



CITY OF MADEIRA BEACH
PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 255 ♦ FAX (727) 399-1131
Email to: planning@madeirabeachfl.gov

SPECIAL MAGISTRATE – SECT. 110-93 VARIANCE APPLICATION

Variance Request for conversion of nonconforming carport or garage to use as occupied space

*Applicant: Name and Address

Brenda Fernandez
309 Madeira ave
Orlando FL 32825

Telephone: 407-777-1785
Email: Byanet17@yahoo.com

*Property Owner: Name and Address

Brenda Fernandez and Robert
Ramon. ~~309~~ 105 147 ave
Madira Beach FL 33708

Telephone: 407-777-1785
*Email: Byanet17@Tcloud.com

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

105 147 ave E Madeira Beach FL 33708

Legal Description: Sunny Shores Lot 37

Zoning District/Future Land Use: 0110 Single Family Home

Specific conditions special to this property justifying the granting of this variance request to the

Special Magistrate: _____

In consideration of granting a Section 110-93 authorized variance for conversion of a specific portion of a nonconforming structure for occupied use, the special magistrate shall find that such grant will not adversely affect the public interest. In granting any authorized variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with the 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 the land development regulations. The variance shall apply only to the existing structure addressed in the application and cannot be applied to any subsequent structure on this or any other lot now or in the future.

SUCH USES SHALL BE FOUND BY THE SPECIAL MAGISTRATE TO COMPLY WITH THE FOLLOWING REQUIREMENTS AND OTHER APPLICABLE REQUIREMENTS. The Applicant must provide responses to these relevant considerations on an attached page.

1. That the use is a permitted use.
2. That the conversion area is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
3. That the converted area will not cause substantial injury to the value of the other property in the neighborhood where it is to be located.
4. That the structure with converted area will be compatible with adjoining development and the proposed character of the district where it is to be located.
5. That adequate landscaping and screening is provided as required in the land development regulations mitigate anticipated impact upon adjoining property.
6. That the minimum off-street parking to meet code requirements remains after conversion.
7. That the use conforms to all applicable regulations governing the district where located, except as may otherwise be specified in this variance.
8. The conversion of use to the specified area will not grant to the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.
9. No application for variance use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines, or penalties owed to the City by the applicant or the owner or possessor of the property under any section of the Code.

Dear Special Magistrate and City of Madeira Beach,

I hope this letter finds you in good health and high spirits. I am writing to formally request a variance for the conversion of the garage at my residence 105 147th ave Madeira beach Florida 33708 into additional living space for my family and me. I firmly believe that granting this variance will greatly enhance the quality of our living conditions while maximizing the square footage of our modest home.

As you may be aware, our house is a small dwelling comprising only 890 square feet. By converting the garage into an additional room with an attached bathroom, we will effectively utilize the existing square footage of our property and create a dedicated space that will meet the needs of our family. This additional living area will provide us with the necessary privacy, comfort, and functionality that is currently lacking in our home.

Furthermore, the proposed garage conversion aligns with the overall character and design of our neighborhood. Many of our neighboring properties have made similar modifications, and it has not only enhanced their living conditions but has also contributed to the overall aesthetic value of the community. We are committed to ensuring that our project adheres to all relevant building codes, safety regulations, and architectural guidelines to maintain the integrity and harmony of the neighborhood.

In conclusion, I kindly request your favorable consideration of our variance request for the garage conversion. The additional room and bathroom will greatly benefit our family and significantly improve the quality of our living space within the constraints of our existing property. We understand the importance of following due process and appreciate your time and attention to this matter.

Thank you for your understanding and anticipated support. Should you require any additional information or documentation to assist in the evaluation of our request, please do not hesitate to contact me at 407-777-1785 or byanet17@iCloud.com. I would be more than happy to provide any necessary details or arrange a meeting to discuss the matter further.

