



MEMORANDUM

TO: Special Magistrate for
the Town of Belleair

FROM: Calvin, Giordano & Associates, Inc.
Alyssa Livingstone - Associate Planner

SUBJECT: Variance Request – 435 St. Andrews Dr.
Parcel No. 20-29-15-07372-000-0350

DATE: November 25, 2024

Property Owners/Applicant: Leslie A. Moritz

This request is for a 101-foot variance from the 50-foot maximum private dock length standard of Section 74-288(d)(1)b of the Land Development Code. This section states: *Private docks shall be constructed so that the length of the structure shall not extend more than 50 feet measured from the waterfront.*

The applicant is proposing to replace a previously existing nonconforming dock with a dock of the same size and location. The previous dock, which was constructed in 1991, extended 151 feet into Clearwater Harbor. It was permitted prior to the current 50-foot maximum dock length of Section 74-288(d)(1). The applicant has stated as a justification for the current variance request that the additional length is needed to avoid protected sea grasses and to allow the dock greater depth for better boat access.

It should be noted that the previously existing dock included docking areas for three vessels. Under Section 74-288(d)(2) of the Land Development Code, no single-family use dock may include docking areas for more than two vessels. In order to comply with the current dock regulations, the proposed dock will need to be revised to including docking areas for no more than two boats or request a variance from this requirement in addition to the proposed variance for dock length.

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

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

- 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



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

The applicant has stated as a justification for the variance that existing sea grasses and shallow water near the shore require a dock longer than 50 feet. The applicant has submitted information regarding the existence of protected sea grasses near the shoreline requiring the greater length to avoid impacting them by the dock. The proposed dock would replace a previously existing nonconforming dock that was constructed in 1991, prior to the current dock regulations which were adopted in 2000. Although there are other docks in this area that are within the 50-foot maximum dock length, these docks do not have the amount of protected sea grasses that have grown around the dock proposed for reconstruction.

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

The special conditions noted above are not the result of actions by the applicant. The applicant purchased the property in 2021, after the 1991 construction of the original dock on the property.

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

Literal interpretation of the Code would require that the dock be reconstructed to a length no greater than 50 feet which would result in adverse impacts to existing sea grasses.

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

The proposed dock length is the minimum necessary to allow the reconstruction of the dock in a manner that avoids impacts to existing sea grasses.

(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.

The granting of this variance would permit the replacement of a previously existing nonconforming dock that has existed at this location since 1991 and would further allow the continued protection of existing sea grasses. Therefore, this variance would 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 dock length variance would not result in any land uses that are not currently permitted in the RPD (Residential Planned Development) zoning district in which the subject property is located.

RECOMMENDATION

With the information provided by the applicant, showing that reconstruction of the dock within the 50-foot minimum dock length would affect existing protected sea grasses, we find that special conditions exist justifying the proposed variance. Based on our review of the above criteria, we recommend **approval** of the 101-foot variance from the 50-foot maximum dock length of Section 74-288(d)(1)b of the Land Development Code.



Site Aerial

