



Report Date: 4/8/2021

Planning & Zoning Hearing Date: April 13th 2021

Tentative Commission Hearing Date: April 21st, 2021

Parcel ID: 28/29/15/06732/041/0280

Parcel Address: 628 Pineland Ave

Applicant/Owner Name: Melissa Hoglund

Applicant Address: 628 Pineland Ave

Phone Number: 407-493-3469

Existing Conditions of Land and Structures

Current zoning: R-1

Improvements to date: Interior remodel in 2021

Easements: None shown on survey.

Proposed Request

Overview: The applicant is requesting a variance which would allow for a for the construction of a proposed garage addition. The addition would encroach into the required minimum 25-foot front yard setback by approximately 20 feet 2 inches, resulting in a 4-foot 8-inch front yard setback. Please see site plan

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: The applicant is requesting a variance to reduce the front setback from 25 feet to less than 4.6-foot setback. The applicant is suggesting that there is an unsafe condition of the existing driveway in relation to the intersection of Pineland Ave. and Mehlenbacher Rd. The

applicant is showing the same location of the existing driveway but just widening the drive and eliminating the circular part of the driveway. The existing driveway provides a safer situation where a car exiting the existing garage can back up into part of the circular drive and then provide for forward motion to exit property. The proposed layout by the applicant will force the vehicles to back out onto the street which is not safer.

Regardless of the driveway, staff needs to find special conditions or circumstance that are peculiar to the land, structure, or building. There are no special conditions that would warrant a variance to the front yard setback. This lot is considered a corner lot and the zoning regulations require a 25-foot front yard setback on all front yards.

The applicant also stated in part, "layout will create home in-line with overall character of the neighborhood". If you look at the aerial provided by staff, you will see that this proposed addition will not be in line with the homes on either Pineland Ave. or Mehlenbacher Rd. In fact, this proposed addition would be so out of character with the surrounding homes on both streets. Front yard setbacks are to provide a uniform visual open corridor along the street.

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

Staff Finding: There are not special conditions or circumstances.

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

Staff Finding: The applicant has alternatives with the driveway without building a garage addition in the front yard setback. If the applicant is needing a larger garage, the existing garage can be widened and added to the front and/or rear.

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 request is not reasonable use of the land when the applicant has alternatives with the driveway or existing garage.

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: Granting of the variance would not be in harmony with the general intent and purpose of the code and would be otherwise a detriment to the public interest. Again, the general intent of requiring front yard setbacks is to provide a visual open corridor along the street.



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: Garages are allowed as an accessory structure or use for single family homes.

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 for 628 Pineland.

Proposed Conditions: None

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