



# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Agenda Planning & Zoning Board

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Monday, September 14, 2020

5:30 PM

Town Hall

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Please enter the link below to join the webinar:

<https://us02web.zoom.us/j/89182045807>

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253

215 8782 or +1 346 248 7799 Dial \*9 to "raise hand"

Webinar ID: 891 8204 5807

### ROLL CALL

### SCHEDULED PUBLIC HEARING

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

[20-0200](#) Request for Variance - 12 Evonaire Circle

Attachments: [Variance Request - 12 Evonaire Pool](#)

[12PCPAO](#)

[NTAs and Neighbor Letters](#)

### CITIZENS COMMENTS

*(Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)*

### APPROVAL OF MINUTES

[20-0199](#) Approval of July 13, 2020 Meeting Minutes

Attachments: [P&Z 07-13-2020](#)

### GENERAL AGENDA

[20-0164](#) Election of Officers

[20-0215](#) Review and revision of Town Tree Ordinance

Attachments: [Belleaire Tree Ordinance Revisions\\_Staff Report Recommendations](#)

[20-0218](#) Review of Fence Ordinance Cut Sheet

Attachments: [DRAFT Fence Ordinance Cut Sheet](#)

## **OTHER BUSINESS**

## **COMMISSION ADVISOR REPORT**

## **ADJOURNMENT**

ANY PERSON WITH A DISABILITY REQUIRING REASONABLE ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING, SHOULD CALL (727) 588-3769 OR FAX A WRITTEN REQUEST TO (727) 588-3767.



## Legislation Details (With Text)

**File #:** 20-0200      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Public Hearing  
**File created:** 8/11/2020      **In control:** Planning & Zoning Board  
**On agenda:** 9/14/2020      **Final action:**  
**Title:** Request for Variance - 12 Evonaire Circle  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Variance Request - 12 Evonaire Pool](#)  
[12PCPAO](#)  
[NTAs and Neighbor Letters](#)

Date	Ver.	Action By	Action	Result
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### Summary

To: Planning and Zoning Board  
From: Town Staff  
Date: 9/1/2020

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**Subject:**  
Request for Variance - 12 Evonaire Circle

**Summary:**  
Please refer to the attached staff memo. Applicant is requesting a variance for a pool to encroach into the secondary front yard setback by 17ft, resulting in an 8ft secondary front yard setback. Please refer to agenda attachments for layout and rendition. Applicant has received multiple letters of support from neighbors which are also included in the agenda packet.

**Previous Commission Action:** N/A

**Background/Problem Discussion:** N/A

**Expenditure Challenges** N/A

**Financial Implications:** N/A

**Recommendation:** N/A

**Proposed Motion** Refer to staff Memo..



**Report Date:** 09/09/2020  
**Planning & Zoning Hearing Date:** 09/14/2020  
**Tentative Commission Hearing Date:** 09/17/2020

**Parcel ID:** 292915089460000100  
**Parcel Address:** 12 EVONAIRE CIR  
BELLEAIR FL 33756-1603

**Applicant/Owner Name:** Scott & Ally Ford  
**Applicant Address:** 12 EVONAIRE CIR  
BELLEAIR FL 33756-1603  
**Phone Number:** 7274522910

## **Existing Conditions of Land and Structures**

**Current zoning:** R1-Single Family Residential  
**Original Construction Date:** 1955

**Improvements to Date:** 2009-Patio/Deck, 2014-Driveway/Pavers, 2016- Addition, 2019-Hvac

**Easements:** None Shown On Survey

## **Proposed Request**

**Overview:** The applicant is requesting a variance for a pool to encroach into the secondary front yard setback by 17' feet, resulting in a 8 ft' secondary front yard setback. Please see the attached drawing provided by the owner.

## **Staff Analysis**

### **Sec 66 Analysis**

In order to approve a variance, the Commission is required to make six findings per Section 66-253 of the Town of Belleair Code of Ordinances. The findings are listed below along with the reasons staff finds the criteria are or are not met in this case. .

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

**Staff Finding:** The placement of the original 1955 home and 2016 addition is in the Northwest corner of the lot with an existing 7'9" rear yard setback and a side yard setback of 8'2", which is nearly the 7'6" requirement for both sides. The southerly edge of the home is at 26'4" off of the property line, or 1'4" of available space inboard of the 25' required secondary front yard setback. The Easterly edge of the building enjoys a setback of 34'8". As



the original construction is in placed near the setback limits in the northwest corner, and near the maximum use of the secondary front yard setback, building a pool of the size requested in another location on the lot would be nearly impossible.

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

**Staff Finding:** The 2016 addition conducted by the applicant maximized the use of the buildable space in the rear yard and side yards. As this is a corner lot the rear and side yard setbacks are both considered side yards for building setback purposes and would require a minimum set back of 7'6". The original structure and additions have maximized the buildable space in the two side yards.

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

**Staff Finding:** A literal interpretation of the code would result in either a pool that is above ground in the remaining buildable space requiring use of the current patio space or no pool at all, as there would likely be no way to construct at a 2:1 slope from the foundation of the home.

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

**Staff Finding:** The variance as proposed is nearly entirely (less 1'4") in the southerly secondary front yard setback. Other designs may incorporate less encroachment in to the setbacks

5. *A grant of variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.*

**Staff Finding:** The proposed request is for an allowed use and typical of current uses within the neighborhood. Most of the homes on this block have a pool installed.

6. *A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations for the zoning district in which the property is located.*

**Staff Finding:** The proposed request is for an allowed use.



### **Staff Recommendation**

Ultimately, with the design as provided, the near entirety of the pool will be in the secondary front yard setback, resulting in an 8' secondary front yard setback. Were this lot a single frontage lot this distance would be conforming. The edge of the pool deck ultimately would be approximately 20' from the road way on Evonaire Circle and would be encompassed by a current, conforming fence. For approval, the board would need to find that Special conditions and circumstances exist on this property. Staff finds that the request is typical of uses of the zoning district and this block in particular has some smaller platted lot sizes where the homes and accessory uses maximize the space within the setbacks. In addition, a conforming pool use within the setbacks would likely need to be above ground installation, which would not fit the character of the neighborhood.

### **Proposed Motions and Conditions**

**Proposed Motion:** I move (approval or denial) of the pool as proposed, encroaching in to the secondary front yard setback by 17' resulting in a 8' secondary front yard setback. (Optional: With the following recommended conditions)

**Proposed Conditions:** None



BELLEAIR BUILDING DEPARTMENT  
901 PONCE DE LEON BLVD.  
BELLEAIR, FL 33756  
(727) 588-3775  
WWW.TOWNOFBELLAIR.COM/BUILDING

## VARIANCE APPLICATION CHECK-OFF SHEET

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

Owner's Name: Scott and Ally Ford  
Owner's Mailing Address: 12 Evonaire Circle  
Property Address: 12 Evonaire Circle  
Phone Number: 727-452-2910  
Representative's Name (if any): n/a  
Representative's Address (if any): n/a  
Representative's Phone Number (if any): n/a  
Date of Original Construction: 1955  
Impervious Cover: existing: 50.2%; proposed 56.7%  
Flood Zone and Elevation: X

### REQUIRED INFORMATION - PROVIDE (10) COPIES EACH

- ☒ Plans/Specs/Product Brochure
- ☒ Photos of the area (straight/right angle/left angle)
- ☒ Survey with setbacks shown
- ☒ Site plan with setbacks shown

### TOWN REVIEW

	<u>ZONING</u>	<u>PUB.WK</u>	<u>FIRE</u>	<u>BULD.</u>	<u>MRG.</u>
Date Sent:	_____	_____	_____	_____	_____
Date Returned:	_____	_____	_____	_____	_____

**Sec. 74-286. - Swimming pools, hot tubs, screened pool enclosures and similar structures.**

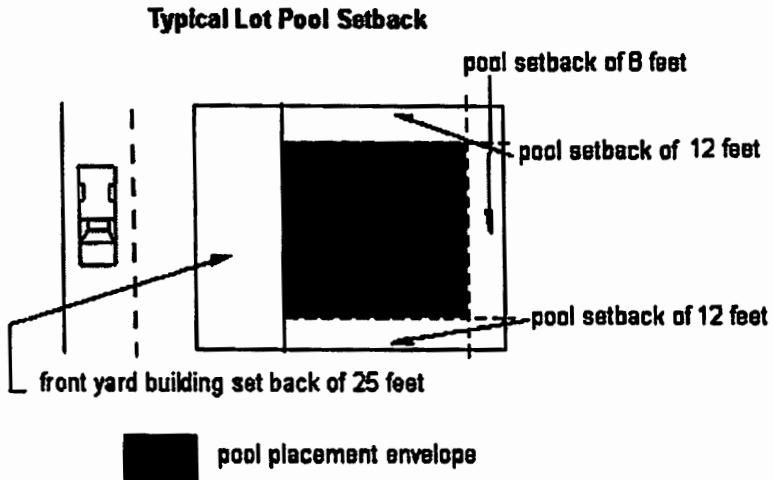
- (a) Swimming pools, hot tubs, and similar structures shall be permitted in rear and side yards, and shall not encroach into any required building setback except as noted in this section.
- (b) All setbacks for pools shall be measured from inside the edge of the pool.
- (c) Pool decks, patios, or semi-impervious surfaces shall be minimum of eight feet from the rear lot line and seven and one-half feet from any side lot line.
- (d) Swimming pools, hot tubs, and similar structures shall maintain a 12-foot side yard setback\* (See figure 4b in section 66-10 of this code). A minimum buffer as provided in figure 8 following section 74-232 shall be required along the side yard and front yard side of the pool. \*(If pool, hot tub, or similar structure is located on a corner lot see subsection (e) of this section)
- (e) Screened enclosures shall be considered a part of the principal pool structure and shall comply with standards for minimum distance between buildings, yard requirements and other building location requirements of this land development code, except that a swimming pool and its screened enclosure may be constructed to within eight feet of the rear property line. No part of any pool, hot tubs, and similar structures or its screened enclosure shall be closer than 12 feet to any seawall.
- (f) Swimming pools, hot tubs, and similar structures constructed on corner lots shall maintain rear yard setback standards (see subsection (c) of this section) along property boundaries not associated with street rights-of-way (See figure 4b in section 66-10 in this Code). A minimum buffer, as provided in figure 8 following section 74-232, shall be required along those boundaries and the front yard side of the pool.
- (g) Excavations for pools, hot tubs, and similar structures to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided and a shoring-up plan is submitted and approved by the town manager. A steeper slope may be permitted upon certification of adequacy by a state-licensed professional engineer.

