



CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT

300 MUNICIPAL DRIVE ♦ MADEIRA BEACH FLORIDA 33708

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



SPECIAL MAGISTRATE – VARIANCE APPLICATION

***Applicant: Name and Address**

Paul Mazzillo

422 137th Ave Circle

Madeira Beach, FL 33708

Telephone: (727) 643-9293

Email: paul@mazzillo.com

***Property Owner: Name and Address**

Paul Mazzillo

422 137th Ave Circle

Madeira Beach, FL 33708

Telephone: (727) 643-9293

Email: paul@mazzillo.com

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

422 137th Ave Circle

Legal Description: LOT 30, Gulf Shores Harbor Subdivision , as recorded in Plat Book 23, Page 51,

of the Public Records of Pinellas County, Florida

Lot Area: 3,056.95 SF (mol) **Width:** 38.79 ft (PLAT) ft. **Depth:** 75 ft.

Zoning District: R-2

Present Structures on Property: Single Family Home

Present Use of Property: Residential Single Family Home

Date Building Permit Request denied: N/A

Variance(s) needed from the zoning requirements: Front Setback: 20 ft required, 12 feet proposed

Rear Setback 25 ft required, 15 ft proposed, Side Setback (East) 5 ft required, 4 ft proposed (0.66 ft Existing)

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

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.



Special Magistrate Case #: _____

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

Fee: \$1800 ☐ Check # _____ ☐ Cash ☐ Receipt # _____

Date Received: 3 / 17 / 25 Received by: _____

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: ____ / ____ / ____ ☐ Approved ☐ Denied

- ☒ Zoning Variance for Residential Dwelling Units (One, Two or Three Units) \$1,800.00 per Variance
____ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$2,000.00 per Variance
____ After-the-fact Variance \$3,600.00 per Variance

X _____
Jenny Rowan, Community Development Director

Date: ____ / ____ / ____

X _____
Robin Gomez, City Manager

Date: ____ / ____ / ____

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APPLICATION (Must submit the following analysis)

This application to the Special Magistrate is requesting permission to: Reduce the required setbacks by approving 3 setback variances: (1.) Front Setback: 20 ft required, 12 feet proposed, (11.95 ft existing)
(2.) Rear Setback 25 ft required, 15 ft proposed (3.) Side Setback (East) 5 ft required, 4 ft proposed (0.66 ft Existing)

(Please see attached detailed response to the variance criteria.)

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

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

1. Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - a. *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

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2. Demonstrate that special condition (s) and circumstance (s) do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
3. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.
4. Demonstrate that the literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development regulations, subpart B of the code and would work unnecessary and undue hardship on the applicant.
5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land.
6. Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

OWNER CERTIFICATION

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

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

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

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

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

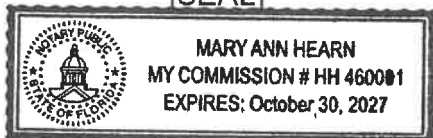
X *Paul John Mazzillo* Date: 3 / 17 / 25
Property Owner's Signature

STATE OF *Florida*

COUNTY OF *Dixie*

Before me this 17th day of March, 2025, *Paul John Mazzillo*
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification
and is ☐ personally known to me or ☒ has produced *Driver's License* as identification.

[SEAL]



Mary Ann Hearn
Public Notary Signature

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

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NON-OWNER (AGENT) CERTIFICATION

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

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

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

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

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X *Paul John Mazzillo* Date: 3 / 17 / 25
Property Owner's Signature (If other than the property owner)

STATE OF *Florida*
COUNTY OF *Pinellas*

Before me this 17 day of *March*, 2025, *Paul John Mazzillo*
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification
and is ☐ personally known to me or ☒ has produced *Driver's License* as identification.



Mary Ann Hearn
Public Notary Signature

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

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

- 1) Demonstrate that special conditions and circumstances exist which are particular to the land, building, or other structures in the same district. Special conditions to be considered shall include but are not limited to:
 - a. *Substandard or irregular shaped lot.* If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.
 - b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;
 - c. *Residential neighborhood character.* If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;
 - d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
 - e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.
- 2) The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance.
- 3) Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.
- 4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.
- 5) The variance granted is the minimum variance that will make possible the reasonable use of the land.
- 6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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

The hearing will be conducted in the following manner:

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

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

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

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Mazzillo And Associates, Inc.

