



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

Phillip K. Ragan

14097 E Parsley Dr.

Madeira Beach, Florida 33708

Telephone: (727) 393-5917

Email: pkragan@msn.com

***Property Owner:** Name and Address

Phillip K. Ragan & Mary M. Barker

14097 E Parsley Dr.

Madeira Beach, Florida 33708

Telephone: (727) 393-5917

Email: mmbarker39@msn.com

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

14097 E Parsley Dr., Madeira Beach Florida

Legal Description: Gulf Shores 6th Add BLK Z, LOT 37

Lot Area: 5,000

Width: 50 ft.

Depth: 100 ft.

Zoning District: R-1

Present Structures on Property: Residential - Single Family Home

Present Use of Property: Permanent Home

Date Building Permit Request denied: N/A

Variance(s) needed from the zoning requirements: Setback variance - front yard

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

DISCLAIMER: According to Florida Statutes, Chapter 119, it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency. All Documents and information not specified in F.S. 119.071 and 119.0713 are subject to public record requests.



Special Magistrate Case #: _____

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

Fee: _____ Check # _____ Cash Receipt # _____

Date Received: ____ / ____ / ____ Received by: _____

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: ____ / ____ / ____ Approved Denied

- ____ Zoning Variance for Residential Dwelling Units (One, Two or Three Units) \$1,800.00 per Variance
- ____ Zoning Variance for Multi-Family, Tourist Dwellings or Commercial \$2,000.00 per Variance
- ____ After-the-fact Variance \$3,600.00 per Variance

X _____
Jenny Rowan, Community Development Director

Date: ____ / ____ / ____

X _____
Robin Gomez, City Manager

Date: ____ / ____ / ____

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APPLICATION (Must submit the following analysis)

This application to the Special Magistrate is requesting permission to: _____

SEE ATTACHED

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.

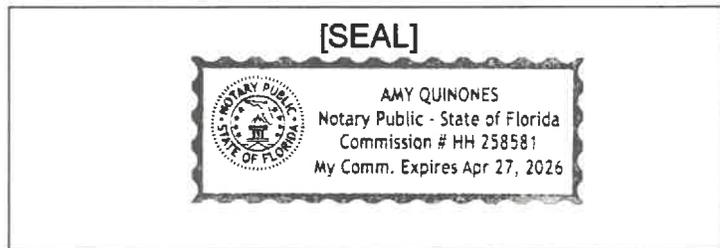
Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing *de novo* but shall be limited to appellate review of the record created before the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

Phillip K. Ragan Mary M Barker
X PHILLIP K. RAGAN MARY M BARKER Date: 09 / 19 / 2023
Property Owner's Signature

STATE OF Florida

COUNTY OF Pinellas

Before me this 19th day of September, 2023, Phillip K. Ragan and Mary M Barker 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 Florida's License 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 _____ Date: ____ / ____ / ____
Property Owner's Signature (If other than the property owner)

STATE OF _____

COUNTY OF _____

Before me this _____ day of _____, 2022, _____
 appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is personally known to me or has produced _____ as identification.

[SEAL]

 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.
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 - 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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Answer to Variance Item 1

Special Magistrate Case #-

Criteria 1-c (Residential neighborhood character:

This home is in full character with Florida coastal architecture. It is concrete block structure with stucco coating. The non living area garage below will blend with the above living area. A large patio will over look the Boca Ciega Bay to the rear. Further a small sunset patio will adorn the front master bedroom. The home updates the community to blend with older homes and new construction nearby. The variance will allow a friendlier and safer entry to the property.

Criteria 1-e (Architectural and/or engineering considerations:

This home has design and engineering plans to meet FEMA and Madeira Beach Standards. The plans were designed by Skill Architecture of Tampa, Florida. The engineering firm was Belt Engineering of Tampa, Florida. The home is raised to FEMA required BFE and NAVD heights. Columns with helical piles support the living area. Blow out panels and flood drains are to be installed in a concrete block underneath garage. The roof is new and meets Miami Dade code. Further, the windows, entrance doors and garage doors will be impact rated so no shutters will be required. This home is being raised and renovated to be most disaster resistant. Finally, the variance will allow safe entry into the home and complies to items 2 through 6 of the variance request form.

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.

