

**THE CITY OF MADEIRA BEACH  
PUBLIC NOTICE**

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held at the Madeira Beach City Centre in the Commission Chambers, located at 300 Municipal Drive, Florida 33708 to discuss the agenda items of City Business listed below.

**SPECIAL MAGISTRATE  
VARIANCE/SPECIAL EXCEPTION USE AGENDA**

**2:00 P.M.**

**MONDAY, AUGUST 22, 2016**

**COMMISSION CHAMBERS**

- A. CALL TO ORDER**
- B. SPECIAL MAGISTRATE STATEMENT**
- C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES**
- D. NEW BUSINESS**

**1. Application 2016.14**

**Property Owner/  
Applicant:** Tim Maloney  
2875 Robert Oliver Avenue  
Fernandina Beach, FL 32034

**Property Address:** 316 137<sup>th</sup> Avenue Circle

**Parcel I.D. #:** 15-31-15-34488-000-0240

**Land Use/Zoning:** Residential Medium (RM)/Low Density Multifamily Residential (R-2)

**Request:** **Section 110-206(1) Front Yard Setback Requirements**  
The applicant is requesting a variance to the front yard building setback for Lot 24 to allow a new FEMA compliant single family structure.

Required: 20 feet  
Requested: 15 feet  
Variance: 5 feet

**2. Application 2016.15**

**Property Owner:** Scott & Beth Williams  
1275 Osprey Landing Drive  
Lakeland, FL 33813

**Property Address:** 851 Bay Point Drive

**Parcel I.D. #:** 10-31-15-04500-001-0020

**Land Use/ Zoning:** Residential Urban (RU)/Single Family Residential (R-1)

**Request:** **Section 14-205 Design criteria for docks.**  
The applicant is requesting a variance to the side setback requirements, to allow for a dock and boat lift outside of the center one-third of the applicant's property.

Required: 13 feet 11 inches- The center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive ( $41 \text{ feet } 7 \text{ inches} \times \frac{1}{3} = 13 \text{ feet } 11 \text{ inches}$  (middle))

Requested left side: 1 foot 2 inches  
Variance left side: 12 feet 9 inches

Requested right side: 1 foot  
Variance right side: 12 feet 11 inches

**E. OLD BUSINESS**

**F. ADJOURNMENT**

**APPLICATION 2016-14**  
**316 137<sup>TH</sup> AVENUE CIRCLE**



**SPECIAL MAGISTRATE – VARIANCE REQUEST**  
**August 22, 2016**  
**Application 2016-14**

**I. GENERAL INFORMATION**

**Request:** The applicant is requesting a variance to the front yard building setback for Lot 24 to allow a new FEMA compliant single family structure.

**Property Owner/Applicant**

Tim Maloney  
2875 Robert Oliver Avenue  
Fernandina Beach, FL 32034

**Property Address**

316 137<sup>th</sup> Avenue Circle

**Parcel I.D. #**

15-31-15-34488-000-0240

**Land Use/Zoning**

Residential Medium/  
Low Density Multifamily Residential (R-2)

**Year Built**

1928

**Variance Request: Section 110-206(1) Front Yard Setback Requirements**

Required Front: 20 feet  
Requested Front: 15 feet  
Variance Rear: 5 feet

**II. BACKGROUND**

The applicant is requesting a variance to Section 110-206, Setback Requirements, (subsection 1) of the R-2 zoning district requirements in order to construct a FEMA compliant single family structure.

**III. VARIANCE 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 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.*

#### **IV. ANALYSIS**

Staff has reviewed this request with respect to the variance criteria. Based on this review, staff finds the following:

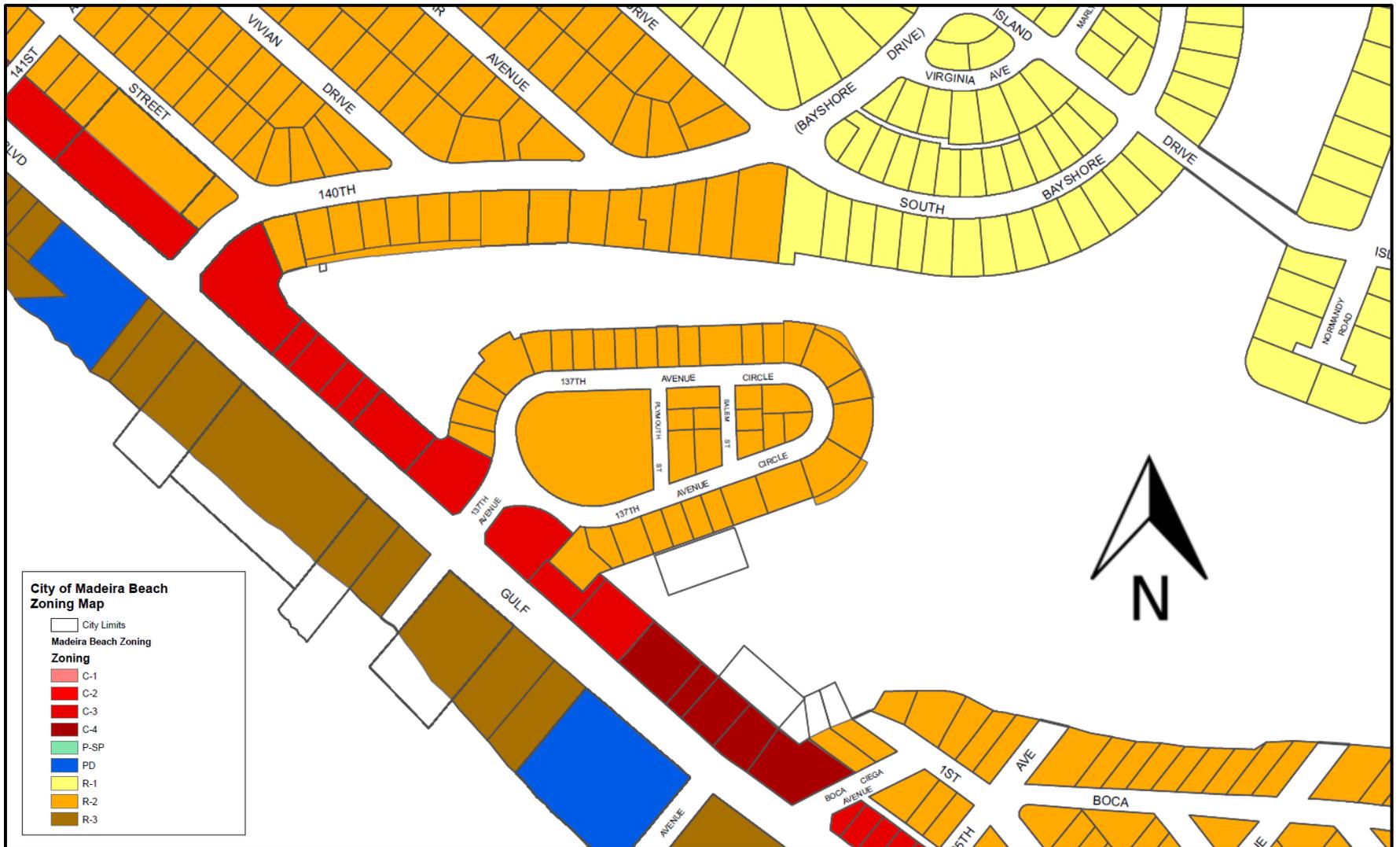
1. **Variance Criteria #1.** Special conditions exist which are relevant to this case. The lot is 40 feet by 75 feet and considered a nonconforming lot. The required lot size in the R-2 zoning district is 40 feet by 80 feet. The property was originally platted in 1914 and then replatted in 1941. The surrounding neighborhood consists of a number of older, Pre-FIRM buildings. Many of the structures on the same side street were built in the 1920's and 1940's. On the south side of 137<sup>th</sup> Avenue Circle the lots are wider and ten have already been rebuilt to FEMA standards. The City of Madeira Beach would like for all structures to be FEMA compliant and more disaster resistant. The proposed single family structure will be built following the land development regulations, building code, fire code, and be FEMA compliant thus creating a more disaster resistant structure.
2. **Variance Criteria #2.** The applicant wishes to demolish the existing structure and build a new FEMA compliant home. The lot size is nonconforming and is not self-created hardship.
3. **Variance Criteria #3.** The applicant is seeking to construct a single family structure in an R-2 zoning district. The subject property is located in one of Madeira Beach's older residential neighborhoods. Many of the neighborhood structures do not meet building setbacks due to development occurring before the City's current land development regulations were adopted. Granting a variance will not confer any special privileges but will allow for uniformity in the overall design of the neighborhood as structures come in conformity with FEMA regulations.
4. **Variance Criteria #4.** Staff finds that the proposed single family structure is a good use of the available land and one that will result in a desirable, sustainable single family home for the future. Therefore, adhering to the stipulated setbacks would likely work an undue and unnecessary hardship on the applicant and the conceptual structure.
5. **Variance Criteria #5.** Applicant is attempting to minimize the amount of variance being requested. Staff finds that 5 feet is an acceptable minimal variance that will make possible the reasonable use of the land.
6. **Variance Criteria #6.** The granting of the proposed variance will be in harmony with the general intent of the land development regulations. A 5 foot front yard variance is not anticipated to be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare.

