



## PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

**THIS APPLICATION IS REQUIRED FOR ALL LEVEL ONE FLEXIBLE STANDARD DEVELOPMENT (FLS) AND LEVEL TWO FLEXIBLE DEVELOPMENT (FLD) APPLICATIONS. ALL APPLICATIONS MUST BE SUBMITTED ONLINE AT: [epermit.myclearwater.com](https://epermit.myclearwater.com)**

NOTE THAT THE APPLICANT AND/OR AGENT IS REQUIRED TO SUBMIT COMPLETE AND CORRECT INFORMATION AS INCLUDED IN THIS APPLICATION. THIS APPLICATION IS REQUIRED TO BE SUBMITTED IN PERSON OR ONLINE TO THE PLANNING & DEVELOPMENT DEPARTMENT (INCLUDING PLANS AND DOCUMENTS, UPLOADED, PROCESSED AND FINALIZED) BY NOON ON THE SCHEDULED DEADLINE DATE [SUBMITTAL CALENDAR](#). IF THE PROPERTY OWNER IS NOT A NATURAL PERSON, SUCH AS AN ORGANIZATION (COMPANY OR TRUST), THE NAME OF THE PERSON SIGNING ON BEHALF IS REQUIRED. IF THERE IS MORE THAN ONE AGENT OR REPRESENTATIVE, THE NAME OF EACH PERSON NEEDS TO BE PROVIDED. THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE. [ADDITIONAL INFORMATION ON SUBMITTAL REQUIREMENTS INCLUDING WORKSHEETS AND HANDOUTS, ETC.](#)

### FIRE DEPARTMENT PRELIMINARY

**SITE PLAN REVIEW FEE:** \$200 (NOT APPLICABLE FOR DETACHED DWELLING OR DUPLEXES)

**APPLICATION FEES:** \$100 (FLS – ACCESSORY STRUCTURES ASSOCIATED WITH A SINGLE-FAMILY OR DUPLEXES)  
\$200 (FLS – DETACHED DWELLINGS OR DUPLEXES)  
\$475 (FLS – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES)  
\$300 (FLD – DETACHED DWELLINGS, DUPLEXES, AND THEIR ACCESSORY STRUCTURES)  
\$1,205 (FLD – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES)

**PROPERTY OWNER (PER DEED):** LEGACY REAL ESTATE DL LLC  
**MAILING ADDRESS:** 815 Eldorado Avenue, Clearwater, FL 33767  
**PHONE NUMBER:** (813) 830-1034  
**EMAIL:** TOM@JCTDEVELOPMENT.COM

**APPLICANT/PRIMARY CONTACT**  
**NAME:** JORDAN BEHAR  
**COMPANY NAME:**  
**MAILING ADDRESS:** 2430 TERMINAL DR S, ST PETERSBURG, FL 33712  
**PHONE NUMBER:** 727 488 9490  
**EMAIL:** JORDAN@ARCHITECTUREBP.COM

**ADDRESS OF SUBJECT**  
**PROPERTY:** 1035 BAY ESPLANADE, CLEARWATER BEACH, FL, 33767  
**PARCEL NUMBER (S):** 32-28-15-13464-273-0010  
**SITE AREA (SQUARE FEET AND ACRES):** 0.154 Acres | 6,691 SF  
**ZONING:** LMDR - LOW MEDIUM DENSITY RESIDENTIAL  
**FUTURE LAND USE:** RU -RESIDENTIAL URBAN  
**DESCRIPTION OF REQUEST:**  
**(MUST INCLUDE USE, REQUESTED FLEXIBILITY, PARKING, HEIGHT, ETC)**  
REQUEST FOR FRONT YARD SETBACK REDUCTIONS TO THE PRIMARY AND SECONDARY  
RIGHT OF WAY UNDER RESIDENTIAL INFILL FOR A DETACHED DWELLING PER SECTION 2-204.E



## PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

### GENERAL INFORMATION

PROVIDE THE FOLLOWING GENERAL INFORMATION ON THE PROPOSED PROJECT. IF NOT APPLICABLE MARK N/A. THE MAXIMUM PERMITTED OR REQUIRED AMOUNTS ARE LISTED IN THE ZONING DISTRICT IN THE COMMUNITY DEVELOPMENT CODE WHICH IS AVAILABLE ONLINE AT:

[HTTPS://LIBRARY.MUNICODE.COM/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE](https://library.municode.com/fl/clearwater/codes/community_development_code)

#### **DWELLING UNITS:**

A DWELLING UNIT IS A BUILDING OR PORTION OF A BUILDING PROVIDING INDEPENDENT LIVING FACILITIES FOR ONE FAMILY INCLUDING THE PROVISION FOR LIVING, SLEEPING, AND COMPLETE KITCHEN FACILITIES.