(Ord. No. 399, § 1, 11-20-01)

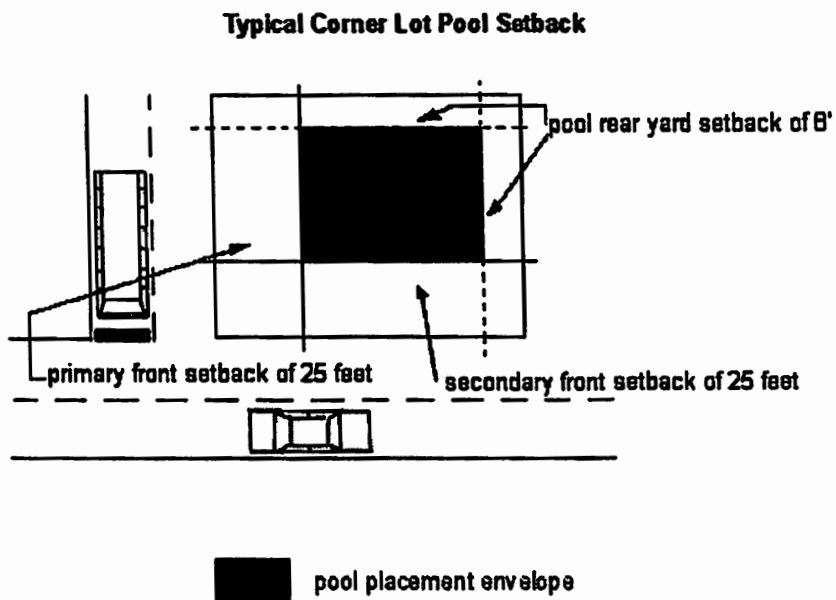


**Figure 4b**

**Typical Pool Setbacks**



**Drawing not to scale**



**Drawing not to scale**



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

DATE 7/27/2020

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Scott and Ally Ford, owner of Lot 13  
Block E 100FT, Subdivision BIONDI, property  
Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned residential.
3. The present land use on the property is single family residence.
4. The decision involves Article IV Section 74-286 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 permit a swimming pool in the secondary setback of a single-family home on a corner  
behind an existing fence currently shielded on the exterior side by a hedge covering more than 85% of its surface (see pictures).
7. The Justification for the request is (requests for the variances must demonstrate the practical  
difficulty or unnecessary hardship which justifies the variance): corner lot with existing house constructed to side  
setbacks leaving no room for pool within typical corner lot pool setback. Secondary setback where proposed pool would be located  
is currently fenced and shielded on the exterior side by a hedge covering more than 85%.
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:** \_\_\_\_\_

Scott and Ally Ford

Owner

12 Evonaire Circle

Address

727-452-2910

Telephone Number



BELLEAIR BUILDING DEPARTMENT  
901 PONCE DE LEON BLVD.  
BELLEAIR, FL 33756  
(727) 588-3775  
[WWW.TOWNOFBELLEAIR.COM/BUILDING](http://WWW.TOWNOFBELLEAIR.COM/BUILDING)

## IMPERVIOUS SURFACE RATIO SHEET

Site Address: 12 Evonaire Circle

**Impervious surface:** *A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.*

TOTAL SITE AREA IN SQUARE FEET (SF): 10,000

Existing Building Area (SF): 2,860

Slab Area (SF): 344

Driveway Area (SF): 1,487

Walkway Area (SF): 321

Condenser Platform Area (SF): 8

Pool and Deck Area(s) (SF): proposed: 651

Accessory Structure Area (SF): n/a

Proposed New Construction Area (SF): 651

TOTAL IMPERVIOUS LOT COVERAGE (SF): existing: 50.2; proposed: 56.7%

**The maximum total impervious surface allowed is 60%**



**JOB NUMBER: 2016022**  
**FOR THE BENEFIT OF:**  
**SCOTT C. FORD**

**SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST**  
**TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA**



**STREET ADDRESS:**  
**12 EAST EVONAIRE CIRCLE**  
**BELLEAIR, FLORIDA, 33756-1603**

**LEGAL DESCRIPTION:**

THE EAST 100.00 FEET OF LOT 13, **BIONDI SUBDIVISION**, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 48, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

**SURVEYORS NOTES:**

1. ALL CORNERS FOUND HAVE NO NUMBER DESIGNATING THE PREVIOUS SURVEYOR OR COMPANY EXCEPT AS SHOWN.
2. ALL BEARINGS AND DISTANCES ARE MEASURED PER PLAT AND/OR DEED UNLESS OTHERWISE NOTED.
3. NO UNDERGROUND ENCROACHMENTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN UNLESS OTHERWISE NOTED.
4. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED EXCEPT AS SHOWN HEREON.
5. BASIS OF BEARINGS: WEST RIGHT OF WAY LINE OF EAST EVONAIRE CIRCLE, BEING S.00°10'07"W. (PER PLAT).
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE RATE MAP NUMBER 12103C0112G, (COMMUNITY NUMBER 125088, PANEL 0112, SUFFIX G) MAP REVISED DATE 9/3/2003, AND THE BUILDING SHOWN HEREON IS IN FLOOD ZONE X.
7. PLATTED PARENT LOT CONTAINS AN ERROR OF CLOSURE OF 1.92 FEET.

**ABBREVIATION LEGEND:**

F.I.R. = FOUND IRON ROD (SIZE INDICATED)	SEC. = SECTION
S.I.R. = SET IRON ROD 1/2" LB7895 "EMME"	TWP. = TOWNSHIP
F.I.P. = FOUND IRON PIPE (SIZE INDICATED)	RGE. = RANGE
F.P.P. = FOUND IRON PIPE PINCHED (SIZE INDICATED)	(D) = DEED
F.N.D. = FOUND NAIL & DISK	(P) = PLAT
S.N.D. = SET NAIL & DISK LB7895 "EMME"	(M) = MEASURED
F.C.M. = FOUND CONCRETE MONUMENT	(C) = CALCULATED
P.R.M. = PERMANENT REFERENCE MONUMENT	(F) = FIELD
P.C.P. = PERMANENT CONTROL POINT	(R) = RADIAL
P.I. = POINT OF INTERSECTION	P.B. = PLAT BOOK
P.C. = POINT OF CURVE	PG. = PAGE
P.O.B. = POINT OF BEGINNING	CONC. = CONCRETE
R/W = RIGHT-OF-WAY	C/C = COVERED CONC.
TYP. = TYPICAL	ASPH. = ASPHALT
S/W = SIDEWALK	PVMT. = PAVEMENT
O.R. = OFFICIAL RECORDS	ESMT. = EASEMENT
P.S.M. = PROFESSIONAL SURVEYOR & MAPPER	ELEV. = ELEVATION
⊙ DENOTES UTILITY POLE	A/C = AIR CONDITIONER
WM DENOTES WATER METER	E/P = EDGE OF PAVEMENT
(H) DENOTES POOL HEATER	COR. = CORNER
(P) DENOTES POOL PUMP	COV. = COVERED
(D) DENOTES DRAINAGE MANHOLE	CL = CENTERLINE
☆ DENOTES LIGHT POLE	— CHW — DENOTES OVERHEAD WIRE(S)
ICE DENOTES IRRIGATION CONTROL BOX	— o — DENOTES 6' WOOD FENCE
V DENOTES VERIZON UTILITY VAULT	— o — DENOTES 4' CHAIN LINK FENCE
CA DENOTES CABLE BOX(S)	(UNLESS OTHERWISE NOTED)

**SURVEYORS CERTIFICATION:**

CERTIFIED AS A BOUNDARY SURVEY  
UNLESS IT BEARS THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ELIZABETH KATHLEEN MERTA ON FEBRUARY 8, 2016

*Elizabeth K. Merta*

ELIZABETH KATHLEEN MERTA, P.S.M. #8113  
LAST DATE OF FIELD WORK: 02/08/2016  
FIELD BOOK 1508, PG. 48



**EMME Land Surveying, LLC.**

1054 KAPP DRIVE, CLEARWATER, FLORIDA 33765  
OFFICE (727) 474-3751, FAX (727) 474-3753  
CERTIFICATE OF AUTHORIZATION LB NO. 7895  
email: [emmelandsurvey@gmail.com](mailto:emmelandsurvey@gmail.com)  
website: [www.emmelandsurveying.com](http://www.emmelandsurveying.com)



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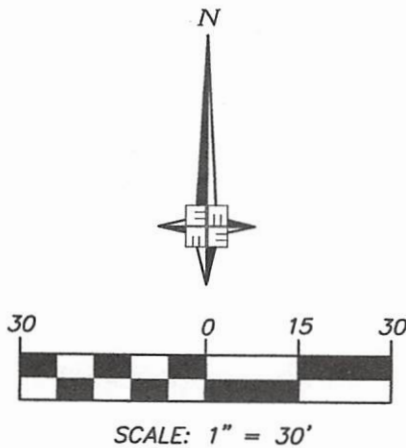
**SURVEY NOT COMPLETE**  
**WITHOUT PAGE 2**

