



## SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2026-01

### Staff Report and Recommendation Special Magistrate Meeting – January 26, 2026

**Application:** VAR 2026-01

**Applicant:** Paul Mazzillo

**Property Owner(s):** Paul Mazzillo

**Property Address:** 422 137th Avenue Cir Madeira Beach, Florida 33708

**Parcel ID:** 15-31-15-34488-000-0300

**Legal Description:** GULF SHORES HARBOR SUB LOT 30

**Zoning/Future Land Use:** R-2, Low Density Multifamily Residential/Residential Medium

**Request:** Increase in the maximum structure coverage from 40% to 48%

**Specific Code Provisions:** Sec. 110-208. – Maximum lot coverage.

- (1) The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area.

### Background

On March 17<sup>th</sup>, 2025, Paul Mazzillo, the owner of 422 137<sup>th</sup> Ave submitted a variance request, VAR 2025-03, to reduce the required setbacks on the lot with the plan to build a new home within the newly requested setbacks. The variance was granted and helped to address and partially correct the pre-existing and extremely nonconforming setback issues on site. See VAR 2025-03 for further details. With the focus of the variance being on adjusting the setbacks, the proposed footprint of the new structure was not reviewed by staff for compliance with other code requirements. As a result, it was overlooked that the proposed footprint created a violation of the zoning districts 40% structure coverage limitation. With the pre-existing structure coverage at less than 36% (exhibit two) and the most structure coverage this property being able to obtain by right being about 35% had the lot been vacant and no variance granted (exhibit three), there is no “by right” allowance to exceed the structure coverage limitation.

On October 17<sup>th</sup>, 2025, the applicant submitted building permit application 2025-4294-BGDR to build a new single family home maximizing each of the setbacks approved under VAR 2025-03, which was denied by city staff on December 3<sup>rd</sup>, 2025 partially due

to the structure coverage issue. Subsequently, the applicant met with city staff to discuss his options where city staff informed the applicant that the structure coverage violation does not appear to meet the criteria for a variance, however the applicant decided to still apply due to the high costs and burden to re-design the plans. The plans submitted with the building permit application, as well as the comments from the city have been included as exhibits four and five. Due to the circumstances, city staff have waived the normally nonrefundable \$1,800 variance application fee for this variance request.

## **I. 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 aerial from Pinellas County Property Appraiser's Website provided in exhibit six shows that this lot (lot 30) is a similar size and shape to all those around it. Nonetheless, Lot 30 is not perfectly squared and is substandard, being only approximately 3,000 square feet as opposed to the 4,000 square feet required for a single-family home under the zoning districts minimum building site area requirements. The lot depth is also about five feet less than the minimum required 80 feet. Staff find this criterion to have been met, however a variance must meet all 6 criteria.

**(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 purchased the property in 1989, and although the house, which meets the structure coverage requirements was built before the 40% lot coverage requirement was codified, this coverage requirement has existed since at least 1971 per ORD 1971-380 and the plat for lot 30 was approved in 1941 which would indicate that the applicant bought a property that they knew the size limitations of. VAR 2025-03 was stated to meet this criteria as the pre-existing home already had legally nonconforming setbacks which were not a result of the action of the applicant, however the pre-existing structure met the code 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:**

In viewing the aerial provided as exhibit six, it can be seen that lots 20 through 30 (lot 30 being the subject property) all offer a similar depth, shape, and area. Of these lots, the only one that the city still has copy of the permitted new building plans for is 316 137<sup>th</sup> Ave Circle built in 2017. As shown on the permitted site plan provided on exhibit seven, 316 137th Ave was forced to rebuild under the 40% structure coverage required by code while also adhering to more stringent setback requirements in effect at the time. Based on the site data table on sheet A1

of permit 1247, the structure coverage for 316 137<sup>th</sup> Ave is 35.77%, more than 12% less than what the applicant is requesting through this variance.

The second most recently built house of the group is 244 137<sup>th</sup> Ave Circle built in 2001. Although the city does not have the permitted plans or a survey of this property on file, based on Pinellas County Property Appraiser's data (see exhibit eight) this property appears to have approximately 36.36% structure coverage, more than 11% less than what the applicant is requesting through this variance and under the city's 40% structure coverage requirement. Allowing the applicant to violate the structure coverage would create a special privilege that was denied to other property owners in the district.

In his application, the applicant provides two examples of properties that currently exceed the 40% structure coverage requirement. The first example provided by the applicant is 420 137<sup>th</sup> Ave Circle, which was granted VAR 2013-01 on March 14, 2013 to reduce the front setback from 20 feet to 13 feet and proportionally increase the structure coverage. The applicant for today's variance obtained a similar front setback reduction through VAR 2025-03, while also receiving a reduction to the side setback and rear setback, which VAR 2013-01 did not approve. It is important to note this variance was approved prior to ORD 2019-16 was adopted in June 2020 which now requires all 6 variance criteria to be met in full rather than just the majority of the criteria, making a variance stricter to obtain now than it was back when this variance was granted. Since the adoption of ORD 2019-16, the city has been making an effort to correct nonconformities rather than create new ones as the city has an extensive history of approving variances that otherwise would not have been approved. It is also important to consider that VAR 2013-01 was granted for an existing structure to allow for better configuration of parking, not a new structure which will have parking on the full ground floor like this building will. In the staff report for VAR 2013-01 starting with criteria 3, as well as on the order, it is explicitly stated that the variance was needed specifically for this purpose, that the home's historic integrity was to be maintained, and that a new structure would have to conform to code requirements. Additionally, as a stipulation of VAR 2013-01 as stated in criteria 6 of the staff report, the property owner was required to remove the shed, another item which counts towards the

maximum structure coverage. Due to the reasons provided, staff finds that the examples presented in exhibits seven through ten are more comparable to this project but nonetheless if VAR 2013-01 was to still be considered, it should be noted that the site was still only granted a 46% structure coverage based on the staff report which is less than what the applicant is requesting in this variance. VAR 2013-01 has been included as exhibit eleven for the special magistrate's review.

The second example provided by the applicant is 429 137<sup>th</sup> Ave Circle. Although the application references a variance, there was no variance granted for structure coverage at this site. The number referenced should be RDV 2019-01, which is a redevelopment application to be able to maintain the nonconforming density, not to be confused with VAR 2019-01 which was a variance for an unrelated property that was withdrawn. This property was already over the structure coverage which city code allows to be rebuilt to maintain the nonconforming structure coverage within the same footprint. This example is further discussed in criteria six.

**(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:**

Literal interpretation of the code would allow for a structure coverage of up to about 1,209 square feet (3,022 sf lot based on signed and sealed plans times 0.4) plus cantilevered rooms or balconies which do not count against structure coverage, and multiple stories. The previous structure occupied 1,066 square feet based on Pinellas County Property appraiser data and was only one story. Additionally, as demonstrated with the exhibits referenced in the previous criteria, several other houses on similar lots have been able to or are being required to adhere to the 40% structure coverage requirement. With this evidence, staff finds that a literal interpretation of the code would be reasonable and would not deprive the applicant of rights commonly enjoyed by other

properties in the same zoning district, nor would it create undue hardship on the applicant.

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

**Staff Findings:**

Based on the exhibits seven and eight outlined in criteria three which both have similarly sized and configured lots, and the previous buildings structure coverage, the request to increase the structure coverage by over 12% from what was existing is not the minimum necessary to make reasonable use of the land. This variance is being requested out of convenience, not necessity.

**(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 40 percent maximum lot coverage standard has been established in the City Code since at least 1971 (Ord. 1971-380) and variances to this requirement are rarely granted, reflecting its importance in implementing the intent and purpose of the Land Development Regulations. This standard exists to limit overdevelopment, maintain neighborhood character, protect drainage and stormwater function, and preserve open space and environmental quality. Granting the requested variance to increase structural coverage would be inconsistent with these objectives, as it would intensify development beyond what is permitted for similarly situated properties, potentially contributing to increased runoff, reduced pervious area, and visual overcrowding. Such impacts may be injurious to the surrounding area and detrimental to public welfare by setting an adverse precedent and undermining the long-standing regulatory framework designed to protect community health, safety, and character. It is also important to take into consideration that 429 137<sup>th</sup> Ave Circle, one of the examples brought to attention by the applicant which was permitted to exceed

the structure coverage, has received numerous complaints from the public for being permitted regarding these precise objectives.

## **II. Staff Recommendation:**

City staff recognize that it was due to the approval of VAR 2025-03, and lack of warning from staff that led the applicant to believe they would be able to build a new home in the reduced setbacks. For the reasons discussed however, city staff cannot recommend approval of VAR 2026-01.

Submitted by: **Joseph Petraglia, CFM**  
Planner II  
Community Development Department

**Attachments:** **1)** Application and Support Materials

- 2)** Survey marked up by city staff to indicate pre-existing structure coverage
- 3)** Survey marked up by city staff to indicate max structure coverage had lot been vacant and no variance to setbacks other than may already be reduced by right
- 4)** 2025-4294-BGDR plan review letter sent 12/3/25
- 5)** 2025-4294-BGDR P&Z Markup 1.0 – Plans submitted on building permit application along with city comments referenced in 12/3/25 plan review letter
- 6)** Aerial from Pinellas County Property Appraiser's website
- 7)** Permit 1247 for 316 137TH AVENUE CIR
- 8)** 244 137th Ave Circle Pinellas County Property Appraiser Data
- 9)** VAR 2013-01 420 137th Ave Circle
- 10)** Public Notice Mailing and Posting

**VAR 2026-01**

Attachment 1



# CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT

300 MUNICIPAL DRIVE ♦ MADEIRA BEACH FLORIDA 33708

(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131



## SPECIAL MAGISTRATE – VARIANCE APPLICATION

**\*Applicant:** Name and Address

Paul Mazzillo

422 137th Ave Circle

Madeira Beach, FL 33708

**Telephone:** ( 727 ) 643-9293

**Email:** paul@mazzillo.com

**\*Property Owner:** Name and Address

Paul Mazzillo

422 137th Ave Circle

Madeira Beach, FL 33708

**Telephone:** ( 727 ) 643-9293

**Email:** paul@mazzillo.com

**Application for the property located at:** (Street Address or Location of the Vacant Lot)

422 137th Ave Circle

**Legal Description:** LOT 30, Gulf Shores Harbor Subdivision , as recorded in Plat Book 23, Page 51,  
of the Public Records of Pinellas County, Florida

**Lot Area:** 3,022 SF (mol)

**Width:** 39.59 ft (mol)  
ft.

**Depth:** 75 ft.

**Zoning District:** R-2

**Present Structures on Property:** Single Family Home

**Present Use of Property:** Residential Single Family Home

**Date Building Permit Request denied:** N/A

**Variance(s) needed from the zoning requirements:** Sec 110-425 - Maximum lot coverage -

A lot coverage variance is required from 0.40 to 0.48 to build a house to previously approved variance setbacks.

**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:**

**SITE PLAN, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, EXPLANATION, ETC.**

**DISCLAIMER:** According to Florida Statues, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All Documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.



Special Magistrate Case #: \_\_\_\_\_

\*\* For City of Madeira Beach Use Only\*\*

Fee: \_\_\_\_\_  Check # \_\_\_\_\_  Cash  Receipt # \_\_\_\_\_

Date Received: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Received by: \_\_\_\_\_

Special Magistrate Case # Assigned: \_\_\_\_\_

Special Magistrate Hearing Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  Approved  Denied

|       |  |  |
|-------|--|--|
| _____ | Zoning Variance for Residential Dwelling Units (One, Two or Three Units) | \$1,800.00 per Variance<br>(Fee Waived Per City Staff) |
| _____ | Zoning Variance for Multi-Family, Tourist Dwellings or Commercial        | \$2,000.00 per Variance                                |
| _____ | After-the-fact Variance  | \$3,600.00 per Variance                                |

X \_\_\_\_\_

Jenny Rowan, Community Development Director

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

X \_\_\_\_\_

Robin Gomez, City Manager

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

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## APPLICATION (Must submit the following analysis)

**This application to the Special Magistrate is requesting permission to: Build a multi-story single-family 30ft x 48ft residence as shown on the site drawing in the previously approved variance request package.**

Per city staff, a variance to code Sec. 110-208 is now required to build a 30 ft x 48 ft structure. According to City staff the structure coverage must be measured per Sec. 110-425 to the balcony support columns, not to the enclosed walls.

The special magistrate shall authorize, upon application to appeal, after public notice has been given and public hearing held, such variance from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations, subpart B of this Code will result in unnecessary and undue hardship. In order to authorize any variance from the terms of the city land development regulations, the special magistrate shall consider the following criteria and shall find that the criteria has been satisfied in full and that a hardship exists.

**On a separate attached page, explain in detail how your request meets City Code Sec. 2-507 by complying with the following rules. Please note that your explanation demonstrate that your request meets one or more of the conditions listed under criteria #1 below and that it also meets in full criteria 2 through 6 below:**

1. Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
  - 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.

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2. Demonstrate that special condition (s) and circumstance (s) do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
3. Demonstrate that the granting of 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.
4. Demonstrate that the 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 the code and would work unnecessary and undue hardship on the applicant.
5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land.
6. Demonstrate that 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.

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**OWNER CERTIFICATION**

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of the application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

***I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.***

**Appeals.** (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing *de novo* but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

X Paul Mazzillo  
Property Owner's Signature

Date: 1/15/26

STATE OF Florida

COUNTY OF Pinellas

Before me this 5th day of January, 2025, Paul Mazzillo  
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification  
and is  personally known to me or  has produced Drivers License as identification.



Samantha Olson  
Public Notary Signature

**NOTICE:** Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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**NON-OWNER (AGENT) CERTIFICATION**

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of the application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

***I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.***

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**X** \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
*Property Owner's Signature (If other than the property owner)*

**STATE OF** \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, \_\_\_\_\_  
 appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification  
 and is  personally known to me or  has produced \_\_\_\_\_ as identification.

[SEAL]

\_\_\_\_\_  
 Public Notary Signature

**NOTICE:** Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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**FOR YOUR RECORDS****SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)**

- 1) Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
  - 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.
- 2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify 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.
- 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.
- 5) The variance granted is the minimum variance that will make possible the 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.

In granting any variance, the Special Magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The Special Magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. **Financial loss** standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

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# *Mazzillo And Associates, Inc.*

*Civil Engineering and Permitting  
422 137<sup>th</sup> Avenue, Circle  
Madeira Beach, FL 33708*

## **Variance Request Narrative**

**Property Address: 422 137th Avenue Circle, Madeira Beach, FL 33708**

**Prepared By: Paul Mazzillo, P.E.**

This variance request seeks to allow construction of a new single-family home on a substandard lot measuring  $40\pm$  ft by  $75\pm$  ft, containing  $3,022\pm$  sf, to replace the home flooded by Hurricane Helene. The R-2 Zoning district requires a minimum lot area of 4,000 sf with a minimum lot depth of 80 ft.

This request seeks a variance from **Code Sec. 110-208. - Maximum lot coverage**, specifically an increase in the allowable maximum lot coverage from 0.40 (40%) to 0.48 (48%) as currently measured by the City of Madeira Beach per Code Sec. 110-425. - Maximum coverage.

Code section 110-425 states, "Lot coverage shall be figured from the line where the building wall meets the grade or the support columns reach the grade."

Requested Variance from Code Sec 110-208 – Maximum lot coverage to allow construction of a 30ft by 48ft single-family residence to the setbacks previously approved by variance 2025-03.

In March of 2025, a variance was requested to reduce the required front, rear, and side setbacks for the 422 137<sup>th</sup> Avenue Circle property. The variances were to allow the construction of a 30 ft x 48 ft single-family residence as shown on the site drawing included in the City of Madeira Beach's staff review package (copy attached). The City of Madeira Beach staff recommended approval of the requested setback variances, and the variances were approved in March 2025 (Variance 2025-03).

After the setback, variances were approved in March of 2025. I proceeded with the architectural and structural design process and permitting. On November 3, 2025, construction plans were submitted to the City of Madeira Beach for review.

During the City's construction plans review, comments were issued stating that the design exceeds the maximum 40% lot coverage allowed by Sec 110-208 - Maximum lot coverage. After the comments were received, a meeting was set up with City staff. At the meeting, it was determined that an additional variance for maximum lot coverage would be required. Additionally, the Community Development Director, Marcy Forbes, stated the City would waive the variance application fee for the additional variance.

### **Sec. 110-208. - Maximum lot coverage.**

The maximum lot coverage in the R-2, low-density multifamily residential district, is as follows:

(1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area, except for townhouse dwelling units, which shall be 50 percent of the total lot area.

**Sec. 110-425. - Maximum coverage.**

Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the district as set forth within the schedule of use, lot, yard and bulk regulations, where such principal and accessory buildings are located. Lot coverage shall be figured from the line where the building wall meets the grade or the support columns reach the grade.

**Response to Variance Criteria:**

**Variances, Sec. 2-507 (b)**

*(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;*

**Response:** Lot 30 is substandard and irregular. In the R-2 Zoning district, the minimum lot depth size is 4,000 square feet, and the minimum lot depth is 80 feet. Lot 30 is 3,022 square feet mol and has a depth of 75 feet.

*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;*

**Response:** The requested "Maximum lot coverage" is similar to that found on other properties in the neighborhood.

- **420 137th Avenue Circle; Lot Coverage = 47% (Reference Variance 2013.01, and attached drawing);**
- **429 137th Avenue Circle; Lot Coverage = 53% (Reference Variance 2019.01, and attached drawing);**
- 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.

**Response:** The existing home was slab-on-grade with living space on the ground floor. The previous home was substantially damaged during Hurricane Helene and flooded multiple times in the past 3 years. The new home will be built to the current FEMA requirements and hurricane wind load criteria, making the structure more disaster-resistant than the previous home.

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

**Response:** Per the Pinellas County property appraiser records, this lot has existed in this configuration since 1941, when the platting was completed, and the existing structure was built in 1950.

(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.

**Response:** The requested "Maximum lot coverage" is similar to those found on other properties in the neighborhood. Other lots in the neighborhood are similarly deficient and have lot coverages of a comparable percentage; similar variances have been granted, and construction plans have been approved for other similar properties.

- **420 137th Avenue Circle. (Reference Variance 2013.01, and attached drawing); Coverage = 47%**

The 420 137<sup>th</sup> Ave Cir property's enclosed ground-level building area is 216± greater than the proposed area on the 422 137<sup>th</sup> Ave Cir property. The property's total ground floor area, including support columns, is 1% less than the area proposed on the adjacent property to the east.

- **429 137th Avenue Circle (Reference Variance 2019.01, and attached drawing); Coverage = 53%**

This property received a variance (2019.01) under section 110-97(b)(1) which states:

(1) *Single-family.* May be rebuilt within the same footprint if it complies with all other existing regulatory codes and provisions of the land development regulations.

The construction approved for this property exceeds the maximum lot coverage of 40% allowed per Code Sec. 110-208. - Maximum lot coverage. Per the variance 2019.01 application drawings, the building lot coverage is 53% exceeding the 40% maximum per code by 13%.

(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.

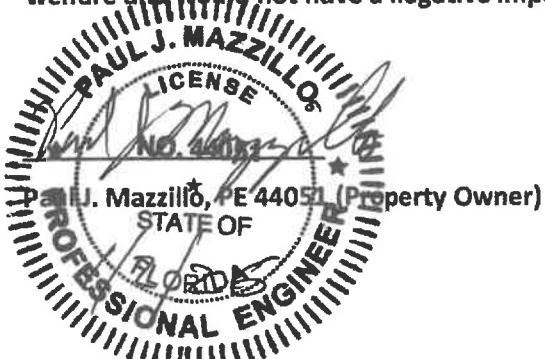
**Response:** Yes, without the variances, the applicant would not be able to construct a home of a similar size as other redeveloped properties found in the vicinity. The buildable area left after applying the required 40% lot coverage would deprive the applicant of a comparable level of use to other properties in the neighborhood.

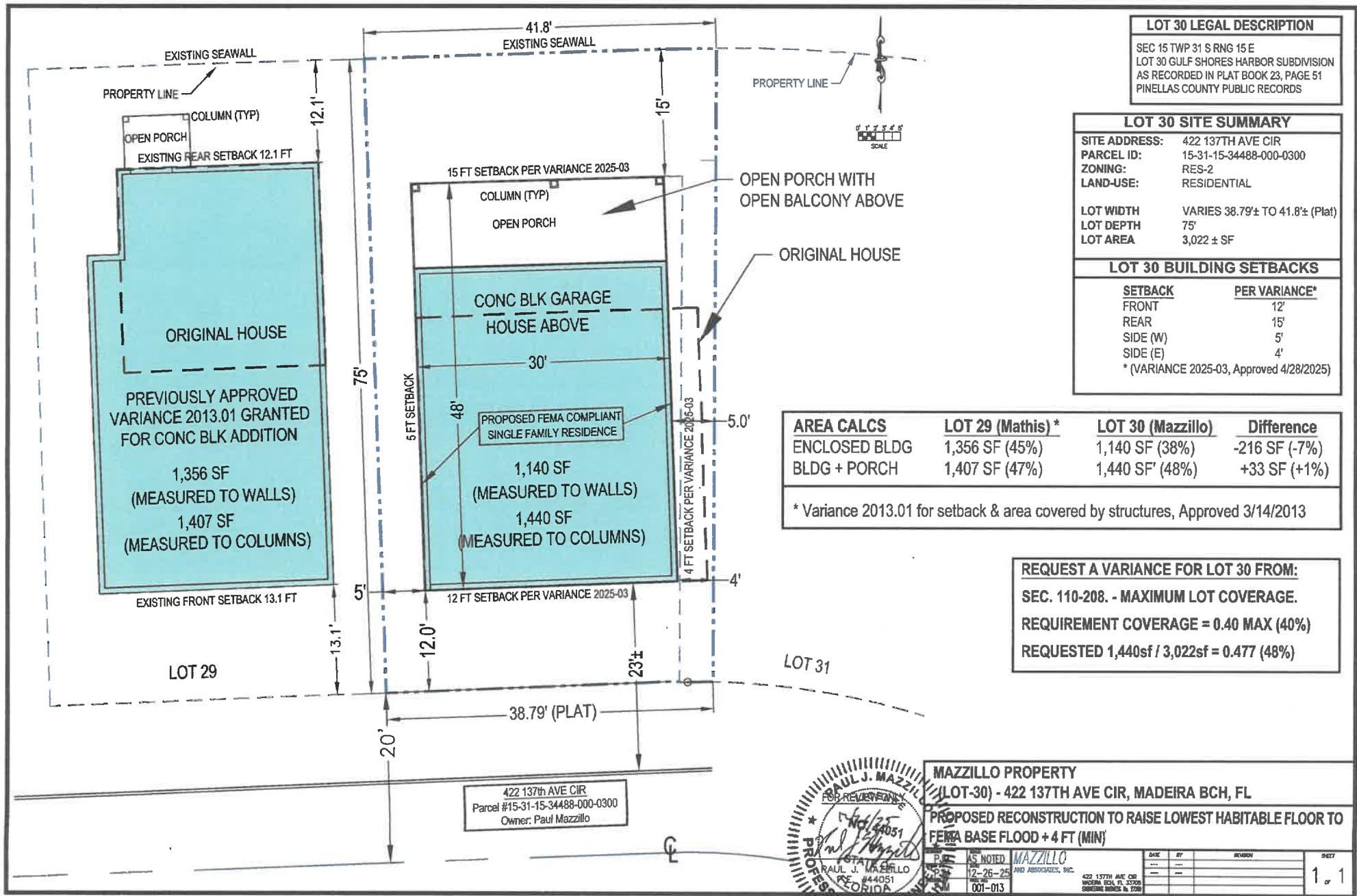
(5) The variance granted is the minimum variance that will make possible the reasonable use of the land.

**The variances proposed are the minimum to address the reduced size and configuration of the lot. What is requested brings the lot back to similar use and standards of the surrounding lots.**

(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.

**Response:** Granting the requested variances is in harmony with the general intent and purpose of the city land development regulations. The proposed increase in allowable lot coverage would allow for the construction of a new home that would meet all the other current requirements of a single-family home in the R-2 Zoning District. Granting the requested lot coverage variance would not be detrimental to public welfare and would not have a negative impact on nearby properties.



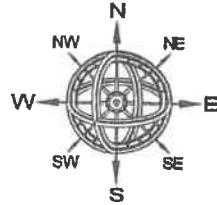


SECTION 15, TOWNSHIP 31 SOUTH, RANGE 15 EAST

CERTIFIED TO:  
DONAJO LINDA MATHIS  
JERRY MATHIS

A BOUNDARY SURVEY OF

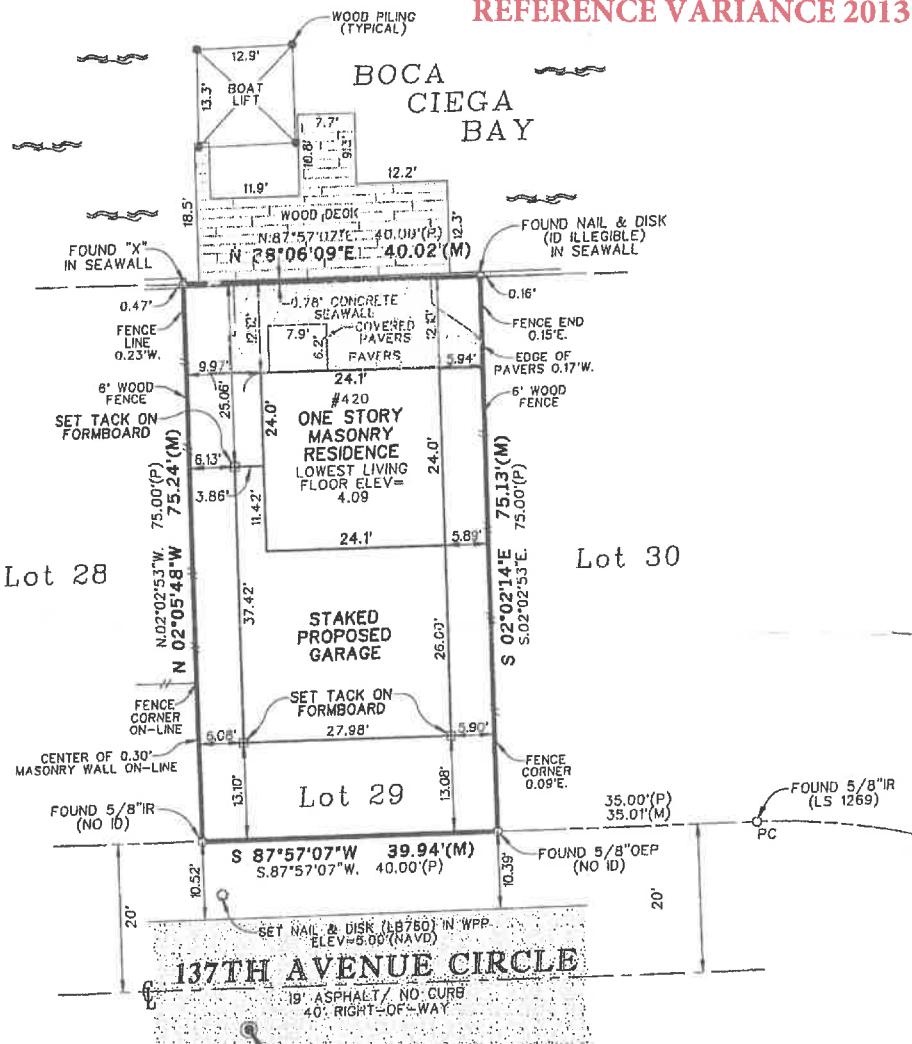
LOT 29, ACCORDING TO THE PLAT OF  
GULF SHORES HARBOR SUBDIVISION  
AS RECORDED IN PLAT BOOK 23, PAGE 51  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



NORTH BASIS:  
ASSUMED  
SCALE: 1" = 20'

BOUNDARY SURVEY WITH IMPROVEMENTS  
AND ELEVATION CERTIFICATE - 11/19/12  
STAKE PROPOSED PILING - 5/13/14  
STAKED PROPOSED GARAGE - 7/07/14

REFERENCE VARIANCE 2013.01



Flood Zone Data:  
FLOOD ZONE AE (MINIMUM ELEVATION 11')  
COMMUNITY PANEL #125127 12103C0191 G  
REVISED 9/3/03

Basis of Bearings:

NORTH RIGHT-OF-WAY LINE OF 137TH AVENUE  
CIRCLE AS BEING S.87°57'07" W., PER PLAT.

Benchmark:

DNR BRASS DISK 15-80-DA25  
ELEV=3.94' NAVD, MSL=0.00'

NOTE: This survey is made for the  
exclusive use of the current owners  
of the property and also those who  
purchase, mortgage or guarantee the  
title thereto within one (1) year from  
date hereof.

ABBREVIATIONS:

A/C = AIR CONDITIONER  
C = CENTERLINE  
ELEV = ELEVATION  
ID = IDENTIFICATION  
IR = IRON ROD  
LS = LICENSED SURVEYOR  
(M) = MEASURED  
OEP = OPEN END PIPE  
(P) = PLAT  
PC = POINT OF CURVATURE  
TBM = TEMPORARY BENCHMARK  
WPP = WOOD POWER POLE

1211-15.CRD  
FIELD BOOK 901 PAGE(S) 54&55

This Survey was prepared without the benefit of a title search and is  
subject to all easements, rights-of-way, and other matters of record.

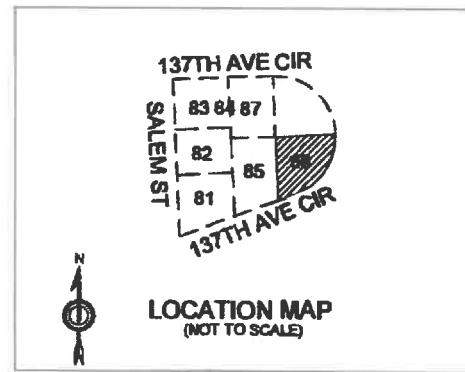
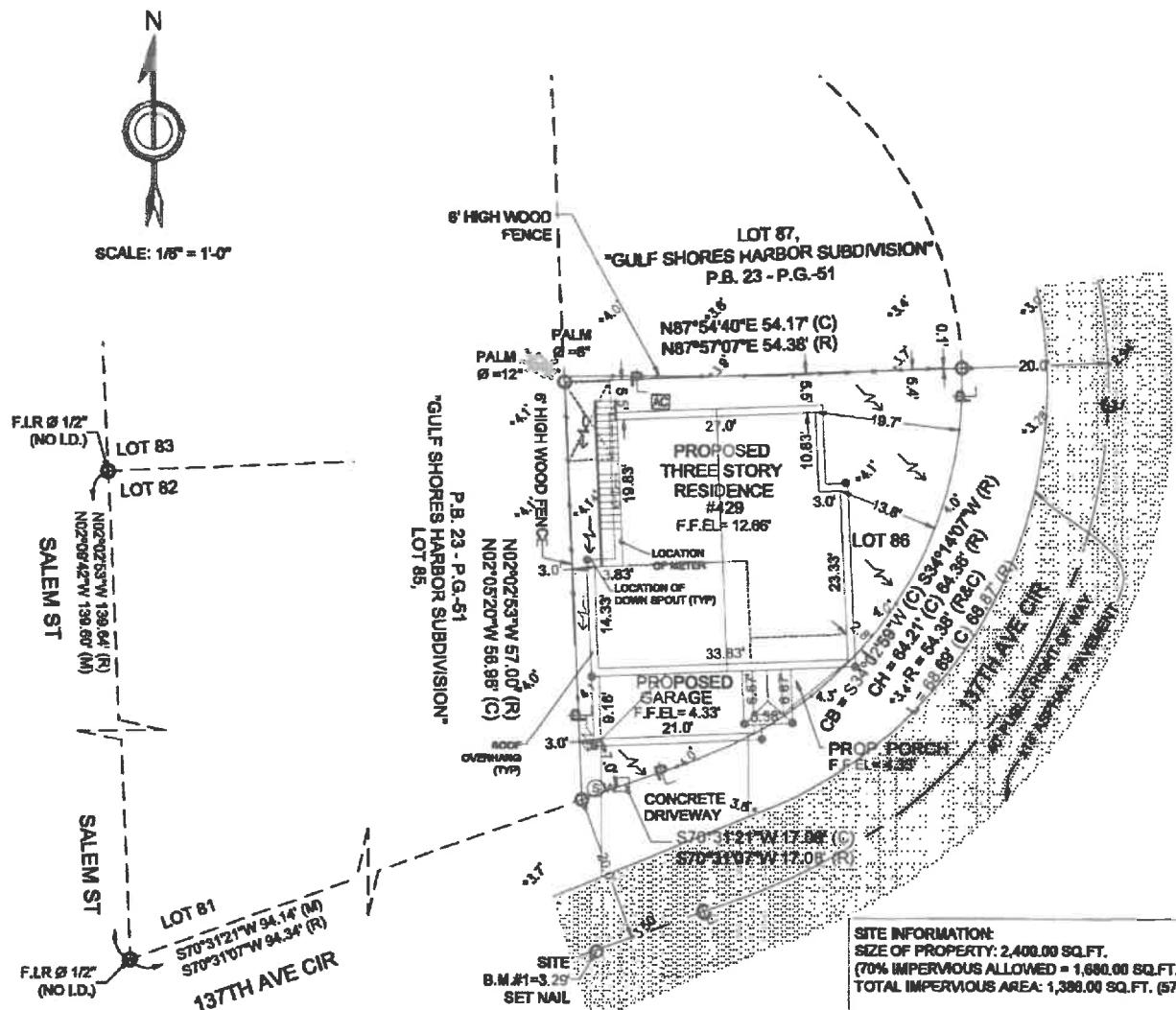
NOTE: Survey not valid without the signature and the original  
raised seal of a Florida Licensed Surveyor and Mapper.

JOB# 1211-15  
Drawn: DS

I hereby certify that the survey represented hereon meets  
the requirements of chapter 5J-17,025 Florida  
Administrative Code.

