



SPECIAL MAGISTRATE – VARIANCE REQUEST

VAR 2025-01

Staff Report and Recommendation Special Magistrate Meeting – January 27, 2025

Application: VAR 2025-01
Applicant: Modern House and Building Movers Inc.
Property Owner(s): David Hutson
Property Address: 15308 Harbor Drive, Madeira Beach, FL 33708
Parcel ID: 09-31-15-52632-000-0340
Legal Description: LONE PALM BEACH 5TH ADD BLK 29 REPLAT LOT 34
Zoning/Future Land Use: R-1, Single-Family Residential/Residential Urban

Request: “[To] encroach 6.04' into the rear yard setback to accommodate the required egress landing balcony/elevated walkway necessitated by elevation of the structure above Base Flood Elevation.”

Specific Code Provisions: 110-181.- Setback requirements. (2) Rear yard: Waterfront lots: 30 feet.

I. Background

The home at 15308 Harbor Drive is a legally nonconforming structure, meaning the home was built before the zoning and setbacks were created and does not meet the current setbacks in the Code. Section 110-93(3)e. of the city land development regulations, owners that wish to elevate a new or existing structure are exempt from the setback requirements so long as the structure remains in the existing footprint. This structure currently encroaches 2.54 feet into the required rear yard setback, however the applicant is requesting to further encroach into the already non-conforming setback by an additional 3.5 feet.

Modern House and Building Movers Inc. submitted a building permit application (2024-2762) to elevate the existing structure above the design flood elevation (July 19, 2024). City staff reviewed the permit application and sent several comments, one of which being

that an encroachment into the rear yard with stairways and an elevated deck are not permitted (July 23, 2024). On December 27th, 2024, the applicant submitted this variance application without discussing the specifications of the request in detail with city staff. Previously on September 10th, 2024, along with responses to other inquiries regarding the building permit application, city staff advised the applicant that a rear yard setback variance would not be a viable option.

After reviewing the request, city staff advised the applicant that the plans submitted with the variance application were yet to be submitted on the building permit application, that the request does not address any of the other outstanding building permit comments including but not limited to side setback requirements or elevation requirements, and that that request will not be supported by city staff. Sheet E.001 of the most recent set of plans that were uploaded to the building permit application at the time of this variance being applied for is also included with this staff report.

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

- (1) Special conditions and circumstances exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to the lands, building, or other structures in the same district. Special conditions to be considered shall include, but are not limited to, the following circumstances:*
- a. Substandard or irregular-shaped lot. If the site involves the utilization of an existing lot that has unique physical circumstances or conditions, including irregularity of shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations;*
 - b. Significant vegetation or natural features. If the site contains significant native vegetation or other natural features;*

- c. *Residential neighborhood character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements;*
- d. *Public facilities. If the proposed project involves the development of public parks, public facilities, schools, or public utilities;*
- e. *Architectural and/or engineering considerations. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.*

Findings: There are no special conditions or circumstances that exist which are peculiar to this lot. The lot size, lot width, and lot depth all exceed the minimum required in this zoning district.

An argument can possibly be made for architectural and/or engineering considerations that are peculiar to the building since the proposed plans include elevating the structure in accordance with FEMA and City floodplain regulations, however, this is the standard requirement which “applies generally to the lands, building, or other structures in the same district” and throughout the city. The special circumstance to this structure is that there are currently doors in the rear of the building which encroach into the required setback, however there are several similar structures within the city with similar configurations. If a new house were to be built on the lot it would render the project more disaster resistant than elevating the 67-year-old home, and the new structure would also be required to meet the required setbacks.

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

Findings: The building was constructed in 1958 prior to the adoption of the setback requirements and is presumed to have had rear doors in the same location. This does not result from the actions of the applicant, so this criterion may be met, however, a variance must meet all required criteria.

