



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

**MEMORANDUM**

**DATE:** August 15th, 2016  
**TO:** Mayor and Commissioners  
**FROM:** Micah Maxwell, Town Manager  
**SUBJECT:** Request for Variance –  
**Parcel No.** 28/29/15/06732/031/0190

**Property Owner:** Agnes Green  
1612 Indian Rocks Road  
Belleair, Florida 33756

---

The following information is regarding the above referenced variance request.

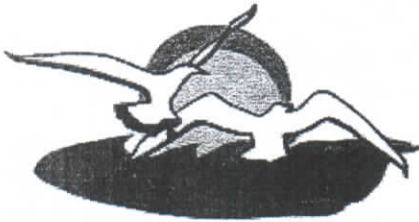
- I. Existing conditions of land and structure(s):
- A. Zoning designations: R-1 Single Family Residential
  - B. Original Construction date:
    - 1952
  - C. Structural and other improvements to date:
    - 2008- Roof replacement
    - 2007-Driveway replacement
    - 2006 Addition
  - D. Existing Easements: 5' Ft Utility Easement in Rear of Property

II. Proposed request:

The applicant is requesting 2 after the fact variances which would allow for a 2 car garage to encroach into the side and rear yard setbacks.

The first variance would allow for the 7.5' foot side yard setback be reduced by 5.3'ft resulting in a 2.2'ft side yard setback.

The second variance would allow for the 25.0' foot rear yard setback be reduced by 7.9'ft resulting in a 17.3'ft rear yard setback.



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

**VARIANCE**

DATE 8/15/16

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, AGNES P. GREEN, owner of Lot 19  
 Block 31, Subdivision BELLEAIR ESTATES, property  
 Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned R1
3. The present land use on the property is SINGLE FAMILY
4. The decision involves Article \_\_\_\_\_ Section 66-207 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 COMPLETE A GARAGE THAT IS ENCRACHING  
ON THE MINIMUM YARDAGE SET BACK BY 7.7 FEET TO THE  
REAR AND 2.5 FEET TO THE SOUTH
7. The Justification for the request is (requests for the variances must demonstrate the practical  
 difficulty or unnecessary hardship which justifies the variance): SEE ATTACHED  
ADDENDUM
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: 300/-

RECEIVED  
 BELLAIR BLDG. DEPT.  
 AUG 15 2016

8-15-16

Owner Agnes P. Green

Address 1618 Indian Rocks Rd

Telephone Number 404-310-4717

TIME REC. \_\_\_\_\_



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

**VARIANCE APPLICATION CHECK OFF SHEET**

Application shall be **fully completed** and must include the following information:

OWNERS NAME AGNES P. GREEN  
 OWNERS MAILING ADDRESS 1612 INDIAN ROCKS ROAD Belleair Fl 33756  
 PROPERTY ADDRESS 1612 INDIAN ROCKS RD BELLEAIR, FL 33756  
 PHONE NUMBER W) 727-216-6632 M) 404-310-4717  
 REPRESENTATIVE NAME AND ADDRESS (if any) \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_  
 DATE OF ORIGINAL CONSTRUCTION BETWEEN JULY 6<sup>th</sup> - 8<sup>th</sup>  
 IMPERVIOUS COVER 50.6%  
 FLOOD ZONE AND ELEVATION \_\_\_\_\_

**REQUIRED INFORMATION:**

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (18) COPIES EACH.
<u>  X 18</u>	_____	PLANS/SPECS/PRODUCT BROCHURE
<u>  X 18</u>	_____	PHOTOS OF AREA (straight/right angle/left angle)
<u>  X 18</u>	_____	SURVEY W/ SETBACKS SHOWN -
<u>  X</u>	_____	SITE PLAN W/ SETBACKS SHOWN

REVIEWED BY:    ZONING    PUB.WK    FIRE    BLDG.    MRG.  
 DATE SENT:        \_\_\_\_\_  
 DATE RETURNED: \_\_\_\_\_

SECTION 28, TOWNSHIP 29S, RANGE 15E,  
PINELLAS COUNTY, FLORIDA

NOTE:  
EASEMENT SHOWN TAKEN FROM PINELLAS COUNTY DEED BOOK  
1055, PAGE 40

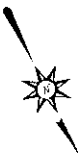
PREPARED FOR AGNES P GREEN

A SURVEY OF THE NORTH 11 FEET OF LOT 18 AND ALL OF LOT  
19 AND THE SOUTH 21 FEET OF LOT 20 BLOCK 31, BELLEAIR  
ESTATES, AS RECORDED IN PLAT BOOK 18, PAGES 9-23, OF THE  
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