Brenda Fernandez

CK W. Allen - JCMG 12/14/11 3:12 PM

1. That the use is a permitted use.
 - Yes, the space will be used for residential use only as part of the existing home.
2. That the conversion area is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
 - Yes, the variance space will be up to code and with all the necessary inspection. No major changes will be done on the structure of the house causing no harm to public safety.
3. That the converted area will not cause substantial injury to the value of the other property in the neighborhood where it is to be located.
 - The converted area will not cause any type of injury to the value of the other properties in the neighborhood where it is located.
4. That the structure with the converted area will be compatible with adjoining development and the proposed character of the district where it is to be located.
 - The exterior of the property will not be affected by the conversion.
5. That adequate landscaping and screening is provided as required in the land development regulations mitigate anticipated impact upon adjoining property.
 - Landscaping will not be affected by the conversion.
6. That the minimum off-street parking to meet code requirements remains after conversion.
 - The property has 3 parking off-street spaces after conversion which certified the city requirements for off-street parking spaces for the property.
7. That the use conforms to all applicable regulations governing the district where located, except as may otherwise be specified in this variance.
 - Yes, this is an existing space which will be converted into living space, and it conforms to all applicable regulations governing the district where located.
8. The conversion of use to the specified area will not grant the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.

- The conversion of the specified area will not grant any privilege to the land.
9. No application for variance use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines, or penalties owed to the City by the applicant or the owner or possessor of the property under any section of the Code.
- All outstanding charges and fees have been paid to the city.

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

Sec. 110-121. – Authorization by special magistrate.

Special exception uses shall be permitted only upon authorization by the special magistrate.

Sec. 110-122. – Denial.

The special magistrate may deny special exception uses when not in harmony with the purpose and intent of the City land development regulations as outlined in this article.

Sec. 110-123. – 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 a special exception use request.

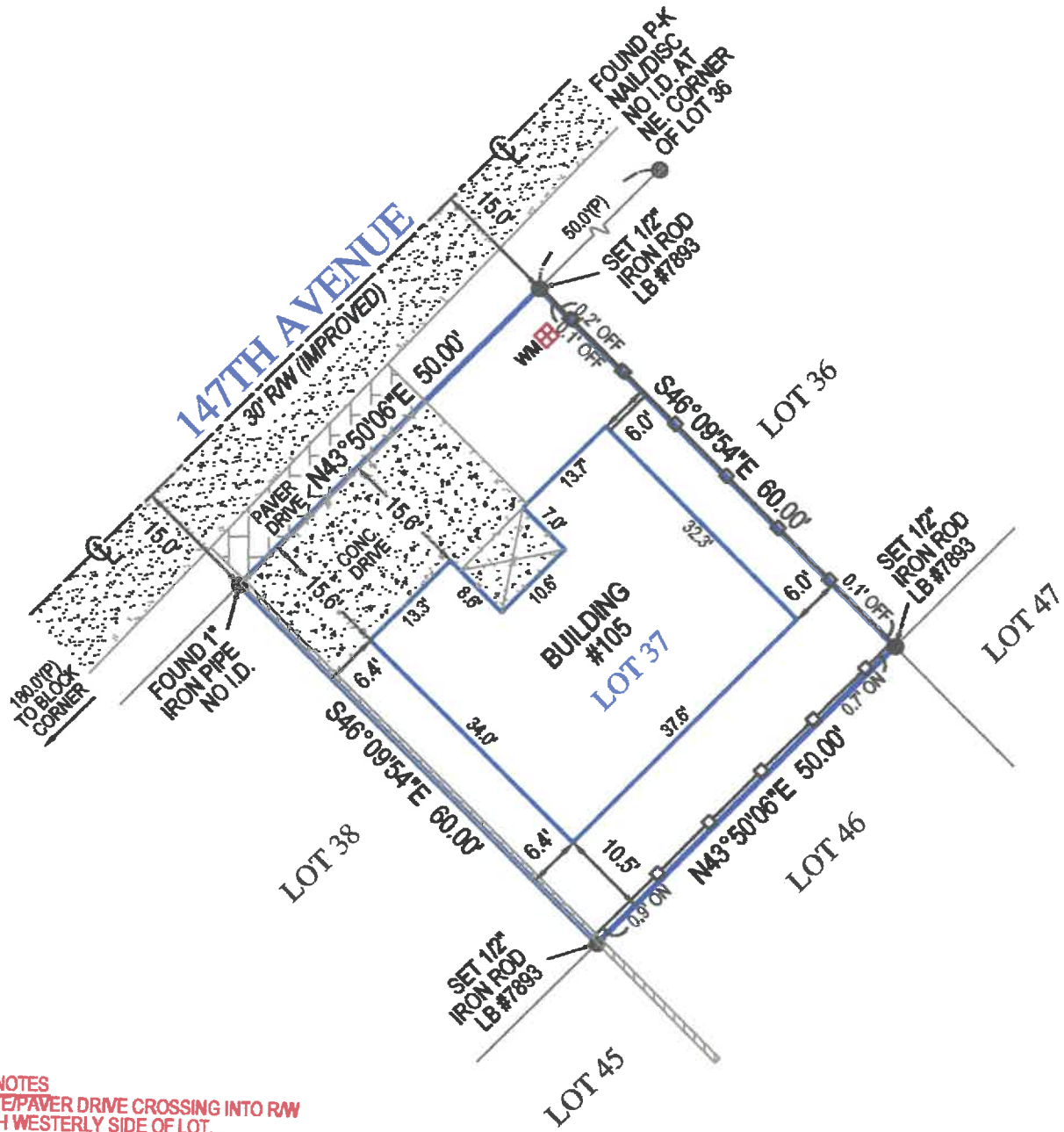
Expenses may include, but are not limited to, any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

