



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

ESTATE BROTHERS LLC
C/O IVAN WOLFSON
149 OAK KNOLL TERRACE
HIGHLAND PARK, IL 60035
Telephone: (847) 340 1867
Email: DOC\_IW@YAHOO.COM

\*Property Owner: Name and Address

STEPHEN P. RIVERA
C/O IVAN WOLFSON
149 OAK KNOLL TERRACE
HIGHLAND PARK, IL 60035
Telephone: (847) 340-1867
Email: DOC\_IW@YAHOO.COM

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

306 129TH AVE E. MADEIRA BCH., FL 33708

Legal Description: LOTS 30 & 40, FIRST ADDITION TO BILL WILLIAMS MADEIRA HARBOR SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGES 67 & 68 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WHICH HAS A PROPERTY ADDRESS OF 306 129TH AVENUE, MADEIRA BEACH, FLORIDA, 33708

Lot Area: 12,700 Width: 135 ft. Depth: 115 ft.

Zoning District: R-3 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL

Present Structures on Property: STORM DAMAGED 10 UNIT BLDG. THAT WAS REMOVED PER PRIOR APPROVAL.

Present Use of Property: VACANT AFTER DEMOLITION FROM PRIOR APPROVAL.

Date Building Permit Request denied:

Variance(s) needed from the zoning requirements: REDUCE FRONT YARD SETBACK FROM 25' TO 18' TO ALLOW STORM DAMAGED BUILDING TO BE REPLACED WITH NEW STRUCTURE ON SAME FRONT SETBACK.

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 #: VAR 2022-02

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

Fee: \$1735.00  Check # 31189  Cash  Receipt # 30726

Date Received: 6 / 29 / 22 Received by: Lisa Schenemann

Special Magistrate Case # Assigned: VAR 2022-02

Special Magistrate Hearing Date: 7 / 25 / 22  Approved  Denied

- Zoning Variance for Residential Dwelling Units (One, Two or Three Units) \$1,730.00 per Variance
- Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$1,735.00 per Variance
- After-the-fact Variance \$3,460.00 per Variance

X \_\_\_\_\_  
Linda Portal, 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 FRONT YARD SETBACK FROM 25' TO 18' TO ALLOW STORM DAMAGED BUILDING TO BE REPLACED WITH NEW STRUCTURE ON THE SAME FRONT SETBACK. THIS VARIANCE WAS APPROVED ON JULY 27<sup>TH</sup> 2020, DELAYS OCCURED DUE TO COVID & CITY REVIEW PROCESS ON PERMIT SUBMITTAL.

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 *[Signature]* (FOR IVAN WOLFSON) \_\_\_\_\_ Date: 06 / 29 / 2022  
Property Owner's Signature

STATE OF Florida  
COUNTY OF Pinellas

Before me this 29 day of June, 2022, Gary Kalke 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.



*[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.

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**NON-OWNER (AGENT) CERTIFICATION**

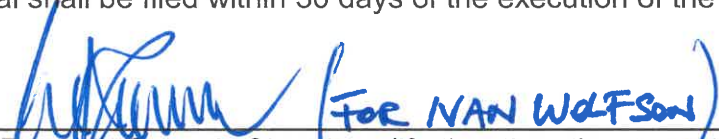
I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

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  (FOR NAN WOLFSON) Date: 6 / 29 / 2022  
Property Owner's Signature (If other than the property owner)

STATE OF Florida  
COUNTY OF Pinellas

Before me this 29 day of June, 2022, Gary Kalke  
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.



  
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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PROPOSED PROJECT FOR:  
**MADERA BEACH RESORT & MARINA**

306 129th Avenue EAST  
Madeira Beach, Florida



SCOPE OF WORK:

REDEVELOPMENT OF 10 TRANSIENT/RESIDENTIAL UNITS AS MAGISTRATE APPROVED REPLACING 10 EXISTING UNITS DAMAGED BY STORM.

BUILDING CONSIST OF 2 STORIES OF UNITS ABOVE PARKING WITH ROOF SUNDECK AND COVERED SEATING AREA

BUILDING WILL BE TYPE II FULLY FIRE SPRINKLER AND FIRE SPRINKLER ALARMED WITH 16 PARKING SPACES



Vicinity map (NTS)



Location of Project



Location map (NTS)

BUILDING CODE SUMMARY - COMMERCIAL PROJECTS:

**BUILDING DATA:**

OCCUPANCY:  ASSEMBLY  BUSINESS  EDUCATIONAL  MERCANTILE  HAZARDOUS  
 FACTORY-INDUSTRIAL  INSTITUTIONAL  RESIDENTIAL (R-1)  UTILITY-MISCELLANEOUS

MIXED OCCUPANCY:  YES  NO SEPARATION: 2-HOUR FLOOR/CESING FIRE SEPARATION PER U.L. DETAIL 2001  
 YES  NO  (A)  (B)  (C)  (D)  (E)  (F)  (G)  (H)  (I)  (J)  (K)  (L)  (M)  (N)  (O)  (P)  (Q)  (R)  (S)  (T)  (U)  (V)  (W)  (X)  (Y)  (Z)

CONSTRUCTION TYPE:  I (A)  I (B)  I (C)  I (D)  I (E)  I (F)  I (G)  I (H)  I (I)  I (J)  I (K)  I (L)  I (M)  I (N)  I (O)  I (P)  I (Q)  I (R)  I (S)  I (T)  I (U)  I (V)  I (W)  I (X)  I (Y)  I (Z)

MIXED CONSTRUCTION:  YES  NO

BUILDING HEIGHT: TOP OF ROOF AT 2nd-FLOOR ABOVE ABOVE S.F.E. 10'-0" + 4" OF FREEBOARD + 28'-0" TO ROOF DECK LEVEL 3 - STORES ABOVE PARKING  
 BASE FLOOD ELEVATION: ZONE MAP ELEV. 10'-0" + 4" OF FREEBOARD (14'-0" NAILED)

MEZZANINE:  YES  NO **FIRE SPRINKLER NOTES:**  
 HIGH ROSE:  YES  NO • AUTOMATIC CLASS I WET STANDPIPE WITH FIRE  
 FIRE SPRINKLED:  YES  NO PLUMB PROVIDED 100 P.S.I. AT ROOF  
 FIRE ALARM:  YES  NO • SYSTEM MUST BE DESIGNED AS A ZONED SYSTEM

ZONING DISTRICT: FLO-FR-2 FUTURE LAND USE: S71 (Retail Facilities - High)

(D) TOTAL SITE AREA: 24,271.56 S.F. (0.56 ACRES)

GROUND FLOOR AC AREA: 3,122.52 S.F.  
 SECOND FLOOR AC AREA: 2,572.48 S.F.  
 THIRD FLOOR AC AREA: 2,572.48 S.F.  
 TOTAL AC AREA: 8,267.48 S.F.

**LIFE SAFETY SYSTEM:**  
 EMERGENCY LIGHTING AND FIRE SIGNAL:  YES  NO  
 FIRE ALARM:  YES  NO  
 SMOKE DETECTION SYSTEMS:  YES  NO  
 PANIC HARDWARE:  YES  NO

**APPLICABLE CODES:**  
 6TH EDITION (2013) FLORIDA BUILDING CODE  
 6TH EDITION (2013) FLORIDA BUILDING CODE (MECHANICAL)  
 6TH EDITION (2013) FLORIDA BUILDING CODE (PLUMBING)  
 6TH EDITION (2013) FLORIDA BUILDING CODE (ACCESSIBILITY)  
 6TH EDITION (2013) FLORIDA BUILDING CODE (ELECTRICAL)  
 6TH EDITION (2013) FLORIDA FIRE PREVENTION CODE  
 2018 IBC INTERNATIONAL BUILDING CODE (IBC 2018)

**FIRE RESISTANCE RATINGS:**

PARTY / FIRE WALLS:	REQUIRED RATING	DESIGN / SHEET	% WALL OPENING	DESIGN NO. FOR RATED ASSEMBLIES
TERMINAL SEPARATION:	1 HR.			
FLOOR ASSEMBLIES:	1 HR.			
CEILING ASSEMBLIES:	1 HR.			
PIPE PENETRATIONS:	1 HR.			