Condition: Our house was permitted to be raised by AJS Building, Moving and Leveling Inc. We were flooded by Tropical Storm ETA on 11/11/2020. So we decided to elevate than rebuild. On March 7 and 8, 2023 the house was raised to the planned height to meet FEMA requirements. It sat upon temporary wood 6x6 inch blocks for about 3 months waiting for the permanent under structure to be built and tied in. On June, 16, 2023 a required construction/tie in survey was performed. The survey revealed that the Southwest corner of the house had shifted just under 5 inches toward the property line. The shift caused the the planned staircase to exceed the required setback by approximately 5 inches. The applicant of this variance had nothing to do with the shifting of the house.

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.

Answer: Our neighbor to the North at 14099 E Parsley Dr. was granted a variance to build a detached double car garage that is approximately 5 feet closer to the the curb than our entry stair case will be.

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.

Answer: We agreed to change the front entry stairs from the desired straight entry with wide stairs to a zigzag staircase with the code minimum of 30 inches so we could meet required setbacks. If the variance is not approved, we would not be able to access our house that everyone in the neighborhood enjoys. The hardship is evident.

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

Answer: We described the narrowness of the zigzag entry stairs in 4 above. It is a must to have 5 inches but would be a waste of land use not to ask for 18 inches variance so that 36-inch-wide stairs could be built so we could safely transport appliances and large items into our home. Even small refrigerators are 33 inches wide thus making 30-inch-wide stairs a hardship. Even with 36-inch-wide stairs we will be much further from the property setbacks than our Northern neighbor.

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.

Answer: We are raising our home to meet FEMA standards to avoid flooding that threatens each and every house not only in our neighborhood but all of Madeira Beach as well. The requested variance is in line with properties in the neighborhood as shown in photos attached. The variance will provide safe access to the home. Further, the act of raising the home puts our house in a condition that will require little or no assistance during Hurricane and Rising water emergencies. The house already has a Miami Dade code roof and the plan calls for impact rated windows. This will free up Madeira Beach Emergency Assets to assist others. We believe that Nothing in this project is detrimental to the welfare of our community but a boost to it.

September 19, 2023

We are asking for an 18-inch front setback Variance to install front stairs to our home being raised by AJS Building, Moving and Leveling Inc.

Our home at 14097 E Parsley Dr, Madeira Beach was flooded by Tropical storm ETA 11/11/2020.

Our search to avoid further damage from recurring Flood Waters and saving our existing home led us to AJS Building, Moving and Leveling Inc. We signed a contract with AJS to elevate our existing home above Base Flood Elevation plus 4 feet. The plan raises our existing home without additions over a garage. Both home and garage will meet FEMA and Madeira Beach requirements.

On March 7 & 8, 2023 our home was elevated and placed on temporary supports. It took several months for the permanent support columns to be installed.

On June 16, 2023, the required Tie-In-Survey was conducted by Don Williamson & Associates, Inc. that revealed the house had rotated or shifted while on the temporary supports. The Southwest corner rotated just less than 5 inches toward the front setback. This meant the foundation for the front stairs extended 5 inches past the required setback.

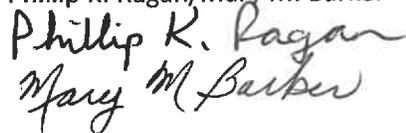
Note that in effort to meet the front setback requirements of twenty feet from the property line, we had already reduced the 36-inch standard stair width to the minimum of 30 inches with our architect. Being focused on setbacks we didn't realize the problems associated with a 30-inch-wide stair.

Now that a Variance is required for the lost 5 inches, it makes sense to build standard 36" stairs which will allow us to safely bring furniture and appliances into our home. Even small refrigerators exceed 30 inches in width. This will require an 18-inch Variance for the staircase instead of 5 inches caused by the house rotation. Please note this Variance is for stairs only and not the front of the home.

Attached photos will show this variance will not be out of line with neighboring properties. We show 14087 E. Parsley Dr to the South, 14099 and 14101 E Parsley Dr to the North of our home. Note that 14099 E Parsley Dr received a Variance to build a garage which is closer to the property line than our staircase will be. In addition, we highlight the Variance requested on pictures taken of page A200, Renovation Floor Plan-Level 1, of the plan on file with Madeira Beach Planning Office. Although not to scale the area outlined in pink is requested to be moved 18 inches toward the property line.

Thank you for your consideration.

