



Administrative Appeal of Administrative Waiver

ADW 2026-04 & AD 2026-02: 410 Normandy Rd, Madeira Beach, FL 33708

Parcel ID: 15-31-15-43290-000-0080

Zoning District: R-1, Single-Family Residential

Madeira Beach Future Land Use: Residential Urban

Request: Relief from Section 110-447 of the Madeira Beach Code to allow a 6-foot privacy fence within the rear 30 feet measured from the seawall, including relief from the required open-top fence design requirement.

Specific Code Provisions:

Sec. 110-447. – Location and height of fences, hedges, and walls.

(b) *Height.* Height is measured from the average grade elevation along the entire length of the fence, hedge, or wall.

(3) *Rear yards facing water.* From the required rear building line to the rear property line, all walls and solid fences abutting or facing waterbodies must not exceed three feet. Open fences must not exceed four feet. Fences up to six feet are permitted adjacent to sewage lift stations, city pocket parks, and along residential property lines that are adjacent to commercial uses. When deemed necessary by the permitting authority to ensure life-safety and security however, a six-foot high solid or open fencing may be allowed or required in the site plan review process for commercial and institutional uses. In rear yards facing the Gulf of Mexico, open and sand fences must not exceed four feet and fencing that is wrought iron in appearance must not exceed six feet.

Sec. 86-29. – Administrative waiver

(h) *Appeal procedures.* A property owner that is denied an administrative waiver may, before presenting their grievance to any circuit court or other court of competent jurisdiction attacking the land development regulations, or any of its terms



and provisions, shall first apply to the board of commissioners of the city, or petitioning the special magistrate for relief as in such cases made and provided.

I. Background

The subject property is a corner waterfront lot with a single-family home and rear yard swimming pool currently under construction. The applicant has applied for a fence permit (2026-2175-FENC) to erect a 6' tall privacy fence in the rear yard along the street side property line as depicted in the site plan attached (Attachment 1, Exhibit A). The code expressly identifies limited circumstances where six-foot fencing is permitted in waterfront rear yards. The subject property does not fall within one of those enumerated exceptions. Shortly after the permit application was denied, primarily due to height, the applicant inquired to the city about the possibility of obtaining a variance or administrative waiver to the strict requirements of the code. Following staff review, the city informed the applicant that a variance would not be recommended due to the strict criteria now required, and that an administrative waiver would not be approved by right, but the decision can be appealed by the Board of Commissioners or Special Magistrate as outlined in Section 86-29(h) and Section 2-505 of the city's code. Outlined below are the three criteria required to grant an administrative waiver under the general provisions and staff's findings of each criteria.

II. Findings

- (1) *General findings.* The city manager or designee may approve an administrative waiver only after first making all of the following findings.
 - a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the LDR*



deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

This property has special circumstances due to its location and surrounding adjacent to the publicly traveled street and sidewalk. The city's land development regulations allow for side yard fences, including side yards facing streets, to be up to six feet tall, and waterfront rear yards do not typically abut the street.

b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

Other properties in the vicinity and within the same zoning district that share the same street frontage limitation that this property faces in the rear yard comply with the rear yard facing water fence requirements. The applicant does, however, provide the properties below that should be considered.

- 501 Normandy Rd- This property was granted a variance in 2007 (VAR 07.07 – attachment 3) to allow for a six-foot-tall fence for 12 feet of the rear yard, which appears to be consistent with the fence that is currently on the property (attachment 2). This variance documents the bridge height as justification for the variance since the bridge is already at least six feet tall. 410 Normandy is not under a bridge but is directly exposed to the street. The fence code in effect at the time this six-foot-tall rear yard fence was permitted (attachment 4) did not allow exceptions for properties that are adjacent to city pocket parks or along residential property lines that are adjacent to commercial uses, as the code now allows. The first iteration of this code update was adopted through ORD 2018-02, whereas the city commission found it necessary to provide relief from certain



fencing restrictions where differing adjacent land uses may result in increased impact upon residential lots (attachment 5).

- 500 Crystal Dr- The fence for this property was permitted under permit 3177 from 2018 (attachment 6). No variances or admin waivers have been approved for any fences on this property. The code allowed for the 6' tall fence to extend up to the edge of the covered concrete, which is the approximate location in the rear yard where the 6' tall fence drops to a 4' tall picket. It does appear that the last panel of the 6' tall fence encroaches beyond the covered concrete, which may have been missed during permitting and inspection; however, the rear 20' of fence complies with the rear yard on water standard.
- 14205 E Parsley – The code allows 6' tall fences in rear yards that are adjacent to commercial uses such as this one.
- 360 145th & 14555 N Bayshore – Both of the fences depicted here are not street adjacent and appear to predate current regulations or could not be readily verified through available permitting records.

In addition to the above properties referenced by the applicant, city staff also found 498 Crystal Drive to have received variances for a fence adjacent to the street in a rear yard facing water in 2003 and 1979 (variance case 03.34 and 79-17 included in attachment 3). Like 501 Normandy, however, these variances reference the bridge as justification for a variance.

The first page of attachment 2 shows an aerial of the subject property in relation to the three street adjacent properties discussed.

c. The administrative waiver is consistent with the comprehensive plan, and any other adopted plan or policy of the city.

City of Madeira Beach, City Hall
300 Municipal Drive
Madeira Beach FL 33708
www.madeirabeachfl.gov



This administrative waiver would only grants relief from the fence height requirements of the land development regulations, which is an allowable use of an administrative waiver under section 86-29. These fence regulations are not required under the city's comprehensive plan and are therefore consistent with the comprehensive plan and are not in conflict with any other plan or policy of the city.

III. Staff Conclusion

The unique feature relevant to this application is that this rear yard is adjacent to a public street and sidewalk. Of the examples provided, those that share a similar circumstance to this applicant (501 Normandy Rd, 500 Crystal Drive, and 498 Crystal Drive) are all at least partially under a bridge that is already approximately the same height as the six-foot fence, and two out of the three were not permitted to extend the six-foot-tall fence the full length of the rear yard. Each of these fences, however, were permitted before the code was amended to allow for a six-foot-tall fence adjacent to city pocket parks and commercial uses. In order not to constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district, as required under general finding criteria b for an administrative waiver, the city may be creating a precedent to allow for all waterfront rear yards that are street adjacent and exposed to public view to erect fences to the same height proposed by the applicant. The plain text of the code provides exceptions for rear yards adjacent to sewage lift stations, city pocket parks, and commercial uses, providing the intent to shield the rear yard from public view. This request potentially expands the enumerated exceptions in the code beyond what staff can comfortably interpret administratively. Staff is unable to make the findings necessary to approve the administrative waiver administratively and therefore refers the matter for final determination by the Special Magistrate at an appropriately noticed public hearing. Should the Special Magistrate determine that the administrative waiver criteria have been satisfied,



staff recommends, at a minimum, imposing a condition pursuant to Section 86-29(g) limiting the six-foot-tall fence to only those portions adjacent to the public right-of-way as depicted on the site plan provided in Attachment 1, Exhibit A, along with any additional conditions deemed necessary to ensure consistency with the intent of the Land Development Regulations.

Digitally signed by Joseph Petraglia
DN: cn=J.Petraglia,
o=City of Madeira Beach, cn=Joseph
Petraglia
Date: 2026.05.26 20:11:42-0400

**Joseph Petraglia, CFM,
Planner II**

Attached Documents

1. Administrative waiver and administrative appeal applications, narratives, and attachments. (NOTE: all exhibits below, provided by the applicant, have been included, however some pages from the exhibits have been omitted due to a lack of relevance to this request)
 - Exhibit A – Boundary Survey and Proposed Fence Location
 - Exhibit B – Existing Public Sidewalk and Roadway Exposure
 - Exhibit C – Public Access and City Maintenance Interface Exhibit
 - Exhibit D – Comparable Neighborhood Waterfront Fencing Examples
 - Exhibit E – Neighbor Support Letters
 - Exhibit F – Fence Permit Application & Plan Review Correspondence
 - Exhibit G – Administrative Correspondence and Appeal Record
 - Exhibit H – Fence Material Specifications
2. Additional Photos of Comparable Waterfront Fencing Examples Provided by Staff
3. 501 Normandy Rd - VAR 07.07 & 498 Crystal -variances 03-34 & 79-17
4. Fence code in effect in 2007

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Madeira Beach FL 33708
www.madeirabeachfl.gov



5. ORD 2018-02
6. 500 Crystal Drive – Permit 3177
7. Public notice, mailing, and posting information as required for administrative appeal

City of Madeira Beach, City Hall
300 Municipal Drive
Madeira Beach FL 33708
www.madeirabeachfl.gov

Attachment 1

City of Madeira Beach
Community Development Department
300 Municipal Drive
Madeira Beach, FL 33708

RE: Administrative Waiver and Administrative Appeal
Property Address: 410 Normandy Rd, Madeira Beach, FL 33708
Fence Permit Application #2026-2175-FENC

To Whom It May Concern:

Please accept the attached Administrative Waiver Application and Administrative Appeal materials related to the proposed 6-foot pool safety/privacy fence located along the north side of the property at 410 Normandy Rd, Madeira Beach, Florida.

The subject property contains unique site conditions associated with its corner waterfront configuration and direct exposure to Island Drive, a heavily traveled public roadway and pedestrian corridor. Although the affected area is classified as a “rear yard” due to its proximity to the seawall, it functions in practice as a side yard immediately adjacent to substantial public visibility and pedestrian traffic.

The requested relief is intended to address reasonable residential privacy, security, and pool safety concerns associated with these unique property conditions, while remaining compatible with the surrounding neighborhood character and without materially impacting neighboring properties or waterfront views.

Included with this submission are the following materials:

- Administrative Waiver Application
- Administrative Appeal Application
- Administrative Waiver Narrative
- Administrative Appeal Narrative

Exhibit A – Boundary Survey and Proposed Fence Location
Exhibit B – Existing Public Sidewalk and Roadway Exposure
Exhibit C – Public Access and City Maintenance Interface Exhibit
Exhibit D – Comparable Neighborhood Waterfront Fencing Examples
Exhibit E – Neighbor Support Letters
Exhibit F – Fence Permit Application & Plan Review Correspondence
Exhibit G – Administrative Correspondence and Appeal Record
Exhibit H – Fence Material Specifications

Thank you for your time and consideration of this request. Please let us know if any additional information or supporting documentation is required.

Respectfully submitted,

Westley & Courtney McNeal
410 Normandy Rd
Madeira Beach, FL 33708
(727) 742-0103



CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244
planning@madeirabeachfl.gov



ADMINISTRATIVE WAIVER APPLICATION

Administrative Waiver Fee \$500

Applicant: Name and Address

Courtney & Westley McNeal
410 Normandy Road
Madeira Beach, FL 33708

Telephone: 727-742-0103

Email: Courtneybcca@yahoo.CA

Property Owner: Name and Address

Courtney & Westley McNeal
410 Normandy Road
Madeira Beach, FL 33708

Telephone: 727-743-1058

Email: Courtneybcca@yahoo.CA

* If applicant differs from property owner, must include authorized agent affidavit

Application for the property located at: (Street Address or location of the vacant lot)

410 Normandy Road, Madeira Beach, FL 33708

Parcel ID: 15-31-15-43290-000-0080

Legal Description: ISLAND ESTATES UNIT NO. 1 SEC A LOT 8

Lot Area in Square Feet: 5,571 **SF** **Width:** 50 **SF** **Depth:** 115 **SF**

Zoning District: Single Family Residential R-1

Future Land Use: Residential Urban

Present or Proposed Structures on Property: _____

Present or Proposed use of property: Single Family Residential Use

Administrative waiver need from the zoning requirements are (i.e. setbacks/parking):

Administrative waiver requested from Section 110-447 of the Madeira Beach Code to allow a 6-foot

privacy fence within the rear 30 feet measured from the seawall, including relief from the required

open-top fence design requirement.

**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:
SITE PLAN, SURVEY, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, NARRATIVE, ETC.**

This application for an administrative waiver is requesting permission to: _____

Install a 6-foot privacy fence within the waterfront setback area adjacent to the seawall where a 4-foot

open-top fence would otherwise be required, due to the unique corner lot configuration, roadway

exposure, and practical functioning of the area as a side yard adjacent to Island Drive.

Sec. 86-29 In order to authorize an administrative waiver from the provisions of the City Code, the City Manager or designee shall consider the following criteria and shall find that the criteria has been substantially satisfied and that a hardship exists.

On a separate attached page, explain in detail how your request complies with the following rules:

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the LDR deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
2. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
3. The administrative waiver is consistent with the comprehensive plan, and any other adopted plan or policy of the city.

Appeal procedures. A property owner that is denied an administrative waiver may, before presenting their grievance to any circuit court or other court of competent jurisdiction attacking the land development regulations, or any of its terms and provisions, shall first apply to the board of commissioners of the city, or petitioning the special magistrate for relief as in such cases made and provided.

CERTIFICATION

I hereby certify that I have read and understand the contents of this application, the answers to the questionnaire and that this application, together with all supplemental data and information I submitted, 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.

I 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, regulations, and statutes pertaining to this application and the subject property.

Property Owner's Signature: Westley P McNeal  Date: 05/22/2026

STATE OF Nevada
COUNTY OF Clark

The foregoing instrument was acknowledged before me, by means of physical presence or online authorization, by Courtney McNeal Westley P McNeal, who is personally known to me or has produced Driver License as identification, this 22nd day of May, 2026.



Commission Expires: 08/25/2027

(notary signature)

Stamp



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. Notarized remotely using audio-video communication technology via Proof.

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

Fee: **\$500** Check # _____ Cash Receipt # _____

Date Received: _____ Received by: _____

Administrative Waiver Case # Assigned: _____ Approved Denied

**Payment recorded
in MGO**

Comm _____

City Manager

Date: _____

Applicant: Name and Address

Courtney & Westley McNeal
410 Normandy Rd
Madeira Beach, FL 33708

Telephone: 727-742-0103
Email: Courtneybcc@yaho.CA

ADMINISTRATIVE WAIVER NARRATIVE
Property Address: 410 Normandy Rd, Madeira Beach, FL

This application requests an administrative waiver from Section 110-447 of the Madeira Beach Code to allow a 6-foot privacy fence within the rear 30 feet measured from the seawall, including relief from the required open-top fence design requirement.

1. Special Circumstances / Hardship

The subject property contains unique physical and locational characteristics that create a hardship under the strict application of the Land Development Regulations.

Although this portion of the property is classified as a “rear yard” due to its proximity to the seawall, the area functions in practice as a side yard directly adjacent to Island Drive, which is a heavily traveled roadway and pedestrian sidewalk access corridor to the island and bridge. Unlike a traditional rear waterfront yard with limited public exposure, this portion of the property experiences constant vehicle and pedestrian traffic immediately adjacent to the residence, pool area, and outdoor living spaces.

Due to these unique site conditions, strict enforcement of the code deprives the property owner of privacy, security, and reasonable residential enjoyment commonly afforded to similarly situated residential properties within the same zoning district.

The proposed fence is intended to:

- provide reasonable residential privacy,
- improve security for 2 young girls, the home, and outdoor living areas,
- reduce direct visibility from passing traffic and pedestrians,
- limit unwanted interaction and direct communication from strangers entering or passing immediately adjacent to the property,
- provide a greater sense of privacy and security for the residential pool and outdoor family areas,
- and function as an additional protective barrier associated with the safety and well-being of minor children residing at the property.

Due to the unusual roadway exposure and pedestrian traffic adjacent to the property, the outdoor living areas currently experience a level of direct public visibility and interaction not typical of most residential waterfront rear yards within the same zoning district.

The hardship associated with this request is not self-created, but instead results from the unique configuration of the waterfront corner lot, roadway exposure, and the practical functioning of this area as a side yard rather than a traditional rear waterfront yard.

2. Compatibility With Surrounding Properties

Approval of the requested administrative waiver will not constitute a grant of special privileges inconsistent with surrounding properties or the neighborhood.

The proposed fence will not adversely impact neighboring properties, public safety, navigation, drainage, or traffic visibility. The fence will also not obstruct neighboring waterfront views and is compatible with the residential character of the surrounding area.

Additionally, neighboring property owners support the request and have indicated that the proposed fence would not negatively impact their properties or water views.

The requested waiver is reasonable and narrowly tailored to address the unique conditions associated with the property. Approval of this waiver would allow the property owners the same reasonable quiet enjoyment, privacy, and security commonly enjoyed by other similarly situated residential properties that do not have a heavily traveled public sidewalk and roadway immediately adjacent to their outdoor living areas.

3. Consistency With the Comprehensive Plan and City Policies

Approval of the requested administrative waiver is consistent with the intent of the City's Comprehensive Plan and Land Development Regulations by allowing reasonable residential use of the property while maintaining neighborhood compatibility, residential safety, and overall public welfare.

The proposed fence is consistent with the surrounding residential character of the neighborhood and will enhance privacy and security without creating adverse impacts on adjacent properties or the public.



CITY OF MADEIRA BEACH

COMMUNITY DEVELOPMENT DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131
Email to: cbuszinski@madeirabeachfl.gov



SPECIAL MAGISTRATE – ADMINISTRATIVE APPEALS APPLICATION

Fee: \$1,500.00

Applicant: Name and Address

Courtney & Westley McNeal

410 Normandy Road, Madeira Beach FL 33708

Telephone: 727-742-0103

Email: Courtneybccca@yahoo.CA

Description administrative decision being appealed including date of decision and specific code or regulation thought to be in conflict with decision:

Please see attached documentation

**PLEASE ATTACH SUPPORTING MATERIALS:
SITE PLAN, PICTURES, DOCUMENTS, RECORDS, SKETCHES, DRAWINGS, ETC.**

Sec. 2-505. - Application to appeal; public hearing.

(a) *Applications.* Applications to appeal to the special magistrate may be made by any person aggrieved or affected by any decision made by any officer or administrative official of the city under any provision of the city land development regulations, or by any person requesting a special exception use or variance, to the provision of any section or article of the land development regulations. The special magistrate may decide such appeal only after public notice has been given and a public hearing has been held.

(b) *Staying of work on premises.* An appeal to the special magistrate stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the special magistrate, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the special magistrate or a court of competent jurisdiction, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(c) *Procedure.* Any person appealing any decision of an administrative official shall make such appeal


within 30 days after rendition of the order, requirement, decision, or determination appealed from in writing to the special magistrate and file the appeal, with supporting facts and data with the building and zoning official. This does not, however, restrict the filing of a request for a special exception use or variance by any person at any time except as provided for elsewhere in the city land development regulations. Upon receipt of such appeal, the building and zoning official shall examine such appeal or request application and endorse his recommendation thereon together with all documents, plans, papers or other material constituting the record upon which the action appealed was taken and transmit such record to the special magistrate.

(d) *Reimbursement of expenses.* The applicant shall provide for reimbursement of all expenses incurred by the city, deemed necessary by the city manager or his/her designee, to review and process an administrative appeal. Expenses may include, but are not limited to any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising. Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the city for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

APPLICANT'S CERTIFICATION

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.

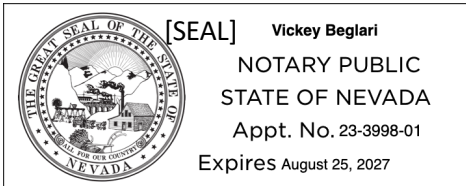
It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject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

 Westley P. McNeal 05/22/2026
Appeal Applicant's Signature *Date*

STATE OF Nevada

COUNTY OF Clark

Before me this 22nd day of May, 2026, Westley P McNeal Courtney McNeal
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 Driver License as identification.




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.

Applicant: Name and Address

Courtney & Westley McNeal
410 Normandy Rd
Madeira Beach, FL 33708

Telephone: 727-742-0103
Email: Courtneybccca@yahoo.CA

Description administrative decision being appealed including date of decision and specific code or regulation thought to be in conflict with decision:

Appeal of the administrative interpretation and application of Sec. 110-447, pursuant to the appeal procedures authorized under Sec. 86-29(h) of the City Code, related to fencing requirements for the property located at 410 Normandy Rd, Madeira Beach, Florida, associated with Permit Application #2026-2175-FENC.

The administrative determination applies the “rear yard” fence standards to the portion of the property located within thirty (30) feet of the seawall, thereby limiting fencing in that area to a four-foot fence with the upper portion open.