SEE PAGE 2 FOR MAP OF SURVEY

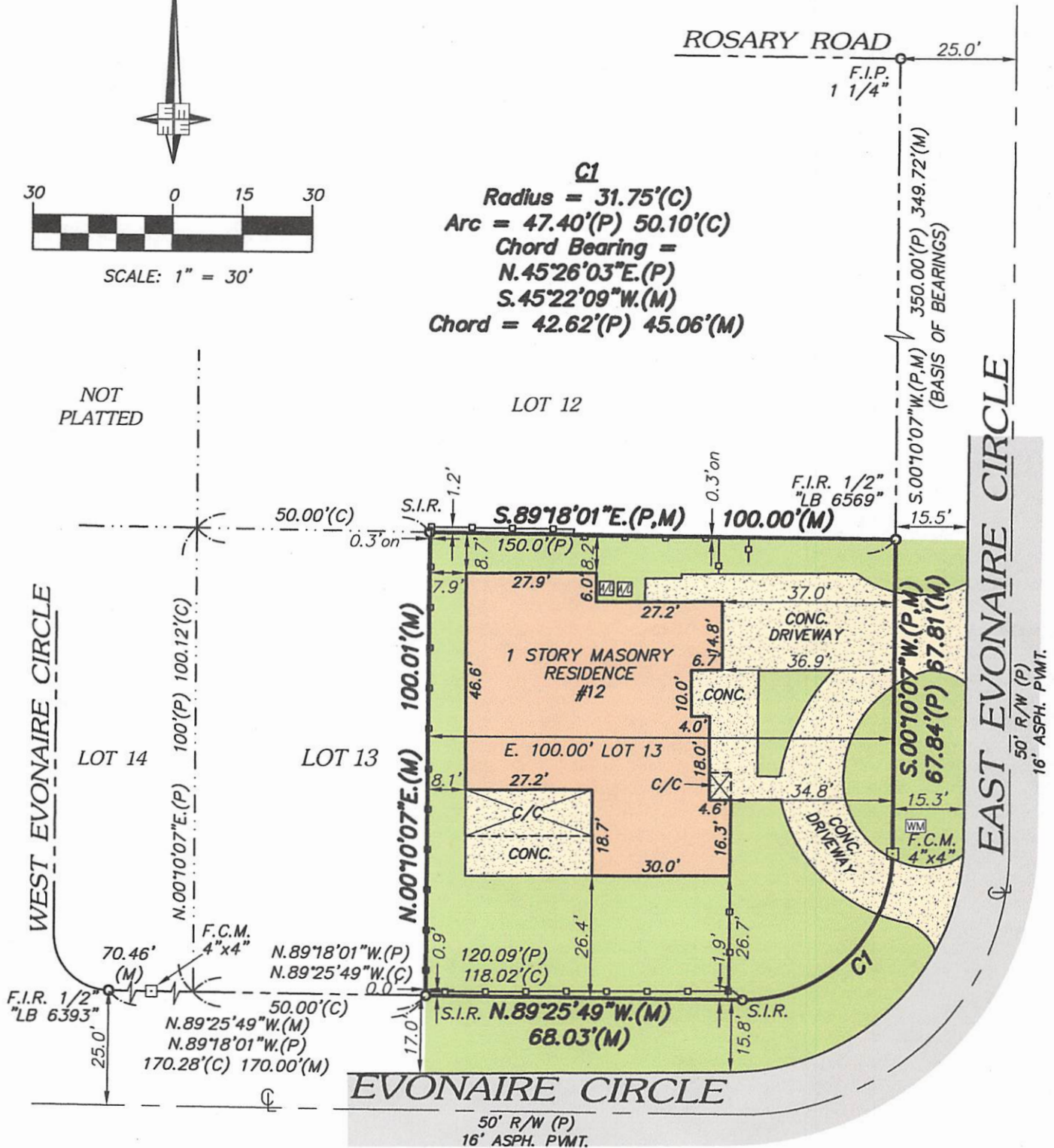


**JOB NUMBER: 2016022**  
**FOR THE BENEFIT OF:**  
**SCOTT C. FORD**

**SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST**  
**TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA**



**C1**  
**Radius = 31.75'(C)**  
**Arc = 47.40'(P) 50.10'(C)**  
**Chord Bearing =**  
**N.45°26'03"E.(P)**  
**S.45°22'09"W.(M)**  
**Chord = 42.62'(P) 45.06'(M)**



**EMME Land Surveying, LLC.**

1054 KAPP DRIVE, CLEARWATER, FLORIDA 33765  
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 website: [www.emmelandsurveying.com](http://www.emmelandsurveying.com)



Page 2 of 2

**SURVEY NOT COMPLETE**  
**WITHOUT PAGE 1**

SEE PAGE 1 FOR LEGAL  
 DESCRIPTION, LEGEND & NOTES



pool  
location



Property line

8 ft.

31 ft.

3 ft.

26 ft.

8 ft.

21 ft.

3 ft.

5 ft.

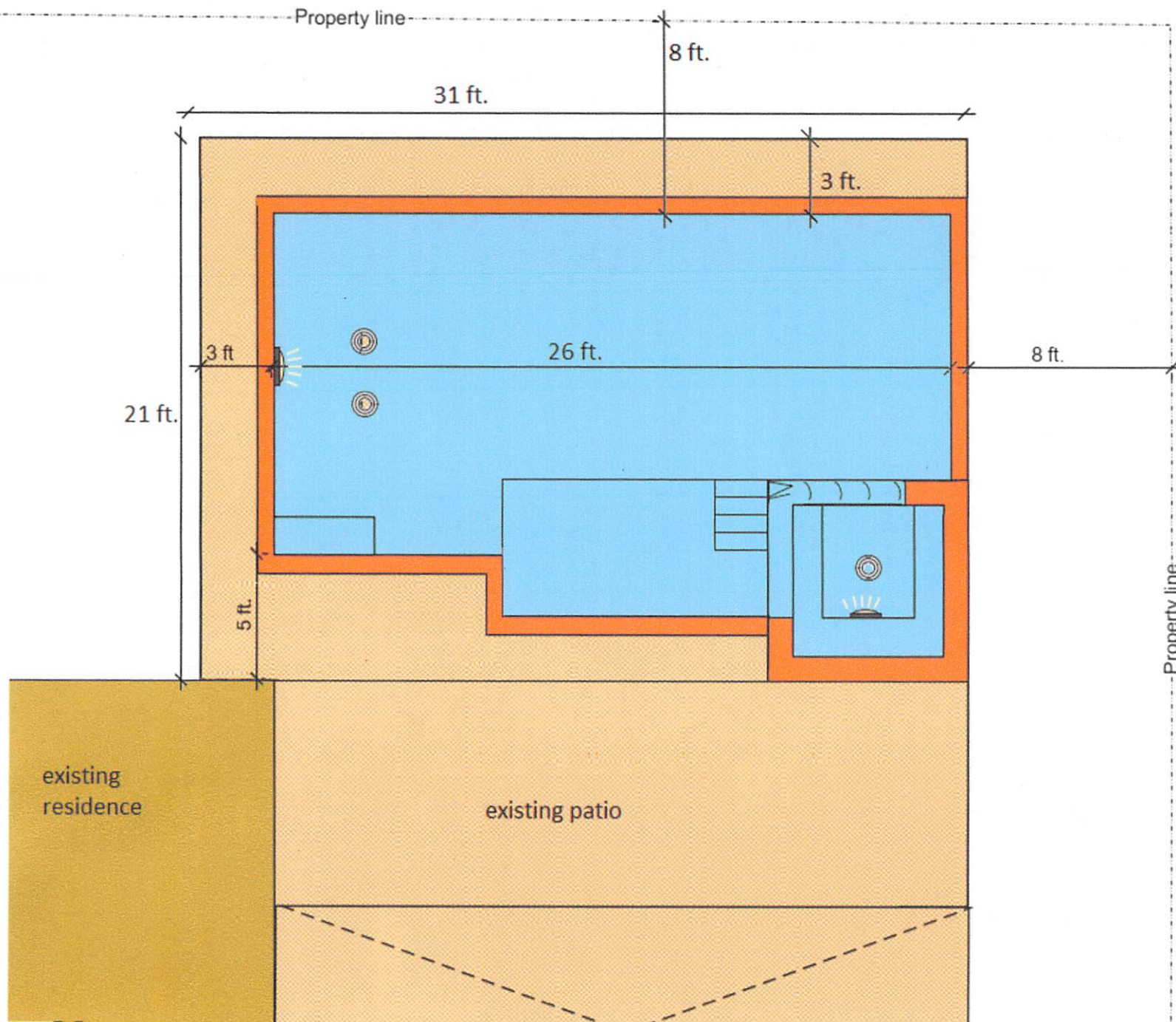
Property line

Proposed Pool addition  
Scott and Ally Ford  
12 Evonaire Circle

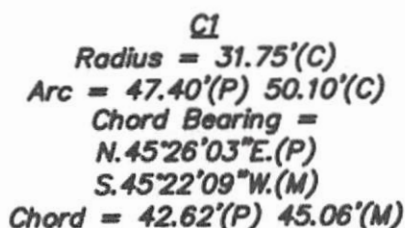
existing  
residence

existing patio

not to scale



SECTION 29, TOWNSHIP 29 SOUTH, RANGE 15 EAST  
TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA



1054 KAPP DRIVE, CLEARWATER, FLORIDA 33765  
OFFICE (727) 474-3751, FAX (727) 474-3753  
CERTIFICATE OF AUTHORIZATION LB NO. 7895  
email: [emmelandsurvey@gmail.com](mailto:emmelandsurvey@gmail.com)  
website: [www.emmelandsurveying.com](http://www.emmelandsurveying.com)



SURVEY NOT COMPLETE  
WITHOUT PAGE 1

SEE PAGE 1 FOR LEGAL  
DESCRIPTION, LEGEND & NOTES

























**29-29-15-08946-000-0130**[Compact Property Record Card](#)[Tax Estimator](#)**Updated September 9, 2020**[Email Print](#)[Radius Search](#)[FEMA/WLM](#)

Ownership/Mailing Address <a href="#">Change Mailing Address</a>	Site Address
FORD, SCOTT C NEAL, ALLY L 12 EVONAIRE CIR BELLEAIR FL 33756-1603	12 E EVONAIRE CIR BELLEAIR



[Property Use:](#) 0110 (Single Family Home)    Current Tax District: BELLEAIR ([BL](#))    Total Living: SF: 2,725    Total Gross SF: 3,204    Total Living Units: 1

[click here to hide] **Legal Description**

BIONDI SUB E 100FT OF LOT 13

<a href="#">Tax Estimator</a>	<a href="#">File for Homestead Exemption</a>	2020 Parcel Use															
<table> <tr> <th>Exemption</th><th>2020</th><th>2021</th></tr> <tr> <td>Homestead:</td><td>Yes</td><td>Yes</td></tr> <tr> <td>Government:</td><td>No</td><td>No</td></tr> <tr> <td>Institutional:</td><td>No</td><td>No</td></tr> <tr> <td>Historic:</td><td>No</td><td>No</td></tr> </table>	Exemption	2020	2021	Homestead:	Yes	Yes	Government:	No	No	Institutional:	No	No	Historic:	No	No		*Assuming no ownership changes before Jan. 1 Homestead Use Percentage: 100.00% Non-Homestead Use Percentage: 0.00% Classified Agricultural: No
Exemption	2020	2021															
Homestead:	Yes	Yes															
Government:	No	No															
Institutional:	No	No															
Historic:	No	No															

**Parcel Information [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)**

Most Recent Recording	<a href="#">Sales Comparison</a>	<a href="#">Census Tract</a>	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
14002/0960	\$448,600 <a href="#">Sales Query</a>	121030257003	NON EVAC	<a href="#">Compare Preliminary to Current FEMA Maps</a>	27/48

**2020 Preliminary Value Information**

Year	<a href="#">Just/Market Value</a>	<a href="#">Assessed Value / SOH Cap</a>	<a href="#">County Taxable Value</a>	<a href="#">School Taxable Value</a>	<a href="#">Municipal Taxable Value</a>
2020	\$381,597	\$217,658	\$167,658	\$192,658	\$167,658

[click here to hide] **Value History as Certified (yellow indicates correction on file)**

