

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:** 11/15/2017  
**TO:** Mayor and Commissioners  
**FROM:** J.P. Murphy, Town Manager  
**SUBJECT:** Request for Variance –  
**Parcel No 28/29/15/06732/027/0070**

**Property Owner:** Jorge & Elaine Navac  
224 Osceola Road  
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 Residential
  - B. Original Construction date:
    - 1949
  - C. Structural and other improvements to date:
    - 2017- Addition /remodel (Currently under construction)
  - D. Existing easements: None shown on survey

II. Proposed request:

The applicant is requesting a variance, which would allow the minimum 25' foot front yard setback to be reduced by 11 inches", resulting in a 24' foot 1" inch front yard setback. This variance would allow for the construction of a new garage addition.

Sec. 74-84. - Schedule of dimensional regulations.

The schedule of dimensional regulations for the various zoning districts is as follows:

District	Lot Minimums			Density Maximum Dwelling Units per acre	Minimum Yard Setbacks			Minimum Offstreet Parking per Dwelling Unit <sup>1</sup>	Maximum Height <sup>3</sup> (feet)	Flood Zones	Minimum Living Area per Unit <sup>2</sup> (square feet)	Floor Area Ratio (FAR) <sup>6</sup>
	Area (square feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)					
RE	18,000	100	100	2	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	2,000	—
R-1	10,000	80	100	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	1,200	—
R-2	7,500	75	90	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	1,000	—
RM-10	5 acres	—	—	10	25	15 <sup>4</sup>	25	1.5	32	34	1,500	—
RM-15	10,000	100	100	15	25	7.5 <sup>4</sup>	15	1.5	32	34	1,000	—
RPD	5 acres	—	—	5	(See section 74-83)			1	32	—	1,200	—
H	17.5 acres	—	—	28	(See section 74-83)			1	32	34	300	0.4
C-1	12,000	100	100	None	25	12	10	1	32	34	N/A	0.35
C-2	10,000	80	100	None	25	12	10	1	32	34	N/A	0.35
C-3	10,000	80	100	None	25	12	10	1	32	34	N/A	0.30

C-4	10,000	80	100	None	25	12	10	<sup>1</sup>	32	34	N/A	0.5
GC	—	None	None	None	25	25	25		32	34	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	<sup>1</sup>	32	34	N/A	0.5
SPM	10,000	80	100	25	25	25	25	<sup>1</sup>	32		N/A	0.30
PMU	17.5 acres	See <u>section 74-85</u> for standards applicable to the planned mixed use (PMU) district										
P	Town commission shall establish dimensional regulations for the public district consistent with the public land use of lands within this district. The dimensional regulations shall be based upon need for harmonizing public use of the land with necessity for protecting the public's safety, health and welfare by the use of such lands. However, in no case shall the floor area ratio exceed 0.65 for institutional uses or 0.70 for transportation/utility related uses.											

<sup>1</sup> See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

<sup>2</sup> Exclusive of garages, breezeways, proches and patios.

<sup>3</sup> The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the base flood elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code. See subsection 74-83 (a)(3) for special height bonus provisions for RM-10 district.

<sup>4</sup> See section 74-113.

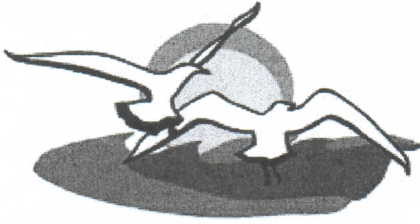
<sup>5</sup> See subsection 74-83(a) for additional requirements for RM-10 district.

<sup>6</sup> For impervious surface ratio, see section 74-112.

<sup>7</sup> On waterfront lots, all buildings, including guest cottages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall.

<sup>8</sup> All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.04), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § I, 11-2-93; Ord. No. 363, § 2, 3-19-96; Ord. No. 399, § 1, 11-20-01; Ord. No. 491, § 3, 4-15-14; Ord. No. 495, § 2, 4-1-14; Ord. No. 497, § 3, 6-17-14)



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**VARIANCE APPLICATION CHECK OFF SHEET**

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

OWNERS NAME Jorge + Elaine Navas

OWNERS MAILING ADDRESS 224 Osceola Rd. Belleair

PROPERTY ADDRESS 224 Osceola Rd. Belleair

PHONE NUMBER Jorge's cell - (727) 560-4362 Elaine's cell - (727) 698-203

REPRESENTATIVE NAME AND ADDRESS (if any) Gregg Gallagher  
304 S. Prospect Ave. Clearwater

PHONE NUMBER (727) 744-3642

DATE OF ORIGINAL CONSTRUCTION 9/27/17

IMPERVIOUS COVER 50%

FLOOD ZONE AND ELEVATION Zone "C"