JOHN C. BRENDLA  
Florida Surveyor's Registration No. 1269  
Certificate of Authorization No. 760

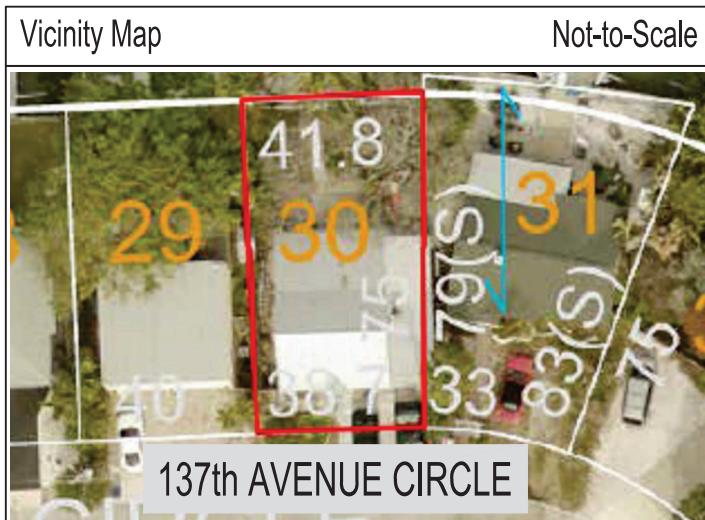
Prepared by:  
JOHN C. BRENDLA & ASSOCIATES, INC.  
CONSULTING ENGINEERS AND LAND SURVEYORS  
4015 82nd Avenue North  
Pinellas Park, Florida 33781  
phone (727) 576-7546 ~ fax (727) 577-9832



COPIED FROM VARIANCE 2019-01 APPLICATION

**VAR 2026-01**

**Attachment 2**



## Surveyors Notes:

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES.
3. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
5. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN HEREON.
6. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
7. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 1-2 WEEKS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LB (LICENSED BUSINESS) #8598.
8. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR OR MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSE ONLY AND IS NOT VALID.
9. ALL DATES SHOWN WITHIN THE REVISION BLOCK HEREON ARE FOR INTEROFFICE FILING USE ONLY AND IN NO WAY AFFECT THE DATE OF THE FIELD SURVEY STATED HEREIN. UNLESS OTHERWISE NOTED.
10. BEARINGS FOLLOWED BY A (M) HAVE BEEN COLLECTED IN FIELD AND ARE IN STATE PLANE (GRID) BEARING BASIS.

|                        |                                 |
|------------------------|---------------------------------|
| Job Number : 239981-CW | Field:                          |
| Drawn By : S.C.V.      | Date of Field Work : 03/31/2025 |
| Revisions              |                                 |
|                        |                                 |
|                        |                                 |
|                        |                                 |

## Survey Related Information and Certifications:

CERTIFIED TO  
PAUL MAZZILLO

## Abbreviation Legend (Some items in legend may not appear on drawing)

|                                       |                                |                             |                        |
|---------------------------------------|--------------------------------|-----------------------------|------------------------|
| A OR AL = ARC LENGTH                  | FPL = FLORIDA POWER AND LIGHT  | PH = POOL HEATER            | TR = TELEPHONE RISER   |
| AT&T = AMERICAN TELEPHONE & TELEGRAPH | F.F.E. = FINISHED FLOOR ELEV.  | PI = POINT OF INTERSECTION  | TWP = TOWNSHIP         |
| BFP = BACKFLOW PREVENTER              | FIR = FOUND IRON ROD           | PK = PARKER KAEON           | UE = UTILITY EASEMENT  |
| BSL = BUILDING SETBACK LINE           | FN = FOUND NAIL                | R = RADIUS                  | UP = UTILITY POLE      |
| C/O = CLEANOUT                        | FND = FOUND                    | POB = POINT OF BEGINNING    | WM = WATER METER       |
| CA = CENTRAL ANGLE                    | FLOOR ELEV.                    | POC = POINT OF COMMENCEMENT | WV = WATER VALVE       |
| CATV = CABLE TV RISER                 | G.F.F.E. = GARAGE FINISHED     | PP = POOL PUMP              |                        |
| CF = CALCULATED FROM FIELD            | ICV - IRRIGATION CONTROL VALVE | L = LEGAL DESCRIPTION       | PRC = POINT OF REVERSE |
| CH = CHORD DISTANCE                   | L = LEGAL DESCRIPTION          | M = MEASURED                | CURVATURE              |
| CONC. = CONCRETE                      | OHC = OVERHEAD CABLE           | P = PLAT                    | QTR = QUARTER          |
| CR = CALCULATED FROM RECORD           | P = PLAT                       | PC = POINT OF CURVATURE     | RNG = RANGE            |
| DE = DRAINAGE EASEMENT                | PC = POINT OF CURVATURE        | PCC = POINT OF COMPOUND     | ROW = RIGHT OF WAY     |
| EL OR ELEV = ELEVATION                | PCC = POINT OF COMPOUND        | CURVATURE                   | SEC = SECTION          |
| EM = ELECTRIC METER                   | PC = POINT OF CURVATURE        |                             |                        |

## CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL (IF AFFIXED) HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

## Symbols (Some items in legend may not appear on drawing - Not to Scale)

|                  |                     | Line types           |               |
|------------------|---------------------|----------------------|---------------|
| ⌚ = UTILITY POLE | ⌚ = WELL            | ♿ = HANDICAP SPACES  | BOUNDARY      |
| ⌚ = LIGHT POLE   | ⌚ = CENTER LINE     | △ = TEMPORARY SITE   | BUILDING      |
| = CATCH BASIN    | = PARTY WALL        | ◆ = BENCHMARK        | EASEMENT      |
| ⌚ = FIRE HYDRANT | ⌚ = AIR CONDITIONER |                      | CHAIN LINK    |
| ⌚ = MANHOLE      | ⌚ = SEPTIC LID      | ⌚ = SEC. QTR. CORNER | FENCE         |
| ⌚ = WATER VALVE  | ⌚ = ELEV. SHOT      | ⌚ = SECTION CORNER   | WOOD FENCE    |
| ⌚ = WATER METER  |                     |                      | PLASTIC FENCE |
|                  |                     |                      | OVERHEAD      |

SIGNATURE \_\_\_\_\_ DATE: 4-7-2025  
PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA  
REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND  
ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL (IF AFFIXED) OF THE  
FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

## Legal Description:

LOT 30 OF GULF SHORES HARBOR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 23, ON PAGE 51, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

## Platted Easements &amp; Notable Conditions (unplatted easements also listed if provided):

- WOOD DECK AND BOAT LIFT CROSSES THE BOUNDARY LINE ON NORTHERLY SIDE OF LOT AS SHOWN.
- PLASTIC SHED CROSSES THE BOUNDARY LINE ON WESTERLY SIDE OF LOT AS SHOWN.

## PRINTING INSTRUCTIONS

WHEN PRINTING THIS PDF IN ADOBE. SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. DO NOT USE "FIT".

This survey has been issued by the following Landtec Surveying office:

840 US Hwy 1, Suite 330

North Palm Beach, Florida 33408

Office: (561) 210-9344 [www.LandtecSurvey.com](http://www.LandtecSurvey.com)

Email: [Construction@landtecsurvey.com](mailto:Construction@landtecsurvey.com)

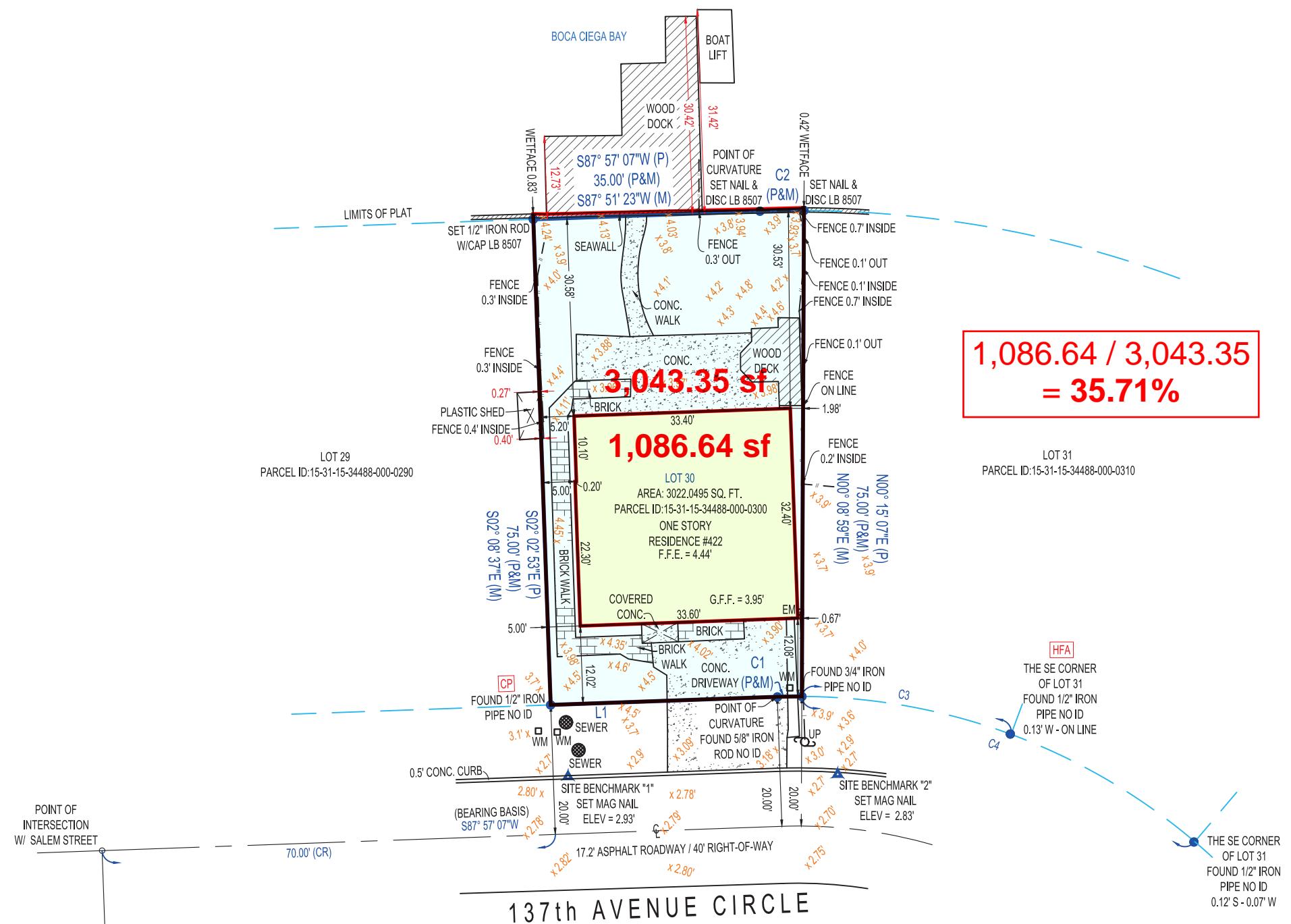


SCALE:1"=20'

PROPERTY ADDRESS:  
422 137th AVENUE CIRCLE, MADEIRA BEACH, FL. 33708

FLOOD INFORMATION:  
ZONE: "AE"  
ELEV.= 10.00' (NAVD88)  
MAP PANEL#: 12103C0191H  
EFFECTIVE DATE: 08/24/2021

LOT 29  
PARCEL ID:15-31-15-34488-000-0290



| CURVE TABLE |        |         |           | CHORD LENGTH | CHORD BEARING |
|-------------|--------|---------|-----------|--------------|---------------|
|             | LENGTH | RADIUS  | DELTA     |              |               |
| C1          | 3.79'  | 94.38'  | 02°18'00" | 3.79'        | N89°06'07"E   |
| C2          | 6.80'  | 169.38' | 02°18'00" | 6.80'        | S89°06'07"W   |
| C3(P)       | 33.00' | 94.38'  | 20°02'00" | 32.83'       | S79°43'53"E   |
| C3(M)       |        |         |           | 32.69'       | S79°47'17"E   |
| C4(CR)      | 66.00' | 94.38'  | 40°04'00" | 64.66'       | S69°42'53"E   |
| C4(M)       |        |         |           | 64.54'       | S69°38'27"E   |

| LINE TABLE |             |          |
|------------|-------------|----------|
|            | BEARING     | DISTANCE |
| L1(P)      | N87°57'07"E | 35.00'   |
| L1(M)      | N87°53'32"E | 35.00'   |

1,086.64 / 3,043.35  
= 35.71%

LOT 31  
PARCEL ID:15-31-15-34488-000-0310

|                        |                                 |
|------------------------|---------------------------------|
| Job Number : 239981-CW | Field:                          |
| Drawn By : S.C.V.      | Date of Field Work : 03/31/2025 |
| Revisions              |                                 |
|                        |                                 |
|                        |                                 |

This survey has been issued by the following Landtec Surveying office:  
840 US Hwy 1, Suite 330  
North Palm Beach, Florida 33408  
Office: (561) 210-9344 [www.LandtecSurvey.com](http://www.LandtecSurvey.com)  
Email: [Construction@landtecsurvey.com](mailto:Construction@landtecsurvey.com)

The logo for Landtec Surveying and Lien. It features the word "LANDTEC" in a large, bold, black, sans-serif font, with a blue swoosh graphic underneath. Below "LANDTEC" is the word "SURVEYING" in a smaller, grey, all-caps, sans-serif font. Underneath "SURVEYING" is the word "and" in a smaller, grey, italicized font, followed by "Lien" in a larger, grey, italicized font. At the bottom right is the text "LICENSED BUSINESS No. 8507".

**VAR 2026-01**

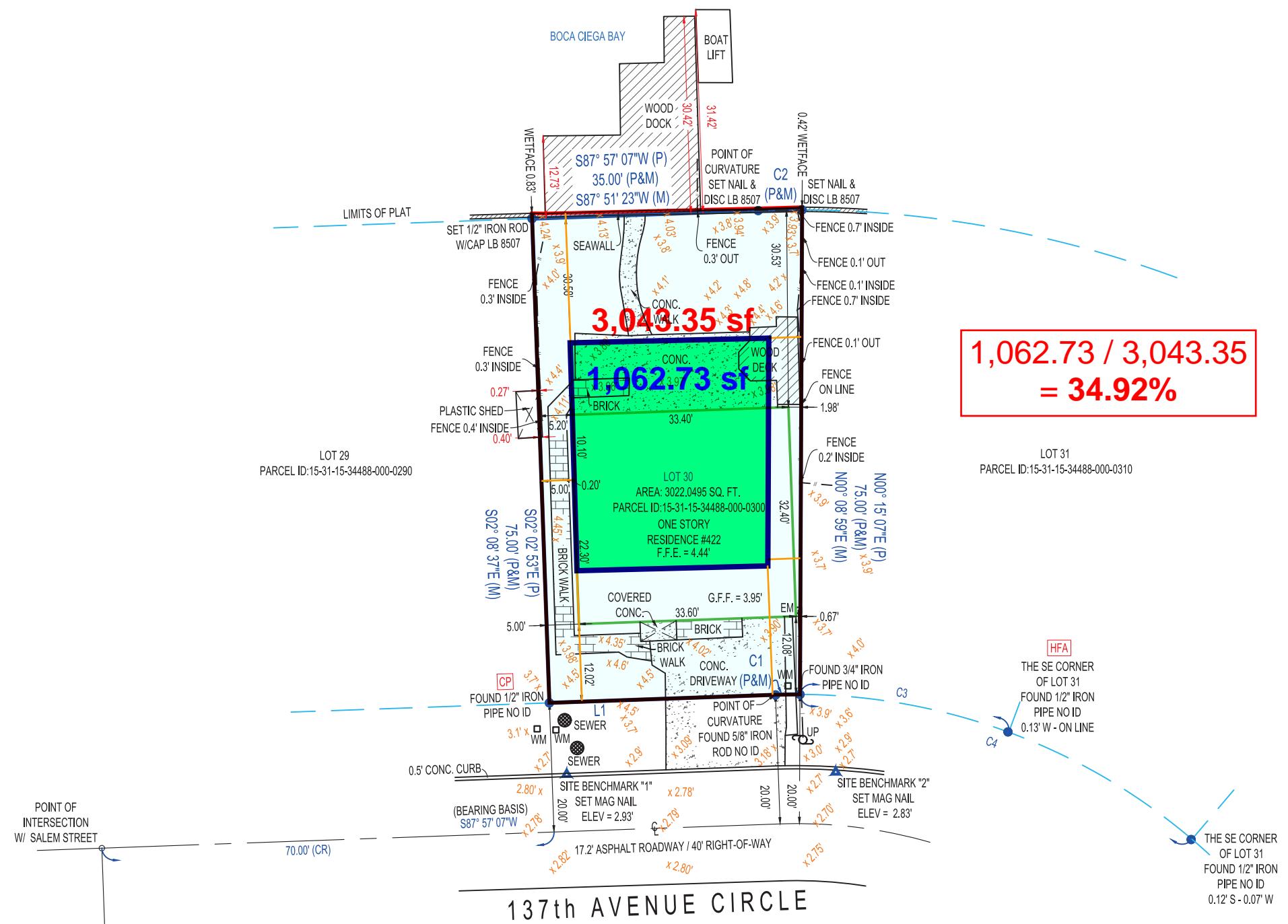
**Attachment 3**



SCALE: 1"=20'

PROPERTY ADDRESS:  
422 137th AVENUE CIRCLE, MADEIRA BEACH, FL. 33708

FLOOD INFORMATION:  
ZONE: "AE"  
ELEV.= 10.00' (NAVD88)  
MAP PANEL#: 12103C0191H  
EFFECTIVE DATE: 08/24/2021



| CURVE TABLE |        |         |           |
|-------------|--------|---------|-----------|
|             | LENGTH | RADIUS  | DELTA     |
| C1          | 3.79'  | 94.38'  | 02°18'00" |
| C2          | 6.80'  | 169.38' | 02°18'00" |
| C3(P)       | 33.00' | 94.38'  | 20°02'00" |
| C3(M)       |        |         | 32.69'    |
| C4(CR)      | 66.00' | 94.38'  | 40°04'00" |
| C4(M)       |        |         | 64.54'    |

| LINE TABLE |             |          |
|------------|-------------|----------|
|            | BEARING     | DISTANCE |
| L1(P)      | N87°57'07"E | 35.00'   |
| L1(M)      | N87°53'32"E | 35.00'   |

|                        |                                 |
|------------------------|---------------------------------|
| Job Number : 239981-CW | Field:                          |
| Drawn By : S.C.V.      | Date of Field Work : 03/31/2025 |
| Revisions              |                                 |
|                        |                                 |
|                        |                                 |

This survey has been issued by the following Landtec Surveying office:  
840 US Hwy 1, Suite 330  
North Palm Beach, Florida 33408  
Office: (561) 210-9344 [www.LandtecSurvey.com](http://www.LandtecSurvey.com)  
Email: [Construction@landtecsurvey.com](mailto:Construction@landtecsurvey.com)

**LANDTEC**  
SURVEYING  
*and Lien*  
LICENSED BUSINESS No. 8507

**VAR 2026-01**

**Attachment 4**



**City of Madeira Beach  
Building Department  
300 Municipal Drive  
Madeira Beach, FL 33708  
(727) 391-9951 Ext. 284**

---

Date: Wednesday, December 3, 2025

Project Number 2025-4294-BGDR

Job Address: 422 137TH AVENUE CIR, MADEIRA BEACH, FL 33708

Description of Work: Reconstruct a single family residential structure. Install wood pilings, construct foundation, concrete block wall first floor and wood frame 2nd and 3rd floors. Project includes connecting newly constructed structure to existing water, and sewer service laterals.- Private provider plan and inspection review.

To whom it may concern;

Staff has completed its review of plans for the property that is to be located at 422 137TH AVENUE CIR, MADEIRA BEACH, FL 33708.

**Planning and Zoning Review pending by Joseph Petraglia**

***BUILDING IS OVER STRUCTURE COVERAGE AND FAR. PLANS NEED TO BE REDESIGNED. SEE COMMENT 3 FOR MORE INFO (SEC. 110-208)***

1. The most recent architectural plan set (dated 10/28/25) is not digitally signed and sealed. Be sure to upload the original digitally signed and sealed plan set, as required for submittal.

2. On the survey, please provide off site topography of adjacent properties (Sec. 94-50). Topography of lot 29 is not shown and lot 31 only shows elevations along the front half of the property.

3-15. Please see P&Z Markup 1.0

16. Please provide a non-conversion agreement recorded with the county clerk of court (sec. 94-50):

<https://madeirabeachfl.gov/documents/nonconversion-agreement/>

***Please provide a response letter addressing all comments & pointing out where clouded revisions can be found. Do not email revisions to reviewers. Do not upload your revision until all necessary project files have been included.***

Joseph Petraglia, CFM  
Planner II  
(727) 603-0423  
jpetraglia@madeirabeachfl.gov

Resubmissions and revisions can be submitted in the customer portal at [www.mgoconnect.org](http://www.mgoconnect.org). Should you have any issues resubmitting your permit please contact building department at [buildingdept@madeirabeachfl.gov](mailto:buildingdept@madeirabeachfl.gov).

**VAR 2026-01**

**Attachment 5**



| Door Schedule |   |                          |
|---------------|---|--------------------------|
| Door Type     | Door Size                                 | Finish                   |
|               |   | Comments                 |
| 1             | 3'-0" x 8'-0"                             | Exterior Entry Door      |
| 2             | 6'-0" x 8'-0"                             | Double Glass Sliding Doo |
| 3             | 3'-0" x 8'-0"                             |                          |
| 4             | 2'-8" x 8'-0"                             |                          |
| 5             | 2'-6" x 8'-0"                             | Pocket Door              |
| 6             | 6'-0" x 8'-0"                             | Sliding Closet Door      |
| 7             | 4'-0" x 8'-0" Bi-Fold 4 Panel Closet Door |                          |
| 8             | 2'-8" x 8'-0"                             | Cased Opening            |
| 9             | 2'-6" x 8'-0"                             |                          |
| 10            | 8'-8" x 10'-0"                            | Garage Door              |
| 11            | 8'-0" x 10'-0"                            | Garage Door              |
| 12            | 3'-0" x 6'-8"                             |                          |
| 13            | 3'-0" x 6'-8"                             |                          |

| Window Schedule |               |         |             |  |
|-----------------|---------------|---------|-------------|--|
| Type Mark       | Rough Opening |         | Head Height | Comments   |
|                 | Width         | Height  |             |  |
| A               | 2' - 6"       | 5' - 6" | 8' - 0"     |  |
| B               | 3' - 0"       | 2' - 0" | <varies>    | 10' HEAD HEIGHT ON GROUND FLOOR,<br>8' ON OTHER FLOORS |
| C               | 2' - 0"       | 6' - 0" | 8' - 0"     |  |
| D               | 5' - 0"       | 5' - 6" | 8' - 0"     |  |
| E               | 4' - 8"       | 1' - 4" | 9' - 5"     |  |
| F               | 2' - 6"       | 5' - 0" | 8' - 0"     |  |
| G               | 2' - 6"       | 4' - 6" | 8' - 0"     |  |

## **SHEET NOTES**

**1) MASONRY DIMENSIONS ARE FROM FACE OF CMU BLOCK TO CMU BLOCK, UNLESS OTHERWISE NOTED.**

**2) FRAMING DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD, UNLESS OTHERWISE NOTED.**

**3) ALL WOOD FRAMING THAT COMES IN CONTACT WITH CONCRETE OR EXPOSED TO WEATHER SHALL BE PRESSURE TREATED (PT)**

**4) INSTALL WATERPROOF MEMBRANE & INSULATION @ FOUNDATIONS PER MANUFACTURER SPECIFICATIONS.**

**5) FLOOR, WALL, & ROOF INSULATION TO MEET APPLICABLE CODES.**

**6) DOORS SHALL BE LOCATED 4" FROM CLEAR OPENING TO ADJACENT WALL UNLESS OTHERWISE NOTED OR SHOWN ON PLAN**

**7) CASEWORK & MILLWORK DIMENSIONS SHALL BE VERIFIED BEFORE UNIT FABRICATION OR INSTALLATION. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS FOR DESIGNER'S APPROVAL**

| FLOOD VENT CALCULATIONS - SMARTVENT FL PA #5822-R8 |                               |                                   |                            |                     |                     |
|--|-------------------------------|-----------------------------------|----------------------------|---------------------|---------------------|
|  | SQUARE FOOTAGE (INSIDE WALLS) | REQUIRED SQUARE INCHES FLOOD VENT | 8"x16" FLOOD VENT CAPACITY | # OF VENTS REQUIRED | # OF VENTS PROVIDED |
| GARAGE   | 1000 SQ FT                    | 1000 SQ IN                        | 200 SQ IN / VENT           | 5.00                | 5                   |
| FOYER  | 138 SQ FT                     | 138 SQ IN                         | 200 SQ IN / VENT           | 0.69                | 2                   |

| Area Schedule (Gross Building) |             |         |
|--------------------------------|-------------|---------|
| Level                          | Name        | Area    |
| First Floor                    | Garage      | 1000 SF |
| First Floor                    | Foyer       | 138 SF  |
| Second Floor                   | Conditioned | 1207 SF |
| Third Floor                    | Conditioned | 1194 SF |
|                                |             | 2512 SF |

NOTE:  
PROVIDE IMPACT RESISTANT GLAZING AT ALL  
DOORS AND WINDOWS, CONTRACTOR SHALL  
PROVIDE CERTIFICATION FOR IMPACT  
RESISTANT GLAZING.



12 Please also add vent calculations for the full ground floor enclosure matching A8 of the EC provided

13 No additional partitions are permitted on ground floor other than foyer and elevator, unless they are the minimum structurally required to support the building. Please remove or clearly indicate on plans. Additionally, door

This architectural floor plan illustrates the layout of a residential unit. The overall width is 30' - 0" and the depth is 29' - 10". Key rooms and features include:

- BALCONY:** Located at the top, with dimensions 14' - 8" and 10' - 3".
- REC ROOM:** A large room measuring 15' - 2" by 8' - 3".
- MASTER BEDROOM:** A large room measuring 6' - 8" by 5' - 6". It includes a walk-in CLOSET (4' x 8') and a BATH (5' - 11" x 3' - 8") with a tub and shower.
- BEDROOM 3:** A room measuring 11' - 0" by 5' - 5". It includes a BATH (2' - 6" x 2' - 6") with a tub and shower.
- BEDROOM 2:** A room measuring 14' - 0" by 9' - 10".
- FUTURE ELEVATOR:** Located on the left side of the plan.
- Staircase:** A staircase is shown on the left side, with levels labeled 1 through 9 and a "DN" (Down) indicator.
- Fixtures:** Various fixtures are indicated by symbols: a circular fixture in the Master Bath, a toilet in the Master Bath and Bedroom 3, a sink in the Bath of Bedroom 3, and a sink in the Kitchen.
- Storage:** Numerous closet areas are marked with the letter "C" in a hexagon, including a large walk-in closet in the Master Bedroom and smaller closets in the bedrooms and hallway.
- Dimensions:** Detailed dimensions are provided for all rooms and hallways, such as 14' - 8" for the balcony, 15' - 2" for the Master Bedroom, and 11' - 0" for Bedroom 3.
- Labels:** Room labels include "BALCONY", "REC ROOM", "MASTER BEDROOM", "CLOSET", "MASTER BATH", "BEDROOM 3", and "BEDROOM 2".
- Callouts:** Callouts A2.1 and 1 are located at the top of the plan.

$$41'10" \times 29'10" =$$
$$1,248 + 1,210 =$$
$$2458/3022 = .8134$$

Max FAR is .80

### 3 Third Floor Plan - New Construction 1/4" = 1'-0"

Architectural floor plan of a residential unit. The unit is bounded by a red line. The total area is 1,210.13 sf. Key dimensions and room details are as follows:

- Balcony:** 16' - 10" wide by 6' - 1" high. A circular access point is labeled "UP".
- Kitchen:** 10' - 8 1/2" wide by 10' - 0" high. Contains Range, DW (Dishwasher), and Refrigerator. A red box highlights this area.
- Living Room:** 13' - 0" wide by 10' - 1" high. Contains a sofa (A2.0) and a chair (A3.0).
- BEDROOM 1:** 12' - 9" wide by 11' - 6" high. Contains a bed (A2.0) and a chair (A3.0).
- BATH:** 8' - 6 3/8" wide by 5' - 8 7/8" high. Contains a toilet, sink, and tub.
- LAUNDRY / STORAGE / MECH:** 11' - 0" wide by 10' - 4" high. Contains an HVAC unit, a washing machine (W), and a storage closet (D).
- PANTRY:** 12' - 8" wide by 2' - 0" high.
- CLOSET:** 6' - 10" wide by 6' - 0" high.
- Storage:** Various closets and storage areas are labeled with letters (A, B, C, D, E, F, G) and numbers (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21).
- Vertical Circles:** Circles with numbers (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21) are placed along vertical lines.
- Dimensions:** Overall width is 30' - 0". Overall depth is 29' - 10".

② Second Floor Plan - New Construction  
1/4" = 1'-0"

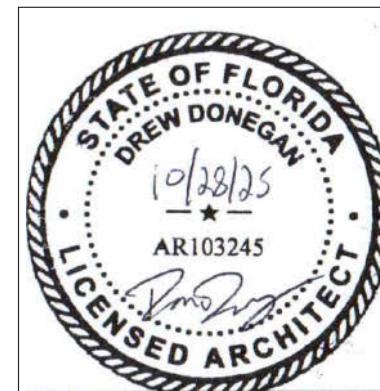
1 First Floor Plan - New Construction  
1/4" = 1'-0"

# Mazzillo Custom Home

422 137th Ave Cir.  
Madeira Beach, FL 33708

| Revision Schedule |                      |               |
|-------------------|----------------------|---------------|
| Revision Number   | Revision Description | Revision Date |
|                   |                      |               |

| <b>Sheet Information</b> |            |
|--------------------------|------------|
| Date :                   | 10/28/2025 |
| Job Number :             | 25_031     |
| Drawn By :               | Author     |
| Checked By :             | Checker    |
| Approved By :            | Approver   |



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Sheet Description:

## Sheet Description:

**Sheet:**

## Sheet 1

A1.0

**SHEET NOTES**

- 1) MASONRY DIMENSIONS ARE FROM FACE OF CMU BLOCK TO CMU BLOCK, UNLESS OTHERWISE NOTED.
- 2) FRAMING DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD, UNLESS OTHERWISE NOTED.
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- 4) INSTALL WATERPROOF MEMBRANE & INSULATION @ FOUNDATIONS PER MANUFACTURER SPECIFICATIONS.
- 5) FLOOR, WALL, & ROOF INSULATION TO MEET APPLICABLE CODES.
- 6) DOORS SHALL BE LOCATED 4" FROM CLEAR OPENING TO ADJACENT WALL UNLESS OTHERWISE NOTED OR SHOWN ON PLAN.

- 7) CASEWORK & MILLWORK DIMENSIONS SHALL BE VERIFIED BEFORE UNIT FABRICATION OR INSTALLATION. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS FOR DESIGNER'S APPROVAL.