Year	<a href="#">Homestead Exemption</a>	<a href="#">Just/Market Value</a>	<a href="#">Assessed Value</a>	<a href="#">County Taxable Value</a>	<a href="#">School Taxable Value</a>	<a href="#">Municipal Taxable Value</a>
2019	Yes	\$376,027	\$212,764	\$162,764	\$187,764	\$162,764
2018	Yes	\$366,710	\$208,797	\$158,797	\$183,797	\$158,797
2017	Yes	\$344,409	\$204,502	\$154,502	\$179,502	\$154,502
2016	Yes	\$320,064	\$200,296	\$150,296	\$175,296	\$150,296
2015	Yes	\$177,585	\$131,342	\$81,342	\$106,342	\$81,342
2014	Yes	\$130,300	\$130,300	\$80,300	\$105,300	\$80,300
2013	Yes	\$130,479	\$130,479	\$80,479	\$105,479	\$80,479
2012	Yes	\$138,207	\$138,207	\$88,207	\$113,207	\$88,207
2011	Yes	\$142,233	\$142,233	\$92,233	\$117,233	\$92,233
2010	Yes	\$154,754	\$154,754	\$104,754	\$129,754	\$104,754
2009	Yes	\$197,059	\$197,059	\$147,059	\$172,059	\$147,059
2008	Yes	\$297,600	\$265,005	\$215,005	\$240,005	\$215,005
2007	Yes	\$313,500	\$257,286	\$232,286	N/A	\$232,286
2006	Yes	\$263,600	\$251,011	\$226,011	N/A	\$226,011
2005	Yes	\$243,700	\$243,700	\$218,700	N/A	\$218,700
2004	No	\$180,300	\$180,300	\$180,300	N/A	\$180,300
2003	Yes	\$146,900	\$146,900	\$121,900	N/A	\$121,900
2002	Yes	\$159,100	\$96,100	\$71,100	N/A	\$71,100
2001	Yes	\$109,800	\$94,600	\$69,600	N/A	\$69,600
2000	Yes	\$102,000	\$91,900	\$66,900	N/A	\$66,900
1999	Yes	\$96,500	\$89,500	\$64,500	N/A	\$64,500
1998	Yes	\$88,200	\$88,100	\$63,100	N/A	\$63,100
1997	Yes	\$85,000	\$83,900	\$58,900	N/A	\$58,900
1996	Yes	\$81,500	\$81,500	\$56,500	N/A	\$56,500

**2019 Tax Information**[2019 Tax Bill](#)Tax District: [BL](#)

2019 Final Millage Rate 21.3020

**Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new [Tax Estimator](#) to estimate taxes under new ownership.**

**Ranked Sales** ([What are Ranked Sales?](#)) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
14 Dec 2004	14002 / 0960	\$274,000	Q	I
25 Jun 1990	07311 / 0767	\$62,000	U	I
1978	04706 / 1417	\$37,300	Q	
1977	04539 / 1060	\$30,000	Q	

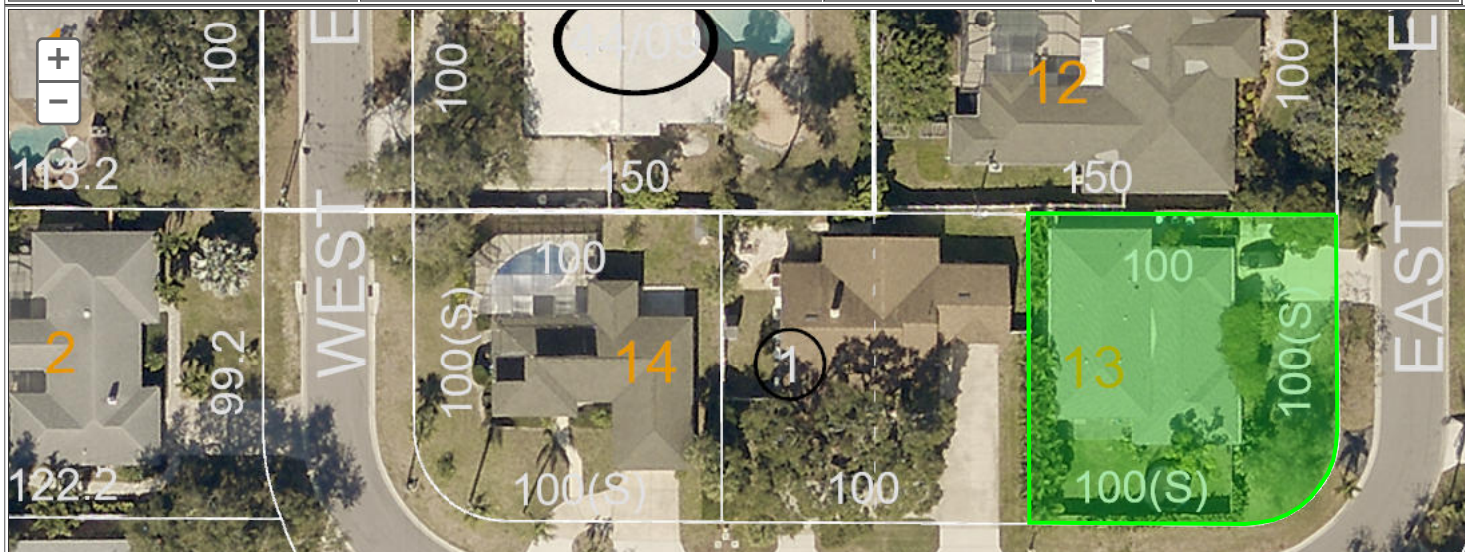
**2020 Land Information**

Seawall: No

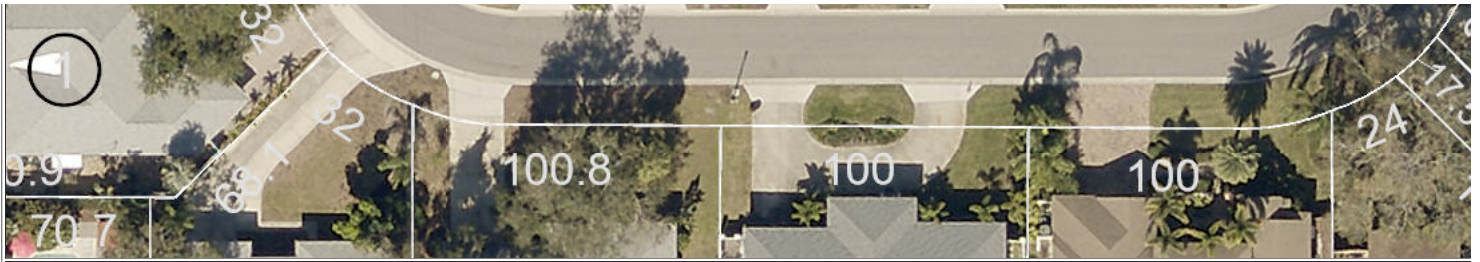
Frontage:

View: None









If you are experiencing [issues with this map loading](#), you may need to clear your web browsing history.

[Interactive Map of this parcel](#)

[Map Legend](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)



## NOTICE OF APPEARANCE

I, Scott and Ally Ford, (individual or corporate representative), hereby file and serve notice of my appearance/lawyer or other appropriate representative's appearance, to present testimony and/or cross examine other witnesses at the quasi-judicial hearings to be held on: Monday, September 14, 2020 at 5:30 P.M. - Planning and Zoning Board and Thursday, September 17, 2020 at 6:00 P.M. - Town Commission

I understand that upon filing this Notice of Appearance, I shall be considered a participant in the hearing, subject to a determination of standing if challenged.

Address of variance property 12 Evonaire Circle, Belleair, FL

Name: Scott and Ally Ford  
(Please Print)  
Address: 12 Evonaire Circle  
Belleair, FL 33756

**Please complete and submit this form if you are planning on attending IN PERSON.**  
**Comments can be submitted by email or through virtual participation as outlined in the**  
**public hearing notice.**

Lawrence D. Copp  
Patricia L. Weaver  
20 Evonaire Circle  
Belleair, FL. 33756

Greg Lauda  
Town of Belleair  
Belleair, FL 33756

To Whom It May Concern:

Scott and Ally Ford at 12 Evonaire Circle have explained to us their plan to install an in-ground swimming pool in their side yard at 12 Evonaire. We are abutters to the west of the Ford property. The Fords have explained that they will maintain the existing tree line and fencing between their west property line along our east boundary and adjacent to our driveway. We have been informed by the Fords that a variance is required for the proposed construction.

With the provision that the tree line and fencing will be maintained along their west boundary with our property, we are supportive of the Ford's proposed construction.

Accordingly, we have no objection to the variance or the construction of the pool, as long as the tree line and fencing that they own on their western (and our eastern) boundary, along with their privacy plantings, are to be maintained.

Sincerely,

Lawrence D. Copp  
Patricia L. Weaver

---

## Fwd: Variance for Scott and Ally Ford - 12 Evonaire Circle

1 message

---

**allyfordyoga@gmail.com** <allyfordyoga@gmail.com>

Sat, Aug 1, 2020 at 4:38 PM

To: Gregg Lauda <glauda@townofbelleair.net>, Christine Nicole <cnicole@townofbelleair.net>

In peace,

Ally Ford  
cell: 727-599-8867

Begin forwarded message:

**From:** Sarah Harvey <[sccowes@aol.com](mailto:sccowes@aol.com)>  
**Date:** April 25, 2020 at 5:34:33 PM EDT  
**To:** "[allyfordyoga@gmail.com](mailto:allyfordyoga@gmail.com)" <[allyfordyoga@gmail.com](mailto:allyfordyoga@gmail.com)>  
**Subject:** Variance for Scott and Ally Ford - 12 Evonaire Circle

Sent from [Mail](#) for Windows 10

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**From:** [Sarah Harvey](#)  
**Sent:** Saturday, April 25, 2020 5:26 PM  
**To:** [glauda@townofbelleair.net](mailto:glauda@townofbelleair.net)  
**Subject:** Variance for Scott and Ally Ford - 12 Evonaire Circle

The Ford Family

> Scott, Ally, Ian and Ila

> 12 Evonaire Cir

> \_\_\_\_\_

> Dear Town of Belleair,

>

> We have no issue with the necessary variance for our neighbors, the Fords at [12 Evonaire Circle](#) to build a swimming pool. It will not encroach upon our property or privacy.