WINDS:

WINDS APPLIED PER ASCE7-10, BUILDINGS OF ALL HEIGHTS  
ANALYTICAL METHOD C

BASIC WIND SPEED: 150 MPH

BUILDING RISK CATEGORY: II

WIND EXPOSURE: C

APPLICABLE INTERNAL PRESSURE COEFFICIENT: +/- 0.18 (ENCLOSED)

INDEX OF DRAWINGS		
SHEET #	DESCRIPTION	
ARCHITECTURAL		
1	CO	COVER SHEET
2	CO-1	RENDERING
3	CO-2	RENDERING
4	SURVEY	SITE SURVEY
5	SP-1.0	ARCHITECTURAL SITE PLAN
6	SP-1.1	LANDSCAPE PLAN
7	SP-1.2	IRRIGATION PLAN
8	A-1.0	GROUND FLOOR PLAN
9	A-1.1	2nd & 3rd FLOOR PLAN
10	A-1.2	ROOF DECK FLOOR PLAN
11	A-1.3	ROOF PLAN
12	A-1.4	ROOF DECK ROOF FRAMING PLAN
13	A-2.0	EXTERIOR FRONT ELEVATION
14	A-2.1	EXTERIOR REAR ELEVATION
15	A-2.2	EXTERIOR RIGHT ELEVATION
16	A-2.3	EXTERIOR LEFT ELEVATION
17	A-3.0	BUILDING SECTION
18	A-4.0	ENLARGED STAIR PLANS & SECTIONS
19	A-4.1	STAIR & RAILING DETAILS
20	A-4.2	ELEVATOR DETAILS
21	A-5.0	DOOR & WINDOW / ROOM FINISH SCHEDULE
22	LS-0.01	2nd & 3rd FLOOR LIFE SAFETY PLAN
CIVIL PLANS		
1	C-0	HORIZONTAL CONTROL PLAN
2	C-1	HORIZONTAL CONTROL PLAN
3	C-2	PAVING, GRADING & DRAINAGE PLAN
4	C-3	UTILITIES PLAN
5	C-4	DETAILS

STRUCTURAL		
1	S0.0	STRUCTURAL NOTES, FLOOR AND WIND LOAD INFORMATION
2	S-1.1	1ST FLOOR SLAB ON GRADE AND CMU WALL PLAN
3	S-1.2	2ND AND 3RD FLOOR SLAB FRAMING PLAN
4	S-1.2	2ND AND 3RD FLOOR CMU WALL PLAN
5	S-1.3	ROOF SLAB FRAMING PLAN
6	S-1.4	HIGH ROOF FRAMING PLAN
7	S-3.0	TYPICAL POST TENSION DETAILS AND SECTIONS
8	S-3.1	SECTIONS
9	S-4.1	PILE CAP DETAILS
10	S-4.2	PILE CAP DETAILS
11	S-4.3	CIP COLUMN SCHEDULE AND DETAILS
12	S-4.4	CIP SHEAR WALL SCHEDULE AND DETAILS
MECHANICAL		
1	M-1.0	2nd & 3rd FLOOR MECHANICAL PLAN
2	M-2.0	ROOF DECK MECHANICAL PLAN
3	M-3.0	MECHANICAL NOTES & DETAILS
4	M-4.0	MECHANICAL DETAILS
ELECTRICAL		
0	E-0.1	ELECTRICAL LEGEND
1	E-1.0	GROUND FLOOR ELECTRICAL PLAN
2	E-1.1	2nd & 3rd FLOOR ELECTRICAL PLAN
3	E-1.2	ROOF DECK ELECTRICAL PLAN
4	E-1.3	ELECTRICAL POWER & RISER DIAGRAM
5	E-1.4	ELECTRICAL NOTES & DETAILS
6	E-1.5	ELECTRICAL PANEL DIAGRAM
7	E-1.6	ELECTRICAL PANEL DIAGRAM
PLUMBING		
1	P-1.0	GROUND FLOOR PLUMBING PLAN (POTABLE WATER & SANITARY PLAN)
2	P-1.1	2nd & 3rd FLOOR POTABLE WATER PLUMBING PLAN
3	P-1.2	2nd & 3rd FLOOR SANITARY PLUMBING PLAN

4	P-1.3	2nd & 3rd FLOOR SANITARY RISER
5	P-1.4	ROOF DECK POTABLE WATER PLUMBING PLAN
6	P-1.5	ROOF DECK SANITARY PLUMBING PLAN

**JOHN A. BODZIAK**

AIA, ARCHITECT, PA  
 ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT  
 FLORIDA REGISTRATION NO. AR0005066  
 743 49th STREET N.  
 SAINT PETERSBURG, FLORIDA 33710  
 TEL: (727) 327-1986 FAX: (727) 826-0968  
 EMAIL: JACK@JABODZIAK.COM

**STRUCTURAL**  
 UNIQUE ENGINEERING SOLUTIONS, LLC  
 FL REG # 33759  
 ADDRESS: 4177 CORPORATE COURT  
 PALM HARBOR, FL 34683  
 CONTACT: DOUG HALL  
 PHONE: (813) 296-5519  
 EMAIL: doug@ues.com

**CIVIL ENGINEER**  
 PATRICIA MONTECKE, P.E.  
 FL # 54884  
 5032 CHANCELLOR ST.  
 ST. PETERSBURG, FL 33703  
 TEL: 727.255.1650

ABBREVIATIONS:

A.F.C.	ABOVE FINISH CEILING	H.M.	HOLLOW METAL
A.F.F.	ABOVE FINISH FLOOR	IMAG.	IMAGE
A.C.T.	ACROUSTICAL CEILING TILE	INSUL.	INSULATION
ALUM.	ALUMINUM	JOINT	JOINT
BLK.	BLOCK	K.O.	KNOCK OUT
BOTT.	BOTTOM	LK.	LOCK
BTM.	BOTTOM	MANUF.	MANUFACTURER
BLDG.	BUILDING	M.C.	MEDICAL CLOSET
CLG.	CEILING	M.C.J.	MASONRY CONTROL JOINT
C.	CARPET	M.O.	MASONRY OPENING
C.T.	CERAMIC TILE	MAX.	MAXIMUM
C.B.	CHALK BOARD	MECH.	MECHANICAL
COL.	COLUMN	MTL.	METAL
CONC.	CONCRETE	M.L.	METAL LATH
C.J.	CONTROL JOINT	MIN.	MINIMUM
C.M.U.	CONCRETE MASONRY UNIT	MIRR.	MIRROR
DN.	DOWN	N.	NORTH
D.S.	DOWN SPOUT	N.I.C.	NOT IN CONTRACT
D.F.	DRINKING FOUNTAIN	N.T.S.	NOT TO SCALE
EAST.	EAST	NO.	NUMBER
ELEV.	ELEVATION	O.C.	ON CENTER
EQUAL.	EQUAL	PT.	PAINT
EXIST.	EXISTING	PLAST.	PLASTER
EXP.	EXPANSION	P.T.	PRESSURE TREATED
E.J.	EXPANSION JOINT	Q.T.	QUARRY TILE
EXISTG.	EXISTING	R.F.	REINFORCING
E.I.F.S.	EXTERIOR INSULATION & FINISH SYSTEM	REQU.	REQUIRED
FIN.	FINISH	R.D.	ROOF DRAIN
F.F.	FIRE EXTINGUISHER	R.F.G.	ROOFING
F.A.	FIRE ALARM	RM.	ROOM
PLAS.	PLASTER	R.T.	RUBBER TILE
FL.	FLOOR	SPEC.	SPECIFICATIONS
F.L.	FLOOR	STL.	STEEL
FTG.	FOOTING	T.B.	TACK BOARD
FT.	FOOT OR FEET	TYP.	TYPICAL
FDN.	FOUNDATION	U.N.O.	UNLESS NOTED OTHERWISE
GALV.	GALVANIZED	VERT.	VERTICAL
GA.	GALVE	V.C.T.	VINYL COMPOSITION TILE
G.W.B.	GYP-SUM WALL BOARD	WGT.	WEIGHT
HDV.	HARDWARE	W.C.	WATER CLOSET
HGT.	HEIGHT	W.D.	WINDOW WITH WOOD

PROJECT  
**MADERA BEACH RESORT & MARINA**

306 129th AVENUE EAST  
 MADEIRA BEACH, FLORIDA

COVER SHEET

**JOHN A. BODZIAK**  
 ARCHITECT AIA, PA

ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT  
 FLORIDA REGISTRATION NO. AR0005066  
 743 49th STREET N. SAINT PETERSBURG, FLORIDA 33710  
 TEL: (727) 327-1986 FAX: (727) 826-0968

DATE	NOV - 2020
JAB PROJECT #	2020-057
SHEET #	CO

NO.	DATE	DESCRIPTION

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND COORDINATE ALL FIELD CONDITIONS. ALL DISCREPANCIES AND CONFLICTS SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING WITH CONSTRUCTION. UNRESOLVED DISCREPANCIES AND CONFLICTS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.



PROPOSED PROJECT FOR:

*MADERA BEACH RESORT & MARINA*

*306 129th Avenue EAST  
Madeira Beach, Florida*



PROFESSIONAL STATEMENT TO THE BEST OF THIS ARCHITECT'S KNOWLEDGE, ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE MINIMUM FIRE SAFETY STANDARDS AS DETERMINED IN ACCORDANCE WITH CHAPTERS 550 AND 552, LAWS OF FLORIDA.

