1. a, b, c, and d, are not applicable to this project.

- e. Architectural and/or engineering considerations.*

The previous structure on the property was built in 1969 and was demolished because of the flood damage sustained during the 2024 storms. Due to its age, the building was not floodplain compliant, did not meet the design guidelines for the Madeira Beach Town Center Special Area Plan (MBTC SAP), and was not mixed-use. Additionally, the previous structure did not meet the side yard setbacks required in the C-3, Retail Commercial Zoning District.

This variance request for the proposed structure reinforces the design guidelines in the MBTC SAP because the structure is mixed-use, over one story, and the parking is located on the side of the property. The proposed structure would meet all current floodplain requirements by dry floodproofing the commercial space at grade and constructing the temporary lodging units above design flood elevation.

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

Findings: Properties that are zoned C-3, Retail Commercial located in the Commercial Core Character District of the MBTC SAP have design guidelines which would not be applicable to a property outside of the Commercial Core Character District. These design guidelines encourage first-story commercial activity, a minimum of two stories, and parking needs to be on the side or rear of the structure. The Madeira Beach Land Development Regulations (LDRs) contradicts these design guidelines by requiring an additional landscaped screening setback if a nonresidential property is adjacent to a property with a residential use. This contradiction between the MBTC SAP and the LDRs is not the fault of the applicant and would not be considered a self-created hardship by the applicant.

- (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.*

Findings: Any property within the Commercial Core Character District would be encouraged to meet design guidelines that support mixed-use development. The contradiction between these design guidelines in the Madeira Beach Town Center Special Area Plan and the Land Development Regulations requiring additional five feet setback of landscaped screening required between nonresidential uses and residential uses could lead to similar difficulties for neighboring properties in the Commercial Core Character District. If the applicant were not adjacent to a mixed-use commercial building with a residential use, this variance would not be required. Granting this variance will not confer on the applicant any special privilege compared to other

properties in the Commercial Core Character 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 or section 14-205 of the Code of Ordinances and would work unnecessary and undue hardship on the applicant.

Findings: If the property was not located next to a mixed-use commercial building with a residential use, this variance would not be required. The contradiction between the Design Guidelines in the Madeira Beach Town Center Special Area Plan and Land Development Regulations creates an unnecessary hardship by making it more difficult to build a mixed-use development next to a residential use even though mixed-use is encouraged for properties in the Commercial Core Character District.

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

Findings: This variance request is the minimum necessary to allow the parking lot to be located on the side of the building, supporting a mixed-use development that meets the design guidelines for the Madeira Beach Town Center Special Area Plan.

(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.

Findings: The proposed redevelopment would meet all the other land development regulation requirements not being requested by these variances and would be more conforming than the previous structure. The proposed structure will maintain more than 10 feet of setback on the side of the property adjacent to the residential use. The parking lot will maintain a 5-foot landscape buffer between the parking spaces and the adjacent property with residential use. The proposed variance would not be injurious to the area involved or otherwise detrimental to public welfare.

Variance 1 Recommendation: City staff recommend approval to reduce the additional 5 feet of landscaped screening to 0 feet.

Variance 2

Variance request to Sec. 106-35. Perimeter landscaping for residential multifamily or commercial. (1) to reduce the required 5' deep buffer for a length of 11 feet immediately adjacent to the loading zone on the east side of the property.

(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;

Findings: This is a conforming lot in width, depth and area for the zoning district, there is no significant vegetation or natural features, this is not a residential neighborhood and this is not a public facility and therefore criterion in Sec. 2-507 (b) 1. a, b, c, and d, are not applicable to this project.

e. Architectural and/or engineering considerations

The previous structure on the property was built in 1969 and was demolished because of the flood damage sustained during the 2024 storms. Due to its age, the building was not floodplain compliant, did not meet the design guidelines for the Madeira Beach Town Center Special Area Plan (MBTC SAP), and was not mixed-use. Additionally, the previous structure did not meet the side yard setbacks required in the C-3, Retail Commercial Zoning District.

This variance request is unrelated to the architectural and/or engineering considerations of the 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.

Findings: The requested landscape buffer reduction for the loading zone does not have special conditions and circumstances to support a variance. This is a self-created hardship.

(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.

Findings: This requested variance does not meet these criteria and would confer a special privilege on the applicant.

(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.

Findings: The requested variance would not be considered unnecessary and undue hardship on the applicant, as these regulations apply to all properties in the zoning district.

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

Findings: This variance request is not required to make possible reasonable use of the land.

Sec. 2-507 criteria (b)(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.

Findings: The requested variance would not be injurious to the area involved or otherwise detrimental to public welfare. But the requested variance would not be harmonious with the general intent of the land development regulations.

Variance 2 Recommendation: Based on the findings referenced above, staff concludes that the requested variance does not satisfy the variance criteria in Sec. 2-507 and recommends denial.

Variance 3

Variance request to Sec. 110-998. - Off-street loading space standards. (5) to reduce the loading zone width from 12-foot required to 11-feet.

(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;

Findings: This is a conforming lot in width, depth and lot area for the zoning district, there is no significant vegetation or natural features, this is not a residential neighborhood, and this is not a

public facility and therefore criterion in *Sec. 2-507 (b) 1. a, b, c, and d*, are not applicable to this project.

e. Architectural and/or engineering considerations.

The previous structure on the property was built in 1969 and was demolished because of the flood damage sustained during the 2024 storms. Due to its age, the building was not floodplain compliant, did not meet the design guidelines for the Madeira Beach Town Center Special Area Plan (MBTC SAP), and was not mixed-use. Additionally, the previous structure did not meet the side yard setbacks required in the C-3, Retail Commercial Zoning District.

This variance being requested is for the width of the loading zone which is unrelated to the architectural and/or engineering considerations of the 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.

Findings: There are no special conditions and circumstances to support a reduction in the minimum loading width requirement and by design, this is a self-created hardship.

(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.

Findings: This requested variance would not meet these criteria and would confer a special privilege on the applicant.

(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.

Findings: The requested variance would not be considered an unnecessary and undue hardship on the applicant, as these regulations apply to all properties in the zoning district.

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

Findings: This variance request is not required to make possible 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 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.

Findings: The requested variance would not be injurious to the area involved or otherwise detrimental to public welfare. But the requested variance would not be in harmony with the

general intent of the land development regulations.

Variance 3 Recommendation: Based on the findings referenced above, staff concludes that the requested variance does not satisfy the variance criteria in Sec. 2-507 and recommends denial.

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

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