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.

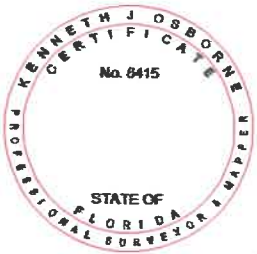
Sec. 110-124. – Standards and requirements.

- (a) In consideration of granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest. The local planning agency shall issue a written report within 30 days after consideration by the local planning agency. In granting any special exception use, the special magistrate, in addition to the standards enumerated in this article, may prescribe appropriate conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of the land development regulations. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall commence, be completed, or both.
- (b) Such uses shall be found by the special magistrate to comply with the following requirements and other applicable requirements:
 - (1) That the use is a permitted special use.
 - (2) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
 - (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - (4) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
 - (5) That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required.
 - (6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - (7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be allowable for planned unit developments.
 - (8) If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application.
 - (9) Special exception use will not grant to the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.
 - (10) No application for special exception use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines for penalties owed to the City by the applicant of the owner or possessor of the property under any section of the code.

BOUNDARY SURVEY



SURVEY NOTES
 CONCRETE/PAVER DRIVE CROSSING INTO RAW ON NORTH WESTERLY SIDE OF LOT.
 THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

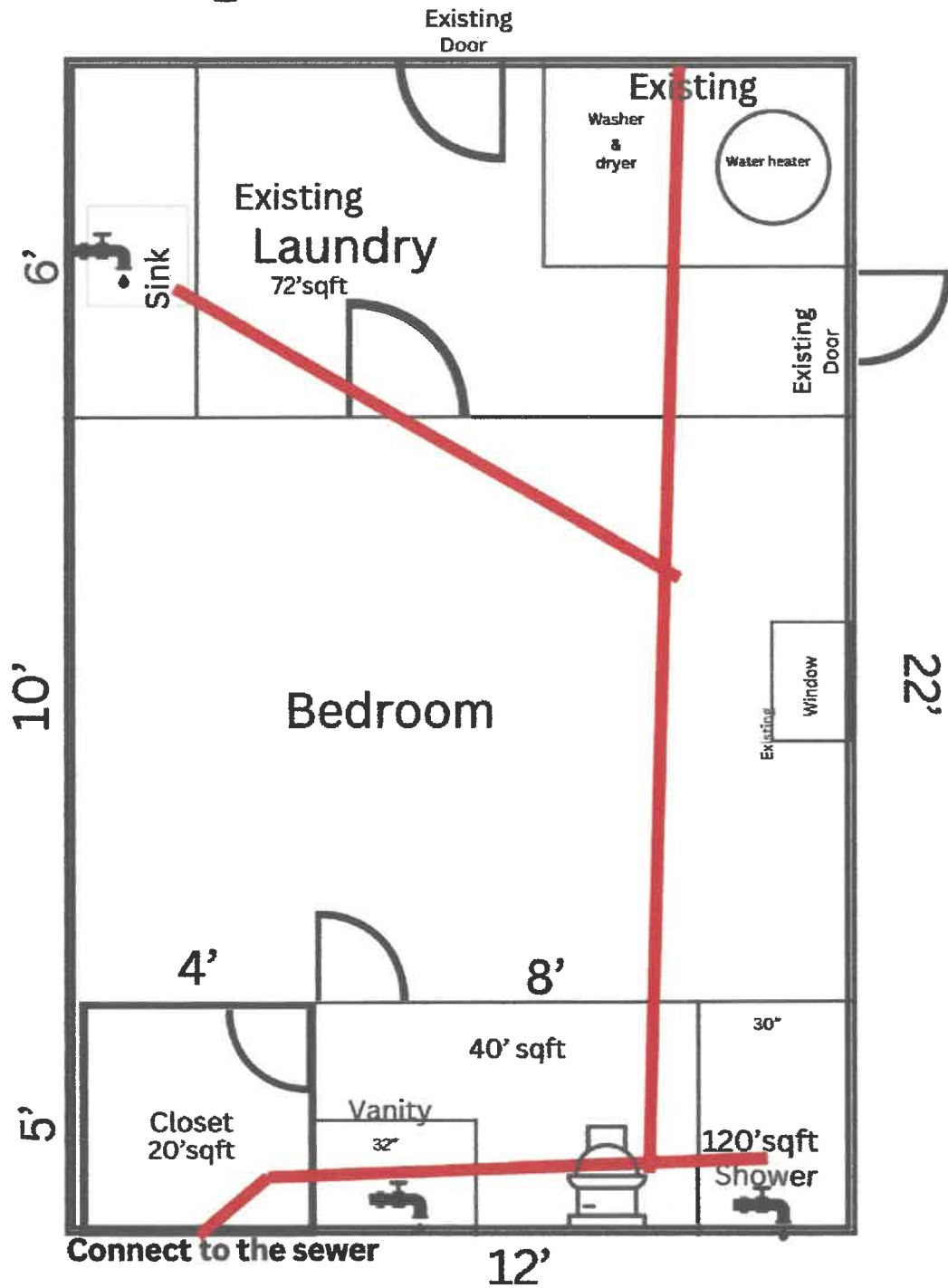
Kenneth J. Osborne

KENNETH OSBORNE
 Digitally signed by KENNETH OSBORNE
 Date: 2023.04.26 10:23:04 -04'00'