The applicant respectfully appeals this determination because the subject property contains unique physical and functional conditions that make strict application of the code unreasonable and inconsistent with the intent and purpose of the land development regulations.

Although classified as a “rear yard” due to its relationship to the seawall, this area of the property functions in practice as a side yard directly adjacent to Island Drive, which serves as a heavily traveled roadway and pedestrian access corridor to the island and bridge. The property experiences substantial pedestrian and vehicular traffic immediately adjacent to the proposed fence location.

The proposed fence is intended to provide reasonable residential privacy, site security, and protection for minor children, while also serving as part of the safety barrier associated with the residential pool area. Strict enforcement of the four-foot/open-top requirement at this specific location would substantially diminish the effectiveness of these safety and privacy functions due to the unique exposure of the property to public traffic.

The requested relief will not adversely affect neighboring properties, obstruct navigational or waterfront views in a material manner, create a public safety concern, or alter the essential character of the surrounding neighborhood. Similar privacy fencing and screening elements exist throughout the surrounding area.

The applicant therefore respectfully requests that the Special Magistrate overturn or modify the administrative determination and approve the proposed fence configuration as submitted, or grant such variance or relief as deemed appropriate under the circumstances.

Date of administrative determination/communication being appealed: May 18, 2026.

**Attachment 1,
Exhibit A**

**Attachment 1,
Exhibit B**

410 Normandy Road, Madeira Beach FL 33708

People can stand on the sidewalk and see directly into our pool.





**Attachment 1,
Exhibit C**

410 NORMANDY ROAD - PROPERTY OWNER DOCK ACCESS & USE OF PUBLIC PROPERTY

LEGAL DESCRIPTION

LOT 8, ISLAND ESTATES UNIT ONE, SECTION A, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 16, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD ZONE

THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE AE (BASE FLOOD ELEVATION OF 10 FEET), IN ACCORDANCE WITH THE FIRM MAP OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, COMMUNITY NUMBER 125127 (MAP NUMBER 12103C-0191-H), MAP DATED AUGUST 24, 2021.

PREPARED FOR

WESTLEY P. & COURTNEY M. MCNEAL

SURVEY ABBREVIATIONS

- | | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> A = ARC LENGTH A/C = AIR CONDITIONER AF = ALUMINUM FENCE ALUM = ALUMINUM ASPH = ASPHALT BFC = BASE FLOOD ELEVATION BLDG = BUILDING BM = BENCH MARK BLK = BLOCK BM = BENCH MARK BNY = BOUNDARY BRG = BEARING BRG = BARBED WIRE FENCE C = CALCULATED CB = CONCRETE BEARING CBS = CONCRETE BLOCK STRUCTURE CO = CONCRETE CL = CENTERLINE CLF = CHAIN LINK FENCE CLS = CLOSURE COL = COLUMN CONC = CONCRETE CR = COUNTY ROAD C/S = CONCRETE SLAB COR = CORNER COV = COVERED AREA | <ul style="list-style-type: none"> D = DEED DOT = DEPARTMENT OF TRANSPORTATION DRNG = DRAINAGE D/W = DRIVEWAY S, OR ELEV = ELEVATION ESP = EDGE OF PAVEMENT EW = EDGE OF WATER EXP = EXISTING FCM = FOUND CONCRETE MONUMENT FES = FLARED END SECTION FNMT = FOUND END SECTION FRG = FOUND IRON PIPE FR = FOUND IRON ROD FL = FLOW LINE FLO = FLOOR FND = FOUND FOP = FOUND OPEN PIPE FPC = FLORIDA POWER CORP. FRP = FOUND FROSTED PIPE FRM = FRAME FZL = FLOOD ZONE LINE GAR = GARAGE CONC = CONCRETE G/E = GLASS ENCLOSURE H/W = HIGH WIRE FENCE HML = HIGH WATER LINE INT = INVERT | <ul style="list-style-type: none"> LB = LAND SURVEYING LE = LOWEST FLOOR ELEVATION LSH = LOWEST HORIZON LS = LAND SURVEYOR M = MEASURED MAS = MASSORY MES = METERS END SECTION MI = MARKER MHL = MEAN HIGH WATER LINE MEL = MEAN SEA LEVEL NAB = NAIL AND BOTTLE CAP NAD = NAIL AND DOWEL NAT = NAIL AND TAG R = RECORD REF = REFERENCE RES = RESIDENCE RL = RAILROAD LINE RCS = RECORDED LAND SURVEYOR RND = ROUND RNG = RANGE RSP = RAILROAD SPIKE R/W = RIGHT-OF-WAY SC = SET CONCRETE MONUMENT S/E = SCREENED ENCLOSURE SEC = SECTION | <ul style="list-style-type: none"> SP = SURVEY SUB = SUBSTATION S/W = SIDEWALK TB = "T" BARR TBM = TEMPORARY BENCH MARK TC = TOP OF CORNER TOS = TOP OF SLOPE TRNS = TRANSFORMER TWP = TOWNSHIP UG = UNDERGROUND UTL = UTILITY WD = WOOD WF = WOOD FENCE WFS = WOOD FRAME STRUCTURE WIF = WROUGHT IRON FENCE WT = WEIGHTS WFF = WIRE FENCE WV = WATER VALVE |
|---|--|--|---|
- *** ABBREVIATIONS MAY ALSO BE CONCATENATED AS REQUIRED.
 *** OTHER COMMONLY RECOGNIZED AND/OR ACCEPTED ABBREVIATIONS ARE ALSO UTILIZED BUT NOT SPECIFIED HEREON.

CITY MAINTAINED PROPERTY, PROPOSE HOMEOWNER TAKE CARE OF & HAVE ACCESS TO JUST LIKE THE HIGHLIGHTED YELLOW ROW

FENCE INSTALLTION WOULD BE PERMITTED ALONG THIS LINE

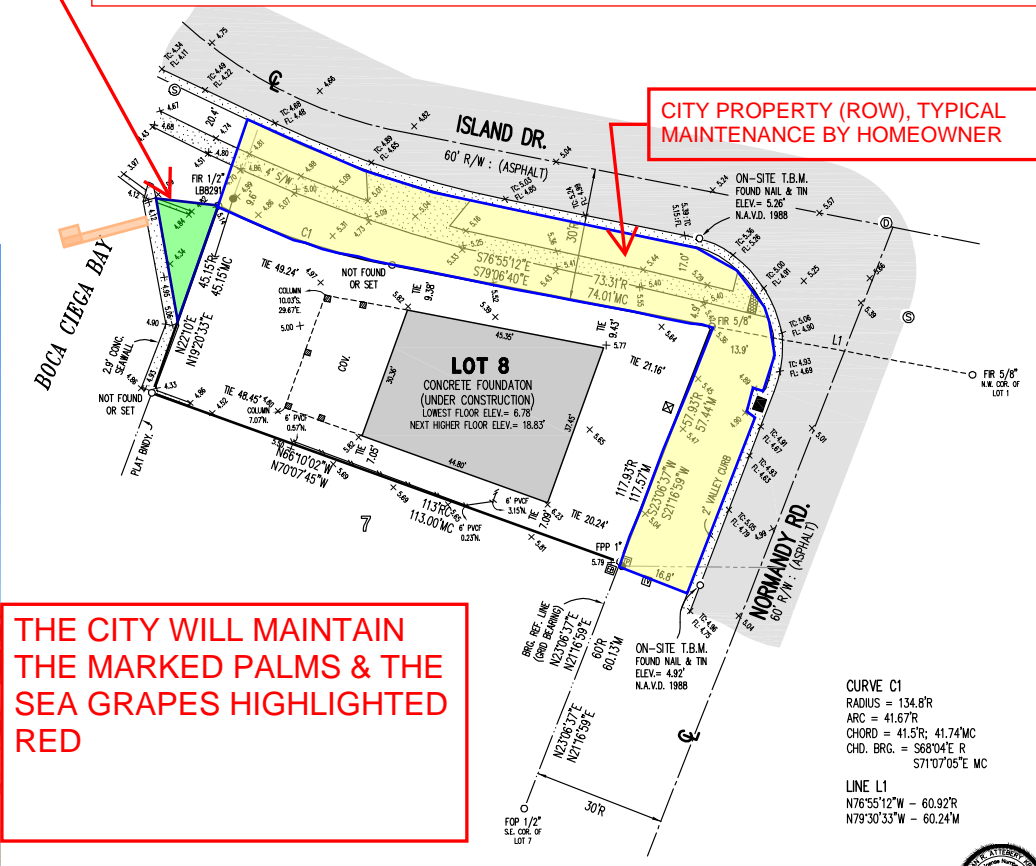
REVIEWED BY CITY STAFF - 1.22.2026:

Marci L. Forbes, Community Development Director
 Megan Wepler, Public Works Director
 Al Carrier, City Engineer

ACCEPTED BY (PROPERTY OWNER):

C. M.

CITY PROPERTY (ROW), TYPICAL MAINTENANCE BY HOMEOWNER



THE CITY WILL MAINTAIN THE MARKED PALMS & THE SEA GRAPES HIGHLIGHTED RED



✓ Owner Maintained

✓ ✓ ✓ City Maintained

RECORD SURVEY

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE THIRD PARTY VERIFIED DIGITAL SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. PRINTED COPIES OF THIS DOCUMENT WILL NOT BE CONSIDERED SIGNED AND SEALED.	JOB NUMBER: 250231A DATE SURVEYED: 12-18-2025 DRAWING FILE: 250231A.DWG DATE DRAWN: 12-22-2025 LAST REVISION: N/A X REFERENCE: N/A
© COPYRIGHT 2026 ALL RIGHTS RESERVED George A. Shimp II & Associates, Inc. Anyone copying this document in any manner without the expressed consent of GEORGE A. SHIMP II & ASSOCIATES, INC. shall be prosecuted to the full extent of the law. DO NOT COPY OR REPRODUCE.	GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED LAND SURVEYORS LAND PLANNERS 3301 DESOTO BOULEVARD, SUITE D PALM HARBOR, FLORIDA 34683 PHONE (727) 784-5496 FAX (727) 786-1256



M.A.
LB 1834

**Attachment 1,
Exhibit D**

Photos of Adjacent and Nearby Waterfront Fences

501 Normandy Rd, Madeira Beach

-This property is kitty-corner to our property. They have a 6-foot privacy fence all the way back. Evidence of neighborhood character and compatibility.



500 Crystal Drive, Madeira Beach

Northwest of our property on the other side of the bridge. They also have a newer 6-foot privacy fence all the way back. Evidence of neighborhood character and compatibility



14205 E Parsley Dr, Madeira Beach

This is a residential property that has a parking lot adjacent to its back yard. This is very similar situation to our backyard as people park right beside our back yard and can directly see in. Evidence of neighborhood character and compatibility.



360 145th Ave E, Madeira Beach

Example of comparable 6-foot residential fencing within the surrounding waterfront neighborhood character. Evidence of neighborhood character and compatibility.



14555 N Bayshore Dr, Madeira Beach

Example of comparable 6-foot residential fencing within the surrounding waterfront neighborhood character. Evidence of neighborhood character and compatibility



**Attachment 1,
Exhibit E**

To Whom It May Concern,

I am writing to express my unequivocal support for the variance request pertaining to the proposed 6-foot fence intended for installation on the north side of the property located at 410 Normandy Road.

As a direct neighbor residing at 404 Normandy Road, I have a particularly relevant perspective on this matter. Having carefully reviewed the plans for the proposed installation, I am thoroughly confident that the fence will in no way impede or detract from the existing water views currently enjoyed from my property. Given its specific placement, orientation, and height, it is clear that the fence will not create any visual obstruction, thereby preserving the open vistas that contribute significantly to our neighborhood's unique charm and appeal.

Furthermore, I firmly believe that the proposed fence will be an aesthetically harmonious and appropriate addition to our community. The design and anticipated materials appear thoughtfully chosen, ensuring it will complement, rather than detract from, the surrounding properties. It is my strong conviction that this fence will enhance the overall visual appeal of the property at 410 Normandy Road, seamlessly integrating with the established character and architectural styles prevalent in our residential area.

Therefore, I wholeheartedly endorse this request for a variance. I perceive no legitimate basis for objection from a neighboring perspective and believe the installation of this fence will be a positive enhancement, benefiting both the property owner and the immediate neighborhood as a whole.

Thank you for your time and consideration of my strong support for this application.

Sincerely,


Gayle Dicus
404 Normandy Road
Maderia Beach

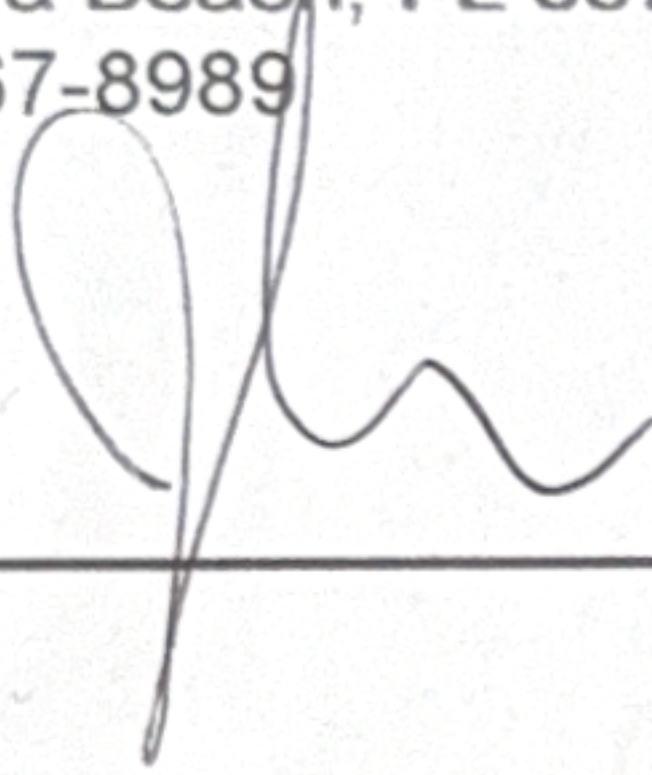
To Whom It May Concern,

I am writing on behalf of property 410 Normandy Road, Madeira Beach, FL 33708 on the request for a variance/waiver for a proposed 6ft fence on the north side of their property that goes to the water line.

I do not feel that a fence will obstruct my water view in any way or detract from the aesthetic or views of others.

I am in support of this fence.

Jason & Lisa Hoch
406 Normandy Rd
Madeira Beach, FL 33708
727-667-8989



5-20-26

Lisa Hoch

5-20-26

**Attachment 1,
Exhibit F**



Overview



Address or Location



Contacts

Questionnaire



File Upload




Comments

Request

3235300

Accepted

All the items marked with a red asterisk * are required fields and  must be completed before you are able submit your application to the jurisdiction.

Fence

STATE OR PCCLB LICENSE NUMBER

CRC1335822

Value of Job *

(Materials and Labor Total)

1,200

Total Linear Footage *

60

Parcel ID #

153115432900000080

Description of Work *

Install approximately 60 linear feet of white vinyl fence, 6 feet tall, along the north side property line, all the way to the seawall. With one self-closing, self-latching gate. Fence to serve as pool safety barrier per Florida Building Code. Fence to be installed on the owner's property and to the seawall per "Signed-2025-2754-BGDR-New_02.10.2026_-_250231A_Exhibit."

Is permit work due to hurricane damage? *

No



Will the fence be surrounding a pool? *

Yes



Will the fence serve as the pool barrier? *

Yes



DISCLAIMER: *

According to Florida Statutes, 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 records requests.

I have read the notification and agree to comply as stated and promise, in good faith, to deliver this statement to the person

whose property is subject to the attachment. I hereby certify that all statements made in this application are true and correct and that no construction has begun, except as other has been disclosed, before the permit for this work has been issued.

[← Back](#)



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

Date: Wednesday, March 18, 2026

Project Number 2026-2175-FENC

Job Address: 410 NORMANDY RD, MADEIRA BEACH, FL 33708

Description of Work: Install approximately 60 linear feet of white vinyl fence, 6 feet tall, along the north side property line, all the way to the seawall. With one self-closing, self-latching gate. Fence to serve as pool safety barrier per Florida Building Code. Fence to be installed on the owner's property and to the seawall per "Signed-2025-2754-BGDR-New_02.10.2026_-_250231A_Exhibit."

To whom it may concern;

Staff has completed its review of plans for the property that is to be located at 410 NORMANDY RD, MADEIRA BEACH, FL 33708.

Building Review pending by Kathleen Croteau

1. Provide a site plans that reflects the location of the pool and location of the proposed fence.
2. Provide a construction detail on the fence. horizontal or vertical pickets? 48" high? location of gates .

Kathleen Croteau

() -

kathleen.croteau@madeirabeachfl.gov

Resubmissions and revisions can be submitted in the customer portal at www.mgoconnect.org. Should you have any issues resubmitting your permit please contact building department at buildingdept@madeirabeachfl.gov.

Project Number 2026-2175-FENC

Job Address: 410 NORMANDY RD, MADEIRA BEACH, FL 33708

Description of Work: Install approximately 60 linear feet of white vinyl fence, ***6 feet tall 72" high***, along the north side property line, all the way to the seawall. With one self-closing, self-latching gate. Fence to serve as pool safety barrier per Florida Building Code. Fence to be installed on the owner's property and to the seawall per "Signed-2025-2754-BGDRNew_02.10.2026_-_250231A_Exhibit."

To whom it may concern;

Please see the answers to your questions below.

1. Provide a site plans that reflects the location of the pool and location of the proposed fence.

A site plan has been uploaded showing both the pool and the proposed fence location.

- The pool location is shown on the uploaded engineered plan titled:
"2025-4141-MCNEAL_POOL_ENGINEERING_P1."
 - The proposed fence location is shown along the **north property line** in PURPLE. The gate is labeled in purple of the east side where the porch ends and the new house starts.
- The fence alignment is illustrated on the uploaded file:
"Plan Review 2026-2175-FENC-410 Normandy fence & gate.png," where the fence is marked in red.

The fence is proposed to run along the north property boundary and extend toward the seawall. The gate will be on the east side where the downstairs porch ends and the house starts.

2. Provide a construction detail on the fence. horizontal or vertical pickets? 48" high? location of gates .

Construction details are provided in the uploaded specification sheet titled:
"Plan Review 2026-2175-FENC-spec sheet.pdf."

Fence specifications are as follows:

- **Fence Type:** White vinyl privacy fence
- **Orientation:** Vertical panels
- **Height:** 6 feet (72 inches)
- **Gate:** One gate located on the east side of the fence
- **Gate Features:** Self-closing and self-latching

The fence is intended to function as a **pool safety barrier** and will be installed in compliance with the Florida Building Code.

Additional Information

The fence will be installed **on the owner's property along the north property line** and will not encroach into the public right-of-way.

Please let me know if any additional information is needed.

Sincerely,
Westley McNeal



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

Date: Thursday, April 2, 2026

Project Number 2026-2175-FENC

Job Address: 410 NORMANDY RD, MADEIRA BEACH, FL 33708

Description of Work: Install approximately 60 linear feet of white vinyl fence, 6 feet tall, along the north side property line, all the way to the seawall. With one self-closing, self-latching gate. Fence to serve as pool safety barrier per Florida Building Code. Fence to be installed on the owner's property and to the seawall per "Signed-2025-2754-BGDR-New_02.10.2026_-_250231A_Exhibit."

To whom it may concern;

Staff has completed its review of plans for the property that is to be located at 410 NORMANDY RD, MADEIRA BEACH, FL 33708.

Planning and Zoning Review pending by Joseph Petraglia

Rear yard fence must be four feet tall with, at a minimum, the highest foot of fence being open (Sec. 110-447); Rear yard will be defined as the rear 30' from the waters face of seawall. Please revise and provide spec sheet for openings and pickets meeting the below criteria.

Openings between vertical or horizontal members shall not be less than three inches and no greater than four inches. Horizontal members, other than the top and bottom horizontal members which cannot be greater than six inches wide, cannot be greater than two and one-half inches wide. Vertical members, other than posts which cannot be greater than six inches wide, cannot be greater than three and one-half inches wide.

If multiple fence types are proposed, please show the locations and lengths of each fence type on the survey.

A handwritten signature in black ink that reads "Joseph Petraglia".

