



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2023-06

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

Application: VAR 2023-06
Applicant: Phillip K. Ragan
Property Owner(s): Phillip K. Ragan & Mary M. Barker
Property Address: 14097 E. Parsley Dr., Madeira Beach, FL 33708
Parcel ID: 10-31-15-34416-026-0370
Legal Description: GULF SHORES 6TH ADD BLK Z, LOT 37
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: Reduce the front yard setback requirement from 20 feet to 18.5'

Specific Code Provisions: Sec. 110-181. – (1) *Front yard: 20 feet measured from the right-of-way line to the structure*

I. Background

A permit was issued on February 14, 2023, Permit# 20230138, with the scope of work described as, “elevate house out of flood zone”. During the construction process the required “Under Construction” Elevation Certificate and tie-in survey was submitted to the city for review on June 19, 2023. The Elevation Certificate was rejected due to concerns over the referenced elevations, the certificate was ultimately corrected and resubmitted to the city’s satisfaction on October 3, 2023. The tie -in survey, however, revealed that the west corner of the house had been “rotated” forward during the elevation process by approximately 0.71 feet (8.5 inches) and would therefore cause the stairs to encroach into the front yard setback once constructed. After considerable correspondence with the contractor and homeowner regarding potential construction alterations, redesigns or any code allowances for stair encroachments within the existing Land Development Regulations it was ultimately decided by the homeowner, with city staff input, to move forward with a variance to reduce the front yard setback.

In working with the city for this variance the homeowner also determined the stair width, as designed with handrails on each side, was too narrow, only providing a clear space of approximately 30 inches. At this clear width, delivery of various appliances, furniture, etc. would prove to be difficult and as such this variance request also accounts for increasing the stair width, handrail to handrail to 36 inches wide. The 1.5 foot setback reduction request will take into account the 0.71 feet (8.5 inches), the increased stair width of 6 inches and allow for 3.5 inches of flexibility based on construction tolerances.

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: *e. Architectural and/or engineering considerations.* The elevated home and all construction features will be more resilient from flood waters.

(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 homeowner contracted with licensed design professionals and contractors and followed the city requirements for permitting and as such the homeowner did not self-inflict the need for a variance.

(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 and is the minimum necessary to provide reasonable access. The neighboring property at 14099 E Parsley was granted a variance, Application 04.02, in January of 2004 reducing their front yard setback from 20 feet to 13 feet.

(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 deny the homeowner a reasonably sized and located front entry way.

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

Findings: The request is for the minimum amount necessary to construct stairs that would allow general residential access and also takes into consideration the width necessary to deliver appliances, furniture, etc.

(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 variance is in harmony with the general intent and purpose of the city land development regulations and will not negatively affect the character or the neighborhood. The harmony of the neighborhood and general scheme of development of the neighborhood will be unchanged.

III. Staff Recommendation:

Staff recommends approval.

Submitted by: Marci L. Forbes, PE, CFM

Attachments: 1) Application
2) Survey of Property, Pre-Elevation, field dated 8.12.2022
3) Permitted site plan
4) Rejected (Void) "Under Construction" Elevation Certificate, provided for attached pictures of construction progress, dated 06.16.2023
5) Foundation tie-in survey dated 06.16.23
6) Public Notice mailing and posting