MAX. PERMITTED: 1 PROPOSED: 1

#### **HOTEL ROOMS:**

A HOTEL ROOM IS AN INDIVIDUAL ROOM, ROOMS OR SUITE WITHIN AN OVERNIGHT ACCOMMODATIONS USE DESIGNED TO BE OCCUPIED, OR HELD OUT TO BE OCCUPIED AS A SINGLE UNIT FOR TEMPORARY OCCUPANCY.

MAX. PERMITTED: N/A PROPOSED: N/A

#### **PARKING:**

LIST PARKING SPACES. PARKING SPACES MUST MEET THE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE (CDC) INCLUDING LOCATION, MATERIALS AND DIMENSIONS. BACK OUT PARKING IS PROHIBITED FOR MOST USES.

REQUIRED: 2 PROPOSED: 3

#### **FLOOR AREA RATIO (FAR):**

DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. AREA IS FOUND BY MULTIPLYING THE LENGTH TIMES THE WIDTH DIMENSION FOR EACH FLOOR AND SHOULD BE EXPRESSED IN SQUARE FEET. DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. FAR IS NOT REQUIRED FOR RESIDENTIAL ONLY PROJECTS UNLESS IN US 19 ZONING DISTRICT.

MAX. PERMITTED: N/A PROPOSED: N/A

#### **IMPERVIOUS SURFACE RATIO (ISR):**

ISR MEANS A MEASUREMENT OF INTENSITY OF HARD SURFACED DEVELOPMENT ON A SITE, BASICALLY ANY SURFACE THAT IS NOT GRASS OR LANDSCAPED AREAS ON PRIVATE PROPERTY. AN IMPERVIOUS SURFACE RATIO IS THE RELATIONSHIP BETWEEN THE TOTAL IMPERVIOUS VERSUS THE PERVIOUS AREAS OF THE TOTAL LOT AREA. [LINK TO ADDITIONAL INFORMATION INCLUDING ISR WORKSHEET.](#)

MAX. PERMITTED: .65 (4,349 SF) PROPOSED: 0.63 (4,232 SF)  
PLEASE LIST PERCENTAGE % AND SQUARE FEET.



# PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

## GENERAL APPLICABILITY CRITERIA

PROVIDE COMPLETE RESPONSES TO EACH OF THE SIX (6) GENERAL APPLICABILITY CRITERIA OF COMMUNITY DEVELOPMENT CODE SECTION 3-914.A.1 THROUGH 6, EXPLAINING HOW, IN DETAIL, THE CRITERIA IS MET. USE ADDITIONAL SHEETS AS NECESSARY:

1. THE PROPOSED DEVELOPMENT OF THE LAND WILL BE IN HARMONY WITH THE SCALE, BULK, COVERAGE, DENSITY AND CHARACTER OF ADJACENT PROPERTIES IN WHICH IT IS LOCATED.

SEE EXHIBIT B FOR RESPONSE

2. THE PROPOSED DEVELOPMENT WILL NOT HINDER OR DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT LAND AND BUILDINGS OR SIGNIFICANTLY IMPAIR THE VALUE THEREOF.

SEE EXHIBIT B FOR RESPONSE

3. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OR PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE.

SEE EXHIBIT B FOR RESPONSE

4. THE PROPOSED DEVELOPMENT IS DESIGNED TO MINIMIZE TRAFFIC CONGESTION.

SEE EXHIBIT B FOR RESPONSE

5. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE COMMUNITY CHARACTER OF THE IMMEDIATE VICINITY OF THE PARCEL PROPOSED FOR DEVELOPMENT.

SEE EXHIBIT B FOR RESPONSE

6. THE DESIGN OF THE PROPOSED DEVELOPMENT MINIMIZES ADVERSE EFFECTS, INCLUDING VISUAL, ACOUSTIC, AND OLFACTORY AND HOURS OF OPERATION IMPACTS, ON ADJACENT PROPERTIES.