Civil Engineering and Permitting
422 137th Avenue Circle
Madeira Beach, FL 33708
(727) 643-9293

Variance Request Narrative

3/17/2025

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

Prepared By: Paul Mazzillo, P.E.

This variance request seeks to allow a new single-family home to be built on a substandard lot. This request seeks a reduction of the required front, rear and east side yard setbacks.

- (1) The proposed front yard setback of 12 feet will match the existing homes front setback.
- (2) Reduce the required yard setback from 25 feet to 15 feet matching the neighboring property to the easts rear yard setback of 15 feet measured from the property line.
- (3) Reduce the required east side yard setback from 5 feet to 4 feet minimum. The existing side yard setback on the east property line varies from 0.66 to 1.74 feet. The proposed east side yard setback will average 5 feet varying from 4 to 6 feet due to the angled property line.

<u>SETBACK</u>	<u>REQUIRED</u>	<u>PROPOSED</u>
FRONT	20'	12' (Min) (Same as existing structure =12')
REAR	25'	15' (Min) (Matches east neighbors' rear setback = 15')
SIDE (W)	5'	5' (Min)
SIDE (E)	5'	4' (Min) 5'(Avg) (Slant property line, existing 0.66' to 1.74')

Response to Variance Criteria:

Variances, Sec. 2-507 (b)

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

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

Response: Lot 30 is substandard and is irregular. In the R-2 Zoning district the minimum lot depth size is 4,000 square feet and the minimum lot depth is 80 feet. Lot 30 is 3,056.95 square feet mol and has a depth of 75 feet.

- b. *Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*
- c. *Residential neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*

Response: The requested setbacks are similar to those found on other properties in the neighborhood. The proposed rear setback matches the existing setback of the adjacent property to the east.

- d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
- e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

Response: The existing home is slab-on-grade with living space on the ground floor. The current home is at risk of flooding during a flood event. A new home would be built to the current FEMA requirements and hurricane wind load criteria, making the structure more disaster-resistant than the existing home.

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

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

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

Response: Many of the surrounding lots are deficient in a similar nature and have setbacks of comparable size that have been approved in the past.

- (4) Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code or section 14-205 of the Code of Ordinances and would work unnecessary and undue hardship on the applicant.

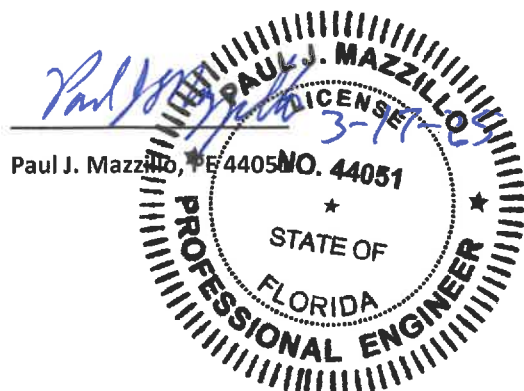
Response: Yes, without the variances, the applicant would not be able to construct a home of a similar size as other redeveloped properties found in the vicinity. The buildable area left after applying the required setbacks would deprive the applicant of a comparable level of use.

