



TOWN OF BELLEAIR  
BUILDING DEPARTMENT  
901 Ponce de Leon Blvd.  
Belleair, Florida 33756-1096  
Phone: (727) 588-3769 ext. 215  
Fax: (727) 588-3768

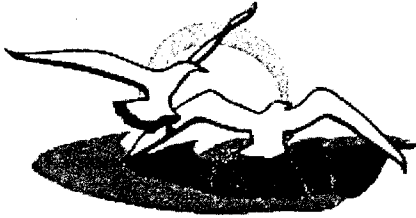
**MEMORANDUM**

**DATE:** April 15, 2019  
**TO:** Mayor and Commissioners  
**FROM:** J.P. Murphy, Town Manager  
**SUBJECT:** Request for Variance - “Overbrook Park”  
**Parcel No.** 21/29/15/64908/000/0050  
**Property Owner:** Brenda & Lester Mandelker  
313 Woodlawn Ave  
Belleair, Florida 33756

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The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
  - A. Zoning designation: R-1 (Single Family Residence)
  - B. Original Construction dates:
    - 1939
  - C. Structural and other improvements to date: None
  - D. Existing Easements: None shown on survey
  
- ii. Proposed request: The applicant is requesting to amend a previously approved variance from 1994. The amendment would be to allow for a 6’ft PVC fence instead of the previously approved variance of a 4’ft picket fence. This fence would encroach into the front yard setback by 5’ft resulting in a 20’ft setback. Please see the previous variance attached for detail.



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**VARIANCE APPLICATION CHECK OFF SHEET**

Application shall be **fully completed** and must include the following information:

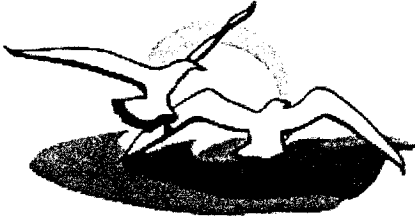
OWNERS NAME MR LESTER MANDELKER  
 OWNERS MAILING ADDRESS 1631 W. BAY DR LARGO, FL 33770  
 PROPERTY ADDRESS 313 WOODLAWN AVE BELLEAIR  
 PHONE NUMBER 727-520-2695 (B) 727-585-2007  
 REPRESENTATIVE NAME AND ADDRESS (if any) SAME

PHONE NUMBER 727-585-2007 (B) 727-250-2695 (H)  
 DATE OF ORIGINAL CONSTRUCTION 1) to be determined future 2) previous Dec 1999  
 IMPERVIOUS COVER 0%  
 FLOOD ZONE AND ELEVATION 0%

**REQUIRED INFORMATION:**

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (10) COPIES EACH.
<u>  X  </u>	_____	PLANS/SPECS/PRODUCT BROCHURE
<u>  X  </u>	_____	PHOTOS OF AREA (straight/right angle/left angle)
<u>  X  </u>	_____	SURVEY W/ SETBACKS SHOWN
<u>  X  </u>	_____	SITE PLAN W/ SETBACKS SHOWN

REVIEWED BY: ZONING PUB.WK FIRE BLDG. MRG.  
 DATE SENT: \_\_\_\_\_  
 DATE RETURNED: \_\_\_\_\_



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DATE 9/28/19 (COMBINED 5 & 9 Lot)