Phillip K. Ragan/Mary M. Barker



Attch1. 14087 E. Parsley Dr. Attch2. 14099 E. Parsley Dr. and 14101 E. Parsley Dr.

Attch3. Renovation Floor Plan Level 1 Attch4. Area of concern.

Attch5. Photo of staircase support. Attch6. Photo of staircase site.



14087
E Parsley

Attachment 1

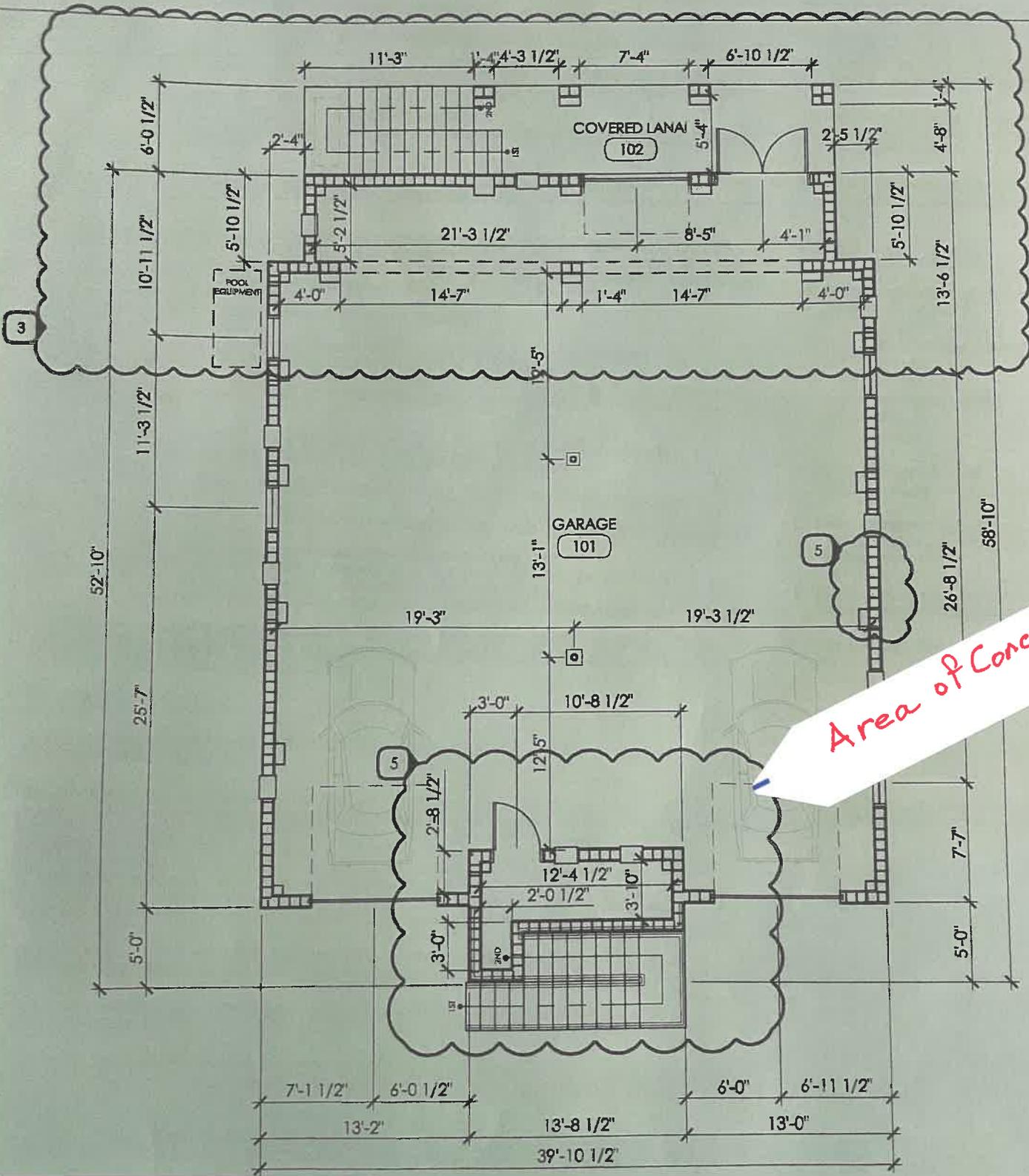
14101
E Parsley

14099
E Parsley

Attachment 2

1/8"=1'-0"

