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## MEMORANDUM

TO: Special Magistrate for  
the Town of Belleair

FROM: Calvin, Giordano & Associates, Inc. *Y.N.S.*  
Luis N. Serna, AICP. Planning Director, Tampa Bay

SUBJECT: Variance Request – 303 Ponce De Leon Boulevard  
Parcel No. 28-29-15-06732-027-0120

DATE: February 29, 2024

**Property Owners/Applicants:** George McGourty & Maria S. Begazo-McGourty

**Agent:** Brian J. Aungst, Jr.

This request is for a six-foot variance from the 25-foot secondary front setback requirement of the R-1 (Single-Family Residential) zoning district (Section 74-84 of the Land Development Code). The applicants are proposing an 18' by 21'8" addition that would be located 19 feet from the parcel's western front setback.

### Section 74-113(d) states:

***Corner lots and multiple frontage lots shall be considered to be front yards on all public and vehicular access easement street frontages. Side yard setbacks will apply to all other sides of the lot or parcel.***

### 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 applicants have cited the irregular shape of the property as a justification for the variance.

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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 lot is irregularly shaped with the lot line along the primary road frontage running diagonally relative to the side property lines. These circumstances are uncommon to other lots in this district.

- (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 size and configuration of the subject property were established 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.**

Application of the minimum 25-foot setback to this irregularly shaped parcel reduces the amount of available building area along a significant portion of the lot, which is a condition that is not present for other lots in this district.

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

The requested six-foot variance represents a 24 percent variance request. The variance would be in keeping with and would have minimum visual impact to other parcels fronting on Ponce de Leon Boulevard and can be considered a minimal variance request necessary to address the applicants' need for additional space.

- (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 granting of the variance considers the irregular shape of the property and the applicants' need for additional space in their home. Additionally, the proposed home addition is designed to seamlessly blend into the aesthetic fabric of the neighborhood. 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 a six-foot variance from the 25-foot front setback requirement of the R-1 (Single-Family Residential) zoning district of Section 74-84 of the Land Development Code.



## Site Aerial

