



Macfarlane Ferguson
& McMullen

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Tampa, FL 33602
813.273.4200

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EMAIL: INFO@MFMLLEGAL.COM

625 Court Street, Suite 200
P.O. Box 1669 (33757)
Clearwater, FL 33756
727.441.8966

February 21, 2024

Town of Belleair
Attn: Building Department
901 Ponce De Leon Boulevard
Belleair, Florida 33756

Re: Submittal of Variance Application

Dear Belleair Building Department,

Please find enclosed a Variance Application from George McGourty, owner of 303 Ponce De Leon, Belleair, FL 33756. The application is for an addition to the home which will require a variance to the setbacks. If you have any questions or require any additional information or documentation, please do not hesitate to contact me via e-mail at bj@macfar.com or my direct phone line (727) 444-1403. If you cannot reach me, please contact my associate Clay Gilman at cgilman@macfar.com or (727) 444-1414 and he will gladly assist. I look forward to working with you on this application.

Sincerely yours,

Brian J. Aungst, Jr.



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

VARIANCE APPLICATION

View all Town of Belleair codes at www.townofbelleair.com/code

The undersigned, George McGourty & Maria S Begazo-McGourty, owner of lot 12, block 27, subdivision Belleair Estates, property, Commission of the Town of Belleair for a variance on the above-described property.

Present property zone: R-1

Present property land use: RLM (Residential Low Medium)

The decision involves Article II, Section 74-113 of the Belleair Land Development Code.

The Commission's power arises under Article V, Section 66.253 of the Land Development Code

Relief requested by the applicant (attach additional sheets as needed)

Approval of a variance to the building setbacks required for the R-1 zoning district to allow for the addition of an 18'x21' addition to the home located on the property

Justification for the request (requests must demonstrate the practical difficulty or unnecessary hardship which justifies the variance) (attach additional sheets as needed)

The property is a unique, corner lot with multiple road frontages, thus restricting the setback requirements on the parcel and making it practically difficult to add on to the home and burdens the parcel with an unnecessary hardship.

ACKNOWLEDGEMENTS

Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing this application. All costs incurred by the Town above and beyond the variance application fee will be the responsibility of the applicant regardless of approval or denial of the request. 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.

I am aware that any variance that may be granted will automatically expire 12 months after approval by the Town Commission unless a building permit is produced from the Town with respect to the improvements contemplated by this application for variance within said 12-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 Belleair address: 303 Ponce De Leon Blvd Date: 11-29-23

Owner name: George McGourty Owner signature: George McGourty

Phone number: 813-340-4999 Email: george.mcgourty@gmail.com



BELLEAIR BUILDING DEPARTMENT
901 PONCE DE LEON BLVD.
BELLEAIR, FL 33756
(727) 588-3775
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VARIANCE APPLICATION CHECK-OFF SHEET

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

Owner's Name: George McGourty & Maria S Begazo-McGourty

Owner's Mailing Address: 303 Ponce de Leon Boulevard, Belleair, FL 33756

Property Address: 303 Ponce de Leon Boulevard, Belleair, FL 33756

Phone Number: (813) 340-4999

Representative's Name (if any): Brian J. Aungst, Jr., Esq. // Macfarlane, Ferguson, & McMullen, P.A.

Representative's Address (if any): 625 Court Street, Suite 200, Clearwater, FL 33756

Representative's Phone Number (if any): (727) 444-1403

Date of Original Construction: 1948

Impervious Cover: ~0.38 ISR (proposed ~0.41 ISR)

Flood Zone and Elevation: Flood Zone = X; Elevation = ~37 feet

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:	_____	_____	_____	_____	_____









www.exactalands.com | office: 866.735.1916 | fax: 866.744.2882



PROPERTY ADDRESS:
303 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756

SURVEY NUMBER: 2308.5679

DATE SIGNED: 11/14/23 **FIELD WORK DATE:** 11/9/2023

REVISION DATES:
(REV.2 11/14/2023) (REV.2 9/13/2023) (REV.1 9/13/2023)

POINTS OF INTEREST
NONE VISIBLE

SURVEYORS CERTIFICATE

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter SJ-15.050 through SJ-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.