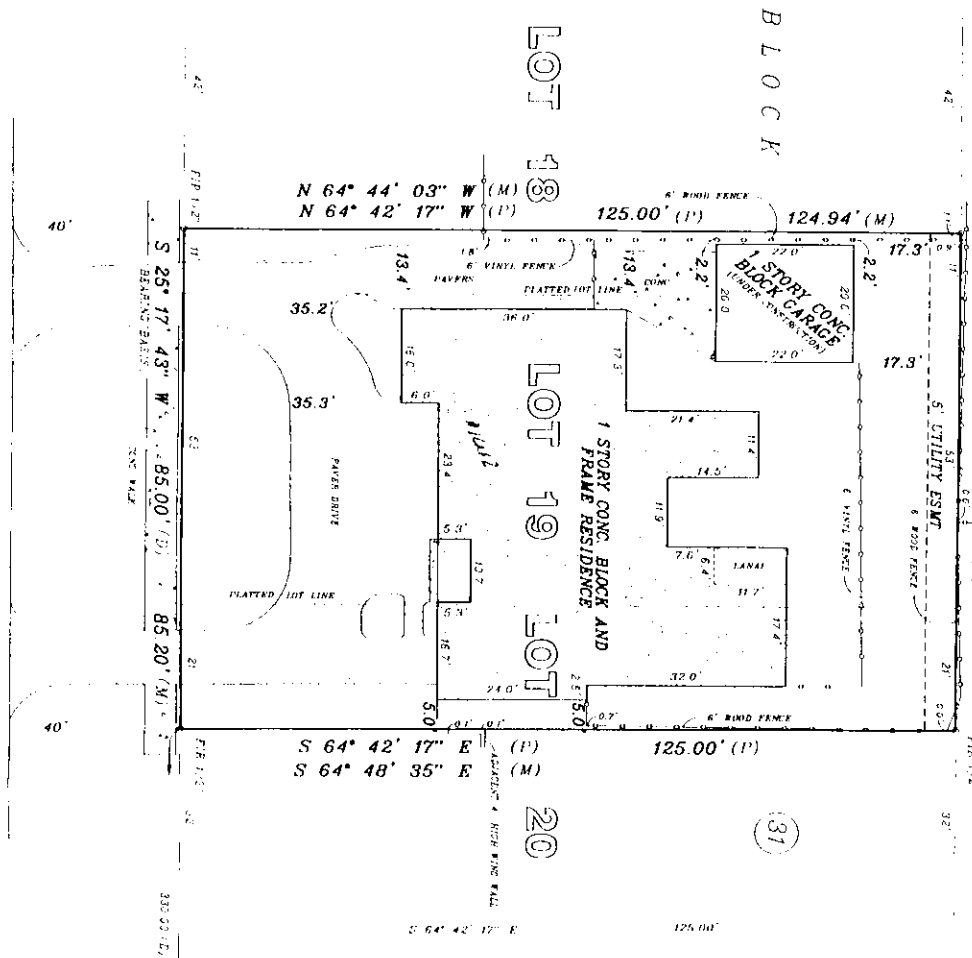
ALTHEA ROAD

EVANS LAND SURVEYING, INC.  
1440 BAY TREE STREET  
DUNEDIN, FL 34620 (727) 241-3821

DESCRIPTION AS SHOWN IN PLAT	DATE	BY
1. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
2. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
3. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
4. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
5. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
6. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
7. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
8. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
9. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
10. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
11. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
12. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
13. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
14. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
15. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
16. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
17. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
18. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
19. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
20. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
21. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
22. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
23. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
24. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
25. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
26. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
27. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
28. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
29. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
30. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
31. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
32. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
33. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
34. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
35. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
36. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
37. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
38. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
39. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
40. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
41. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
42. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
43. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
44. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
45. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
46. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
47. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
48. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
49. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
50. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
51. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
52. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
53. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
54. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
55. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
56. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
57. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
58. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
59. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
60. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
61. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
62. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
63. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
64. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
65. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
66. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
67. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
68. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
69. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
70. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
71. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
72. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
73. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
74. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
75. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
76. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
77. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
78. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
79. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
80. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
81. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
82. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
83. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
84. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
85. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
86. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
87. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
88. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
89. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
90. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
91. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
92. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
93. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
94. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
95. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
96. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
97. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
98. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
99. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER
100. 1440 BAY TREE STREET	JUN 9	JOHN C BINDER



SCALE: 1"=20'



## **ADDENDUM**

### **#7 The justification for the request for the variance**

There are three (3) primary concerns that serve as a basis for the hardship variance request to build a structure in the rear of my home: (1) safety, (2) preservation of assets and (3) the desire to maintain my property within the standard of my neighborhood and the Town of Belleair.

**SAFETY OF MY FAMILY:** There are on occasion five (5) cars at my home making it virtually impossible to use the circular driveway. This has resulted in numerous near miss accidents because we have to back into the fast moving traffic on Indian Rocks Road. The most recent of those incidents occurred 2 months ago when my daughter was forced to drive into a neighbor's yard to avoid being hit by a car that increased its speed, and was traveling over 40 miles per hour on Indian Rocks Road. This has become a reoccurring problem, as the section of Indian Rocks Road that for our residence, is a straight stretch with no traffic controls between Poinsettia Road and Melenbacher Road.