**Mazzillo Custom Home**422 137th Ave Cir,  
Madeira Beach, FL 33708

donegan design

Drew Donegan  
Phone (615) 829-9148  
DREW@DONEGANDESIGN.COM

PROJECT MANAGER:  
TELEPHONE EXT:  
e-mail:

In Association with:  
Project Manager:  
e-mail:

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e-mail:

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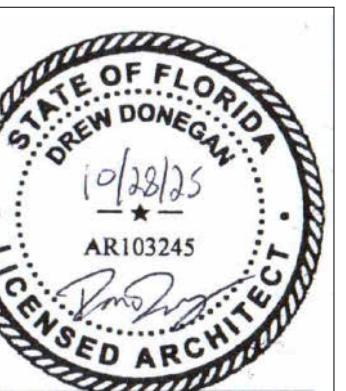
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## Revision Schedule

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|                 |                      |               |

## Sheet Information

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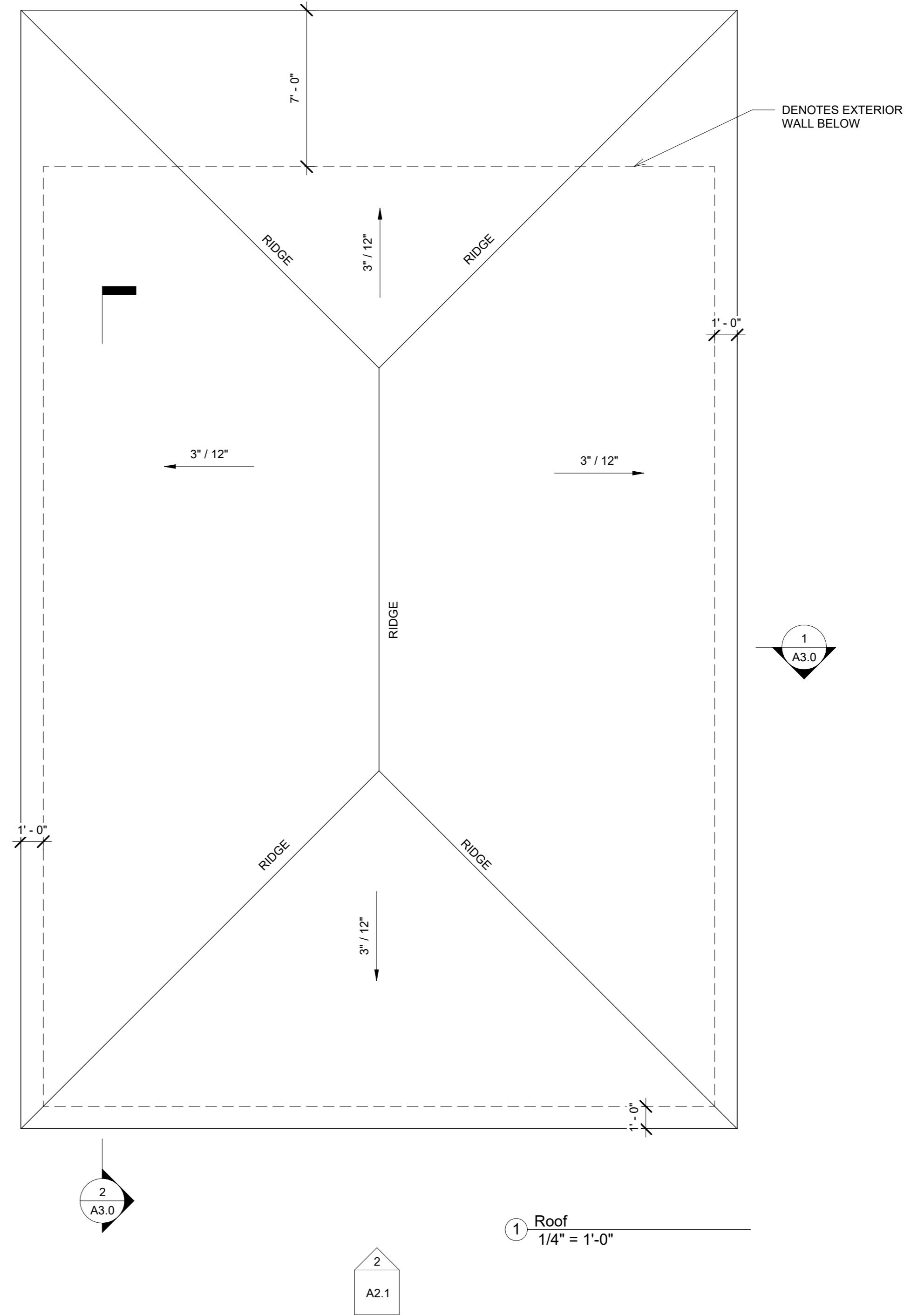
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## Sheet Description:

Roof Plan

Sheet:

A1.1



| Door Schedule |   |                           |
|---------------|---|---------------------------|
| Door Type     | Door Size                                 | Finish                    |
|               |   | Comments                  |
| 1             | 3'-0" x 8'-0"                             | Exterior Entry Door       |
| 2             | 6'-0" x 8'-0"                             | Double Glass Sliding Door |
| 3             | 3'-0" x 8'-0"                             |                           |
| 4             | 2'-8" x 8'-0"                             |                           |
| 5             | 2'-6" x 8'-0"                             | Pocket Door               |
| 6             | 6'-0" x 8'-0"                             | Sliding Closet Door       |
| 7             | 4'-0" x 8'-0" Bi-Fold 4 Panel Closet Door |                           |
| 8             | 2'-8" x 8'-0"                             | Cased Opening             |
| 9             | 2'-6" x 8'-0"                             |                           |
| 10            | 8'-8" x 10'-0"                            | Garage Door               |
| 11            | 8'-0" x 10'-0"                            | Garage Door               |
| 12            | 3'-0" x 6'-8"                             |                           |
| 13            | 3'-0" x 6'-8"                             |                           |

| Window Schedule |               |         |             |  |
|-----------------|---------------|---------|-------------|--|
| Type Mark       | Rough Opening |         | Head Height | Comments   |
|                 | Width         | Height  |             |  |
| A               | 2' - 6"       | 5' - 6" | 8' - 0"     |  |
| B               | 3' - 0"       | 2' - 0" | <varies>    | 10' HEAD HEIGHT ON GROUND FLOOR,<br>8' ON OTHER FLOORS |
| C               | 2' - 0"       | 6' - 0" | 8' - 0"     |  |
| D               | 5' - 0"       | 5' - 6" | 8' - 0"     |  |
| E               | 4' - 8"       | 1' - 4" | 9' - 5"     |  |
| F               | 2' - 6"       | 5' - 0" | 8' - 0"     |  |
| G               | 2' - 6"       | 4' - 6" | 8' - 0"     |  |

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onegan design

Drew Donegan  
Phone (615) 829-9148  
DREW@DONEGANDESIGN.COM

JECT MANAGER:  
PHONE EXT:

## Association with:

## Project Manager:

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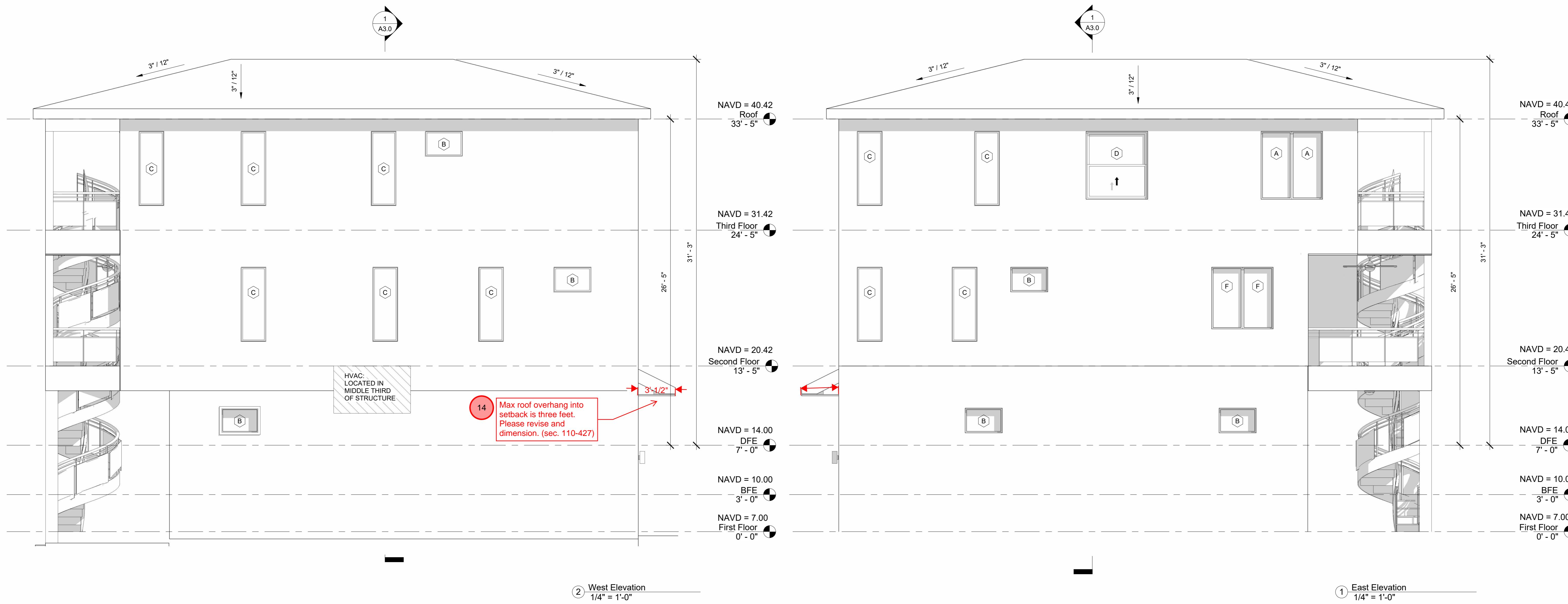
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# Mazzillo Custom Home

**Madeira Beach, FL 33708**



# Mazzillo Custom Home

 422 137th Ave Cr,  
 Madeira Beach, FL 33708

## Revision Schedule

| Revision Number | Revision Description | Revision Date |
|-----------------|----------------------|---------------|
|                 |                      |               |

## Sheet Information

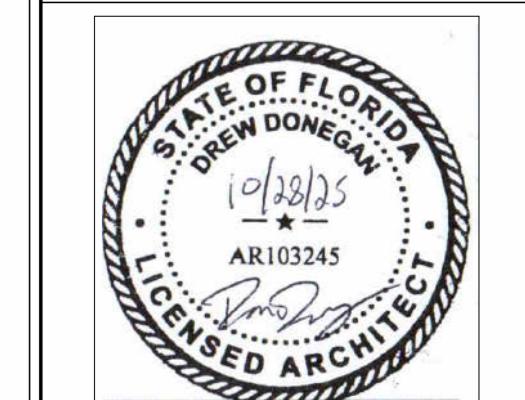
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Job Number : 25\_031

Drawn By : Author

Checked By : Checker

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## Sheet Description:

Elevations

## Sheet:

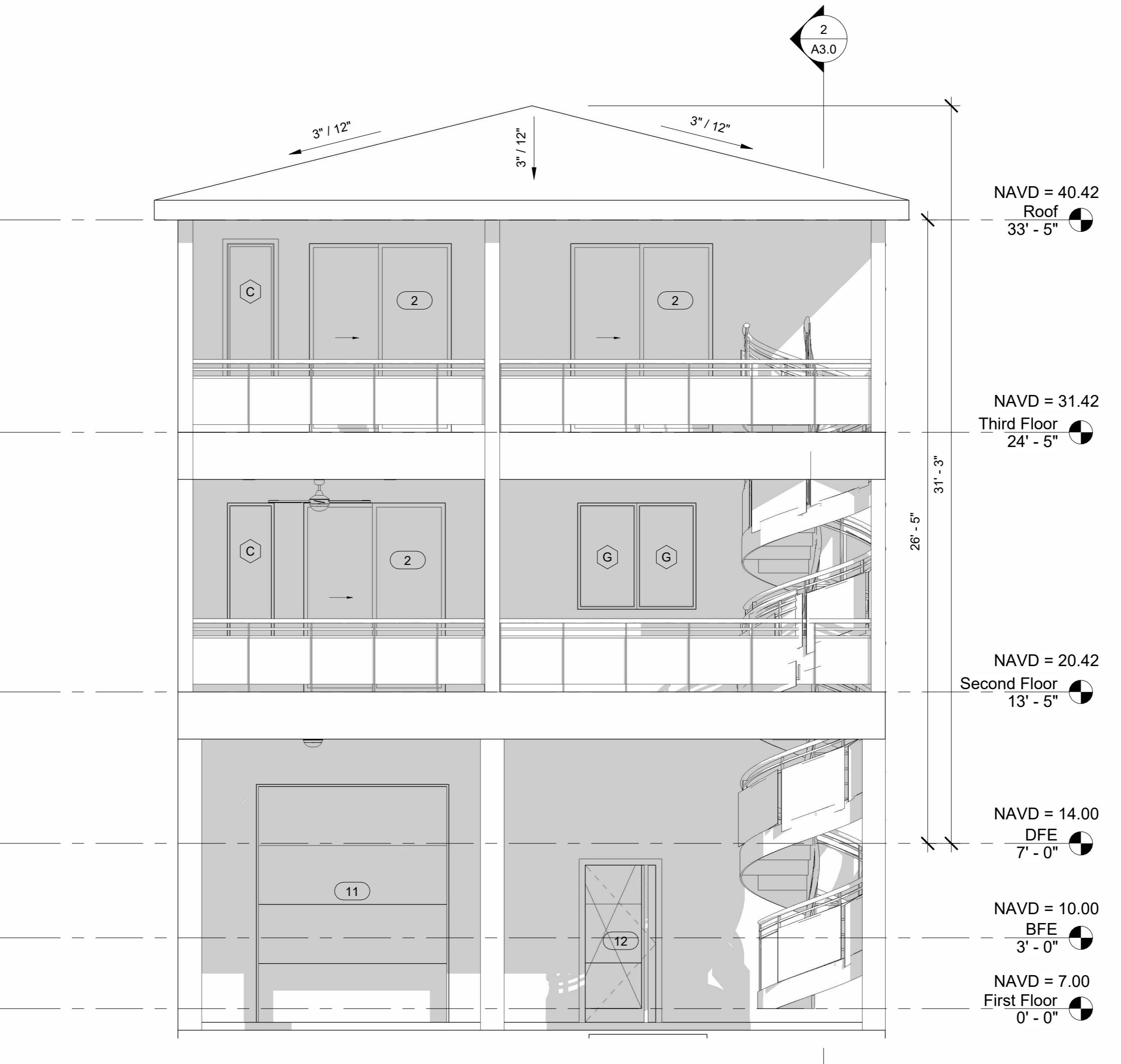
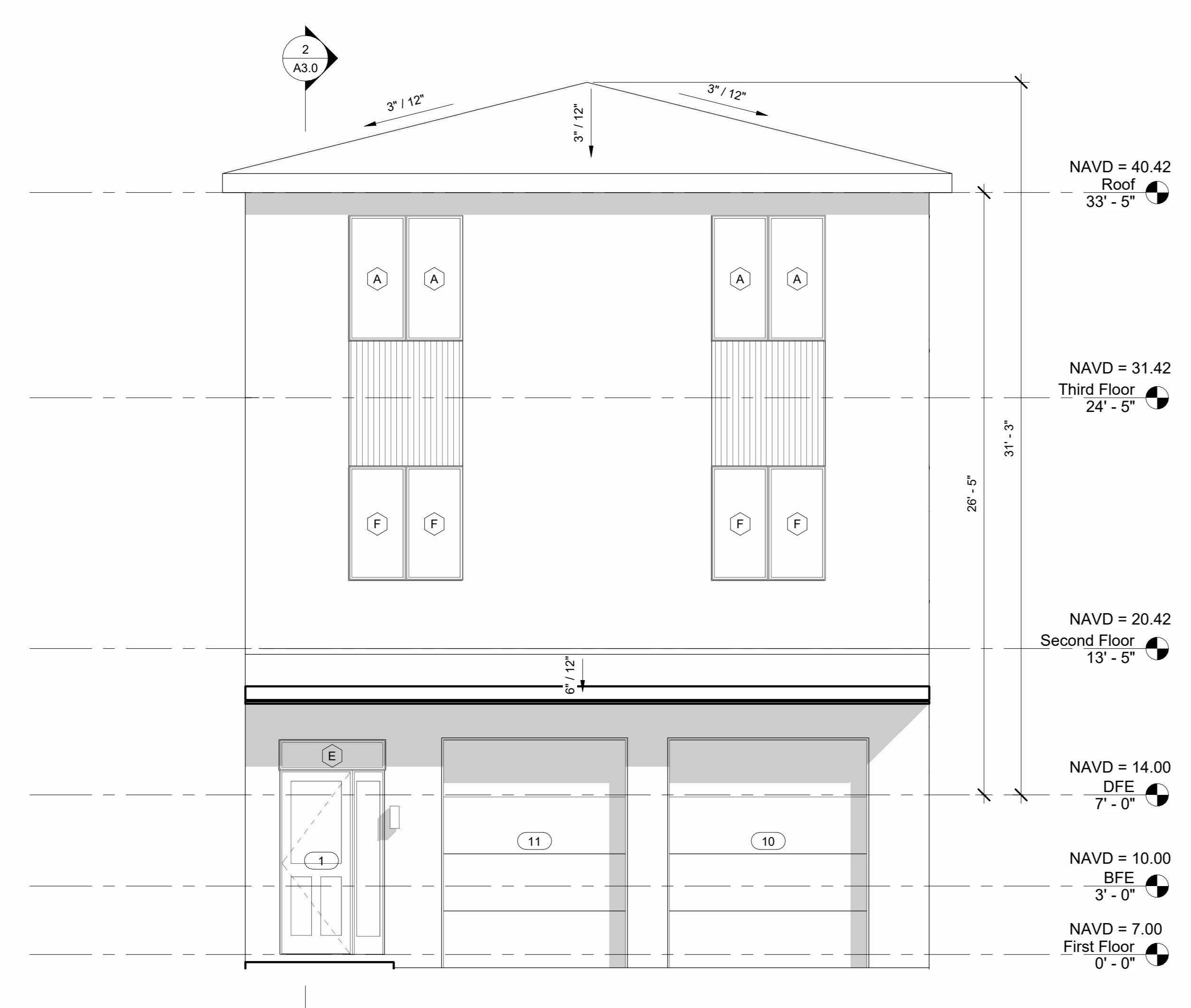
A2.1

| Door Schedule |                |                             |
|---------------|----------------|-----------------------------|
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| 13            | 3'-0" x 6'-8"  |                             |

| Window Schedule |               |             |          |  |
|-----------------|---------------|-------------|----------|--|
| Type Mark       | Rough Opening | Head Height | Comments |  |
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## Mazzillo Custom Home

422 137th Ave Cir,  
Madeira Beach, FL 33708

### Revision Schedule

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|-----------------|----------------------|---------------|
|                 |                      |               |

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Date : 10/28/2025  
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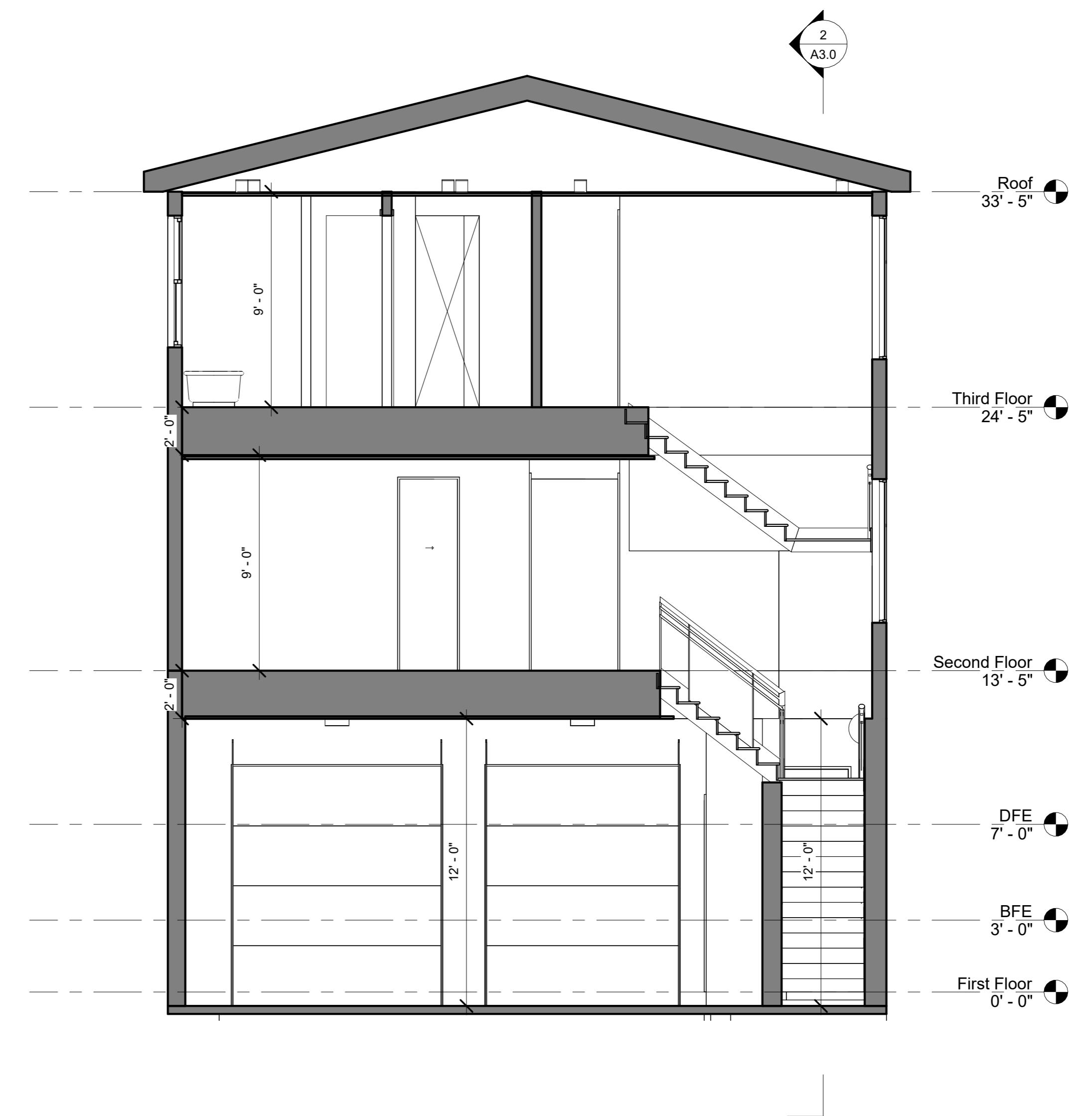
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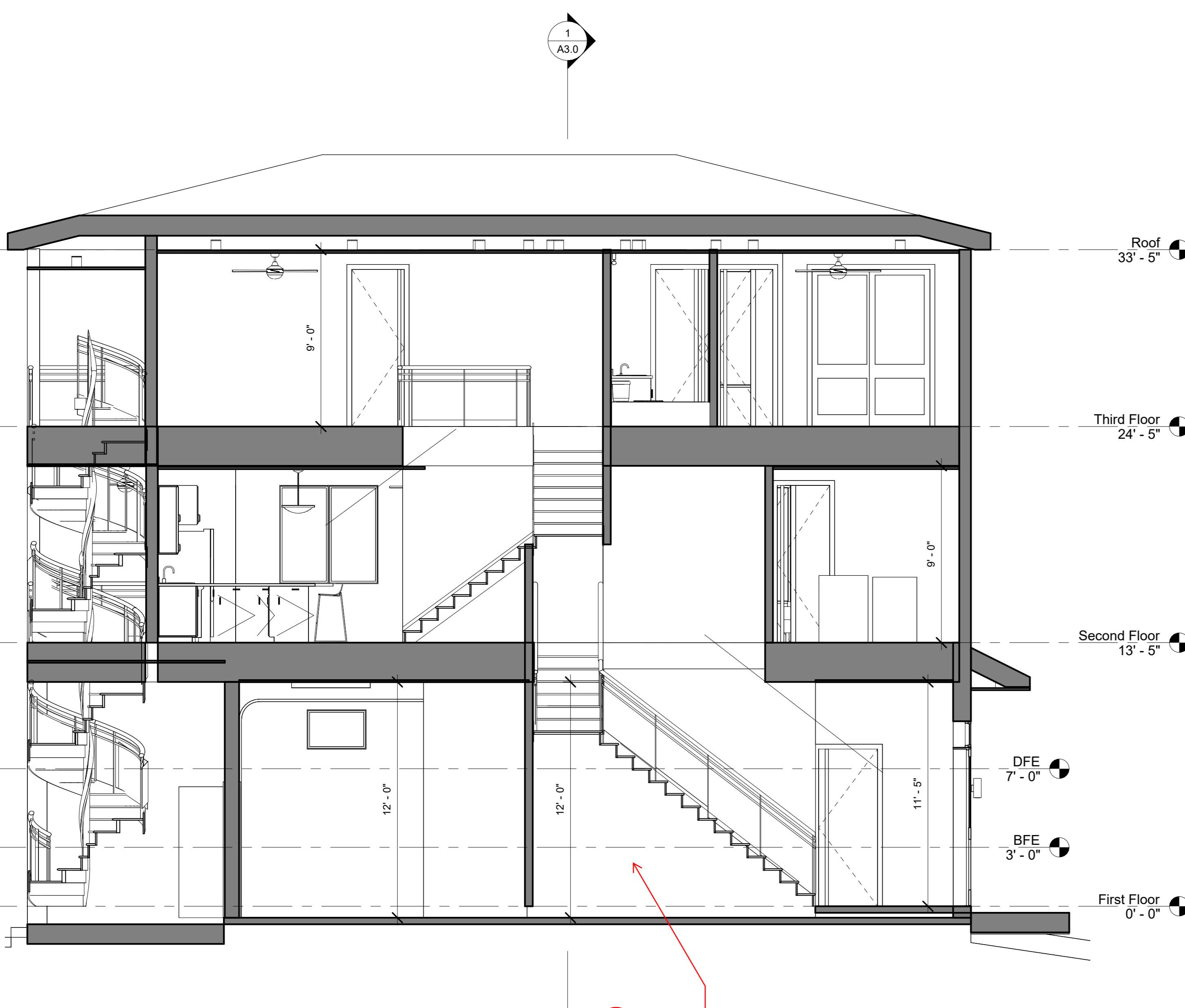
Sections

Sheet:

A3.0



① Section 1  
1/4" = 1'-0"



② Section 2  
1/4" = 1'-0"

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TELEPHONE EXT:  
e-mail:

In Association with:

Project Manager:

e-mail:

Project Manager:

e-mail:

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**SHEET KEY:**

○ Recessed Can

× Ceiling Fan

□ Recessed Can w/ Exhaust Fan

□ Wall Mounted Fixture - Vanity

○ Pendant Light

□ Wall Mounted Fixture - Sconce

□ Wall Mounted Fixture - Sconce

# Mazzillo Custom Home

422 137th Ave Cir,  
Madeira Beach, FL 33708

Revision Schedule

| Revision Number | Revision Description | Revision Date |
|-----------------|----------------------|---------------|
|                 |                      |               |

Sheet Information

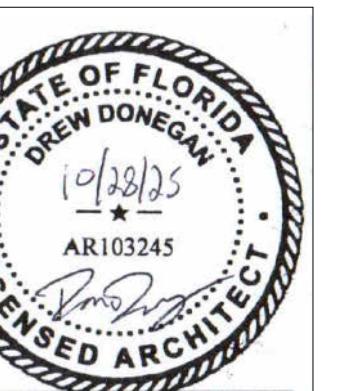
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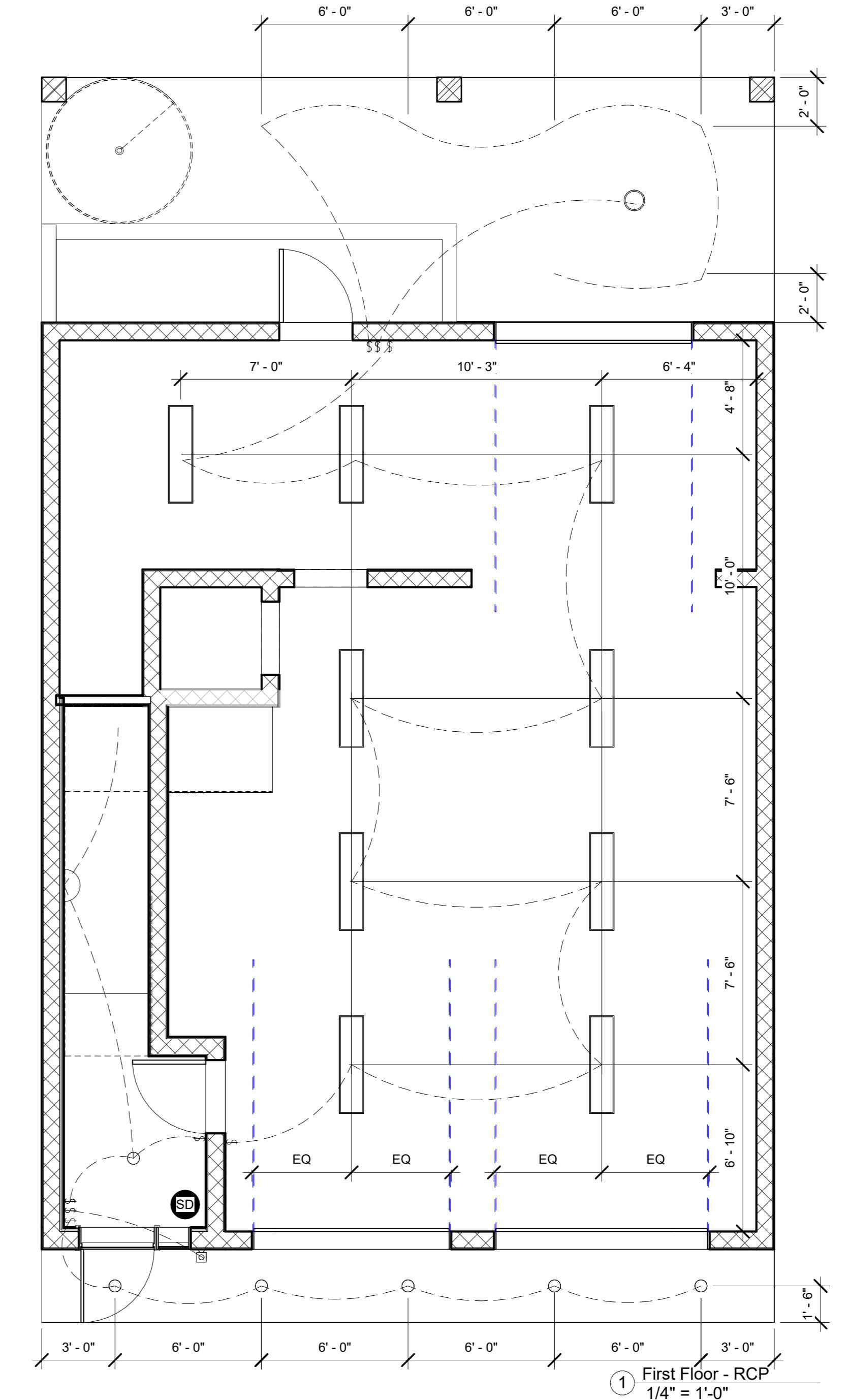
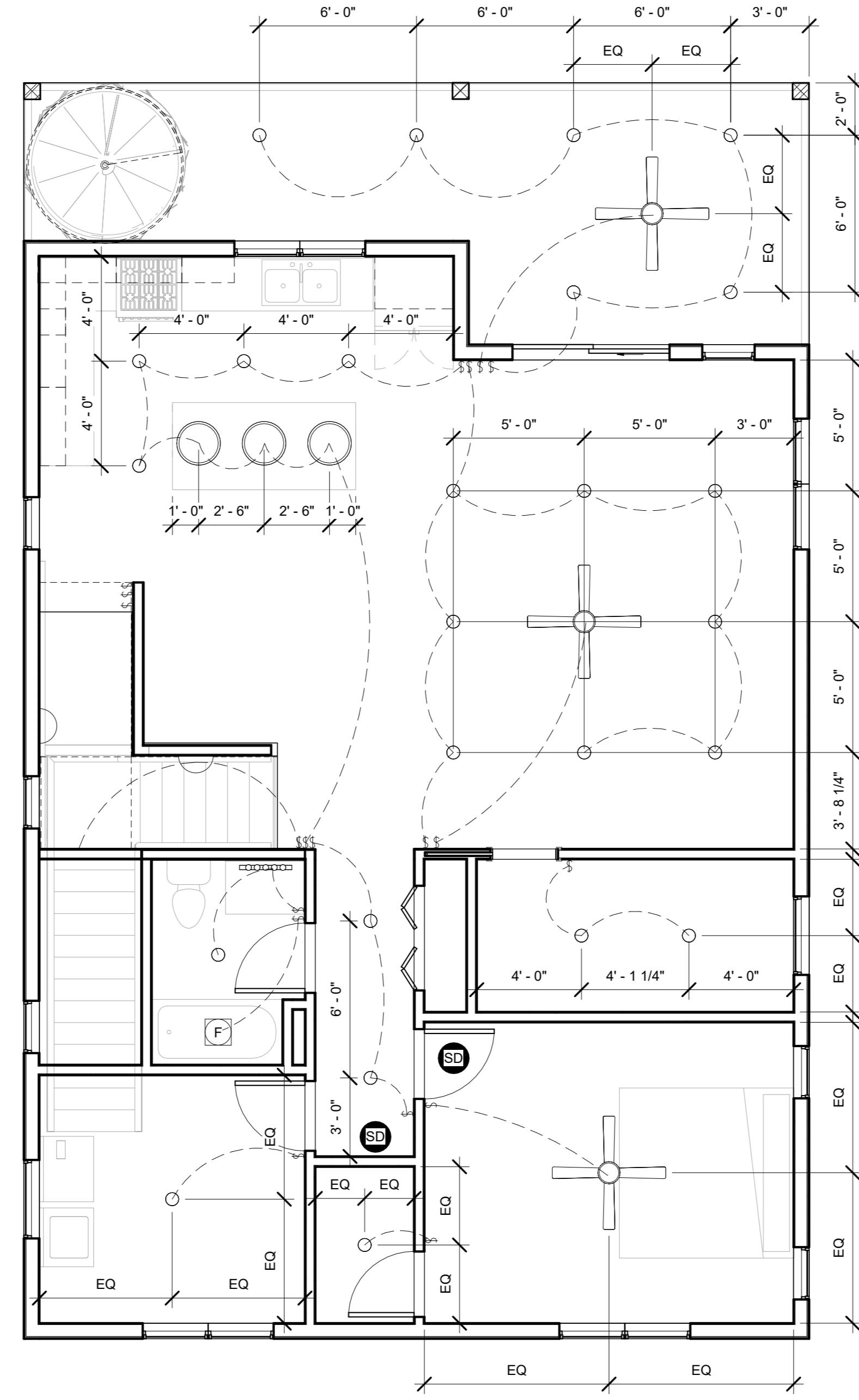
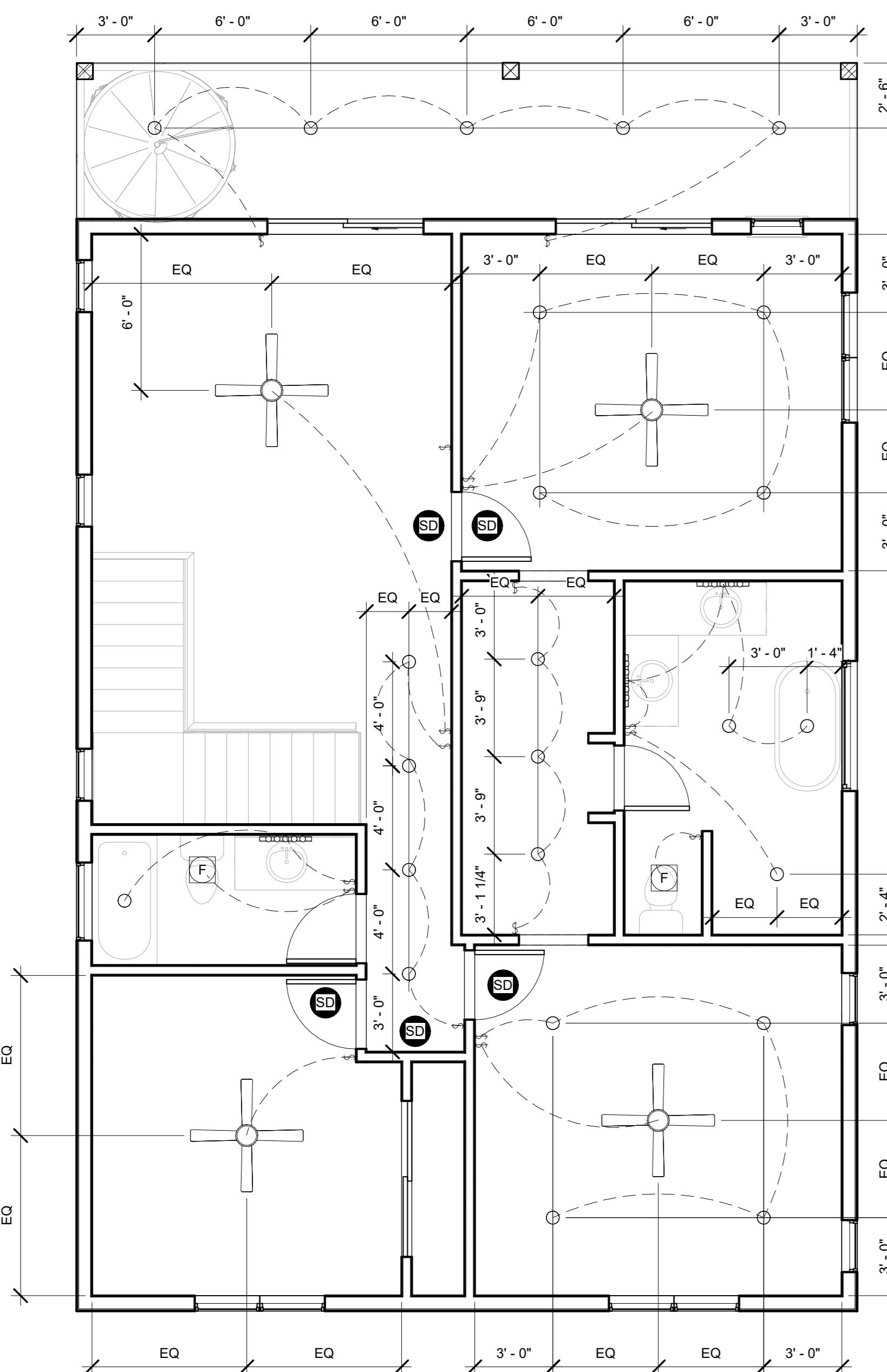
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Sheet Description:

RCPs

Sheet:

A4.0



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Project Manager:  
e-mail:

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## Mazzillo Custom Home

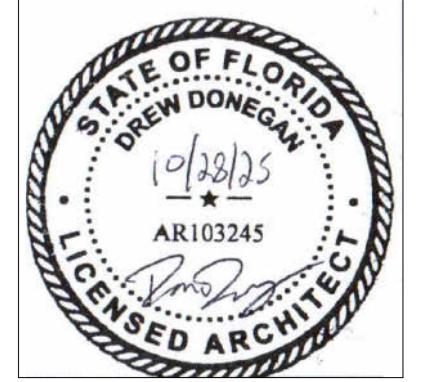
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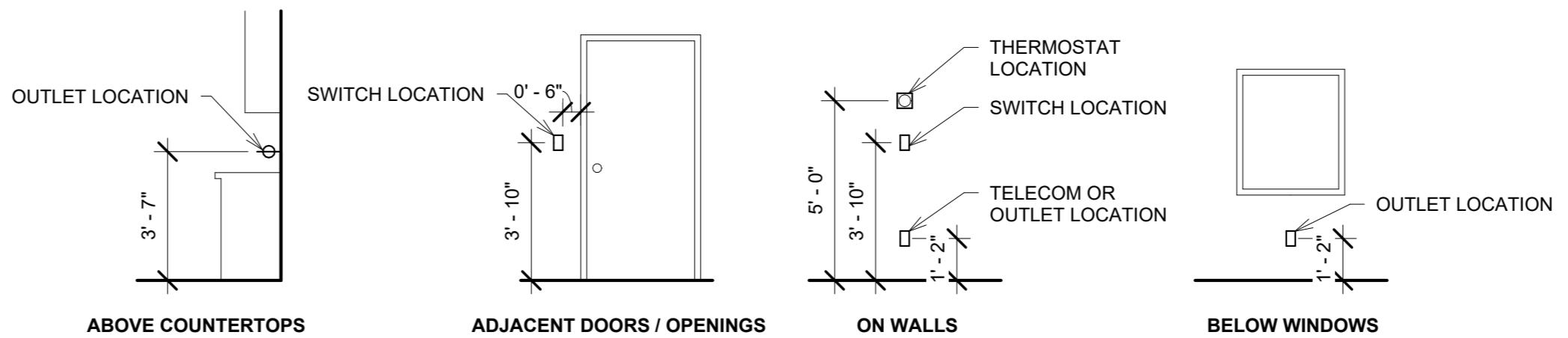
### Sheet Description:

Power Plans

Sheet:

A4.1

### TYP. MOUNTING HEIGHTS

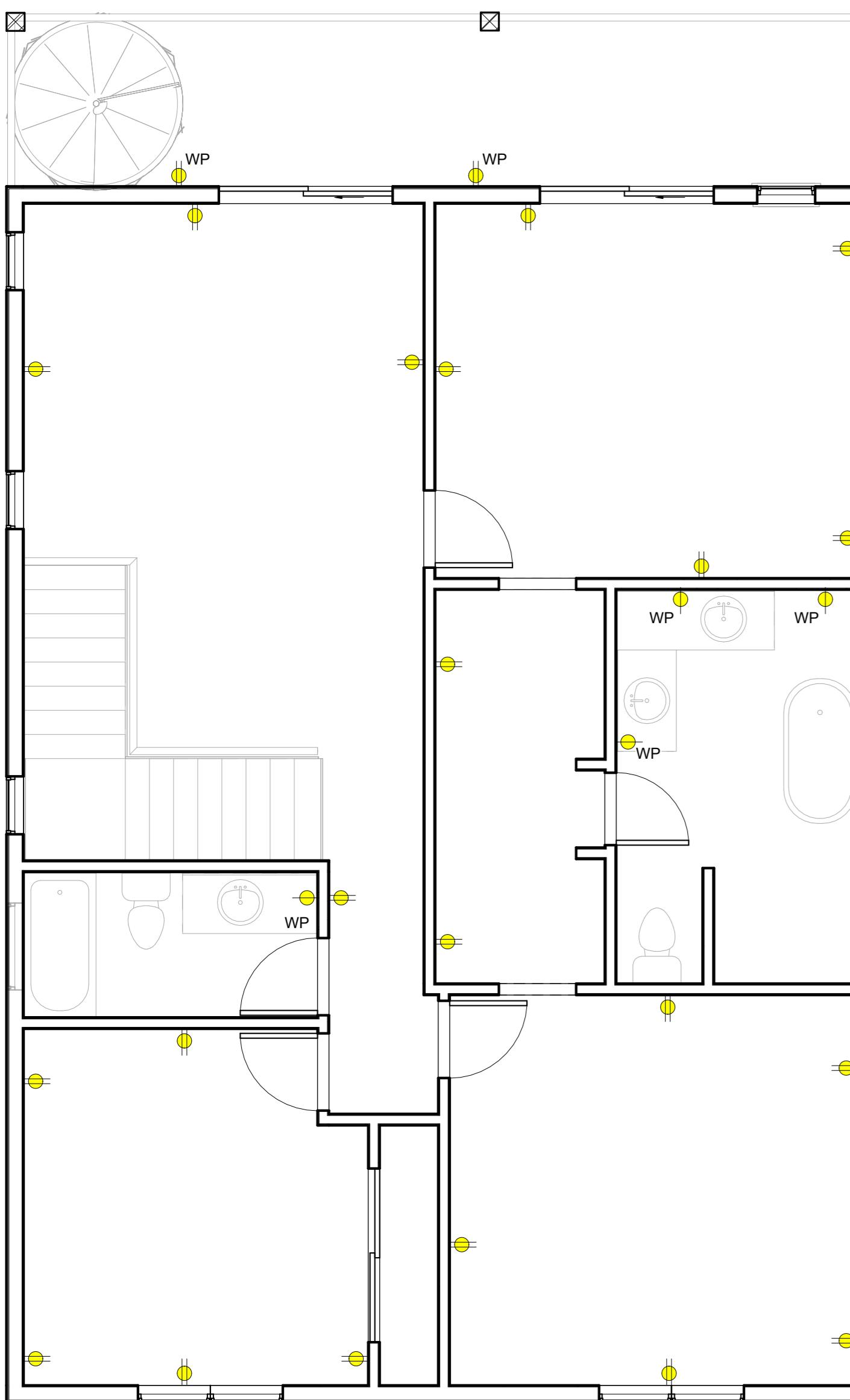


### ELECTRICAL LEGEND: NEW CONSTRUCTION

- WALL-MOUNTED 240V OUTLET
- WALL-MOUNTED 120V OUTLET
- ABOVE COUNTER-MOUNTED 120V OUTLET
- WALL-MOUNTED 120V WEATHERPROOF OUTLET

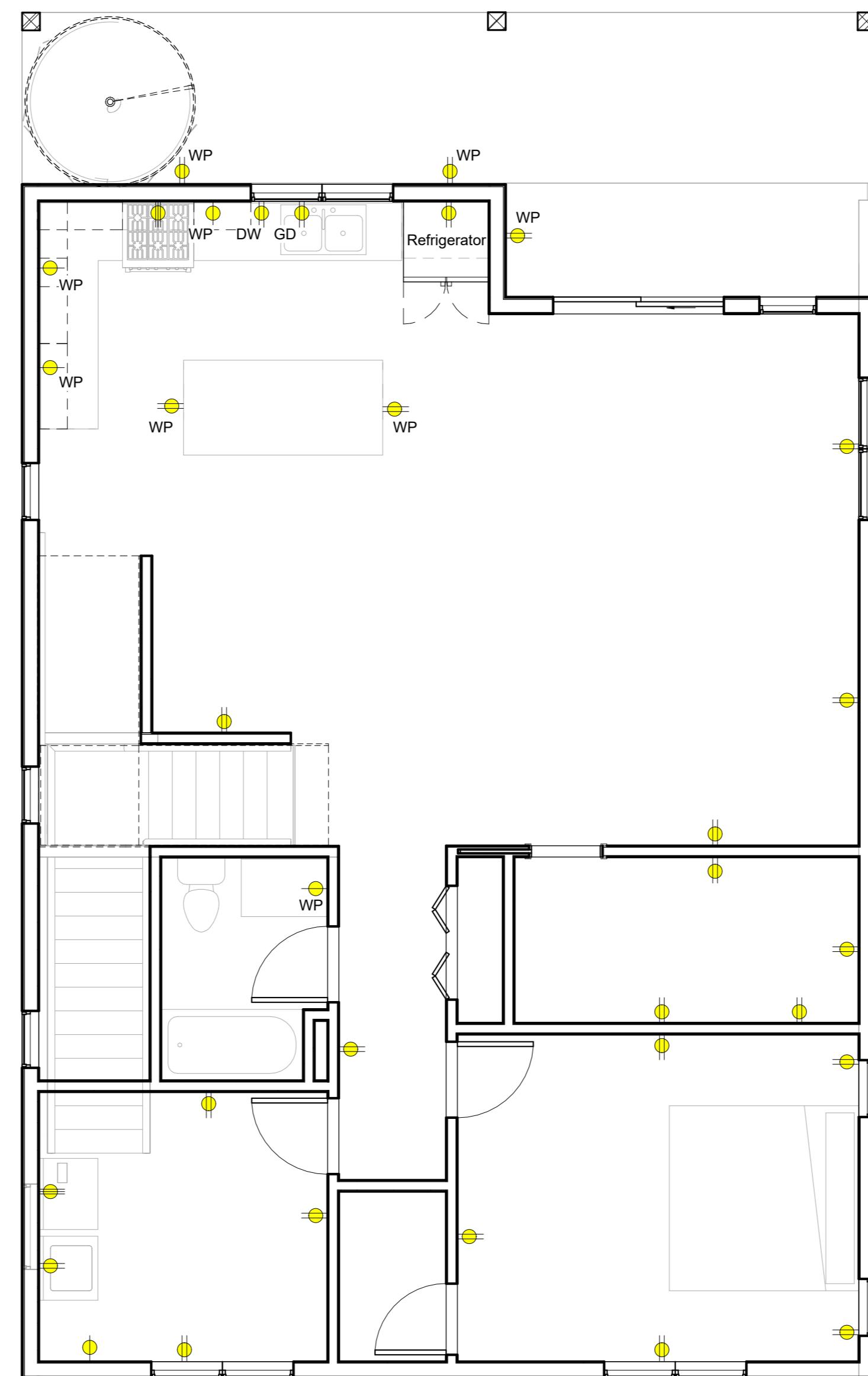


ADD ANY ADDITIONAL ELECTRICAL OUTLETS PER CODE, TYP.



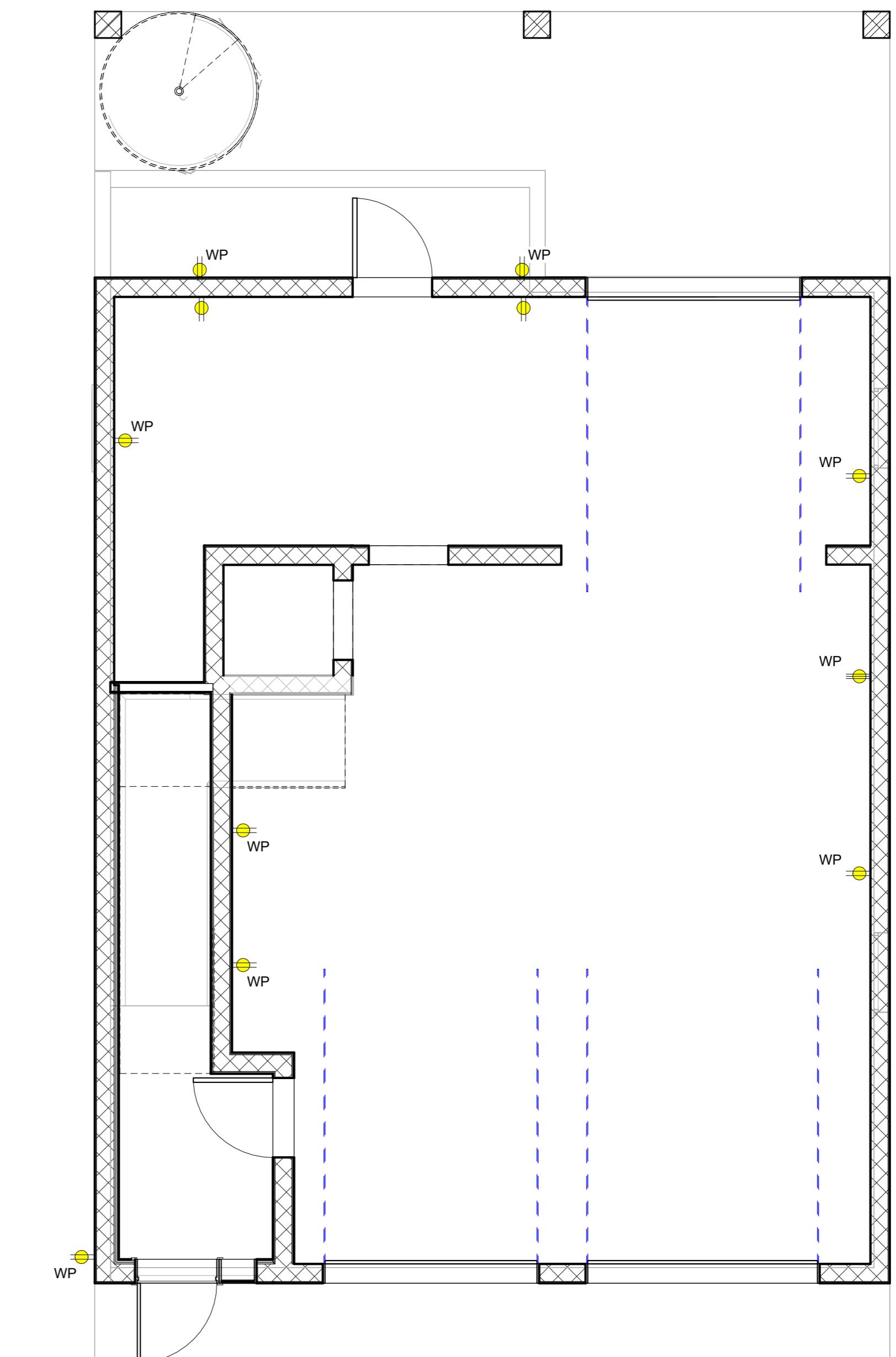
③ Third Floor - Power Plan  
1/4" = 1'-0"

ADD ANY ADDITIONAL ELECTRICAL OUTLETS PER CODE, TYP.