C. BOYD ALLEN
State of Florida Professional Surveyor and Mapper
License Number 3932
Exacta Land Surveyors, LLC | L#B# 8291



Exacta Land Surveyors, LLC
L#B# 8291
o: 866.735.1916 | f: 866.744.2882
131 West Broadway Street, Suite 1001, Oviedo, FL 32765

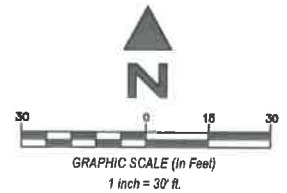
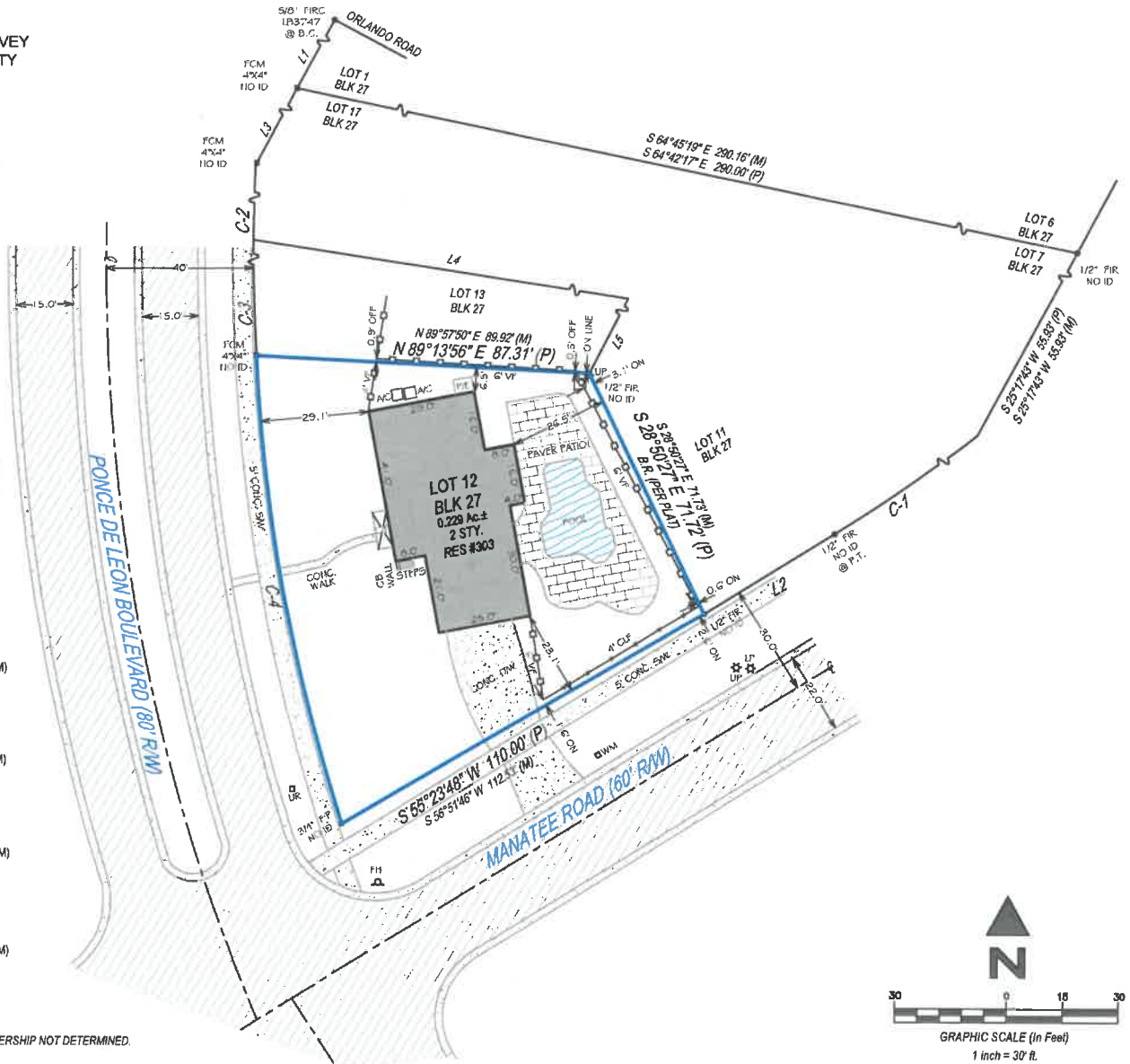


