



Report Date: 09/09/2020
Planning & Zoning Hearing Date: 09/14/2020
Tentative Commission Hearing Date: 09/17/2020

Parcel ID: 292915089460000100
Parcel Address: 12 EVONAIRE CIR
BELLEAIR FL 33756-1603

Applicant/Owner Name: Scott & Ally Ford
Applicant Address: 12 EVONAIRE CIR
BELLEAIR FL 33756-1603
Phone Number: 7274522910

Existing Conditions of Land and Structures

Current zoning: R1-Single Family Residential
Original Construction Date: 1955

Improvements to Date: 2009-Patio/Deck, 2014-Driveway/Pavers, 2016- Addition, 2019-Hvac

Easements: None Shown On Survey

Proposed Request

Overview: The applicant is requesting a variance for a pool to encroach into the secondary front yard setback by 17' feet, resulting in a 8 ft' secondary front yard setback. Please see the attached drawing provided by the owner.

Staff Analysis

Sec 66 Analysis

In order to approve a variance, the Commission is required to make six findings per Section 66-253 of the Town of Belleair Code of Ordinances. The findings are listed below along with the reasons staff finds the criteria are or are not met in this case. .

1. *Special conditions and circumstances exist which are peculiar to the land, structure or buildings involved.*

Staff Finding: The placement of the original 1955 home and 2016 addition is in the Northwest corner of the lot with an existing 7'9" rear yard setback and a side yard setback of 8'2", which is nearly the 7'6" requirement for both sides. The southerly edge of the home is at 26'4' off of the property line, or 1'4" of available space inboard of the 25' required secondary front yard setback. The Easterly edge of the building enjoys a setback of 34'8". As

the original construction is in placed near the setback limits in the northwest corner, and near the maximum use of the secondary front yard setback, building a pool of the size requested in another location on the lot would be nearly impossible.

2. *The special conditions and circumstances do not result from actions of the applicant.*

Staff Finding: The 2016 addition conducted by the applicant maximized the use of the buildable space in the rear yard and side yards. As this is a corner lot the rear and side yard setbacks are both considered side yards for building setback purposes and would require a minimum set back of 7'6". The original structure and additions have maximized the buildable space in the two side yards.

3. *Literal interpretation of the provisions of this Code would work unnecessary and undue hardship on the applicant.*

Staff Finding: A literal interpretation of the code would result in either a pool that is above ground in the remaining buildable space requiring use of the current patio space or no pool at all, as there would likely be no way to construct at a 2:1 slope from the foundation of the home.

4. *The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, structure or building.*

Staff Finding: The variance as proposed is nearly entirely (less 1'4") in the southerly secondary front yard setback. Other designs may incorporate less encroachment in to the setbacks

5. *A grant of variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.*

Staff Finding: The proposed request is for an allowed use and typical of current uses within the neighborhood. Most of the homes on this block have a pool installed.

6. *A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations for the zoning district in which the property is located.*

Staff Finding: The proposed request is for an allowed use.



Staff Recommendation

Ultimately, with the design as provided, the near entirety of the pool will be in the secondary front yard setback, resulting in an 8' secondary front yard setback. Were this lot a single frontage lot this distance would be conforming. The edge of the pool deck ultimately would be approximately 20' from the road way on Evonaire Circle and would be encompassed by a current, conforming fence. For approval, the board would need to find that Special conditions and circumstances exist on this property. Staff finds that the request is typical of uses of the zoning district and this block in particular has some smaller platted lot sizes where the homes and accessory uses maximize the space within the setbacks. In addition, a conforming pool use within the setbacks would likely need to be above ground installation, which would not fit the character of the neighborhood.