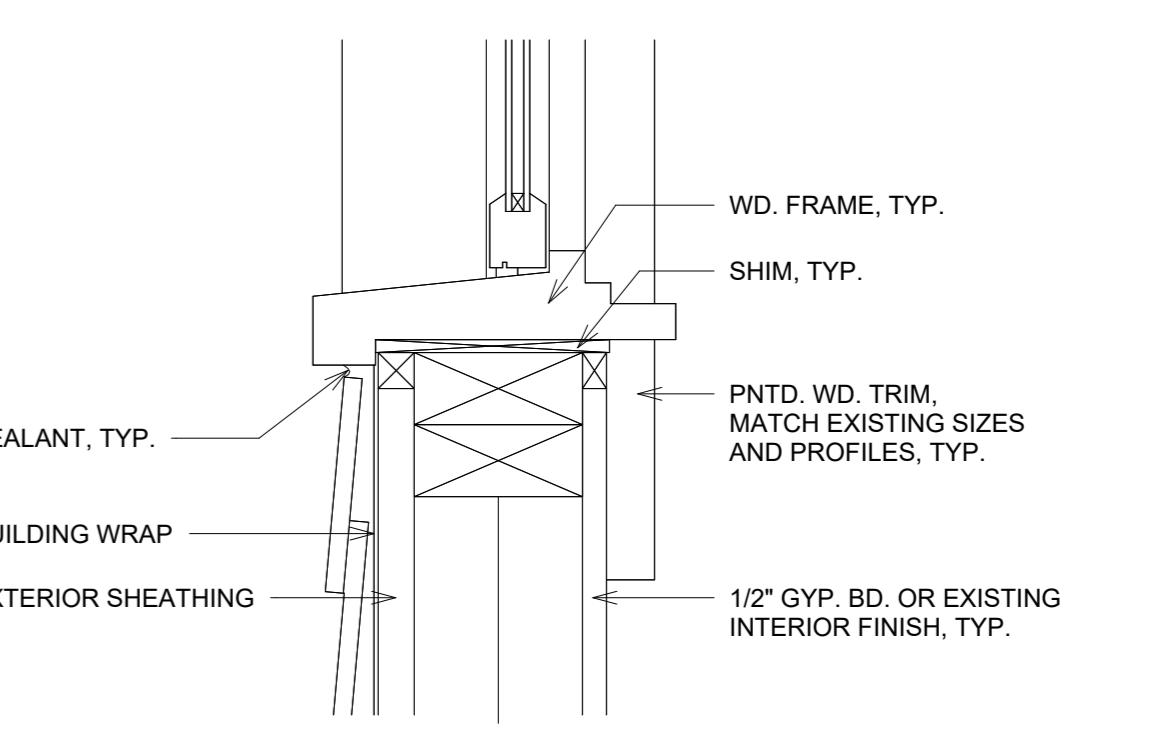
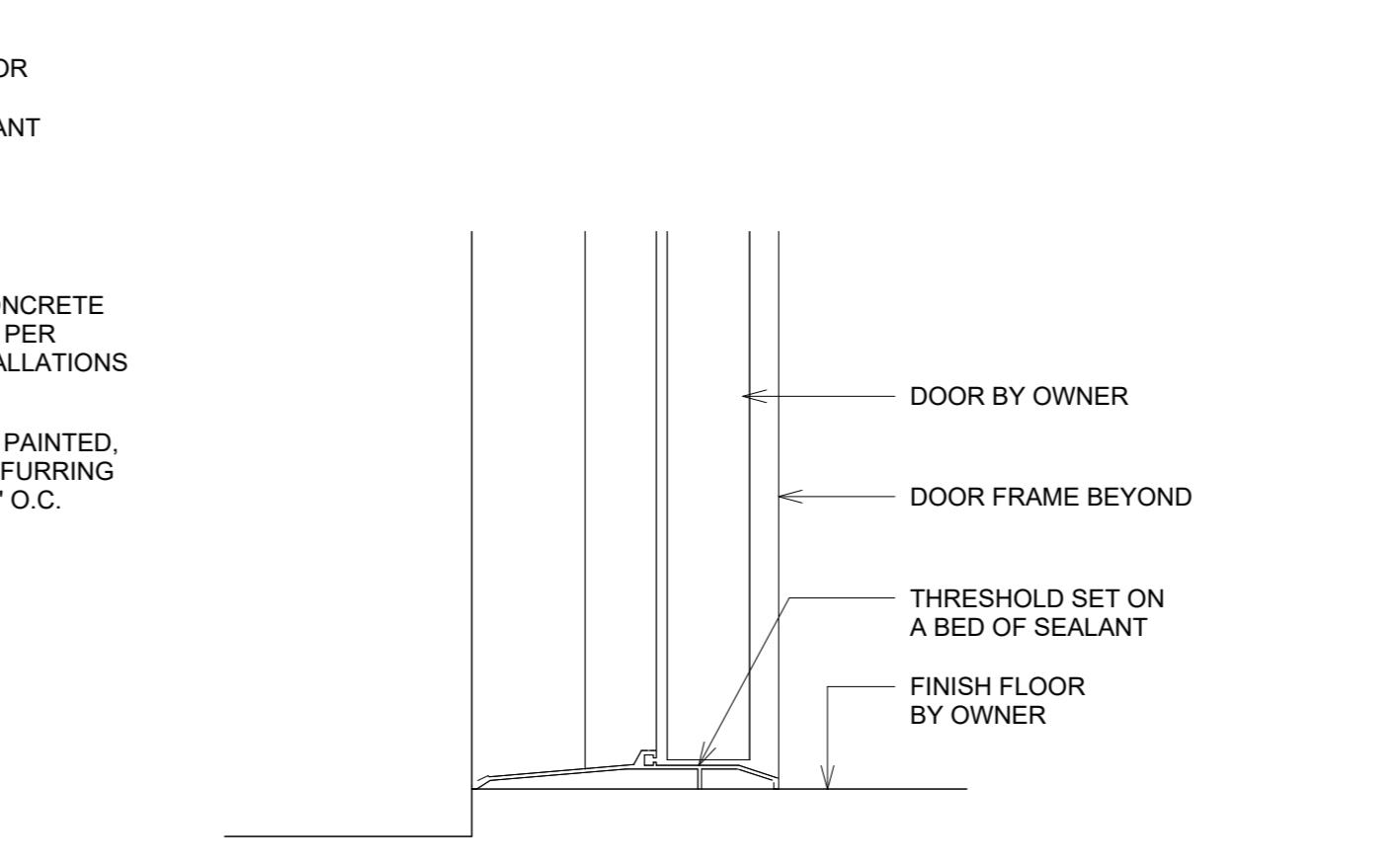
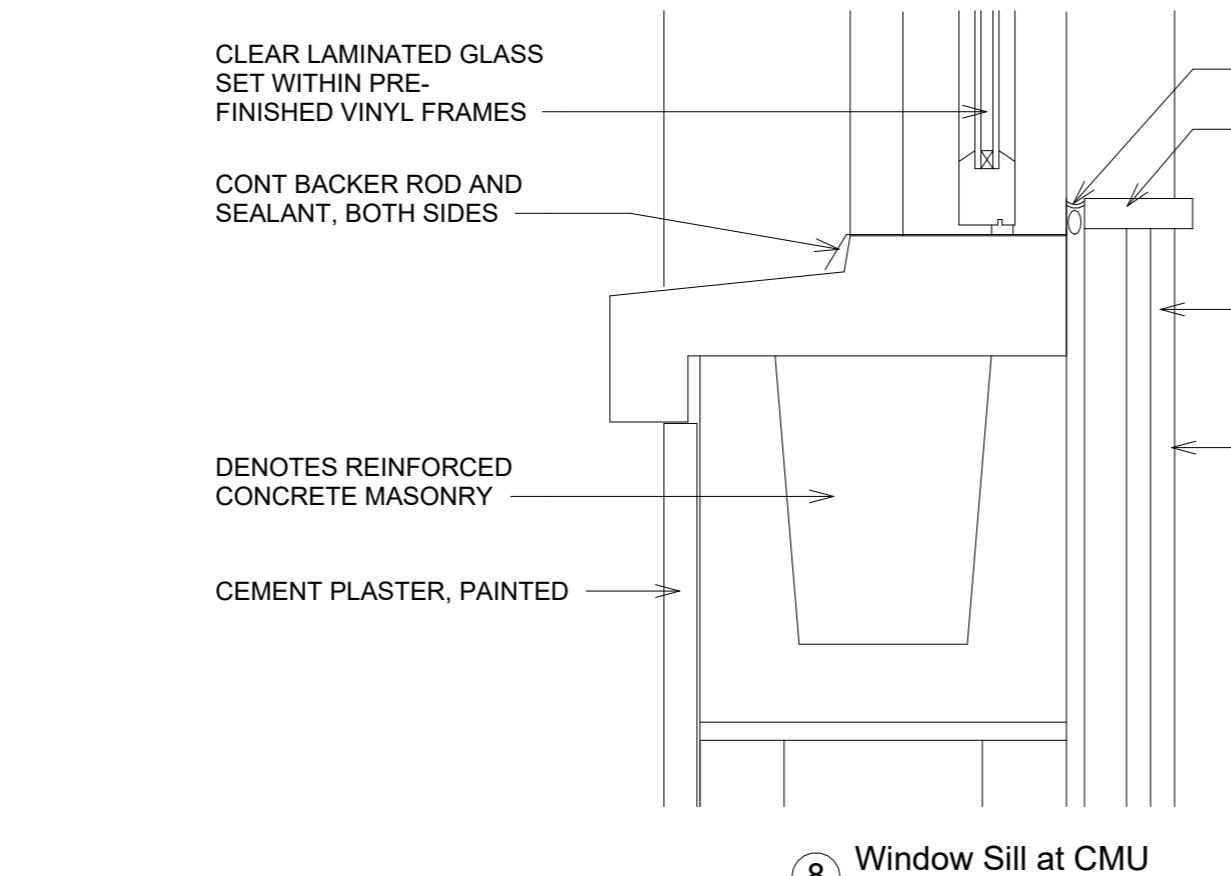
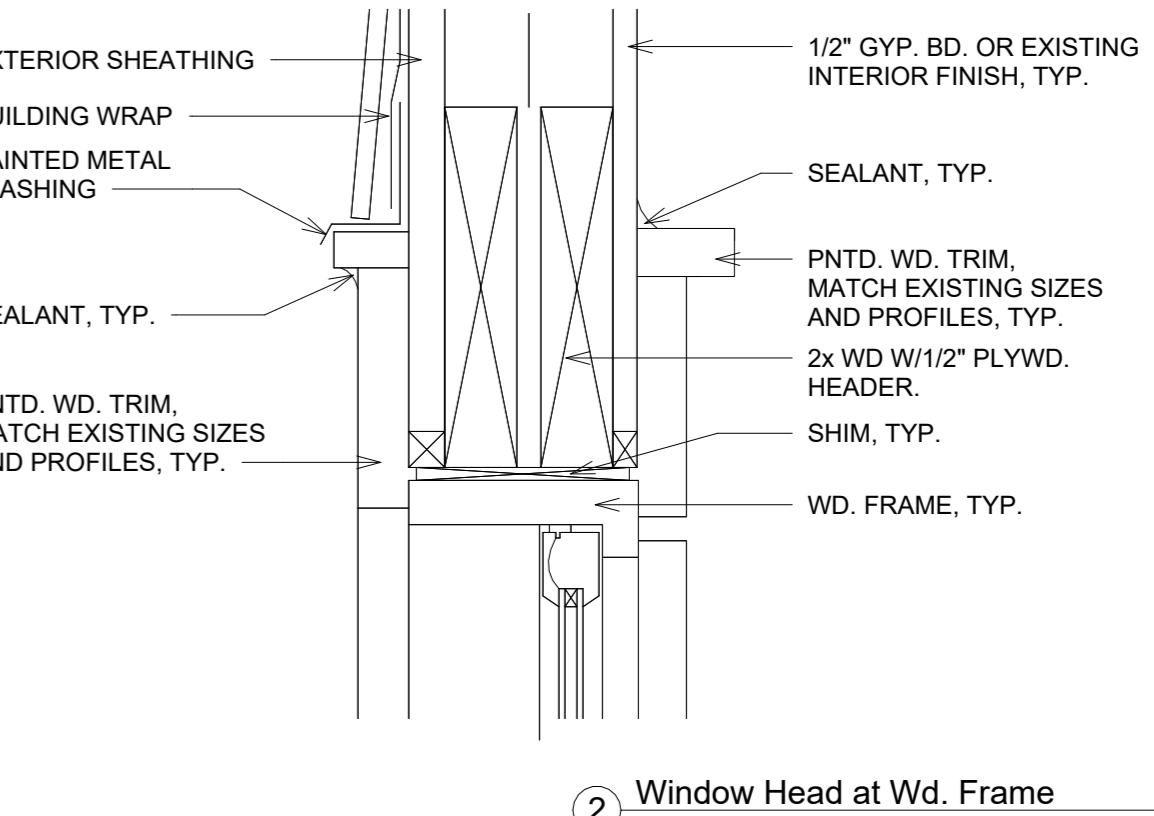
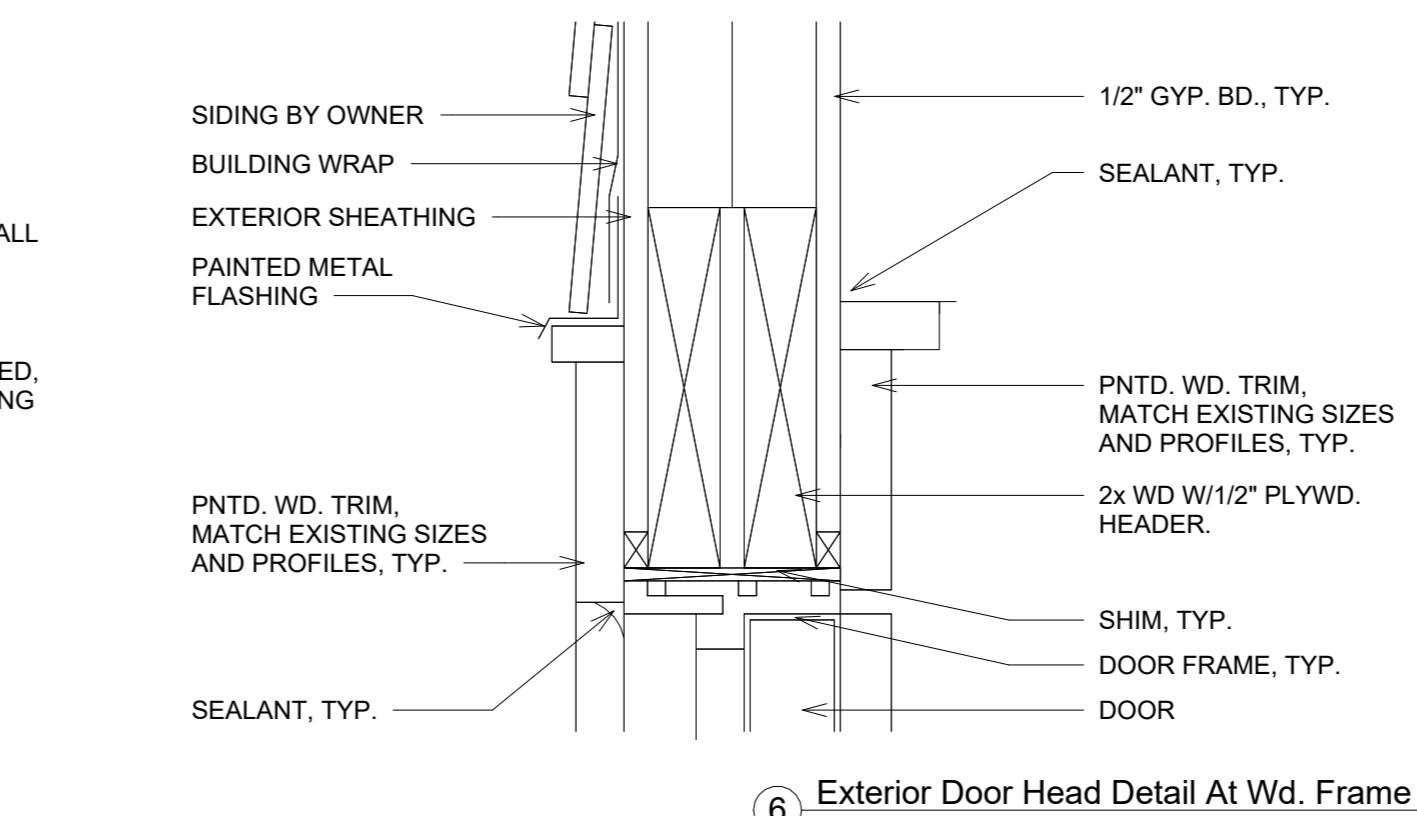
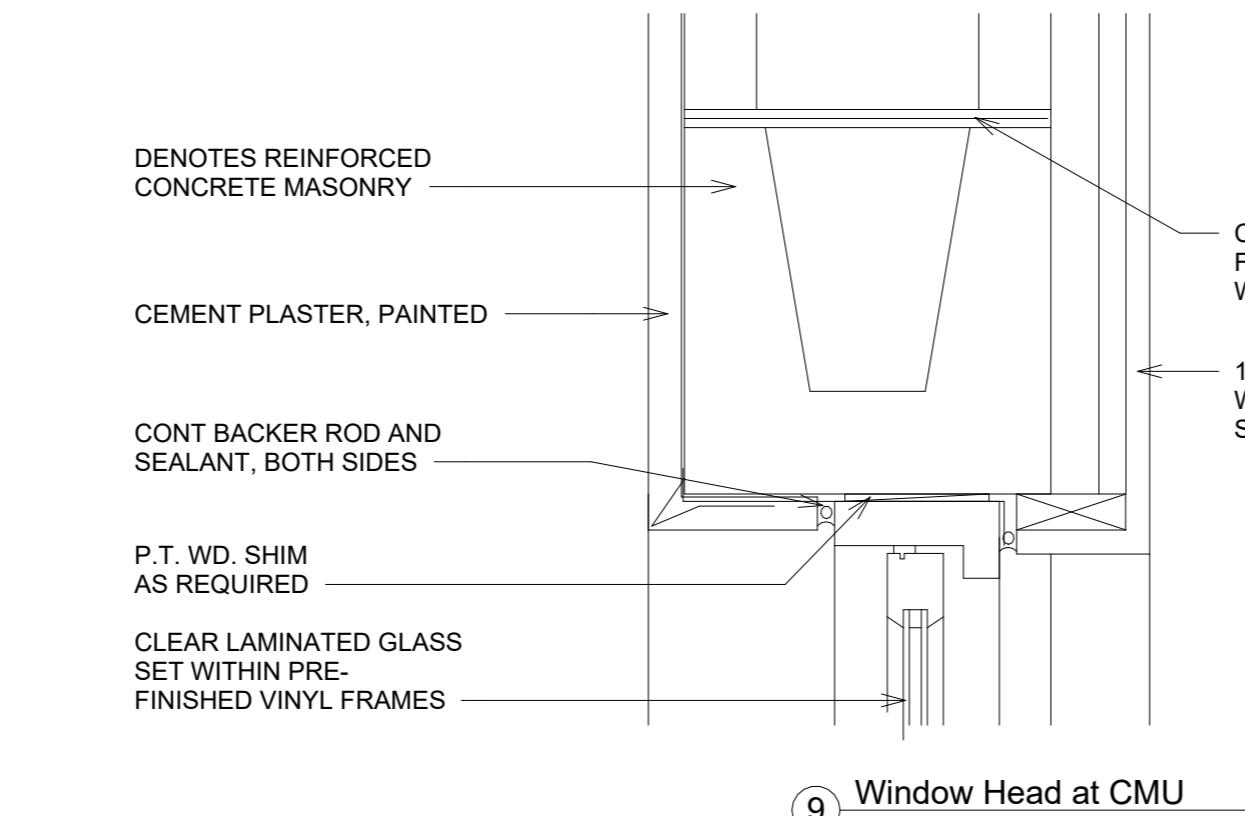
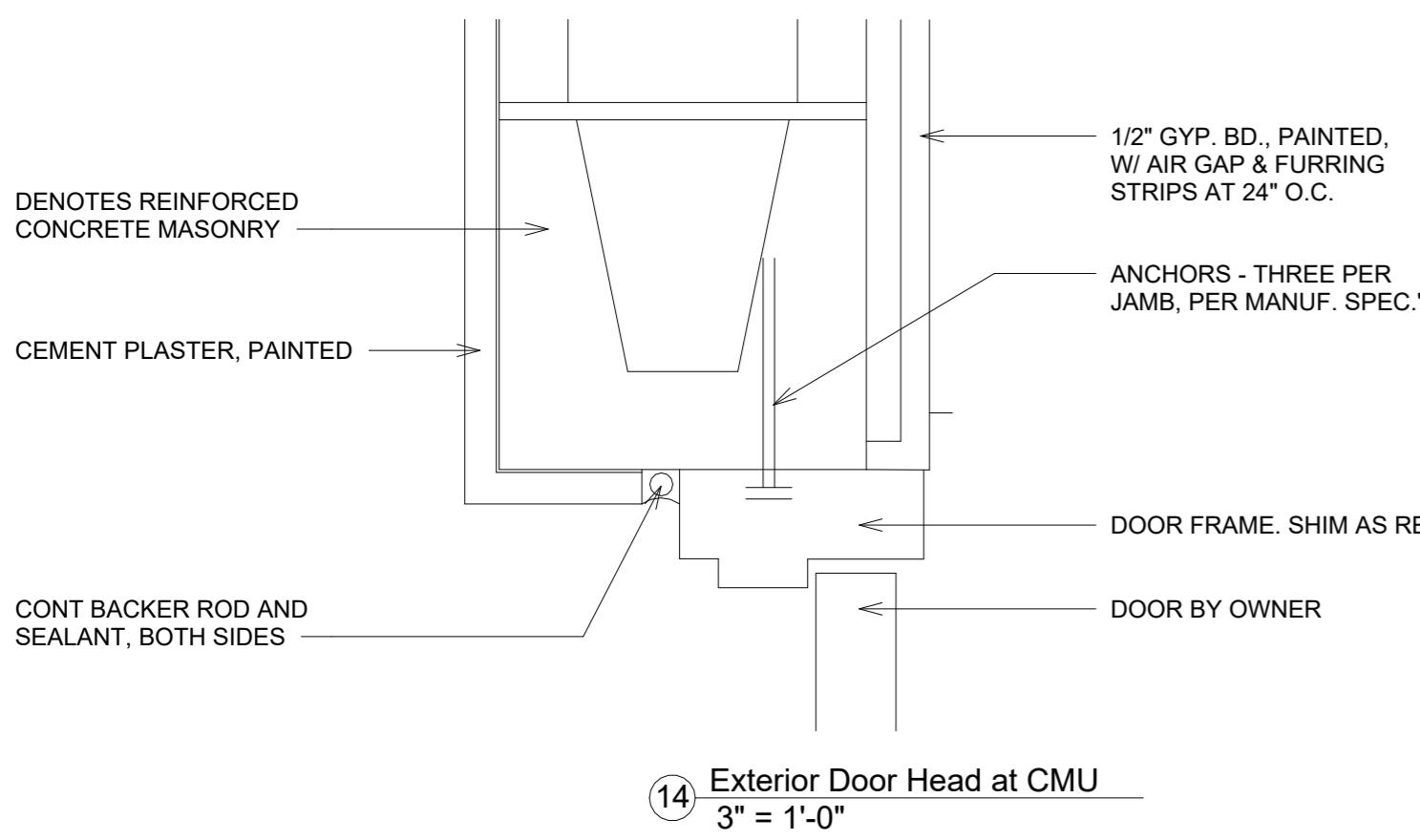
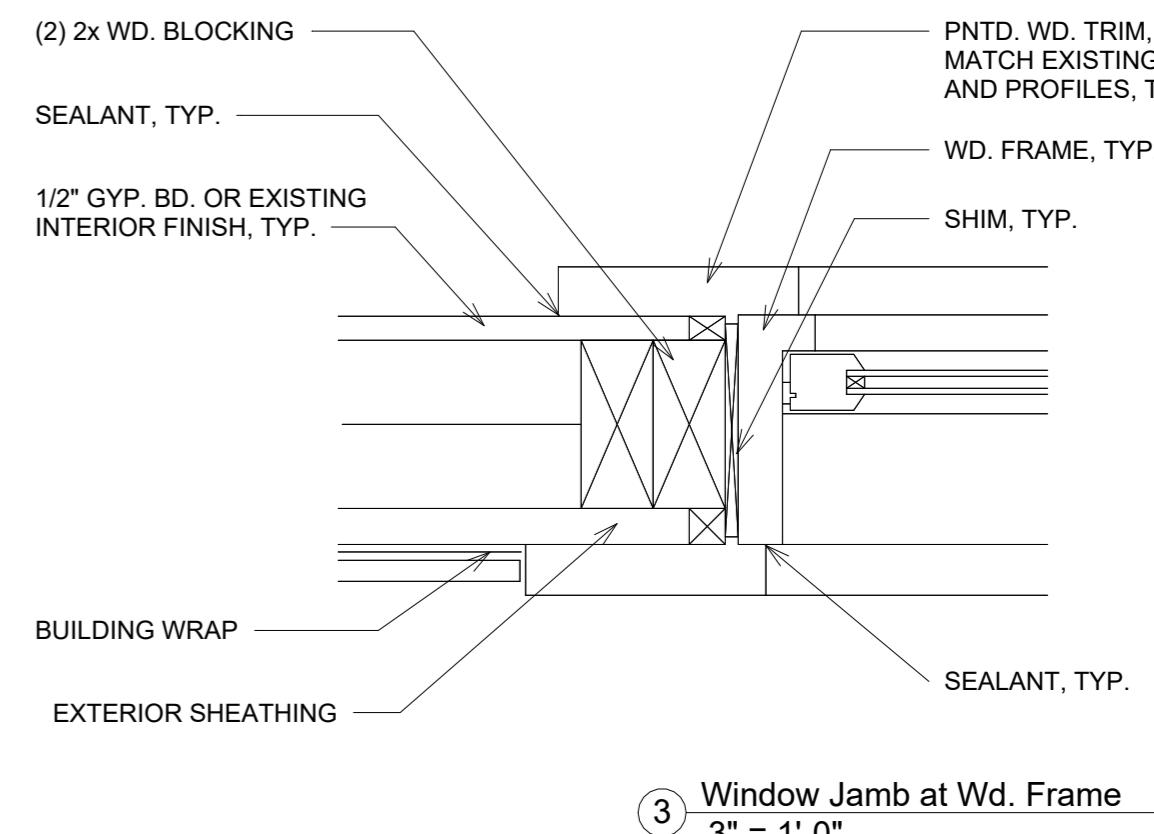
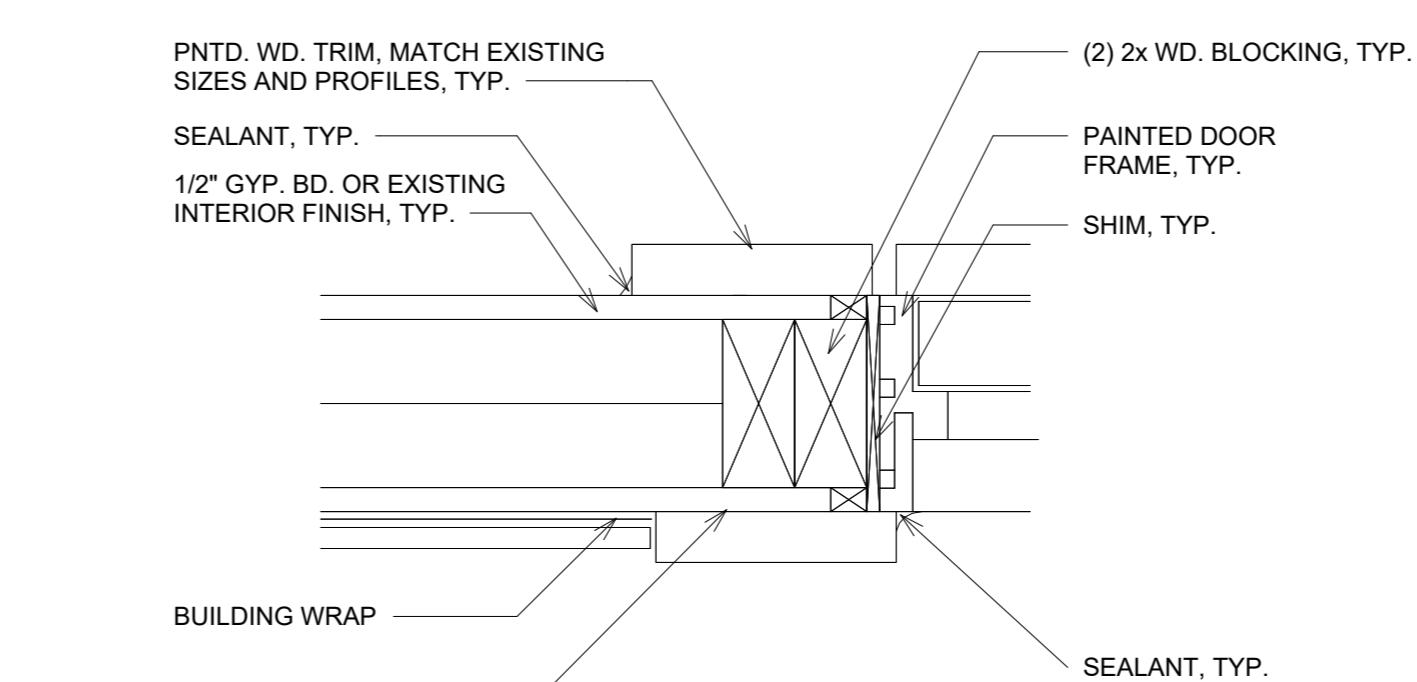
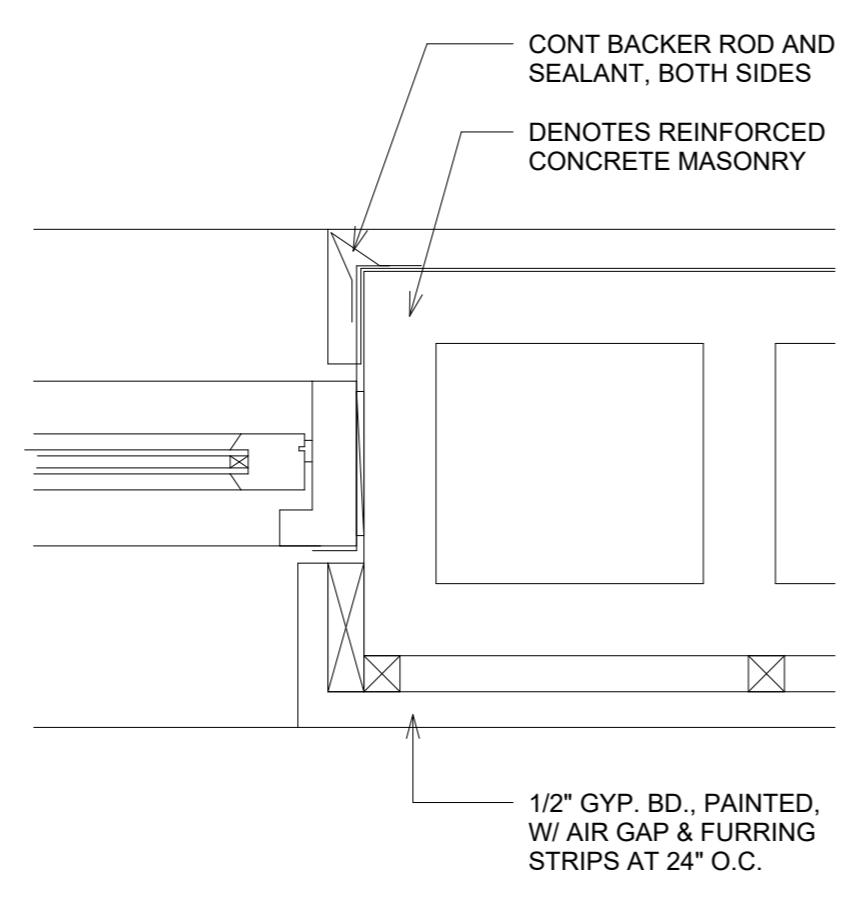
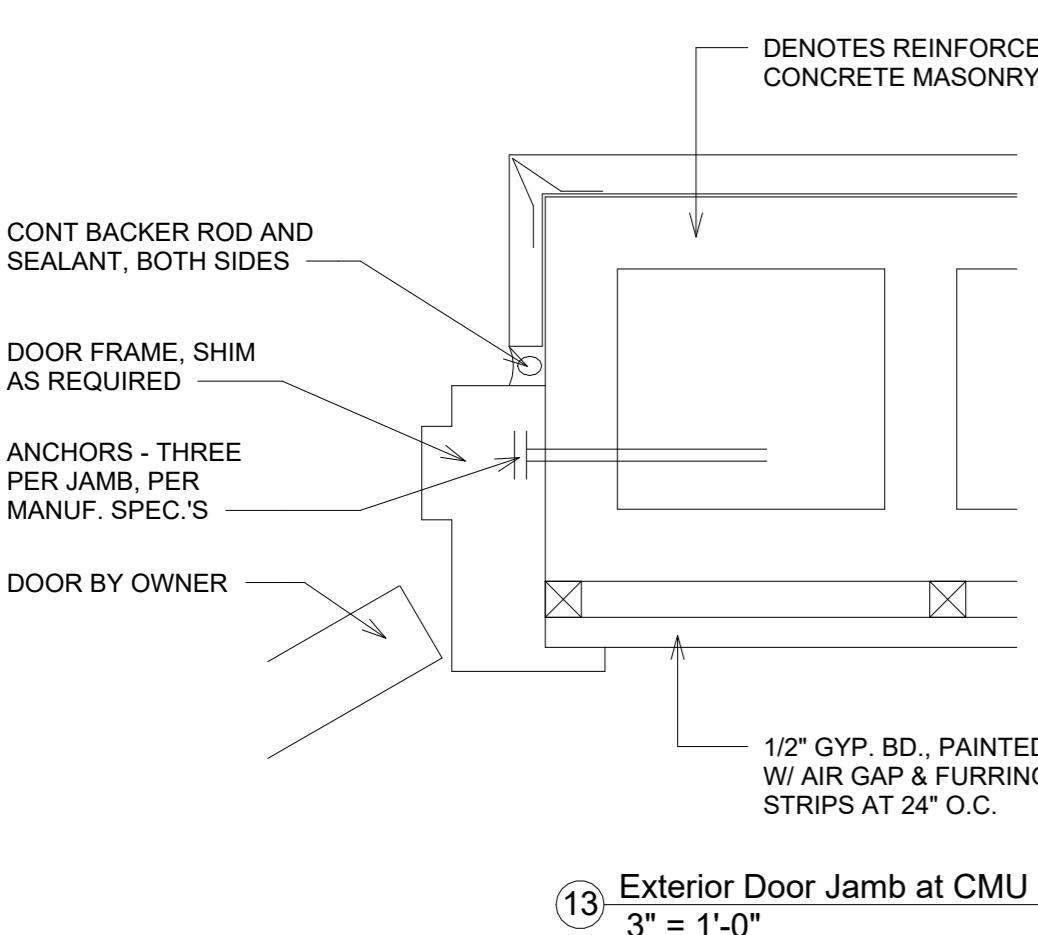
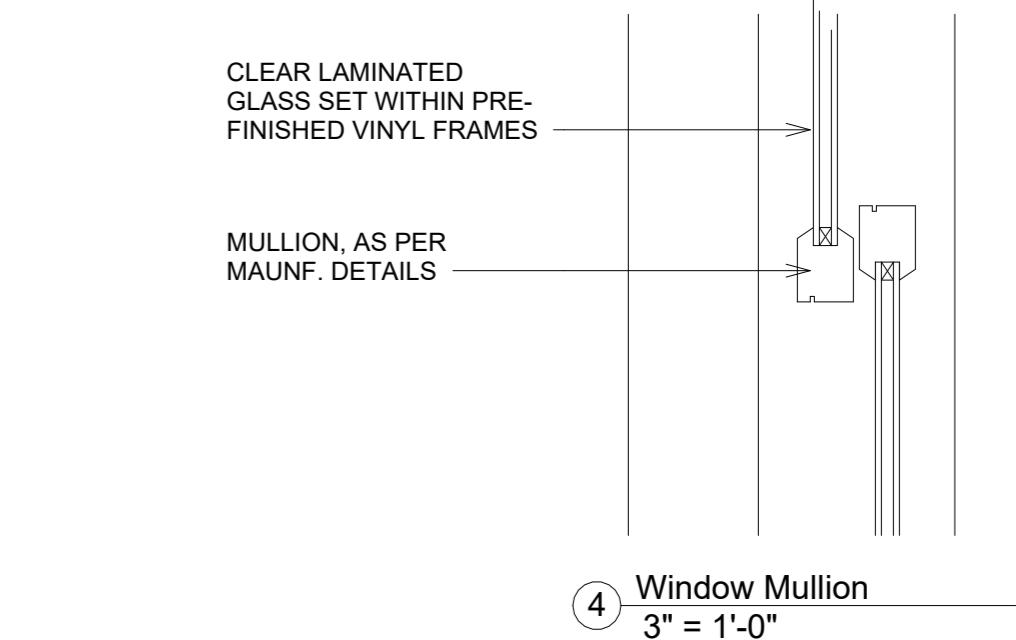
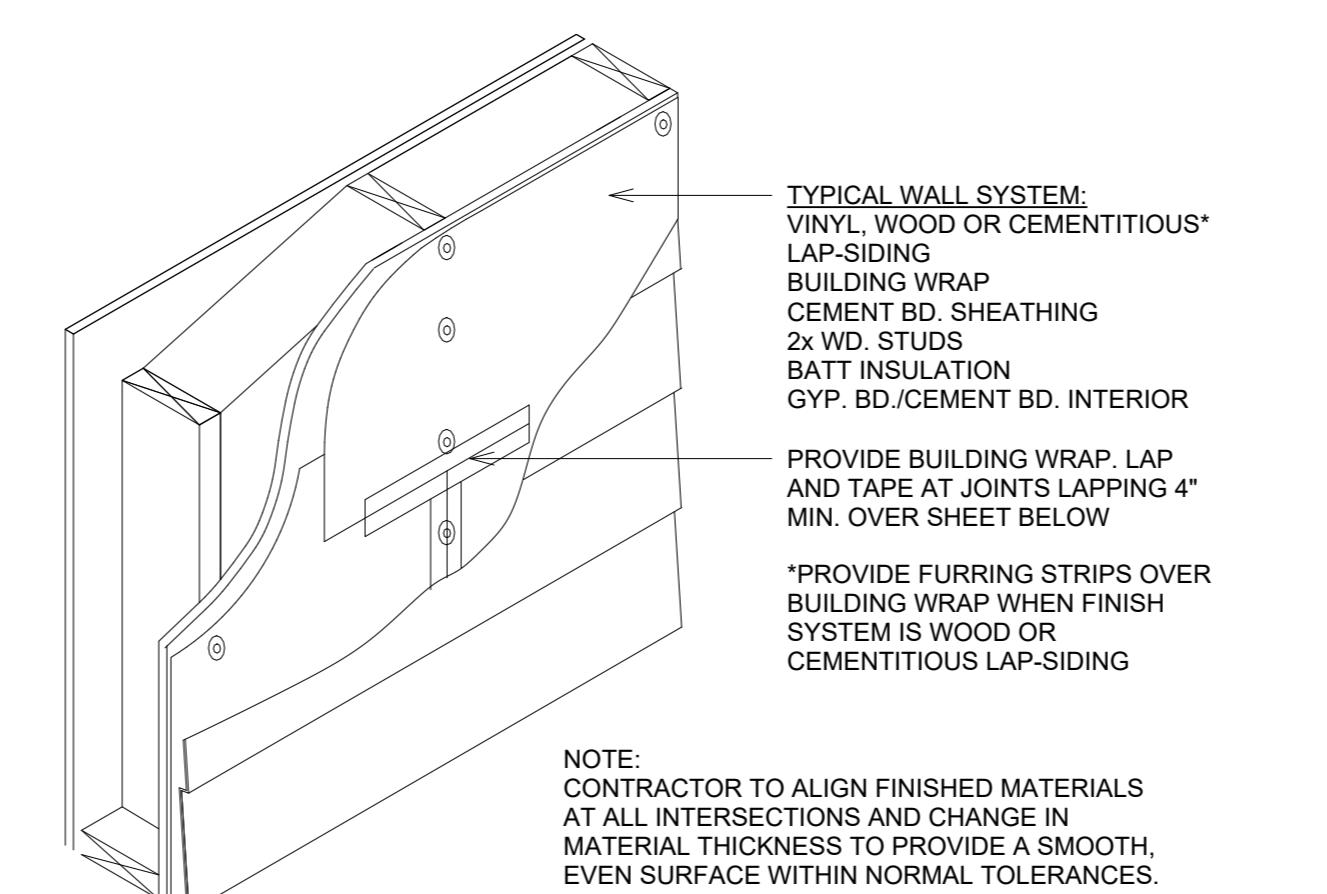
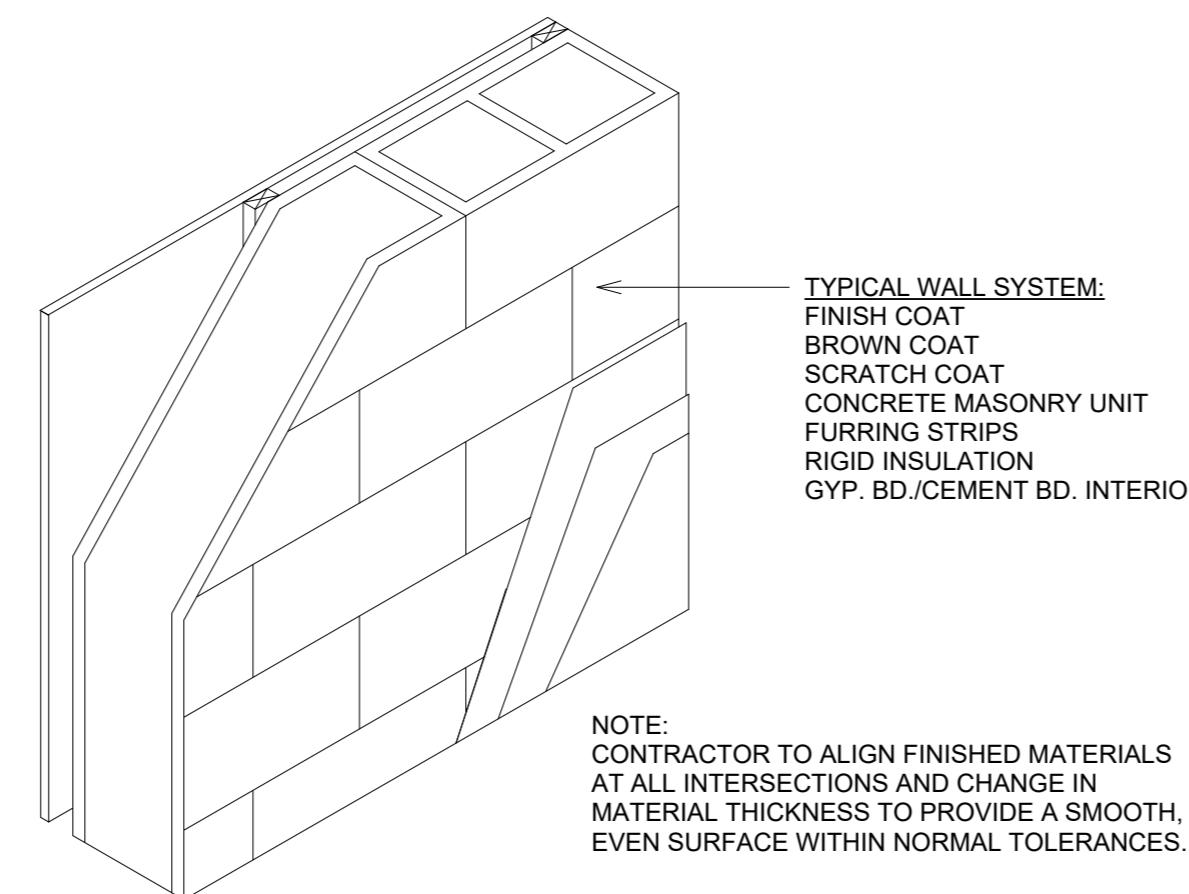
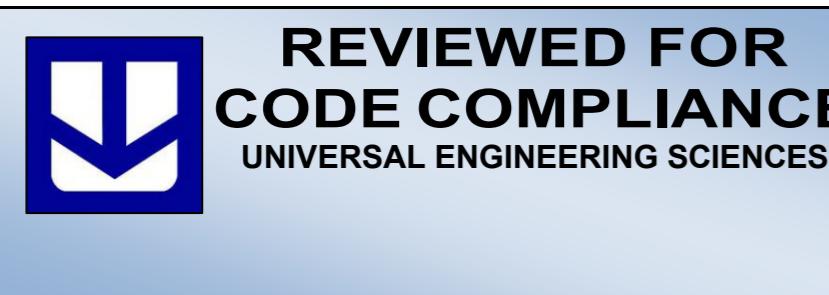
② Second Floor - Power Plan  
1/4" = 1'-0"

ADD ANY ADDITIONAL ELECTRICAL OUTLETS PER CODE, TYP.



① First Floor - Power Plan  
1/4" = 1'-0"

## Mazzillo Custom Home

422 137th Ave Cr.  
Madeira Beach, FL 33708

| Revision Schedule |                      |               |
|-------------------|----------------------|---------------|
| Revision Number   | Revision Description | Revision Date |
| 1                 | REV - 1              | 10/28/2025    |

| Sheet Information |            |  |
|-------------------|------------|--|
| Date              | 10/28/2025 |  |
| Job Number        | 25_031     |  |
| Drawn By          | Author     |  |
| Checked By        | Checker    |  |
| Approved By       | Approver   |  |
|                   | 10/28/25   |  |

THESE DOCUMENTS ARE THE PROPERTY OF  
DONEGAN DESIGN, LLC. AND SHALL NOT BE  
REPRODUCED WITHOUT EXPRESSED  
WRITTEN CONSENT OF DONEGAN DESIGN,  
LLC.

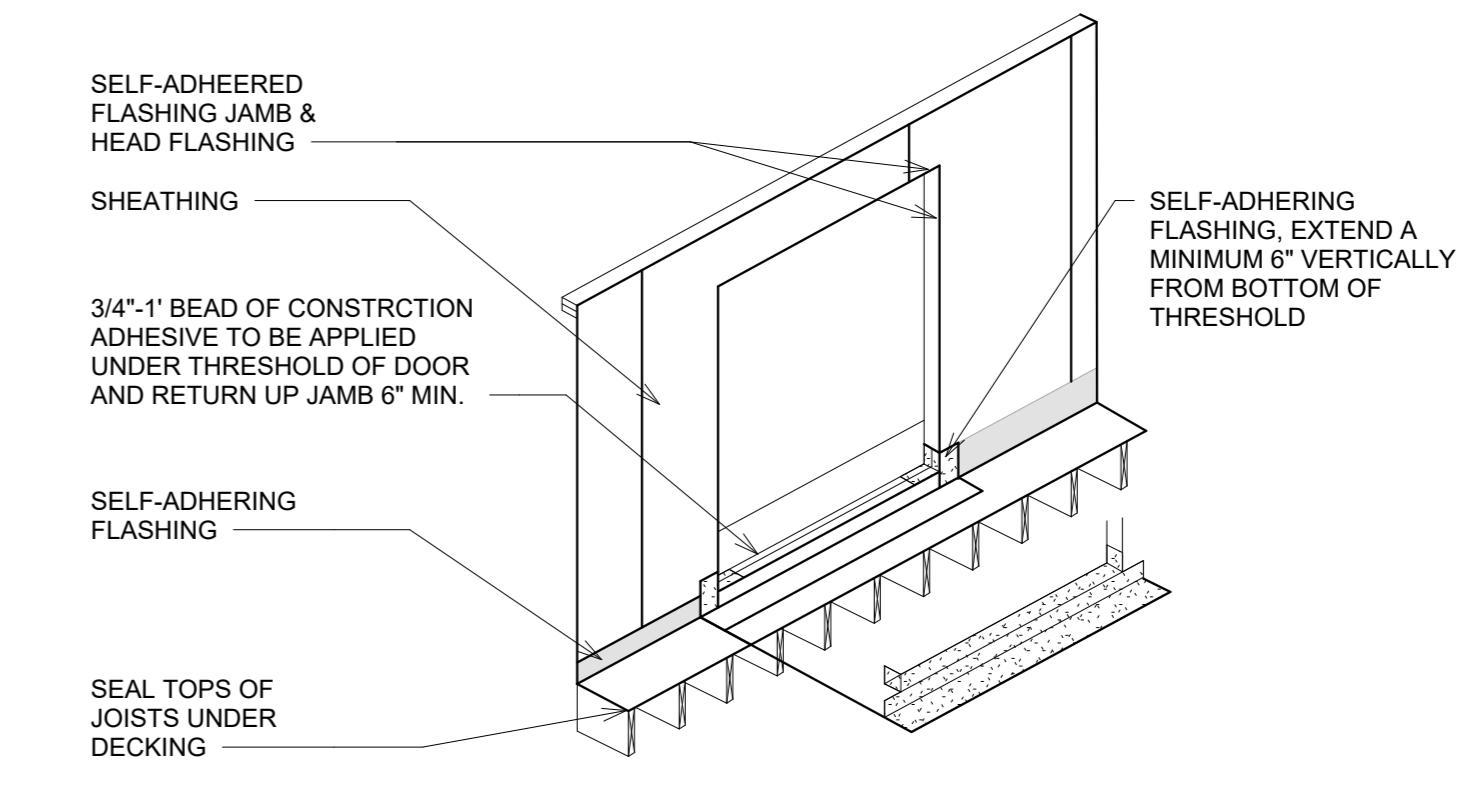
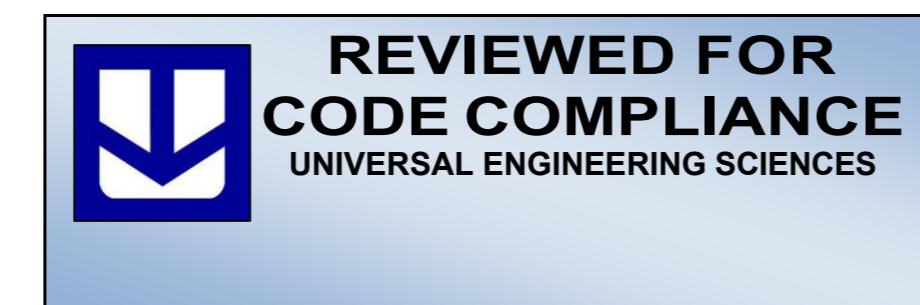
© Donegan Design, LLC. 2022

Sheet Description:  
Threshold & Opening  
Details

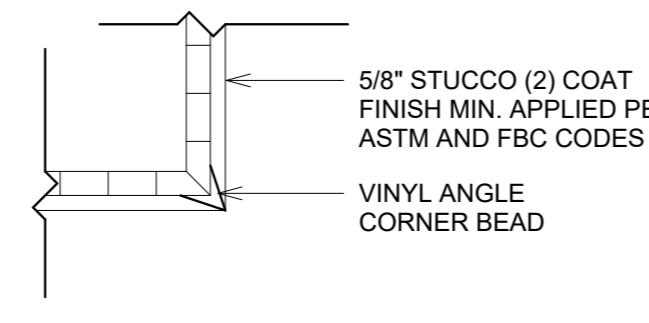
Sheet:

A5.0

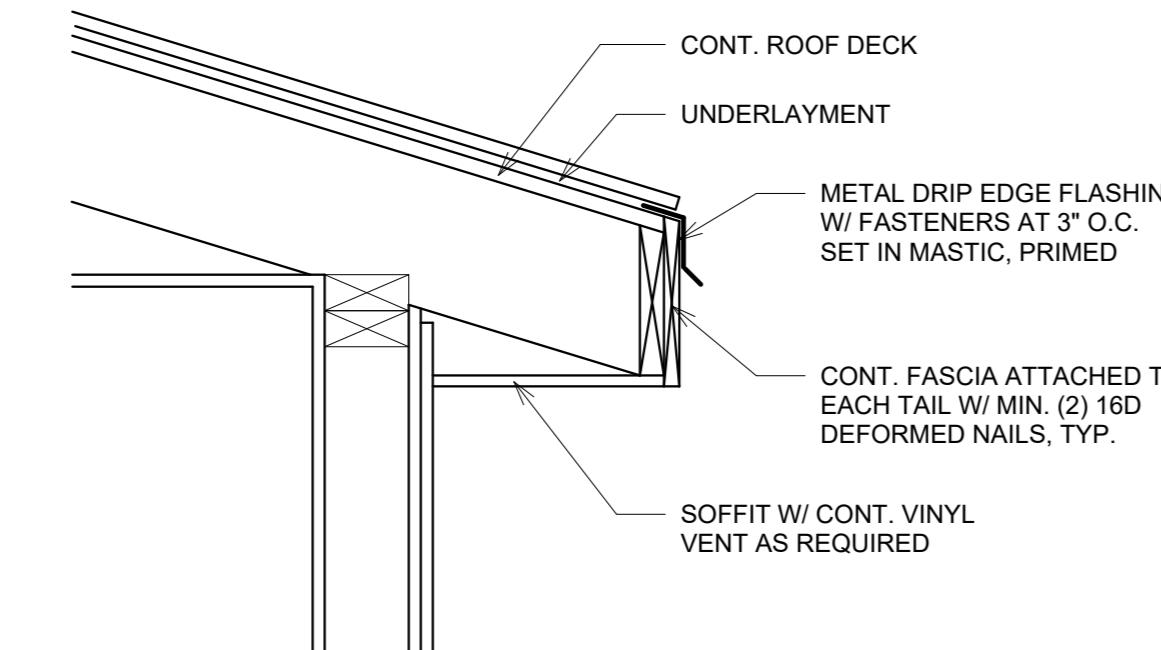
## Mazzillo Custom Home

422 137th Ave Cir,  
Madeira Beach, FL 33708

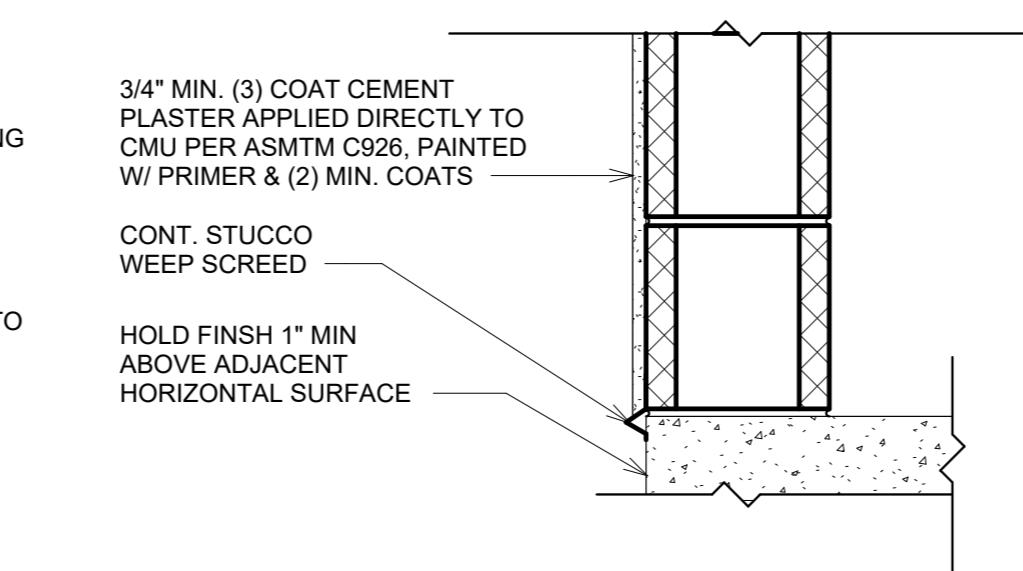
③ Self-Adhered Flashing At Ext. Door W/ Deck  
1 1/2" = 1'-0"



