



Staff Report and Recommendation
Special Magistrate Meeting – October 23, 2023

Application: VAR 2023-04
Applicant: Jason K. Holloway & Elizabeth Holloway
Property Owner(s): Jason K. Holloway & Elizabeth Holloway
Property Address: 14830 N. Bayshore Drive, Madeira Beach, FL 33708
Parcel ID: 09-31-15-60858-000-0940
Legal Description: NORTH MADEIRA SHORES LOT 94 & THAT PT OF LOT 93 DESC BEG MOST W'LY COR OF LOT 93 TH CUR RT RAD 140.58FT ARC 0.51FT CB N66D03'20"E 0.51FT TH S27D44'08"E 72.03FT TH S88D04'07"W 5.55FT TH N24D02'54"W 70.79FT TO POB
Zoning/Future Land Use: R-2, Low Density Multifamily Residential/Residential Medium

Request: Reducing of the rear setback from 25' to 15' to allow for the addition of a second bathroom in the existing master bedroom.

Specific Code Provisions: Sec. 110-206. – Setback requirements (2) Rear yard: 25 feet

I. Background

This structure was built in 1949 prior to the creation of the Madeira Beach Land Development Regulations which contains setback requirements. Currently, a portion of the current structure encroaches eight and a half feet into the rear setback with a covered wood deck. The proposed addition will allow for reconfiguring the master bedroom with the addition of a second bathroom. This proposed addition will be constructed in the southwest corner and will extend approximately no further than the existing encroachment of eight and a half feet.

II. Variance Criteria (Sec. 2-507(b)) 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.

Findings: a. *Substandard or irregular shaped lot.* The lot has a depth of 75 feet which is 5 feet less than the minimum building site area required in the R-2 zoning district. The land area of 3,128 sq ft provided by the Pinellas County Property appraiser is also 872 sq feet and 21.8% smaller than the minimum required for a single family home in this zoning district.

(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 hardship of the substandard property was not created by the property owner. The property was platted in 1949.

(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: Approval of the variance will not grant any special privilege to the property. Similar properties in this zoning district received comparable variances. 14901 and 14903 N. Bayshore Dr. was granted a variance to reduce their front setback to 15.1 feet and rear setback to 19 feet on April 28th, 2022 (VAR 2022-01) due to a lot depth of 75 feet (same as 14830 N. Bayshore Dr). 14910 N. Bayshore Dr. was granted a variance (SMVAR 2016-08) on July 12, 2016, to reduce the rear setback to ten feet and side yard setback to five feet on either side. This property, located down the block from 14830 N Bayshore Dr., has a larger land area of about 3,376 sf and similar land dimensions of 45x75.

(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 and would work unnecessary and undue hardship on the applicant.

Finding: Literal interpretation of the code would reduce the buildable footprint of the lot since the lot depth is less than the now required 80'. Many other and newer properties in this neighborhood have been able to expand their livable footprint.

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

Findings: Granting the variance allows for an expansion of 6 feet x 11 feet to the rear of the existing single-family home, in line with the current perimeter of the house. This is a 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, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Findings: The proposed renovations and extension are harmonious with the general intent and purpose of the city Land Development Regulations and will not negatively affect the character or the neighborhood. No noticeable changes would be readily visible from the street. Furthermore, none of the proposed work should impact water flow, water runoff, or other matters of public interest. The harmony of the neighborhood and general scheme of development of the neighborhood will be unchanged.

III. Staff Recommendation:

Staff recommends the approval of this variance.

Submitted by: Joseph Petraglia

Attachments: 1) Application
2) Site Plan of property and proposed floorplan
3) Public Notice mailing and posting