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. Should you have any issues resubmitting your permit please contact building department at buildingdept@madeirabeachfl.gov.

**Attachment 1,
Exhibit G**

Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Courtney McNeal (courtneybccca@yahoo.ca)

To: jpetraglia@madeirabeachfl.gov; mforbes@madeirabeachfl.gov

Bcc: abrooks@madeirabeachfl.gov

Date: Thursday, April 2, 2026 at 01:05 PM EDT

Hi Joseph and Marci,

I hope you're both doing well.

I'm reaching out regarding the recent review comments for my fence permit at **410 Normandy Rd (Project #2026-2175-FENC)**. I applied for this permit on 2/17/26 and I am hoping for a timely response.

I understand the comment referencing Sec. 110-447 and the requirement for a 4-foot fence with the top portion open within the rear 30 feet measured from the seawall. Before revising the design, I wanted to ask for some clarification specific to my property conditions.

While this area is being classified as a "rear yard" based on its distance from the seawall, it also functions as a **side yard directly adjacent to Island Drive**, which is a heavily trafficked roadway providing access to the island and bridge. This is also one of the only houses in the neighborhood that has a sidewalk looking right into the back yard. There are **no neighboring residential properties on that side**, and the area is fully exposed to public traffic and pedestrian visibility.

My main concern is the **privacy and safety of my minor daughters** while using the pool area. I have very young small girls and people walking by constantly stop and try to engage in conversations with them or observe activity within the yard.

I am concerned about **unwanted observation and interaction from the public right-of-way**, and I am trying to create a secure environment that allows my children to safely use the pool without exposure to constant public visibility.

The proposed fence is intended to help protect the **privacy, safety, and reasonable enjoyment of our residential property**, rather than simply serve as a typical yard enclosure.

The proposed fence is intended not just as a standard yard fence, but as a **pool safety barrier** for my family. I have young children, and due to the proximity to a busy public roadway and sidewalk, I have concerns about both:

- **Unrestricted visibility into the pool area**, and
- **Direct access or interaction from pedestrians or passersby**

Given these conditions, my goal is to create a **secure and private environment** for safety, rather than simply enclosing a typical backyard space. Our family has been through a lot and I want to make sure my daughters can quiet enjoyment and safety of our backyard and I personally do not need to worry about people staring at or worst case scenario stealing my girls.

Before I revise and resubmit plans, I wanted to ask:

- Is there any flexibility in applying Sec. 110-447 in this specific condition where the "rear yard" is also functioning as a **side yard exposed to a public roadway**, rather than adjacent to another residential property?
- Would the City consider allowing a **6-foot solid fence in this location** due to its function as a pool safety barrier and the unique exposure conditions?
- If not, would you recommend pursuing a **variance or administrative adjustment**, or is there a specific alternative design you would suggest that could address both safety and code requirements?

I want to make sure I move forward in the right direction and avoid unnecessary redesigns or delays.

I really appreciate your time and guidance on this.

Thank you,
Westley & Courtney McNeal

Sunbiz Construction LLC

(727) 742-0103

RE: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Marci Forbes (mforbes@madeirabeachfl.gov)

To: courtneybcca@yahoo.ca; jpetraglia@madeirabeachfl.gov

Date: Thursday, April 2, 2026 at 06:50 PM EDT

Courtney,

Joe and I have spoken about your ask and understand your points. Let us have an internal discussion with the team and we will let you know what path we can take to move forward. We believe we can come up with a resolution to get the fence permitted through one of the options you mentioned.

Thank you,

Marci L. Forbes, PE, CFM
Community Development Director
727-313-0126
www.madeirabeachfl.gov
<https://www.mgoconnect.org/cp/portal>



CONTRACTOR REGISTRATION DATABASE

We now have a contractor registration database in MGO. Please follow the instructions below and register with Madeira Beach. **CONTRACTORS MUST BE REGISTERED BY OCTOBER 1ST.**

To register online, go to www.mgoconnect.org and follow the below steps:

1. Select state "Florida", jurisdiction "Madeira Beach", and click "Go"
2. Login to your account by clicking "Login" or set up an MGO account
3. On the Home page, click "Apply for Contractor Registration"
4. Fill out all required fields, upload required documents and submit the application. (Please note that COI must have City of Madeira Beach listed as certificate holder)

If you have any questions regarding this matter, please contact Madeira Beach Building Department at buildingdept@madeirabeachfl.gov.

Re: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Courtney McNeal (courtneybccca@yahoo.ca)

To: mforbes@madeirabeachfl.gov

Cc: jpetraglia@madeirabeachfl.gov

Date: Tuesday, May 12, 2026 at 09:36 AM EDT

Hi Marci and Joseph,

I hope you both are doing well.

I wanted to follow up regarding my fence permit at 410 Normandy Rd (Project #2026-2175-FENC) and see if there were any updates following your internal discussion regarding the side/rear yard fence requirement and possible path forward.

I appreciate you both taking the time to review the unique conditions of the property.

Please let me know if there is any additional information or documentation I can provide.

Thank you again for your time and assistance.

Best regards,
Courtney McNeal

On Apr 2, 2026, at 6:50 PM, Marci Forbes <mforbes@madeirabeachfl.gov> wrote:

Courtney,

Joe and I have spoken about your ask and understand your points. Let us have an internal discussion with the team and we will let you know what path we can

RE: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Joseph Petraglia (jpetraglia@madeirabeachfl.gov)

To: courtneybccca@yahoo.ca

Cc: hpinkard@madeirabeachfl.gov; mforbes@madeirabeachfl.gov

Date: Monday, May 18, 2026 at 02:17 PM EDT

Courtney,

Thank you for your patience and follow-up.

After further review under Section 86-29 of the City Code, staff was unable to support approval of a 6-foot solid fence within 30 feet of the seawall on this corner waterfront lot through the administrative waiver process.

While a pool fence will still be required, one option is to utilize landscaping and plant material to create a visual “wall” similar to nearby waterfront corner lots with comparable configurations.

For reference, the City Code states:

“Hedges can be installed in conjunction with or in lieu of fences, except those fences required by the Florida Building Code, and must meet the same height restrictions as fences and walls except in the rear yard where the natural plant material of the hedge may be allowed to grow to natural height.” Example below.

If you would still like to pursue the 6-foot fence request, you may appeal the administrative determination pursuant to Section 86-29(h) of the City Code. Please let us know how you would like to proceed.



Best,
Joseph Petraglia, CFM
Planner II
Community Development Department
City of Madeira Beach
727-603-0423
www.madeirabeachfl.gov



From: Courtney McNeal <courtneybcc@yahoo.ca>
Sent: Tuesday, May 12, 2026 9:37 AM
To: Marci Forbes <mforbes@madeirabeachfl.gov>
Cc: Joseph Petraglia <jpetraglia@madeirabeachfl.gov>
Subject: Re: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Marci and Joseph,

I hope you both are doing well.

Re: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Courtney McNeal (courtneybccca@yahoo.ca)

To: jpetraglia@madeirabeachfl.gov

Cc: hpinkard@madeirabeachfl.gov; mforbes@madeirabeachfl.gov

Bcc: abrooks@madeirabeachfl.gov

Date: Monday, May 18, 2026 at 02:42 PM EDT

Hi Joseph and Marci,

Thank you both for taking the time to review the property conditions and discuss the request internally. I appreciate the thoughtful consideration and guidance throughout this process.

After reviewing the response regarding the administrative waiver determination under Section 86-29 (h), I would like to pursue the appeal process referenced under Sec formally. 86-29(h) regarding the proposed 6-foot pool safety/privacy fence.

Given the unique conditions of this property — including the corner waterfront configuration, direct exposure to a heavily trafficked public roadway and sidewalk, lack of impacted neighboring residential views, and the safety/privacy concerns associated with my young children — I would like the opportunity to present the request for further consideration through the appropriate appeal process.

I appreciate the suggested landscaping alternative, but I don't believe it alone addresses the privacy and security concerns of direct public visibility into the pool area from the adjacent sidewalk and roadway.

Could you please advise me on:

- The next procedural steps required to initiate the appeal
- Any application forms, fees, or supporting materials required
- The applicable hearing body and anticipated timeline

Thank you again for your time and assistance. I look forward to your guidance on how to proceed.

Best regards,

Westley & Courtney McNeal

Sunbiz Construction LLC

(727) 742-0103

On Monday, May 18, 2026 at 02:17:54 PM EDT, Joseph Petraglia <jpetraglia@madeirabeachfl.gov> wrote:

RE: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

From: Joseph Petraglia (jpetraglia@madeirabeachfl.gov)

To: courtneybccca@yahoo.ca

Cc: hpinkard@madeirabeachfl.gov; mforbes@madeirabeachfl.gov; buildingdept@madeirabeachfl.gov

Date: Monday, May 18, 2026 at 04:24 PM EDT

Hi Courtney,

The appeal process is outlined in [sec. 2-505](#) of the city's code, except that for the appeal of an administrative waiver, you have the option of either appealing to the special magistrate or the city commission.

Attached are the two application forms that must be completed, as well as instructions on how to submit the Administrative Appeal application. A completed application is due at least 30 days before the meeting at which you are planning to have the case heard. The next special magistrate meeting is 6/22, making this Friday the deadline if you decide to have the magistrate hear the case, or if you decide to have the case heard by the board of commissioners, the next possible meeting would be 7/8, making the deadline 6/8.

The fee is \$500 for the administrative waiver plus \$1,500 for the administrative appeal. The \$1,500 appeal fee would be refunded if the decision is overturned, approving the waiver. Let me know if you have any questions, and don't hesitate to give me a call if I can better explain the process.

Best,

Joseph Petraglia, CFM

Planner II

Community Development Department

City of Madeira Beach

727-603-0423

www.madeirabeachfl.gov



BE ADVISED: ALL NONCONFORMING STRUCTURES THAT SUSTAINED ANY DAMAGE FROM 2024 HURRICANES MUST HAVE AN ISSUED REPAIR PERMIT BY SEPTEMBER 24, 2026 (ORD 2026-02). PLEASE ALLOW AT LEAST 6-8 WEEKS FOR INITIAL REVIEW TIME.

From: Courtney McNeal <courtneybccca@yahoo.ca>

Sent: Monday, May 18, 2026 2:43 PM

To: Joseph Petraglia <jpetraglia@madeirabeachfl.gov>

Cc: Pinkard, Holden <hpinkard@madeirabeachfl.gov>; Marci Forbes <mforbes@madeirabeachfl.gov>

Subject: Re: Fence Permit 2026-2175-FENC – Request for Clarification on Rear Yard Requirement

**Attachment 1,
Exhibit H**

Share Cart Invitation From Westley Mcneal

1 message

The Home Depot <HomeDepot@order.homedepot.com>
To: westmcneal@gmail.com

Fri, Feb 13, 2026 at 9:49 AM







How does
get more done.

DOWNLOAD
OUR APP >

Westley Mcneal would like to
share their cart with you

[View Cart](#)

Westley Mcneal's
Cart

Item	In Store	Qty	Item Total
 Veranda Linden 6 ft. H x 8 ft. W White Privacy Vinyl Fence Panel (Unassembled) Model #73014713 Store SKU #1005498965	 Aisle Bay	8	\$955.76
 4 in. x 4 in. x 8 ft. #2 Ground Contact Southern Yellow Pine Pressure-Treated Wood Timber Model #194354 Store SKU #256276	 Aisle Bay	14	\$146.72

Subtotal	\$1,102.49
Shipping	\$0
Sales Tax	\$0

Est. Total \$1,102.48

[View Cart](#)

 **SAVE \$5 NOW & HUNDREDS LATER** SAVINGS DELIVERED RIGHT TO YOUR INBOX [SIGN UP TODAY >](#)

YOU MIGHT ALSO LIKE

Attachment 2



499

498

403

497

410 Normandy Rd

501

500

501

502

Crystal Dr

502

505

526

504

509

Normandy Rd

Island Dr

Island Dr

Island Dr

Photos of Adjacent and Nearby Waterfront Fences - Additional Photos Provided by City Staff

501 Normandy Rd, Madeira Beach



500 Crystal Drive, Madeira Beach



498 Crystal Drive, Madeira Beach



Attachment 3

THE CITY OF MADEIRA BEACH, FLORIDA PUBLIC NOTICE

A meeting of the Special Master of the City of Madeira Beach, Florida, will be held on the time and date indicated below, in the Assembly Room, City Hall, 300 Municipal Drive, Madeira Beach, Florida, to consider the following Applications. Persons are advised that, if they decide to appeal any decision made at this Public Hearing, they will need to record 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. Drawings of these proposed projects are on file in the Office of the City Clerk and may be viewed during regular working hours.

SPECIAL MAGISTRATE AGENDA

To act and render decisions on requests for variances, special exception uses, and appeals of administrative decisions.

7:00 P.M.

MONDAY – APRIL 23, 2007

ASSEMBLY ROOM

- I. MEETING CALLED TO ORDER
- II. ROLL CALL
- III. NEW BUSINESS

Application 07.05	Diane M. Venuti for the property located at 903 Bay Point Drive
Legal:	Bay Point Estates, 3rd Addition, Lot 2 & RIP RTS
Parcel #:	10/31/15/04518/000/0020
Request:	Two variances from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Districts), Division 2, R-1, (Single Family Residential) <ol style="list-style-type: none"> 1. <u>Section 110-181 (Setback requirements) (3) Side yard</u> to reduce the total side setback of 15 feet to 9.95 feet for the installation of the utility platform and access stairs. 2. <u>Section 110-181 (Setback requirements) (3) Side yard</u> to reduce the minimum side yard setback from 7 feet to 2.5 feet on the west side of the home for the installation of the utility platform and access stairs.
Notification:	13 property owners were notified
Application 07.06	James and Rebecca Claudy for the property located at 817 Bay Point Drive
Legal:	Bay Point Estates, 2nd Addition, Block 1, Lot 18 & RIP RTS
Parcel #:	10/31/15/04500/001/0180
Request:	One variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Districts), Division 2, R-1, (Single Family Residential) <p style="margin-left: 40px;"><u>Section 110-181 (Setback requirements) (3) Side yard.</u> The minimum required side setback is 7 feet. The existing east wall of the home has a side setback of 6.57 feet. The applicant proposes to build an addition on the southeast corner of the home, by maintaining the existing 6.57 foot east side setback toward the rear of the home for a distance of approximately 17 feet.</p>
Notification:	14 property owners were notified.
Application 07.07	Robert A. Earls for the property at 501 Normandy Road
Legal:	Island Estates, Unit No.1, Lot 1
Parcel#:	10/31/15/43272/000/0010
Request:	One variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article Vi (Supplementary District Regulations), Division 3,(Walls, Fences, Hedges, Railings and Sand Fences) <p style="margin-left: 40px;"><u>Section 110-447 (Rear yards facing water) (a)</u> to increase the height of a fence in the rear yard of a property with a swimming pool which faces Boca Ciega Bay from an open style 4 foot high fence to a solid 6 foot high fence</p>
Notification:	34 property owners were notified

City Clerk's File Copy

IV. ADJOURNMENT**THIS MEETING IS TELEVISED LIVE ON CHANNEL 15**

POSTED April 10, 2007, at Subject Property, City Hall, Library, Publix, John's Pass Village and Winn Dixie.

NOTE: You have received this Public Notice as you are the applicant, property owner or abut this property within 350 feet of the property as captioned in the above Application. If you are desirous of voicing approval or disapproval of this project, you may attend the meeting or write the City Clerk prior to the meeting stating your opinions.

THE CITY OF MADEIRA BEACH, FLORIDA

PUBLIC NOTICE

A meeting of the Special Master of the City of Madeira Beach, Florida, will be held on the time and date indicated below, in the Assembly Room, City Hall, 300 Municipal Drive, Madeira Beach, Florida, to consider the following Applications. Persons are advised that, if they decide to appeal any decision made at this Public Hearing, they will need to record 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. Drawings of these proposed projects are on file in the Office of the City Clerk and may be viewed during regular working hours.

SPECIAL MAGISTRATE AGENDA

To act and render decisions on requests for variances, special exception uses, and appeals of administrative decisions.

7:00 P.M.

MONDAY – APRIL 23, 2007

ASSEMBLY ROOM

I. MEETING CALLED TO ORDER

II. ROLL CALL

III. NEW BUSINESS

Application 07.07	Robert A. Earls for the property at 501 Normandy Road
Legal:	Island Estates, Unit No.1, Lot 1
Parcel#:	10/31/15/43272/000/0010
Request:	One variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Supplementary District Regulations), Division 3, (Walls, Fences, Hedges, Railings and Sand Fences)
	Section 110-447 (Rear yards facing water) (a) to increase the height of a fence in the rear yard of a property with a swimming pool which faces Boca Ciega Bay from an open style 4 foot high fence to a solid 6 foot high fence.
Notification:	34 property owners were notified

IV. ADJOURNMENT

THIS MEETING IS TELEVISED LIVE ON CHANNEL 15

POSTED April 10, 2007, at Subject Property, City Hall, Library, Publix, John's Pass Village and Winn Dixie.

NOTE: You have received this Public Notice as you are the applicant, property owner or abut this property within 350 feet of the property as captioned in the above Application. If you are desirous of voicing approval or disapproval of this project, you may attend the meeting or write the City Clerk prior to the meeting stating your opinions.

THE CITY OF MADEIRA BEACH, FLORIDA
SPECIAL MASTER

APPLICATION 07.07

Applicant: *Name and Address*

Property Owner: *Name and Address*

Rob Earls

Rob Earls

501 Normandy RD

C7

MADEIRA BEACH

1)

Telephone #: C 727-235-4735 Telephone #: 1)

H 727 393 4036

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

501 Normandy

RD MADEIRA BEACH

Legal description:

0010

43272

Block

Lot(s)

Subdivision

Approx. lot area: _____ sq. ft.

Lot width 64 ft.

Lot depth 102 ft.

Zoning district: _____

Present structures on property: _____

Present use of property: _____

The date my request for a Building Permit was denied: _____

FILING FEES

_____ Zoning Variance fro Residential Dwelling Units (one, two or three units)	\$100 per variance
_____ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial	\$200 per variance
_____ Special Exception Use	\$300
_____ Appeal the decision of the _____ <i>(Appeal is refundable, if decision is overruled)</i>	\$500
_____ After-the-Fact Variance	\$500

Variiances needed from the zoning requirements are: _____

*** PLEASE ATTACH REQUIRED SUPPORTING MATERIALS ***

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

This application to the Special Master is requesting permission to be allowed to:

Obtain a variance for a 6' fence on the southwest corner on the rear 30' of property @ 501 NORMANDY RD Property runs along Crystal Island Bridge

A variance granted by the Special Master 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 Master must find that:

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

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, structure or buildings in the same zoning district.
The new construction, pitch, and change of grade to the new crystal Island Bridge
2. Demonstrate that a special conditions and circumstances do not result from the actions of the applicant.
The higher grade level & pitch in the bridge with effect our privacy, we encounter head lights and bridge lights without fence
3. 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.
Property at 498 crystal Drive has been granted a variance for the 6' fence to the water
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 still fishing issues on bridge - The fence provides privacy from people and lights.
5. Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.
Do to the grade & pitch of bridge this is the minimum that will allow privacy. keep in mind the bridge is as high as 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. This will assist with protecting our land from wash out to the sea wall. The fence also does not

Block anyones view -

See Photos

CERTIFICATION

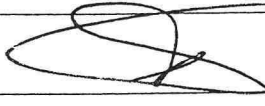
I hereby authorize permission for the Special Master, Building Official and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

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 Master 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 Master 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 Master. An appeal shall be filed within 30 days of the execution of the order to be appealed.

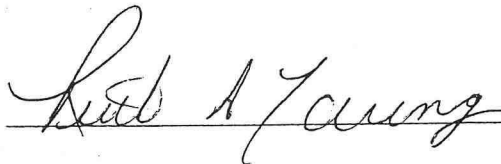
Date: 3/30/07 Property owner's signature: 

Before me, this 3/30/07 day of _____, 2005, appeared in person

ROBERT EARLS who, being sworn, deposes and says that the forgoing
(name of property owner)

is true and correct certification.

