



STAFF REPORT

TO: Special Magistrate for
the Town of Belleair

FROM: Calvin, Giordano & Associates, Inc.
Zain Husain, Senior Planner

SUBJECT: Variance Request: Proposed new construction
single-family home:
1. To encroach 17'-6" into the rear setback.
2. To encroach 8' into the front setback.
3. To encroach 11'-6" into the front setback.

ADDRESS: 230 Garden Circle, Belleair, Florida 33756
Parcel No. 29-29-15-23760-001-0200

MEETING DATE: May 27, 2026

Property Owner

Brett and Dr. Cynthia Braciak
458 Park Avenue
Belleair, FL, 33756

Representative

JC Daugherty
699 4th St NW, Unit B
Largo, FL 33770

Legal Description

EAGLES NEST GARDENS ESTATES UNIT 3 BLOCK A, LOT 20

Current Use

Single Family Residence

Building Code Services
Civil Engineering / Roadway
& Highway Design
Coastal Engineering
Code Enforcement
Construction Engineering &
Inspection (CEI)
Construction Services
Data Technologies &
Development
Electrical Engineering
Engineering
Environmental Services
Facilities Management
Grant Management &
Writing
Geographic Information
Systems (GIS)
Governmental Services
Indoor Air Quality (IAQ)
Landscape Architecture
Planning
Project Management
Redevelopment &
Urban Design
Surveying & Mapping
Transportation & Mobility
Transportation Planning
Water / Utilities Engineering
Website Development

311 Park Place Blvd.
Suite 630
Clearwater, FL 33759
Tel: 727-394-3825

www.cgasolutions.com



General Information:

The applicant is requesting a variance to the Land Development Code of Ordinances, Section 74-84 to have the single-family home encroach into the front and rear setback. The variance is requested to construct a new single-family residence.

Section 74-84 (Schedule of Dimensional Regulations) establishes the following setbacks for the R-2 zoning district:

Front: 25 feet.

Side: 7.5 feet.

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



The lot is 10,136 square feet (0.23 acres). The subject property is zoned R-2 (Single Family Residential). The property is in flood zone X. The proposed building area is 4,602 square feet. The proposed home is encroaching 17'-6" into the rear setback to the north, 8' into the front setback to the east, and 11'-6" into the front setback to the south. The Code requirement for these setbacks is 25 feet.





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 uniquely shaped as it has 3 street frontages and 1 rear yard. The lot is 10,136 square feet (0.23 acres). The lot will be under the maximum impervious surface ratio, at 60%.

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

The lot and street configuration creates buildable area challenges, particularly the triple street frontage which, at 25 feet each, reduces the amount of buildable footprint on the site for a single-family home. The applicant requests these variances to have a single-family home of a size that is typical for the neighborhood.

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

The proposed design needs 3 variances to the South, East, and North. The requirement for the street frontage setbacks is 25 feet. Literal interpretation of the code reduces the amount of buildable footprint on the site, which is a typical size for this neighborhood, for a single-family home.

- (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 needed to build a structure of this size. The home has 3 frontages and 1 rear. Single-family is a use allowed in the R-2 zoning.



- (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 impact the adjacent property to the north as the single-family house would only be 7'-6" from the rear property line. This would not be in harmony with the general intent and purpose of the Town's Land Development Code.

- (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 setback variances would not result in any land uses that are not currently permitted in the R-2 (Single Family Residential) zoning district in which the subject property is located.

RECOMMENDATION

Based on our review of the above criteria, we recommend **denial** of the requested encroachment into the rear (North), front (East), and front (South). The required 25' setback standard of the R2 zoning district of Section 74-84 of the Land Development Code are not met.