**PRESERVATION OF ASSETS:** Our vehicles are being damaged by three (3) mature oak trees that flank both sides of the front yard. These trees must be preserved because of the historical and aesthetic value they bring to the street and the community. The residue from these trees are causing irreversible damage to the finish on our vehicles. Because of the positioning of these trees, there is virtually no place in the front circular area that is protected from the impact of the trees. A rear parking location is our only option.

**MAINTAINING HIGH PROPERTY VALUE:** Having to park multiple cars in the front of my home, detracts from the value of the neighborhood, the beauty of my home and could be perceived as becoming excessive when other family members are visiting my home. In addition when it becomes necessary to park between the side walk and the street to allow availability of the sidewalk for use by pedestrians, this poses another safety issue because cars oft times drive too close to the curb. A rear parking facility is the only option.

Respectfully submitted,

Agnes P. Green

TWO CAR  
GARAGE  
20' x 22'

DRIVEWAY  
320 SF

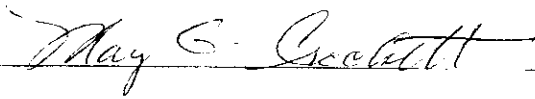


Mr. & Mrs. Denny Crockett  
1611 Indian Rocks Rd  
Belleair, FL 33756

To the town of Belleair:


We live across the street from the property at 1612 Indian Rocks Road where Dr. Agnes Green is requesting a variance for a two car garage. The purpose of this letter is to express our strong support of this variance request. Dr. Green has a strong relationship with her neighbors and the community. She has been an active and highly responsible home owner and maintains her home at a stellar level. This project will without a doubt enhance our beautiful neighborhood.

Please feel free to contact us if you have any questions as we strongly and openly support this variance request.  
Sincerely,

 8/8/16

Signature

Mary Crockett

 8/8/16

Signature

Denny Crockett



To The Town of Belleair:

I am writing this letter in strong support of the request for a variance that has been applied for by Agnes Green to construct a garage in the rear of her home. I reside westward and to the rear of her home at 1615 Pinellas Road. This garage would not impose any harm to my home. I know this garage will be aesthetically pleasing, as is her home.

Please approve this variance request. Thank you for your time, attention and consideration for the approval of this variance.

Sincerely,

A handwritten signature in black ink that reads "Wendy Capelin". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Wendy Capelin

1615 Pinellas Rd.

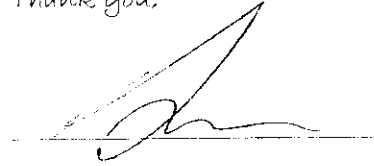
Belleair, FL 33756

1610 Indian Rocks Rd  
Belleair, FL 33756

TO THE TOWN OF BELLEAIR:

We live next door to 1612 Indian Rocks Rd and are writing to offer our strong support for the variance request by Dr. Agnes Green. This garage will only enhance the beauty of our neighborhood as has her home; therefore we have no hesitation or concerns regarding the proposed variance.

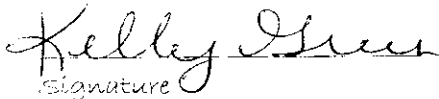
Thank you,



Signature

William Green

Printed name



Signature

Kelly Green

Printed name

1609 Indian Rocks Rd  
Belleair, FL 33756

TO THE TOWN OF BELLEAIR:

I live across the street from 1612 Indian Rocks Road. I am writing to support the variance request by Agnes Green . I feel this garage will only enhance the beauty of our neighborhood as has her home. I therefore have no hesitation regarding the proposed variance.

Thank you,



Signature



Printed name

To the Town of Belleair:

We are writing in support of the variance for the construction of a garage in the rear yard of Dr. Agnes Green's home at 1612 Indian Rocks Rd. We live next door (south) at 1614 Indian Rocks Rd. and it will not impose any harm to our property. Dr. Green is very conscientious about the appearance of her home and we know the garage would be as attractive as her home already is. Besides, we are delighted to see <sup>our</sup> neighborhood continue to improve. These are the things that make Belleair an attractive place to live.

Thank you,

Chris McGregor

Printed name

Anne McGregor

Printed name

Chris McGregor

Signature

Anne McGregor

Signature

LETTER OF SUPPORT

TO WHOM IT MAY CONCERN:

I am writing to express my full support of the variance request by Dr. Agnes Green at 1612 Indian Rocks Rd. to construct a garage in the rear of her home. I am the realtor that sold her that home 12 years ago. Since purchasing her home she has done a wonderful job transforming it into one of the most beautiful on Indian Rocks Rd. I know the garage will be just as beautiful as her home. I therefore have no concerns regarding the proposed construction.

Thank you kindly,

A handwritten signature in cursive script that reads "Irene Rue".