2308.5679
BOUNDARY SURVEY
PINELLAS COUNTY

- LINE TABLE:**
- L1 S 25°17'43" W 130.00' (P)
S 25°17'06" W 130.21' (M)
 - L2 S 55°23'48" W 40.72' (P)
S 55°29'17" W 41.03' (M)
 - L3 S 25°17'43" W 56.73' (P)
S 25°17'09" W 56.73' (M)
 - L4 S 74°02'18" E 125.27' (D)
S 74°30'52" E 125.27' (M)
 - L5 S 24°01'22" W 81.00' (D)
S 24°08'38" W 80.99' (M)
- C-1**
R= 445.87'(P&M)
L= 234.26'(P) 233.92'(M)
Δ= 30°06'11"(P) 30°03'33"(M)
S 40°20'32" W 231.57' (P)
S 40°17'01" W 231.24'(M)
- C-2**
R= 482.00'(P&M)
L= 158.14'(P) 159.09'(M)
Δ= 18°47'54"(P) 18°54'41"(M)
S 15°50'55" W 157.43' (P)
S 15°39'33" W 158.37'(M)
- C-3**
R= 482.00'(P&M)
L= 108.93'(P) 107.64'(M)
Δ= 12°58'55"(P) 12°47'42"(M)
S 0°01'28" E 108.70' (P)
S 1°14'30" W 107.41'(M)
- C-4**
R= 482.00'(P&M)
L= 128.37'(P) 128.32'(M)
Δ= 15°15'34"(P) 15°15'13"(M)
N 14°11'16" W 127.99' (P)
N 13°41'45" W 127.94'(M)

SURVEYOR'S NOTES:
NOTE: FENCES EXIST; OWNERSHIP NOT DETERMINED.

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES



PROPERTY ADDRESS:
303 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756

SURVEY NUMBER: 2308.5679

CERTIFIED TO:
GEORGE MCGOURTY

DATE SIGNED: 11/14/23

BUYER: GEORGE MCGOURTY

LENDER:

TITLE COMPANY:

COMMITMENT DATE: NOT REVIEWED CLIENT FILE NO:

LEGAL DESCRIPTION:
LOT 12, BLOCK 27, BELLEAIR ESTATES WEST OF INDIAN ROCKS ROAD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGES 9 - 23, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE TOWN OF BELLEAIR, COMMUNITY NUMBER 125088, PANEL NUMBER 0112 DATED 08/24/21.

GENERAL SURVEYORS NOTES:

- The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless the Title Commitment Number is referenced on this survey, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Dimensions are in feet and decimals thereof.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
- Unless otherwise noted "SIRC" indicates a Set Iron Rebar with a Cap stamped LB#8291, a minimum half inch in diameter and eighteen inches long.
- If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 5J17.062 (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.
- The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Pursuant to F.S. 558.0035, an individual employee or agent may not be held individually liable for negligence.
- Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.

SURVEYORS LEGEND:

LINETYPES	ABBREVIATIONS	FIP - Found Iron Pipe	Surveyor
Boundary Line	(C) - Calculated	FIPC - Found Iron Pipe & Cap	PLT - Planter
Center Line	(D) - Deed	FIR - Found Iron Rod	POB - Point of Beginning
Chain Link or Wire Fence	(F) - Field	FIRC - Found Iron Rod & Cap	POC - Point of Commencement
Easement	(M) - Measured	FN - Found Nail	PRC - Point of Reverse Curvature
Edge of Water	(P) - Plat	FN&D - Found Nail & Disc	PRM - Permanent Reference Monument
Iron Fence	(R) - Record	FRRSFK - Found Rail Road Spike	PSM - Professional Surveyor & Mapper
Overhead Lines	(S) - Survey	GAR - Garage	PT - Point of Tangency
Structure	A/C - Air Conditioning	GM - Gas Meter	PUE - Public Utility Easement
Survey Tie Line	AE - Access Easement	ID - Identification	R - Radius or Radial
Vinyl Fence	ANE - Anchor Easement	IE/EE - Ingress/Egress Easement	R/W - Right of Way
Wall or Party Wall	ASBL - Accessory Setback Line	ILL - Illegible	RES - Residential
Wood Fence	B/W - Bay/Box Window	INST - Instrument	RGE - Range
	BC - Block Corner	INT - Intersection	ROE - Roof Overhang Easement
	BFP - Backflow Preventer	IRRE - Irrigation Easement	RP - Radius Point
	BLDG - Building	L - Length	S/W - Sidewalk
	BLK - Block	LAE - Limited Access Easement	SBL - Setback Line
	BM - Benchmark	LB# - License No. (Business)	SC - Survey Closure Line
	BR - Bearing Reference	LBE - Limited Buffer Easement	SCR - Screen
	BRL - Building Restriction Line	LE - Landscape Easement	SEC - Section
	BSMT - Basement	LME - Lake/Landscape Maintenance Easement	SEP - Septic Tank
	C - Curve	LS# - License No. (Surveyor)	SEW - Sewer
	C/L - Center Line	MB - Map Book	SIRC - Set Iron Rod & Cap
	C/P - Covered Porch	ME - Maintenance Easement	SMWE - Storm Water Management Easement
	C/S - Concrete Slab	ME5 - Mitered End Section	SN&D - Set Nail and Disc
	Wood	MF - Metal Fence	SQFT - Square Feet
	CATV - Cable TV Riser	MM - Manhole	STL - Survey Tie Line
	CB - Concrete Block	MHWL - Mean High Water Line	STY - Story
	CH - Chord Bearing	NR - Non-Radial	SV - Sewer Valve
	CHIM - Chimney	NTS - Not to Scale	SWE - Sidewalk Easement
	CLF - Chain Link Fence	NAVD88 - North American Vertical Datum 1988	TBM - Temporary Bench Mark
	CME - Canal Maintenance Easement	NGVD29 - National Geodetic Vertical Datum 1929	TEL - Telephone Facilities
	CO - Clean Out	OG - On Ground	TOB - Top of Bank
	CONC - Concrete	ORB - Official Records Book	TUE - Technological Utility Easement
	COR - Corner	O/A - Overall	TWP - Township
	CS/W - Concrete Sidewalk	O/S - Offset	TX - Transformer
	CUE - Control Utility Easement	OH - Overhang	UG - Underground
	CVG - Concrete Valley Gutter	OHHL - Overhead Utility Lines	UP - Utility Pole
	D/W - Driveway	OHWL - Ordinary High Water Line	UR - Utility Riser
	DE - Drainage Easement	ON - Inside Subject Property	VF - Vinyl Fence
	DF - Drain Field	OPE - Outside Subject Property	W/C - Witness Corner
	DH - Drill Hole	PB - Plat Book	W/F - Water Filter
	DUE - Drainage & Utility Easement	PC - Point of Curvature	WF - Wood Fence
	ELEV - Elevation	PCC - Point of Compound Curvature	WM - Water Meter/Valve Box
	EM - Electric Meter	PCP - Permanent Control Point	WV - Water valve
	ENCL - Enclosure	PI - Point of Intersection	
	ENT - Entrance	PLS - Professional Land	
	EOP - Edge of Pavement		
	EOW - Edge of Water		
	ESMT - Easement		
	EUB - Electric Utility Box		
	F/DH - Found Drill Hole		
	FCM - Found Concrete Monument		
	FF - Finished Floor		

JOB SPECIFIC SURVEYOR NOTES:
THE BEARING REFERENCE OF S28°50'27"E IS BASED ON THE EASTERLY PROPERTY LINE OF LOT 12, BLOCK 27, BELLEAIR ESTATES WEST OF INDIAN ROCKS ROAD, AS RECORDED IN PLAT BOOK 18, PAGES 9 - 23, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

