



**TOWN OF BELLEAIR  
BUILDING DEPARTMENT**  
901 Ponce de Leon Blvd.  
Belleair, Florida 33756-1096  
Phone: (727) 588-3769  
Fax: (727) 588-3768

## MEMORANDUM

**DATE:** June 9th, 2014

**TO:** Mayor and Commissioners

**FROM:** Micah Maxwell, Town Manager

**SUBJECT:** Request for Variance - "Shirley Manor"

**Property Owner:** Mr. & Mrs. Mohammad Yamani  
303 Sunny Lane  
Belleair, Florida 33756

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The following information is regarding the above referenced variance request.

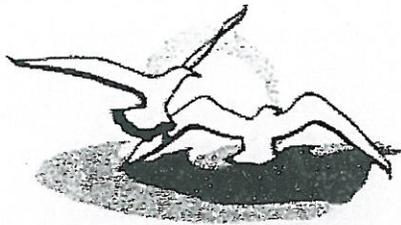
- I. Existing conditions of land and structure(s):
- A. Zoning designation: R1 (Single Family Residential)
  - B. Original Construction dates:
    - 1954
  - C. Structural and other improvements to date:
    - Renovation/2nd Story Addition 2001
    - Pool Enclosure 2013
    - Driveway 2013
    - Doors 2014
    - Mechanical/AC 2014
  - D. Existing Easements: none on record (see - survey)

II. Proposed request:

The applicant is requesting 3 separate variances. The first variance would allow a recently installed fire pit to remain at its current location while encroaching into the required 25 foot front yard setback by 14'.7"feet, resulting in a 10'.3" foot front yard setback.

The second variance would allow a recently installed fence/pergola to remain at its current location while encroaching into the 25 foot front yard setback by 10'.7 feet resulting in a 14.3' front yard setback.

The third variance would allow recently installed fence/pergola to exceed the current maximum six (6) foot height restriction by 2'.8"feet. Resulting in a 8 foot 8 inch fence/pergola.



RECEIVED  
 BELLEAIR TOWN HALL  
 TOWN OF BELLEAIR  
 901 Ponce de Leon Blvd.  
 Belleair, Florida 33756-1096  
 Phone: (727) 588-3769 ext. 215  
 Fax: (727) 588-3768

TIME REC. \_\_\_\_\_

**VARIANCE**

VARIANCE APPLICATION CHECK OFF SHEET

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

OWNERS NAME Mohammad Yamani

OWNERS MAILING ADDRESS 303 Sunny Lane

PROPERTY ADDRESS 303 Sunny Lane

PHONE NUMBER 727-501-9565

REPRESENTATIVE NAME AND ADDRESS (if any) \_\_\_\_\_

PHONE NUMBER 727-501-9565

DATE OF ORIGINAL CONSTRUCTION Oct 8, 2013

IMPERVIOUS COVER 6240 (S.F.) = 45.3%

FLOOD ZONE AND ELEVATION NOV EVAC

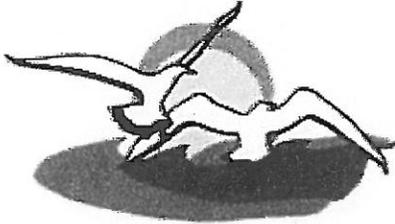
REQUIRED INFORMATION:

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (18) COPIES EACH..
<u>  X  </u>	_____	PLANS/SPECS/PRODUCT BROCHURE
<u>  X  </u>	_____	PHOTOS OF AREA (straight/right angle/left angle)
<u>  X  </u>	_____	SURVEY W/ SETBACKS SHOWN
<u>  X  </u>	_____	SITE PLAN W/ SETBACKS SHOWN

REVIEWED BY:    ZONING    PUB.WK    FIRE    BLDG.    MRG.

