

# Summary

To: Town Commission  
From: Christine Torok, PIO/Deputy Town Clerk  
Subject: Variance Request – 1707 Meredith Lane  
Memo Date: 10/14/2014

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**Summary:** The owners of the property located at 1707 Meredith Lane have requested a variance that would allow them to construct an addition that would encroach into the required 7 foot 6 inch side yard setback by 1 foot 10 inches (sec 74.84 of Land Development Code).

**Previous Commission Action:** None

**Background/Problem Discussion:** The owner is asking for relief from the 7 foot 6 inch setback requirement so an emergency medical exit door can be installed as part of a new handicapped addition to the home.

**Alternatives/Options:**

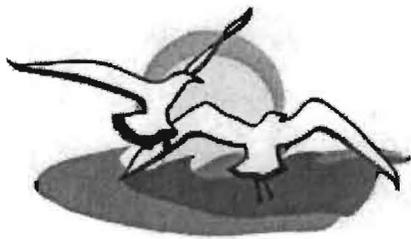
1. Approve the variance to allow for construction.
2. Deny and no construction will be allowed in the setback.

**Financial Implications:**

None

**Recommendation:** The Planning and Zoning Board recommended Commission approval of the variance by unanimous vote of members in attendance on October 13, 2014 due to the nature of the hardship.

**Proposed Motion:** I move the Commission recommend approval/denial of the variance request.



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

## MEMORANDUM

**DATE:** September 12, 2014  
**TO:** Mayor and Commissioners  
**FROM:** Micah Maxwell, Town Manager  
**SUBJECT:** Request for Variance –Belleair Estates  
**Parcel No.**

**Property Owner:** Mark & Laura Oursler  
1707 Meredith 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: R-2 (Single Family Residential)
  - B. Original Construction date:
    - 1956
  - C. Structural and other improvements to date:
    - 1986- Addition
    - 2010- Roof
  - D. Existing Easements: None shown on survey

II. Proposed request:

The applicant is requesting a variance which would allow for the construction of a proposed addition that would encroach into the required 7'.6" ft. minimum side yard setback by 1'ft 10" inches, resulting in a 5'.8" ft. side yard setback.

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)	Floor Zon <sup>es</sup>	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	<u>34</u>	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	<u>34</u>	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	<u>34</u>	1,000	
RM-15	10,000	100	100	15	25	7.5 <sup>4</sup>	15	1.5	32	<u>34</u>	1,000	
RPD	5 acres	—	—	5	(See section 74-83)			<sup>1</sup>	32		1,200	
H	20 acres	—	—	28	(See section 74-83)			<sup>1</sup>	32	<u>34</u>	300	0.4
C-1	12,000	100	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.35

	0											
C-2	10,000	80	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.35
C-3	10,000	80	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.30
C-4	10,000	80	100	None	25	12	10	<sup>1</sup>	32	<u>34</u>	N/A	0.5
GC	—	None	None	None	25	25	25		32	<u>34</u>	N/A	Town Commission Approval
C-5	10,000	None	None	None	10	5	10	<sup>1</sup>	32	<u>34</u>	N/A	0.5
SPM	10,000	80	100	25	25	25	25	<sup>1</sup>	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.

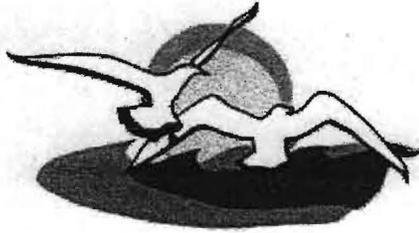
<sup>4</sup>See [section 74-113](#).

<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. 363, § 2, 3-19-96; Ord. No. 399, § 1, 11-20-01)



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

SEP 11 2014

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

**VARIANCE**

VARIANCE APPLICATION CHECK OFF SHEET

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

OWNERS NAME Mark C. Oursler and Laura M. Oursler  
 OWNERS MAILING ADDRESS 1707 Meredith Lane Belleair, Fla. 33756  
 PROPERTY ADDRESS same as above  
 PHONE NUMBER 727-519-6146  
 REPRESENTATIVE NAME AND ADDRESS (if any) Kathy Helmus of  
Premier Shelters, Inc. PO Box 5105 Largo, Fla. 33779  
 PHONE NUMBER 727-581-0706 office 727-638-4977 cell  
 DATE OF ORIGINAL CONSTRUCTION 1956  
 IMPERVIOUS COVER existing 36% proposed 42%  
 FLOOD ZONE AND ELEVATION "C"

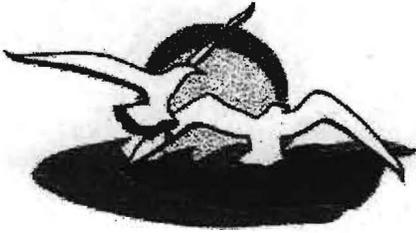
REQUIRED INFORMATION:

<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 9/8/14

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Mark C. Oursler, owner of Lot 20 S. 50ft. and Lot 21 N. 25ft. Block —, Subdivision Wedgewood Subdivision, property Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned residential R-2.
3. The present land use on the property is single family residential.
4. The decision involves Article 2 Section 74-84 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: to grant a 1'10" north side set back Variance so an emergency medical exit door can be installed to a new handicapped addition to the existing home.
7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): See attached

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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 is 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: \_\_\_\_\_

Mark C. Oursler  
 Owner  
1707 Meredith Lane Belleair 33756  
 Address  
727-519-6146  
 Telephone Number

The purpose of the variance and addition the Oursler's are requesting to add onto our existing home are to meet the ever growing needs of their handicapped son.

Keegan is now 13. He was born with a disease called Gray Matter Heterotopia, which to put simply is caused by arrested migration of neurons to the cerebral cortex, that is when neurons that are supposed to form part of the cerebral cortex they fail to climb to the end of their ladder correctly and are permanently situated in the wrong location of the brain.

Keegan has survived his 13 years by the nature of a families prayers and love. Upon diagnosis the family was told he would most likely not live past seven years of age. Two years ago at 11 Keegan was 30 pounds and not doing his best. Once again through much prayer and love he thrived in his way, is now 13 and weighs 70 pounds. Clearly his needs are changing.

The addition is being created to facilitate Keegan but to also keep a sense of normalcy and privacy to the other four children in the family.

Keegan's daily routine includes round the clock nursing, physical therapists, teachers from Pinellas County School System, delivery of medical supplies which includes oxygen tanks, and unfortunately at times emergency vehicles.

The new room is being designed obstruction free. Just one of the amenities will be a pulley system can lift Keegan from his bed and take him directly to the shower area. There is another area set up for a water therapy bed. Presently Laura, Keegan's mother has to lift him from his bed and carry him into the families hall bath then place him in the tub. I don't know Laura's exact weight but I know it isn't more than 120 pounds and Keegan is quickly reaching her height.

This is a true hardship and reason for granting the encroachment of 1'10 we need to position a door that has direct access to the road without the constraints that the twists and turns doorways and hallways can create not only for Keegan's safe transportation around his home but for staff, delivery of sensitive medical supplies such as oxygen or emergency vehicles.

We appreciate your understanding of this families hardship and pray upon you for relief by granting this side set back variance.