NO.	DATE	DESCRIPTION

CLIENT

PROJECT  
**MADERA BEACH RESORT & MARINA**  
306 129th AVENUE EAST  
MADERA BEACH, FLORIDA  
RENDERING

REAL

**JOHN A. BODZIAK**  
ARCHITECT AIA, PA  
ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT  
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743 48th STREET, SUITE 1000, MADEIRA BEACH, FLORIDA 32170  
TEL: (727) 327-1688 FAX: (727) 826-0888

DRAWN BY: CS / TT  
UPDATED ON: Mar. 23, 22  
DATE: NOV - 2020  
JOB PROJECT #: 2020-057  
SHEET #  
**CO-1**

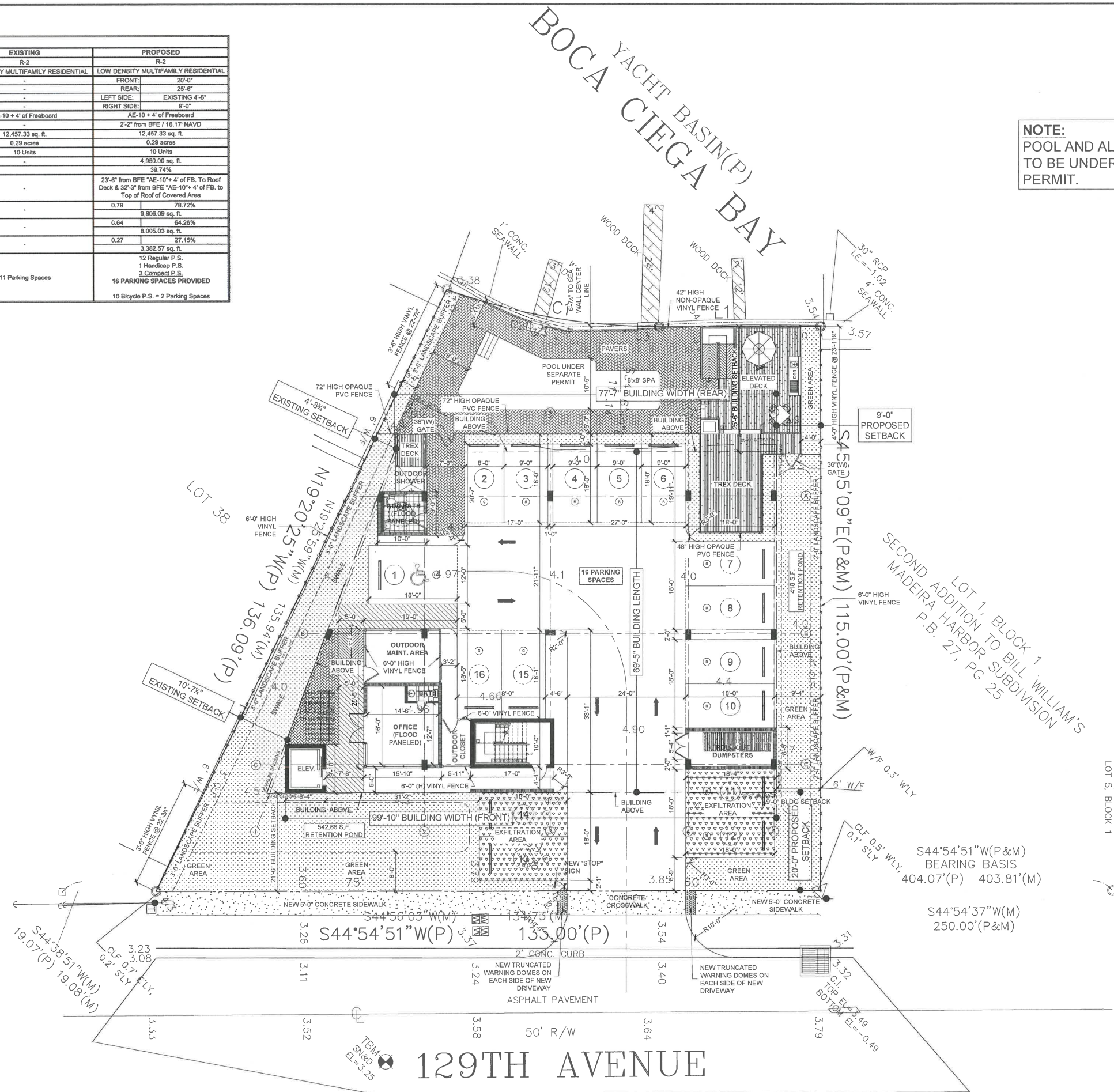
CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND COORDINATE ALL FIELD CONDITIONS. ALL DESIGNER'S AND CONTRACTOR'S SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING OR CONTINUING WITH CONSTRUCTION. UNREPORTED DISCREPANCIES AND CORRECTIONS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.







SITE DATA TABLE			
CATEGORY	ALLOWABLE	EXISTING	PROPOSED
ZONING	R-2	R-2	R-2
LAND USE DISTRICT	LOW DENSITY MULTIFAMILY RESIDENTIAL	LOW DENSITY MULTIFAMILY RESIDENTIAL	LOW DENSITY MULTIFAMILY RESIDENTIAL
SETBACKS	FRONT: 20'-0"	-	FRONT: 20'-0"
	REAR: 25'-0"	-	REAR: 25'-0"
	LEFT SIDE: EXISTING 4'-8"	-	LEFT SIDE: EXISTING 4'-8"
B.F.E.	AE-10 + 4' of Freeboard	AE-10 + 4' of Freeboard	AE-10 + 4' of Freeboard
	AE-10 + 4' of Freeboard / 14.0' NAVD min.	-	2'-2" from BFE / 16.17' NAVD
SITE AREA	12,457.33 sq. ft.	12,457.33 sq. ft.	12,457.33 sq. ft.
	0.29 acres	0.29 acres	0.29 acres
DENSITY	10 Units / Magistrate	10 Units	10 Units
	0.40 max.	40% max.	4.950.00 sq. ft.
BUILDING FOOTPRINT/ COVERAGE	4,982.93 sq. ft. max.	-	39.74%
	30'-0" max. from B.F.E. + 4' of FB. / 40'-0" max. to the highest point from B.F.E. + 4' of FB.	-	23'-6" from BFE "AE-10" + 4' of FB. To Roof Deck & 32'-3" from BFE "AE-10" + 4' of FB. to Top of Roof of Covered Area
FLOOR AREA RATIO (FAR)	0.80 Max.	80% Max.	0.79
	0.965.86 sq. ft. max.	-	9,806.09 sq. ft.
IMPERVIOUS SURFACE RATIO (ISR)	0.70 Max.	70% Max.	0.64
	8,720.13 sq. ft. max.	-	8,005.03 sq. ft.
LANDSCAPE & GREEN SPACE	0.10 Min.	10% Min.	0.27
	1,245.73 sq. ft. max.	-	3,382.57 sq. ft.
PARKING SPACES (P.S.)	1 Parking Space per Unit 10 Parking Spaces Min. Required	11 Parking Spaces	16 PARKING SPACES PROVIDED 10 Bicycle P.S. = 2 Parking Spaces



**NOTE:**  
POOL AND ALL FENCES  
TO BE UNDER SEPARATE  
PERMIT.

PROFESSIONAL STATEMENT TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, ENCLOSURE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE MINIMUM FIRE SAFETY STANDARDS AS SET FORTH IN ACCORDANCE WITH CHAPTERS 550 AND 551, LAWS OF FLORIDA.

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND COORDINATE ALL FIELD CONDITIONS. ALL DIMENSIONS AND CONDITIONS SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING OR CONTINUING WITH CONSTRUCTION. IMMEDIATE DISCREPANCIES AND CONTACTS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.