DATE SENT:        \_\_\_\_\_

DATE RETURNED: \_\_\_\_\_



**TOWN OF BELLEAIR**  
 901 Ponce de Leon Blvd.  
 Belleair, Florida 33756-1096  
 Phone: (727) 588-3769 ext. 215  
 Fax: (727) 588-3768

DATE May 26, 2014

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Mohammed Yamani, owner of Lot 48  
 Block \_\_\_\_\_, Subdivision Shirley Manor, property  
 Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned Residential (Non Evac) R-1.
3. The present land use on the property is for Homestead.
4. The decision involves Article building setbacks Section 74-113 of the Belleair Land  
 Development Code.
5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development  
 Code.
6. The Relief prayed by the applicant is: Seperate page attached  
 \_\_\_\_\_  
 \_\_\_\_\_
7. The Justification for the request is (requests for the variances must demonstrate the practical  
 difficulty or unnecessary hardship which justifies the variance): Separate page attached  
 \_\_\_\_\_  
 \_\_\_\_\_
8. Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing  
 this application. (\*\* Note: All costs incurred by the Town of Belleair, above and beyond the  
 variance application fee, will be the responsibility of the applicant regardless of approval or denial  
 of the request\*\*)
9. 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.
10. I am aware that any variance that may be granted will automatically expire twelve months after  
 approval by the Town Commission unless a building permit id produced from the Town with  
 respect to the improvements contemplated by this application for variance within said twelve  
 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**

**Paid:** \_\_\_\_\_

Mohammed Yamani

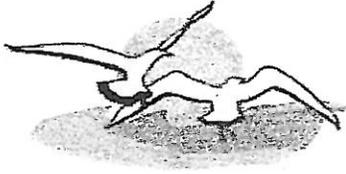
Owner

303 Sunny Lane Belleair, Florida 33756

Address

1-727-501-9565

Telephone Number



TOWN OF BELLEAIR  
BUILDING DEPARTMENT  
901 Ponce de Leon Blvd.  
Belleair, Florida 33756-1096  
Phone: (727) 588-3769 ext. 215  
Fax: (727) 588-3768

## IMPERVIOUS SURFACE RATIO

ADDRESS: Yamani 303 Sunny Lane

*Impervious surface - a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.*

TOTAL SITE AREA <sup>13800</sup> \_\_\_\_\_ SQUARE FEET (S.F.)

EXISTING BUILDING AREA (S.F.) <sup>3000</sup> \_\_\_\_\_

SLAB AREA (S.F.) <sup>3000</sup> \_\_\_\_\_

DRIVEWAY AREA (S.F.) <sup>1700 / 2 = 850</sup> \_\_\_\_\_

WALKWAY AREA (S.F.) <sup>1900 / 2 = 950</sup> \_\_\_\_\_

CONDENSER PLATFORM AREA (S.F.) \_\_\_\_\_

POOL & DECK AREA (S.F.) <sup>1440</sup> \_\_\_\_\_

ACCESSORY STRUCTURE AREA (S.F.) \_\_\_\_\_

PROPOSED NEW CONSTRUCTION AREA (S.F.) <sup>3600 / 2 = 1800</sup> \_\_\_\_\_

TOTAL IMPERVIOUS LOT COVERAGE: <sup>6240</sup> \_\_\_\_\_ (S.F.) = <sup>45.3</sup> \_\_\_\_\_ %

**\*Maximum Total Impervious Surface  
Allowed is 60%**

Part of Variance application for  
Mohammed Yamani  
303 Sunny Lane

To whom it may concern

6. The relief prayer by the applicant is:

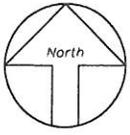
The landscaping was done to create an outdoor space. It provides a space which the property did not have to serve as our back yard. The Arbor & Bamboo gate added some security and privacy to my property as well. The arbor structure with gate is located 14' 3" from my property line and is in the set back by 10' 7". The overall height of the structure is 8' 8" and is 2' 8" over the height restriction. The gate itself is 7' 1" from the ground and is 1' 1" over the height restriction. The Fire Pit (which can only be seen from inside my hedge) is located 10' 3" from my property line and is in the set back by 14' 7".

7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance):

The hardship to my property is that it offers no back yard space. No space for my children and our family to enjoy together which most properties offer. The landscaping done to the property adjacent to Indian Rocks Road and Sunny Lane was a plan designed as an aesthetic beautification to the property. We put a lot of thought into the landscape to be sure it was visually pleasing from inside the hedge as well as outside of the hedge. The fire pit (which can only be seen from inside my property) is for our enjoyment and adds a featured space where my family can gather. The arbor with the gate provides a separation to the areas for privacy & some added security. We truly believe that the improvements that have been completed not only enhance our property but the community as well. Since the start of the landscape we have had nothing but praise from all of our neighbors in regards to the work that has been done to the property especially the entrance to the yard with the look of the Arbor and gate.