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

Findings: All new construction and substantial improvements would be required to meet the required rear setbacks except where in the same footprint as the existing structure. Granting this variance would confer a special privilege that is denied to other permit applicants.

(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.

Findings: Other post-FIRM properties in this zoning district are required to meet the minimum setback requirements or be built within the footprint of the existing structure. Although it may be more expensive for the property owner to build a new more disaster resistant structure, or reconfigure the rear of the existing structure to surrender the need for an additional landing in the setbacks that other properties in the same zoning district are required to adhere to, section 2-507(c) specifically states that “financial loss standing alone is not sufficient justification for a variance.”

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

Findings: In the applicant's response to this item, Modern House and Building Movers Inc. mentions that the walkway is required to provide access to the rear doors and provide egress. The Florida Building Code only requires one means of egress to the single-family home which is already provided elsewhere on the submitted plans. Additionally, per Florida Building Code (FBC) the minimum width of such landings is 36 inches, 6 inches less than what is being proposed. The Florida Building Code also provides an exception for exterior balconies less than 60 square feet that are only accessed from a door which would be permitted to have a landing even less than 36 inches. Both options along with the options to seal off the doorways or reconstruct the house to have a balcony that fits within the current footprint would all be a reasonable use of the land and are less nonconforming than what is being requested by the applicant.

(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.

Findings: As mentioned in the background of this report, the structure is legally nonconforming and Sec. 110-91 of the nonconforming article of the city land development regulations states that "this article is intended to discourage the continuation of nonconformities as they are incompatible with the provisions of the city comprehensive plan and this Code." This variance request not only perpetuates the nonconforming rear setback requirement but also makes it further nonconforming. The setback requirements

for this zoning district were adopted with a lot depth minimum of 80 feet which this lot exceeds by 20 feet.

III. Staff Recommendation: Staff recommends the denial of VAR 2025-01.

Submitted by: Joseph Petraglia, Planner I, The City of Madeira Beach Community Development Department.

Attachments: 1) Variance application forms
2) Sheet E.001 of Building/ elevation plans submitted with variance application showing the proposed site plan, marked up by applicant
3) Sheet E.001 of Building/ elevation plans most recently submitted to building permit application at the time of this variance application
4) Existing survey
5) Public Notice Mailing Packet and Posting pictures



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**

Modern House and building
movers Inc. 208 3rd St
Unit A, Ft Myers, FL 33907

Telephone: (407) 977-8681

Email: info@modernmovers.com

***Property Owner: Name and Address**

Dave Hutson
15308 Harbor Dr, Madeira
Beach, FL 33708.

Telephone: (330) 524-4313

Email: dave.hutson@sbcglobal.net

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

15308 Harbor Dr., Madeira Beach, FL

Legal Description: Lot 34, Replat of Block - 29 Fifth Addition to Lone Palm Beach, According to the Plat

Plat Thereof as Recorded in Plat Book 28, Page 74 of the Public Record of Pinellas County, Florida

Lot Area: 6000 sf

Width: 60.00 ft.

Depth: 100.00 ft.

Zoning District: R-1 Single Family

Present Structures on Property: 1 Single Family Residential Home - 3165.23 sf

Present Use of Property: Single Family Residence

Date Building Permit Request denied: July 23, 2024

Variance(s) needed from the zoning requirements: Encroachment into Rear Yard Setback for

Provision of Code Required Egress Balcony

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: _____ ☐ Check # _____ ☐ 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 _____
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: _____

encroach 6.04' into the rear yard setback to accommodate the required egress landing balcony/elevated

walkway necessitated by elevation of the structure above Base Flood Elevation.

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.

E-SIGNED by David Hutson

on 2024-10-01 19:07:17 GMT

X _____

Date: ____ / ____ / ____

Property Owner's Signature

LOUISIANA

Document executed pursuant to La. R.S. 35:621 et seq, Louisiana's Remote Notary Act

STATE OF
PARISH

ORLEANS

OF

Dave Hutson

Before me this ____ day of _____, 2022, _____
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 _____ Drivers License _____ as identification.

