



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

400 Seasage Drive

Meeting	File No.	Application Type
February 23, 2026	PZ-000207-2025	Variance
Property Owner	Applicant / Authorized Agent	
Seagate Manor Condominium	Claudia Conde, Seagate Manor Condominium	

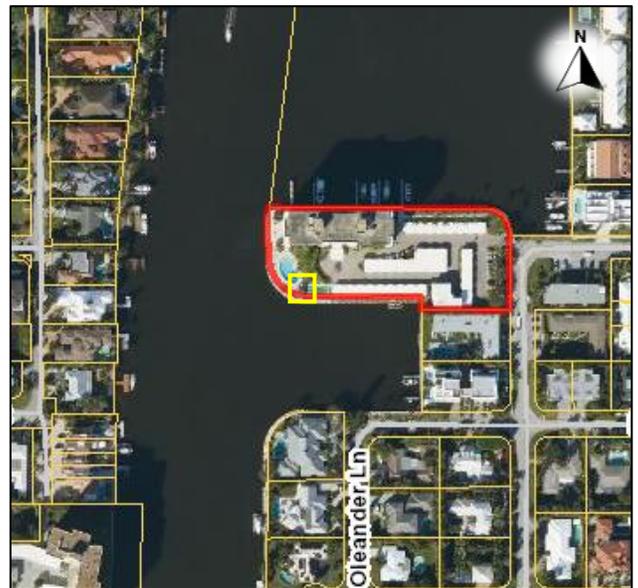
Request
 Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(H)(4), Building elements or site improvements allowed in setbacks per Table 4.3.4(A), to allow for the installation of a semi-permanent cabana in the rear setback.

General Data

Location: 400 Seasage Drive
Seagate Manor Condominium
PCN: 12-43-46-16-39-000-1050
Property Size: 1.9769 Acres (86,113.7 SF)
Land Use Designation: Medium Density Residential (RM)
Zoning District: Medium Density Residential (RM)
Existing Land Use: Multiple family residential condominium

Adjacent Zoning and Uses:

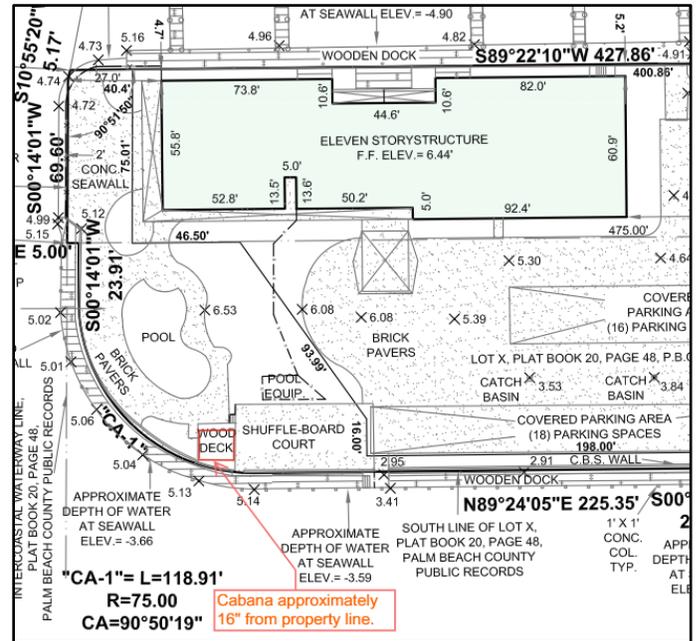
- North: RM
- South: RM & Intracoastal Waterway Canal
- East: RM
- West: Intracoastal Waterway Canal



Background

The subject property, located at 400 Seasage Drive, is developed with an existing multi-family residential condominium complex consisting of an 11-story residential building and a two-story building originally constructed in 1969. The development predates many of the current dimensional and setback regulations in the Land Development Regulations (LDR), including the more recent LDR amendment, adopted through Ordinance No. 13-24 governing allowable encroachments into required setback areas.

The property is located east of the Intracoastal Waterway and is characterized by a unique waterfront configuration with common open water areas located to the west and south. The site includes an existing pool deck and associated recreational amenities that were designed and constructed under regulatory standards in place at the time of original development. As a result of the original site layout, the existing pool and deck areas occupy a significant portion of the interior usable open area of the site, limiting available locations for accessory improvements without impacting required landscaped open space, drainage patterns, or other site compliance features.



Pursuant to LDR Section 4.3.4(H)(4) and Table 4.3.4(A), the required rear setback for properties within the RM zoning district is 25 feet, and permanent structural support elements are not permitted to encroach into the required rear setback area. The proposed cabana structure requires vertical support elements and therefore cannot be installed within the setback area without variance approval.