REV 11/14/2023: CORRECTED BLDG DIMENSIONS

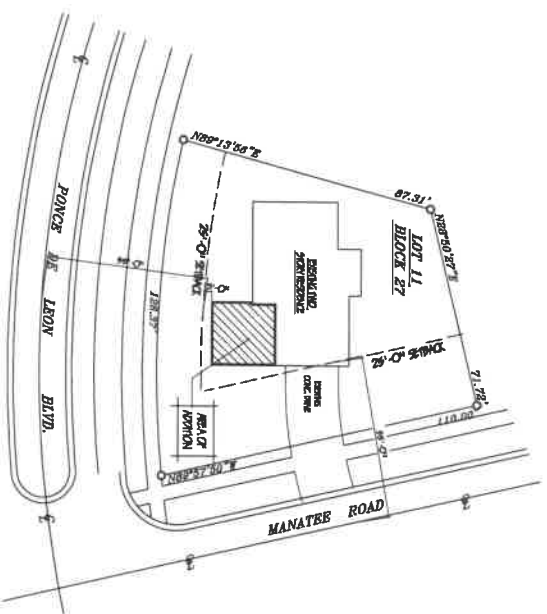
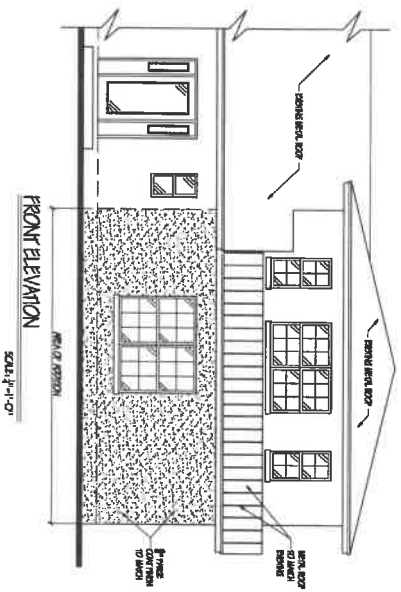


Exacta Land Surveyors, LLC
 806.744.2882
 121 West Broadway Street, Suite 1001, Dunedin, FL 33703

McGOURTY RESIDENCE

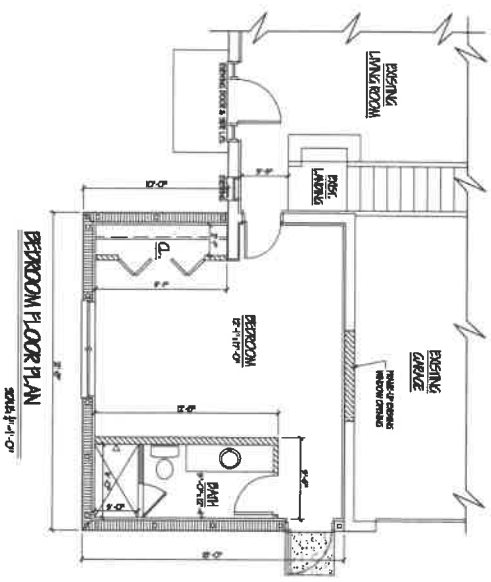
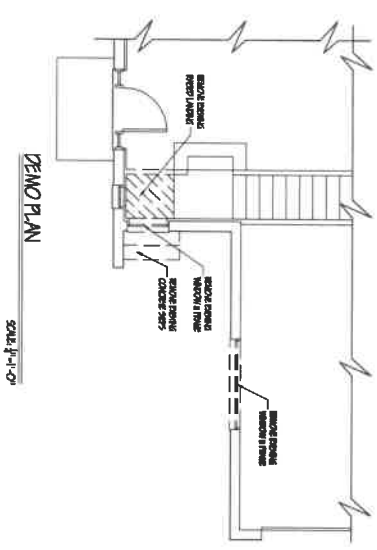
3003 PONCE DE LEON BLVD.