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

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

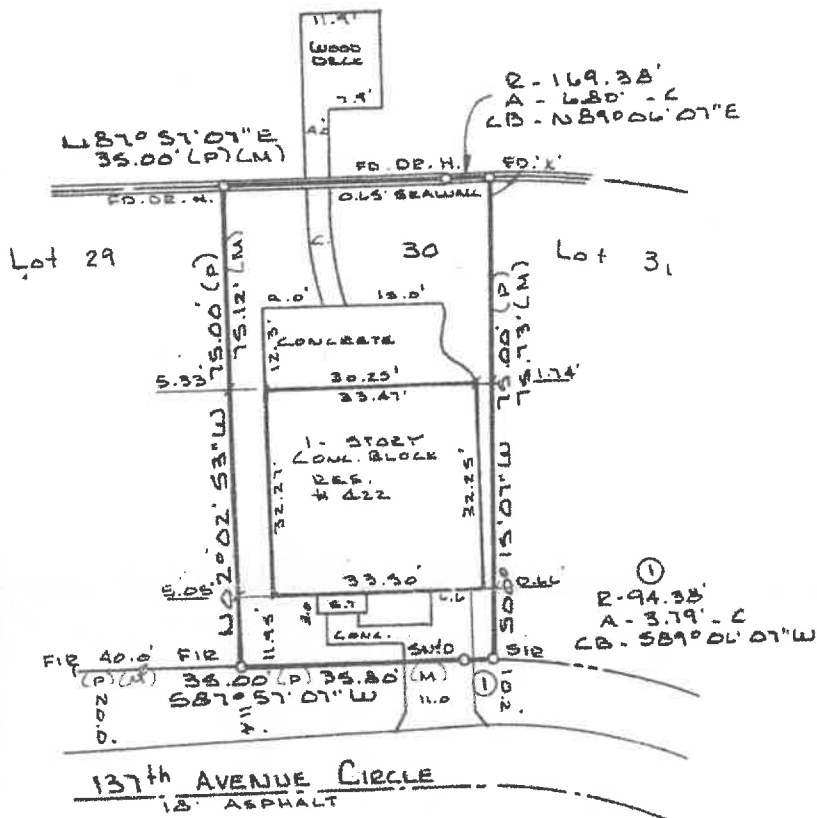
- (6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations or the Code of Ordinances (when it relates to section 14-205), and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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



BOLA CIEGA B

Sec. 10, Twp. 31S, Rng.



For: Paul Mazzillo

Prepared for Firemans Fund
and Badger Title Co.

SCALE: 1" = 30'

SURVEY OF

Lot 30, according to the plat of
GULF SHORES HARBOR SUBDIVISION
as recorded in Plat Book 23, Page 51
of the Public Records of Pinellas County, Florida

Flood Zone A12. Min. 11 ft. Community Panel #125127 0001B
dated 3/2/83.

BEARING BASIS: RECORDED PLAT

This Survey was prepared without the benefit of a title search and is
subject to all easements, Rights-of-way and others matters of record.
Survey not valid unless embossed with Seal.

I hereby certify that the survey represented
hereon meets the requirements of Chapter
21-HH-6 Florida Administrative Code.

[Signature]
Florida Surveyors Registration No. 1269

Field Book 567 Page 56 January 17, 1989

Prepared By:

JOHN C. BRENDLA & ASSOCIATES INC.

4015 82nd Avenue North
Pinellas Park, Florida 34665
813-576-7546

PLATE 23 51

ORDINANCE OF PARTIAL VACATION OF
Gulf Shores Harbor Sub
SUPERVISION HAS BEEN RECORDED IN
IN D. R. BOOK 10983 PAGE 2099
ON 6-5 2000
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: [Signature] DEPUTY CLERK

Starting at the intersection of the center line of State Road No. 223 and a boundary line established by agreement between the adjacent property owners of Government Lot 2, Section 18, Township 31 South, Range 15 East; and Government Lot 2, Section 15, Township 31 South, Range 15 East and recorded in Pinellas County Deed Book 755, Page 269, run thence along the center line of State Road No. 223, South 43°-32'-53" East 102.36 feet, thence North 41°-37'-01" East 50.00 feet to a point on the easterly boundary of said State Road No. 223, said point being the Point of Beginning, run thence South 48°-12'-53" East about 200 feet to a point on the westerly boundary of said State Road No. 223, said point being the Point of Beginning, run thence South 10°-31'-07" East 482.67 feet, thence by a curve Arc 480.53 feet, chord North 0°-45'-53" West 334.86 feet, Δ = 162°-38'-07", Radius 165.38 feet, thence South 87°-57'-01" West 436.06 feet, thence by a curve Arc 298.29 feet, chord South 42°-07'-01" West 263.42 feet, Δ = 30°-00"-00", Radius 165.38 feet, thence by a curve Arc 228.58 feet, chord South 38°-18'-22" West 175.00 feet, Δ = 22°-00'-00", Radius 165.38 feet, thence South 22°-58' W 418.73 feet, thence South 01°-37'-01" West 200.00 feet to the Point of Beginning, all lying and being in the northerly part of Government Lot 2, Section 18, Township 31 South, Range 15 East, Madeira Island, Pinellas County, Florida.