Irene Rue

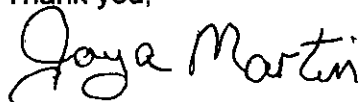
624 Pineland Rd.  
Belleair, FL 33756

## LETTER OF SUPPORT

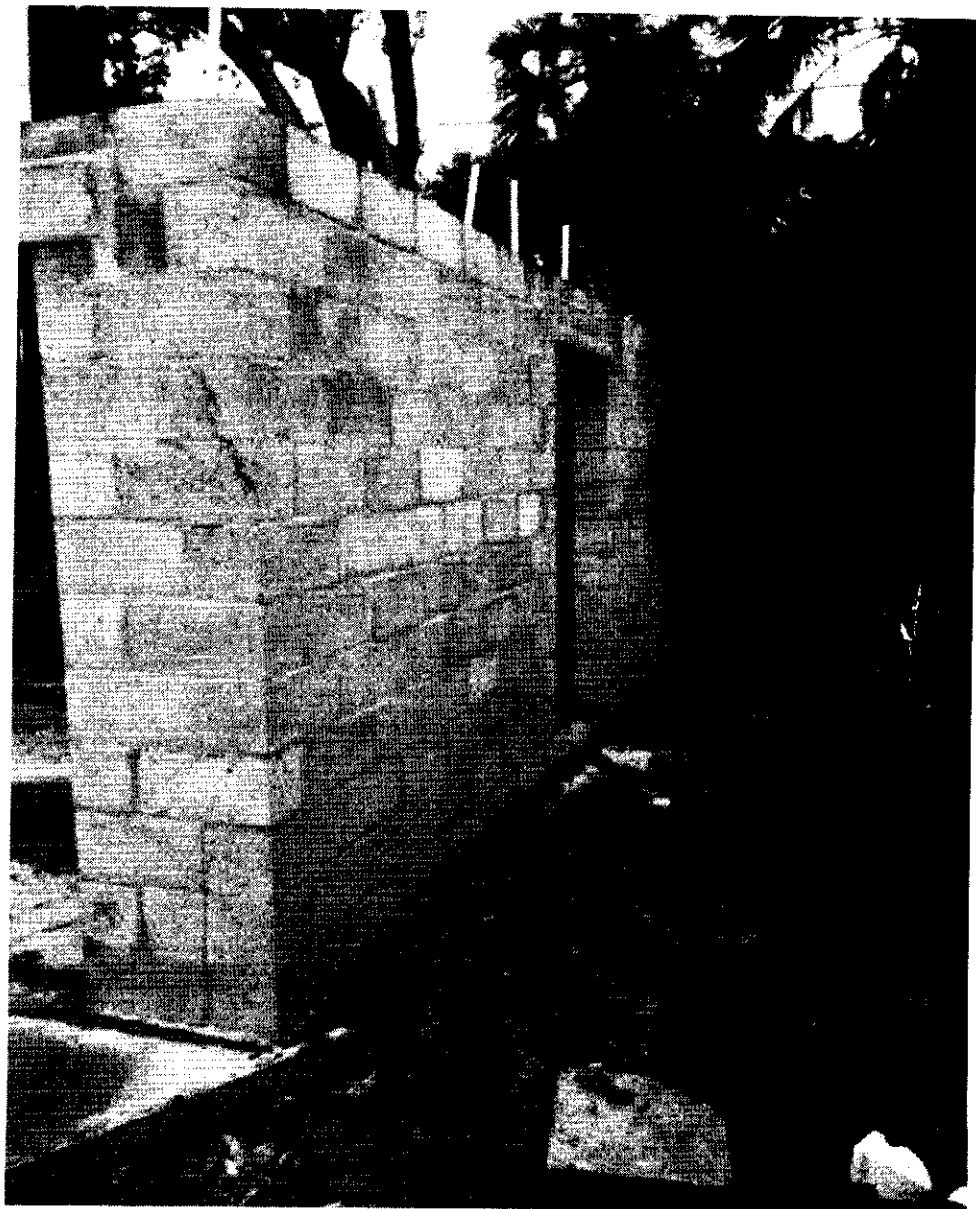
TO THE TOWN OF BELLEAIR:

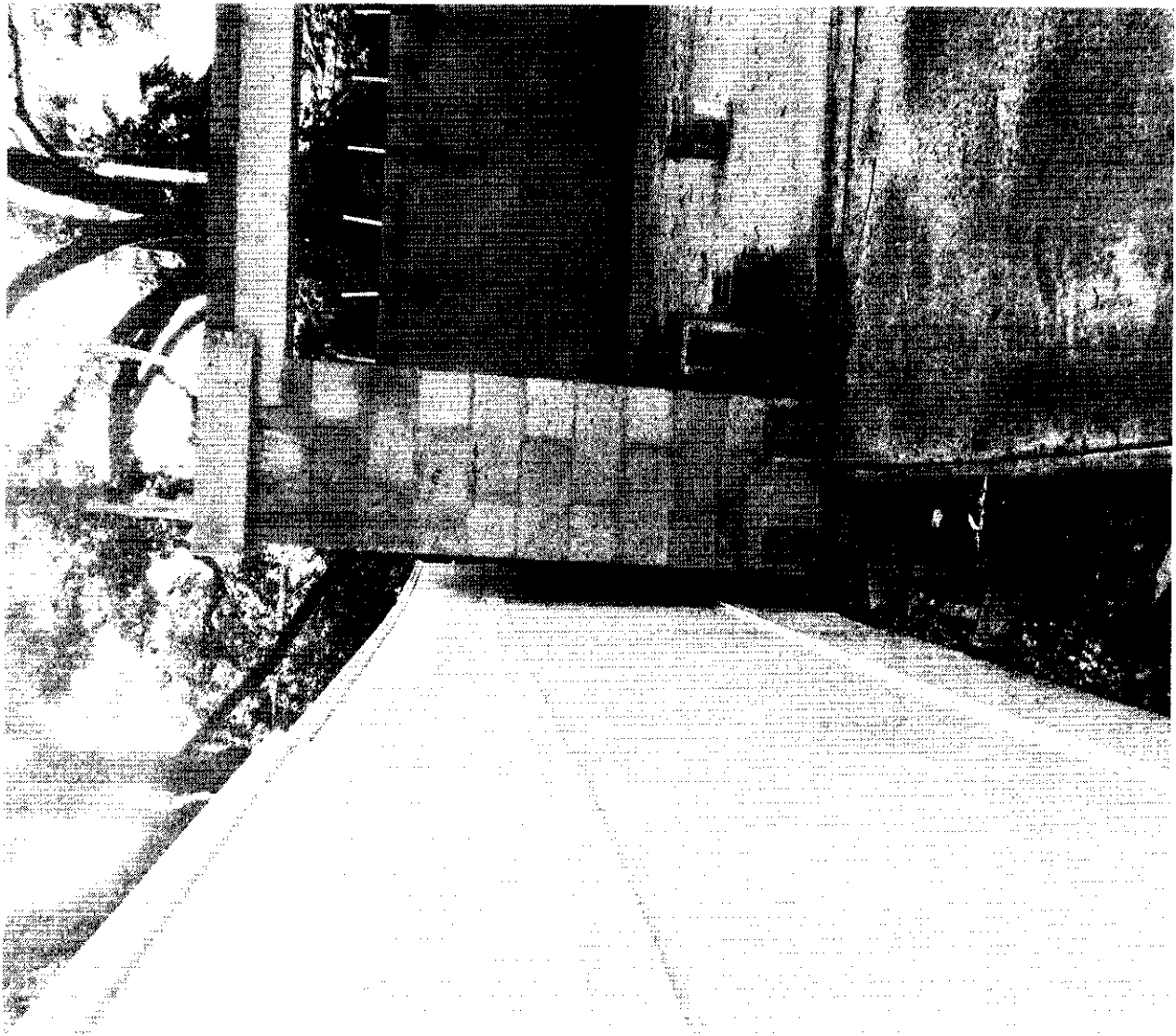
I am writing to express my support of the variance request by Agnes Green at 1612 Indian Rocks Rd. to construct a garage in the rear of her home. This structure would not have any negative effect on our neighborhood, it would only enhance it. Ms. Green is a very conscientious homeowner, taking great pride in her home's appearance. I therefore have no concerns regarding the proposed construction.

Thank you,

A handwritten signature in black ink that reads "Joya Martin". The signature is written in a cursive, flowing style.

Joya Martin  
609 Pineland Ave.  
Belleair, FL 33756









# STOP WORK ORDER

7-28-16  
CR

## DO NOT REMOVE

Stop all construction until items specified on this card have been complied with and approved by the Building Official

Address: 1612 Indian Rocks Rd

Date: 7-28-16 David Wilcox  
Building Official

Town of Belleair Building Department

Violation: Structure in back needs to be permitted, need to verify setbacks for structure. STOP WORK UNTIL PERMITTED!



## TOWN OF BELLEAIR BUILDING DEPARTMENT

---

901 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756  
PHONE: (727) 588-3769 Ext. 215 • FAX: (727) 588-3768

July 29<sup>th</sup>, 2016

Ms. Agnes Green  
1612 Indian Rocks Road  
Belleair, FL 33756

**RE: "STOP WORK ORDER"**

Ms. Agnes Green  
Parcel No. 28/29/15/06732/031/0190  
1612 Indian Rocks Road  
Belleair, FL 33756

Dear Ms. Green:

Please be advised that on July, 28<sup>th</sup>, 2016, a "**STOP WORK ORDER**" was issued for the above referenced property. Upon arriving at your property I noticed a large cement structure located in the rear of your residence. I observed the structure from the street, and noticed there was not a building permit issued for this structure. A building permit will be needed to perform the necessary inspections, and to be in compliance with the Florida Building Code and the Town of Belleair's code of ordinances for setbacks. Attached is a copy of the Town of Belleair's Code of Ordinance for setbacks and permitting requirements.