SEE EXHIBIT B FOR RESPONSE



# PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

## FLEXIBILITY CRITERIA OR USE SPECIFIC CRITERIA

PROVIDE COMPLETE RESPONSES TO THE APPLICABLE FLEXIBILITY CRITERIA (OR USE SPECIFIC CRITERIA IN US 19 AND DOWNTOWN ZONING DISTRICTS). THESE CRITERIA ARE SPECIFIC TO THE USE AND THE ZONING DISTRICT OF THE SUBJECT PROPERTY AND ARE PART OF THE COMMUNITY DEVELOPMENT CODE AVAILABLE ONLINE AT MUNICODE.COM :

[HTTPS://LIBRARY.MUNICODE.COM/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE](https://library.municode.com/fl/clearwater/codes/community_development_code)

IF YOU NEED HELP FINDING THE CRITERIA OR STANDARDS PLEASE CONTACT A DEVELOPMENT REVIEW PLANNER AT THE ZONING LINE 727-562-4604. USE ADDITIONAL SHEETS AS NECESSARY:

SEE EXHIBIT C FOR RESPONSE



## PLANNING AND DEVELOPMENT DEPARTMENT AFFIDAVIT TO AUTHORIZE AGENT/REPRESENTATIVE

1. Provide names of all property owners on deed – PRINT full names:

Thomas Lee

Legacy Real Estate dl LLC

2. That (I am/we are) the owner(s) and record title holder(s) of the following described property:

1035 Bay Esplanade, Clearwater Beach, FL

3. That this property constitutes the property for which a request for (describe request):

Flexible Development request for 10' setback to Bay Esplanade and 5' setback to Palmer Street

4. That the undersigned (has/have) appointed and (does/do) appoint:

Jordan Behar

as (his/their) agent(s) to execute any petitions or other documents necessary to affect such petition;

5. That this affidavit has been executed to induce the City of Clearwater, Florida to consider and act on the above described property;

6. That site visits to the property are necessary by City representatives in order to process this application and the owner authorizes City representatives to visit and photograph the property described in this application;

7. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

Property Owner/ Registered Agent of Organization

Property Owner/ Registered Agent of Organization

Property Owner/ Registered Agent of Organization

Property Owner/ Registered Agent of Organization

STATE OF ~~FLORIDA~~ New York  
COUNTY OF ~~PINELLAS~~ Westchester

The foregoing instrument was acknowledged before me by means \* physical presence or \* ~~online notarization~~, this 29 day of July, 2025 by (Thomas Lee) as (Managing member) of (LEGACY Real Estate dl LLC), who \_\_\_ is/are personally known to me or \_\_\_ who has/have produced a driver's license as identification.

NOTARY PUBLIC

Signature: Lina C. Dadio

My Commission expires: October 4, 2028

Lina C. Dadio  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01DA6116620  
Qualified in Westchester County  
Commission Expires October 4, 2028

## GENERAL APPLICABILITY CRITERIA

### **1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.**

The proposed development is consistent with the scale, bulk, coverage, and density of properties along Bay Esplanade and reflects the established development pattern within the Carlouel neighborhood and the greater North Clearwater Beach streetscape of both Bay Esplanade and Eldorado. This area is characterized by a mix of architectural styles, irregular lot configurations, and varied setbacks, the result of gradual redevelopment over time. Numerous homes along Bay Esplanade, including those at 980, 990, 1007, 1010, 1018, 1021, 1039, and 1044, exhibit reduced front yard setbacks, underscoring that uniform compliance with LMDR minimums is not typical of the area. As a corner lot with dual frontage, the subject parcel is bound by Bay Esplanade and the unimproved Palmer Street right-of-way. The proposed setbacks, 10 feet from Bay Esplanade and 5 feet from Palmer Street, are contextually appropriate, reflect historic conditions on this site and others nearby, including those at 1039, 1015 Bay Esplanade, and 970, 974, 734 Eldorado Ave, and reinforce the architectural rhythm and spatial variety that define the neighborhood's character.

### **2. The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.**

The proposed development will not hinder or discourage appropriate use of adjacent land, nor will it negatively affect the value of surrounding properties. On the contrary, the project will contribute positively to the neighborhood's aesthetic and economic value. By replacing an older structure with a new, code-compliant, flood-resilient home built with high-quality design and materials, the redevelopment will enhance property values and support continued revitalization in this desirable beach community.

### **3. The proposed development will not adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use.**

Health and safety is not adversely impacted as the use shall continue to be a single-family residence. Health and safety will be improved because the new residence will be constructed in accordance with current building codes which will be less susceptible to wind and flood damage.

### **4. The proposed development is designed to minimize traffic congestion.**

The proposed residence includes an enclosed three-car garage and a driveway with capacity for two additional vehicles in the motor court, thereby ensuring code compliant off-street parking is provided. The motor court provides ample space for two off-street parking spaces, as shown in the site plan included with this application.

### **5. The proposed development is consistent with the community character of the immediate vicinity of the parcel proposed for development.**

The redevelopment aligns with the historic and evolving character of the Carlouel neighborhood. While the community is known for its original Mediterranean revival, beach cottages and mid-century homes, recent years have seen an increase in multi-story, flood-resilient residential structures. The new dwelling respects this progression, incorporating a distinctly Mediterranean revival style integrated into raised living areas and modern amenities while still reflecting the residential scale and charm of the surrounding homes. The design enhances the visual cohesion of the area while respecting the community's historic pattern and architectural heritage.