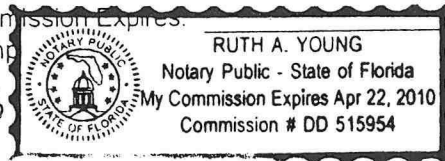
STATE OF FLORIDA
COUNTY OF PINELLAS – NOTARY SIGNATURE



Personally Known to me: _____

Commission Expires: _____
Stamp

Identification Taken: DL E642-761-67-4670



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.

CERTIFICATION

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 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.

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Date: _____ Applicant's signature, if other than Property owner: _____

Before me, this _____ day of _____, 2005, appeared in person _____ who, being sworn, deposes and says that the forgoing
(name of applicant, if other than property owner)

is true and correct certification.

STATE OF FLORIDA
COUNTY OF PINELLAS – NOTARY SIGNATURE _____

Personally Known to me: _____ Commission Expires: _____
Stamp

Identification Taken: _____

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 MASTER REQUIREMENTS AND PROCEDURES

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

- 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.
4. Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance 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 Master 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 Master 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 above shall the Special Master 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.

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 Master deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Master 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 Master 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 Master 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 Master. 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 Master 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

3/30/07
Date

**SPECIAL MASTER
REQUIREMENTS AND PROCEDURES**

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1. Public notice will be read along with correspondence received.
6. City presents its case, and the applicant may cross-examine.
7. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
8. 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.
9. Public participation will be closed, the Special Master deliberates and makes a decision to either grant or deny the petition.

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

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I have received a copy of the Special Master 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.

APPLICANT'S COPY

RAY
Initials of Receipt

3/30/07
Date

**CITY OF MADEIRA BEACH
BUILDING DEPARTMENT**

FENCE PERMIT

PERMIT INFORMATION		LOCATION INFORMATION	
Permit No:	200310744	Address:	501 NORMANDY RD
Master Permit No:	200310744	Parcel ID:	10-31-15-43272-000-0010
Date Issued:	00/00/0000	Section:	10
Permit Type:	Fence	Range:	15
Work Type:	Residential Remodel	Block:	000
Estimated Value:		Subdiv. Name:	
Square Feet:	192	Owner:	CRATON, KARL L
Improvement Costs:	\$1,000.00	Address:	501 NORMANDY RD
Date Permit Expires:	00/00/0000		
			MADEIRA BEACH, FL 33708-2315
		Phone #s:	(727) 392-7957 () -

Work Description: Replace fence

FEES					
Fee Date	Type	Fee	Amount Paid	Check No	Date Paid
02/04/2003	Fences - New or relocatoin	\$15.00	\$15.00	CASH	02/04/2003
02/04/2003	Fences - Per Foot	\$.05	\$9.63	CASH	02/04/2003
Total:		\$15.05	\$24.63		

CONTRACTOR INFORMATION

SUBCONTRACTORS INFORMATION

INSPECTIONS REQUIRED

fence - Final

Sidewalk - Rough

NOTICE: 24 HOUR NOTICE IS REQUIRED FOR INSPECTIONS. CALL (727) 391-9951

**PERMIT IS VOID AFTER SIX MONTHS AFTER DATE OF ISSUE
AN ELEVATION CERTIFICATE IS REQUIRED PRIOR TO ANY LINTEL OR
FRAMING INSPECTIONS IN THE FLOOD ZONE**

**FAILURE TO COMPLY WITH THE MECHANICS LEIN LAW CAN RESULT IN THE
PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS.**

**ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE ABOVE STATEMENTS AND THE
CITY OF MADEIRA BEACH BUILDING AND ZONING CODES OF ORDINANCES**

Contractor/Agent/Owner

Date

Code Enforcement Officer

Date

[Signature]
2-5-03

SPECIAL MAGISTRATE – VARIANCE REQUEST

Meeting Date: April 23, 2007
Application: 07.07
Applicant: Robert A. Earls
Address: For the property located at 501 Normandy Rd

I. GENERAL INFORMATION

A. Request

Property owner Robert A. Earls
501 Normandy Rd.
Madeira Beach, FL 33708

Parcel ID #: 10/31/15/43272/000/0010

Request: One after-the-fact variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article Vi (Supplementary District Regulations), Division 3, (Walls, Fences, Hedges, Railings and Sand Fences)

Section 110-447 (Rear yards facing water) (a) to increase the height of a fence in the rear yard of a property with a swimming pool which faces Boca Ciega Bay from an open style 4 foot high fence to a solid 6 foot high fence

B. Location:

501 Normandy Road

C. Zoning

R-1, Single Family Residential

D. Code Requirements

Sec. 110-447 . Rear yards facing water.

- (a) In rear yards facing Boca Ciega Bay, garden walls, solid fences and hedges shall not exceed three feet in height, except six-foot fences are permitted adjacent to sewage lift stations. Open wire, chain link fences, railings with a minimum of six-inch openings between all rails, and sand screens (manufactured for this purpose) shall not exceed four feet in height.

II. BACKGROUND

Proposal

The applicant wishes to retain an unpermitted 6 foot high PVC fence along the Island Drive side of the property from the rear vertical wall of the home to the seawall.

III. REVIEW CRITERIA FOR VARIANCE(S)

A. Standards

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 this ordinance 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 must and shall find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicants.
3. Granting the variance will not confer on the applicants any special privilege that is denied to other lands, buildings or structures in the same zoning district.
4. Literal interpretation would deprive the applicants of rights commonly enjoyed by other

properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicants.

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, structure or buildings in the same zoning district.**
 - The property is zoned R-1. It is a corner waterfront lot on Boca Ciega Bay. The property is not rectangular in shape, but rather follows the radius of the curve at the intersection of Normandy Rd and Island Drive. The dimensions of the property are approximately 60 feet wide x 120 foot deep. A non-FEMA compliant single family home exists on the property.
 - This is an after-the-fact variance. The applicant wishes to retain an unpermitted, solid 6 foot high PVC fence along the Island Drive side of the property. The portion of the 6 foot solid fence for which a variance is requested appears to be approximately 23 feet in length.
 - While a fence permit was issued to the prior property owner, the fence was 4 foot high and an open style. Mr. Earls stated in the Code hearing that he removed the 4 foot open fence and installed the 6 foot solid fence without a permit for privacy during the construction of the bridge.
2. **Demonstrate that a special conditions and circumstances do not result from the actions of the applicant.**
 - The applicant cites the new grade of the Crystal Island Bridge as a condition / factor necessitating the 6 foot solid fence for greater privacy.
 - Although the City approved Ordinance 1092 on September 26, 2006 to prohibit fishing on the Crystal Island Bridge and immediate rights-of-way adjacent to the Crystal Island Bridge, Mr. Earls notes in his variance petition that there are still problems with people fishing from the bridge.
 - Further Mr. Earls notes the headlights from the cars crossing the bridge, and both the lights from the new subdivision sign and the bridge shine in the windows of his home.
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.**
 - Mr. Earls cites the variance granted to Mark and Maria Turner at 498 Crystal Drive for their 6 foot high fence are the same issues he faces bordering the Crystal Island Bridge. (Variance Case 03-34)
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.

- The height of the bridge and grade of the roadway next to the applicant's property is higher than a typical subdivision roadway in front of a home.
5. **Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.**
- The applicant has a swimming pool on the side yard. The minimum height of any fencing for a pool is 4 foot. Due to the lot's proximity to Boca Ciega Bay, fences greater than 3 foot in height must be "open" rather than solid
 - Mr. Earls states that the bridge is the same height as his fence.
6. **Demonstrate that the granting of the variance will be in harmony with the general intent and purposes of the city land development regulations, and that such variance will not be injurious to the area involved or other wise detrimental to the public welfare.**

Should the variance be granted, this will remain a residential use in a residential area. There is no anticipated disruption from the proposed development, such as excess noise, fumes, or other environmental detriments.

It is unclear whether motorists driving over the Crystal Island bridge would contend that their view of the Bay is blocked by the 6 foot solid fence.

Exhibits:

- A – Application
- B – Staff Report
- C - Survey
- D – Zoning Map
- E – Plat Sheet

F – Photographs

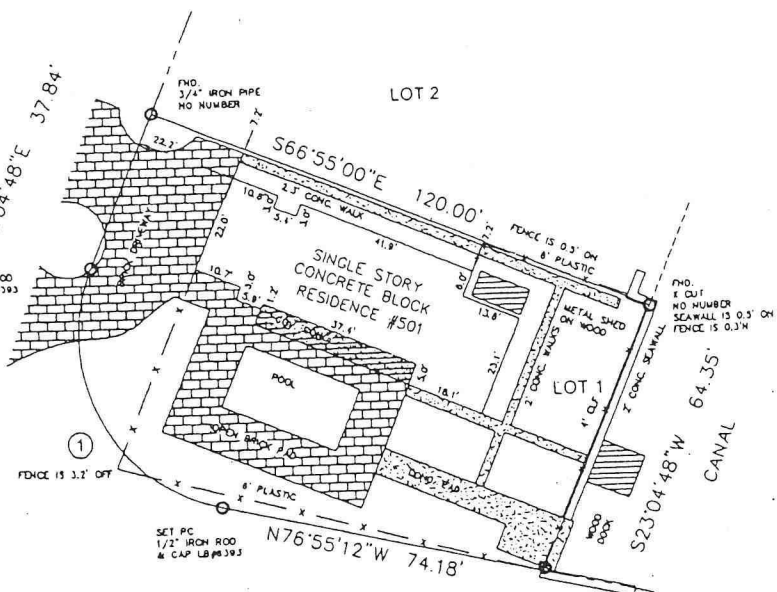
G. – Variance Case 03-34 – Mark and Maria Turner - 498 Crystal Drive
Variance Case 79-17 – Charles A Taliaferro – 498 Crystal Drive

H– Property Owners Notified

BOUNDARY SURVEY



NORMANDY ROAD
50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY





ISLAND DRIVE
PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

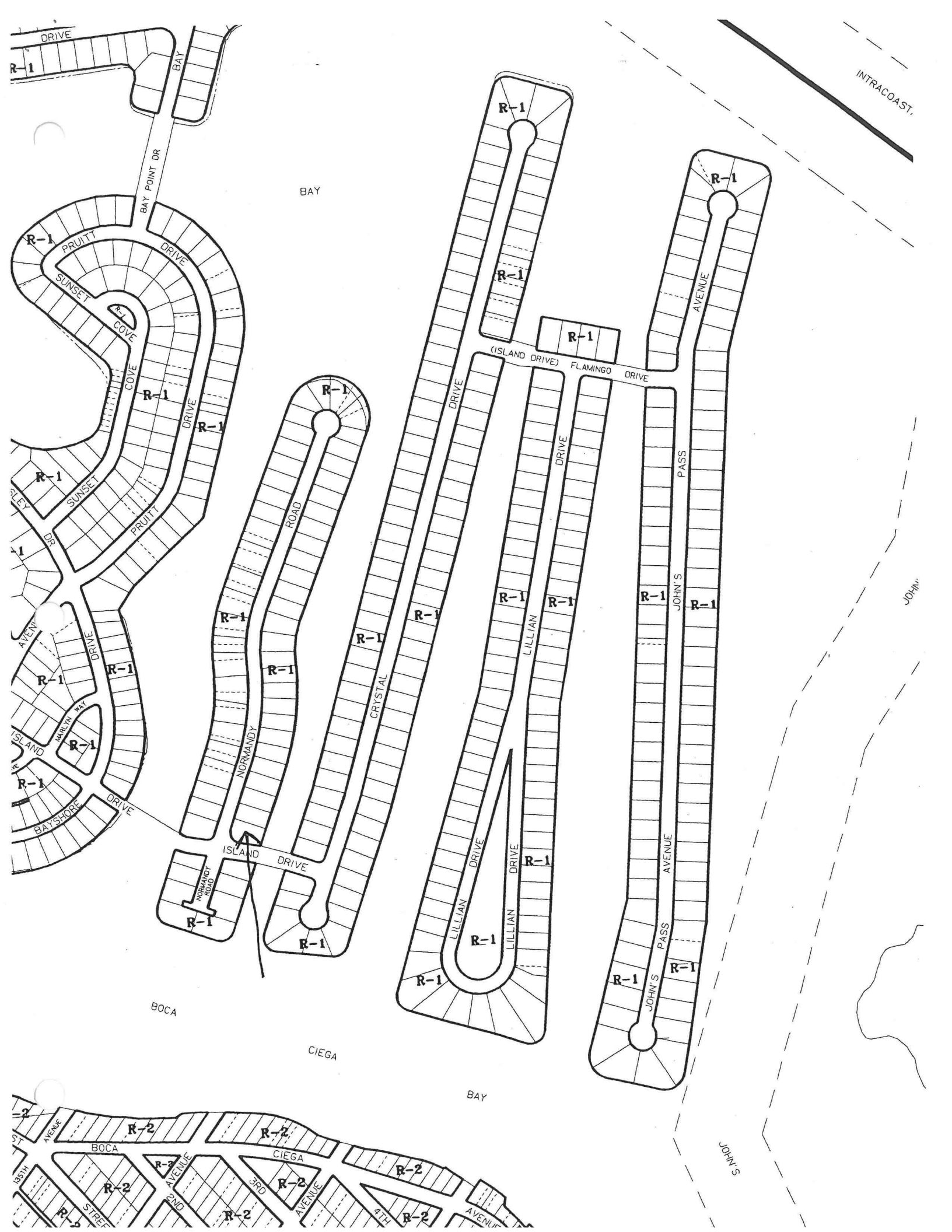
①
R=40.00
L=69.82
Δ=100°00'00"
C=61.29
CB=S26°54'59"E

ADDRESS
501 NORMANDY DRIVE
MADEIRA BEACH, FLORIDA 33708

RLS #:	04-06-0652
CLIENT #:	1052-546348
FIELD DATE:	6/18/04
DRAFTER:	SJL
APPROVED:	GKB
SCALE:	1" = 30 FEET

LEGAL DESCRIPTION: (AS FURNISHED)
LOT 1, ISLAND ESTATES UNIT ONE, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 25, PAGE 19, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 1 BEING N 76°55'12" W, PER PLAT.

LIST OF POSSIBLE ENCROACHMENTS:		COORDINATED BY:	PREPARED FOR:	PREPARED FOR:																
SURVEYOR INFORMATION:  AMERICAN SURVEYING & MAPPING CORPORATION 126 SOUTH GULFVIEW AVENUE DADE CITY, FLORIDA 34608 PHONE: (813) 828-7770 FAX: (813) 828-1110		RESIDENTIAL LAND SERVICES, INC. 621 24TH AVENUE S.W. NORMAN, OKLAHOMA 73069 FAX: (405) 701-1027 PHONE: (405) 701-1100 WWW.RLSNOW.COM	 First American Title Insurance Company																	
CERTIFIED TO: (AS FURNISHED) ROBERT EARLS SUNSET MORTGAGE COMPANY FIRST AMERICAN TITLE INSURANCE COMPANY		SURVEYOR'S CERTIFICATE																		
NOTES 1. THIS SURVEY IS PREPARED WITHOUT THE BENEFIT OF A COUNTERPART TO TITLE INSURANCE. 2. UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND STORAGE TANKS, FOUNDATIONS AND OTHER UNDERGROUND STRUCTURES ARE NOT LOCATED BY THIS SURVEY. 3. UNLESS NOTED ON OBJECTS OR OTHERWISE, ALL PROPERTY CORNERS SHOWN HAVE NO LEGAL IDENTIFICATION. 4. THE NUMBER OF THIS SURVEY IS 04218 IN OFFICIAL RECORDS AND THIS SURVEY IS SUBJECT TO THE PROVISIONS OF THE SURVEYING ACT AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES UNLESS IT IS FIRST REVIEWED FOR CONSTRUCTION PURPOSES. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.		<table border="1"> <tr> <td colspan="2">GLEN K. BELL CERTIFICATE No. 4224</td> <td colspan="2">DATE: 6/17/04</td> </tr> <tr> <td colspan="2">SIGNED: <i>Glen K. Bell</i></td> <td colspan="2">FOR THE SURVEYOR</td> </tr> <tr> <td colspan="4">NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATION BY THE SURVEYOR</td> </tr> <tr> <td>DATE</td> <td>REVISION</td> <td>DATE</td> <td>REVISION</td> </tr> </table>			GLEN K. BELL CERTIFICATE No. 4224		DATE: 6/17/04		SIGNED: <i>Glen K. Bell</i>		FOR THE SURVEYOR		NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATION BY THE SURVEYOR				DATE	REVISION	DATE	REVISION
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NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATION BY THE SURVEYOR																				
DATE	REVISION	DATE	REVISION																	
LEGEND A/C: AIR CONDITIONER BLDG: BUILDING (C): CALCULATED C.B.: CHORD BEARING CBW: CONCRETE BLOCK WALL C.L.: CENTERLINE C.N.A.: CORNER NOT ACCESSIBLE CONC.: CONCRETE COV.: COVERED C/S: CONCRETE SLAB (D): DESCRIPTION TYP.: TYPICAL ENC.: ENCROACHMENT E.D.W.: EDGE OF WATER (M): MEASURED M.A.S.: MAINWAY M.D. MAR.: MARK O.H.U.: OVERHEAD UTILITY LINE P.P.: PLATTED P.C.: POINT OF CURVATURE P.C.P.: PERMANENT CONTROL POINT P.I.: POINT OF INTERSECTION P.O.B.: POINT OF BEGINNING P.O.C.: POINT OF COMMENCEMENT P.P.: POWER POLE P.R.C.: POINT OF REVERSE CURVATURE P.R.M.: PERMANENT REFERENCE MONUMENT P.T.: POINT OF TANGENCY R.O.W.: RIGHT OF WAY FND.: FOUND C.L.F.: CHAIN LINK FENCE W.F.: WOOD FENCE W.W.F.: WIRE FENCE		(FOR INFORMATIONAL PURPOSES ONLY) SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE AE. AREA OF THE 100 YEAR FLOOD PLAIN BEING 11' F.I.R.M. PANEL NUMBER 125177 0191 G. LAST REVISION DATE 8/08. THIS SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION. FOR ALL INQUIRIES CONTACT RESIDENTIAL LAND SERVICES, INC. AT (405) 701-1100 [Form 3]																		