>

> Best wishes,

>

>Neil and Sarah Harvey

11 Evonaire Circle E

Belleair, FL 33756

727-504-4585> cell Phone

>

Sent from [Mail](#) for Windows 10



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

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**F84904E916924FA7861CA095DB4150EC.png**

1K

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## Fwd: Approval for pool set back

1 message

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**allyfordyoga@gmail.com** <allyfordyoga@gmail.com>

Sat, Aug 1, 2020 at 4:39 PM

To: Gregg Lauda <glauda@townofbelleair.net>, Christine Nicole <cnicole@townofbelleair.net>

In peace,

Ally Ford  
cell: 727-599-8867

Begin forwarded message:

**From:** Bill Madden <billbat444@gmail.com>  
**Date:** April 25, 2020 at 12:58:51 PM EDT  
**To:** allyfordyoga@gmail.com  
**Subject: Re: Approval for pool set back**

Yes, I approve. Bill and Lillian Madden, [17 Evonaire Circle](#), 917-842-2309

On Sat, Apr 25, 2020 at 11:54 AM <allyfordyoga@gmail.com> wrote:

Hi Bill and Lillian,

> As you know, our family is looking at plans for a swimming pool. Due to our property setback, we must get a variance from the town and they asked for letters of approval from our neighbors.

>

> If you approve, will you please email me the below verbiage, along with your name, phone and address?

>

> We'd so appreciate it!!

>

> The Ford Family

> Scott, Ally, Ian and Ila

> [12 Evonaire Cir](#)

> \_\_\_\_\_

> Dear Town of Belleair,

>

> We have no issue with the necessary variance for our neighbors, the Fords at [12 Evonaire Circle](#) to build a swimming pool. It will not encroach upon our property or privacy.

>

> Best,

>

> Family name

> Address

> Phone

>

---

## Fwd: Approval for pool

1 message

---

**allyfordyoga@gmail.com** <allyfordyoga@gmail.com>

Sat, Aug 1, 2020 at 4:39 PM

To: Gregg Lauda <glauda@townofbelleair.net>, Christine Nicole <cnicole@townofbelleair.net>

In peace,

Ally Ford  
cell: 727-599-8867

Begin forwarded message:

**From:** Shawn <shawn.tanney@gmail.com>  
**Date:** April 25, 2020 at 11:27:48 AM EDT  
**To:** [allyfordyoga@gmail.com](mailto:allyfordyoga@gmail.com)  
**Subject:** Approval for pool

Dear Town of Belleair,

I support the issuance of the necessary variance for my neighbors, the Fords, at [12 Evonaire Circle](#), to build a swimming pool. It will not encroach upon my property or privacy.

Best,  
Shawn  
Shawn Tanney Richards  
[23 Evonaire Circle](#)  
[Belleair, FL 33756](#)  
727-542-7328

---

## Fwd: Approval for pool set back

1 message

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**allyfordyoga@gmail.com** <allyfordyoga@gmail.com>

Sat, Aug 1, 2020 at 4:39 PM

To: Gregg Lauda <glauda@townofbelleair.net>, Christine Nicole <cnicole@townofbelleair.net>

In peace,

Ally Ford  
cell: 727-599-8867

Begin forwarded message:

**From:** ann white <fritziwhite.fl@gmail.com>  
**Date:** April 25, 2020 at 12:20:54 PM EDT  
**To:** allyfordyoga@gmail.com  
**Subject: Re: Approval for pool set back**

Dear Town of Belleair,  
I have no issue with the necessary variance for my neighbors, the Fords at [12 Evonaire Circle](#) to build a swimming pool. It will not encroach upon my property or privacy.  
Best regards,  
Ann F. White  
[15 Evonaire Circle](#)  
[727-543-4092](#)

On Sat, Apr 25, 2020, 12:05 PM <allyfordyoga@gmail.com> wrote:  
Hi Ann!

>> As you know, our family is looking at plans for a swimming pool. Due to our property setback, we must get a variance from the town and they asked for letters of approval from our neighbors.  
>>  
>> If you approve, will you please email me the below verbiage, along with your name, phone and address?  
>>  
>> We'd so appreciate it!!  
>>  
>> The Ford Family  
>> Scott, Ally, Ian and Ila  
>> [12 Evonaire Cir](#)  
>> \_\_\_\_\_  
>  
>> Dear Town of Belleair,  
>>  
>> We have no issue with the necessary variance for our neighbors, the Fords at [12 Evonaire Circle](#) to build a swimming pool. It will not encroach upon our property or privacy.  
>>  
>> Best,  
>>  
>> Family name  
>> Address  
>> Phone  
>>



---

## Fwd: Pool Variance

1 message

---

**allyfordyoga@gmail.com** <allyfordyoga@gmail.com>

Sat, Aug 1, 2020 at 4:39 PM

To: Gregg Lauda <glauda@townofbelleair.net>, Christine Nicole <cnicole@townofbelleair.net>

In peace,

Ally Ford  
cell: 727-599-8867

Begin forwarded message:

**From:** Jennifer Whitehead <jkeweshan@yahoo.com>  
**Date:** April 25, 2020 at 11:15:18 AM EDT  
**To:** Ally Ford <Ally@allyford.com>  
**Subject:** Pool Variance

Dear Town of Belleair,

We have no issue with the necessary variance for our neighbors, the Fords at swimming pool. It will not encroach upon our property or privacy.

to build a

Best,

Jennifer Whitehead  
14 Evonaire Circle  
Belleair FL 33756  
727-517-6333

Phone  
Sent from my iPhone



## Legislation Details (With Text)

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**File #:** 20-0199      **Version:** 1      **Name:**

**Type:** Minutes      **Status:** Minutes Approval

**File created:** 8/11/2020      **In control:** Planning & Zoning Board

**On agenda:** 9/14/2020      **Final action:**

**Title:** Approval of July 13, 2020 Meeting Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [P&Z 07-13-2020](#)

Date	Ver.	Action By	Action	Result
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# Town of Belleair

901 Ponce de Leon Blvd.  
Belleair, FL 33756

## Meeting Minutes Planning & Zoning Board

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Monday, July 13, 2020

5:30 PM

Town Hall

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**Zoom Meeting ID: 838 9349 5737**

### ROLL CALL

**Present** 6 - Vice Chairman Jim Millspaugh, Marc Mariano, Peter Kyles, Brand Shank, Pam Kern, and Joseph Namey  
**Absent** 1 - Chairman Bonnie-Sue Brandvik

### SCHEDULED PUBLIC HEARING

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Mr. Millspaugh asked if there were any exparte communications. None were expressed.

#### [20-0165](#)

Request for Variance - 3 Winston Drive

JP Murphy-Town Manager-Introduced case; provided property details, new home under construction; approval of variance would allow for construction of fence which would encroach into 25ft primary front yard setback resulting in a 0ft setback. Detailed proposed location, fence would be 15ft back from the back of curb, columns are proposed for an 11ft spacing; showed aerial photos of proposed placement to help address resident concerns regarding where it would be placed. Noted that the house is at northerly extent of building setback line.

Town Clerk swore in those wishing to speak.  
Rick Tutwiler, Gregg Gallagher, Janice Metz

Rick Tutwiler-applicant-discussed background of property; provided details of his request; available for questions.

Mr. Murphy requested applicant to clarify dimensions of fence and intent.

Mr. Tutwiler provide further explanation as to the design of fence; stated fence was not to exceed 4 ft. in height.

Mr. Millspaugh opened the floor to board for discussion.

Ms. Kern commented on lack of detail as to what the proposed fence will look like; difficult for her to make a decision.

Mr. Tutwiler discussed position of columns; was in agreement with Ms. Kern; will get more specific visuals if moving forward.

Craig Gallagher-Contractor-Stated examples provided in packet are very similar to what is being proposed in architectural plan.

Mr. Kyres in agreement with Ms. Kern; concerned with proximity to street. Mr. Gallagher said it would be 15 ft. from curb.

Mr. Millspaugh stated most of examples were estate properties and on larger lots; property in question is a small lot; difficult to compare; need comparable properties to this one.

Mr. Gallagher noted that even those that are estate have a similar distance from the curb as being requested; still ability for a sidewalk to be installed later on.

Ms. Kern discussed criteria for granting conditional approval for a variance; stated variance stands on it's own, not wanting to get sidetracked by comparing similar properties.

Marc Mariano has no questions, feels it is a straight forward request and there is room.

There was no cross examination from staff; Mr. Tutwiler had no cross examination or questions.

Mr. Gallagher stated the fence and gate will be similar to other residents and feels the applicant should be able to do the same.

Janice Metz-Resident-thanked for clarifying some of the issues; Winston Dr. was a narrow street with no outlet at one end. (call dropped)

Al Acken-resident-took oath provided by Mr. Murphy. Commented on fencing for estate sized lots; concerned with allowing here; unsure of where the lot lines are. Mr. Murphy clarified location. Mr. Acken is against fences along Winston.

Ms. Metz called back in; commented on street being narrow; believes it closes the street up; opposed to it; put left it to the board.

Mr. Murphy stated there were 3 emails from residents stating they were against the request. Asked if there were any parties for the request.

Michael Mucci-sworn in by Town Manager; echoed Ms. Metz's comments regarding aesthetics; it is first house and would change appearance of street.

Mr. Tutwiler provided rebuttal; discussed problems in past regarding dogs; fence would be aesthetically pleasing.

Mr. Murphy had questions regarding area near seawall and how it would to be closed off; Mr. Tutwiler responded; fence at seawall not to exceed the height requirement; taper down at seawall.

Meeting was closed to public comment.

Mr. Shank commented on number of neighbors opposed; no further questions.

Mr. Mariano commented on previous board actions and zoning districts; over-arching objective in maintaining park like setting; recognized safety aspect; doesn't want to create a precedent.

Ms. Kern referred to variance conditions needed; not seeing an undue hardship; if dogs are issue, other avenues that could be pursued.

Mr. Murphy stated the recommendation of the board would go forward to the Commission on the 21st.

**Pam Kern moved to deny. Seconded by Brand Shank.**

**Aye:** 6 - Vice Chairman Millspaugh, Mariano, Kyres, Shank, Kern, and Namey

**Absent:** 1 - Chairman Brandvik

## CITIZENS COMMENTS

None given.

## APPROVAL OF MINUTES

[20-0167](#) Approval of March 9, 2020 Meeting Minutes

**Marc Mariano moved to approve the minutes. Seconded by Joseph Namey.**

**Aye:** 5 - Vice Chairman Millspaugh, Mariano, Kyres, Shank, and Namey

**Absent:** 1 - Chairman Brandvik

**Abstain:** 1 - Kern

## GENERAL AGENDA

[20-0164](#) Election of Officers

**Pam Kern moved to table. Seconded by Marc Mariano.**

**Aye:** 6 - Vice Chairman Millspaugh, Mariano, Kyres, Shank, Kern, and Namey

**Absent:** 1 - Chairman Brandvik

[20-0169](#) Discussion of Fence Ordinance

Mr. Murphy discussed definitions regarding secondary front yard setbacks; interpretations; other issue regarding plantings and ensuring they are being done, suggestion to require a landscape plan as part of the permit approval process for a fence; lastly chainlink fencing and aesthetics.

