



MEMORANDUM

TO: Special Magistrate for
the Town of Belleair

FROM: Calvin, Giordano & Associates, Inc.
Luis N. Serna, AICP. Planning Director, Tampa Bay
Christopher Bernabe, Planner. Clearwater

SUBJECT: Variance Request – 821 Bayview Dr
Parcel No. 28-29-15-06732-003-0010

DATE: February 4, 2026

Meeting Date: March 4, 2026

Property Owners/Applicants: Jeff Cooper and Linda Cooper

This request is for a variance from the minimum front setback requirement of Section 74-84 of the Land Development Code on the southeast (Indian Rocks Road) frontage of the lot. The subject property is zoned R-1 (Single Family Residential).

Section 74-84 (Schedule of Dimensional Regulations) establishes the following setbacks for the R-1 zoning district:

Front: 25 feet.

Side: 7.5 feet.

Rear: 25 feet or 20 percent of lot depth, whichever is less.

The applicants are proposing the construction of 660-square foot freestanding auxiliary garage that will be located 7.5 feet from the southeast frontage (a proposed 17.5-foot variance). The applicants have cited, as justification for the variance, that the unique and irregular shape of the pose presents significant challenges for potential development as it restricts the amount of buildable area on the lot.

Per Section 74-113(d) *Corner lots and multiple-frontage lots*, corner lots and multiple frontage lots shall be considered to have front yards on all public and vehicular access easement street frontages. The subject lot is therefore

- Building Code Services
- Civil Engineering / Roadway & Highway Design
- Coastal Engineering
- Code Enforcement
- Construction Engineering & Inspection (CEI)
- Construction Services
- Data Technologies & Development
- Electrical Engineering
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- Environmental Services
- Facilities Management
- Grant Management & Writing
- Geographic Information Systems (GIS)
- Governmental Services
- Indoor Air Quality (IAQ)
- Landscape Architecture
- Planning
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- Surveying & Mapping
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- Transportation Planning
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subject to the front yard requirements on the north and southeast sides due to them being public street frontages.

Please refer to the applicants' survey for additional details regarding the proposed location of the garage and the shape of the lot.

Review Criteria [Section 66-253(b)(1)(a)] and Findings

Before granting any variance the town commission or special magistrate shall determine that:

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

The lot has a total of approximately 420 linear feet of street frontage and is irregularly shaped. The large amount of street frontage and the shape of the lot create a disproportionately large front yard setback on the north and southeast frontages compared to a standard corner lot.

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

The lot configuration and house layout are not the result of the actions of the applicants. The house on this property was built in 1970, prior to the applicants' purchase of the property in 2019.

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

Application of the 25-foot front yard setback to the proposed garage would require placement of the garage in an area that would eliminate most of the usable rear yard and would require the extension of a driveway to serve the garage. Detached garages and sheds are common features permitted on other lots in this vicinity.

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



The requested variance is the minimum necessary to permit a functional two-car garage and to maintain a usable rear yard.

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

Granting the variance would have minimal impacts on surrounding properties and would be in harmony with the general intent and purpose of the Town's Land Development Code to foster and preserve public health, safety, comfort, and welfare. As noted by the applicants, the garage will be designed to aesthetically match the existing home. Additionally, there is an existing masonry wall along the southeast frontage adjacent to the location of the proposed garage.

- (6) A grant of variance will not result in any land use not specifically provided for the schedule of district regulations (Section 74-84) of the Code) for the zoning district in which the property is located.**

The proposed front yard setback variance would not result in any land uses that are not currently permitted in the R-1 (Single Family Residential) zoning district in which the subject property is located.

RECOMMENDATION

Based on our review of the above criteria, we recommend **approval** of the requested 17.5-foot variance on the southeast (Indian Rocks Road) frontage from the 25-foot front yard setback standard of the R1 zoning district of Section 74-84 of the Land Development Code, subject to the following conditions:

1. The development permitted by this variance will be generally consistent with the site plan submitted with this variance application.
2. The garage shall be designed to aesthetically match the style and color of the existing house.



Site Aerial

