

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

Nazary Ivanchuk

431 Virginia ave

Madeira beach fl 33708

Telephone: ( 206 ) 431-5819

Email: Cityskynoz@gmail.com

\*Property Owner: Name and Address

Nazary Ivanchuk

431 Virginia ave

Madeira Beach FL 33708

Telephone: ( 206 ) 432-5819

Email: Cityskynoz@gmail.com

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

431 Virginia Ave Madeira Beach FL 33708

Legal Description: GULF SHORES 4TH ADD BLK P, LOT 4

Lot Area: Width: ft. Depth: ft.

Zoning District:

Present Structures on Property: House

Present Use of Property: Single Family Home

Date Building Permit Request denied:

Variance(s) needed from the zoning requirements: Side yard set back from 7ft to 2ft

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

DISCLAIMER: According to Florida Statues, 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 2023-01

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

Fee: \_\_\_\_\_  Check # \_\_\_\_\_  Cash  Receipt # CR1485

Date Received: 12 / 15 / 22 Received by: [Signature]

Special Magistrate Case # Assigned: VAR 2023-01

Special Magistrate Hearing Date: 1 / 23 / 23  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
- x 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: Current House is located only 2ft from the property

line, makes it a non conforming, current code is min of 7ft setback and house only has 2ft, with existing fence lines on property has 15ft side yard in between,

requesting to reduce the southwest side yard of the existing home to 2ft, and add a handicap accessible bathroom

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

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

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

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

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### OWNER CERTIFICATION

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

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

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

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

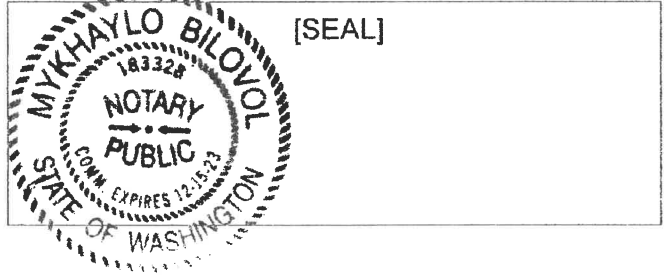
**Appeals.** (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing *de novo* but shall be limited to appellate review of the record created before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

X \_\_\_\_\_ Date: 12 / 12 / 22  
*Property Owner's Signature*

STATE OF WASHINGTON

COUNTY OF KING

Before me this 12 day of Dec, 2022, NAZAR IVANCHUK 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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**Mike Twitty, MAI, CFA**  
**Pinellas County Property Appraiser**

**Property Summary**  
**(as of 08-Dec-2022)**

Parcel Number

**10-31-15-34380-016-0040**

- Owner Name  
**IVANCHUK, NAZARY**
- Property Use  
**0110 Single Family Home**
- Site Address  
**431 VIRGINIA AVE**  
**MADEIRA BEACH FL 33708**
- Mailing Address  
**431 VIRGINIA AVE**  
**MADEIRA BEACH FL 33708-2307**
- Legal Description  
**GULF SHORES 4TH ADD BLK P, LOT 4**
- Current Tax District  
**MADEIRA BEACH (MB)**
- Year Built  
**1950**

Living SF	Gross SF	Living Units	Buildings
<b>1,066</b>	<b>1,864</b>	<b>1</b>	<b>1</b>



**Parcel Map**



**Exemptions**

Year	Homestead	Use %	Status
2024	No	0%	
2023	No	0%	
2022	No	0%	

**Property Exemptions & Classifications**

No Property Exemptions or Classifications found. Please note that Ownership Exemptions (Homestead, Senior, Widow/Widower, Veterans, First Responder, etc... will not display here).

**Miscellaneous Parcel Info**

Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Plat Bk/Pg
21451/1220	\$520,500	121030278022	<a href="#">A</a>	<a href="#">Current FEMA</a>	<a href="#">Check for EC</a>	23/61



Last Recorded Deed	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Elevation Certificate	Plat Bk/Pg
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[Maps](#)


**2022 Final Values**

Year	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2022	\$437,862	\$437,862	\$437,862	\$437,862	\$437,862

**Value History**

Year	Homestead Exemption	Just/Market Value	Assessed Value/SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2021	N	\$227,023	\$168,907	\$168,907	\$227,023	\$168,907
2020	N	\$218,631	\$153,552	\$153,552	\$218,631	\$153,552
2019	N	\$194,196	\$139,593	\$139,593	\$194,196	\$139,593
2018	N	\$177,978	\$126,903	\$126,903	\$177,978	\$126,903
2017	N	\$148,379	\$115,366	\$115,366	\$148,379	\$115,366

**2022 Tax Information**

 Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our [Tax Estimator](#) to estimate taxes under new ownership.