Deputy Mayor Rettstatt-commented on code enforcement having to get involved when not being followed; as far as landscaping, fencing companies pulling permits, a landscape plan would require property owner to finish job; code enforcement is costly to pursue issue.

Discussions ensued regarding options; bonding or mitigation until vegetation installed;

avoiding expense of code enforcement; maintaining park-like setting by keeping them covered.

Mr. Shank questioned current enforcement process; Mr. Murphy stated 1st action would be to give 30 days to remedy, if not responsive, taken to county court as ordinance violation which is \$250/day fine; other option is special magistrate hearing process; found in compliance or not, code compliance fine up to \$250/day repeat can be up to \$500/day; liens imposed and sometimes not able to recoup costs associated with foreclosure proceedings.

Mr. Mariano commented on getting intended screening placed on fence application.

Board discussions regarding providing list of plantings and requirements for screening; ongoing maintenance information; adding to permit process.

Deputy Mayor commented on making sure that applicants requesting fence variances to provide for detailed information to the board and the commission; Mr. Murphy commented on variance request regarding the information provided; needing to supply more detail.

Mr. Mariano spoke on not setting precedence; mandatory elevation details.

Mrs. Kern stated landscaping plan should be provided at application of permit; bond required; total front elevation provided; variance request criteria.

## **OTHER BUSINESS**

No further business.

## **COMMISSION ADVISOR REPORT**

Deputy Mayor Rettstatt - Nothing further to report.

## **ADJOURNMENT**

Meeting adjourned in due form at 7:15 PM.

## **APPROVED:**

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**VICE CHAIRMAN**



## Legislation Details (With Text)

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**File #:** 20-0164      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** General Agenda

**File created:** 6/29/2020      **In control:** Planning & Zoning Board

**On agenda:** 9/14/2020      **Final action:**

**Title:** Election of Officers

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/13/2020	1	Planning & Zoning Board	tabled	Pass



## Legislation Details (With Text)

**File #:** 20-0215      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** General Agenda  
**File created:** 8/31/2020      **In control:** Planning & Zoning Board  
**On agenda:** 9/14/2020      **Final action:**  
**Title:** Review and revision of Town Tree Ordinance  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Belleaire Tree Ordinance Revisions](#) [Staff Report Recommendations](#)

Date	Ver.	Action By	Action	Result
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### Summary

To: Planning and Zoning Board Members  
From: Ricky Allison, Director of Public Works and Recreation  
Date: 8/31/2020

### Subject:

Review and revision of Town Tree Ordinance

### Summary:

The Park and Tree Board has, for some time, shown interest in reviewing the current tree ordinance identified as Sec. 74-381 Division 2. Trees. Recent state legislation has overridden several parts of the existing code that pertain to the removal of hazardous trees. The attached proposal includes a review of our current code and a revision to include language that includes “Grand Trees” and a better definition of state legislation. Calvin, Giordano & Associates, Inc. have supplied a list of recommendations for the alteration of the existing code. The Board must decide if they would like to proceed with the recommendations listed in the preliminary report.

**Previous Commission Action:** N/A

**Background/Problem Discussion:** . Initially the Board was interested in adding language that would further protect trees identified as “Grand Trees” by the Board and Commission. During the initial discussion the State of Florida introduced HB 1159 that allowed the removal of hazardous trees on private property without the notification of the municipality. The bill became law in June 2019 and further discussion was needed to decide how the Town of Belleair tree ordinance could be revised to provide so clarification of language within the State law. The Public Works Department has asked for more language be provided to combat the effects of Florida Statute 163.045. We are awaiting a legal opinion from our attorney on the matter before proceeding with the consultant.

**Expenditure Challenges** The law has decreased money coming into the Town tree fund due to the reduction of tree permits required.

**Financial Implications:** Full review and revision of the ordinance would cost \$8,000 as proposed by Calvin, Giordano & Associates. Initially the Public Works Department received a quote for \$9,665.00 from a consulting arborist.

**Recommendation:** Recommend the Board to review and approve modifying current code with



recommendations from consulting planner.


**Proposed Motion** Propose to approve modifying current code with recommendations from Calvin, Giordano & Associates..



**MEMORANDUM**

**TO:** Ricky Allison, Parks & Recreation Director  
Town of Belleair

**CC:** JP Murphy, Town Manager  
Town of Belleair

**FROM:**  Christine M. Fisher, AICP  
Calvin, Giordano & Associates, Inc.

**SUBJECT:** **Belleair Staff Report**  
City-Initiated Proposed Revisions to Chapter 74, Article VI.  
Resource Protection Standards, Division 2 – Trees; Town of  
Belleair Code of Ordinances

**DATE:** June 29, 2020

**BACKGROUND**

Per the Town's direction, we have reviewed Chapter 74, Article VI. Resource Protection Standards, Division 2 – Trees of the Town of Belleair Code of Ordinances for consistency with recent changes in State Law related to tree protection on residential property, as well as assessed how comparable communities protect "grand" or "heritage" trees. The following summarizes our recommendations to revise the Tree Protection regulations to address these two issues.

**CONSISTENCY WITH CHAPTER 2019-155 LAWS OF FLORIDA, SECTION 163.045, FLORIDA STATUTES**

In 2019, Florida Legislature adopted House Bill 1159 (Chapter 2019-155, Laws of Florida), creating Section 163.045, F.S.; prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming or removal of a tree on residential property if a property owner obtains specified documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree "presents a danger to persons or property"; and prohibiting local governments from requiring property owners to replant such trees. It was approved by the Governor on June 26, 2019 and became effective on July 1, 2019. A municipality or governmental agency may request that the residential property owner provide the report from a certified arborist or licensed landscape architect to verify that the tree was deemed a danger to person or property. This exemption does not apply to non-residential property nor mangroves and mangrove protection areas.

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  
Geographic Information  
Systems (GIS)  
Governmental Services  
Indoor Air Quality  
Landscape Architecture  
Planning  
Project Management  
Redevelopment  
& Urban Design  
Surveying & Mapping  
Traffic Engineering  
Transportation Planning  
Water / Utilities Engineering  
Website Development

Feather Sound  
Corporate Center  
13535 Feather Sound Dr.  
Suite 135  
Clearwater, FL 33762  
727.394.3825 phone

[www.cgasolutions.com](http://www.cgasolutions.com)



The Town of Belleair Land Development Code, does not currently exempt residential property owners from compliance with tree protection requirements regarding trees that present a danger to persons or property. Many Florida communities have revised their land development codes to exempt such trees from tree regulations and permitting requirements. To be consistent with Section 163.045, Florida Statutes state statutes, the Town of Belleair should include provisions in Section 74-382 of the Land Development Code to exempt “dangerous trees” on residential properties from tree protection requirements.

### **PRESERVATION OF GRAND TREES**

The Town of Belleair has requested that we research contemporary land development regulations pertaining to “Grand” Trees and recommend revisions to the **Town’s Code of Ordinances, Chapter 74, Article VI, Division 2 – Trees**, to protect and preserve significant trees. Grand Trees are larger in size and canopy coverage than a standard tree. They provide a valuable natural resource and ecological benefit to the community and enhance the overall quality of life of its residents. To better protect trees of significance, the Town will need to determine what trees should be considered “Grand Trees” and establish additional criteria to ensure their continued preservation.

Communities use a variety of approaches to designate and protect a Grand Tree. Some municipalities designate a tree as a Grand Tree according to size and species and/or condition. For instance, designation of a Grand Tree in the City of Dunedin is determined based on a list of various tree species and corresponding minimum trunk diameter at breast height (DBH: 54 inches above the surface of the ground at the base of the tree, or sum of diameters at this height if there are multiple stems) as well as an overall condition rating as defined in the City of Dunedin Tree Condition Rating Guidelines and tree Evaluation Form for Overall Condition rating, as provided by their Parks Division. In St. Petersburg, a Grand Tree is defined as any protected tree which is 30 inches at DBH or larger, excluding laurel oaks. Temple Terrace uses a hybrid approach in which Grand Trees include any tree on the Approved Tree List with a diameter of at least 24 inches at DBH.

### **RECOMMENDATION**

#### *Dangerous Trees*

The Town should revise the Land Development Code to address the recent changes to Florida Statutes regarding trees on residential property that have been determined to be a danger to property or persons by a certified Arborist or Landscape Architect. The following amendment is recommended:



**Sec. 74-382. - Exemptions from tree protection requirements.**

- (a) *Nuisance trees.* The following types of trees shall be exempt from the tree protection requirements of this land development code:
  - (1) Brazilian pepper.
  - (2) Malaleuca (punk tree).
- (b) *Emergency work.* During emergencies caused by a hurricane or other disaster, the town manager may suspend the tree protection regulations.
- (c) *Dangerous Trees.* Trees on residential property that have been determined to present a danger to persons or property by an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect are exempt from the tree protection requirements of this land development code, pursuant to Section 163.045, Florida Statutes. This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to Sections 403.9321-403.9333, F.S. Should Florida Statute 163.045 be repealed or otherwise withdrawn, the exemptions of this Section 114-103(b) shall no longer apply.

It is also recommended that revisions be made to permit requirements to reference the tree protection exemption:

**Sec. 74-381. - Permit required for removal of protected trees.**

On any real property within the limits of the town, it shall be unlawful for any person to remove or cause to be removed any protected tree without first having procured a permit as provided for in this land development code, unless exempted pursuant to Section 74-382. Where any site is proposed for development on which there are protected trees, a tree survey shall be provided as part of the development permit application.

*Applicability*

While the Town's Tree regulations include a list of trees that are exempted from the tree protection requirements, it may be helpful to add applicability language to clearly indicate the circumstances in which this division is applied. For instance, a new Applicability section could be added as Section 47-380 which describes Protected Trees, or references the definition of Protected Trees found in **Section 66-10, Definitions**. Another option is to revise the following section to incorporate applicability criteria:

**Sec. 74-382. - Exemptions from tree protection requirements. Applicability**

The provisions of this division shall apply to all Protected Trees, as defined in Section 66-10, except the following shall be exempted:

- (a) *Nuisance trees.* The following types of trees shall be exempt from the tree protection requirements of this land development code:
  - (1) Brazilian pepper.
  - (2) Malaleuca (punk tree).



- (b) *Emergency work.* During emergencies caused by a hurricane or other disaster, the town manager may suspend the tree protection regulations.