ENGINEER'S CERTIFICATE
I hereby certify that on this 15th day of August A.D. 1941 this property was surveyed and staked and that measurements were set as indicated and that the dimensions, angles and lengths are correct.

ENGINEER'S CERTIFICATE

G. L. Pfaff Jr. Civil Engineer
Florida Engineering Registration No. 306
Florida Surveying Registration No. 29

Approved for the Board of County Commissioners this 29th day of August, A.D. 1941

W. H. Muller County Engineer

Scale 1" = 50'

Scale 1" = 50'

Gov't Lot 2, SECTION 10, TWP. 31 SOUTH, RANGE 15 EAST.

Gov't Lot 2, SECTION 10, TWP. 31 SOUTH, RANGE 15 EAST.

Not included in this plat

Boundary Line established by agreement of adjacent property owners

40	40	40
1	2	3

R.O.D.

Previously deeded

South 49° 22' 55" East 152.28'

Previously dedicated for street

rd on State Road No. 223

DEDICATION

DEDICATION
I Lillian B. Mitchell, joined by my husband W. H. Mitchell hereby certify that I own in fee simple land herein described as Gulf Shores Harbor Subdivision and that we dedicate to the public all streets, alleys and public places shown on this plat of the Subdivision of said lands.

Signed sealed and delivered in the presence of

Harry F. Robbins witness Lillian R. Mitchell (Seal)

W.R. Dowling witness W.H. Mitchell (Seal)

State of Florida }
County of Pinellas }
I hereby certify that on this 23rd day of August A.D. 1941, before me personally appeared Lillian B. Mitchell and M. K. Mitchell, her husband to me known to be the persons abovesaid in and who executed the foregoing certificate and declaration and acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed and intended, and that the said M. K. Mitchell on a separate and private examination taken and made by and before me and attested and given from my said husband and myself, duly qualified as a party to the said act and declaration for the purpose of relinquishing, renouncing and conveying all right, title and interest in either of Power or separate property, real, personal or equitable in and to the lands therein declared to be the public lands of the United States, did so freely and voluntarily and without any compulsion, constraint, apprehension or fear of the said husband.

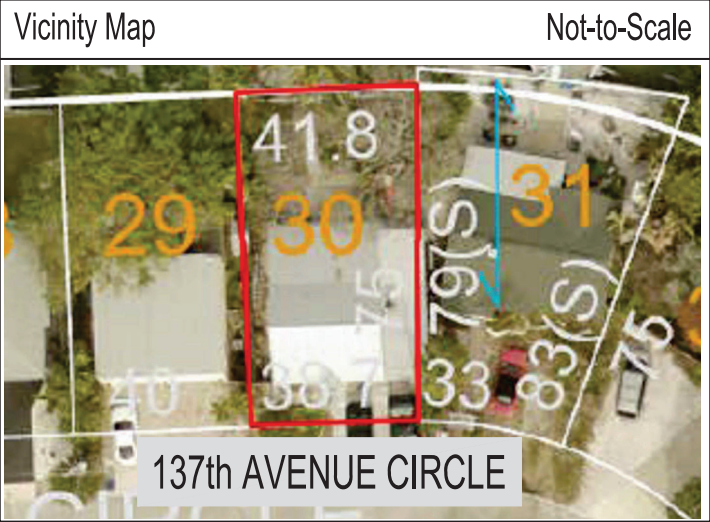
Witness my hand and official Seal of St. Petersburg, County of Pinellas, the day and year aforesaid.

Witness my hand and official Seal at St. Petersburg, County of Pinellas, the day and year aforesaid.

My commission expires April 8, 1945

W. B. Downing
Notary Public, State of Illinois at City

This notice map to plot conforms to the requirements of Chapter 10079, Laws of Florida, as amended, and was filed for record on the 19th day of February, 1921, at 4:12 P. M. at the office of the Clerk of the Circuit Court, in and for the County of Franklin, Florida, in Public Record Book No. 1, Page 54.