Tax Bill	2022 Millage Rate	Tax District
<a href="#">View 2022 Tax Bill</a>	16.2571	<a href="#">(MB)</a>

**Sale History**

Sale Date	Price	Qualified / Unqualified	Vacant / Improved	Grantor	Grantee	Book / Page
18-Mar-2021	\$350,000	<a href="#">Q</a>	I	SWEET WILLIAM	IVANCHUK NAZARY	21451/1220
18-Dec-2002	\$106,000	<a href="#">Q</a>	I	DUFFY LORI JEAN	SWEET, WILLIAM	12418/2176
27-Jun-2000	\$90,000	<a href="#">Q</a>	I	NORRIS MICHAEL A	DUFFY, LORI J	10959/1682

Sale Date	Price	Qualified / Unqualified	Vacant / Improved	Grantor	Grantee	Book / Page
25-Mar-1999	\$70,000	<a href="#">Q</a>	I	KUBALA PAUL A	NORRIS, MICHAEL A	10453/1184
25-Sep-1997	\$32,300	<a href="#">U</a>	I	BOYER WILDAN B	KUBALA, PAUL A	09850/1967

**2022 Land Information**

Land Area: 0.1281 acres | 5,580 sf Frontage and/or View: None Seawall: No

Property Use	Land Size	Unit Value	Units	Method	Total Adjustments	Adjusted Value
Single Family	52x100	\$6,400	52.07	FF	1.0700	\$356,575

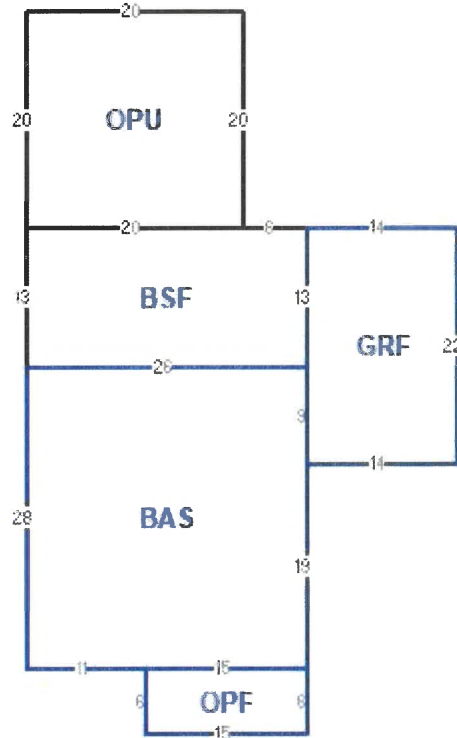
**2022 Building 1 Structural Elements and Sub Area Information**

**Structural Elements**

Foundation: Continuous Footing Poured  
 Floor System: Slab On Grade  
 Exterior Walls: Frame/Reclad Alum/Viny  
 Unit Stories: 1  
 Living Units: 1  
 Roof Frame: Gable Or Hip  
 Roof Cover: Shingle Composition  
 Year Built: 1950  
 Building Type: Single Family  
 Quality: Average  
 Floor Finish: Carpet/Hardtile/Hardwood  
 Interior Finish: Drywall/Plaster  
 Heating: Central Duct  
 Cooling: Cooling (Central)  
 Fixtures: 3  
 Effective Age: 26

Sub Area	Living Area SF	Gross Area SF
Base (BAS):	728	728
Base Semi-finished (BSF):	338	338
Garage (GRF):	0	308
Open Porch (OPF):	0	90
Open Porch Unfinished (OPU):	0	400

Sub Area	Living Area SF	Gross Area SF
<b>Total Area SF:</b>	<b>1,066</b>	<b>1,864</b>



**2022 Extra Features**

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
PATIO/DECK	\$12.00	120.0	\$1,440	\$1,397	2021