Proposed Motions and Conditions

Proposed Motion: I move (approval or denial) of the pool as proposed, encroaching in to the secondary front yard setback by 17' resulting in a 8' secondary front yard setback. (Optional: With the following recommended conditions)

Proposed Conditions: None



BELLEAIR BUILDING DEPARTMENT
901 PONCE DE LEON BLVD.
BELLEAIR, FL 33756
(727) 588-3775
WWW.TOWNOFBELLAIR.COM/BUILDING

VARIANCE APPLICATION CHECK-OFF SHEET

Application shall be fully completed and must include the following information

Owner's Name: Scott and Ally Ford
Owner's Mailing Address: 12 Evonaire Circle
Property Address: 12 Evonaire Circle
Phone Number: 727-452-2910
Representative's Name (if any): n/a
Representative's Address (if any): n/a
Representative's Phone Number (if any): n/a
Date of Original Construction: 1955
Impervious Cover: existing: 50.2%; proposed 56.7%
Flood Zone and Elevation: X

REQUIRED INFORMATION - PROVIDE (10) COPIES EACH

- Plans/Specs/Product Brochure
Photos of the area (straight/right angle/left angle)
Survey with setbacks shown
Site plan with setbacks shown

TOWN REVIEW

Table with columns: ZONING, PUB.WK, FIRE, BULD., MRG. and rows: Date Sent, Date Returned

Sec. 74-286. - Swimming pools, hot tubs, screened pool enclosures and similar structures.

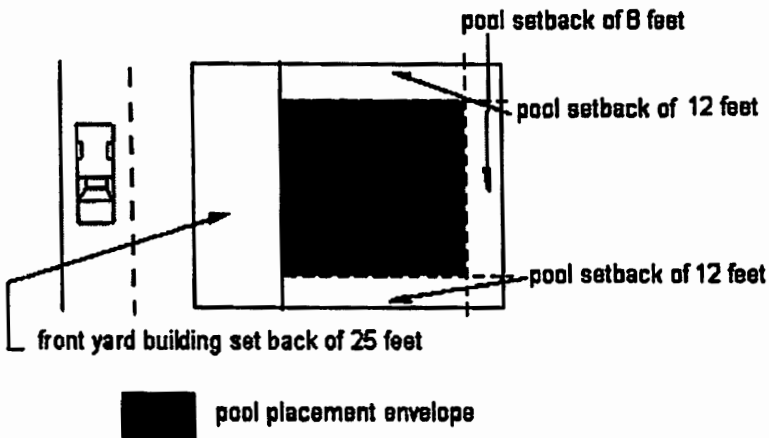
- (a) Swimming pools, hot tubs, and similar structures shall be permitted in rear and side yards, and shall not encroach into any required building setback except as noted in this section.
- (b) All setbacks for pools shall be measured from inside the edge of the pool.
- (c) Pool decks, patios, or semi-impervious surfaces shall be minimum of eight feet from the rear lot line and seven and one-half feet from any side lot line.
- (d) Swimming pools, hot tubs, and similar structures shall maintain a 12-foot side yard setback* (See figure 4b in section 66-10 of this code). A minimum buffer as provided in figure 8 following section 74-232 shall be required along the side yard and front yard side of the pool. *(If pool, hot tub, or similar structure is located on a corner lot see subsection (e) of this section)
- (e) Screened enclosures shall be considered a part of the principal pool structure and shall comply with standards for minimum distance between buildings, yard requirements and other building location requirements of this land development code, except that a swimming pool and its screened enclosure may be constructed to within eight feet of the rear property line. No part of any pool, hot tubs, and similar structures or its screened enclosure shall be closer than 12 feet to any seawall.
- (f) Swimming pools, hot tubs, and similar structures constructed on corner lots shall maintain rear yard setback standards (see subsection (c) of this section) along property boundaries not associated with street rights-of-way (See figure 4b in section 66-10 in this Code). A minimum buffer, as provided in figure 8 following section 74-232, shall be required along those boundaries and the front yard side of the pool.
- (g) Excavations for pools, hot tubs, and similar structures to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided and a shoring-up plan is submitted and approved by the town manager. A steeper slope may be permitted upon certification of adequacy by a state-licensed professional engineer.