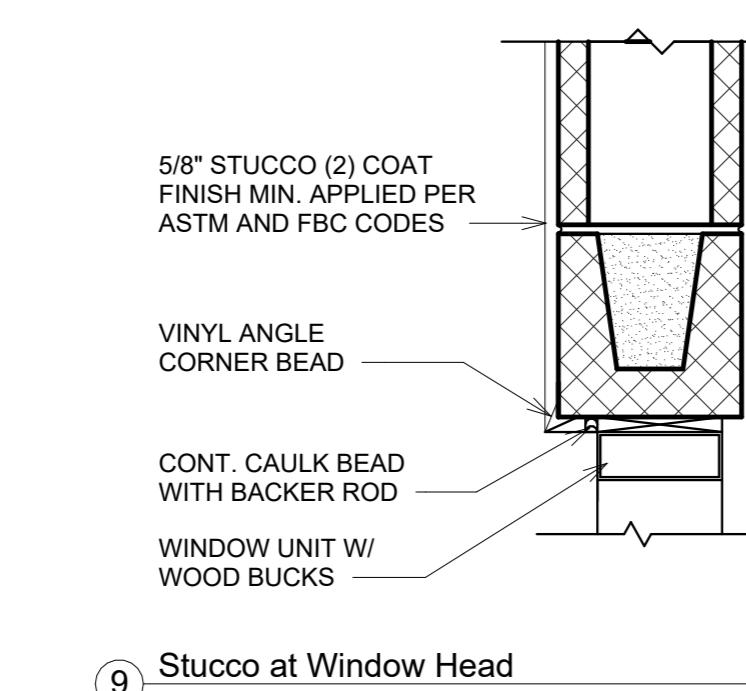
⑦ Stucco at Corner of Wall  
1 1/2" = 1'-0"



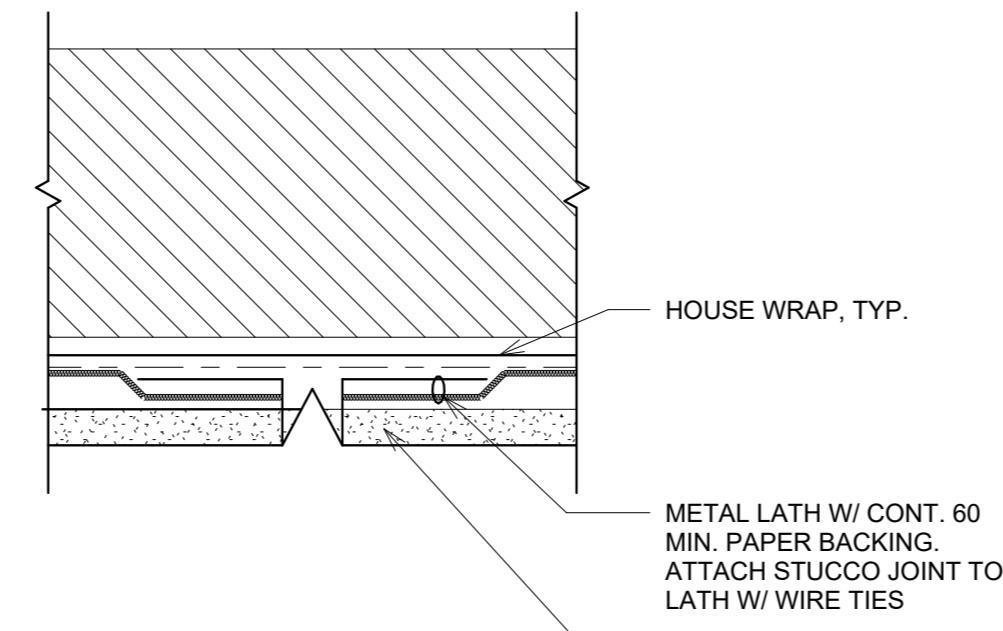
⑩ W.D. Frame Eaves Detail  
1 1/2" = 1'-0"



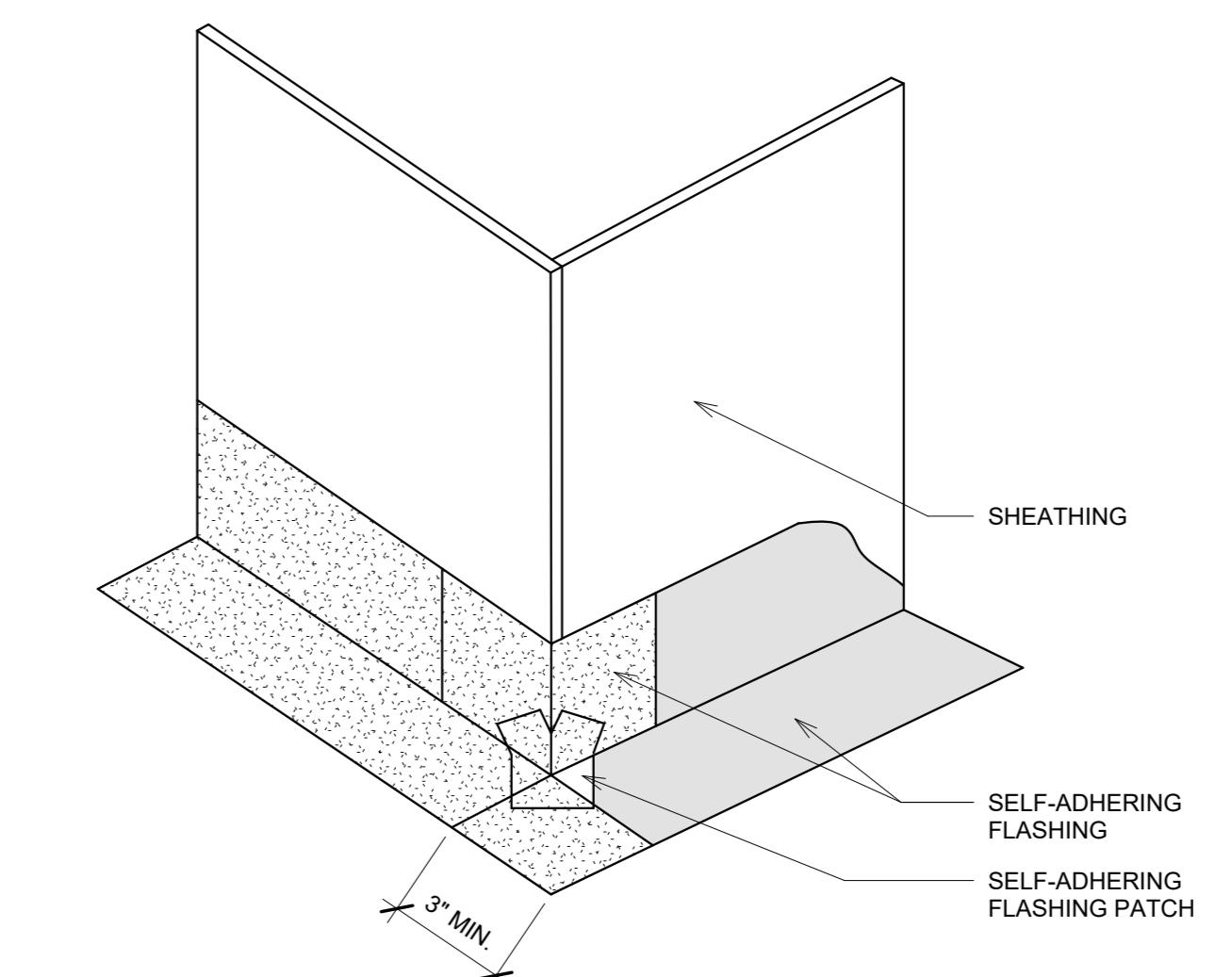
⑥ Stucco at Bottom of Wall  
1 1/2" = 1'-0"



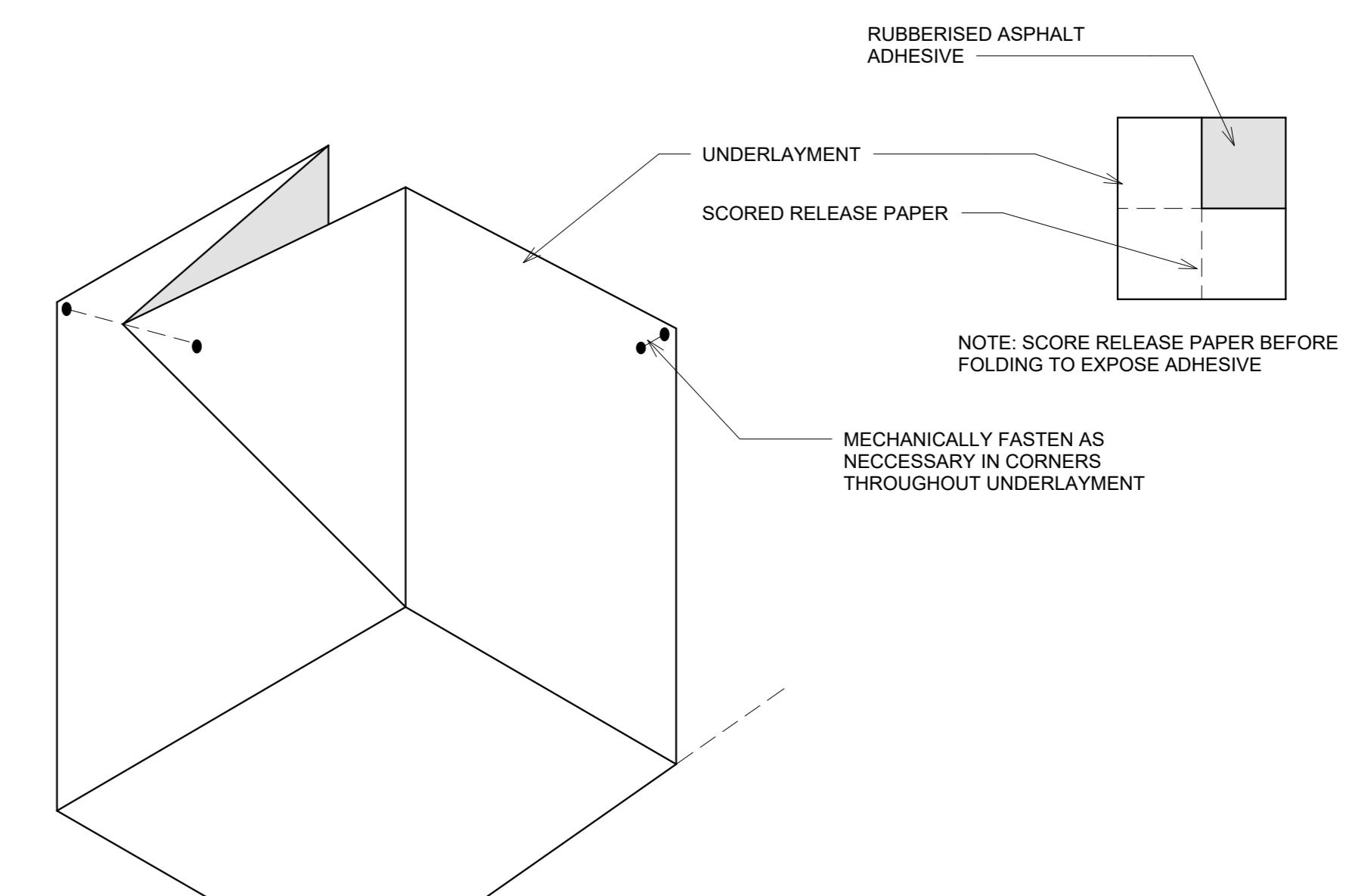
⑨ Stucco at Window Head  
1 1/2" = 1'-0"



⑤ Typical Stucco Joint  
1 1/2" = 1'-0"

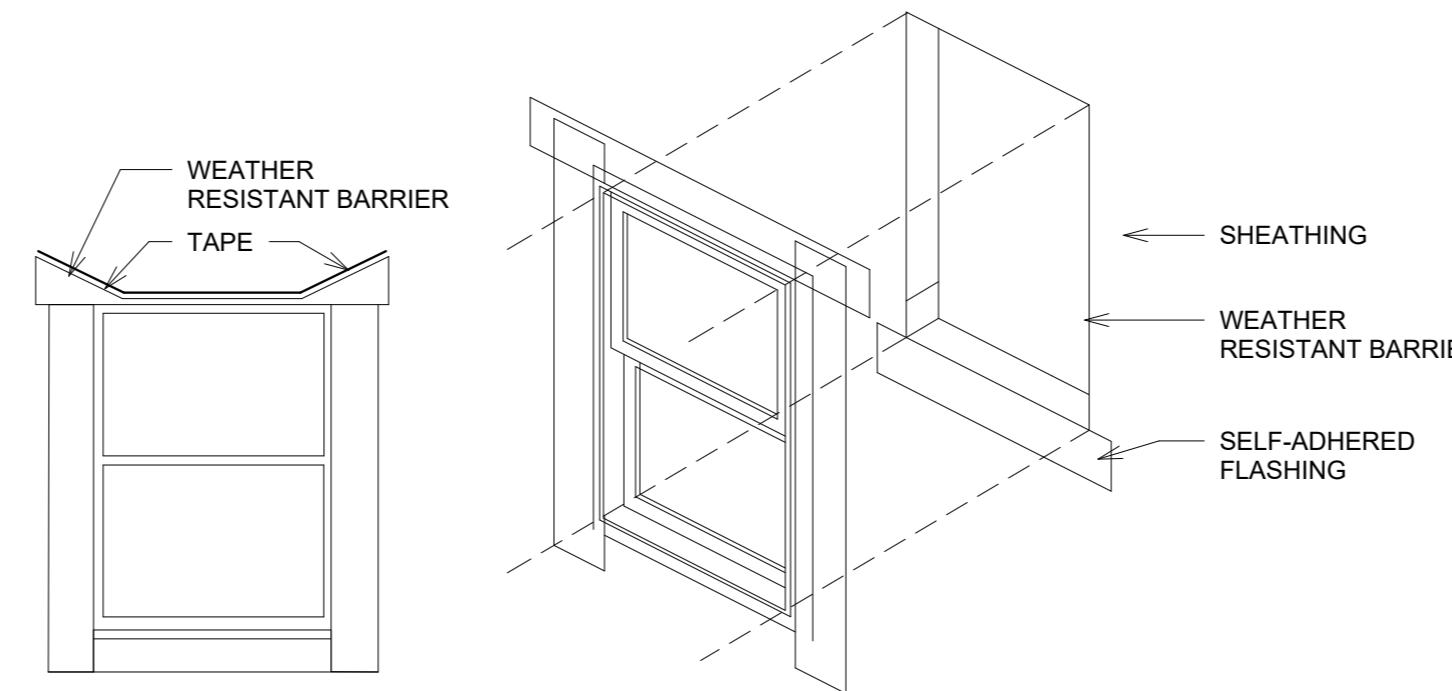


② Outside Corner Flashing  
1 1/2" = 1'-0"



MECHANICALLY FASTEN AS  
NECESSARY IN CORNERS  
THROUGHOUT UNDERLayment

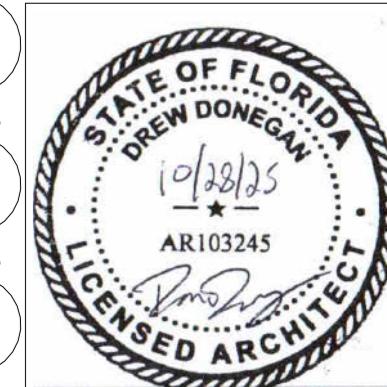
① Inside Corner Flashing  
1 1/2" = 1'-0"



④ Self-Adhered Flashing Flanged Window  
1 1/2" = 1'-0"

| Revision Schedule |                      |               |
|-------------------|----------------------|---------------|
| Revision Number   | Revision Description | Revision Date |
| 1                 | REV - 1              | 10/28/2025    |

| Sheet Information |            |  |
|-------------------|------------|--|
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LLC.

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Sheet Description:  
Envelope & Flashing  
Details

Sheet:

A5.1

**VAR 2026-01**

**Attachment 6**



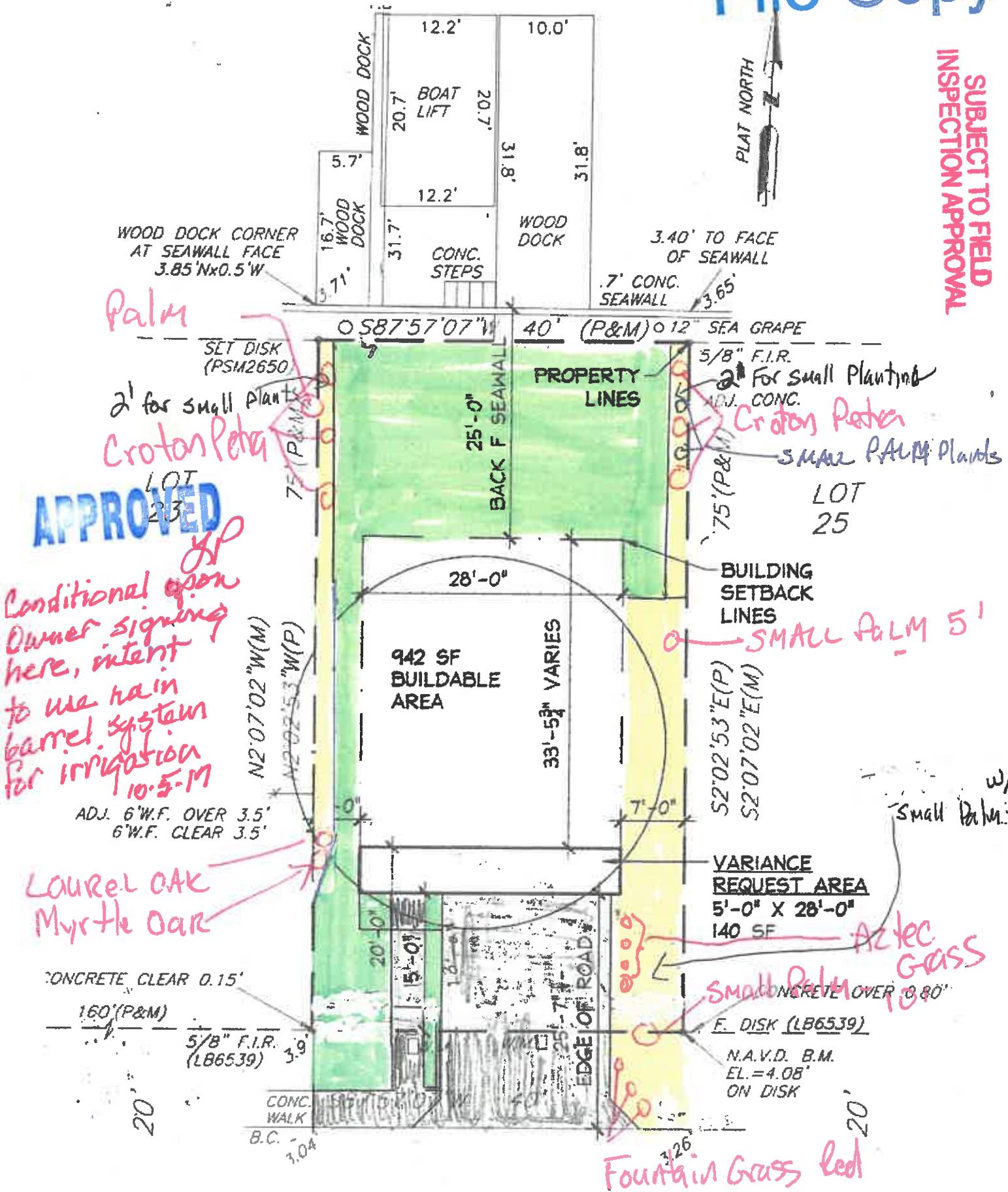
**VAR 2026-01**

**Attachment 7**

316 137 Ave C: day FAD BUR738 10/6/17 @0700

# File Copy

**SUBJECT TO FIELD  
INSPECTION APPROVAL**





**VAR 2026-01**

**Attachment 8**



**Mike Twitty, MAI, CFA**  
**Pinellas County Property Appraiser**

**Parcel Summary**  
(as of 13-Jan-2026)

## Parcel Number

**15-31-15-34488-000-0210**

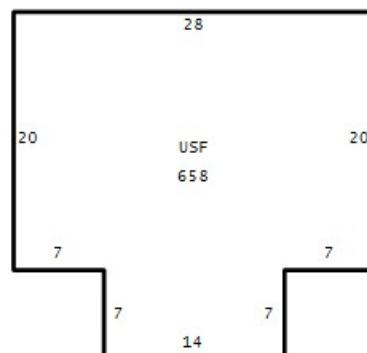
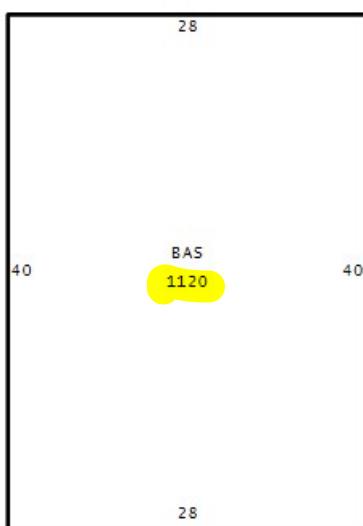
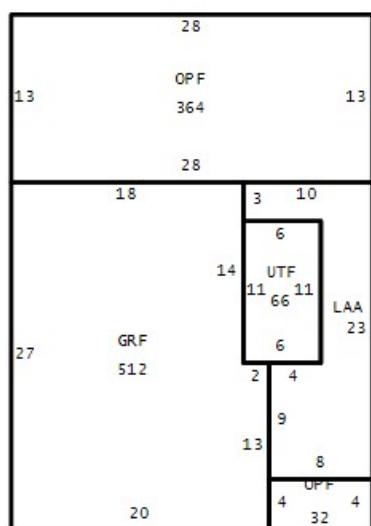
- Owner Name  
**VIGIL, RONALD**  
**VIGIL, SHARON**
- Property Use  
**0110 Single Family Home**
- Site Address  
**244 137TH AVENUE CIR**  
**MADEIRA BEACH, FL 33708**
- Mailing Address  
**244 137TH AVENUE CIR**  
**MADEIRA BEACH, FL 33708-2508**
- Legal Description  
**GULF SHORES HARBOR SUB LOT 21 & LAND TO SEAWALL**
- Current Tax District  
**MADEIRA BEACH (MB)**
- Year Built  
**2001**

| Living SF    | Gross SF     | Living Units | Buildings |
|--------------|--------------|--------------|-----------|
| <b>1,924</b> | <b>2,898</b> | <b>1</b>     | <b>1</b>  |

$$1,120 / 3,080 = 36.36\%$$

## Rooms and Sub Area Information ^

| Sub Area                 | Living Area SF | Gross Area SF |
|--------------------------|----------------|---------------|
| Base (BAS):              | 1,120          | 1,120         |
| Upper Story (USF):       | 658            | 658           |
| Lower Area Access (LAA): | 146            | 146           |
| Garage (GRF):            | 0              | 512           |
| Open Porch (OPF):        | 0              | 396           |
| Utility (UTF):           | 0              | 66            |
| <b>Total Area SF:</b>    | <b>1,924</b>   | <b>2,898</b>  |



## 2025 Land Information

Land Area: **3,080 sf** | **0.07 acres** Frontage and/or View: Canal/River Seawall: Yes

| Property Use | Land Dimensions | Unit Value | Units | Method | Total Adjustments | Adjusted Value |
|--------------|-----------------|------------|-------|--------|-------------------|----------------|
|              |                 |            |       |        |                   |                |

**VAR 2026-01**

**Attachment 9**

2013.01

THE CITY OF MADEIRA BEACH, FLORIDA  
SPECIAL MAGISTRATE - VARIANCE APPLICATION

APPLICATION 201352

DATED: 1/23/13

Applicant: Name and Address

Donajo Mathis  
420 137<sup>th</sup> Ave Cir.  
Madeira Beach

Telephone #: 727-430-5481

Property Owner: Name and Address

Jerry and Donajo Mathis  
420 137<sup>th</sup> Ave Cir.  
Madeira Beach

Telephone #: Same

Application for property located at (street address or location of vacant lot):

420 137<sup>th</sup> Ave Cir, Madeira Beach

Legal description:

Block

Lot(s)

Subdivision

-101

Approx. lot area: 3000 sq. ft. Lot width 40 ft. Lot depth 75 ft.

Zoning district:

R-2

Present structures on property:

one story masonry house and shed  
Single family home

Present use of property:

The date my request for a Building Permit was denied:

FILING FEES

Zoning Variance for Residential Dwelling Units (one, two or three units) \$350 per variance

Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$350 per variance

After-the-Fact Variance \$500

Variance(s) needed from the zoning requirements are:

9' from front setback, increase area covered by structures

\*\*\* PLEASE ATTACH REQUIRED SUPPORTING MATERIALS \*\*\*

SITE PLAN, SURVEY, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.

**This application to the Special Magistrate is requesting permission to be allowed to:**

-to add on a double car garage to the existing single family house. In order to add the proposed garage, we request a variance of 9' from the front setback and an increase in the area covered by structures to 46%. This variance would allow us a 29' x 28' (exterior dimension) two-car garage added to our existing structure.

A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstance does not result from the intentional act of the applicant or the applicant's agent(s). In order to authorize any variance from the provisions of the City Code the Special Magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists:

**EXPLAIN IN DETAIL HOW YOUR REQUEST COMPLIES WITH THE FOLLOWING RULES.**

|    |   |
|----|---|
| 1. | <p>Demonstrate that special conditions and circumstances exist which are peculiar to the land, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:</p> <ul style="list-style-type: none"><li>a. <i>Substandard or irregular-shaped lot.</i> 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;</li><li>b. <i>Significant vegetation or natural features.</i> If the site contains significant native vegetation or other natural features;</li><li>c. <i>Residential Neighborhood character.</i> If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;</li><li>d. <i>Public facilities.</i> If the proposed project involves the development of public parks, public facilities, schools, or public utilities;</li><li>e. <i>Architectural and/or engineering considerations.</i> If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.</li></ul> |
|----|---|

1. a,c Our house is located on a substandard lot which is 40' x 75', which is 3000sf. The minimum size required for a single family lot is 4000sf. This greatly limits the building size due to the zoning requirements.

Currently in the neighborhood, there are other houses or garages that are inside the front 20' setback from the right of way. The street-side wall of the garage proposed would be approximately the same set back distance as our neighbor's house to the east. I have enclosed photos and an aerial photo showing this. The proposed garage would blend in nicely with the other homes in the neighborhood and would increase the aesthetic value of our home and neighborhood

|    |   |
|----|---|
| 2. | <p>Demonstrate that a special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.</p> <p>The home was built in 1946 and is a very well built, extremely small single family home of 576 sf. Our home has no closets or other storage space.</p>   |
| 3. | <p>Demonstrate that that 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.</p> <p>As stated previously, there are other houses and garages within the 20' setback.</p>   |
| 4. | <p>Demonstrate that 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.</p> <p>The code 110.973 allows 2 off street parking spaces for a single family home. We would like to enclose these parking spaces with a garage. Most single family homes have garages, which provides protection from the extreme damage caused by the sun and salt. This garage would provide storage room and a laundry area which would accommodate basic household needs and free up much-needed space inside our home. The garage would also increase security of our vehicles while parked, lessening the likelihood of vandalism or theft.</p> |
| 5. | <p>Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.</p> <p>The code states a parking space is 9' x 24'. So if you take each space <math>9' + 9' = 18'</math> and add 3' to one side of the spaces, 3' between the spaces and another 3' to the other side of the spaces to allow for the opening of the doors while parked side by side in the garage. This comes to a total of 27', <math>3' + 9' + 3' + 9' + 3'</math>, so the minimum width would be 27', and add the width of the concrete block walls approx. 16", so rounded up is 29' wide. For length, 24' plus the block wall and the depth of the garage door that protrudes from the wall is about 25'. (Cont. on back)</p>  |
| 6. | <p>Demonstrate that 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.</p> <p>By granting the variance, it would be an improvement to the property which would add value and in return would benefit the city in increased taxes. The addition would fit in with the newer homes being built in the neighborhood. We propose to do architectural details to make it aesthetically pleasing (an example has been enclosed).</p>   |

## CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

*I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.*

**Appeals.** (City Code, Sec. 2-509) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Date: 11-6-12

Property owner's signature:

*Dona Jo Linda Mathis Jerry L Mathis*

Before me, this

6th day of November, 2012, appeared in person

Mathis, Dona Jo Linda + Mathis, Jerry Lee  
(name of property owner) who, being sworn, deposes and says that the forgoing

is true and correct certification.

STATE OF FLORIDA  
COUNTY OF PINELLAS – NOTARY SIGNATURE

*Heather L Lucas*

Personally Known to me:

Commission Expires:

10/12/13

Stamp

Identification Taken:

Dr Lic (FL) / Military ID



**NOTICE:** Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**SPECIAL MAGISTRATE: REQUIREMENTS AND PROCEDURES (City Code Sec. 2-507)**

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition, shall take note of the following:

- (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.
- (2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify 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.
- (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.
- (5) The variance granted is the minimum variance that will make possible the 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.

In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with the city land development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as specified in subsection (a) shall the special magistrate grant a variance to allow a use not generally or by special exception use permitted in the applicable zoning district of the city land development regulations. A nonconforming use of neighborhood lands, structures or buildings in the same zoning district shall not be considered grounds for the authorization of a variance. **Financial loss** standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

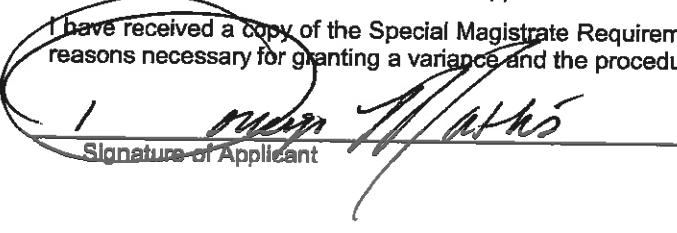
1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

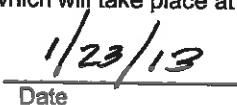
All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

**Appeals.** (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

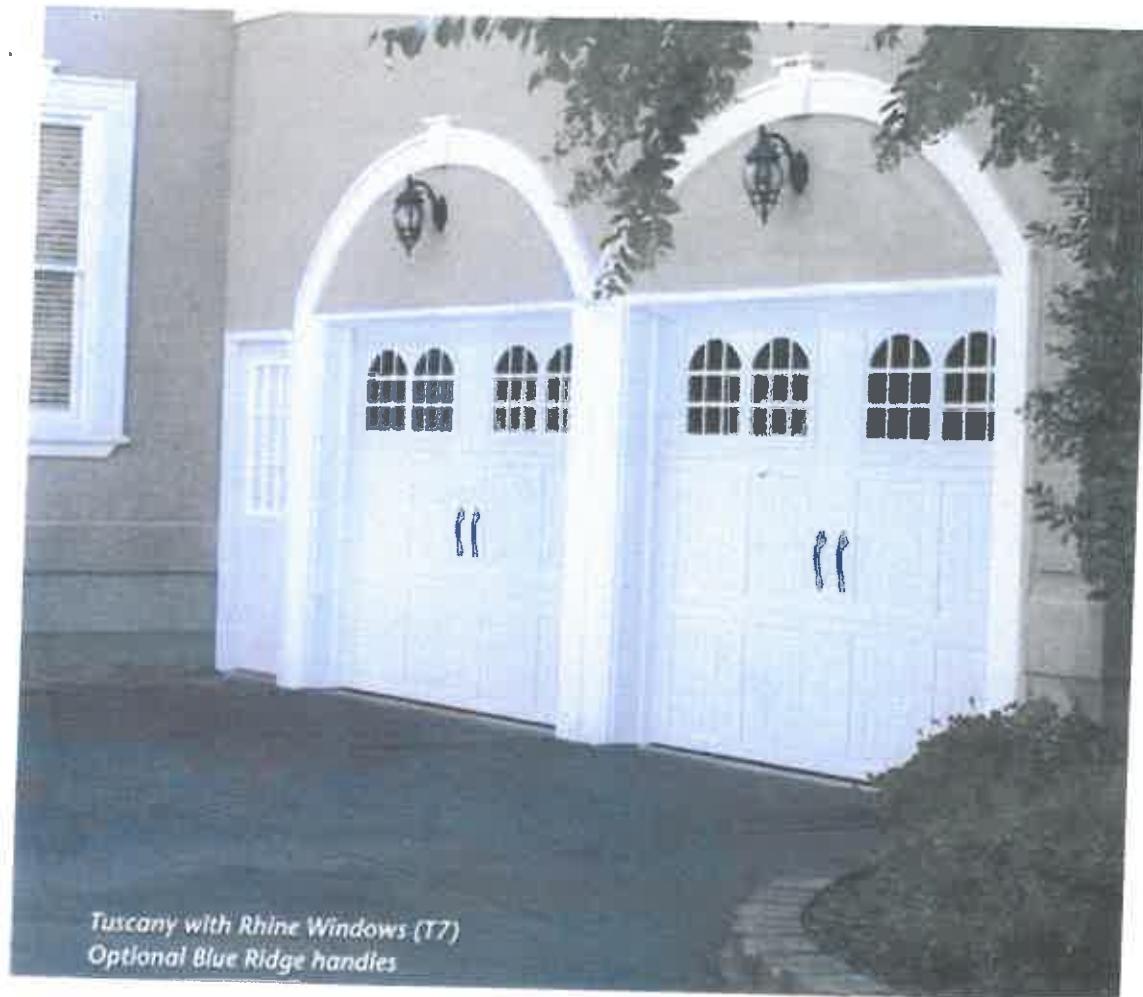
I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

  
Signature of Applicant

  
1/23/13  
Date

our house





Example of exterior  
design for a garage.