**Permit Data**

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
E20210901	ELECTRICAL	11-Oct-2021	\$2,000
R4825	ROOF	16-Jul-2020	\$4,675
<a href="#">PER-H-CB217786</a>	ROOF	15-Jun-2000	\$2,465

PHONE: (727) 464-3207 | FAX: (727) 464-3448 | TTY: (727) 464-3370 | HOURS: 8AM TO 5PM (MON - FRI)





# Boundary Survey



ADDRESS  
431 VIRGINIA AVENUE  
MADEIRA BEACH, FL 33708

- LEGEND:  
 A/C = AIR CONDITIONER  
 CE = COVERED ENTRY  
 CLF = CHAIN LINK FENCE  
 CONC. = CONCRETE  
 FND = FOUND  
 FOC = FENCE CORNER  
 I.D. = IDENTIFICATION  
 N, E, S, W = CARDINAL DIRECTION  
 O.R. BOOK = OFFICIAL RECORDS BOOK  
 P.C.C. = POINT OF COMPOUND CURVATURE  
 P.P.M. = PERMANENT REFERENCE MONUMENT  
 WF = WOOD FENCE  
 IR = IRON PIPE & CAP (IP)  
 R = IRON ROD AND CAP (R)  
 L = LIGHT POLE  
 W = WATER METER

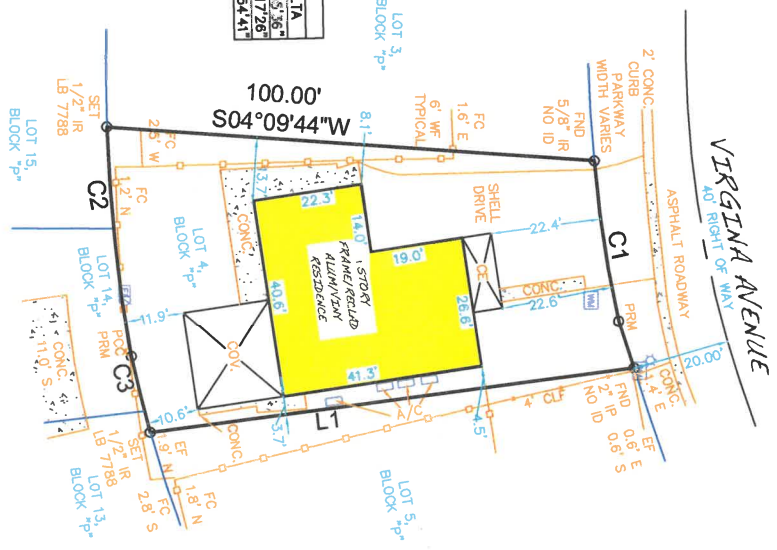
CURVE	LENGTH	RADIUS	DELTA
C1	45.00	244.41	29°52'36"
C2	48.11	344.41	00°17'28"
C3	16.07	270.00	48°54'41"

LINE	LENGTH	BEARING
L1	100.00	N07°25'33"W

COPYRIGHT 2011

JOB #:	VI-SR22-59474
CLIENT #:	
FIELD DATE:	03-05-22
DRAFTER:	BF
APPROVED:	END
SCALE:	1" = 30'



Legal Description (per OR Book 21451, Page 1220)  
 Lot 4, Block P, Fourth Addition to Gulf Shores according to the map or plat thereof as recorded  
 in Plat Book 23, Page 61, Public Records of Pinellas County, Florida.

CERTIFIED TO: (AS FURNISHED)  
 MAZARY MANCHUK

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE AE. AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12103C0191H, LAST REVISION DATE 06-24-21, (PER MAPWISE WEBSITE), THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION, THE LOCAL P.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:  
 FENCES CROSS PROPERTY LINES,  
 OWNERSHIP OF FENCES NOT DETERMINED.

BASIS OF BEARING  
 BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY OF "X" WHICH HAS A BEARING OF S 9X.XXXX W PER PLAN.

- NOTES
- Underground utilities, underground improvements, foundations and/or other underground structures were not located by this survey.
  - The purpose of the survey is for use in obtaining title insurance and financing and should not be used for construction purposes other than the listing party or parties herein.
  - As a condition of this survey, the listing party or parties herein agree that the use of this survey for purposes other than those stated herein is prohibited without the written consent of the listing party or parties.
  - The property shown hereon is subject to all easements, restrictions and encumbrances which may be shown or noted on the record and the surveyor is not responsible for the accuracy of the same. This survey only depicts survey-related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
  - Building lines and dimensions for improvements should not be used or measured.
  - Fences: If any, depicted hereon may be disregarded for clarity.