To the Town Commission of the Town of Belleair, Florida

- The undersigned, LESTER MANDELKER, owner of Lot 9, Block 20, Subdivision OVERBROOK PARK, property Commission of the Town of Belleair for a variance on the above-described property.
- The property is presently zoned Residential.
- The present land use on the property is Residential.
- The decision involves Article \_\_\_\_\_ Section \_\_\_\_\_ of the Belleair Land Development Code.
- The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development Code.
- The Relief prayed by the applicant is: TO CHANGE EXISTING VARIANCE ON FENCE FROM 4 FEET TO 6 FEET - 20 FEET FROM PROPERTY LINE
- The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): 1) SET BACK WOULD BLOCK MY BAY WINDOW, 2) HAVE EXISTING VARIANCE FOR 4' FENCE, 3) IMPEDES STORAGE UNIT ON PROPERTY, 4) LARGE TREE BLOCKS ADJACENT FENCE
- Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing this application. (\*\* Note: All costs incurred by the Town of Belleair, above and beyond the variance application fee, will be the responsibility of the applicant regardless of approval or denial of the request\*\*) PROCESSING
- I am aware that this request will be voided should I or my representative fail to appear at the public hearings scheduled to consider this request.
- I am aware that any variance that may be granted will automatically expire twelve months after approval by the Town Commission unless a building permit id produced from the Town with respect to the improvements contemplated by this application for variance within said twelve month period unless the construction of said improvements is promptly commenced pursuant to the building permit and diligently pursued to completion thereafter.