DATE: NOV - 2020

DATE: NOV - 2020

JOB PROJECT #: 2020-057

SHEET #: SP-1.0

**JOHN A. BODZIAK**  
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**MADEIRA BEACH RESORT & MARINA**  
306 129th AVENUE EAST  
MADEIRA BEACH, FLORIDA  
ARCHITECTURAL SITE PLAN







PROJECT: MADEIRA BEACH RESORT & MARINA  
306 129th AVENUE EAST  
MADEIRA BEACH, FLORIDA  
P.B. 27, PG 25

LOT 1, BLOCK 1 WILLIAM'S  
SECOND ADDITION TO BILL WILLIAM'S  
MADEIRA HARBOR SUBDIVISION  
P.B. 27, PG 25

LOT 5, BLOCK 1  
LOT 6, BLOCK 1

DRAWN BY: CS / TT  
UPDATED ON: Mar. 23, 22  
DATE: NOV - 2020  
JOB PROJECT #: 2020-057  
SHEET #: SP-1.0






**WALL LEGEND:**

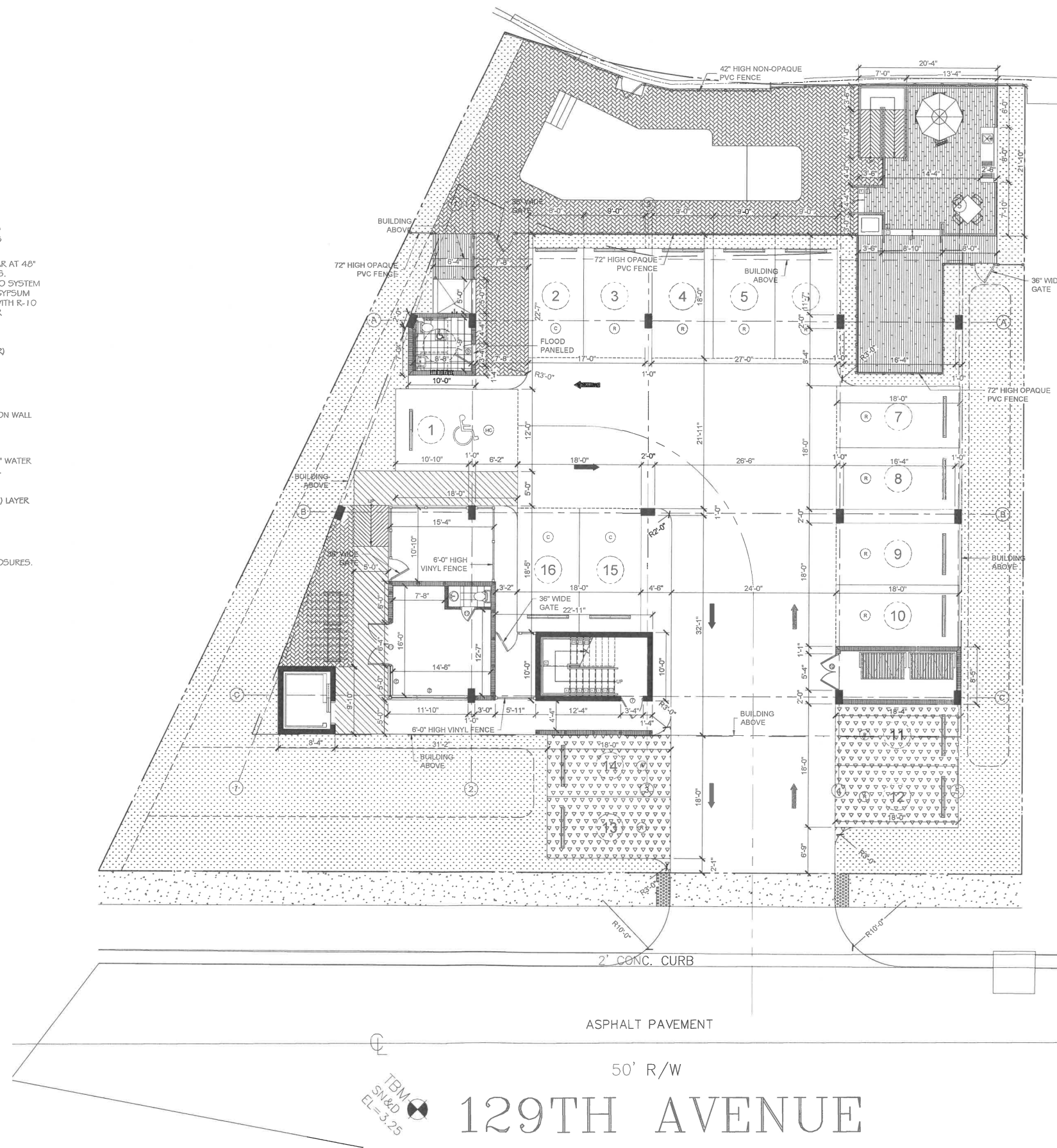
-  POURED CONCRETE WALLS AND COLUMNS  
TWO HOUR RATED POURED 8" REINFORCED  
CONCRETE WALLS AND STRUCTURAL SLABS
-  MASONRY WALL  
8" CMU WITH FILLED CELLS AND NO. 5 REBAR AT 48"  
O.C. AND AT BOTH SIDES OF ALL OPENINGS.  
EXTERIOR SIDE: TO BE 7/8" 3-COAT STUCCO SYSTEM  
INTERIOR SIDE: TO BE (1) ONE LAYER 1/2" GYPSUM  
WALL BOARD OVER 1/2" FURRING STRIPS WITH R-10  
FOIL BACKED INSULATION / VAPOR BARRIER
-  VINYL FENCE SEE PLAN FOR HEIGHTS  
FINISH TO BE WHITE (CONFIRM WITH OWNER)
-  7-7/8" ONE-HOUR INTERIOR UNIT SEPARATION WALL  
SEE U493 ON PAGE A-4.2 FOR DETAILS.
-  INTERIOR WET WALL  
5-1/2" 20GA. METAL STUDS W/ ONE (1) 5/8" WATER  
RESISTANT GYPSUM BOARD ON BOTH SIDE.
-  INTERIOR WALL  
3-1/2" METAL STUD WALL AT 24" O.C. W/ (1) LAYER  
5/8" GYPSUM BOARD BOTH SIDES.

**WALL LEGEND NOTES:**

1. WATER RESISTANT (GREEN BOARD) TO BE INSTALLED ON ALL WET WALLS.
2. DURA-ROCK BOARD AT ALL SURFACES TO RECEIVE TILE IN SHOWER ENCLOSURES.

**FLOOR LEGEND:**

-  24"X24" CERAMIC TILE TO BE SELECTED BY OWNER
-  6"X6" QUARRY TILE TO BE SELECTED BY OWNER
-  CONCRETE PAVER TO BE SELECTED BY OWNER
-  SOLID TEAK WOOD TO BE SELECTED BY OWNER
-  TREK DECK TO BE SELECTED BY OWNER



129TH AVENUE

1  
A-1.0

GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ALL FIELD CONDITIONS. ALL DIMENSIONS AND CONDITIONS AND CONFLICTS SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING OR CONSTRUCTION. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE SCOPE OF THE CONTRACT.

REVISIONS	DESCRIPTION
NO.	DATE

PROFESSIONAL STATEMENT TO THE BEST OF HIS ARCHITECT'S KNOWLEDGE, ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND REGULATIONS AND ALL APPLICABLE ACCREDITED STANDARDS AND REGULATIONS.




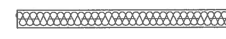
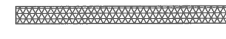

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PROJECT  
**MADEIRA BEACH RESORT & MARINA**  
 306 129th AVENUE EAST  
 MADEIRA BEACH, FLORIDA  
 CLIENT  
**GROUND FLOOR PLAN**