DRIVE

R-1

BAY

BAY POINT DR

PRUITT DRIVE

SUNSET DRIVE

SUNSET COVE

COVE

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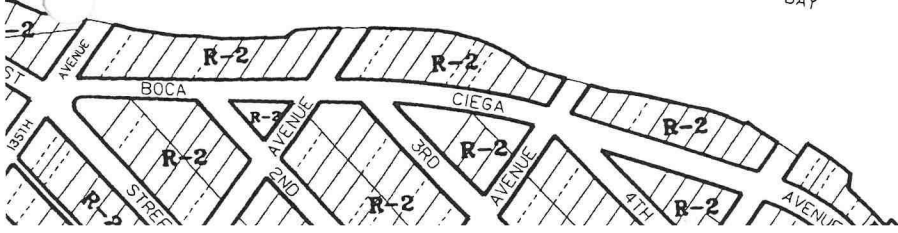
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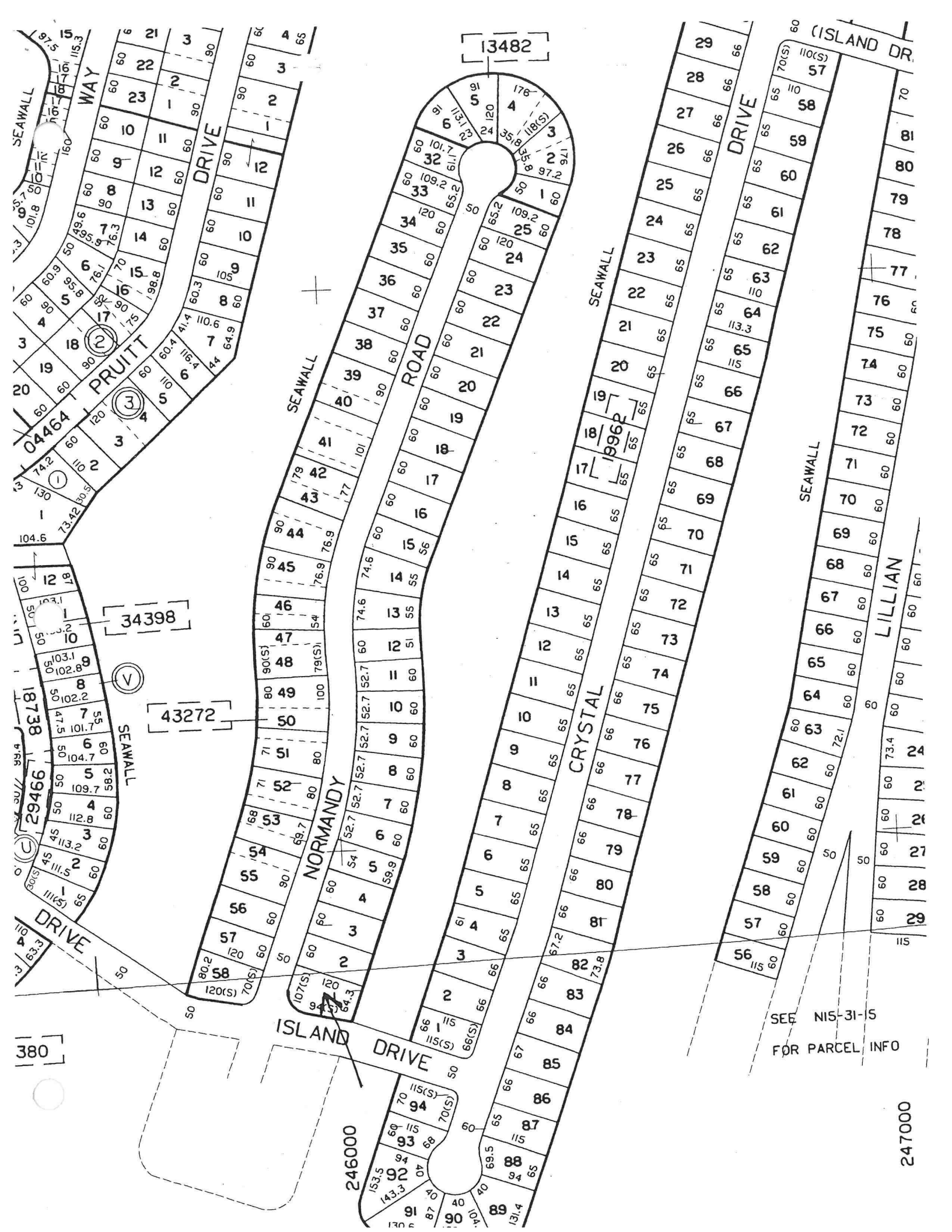
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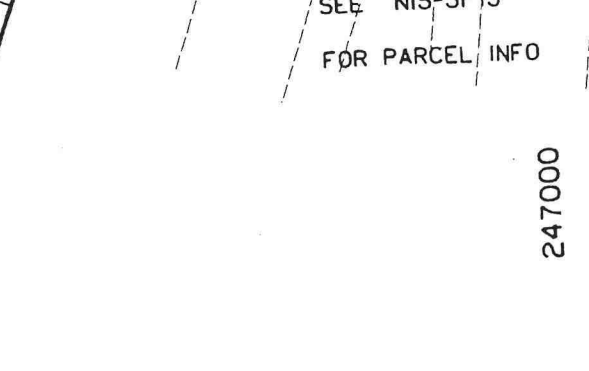
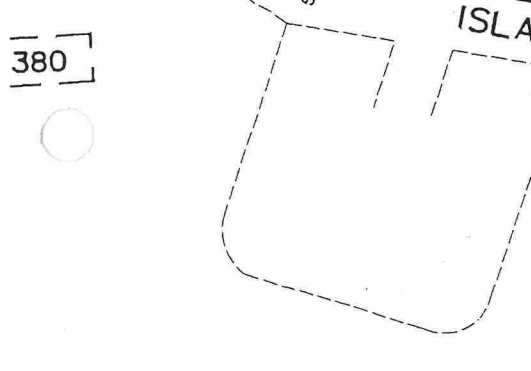
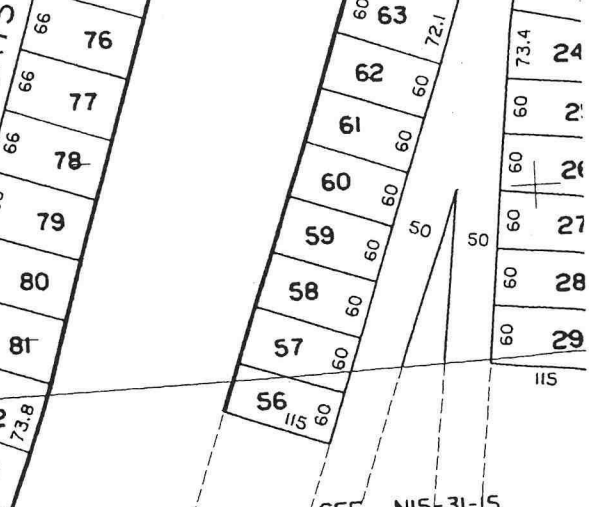
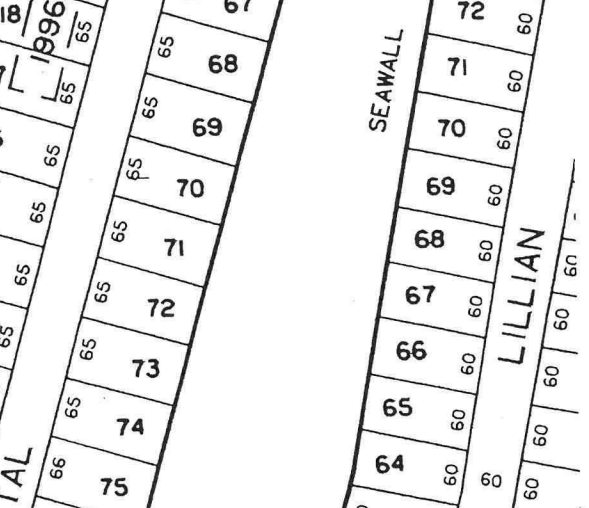
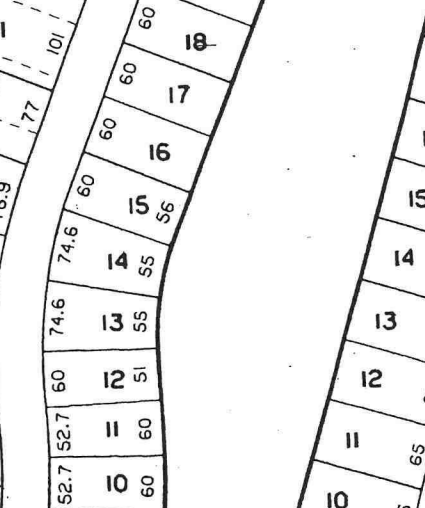
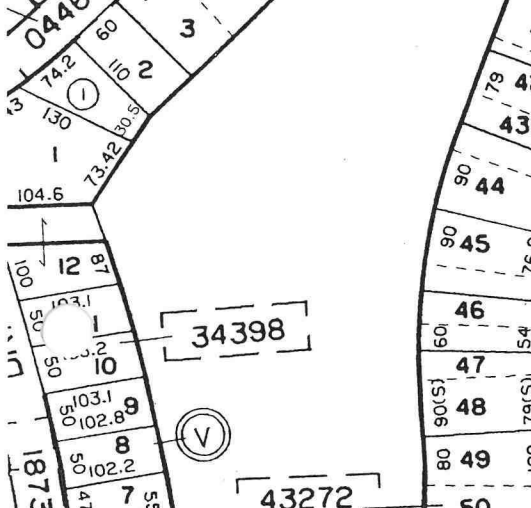
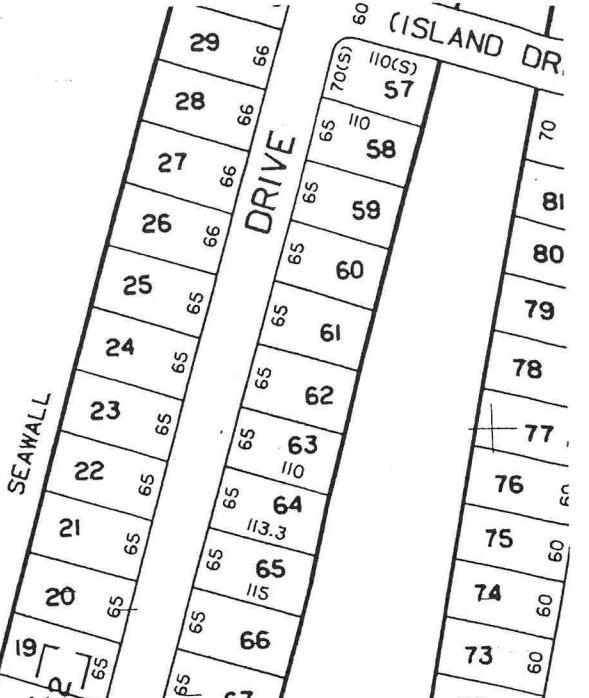
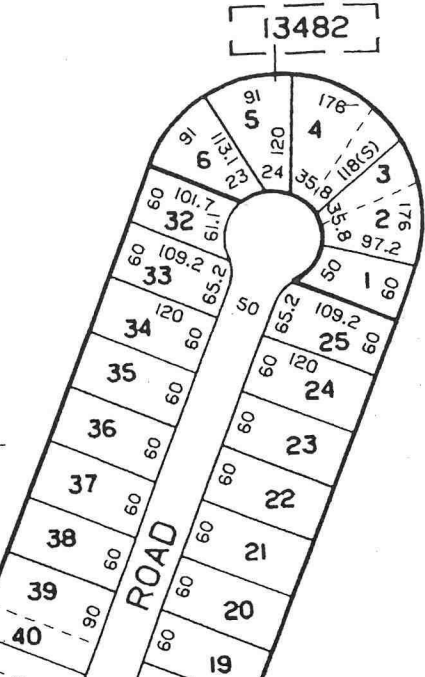
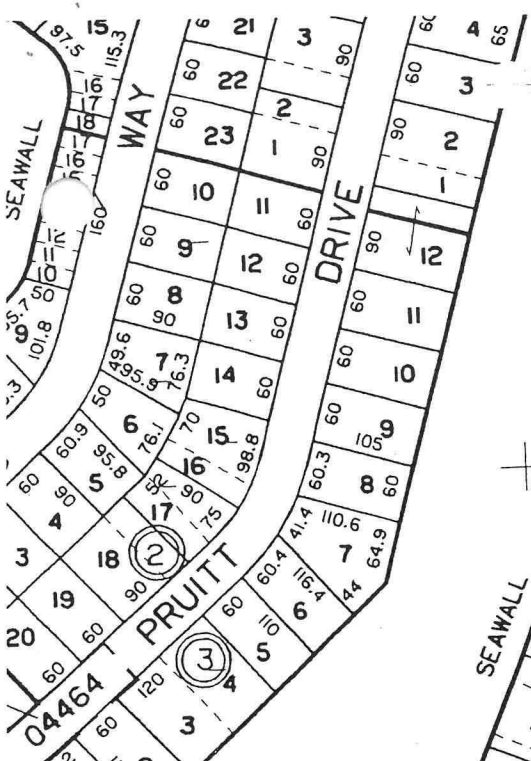
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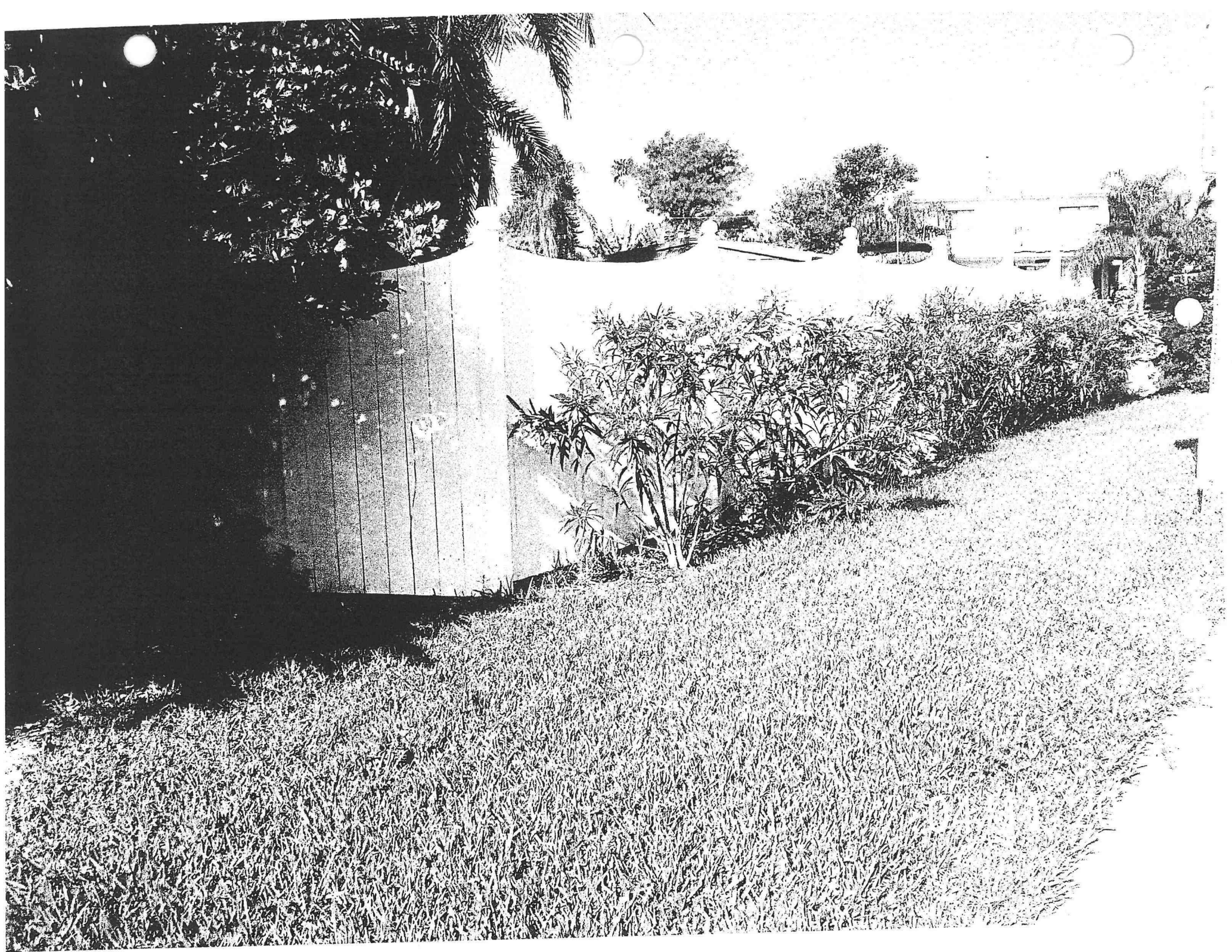
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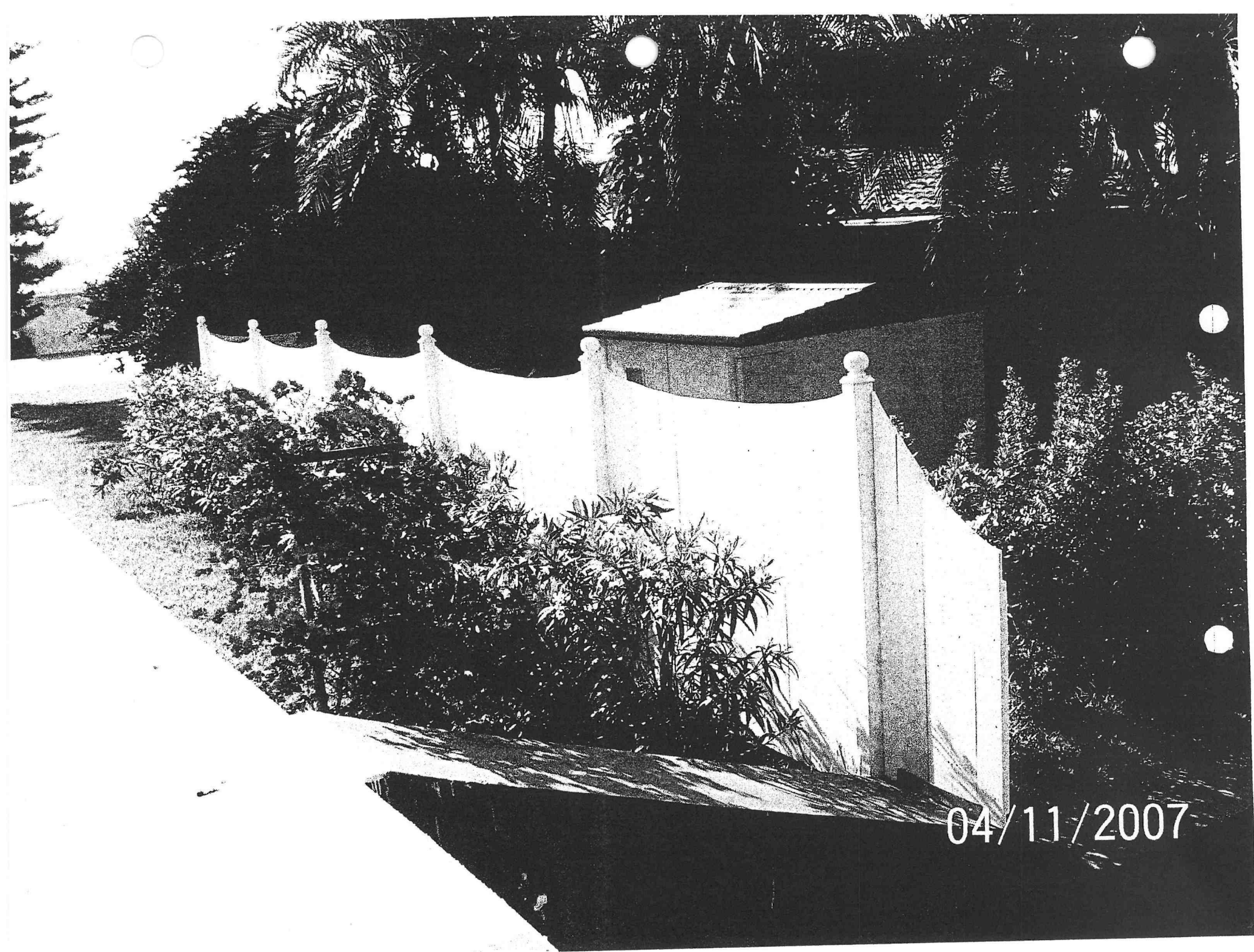
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SEE NIS-31-15
FOR PARCEL INFO

247000







04/11/2007

**The City of Madeira Beach, Florida
The Board of Adjustment Minutes**

Roll Call on the motion carried 5-0: Michael Wyckoff-Aye; 2nd Vice-Chairperson Malgadey-Aye; 1st Vice-Chairperson Reynolds-Aye; Brian Bornemann-Aye; Chairperson Jorgensen-Aye.

Chairperson Jorgensen stated **Application 03.32 has been granted** and reminded the applicant to obtain all necessary permits.

NEW BUSINESS

Application 03.34 Mark and Maria Turner for the property located at 498 Crystal Drive

Legal Description: Crystal Island, Lot 94, as recorded in Plat Book 46, Page 26 of the Public Records of Pinellas County, FL (Parcel: 10/31/16/19962/000/0940)

Requesting two variances from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article VI (Supplementary District Regulations):

Variance 1: Division 3, (Walls, Fences, Hedges, Railings and Sand Fences), Section 110-447 (Rear yard facing water), item (a), to increase the height of a solid fence along Island Drive from a maximum of 3 feet in height to 6 feet in height.

Variance 2: Division 4, (Accessory Structures), Section 110-472 (R-1, Single-family residential zones), item (2) Lots on water, to reduce the rear yard setback from 30 feet to 22.5 feet to install a storage shed.

DCC Farley read the public notice and advised 17 abutting property owners were notified and no correspondence was received.

Acting Building Official Johnson summarized his administrative report, which is shown below:

The applicants have installed a six foot high vinyl fence that does not conform to zoning Section 110-447 (a), in a rear setback facing Boca Ciega Bay, garden walls, solid fences and hedges shall not exceed three feet in height, except six foot fences are permitted adjacent to sewer lift stations.