[SEAL]

James V. Petersen, LSBA #40665
11221 Old Gentilly Rd. New
Orleans, Louisiana 70129
James@psmsusa.com
My Commission is for Life

E-SIGNED by James Petersen

on 2024-10-01 14:40:23 GMT

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.

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.

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 _____ Date: ____ / ____ / ____
Property Owner's Signature (If other than the property owner)

STATE OF LOUISIANA
 PARISH OF ORLEANS

Document executed pursuant to La. R.S. 35:621
 et seq Louisiana's Remote Notary Act

Before me this _____ day of _____, 2022, Roger Peralta
 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 _____ as identification.

[SEAL]

James V. Petersen, LSBA #40665
 11221 Old Gentilly Rd. New
 Orleans, Louisiana 70129
 James@psmsusa.com
 My Commission is for Life

 Public Notary Signature

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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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December 26, 2024

Rev January 9, 2025

VIA EMAIL

City of Madeira Beach

300 Municipal Drive

Madeira Beach, FL 33708

jpetraglia@madeirabeachfl.gov

lscheuermann@madeirabeachfl.gov

Re: 15308 Harbor Drive, Madeira Beach, FL 33708

Variance Application – Residential

Zoning Requirements: Zoning Section 110-181

Dear Sirs/Madams:

Modern House & Building Movers, Inc. ("Modern") submits this explanation in support of its variance application under Madeira Beach City Code §2-507(1)(e). The proposed project incorporates architectural and engineering features to enhance disaster resistance, which necessitate methods of egress to the elevated structure. Modern believes this explanation also complies with the remaining provisions of Madeira Beach City Code §2-507(2)-(6), as outlined 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 ... e. *Architectural and/or engineering considerations*. If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

Modern plans to elevate the structure approximately 12' to meet the required elevation of 15' NAVD88 for the lowest horizontal structural member (BFE 11' NAVD88 + 4' freeboard). In accordance with the 2023 Florida Building Code (Residential), a landing is required at all exterior doors after the elevation work is completed. To accommodate this requirement, a proposed 3.6' (42") wide elevated walkway across the rear of the structure will be constructed to service the three rear doors. A 42"-wide staircase will be placed in the northeast side yard and will not encroach beyond one-half of the required setback.



The R-1 single-family zoning code requires a 30.00' rear yard setback.

VARIANCE CALCULATION:

$24.83' + 2.63' = 27.46'$ (house wall + sea wall)

$27.46' - 3.5'$ (elevated walkway) = 23.96' (walkway to water face of sea wall)

$30.0'$ (allowed setback) - 23.96' = 6.04'

Requesting a 6.04' variance in the rear yard setback.

The proposed walkway will serve as a secondary means of egress and connect all rear doors.

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.

At the time of Mr. Hutson's purchase of the structure, the structure was nonconforming to current minimum setback requirements, through no action of Mr. Hutson's. Additionally, due to the structure's location in a special flood hazard area, Coastal A, the home sustained damage from Hurricanes Helene and Milton, and elevation of the structure is necessary for flood mitigation.

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.

The variance is limited to the minimum amount of elevated walkway required to access the three rear doors of the structure, providing Mr. Hutson with no additional benefit beyond ensuring essential egress and accessibility.

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.

The requested variance pertains to an existing structure rather than a new development. Elevating the structure is essential to maintain its value and reduce the risk of flooding. To achieve the required elevation, stairs and landings must be added. Denying the variance would force Mr. Hutson to permanently seal off and lose access to the rear of the structure, therefore altering the functionality and aesthetics of the structure, and potentially diminishing the value of the home.



5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land.