***[we recommend adding (c) as noted above]***

### *Protected Tree Designations*

**Section 74-383(c)(1) and (2) of the Town's Code of Ordinances** describes the process to designate historic trees or historic stands of trees and specimen trees; however, these paragraphs appear to be unrelated to the section in which they are located –“Conditions for Removal; Replacement”. It is recommended that a new section be added entitled “Protected Tree Designation”, the aforementioned paragraphs be moved into the new section, and new language be added regarding Grand Tree designation. This new section should be located between “Applicability” (currently Exemptions) and “Conditions for Removal; Replacement”, which may affect the overall section numbering for this Division of the Code.

### *Grand Trees*

As mentioned in the paragraph above, a new paragraph regarding Grand Tree designation should be added under a new “Protected Tree Designation” section. In determining what protected trees to designate as Grand Trees, Belleair may want to consider one or a combination of the following options:

- Include all Protected Trees greater than a minimum trunk diameter at breast height; and/or
- Create a list of Protected Trees by species with minimum trunk diameter at breast height; and/or
- Establish a minimum overall condition rating threshold and criteria and rating system.

We recommend using the simplest method of designation, and least open to subjective interpretation, that includes all Protected Trees greater than a minimum trunk diameter at breast height. This minimum size should be based on the typical size of larger specimen trees to which the Town seeks greater protections.

### *Permits*

Many communities require that a Grand Tree Pruning Permit be obtained to ensure that larger diameter limbs are not trimmed without oversight and approval. Belleair only requires permits for removal of protected trees. It is recommended that the Town consider requiring tree pruning permits for Grand Trees, Historic Trees, and Specimen Trees either when an applicant seeks to trim these designated trees, or at a minimum, when an applicant desires to prune any branch greater than a specific diameter (e.g., St. Petersburg requires a permit to trim any branch eight inches or greater in diameter of any Grand Tree, while Dunedin requires a permit for pruning any



Grand Tree). Approvals for Designated Protected Tree Pruning Permit should be approved administratively and not need to be approved by the Town Commission. Should the Town decide to include this additional level of tree protection, **Section 74-381 - Permit Required for Removal of Protected Trees**, could be modified to include an application process for Pruning of Designated Protected Trees. It is important to note that this would only apply to non-exempted Protected Trees. Approval for a Designated Protected Trees Pruning Permit could include the following criteria:

- That the work be performed under the supervision of a Certified Arborist and done in a matter consistent with ANSI A300 standards,
- That the limbs or limbs proposed for removal are diseased, injured, in declining condition; create a danger to persons or property, create an unsafe sight line on a right-of-way or other vehicular use area,
- That removal of specific limb or limbs is necessary to promote the general public health, safety, or welfare or the health of the tree.

#### *Criteria for Removal*

Pursuant to **Section 74-383(a)(2) of the Code of Ordinances**, an applicant that requests removal of a Protected Tree must demonstrate a minimum of one or more specific conditions to receive approval. These conditions include:

- a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
- b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
- c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- e. The tree is diseased or weakened by infestation by insects, abuse, storm, fire or any other cause or condition whatsoever, and the weakened condition of the tree presents a threat to persons or property, as determined by the town manager or the designee of the town manager.
- f. Any law or town regulation requires the removal.

Approval to remove Historic Trees, Historic Stand of Trees, or Specimen Trees, is determined by finding of the Town of Belleair Commission that the tree or stand of trees is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree or stand of trees.



It is recommended that the Town consider review and approval of Grand Tree Removal Permits administratively, and establishing removal criteria condition on:

- Whether it presents a safety hazard to persons or property due to proximity to an existing structure, or creates an unsafe sight clearance that cannot be mitigated, as supported by documentation from a licensed engineer or architect, or
- If the Grand Tree is dead, diseased, damaged, or in declining condition as provided by written report of a certified arborist, or
- If the Grand Tree is located in an area where a structure or improvement is proposed, and that the retention of the tree is such that no reasonable economic use can be made of the property without removal of the tree, provided that the tree cannot reasonably be relocated because of age, type or size of the tree.

#### *Criteria for Replacement*

Section 47-383(b)(3) of the Town of Belleair Code of Ordinances states “If replacement trees are provided by the owner...*for each inch of diameter at breast height of trees removed, an inch of diameter at breast height shall be replaced.*” While species of replacement trees are listed in the Code, there is no requirement that larger trees be replaced with larger species trees. For instance, a 28 inch DBH Live Oak could be replaced by multiple small shade trees which will never grow up to the same caliber as the removed Live Oak. It is recommended that the Code be revised to state that Grand Trees that are approved for removal be replaced by only those large and median shade trees currently listed in the Code (or some other Town-approved subset):

#### *Large street and median shade trees:*

- Live oak
- Weeping elm
- Laurel oak
- Sycamore
- Red cedar
- Pignut hickory
- Slash pine
- Bald cypress
- Southern magnolia

Upon your direction, we would like to share this information with the Town of Belleair Park & Tree Board and seek their input at their next public meeting. We will then proceed with drafting ordinance language based on their recommendation to be considered for adoption by Town Commission.



## Legislation Details (With Text)

**File #:** 20-0218      **Version:** 1      **Name:**  
**Type:** Discussion Items      **Status:** General Agenda  
**File created:** 9/4/2020      **In control:** Planning & Zoning Board  
**On agenda:** 9/14/2020      **Final action:**  
**Title:** Review of Fence Ordinance Cut Sheet  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [DRAFT Fence Ordinance Cut Sheet](#)

Date	Ver.	Action By	Action	Result
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### Summary

To: Planning & Zoning Board  
From: Cathy DeKarz, Management Analyst  
Date: 9/14/2020

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**Subject:**

Review of Fence Ordinance Cut Sheet

**Summary:**

In order to better communicate Belleair's fence ordinance with residents and contractors, staff has drafted a "Codes Made Simple" cut sheet and is seeking the Planning & Zoning Board's input. Staff will be present at the meeting to discuss any adjustments or additions to the cut sheet that the Board sees fit.

**Previous Commission Action:** N/A

**Background/Problem Discussion:** N/A

**Expenditure Challenges** N/A

**Financial Implications:** N/A

**Recommendation:** N/A - this item is for discussion purposes only.

**Proposed Motion** N/A - this item is for discussion purposes only.





# Codes Made Simple

## Section 74-287: Fences and Fence Walls

### Resources

To learn more about Belleair's Code of Ordinances, fence regulations, or permit processes, we encourage you to take advantage of the following resources.

- The Town of Belleair Building Department: (727) 588-3775
- Building Department forms and applications portal: [townofbelleair.com/buildingpermits](http://townofbelleair.com/buildingpermits)
- Belleair's online Code of Ordinances: [townofbelleair.com/code](http://townofbelleair.com/code)
- The State of Florida Building Code [floridabuilding.org](http://floridabuilding.org)

*Note: This document and its examples apply to only residential properties zoned R-1, R-2, RE, RM-10, RM-15, and RM-30). Questions on commercial properties should be brought to the Building Department for review and discussion.*

### Permit Process

New fence installations must be permitted before work may begin. To download a Building Permit Application, stop by Town Hall or visit [townofbelleair.com/buildingpermits](http://townofbelleair.com/buildingpermits). Upon submitting an application, permit fees will be assessed per the Town's permit fee structure, which can be found at [townofbelleair.com/permitfees](http://townofbelleair.com/permitfees). Additional documentation such as surveys and/or specs sheets may be required along with the permit application.

Once a permit application is completed by the homeowner or contractor and submitted to the Building Department, it will be approved or denied (per Section 74-287 of the Code of Ordinances). Upon permit approval, the Building Department will issue a notice to proceed so work may begin. Once work is completed, the homeowner or contractor must close out the permit and request an inspection from the Building Department.

### Fence Height Restrictions

Generally, fences shall not exceed six feet in height, with the height being uniform along any straight stretch. Fence walls and caps (i.e. the pillars between segments) may extend up to nine inches above the six-foot height limit.

Any side-yard fences, fence walls, or hedges within ten feet of a body of water or seawall shall not exceed four feet in height so as to not obstruct neighbors' views of waterways. Any fences or fence walls placed along any property line adjacent to the Pinellas Trail may be as tall as ten feet in height.

### Fence Material Options

Residential fences must be constructed of only one material, which may be wood, masonry, composite materials, vinyl, metal or wire, or black vinyl chainlink. Fence walls may be constructed with a different material from the fence itself and may be constructed of the previous materials or concrete, concrete block, stone, brick, or any suitable masonry material.

### Fence Shielding

All fences and fence walls facing a street must be shielded with hedges or plants that cover 85 percent of the fence's surface. New plants have two years to grow to that capacity. Any plants shielding a fence that die must be replaced with plants at least three gallons in size that are spaced no more than two feet apart. Any (non-temporary) chainlink fences must be shielded at the 85 percent rate upon installation. An acknowledgment of the shielding requirement and information on plant locations and recommended types can be found later on in this document.