DRAWN BY CS / TT  
 UPDATED ON Mar. 23, 22  
 DATE NOV - 2020  
 JOB PROJECT # 2020-057  
 SHEET # **A-1.0**



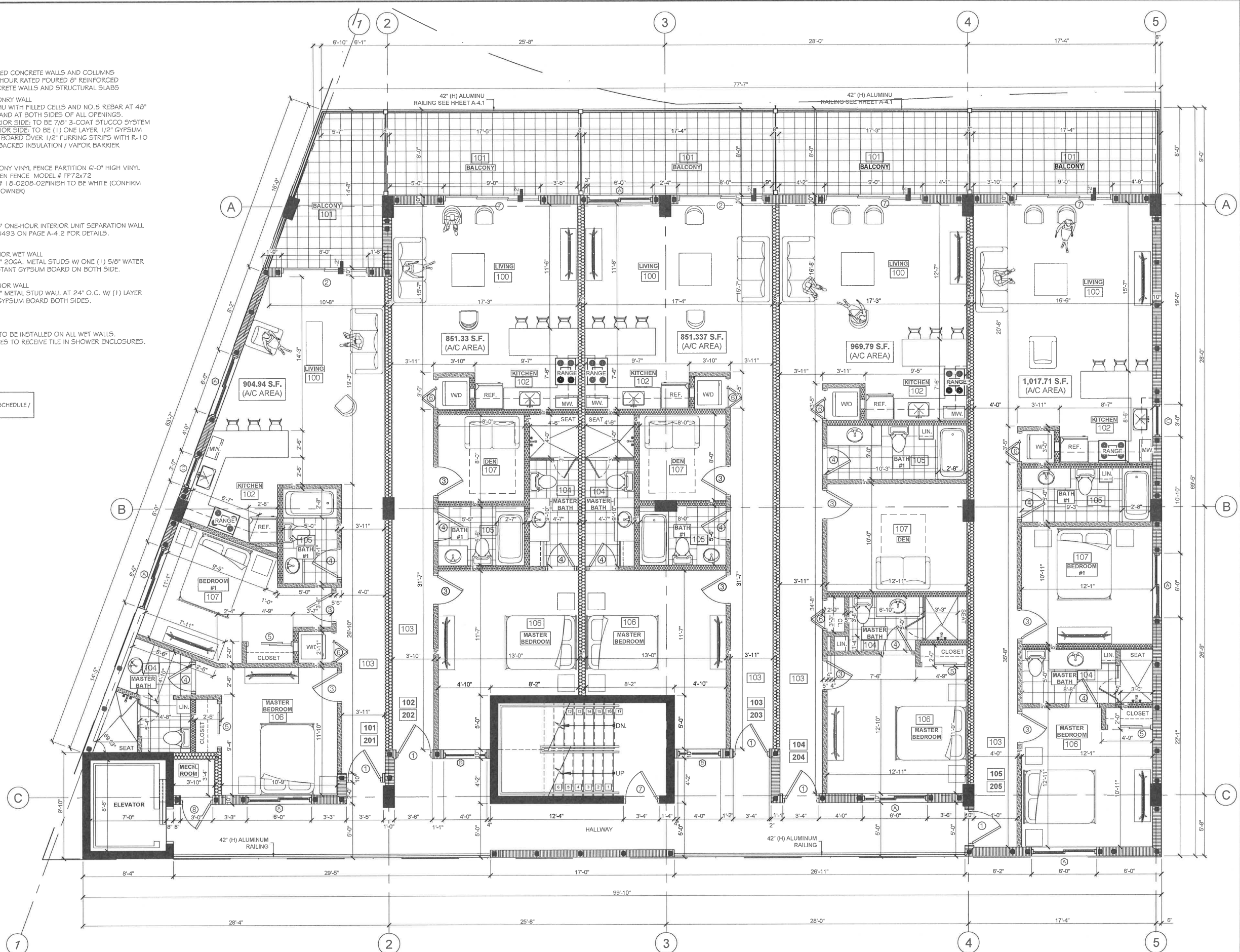
**WALL LEGEND:**

-  POURED CONCRETE WALLS AND COLUMNS  
TWO HOUR RATED POURED 8" REINFORCED CONCRETE WALLS AND STRUCTURAL SLABS
-  MASONRY WALL  
8" CMU WITH FILLED CELLS AND NO.5 REBAR AT 48" O.C. AND AT BOTH SIDES OF ALL OPENINGS.  
EXTERIOR SIDE: TO BE 7/8" 3-COAT STUCCO SYSTEM  
INTERIOR SIDE: TO BE (1) ONE LAYER 1/2" GYPSUM WALL BOARD OVER 1/2" FURRING STRIPS WITH R-10 FOIL BACKED INSULATION / VAPOR BARRIER
-  BALCONY VINYL FENCE PARTITION 6'-0" HIGH VINYL SCREEN FENCE MODEL # FP72x72  
NOA # 1 B-020B-02 FINISH TO BE WHITE (CONFIRM WITH OWNER)
-  7-7/8" ONE-HOUR INTERIOR UNIT SEPARATION WALL  
SEE U493 ON PAGE A-4.2 FOR DETAILS.
-  INTERIOR WET WALL  
5-1/2" 20GA. METAL STUDS W/ ONE (1) 5/8" WATER RESISTANT GYPSUM BOARD ON BOTH SIDE.
-  INTERIOR WALL  
3-1/2" METAL STUD WALL AT 24" O.C. W/ (1) LAYER 5/8" GYPSUM BOARD BOTH SIDES.

**WALL LEGEND NOTES:**

1. WATER RESISTANT (GREEN BOARD) TO BE INSTALLED ON ALL WET WALLS.
2. DURA-ROCK BOARD AT ALL SURFACES TO RECEIVE TILE IN SHOWER ENCLOSURES.

NOTE:  
SEE PAGE A-5.0 FOR ROOM FINISH SCHEDULE / WINDOW & DOOR SCHEDULE



**1** 2nd & 3rd FLOOR PLAN  
A-1.1 SCALE: 1/4" = 1'-0"  
NORTH

PROFESSIONAL STATEMENT: TO THE BEST OF MY KNOWLEDGE AND BELIEF, I HAVE PREPARED THE ABOVE DRAWINGS IN ACCORDANCE WITH THE PROFESSIONAL SEAL OF FLORIDA ARCHITECTS. I AM A LICENSED ARCHITECT IN THE STATE OF FLORIDA. I HAVE REVIEWED THE DRAWINGS AND I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND.

NO.	DATE	DESCRIPTION

**PROJECT**  
**MADEIRA BEACH RESORT & MARINA**  
306 129th AVENUE EAST  
MADEIRA BEACH, FLORIDA  
2nd & 3rd FLOOR PLAN

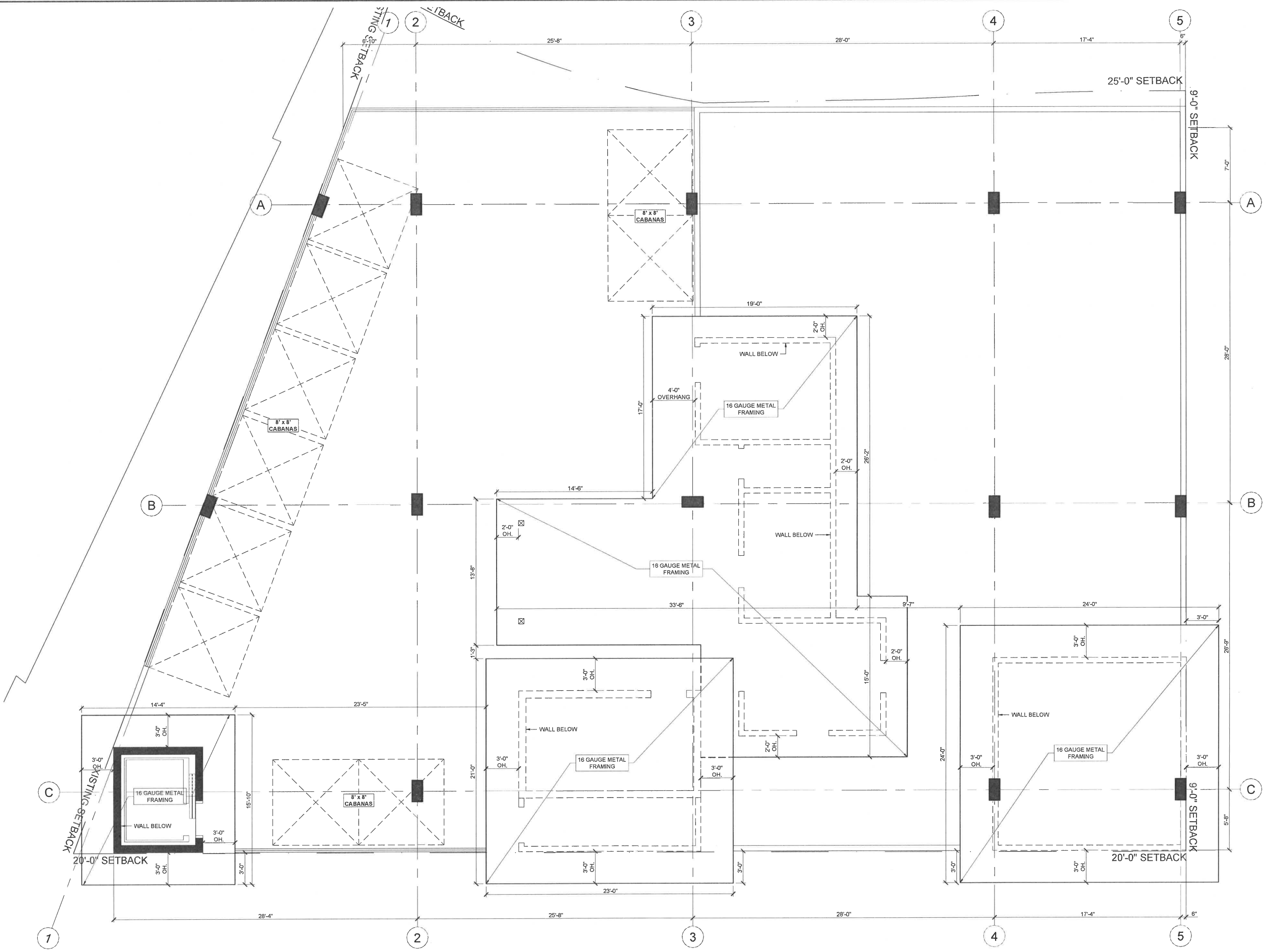
**JOHN A. BODZIAK**  
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DRAWN BY: CS / TT  
UPDATED ON: Mar. 23, 22  
DATE: NOV - 2020  
JOB PROJECT #: 2020-057  
SHEET #

**A-1.1**







1 ROOF PLAN  
 A-1.3 SCALE: 1/4" = 1'-0"  
 NORTH

PROFESSIONAL STATEMENT TO THE BEST OF HIS INDUSTRY KNOWLEDGE, ENCLOSED PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE MINIMUM SETBACK STANDARDS AS REQUIRED BY ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCES. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON OR FOR THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON OR FOR THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN ON THESE PLANS.