(Ord. No. 399, § 1, 11-20-01)

Figure 4b

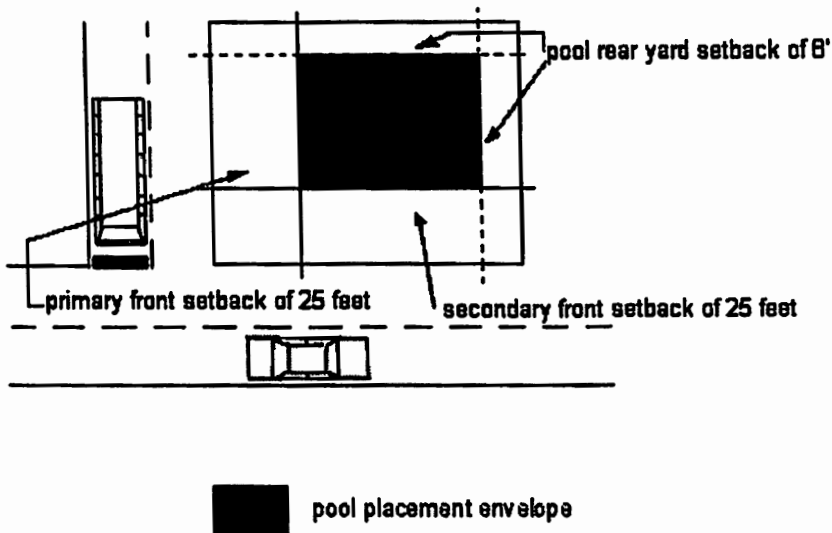
Typical Pool Setbacks

Typical Lot Pool Setback



Drawing not to scale

Typical Corner Lot Pool Setback



Drawing not to scale



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

DATE 7/27/2020

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Scott and Ally Ford, owner of Lot 13
 Block E 100FT, Subdivision BIONDI, 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 single family residence.
4. The decision involves Article IV Section 74-286 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: to permit a swimming pool in the secondary setback of a single-family home on a corner
behind an existing fence currently shielded on the exterior side by a hedge covering more than 85% of its surface (see pictures).
7. The Justification for the request is (requests for the variances must demonstrate the practical
 difficulty or unnecessary hardship which justifies the variance): corner lot with existing house constructed to side
setbacks leaving no room for pool within typical corner lot pool setback. Secondary setback where proposed pool would be located
is currently fenced and shielded on the exterior side by a hedge covering more than 85%.
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: _____

Scott and Ally Ford
 Owner
12 Evonaire Circle
 Address
727-452-2910
 Telephone Number



BELLEAIR BUILDING DEPARTMENT
901 PONCE DE LEON BLVD.
BELLEAIR, FL 33756
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IMPERVIOUS SURFACE RATIO SHEET

Site Address: 12 Evonaire Circle

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

TOTAL SITE AREA IN SQUARE FEET (SF): 10,000

Existing Building Area (SF): 2,860

Slab Area (SF): 344

Driveway Area (SF): 1,487

Walkway Area (SF): 321

Condenser Platform Area (SF): 8

Pool and Deck Area(s) (SF): proposed: 651

Accessory Structure Area (SF): n/a

Proposed New Construction Area (SF): 651

TOTAL IMPERVIOUS LOT COVERAGE (SF): existing: 50.2; proposed: 56.7%

The maximum total impervious surface allowed is 60%

JOB NUMBER: 2016022
FOR THE BENEFIT OF:
SCOTT C. FORD

SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST
TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA



STREET ADDRESS:
12 EAST EVONAIRE CIRCLE
BELLEAIR, FLORIDA, 33756-1603

LEGAL DESCRIPTION:	ABBREVIATION LEGEND:	
<p>THE EAST 100.00 FEET OF LOT 13, BIONDI SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 48, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.</p>	<p>F.I.R. = FOUND IRON ROD (SIZE INDICATED) S.I.R. = SET IRON ROD 1/2" LB7895 "EMME" F.I.P. = FOUND IRON PIPE (SIZE INDICATED) F.P.P. = FOUND IRON PIPE PINCHED (SIZE INDICATED) F.N.D. = FOUND NAIL & DISK S.N.D. = SET NAIL & DISK LB7895 "EMME" F.C.M. = FOUND CONCRETE MONUMENT P.R.M. = PERMANENT REFERENCE MONUMENT P.C.P. = PERMANENT CONTROL POINT P.I. = POINT OF INTERSECTION P.C. = POINT OF CURVE P.O.B. = POINT OF BEGINNING R/W = RIGHT-OF-WAY TYP. = TYPICAL S/W = SIDEWALK O.R. = OFFICIAL RECORDS P.S.M. = PROFESSIONAL SURVEYOR & MAPPER</p> <p>⊙ DENOTES UTILITY POLE WM DENOTES WATER METER H DENOTES POOL HEATER P DENOTES POOL PUMP D DENOTES DRAINAGE MANHOLE ✨ DENOTES LIGHT POLE ICB DENOTES IRRIGATION CONTROL BOX V DENOTES VERIZON UTILITY VAULT CA DENOTES CABLE BOX(S)</p>	<p>SEC. = SECTION TWP. = TOWNSHIP RGE. = RANGE (D) = DEED (P) = PLAT (M) = MEASURED (C) = CALCULATED (F) = FIELD (R) = RADIAL P.B. = PLAT BOOK PG. = PAGE CONC. = CONCRETE C/C = COVERED CONC. ASPH. = ASPHALT PVMT. = PAVEMENT ESMT. = EASEMENT ELEV. = ELEVATION A/C = AIR CONDITIONER E/P = EDGE OF PAVEMENT COR. = CORNER COV. = COVERED CL = CENTERLINE</p> <p>— OHW — DENOTES OVERHEAD WIRE(S) —○— DENOTES 6' WOOD FENCE —○— DENOTES 4' CHAIN LINK FENCE (UNLESS OTHERWISE NOTED)</p>
SURVEYORS NOTES:	SURVEYORS CERTIFICATION:	
<p>1. ALL CORNERS FOUND HAVE NO NUMBER DESIGNATING THE PREVIOUS SURVEYOR OR COMPANY EXCEPT AS SHOWN.</p> <p>2. ALL BEARINGS AND DISTANCES ARE MEASURED PER PLAT AND/OR DEED UNLESS OTHERWISE NOTED.</p> <p>3. NO UNDERGROUND ENCROACHMENTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN UNLESS OTHERWISE NOTED.</p> <p>4. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED EXCEPT AS SHOWN HEREON.</p> <p>5. BASIS OF BEARINGS: WEST RIGHT OF WAY LINE OF EAST EVONAIRE CIRCLE, BEING S.00°10'07"W. (PER PLAT).</p> <p>6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE RATE MAP NUMBER 12103C0112G, (COMMUNITY NUMBER 125088, PANEL 0112, SUFFIX G) MAP REVISED DATE 9/3/2003, AND THE BUILDING SHOWN HEREON IS IN FLOOD ZONE X.</p> <p>7. PLATTED PARENT LOT CONTAINS AN ERROR OF CLOSURE OF 1.92 FEET.</p>	<p>CERTIFIED AS A BOUNDARY SURVEY</p> <p>UNLESS IT BEARS THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ELIZABETH KATHLEEN MERTA ON FEBRUARY 8, 2016</p> <p><i>Elizabeth K. Merta</i></p> <p>ELIZABETH KATHLEEN MERTA, P.S.M. #8113 LAST DATE OF FIELD WORK: 02/08/2016 FIELD BOOK 1508, PG. 48</p>	



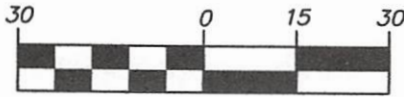
EMME Land Surveying, LLC.
 1054 KAPP DRIVE, CLEARWATER, FLORIDA 33765
 OFFICE (727) 474-3751, FAX (727) 474-3753
 CERTIFICATE OF AUTHORIZATION LB NO. 7895
 email: emmelandsurvey@gmail.com
 website: www.emmelandsurveying.com



