

Special Magistrate Case #: _____



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



SPECIAL MAGISTRATE – SEC. 110-93 VARIANCE APPLICATION

Variance Request for addition, alteration or renovation of a legally nonconforming structure

***Applicant:** Name and Address

***Property Owner:** Name and Address

Beach Builders
101 150th Ave Madeira Beach, FL
33708

Nicole Karns
578 Johns Pass Ave Madeira Beach
Florida 33708

Telephone: 727-793-8737
Email: paige@karnsenterprises.com

Telephone: 727-709-4941
Email: nikkikarns@gmail.com

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

578 Johns Pass Ave Madeira Beach FL, 33708

Legal Description: Crystal Island 2nd ADD LOT 83

Zoning District/Future Land Use: R1

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

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

Fee: \$1,800.00 Check # 6353 _____ Receipt # _____

Cash Date Received: _____ Received by: _____

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: _____ Approved Denied

Date: _____

Community Development Director

Date: _____

Robin Gomez, City Manager

This application to the Special Magistrate is requesting permission to: Requesting front set back to 15'
from 20' to match the existing garage setback of 15'. With the culdesac being the way it is
on the property, we request the setback to 15' to allow for a usable 3rd bedroom addition.
Our rear setback is maxed out and we are maintaining the side set backs. Only requesting 15' front
setback to allow for better use of added bedroom.

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

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

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

CERTIFICATION

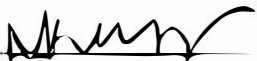
I hereby authorize permission for the Special Magistrate, Building Official and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

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

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

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

 Nicole Karns 07/18/23
Property Owner's Signature Date

STATE OF Florida
COUNTY OF Pinellas

Before me this 18th day of July, 2023, Nicole Karns
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.

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

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

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

Sec. 110-122. – Denial.

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

Sec. 110-123. – Reimbursement of expenses.

The applicant shall provide for reimbursement of all expenses incurred by the City, deemed necessary by the city manager or his/her designee, to review and process a special exception use request.

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

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the City for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

Sec. 110-124. – Standards and requirements.

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

- 1) Yes the use is permitted use.
- 2) Yes, public health, safety, welfare, and convenience will be protected.
- 3) The structure will not cause substantial injury to the value of the property.
- 4) Yes, the current garage that was constructed prior and is in accordance with neighboring structures maintains a 15' setback. This addition would maintain the 15' setback
- 5) N/A
- 6) N/A
- 7) Yes the alterations conform to all other regulations
- 8) N/A