### **6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts, on adjacent properties.**

The design of the proposed development minimizes adverse impacts on adjacent properties. Visual impacts are addressed through scaled massing, landscaping, side entry garages, and architectural articulation. Acoustic impacts will be minimal, as the property will remain a single-family home with no commercial or high-intensity use. Odor concerns will be mitigated by enclosed waste storage within the garage level. Hours of operation impacts are not applicable, as this is a residential property with no business use. In sum, the project prioritizes compatibility and neighborly integration and incorporates flood-compliant measures to help prevent future storm-related damage and associated visual, olfactory, or acoustic issues.



## Exhibit C

### Setback Flexibility Justification

**Property Address:** 1035 Bay Esplanade, Clearwater, FL

**Zoning:** LMDR | Future Land Use: RU

### PER CODE SECTION 204.E.1 – 7

#### Residential Infill Projects

1. **The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from one or more of the following: intensity; other development standards;**

Strict application of the front setback requirements renders redevelopment of this constrained corner lot impractical due to its dual frontage condition and shallow buildable depth. The requested reductions are necessary to establish a functional building envelope and facilitate a compliant, context-sensitive home. A ten-foot front setback along Bay Esplanade reflects the prevailing development pattern in the neighborhood, reinforcing the architectural rhythm and continuity of the street. Similarly, a five-foot setback along Palmer Street reflects the established pattern along North Clearwater Beach where numerous homes, including those on Bay Esplanade and Eldorado, front or side onto paper rights-of-way with minimal setbacks. This condition includes the existing residence on this lot, which was constructed in 1941 with a five-foot setback along Palmer Street. The requested deviations therefore restore and continue a long-standing neighborhood fabric that contributes to the character and legibility of the streetscape.

2. **The development of the parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;**

The proposed residence will not materially reduce the fair market value of adjacent properties. It replaces a non-compliant FEMA storm-damaged structure with a new, elevated, code-compliant home that aligns with neighborhood character, reflects traditional Mediterranean design, and respects the established scale and massing of nearby dwellings. The consistent front yard setback along Bay Esplanade contributes to architectural cohesion, enhancing both visual appeal and market stability in the area.

3. **The uses within the residential infill project are otherwise permitted in the district;**

The proposed single-family residence is a permitted use within the LMDR zoning district and is consistent with the Residential Urban land use designation. No change of use, special exception, or conditional approval is sought with respect to land use. The project is a straightforward infill redevelopment that aligns with zoning and land use intent.

4. **The uses within the residential infill project are compatible with adjacent land uses;**

The proposed development is fully compatible with adjacent land uses, all of which are single family residential. The traditional façade, contextual massing, and ten-foot front setback are consistent with existing homes along Bay Esplanade, reinforcing the neighborhood's architectural rhythm and scale. This compatibility maintains the residential integrity of the area and supports a cohesive streetscape.

5. **The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;**

The project upgrades the immediate vicinity by replacing a non-resilient, outdated structure with a new home that meets current floodplain and construction standards while presenting an architectural character that pays homage to the history of architectural styles of Carlouel from the early to mid 1900's. The reduced setbacks mirror the prevailing condition along Bay Esplanade, contributing to a more consistent and legible street wall and strengthening the visual fabric of the neighborhood.

6. **The design of the proposed residential infill project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole;**

The proposed residence enhances community character by drawing from Carlouel's traditional architecture heritage, incorporating traditional architectural detailing, articulated façades, and a setback that aligns with adjacent structures. The result is a harmonious and refined addition that contributes positively to the street's architectural rhythm and reinforces Clearwater Beach's coastal identity.

7. **Flexibility in regard to lot width, required setbacks, height, off-street parking, access or other development standards are justified by the benefits to community character and the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.**

Flexibility in setbacks is justified by the lot's constrained geometry and dual frontage condition, and by the clear benefit of reinforcing the established development pattern of the Carlouel neighborhood. The ten-foot front setback aligns with prevailing conditions along Bay Esplanade, contributing to a consistent architectural rhythm and cohesive street frontage. The five-foot setback along Palmer Street is similarly appropriate, as Palmer is a platted but unimproved right-of-way historically treated as a side yard throughout North Clearwater Beach. Numerous homes, including the existing structure on this parcel built in 1941, maintain five-foot setbacks along such rights-of-way, a condition that remains consistent with the LMDR zoning requirements. The proposed design, incorporating traditional architectural elements and contextual placement, supports a walkable, visually coherent streetscape that enhances the immediate neighborhood.