Page 1 of 2
SURVEY NOT COMPLETE
WITHOUT PAGE 2
 SEE PAGE 2 FOR MAP OF SURVEY

JOB NUMBER: 2016022
FOR THE BENEFIT OF:
SCOTT C. FORD

SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST
TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA



SCALE: 1" = 30'

C1
Radius = 31.75'(C)
Arc = 47.40'(P) 50.10'(C)
Chord Bearing =
N.45°26'03"E.(P)
S.45°22'09"W.(M)
Chord = 42.62'(P) 45.06'(M)

ROSARY ROAD 25.0'

F.I.P.
1 1/4"

S.00°10'07"W.(P,M) 350.00'(P) 349.72'(M)
 (BASIS OF BEARINGS)

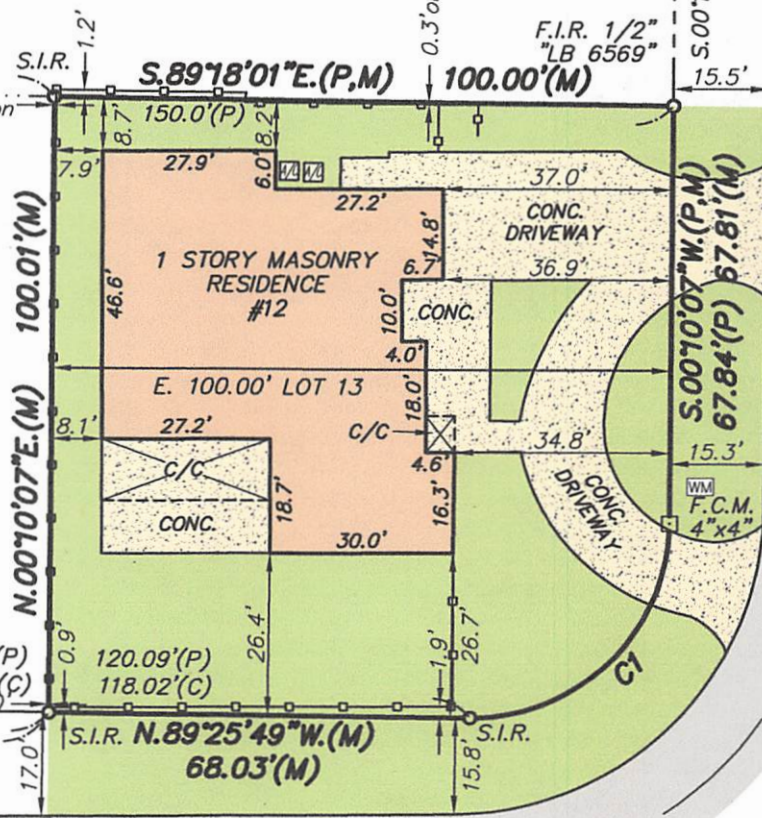
NOT
PLATTED

LOT 12

WEST EVONAIRE CIRCLE

LOT 14

LOT 13



EAST EVONAIRE CIRCLE

EVONAIRE CIRCLE

50' R/W (P)
16' ASPH. PVMT.



EMME Land Surveying, LLC.
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Page 2 of 2
SURVEY NOT COMPLETE
WITHOUT PAGE 1
 SEE PAGE 1 FOR LEGAL
 DESCRIPTION, LEGEND & NOTES

*pool
location*



Property line

8 ft.

31 ft.

3 ft.

26 ft.

8 ft.

21 ft.

3 ft.

5 ft.