House and garage within 20' front  
Set back in neighborhood



Within 20' front setback



Within 20' setback



neighbors house to east.  
within 20' front set back - the proposed garage would  
approximately be in line with this house

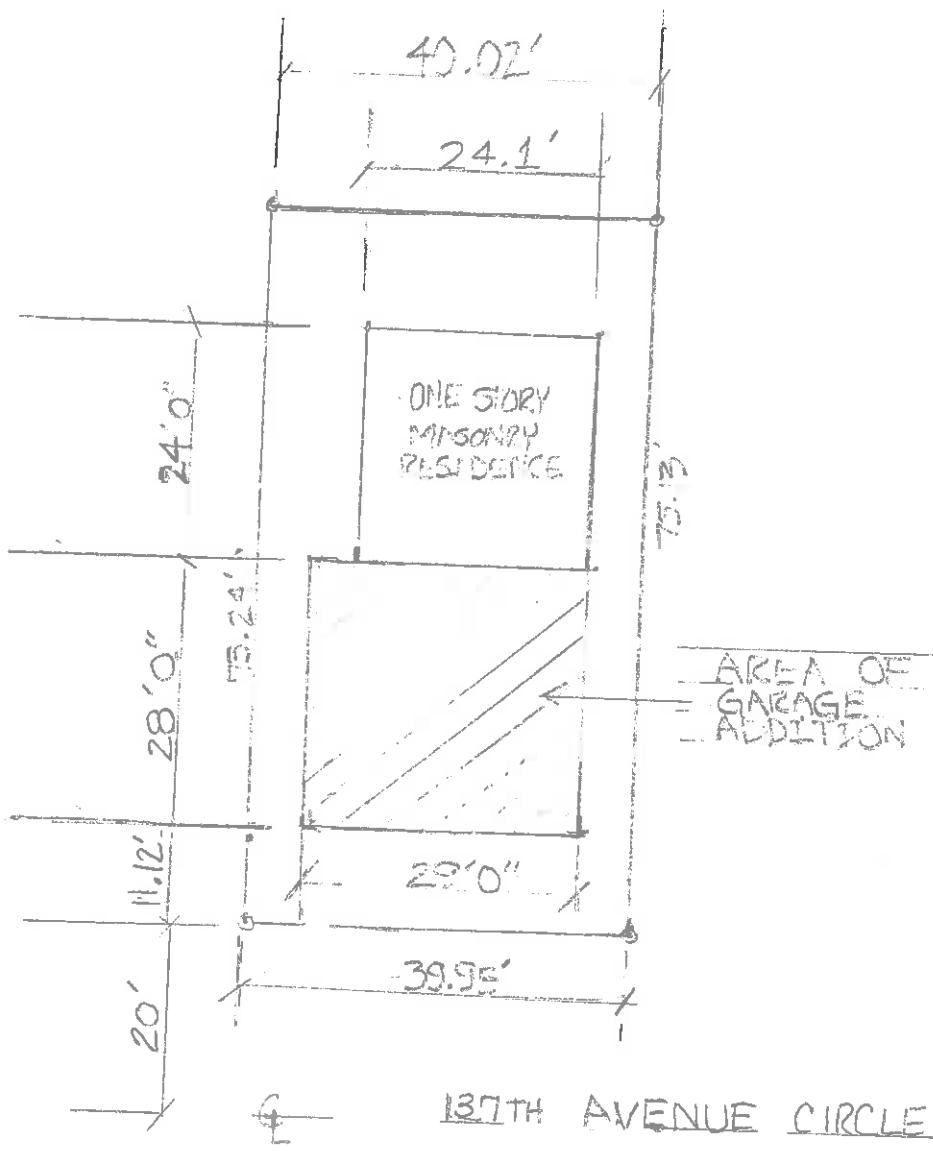


→ The line shows approx  
how the garage lines  
up to neighbor's  
house

showing properties  
within 20' setback

Showing other properties on front of lot.





NORTH BASIS  
ASSUMED

SHEET: FLOOR PLAN, SITE PLAN

PROJECT: MATHIS RESIDENCE  
420 137th AVE. CIR., MADEIRA BEACH FL

DATE: JAN. 13 2013  
SCALE: AS NOTED  
BY D-M

SITE PLAN

SCALE: 1" = 20' 0"

1 of 2  
WARRANTY DEED  
INDIVID. TO INDIVID.

Return to: (enclose self-addressed stamped envelope)

Name: Chicago Title Insurance Company / DR219 1619.30  
Attn: Monica L Borne  
Address: 585 Corey Ave.  
Ste. C, St. Pete Beach, 33706  
File Number: 03-116-10

This instrument Prepared by:

Name: Chicago Title Insurance Company / **TOTAL** 1689.80  
Attn: Monica L Borne - CK BAL \_\_\_\_\_  
Address: 585 Corey Ave.  
Ste. C, St. Pete Beach, 33706 CHG AMT \_\_\_\_\_  
Jmo

Property Appraisers Parcel Identification

Folio Number(s): 1631/15/34488/000/0290

Grantee(s) S.S. # (s)

KARLEEN F. DE BLAKER, CLERK OF COURT  
PINELLAS COUNTY, FLORIDA

60303125 02-11-2003 17:17:29 MDK  
51 DED-DAVID HOLLOWAY/DANIEL HEIKES  
033325  
IN#-03035520 BK:12530 SPG:2310 EPG:2311  
RECORDING 002 PAGES 1 \$10.50  
DOC STAMP - DR219 3 \$1,679.30

TOTAL: \$1,689.80  
CHECK AMT. TENDERED: \$1,689.80  
CHANGE: \$0.00  
BY *Jmo* DEPUTY CLERK

03-065520 FEB-11-2003 5:16PM  
PINELLAS CO BK 12530 PG 2310

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed**, *Made and executed this 7th day of February, 2003*

by DAVID W. HOLLOWAY, a single man, whose address is 343 BOCA CIEGA DRIVE Madeira Beach FL 33708 hereinafter called the Grantor,

to DANIEL D. HEIKES and DONALD L. HEIKES, husband and wife and DONALD THEODORE JOHNSON, a single man, whose post office address is 420 137TH AVENUE CIRCLE Madeira Beach FL 33708 hereinafter called the Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

**Witnesseth**, *That the Grantor, for and in consideration of the sum of \$10.00 (Ten and 00/100 Dollars) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienes, remises, releases, conveys and confirms unto the Grantee, all that certain land, situate in Pinellas County, State of Florida, viz:*

Lot(s) 29, GULF SHORES HARBOR SUBDIVISION, according to plat thereof as recorded in Plat Book 23, Page(s) 51, of the Public Records of Pinellas County, Florida.

**Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.**

**To Have and to Hold, the same in fee simple forever.**

SPACE ABOVE THIS LINE FOR RECORDING DATA

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Monica L. Borne  
Witness

Monica L. Borne  
Printed name

Seanne Lewis  
Witness

Seanne Lewis  
Printed name

David W. Holloway  
DAVID W. HOLLOWAY

STATE OF FLORIDA  
COUNTY OF PINELLAS

This foregoing instrument was acknowledged before me this 7th day of February, 2003, by DAVID W. HOLLOWAY, a single man.  
(Check one:)  Said person(s) is/are personally known to me.  Said person(s) provided the following type of identification: Valid Driver's License

NOTARY RUBBER STAMP SEAL



MONICA L. BORNE  
MY COMMISSION # DD 033482  
EXPIRES: February 19, 2006  
Bonded Thru Notary Public Underwriters

Monica L. Borne  
Notary Signature

Print Name

Prepared by and Return to: Donajo L. Mathis  
420 137th Avenue Circle,  
Madeira Beach, Florida 33708  
Parcel ID No: 15/31/15/34488/000/0290

## Quit Claim Deed

Made this November, 2, 2012 A.D. by, Donajo Linda Heikes a/k/a Donajo L. Heikes n/k/a Donajo Linda Mathis, a married woman joined by her husband Jerry Mathis, herein called the grantor to Donajo Linda Mathis and Jerry Mathis, wife and husband whose post office address is: 420 137th Avenue Circle, Madeira Beach, Florida 33708 hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal re-presentatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Pinellas County, Florida, viz:

**Lot 29, Gulf Shores Harbor Subdivision, according to the map or plat thereof, as recorded in Plat Book 23, Page(s) 51, of the Public Records of Pinellas County, Florida.**

Grantor gives this deed to create a husband and wife tenancy

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.  
Signed, sealed and delivered in our presence:

Mitchell Hardin

Witness Name:

Printed:

Mitchell Hardin

Donajo Linda Heikes a/k/a Donajo L. Heikes n/k/a Donajo Linda Mathis (Seal)

Address: 420 137th Avenue Circle, Madeira Beach, Florida 33708

Witness Name:

Printed:

Deborah M. Hall

Jerry Mathis (Seal)

Address: 420 137th Avenue Circle, Madeira Beach, Florida 33708

Witness Name:

Printed:

Address:

Witness Name:

Printed:

Address:

State of Florida  
County of Pinellas

The foregoing instrument was acknowledged before me this November, 2012, by Donajo Linda Heikes a/k/a Donajo L. Heikes n/k/a Donajo Linda Mathis, a married woman joined by her husband Jerry Mathis, who is personally known to me or who has produced Florida Drivers Licenses as identification.



Notary Public

Print Name:

My Commission Expires:

Seal

Deborah M. Hall  
Deborah M. Hall  
May 9, 2015

## Quitclaim Deed

THIS QUITCLAIM DEED, executed this 15<sup>th</sup> day of February, 2005,  
by first party, Grantor, Donald Theodore Johnson  
whose post office address is 10312 Brookview Ave Edina MN 55424  
to second party, Grantee, Daniel Dean and Donald Linda Heikes  
whose post office address is 23500 Zane Ave Lakeville MN 55044

REURN TO:

WITNESSETH, That the said first party, for good consideration and for the sum of \_\_\_\_\_

Dollars (\$ 0.00 )

paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the  
said second party forever, all the right, title, interest and claim which the said first party has in and to the following described  
parcel of land, and improvements and appurtenances thereto in the County of Pinellas  
State of Florida to wit:

Property Address: 420 137<sup>th</sup> Ave Circle  
6 Madeira Beach FL 33708

Property Description: Lot(s) 29, Gulf Shores  
Harbor Subdivision, according to plat  
thereof as recorded in Plat Book 23,  
Page(s) 51, of the Public Records  
of Pinellas County, Florida.

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.  
Signed, sealed and delivered in presence of:

Signature of Witness: Rosanne Callahan

Print name of Witness: Rosanne Callahan

Signature of Witness: Susan Stenseth

Print name of Witness: Susan Stenseth

Signature of First Party: Donald Theodore Johnson

Print name of First Party: Donald Theodore Johnson

Signature of Second Party: Daniel Dean Heikes 1 Donajo Linda Heikes

Print name of Second Party: Daniel Dean Heikes Donajo Linda Heikes

Signature of Preparer: 1 Donajo Linda Heikes

Print Name of Preparer: Donajo Linda Heikes

Address of Preparer: 23500 Zane Ave. Lakeville MN 55044

State of Florida  
County of Lake }

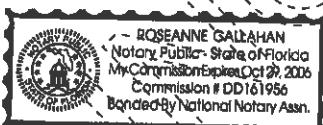
On February 15<sup>th</sup> 2005 before me, Donald Theodore Johnson, Daniel Dean Heikes, Donajo Linda Heikes appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Rosanne Callahan

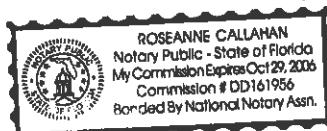
Signature of Notary



Page 2

Affiant 44 Known  Produced ID  
Type of ID N/A

(Seal)



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LF288 • Rev. 04/04

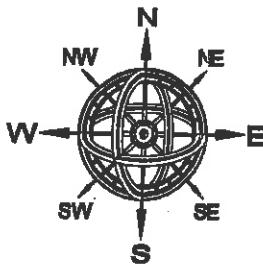
**SECTION 15, TOWNSHIP 31 SOUTH, RANGE 15 EAST**

**CERTIFIED TO:**  
DONAJO LINDA MATHIS  
JERRY MATHIS

## A BOUNDARY SURVEY OF

LOT 29, ACCORDING TO THE PLAT OF  
**GULF SHORES HARBOR SUBDIVISION**  
AS RECORDED IN PLAT BOOK 23, PAGE 51  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

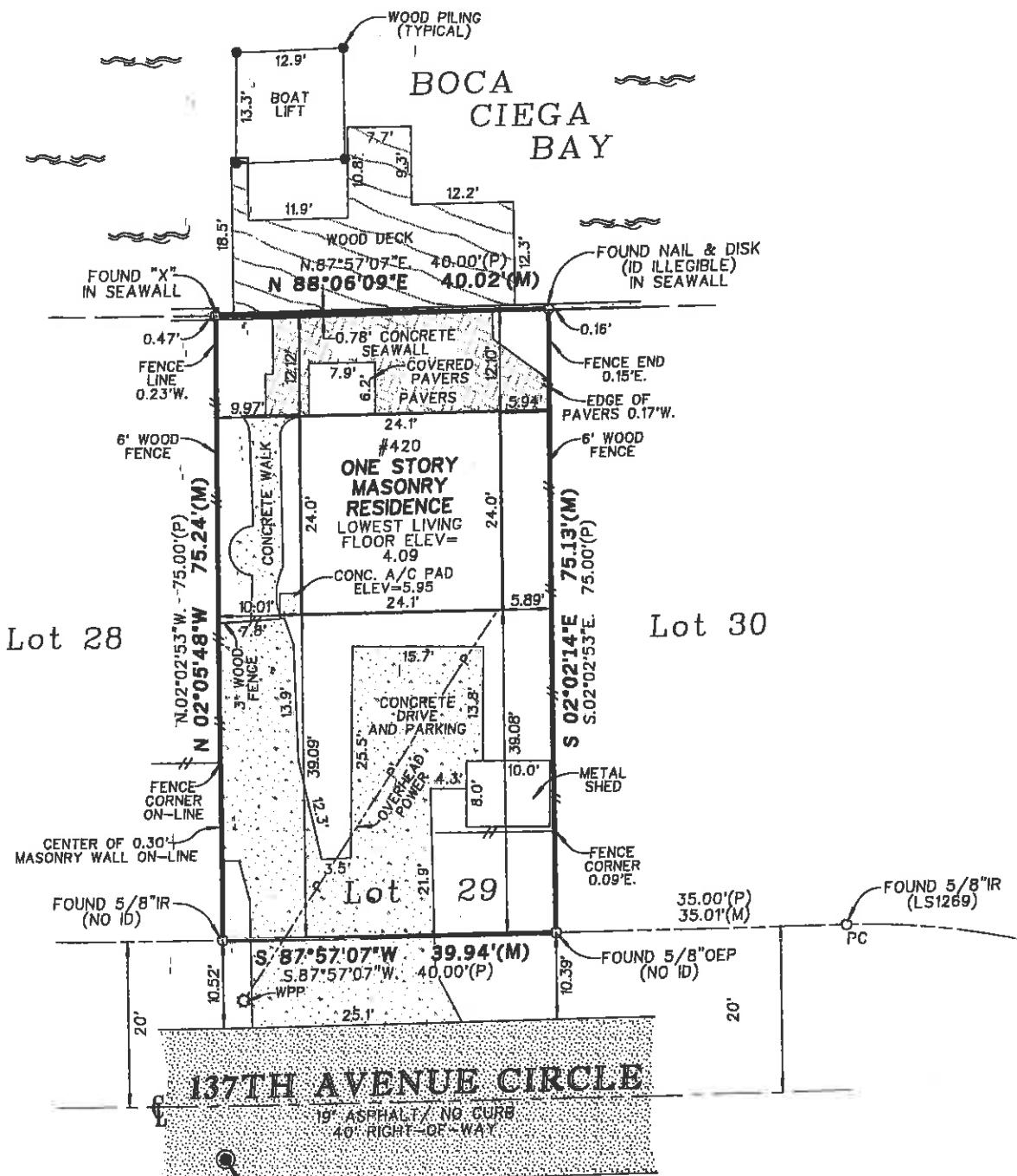
BOUNDARY SURVEY WITH IMPROVEMENTS  
AND ELEVATION CERTIFICATE - 11/19/12



## **NORTH BASIS:**

## **ASSUMED**

**SCALE: 1" = 20'**



#### ABBREVIATIONS:

#### ABBREVIATIONS:

A/C = AIR COND.  
C = CENTERLINE

C = CENTERLINE  
ELEV = ELEVATION

ELEV = ELEVATION  
ID = IDENTIFICATION

IR = IRON ROD

LS = LICENSED SURV.

(M) = MEASURED

### הס – OPEN END פז

### Flood Zone

FLOOD ZONE AE (MINIMUM ELEVATION 11')  
COMMUNITY PANEL #125127 12103C0191 G  
BEVERLY 5/7/07

COMMUNITY PANEL #125127 12103C0191 G  
REVISED 8/2/07



## **SPECIAL MAGISTRATE – VARIANCE REQUEST**

**Meeting Date:** **February 25, 2013**

**Application:** **2013-01**

**Applicant:** **Donajo Mathis  
420 137<sup>th</sup> Avenue Circle  
Madeira Beach, FL 33708**

### **I. GENERAL INFORMATION**

**A. Request:** The applicant is seeking the following variances from the Madeira Beach Land Development Regulations: Section 110-231, to allow the construction of a two car garage in a manner that encroaches into the front yard setback requirement; and, Section 110-208 (1), to allow a variance to exceed the maximum area of a lot that can be covered by structures.

**Property Owners:** Jerry and Donajo Mathis  
420 137<sup>th</sup> Avenue Circle  
Madeira Beach, FL 33708

**Parcel's ID #:** 15-31-15-34488-000-0290

**Request:** **Section 110-231. Setback Requirements**

#### **Front Yard Setback Requirement**

Required: 20.00 feet

Requested: 11.00 feet

Variance: 9.00 feet

#### **Section 110-208 (1) Maximum Lot Coverage**

##### **Maximum Lot Coverage in R-2**

Allowed: 40.0 %

Requested: 46.0 %

Variance: 6.0 %

**B. Location:** 420 137<sup>th</sup> Avenue Circle

**C. Zoning:** **R-2, Low Density Multifamily Residential**

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

## II. BACKGROUND

**Proposal:** The applicant is requesting to construct a 29' x 28' two car garage to be located to the front of the existing residential structure. The subject lot is 3,000 sq. ft. in size and is 40' x 75' dimensionally. The subject house was constructed in 1946 and according to the property appraiser's office has 576 sq. ft. of living space. There is also a small 64 sq. ft. open porch in the rear. Access to the house is from the water side. Staff's understanding from the applicant is that the house is essentially one bedroom without closet space (a washer/dryer currently occupy the only "closet space" in the house). There is also a shed in the front yard area of the house that the applicant wants to eliminate, if approved for a garage.

Per discussions with the applicant, it was expressed to staff that a garage is needed for the storage of two cars, yard equipment, bicycles, and laundry facilities.

Please note that any garage structure would not be considered living space but is new construction. Any approved new construction will be required to comply with the rules and regulations of the Florida Building Code and FEMA.

The applicant has provided a thorough application outlining the request.

## III. REVIEW CRITERIA FOR VARIANCE(S)

- (a) The purpose of a variance is to ensure that no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity. Variances shall be reviewed and may be approved, approved with conditions, or denied by the special magistrate.
- (b) The special magistrate shall authorize, upon application to appeal, after public notice has been given and public hearing held, such variance from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations, subpart B of this Code will result in unnecessary and undue hardship. In order to authorize any variance from the terms of the city land development regulations, the special magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists:
  - (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.

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

(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.

(5) The variance granted is the minimum variance that will make possible the 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.

In granting any variance, the Special Magistrate may prescribe appropriate conditions and safeguards in conformity with the City Land Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this code.

The Special Magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall begin, be completed or both. Under no circumstances except as specified above shall the Special Magistrate grant a variance to allow a use not generally or by Special Exception Use permitted in the applicable zoning district of the City Land Development Regulations.

No nonconforming use of neighborhood lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance. Financial loss standing alone is not sufficient justification for a variance.

## B. Analysis:

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

*The subject property is zoned R-2, Low Density Multifamily Residential.*

- 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;

*The subject property is a rectangular 40' x 75' lot and is approximately 3,000 sq. ft. in size. This is less than the minimum 4,000 sq. ft. required by Code. The house was constructed in 1946 and is located in a neighborhood of similarly constructed residences. Currently, the existing house has 546 sq. ft. of living space and a 64 sq. ft. open porch on the water side of the property. The applicant wants to construct a two-car garage that would be located to the front of the existing house. Such garage is requested to encroach into the front yard setback area by none (9) feet. Using the outside dimensions, this would mean an additional 812 sq. ft. of building. The addition as proposed would increase the building coverage of the lot to 46 percent.*

- b. Significant vegetation or natural features.** If the site contains significant native vegetation or other natural features;

*Not applicable.*

- 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;

*There are some other older houses in this area that have maintained their historic configurations. This project would adaptively reuse one of the older houses on Madeira Beach, rather than tearing it down and building anew.*

- d. Public facilities.** If the proposed project involves the development of public parks, public facilities, schools, or public utilities;

*Not applicable.*

- e. Architectural and/or engineering considerations.** If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

*Not applicable.*

- 2. Demonstrate that a special conditions and circumstances do not result from the actions of the applicant.**

*The subject lot property is a small 3,000 sq. ft. lot that is rectangular in size and located on the waterfront. The residential building was constructed in 1946 and is 576 sq. ft. in size. The applicant wants to build a two car garage that would be located in the front of the existing house and would encroach into the building setback area by nine (9) feet.*

- 3. Demonstrate that 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.**

*The subject property is one of the older properties Madeira Beach and exists in its historic configuration. Any new construction allowed must conform to the Florida Building Code and FEMA requirements. The applicant has indicated a need for a garage to store vehicles, keep lawn equipment and bicycles, and have laundry facilities. A garage is a common element of residential property. The major questions relate to the setback encroachment and size of the garage.*

4. Demonstrate that 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.

*There is 19 feet from the front setback line and the residential structure. Staff asked the Building Official if there were typical dimensions for garages in the Florida Building Code, and unfortunately, there are not typical dimensions. Staff finds that the average parking space requirement in the City Code for a 0 degree parking space is 9' x 24'. However, please be aware that this is a parking lot or parallel parking configuration. This reference shows that a typical garage addition would need to encroach into the front setback area. As such, the applicant would likely need a variance to construct any standard garage. The applicant has provided a detailed analysis of this criterion in her application.*

5. Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.

*The applicant is seeking to add a garage addition to the subject property. The size of the lot and the current building configuration restricts the applicant's ability to add a two-car garage (or even one-car garage without encroaching into the front setback area. In fact, the subject property is one on the older properties on Madeira Beach and is located in an older neighborhood with similarly situated properties. The applicant has provided a detailed analysis of this criterion in her application.*

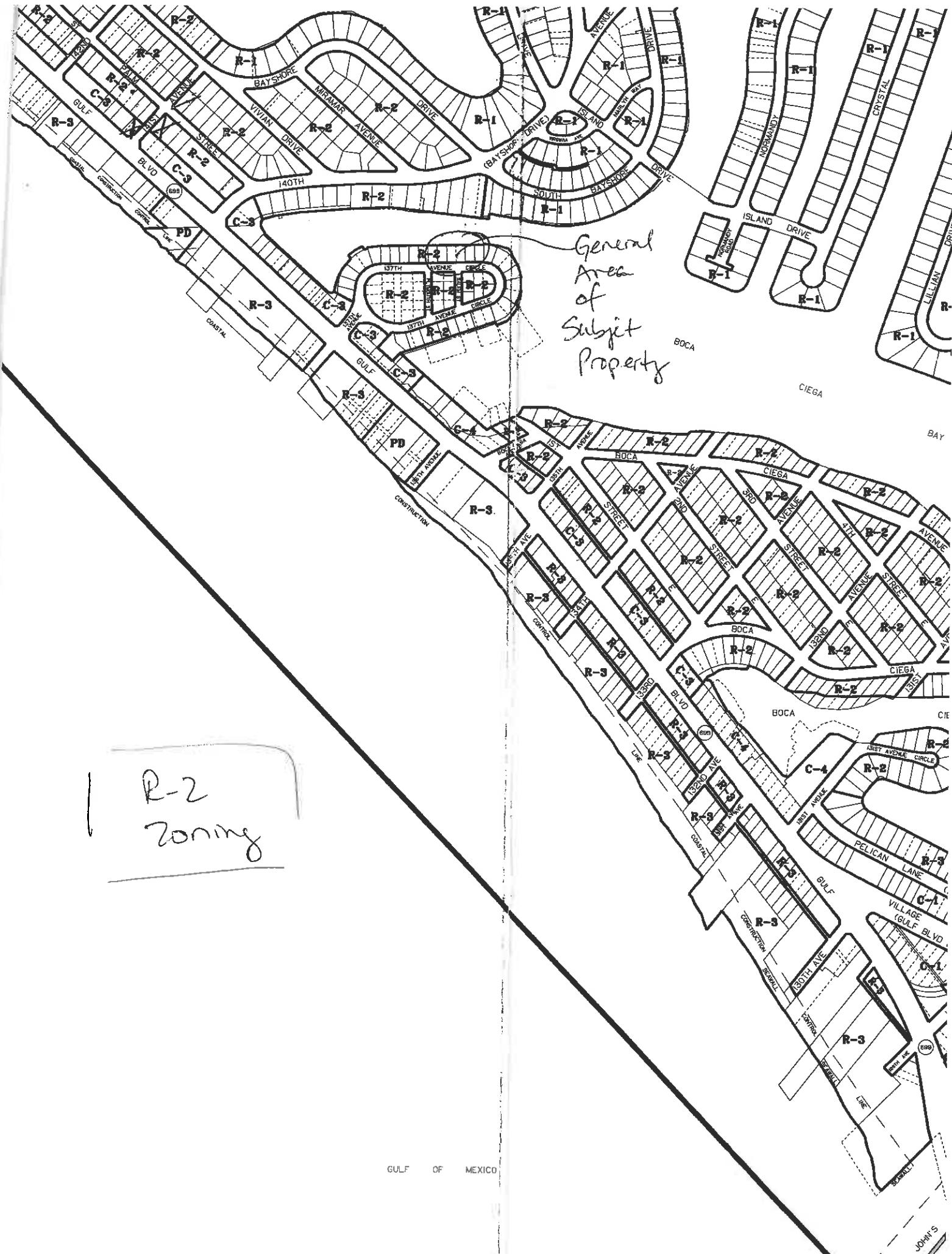
6. Demonstrate that the granting of the variance will be in harmony with the general intent and purposes of the city's land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

*The surrounding neighborhood houses many older houses on small lots. Even new construction in the neighborhood is on small lots. There are properties in the neighborhood with front yard encroachments, including the house directly next door on the east side. The applicant has indicated that she envisions a garage addition that has some architectural amenities that would make it attractive and has provided a sample of what such might look like. She has also said that the shed would be removed.*

*Staff recommends that if the variance is granted, that it be stipulated that the shed will be removed. In addition, even though Madeira Beach does not have design review guidelines, staff recommends that the applicant dress up the front of the garage in a manner that is not plain and typical of garage fronts. In addition, landscaping along the edges of the garage would soften any visual impact the proposed garage would have on the streetscape.*

Exhibits:

- A. Application
- B. Survey
- C. Site Plan
- D. Staff Report
- E. Zoning Map
- F. Pinellas County Property Appraiser's database information
- G. Aerial of property from Google Earth
- H. Property Owners Notified



[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Question/Comment about this page](#) WM

**15-31-15-34488-000-0290**

[Portability Calculator](#)

**Data Current as of January 30, 2013**

[Print](#)

[Radius Search](#)

[Improvement Value per F.S. 553.844](#)



| Ownership/Mailing Address  | Site Address                                 |
|--|--|
| MATHIS, DONAJO LINDA<br>MATHIS, JERRY<br>420 137TH AVENUE CIR<br>MADEIRA BEACH FL 33708-2512 | 420 137TH AVENUE CIR<br>MADEIRA BEACH 33708- |

Property Use: 0110 (Single Family Home)

Living Units:  
1

[click here to hide] **2012 Legal Description**  
GULF SHORES HARBOR SUB LOT 29

[2013 Exemptions](#) [Mortgage Letter for Homestead Exemption](#)

[File](#)

**2012 Caps/Classified Agricultural Value**

|                   |                |   |
|-------------------|----------------|---|
| Homestead: Yes    | Government: No | Save-Our-Homes Cap Percentage: 100.00%                |
| Institutional: No | Historic: No   | Non-Homestead 10% Cap: No Classified Agricultural: No |

**2012 Parcel Information** [2012 Trim Notice](#)

| Most Recent Conveyance | <a href="#">Sales Comparison</a>      | <a href="#">Census Tract</a> | Evacuation Zone | Plat Book/Page |
|------------------------|---------------------------------------|------------------------------|-----------------|----------------|
| 17771/2565             | \$187,700 <a href="#">Sales Query</a> | 1210327802                   | A               | 023/051        |

**2012 Interim Value Information**

| Year | <a href="#">Save-Our-Homes cap</a> | <a href="#">Just/Market Value</a> | <a href="#">Assessed Value/ SOH Cap</a> | <a href="#">County Taxable Value</a> | <a href="#">School Taxable Value</a> | <a href="#">Municipal Taxable Value</a> |
|------|------------------------------------|-----------------------------------|---|--------------------------------------|--------------------------------------|---|
| 2012 | Yes                                | \$154,255                         | \$146,282                               | \$96,282                             | \$121,282                            | \$96,282                                |

[click here to hide] **Value History as Certified (yellow indicates correction on file)**

| Year | <a href="#">Save-Our-Homes Cap</a> | <a href="#">Just/Market Value</a> | <a href="#">Assessed Value/ SOH Cap</a> | <a href="#">County Taxable Value</a> | <a href="#">School Taxable Value</a> | <a href="#">Municipal Taxable Value</a> |
|------|------------------------------------|-----------------------------------|---|--------------------------------------|--------------------------------------|---|
| 2012 | Yes                                | \$154,255                         | \$146,282                               | \$96,282                             | \$121,282                            | \$96,282                                |
| 2011 | Yes                                | \$142,021                         | \$142,021                               | \$92,021                             | \$117,021                            | \$92,021                                |
| 2010 | Yes                                | \$184,367                         | \$184,367                               | \$134,367                            | \$159,367                            | \$134,367                               |
| 2009 | Yes                                | \$211,398                         | \$211,398                               | \$161,398                            | \$186,398                            | \$161,398                               |
| 2008 | Yes                                | \$257,200                         | \$257,200                               | \$207,200                            | \$232,200                            | \$207,200                               |

|      |     |           |           |           |     |           |
|------|-----|-----------|-----------|-----------|-----|-----------|
| 2007 | No  | \$310,200 | \$310,200 | \$285,200 | N/A | \$285,200 |
| 2006 | No  | \$327,400 | \$327,400 | \$327,400 | N/A | \$327,400 |
| 2005 | No  | \$227,300 | \$227,300 | \$227,300 | N/A | \$227,300 |
| 2004 | No  | \$183,900 | \$183,900 | \$183,900 | N/A | \$183,900 |
| 2003 | Yes | \$144,200 | \$144,200 | \$144,200 | N/A | \$144,200 |
| 2002 | Yes | \$130,200 | \$78,100  | \$53,100  | N/A | \$53,100  |
| 2001 | Yes | \$89,900  | \$76,900  | \$51,900  | N/A | \$51,900  |
| 2000 | Yes | \$76,200  | \$74,700  | \$49,700  | N/A | \$49,700  |
| 1999 | No  | \$72,800  | \$72,800  | \$47,800  | N/A | \$47,800  |
| 1998 | No  | \$65,300  | \$65,300  | \$65,300  | N/A | \$65,300  |
| 1997 | Yes | \$62,900  | \$58,300  | \$33,300  | N/A | \$33,300  |
| 1996 | Yes | \$57,300  | \$56,600  | \$31,600  | N/A | \$31,600  |

**2012 Tax Information**[Click Here for 2012 Tax Bill](#) Tax District: [MB](#)

2012 Final Millage Rate 18.1144

2012 Est Taxes w/o Cap or Exemptions \$2,794.24

**A significant change in taxable value may occur when sold due to changes in the market or the removal of exemptions. [Click here for more information.](#)**

**Ranked Sales (What are Ranked Sales?) [See all transactions](#)**

| Sale Date   | Book/Page  | Price     | Q/U | V/I |
|-------------|--|-----------|-----|-----|
| 11 Feb 2003 | 12530 / 2310    | \$239,900 | Q   | I   |
| 18 Mar 1997 | 09642 / 1588    | \$110,000 | Q   | I   |
| 30 Aug 1993 | 08385 / 0918  | \$70,000  | Q   | I   |
| Jun 1983    | 05541 / 1006  | \$54,000  | Q   |     |
| 09 Mar 2005 | 14165 / 0277  | \$74,100  | U   | I   |
| 31 Jan 1995 | 08902 / 1354  | \$45,000  | U   | I   |

**2012 Land Information**

Seawall: Yes

Frontage: Canal/River

View:

| Land Use           | Land Size | Unit Value | Units   | Total Adjustments | Adjusted Value | Method |
|--------------------|-----------|------------|---------|-------------------|----------------|--------|
| Single Family (01) | 40x75     | 2900.00    | 40.0000 | 1.0000            | \$116,000      | FF     |

**[click here to hide] 2012 Building 1 Structural Elements [Back to Top](#)****Site Address: 420 137TH AVENUE CIR MADEIRA BEACH 33708-**

Quality: Average

Square Footage: 640.00

Foundation: Continuous

Footing

Floor System: Slab On Grade

Exterior Wall: Cb  
Stucco/Cb Reclad

Roof Frame: Gable Or Hip

Roof Cover: Composition Shingle

Stories: 1

Living units: 1

Floor Finish:  
Carpet/Hardtile/Hardwood

Interior Finish:  
Drywall/Plaster

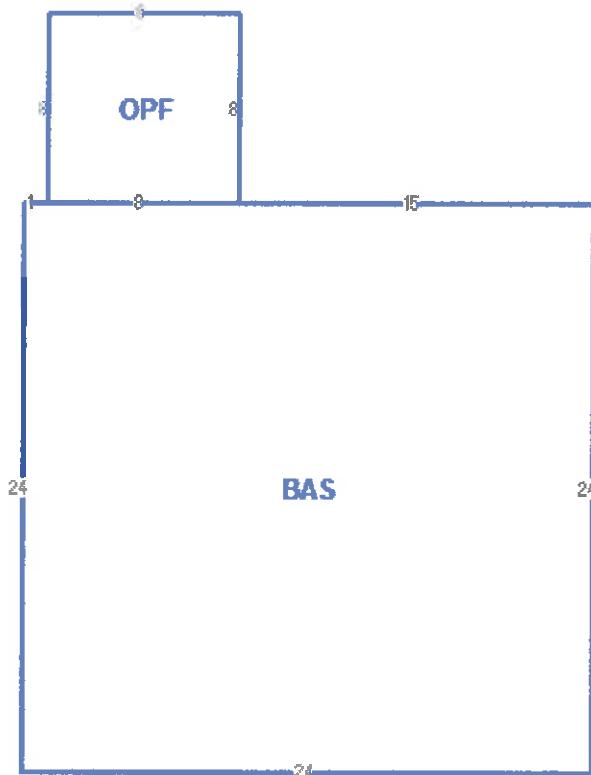
Fixtures: 3

Year Built: 1946

Effective Age: 30

Heating: Central Duct

Cooling: Cooling  
(Central)



[Open plot in New Window](#)

#### Building 1 Sub Area Information

| Description          | Living Area Ft <sup>2</sup> | Gross Area Ft <sup>2</sup> | Factor                | Effective |
|----------------------|-----------------------------|----------------------------|-----------------------|-----------|
| Open Porch           | 0                           | 64                         | 0.20                  |           |
| Base                 | 576                         | 576                        | 1.00                  |           |
| Total Living SF: 576 |                             | Total Gross SF: 640        | Total Effective SF: : |           |

#### [click here to hide] 2012 Extra Features

| Description | Value/Unit | Units  | Total New Value | Depreciated Value | Yr |
|-------------|------------|--------|-----------------|-------------------|----|
| PATIO/DECK  | \$0.00     | 1.00   | \$0.00          | \$0.00            | 19 |
| BT LFT/DAV  | \$8,000.00 | 1.00   | \$8,000.00      | \$4,480.00        | 19 |
| BT LFT/DAV  | \$1,500.00 | 1.00   | \$1,500.00      | \$600.00          | 19 |
| DOCK        | \$40.00    | 456.00 | \$18,240.00     | \$10,214.00       | 19 |

#### [click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). Any questions regarding permits should be directed to the permitting office in which the structure is located.