**V. RECOMMENDATION**

For the reasons outlined in this report, staff recommends **APPROVAL** of the requested variance to encroach into the front yard setback. Please note that this single family structure must be fully compliant with all other Madeira Beach Land Development Regulations, the Florida Building Code, Fire Code, and FEMA/Floodplain regulations.

**VI. EXHIBITS**

- A. Zoning Map
- B. Code of Ordinances Section 110-206 (1)
- C. Application / Survey / Site Plan / Proof of Ownership
- D. Site and Aerial Photographs



August 4, 2016

**Sec. 110-206. - Setback requirements.**

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

- (1) Front yard: 20 feet.
- (2) Rear yard: 25 feet.
- (3) Side yard:
  - a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.
  - b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.
  - c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.
  - d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.
  - e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.
  - f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of 25 feet on each side property line.
- (4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

RECEIVED  
JUL 22 2016  
BY: Gwen S.

Special Magistrate Case #: 2016-14



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: [morton@madeirabeachfl.gov](mailto:morton@madeirabeachfl.gov)



**SPECIAL MAGISTRATE – VARIANCE APPLICATION**

\*Applicant: Name and Address

\*Property Owner: Name and Address

Tim MALONEY  
2875 Robert OLIVER AVE  
Fernandina Beach FL 32034

Tim Maloney  
2875 Robert OLIVER AVE  
Fernandina Beach FL 32034

Telephone: 770 616 3199  
Email: [Maloneyt@bellsouth.net](mailto:Maloneyt@bellsouth.net)

Telephone: 770 616 3199  
Email: [Maloneyt@Bellsouth.net](mailto:Maloneyt@Bellsouth.net)

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

316 137<sup>th</sup> AVE Cir Madeira Beach FL

Legal Description:

Gulf Shores Harbor Sub Lot 24 Land to seawall

Lot Area: 3400 Width: 40 ft. Depth: 85 ft.

Zoning District: R2

Present Structures on Property: 849 sqft Living, total of 1154 SF incl garage

Present use of property: Vacant

Date Building Permit Request denied: N/A

Variance(s) need from the zoning requirements are: 140 SF Reduction on street side. 5' x 28'. Reduce setback from 20' to 15'.

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.

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

Fee: \$ 350.00  Check # 3339  Cash  Receipt # \_\_\_\_\_

Date Received: 7/22/16 Received by: Green Scribner

Special Magistrate Case # Assigned: 2016-14

Special Magistrate Hearing Date: 8/22/16  Approved  Denied

\_\_\_\_\_  
Michelle Orton, Planning & Zoning Director

Date: \_\_\_\_\_

\_\_\_\_\_  
Shane B. Crawford, City Manager

Date: \_\_\_\_\_

15-31-15-34488-000-0240

**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 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.

Tim Maloney  
Property Owner's Signature

7/21/16  
Date

STATE OF GEORGIA  
COUNTY OF FULTON

Before me this 21 day of JULY, 2016, TIMOTHY I. MALONEY 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 DRIVERS LICENSE as identification.



Jon M. Alexander  
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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Tim Maloney – 316 137<sup>th</sup> Ave Circle Madeira Beach FL 33708

I am looking for a reduction of the front setback from 20' to 15' to build a new single family home to be our full time residence. My wife and I are recently retired and excited to make Madeira Beach our future full time home for our family. We have 2 daughters, one of which will live there part time as she is a current full time student at the University of Maryland. We are very familiar with the area and had been searching for a great property in this area. We believe this property will allow us to lead an active lifestyle in one of the greatest cities in the USA.

We appreciate your consideration into this request.

1. The lot is a non-conforming lot to Madeira Beach single family lot size. Lot size is 40' x 75' and will result in the removal of an abandoned partially rehabilitated structure. The new structure will be state of the art and achieve the current building standards, FEMA standards, and fire standards. The new home will be environmentally sound, energy efficient, and a model for the north side houses on 137<sup>th</sup> Ave Circle.
2. Lot size was not caused by applicant which produced the hardship.
3. All adjacent homes have setbacks below the standards of the city for the front/back. Addresses 244, 248, 324, 330, and 420. Length footprint would be one of the smallest in the neighborhood.
4. Due to the small size of the lot, the front and back setback would not allow for an appropriate sized home for our family. We are looking for a total square foot livable space of 1,754 SF living space home. It will also provide for covered porch and water views.
5. The request for the 5' variance will allow for a 2<sup>nd</sup> floor that becomes fully livable. The addition of the 5' achieves a living are that allows for a master bedroom of 12'8" x 13'6". Without variance the total bedroom would be 12'8" x 8'6". It also allows for proper parking in the ground floor garage and the placement of steps to access the 2<sup>nd</sup> and 3<sup>rd</sup> floors.
6. The granting of the variance will result in a similar structure to the houses on the south side of 137<sup>th</sup> Ave Circle. All other setbacks will be incorporated into the design of the new home.

This application to the Special Magistrate is requesting permission to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 has been substantially satisfied and that a hardship exists.

