

VARIANCE APPLICATION

RELIEF REQUESTED

Applicant is requesting relief from the western side setback on the property to allow for 7'-2.875" (3 1/8" encroachment) where 7'3.75" (2 1/4" encroachment) is existing for construction of a 245 square foot addition to the existing garage.

JUSTIFICATION FOR REQUEST

The existing structure has a 2 1/4" encroachment into the required western side setback of 7'6" (Section 66-10, Belleair Land Development Code). The existing structure was built at a 0.32-degree angle from the current property line, causing any addition along the existing building line to encroach slightly further into the western side setback. The applicant is not requesting to extend the building line further to the west, but simply to construct a 245sf addition along the existing building line which results in an encroachment of 3 1/8" where an encroachment of 2 1/4" exists.

Section 66-253(b)(1)(a):

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 existing structure was constructed in 1955 and sits at a 0.32 degree angle from the existing building line. Moreover, the property has an existing 2 1/4" encroachment into the western side setback which existed prior to the adoption of the Land Development Code for the Town of Belleair.
2. The special conditions and circumstances do not result from actions of the applicant.
 - Applicant purchased the property with the existing structure and legal encroachment into the western side setback, both of which pre-dated the adoption of the Land Development Code for the Town of Belleair.
3. Literal interpretation of the provisions of this Code would work unnecessary and undue hardship on the applicant.
 - Literal interpretation of the Code would prohibit the applicant from constructing along the existing building line due to the angle in which the home was constructed back in 1955. Applicant is not requesting to extend the building line further to the west, but just to construct along the building line which legally exists.
4. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, structure or building.
 - Applicant and the design team worked to ensure that only the minimal variance is being requested for the proposed addition. The proposed addition requested results in just a 7/8" additional encroachment into the western side setback.

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BELLEAIR, FL 33756

5. A grant of variance will be in harmony with the general intent and purpose of this Code, and that such a variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.
 - Approval of this variance is in harmony with the general intent and purpose of the Code as it will allow the applicant to improve the existing structure along the legally-existing building line without extending the building line further into the side setback. The applicant did not create the special circumstances which exist on the property and literal interpretation of the Code would result in an unnecessary and undue hardship by prohibiting improvement to a legally existing structure due to the angle of construction back in 1955.
 - Furthermore, the variance will not be injurious to the zoning district or otherwise detrimental to the public interest. As noted herein, the existing structure was built in 1955 prior to the adoption of the Code resulting in an encroachment to the western side setback of 2 1/4". The western side of the property also abuts a perpetual 5' easement for a retaining wall which has a 20' easement to its west for ingress and egress for public utilities.
6. A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations (section 74-82 of this Code) for the zoning district in which the property is located.
 - The requested variance will not change the use of the home. Applicant intends to continue use of the home as a single-family homestead residence.