*Gracie G. Purdy Foundation Inc*  
610 Osceola Rd  
Belleair, FL 33756-1028

1034

63-751/631 10857  
9058059420

Date Sept 8, 2014

Pay To The Order of Town of Belleair

\$ **300.00**

Three Hundred Dollars

Dollars

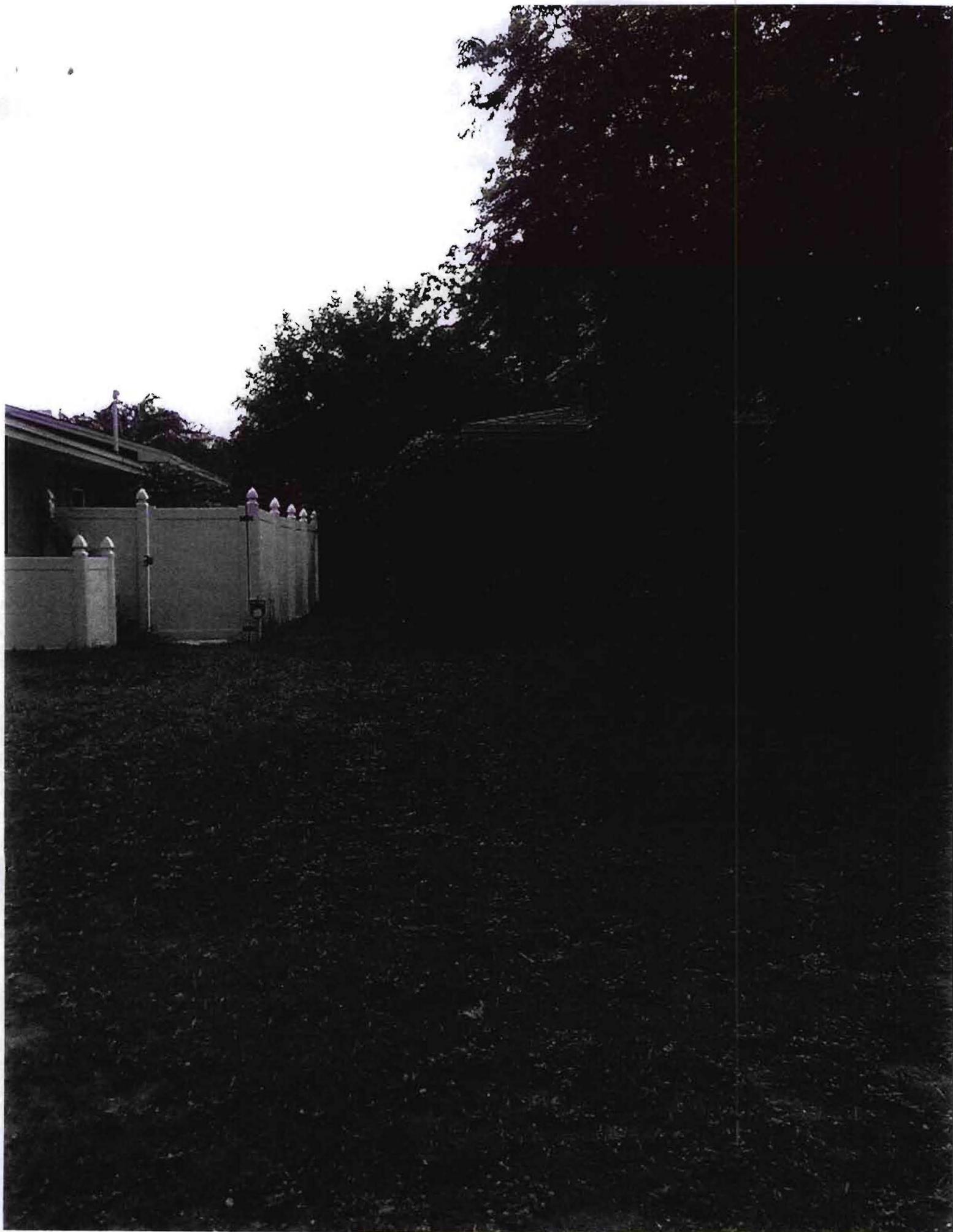


Wells Fargo Bank, N.A.  
Florida  
wellsfargo.com

For Oursler Family - variance Application

*Lisiana C. Purdy*

⑈000000 1034⑈ ⑆063 107513⑆ 90580594 20⑈









**SURVEY SKETCH OF BOUNDARY SURVEY**

**NOT FOR CONSTRUCTION  
NOT FOR DESIGN**

STREET ADDRESS:  
1707 MEREDITH LANE  
BELLEAIR, FLORIDA

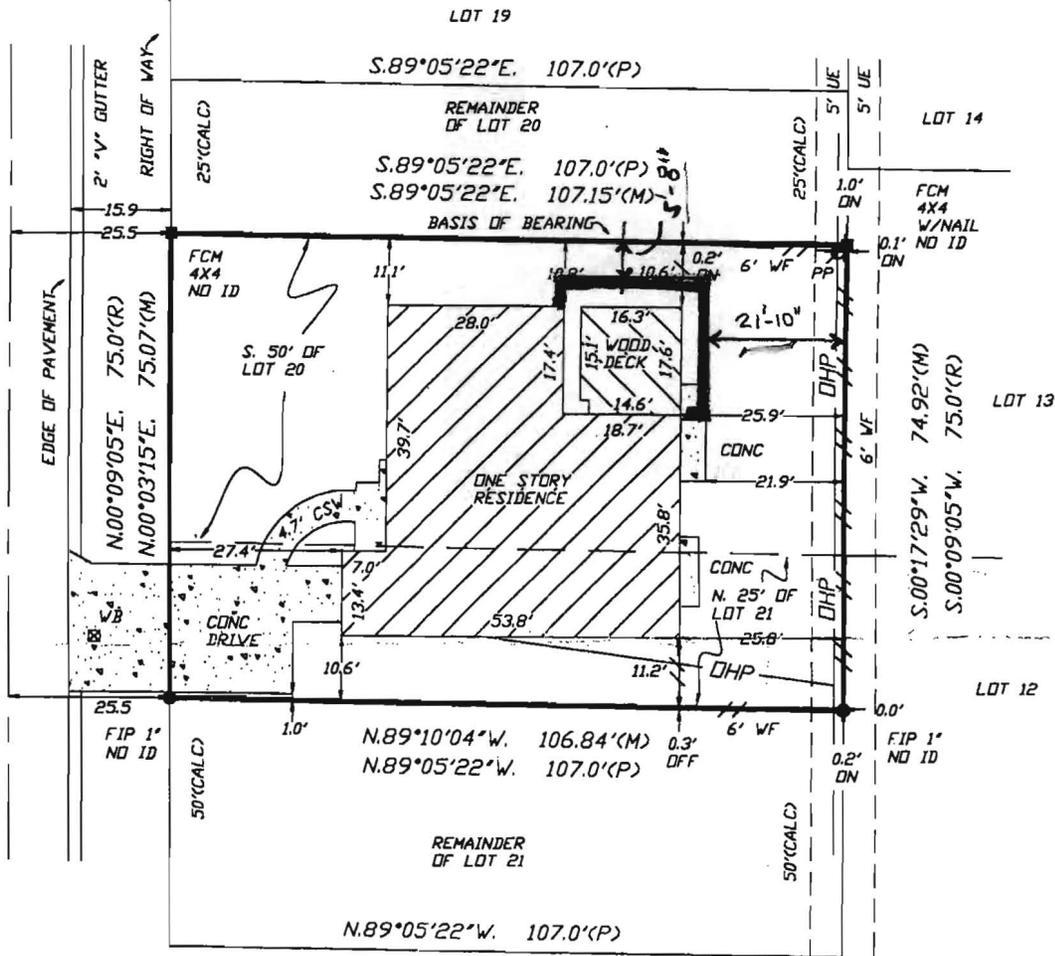
ROSEY ROAD  
60' RDW



SCALE 1" = 30'

FIR 1/2"  
@ NW BLK  
CORNER  
LOT 17  
NO ID  
N.00°09'05"E. 260.0'(CALC)  
N.00°00'32"E. 260.04'(M)

*James M. Dursler*



**LEGAL DESCRIPTION :**

THE SOUTH 50.0 FEET OF LOT 20 AND THE NORTH 25.0 FEET OF LOT 21, WEDGEWOOD SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 40, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

**CERTIFIED TO :**

MARK C. DURSLE AND LAURA M. DURSLE  
CENDANT MORTGAGE CORPORATION  
COMPLETE TITLE SERVICES, INC.  
OLD REPUBLIC NATIONAL TITLE COMPANY

**CERTIFICATION :**

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 170.001, FLORIDA STATUTES.

FLOOD ZONE : "C"  
COMMUNITY PANEL 125088-0003B  
DATED : 01-19-83  
(FLOOD ZONE : "B", "C", "D", & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.)

NOTE:  
IN COMPLIANCE WITH F.A.C.  
61G17-6.0031 (5) (E) (IF LOCATION OF



## NOTICE OF PUBLIC HEARING

Notice is hereby given that Public Hearing will be held by the Town Commission of the Town of Belleair, Florida, on request for a variance to allow for construction of a proposed addition to encroach into the side yard setback for property located at 1707 Meredith Ln., Belleair, Florida and is more particularly described as:

**29-29-15-95544-000-0200 WEDGEWOOD SUB S 50 FT OF LOT 20  
& N 25FT OF LOT 21 recorded in OR Book 10873, Page 2555,  
Public Records of Pinellas County, Florida.**

The Planning and Zoning Board will meet on this matter on **MONDAY, OCT 13, 2014 at 5:30 P.M.** at the Belleair Town Hall, 901 Ponce de Leon Blvd., Belleair, Florida.