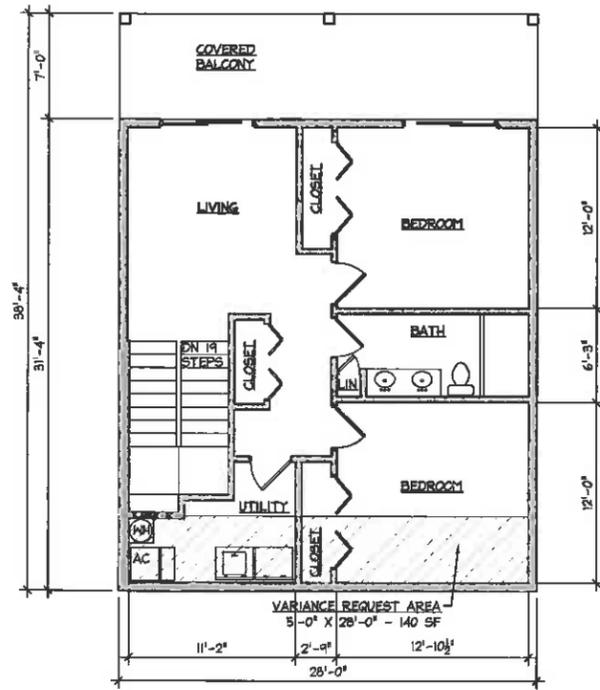
**On a separate attached page, explain in detail how your request complies with the following rules:**

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.
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

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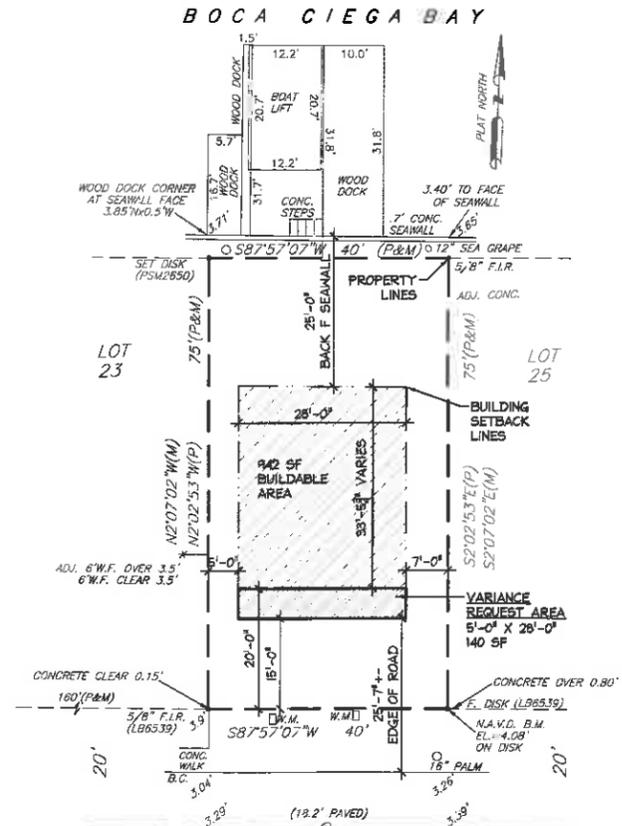
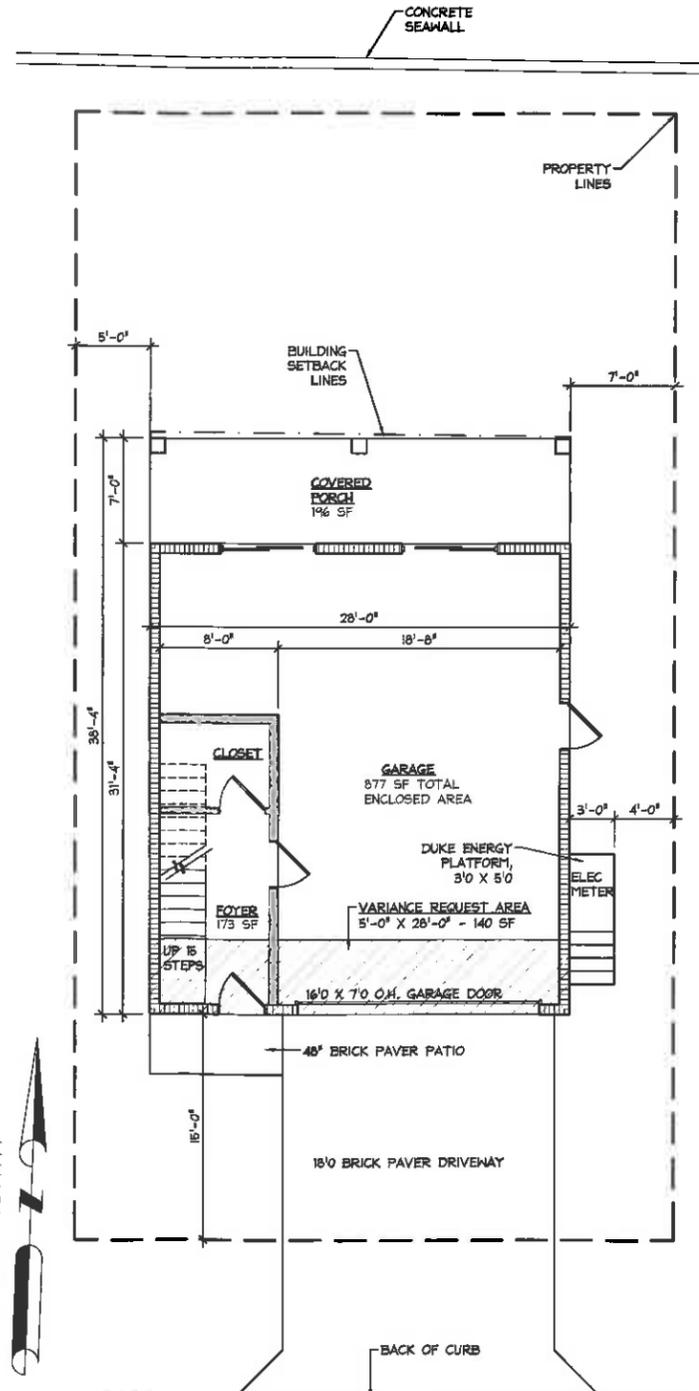
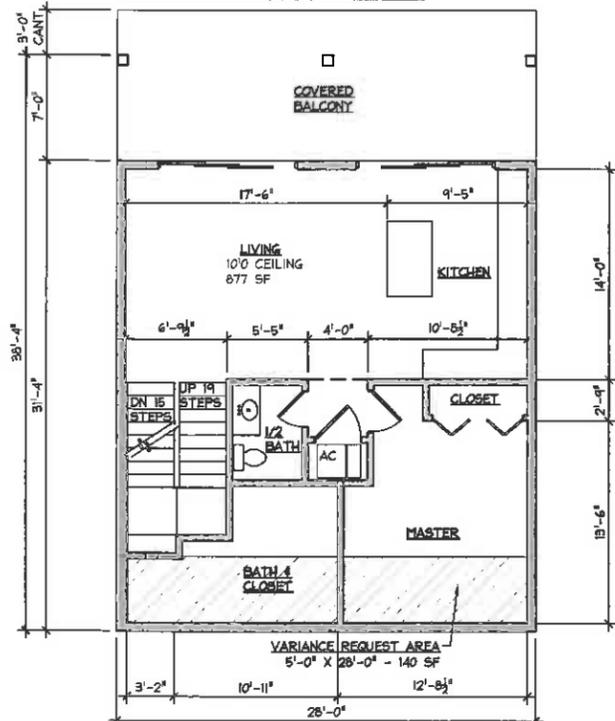
Regulations, Subpart B of the Code and would work unnecessary and undue hardship on the applicant.

5. Demonstrate that the variance granted in the minimum variance that will make possible the 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.



