



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

Gerald and Watcharin Clouse

431 137th Ave., Circle

Madeira Beach, FL

*Property Owner: Name and Address

same as applicant

AGENT: Todd Pressman, 200 2nd Ave., South, #451, St. Petersburg, FL 33701. 727-804-1760. Todd@Pressmaninc.com

Telephone: (727-804-1760)

Telephone: (727-804-1760)

Email: Todd@Pressmaninc.com

Email: please use agent

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

431 137th Ave., Circle Madeira Beach, FL

Legal Description: Lot 85, shores harbor subd., according to the plat thereof as recorded in Plat Book 023, Page 051, public records of Pinellas County, Florida.

40' by 62' irregular (per Property Appraiser)

Lot Area: 2,562.84 SF MOL (irregular) Width: 41.9' mol ft. Depth: 69.5' mol ft.

Zoning District: R-2

Present Structures on Property: single family home

Present Use of Property:

Date Building Permit Request denied: n/a

1) FRONT SETBACK: 25' required. Proposed at 21.9' thru 13.4' (slanted property line).

Variance(s) needed from the zoning requirements:

2) REAR SETBACK: 20' required. 15' proposed.

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 2022-06

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

Fee: \$1730.00 Check # 1813 Cash Receipt # 30936

Date Received: 9 / 21 / 22 Received by: [Signature]

Special Magistrate Case # Assigned: 2022-06

Special Magistrate Hearing Date: 10 / 24 / 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: ____ / ____ / ____

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.

APPLICATION (Must submit the following analysis)

This application to the Special Magistrate is requesting permission to: 2 variances:

1) **FRONT SETBACK. 25' required. Proposed at 21.9' thru 13.4' (slanted property line).**

2) **REAR SETBACK. 20' required. 15' proposed.**

Please see attached response to the variance criteria

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

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

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

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.

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.

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.

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS

200 2ND AVENUE, SOUTH, #451, ST. PETERSBURG, FL. 33701

727-804-1760, FX. (888) 977-1179

E-MAIL, TODD@PRESSMANINC.COM

Response to Variance Criteria

431 137th Ave. Circle

This request seeks to allow a new single family home to be built on a substandard lot. This request seeks a reduction of the front setback and rear setback. 1) FRONT SETBACK: 25' required. Proposed at 21.9' thru 13.4' (slanted property line). 2) REAR SETBACK: 20' required. 15' proposed.

(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.

The lot is extremely substandard and is irregular. The required lot size in the R-2 district is 4,000 square feet. This lot is 2,562.84 square feet, mol. The lot is very

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS

200 2ND AVENUE, SOUTH, #451, ST. PETERSBURG, FL. 33701

727-804-1760, FX. (888) 977-1179

E-MAIL, TODD@PRESSMANINC.COM

Page 2/Response

old and has been in this configuration for a long time. The platting was completed in 1941, per the Property Appraiser. The lot is located within a double extremely unusual and singular confines of an internal avenue circle that defines the deficiencies of the lot and by a similar circular geometric shape of the adjacent street that further defines the lot. There does not appear any similar configuration in the city.

Where the minimum lot depth in the R-2 district requires 80', this lot only has 66.9', mol, of lot depth.

On the slightly shorter side of the lot, if both the front and rear setbacks were applied, that would only leave 13.4" mol left to erect a structure. 30' is requested under this application.

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

The lot shape and size were determined by the factors stated above, not by the actions of the applicant.

(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.

Many of the surrounding lots are deficient in similar nature

(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.

Yes, without the variances the applicant would not be able to erect a similar sized home as found in the vicinity. The buildable area left after applying the required setbacks would deprive the applicant of similar use levels.

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

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS

200 2ND AVENUE, SOUTH, #451, ST. PETERSBURG, FL. 33701

727-804-1760, FX. (888) 977-1179

E-MAIL, TODD@PRESSMANINC.COM

Page 3/Response

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

(6) The granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The variances would not be injurious in that they reflect what is surrounding and abutting and are for a residential structure, as all the surrounding lots are composed of. The request is harmonious in that the use will, as residential similar to surrounding and abutting uses, is residential and the intent of the zoning district.

(c) 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.

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.
Todd Pressman, of Pressman & Associates, Inc., is hereby authorized to represent this application.
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.