NO.	DATE	DESCRIPTION

PROJECT  
**MADEIRA BEACH RESORT & MARINA**  
 306 129th AVENUE EAST  
 MADEIRA BEACH, FLORIDA

CLIENT  
 PROJECT  
**MADEIRA BEACH RESORT & MARINA**  
 306 129th AVENUE EAST  
 MADEIRA BEACH, FLORIDA  
 ROOF PLAN

ARCHITECT  
**JOHN A. BODZIAK**  
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DRAWN BY	CS / TT
UPDATED ON	Mar. 23, 22
DATE	NOV - 2020
JOB PROJECT #	2020-057
SHEET #	A-1.3



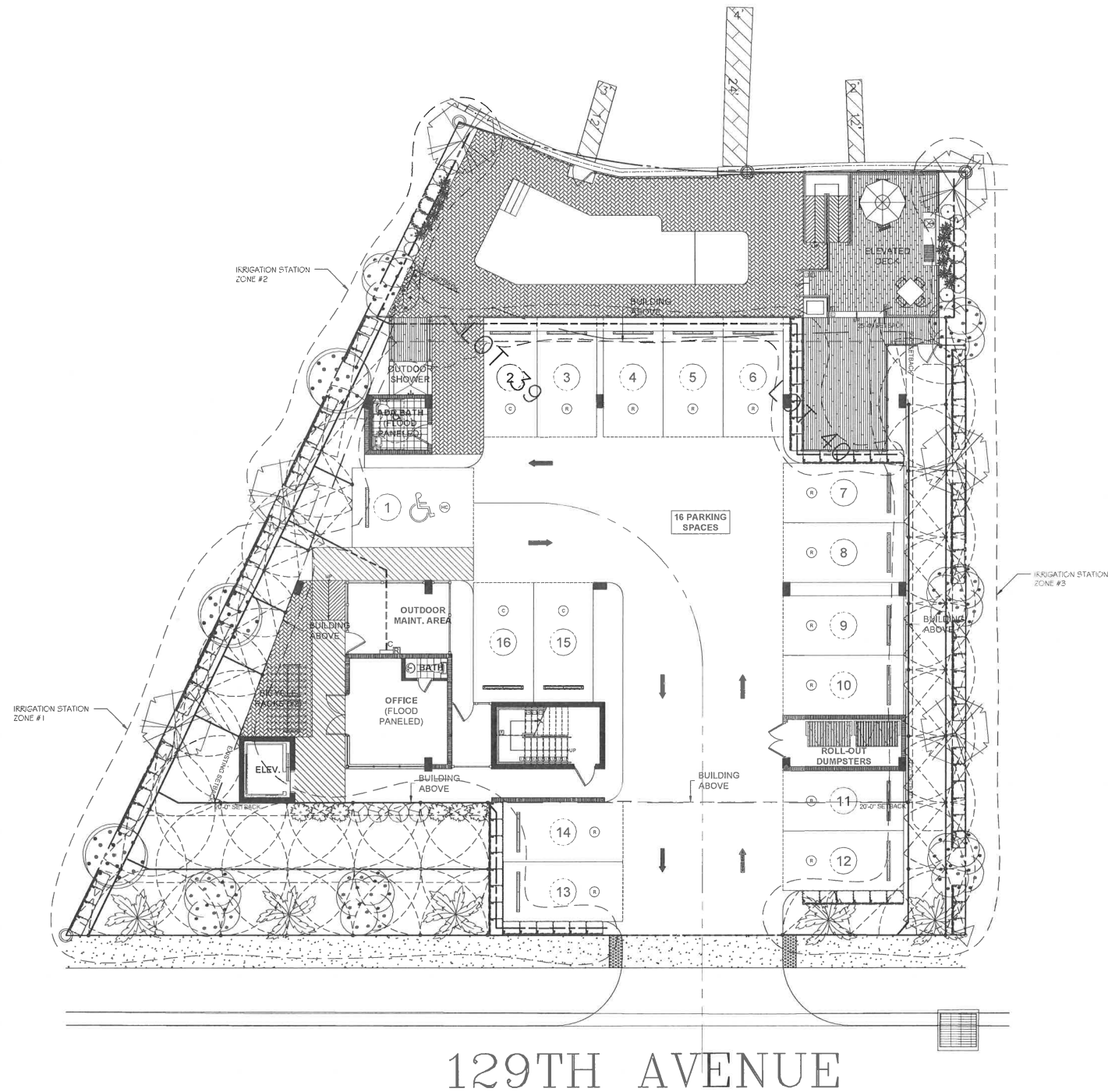
GENERAL IRRIGATION NOTES:

1. THE CONTRACTOR SHALL PROVIDE A 100% COVERAGE AUTOMATIC IRRIGATION SYSTEM ACCORDING TO THE IRRIGATION SPECIFICATIONS. IN ALL CASES COMPLY WITH THE WRITTEN IRRIGATION SPECIFICATIONS AND THE GENERAL IRRIGATION NOTES.
2. ALL QUESTIONS CONCERNING SPECIFICATIONS ARE TO BE DIRECTED TO THE ARCHITECT.
3. SHRUB RISERS SHALL ONLY BE INSTALLED IN HEDGES OR MASS PLANTINGS NOT TO EXTEND MORE THAN 3" ABOVE THE INSTALLED HEIGHT OF THE SHRUB. IN NO CASE SHALL SHRUB RISERS BE INSTALLED DIRECTLY ADJACENT TO CURBS, WALKS OR OTHER VEHICULAR ACCESS WAYS. IF RISERS ARE TO BE USED IN HEDGES ADJUTING PARKING AREAS, THEY MUST BE PLACED A MINIMUM OF 30" AWAY FROM BACK OF CURB AND EMBEDDED IN THE HEDGE SO AS NOT TO BE SEEN OR DAMAGED BY VEHICULAR OVERHANG. ALL SHRUB RISERS SHALL BE PAINTED BLACK OR DARK GREEN.
4. ALL PLANTED GROUND COVER AREAS, INCLUDING MASS PLANTINGS OF DWARF SHRUBS NOT EXCEEDING 22" SHALL BE IRRIGATED WITH 1/2" POP-UP SPRAY HEADS (UNLESS OTHERWISE NOTED) AND EXTENDERS (IF REQUIRED).
5. PIPE, VALVES AND OTHER IRRIGATION EQUIPMENT MAY BE SHOWN IN BUILDINGS, DRIVES AND WALKS FOR CLARITY ONLY. LOCATE ALL VALVES AND OTHER IRRIGATION EQUIPMENT IN PLANT BED AREAS FOR BEST CONCEALMENT AND ACCESSIBILITY.
6. VALVES ARE TO BE INSTALLED IN VALVE BOXES LARGE ENOUGH TO ACCOMMODATE MAINTENANCE AND OPERATION OF VALVES. VALVE PIT SHALL BE FREE FROM MUD OR OTHER DEBRIS WHICH MAY COVER VALVE. PROVIDE 1/2" DIAMETER RIVER GRAVEL SUMP 3" THICK AT THE BOTTOM OF VALVE PIT.
7. ALL IRRIGATION MATERIALS AND INSTALLATION SHALL MEET FEDERAL, STATE AND LOCAL CODES, REGULATIONS AND ORDINANCES CONCERNING IRRIGATION CONSTRUCTION.
8. FLEXIBLE POLYETHYLENE SWING JOINTS SHALL BE USED FOR ALL POP-UP SPRAY HEADS. ROTOR HEADS SHALL HAVE RIGID PVC SWING JOINTS. CONCRETE DONUTS SHALL BE INSTALLED AT ALL HEAD LOCATIONS ADJACENT TO OR IN VEHICULAR USE AREAS.
9. ALL SLEEVES ARE TO BE SCHEDULE 40 PVC LOCATED A MINIMUM OF 14" BELOW FINISH GRADE.
10. ADJUST ALL HEADS TO PROVIDE MAXIMUM COVERAGE AND MINIMUM OVERTHROW.
11. CONTRACTOR SHALL ADJUST HEADS AS NEEDED IN VEHICULAR AREAS TO INSURE THAT PARKED VEHICLES DO NOT INTERFERE WITH THE OPERATION OF THE IRRIGATION SYSTEM. NOTIFY THE LANDSCAPE ARCHITECT AND OBTAIN WRITTEN APPROVAL PRIOR TO ADJUSTING IRRIGATION HEAD LAYOUT SO THAT 100% COVERAGE IS NOT COMPROMISED.
12. EQUIPMENT AND HEADS SHALL BE MANUFACTURED BY 'RAINBIRD' OR 'HUNTER' OR AS OTHERWISE STATED ON THE PLANS.
13. CONTRACTOR SHALL FIELD VERIFY CAPABILITY OF WATER SOURCE TO DELIVER PROPER PRESSURE PER SQUARE INCH (PSI) AND GALLONS PER MINUTE (GPM) AS REQUIRED BY THE IRRIGATION SYSTEM. NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO CONTRACT IF THERE IS ANY DISCREPANCY.
14. IRRIGATION WATER SOURCE SHALL BE RECLAIMED WATER, IF AVAILABLE.
15. ALL PERMITS NECESSARY ARE TO BE PROVIDED BY THE INSTALLING CONTRACTOR UNLESS OTHERWISE SPECIFICALLY STATED.
16. REFER TO THE LANDSCAPE DRAWINGS WHEN LOCATING ALL IRRIGATION EQUIPMENT. ALLOW AMPLE ROOM NEAR PIPE, VALVES AND OTHER EQUIPMENT FOR THE PLANTING OF TREES AND HEDGES.
17. ALL WIRES SHALL BE INSTALLED IN WIRE SLEEVES UNDER WALKS AND DRIVES.
18. IF THERE IS A CONFLICT BETWEEN THE IRRIGATION PLAN AND SPECIFICATIONS, CONTACT THE LANDSCAPE ARCHITECT IMMEDIATELY.
19. CAREFULLY REVIEW THE IRRIGATION SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ITEMS CONTAINED THEREIN.
20. CONTRACTOR SHALL FURNISH OWNER WITH 2 COPIES OF OPERATION MANUALS AND WATER SCHEDULING TIMES AS REQUIRED TO SUSTAIN THE PLANT MATERIAL. CONTRACTOR SHALL INSTRUCT THE OWNER AS TO THE PROPER OPERATION AND MAINTENANCE OF THE ENTIRE IRRIGATION SYSTEM PRIOR TO FINAL ACCEPTANCE.
21. THE IRRIGATION SYSTEM SHALL INCLUDE A RAIN SENSOR / SHUT-OFF DEVICE TO AVOID IRRIGATION DURING PERIODS OF SUFFICIENT RAINFALL.