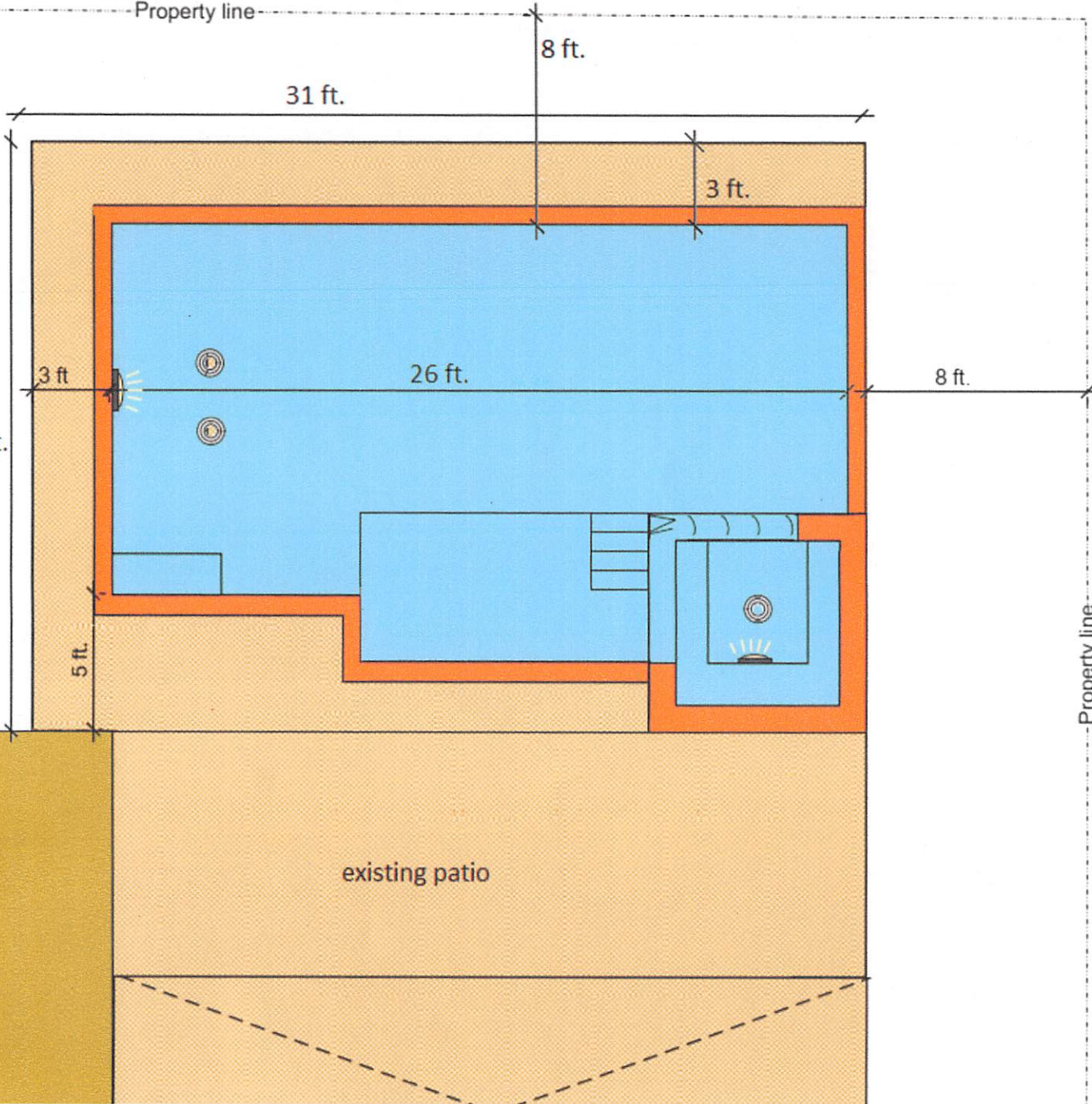
Property line

Proposed Pool addition
Scott and Ally Ford
12 Evonaire Circle

existing
residence

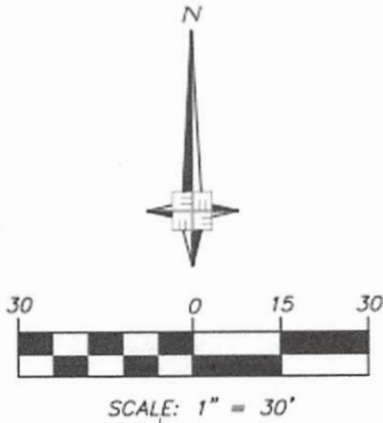
existing patio

not to scale

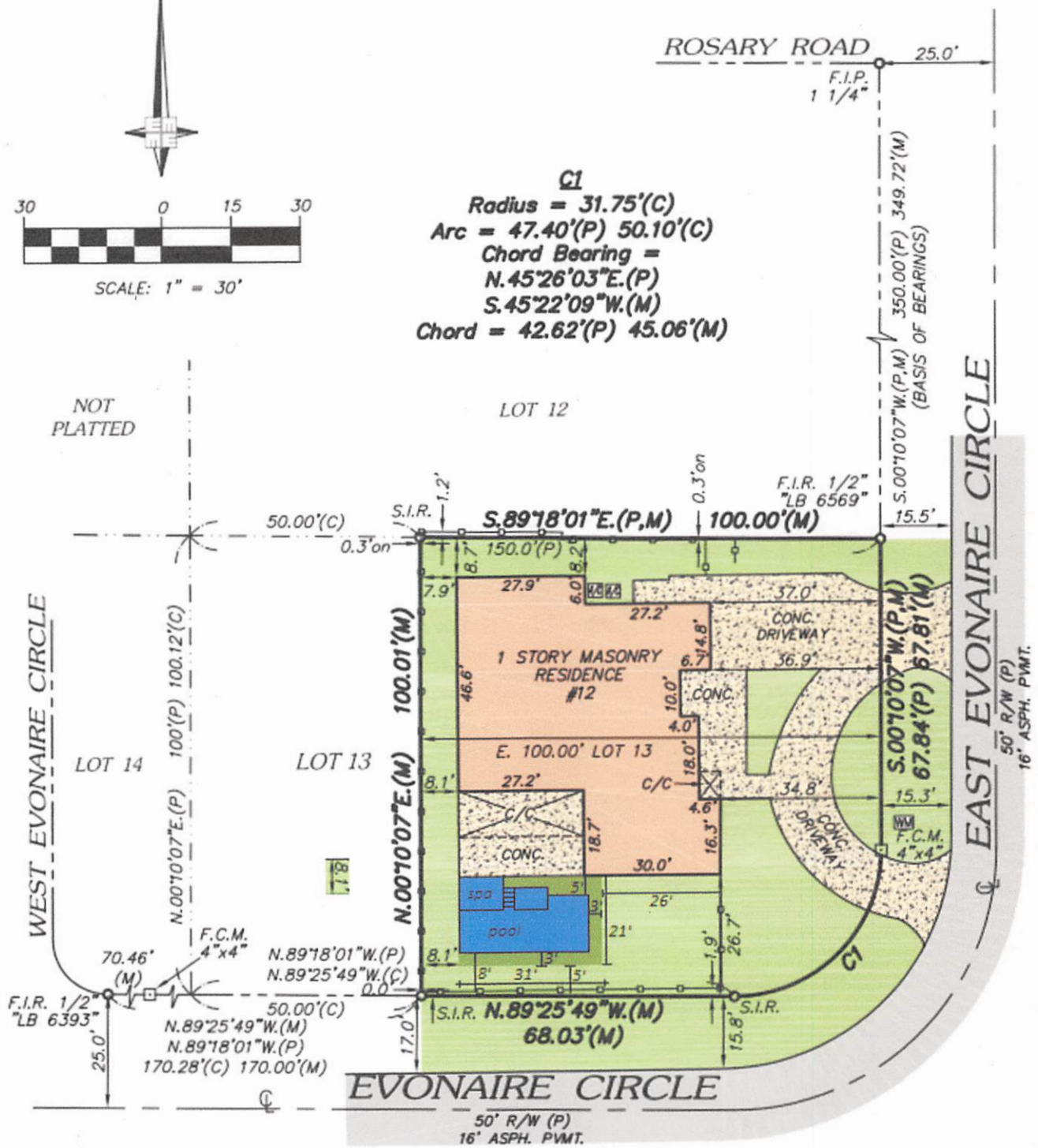


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SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST
TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA



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