Table 4.3.4(A), adopted in 2024, was intended to further limit structural encroachments into required setback areas in order to prevent incremental overdevelopment of residential properties and preserve open space relationships between structures and adjacent properties. The subject request is evaluated in the context of this regulatory intent, as well as the existing physical configuration of the property and the fact that the existing pool and deck areas were established prior to the current setback encroachment standards.

The applicant is therefore seeking relief from the setback encroachment limitations in order to allow installation of a semi-permanent accessory shade structure on an existing developed deck surface, which is intended to minimize additional site disturbance while allowing continued functional use of the existing recreational area.

Description of Proposal

The applicant requests approval of a variance from Land Development Regulation (LDR) Section 4.3.4(H)(4), Building Elements or Site Improvements Allowed in Setbacks, as regulated by Table 4.3.4(A), to allow installation of a semi-permanent accessory cabana structure with 16-inch rear setback, where a minimum setback of 25 feet is required in the RM (Medium Density Residential) zoning district.

The proposed improvement consists of a 12-foot by 16-foot pre-engineered aluminum frame cabana with a removable fabric roof covering. The structure is intended to function as an accessory shade element serving the existing pool deck area. The cabana is not proposed to contain enclosed walls, conditioned space, or utility service connections and is intended to remain subordinate to the principal residential use of the property.

The cabana is designed as a lightweight accessory structure that will be secured to the existing wood deck and underlying surface through a removable anchoring system. The structure is not proposed to utilize traditional permanent concrete foundations. The removable fabric roof component is intended to be removed in advance of severe weather events, and the structure is proposed to be constructed in accordance with applicable provisions of the Florida Building Code.

The proposed location is on the southwest portion of the property over an existing wood deck area that is already developed and functions as part of the existing pool amenity area. The proposed placement is intended to avoid disturbance to required landscaped open space areas, maintain existing drainage patterns, and avoid creation of additional impervious surfaces within the site.

The applicant asserts that the request represents the minimum relief necessary to allow continued functional use of the existing pool deck amenity area while maintaining consistency with the general purpose and intent of setback regulations, which are intended to preserve open space relationships, protect adjacent properties, and prevent incremental overdevelopment within residential zoning districts.



The variance request is related to a Level 1 site plan, which will be approved administratively if the requested variance is approved.

Variance Review and Analysis

Pursuant to **LDR Section 2.1.5(E)(6)(g)(1), Planning and Zoning Board: Duties, powers, and responsibility**, the Board hereby has the authority to grant variances from Base district development standards, [Section 4.3.4](#),

Pursuant to **LDR Section 2.4.11(A) Relief, Variance**, is a departure from the dimensional or numeric requirements of the land development regulations where such variance will not be contrary to the public interest and where owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Pursuant to **LDR Section 2.4.11(A)(5)(a-f), Variance Findings**, the following findings must be made prior to the approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.
- (c) That the special conditions and circumstances have not resulted from actions of the applicant.
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.

LDR Section 4.3.4(H), Setbacks (1) General. Setbacks are measured at right angles to the lot line and represent the minimal distance within which a structure may come to said lot line. Setbacks are established for front, interior side, street side, and rear lot lines. Lot lines along rights-of-way are established, for setback purposes, as being for the ultimate right-of-way as required for the minimum section for the class of street or as otherwise required by the Traffic Network as contained in the Transportation Element of the Comprehensive Plan.

The following standards are provided in order to fulfill those purpose statements found in **LDR Section 4.3.1; Application of district regulations;** (B) No building or structure shall hereafter be erected or altered; to exceed the height or mass; to accommodate or house a greater percentage of lot area; or to have narrower or smaller front yards, side yards, rear yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this chapter.