FEE: \$300.00

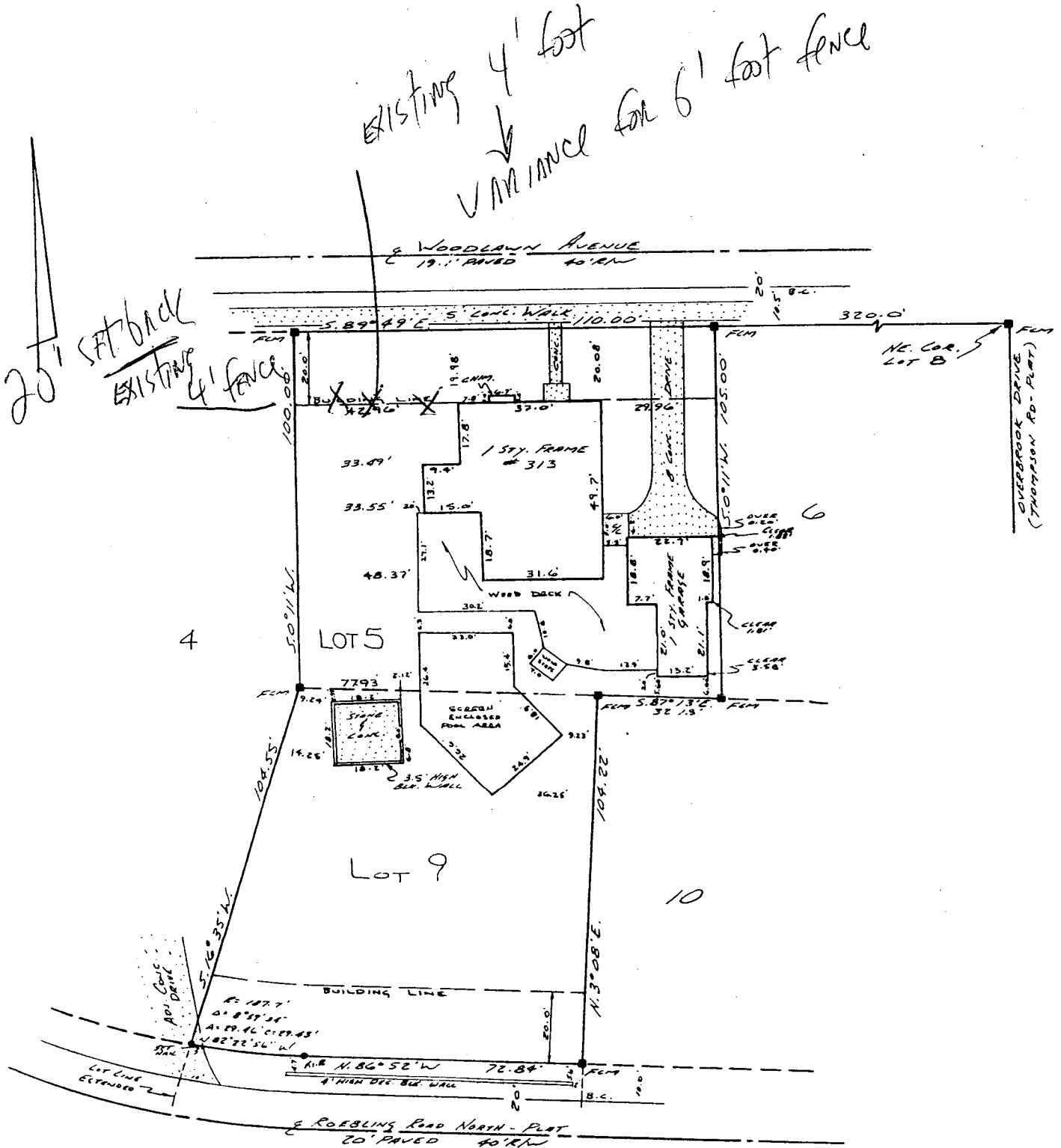
Paid: \_\_\_\_\_

Lester Mandelker own  
 Owner 313 WOODLAWN AVE  
 Address 727-250-2695  
 Telephone Number 727-585-2007 BUSINESS

ED TO: Lester Mandelker  
Great Western Bank  
First American Title Insurance Co.

SCALE: 1" = 30'

SEC. 21 TWP. 29 S RGE. 15 E.



A BOUNDARY SURVEY OF : Lots 5 and 9, OVERBROOK PARK as recorded in Plat Book 20, Pages 58 and 59 of the Public Records of Pinellas County, Florida.

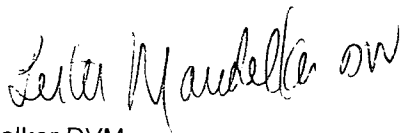
Dear Belleair Commissioners

Re: Justification for new request for fence variance

- 1) Change existing 4 ft fence at 20 ft setback to a 6 ft privacy fence at 20 ft setback.
- 2) 25 ft setback would block my large bay window
- 3) Very large tree on northwest border of the property is exactly 25 ft from property line and would impede me erecting a fence in this area

I wish to thank you for considering my request for a 20 ft set back for a 6 ft privacy fence. I hope you will see fit to grant me this variance.

Sincerely

A handwritten signature in cursive script that reads "Lester Mandelker DVM".

Lester Mandelker DVM  
313 Woodlawn Ave  
Belleair, Fl. 33756

Dear City Commissioners:

I am seeking a variance on an existing variance to erect a 6 ft privacy fence along the northwest border of my property at 313 Woodlawn Ave Belleair. I was granted a variance for a 4 foot fence back in 1994. The purpose of the fence is to insure privacy from my dogs barking at passing people and dogs. Presently, the 4 foot fence does not stop my dog from standing up and looking over the fence. I know this is troublesome to many Belleair residents so I want to reduce this offensive situation.

I thank you for your consideration in this matter and hope you see fit to grant me this variance.

Sincerely

A handwritten signature in cursive script that reads "Lester Mandelker".

Lester Mandelker DVM  
313 Woodlawn Ave  
Belleair, FL 33756



Lamp  
TABLE  
Blocks  
25'  
SETBACK

Existing 4' fence at 20'  
Approved 1994





KRISTINA L. BUCKLEW  
360 WOODLAWN AVE.  
BELLEAIR, FL. 33756  
727-421-0627

RE: MANDELKER  
313 WOODLAWN AVE.  
NEW FENCE FRONT OF RESIDENT  
CODE ENFORCEMENT DEPT.