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

Bearing Basis:

CENTER LINE OF 137th AVENUE CIRCLE AS S87° 57' 07"W
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

Elevations, if shown:	
Benchmark: AG 0775	Elevations on Drawing are in:
Benchmark Elev.: 51.07'	N.G.V.D.29 <input type="checkbox"/> N.A.V.D.88 <input checked="" type="checkbox"/>
Benchmark Datum: N.A.V.D.88	

CERTIFICATION

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

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

Surveyors Notes:

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

Survey Related Information and Certifications:

CERTIFIED TO
PAUL MAZZILLO

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

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

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

= UTILITY POLE	= WELL	= HANDICAP SPACES
= LIGHT POLE	= CENTER LINE	= TEMPORARY SITE BENCHMARK
= CATCH BASIN	= PARTY WALL	
= FIRE HYDRANT	= AIR CONDITIONER	
= MANHOLE	= SEPTIC LID	= SEC. QTR. CORNER
= WATER VALVE	= ELEV. SHOT	= SECTION CORNER
= WATER METER		

Legal Description:

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

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

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

PRINTING INSTRUCTIONS

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

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

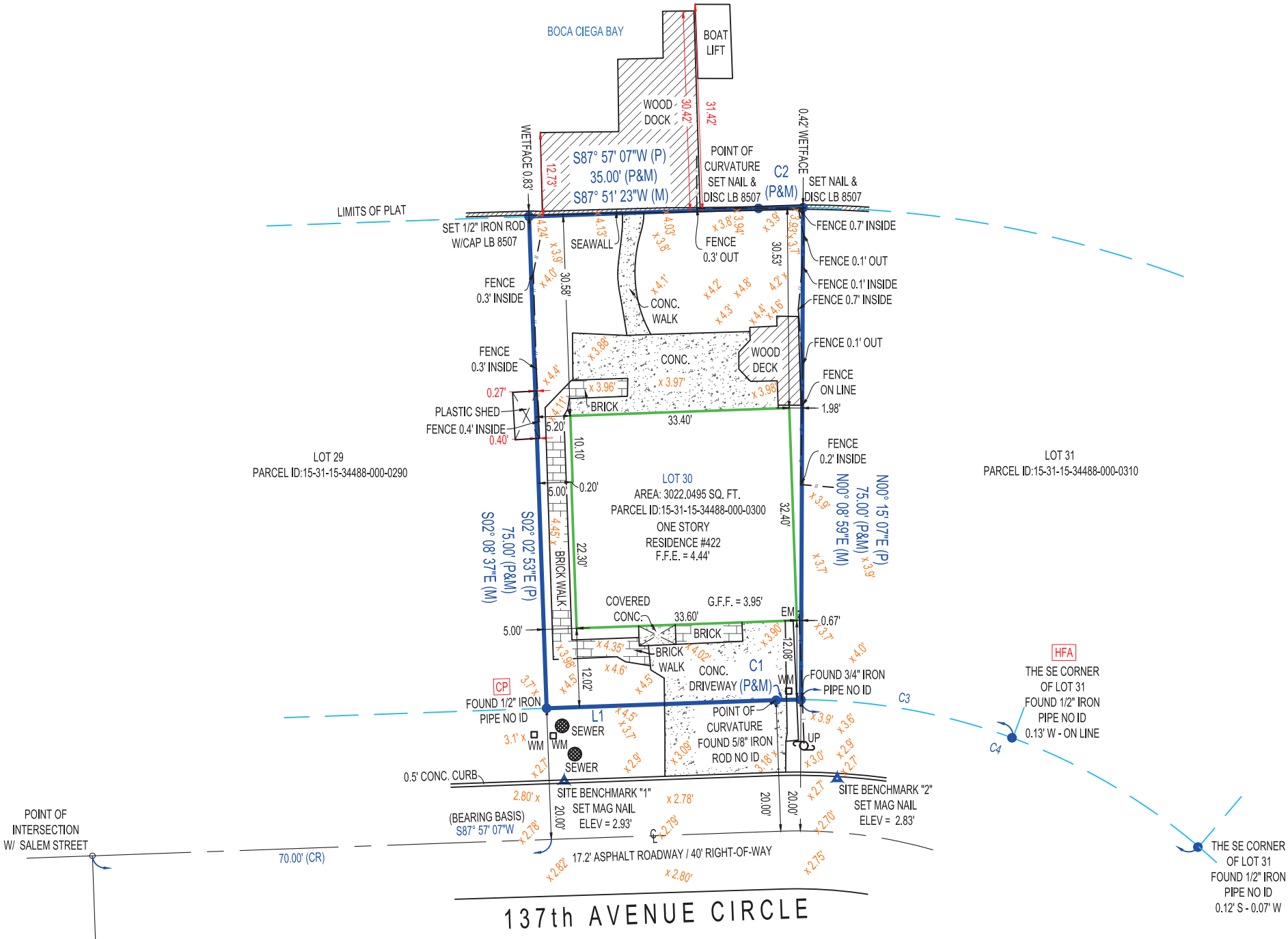
LICENSED BUSINESS No. 8507



SCALE: 1"=20'

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

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



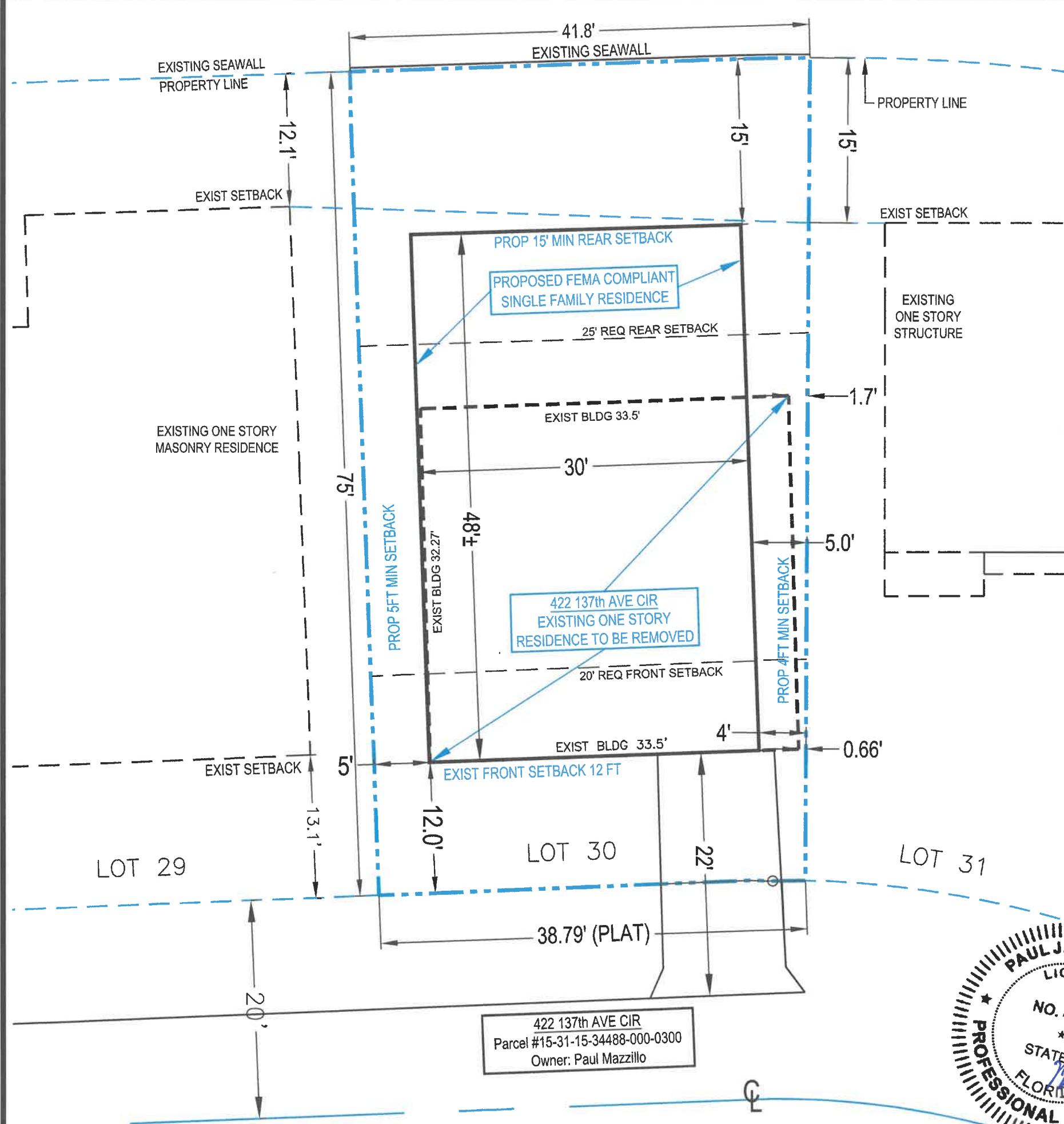
CURVE TABLE				CHORD LENGTH	CHORD BEARING
	LENGTH	RADIUS	DELTA		
C1	3.79'	94.38'	02°18'00"	3.79'	N89°06'07"E
C2	6.80'	169.38'	02°18'00"	6.80'	S89°06'07"W
C3(P)	33.00'	94.38'	20°02'00"	32.83'	S79°43'53"E
C3(M)				32.69'	S79°47'17"E
C4(CR)	66.00'	94.38'	40°04'00"	64.66'	S69°42'53"E
C4(M)				64.54'	S69°38'27"E