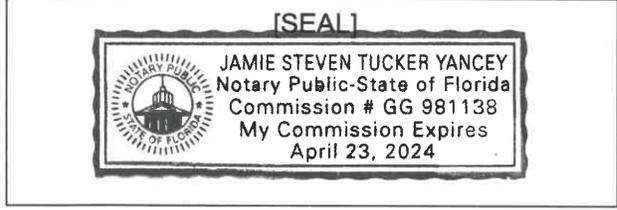
Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the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

X Gerald Clouse Watch B Clouse Date: SEPT / 20 / 22
Property Owner's Signature (If other than the property owner)

STATE OF Florida

COUNTY OF Hillsborough

Before me this 20 day of September, 2022, Gerald Clouse, Watcharin Clouse 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 USA Passport as identification.



Jamie Steven Tucker Yancey
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.

LEGAL DESCRIPTION AND CERTIFICATION

LOT 85, GULF SHORES HARBOR SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 023, PAGE 051, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FL.

Community Number: 125127 Panel: 12103C0191 Suffix: H F.I.R.M. Date: 8/24/2021 Flood Zone: AE Field Work: 7/27/2022

Certified To:
GERALD CLOUSE

Property Address:
431 137TH AVENUE CIRCLE
MADEIRA BEACH, FL 33708

Survey Number: 554124

Client File Number: 22-794573

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	(P)	PLAT
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD	P.B.	PLAT BOOK
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL	P.C.	POINT OF CURVATURE
(C)	CALCULATED	(L)	LENGTH	P.C.C.	POINT OF COMPOUND CURVE
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT	P.O.B.	POINT OF BEGINNING
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT	P.O.C.	POINT OF COMMENCEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED	P.R.C.	POINT OF REVERSE CURVE
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE	P.T.	POINT OF TANGENCY
D.H.	DRILL HOLE	N&D	NAIL & DISK	R/W	RIGHT-OF-WAY
D/W	DRIVEWAY	N.R.	NOT RADIAL	(R)	RADIAL / RADIUS
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	S.I.R.	SET IRON ROD
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES	T.O.B.	TOP OF BANK
				U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
+ x.xx	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