As noted in 3 above, the variance is requested to accommodate a minimal elevated walkway designed to provide access to the three rear doors of the structure, ensuring safe egress and essential accessibility. This walkway eliminates the need for multiple staircases, creating a streamlined and functional connection that is just wide enough to allow the doors to open and facilitate movement between them. The rear exits serve as vital access points for Mr. Hutson and his family, leading to an outdoor space that includes a pool, a backyard, and a family gathering area frequently used for recreation and social activities.

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.

The elevated walkway is located at the rear of the structure and is not visible from the street. The walkway is designed as a cantilevered structure, eliminating the need for additional support columns at grade. Since the walkway will not touch the ground, it will not disrupt the current flow of floodwater or increase the current ground level footprint. Furthermore, preserving access to the rear entrances will maintain the functionality, aesthetic appeal, value, and safety of Mr. Hutson's home.

Your consideration of this variance is appreciated.

Sincerely,

Mindy Wilson

mindy@modernmovers.com

SITE NOTES

1. EXISTING AND PROPOSED SITE PLANS ARE BASED UPON SURVEY INFORMATION PROVIDED TO THE PATTERSON STRUCTURAL MOVING AND SHORING, LLC, AND UPON BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL CONFIRM SITE CONDITIONS PRIOR TO BEGINNING WORK.
2. EXISTING STRUCTURE IS LOCATED IN A SUBURBAN RESIDENTIAL NEIGHBORHOOD. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONS TO PRESERVE AND PROTECT NEIGHBORING STRUCTURES, FENCES, PUBLIC STREETS, AND UTILITIES.
3. THE CONTRACTOR SHALL COORDINATE WITH EXISTING UTILITY PROVIDERS REGARDING DISCONNECTION PRIOR TO THE WORK, TEMPORARY SERVICE DURING THE WORK, AND RECONNECTION OF UTILITY SERVICE AFTER THE WORK IS COMPLETED.
4. THE CONTRACTOR SHALL COORDINATE WITH THE GOVERNING MUNICIPALITY'S TRAFFIC ENGINEERING DEPARTMENT, REGARDING ANY NECESSARY ROAD CLOSURES.
5. NO NEW CURB CUTS OR DRIVEWAYS ARE ANTICIPATED AS A PART OF THIS WORK.
6. EXISTING LANDSCAPING AROUND PERIMETER OF HOME TO REMAIN. DO NOT DISTURB ANY NATIVE VEGETATION IN THE COURSE OF THE WORK. REPLACE SOILS, GRADE, AND SOD UPON COMPLETION OF THE WORK.
7. THE DEVELOPMENT OF THE PROPERTY AS SHOWN WILL NOT HAVE ADVERSE HYDROLOGICAL EFFECTS ON ADJACENT PROPERTIES.

TOTAL LOT AREA: 6000.00SF

HARBOR DRIVE

(BEARING BASIS)
N40° 21' 00"E
27.2' ASPHALT ROADWAY
50' RIGHT-OF-WAY

SITE BENCHMARK "I"
SET NAIL & DISC
ELEV = 3.41'

THE NW CORNER
OF LOT 32
FOUND 1/2" IRON
ROD NO ID

POINT OF CURVATURE
AT LOT 36
FOUND 1" IRON
PIPE NO ID
0.08 5 x ON LINE

LOT 32
PARCEL ID: 09-31-15-52632-000-0330

LOT 33
PARCEL ID: 09-31-15-52632-000-0330

LOT 35
PARCEL ID: 09-31-15-52632-000-0350

BOCA DIEGA

FOUND 5/8" IRON ROD
WICAP LB 760
0.18 E x 0.30 S

FOUND 5/8" IRON ROD
WICAP ILLEGIBLE
0.22 E x 0.04 S

FOUND 5/8" IRON ROD
WICAP LB 8507

FOUND 5/8" IRON ROD
WICAP LB 760
0.08 E x 0.05 N

N40° 21' 00"E
60.00' (P) 60.27' (M)

N49° 39' 00"W
100.00' (P) 99.89' (M)