**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 November 8, 2017

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, George + Elaine Navas, owner of Lot 7 and N' by 44 Ft lot 8 Block 27, Subdivision Belleair Estates, property Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned residential.
3. The present land use on the property is residential.
4. The decision involves Article ✓ Section 66.253 of the Belleair Land Development Code.
5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development Code.
6. The Relief prayed by the applicant is: A reduction by 11 inches from the existing setback of 25.12 feet.
7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): Please see attached addendum.
8. 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\*\*)
9. 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.
10. 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: \_\_\_\_\_

George + Elaine Navas  
Owner

224 Isceda Rd.  
Address

George's cell - 727-560-4362  
Telephone Number

Elaine's cell - 727-698-2021

## Addendum

1. Park the car so we can comfortably and safely walk around.
2. Both set of parents are still alive, we are building a guest room so they can come and visit more often. They need to be able to pull in to the garage, since walking long distances is getting harder for them particularly in bad weather and night time.
3. Jorge is a physician and he is on call at least once a month during the weekends. When on call, he frequently has to go to MPH to take care of his patients. It is important for him to be able to pull in to the garage late at night for safety reasons.
4. We are not compromising our neighbors view because our house faces east while our next door neighbor's faces north. Our home would still be set back by 24.2 feet compared to our Orlando neighbor that sits back just 7.5 feet. The house across the street located at the corner of Althea and Osceola Rd. faces north also.

















SEC 28 TWP 29 R 15

**SURVEY OF**  
 LOT 7 AND THE NORTHERLY 44.00 FEET OF LOT 8 IN BLOCK 27 OF BELLEAIR ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGES 9-23 INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID NORTHERLY 44.00 FEET OF SAID LOT 8 BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST EASTERLY POINT OF THE BOUNDARY LINE BETWEEN SAID LOTS 7 AND 8 FOR A POINT OF BEGINNING, AND FROM THE POINT OF BEGINNING THUS ESTABLISHED RUN SOUTHERLY ALONG THE EASTERLY BOUNDARY OF SAID LOT 8, A DISTANCE OF 44.00 FEET, TO A POINT WHICH IS LOCATED 16.00 FEET NORTHERLY ALONG SAID BOUNDARY FROM THE SOUTHEASTERLY CORNER OF SAID LOT 8; RUN THENCE NORTHWESTERLY PARALLEL TO THE BOUNDARY LINE BETWEEN SAID LOT 8 AND LOT 9 IN SAID BLOCK 27, TO THE NORTHWESTERLY BOUNDARY OF SAID LOT 8; THENCE NORTHERLY ALONG SAID BOUNDARY A DISTANCE OF 34.00 FEET TO THE MOST WESTERLY POINT IN THE BOUNDARY LINE BETWEEN SAID LOTS 7 AND 8; THENCE SOUTHEASTERLY ALONG SAID BOUNDARY LINE BETWEEN LOTS 8 AND 7 TO THE POINT OF BEGINNING. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SAID PROPERTY FALLS IN FLOOD ZONE "C" ACCORDING TO FLOOD MAP # 125088 0003 B, TOWN OF BELLEAIR, FLORIDA.

SURVEY NOT VALID UNLESS EMBOSSED WITH SEAL.  
 THIS SURVEY WAS DONE WITHOUT BENEFIT OF TITLE SEARCH.

130.02' (AI)  
 130.00' (P)