Said hearing will be held on **TUESDAY, OCT 21, 2014 at 6:30 P.M.**, at the Belleair Town Hall, 901 Ponce de Leon Boulevard, Belleair, Florida. Additional information may be obtained from the Town Clerk's office. All parties interested are invited to attend and be heard.

Persons are advised that if they decide to appeal any decision made at these hearings, they will need records of these proceedings and for such purposes they may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act persons needing special accommodations to participate in this proceeding should contact the Town Clerk's Office at 901 Ponce de Leon Blvd., Belleair, Florida 33756 or call (727) 588-3769 x214 or Fax (727) 588-3767, not later than seven (7) days prior to the proceeding.

This matter is subject to Quasi-Judicial rules of procedures.

D. Carlen  
Town Clerk  
Town of Belleair

September 8, 2014

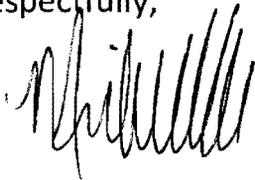
To Whom It May Concern:

I am the neighbor to the west of Mark and Laura Oursler.

I have had a conversation with Mark about their intention to add a room onto the back of their house for their handicapped son Keegan.

It has further been brought to my attention that a 1'10" encroachment to the southern side setback will be necessary to provide for an emergency medical exit door. I have no issues and pray relief upon the Town of Belleair for the Oursler's to grant this hardship variance.

Respectfully,

A handwritten signature in black ink, appearing to be "M. Williams", written in a cursive style.

September 8, 2014

To Whom It May Concern:

I am the neighbor to the east of Mark and Laura Oursler.

I have had a conversation with Mark about their intention to add a room onto the back of their house for their handicapped son Keegan.

It has further been brought to my attention that a 1'10" encroachment to the southern side setback will be necessary to provide for an emergency medical exit door. I have no issues and pray relief upon the Town of Belleair for the Oursler's to grant this hardship variance.

Respectfully,

*Danielle Ciliento*  
Danielle Ciliento