549° 39' 00"E
100.00' (P) 99.78' (M)

540° 21' 00"W
60.00' (P) 59.95' (M)

20'-2"

29.18'

23.96'

24.02'

6.95'

2.0'

7.12'

1.63'

1.68'

0.2 OUT

FENCE 1.1' INSIDE

FENCE 1.6' INSIDE

FENCE 0.2 OUT

FENCE 0.2 OUT

3.5' (42") wide staircase tying into landing

3.5' (42") wide decking across rear to turn to 3.5' (42") wide staircase

POOL

CONC. POOL DECK

WOOD DECK

WOOD DOCK

BOAT LIFT

SEAWALL

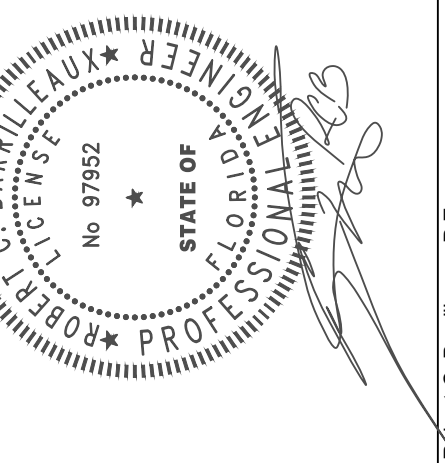
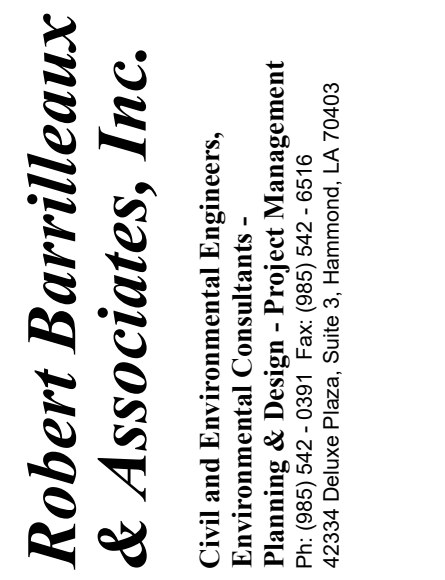
23.96' Elevated walkway to Water Face of Sea Wall

27.46' Wall to Water Face of Sea Wall

WETFACE 0.23'

WETFACE 2.63'

VARIANCE CALCULATION:
24.83' + 2.63' = 27.46' (house wall + sea wall)
27.46' - 3.5' (elevated walkway) = 23.96' (walkway to water face of sea wall)
30.0' (allowed setback) - 23.96' = 6.04'
Requesting a 6.04' variance in the rear yard setback.



<i>15308 Harbor Drive</i>												
Madeira Beach, Florida												
Pinellas County, State of Florida												
<i>SITE PLAN</i>												
DESIGNED BY:						D.L.Q.						
APPROVED BY:						R.C.B.						
DATE:						1/09/2025						
SHEET NO:						E.001						

