



MEMORANDUM

TO: Special Magistrate for
the Town of Belleair
FROM: Calvin, Giordano & Associates, Inc.
Luis N. Serna, AICP. Planning Director, Tampa Bay
SUBJECT: Variance Request – 111 Palmetto Road
Parcel No. 28-29-15-06732-026-0200
DATE: February 16, 2024

Property Owners/Applicants: Snug Island LLC
Agent: Brian J. Aungst, Jr.

This request is for a variance from the requirement of Section 74-287(g) of the Land Development Code that prohibits the placement of fences within a front yard setback area. The subject property is zoned R-1 (Single-Family Residential). In accordance with Section 74-84 of the Land Development Code, the minimum front yard in the R-1 district is 25 feet. The applicants are proposing six-foot tall aluminum fencing along the perimeter of the property including within the front yard setback where fencing is prohibited pursuant to Section 74-287(g).

Section 74-287(g) states:

Fences and fence walls shall be prohibited within the front yard setback area and within the primary front yard setback area of corner parcels.

Section 74-84 (Schedule of Dimensional Regulations) establishes the following setbacks for the R-1:

Front: 25 feet.
Side: 7.5 feet.
Rear: 25 percent or 20 percent of lot depth, whichever is less.

The applicant has cited the need for heightened security measures for both the applicant and their family because of their high-profile status as a reason for the variance request.

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

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 house on this property is two stories, is relatively large, and is located approximately 50 feet from the front property line. Locating the fence outside of the front setback would place the fence approximately 25 feet from the front of the house. This location would not satisfactorily address the applicants' need for privacy and security. These conditions and circumstances are considered peculiar to the subject property.

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

The special conditions and circumstances are not the result of actions by the applicants. The house on this property was built in 1957 prior to the purchase of the property by the applicants in 2023.

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

Placement of the fence outside of the front yard setback requires that the fence be located approximately 25 feet from the front of the house. Given the size and height of the house, this location would not address the applicants' need for enhanced privacy and security and would be considered a hardship.

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

Because the house is set back approximately 50 feet from the front property line and given the size and height of the house, the request to place the fence at the front property line is considered the minimum variance necessary to address the applicants' need for enhanced privacy and security.



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

The proposed variance will address the applicants' need for enhanced privacy and security. Additionally, the proposed fencing design aligns with the present fencing style located across from the subject property. Granting of the variance would have minimal impacts to surrounding properties and would be in harmony with the general intent and purpose of the Town's Land Development Code to foster and preserve public health, safety, comfort, and welfare.

- (6) **A grant of variance will not result in any land use not specifically provided for the schedule of district regulations (Section 74-84) of the Code) for the zoning district in which the property is located.**

The proposed front yard setback variance would not result in any land uses that are not currently permitted in the R-1 (Single Family Residential) zoning district in which the subject property is located.

RECOMMENDATION

Based on our review of the above criteria, we recommend **approval** of the variance from the requirement of Section 74-287(g) of the Land Development Code that prohibits the placement of a fence within the 25-foot minimum front yard setback area.



Site Aerial