Should you have any further questions regarding this matter you may contact me at 727-588-3769 ext 315.

Sincerely

A handwritten signature in black ink that reads "David Wilcox". The signature is written in a cursive style with a large initial 'D'.

David Wilcox.  
Building Official  
Town of Belleair

Sec. 74-84. - Schedule of dimensional regulations.

The schedule of dimensional regulations for the various zoning districts is as follows:

District	Lot Minimums			Density Maximum Dwelling Units per acre	Minimum Yard Setbacks <sup>6</sup> & 7			Minimum Offstreet Parking per Dwelling Unit <sup>1</sup>	Maximum Height <sup>3</sup> (feet)	Flood Zones	Minimum Living Area per Unit <sup>2</sup> (square feet)	Floor Area Ratio (FAR) <sup>6</sup>
	Area (square feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)					
RE	18,000	100	100	2	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	2,000	—
R-1	10,000	80	100	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	1,200	—
R-2	7,500	75	90	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	<u>34</u>	1,000	—
RM- 10 <sup>5</sup>	5 acres	—	—	10	25	15 <sup>4</sup>	25	1.5	32	<u>34</u>	1,500	—
RM-15	10,000	100	100	15	25	7.5 <sup>4</sup>	15	1.5	32	<u>34</u>	1,000	—
RPD	5 acres	—	—	5	(See section 74-83)			1	32	—	1,200	—
H	17.5 acres	—	—	28	(See section 74-83)			1	32	<u>34</u>	300	0.4
C-1	12,000	100	100	None	25	12	10	1	32	<u>34</u>	N/A	0.35
C-2	10,000	80	100	None	25	12	10	1	32	<u>34</u>	N/A	0.35

C-3	10,000	80	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.30
C-4	10,000	80	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.5
GC	—	None	None	None	25	25	25		32	<u>34</u>	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	<sup>1</sup>	32	<u>34</u>	N/A	0.5
SPM	10,000	80	100	25	25	25	25	<sup>1</sup>	32		N/A	0.30
PMU	17.5 acres		See <u>section 74-85</u> for standards applicable to the planned mixed use (PMU) district									
P	Town commission shall establish dimensional regulations for the public district consistent with the public land use of lands within this district. The dimensional regulations shall be based upon need for harmonizing public use of the land with necessity for protecting the public's safety, health and welfare by the use of such lands. However, in no case shall the floor area ratio exceed 0.65 for institutional uses or 0.70 for transportation/utility related uses.											

<sup>1</sup>See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

<sup>2</sup>Exclusive of garages, breezeways, porches and patios.

<sup>3</sup>The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the base flood elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code. See subsection 74-83 (a)(3) for special height bonus provisions for RM-10 district.

<sup>4</sup>See section 74-113.

<sup>5</sup>See subsection 74-83(a) for additional requirements for RM-10 district.

<sup>6</sup>For impervious surface ratio, see section 74-112.

<sup>7</sup>On waterfront lots, all buildings, including guest cottages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall.

<sup>8</sup>All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.04), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § 1, 11-2-93; Ord. No. 363, § 2, 3-19-96; Ord. No. 399, § 1, 11-20-01; Ord. No. 491, § 3, 4-15-14; Ord. No. 495, § 2, 4-1-14; Ord. No. 497, § 3, 6-17-14)

Sec. 66-207. - Contents of application; qualifications of applicant; fees; inspections.

- (a) *Applicability of section.* The provisions of this section shall be applicable to all construction, maintenance and repair activities undertaken within the municipal limits of the town.
- (b) *Work requiring permit; exceptions; payment of fee.*
- (1) Except as provided in this section, no new construction, repair or maintenance activity shall be undertaken within the town unless there shall have been issued by the town a permit authorizing such activity and the established fee therefor has been paid. Further, no permanent sign, fence or fence wall shall be erected, nor shall any tree be removed, unless there shall have been issued by the town a permit authorizing such activity and the established fee therefor has been paid. A permit shall be issued only to the owner of the private property on which the work is to be performed or to the authorized representative of the owner. Work proposed in the public right-of-way of the town for the benefit of an abutting private property owner shall require a permit to be issued to the owner of the property to be served by the proposed construction, maintenance or repair.
  - (2) No development permit shall be issued unless there exists a valid development order for the project or unless the proposed work is exempt from the requirement for a development order as provided in section 66-203. The work authorized by a development permit shall not be changed, altered, modified or otherwise deviated from without first having obtained a modification of the original permit as provided for in section 66-204.
  - (3) A development permit shall not be required by owners of utilities franchised to operate in the town, if the construction, repair or maintenance activities are within the limits of public right-of-way and relate to facilities used in service to the residents of the town or neighboring communities in the county. A permit will be required for new construction activity on private property which is owned in fee by the franchised utility. New construction proposed to be undertaken within the limits of a public right-of-way by a franchised utility shall be subject to the issuance of a use permit through the office of the town manager. A use permit shall not be subject to payment of a fee.
- (c) *Qualifications of applicant.*
- (1) A property owner may personally apply for and be granted a permit for construction activities involved on single-family residential property. However, if the activities proposed to be undertaken are activities which normally require special trade skills or licensing, as, for example, electrical work, plumbing work, elevator installation, structural framing, etc., the town building official shall require a demonstration or other showing of competency to perform the activity prior to issuing the requested permit.
  - (2) A property owner may designate a representative to apply for a development permit for activity on the owner's property. An owner's representative shall be designated in writing or other form satisfactory to the town building official. An acceptable written form will be a signed contract for