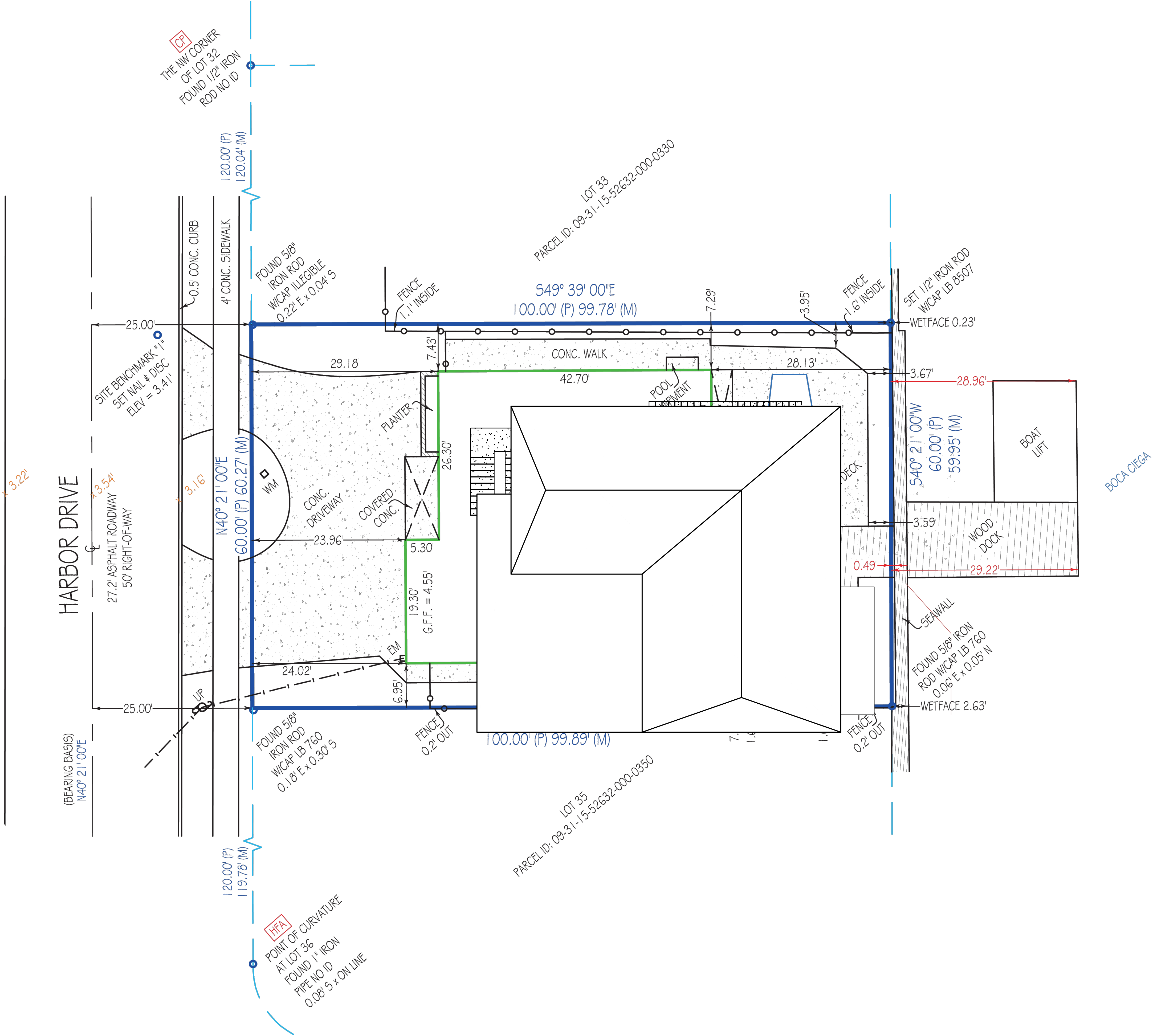
SITE NOTES

1. EXISTING AND PROPOSED SITE PLANS ARE BASED UPON SURVEY INFORMATION PROVIDED TO THE PATTERSON STRUCTURAL MOVING AND SHORING, LLC, AND UPON BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL CONFIRM SITE CONDITIONS PRIOR TO BEGINNING WORK.
2. EXISTING STRUCTURE IS LOCATED IN A SUBURBAN RESIDENTIAL NEIGHBORHOOD. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONS TO PRESERVE AND PROTECT NEIGHBORING STRUCTURES, FENCES, PUBLIC STREETS, AND UTILITIES.
3. THE CONTRACTOR SHALL COORDINATE WITH EXISTING UTILITY PROVIDERS REGARDING DISCONNECTION PRIOR TO THE WORK, TEMPORARY SERVICE DURING THE WORK, AND RECONNECTION OF UTILITY SERVICE AFTER THE WORK IS COMPLETED.
4. THE CONTRACTOR SHALL COORDINATE WITH THE GOVERNING MUNICIPALITY'S TRAFFIC ENGINEERING DEPARTMENT, REGARDING ANY NECESSARY ROAD CLOSURES.
5. NO NEW CURB CUTS OR DRIVEWAYS ARE ANTICIPATED AS A PART OF THIS WORK.
6. EXISTING LANDSCAPING AROUND PERIMETER OF HOME TO REMAIN. DO NOT DISTURB ANY NATIVE VEGETATION IN THE COURSE OF THE WORK. REPLACE SOILS, GRADE, AND SOD UPON COMPLETION OF THE WORK.
7. THE DEVELOPMENT OF THE PROPERTY AS SHOWN WILL NOT HAVE ADVERSE HYDROLOGICAL EFFECTS ON ADJACENT PROPERTIES.

EXISTING SITE CONDITIONS
LOWEST ADJACENT GRADE: 4.1'NAVD