Sincerely





**LEGEND:**  
 BM - Benchmark CB - Concrete Block CI - Concrete Column CM - Concrete Monument  
 ELEV - Elevation FND - Found IP - Iron Pipe IR - Iron Rod ASP - Asphalt  
 LSF - Land Surveyor Registration Number N/T - Nail & Tub NBS - Nail & Bolt  
 M.M. - Monolith P.B.M. - Permanent Reference Monument R/W - Right Of Way  
 CONC - Concrete P.C. - Point Of Curvature P.T. - Point Of Tangent  
 P.R.C. - Point Of Reverse Curvature P.C.C. - Point Of Compound Curve CA - Chord  
 P.P. - Power Pole R.M. - Meter Stake R.R.S. - Railroad Spike R.S. - Station  
 R - Record D - Dead M - Measured C - Calculated E.L. - Eased Book  
 P.B. - Plat Book O.R. - Official Record Book PG - Page Permit - Plat  
 P.D.B. Point Of Beginning P.D.C. Point Of Commencement C.H.B. Chord Bearing  
 R.P. - Rods Point CL - Chain Link Fence P.C.P. - Permanent Control Point  
 P.I. - Point of Intersection

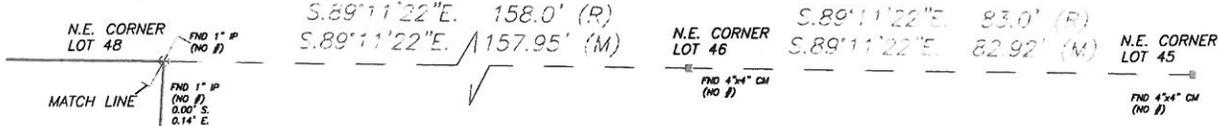
- GENERAL NOTES:**
- No instruments of record reflecting assessments, rights-of-way, and/or ownership were furnished, except as shown.
  - No foundations or underground improvements located except as shown.
  - If elevations are shown, such elevations are based on N.A.V.D. 1988 (MSL = 0.00'). Except PASCO County where elevations are based on M.G.M.D. 1989 (MSL = 0.00').
  - Disturbance is made to original purchaser of the survey, it is not transferable to additional institutions or subsequent owners.
  - Surveyor has made no investigation or independent search for assessments of record, encroachments, restrictive covenants, easements, or any other facts that an accurate and current title search may disclose.
  - No water meters located except as shown.
  - This Survey is prepared for the exclusive use of those parties certified herein and is valid for one (1) year from Date of Certification.

