



Calvin, Giordano & Associates, Inc.
A **SAFEbuilt** COMPANY

MEMORANDUM

TO: Special Magistrate for
the Town of Belleair

FROM: Calvin, Giordano & Associates, Inc. *Y.N.S.*
Luis N. Serna, AICP. Planning Director, Tampa Bay

SUBJECT: Variance Request – 8 Westwood Lane
Parcel No. 29-29-15-07164-000-0130

DATE: April 3, 2025

Property Owners/Applicants: Donald G. Kikta Jr. and Kelly M. Kikta

This request is for variances from the minimum front and rear setback requirements of Section 74-84 of the Land Development Code. 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 lot depth of the property is 85.9 feet, 20 percent of which is 17'-3".

The applicants are proposing an expansion to the existing residence that will be located 12'-8" feet from the front property line (a proposed 12'-4" variance) and 14'-6" feet from the rear property line (a proposed 2'-9" variance).

The applicants have cited, as justification for the variance, the irregular shape of the lot and the placement of the house on the lot which was originally for the purpose of protecting a century oak on the property. This tree has since been removed due to recent storm damage. This lot is located at the end of a cul-de-sac, creating a large front setback area relative to other lots. Please refer to the applicant's survey for additional details regarding the shape of the property and the location of the existing structure.

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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 is irregularly shaped with a relatively shallow lot depth. The shape of the property and the placement of the house on the lot reduces the buildable areas along the front and rear of the site. Note that the existing house currently encroaches into the minimum front and rear setbacks.

- (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 actions by the applicants. The house on this property was built in 1967 prior to the purchase of the property by the applicants in 2015.

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

Litteral application of the front and rear setbacks would prevent any further expansion of the existing structure in a manner that would function with the existing house floor plan.

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

The requested variances are the minimum necessary to accommodate the proposed building additions.

- (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.**

Most of the proposed development permitted by these variances will occur along the front street setback, minimizing impacts to adjacent



properties. Granting of the variances would have minimal impacts to 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.

- (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 and rear yard setback variances 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 variances from the 25-foot front setback and the 17'-3"-foot rear setback standards of the R-1 zoning district of Section 74-84 of the Land Development Code subject to the following condition:

The development permitted by these variances will be generally consistent with the site plan submitted with this variance application.



Site Aerial

