



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2023-03

Staff Report and Recommendation

Special Magistrate Meeting – August 28, 2023

Application: VAR 2023-03
Applicant: Beach Builders
Property Owner(s): Nicole Karns
Property Address: 578 Johns Pass Ave Madeira Beach, FL 33708
Parcel ID: 10-31-15-19998-000-0830
Legal Description: Crystal Island 2nd ADD LOT 83
Zoning/Future Land Use: R-1, Single Family Residential District/Residential Urban

Request: Applicant states: “Requesting front set back to 15’ from 20’ to match the existing garage setback of 15’. With the culdesac being the way it is on the property, we request the setback be reduced to 15’ to allow for a usable 3rd bedroom addition. Our rear setback is maxed out and we are maintaining the side setbacks. Only requesting 15’ front setback to allow for better use of added bedroom.”

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

I. Background

This structure was built in 1964 prior to our current setback requirements. The structure was constructed with the garage portion of the residence 15’ from the property line. The cul-de-sac creates a curved right of way that encroaches into 578 Johns Pass Ave’s front yard. The proposed addition would provide for a third bedroom with only a small portion of the addition along the eastern corner of the structure encroaching into the 20’ setback. Approximately 42 square feet of the proposed bedroom will encroach into the 20’ setback.

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

(1) Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:

a. Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;

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

c. Residential neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;

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

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

Findings: a. *Substandard or irregular shaped lot.* The front property line of the lot is irregular due to the right-of-way from the cul-de-sac. This structure was built prior to the enactment of the current R-1 zoning district setback requirements. The lot is around 70' in width on the rear and 115' in length on the longest side. The property line follows the curve of the cul-de-sac which decreases the length of the north side of the property to 93'.

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

Findings: The hardship of the property line was not created by the applicant. This structure was built in 1964 which was before the R-1 zoning district setbacks were implemented. The unusual property line is due to the increase of right-of-way towards the end of the cul-de-sac.

(3) Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.

Findings: Approval of the variance will not grant any special privilege to the property. Most other properties on Johns Pass Ave have rectangular-shaped lots and do not have the encroachment of a cul-de-sac. A variance for a similar request was granted at 499 Johns Pass Ave. VAR 2019-02 was approved on April 4, 2019. This property was also located on a cul-de-sac at the opposite end of Johns Pass Ave. This variance was approved, reducing their front yard setback from 20' to 10'.

(4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.

Finding: Literal interpretation of the code would mean the front setbacks would be restricted by the irregularly shaped front property line. This would mean the

applicant would not be able to extend the front of the house as far as many of their neighbors.

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

Findings: Granting the variance would allow for an additional 11'3.5" x 20'8.5" bedroom, matching the current perimeter of the house. This is a reasonable use of the land.

(6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Findings: The proposed bedroom is in harmony with the general intent and purpose of the city land development regulations and will not negatively affect the character or the neighborhood.

III. Staff Recommendation:

Staff recommends the approval of this variance.

Submitted by: Joseph Petraglia & Marci Forbes

Attachments: 1) Application
2) Survey of Property
3) Public Notice mailing and posting
4) Exhibit of square footage encroachment into setback