



**Report Date: 4/8/21**

**Planning & Zoning Hearing Date: April 13th 2021**

**Tentative Commission Hearing Date: April 21th, 2021**

**Parcel ID: 28/29/15/06876/000/0090**

**Parcel Address: 1050 Ponce De Leon Blvd**

**Applicant/Owner Name: April Dodge & Wendall Thompson**

**Applicant Address: 1050 Ponce De Leon Blvd**

**Phone Number: 314-422-1068, 314-724-6816**

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

**Current Zoning: R-2**

**Original Construction Date: 1959**

**Improvements to Date: None**

**Easements: None shown of survey**

## **Proposed Request**

**Overview:** The applicant(s) is requesting a variance which would allow for a swimming pool to encroach into the secondary front yard setback by 15' feet, resulting in a 10 ft' secondary front yard setback. Please see the attached drawing provided by the owner.

## **Staff 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:** Staff has determined that there are no special conditions or circumstances which are peculiar to the land, structure or building. The applicant's lot is a typical corner lot which requires a 25-foot front yard setback on all front yards. The applicant has not provided any information to show any conditions or circumstances. The only item the applicant provided was a letter of non-objection from the adjacent neighbor located on Barbara Circle. Letters of non-objection do not provide special conditions or circumstances for the applicant's lot.

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

**Staff Finding:** There are no special conditions or circumstances.

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

**Staff Finding:** In reviewing the aerial of the applicant's lot and surrounding area, these lots are not sufficient in size to support a pool. Although this variance request is for the secondary front yard, the zoning regulations are adopted to provide a 25-foot setback along both front yards.

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

**Staff Finding:** Since there are no special conditions or circumstances, no variance should be granted. If for some reason this was to be granted, this is not the minimum variance.

4. *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:** Granting of this variance will not be in harmony with the general intent which is to provide 25-foot front yard setbacks on all front and secondary front yards.

5. *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:** Swimming pools are allowed as an accessory structure associated with a single-family residence.



**Staff Recommendation**

Since the applicant has not provided any information to meet the criteria as set forth in Section 66-253, staff recommends denial.

**Proposed Motions and Conditions**

**Proposed Motion:** Move to deny the variance application for 1050 Ponce De Leon Blvd.

**Proposed Conditions:** None

**Staff Report prepared by Bruce Cooper, Building Official.** *Bruce Cooper*