the work if issued to a general or specialty contractor qualified and licensed to perform work in the town.

- (3) The named applicant on a permit issued by the town shall be the permittee and party responsible for all work and activities conducted under the issued permit. The permittee shall be the sole party with whom the town will directly deal on matters relating to the permit or conduct of the work.
- (d) *Application information and forms.*
- (1) Applications for permits shall be made on forms furnished by the town. The town manager shall prescribe the form and content of information and data required to be furnished by the various types of permit applications. Nothing contained in this section, or on the application forms or on the issued permits, shall be deemed to waive any applicable provision of the construction standards adopted and incorporated by reference in section 66-8, or any superseding county, state or federal requirement.
  - (2) Failure on the part of the applicant to provide all information required by the permit application form shall be cause for denial of the permit. In special circumstances, the town manager may waive specific information or data requirements, unless such information or data is specifically required by the town Code of Ordinances or other governing regulations. The town building official shall determine the adequacy of information and data provided on the application and the acceptability thereof.
  - (3) The permit requirements and fees therefor included in this section are those of the town and are not to be construed as being the only permits that may be required or fees to be paid in connection with the proposed project. County, state and federal governments or agencies may hold jurisdiction over certain types of construction within the town, and those governments or agencies may require additional permits to be obtained. The town building department will make available to an applicant for a town permit such information as is on record regarding such additional permit requirements, but the town does not warrant that the information provided is totally inclusive of all requirements. It is the applicant's responsibility to ensure that all required permits have been obtained. The town building official shall not perform inspections to determine if work satisfies standards of any permitting agency other than the town. The town building department may withhold final project inspection or issuance of a certificate of occupancy where inspections known to be required, administered or approved by other agencies of jurisdiction have not yet been obtained.
- (e) *Fees generally; inspections.*
- (1) No construction, repair or maintenance activity of any type shall be undertaken until such time as the owner or authorized representative of the owner shall have submitted to the town an application, on a form supplied by the town, which sets forth in detail the activity intended to be undertaken. The town shall review the application to determine whether a permit is required or an inspection is required. Permits shall not be required for construction, repair or maintenance activities which have a direct cost, including labor, materials and services, of \$500.00 or less, and

are not otherwise subject to a building department field inspection for verification of structural, electrical, mechanical or plumbing adequacy. If the work proposed requires one or more inspections, but is below the threshold cost amount, a permit will be issued with the fee waived but there shall be a charge as provided in appendix B to this Code for each required inspection. Each permit application form shall specifically identify the inspections required under that permit. This subsection shall not apply to tree removal, the erection of permanent signs, and the construction or erection of fences and fence walls, which activities shall require a permit notwithstanding the cost of the labor, materials and services for such activities.

- (2) Permits shall not be required where the proposed work is limited exclusively to interior or exterior painting or repainting, wallpapering, recarpeting or replacement of other interior floor or wall coverings, or other cosmetic type reconstruction or repairs. The full value of such cosmetic type reconstruction or repair work shall, however, be included in the total construction cost used for fee determination when such work is included with other activities which require the issuance of a permit.
- (3) Circumstances where no permit is required, or where the fee for a permit has been waived, shall not be interpreted as a condition which waives any other requirement or standard of construction adopted by ordinance of the town.
- (4) For purposes of establishing the permit fee, valuation shall be based on the actual contract amount for all new construction, maintenance and repair activities, including, where applicable, removal of any existing structures, and all other work which is defined and authorized by the permit. Each permit application form shall include a space for certification by the owner or the authorized representative of the owner as to the cost of the work proposed. If the building official finds the amount certified to be out of line with comparable construction, a copy of the signed contract for the work may be required for permanent recording with the permit application documents. During the construction phase, if there are any deviations in construction from the plans and specifications which were approved by the town when granting the original permit, and the deviations add value to the structure, then the fee shall also be charged in connection with the additional value which results from the deviations. The additional fee shall be paid prior to the issuance of the certificate of occupancy for the structure. Before there is any deviation from the approved plans and specifications, the owner or authorized representative of the owner shall certify to the town, in writing, the value of the deviations. If the building official finds the amount certified to be out of line with comparable construction, the town may require that it be furnished with copies of change orders and related documents which support the value before accepting the value. If the permitted work is to be performed directly by the owner, and not by contract, the building official may apply appropriate valuation tables published by the Southern Building Code Congress or other similar nationally recognized organization to determine project value for permit fee calculation.
- (5) For project valuations in excess of \$500.00, the permit fee shall be as provided in appendix B to this Code.