**3RD FLOOR PLAN**  
1/8" = 1'-0"

**AREAS**  
877 SF TOTAL 1ST FLOOR ENCLOSED AREA  
877 SF 2ND FLOOR AREA  
877 SF 3RD FLOOR AREA  
1,754 SF TOTAL AIR CONDITIONED AREA



**SCOTT K. SMITH**  
RESIDENTIAL / COMMERCIAL DRAFTING  
727 - 403 - 5545

A NEW RESIDENCE FOR  
**THE MALONEY'S**  
316 137th AVE CIRCLE  
MADEIRA BEACH, FLORIDA

7/10/2016

KEVIN S. SMITH  
TRAFFIC  
LICENSE 348864

Prepared by/Return to:  
Brock & Scott, PLLC.  
Colleen E. Lehmann  
4919 Memorial Highway, Suite 135  
Tampa, Florida 33634  
File Number: R15048011

(Space Above This Line For Recording Data)

## Special Warranty Deed

This Special Warranty Deed made this 10th day of May, 2016, between ~~The Bank of New York Mellon F/K/A The Bank of New York, as Trustee for the Holders of the Certificates, First Horizon Pass-Through Certificates Series FHAMS 2005-AA10, by First Horizon Home Loans, a division of Tennessee Bank National Association, Master Servicer, in its capacity as Agent for the Trustee under the Pooling and Servicing Agreement whose post office address is 8950 Cypress Waters Blvd, Coppell, TX 75019, grantor, and Timothy Maloney, a married person, whose post office address is 2875 Robert Oliver Ave, Fernandina Beach, FL 32034, grantee:~~

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Pinellas County, Florida, to-wit:

LOT 24, GULF SHORES HARBOR SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 51, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

This deed is being executed by virtue of a power of attorney originally recorded in Osceola County, Florida, on September 29, 2015, in O.R. Book 4848, Pages 2469, of the Public Records of Osceola County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year shown in the acknowledgement below.

Signed, sealed and delivered in our presence:

The Bank of New York Mellon F/K/A The Bank of New York, as Trustee for the Holders of the Certificates, First Horizon Pass-Through Certificates Series FHAMS 2005-AA10, by First Horizon Home Loans, a division of Tennessee Bank National Association, Master Servicer, in its capacity as Agent for the Trustee under the Pooling and Servicing Agreement

By: Nationstar Mortgage, LLC, as Attorney-in-Fact

Witness Name: Natalie Brown  
Witness Name: Ryan Kreger

By: Mia Smith  
Its authorized signor

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Texas  
County of Denton

The foregoing instrument was acknowledged before me this 10 day of May, 2016, by Mia Smith, as Authorized Signor of Nationstar Mortgage, LLC, on behalf of the corporation, who  is/are personally known to me or  has/have produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public  
Printed Name: Patricia McCutchen  
My Commission Expires: 11.05.18

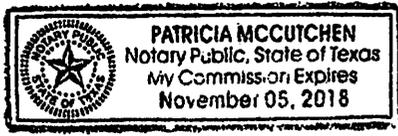


EXHIBIT A

*done*  
*PLW*  
*8/14/15*

**Schedule I**

**DELEGATION OF DOCUMENT SIGNING AUTHORITY**

I, Michael R. Rawls (Executive Vice President or above), a Delegating Officer of Nationstar Mortgage LLC ("Company"), pursuant to resolutions of the Board of Managers, hereby delegate the limited and revocable document signing authority herein described to each employee or independent contractor of the Company or its subsidiaries listed below (each a "Delegatee") on the following terms and conditions:

**Revocable Delegation of Document Signing Authority**

Each Delegatee listed below, who is under my supervision and control, is hereby authorized to execute and deliver those documents, instruments and agreements listed opposite his or her name, in the name and on behalf of the Company, as may from time to time be necessary for the usual and customary transaction of the business of the Company. (Please attach additional pages as necessary).

Name of Delegates	Officer Title(s) Being Requested <sup>(1)</sup>	Documents Authorized to Sign <sup>(2)</sup>
Tina Bergin	Assistant Secretary	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)
Patricia McCutchen	Assistant Secretary	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)
Gabriel Montoya	Assistant Secretary	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)
Mia Smith	Assistant Secretary	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)
John Garbar	Assistant Secretary	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, instruments of Conveyance, Other Similar (Document)



Corporate Secretary or the Board of Managers, in whole or in part, at any time and from time to time.

**Delegating Officer:**  
(Must be an Executive Vice President or above)

Signature: *Michael R. Rawls*  
Name: Michael R. Rawls  
Title: Executive Vice President  
Date: 8/14/15

**Office of the Corporate Secretary:**

Signature: *Karen L. Robb*  
Name: Karen L. Robb  
Title: Assistant Secretary  
Date: 8/14/15

**Instructions to Delegating Officer:**

Sign one original Delegation of Document Signing Authority.  
Send original signed copy to the Office of the Corporate Secretary for signature.  
Office of the Corporate Secretary will forward a copy of the fully executed form back to the Delegating Officer for his or her files.

UNOFFICIAL COPY

5314 Gulfport Blvd So.  
Gulfport, FL 33707  
Ph: (727) 360-1891 Fax: (727) 323-7095  
FL. Lic #CB-C059417  
E-Mail: tisdale.construct@verizon.net



1

Date Taken: 6/15/2016

Taken By: Frank Tisdale

Front perspective.

EXISTING STRUCTURE



# 316 137<sup>th</sup> Avenue Circle



mailed 8-12-16

316 137th Ave Cir.



# PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser  
www.pcpao.org      pam@pcpao.org

Run Date: 29 Jul 2016

Subject Parcel: 15-31-15-34488-000-0240

Radius: 200 feet

Parcel Count: 29

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

MAIN BRANCH- COURTHOUSE

315 Court St. - 2<sup>nd</sup> Floor  
Clearwater, FL33756  
MAIL: PO Box 1957  
Clearwater, FL33757  
TEL: (727) 464-3207  
FAX: (727) 464-3448  
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294  
FAX: (727) 464-3408  
COMMERCIAL APPRAISALS:  
TEL: (727) 464-3284  
RESIDENTIAL APPRAISALS:  
TEL: (727) 464-3643 (C#)  
TANGIBLE PERSONAL PROPERTY  
TEL: (727) 464-8484  
FAX: (727) 464-8488

NORTH COUNTY

29269 US Highway 19 N  
Clearwater, FL33761  
TEL: (727) 464-8780  
FAX: (727) 464-8794

TYRONE (SOUTH)

1800 66<sup>th</sup> St. N  
St. Petersburg, FL33710  
TEL: (727) 582-7652  
FAX: (727) 582-7610

MID-COUNTY

CUSTOMER SERVICE CENTER - WALK-IN  
13025 Starkey Rd., Largo (Tax Collector)  
TEL: (727) 464-3207  
FAX: (727) 464-8488  
MAIL: PO Box 1957 - Clearwater, FL33757

MOE, MICHELLE M  
MOE, AMUND C  
233 140TH AVE E  
MADEIRA BEACH FL 33708-2206

MOE, MICHELLE M  
MOE, AMUND C  
233 140TH AVE E  
MADEIRA BEACH FL 33708-2206

VIGIL, RONALD  
VIGIL, SHARON  
244 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2508

GRONCZEWSKI, HENRY J FAMILY TRUST  
GRONVZEWSKI, HENRY J TRE  
9222 134TH ST  
SEMINOLE FL 33776-2341

MC LEAN, MICHAEL K  
248 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2508

MAZZILLO, PAUL J  
422 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2512

COTOVIO, NORBERT  
COTOVIO, CECILIA ESTEVES  
984 O'CONNOR DR  
TORONTO ON M4B 2T3

CURRY, THOMAS E JR  
445 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2540

HOLLY BERRY GIFTS INC  
9810 SAN DIEGO WAY  
PORT RICHEY FL 34668-3528

GULF BEACHES CHURCH BY THE SEA INC  
495 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2539

RENTAL ENTERPRISES OF MADEIRA INC  
13417 GULF LN  
MADEIRA BEACH FL 33708-1868

MOBERLY, PAUL  
235 140TH AVE E  
MADEIRA BEACH FL 33708-2206

VOTAVA, TOM TRUST  
VOTAVA, THOMAS A TRE  
1250 39TH ST  
DOWNERS GROVE IL 60515-1433

RAINEY, LOUIS T JR  
RAINEY, CAROLE A  
330 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2510