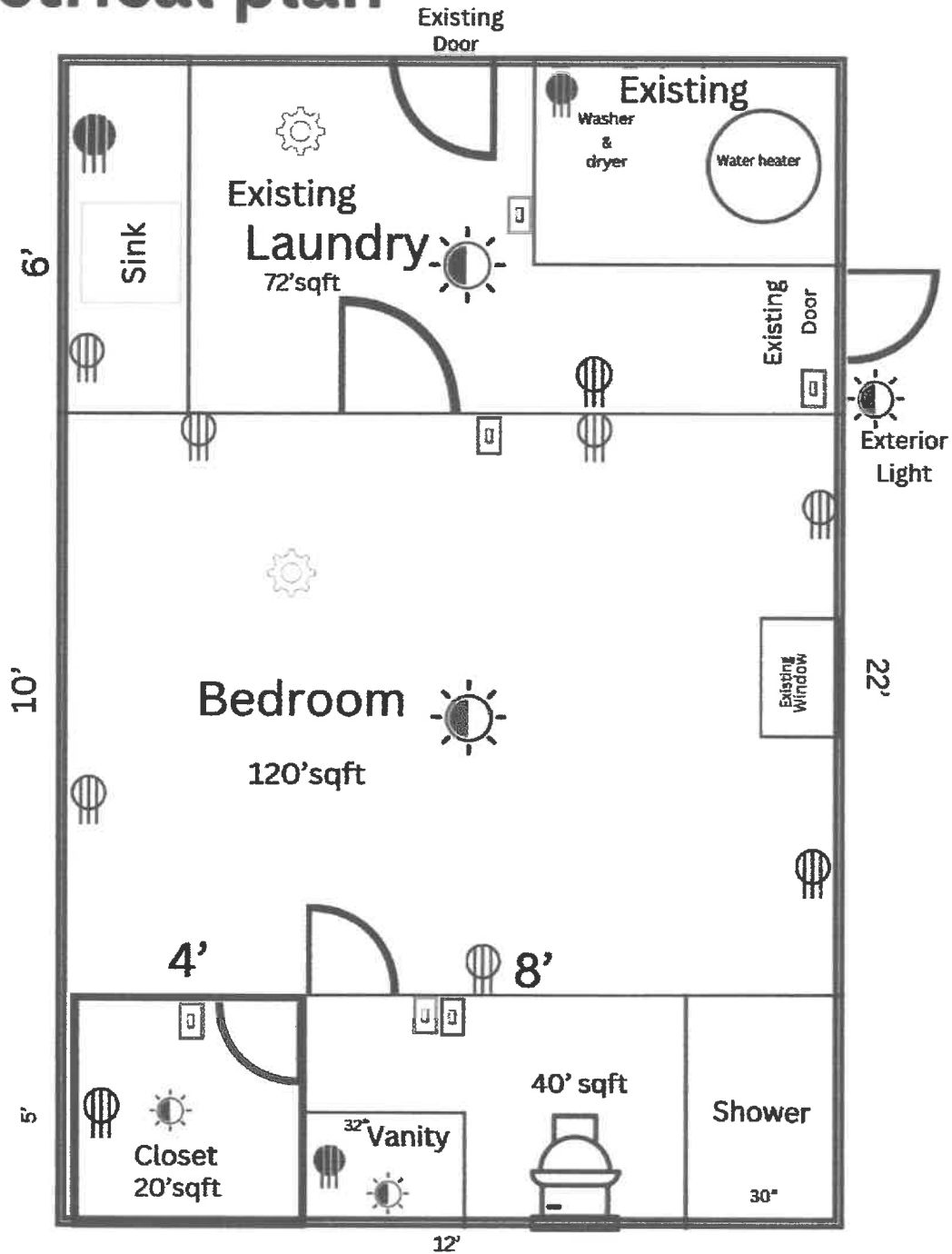
SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576
 WEBSITE: <http://targetsurveying.net>