This fence is adjacent to a road way and a masonry decorative wall as seen in the pictures submitted. The fence; however, does not seem to block any view due to existing shrubbery and masonry wall.

Chairperson Jorgensen asked if the applicants were present.

Mark Turner reiterated the administrative report and apologized for having constructed the fence stating he reviewed the county web page which indicated if the fence was less than \$500 no permit was needed. Mr. Turner explained the request for the fence is to correct a privacy and safety problem. Mr. Turner continued stating:

- Many people enjoy fishing on the bridge; however, they often use the tree in his yard for shade.
- The problem is compounded by the people leaving garbage, fishing line, and hooks lying around. Mr. Turner pointed out the photos in the packet demonstrate his problem.

Mr. Turner also stated the second variance is for a shed and he indicated:

- It would be a movable shed and would not have a foundation.
- The peak of the shed would be the only portion visible over the fence.

Chairperson Jorgensen opened the meeting to public comment. Hearing no additional response, Chairperson Jorgensen closed the public hearing and stated the board would enter deliberation.

1st Vice Chairperson Reynolds pointed out the drawing in the packet shows the shed in a close proximity to the seawall and the variance is requesting the shed be 22.5 feet away from the seawall.

Mr. Turner stated he incorrectly interpreted the setback ordinance and measured from the street, but stated he was reasonable sure he could place the shed 22.5 feet away from the seawall. After further discussion, Mr. Turner requested Variance 2 be tabled until the following month in order to verify the correct placement of the shed.

**The City of Madeira Beach, Florida
The Board of Adjustment Minutes**

Motion was made by 2nd Vice-Chairperson Malgadey, seconded by Michael Wyckoff, that Application 03.34, **Variance 2**, in the names of Mark and Maria Turner for the property located at 498 Crystal Drive, legal description as read into the record, **be tabled until the next meeting**.

Chairperson Jorgensen stated that an "Aye" vote will be to **table** Application 03.34 Variance 2.

Roll Call on the motion, **to table Variance 2**, carried 5-0: Brian Bornemann-Aye; 1st Vice-Chairperson Reynolds-Aye; Michael Wyckoff-Aye; 2nd Vice-Chairperson Malgadey-Aye; Chairperson Jorgensen-Aye.

Chairperson Jorgensen stated **Application 03.34 Variance 2 has been tabled**.

Motion was made by Michael Wyckoff, seconded by 1st Vice-Chairperson Reynolds, that Application 03.34, **Variance 1**, in the names of Mark and Maria Turner for the property located at 498 Crystal Drive, legal description as read into the record, **be granted**.

The findings of fact being that the evidence presented at this hearing will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach.

The applicants meet the criteria for the variances as set forth in Section 2-107 of the Madeira Beach Code of Ordinances, because:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district.
2. Literal interpretation would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
3. 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.

Roll Call on the motion, **to grant Variance 1**, carried 5-0: Brian Bornemann-Aye; 2nd Vice-Chairperson Malgadey-Aye; 1st Vice-Chairperson Reynolds-Aye; Michael Wyckoff-Aye; Chairperson Jorgensen-Aye.

Chairperson Jorgensen stated **Application 03.34, Variance 1 has been granted**

Application 03.35 Jerald and Linda Brunz for the property located at 576 Crystal Drive

Legal Description: Crystal Island, Lot 39, as recorded in Plat Book 46, Page 26 of the Public Records of Pinellas County, FL (Parcel: 10/31/15/19962/000/0390)

Requesting a variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V, (Districts), Division 2, (R-1, Single-Family Residential), Section 110-182 (Maximum building height) to exceed the maximum building height of 30 feet or two stories to 34.5 feet in height.

DCC Farley read the public notice and advised 16 abutting property owners were notified and no correspondence was received.

Acting Building Official Johnson summarized his administrative report, which is shown below:

The applicants are in the process of building a new home under the Flood Mitigation Assistance Program. The architect made a mistake when designing the home as he started out at the wrong elevation. The designed roof line does not conform to the R-1 maximum height regulation and will exceed the maximum height by 4.5 feet.

The current Land Development Regulations defines height as follows:

Height, building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. When a building is located within a special flood hazard area having a designated base flood elevation on the flood insurance rate map (FIRM), the height may be measured from the base flood elevation to the highest point of the building.

Rejected
THE BOARD OF ADJUSTMENT
Regular Meeting

April 2, 1979
Page 2 of 4

Shores 1st Addition, requesting a variance from the 100 Year Flood Level elevation requirements of the Madeira Beach Code of Ordinances, Appendix A to enclose the garage to add a bedroom and additional living area be granted under the condition that the carport covering is completely removed. To require this construction to be built at the 100 Year Flood Level would impose an unnecessary hardship and a grant would not be against the best public interest.

ROLL CALL on the Motion Carried Unanimously.

79 16 Kathryn Stoner, 14402 North Bayshore Drive

The City Clerk read the Public Notice and advised the Board of Adjustment that ten abutters were notified and no correspondence was returned. The Building & Zoning Official read his Administrative Report.

Mr & Mrs. Dale Sutton (Ms Stoner recently married) presented this Petition to the Board of Adjustment. They have recently remodeled the interior, reducing the number of units from 4 to 3. These requested additions will be on the owner's apartment.

There was no response to the Chairman's call for comments from the audience

MOTION by Bickel/Lake

In the case of Petition No. 79.16 in the name of Mrs. Kathryn Stoner Sutton, 14402 North Bayshore Drive, Legal Description, Lots 41 & 42, Madeira Shores, 1st Addition I move for a grant of a flood variance to permit the addition of a 15' x 17' bedroom in the rear and to enclose a portion of the front covered porch approximately 5' x 26'. To require elevation above the 100 Year Flood Level would impose an unnecessary hardship and a grant would not be contrary to the public interest. It is understood that the remodeling of this structure is reducing the number of units from 4 to 3 and that the additions covered by this Petition are to the owner's quarters

ROLL CALL on the Motion Carried Unanimously.

(B) Requesting variances from the Zoning requirements of the Madeira Beach Code of Ordinances, Appendix A.

79.17 Charles A. Taliaferro, 498 Crystal Drive

The City Clerk read the Public Notice and advised the Board of Adjustment that nineteen abutters were notified. Ten individuals responded to this notification. These letters were read by the City Clerk; four were in opposition and six in favor of the project. Copies of this correspondence are attached hereto and made a part of these Minutes. The Building & Zoning Official had nothing further to add to his Administrative Report.

Mr. Taliaferro read a prepared statement to the Board of Adjustment. He amended his original request to have a 25' six foot high fence instead of an eight foot high fence. He indicated that he did not want the fence along the entire length of the seawall. He indicated that in talking to his neighbors that received the notice, they misunderstood his application. He described to the Board of Adjustment the trouble he has with individuals fishing from the Crystal Island Bridge and the traffic lights from passing automobiles on the bridge. He is requesting this fence to provide additional privacy. He promised to install a good looking fence and maintain it properly.

Mr. Frank Macauley, 501 Crystal Drive, addressed the Board of Adjustment in favor of this application. He commented on the unique problem that Mr Taliaferro has with

constant use of the bridge by fishermen and the lights of passing traffic.

Mrs. Elizabeth C. LeColst, 496 Crystal Drive, lives next door to the applicant. She addressed the Board of Adjustment. She stated she is not for a fence along the entire seawall as indicated in the Public Notice. After talking to the Applicant, she learned of the type of fence he is requesting. She is in favor of this application as presented here this evening.

In answer to Mr. Campbell's question, Mr. Taliaferro stated he purchased the property in January after living elsewhere in Madeira Beach for several years.

Mrs. Grundmann commented that there are other alternatives available to the applicant for the protection he is seeking with the installation of this fence.

Mr. Lake commented on the potential problem of children using this fence and the area behind it

Mrs. Bickel pointed out that this is a busy bridge and the applicant should have realized this prior to his purchase of this property. She commented that, in her opinion, she was not sure that the fence would solve any of his problems.

MOTION by Grundmann/Bickel

I move that Petition No 79.17 in the name of Charles A Taliaferro, 498 Crystal Drive, Legal Description Lot 94, Crystal Island Subdivision requesting a variance from the zoning requirements of the Madeira Beach Code of Ordinances, Appendix A to install a six foot high privacy fence, a minimum of 10 feet from the seawall and side street, to run 25 ft. in length along the back yard and side yard be denied. A grant would be against the best public interest.

ROLL CALL on the Motion Carried Unanimously.

79.18 Paul L Overton, 13435 Boca Ciega Avenue

Attached hereto and made a part of these Minutes is a copy of a letter from the applicant withdrawing this Petition.

(C) Requesting variances from the 100 Year Flood Level requirements of the Madeira Beach Code of Ordinances, Appendix A.

79.10 Mr. & Mrs Anatole Komarow, for property at 235 East Madeira Avenue

The City Clerk read the Public Notice and advised the Board of Adjustment that nineteen abutters were notified and no correspondence was returned. The Building & Zoning Official read his Administrative Report.

Mr. Tony Komarow addressed the Board of Adjustment. He advised that this property has been used for rental property. His parents would like to use it as their permanent residence. The kitchens of these two apartments are very small to accommodate a family. This request is for a side setback of seven inches which would not cause any nonconformity to the lot or the house

There was no response to the Chairman's call for comments from the audience.

The Board of Adjustment agreed that there is no way for the applicant to correct lot width or lot area and a side setback of 7" is a very minimal request.

**THE CITY OF MADEIRA BEACH, FLORIDA
PUBLIC NOTICE**

A meeting of the Special Master of the City of Madeira Beach, Florida, will be held on the time and date indicated below, in the Assembly Room, City Hall, 300 Municipal Drive, Madeira Beach, Florida, to consider the following Applications. Persons are advised that, if they decide to appeal any decision made at this Public Hearing, they will need to record 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. Drawings of these proposed projects are on file in the Office of the City Clerk and may be viewed during regular working hours.

SPECIAL MAGISTRATE AGENDA

To act and render decisions on requests for variances, special exception uses, and appeals of administrative decisions.

7:00 P.M. MONDAY – APRIL 23, 2007 ASSEMBLY ROOM

- I. MEETING CALLED TO ORDER
- II. ROLL CALL
- III. NEW BUSINESS

Application 07.07	Robert A. Earls for the property at 501 Normandy Road
Legal:	Island Estates, Unit No.1, Lot 1
Parcel#:	10/31/15/43272/000/0010
Request:	One variance from the zoning requirements of the Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article V (Supplementary District Regulations), Division 3, (Walls, Fences, Hedges, Railings and Sand Fences)
	Section 110-447 (Rear yards facing water) (a) to increase the height of a fence in the rear yard of a property with a swimming pool which faces Boca Ciega Bay from an open style 4 foot high fence to a solid 6 foot high fence.
Notification:	34 property owners were notified

IV. ADJOURNMENT

THIS MEETING IS TELEVISED LIVE ON CHANNEL 15

POSTED April 10, 2007, at Subject Property, City Hall, Library, Publix, John's Pass Village and Winn Dixie.

NOTE: You have received this Public Notice as you are the applicant, property owner or abut this property within 350 feet of the property as captioned in the above Application. If you are desirous of voicing approval or disapproval of this project, you may attend the meeting or write the City Clerk prior to the meeting stating your opinions.

LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES
AND APPEALS OF ADMINISTRATIVE DECISIONS
CITY OF MADEIRA BEACH, FLORIDA
Application No. 07.07

Robert A. Earls
for the property located at
501 Normandy Road,

Applicant.

ORDER GRANTING VARIANCE

Madeira Beach Land Development Regulations, Chapter 110 (Zoning), Article VI (Supplementary District Regulations), Division 3, (Walls, Fences, Hedges, Railings and Sand Fences), Section 110-447 (Rear yards facing water) (a) (Rear yards facing Boca Ciega Bay, solid fences)

LEGAL DESCRIPTION: Island Estates, Unit No. 1, Lot 1

PARCEL IDENTIFICATION NUMBER: 10/31/15/43272/000/0010

Special Magistrate, Herbert E. Langford, Jr., heard testimony and reviewed all evidence received at the Special Magistrate hearing held on April 23, 2007 and, based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. This application presents the issue involving a variance from the zoning requirements of the above Madeira Beach Land Development Regulations, requesting to (re)install a solid, six-foot high fence, and to increase the fence's height from four feet to six feet in the rear yard of a property, with a swimming pool, that faces Boca Ciega Bay.
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, because Section 110-447(a) requires, in pertinent part, that in rear yards facing Boca Ciega Bay, solid fences shall not exceed three feet in height.
3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district. The applicant owns a non-FEMA-compliant, single-family home on a non-rectangular, platted, waterfront corner lot (60 feet wide x 120 feet deep) on Boca Ciega Bay in the R-1 zoning district. The lot line follows the radius of the curve at the intersection of Normandy Road and Island Drive. The

applicant seeks to retain (reinstall) an unpermitted, solid, six-foot high PVC fence along the southerly (Island Drive) side of the property. The previous property owner obtained a fence permit for an open style, four-foot high fence. In June 2004, the applicant purchased the property, and in mid-2005, the city constructed the new Crystal Island bridge. The applicant asserts that the new bridge's change of pitch and grade created privacy issues for his property. During the bridge's construction, the applicant, seeking more privacy, removed the open, four-foot high fence and installed without a permit the solid, six-foot high fence. The applicant initially sought an after-the-fact variance for the solid, higher fence and the city's community development director recognized the universal dim view of an after-the-fact variance request. To assist the applicant, she suggested that he obtain a "no-fee" permit for an open, four-foot high fence, return the fence to its original condition, thereby avoiding the after-the-fact request's stigma and increasing the likelihood of approval.

4. The special conditions and circumstances do not result from the actions of the applicant. The claimed hardship is not self imposed because the applicant purchased the property before the city built the new bridge. He states that the distance from the seawall cap to the bridge's rail is seven feet, and cites the new bridge's pitch and grade level as a condition or factor that warrants a solid, higher fence for greater privacy. The applicant urges that light from several sources shine into his home's windows, and avers that a solid, higher fence would buffer noise and block the light from the subdivision's new sign, the bridge's lights, and the headlights as cars cross the bridge. He adds that fishing persists on or near the bridge, notwithstanding the 2006 ordinance that prohibits fishing on the Crystal Island Bridge and its immediate adjacent rights-of-way, and urges that the solid, higher fence would afford privacy from persons and lights. The illegal fishing is a matter of enforcement, not variance.
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. The applicant cites the granted variance for the property at 498 Crystal Drive for a solid, six-foot high fence bordering the Crystal Island Bridge and its pedestrian walkway. That property is located diagonally to the subject property on the opposite side of the street, and the applicant asserts that he faces the same issues. Each case stands on its own, and variance decisions do not generally set a precedent. The Special Magistrate reviewed the cited case (*See Turner – 03.34*) for its factual circumstances. That case recites nominal underlying facts, but no rationale in the minutes for the then board's decision, and merely states the ultimate conclusions directly from the ordinance's provisions. The Special Magistrate notes that then Board denied a 1979 variance request for a solid, six-foot high fence on this parcel. Accordingly, the cited examples afford nominal factual assistance, and no precedence for the instant case.

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 some unnecessary and undue hardship on the applicant. There is unnecessary and undue hardship. The asserted hardship is the grade change, lights, traffic noise, and pedestrian traffic that together cause a loss of privacy. The applicant urges that the bridge along Island Drive is the same height as his proposed fence. The city recognizes that the bridge's height and the roadway's grade next to the property are higher than a typical subdivision roadway. The parties' photographs illustrate that the vegetation in the right-of-way and on the property significantly ameliorates the sound and light, and that a solid, higher fence would reasonably afford more privacy and buffer.
7. Granting the requested variance is the minimum variance that will make possible the reasonable use of the land. The applicant has a swimming pool on the side yard. Section 110-719 requires that all swimming pools shall be enclosed with a screen enclosure or a fence or wall having a minimum height of four feet. Because the lot faces Boca Ciega Bay, fences higher than three feet must be open at the last vertical wall of the principal structure (the back wall of the master bedroom). The applicant seeks the solid, six-foot high fence from the southwestern corner to the seawall, and urges that, due to the bridge's grade and pitch, this is the minimum length and height that will protect his privacy. The city recognizes that this application does not present an inescapable dilemma or an "all or nothing" choice. The considered rationale blends the proposed fence's style, length, and height. Extending the solid, six-foot high fence for 12 feet beyond the principal structure's last vertical wall (the back wall of the master bedroom) is reasonable. Such a fence would block light from entering the bedroom, and reasonably address the light from the bridge, the neighborhood sign or traffic. Then, an open, four-foot high fence would continue to the seawall cap.
8. The granting of the requested variance would 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. This is a residential use in a residential area. There is no anticipated disruption from the proposed development, and the extended solid fence would not block another's view. The extended solid, higher fence addresses and respects the applicant's privacy. The compliant, open fence addresses and respects the code regulations for the four-foot height requirement on waterfront lots.
9. The variance is appropriate under the following condition(s): The applicant shall apply for and obtain the ordinarily required permit, and comply with applicable ordinances governing same.

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. To grant a variance, preliminarily, a hardship must exist. The situation has to almost rise to a taking, whereby the owner cannot use the property if the variance is not granted. When granted, it must be the minimum variance necessary to meet the use.
12. By definition and design, a variance is a minor, even minimal, change to accommodate a unique situation or special circumstance. Except as appropriately permitted by applicable ordinance, the Special Magistrate cannot grant a variance.
13. Each real estate parcel is unique. Each application stands on its own particular facts and circumstances. Whether another parcel's application was granted or denied may be informative, even persuasive. However, the decision on one parcel does not establish precedent for, nor control the decision of another parcel.
14. The applicant has the burden to establish the requirements for a variance. Here, the applicant does meet 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 VI (Supplementary District Regulations), Division 3, (Walls, Fences, Hedges, Railings and Sand Fences); Section 110-447 (Rear yards facing water) (a) (Rear yards facing Boca Ciega Bay, solid fences) to (re)install a solid fence, and increase the height of a fence in the rear yard of a property with a swimming pool which faces Boca Ciega Bay from an open style, four-foot high fence to a solid, six-foot high fence for 12 feet beyond the principal structure's last vertical wall, then an open, four-foot high fence to the seawall cap.

DONE AND ORDERED on July 28, 2007.



Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
Michael A. Connolly, Esquire
Robert A. Earls

Attachment 4

Sec. 110-427. Yard regulations—Open sky requirements.

Every part of a required yard (See appropriate section of Schedule of Use, Lot, Yard and Bulk Regulations) must be open to the sky unobstructed, except for: roof overhangs not exceeding three feet; rear yard second floor and above balconies not exceeding four feet and the ordinary projection of steps and sills. Belt courses and ornamental features shall not project more than four inches from the building wall. Yard setbacks shall be measured from the line where the building reaches the grade.

(Code 1983, § 20-503(A))

Sec. 110-428. Same—Side yard of corner lot.

Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street, however, if this restriction does not permit a single-family structure of at least 25 feet in width, this requirement shall be modified to allow construction of a single-family structure 25 feet in width but in any case this side setback shall not be less than ten feet. The width of a corner lot house may be no greater than 25 feet once it infringes upon the required front yard setback of an adjoining lot. (Also consult section 110-418.)

(Code 1983, § 20-503(B))

Sec. 110-429. Same—Transition yard requirements.

(a) *Front yard.* Where a residential (R) district abuts a nonresidential district, there shall be provided in the nonresidential district for a distance of 50 feet from the district boundary line along the same street a front yard at least equal in depth to that required in the residential district.

(b) *Side or rear yard.* Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines, a side or rear yard at least equal in depth to that required in the residential district. In no case,

however, shall the abutting side yard or abutting rear yard of the nonresidential district be less than 15 feet.

(Code 1983, § 20-503(C))

Sec. 110-430. Height regulations.

(a) *General application.* No building or structure shall have a greater number of stories, nor have an aggregate height greater than is permitted in the district in which such building or structure is located, except as noted in this subsection (b) of this section.