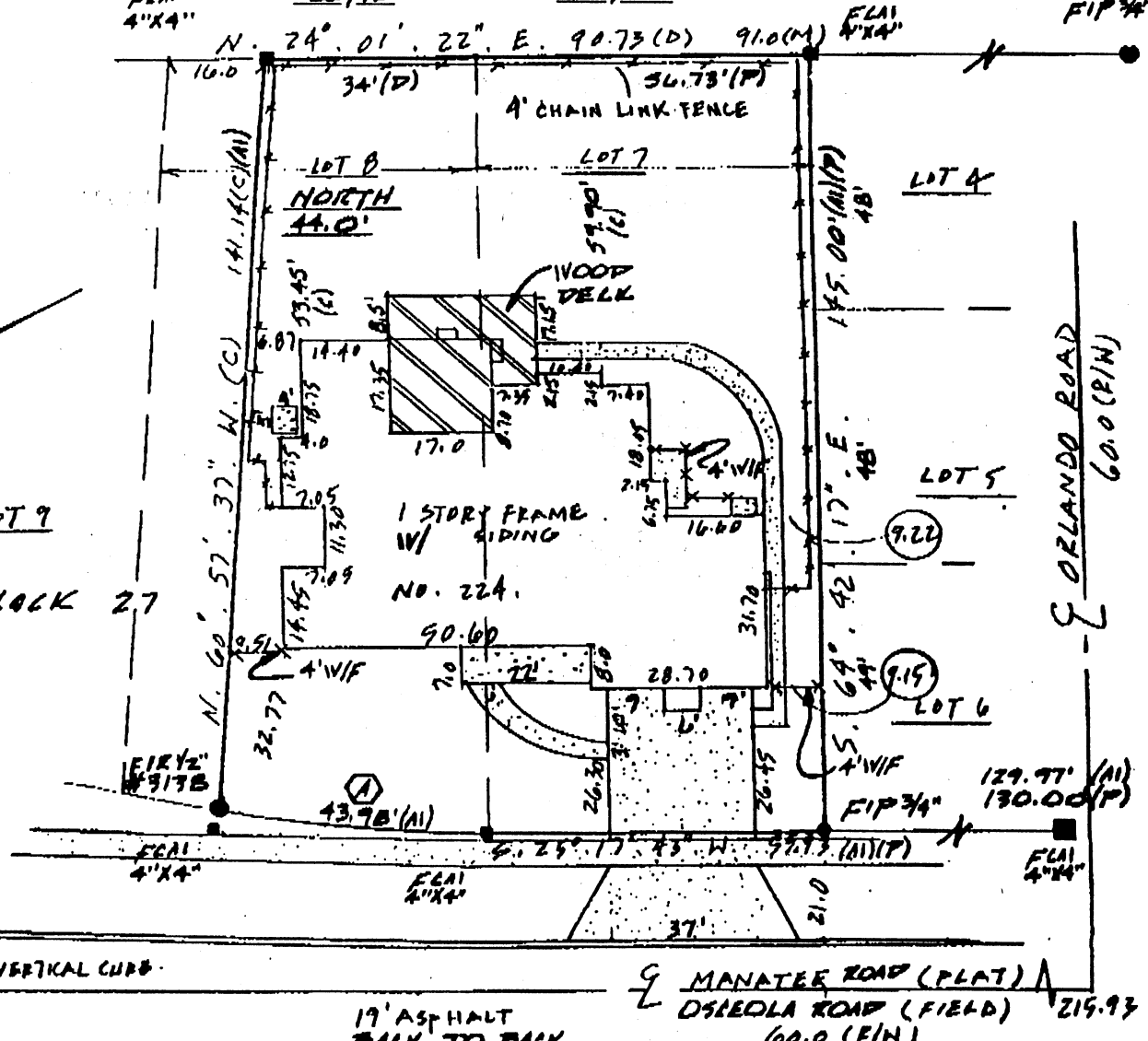
FEAI  
 4"X4"

LOT 14

LOT 17

FEAI  
 4"X4"

FIP 3/4"



CURVE DATA	
RADIUS	ARC CHORD
445.87'	43.70'
111° 07' 31" W	528° 07' 31" W

LOT 9  
 BLOCK 27

6" VERTICAL CURB

19' ASPHALT  
 BACK TO BACK

MANATEE ROAD (PLAT)  
 OSCEOLA ROAD (FIELD)  
 219.93'  
 60.0' (FIN)

CERTIFIED TO: BARNETT BANK OF PINELLAS COUNTY, CENTURY TITLE & ABSTRACT, INC., OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND JORGE P. AND ELAINE P. NAVAS.

DATE SURVEYED 1/24/94

**BOUNDARY SURVEY**  
 THE SURVEY BEARINGS (IF SHOWN) ARE BASED ON RECORD PLAT  
 Job No. 94-004 Date 1/25/94  
 Drawn by AA AK Scale 1" = 30'

**KILLION & ASSOCIATES**  
 SURVEYORS



1254-A SOUTH HIGHLAND AVE.  
 CLEARWATER, FLORIDA 34616  
 (813 443 7067)

- LEGEND**
- M - MEASURED
  - P - PLAT
  - SR - SET IRON ROD W/CAP #3136
  - SCM - SET CONCRETE MONUMENT
  - RW - FRONT OF WAY
  - OH - OVERLAND
  - OW - CONCRETE WALK
  - CB - CONCRETE BLOCK
  - CBS - CONCRETE BLOCK & STUCCO
  - C - CALCULATED
  - DEED
  - FIR - FOUND IRON ROD
  - FCM - FOUND CONCRETE MONUMENT
  - FIP - FOUND IRON PIPE
  - FPP - FOUND PUNCTURED PIPE
  - CLF - CHAINLINK FENCE
  - W/F - WOOD FENCE
  - BND - SET NAIL & DISK #3136

THIS I HEREBY CERTIFY THE SURVEY AS MEETING THE MINIMUM TECHNICAL STANDARDS, CHAPTER 21 § 21-1-8 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 478-027 FLORIDA STATUTES.

BY *Gordon F. Killion*  
 GORDON F. KILLION  
 FLORIDA STATE PROFESSIONAL LAND SURVEYOR NO. 3136