- (6) Where multiple permits (defined work specialties) are issued at the same time, to the same applicant, as part of a single project, the following shall apply:
    - a. The town building department shall determine the type of permits that apply to the work proposed to be undertaken. Where a project involves multiple disciplines and more than one type permit is required, it shall be the applicant's responsibility to break down the total costs into an acceptable cost distribution.
    - b. The cost associated with the work included on each specialized permit shall be used for determining the fee associated with that permit.
    - c. The administration fee shall be charged only for the principal permit associated with the project. The other permits fees shall be calculated at a percentage of the valuation of work included on that permit as provided in appendix B to this Code.
  - (7) The permit fee paid is full payment for all town building department and administrative staff costs associated with pre-application assistance, plan reviews, technical matters conferences, permit processing, performance of required standard periodic and final inspections, and issuance of certificates of occupancy. The permit fees paid do not include fees payable for reinspection of previously failed work, extra inspections resulting from contractor failure to have work ready for a scheduled inspection, special inspections or scheduling specifically requested by the contractor.
- (f) *Extra inspections; special inspections; reinspections.*
- (1) Standard inspections are those inspections which are to be performed by the town and which are specifically identified on the permit forms applicable to the project. The costs involved in the performance of standard inspections are included in the original fee paid for the development permit. All standard inspections will be performed during the normal inspection hours of the particular town department involved in the inspection. A standard inspection shall be requested by the permittee no later than 12:00 noon, on the workday preceding the workday on which the inspection is requested. An inspection requested after the deadline shall be considered an expedited inspection request. Expedited requests will be handled by the town whenever possible, but the inspection shall be considered a special inspection and shall be subject to the special inspection charge provided for in this section.
  - (2) Extra inspection, specially scheduled inspection and reinspection are defined, and fees therefor established, as follows:
    - a. A reinspection is an inspection which is necessary to verify that previous inspection deficiency has been corrected. The previous inspection must have resulted in the issuance of an inspection deficiency and correction report or required a special trip by inspecting personnel to the construction site. The inspection deficiency report shall specify whether a reinspection is necessary. The fee for a reinspection shall be as provided in appendix B to the Code.
    - b. An extra inspection is one which is required because of failure of the contractor or subcontractor have work ready for inspection at the time requested and scheduled. The fee for an extra inspection shall be as provided in appendix B to this Code.

- c. A special inspection is one which is not identified on the permit application to be performed by the town but is specifically requested by the permittee, or is a standard inspection which is requested on an expedited basis or at other than normal working hours. When requested by the permittee, a special inspection may be provided by the building department. The fee for a special inspection shall be as provided in appendix B to this Code.
- (3) Unscheduled inspections of work under permit by the town may be performed at any time by town inspection personnel to ensure that projects are proceeding in accordance with permit conditions and all provisions of the town Code of Ordinances are being satisfied. Unscheduled inspections may serve as, or be in addition to, standard inspections. There shall be no additional charge to the permittee for unscheduled inspections.
  - (4) Where additional charges have been incurred because of the performance of reinspections, special inspections or extra inspections, the fees therefor shall be paid to the town by the permittee before any further inspections are performed on the project and before the finished work receives town approval.
- (g) *Unauthorized work; double fee when work commenced without permit.*
- (1) Any construction, repair or maintenance activity which requires a permit under this section, and which is undertaken without having first secured a permit therefor, shall be halted immediately by the an official of the town, and no additional work, or activity in abandonment of already completed work, shall begin until a fee is paid for a permit, issued after the fact. An after-the-fact permit fee shall be twice the fee amount that would have been applicable to a normally processed permit.
  - (2) If any construction, repair or maintenance activity is undertaken which is beyond the scope of an original or modified permit issued previously by the town building department, the work shall be halted, and neither the permitted work nor the unauthorized work shall again proceed until an after-the-fact permit is issued for the unauthorized work.

(Ord. No. 304, § B, 4-16-91; Ord. No. 399, § 1, 11-20-01)

**TOWN OF BELLEAIR**  
901 PONCE DE LEON BOULEVARD  
BELLEAIR, FLORIDA 33756

Ms Agnes Green  
1612 Indian Rocks Road  
Belleair, FL 33756



Hasler  
08/01/2016  
**US POSTAGE**

FIRST-CLASS MAIL  
**\$00.465**  
ZIP 33756  
011D11632962