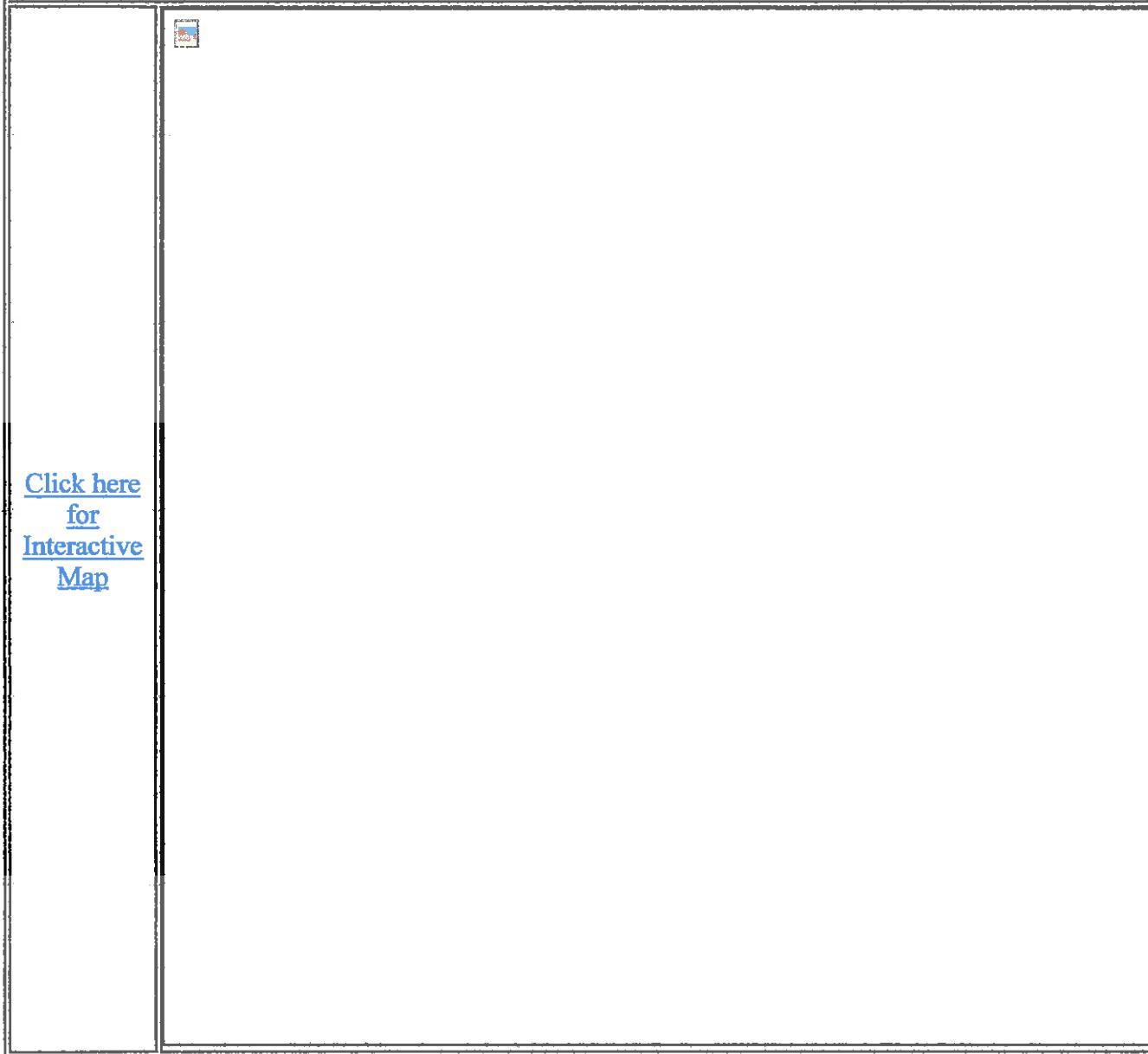
| Permit Number | Description     | Issue Date  | Estimated Value |
|---------------|-----------------|-------------|-----------------|
| P2615298      | DOCK            | 29 Sep 1998 | \$0             |
| 9800497       | BOAT LIFT/DAVIT | 06 Aug 1998 | \$5,500         |

|                          |  |                   |
|--------------------------|--|-------------------|
| Radius<br>(feet):<br>228 | Aerials: 2011 Color <input type="button" value="▼"/> | Transparency: 0.5 |
|--------------------------|--|-------------------|

If you do not see map, the SVG viewer has not been installed. [Click here for information and installation.](#)

How to copy and paste a static map using Internet Explorer: Right-click on the map; Select "Copy SVG"; Open a Word "Paste Special" from Edit menu on toolbar; Select Bitmap, then OK

How to copy and paste a static map using Mozilla Firefox: Right-click on the map; Select "This Frame"; Select "Open F: Window"; Print from the new window.



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for  
Interactive  
Map](#)

[Interactive Map of this  
parcel](#)

[Sales  
Query](#)

[Back to Query  
Results](#)

[New  
Search](#)

[Tax Collector Home  
Page](#)

[Question/Comment about this  
page](#)



Google earth

feet  
meters

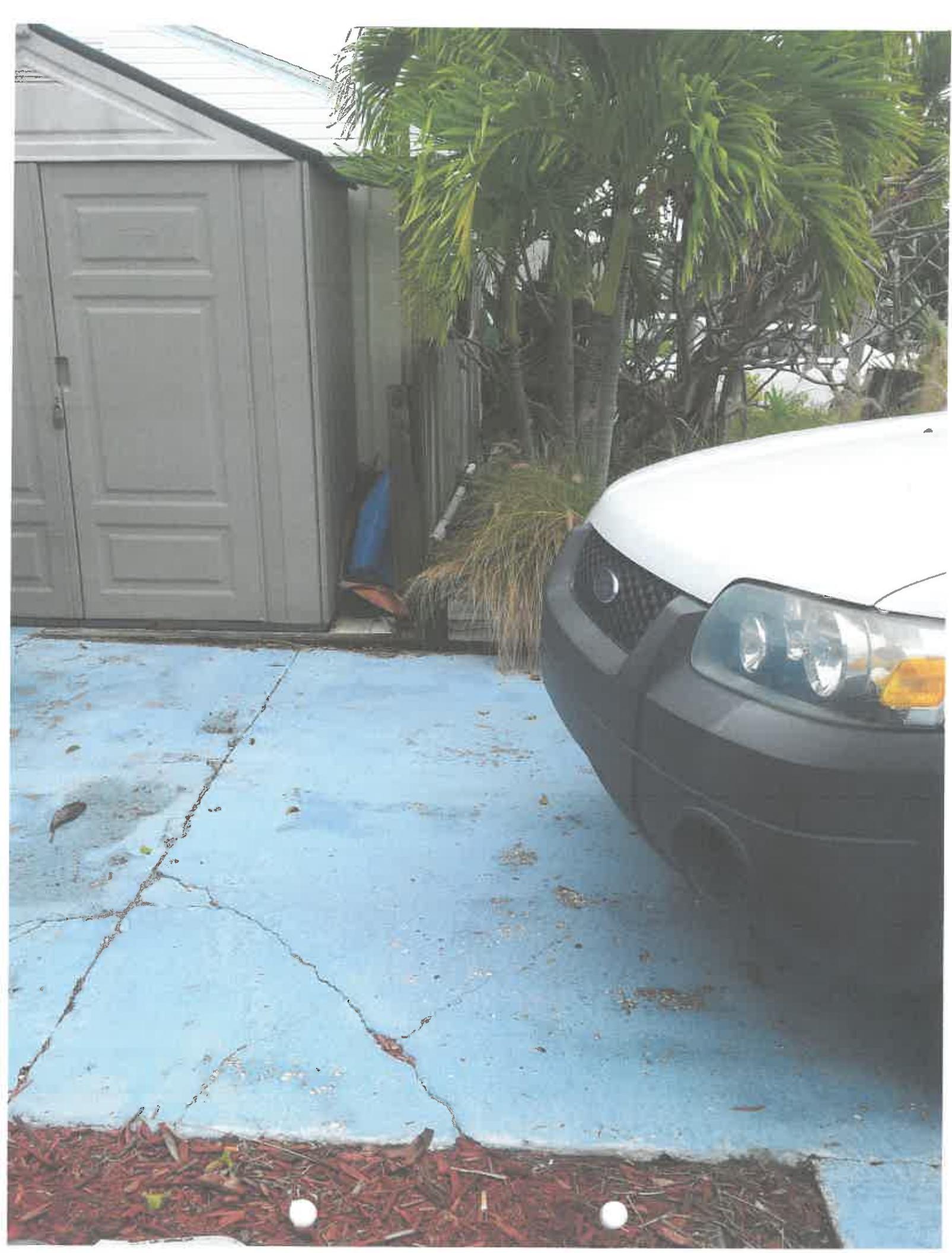
800  
200













**PAM DUBOV, CFA, CAE**  
**Pinellas County Property Appraiser**  
[www.pcpao.org](http://www.pcpao.org)      [pam@pcpao.org](mailto:pam@pcpao.org)

420-137 Ave C

Run Date: 30 Jan 2013

Subject Parcel: 15-31-15-34488-000-0290

Radius: 200 feet

Parcel Count: 34

Note: Parcels with protected address status are not included in this report.

Total pages: 3

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 315 Court St. - 2<sup>nd</sup> Floor  
 Clearwater, FL 33756  
 MAIL: PO Box 1957  
 Clearwater, FL 33757  
 TEL: (727) 464-3207  
 FAX: (727) 464-3448  
 HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:  
 TEL: (727) 464-3294  
 FAX: (727) 464-3408  
 COMMERCIAL APPRAISALS:  
 TEL: (727) 464-3284  
 RESIDENTIAL APPRAISALS:  
 TEL: (727) 464-3643 (CW)

**NORTH COUNTY**  
 29269 US Highway 19 N  
 Clearwater, FL 33761

**TYRONE (SOUTH)**  
 1800 66<sup>th</sup> St. N  
 St. Petersburg, FL 33710  
 TEL: (727) 582-7652  
 FAX: (727) 582-7610

**MID-COUNTY**  
 CUSTOMER SERVICE CENTER - WALK-IN  
 13025 Starkey Rd., Largo (Tax Collector)  
 TANGIBLE PERSONAL PROPERTY  
 TPP TEL: (727) 464-8484  
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## SPECIAL MAGISTRATE – VARIANCE REQUEST

**Meeting Date:** February 25, 2013

**Application:** 2013-01

**Applicant:**  
Donajo Mathis  
420 137<sup>th</sup> Avenue Circle  
Madeira Beach, FL 33708

### I. GENERAL INFORMATION

**A. Request:** The applicant is seeking the following variances from the Madeira Beach Land Development Regulations: Section 110-231, to allow the construction of a two car garage in a manner that encroaches into the front yard setback requirement; and, Section 110-208 (1), to allow a variance to exceed the maximum area of a lot that can be covered by structures.

**Property Owners:** Jerry and Donajo Mathis  
420 137<sup>th</sup> Avenue Circle  
Madeira Beach, FL 33708

**Parcel's ID #:** 15-31-15-34488-000-0290

**Request:** **Section 110-231. Setback Requirements**

#### **Front Yard Setback Requirement**

Required: 20.00 feet

Requested: 11.00 feet

Variance: 9.00 feet

#### **Section 110-208 (1) Maximum Lot Coverage**

#### **Maximum Lot Coverage in R-2**

Allowed: 40.0 %

Requested: 46.0 %

Variance: 6.0 %

**B. Location:** 420 137<sup>th</sup> Avenue Circle

**C. Zoning:** **R-2, Low Density Multifamily Residential**

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

### II. BACKGROUND

**Proposal:** The applicant is requesting to construct a 29' x 28' two car garage to be located to the front of the existing residential structure. The subject lot is 3,000 sq. ft. in size and is 40' x 75' dimensionally. The subject house was constructed in 1946 and according to the property appraiser's office has 576 sq. ft. of living space. There is also a small 64 sq. ft. open porch in the rear. Access to the house is from the water side. Staff's understanding from the applicant is that the house is essentially one bedroom without closet space (a washer/dryer currently occupy the only "closet space" in the house). There is also a shed in the front yard area of the house that the applicant wants to eliminate, if approved for a garage.

Per discussions with the applicant, it was expressed to staff that a garage is needed for the storage of two cars, yard equipment, bicycles, and laundry facilities.

Please note that any garage structure would not be considered living space but is new construction. Any approved new construction will be required to comply with the rules and regulations of the Florida Building Code and FEMA.

The applicant has provided a thorough application outlining the request.

### III. REVIEW CRITERIA FOR VARIANCE(S)

- (a) The purpose of a variance is to ensure that no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity. Variances shall be reviewed and may be approved, approved with conditions, or denied by the special magistrate.
- (b) The special magistrate shall authorize, upon application to appeal, after public notice has been given and public hearing held, such variance from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations, subpart B of this Code will result in unnecessary and undue hardship. In order to authorize any variance from the terms of the city land development regulations, the special magistrate shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists:
  - (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.
- (2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify 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.
- (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.
- (5) The variance granted is the minimum variance that will make possible the 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.

In granting any variance, the Special Magistrate may prescribe appropriate conditions and safeguards in conformity with the City Land Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this code.

The Special Magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall begin, be completed or both. Under no circumstances except as specified above shall the Special Magistrate grant a variance to allow a use not generally or by Special Exception Use permitted in the applicable zoning district of the City Land Development Regulations.

No nonconforming use of neighborhood lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance. Financial loss standing alone is not sufficient justification for a variance.

## B. Analysis:

1. **Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**

*The subject property is zoned R-2, Low Density Multifamily Residential.*

- 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;**

*The subject property is a rectangular 40' x 75' lot and is approximately 3,000 sq. ft. in size. This is less than the minimum 4,000 sq. ft. required by Code. The house was constructed in 1946 and is located in a neighborhood of similarly constructed residences. Currently, the existing house has 546 sq. ft. of living space and a 64 sq. ft. open porch on the water side of the property. The applicant wants to construct a two-car garage that would be located to the front of the existing house. Such garage is requested to encroach into the front yard setback area by none (9) feet. Using the outside dimensions, this would mean an additional 812 sq. ft. of building. The*

*addition as proposed would increase the building coverage of the lot to 46 percent.*

- b. Significant vegetation or natural features.** If the site contains significant native vegetation or other natural features;

*Not applicable.*

- 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;

*There are some other older houses in this area that have maintained their historic configurations. This project would adaptively reuse one of the older houses on Madeira Beach, rather than tearing it down and building anew.*

- d. Public facilities.** If the proposed project involves the development of public parks, public facilities, schools, or public utilities;

*Not applicable.*

- e. Architectural and/or engineering considerations.** If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

*Not applicable.*

- 2. Demonstrate that a special conditions and circumstances do not result from the actions of the applicant.**

*The subject lot property is a small 3,000 sq. ft. lot that is rectangular in size and located on the waterfront. The residential building was constructed in 1946 and is 576 sq. ft. in size. The applicant wants to build a two car garage that would be located in the front of the existing house and would encroach into the building setback area by nine (9) feet.*

- 3. Demonstrate that 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.**

*The subject property is one of the older properties Madeira Beach and exists in its historic configuration. Any new construction allowed must conform to the Florida Building Code and FEMA requirements. The applicant has indicated a need for a garage to store vehicles, keep lawn equipment and bicycles, and have laundry facilities. A garage is a common element of residential property. The major questions relate to the setback encroachment and size of the garage.*

- 4. Demonstrate that 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.**

*There is 19 feet from the front setback line and the residential structure. Staff asked the Building Official if there were typical dimensions for garages in the Florida Building Code, and unfortunately, there are not typical dimensions. Staff finds that the average parking space requirement in the City Code for a 0 degree parking space is 9' x 24'. However, please be aware that this is a parking lot or parallel parking configuration. This reference shows that a typical garage addition would need to encroach into the front setback area.*

*As such, the applicant would likely need a variance to construct any standard garage. The applicant has provided a detailed analysis of this criterion in her application.*

**5. Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.**

*The applicant is seeking to add a garage addition to the subject property. The size of the lot and the current building configuration restricts the applicant's ability to add a two-car garage (or even one-car garage without encroaching into the front setback area. In fact, the subject property is one on the older properties on Madeira Beach and is located in an older neighborhood with similarly situated properties. The applicant has provided a detailed analysis of this criterion in her application.*

**6. Demonstrate that the granting of the variance will be in harmony with the general intent and purposes of the city's land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

*The surrounding neighborhood houses many older houses on small lots. Even new construction in the neighborhood is on small lots. There are properties in the neighborhood with front yard encroachments, including the house directly next door on the east side. The applicant has indicated that she envisions a garage addition that has some architectural amenities that would make it attractive and has provided a sample of what such might look like. She has also said that the shed would be removed.*

*Staff recommends that if the variance is granted, that it be stipulated that the shed will be removed. In addition, even though Madeira Beach does not have design review guidelines, staff recommends that the applicant dress up the front of the garage in a manner that is not plain and typical of garage fronts. In addition, landscaping along the edges of the garage would soften any visual impact the proposed garage would have on the streetscape.*

Exhibits:

- A. Application
- B. Survey
- C. Site Plan
- D. Staff Report
- E. Zoning Map
- F. Pinellas County Property Appraiser's database information
- G. Aerial of property from Google Earth
- H. Property Owners Notified

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES  
AND APPEALS OF ADMINISTRATIVE DECISIONS  
CITY OF MADEIRA BEACH, FLORIDA  
Application No. 2013.01

Donajo Mathis  
for the property located at  
420 137<sup>th</sup> Ave. Circle  
Madeira Beach, FL 33708,  
Applicant.

---

**ORDER GRANTING VARIANCE**

Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Districts), Division 3 (R-2, Low-Density Multifamily Residential), Section 110-206 (Setback Requirements), and Section 110-208 (Maximum Lot Coverage)

LEGAL DESCRIPTION: Gulf Shores Harbor Sub Lot 29

PARCEL IDENTIFICATION NUMBER: 15-31-15-34488-000-0290

Special Magistrate, Herbert E. Langford, Jr., heard testimony and reviewed all evidence received at the Special Magistrate hearing held on February 25, 2013 and, based on the evidence, enters the following findings of fact, conclusions of law and order.

**FINDINGS OF FACT**

1. This application of Donajo Mathis ("the applicant") presents the issue involving a variance from the zoning requirements of the above Madeira Beach Land Development Regulations, requesting to construct a new two-car garage in front of the existing house, and: 1) to reduce the front yard setback from 20 feet to 11 feet; and 2) to increase the area covered by structures from 40 percent to 46 percent.
2. The applicant's property, if built according to the plans, will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach ("the Code") because: 1) Section 110-206 mandates minimum front yard setback of 20 feet, and 2) Section 110-208 limits maximum lot coverage by structures to 40 percent.

3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. This substandard 40 x 75-foot rectangular-shaped lot of 3000 square feet (Code-mandated minimum is 4,000 square feet), sits in the R-2 zoning district. Access into this historic waterfront home is on the water side. The applicant intends to maintain the home's historic integrity.
4. The special conditions and circumstances do not result from the actions of the applicant. The applicant purchased the 1946-built house in 2003. It has 576 square feet of living space, with a washer and dryer filling the only closet, and a 64 square-foot open porch, facing the water. No prior variances exist for the property. Applicant seeks to add a 29 x 28-foot two-car garage (812 square feet) to secure cars, yard equipment and bicycles, and to relocate the washer and dryer. Applicant will remove the shed currently on the property.

Although the applicant's testimony and narrative refer to the requested garage's width at 29 feet, the instant application seeks a variance from the front yard setback, not a side yard setback. Such width requires a separate application for a variance (and attendant analysis and advertisement). Accordingly, this order does not consider or address a variance from any side yard setback.

5. Granting the variance will not confer on the applicant a special privilege that is denied to other lands, buildings or structures in the same zoning district. Many of the area's historic homes have garages, some, including applicant's easterly neighbor, infringe on the front yard setback. The structure must comply with FEMA and Building Code mandates and shall include no living space.
6. 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. Other properties in the same zoning district enjoy garages which encroach the front yard setback. The applicant plans to install a garage aesthetically consistent with the neighborhood's historic feeling.
7. Granting the requested variance is the minimum variance that will make possible the reasonable use of the land. As guidance, the minimum size of off-street parking spaces per the Code is 9 x 24 feet. The requested garage's length that the applicant seeks (28 feet) exceeds the minimum amount necessary. 26 feet

reasonably accommodates the length of a large vehicle, the block wall and garage door's depth, and walk-around space.

8. The granting of the requested variance would be in harmony with the general intent and purpose of the city land development regulations, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Most of the neighborhood houses, both old and new, are on small lots, many with encroachments into the front yard setback. Also, the applicant intends to build an architecturally pleasing and aesthetically consistent garage.
9. The variance is appropriate under the following condition(s): Applicant shall: 1) remove the existing shed, 2) landscape along the side of the garage, 3) "dress up" the front of garage with a decorative (paneled, not plain) door, and 4) be FEMA and Building Code-compliant. Further, the new structure shall include no living space.

### CONCLUSIONS OF LAW

10. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.
11. The applicant has the burden to establish the requirements for a variance. Here, the applicant meets the criteria for a variance as set forth in Section 2-507 of the Madeira Beach Code of Ordinances.

### ORDER

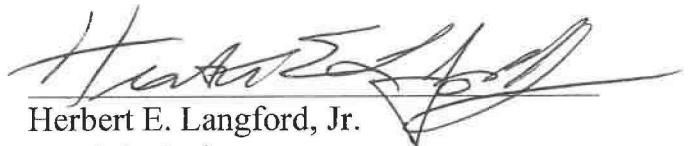
It is ADJUDGED that the application is GRANTED, specifically, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Districts), Division 3 (R-2, Low-Density Multifamily Residential), Section 110-206 (Setback Requirements), and Section 110-208 (Maximum Lot Coverage) to construct a new two-car garage in front of the existing

Donajo Mathis

Application No. 2013.01

house, and: 1) to reduce the front yard setback from 20 feet to 13 feet; and 2) to proportionally increase the area covered by structures from 40 percent.

DONE AND ORDERED on March 14, 2013.



Herbert E. Langford, Jr.  
Special Magistrate

Copies furnished to:  
Donajo Mathis  
Thomas J. Trask, City Attorney

**VAR 2026-01**

Attachment 10



## **AFFIDAVIT OF POSTING**

Date: 11/14/2026

Postings for: VAR -2026 - 1

Before me this day Lisa Schermerhorn personally appeared. He/she has posted public notices at the locations indicated in the notice document(s). 

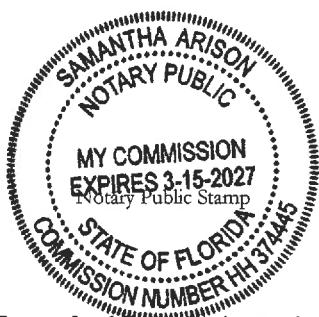
ent(s).   
Signature

Signature

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to and subscribed before me this 14<sup>th</sup> day of January, 2026.

Personally known or produced \_\_\_\_\_ as identification.



\*Copy of public notice is attached.

Samantha Arison  
Notary Public

## Notary Public

1/14/26

Date



## AFFIDAVIT OF MAILING

Date: 11/14/2026

Mailings for Case # JAR-2026-1

STATE OF FLORIDA  
COUNTY OF PINELLAS

Before me this day Lisa S. Schlemon personally appeared. He/she has mailed public notices to property owners within a 300 foot radius of the subject property.

Sworn and subscribed before me this 14th day of Jan, 2026.

Personally known or produced \_\_\_\_\_ as identification.



\*Copy of public notice is attached.

Samantha Arison  
Notary Public

11/14/26

Date



## MIKE TWITTY, MAI, CFA Pinellas County Property Appraiser

[www.pcpao.gov](http://www.pcpao.gov)

[mike@pcpao.gov](mailto:mike@pcpao.gov)

Run Date: 12 Jan 2026

Subject Parcel: 15-31-15-34488-000-0300

Radius: 300 feet

Parcel Count: 41

Total pages: 3

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MUI, NIM FONG  
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GENEVA, IL 60134-2557

BABICH, NICHOLAS G  
BABICH, KATHRYN S  
317 140TH AVE E  
MADEIRA BEACH, FL 33708-2208

ZYLSTRA, KATHY L  
ZYLSTRA, JAMES S  
417 S BAYSHORE DR  
MADEIRA BEACH, FL 33708-2305

COLE, CHRISTOPHER A TRE  
COLE, JANICE K TRE  
425 S BAYSHORE DR  
MADEIRA BEACH, FL 33708-2305

HUYNH, KENNETH  
NGO, PHUONG  
403 S BAYSHORE DR  
MADEIRA BEACH, FL 33708-2305

SAIA, CHRISTOPHER  
SAIA, JANICE R  
441 S BAYSHORE DR  
MADEIRA BEACH, FL 33708-2305

RIECK, ROBERT T  
BROOKS, LINDA G  
250 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2508

MALONEY, TIMOTHY  
MALONEY, JENNIFER  
316 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2510

CABASSA, LUIS A  
CABASSA, ANGELA C  
330 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2510

MARKUNAS, RICHARD K  
PATRI, PERINDA  
401 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2511

MATHIS, DONAJO LINDA  
MATHIS, JERRY  
420 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

DEMONTMOLLIN, DAVID B  
DEMONTMOLLIN, CHASITY NICOLE  
464 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

GREENBERG, MARK A  
GREENBERG, BETH E  
436 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

CAPITOSTI, FREDRIC S  
CAPITOSTI, DEBORAH W  
452 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

TUASON, MICHAEL  
TUASON, PAMELA  
432 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

GILMORE, JAMES BASIL  
GILMORE, PATRICE HOLLY  
13785 SALEM ST  
MADEIRA BEACH, FL 33708-2543

KOCH, LESHA R TRE  
KOCH, LESHA R REV TRUST  
1313 TIMBERLANE DR  
SABETHA, KS 66534-2563

CABASSA, LUIS ANTONIO TRE  
CABASSA, ANGELA CARTER TRE  
103 SHORE DR  
SUMMERLAND KEY, FL 33042-3609

CALLAHAN, JAMES K JR  
CALLAHAN, CYNTHIA J  
24947 HUNT LN  
SUMMERLAND KEY, FL 33042-4441

CLOUSE, GERALD  
CLOUSE, WATCHARIN  
1925 HAVEN BND  
TAMPA, FL 33613-1109

FLOYD, JANE A TRE  
FLOYD, WILLIAM HENRY JR TRE  
3401 BAYSHORE BLVD UNIT 1104  
TAMPA, FL 33629-8991

MARTINOVIC, PAVO  
MARTINOVIC, DEBBIE  
189 BECKWICK RD  
THUNDER BAY ON P7G 1N7,  
CANADA

TUCKER, BLAZIA P  
C/O JOHN DIAS POA  
3651 N GOLDENROD RD APT F202  
WINTER PARK, FL 32792-8880

SCHAEDEL, JAN M  
468 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2512

MOBERLY, PAUL  
235 140TH AVE E  
MADEIRA BEACH, FL 33708-2206

MCCLERNAN, SANDRA D  
427 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2511

KKD ESTATES LLC  
12407 OAK LODGE LN NE  
ROCHESTER, MN 55906-8815

BONNELL, JAMES  
117 WALL ST  
REDINGTON SHORES, FL 33708-1243

CATTAR, CATHERINE  
5247 OLIVET DR  
RIDGE MANOR, FL 33523-9039

ADAMS, ELLIS  
6404 THOROUGHBRED LP  
ODESSA, FL 33556-1856

ERLANDSON, DAVID  
107 DONNINGTON CT  
LONGWOOD, FL 32779-4605

MADEIRA PALOMA PROPERTIES LLC  
500 E PIPING ROCK LN  
SIOUX FALLS, SD 57108-8553

ONX COMPANIES LLC  
3150 SHEYENNE ST APT 301  
WEST FARGO, ND 58078-8549

HOLLY BERRY GIFTS INC  
9810 SAN DIEGO WAY  
PORT RICHEY, FL 34668-3528

GAROFALO, NELLA  
315 140TH AVE N  
MADEIRA BEACH, FL 33708

GMB360 LLC  
7625 LEATHER FERN CT N  
PINELLAS PARK, FL 33782-4318

BRINTON, WALTER A  
12121 SIERRA SUNSET LN  
GAINESVILLE, VA 20155-3863

GULF BEACHES CHURCH BY THE SEA INC  
495 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2539

MADIERA PALOMA PROPERTIES LLC  
500 E PIPING ROCK LN  
SIOUX FALLS, SD 57108-8553

BUCCI, MICHAEL A  
445 137TH AVENUE CIR  
ST PETERSBURG, FL 33708-2540

GULF BEACHES CHURCH BY THE SEA INC  
495 137TH AVENUE CIR  
MADEIRA BEACH, FL 33708-2539



## **PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING**

**CITY OF MADEIRA BEACH  
300 MUNICIPAL DRIVE  
MADEIRA BEACH, FLORIDA 33708**

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **January 26, 2026, at 12:00p.m.**, at the Madeira Beach City Hall in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the “Watch Live Meetings” button.

### **THIS APPLICATION IS FOR A SPECIAL MAGISTRATE -VARIANCE 2026-01**

**Application:** VAR 2026-01

**Applicant:** Paul Mazzillo

**Property Owner(s):** Paul Mazzillo

**Property Address:** 422 137th Avenue Cir Madeira Beach, Florida 33708

**Parcel ID:** 15-31-15-34488-000-0300

**Legal Description:** GULF SHORES HARBOR SUB LOT 30

**Zoning/Future Land Use:** R-2, Low Density Multifamily Residential/Residential Medium

**Request:** Increase in the maximum structure coverage from 40% to 48%

**Specific Code Provisions:** Sec. 110-208. – Maximum lot coverage.

(1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.

**Note:** You have received this notice because you are a property owner within 300 feet of the subject property. If you are desirous of voicing approval or disapproval of this application, you may attend the Special Magistrate Hearing or can submit comment to [planning@madeirabeachfl.gov](mailto:planning@madeirabeachfl.gov). *Any affected person may become a party to this proceeding and can be entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the Community Development Department not less than five days prior to the hearing. The notice, which is attached, can be filed in person or sent by mail to Community Development Department at Madeira Beach City Hall located at 300 Municipal Drive, Madeira Beach, 33708.* The variance application is on file in the Community Development Department and may be reviewed between 8:30 a.m. and 4:00 p.m.

**Posted:** January 15, 2026, at the property site, City Hall, City of Madeira Beach website, and Gulf Beaches Library. View more information about this application at <https://madeirabeachfl.gov/plan-review-documents/>



## NOTICE OF INTENT TO BE AN AFFECTED PARTY

### AFFECTED PERSON INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### APPLICATION INFORMATION

Case No or Application No., whichever applies: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affected Person

\_\_\_\_\_  
Date

Note: One or more Elected or Appointed Officials may be in attendance. Any person who decides to appeal any decision of the Special Magistrate with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.

## 2026 RESIDENT PARKING PASS REGISTRATION

Development Department / Community Development Documents / Plan Review Documents

# Plan Review Documents

## Special Magistrate Variances and Special Exception Uses

1/26/26 Special Magistrate Meeting 12:00 PM

[Public Notice VAR 2026-01 422 137th Ave CIR](#)

[VAR 2026-01 422 137th Ave Application](#)

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### PUBLIC NOTICE OF SPECIAL MAGISTRATE VARIANCE HEARING

CITY OF MADEIRA BEACH  
300 MUNICIPAL DRIVE  
MADEIRA BEACH, FLORIDA 33708

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held on **January 26, 2026**, at 12:00p.m., at the Madeira Beach City Hall in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, to discuss the agenda item listed below. This proceeding is available for viewing on Spectrum Television Public Access Channel 640 for viewers within the 33708 Zip Code and on the City of Madeira Beach website by clicking the "Watch Live Meetings" button.

#### THIS APPLICATION IS FOR A SPECIAL MAGISTRATE-VARIANCE 2026-01

Application: VAR 2026-01

Applicant: Paul Mazzillo

Property Owner(s): Paul Mazzillo

Property Address: 422 137th Avenue Cir Madeira Beach, Florida 33708

Parcel ID: 153-115-14486-000-0100

Legal Description: GULF SHORES HARBOR SUB LOT 30

Zoning/Future Land Use: R-2, Low Density Multifamily Residential/Residential Medium

Request: Increase in the maximum structure coverage from 40% to 48%

Specific Code Provisions: Sec. 110-208. – Maximum lot coverage.

(1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.

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