SWENSON, WILLIAM E  
SWENSON, TAMMY S  
9401 133RD ST  
SEMINOLE FL 33776-1647

MALONEY, TIMOTHY  
2875 ROBERT OLIVER AVE  
FERNANDINA BEACH FL 32034

MOORE, JAMES  
MOORE, CATHY A  
13708 SALEM ST  
MADEIRA BEACH FL 33708-2544

GAROFALO, MARIO  
GAROFALO, NELLA  
315 140TH AVE E  
MADEIRA BEACH FL 33708-2208

DENMAN, PETER  
DENMAN, TANYA  
204 FRANK H CUSHING WAY  
TAMUNING GU 96913-4045

HURLEY, PEGGY S  
8956 79TH AVE  
SEMINOLE FL 33777-4005

RIFE, DONALD L  
180 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2506

GULF BEACHES CHURCH BY THE SEA INC  
495 134TH AVE CIR  
MADEIRA BEACH FL 33708

BABICH, NICHOLAS G  
BABICH, KATHRYN S  
317 140TH AVE N  
MADEIRA BEACH FL 33708

MONTEAU, GREGORY A  
13785 SALEM ST  
MADEIRA BEACH FL 33708-2543

MC CLERNAN, SANDRA D  
427 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2511

MARKUNAS, RICHARD K  
PATRI, PERINDA  
401 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2511

MATHIS, DONAJA LINDA  
MATHIS, JERRY  
420 137TH AVENUE CIR  
MADEIRA BEACH FL 33708-2512

CATTAR, CATHERINE  
5255 OLIVET DR  
RIDGE MANOR FL 33523-9039

BONNELL, JAMES  
117 WALL ST  
REDINGTON SHORES FL 33708-1243



NOTICE  
This area is restricted access.  
No vehicles or heavy machinery are allowed.  
Unauthorized entry is prohibited.  
For more information, contact the site manager.



**APPLICATION 2016-15**  
**851 BAY POINT DRIVE**



**SPECIAL MAGISTRATE – VARIANCE REQUEST  
August 22, 2016  
Application 2016-15**

**I. GENERAL INFORMATION**

**Request:** The applicant is requesting a variance to the design criteria for private docks to allow the construction of a dock and boat lift that exceeds the maximum width standard and encroach into the minimum side setbacks for docks and boatlifts.

**Property Owner**

Scott and Beth Williams  
1275 Osprey Landing Drive  
Lakeland, FL 33813

**Applicant**

Speeler Foundations, Inc.  
6111 142<sup>nd</sup> Avenue N.  
Clearwater, FL 33760

**Property Address**

851 Bay Pont Drive

**Parcel I.D. #**

10-31-15-04500-001-0020

**Land Use/Zoning**

Residential Urban/Single-Family Residential (R-1)

**Year Built**

1953

**Variance Request: Section 14-205, Design Criteria for Private Docks**

**Minimum Side Setback – constructed in the center 1/3<sup>rd</sup> of the applicant’s waterfront property line**

Required:	13’ 11” on each side	(41 feet 7 inches x 1/3 = 13 feet 11 inches - middle)
Requested left side:	1 foot 2 inches	Requested right side: 1 foot
Variance left side:	12 feet 9 inches	Variance right side: 12 feet 11 inches

**II. BACKGROUND**

The applicant is requesting a variance to Section 14-205 Design Criteria for Private Docks of the City Code. The City has a streamline process for the administrative approval of docks with certain variances provided the abutting property owner(s) sign off. In this case, it is staff’s understanding that the abutting property owners chose not to sign off on this request. The applicant has provided a narrative as part of the application package and it includes a site plan depicting the request. These are included in this variance case packet.

**III. VARIANCE 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 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.*

**IV. ANALYSIS**

Staff has reviewed this request with respect to the variance criteria. Based on this review, staff finds the following:

1. **Variance Criteria #1.** The proposed private dock and boat lift is characteristic throughout the Boca Ciega Bay. The majority of waterside parcels have a dock and private boat lift. This lot is odd shaped and where it is 167 feet in the front it is only 41 feet and 7 inches at the waterside. In order to have a dock and boatlift along the seawall the applicant is requesting a variance.
2. **Variance Criteria #2.** The size of the proposed dock and boat lift is not a result of the applicant. The applicant is the last applicant in the corner to request a boat lift. Noting where the other property owners have installed their docks and the size and shape of the applicant’s proposed dock is not a self-created hardship by the applicant.
3. **Variance Criteria #3.** Granting of the requested variance will result in the construction of a dock and boat lift that is not similar in size to other docks in the area. The applicant is proposing a triangle shaped dock so that he does not encroach into the adjacent property owners on the left and right. The applicant would not be granted any special privileges as those in the same zoning district.







**Sec. 14-205. - Design criteria for private docks.**

In addition to the design criteria for all private docks regulated by the county water and navigation control authority, the following additional design criteria shall apply to those private docks lying within the municipal boundaries of the city.

Private docks to be constructed in the waters of the city shall be constructed so that the length of the dock shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at waterfront. This requirement may be waived by the city manager or his designated representative, provided signed statements of no objection from both adjacent waterfront property owners have been submitted.

Private docks and boat lifts must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted.

Tie piles may be a maximum distance of twenty-five percent (25%) of the navigable portion of the waterway from the waterfront property line and no closer than the side setback for a structure located on the property to the projection of any side or interior lot line. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted.

(Code 1983, § 5-202; Ord. No. 934, § 1, 12-5-00; Ord. No. 941, § 1, 5-11-01)



**Variance(s) needed from the zoning requirements are:** We are requesting a variance to Section 14-205(Design Criteria for Private Docks) in order to construct a small dock and install a boatlift. The proposed structure cannot meet the side setback or length requirements of the mentioned code due to the size and shape of the subject lot.

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**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS**

**SITE PLAN, SURVEY, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.**

**This application to the Special Magistrate is requesting permission to be allowed to:**

Construct a new dock and install a new boatlift. We are requesting this variance so that the upland owner can enjoy his waterfront property and safely moor his boat.

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 circumstance 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 has been substantially satisfied and that a hardship exists:

**EXPLAIN IN DETAIL HOW YOUR REQUEST COMPLIES WITH THE FOLLOWING RULES.**

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, 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;

The subject lot is less than 42' wide at the seawall. In addition to this, the property lines converge as they extend into the water. The lot is in a small corner of the waterway. The irregularity of the shape of the lot, as well as being located in a corner of the waterway, makes it impossible for the homeowner to construct a dock and boatlift that would allow him to enjoy his waterfront property without requiring a variance.

- b. *Significant vegetation or natural features.* If the site contains significant native vegetation or other natural features;

Vegetation and natural features are not a factor in this application.

- 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;

The proposed dock and boatlift would not be in dis-harmony with the established neighborhood character. The shape of the property simply will not allow for a dock and boatlift that will meet the length and setback requirements without a variance. The proposed structure will not create any navigational or environmental issues. In addition, the entire structure will be contained within the boundaries of the extended property lines.

- d. *Public facilities.* If the proposed project involves the development of public parks, public facilities, schools, or public utilities;

The application does not involve public facilities of any kind.

- e. *Architectural and/or engineering considerations.* If the proposed project utilizes architectural and/or engineering features that would render the project more disaster resistant.

This does not apply.

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

The applicant purchased the property in July of 2015. The size and shape of the lot were not determined by the applicant, therefore there is not a self-created hardship.

3. Demonstrate that that 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.

Granting the variance will not confer any special privileges. Many of the surrounding properties have dock and boatlift structures that allow them to enjoy their waterfront property.