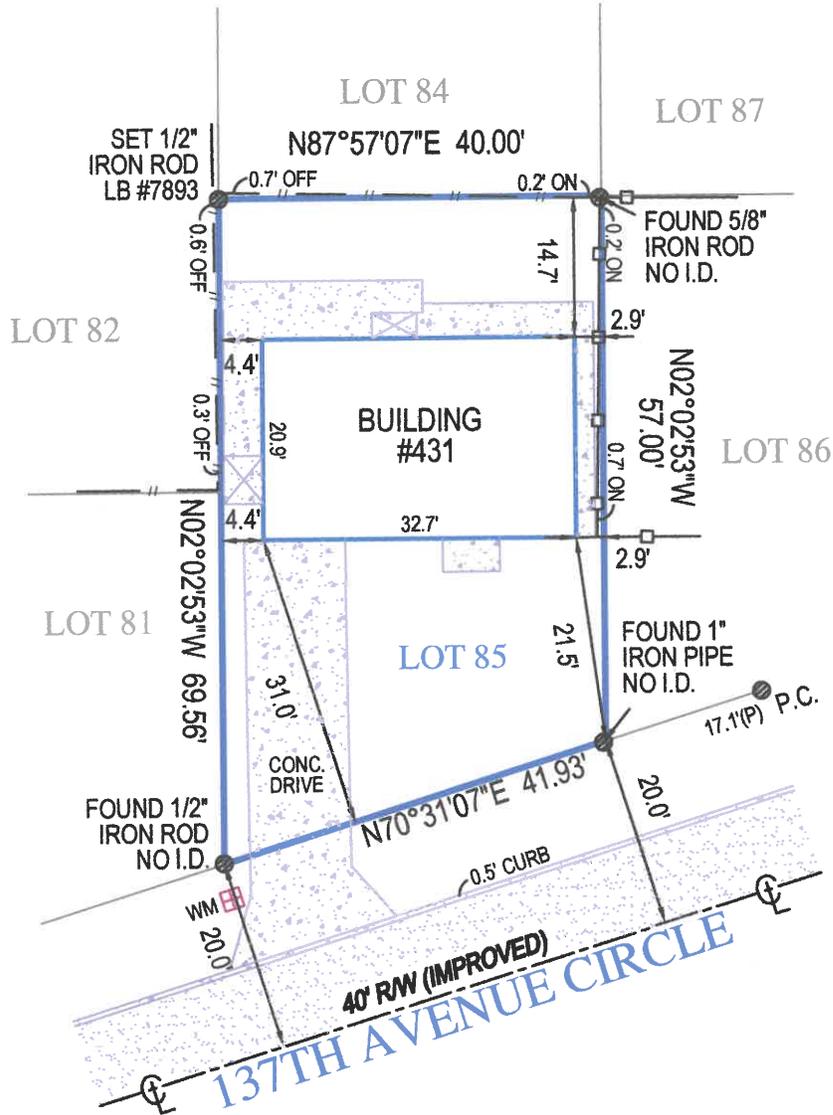


LB #7893

SERVING FLORIDA

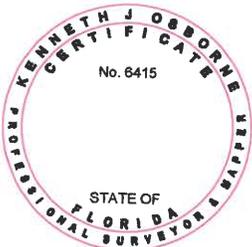
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

BOUNDARY SURVEY



SURVEY NOTES
CONCRETE DRIVE CROSSING INTO R/W
ON SOUTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY.



SURVEYORS CERTIFICATE

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

Kenneth Osborne
Kenneth Osborne

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415



LB #7893

SERVING FLORIDA

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

Digitally signed by
Kenneth Osborne
Date: 2022.07.28
08:46:11 -05'00'

GULF SHORES HARBOR SUBDIVISION

BEING A REPLAT OF BLOCKS 12 AND 13, AND LOTS 3, 4 AND 5, BLOCK 14, MITCHELL'S BEACH SUBDIVISION, AS RECORDED IN PINELLAS COUNTY PLAT BOOK 3, PAGE 54, AND A SUBDIVISION OF OTHER LANDS LYING IN THE NORTHERLY PART OF GOVERNMENT LOT 2, TOWNSHIP 31 SOUTH, RANGE 15 EAST, LESS THAT PART OF LOT 1, BLOCK 12, MITCHELL'S BEACH SUBDIVISION PREVIOUSLY D.E.D. FOR STREET PURPOSES. MADEIRA ISLAND, PINELLAS COUNTY, FLORIDA.

FURTHER DESCRIBED AS FOLLOWS:
 Starting at the intersection of the center line of State Road No. 233 and a boundary line established by agreement between the adjacent property owners of Government Lot 2, Section 10, Township 31 South, Range 15 East, and Government Lot 2, Section 15, Township 31 South, Range 15 East and recorded in Pinellas County Deed Book 155, Page 207, run thence along the center line of State Road No. 233, South 48° 22' 53" East 182.38 feet, thence North 41° 37' 07" East 80.00 feet to a point in the easterly boundary of said State Road No. 233, said point being the Point of Beginning, run thence South 48° 22' 53" East 504.83 feet, thence North 37° 47' 07" East 54.84 feet, thence South 49° 22' 53" East 280.00 feet, thence North 70° 31' 07" East 432.87 feet, thence by a curve Arc 490.53 feet, Chord North 10° 46' 23" West 84.86 feet, $\Delta = 162° 34' 00"$, Radius 163.38 feet, thence South 07° 57' 07" West 435.00 feet, thence by a curve Arc 232.59 feet, Chord South 22° 47' 07" West 413.42 feet, $\Delta = 20° 40' 00"$, Radius 162.7 feet, thence by a curve Arc 42.21 feet, Chord South 13° 47' 07" West 413.42 feet, $\Delta = 42° 40' 00"$, Radius 56.37 feet, thence North 43° 22' 53" West 413.73 feet, thence South 41° 37' 07" West 80.00 feet to the Point of Beginning, all lying and being in the Northerly part of Government Lot 2, Section 15, Township 31 South, Range 15 East, Madeira Island, Pinellas County, Florida.