Plumbing Plan



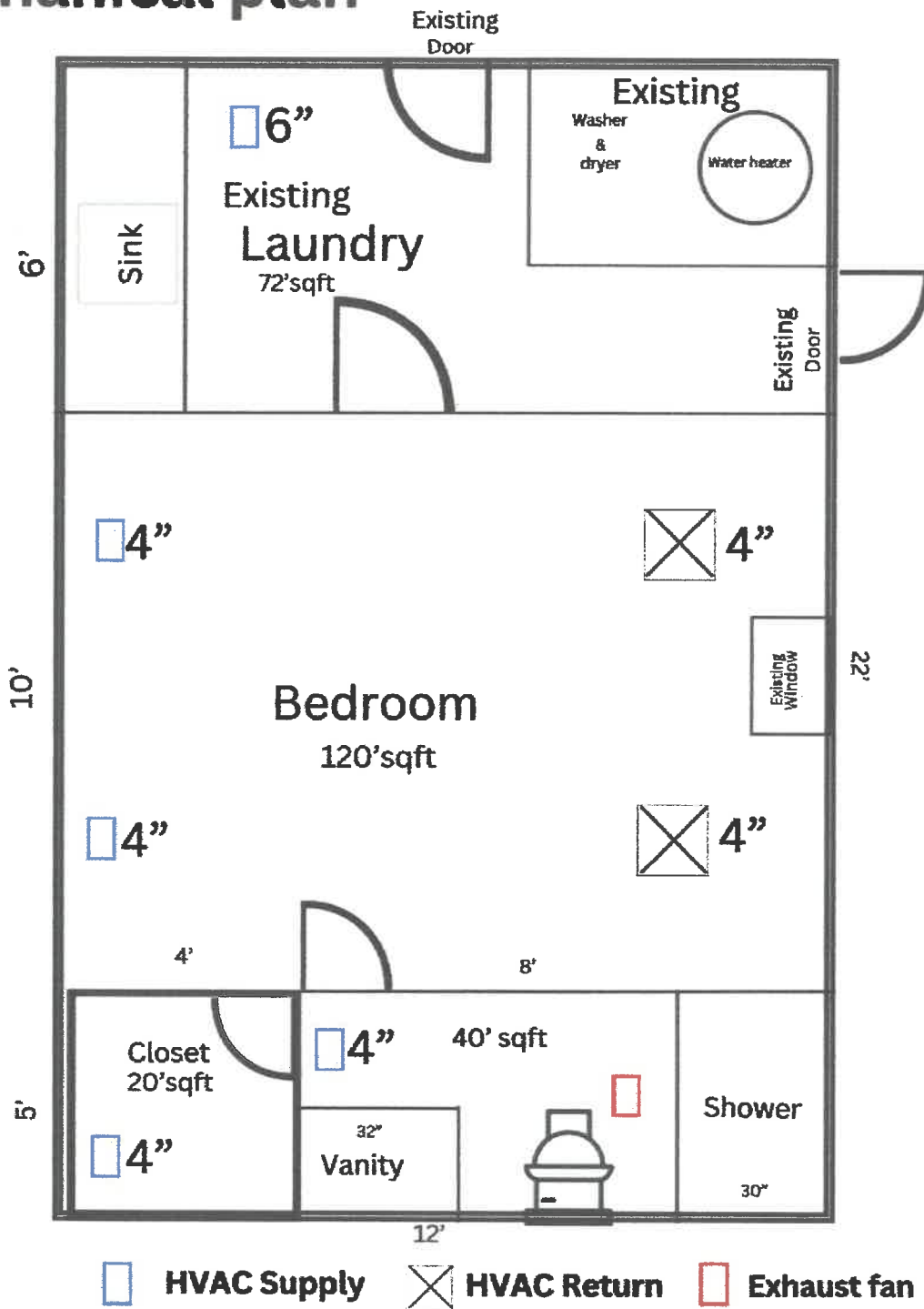
 -Sewer line  -Water supply

Electrical plan

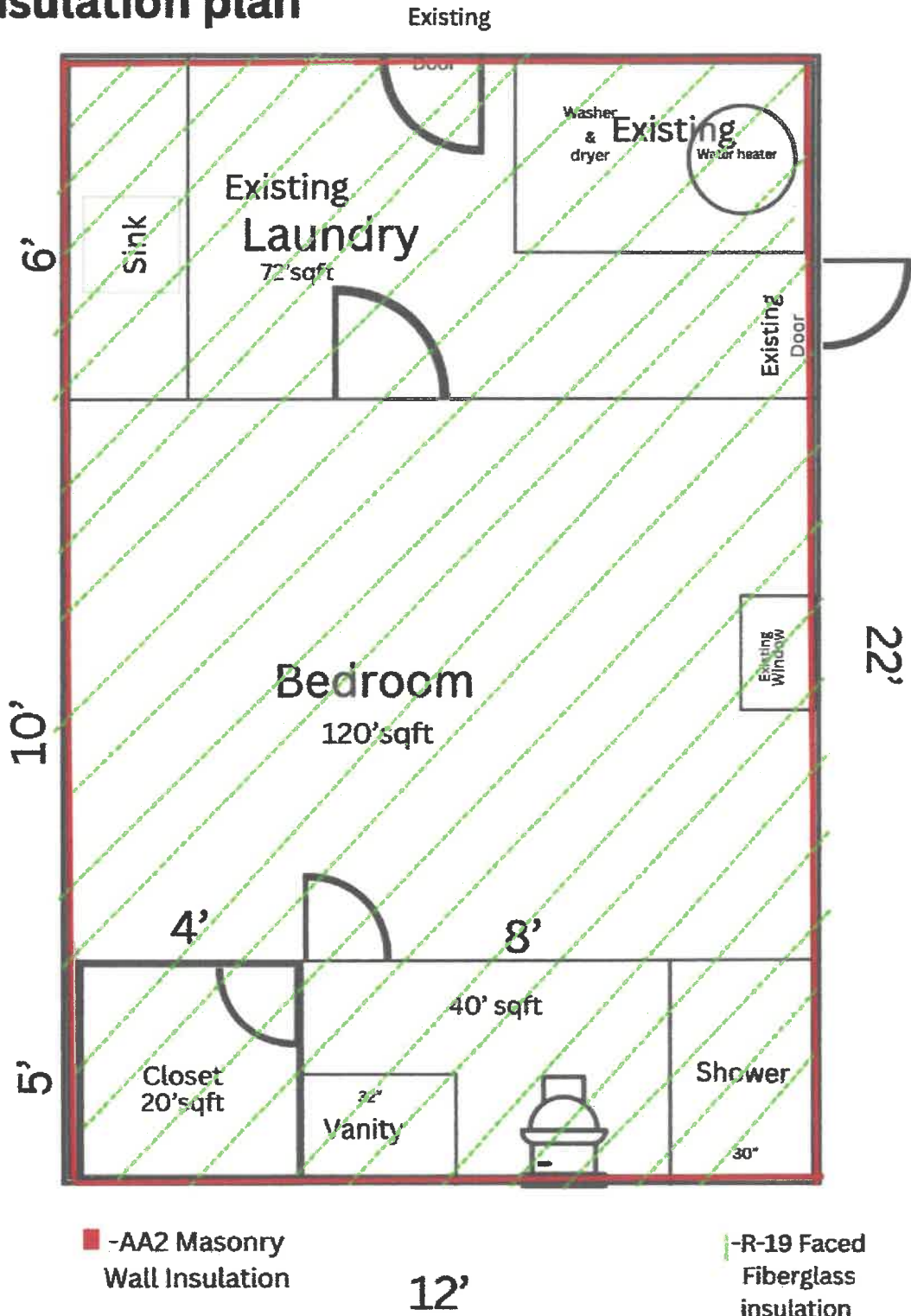


-  -Outlet
-  -GFCI Outlet
-  -Switch
-  -Light
-  -Smoke Detector

Mechanical plan



Insulation plan



CERTIFICATION

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

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

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

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

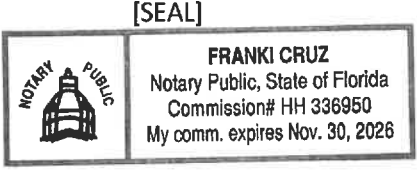
Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the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

[Signature] _____ 11/6/23
Applicant/Property Owner's Signature Date

STATE OF Florida

COUNTY OF Orange

Before me this 6 day of November, 2023, Branda Fernandez Hernandez 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 FL DL as identification.



[Signature]
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.

Special Magistrate Case #: _____

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

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

- (1) Zoning variances for residential dwelling units (per variance, up to three units) \$1,800.00
- (2) Zoning variances for multifamily, tourist dwellings, or commercial \$2,000.00
- (3) Special exception use \$1,800.00
- (4) Appeal of decision (appeal is refundable if decision is overruled) \$1,500.00
- (5) After-the-fact variance (double fee) \$3,600.00

Receipt # _____

Check # 1024 Cash

Date Received: 11/15/2023

Received by: Liz Stewart

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: _____

Approved

Denied

Date: _____