Dear Ladies & Gentlemen:

I am contacting you regarding code restrictions for the above address. I am sure you are aware during the past few months the Mandelker's have been working diligently on numerous improvements to their property. You may not understand they have lived in Belleair for over 30 years, so keeping up with the changes is not always easy. As their neighbor for over 15 years I do not understand why they have so many issues just to install a fence. It seems whenever they are trying to do an improvement, they have one or more difficulty's and financial burdens to contend with from the city. It is not always easy to abide by all the rules regarding what can and cannot be done to our personal property with the Belleair rules. With this in mind I would like to express in every way how allowing the Mandelker's to install a six-foot fence on the west side of their home would be an asset. They already have a six-foot fence on the east side, so this would be a nice improvement and would be aesthetically appealing. Additionally, it would solve the issue with their sweet dogs barking when ever some one walks in front of their house. Once the fence is installed, they plan on removing the items in the front yard and planting beautiful plants. Again, with this in mind I know all the neighbors would benefit and everyone in the area would be more relaxed walking past the house. They are working hard to make everyone happy, so I hope the city will take this into consideration and work with them instead of against them.

Thank you in advance for taking this into consideration.

Respectfully,



Kristina Bucklew

## Sec. 74-287. - Fences and fence walls

- (a) All fences shall comply with the provisions of the Standard Building Code, 1988 edition, section 1205, appendix D, or subsequent editions.
- (b) The posts of each fence must be resistant to decay, corrosion and termite infestation. Wood fenceposts shall be pressure treated or otherwise preserved.
- (c) Fence walls may be constructed of concrete, concrete block, stone, brick or any suitable masonry material. Concrete and concrete block walls shall be finished with a painted stucco finish on both sides.
- (d) Fences and fence walls may be located in side, rear and secondary front yard setback areas and shall not exceed the height of six feet except as otherwise provided in this section, exclusive of decorative supporting posts which may extend no more than nine inches above the maximum six-foot height of the fence or fence wall; provided, however, any fence or fence wall placed along any property line which abuts the Pinellas Trail may not exceed ten feet in height.
- (e) Fences and fence walls shall be prohibited within the front yard setback area and within the primary front yard setback area of corner parcels.
- (f) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence or fence wall shall be located in the vision triangle.
- (g) Fences shall be placed with the finished side out.
- (h) Except as provided below, all chainlink fences shall either:
  - (1) Be shielded on the exterior side (the side facing out) by a hedge or similar planting; or
  - (2) Be coated with a green or black vinyl coating.

All fences, including chainlink fences, or fence walls placed along a front yard setback or a primary front yard setback or along or within a secondary front yard setback area shall be shielded on the exterior side (the side facing out) by a hedge or similar planting. Any planting must grow to shield said fence over 85 percent of its surface within two years of planting. Should the shielding material die or be destroyed below the 85 percent coverage standard it shall, upon notification by the city, be replaced immediately or the city may take code enforcement action as provided in division 4 of article II.

- (i) No fence or fence wall shall be constructed or installed in such a manner as to adversely affect drainage on or adjacent to the site. To provide adequate drainage or to prevent the obstruction of drainage on or adjacent to the site, a fence or fence wall may be constructed so as to allow the bottom of the fence or fence wall to begin no more than two inches above the ground without being in violation of the maximum height restrictions set out in subsections (c) and (d) of this section.
- (j) Any fence or fence wall required to be shielded by a hedge or similar planting shall be shielded by plant material approved by the town and such plant material shall be, at minimum, a size equivalent to a three-gallon plant and each such plant shall be planted not more than two feet apart. In addition, any fence or fence wall which is required to be shielded by a hedge or similar planting as provided in this section must be set back off a property line a sufficient distance to allow for the planting and growth of the hedge or similar planting and for the maintenance thereof.
- (k) Fences, and fence walls, and hedges within ten feet of the mean high water line or sea wall shall be no more than 48 inches in height.
- (l) Electrically charged and barbed wire fences are prohibited.

(Ord. No. 399, § 1, 11-20-01)

MINUTES OF REGULAR MEETING OF THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA HELD AT TOWN HALL ON JANUARY 18, 1994 AT 7:30 PM

PRESENT: Mayor Kent R. Weible                      Town Manager Stephen J. Papalas  
          Commissioners:                              Town Attorney Joel R. Tew  
                    Connie C. Mudano  
                    Gloria S. Burton  
                    John P. Donlan  
                    Stephen G. Watts

Quorum present with Mayor Weible presiding.