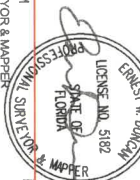
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES WHO MAY BE TRANSFERRED OR ASSIGNED.

LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-6474

SURVEYOR'S CERTIFICATE  
 I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Ernest W. Durcan, PSM  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA REGISTRATION #LS 5182  
 NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER

DATED: 03-16-22

DATE	REVISION	DATE	REVISION

**Property Owner(s): Nazary Ivanchuk**

**Property Address: 431 Virginia Ave, Madeira Beach, Florida 33708**

**Parcel ID: 10-31-15-34380-016-0040**

**Legal Description: GULF SHORES 4TH ADD BLK P, LOT 4**

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

**Request:**

Variance request to reduce the side setback from 7 feet to 2 feet, reduce the south west side. The reduction of the side yard setback will allow for an extension of the bathroom to add a handicap accessible to the home.

**I. Background**

The variance request for 431 Virginia Avenue would reduce the side yard setback, (south west side of property) setback to accommodate a handicap accessible bathroom, and expand an existing home. The existing home and lot are legally nonconforming since the lot was platted in 1944 and the house was built in 1950. The existing home and lot predate the creation of the R-1 Zoning District and the Zoning Chapter of the Madeira Beach Code of Ordinances.

**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:**

c.) The surrounding properties near 431 Virginia Ave were platted in 1944. Since the nearby lots predate zoning, many of the lots near 431 Virginia Ave are irregular shaped nonconforming sized lots. Many of the nearby homes are legally nonconforming and do not meet setback requirements since they were built before the zoning was established. This proposed project fits the character of the neighborhood since the nearby lots were platted at the same time and many of the nearby homes were built around the same time as 431 Virginia Ave.

***(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 home at 431 Virginia Ave was built in 1950 and predates the current zoning requirements. The lot was platted in 1944 and predates the creation of the R-1 Zoning District and Chapter 110 – Zoning.

***(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:** Since the lot at 431 Virginia Ave and nearby surrounding properties were platted in 1944, many nearby properties have similar setback issues because of the irregular shaped lots that predate zoning. None of the property lines line up with the properties lines adjacent, Building a handicap accessible bathroom would not grant any special privileges.

***(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:** The current southwest existing fence on the property since 1950s is 15ft from the home and the property line showing only 2ft from the southwest side, which makes the whole house only 2ft from the property line, which makes the whole house nonconforming, All the adjacent homes next door and around have the same issue with the property lines are not accurate, When the homes were built like that in the 1950s with no setbacks, current setbacks for the R-1 Zoning District (Sec. 110- 181), the allowable buildable area for the lot is minimal

compared to a conforming lot in the R-1 Zoning District. Many of the neighboring homes and lots near 431 Virginia Ave are legally nonconforming. A literal interpretation would deprive the applicant of the rights that are commonly enjoyed by other properties in the R-1 Zoning District.

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

***Findings:*** It would be difficult to create an ADA bathroom within the existing footprint of the home. The proposed variance to reduce the side setback (southwest side) would be the minimum required to make possible 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.***

***Findings:*** harmony with the general intent and purpose of the city land development regulations. The handicap accessible bathroom would fit with in the character of the neighborhood, Still be as a single family residence home. Looking at every home in the neighborhood on the Tax maps have all between 1ft and 2ft building setbacks around the property lines, the current home would not have a negative impact on neighboring properties or public welfare.







300 Municipal Drive  
Madeira Beach, FL 33708  
Phone: (727) 391-9951  
Fax: (727) 399-1131  
[www.madeirabeachfl.gov](http://www.madeirabeachfl.gov)

Thanks for your payment

## Receipt

Receipt Number: CR1485

Receipt Date: 12/15/2022

## Customer Details

Contact Name: Nazary Ivanchuk

## Description

After-the-fact fee for variance application - 431 Virginia Ave.	\$3,460.00
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<b>Total</b>	<b>\$3,460.00</b>
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