HIGHEST ADJACENT GRADE: 4.4'NAVD
EXISTING 1ST FL. ELEVATION: 5.0'NAVD
BASE FLOOD ELEVATION: 11.0'NAVD

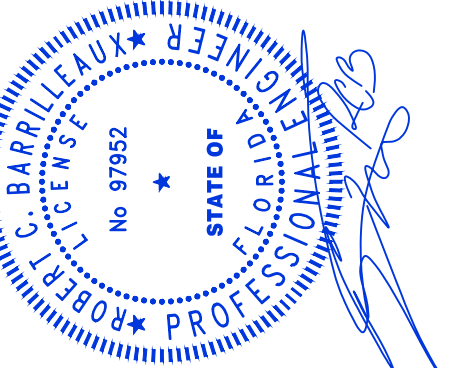
TOTAL LOT AREA: 6000.00SF

PROPOSED SITE CONDITIONS
PROP. 1ST FL. ELEVATION: 4.4' NAVD
PROP. 2ND FL. ELEVATION: 15.4' NAVD



Robert Barrilleaux
& Associates, Inc.

Civil and Environmental Engineers,
Professional Engineer
Pinellas County, Florida
Pinellas County, Florida
Pin: (885) 542-0391 Fax: (885) 542-0516
42304 Delove Plaza, Suite 3, Hammond, LA 70403



Robert C. Barrilleaux, P.E.
FL REG. NO. 97952

REVISIONS		DATE	BY
NO.	DESCRIPTION	5/9/24	DLO
1	Revised per Homeowner's Revisions	####	####
2		####	####
3		####	####
4		####	####
5		####	####
6		####	####
7		####	####
8		####	####
9		####	####
10		####	####
11		####	####
12		####	####
13		####	####
14		####	####
15		####	####
16		####	####
17		####	####
18		####	####
19		####	####
20		####	####

15308 Harbor Drive
Madeira Beach, Florida
Pinellas County, State of Florida
SITE PLAN

DESIGNED BY: D.L.Q.
APPROVED BY: R.C.B.
DATE: 5/24/2024
SHEET NO: E.001



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser

www.pcpao.gov

mike@pcpao.gov

Run Date: 11 Jan 2025

Subject Parcel: 09-31-15-52632-000-0340

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.