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

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

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

LICENSED BUSINESS No. 8507



LEGAL DESCRIPTION

SEC 15 TWP 31 S RNG 15 E
LOT 30 GULF SHORES HARBOR SUBDIVISION
AS RECORDED IN PLAT BOOK 23, PAGE 51
PINELLAS COUNTY PUBLIC RECORDS

SITE SUMMARY TABLE	
SITE ADDRESS:	422 137TH AVE CIR
PARCEL ID:	15-31-15-34488-000-0300
ZONING:	RES-2
LAND-USE:	RESIDENTIAL
LOT WIDTH	VARIES 38.79± TO 41.8± (Plat)
LOT DEPTH	75'
LOT AREA	2,949± SF

BUILDING SETBACKS		
SETBACK	EXISTING	PROPOSED
FRONT	12'	12'
REAR	30'	15' (Min)*
SIDE (W)	5'	5' (Min)
SIDE (E)	0.66' (Min)	4' (Min)

* Reference Sec. 110-93(3)(e)&(f)
Neighboring Property (W) Rear Setback = 12'
Neighboring Property (E) Rear Setback = 15'

APPLICABLE ORDINANCES:

Sec. 110-93. Intent Concerning Nonconforming Property, Structures and Uses.

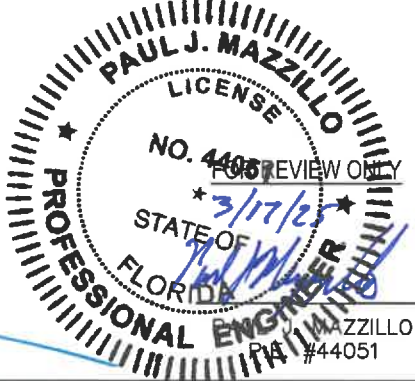
(3) Nonconforming Structures

(e) Owners of nonconforming residential structures in an R-1, R-2 or R-3 zoning district that wish to elevate their existing structure with the lowest habitable floor at or above base flood elevation shall be exempt from the setback provisions of article V of this chapter regarding district regulations, so long as the structure remains within the existing footprint.

(f) In recognition of the narrow lot dimensions and the preexisting development patterns in some older neighborhoods, the following exceptions can be considered by the planning commission for approval for lots of 50 feet in width or less:

(2) Legal nonconforming uses and structures in an R-1, R-2 or R-3 zoning districts with a front or rear yard setback encroachment may extend the encroachment to an average of that encroachment on lots adjoining and facing it.