SCALE: 1" = 20'  
 BOUNDARY SURVEY

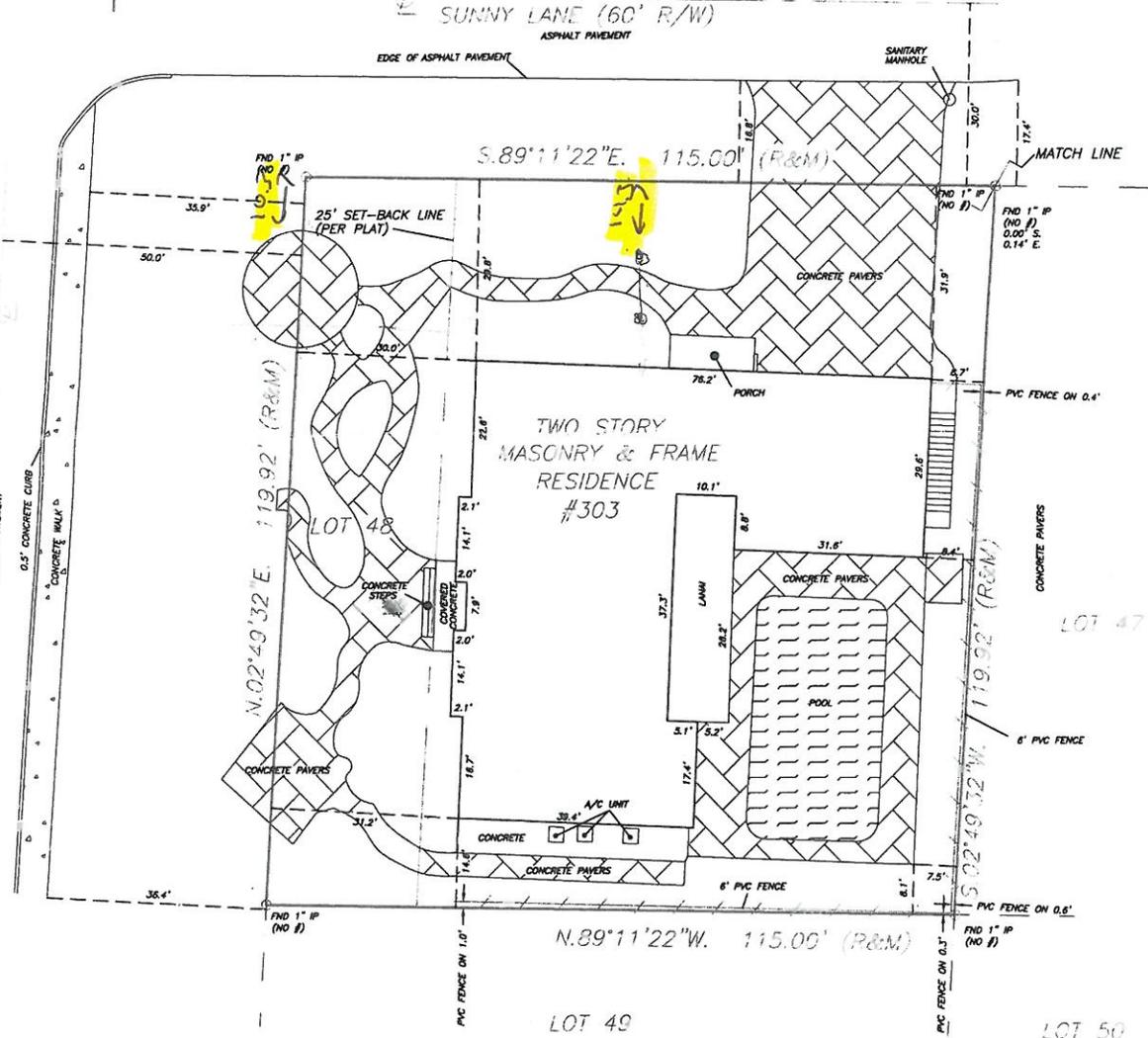
This property lies within Flood Zone X as depicted on Flood Insurance Rate Map Community Panel # 12103C0116H Dated: 5-17-05

**BENCHMARK:**  
 BASE FLOOD ELEVATION: N/A  
 SECTION 2B TOWNSHIP 29S RANGE 15E

**BASIS OF BEARINGS:**  
 BOUNDARY SURVEY:  
 LOT 48, SHIRLEY MANOR, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 42, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



INDIAN ROCKS ROAD (FIELD & PLAT)  
 STATE ROAD 5-603 (PLAT)



REVISED:  
 OFFICE LOCATION: 516 LAKESIDE PLACE  
 LARGO, FLORIDA 33771  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 PREPARED FOR AND CERTIFIED TO:  
 YAMANI, MOHAMMAD ILYAS

- LINE LEGEND:**
- CENTERLINE
  - BOUNDARY LINE
  - BUILDING LINE
  - PLAT LOT LINE
  - EASEMENT LINE
  - POWER LINE
  - WOOD FENCE
  - CHAIN LINK FENCE
  - WIRE FENCE
  - WATER/FLOOD ZONE LINE
  - BUILDING THICKNESS

**TARGET LAND SURVEYING, INC.**  
 P.O. BOX 663  
 DUNEDIN, FL 34697-0663 PH:(727) 784-0573

I hereby certify that this survey was made under my responsible charge and meets the minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes

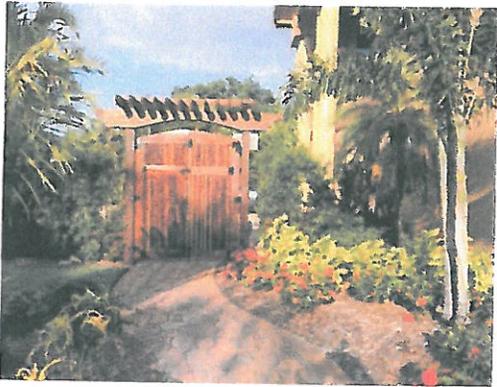
Field Survey: 1-7-14  
 FB# EFB Pg NA  
 Job# 131016.02  
 Drawn By: A. SANDY  
 Surveyed By: J. WALKER

Philip C. Stock  
 Philip C. Stock  
 RLS #3035, LB #5570  
 1-9-14  
 DATE OF CERTIFICATION





BEFOR LANDSCAPE.