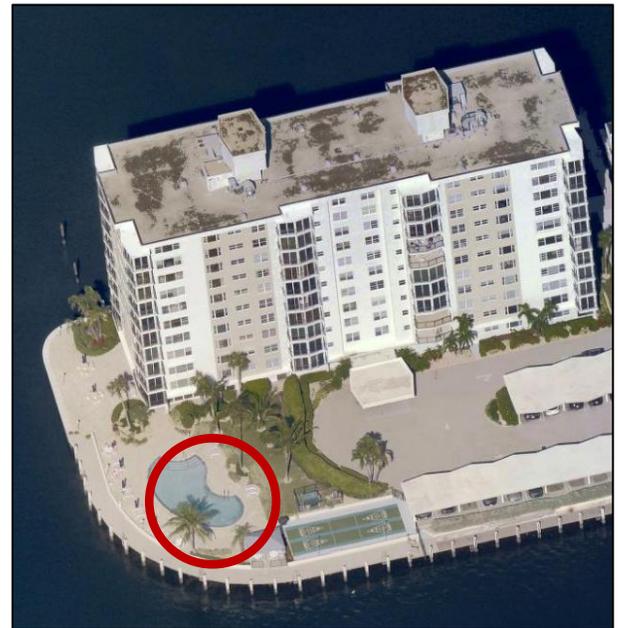
Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks was adopted in July of 2024. The table allows certain accessory structures, such as standalone open-air pergolas, to encroach up to five feet into interior side and rear setbacks; however, this exception is limited to similar accessory structures that do not exceed ten feet in height. The proposed cabana is similar in accessory function but exceeds this height limitation at 11 feet and includes structural support elements. As such, the structure does not qualify under the table allowances and requires variance approval, consistent with the regulatory intent to control structural mass and vertical presence within required setback areas.

Minimum Setback from Property Line (Feet)	Front	Side Street	Side Interior	Rear
Standalone, open-air pergolas	-	-	5	5
Proposed Cabana			16 Inches	

Variance Findings

(a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.

The subject property contains unique site conditions related to its configuration, existing improvements, and proximity to the Intracoastal Waterway. The applicant evaluated two potential locations for the proposed cabana, including an area east of the existing pool within a landscaped portion of the site and placement over the existing wood deck. Locating the structure within the landscaped area would adversely affect required open space, drainage patterns, and landscape compliance. Placing the cabana over the existing deck utilizes an already developed portion of the property and minimizes impacts to site features. These site-specific conditions are inherent to the property and are not the result of actions taken by the applicant.



(b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

The applicant states that the proposed cabana is intended to support the existing recreational amenity area. Staff notes that the request involves placement over an existing developed deck surface and does not expand the overall developed footprint. The request is presented by the applicant as necessary to allow continued accessory recreational use associated with the principal residential use..

(c) That the special conditions and circumstances have not resulted from actions of the applicant.

The existing site layout, including the location of the pool and deck areas, predates the current ownership and current setback encroachment limitations. The applicant states that the proposed location is intended to utilize an existing developed area rather than create new site constraints or disturbances.

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

The request is based on site-specific physical conditions and the existing development pattern of the property. The proposed cabana is accessory and located on an existing deck area. The request provides limited dimensional relief necessary for reasonable accessory use and is not based on conditions or structures on surrounding properties.

(e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The proposed cabana is modest in scale, semi-permanent, and designed to be removable during severe weather events. Placement over the existing deck avoids additional site disturbance and represents the minimum modification necessary to allow reasonable use of the property while maintaining compliance with zoning regulations. The design and location ensure that the structure does not exceed what is necessary to achieve functional use of the property.

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.

The cabana is located at the rear of the property, abutting the Intracoastal Waterway, providing substantial separation from neighboring residences. While it represents a more substantial accessory structure than a typical screen enclosure, the property benefits from approximately 357 feet of common open area to the west and 226 feet to the south, mitigating potential visual or spatial impacts. The structure's modest scale, removable nature, and placement over an existing deck ensure it is harmonious with the neighborhood and protective of public welfare.



Optional Board Actions

- A. Move **approval** of the Variance request for **400 Seasage Drive** (PZ-000207-2025-VAR-PZ) from LDR Section 4.3.4(H)(4), Building elements or site improvements allowed in setbacks as identified in Table 4.3.4(A), to allow for the installation of a semi-permanent cabana in the rear setback whereas 25 feet is required by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).
- B. Move **denial** of the Variance request for **400 Seasage Drive** (PZ-000207-2025-VAR-PZ) from LDR Section 4.3.4(H)(4), Building elements or site improvements allowed in setbacks as identified in Table 4.3.4(A), to allow for the installation of a semi-permanent cabana in the rear setback whereas 25 feet is required, by finding that the request is not consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).
- C. Move to **continue with direction**.

Public Notice

Pursuant to **LDR Section 2.6.3(G)**, Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing.

LDR Section	Date Posted
2.6.2 (A); Written notice provided to property owners within 500 feet	February 13, 2026
2.6.2 (B); Property posted placard on subject property	February 16, 2026
2.6.2 (C); Notice posted at City Hall	February 09, 2026
2.6.2(D); Notice posted on City Web Page	February 09, 2026

Technical Review of Comments (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	01/22/2026	01/30/2026
2	01/31/2026	