422 137th AVE CIR
Parcel #15-31-15-34488-000-0300
Owner: Paul Mazzillo



PRELIMINARY SITE PLAN - 422 137TH AVE CIR, MADEIRA BCH FOR BUILDING SETBACK VARIANCE REQUEST					SHEET	
DESIGNED BY	DATE	BY	REVISION		1	1
PAJ	3-17-25					
PAJ	001-001					
PAJ						

422 137TH AVE CIR
MADEIRA BCH, FL 33708
ENGINEERING BUSINESS No. 27388



300 Municipal Drive
Madeira Beach, Florida 33708
(727) 391-9951

January 25, 2025

RE: Preliminary Determination of Substantial Damage

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

PCPAO FEMA Structure Valuation: \$40,864

Cost of Damages: Estimated to exceed 50% of the above value

Attn: Property Owner,

As required by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) and the city's Floodplain Management Ordinance, the city has conducted a substantial damage assessment on your structure. Based on the assessment process, **the city has made a preliminary determination that your structure has been substantially damaged by the weather event associated with Hurricane Helene**, resulting in the estimated cost to repair your structure equal to or exceeding 50 percent of the pre-damaged building value (also known as "FEMA's 50% Rule"). This determination utilized the Substantial Damage Estimator 3.0 tool and supporting guidance from FEMA P-784 user manual as well as the *Substantial Improvement/Substantial Damage Desk* Reference FEMA P-758 publication.

Based on this preliminary determination the structure must be brought into compliance with all applicable Florida Building Codes (FBC) 2023, Madeira Beach Land Development Regulations (LDRs), and all flood provisions of the NFIP. One significant requirement for newly constructed buildings is that the lowest floor and/or structural component, as defined in the FBC, must be elevated above the base flood elevation (BFE) as shown on FEMA's Flood Insurance Rate Map (FIRM), plus an additional four feet of freeboard. This is known as the required Design Flood Elevation (DFE).

With this determination, your options are the following:

1. If you wish to keep the current structure, the lowest habitable floor and/or structural member of the building will be required to be elevated above design flood elevation (DFE). You may also choose to keep the shell of your existing structure, utilizing the area below for storage, parking, and access only, building the new elevated living level at the required elevation.
2. Demolish the existing structure and build a new elevated FEMA and Florida Building Code (FBC) compliant structure.
3. **If you believe the determination is not accurate**, you can appeal the determination through submission of additional information.
 - The appeal submission will be processed as an interior remodel permit submission and must include photos and an itemized estimate for the costs of repair. The itemized cost must include all costs to return the existing building to its pre-damaged condition. The valuation for all labor and materials must be included and valued at fair markets costs, even if labor and materials are donated.

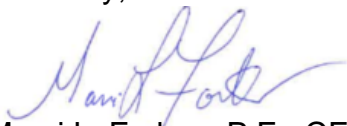
- The permit application must include a completed substantial improvement packet and a signed cost estimate provided by a contractor listing all labor and material costs necessary to restore the building to its pre-damaged condition.
- This information will be evaluated by the building official and floodplain coordinator to determine if the preliminary determination can be revised. If this initial determination is revised so that the building is no longer considered substantially damaged, the revised assessment will replace the determination contained in this letter and will become the official determination for your building.
- In addition, you can provide an Actual Cash Value (ACV) appraisal to support a higher value for your structure. Please provide the ACV checklist to your appraiser for use in their process.

The Madeira Beach Code of Ordinances allows for single family homes to rebuild in their original footprint providing that the homeowner has a survey showing the setbacks and all other criteria are met. If you have any questions regarding building back, please reach out to planning@madeirabeachfl.gov. Also be aware that some structures may be non-compliant with current codes and require extra steps to rebuild, so please contact the email address provided for verification of rebuild rules and guidelines.

Note that the FBC requires a permit to be issued prior to beginning work, including but not limited to demolishing, renovating, repairing, or building. Construction activities started prior to receiving an issued building permit covering that scope of work are violations however, the city has encouraged and supported interior demolition activities to prevent further damage while residents are obtaining their project numbers for work moving forward to conduct repairs.

City staff understands these are extremely hard times and residents are facing difficult decisions, staff are here to help answer any questions you may have. Please visit the Madeira Beach main web page for more emergency response and flood recovery information and check out the City's Flood Information website at <https://madeirabeachfl.gov/flood-resources/> . If you would prefer to speak with staff, please email planning@madeirabeachfl.gov. Due to our current workload and staff performing filed inspections, it is difficult to take phone calls so please email and we will respond as soon as possible.

Sincerely,



Marci L. Forbes, P.E., CFM
Community Development Engineer