AFTER LANDSCAPE.

Sec. 74-84. Schedule of dimensional regulations.

The schedule of dimensional regulations for the various zoning districts is as follows:

District	Lot Minimums			Density Maximum Dwelling Units per acre	Minimum Yard Setbacks <sup>6 &amp; 7</sup>			Minimum Offstreet Parking per Dwelling Unit <sup>1</sup>	Maximum Height <sup>3</sup> (feet)	Flood Zones	Minimum Living Area per Unit <sup>2</sup> (square feet)	Floor Area Ratio (FAR) <sup>6</sup>
	Area (square feet)	Width (feet)	Depth (feet)		Front (feet)	Side (feet)	Rear (feet)					
RE	18,000	100	100	2	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	2,000	
R-1	10,000	80	100	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	1,200	
R-2	7,500	75	90	4	25	7.5 <sup>4</sup>	25 feet or 20% of lot depth, whichever is less	2	32	34	1,000	
RM-15	10,000	100	100	15	25	7.5 <sup>4</sup>	15	1.5	32	34	1,000	
RPD	5 acres	—	—	5	(See section 74-83)			1	32		1,200	
H	20 acres	—	—	28	(See section 74-83)			1	32	34	300	0.4
C-1	12,000	100	100	None	25	12	10	1	32	34	N/A	0.35
C-2	10,000	80	100	None	25	12	10	1	32	34	N/A	0.35
C-3	10,000	80	100	None	25	12	10	1	32	34	N/A	0.30
C-4	10,000	80	100	None	25	12	10	1	32	34	N/A	0.5
GC	—	None	None	None	25	25	25		32	34	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	1	32	34	N/A	0.5
SPM	10,000	80	100	25	25	25	25	1	32		N/A	0.30
P	Town commission shall establish dimensional regulations for the public district consistent with the public land use of lands within this district. The dimensional regulations shall be based upon need for harmonizing public use of the land with necessity for protecting the public's safety, health and welfare by the use of such lands. However, in no case shall the floor area ratio exceed 0.65 for institutional uses or 0.70 for transportation/utility related uses.											

<sup>1</sup> See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

<sup>2</sup> Exclusive of garages, breezeways, porches and patios.

<sup>3</sup> The height regulation contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD zoned district. Building height limitations for flood zone area construction are as follows. Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code.

<sup>4</sup> See section 74-111.

<sup>5</sup> For impervious surface ratio, see section 74-112.

<sup>6</sup> On waterfront lots, all buildings, including guest cottages and servants quarters, shall be set back a minimum of 20 feet from the mean highwater mark or the seawall as pertinent.

<sup>7</sup> All setbacks are measured from property lines except as noted.

(Ord. No. 300, § III(2.02.04), 11-7-90; Ord. No. 318, § 5, 6-2-92; Ord. No. 328, § B(2.02.04), 8-3-93; Ord. No. 342, § I, 11-2-93; Ord. No. 353, § 2, 5-19-96; Ord. No. 399, § 1, 11-20-01)

Sec. 74-113. Building setbacks.

- (a) *Side and rear yards.* Minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way), are provided in article II of this chapter. Side and rear yard setbacks are defined in section 66-10
- (b) *Distance between buildings.*
  - (1) The minimum distance between adjacent buildings shall be 15 feet.
  - (2) Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment or an accessory use, and shall not include roof overhangs (eaves), sills, cornices, chimneys or flues which project no more than two feet into the setback area.
- (c) *Front yards.* The minimum distances for front yards are provided in article II of this chapter. Front yard setbacks is defined in section 66-10
- (d) *Corner lots and multiple frontage lots.* Corner lots and multiple frontage lots shall be considered to have front yards on all public and vehicular access easement street frontages. Front yard setbacks will apply in each of these cases. Side yard setbacks will apply to all other sides of the lot or parcel.
- (e) *Waterfront lots.* All buildings, including guest cottages and servants' quarters, shall be set back a minimum of 20 feet from the mean high-water mark or the seawall as pertinent.
- (f) *Exceptions*
  - (1) Sills, eaves, cornices, chimneys or flues may project no more than two feet into a setback area.
  - (2) An open, unroofed porch, patio, stairwell or paved terrace may project no more than ten feet into a required front yard setback. (See section 74-286 for other setback requirements.)
  - (3) Ready-made, mass produced: open air stairwell, air conditioning unit, propane pad, oil tank, pool pumps, standby power generator systems and other mechanical equipment necessary and generally accepted for the operations of a modern habitable structure and its appurtenances may extend into the rear yard and side yard setback area, provided they are immediately adjacent to the structure they are designed to serve and extend no farther into the setback than necessary to physically accommodate the equipment unit and the servicing thereof.
- (g) *No required variance.* Provided that all of the conditions of subsection 74-114(f)(3) are satisfied for installation of standby power generator equipment for a residential property that encroaches into the minimum building setbacks, henceforth, the permitting of such installation shall not require the grant of a variance to the town's minimum building setbacks.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 430, § 2, 12-20-05; Ord. No. 454, §§ 2, 3, 9-3-08)