BELLEAIR, FLORIDA



SITE DATA INFORMATION GATHERED FROM BOUNDARY SURVEY PRODUCED BY WILACTA LAND SURVEYING, LLC. ANY DISCREPANCIES OR ENCUMBRANCES SHALL BE REFERRED TO THE ATTORNEY OR THE ENGINEER IN WRITING PRIOR TO COMMENCING OR WORK.

THIS PLAN DRAWING WAS REPRODUCED FROM ORIGINAL COPY PROVIDED BY CLIENT. VERIFY ALL DIMENSIONS IN FIELD.



10-18-08

P **D**

DATE: 02/18/09

NO: 23-175

McGOURTY RESIDENCE
303 PONCE DE LEON BLVD.
BELLEAIR, FLORIDA

Wood Innovative Design

Traci Wood
 (813) 644-1122

SCALE: 1/4\"/>

d. macartney wilson a.i.a.
 architects & associates, p.a.

PHONE: 949 EAST LAKE RD, PALM HARBOR, FL 34686
 TEL: 727-786-7287 WWW: dmacartney.com

Tom Kurey
220 Manatee Road
Belleair, Florida 33756

Town of Belleair
Attn: Special Magistrate
901 Ponce De Leon Boulevard
Belleair, Florida 33756

Re: Support for approval of variance to front setback at 303 Ponce De Leon Boulevard,
Belleair, Florida 33756

Dear Honorable Magistrate,

I am writing this letter in support of the variance application to allow for a reduced front setback at 303 Ponce De Leon Boulevard, Belleair, Florida 33756. The proposed improvements that George and Maria have planned for their property if this variance is granted will beautify their home and be a significant benefit to the surrounding neighborhood. I would ask that you rule in favor of this application and grant approval for the proposed variance to the front setback so that Mr. McGourty and Mrs. Begazo-McGourty may move forward with their proposed plans to improve their home. Thank you for your consideration.

Sincerely,


Tom Kurey

Leslie Armstrong
305 Ponce De Leon Blvd.
Belleair, Florida 33756

Town of Belleair
Attn: Special Magistrate
901 Ponce De Leon Boulevard
Belleair, Florida 33756

Re: Support for approval of variance to front setback at 303 Ponce De Leon Boulevard,
Belleair, Florida 33756

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Sincerely,



Leslie Armstrong

JUSTIFICATION NARRATIVE

The request is for the construction of an 18' x 21'8" addition to the home located at 303 Ponce De Leon Boulevard, Belleair, Florida 33756. The existing home encroaches into the required rear front setback of twenty-five feet (25') which is required on two frontages of the home due to the unique nature of the corner lot. The proposed request is to construct an addition to the home that will encroach into the western front setback by an approximate six feet (6'). The proposed addition would not violate the side yard setback requirement as this would be measured for typical lots, but due to the nature of the corner lot it has more restrictive setback requirements for multiple frontages.

Section 66-253—Variances

(b) *Criteria for granting; conditional approval; expiration of approval.*

(1) *Initial determination.*

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

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

➤ The special conditions/circumstances which exist and are peculiar to the property is the unique nature of the corner lot. Due to the property being located on the corner of two streets, each frontage must meet front setback requirements which are more restrictive than typical side yard requirements.

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

➤ The special conditions are the multiple front setbacks which exist due to the nature of the corner lot. The home was purchased as constructed which already slightly encroaches into the eastern frontage along Manatee Road.

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

➤ Literal interpretation of the Code would not allow the applicant to ever construct a functional addition to the home due to the highly restrictive nature of the multiple frontages required to be maintained.

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

➤ The applicant and architect have spent considerable time and effort, including several different iterations of the proposal, to design the requested addition to the home in order for it to be the minimum variance that would provide a functional addition to the home.

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.

➤ The proposed variance request is in harmony with the general intent and purpose of this

Code. Section 66-6(2) states that the general intent of this Code is “[t]o foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the town in accordance with the comprehensive plan.” The applicant’s request to construct a small addition to the home fosters and preserves the safety and comfort of the homeowner while providing aesthetically pleasing development for the town.

6. A grant of variance will not result in any land use not specifically provided for in the schedule of granting regulations (section 74-82 of this Code) for the zoning district in which the property is located.

- The applicant is not proposing to amend the land use designation of the property.