4. Demonstrate that 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.

Literal interpretation of the development regulations would deny the upland owner the full use and enjoyment of his waterfront property.

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

The requested variance is the minimum variance that will make possible the reasonable use of the land. The owner is requesting only one (1) boatlift to be placed adjacent to a new minimal dock.

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.

Granting the variance will be in harmony. The proposed layout would allow the homeowner to enjoy his waterfront property with a dock and boatlift just as all of his surrounding neighbors are able to.

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.

Date: 8/1/2016 Property owner's signature: X [Signature]

Before me, this 2<sup>nd</sup> day of August, 2016 appeared in person

Scott Williams who, being sworn, deposes and says that the forgoing  
(name of property owner)

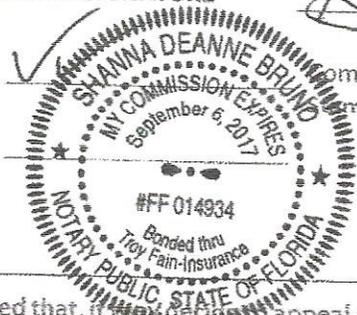
is true and correct certification.

STATE OF FLORIDA  
COUNTY OF PINELLAS - NOTARY SIGNATURE  
PK

[Signature]

Personally Known to me:  My Commission Expires: September 6, 2017

Identification Taken:



NOTICE: Persons are advised that, if ~~any~~ 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.

CERTIFICATION

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 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.*

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Date: 8/1/16 Applicant's signature, if other than Property owner: Jeff P.

Before me, this 1st day of August, 2016 appeared in person

Jeff Patterson who, being sworn, deposes and says that the forgoing  
(name of applicant, if other than property owner)

is true and correct certification.

STATE OF FLORIDA  
COUNTY OF PINELLAS - NOTARY SIGNATURE

Christina S. Cashman

Personally Known to me: X

Commission Expires: \_\_\_\_\_  
Stamp **CHRISTINA S. CASHMAN**  
Notary Public, State of Florida  
My Comm. Expires June 26, 2017  
No. FF 31265

Identification Taken: \_\_\_\_\_

**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)

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition, shall take note of the following:

- (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.
- (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 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.

The hearing will be conducted in the following manner:

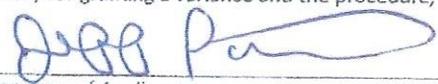
- 1. Public notice will be read along with correspondence received.
- 2. City presents its case, and the applicant may cross-examine.
- 3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
- 4. Public comment will only 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 one (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.

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.

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.

X   
Signature of Applicant

  
Date

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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.

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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.
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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.

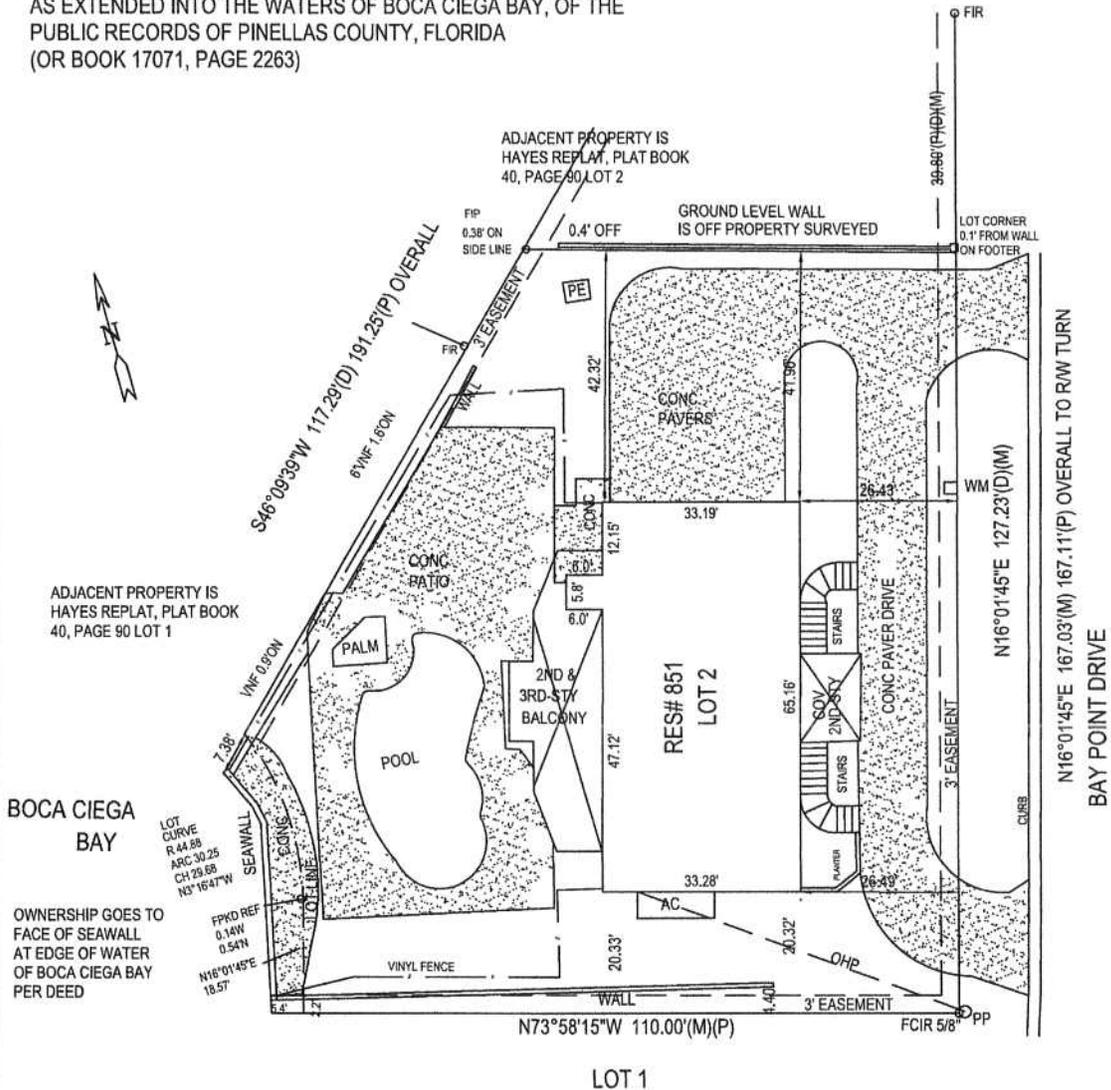
APPLICANT'S COPY

  
Initials of Receipt

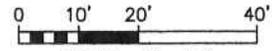
  
Date

LEGAL DESCRIPTION:  
 LOT 2, BLOCK 1, SECOND ADDITION TO BAY POINT ESTATES,  
 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27,  
 AT PAGE 72, LESS THAT PART THEREOF LYING IN HAYES REPLAT,  
 ACCORDING TO PLAT BOOK 40, PAGE 90, TOGETHER WITH ALL LAND  
 LYING BETWEEN THE NORTHWESTERLY AND SOUTHERLY LOT LINES  
 AS EXTENDED INTO THE WATERS OF BOCA CIEGA BAY, OF THE  
 PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA  
 (OR BOOK 17071, PAGE 2263)

BOUNDARY SURVEY OF  
 851 BAY POINT DRIVE  
 MADEIRA BEACH, FL 33708



UNLESS NOTED OTHERWISE, THIS IS AN AS-BUILT SURVEY SHOWING IMPROVEMENTS IN RELATION TO PROPERTY AND PLAT MONUMENTS FOUND. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CURRENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN ONE YEAR OF THE FIELD DATE NOTED ON THIS SURVEY.