## Locations and Setbacks

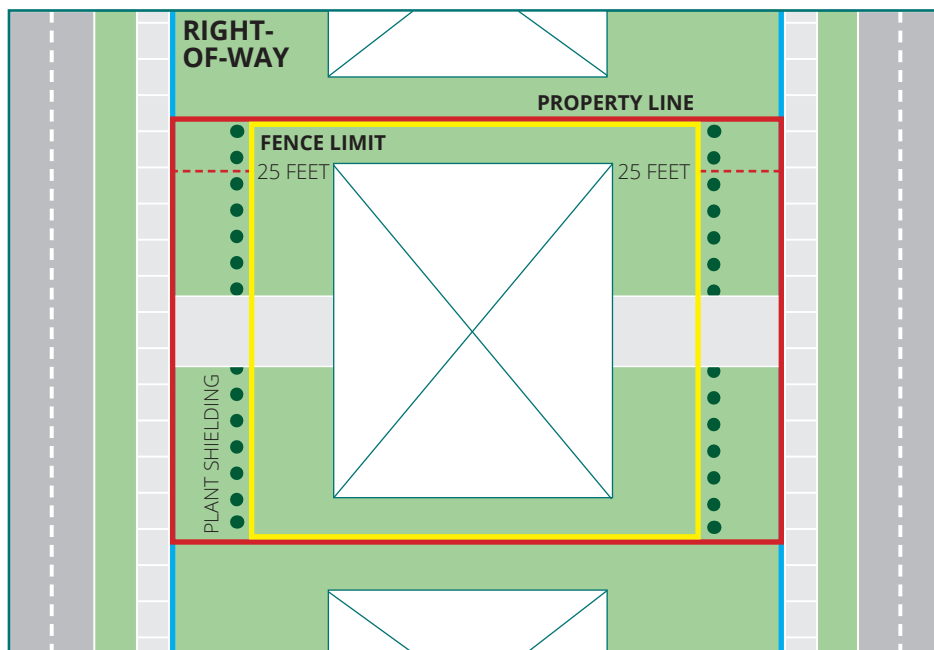
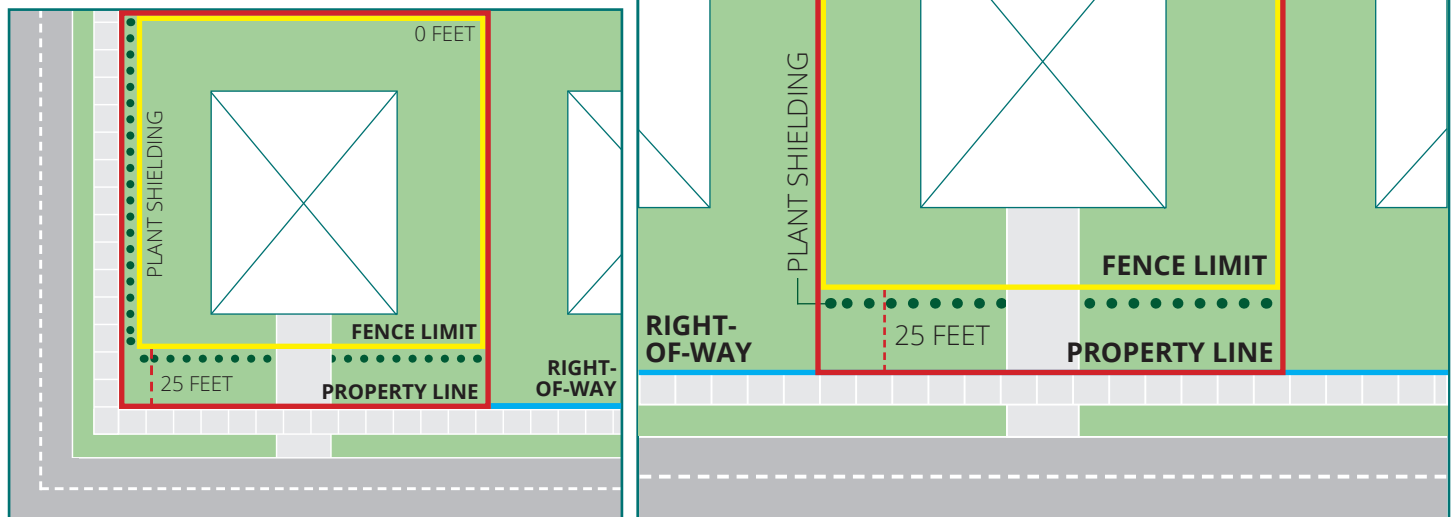
Fences are generally permitted within 25 feet or more from the property lines that face a road, as outlined below. It is important to note this limit is from the property line and not the street or sidewalk. As such, a survey of the property will be required to define the property line(s) in relation to any planned fences. Existing surveys may be acceptable; however, the Building Department reserves the right to require a new survey be completed at the property owner's expense.

When planning for a fence, property owners should keep in mind that all fences must be shielded with vegetation. The Town recommends denoting the location of that shielding on applications and site plans for clarity. An acknowledgment of the shielding requirement and a list of recommended plant types are included later in this document.

Any exceptions or appeals to the setback rules require a variance from the Planning & Zoning Board and Commission. As a reminder, these limits apply only to residential properties; commercial properties applying for a fence should contact the Building Department for a consultation.

### *Below: Corner Lot*

For a corner lot, fences are permitted 25 feet (or 20%) from the property line for the primary front and 0 feet from the property line for the secondary front yard, side yard, and back yard.



### *Above: Interior Lot*

For a non-corner lot property, fences are permitted 25 feet (or 20%) from the property line for the front yard and 0 feet from the property line for the side yard and back yard.

### *Left: Thru-Lot Frontage*

For properties that have multiple frontages with a thru-lot frontage, fences are permitted 25 feet (or 20%) from the property line for the front yard and thru-lot frontage and 0 feet from the property line for the side yards.



## Recommended Plants for Shielding

While the Town of Belleair does not require any particular plants for the shielding of a fence, there are some plant varieties that are recommended by our staff and arborist. These are provided below for your convenience.



*Podocarpus*

This plant makes a great hedge and is a fast grower that thrives in full sun and exhibits good looks thanks to its soft, lush, green foliage



*Silver Buttonwood*

Silver Buttonwood is known for its velvety-soft leaves of a silvery-gray color that make for a stunning hedge, accent, or small tree



*Viburnum*

Florida-native Viburnum varieties are hardy options for hedges that sprout white, sweet smelling blossoms in the spring



*Variegated Arboricola*

Another Florida native, this versatile plant features a beautiful yellow and green color and is very easy to grow and trim to shape

Other plants that are not pictured but that make for great hedges include:

- Arborvitae
- Bougainvillea
- Burford Holly
- Copperleaf
- Dwarf Firebush
- Jasmine
- Gardenia
- Hibiscus
- Ligustrum
- Oreka Palm

## Section 74-287 - Fences and Fence Walls

- All fences shall comply with the provisions of the Standard Building Code, 1988 edition, section 1205, appendix D, or subsequent editions, and subject to the Town of Belleair property maintenance provisions, article VIII, section 74-517 of the Code of Ordinances.
- The posts of each fence must be resistant to decay, corrosion and termite infestation. Wood fence posts shall be pressure treated or otherwise preserved.
- Fence walls may be constructed of concrete, concrete block, stone, brick or any suitable masonry material. Concrete and concrete block walls shall be finished with a painted stucco finish on both sides. All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks shall require caps.
- Fences and fence walls may be located in side, rear and secondary front yard setback areas and shall not exceed the height of six feet except as otherwise provided in this section, exclusive of decorative supporting posts which may extend no more than nine inches above the maximum six-foot height of the fence or fence wall; provided, however, any fence or fence wall placed along any property line which abuts the Pinellas Trail may not exceed ten feet in height.
- Fences, fence walls, and hedges within ten feet of the mean high-water line or sea wall shall be no more than 48 inches in height.
- The height of a fence or fence wall shall be determined from grade to the average top elevation of the fence or fence wall. Landscape berms, in conjunction with fences, shall be included in height determinations. Fences and fence walls shall be of uniform height along a running face, as topography allows, unless prohibited by other requirements of this Code.
- Fences and fence walls shall be prohibited within the front yard setback area and within the primary front yard setback area of corner parcels.



- (h) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence, fence wall, or landscape buffer shall be located in the clear visibility triangle.
  - (1) No fence, wall, gate, or landscape buffer shall be allowed to constitute a visual obstruction to motorists, pedestrians, or bicyclists upon the streets, roads, sidewalks, bike paths, driveways, and alleyways of the town.
- (i) Except as provided in subsections (c) and (k), fences and walls may be constructed of wood, masonry, composite materials, vinyl, metal or wire, and shall be constructed of one material type only, except where specifically permitted herein, or by approval of the town manager.
- (j) Fences shall be placed with the finished side out.
- (k) Chainlink fences with canvas (or similar material) backing or mesh may only be permitted as a temporary construction fence, or on any parcel zoned public district. Except as provided below, all chainlink fences shall:
  - (1) Be shielded on the exterior side (the side facing out) as to completely obscure the fence by a hedge or similar planting;
  - (2) Be coated with a black vinyl coating. Green vinyl coatings may only be used for properties zoned public district;
  - (3) Have a top rail; and
  - (4) May not be utilized along a primary or secondary front yard setback.

All fences, or fence walls placed along a front yard setback or a primary front yard setback or along or within a secondary front yard setback area shall be shielded on the exterior side (the side facing out) by a hedge or similar planting. Any planting must grow to shield said fence over 85 percent of its surface within two years of planting. Should the shielding material die or be destroyed below the 85 percent coverage standard it shall, upon notification by the city, be replaced immediately or the city may take code enforcement action as provided in division 4 of article II.

- (l) No fence or fence wall shall be constructed or installed in such a manner as to adversely affect drainage on or adjacent to the site. To provide adequate drainage or to prevent the obstruction of drainage on or adjacent to the site, a fence or fence wall may be constructed so as to allow the bottom of the fence or fence wall to begin no more than two inches above the ground without being in violation of the maximum height restrictions set out in subsections (d), (e) and (f) of this section.
- (m) Any fence or fence wall required to be shielded by a hedge or similar planting shall be shielded by plant material approved by the town and such plant material shall be, at minimum, a size equivalent to a three-gallon plant and each such plant shall be planted not more than two feet apart. In addition, any fence or fence wall which is required to be shielded by a hedge or similar planting as provided in this section must be set back off a property line a sufficient distance to allow for the planting and growth of the hedge or similar planting and for the maintenance thereof.
  - (1) The town manager may waive the requirement for fence or walls to be shielded with plant material depending on the fence or fence wall materials, or zoning district; if greater than 50 percent of the fence area is open and unobstructed when viewed at a right angle from the public right-of-way. Except as a security measure for parcels zoned public district, the vegetative screening requirement may not be waived for chainlink fences.
  - (2) All chainlink fences must meet the 85 percent vegetative planting requirement at the time of installation. The town manager may waive this requirement for properties zoned public district, where the fencing is used around recreational play fields.
  - (3) Any fence or fence wall requiring vegetative planting must provide or demonstrate a means of irrigation acceptable to the town at the time of installation.
  - (mi) Electrically charged, barbed wire or razor wire fences, or any fence or wall containing broken glass, or other substances reasonably designed to do bodily harm are prohibited.
  - (mii) New sections of fence being installed shall require the removal of the old sections. Old sections of fence shall not be abandoned in place.
  - (miii) Temporary fencing during construction is permitted and regulated in chapter 74, division 4 of the Code of Ordinances. Once a building permit is closed or becomes inactive, the temporary construction fencing shall be removed. The parcel may remain without a fence, or a permanent fence can be erected pursuant to this section, and other sections of the Code, as applicable.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 523, § 1, 7-16-19)



# Homeowner Acknowledgment

By signing below, I (the homeowner listed below for the residence listed below) verify I have received a full copy of Section 74-287 of the Town of Belleair's Code of Ordinances, a full copy of the "Codes Made Simple" cut sheet on the fence ordinance, and a listing of acceptable plantings required for fence shielding.

Further, I understand that I, the homeowner, am solely responsible for adhering to the shielding requirements set forth in the Code of Ordinances and I agree to comply by the shielding requirements and timelines therein. Lastly, I acknowledge that failure to comply by the Code of Ordinances may result in Code Enforcement citations.

\_\_\_\_\_  
Address for fence permit

\_\_\_\_\_  
Homeowner's printed name

\_\_\_\_\_  
Homeowner signature

\_\_\_\_\_  
Date