IRRIGATION LEGEND

- RAINBIRD 6" POP-UP SPRAY HEADS @ 10' O.C.
  - IRRIGATION LINE INDICATION
  - - - - IRRIGATION LINE UNDER HARD SURFACE (SLEEVED 3")
  - PERFORATED IRRIGATION LINE
  - ⊠ HUNTER RAIN SYNC DEVICE
  - ⊠ HUNTER I-CORE CONTROLLER
- IRRIGATION STATIONS
- |         |            |                       |
|---------|------------|-----------------------|
| ZONE #1 | SPRAY ZONE | (27 RAINBIRD POP-UPS) |
| ZONE #2 | SPRAY ZONE | (4 RAINBIRD POP-UPS)  |
| ZONE #3 | SPRAY ZONE | (20 RAINBIRD POP-UPS) |

YACHT BASIN(P)  
BOCA CIEGA BAY



1 IRRIGATION PLAN  
SP-1.2 SCALE: 1" = 10'-0"



CONTRACTOR SHALL DESIGN AND VERIFY ALL DIMENSIONS AND LOCATIONS ALL FIELD CONDITIONS. ALL DIMENSIONS AND LOCATIONS SHALL BE REPORTED TO THE ARCHITECT IN WRITING PRIOR TO PROCEEDING WITH CONSTRUCTION. UNREPORTED DISCREPANCIES AND CONFLICTS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.

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PROJECT: MADEIRA BEACH RESORT & MARINA  
306 129th AVENUE EAST  
MADEIRA BEACH, FLORIDA

CLIENT: IRRIIGATION PLAN

NO.	DATE	DESCRIPTION

DRAWN BY: CS / TT  
UPDATED ON: Mar. 23, 22  
DATE: NOV - 2020  
JOB PROJECT #: 2020-057  
SHEET #: SP-1.2

Previously approved Variance

Variance 2020-02



LOCAL GOVERNMENT VARIANCES, SPECIAL EXCEPTION USES  
AND APPEALS OF ADMINISTRATIVE DECISIONS  
CITY OF MADEIRA BEACH, FLORIDA  
Application No. 2020-02

Stephen P. Rivera c/o Ivan Wolfson  
for the property located at  
306 129<sup>th</sup> Ave. E.  
Madeira Beach, Florida 33708,

Applicant.

**ORDER GRANTING VARIANCE**

Madeira Beach Land Development Regulations, Section 110-231.-Setback Requirements.  
(1) Front yard: 25 feet measured from the right-of-way to the structure.

PARCEL IDENTIFICATION NUMBER: 15-31-15-97830-000-0390

Special Magistrate, Bart R. Valdes, heard testimony and reviewed all evidence received at the Special Magistrate hearing held on July 27, 2020, and, based on the evidence, the lack of any objections, and recommendations of City Staff, enters the following findings of fact, conclusion of law and order.

**FINDINGS OF FACT**

1. The application of Stephen P. Rivera c/o Ivan Wolfson (collectively, “the applicant”) presents the issue involving a variance from the requirements of the above stated Madeira Beach Code of Ordinances, requesting a variance reducing the front yard setback from 25 feet to 18 feet to allow the storm damaged building to be replaced with a new structure.

2. The applicant’s property, if built according to the plans, will not conform to the requirements of the Code of Ordinances of the City of Madeira Beach (“the Code”).

3. Special conditions and circumstances exist, as stated on the record, and in the Staff report to justify the variance due to the pie shape of the lot. The variance would be compatible with the neighborhood character of the area and bring the lot more into compliance and allow for a new structure that would meet the requirements in Sec. 110-96 for rebuilding after a loss.

4. The special conditions and circumstances do not result from the actions of the applicant since the hardship pre-existed his ownership. The hardship claimed is the shape of the lot and the need to comply with current building codes. The hardship does not result from the

actions of the applicant and there has been precedence to allow development of surrounding lots with intrusions into the required setbacks.

5. Granting the variance will not confer on the applicant a special privilege that is denied to other lands, buildings or structures in the same zoning district and will have the same density after reconstruction. The requested variance is not more significant than those offered to any other property in the same zoning district. The variance requested is compatible with new structures in the area, is in keeping with the neighborhood character and confers only the minimum privilege enjoyed by surrounding properties.

6. Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of the Code and would work an unnecessary and undue hardship on the applicant and the conceptual structure. Literal interpretation would not allow for the proposed construction, and would prevent redevelopment of the current dilapidated structure.

7. The requested variance is the minimum setback necessary to allow compliance with building standards.

8. The variance requested, is in harmony with the general intent and purposes of the city land development regulations to allow for redevelopment on the subject property. The granting of the variance is based on unique circumstances and does not pose a detriment to the public welfare. On the contrary, it provides for demolition of a hazardous structure.

9. The variance is appropriate under the following condition(s): The current hazardous building is demolished and the property is redeveloped in accordance with a redevelopment plan as defined by Sec. 110-97 of the Madeira Beach Code of Ordinances.

#### CONCLUSION OF LAW

1. Section 2-507 of the Madeira Beach Code of Ordinances authorizes variances from the terms of the city land development regulations as not being contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the land development regulations will result in unnecessary and undue hardship.

2. The applicant has the burden to establish the requirements for the variance. Here, the applicant meets the criteria for the variance as set forth in Section 2-507 of the Madeira Beach Code of Ordinances.

**ORDER**

It is ADJUDGED that the application is GRANTED, allowing a variance from the zoning requirements of the Madeira Beach Land Development Regulations, Section 110-231 in order to allow for the construction of a permanent structure on the lot, reducing the front yard setback from 25 feet to 18 feet to allow the storm damaged building to be replaced with a new structure on the same front setback under the conditions set forth in Paragraph 9 above.

DONE AND ORDERED on August 17, 2020.



---

Bart R. Valdes  
Special Magistrate

Copies furnished to:

Tom Trask, City Attorney

Clara VanBlargan, City of Madeira Beach

Stephen P. Rivera c/o Ivan Wolfson  
306 129<sup>th</sup> Ave. E.  
Madeira Beach, Florida 33708

Stephen P. Rivera c/o Ivan Wolfson  
149 Oak Knoll Terrace  
Highland Park, IL 60035



## **SPECIAL MAGISTRATE – VARIANCE REQUEST**

July 27, 2020  
Application 2020-02

### **Staff Report and Recommendation**

Property Owner: Stephen P. Rivera C/O Ivan Wolfson

Applicant: City of Madeira Beach

Property Address: 306 129<sup>th</sup> Ave E

Parcel I.D. #: 15-31-15-97830-000-0390

Land Use/Zoning: RM/R-3

**Variance Request:** Reduce front yard setback from 25 feet to 18 feet to allow storm damaged building to be replaced with new structure on the same front setback.

