



2023-08



SPECIAL MAGISTRATE – VARIANCE APPLICATION

*Applicant: Name and Address

James Thompson
Innovative Homes + Remodeling Inc
709 Crystal Lake Rd Lake Pl 33548
 Telephone: (727) 425 4737
 Email: jt@ihri.us

*Property Owner: Name and Address

(Nora Coreas) Acquisition Group LLC
13436 Boca Ciega Ave
Medeira Beach
 Telephone: (818) 357 6040
 Email: Acquisitionmanager360@gmail.com

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

13436 Boca Ciega Ave Medeira Beach
 Legal Description: Page's Replot of Mitchell's Beach
BLK C Lot 9

Lot Area: _____ Width: _____ ft. Depth: _____ ft.

Zoning District: R-2

Present Structures on Property: Single Family Home (Deno)

Present Use of Property: _____

Date Building Permit Request denied: NA

Variance(s) needed from the zoning requirements: Reduce front setback from
20' to 12' to be same as house removed

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 # 6637102107 Cash Receipt # _____

Date Received: ___/___/___ Received by: _____

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: ___/___/___ Approved Denied

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

X _____ Date: ___/___/___
Jenny Rowan, Community Development Director

X _____ Date: ___/___/___
Robin Gomez, City Manager

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APPLICATION (Must submit the following analysis)

This application to the Special Magistrate is requesting permission to: _____

Reduce front set back from 20' to 12'

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

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

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

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

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OWNER CERTIFICATION

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

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

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

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

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

x Nora Corea _____ Date: 10 126 123
Property Owner's Signature

STATE OF California

COUNTY OF Los Angeles

Before me this 26th day of October, 2022, 2023 _____

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 US passport as identification.



See Attached Certificate

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.

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x Nora Corcoran Date: 10 126 1993
Property Owner's Signature (if other than the property owner)

STATE OF California

COUNTY OF Los Angeles

Before me this 26th day of October, 2022, 2023

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 US passport as identification.



See Attached Certificate
Public Notary Signature

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California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles } s.s.

Subscribed and sworn to (or affirmed) before me on this 26th day of October,
Month

2023, by Nora Elsi Cuevas and
Name of Signer (1)

_____,
Name of Signer (2), proved to me on the basis of

satisfactory evidence to be the person(s) who appeared before me.

Adila Khan
Signature of Notary Public



ADILA KHAN - #2311097
For other required information (Notary Name, Commission No. etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled for the purpose of

Non-Owner (agent)
Certification

containing 1 pages, and dated 10/26/2023

Additional Information
Method of Affiant Identification
Provided to me on the basis of satisfactory evidence: <input type="radio"/> form(s) of identification <input type="radio"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # <u>77</u> Entry # <u>6</u> Notary contact: <u>818-349-2584</u>
Other <input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____

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.

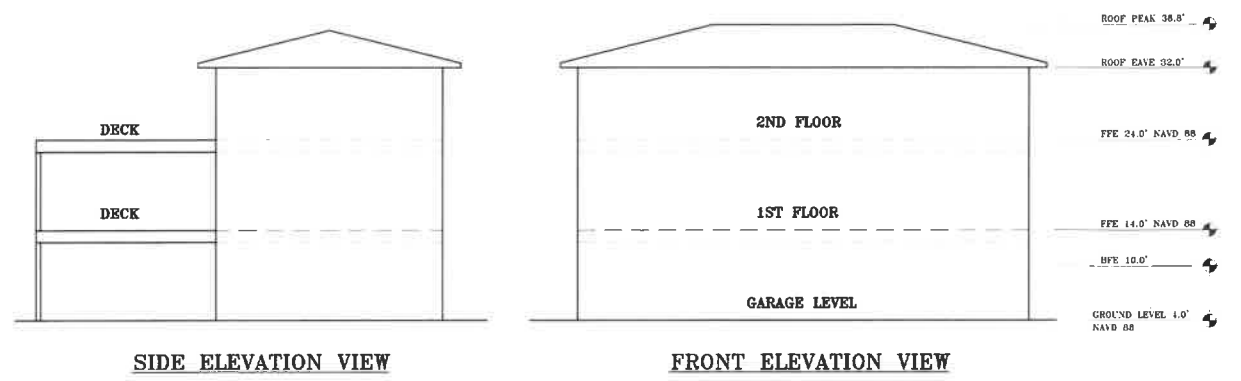
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Oct. 26th, 2023