RENOVATION FLOOR PLAN : LEVEL 1

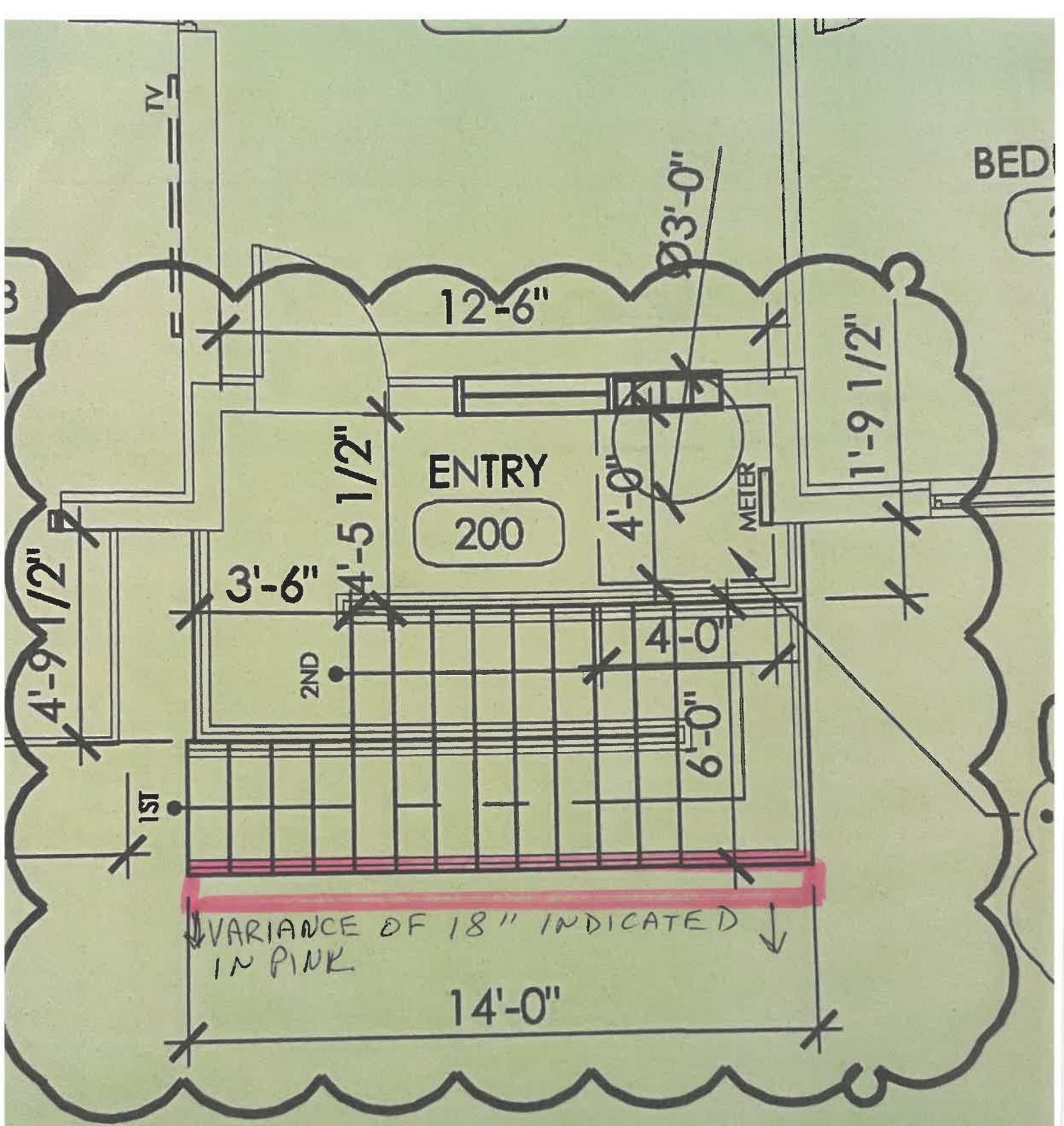


Area of Concern

Attachment 3

1/8"=1'-0"

DIMENSION FLOOR PLAN : LEVEL 1



Attachment 4



Area of
Concern

Attachment 5

14097

14097
E Parsley

Attachment 6





RAGAN/BARKER
HOME RAISE