(b) *Permitted exception to height regulations.* Chimneys, cooling towers, elevators, bulkheads, fire towers, stairways, protective railings, gas tanks, steeples, water towers, ornamental towers or spires, amateur radio towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted ordinances of the municipality, provided no tower other than a church spire or such noncommunication tower of a public building shall exceed 20 feet above the maximum allowable building height limit or 20 feet above the main building roof if the roof is below the maximum allowable building height. For reasons of architectural aesthetics the owner may appeal to the planning commission, and if the architectural design is endorsed by the planning commission, the owner may petition the board of adjustment for a variance from the 20-foot height limitation. No tower shall be used as a place of habitation. (Code 1983, § 20-506)

Secs. 110-431—110-445. Reserved.**DIVISION 3. WALLS, FENCES, HEDGES, RAILINGS AND SAND FENCES****Sec. 110-446. Front yards.**

All garden walls, solid fences or hedges located within the defined front yard shall not exceed three feet in height. Open wire and chainlink fences, railings and sand screens shall not exceed four feet in height.

(Code 1983, § 20-504(A))

Sec. 110-447. Rear yards facing water.

(a) In rear yards facing Boca Ciega Bay, garden walls, solid fences and hedges shall not exceed three feet in height, except six-foot fences are permitted adjacent to sewage lift stations. Open wire, chain link fences, railings with a minimum of six-inch openings between all rails, and sand screens (manufactured for this purpose) shall not exceed four feet in height.

(b) In rear yards facing the Gulf of Mexico, garden walls, solid fences, and hedges shall not exceed three feet in height, except six-foot fences are permitted adjacent to sewage lift stations. Open wire, chain link fences, railings with a minimum of six-inch openings between all rails, and sand screens (manufactured for this purpose) shall not exceed four feet in height or be placed closer than 18 feet from a seawall. All walls, fences, railings, and screens must be installed landward of the county coastal construction control line.

(c) All sand screen installations shall be considered as temporary and shall have sea oats planted 12 inches apart in three rows (also 12 inches apart) seaward of the sand screen to help form sand dunes and a permanent vegetation screen. Sand screen installation shall be removed when in the opinion of the building and zoning official, sea oats have been established as a permanent vegetation screen.
(Code 1983, § 20-504(A); Ord. No. 918, § 2, 12-7-99)

Sec. 110-448. Side yards.

All garden walls, fences, hedges, railings and sand screens located within defined side yards shall not exceed six feet in height.
(Code 1983, § 20-504(C))

Sec. 110-449. Other rear yards not facing water.

All garden walls, fences and sand screens located within the defined rear yard, shall not exceed six feet in height.
(Code 1983, § 20-504(D))

Sec. 110-450. Gates required.

All fences, garden walls or hedges shall provide gates or openings to allow passage through the side yard from the front yard to the rear yard, with a minimum opening of 29 inches.
(Code 1983, § 20-504(E))

Sec. 110-451. Location.

Garden walls, fences, hedges, railings and sand screens may be placed on the property lines or seawall except as noted in section 110-447.
(Code 1983, § 20-504(F))

Sec. 110-452. Method of measurement.

Where a fence is located along abutting properties with varying elevations, the height shall be measured from an average elevation along the entire length of the fence.
(Code 1983, § 20-504(G))

Sec. 110-453. Construction.

Walls or fences of wood construction must be installed so that the exposed framing of each section of fence faces the interior yard. However, the building official may allow the exposed framing of the fence to face adjacent side and rear yards where the owner or contractor can demonstrate that either:

- (1) There is an existing fence and/or hedge located on the adjacent property to the parcel for which the new fence permit has been applied for and that the existing fence or hedge is constructed and located in such a manner that it is impracticable or not feasible to install the wood fence with the exposed framing facing the interior yard; or
- (2) Surrounding affected property owners have declared in writing that they have no objection to the exposed framing.

(Code 1983, § 20-504(H))

Secs. 110-454—110-470. Reserved.

Attachment 5

ORDINANCE 2018-02

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING DIVISION 3. - WALLS, FENCES, HEDGES, AND SAND FENCES; SECTION 110-447(a) AND (b) AND SECTION 110-453 (b) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH; PROVIDING FOR THE HEIGHT OF FENCING IN REAR YARDS, DEFINING FENCE TYPES; FINDING THE AMENDMENTS CONSISTENT WITH THE CITY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE RECOGNITION OF STATE PREEMPTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 27, 2017, the Planning Commission conducted a publicly noticed hearing on Division 3 of the City of Madeira Beach Code of Ordinances, and

WHEREAS, on March 7, 2018, the City Commission approved Ordinance 2018-02 on first reading, and

WHEREAS, the City Commission finds that amendments to the Code of Ordinances Over time have created inconsistencies in the code and between the current code and the historic intent of the code, and

WHEREAS, the City Commission finds that these inconsistencies have resulted in unequal rights and protections to property owners, and

WHEREAS, It is the intent of the City Commission to ensure equal and fair application of the code for all property owners, and

WHEREAS, the City Commission finds that it is necessary to provide for safety and security in commercial areas, and

WHEREAS, the City Commission finds that it is necessary to provide relief from certain fencing restrictions where differing adjacent land uses may result in increased impact upon residential lots, and

WHEREAS, the City Commission finds it necessary to provide updated definition and organization to the Code of ordinances, and

WHEREAS, the City Commission finds that the proposed amendment is consistent with the City of Madeira Beach Comprehensive Plan, and provided all required notice and conducted a publicly noticed hearing,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative finding of facts of the City Commission.

Section 2. The City of Madeira Beach Code of Ordinances, Chapter 110, Zoning, Article V-Districts, Division 3 – Walls, Fences, Hedges, and Sand Fences, **SECTION 110-447 and SECTION 110-453** is hereby amended as follows (new words are underlined text, deleted words are show as ~~strike-through~~ text):

Sec. 110-447. - Rear yards facing water.

(a) In commercial rear yards facing Boca Ciega Bay, between the rear building setback and the back property line or seawall (whichever is a greater distance), garden walls, solid fences and hedges shall not exceed three feet in height, except six-foot fences are permitted adjacent to sewage lift stations and along property lines adjacent to parking associated with non-residential uses. Additionally, 6 foot solid, chain link or open fencing may be allowed or required in the site plan review process for commercial and institutional uses when deemed necessary by the permitting authority to ensure life-safety and security. A chain link or an open fence ~~with openings not less than three inches between vertical members which are not greater than one and one half inch in width~~ may extend up to four feet in height. ~~Openings in any fence shall not allow passage of a four inch diameter (102 mm) sphere.~~

(b) In commercial rear yards facing the Gulf of Mexico, garden walls, solid fences, and hedges shall not exceed three feet in height, except six-foot fences are permitted adjacent to sewage lift stations and along property lines adjacent to parking associated with non-residential uses. Open wire and chain link fences ~~with a minimum of three inch openings between all vertical members~~, and sand screens (manufactured for this purpose) shall not exceed four feet in height or be placed closer than 18 feet from a seawall. Fencing which is wrought iron in appearance, ~~with a minimum of three inch openings between all vertical members~~ shall not exceed six feet in height. ~~Openings in any fence, wall, or screen shall not allow passage of a four inch diameter (102 mm) sphere.~~ All walls, fences, and screens must be installed landward of the county coastal construction control line.

(c) All sand screen installations shall be considered as temporary and shall have sea oats planted 12 inches apart in three rows (also 12 inches apart) seaward of the sand screen to help form sand dunes and a permanent vegetation screen. Sand screen installation shall be removed when in the opinion of the building and zoning official, sea oats have been established as a permanent vegetation screen.

Sec. 110-453. - Construction.

(a) Walls or fences of wood construction must be installed so that the exposed framing of each section of fence faces the interior yard. However, the building official may allow the exposed framing of the fence to face adjacent side and rear yards where the owner or contractor can demonstrate that either:

(1) There is an existing fence and/or hedge located on the adjacent property to the parcel for which the new fence permit has been applied for and that the existing fence or hedge is constructed and located in such a manner that it is impracticable or not feasible to install the wood fence with the exposed framing facing the interior yard; or

(2). Surrounding affected property owners have declared in writing that they have no objection to the exposed framing.

(b) Open fence(s) must have openings not less than three inches between vertical and horizontal members which are not greater than one and one-half inch in width. Openings in any fence shall not allow passage of a four-inch diameter (102 mm) sphere. Permitted open fences include:

(1) Chain link fences consisting of a mesh fence woven of thick steel wire and having a uniform diamond-shaped pattern. Permitted chain link fences do not include the use or integration of razor wire or parts.

(2) Picket fences consisting of pickets or pales attached to horizontal stringers between upright posts and may be constructed of wood, PVC or metal (including those of wrought iron or of wrought iron appearance).

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional and all other provisions of this Ordinance shall remain in effect.

Section 4. The terms of this Ordinance are intended to be in compliance with State law. To the extent that any provision of this Ordinance is determined by a court of competent jurisdiction to be in conflict with, or preempted by State law, the applicable portions of State law, as applicable, shall be controlling and all other provisions of this Ordinance shall remain in effect.

Section 5. This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS 10th day of April, 2018.


MARGARET BLACK, Mayor

ATTEST:


CLARA VANBLARGAN, City Clerk

PASSED ON FIRST READING: 3/7/2018

PUBLISHED: 3/23/2018

PASSED ON SECOND READING: 4/10/2018

Approved as to form:


Ralf Brookes, City Attorney

Attachment 6



Madeira Beach

PERMIT NUMBER
3177
Issue Date: 11/21/2018

Permit Type: Fence

Parcel ID	Project / Job Site Address	
10-31-15-19962-000-0010	500 CRYSTAL DRIVE	
Zone Code	Lot Acreage	Firm Zone

Owner Information	
Name: METTLING, KELLY Phone:	Address: 500 CRYSTAL DR
Contractor Information	
Name: DISCOUNT FENCE Address: 11188 111TH STREET Phone: 727-320-5115	State License Number: PCCLB License Number: PCCLB License Exp. Date:
Building Information	
Proposed Use: Construction Type: Number of Stories: Estimated Cost of Construction: \$ 4,950	Total SF: Conditioned SF: Unconditioned SF:

Project Description: Fence

Scope of Work:

INSTALL 160' WHITE VINYL PRIVACY, DOUBLE, GATE SINGLES GATE

NOTICE: 24 HOUR NOTICE IS REQUIRED FOR INSPECTIONS. CALL (727) 391-9951, EXT: 285. PERMIT IS VOIDED SIX MONTHS AFTER DATE OF ISSUANCE IF NO CONSTRUCTION IS COMMENCED FAILURE TO COMPLY WITH THE MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE ABOVE STATEMENTS AND THE CITY OF MADEIRA BUILDING AND ZONING CODES ORDINANCES.



 Signature of Owner/Contractor


 Signature of Approving Official

Date: 11/21/18

Date: 11-21-18

PERMIT EXP. DATE:	05/20/2019
--------------------------	------------

TOTAL FEES:	\$ 154.99
--------------------	-----------

3706

Pre-FIRM-Post (Non-conversion agmt. req'd)

Com or Res



CITY OF MADEIRA BEACH
BUILDING & PERMITTING DEPARTMENT
300 MUNICIPAL DRIVE + MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 284 + FAX (727) 399-1131
Email to: buildingdept@madeirabeachfl.gov



ED
NOV 02 2018
BY: PK

PERMIT APPLICATION

2017 Florida Building Codes - 6th Edition
<https://codes.icrsafe.org/public/collections/FL>

Date of application: 11-1-18

Value of Job: \$ 4,950 Sq. Ft. 160' Parcel #: 10-31-15-19962-000-0010
(MATERIALS & LABOR TOTAL)

Project/Job Site Address: 500 Crystal Dr
Madiera Beach, FL 33708

Homeowner Name: Jamie Molnar

Homeowner Address: 2835 Hickory Ridge Dr
Lakeland, FL 33813

Contractor Company Name: Discount Fence

Company Address: 6227 147th Ave. N. Clearwater, FL 33760

Contact Person: Greg Farkas

State License: _____ PCCLB License: C11230

Telephone: (727) 504-3986 Email: Discountfences@outlook.com

11/18 - own email comments and take to John @ discount fences. GS.

11.02.18
Indicate exactly where fence will be constructed in yard, and where the fence will transition 6' to 4'.
Clarify opening measurement of single gate
Clarify gate height.
need detail of pickett fence with dimension of openings

APPROVED

11.6.18 jr
Fence must be entirely on property owners property.

CITY of MADEIRA BEACH
BUILDING DEPARTMENT
CODE REVIEW FOR CODE COMPLIANCE
B M E P G F
~~ALTERATION LEVEL 1-2-3~~
APPROVED FOR ISSUANCE FAD RUTZ
11/14/18 ROTO
"SUBJECT TO FIELD INSPECTION APPROVAL"

[THIS AREA RESERVED FOR THE BUILDING OFFICIAL'S STAMP]

Permit app missing 4th page?
PLEASE INCLUDE BEFORE ISSUANCE

TYPE OF WORK:

<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> REPAIR	<input type="checkbox"/> ALTERATION	<input type="checkbox"/> MECHANICAL	<input type="checkbox"/> MOVE
<input type="checkbox"/> DEMOLITION	<input type="checkbox"/> REMODEL	<input type="checkbox"/> FIRE	<input type="checkbox"/> ELECTRICAL	<input type="checkbox"/> SEAWALL/CAP
<input type="checkbox"/> BUILDING	<input type="checkbox"/> ADDITION	<input type="checkbox"/> GAS	<input type="checkbox"/> PLUMBING	<input type="checkbox"/> DOCK/DECK

Additional permit forms required:

*PERMIT EXTENTION	*SUBCONTRACTOR JOB CARD	*FEMA SI/SD
*INSPECTION AFFIDAVIT	*OWNER/CONTRACTOR DISCLOSURE	*NONCONVERSION AGREEMENT
*NOTICE OF COMMENCEMENT	*PINELLAS COUNTY AIR QUALITY	

Description of work: Install 160' White Vinyl Privacy
Double Gate
Single Gate

Property Holder Name
(if other than Homeowner):

Property Owner Address: 2835 Hickory Ridge Dr.
Lakeland, FL 33813

Fee Simple Title Holder
(if other than owner):

Fee Simple Title Holder Address:

Telephone: 863-899-5246 Email:

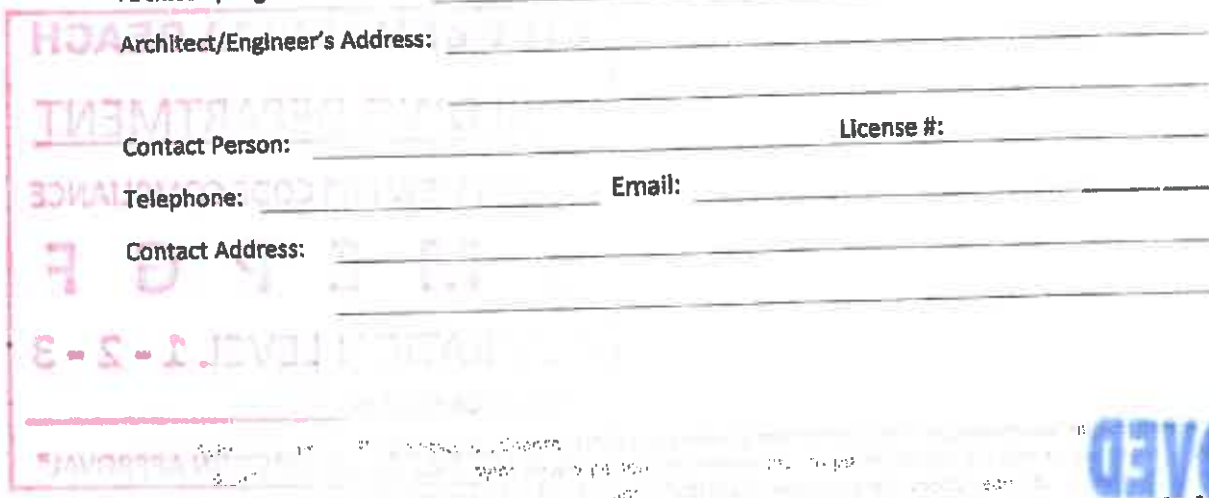
Architect/Engineer's Name:

Architect/Engineer's Address:

Contact Person: License #:

Telephone: Email:

Contact Address:



APPROVED
 Page 2 of 5

WARNINGS AND AFFIDAVIT

Warning to Owner: Your failure to record a Notice of Commencement shall result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Application is hereby made to obtain to do the work and installation as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for all work not provided in this application.

Owner's Affidavit: I certify that all foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating zoning and construction:

105.1 Permit Application of the Florida Building Code

105.1 When required, any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain a permit for the work.

108.2 Permit Fees, on all buildings, structure, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing an application, in accordance with the schedule as established by the applicable governing body.

105.8 Notice of Commencement, as per s. 713.135 Florida Statutes

[Warning to Owner: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.]

Jamie W Molina
Printed Name:

Jamie W Molina
Signature

10-31-18
Date

SUBCONTRACTOR LIST

Drywall/Plaster/Stucco: _____

License #'s: _____ **Phone:** _____

Frame & Trim: _____

License #'s: _____ **Phone:** _____

Masonry: _____

License #'s: _____ **Phone:** _____

Cement Finisher: _____

License #'s: _____ **Phone:** _____

Electrical: _____

License #'s: _____ **Phone:** _____

Mechanical: _____

License #'s: _____

Plumbing: _____

License #'s: _____ **Phone:** _____

Gas: _____

License #'s: _____ **Phone:** _____

Other: _____

License #'s: _____ **Phone:** _____

DISCLAIMER: According to Florida Statutes, 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.

A "Post FIRM" permit application will require a non-conversion agreement form signed & notarized by the property owner to be compliant with FEMA. This form must accompany the permit to be processed.

A CURRENT SURVEY IS REQUIRED FOR ALL FENCES, DRIVEWAYS, ADDITIONS, AND POOLS. AN ORIGINAL OR CERTIFIED COPY OF NOTICE OF COMMENCEMENT IS REQUIRED FOR ALL PROJECTS OF \$2,500.00 OR GREATER IN VALUE EXCEPT FOR MECHANICAL PERMITS AT \$7,500.00 OR GREATER AMOUNT, AND MUST BE PROVIDED AT THE TIME OF PERMIT ISSUANCE.

Pinellas County Air Quality Form: FOR DEMOLITION/ASBESTOS REMOVAL – CALL (727) 464-4422

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in Public Records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. F.S. 553.79(10), F.S. 553.79(11) requires notification to you and your responsibility, when applicable to comply with F.S. 469.003 to notify the Department of Environmental Protection of your intentions to remove asbestos, in conjunction with the demolition or renovation of your existing building, in accordance with State and Federal law.

I have read the notification and agree to comply as state and promise, in good faith, to deliver this statement to the person whose property is subject to attachment. I hereby certify that all statements made in this application are true and correct and that no construction has begun, except as other has been disclosed, before the permit for this work has been issued.

I have read, understand, and do hereby certify that the above-listed subcontractors are to be utilized on this project. Should there be any changes, I will notify the City of Madeira Beach Building Department, in writing, immediately. Failure to do so shall be cause for revocation of this building permit.

Signature of Owner/Agent



Signature of Contractor

Date

10/31/18

Date



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is a true copy as recorded in the official records of Pinellas County. This 2 day of Nov, 2018

KEN BURKE
Clerk of the Circuit Court & Comptroller

By: [Signature]
Deputy Clerk

Permit Number _____
Parcel ID Number 10-31-15-19962-000-0010

NOTICE OF COMMENCEMENT

State of Florida
County of Pinellas

THE UNDERSIGNED hereby gives notice that improvements will be made to certain real property, and in accordance with Section 713.13 of the Florida Statutes, the following information is provided in this NOTICE OF COMMENCEMENT.