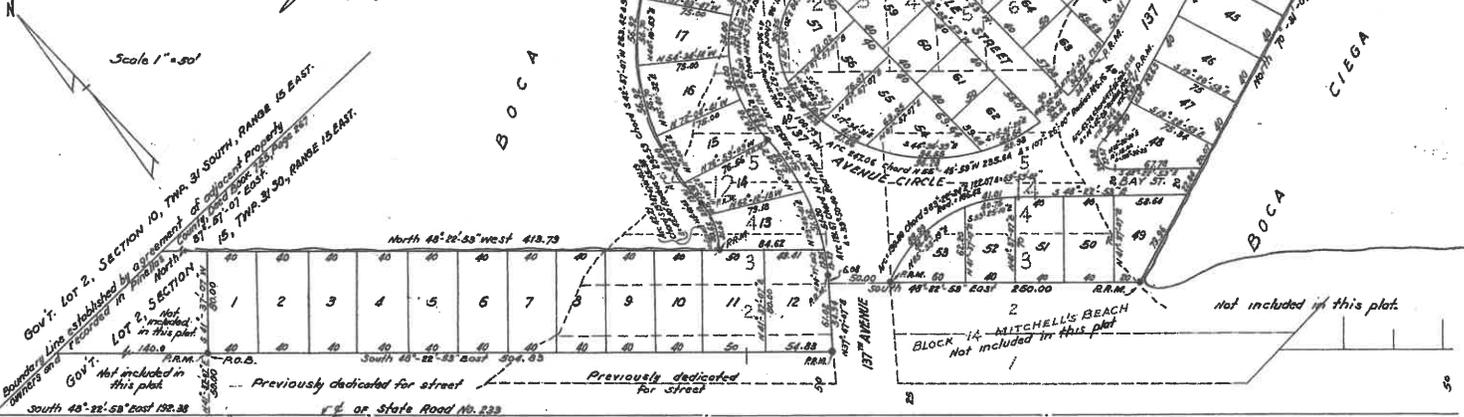
Bearing based on the United States Coast & Geodetic Survey Grid System.

I hereby certify that on this 23rd day of August, A.D. 1941 this property was surveyed and the monuments were set as indicated and that the dimensions, angles and lengths are correct.

A. E. Plow Jr. Civil Engineer
 Florida Engineering Registration No. 28
 Florida Surveying Registration No. 28

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

W. A. Mulvaney Jr. County Engineer



This plat was prepared in accordance with the requirements of Chapter 1027, F.S., and the provisions of the Florida Statutes, and was recorded on this 29th day of August, A.D. 1941, at 12:15 P.M. in Public Record Book 3, Page 54, and is a part of the public records of Pinellas County, Florida, in the State of Florida.
 WIT E. GREEN, Clerk Circuit Court
 By: *[Signature]* Deputy Clerk

15	16	17	18	19	20	21	22	23	24	25	26	15	16	17	18	19	20	21	22	23	24	25	26
BLOCK 25 MITCHELL'S BEACH						BLOCK 26 MITCHELL'S BEACH						BLOCK 26 MITCHELL'S BEACH											

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

Signed, sealed and delivered in the presence of
Helen J. Rothuis Witness *Lillian B. Mitchell* (Seal)
W. A. Dowling Witness *W. A. Mitchell* (Seal)

state of Florida }
 County of Pinellas }
 I hereby certify that on this 23rd day of August, A.D. 1941, before me personally appeared Lillian B. Mitchell and W. A. Mitchell, her husband, to me known to be the persons described in and who executed the foregoing certificate and declaration and acknowledged the execution thereof to be their free act and deed for the use and purposes therein mentioned and the said Lillian B. Mitchell, wife of the said W. A. Mitchell, on a separate and private examination taken and made by and before me and separate and apart from her said husband did acknowledge the same were done by her and made by her for the purpose of relinquishing, renouncing and conveying all right, title and interest whether of law or of equity property, she fully or equitably in and to the lands therein described to the public, and she executed the same freely and voluntarily and without any compulsion, constraint, apprehension or fear of her said husband.
 Witness my hand and official seal at St. Petersburg, County of Pinellas, the day and year aforesaid.
W. A. Dowling
 My commission expires April 8, 1945

ORDINANCE OF PARTIAL VACATION OF
Gulf Shores Harbor Sub
 SUBDIVISION HAS BEEN RECORDED IN
 P. O. R. BOOK 10555 PAGE 3099
 ON 8-5-41
 KARLEEN F. DE BLAERE
 Clerk of the Circuit Court
 BY: *[Signature]* DEPUTY CLERK

PLATS 23 51