PUBLIC HEARING - MOWING RESOLUTION NO. 203

The Town Attorney read Mowing Resolution NO. 203. There was no one present desiring to be heard in this regard.

Mrs. Burton moved that said Mowing Resolution No. 203 be passed and adopted. Motion seconded by Mr. Donlan and unanimously carried.

PUBLIC HEARING - REQUEST FOR VARIANCE - 313 WOODLAWN AVENUE

The Town Manager stated that Dr. and Mrs. Mandelker were requesting variance to allow construction at their residence at 313 Woodlawn Avenue. The Manager stated that Dr. Mandelker was at the Planning and Zoning Board meeting and amended his request for variance; that the addition to the garage had been deleted from the request as well as the four foot picket fence along the front property line; that now the fence in the front of the house was proposed to project five feet into the front setback, which would line the fence up with the house; that the request further provided for the tennis court to encroach into the front area setback along Roebling Road and further to encroach into the side setback for the hard court facilities. The Manager further stated that the proposed fence for the tennis court was reduced in height from twelve feet to six feet along Roebling Road and dropping to a three foot height on the side property line; that the side fences were to be covered by plantings.

The Manager stated that the Planning and Zoning Board broke the variance down into two sections, (1) the five foot encroachment into the front setback to allow for the four foot high picket fence; and (2) the tennis court which would encroach into the front setback area along Roebling Road and side setback encroachment and the proposed fence for the tennis court of six feet along Roebling Road and dropping to a three foot height on the side property line. The Manager stated that the Planning and Zoning Board voted unanimously to recommend approval of both sections of the variance request.

Dr. Mandelker stated that the request was for a five foot encroachment on the front to allow the fence to line up with his residence; that the tennis court and fence on the rear had been .

REQUEST FOR VARIANCE (Continued)

approved by the Planning and Zoning Board with the condition that the two parcels would be bound together and that he would do a land swap with his neighbor; that his neighbors driveway encroached into his land and that the proposed tennis court would encroach onto the neighbors property. Dr. Mandelker stated that he would replat the property to be one parcel and that he would do the land swap with the neighbor. Dr. Mandelker further agreed that he would place plantings to shield the fence.

Stephen Fowler, architect for Dr. Mandelker, stated that the proposed carport would not encroach into the setbacks; that it would comply with the Town's Land Development Code.

There was no one present desiring to be heard in opposition to the variance request.

Mrs. Mudano stated that the Commission had been very strict about front setbacks and that she felt that this would increase the encroachment.

Mr. Donlan moved that the Commission approve the five foot encroachment into the front setback to allow for the fence. Motion seconded by Mr. Watts. The vote on motion was: ayes, Watts, Burton, Donlan, Weible; nays, Mudano. Motion carried.

Mrs. Burton moved that the Commission approve the encroachment into the twenty-five foot setback for the tennis court and the six foot fence and the two side setbacks conditioned on the property exchange agreement with Mr. D. Kuntz, the property owner to the west and the replatting of Lots 5 and 9 to conform to the Town Code. Motion seconded by Mrs. Mudano and unanimously carried.

SECOND AND FINAL READING - ORDINANCE NO. 346 - VACATION PORTION OF WOODLAWN AVENUE

The Commission had for consideration second and final reading of Ordinance No. 346 vacating a portion of Woodlawn Avenue.

There was no one present desiring to be heard in this regard.

Mrs. Burton inquired as to whether the zoning and land use on the vacated road would become the same as the contiguous property.

The Town Attorney stated that he felt sure that it would but that he would check on this and report back to the Commission.

The Town Attorney read Ordinance No. 346 vacating the right of way described as that part of Woodlawn Avenue abutting the southern boundary of Lot 93, less the westerly 10 feet thereof in G.L. Bidwell's Wildwood Park Subdivision and retaining a utility.