1. Description of property (legal description): Jamie Molnar
a) Street (job) Address: 500 Crystal Dr. Madeira Beach FL 33708
2. General description of improvements: New Vinyl Fence

3. Owner information or Lessee information if the Lessee contracted for the improvement:
a) Name and address: Jamie Molnar 2835 Hickory Ridge Dr. Lakeland, FL 33813
b) Name and address of fee simple titleholder (if different than Owner listed above) Same
c) Interest in property: Owner

4. Contractor information
a) Name and address: Discount Fence/ Greg Farkas 6227 147th Ave. N. Clearwater, FL 33760
b) Telephone No.: (727) 504-3986 Fax No.: (optional) _____

5. Surety (if applicable, a copy of the payment bond is attached)
a) Name and address: _____
b) Telephone No.: _____
c) Amount of Bond: \$

6. Lender
a) Name and address: _____
b) Telephone No.: _____

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7., Florida Statutes:

a) Name and address: _____
b) Telephone No.: _____ Fax No.: (optional) _____

8. a. In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes.
b) Phone Number of Person or entity designated by Owner: _____

9. Expiration date of notice of commencement (the expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified): 20

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART 1, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Under penalty of perjury, I declare that I have read the foregoing notice of commencement and that the facts stated therein are true to the best of my knowledge and belief.

x [Signature]
(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Agent)
The foregoing instrument was acknowledged before me this 2 day of October, 2018
by Jamie Molnar Owner
for Jamie Molnar (Name of Person) Owner
for GG227282 Discount Fence (Name of party on behalf of whom instrument was executed)
Personally Known Produced ID
Type of ID Driver License
Print name Regenia Evans



DISCOUNT FENCE

BILL TO:
Jamie Molnar -- (863) 899-5246
500 Crystal Dr.
Madeira Beach FL
33708

Discount Fence
6227 147th Avenue N
Clearwater, FL
33760

JOB SITE ADDRESS:
500 Crystal Dr.
Madeira Beach FL
33708

Product Details	List Price	Total
160' White Privacy T&G	\$4,950.00	\$4,950.00
12 ft Double Gate	\$0.00	\$0.00
Single Gate w/keylock	\$0.00	\$0.00
Tearout & Removal	\$0.00	\$0.00
Permit	\$250.00	\$250.00
New England Caps	\$0.00	\$0.00
Paid Permit Ck 6004	(\$250.00)	(\$250.00)
	Sub Total	\$4,950.00
	Grand Total	\$4,950.00

File Copy

SUBJECT TO FIELD
INSPECTION APPROVAL

APPROVED

APP 3708

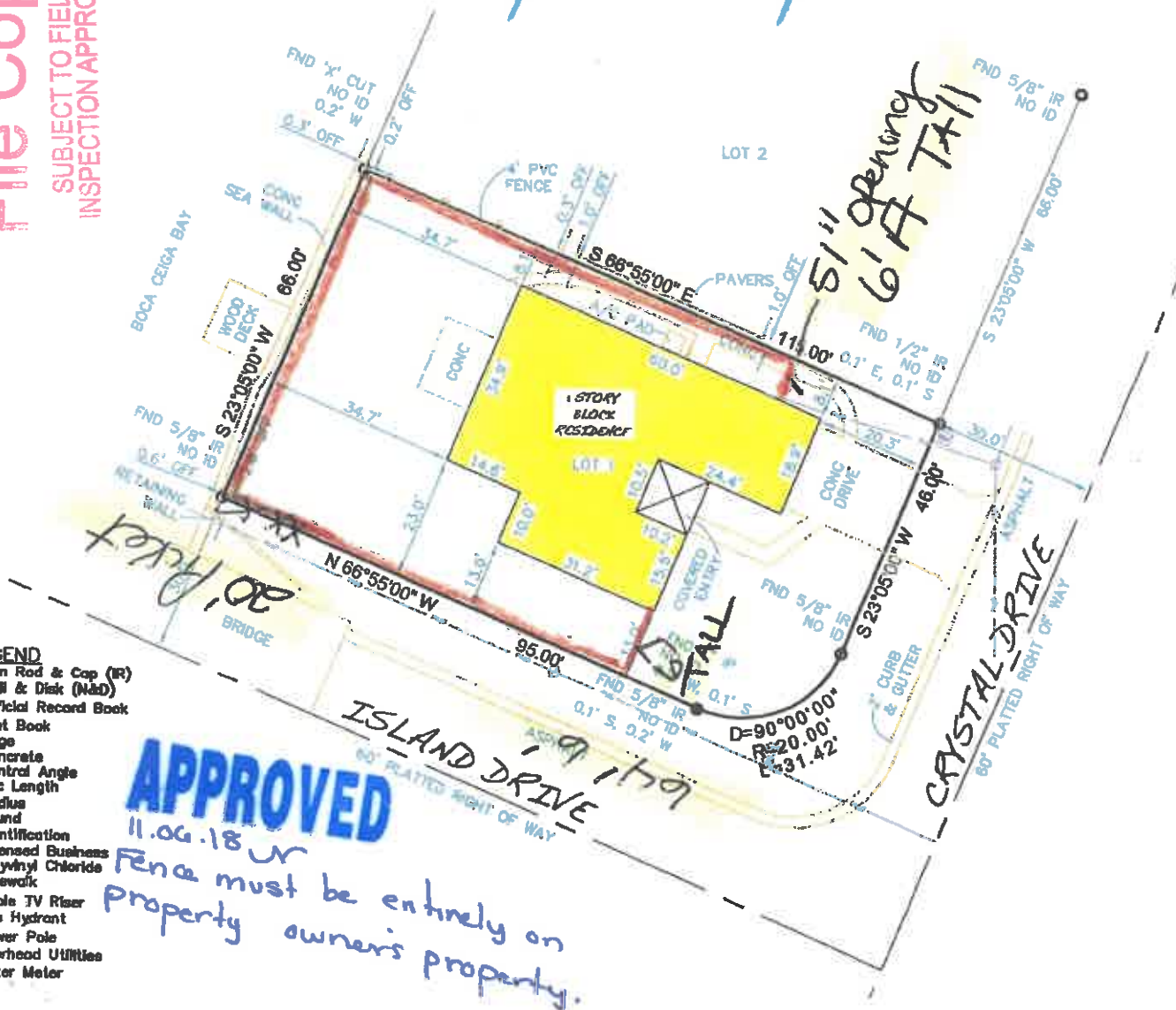
REVISED
11-2-18
NOV 02 2018
BY: PK

* ALL GATES NEED TO BE SPRING HINGED w/BOTH 54" LATCH + SWING OUT AWAY FROM POOL -

File Copy
SUBJECT TO FIELD
INSPECTION APPROVAL

Boundary Survey

NOTE:
THIS SURVEY WAS PREPARED WITH
THE BENEFIT OF A TITLE COMMITMENT.



CERTIFIED TO: (AS FURNISHED)
Leona Molnar and Janda Molnar
Fidelity National Title Insurance Company
Title Agency of Florida

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "AE", AREAS DETERMINED TO BE INSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12103C0191G, LAST REVISION DATE 9-3-2003, (PER MAPWISE WEBSITE). THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
CONCRETE SEA WALL CROSSES PROPERTY LINES.
OWNERSHIP OF SEA WALL AND FENCING NOT DETERMINED.
WOOD DECK LIES OFF OF PROPERTY.

BASIS OF BEARING:
BEARINGS ARE BASED ON THE NORTHWESTERLY RIGHT-OF-WAY OF CRYSTAL DRIVE WHICH HAS A BEARING OF S 23°05'00" W PER PLAT.

- NOTES**
- Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
 - The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
 - Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
 - The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
 - Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECTION.



END
n Rod & Cap (R)
H & Disk (M&D)
Ical Record Book
it Book
ge
ncrete
ntrol Angle
Length
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and
ntification
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yvinyl Chloride
ewalk
le TV Riser
s Hydrant
ner Pole
shead Utilities
ter Meter

APPROVED
11.06.18

Fence must be entirely on property owners property.

Kordis, Patty

REVISED

11-6-18

To: Jenny Rowan
Subject: FW: 500 crystal

REC
NOV 06 2018

PK

Patty Kordis
Permit Technician



City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

727-391-9951 Ext 246

From: Discount Fence [mailto:discountfences@outlook.com]
Sent: Tuesday, November 6, 2018 9:04 AM
To: Kordis, Patty <pkordis@madeirabeachfl.gov>
Subject: RE: 500 crystal

The picket is 20' 1.5x1.5 with 3.5 inch spacing
I just need her to know this information to finish the permit I believe

From: Kordis, Patty <pkordis@madeirabeachfl.gov>
Sent: Tuesday, November 6, 2018 8:44 AM
To: Discount Fence <discountfences@outlook.com>
Subject: RE: 500 crystal

There is nothing attached, you could try to email it to Gwen, Jenny's assistance. gsinkfield@madeirabeachfl.gov.

. . Patty

Patty Kordis
Permit Technician



City of Madeira Beach
300 Municipal Drive
Madeira Beach, FL 33708

727-391-9951 Ext 246

From: Discount Fence [<mailto:discountfences@outlook.com>]
Sent: Monday, November 5, 2018 8:37 AM
To: Kordis, Patty <pkordis@madeirabeachfl.gov>
Subject: 500 crystal

Please forward to J Rowan . this link I received is undeliverable. Sorry. If you can forward this to her thanks.

The picket is 20' 1.5x1.5 with 3.5 inch spacing

John-
Details of the picket fence is needed with dimension of openings...

Please forward this to Jenny via email [jrowan@madeirabeachfl.gov]

Disclaimer: Under Florida law (Florida Statute 668.6076), email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to the City of Madeira Beach. Instead, contact the appropriate department/division.

Attachment 7



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser

www.pcpao.gov

mike@pcpao.gov

Run Date: 26 May 2026

Subject Parcel: 15-31-15-43290-000-0080

Radius: 300 feet

Parcel Count: 24

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

GERSHOWITZ, JEFFREY D TRE
GERSHOWITZ, RACHEL R TRE
236 LIME CIR N
DUNEDIN, FL 34698-7550

FLA BEACH BLESSINGS LLC
ADVANTA IRA SERVICES LLC
485 QUIET RIVER LN
LOUDON, TN 37774-5688

SHIFFLETT, JAMES R
SHIFFLETT, BETTY J
483 S BAYSHORE DR
MADEIRA BEACH, FL 33708-2305

SHIFFLETT, JAMES R TRE
SHIFFLETT, ELIZABETH JANE TRE
483 S BAYSHORE DR
MADEIRA BEACH, FL 33708-2305

HOCH, JASON A
HOCH, LISA R
406 NORMANDY RD
MADEIRA BEACH, FL 33708-2313

NEEL, NICHOLAS F
NEEL, SHERILYN K
525 NORMANDY RD
MADEIRA BEACH, FL 33708-2315

BRYCE, MICHAEL P
BRYCE, SANDRA J
501 NORMANDY RD
MADEIRA BEACH, FL 33708-2315

KASTELIC, STEVEN J
RASEY, KATHY L
509 NORMANDY RD
MADEIRA BEACH, FL 33708-2315

DEANOVICH, MICHELLE
DEANOVICH, JOSEPH
505 S BAYSHORE DR
MADEIRA BEACH, FL 33708-2320

NOLAN, F JAMES
NOLAN, ELSA M
496 CRYSTAL DR
MADEIRA BEACH, FL 33708-2326

SLOSSER, DAVID ALLEN
SLOSSER, KAREN ALICE
494 CRYSTAL DR
MADEIRA BEACH, FL 33708-2326

WAGNER, JAMIE ALBERT
WAGNER, JAIME JO
500 CRYSTAL DR
MADEIRA BEACH, FL 33708-2373

HEARD, RANDY WAYNE
HEARD, DEBBIE SUE
6435 E HOBART ST
MESA, AZ 85205-4624

NGUYEN, THUAN TRONG TRE
LE, HUONG VINH TRE
3295 KLOETZEL LN
SAN JOSE, CA 95148-4390

PALMGREN, CAROL
PALMGREN, CHARLES JR
13046 ESTATES TER S
SEMINOLE, FL 33776-1707

ANF PROPERTIES LLC
FACKIH CONSULTING SOLUTIONS LLC
3341 62ND AVE N
ST PETERSBURG, FL 33702-6106

ANF PROPERTIES LLC
FACKIH CONSULTING SOLUTIONS LLC
PO BOX 47813
ST PETERSBURG, FL 33743-7813

6 DOCKS LLC
PO BOX 1158
ST PETERSBURG, FL 33731-1158

RESENDES, VIDALIA
1200 PACIFIC COAST HW UNIT 102
HUNTINGTON BEACH, CA 92648-4850

HICKEY, JEFFREY A
530 NORMANDY RD
MADEIRA BEACH, FL 33708-2324

BORZA, JOYCE M
400 NORMANDY RD
MADEIRA BEACH, FL 33708-2313

TESS, WILLIAM HENRY
502 NORMANDY RD
MADERIA BEACH, FL 33708-2343

JOHNSON, STEVE L
495 S BAYSHORE DR
MADEIRA BEACH, FL 33708-2305

SITLOH, MICHAEL J
505 NORMANDY RD
MADEIRA BEACH, FL 33708-2315



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.



PUBLIC NOTICE OF SPECIAL MAGISTRATE 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 **June 22, 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 APPEAL OF DECISION #2026-02

Application: AD 2026-02
Applicant: Westley & Courtney Mcneal
Property Owner(s): Westley & Courtney Mcneal
Property Address: 410 Normandy Rd. Madeira Beach, Florida 33708
Parcel ID: 15-31-15-43290-000-0080
Legal Description: ISLAND ESTATES UNIT NO. 1 SEC A LOT 8
Zoning/Future Land Use: Single-Family Residential (R-1), Residential Urban

Request: To construct a six-foot-tall privacy fence in the waterfront rear yard adjacent to the street.

Specific Code Provisions:

Sec. 110-447. – Location and height of fences, hedges, and walls.

(b) *Height.* Height is measured from the average grade elevation along the entire length of the fence, hedge, or wall.

(3) *Rear yards facing water.* From the required rear building line to the rear property line, all walls and solid fences abutting or facing waterbodies must not exceed three feet. Open fences must not exceed four feet. Fences up to six feet are permitted adjacent to sewage lift stations, city pocket parks, and along residential property lines that are adjacent to commercial uses. When deemed necessary by the permitting authority to ensure life-safety and security however, a six-foot high solid or open fencing may be allowed or required in the site plan review process for commercial and institutional uses. In rear yards facing the Gulf of Mexico, open and sand fences must

not exceed four feet and fencing that is wrought iron in appearance must not exceed six feet.

Sec. 86-29. – Administrative waiver

(h) *Appeal procedures.* A property owner that is denied an administrative waiver may, before presenting their grievance to any circuit court or other court of competent jurisdiction attacking the land development regulations, or any of its terms and provisions, shall first apply to the board of commissioners of the city, or petitioning the special magistrate for relief as in such cases made and provided.

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. *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 application is on file in the Community Development Department and may be reviewed between 8:30 a.m. and 4:00 p.m.

Posted: June 12, 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/>



AFFIDAVIT OF MAILING

Date: 6/4/2024

Mailings for Case # AD 2026 ->

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me this day Lisa Skermon personally appeared. He/she has mailed public notices to property owners within a 30 foot radius of the subject property.

Sworn and subscribed before me this 4th day of June, 2026.

Personally known or produced _____ as identification.



Notary Public Stamp

Mary Ann Hearn
Notary Public

6/4/2026
Date

*Copy of public notice is attached.



AFFIDAVIT OF POSTING

Date: 6/4/2026

Postings for: AD 2026-2

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

Lisa Seligman
Signature

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 4th day of June, 2026.

Personally known or produced _____ as identification.

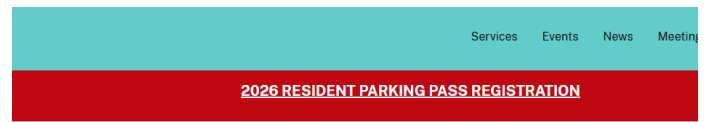
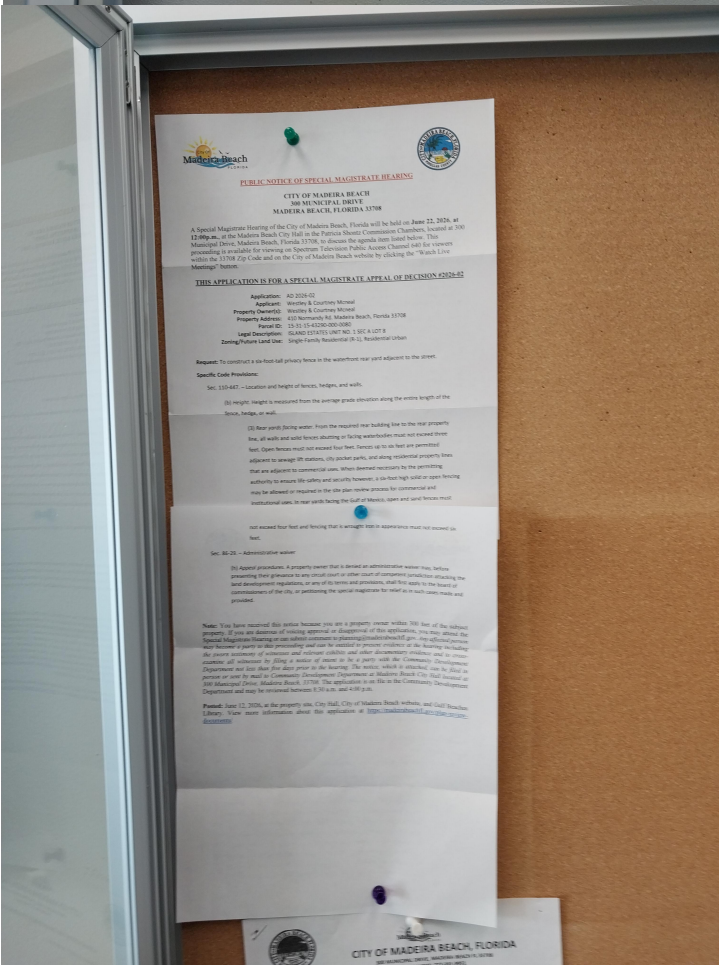
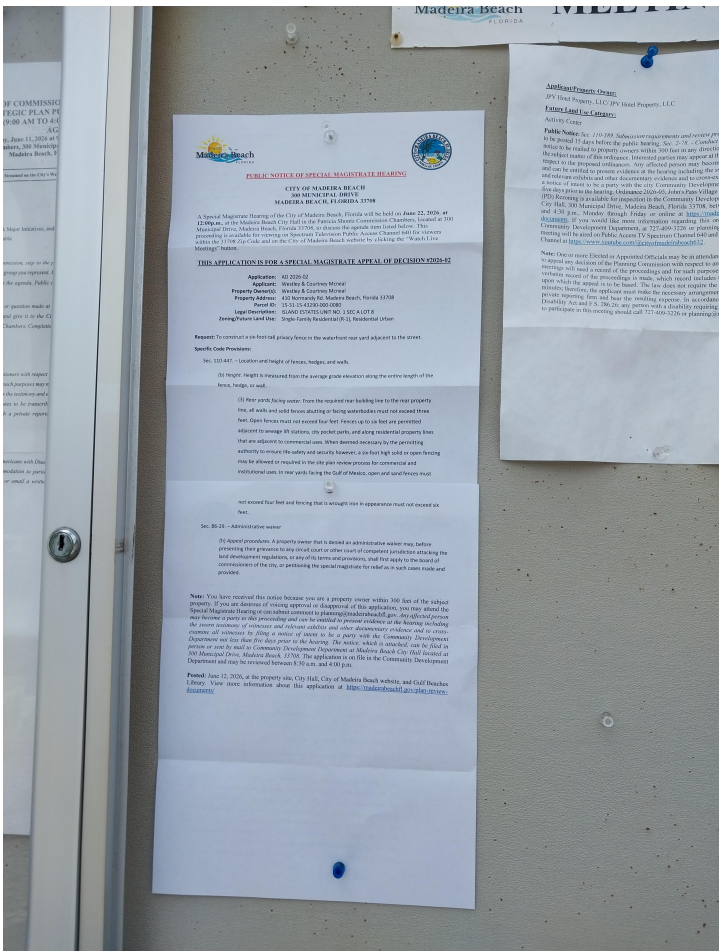


Notary Public Stamp

Mary Ann Hearn
Notary Public

6/4/2026
Date

*Copy of public notice is attached.



[Community Development Department](#) / [Community Development Documents](#) / [Plan Review Documents](#)

[← Back](#)

Plan Review Documents

John's Pass Village Activity Center Plan

Marci Forbes
Director of Community Development

Plan Review Documents

Special Magistrate Administrative Appeal

June 22, 2026 Special Magistrate Meeting

ADW 2026-04 & AD 2026-02: 410 Normandy Rd, Madeira Beach, FL 33708

[ADW 2026-04 & AD 2026-02: 410 Normandy Rd Application and Public Notice](#)