CANADAY FAMILY IRREVOCABLE TRUST
TAYLOR, BELLE CANADAY TRE
C/O TAYLOR, BELLE CANADAY POA
6811 25TH ST N
ST PETERSBURG, FL 33702-5617

PANZLOFF, JANE A TRUST
PANZLOFF, JANE A TRE
1231 BIG SUR PKWY
ALGONQUIN, IL 60102-4260

DEWOSKIN, DARYL ANN TRUST
DEWOSKIN, DARYL ANN TRE
PO BOX 407
LARGO, FL 33779-0407

PEASE, CHAD
PEASE, BRITTNEY
15309 HARBOR DR
MADEIRA BEACH, FL 33708-1820

WALSH, STEPHEN T
WALSH, KATRINA L
15303 HARBOR DR
MADEIRA BEACH, FL 33708-1820

LOUIE, SOO YING
ENG, DAN
15317 HARBOR DR
MADEIRA BEACH, FL 33708-1820

BLASER, ANDREW JAY TRE
BLASER, STARR RAY TRE
15304 HARBOR DR
MADEIRA BEACH, FL 33708-1821

NEUKAM, MISTY D
NEUKAM, PATRICK W
15314 HARBOR DR
MADEIRA BEACH, FL 33708-1821

SANBORN, MARK P
SANBORN, ANN R
15312 HARBOR DR
MADEIRA BEACH, FL 33708-1821

MALIK, STEPHEN C
MALIK, SUSAN B
15300 HARBOR DR
MADEIRA BEACH, FL 33708-1821

CHRISTIAN FAMILY IV TRUST
HESS, J TRE
PO BOX 86441
MADEIRA BEACH, FL 33738-6441

LAM, TOM V
MURPHY, DEBORAH J
8829 DEEP MAPLE DR
RIVERVIEW, FL 33578-8982

LUNSFORD, CHARLES D JR
LUNSFORD, NATALINA B
PO BOX 8549
ST PETERSBURG, FL 33738-8549

KEMBER, EZRA J
KEMBER, LOIS E
221 WALKER ST
SUMMERSIDE PE C1N 5N9,
CANADA

SMITH, GREGORY L
153 104TH AVE
TREASURE ISLAND, FL 33706-4804

POWELL, AMY B
15320 HARBOR DR
MADEIRA BEACH, FL 33708-1821

STEGMAIER, FRANCIS J
15401 2ND ST E
MADEIRA BEACH, FL 33708-1806

MADEIRA BEACH, CITY OF
300 MUNICIPAL DR
MADEIRA BEACH, FL 33708-1916

WOLFPACK HOLDINGS LLC
3309 W BAY TO BAY BLVD
TAMPA, FL 33629-7139

MADEIRA BEACH, CITY OF
300 MUNICIPAL DR
MADEIRA BEACH, FL 33708-1916

PENKAVA, PAUL WAYNE
1939 COUNTY ROAD 2436
SULPHUR SPRINGS, TX 75482-8819

WHITNEY, TODD W
15302 HARBOR DR
MADEIRA BEACH, FL 33708-1821

MYERS, BARBARA
15305 HARBOR DR
MADEIRA BEACH, FL 33708-1820

15319 HARBOR LLC
5204 HAMPTON BEACH PL
TAMPA, FL 33609-2498



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 VARIANCE 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 **Monday, January 27, 2025, at 2:00p.m.**, at the Madeira Beach City Center 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 SPECIAL MAGISTRATE -VARIANCE

Application: VAR 2025-01
Applicant(s): Modern House and Building Movers Inc.
Property Owner(s): David Hutson
Property Address: 15308 Harbor Drive, Madeira Beach, FL 33708
Parcel ID: 09-31-15-52632-000-0340

Legal Description: LONE PALM BEACH 5TH ADD BLK 29 REPLAT LOT 34

Zoning/Future Land Use: R-1, Single-Family Residential Zoning District/Residential Urban

Request: [To] encroach 6.04' into the rear yard setback to accommodate the required egress landing balcony/elevated walkway necessitated by elevation of the structure above Base Flood Elevation.

Specific Code Provisions: 110-181.- Setback requirements. (2) Rear yard: Waterfront lots: 30 feet.

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

Posted January 17th, 2025, at property the site, City Hall, City of Madeira Beach website, and The Gulf Beaches Public Library.

View more information about this application at <https://madeirabeachfl.gov/plan-review-documents/>

posting
pictures to
be inserted
here