- COVERED ENTRANCE
- SCREEN ENCLOSED AREA
- SCREEN ENCLOSED WITH POOL
- 4" CHAIN LINK FENCE
- 6" WOOD FENCE

NOTES: (1) IN COMPLIANCE WITH F.A.C. 61G17-6.0031-4-E, IF LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. (2) IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX.) (3) NO EXCAVATION OR MAPPING OF UNDERGROUND IMPROVEMENTS HAS BEEN PERFORMED. CORNER MARKERS ARE 1/2" DIAMETER UNLESS NOTED OTHERWISE.

LEGEND: (C) = CALCULATED, C# = CURVE NUMBER, CB = CABLE BOX, LP = LIGHT POLE, C/S = CONCRETE SLAB, CLF = CHAIN LINK FENCE, CONC = CONCRETE, CSW = CONCRETE SIDEWALK, (D) = DEED, DE = DRAINAGE EASEMENT, EB = ELECTRIC BOX, EOW = EDGE OF WATER, E/P = EDGE OF PAVEMENT, (F) = FIELD/F/C = FENCE CORNER, FCR = FIR CAPPED, FXC = FOUND X CUT, FCM = FOUND CONCRETE MONUMENT, FIP = FOUND IRON PIPE, FIR = FOUND IRON ROD, FN = FOUND NAIL, FND = FOUND NAIL & DISK, GA = GUY ANCHOR, ID = IDENTIFICATION, (M) = MEASURED, MH = MANHOLE, NCF = NO MARKER FOUND, OHW = OVERHEAD WIRE, O/A = OVER ALL, (P) = PLAT, P/E=POOL EQUIP., PP = POWER POLE, POB = POINT OF BEGINNING, POC = POINT OF COMMENCEMENT, PRM = PERMANENT REFERENCE MONUMENT, R/W = RIGHT OF WAY, SR = SET 1/2" IRON ROD LB 6912, SNO = SET NAIL AND DISK LB 6912, TRF = TRANSFORMER, TOB = TOP OF BANK, TP = PHONE PEDESTAL, UE = UTILITY EASEMENT, WB = WATER BOX, WDF = WOOD FENCE.

**Know It Now, Inc.**  
 Florida Business Certificate Of LOCATION = 2011 HEIDELBERG AVENUE, DUNEDIN, FL  
 Authorization Number LB 6912 VOICE 727-415-8305 FAX 727-736-2455  
 CERTIFIED EXCLUSIVELY TO THE BELOW PARTIES

Simon A Arias III  
 Dollar Bank FSB  
 Stewart Title Guaranty  
 Riverview Tile

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.

Surveyor & Mapper Number 4536  
 DATE OF FIELD WORK: 2-27-13  
 DATE SIGNED 2-28-13



*Bill Hyatt*

FLORIDASURVEYOR@AOL.COM BILL HYATT

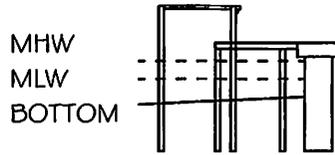
PRIVATE DOCK

NAME: Williams, Scott

851 Bay Point Dr. Madeira Beach, FL. 33708

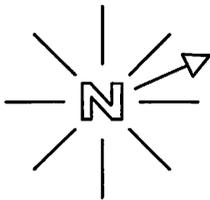
Application # \_\_\_\_\_

(OFFICIAL USE ONLY)



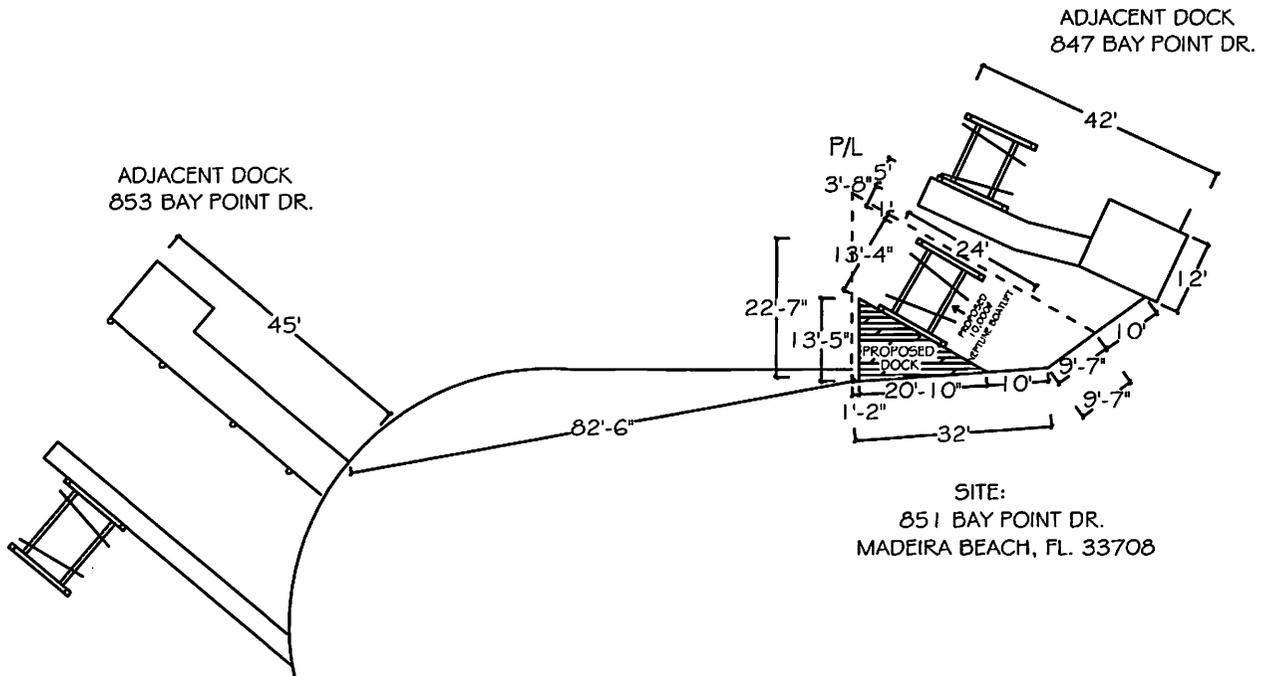
Profile View

ENG. SCALE: 1" = 30'



Plan View  
(applicant and adjacent docks)

TOTAL SQUARE FEET	140'
NEW SQUARE FEET	140'
WATERWAY WIDTH	+/- 102'
WATERFRONT WIDTH	41'-7"



SITE:  
851 BAY POINT DR.  
MADEIRA BEACH, FL. 33708

The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner: N/A		Right Owner: N/A	
Signature	Date	Signature	Date
Municipality Approval		Water and Navigation Approval	

Prepared by:

Compass Land & Title, LLC  
449 Central Avenue, Suite 203  
Saint Petersburg, Florida 33701

File Number: 15-566

CONSIDERATION: \$1,150,000.00

### General Warranty Deed

Made this July 16, 2015 A.D. By Simon A. Arias III, a married man, 12330 Perry Highway Suite 100, Wexford, Pennsylvania 15090, hereinafter called the grantor, to Scott Williams and Beth Williams, husband and wife, whose post office address is: 1275 Osprey Landing Dr, Lakeland, Florida 33813, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Pinellas County, Florida, viz:

Lot 2, Block 1, Second Addition to Bay Point Estates, according to the Map or Plat thereof as recorded in Plat Book 27, Pages 72 and 73, less that Part thereof lying in Hayes Replat, according to Plat Book 40, Page 90, together with all land lying between the Northwesterly and Southerly lot lines as extended into the waters of Boca Ciega Bay, of the Public Records of Pinellas County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 10-31-15-04500-001-0020

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

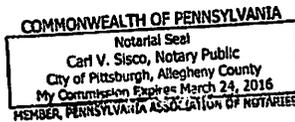
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2014.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

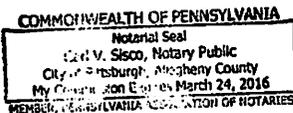
Signed, sealed and delivered in my presence:

Carl V. Sisco (Seal)  
Simon A. Arias III  
Witness Printed Name: CARL V. SISCO Address: 12330 Perry Highway Suite 100, Wexford, Pennsylvania 15090

Steven D'Achille  
Witness Printed Name: Steven D'Achille  
State of Florida  
County of Pinellas



The foregoing instrument was acknowledged before me this 16th day of July, 2015, by Simon A. Arias III, a married man, who is/are personally known to me or who has produced DL as identification.