**Specific Code Provisions:** Sec. 110-231 –Setback requirements. (1) Front yard: 25 feet measured from the right-of-way to the structure.

#### I. Background

The request addresses a parcel with special circumstances in that the 10-unit apartment building was severely damaged by Hurricane Irma in September of 2017. The structure has been declared a total loss and is appraised by the property appraiser as having no value. It cannot be refurbished due to floodplain restrictions that limit improvements to less than 50% of the structure's value. The proposed development plan is designed to meet all of the criteria except the front setback. The current building is setback 18 feet from the right-of-way, encroaching 7 feet into the setback.

The Special Magistrate has the power to approve or deny variances. In this case, the staff proposes a variance is necessary to avoid creating undue hardship that prevents redevelopment as allowed by code.

#### II. Variance Authority

**Sec. 2-507. - Variances. (a)** States the purpose of a variance is to ensure that no property, because of the special circumstances applicable to it, shall be



deprived of privileges commonly enjoyed by other properties in the same zone and vicinity. Subsection (b) specifies that the requested variance from the terms of the city land development regulations must be found 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. To authorize any variance from the terms of the city land development regulations, the special magistrate is required to consider the specified criteria and find that the criteria have been satisfied and that a hardship exists. The analysis below includes each criterion and a staff recommended finding for each main criteria the Special Magistrate must consider.

### III. Analysis and Finding:

Sec 110-96 sets regulations for rebuilding after a catastrophic loss. The purpose in Sec. 110-96 is to allow the replacement of catastrophically damaged buildings that otherwise could not be rebuilt under current code. The provisions also allow the community to replace a building that is nonconforming to floodplain regulations with one that meets the current safety standards.

#### **Sec. 2-507. - Variances. (b)**

**Criteria (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 or shape, narrowness, shallowness, or the size of the lot is less than the minimum required in the district regulations.

**Finding:** The lot is pie shaped. The existing building does not meet either front or side setbacks under current standards so the redevelopment will bring the lot more into compliance. The new building cannot meet both the current side and front setbacks while still replacing its size and density.

- 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;

**Findings:** The proposed variance would be compatible with the neighborhood character of the area, which is more of a traditional development pattern, in the John's Pass district. A variance would allow for the new structure to meet the rest of the requirements in Sec. 110-96 for rebuilding after a catastrophic loss.

- 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:** The existing structure was a catastrophic loss, during Hurricane Irma in September of 2017. The new structure must be compliant with flood plain regulations and fire codes. All development is subject site plan review of the entire development and building codes.

**Criteria (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 hardship results from the shape of the lot and changes made to code that conflict with the stated intent of the code to encourage redevelopment to pre-disaster density and size. Multifamily dwellings on conforming lots can be rebuilt to the same density, height, and side setback that the previous structure had. The new structure can have a different footprint than the previous structure, but it cannot have more density than the previous structure.

**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:** Multifamily is an allowed use in the R-3 zoning district, and the redevelopment at 2 floors above parking would be compatible with new structures in the area. The variance would not allow for a use that other properties do not have.

**Criteria (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.

**Findings:** Other properties are developed with similar setbacks and strict application of the code would not be in the best design interest of community and would prevent redevelopment under the code, creating a hardship.

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

**Findings:** This setback is used to allow compliance with all other standards and assurances.

**Criteria (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.

**Findings:** The approval of a redevelopment plan with variance would allow the property to meet the stated city goals of demolition of a hazardous structure and to minimize flood risk by elevating a structure above the base flood elevation.

**Sec. 2-507. - Variances. (c)**

States that, 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 specified in subsection (a) shall the special magistrate grant a variance to allow a use not generally or by special exception use permitted in the applicable zoning district of the city land development regulations. 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.

**Findings:** There has been a significant number of code enforcement, planning and law enforcement hours expended in securing the property, facilitating redevelopment, and enforcing no-trespassing requirements to protect the community. Demolition of the hazardous structure would relieve the neighborhood of the nuisance of a partially dilapidated structure which affects loss of value and generates trespassing. Demolition would relieve these public costs for the future and improve the value, safety, and security of surrounding properties.

IV. Staff Recommendation:

Staff recommends the approval of Variance 2020-02, to reduce the front setback from 25" to 18" for property at 306, 129th Avenue E., based on the findings that the application meets the intent and criteria for variance as stated, and with the condition that the current hazardous building is demolished and the property is redeveloped in accordance with a redevelopment plan as defined by Sec. 110-97 of the Madeira Beach Code of Ordinances.

Submitted by:

Zain Husain  
Planning and Zoning

Attachments: 1) Attached backup material,  
2) Tax Parcel View  
3) Locational Map



# 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**

City of Madeira Beach

300 Municipal Drive

madeira Beach, FL 33708

Telephone: (727) 391-9951

Email: tport91@madeirabeachfl.gov

**\*Property Owner: Name and Address**

Stephen P. Rivera

40 Ivan Wolfson

149 Oak Knoll Terrace

Highland Park, IL 60035

Telephone: (847) 390-1867

Email: doc\_iv@yahoo.com

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

306 129th Ave E. Madeira Beach, FL 33708

**Legal Description:** Lots 39 and 40, First additions to Bill Williams

madeira Harbor Subdivision, According to the map or plat there of  
As recorded in plat book 25, pages 67 and 68, of the Public Records of  
Pinellas County, Florida, which has a property address of 306 129th Avenue,  
Madeira Beach, Florida 33708

**Lot Area:** 12,700

**Width:** 135 ft.

**Depth:** 115 ft.

**Zoning District:** R-3 Medium Density Multi-Family Residential

**Present Structures on Property:** 10-Unit Apartment Buildings

**Present Use of Property:** Condemned Multi-Family dwelling

**Date Building Permit Request denied:**

**Variance (s) need from the zoning requirements are:** Reduce front yard setback  
from 25 feet to 18 feet to allow storm damaged building to be replaced

with new structure on the same front setback.  
**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:**  
**SITE PLAN, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, 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 #: VAR 2020-02

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

Fee: No Fee  Check # \_\_\_\_\_  Cash  Receipt # NA

Date Received: \_\_\_/\_\_\_/\_\_\_ Received by: NA/\_\_\_/\_\_\_

Special Magistrate Case # Assigned: VAR 2020-02

Special Magistrate Hearing Date: 7 / 27 / 2020  Approved  Denied

- Zoning Variance for Residential Dwelling Units (One, Two or Three Units) \$1,730.00 per Variance
- Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$1,735.00 per Variance
- After-the-fact Variance \$3,460.00 per Variance

X Linda Portal  
Linda Portal, Planning & Zoning Director

Date: 7 / 1 / 2020

X Robert Daniels  
Robert Daniels, City Manager

Date: 7 / 20 / 2020

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This application to the Special Magistrate is requesting permission to: Reduce front yard setback from 25 feet to 18 feet to allow storm damaged building to be replaced with new structure on the same front setback.

A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstances does not result from the intentional act of the applicant or the applicant's agent (s). In order to authorize any variance from the provisions of the City Code, the Special Magistrate shall consider the following criteria and shall find that the criteria have been substantially satisfied and that that hardship exists.

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

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:

- 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.
- Significant vegetation or natural features.** If the site contains significant native vegetation or other natural features;
- 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;
- Public facilities.** If the proposed project involves the development of public parks, public facilities, schools, or public utilities;
- Architectural and/or engineering considerations.** If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

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.

*See Attached*

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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.

*See Attached*

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.

*See Attached*

5. 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.

*See Attached*

**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 \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Property Owner's Signature*

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, \_\_\_\_\_ 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]

\_\_\_\_\_  
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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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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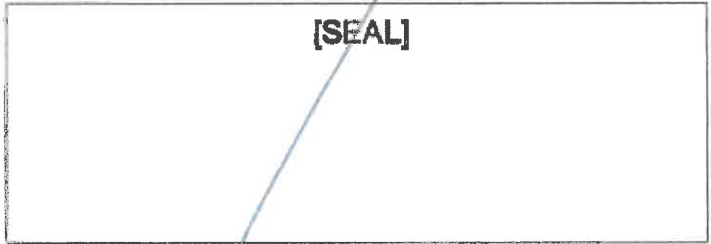
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X \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
*Property Owner's Signature (If other than the property owner)*

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, \_\_\_\_\_ 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.



\_\_\_\_\_  
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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**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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