Re; 13436 Boca Ceiga Ave Madeira Beach

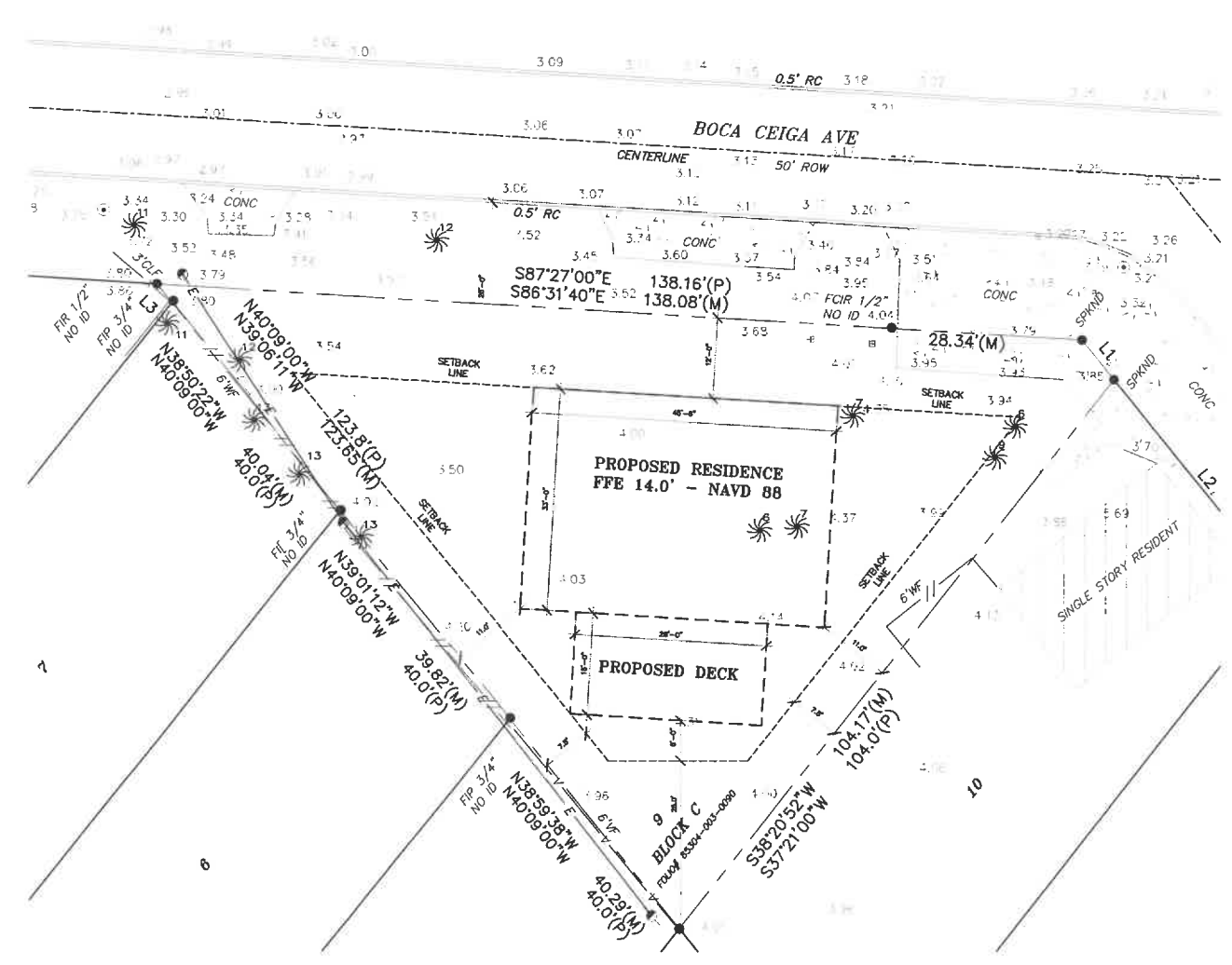
Explanations on how the property meets City Code Sec 2-507

1. The lot is irregularly shaped. Additionally, the new structure will be updated to meet or exceed current building codes. The new structure will be an elevated home.
2. The previous structure was located within the same 12' setback. There are no changes that have been made by applicant.
3. The original structure and multiple structures currently located on the same street have used the 12' mark as their front setback.
4. Multiple homes in the neighborhood have been granted a 12' setback.
5. Returning to set standards previously established will ensure a minimal impact.
6. Allowing the uniformity of front setbacks will be an equitable outcome for the applicant, the public, and neighbors alike.



SIDE ELEVATION VIEW

FRONT ELEVATION VIEW



SITE PLAN
SCALE: 1:10



ALL INFORMATION TO BE FIELD VERIFIED

FLOOR AREA RATIO		IMPERVIOUS AREA CALCS:	
PROPERTY AREA =	6,673 SQ FT	PROPERTY AREA =	6,673 SQ FT
PROPOSED 1ST FLR. AREA =	1,500 SQ FT	PROPOSED BLDG. AREA =	1,500 SQ FT
PROPOSED 2ND FLR. AREA =	1,500 SQ FT	PROPOSED DECK AREA =	420 SQ FT
TOTAL FLOOR AREA =	3,000 SQ FT (44.9%)	TOTAL IMPERVIOUS AREA =	1,920 SQ FT (28.7%)

SITE DATA TABLE

SEAL

Richard Coates, P.E.
P.O. BOX 8374
CLEARWATER, FLORIDA 33758
FLORIDA LICENSED ENGINEER # 54133
RLVCP@GMAIL.COM 727.755.1609



EXISTING SITE PLAN
13436 BOCA CIEGA AVE
MADERIA BEACH, FLORIDA 33708

JULY 5, 2023
DESIGN BY:
CHECKED BY:
REVISIONS:

C2