Notary Public  
Print Name: Carl V. Sisco  
My Commission Expires: 3-24-2016



Google earth

feet  
meters

















**PAM DUBOV, CFA, CAE**  
 Pinellas County Property Appraiser  
 www.pcpao.org      pam@pcpao.org

851  
 Baypoint Dr.  
 mailed Aug. 12, 2016

Run Date: 01 Aug 2016

Subject Parcel: 10-31-15-04500-001-0020

Radius: 200 feet

Parcel Count: 1

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

**MAIN BRANCH- COURTHOUSE**  
 315 Court St. - 2<sup>nd</sup> Floor  
 Clearwater, FL33756  
 MAIL: PO Box 1957  
 Clearwater, FL33757  
 TEL: (727) 464-3207  
 FAX: (727) 464-3448  
 HEARING IMPAIRED: (727) 464-3370

**EXEMPTIONS:**  
 TEL: (727) 464-3294  
 FAX: (727) 464-3408  
**COMMERCIAL APPRAISALS:**  
 TEL: (727) 464-3284  
**RESIDENTIAL APPRAISALS:**  
 TEL: (727) 464-3643 (CIV)  
**TANGIBLE PERSONAL PROPERTY**  
 TEL: (727) 464-8484  
 FAX: (727) 464-8488

**NORTH COUNTY**  
 29269 US Highway 19 N  
 Clearwater, FL33761  
 TEL: (727) 464-8780  
 FAX: (727) 464-8794

**TYRONE (SOUTH)**  
 1800 66<sup>TH</sup> St. N  
 St. Petersburg, FL33710  
 TEL: (727) 582-7652  
 FAX: (727) 582-7610

**MID-COUNTY**  
 CUSTOMER SERVICE CENTER - WALK-IN  
 13025 Starkey Rd., Largo (Tax Collector)  
 TEL: (727) 464-3207  
 FAX: (727) 464-8488  
 MAIL: PO Box 1957 - Clearwater, FL33757

GERSON, RONALD L  
841 BAY POINT DR  
MADEIRA BEACH FL 33708-2316

GERSON, RONALD L  
841 BAY POINT DR  
MADEIRA BEACH FL 33708-2316

MADEIRA BEACH, CITY OF  
300 MUNICIPAL DR  
MADEIRA BEACH FL 33708-1916

SMITH, NICOLE  
27817 PLEASURE RIDE LOOP  
WESLEY CHAPEL FL 33544

TAYLOR, ROCHELLE  
CHRIMES, BARBARA LOPEZ  
847 BAY POINT DR  
MADEIRA BEACH FL 33708-2316

WILLIAMS, SCOTT  
WILLIAMS, BETH  
1275 OSPREY LANDING DR  
LAKE LAND FL 33813-4695

MC CULLERS, DAN J  
MC CULLERS, CONSTANCE M  
876 BAY POINT DR  
MADEIRA BEACH FL 33708-2378

SPILDE, MYRON L  
846 BAY POINT DR  
MADEIRA BEACH FL 33708-2317

OPAL, JUNE BUSH  
854 BAY POINT DR  
MADEIRA BEACH FL 33708-2317

REITMAN, CAROL-ANN  
MILLER, WARREN F  
1057 ANCLOVE LOOP  
THE VILLAGES FL 32162

WALKER, KARA  
878 BAY POINT DR  
MADEIRA BEACH FL 33708-2374

MUSGRAVE, JANEL  
WAGNER, JEANETTE  
5184 101ST ST N  
ST PETERSBURG FL 33708-3451

LEE, JASON E  
LEE, AMANDA RUTH  
882 BAY POINT DR  
MADEIRA BEACH FL 33708-2374

LYLE, WAYNE W  
LYLE, PAMELA  
850 BAY POINT DR  
MADEIRA BEACH FL 33708-2317

COAKLEY, CAROLINE  
878 BAY POINT DR  
MADEIRA BEACH FL 33708-2374

GORDON, GLEN S  
GORDON, MARGARET B  
848 BAY POINT DR  
MADEIRA BEACH FL 33708-2317

ZUKELMAN FAMILY REV TRUST  
ZUKELMAN, ROBERTO TRE  
845 BAY POINT DR  
MADEIRA BEACH FL 33708-2316

RAVEN, VINCENT L  
RAVEN, ABIGAIL A  
849 BAY POINT DR  
MADEIRA BEACH FL 33708-2316

BYUN, SUNG TAE  
BYUN, ASSAMI  
223 SAND KEY ESTATES DR  
CLEARWATER FL 33767-2979

FREEMAN, DAVID H  
853 BAY POINT DR  
MADEIRA BEACH FL 33708-2316





THE CITY OF MADEIRA BEACH  
PUBLIC NOTICE

A Special Magistrate Hearing of the City of Madeira Beach, Florida will be held at the Madeira Beach City Center in the City Manager's Conference Room, located at 600 Riverside Drive, Madeira Beach, FL 33708 to discuss the application of City Business Order below.

SPECIAL MAGISTRATE  
VARIANCE/SPECIAL EXCEPTION USE AGENDA

5:00 P.M.

MONDAY, AUGUST 23, 2010

COMMISSION CHAMBERS

- A. CALL TO ORDER
- B. SPECIAL MAGISTRATE STATEMENT
- C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES
- D. NEW BUSINESS

1. Application 2010.04

Property Owner: Tim Maloney  
Applicant: 2875 Hudson Street Avenue  
Hernando Beach, FL 33034

Property Address: 238 137th Avenue Circle  
Parcel I.D. #: 25-02-23-0488-020-0300  
Land Use/Zoning: Residential Medium-Density (RM2)/Low Density Multifamily Residential (R-2)

Request: Section 155-09(2) Front Yard Setback Requirements  
The applicant is requesting a variance to the front yard building setback for lot 28 to allow a new FEMA compliant single family structure.

Requested: 20 feet  
Required: 25 feet  
Variance: 5 feet

2. Application 2010.05

Property Owner: Scott & Beth Williams  
Applicant: 2275 Seagrass Landing Drive  
Lakewood, FL 33463

Property Address: 8111 Bay Point Drive  
Parcel I.D. #: 20-01-20-0420-001-0020  
Land Use/Zoning: Residential Medium-Density (RM2)/Single Family Residential (R-2)

Request: Section 155-09(2) Design criteria for decks.  
The applicant is requesting a variance for the side setback requirements, to allow for a deck and pool off outside of the outer one third of the applicant's property.

Requested: 10 feet 0.0 inches. The outer one third of the applicant's lot front setback is 30 feet back the adjacent property, which is 10 feet residential side set a maximum of 10 feet 0.0 inches.

Requested: 10 feet 0.0 inches  
Required: 10 feet 0.0 inches

Requested: 10 feet 0.0 inches  
Required: 10 feet 0.0 inches

- A. OLD BUSINESS
- B. ADJOURNMENT