Sec. 74-287. Fences and fence walls.

- (a) All fences shall comply with the provisions of the Standard Building Code, 1988 edition, section 1205, appendix D, or subsequent editions.
- (b) The posts of each fence must be resistant to decay, corrosion and termite infestation. Wood fenceposts shall be pressure treated or otherwise preserved.
- (c) Fence walls may be constructed of concrete, concrete block, stone, brick or any suitable masonry material. Concrete and concrete block walls shall be finished with a painted stucco finish on both sides.
- (d) Fences and fence walls may be located in side, rear and secondary front yard setback areas and shall not exceed the height of six feet except as otherwise provided in this section, exclusive of decorative supporting posts which may extend no more than nine inches above the maximum six-foot height of the fence or fence wall; provided, however, any fence or fence wall placed along any property line which abuts the Pinellas Trail may not exceed ten feet in height.
- (e) Fences and fence walls shall be prohibited within the front yard setback area and within the primary front yard setback area of corner parcels.
- (f) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence or fence wall shall be located in the vision triangle.
- (g) Fences shall be placed with the finished side out.
- (h) Except as provided below, all chainlink fences shall either:
  - (1) Be shielded on the exterior side (the side facing out) by a hedge or similar planting; or
  - (2) Be coated with a green or black vinyl coating.

All fences, including chainlink fences, or fence walls placed along a front yard setback or a primary front yard setback or along or within a secondary front yard setback area shall be shielded on the exterior side (the side facing out) by a hedge or similar planting. Any planting must grow to shield said fence over 85 percent of its surface within two years of planting. Should the shielding material die or be destroyed below the 85 percent coverage standard it shall, upon notification by the city, be replaced immediately or the city may take code enforcement action as provided in division 4 of article II.

- (i) No fence or fence wall shall be constructed or installed in such a manner as to adversely affect drainage on or adjacent to the site. To provide adequate drainage or to prevent the obstruction of drainage on or adjacent to the site, a fence or fence wall may be constructed so as to allow the bottom of the fence or fence wall to begin no more than two inches above the ground without being in violation of the maximum height restrictions set out in subsections (c) and (d) of this section.
- (j) Any fence or fence wall required to be shielded by a hedge or similar planting shall be shielded by plant material approved by the town and such plant material shall be, at minimum, a size equivalent to a three-gallon plant and each such plant shall be planted not more than two feet apart. In addition, any fence or fence wall which is required to be shielded by a hedge or similar planting as provided in this section must be set back off a property line a sufficient distance to allow for the planting and growth of the hedge or similar planting and for the maintenance thereof.
- (k) Fences, and fence walls, and hedges within ten feet of the mean high water line or sea wall shall be no more than 48 inches in height.
- (l) Electrically charged and barbed wire fences are prohibited.

(Ord. No. 399, § 1, 11-20-01)

RECEIVED  
BELLAIR BLDG. DEPT.

OCT 16 2013

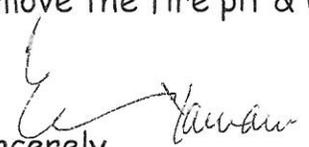
TIME REC. \_\_\_\_\_

To whom it may concern;

I the property owner located at 303 Sunny Lane, Belleair, Florida 33756  
Legal description Shirley Manor Sub Lot 48

For beautification purposes I wish to have the Town of Belleair vacate the  
36.4 ft. of property adjacent to my property. This would extend my  
property line to the sidewalk on Indian Rocks Road.

If by chance the property is not vacated by the Town of Belleair I agree to  
remove the fire pit & wall.

  
Sincerely,

M. L. YAMANI, MD