

**Board of Adjustments and Appeals
Tuesday, April 19, 2022
@ 6:00 p.m.**



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

Administrative
727/595-2517
727/596-4759 (Fax)

Library
727/596-1822

Public Services
727/595-6889
727/593-5137 (Fax)

AGENDA

CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS

TUESDAY, MARCH 15, 2022 @ 6:00 P.M.

CITY COMMISSION CHAMBERS

1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES: MARCH 15, 2022**
4. **BOA CASE NO. 2022-06 — 424 HARBOR DRIVE NORTH**
Owner/Applicant: Thomas Smith
Linda Smith
Subject Location: 424 Harbor Drive North
Legal Description: Indian Beach Re-Revised 22nd Add Lot 4.
Parcel #: 06-30-15-42426-000-0040
Variance Request: Variance request from Section 94-86 (a)(1) of the Code of Ordinances to encroach 19 feet beyond the allowed 35-foot width envelope resulting in a width envelope of 54 feet for the installation of pilings for a catamaran boat.
5. **BOA CASE NO. 2022-07— 2105 BAY BOULEVARD**
Owner/Applicant: Sean Foos
Cherry Foos
Subject Location: 2105 Bay Boulevard
Legal Description: Indian Beach Re-Revised 13th Add Lot 6 & rip rts
Parcel #: 06-30-15-42264-000-0060
Variance Request: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet for the installation of a swimming pool.

6. BOA CASE NO. 2022-08— 349 12TH AVENUE

Owner/Applicant: Schaefer, Jeff Ward
Schaefer, Carol
Representative: Enterprise Marine
Subject Location: 349 12th Avenue
Legal Description: Indian Beach Re-Revised 2nd Add Blk 89, Lot 12
Parcel #: 06-30-15-42066-089-0120
Variance Request: Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection.

7. BOA CASE NO. 2022-09— 1306 GULF BOULEVARD

Owner/Applicant: Gulf Dune Property, LLC
Representative: Hill Ward Henderson, PA
Subject Location: 1306 Gulf Boulevard
Legal Description: Indian Beach Re-Revised Blk 28, Lot 8 & W'ly 1/2 of vac alley on E & that part of vac Beach Dr on W together with Lot 25 less E 10 ft for rd r/w together with E'ly 1/2 of vac alley on W.
Parcel #: 01-30-14-42030-028-0080
Variance Request: Variance request from Section 110-131(f)(4)(ii) of the Code of Ordinances to not require the portion of the building that exceeds 30 feet in height to step in 1 foot for every two feet above 30 feet to allow for the construction of a 5-unit building.

8. OTHER BUSINESS.

9. ADJOURNMENT.

APPEAL: If a person decides to appeal any decision made with respect to any matter discussed at such meeting or hearing, will need a record of the proceedings and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. court reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's office with your request telephone 727/595-2517 or doreilly@irbcity.com no later than seven (7) business days prior to the proceeding for assistance.

POSTED: April 14, 2022

**AGENDA ITEM NO. 1
CALL TO ORDER**

**AGENDA ITEM NO. 2
ROLL CALL**

**AGENDA ITEM NO. 3
APPROVAL OF MINUTES**

**MINUTES — MARCH 15, 2022
CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENTS AND APPEALS**

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, MARCH 15, 2022**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

1. **CALL TO ORDER.** Chair DeVore called the meeting to order at 6:02 p.m.

2. **ROLL CALL:**

PRESENT: Chair Stewart DeVore, Vice-Chair David Watt, Board Member Rick Alvarez, Board Member Michael A. Campbell, and Board Member Jim Labadie.

OTHERS PRESENT: City Attorney Randy Mora, Planning Consultant Hetty C. Harmon, AICP, and City Clerk Deanne B. O'Reilly, MMC.

ABSENT: 1st Alternate Board Member Karen O'Donnell

VACANT POSITION: 2nd Alternate Board Member.

(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)

City Attorney Mora stated that each of the cases the Board will be considering tonight are quasi-judicial proceedings, not legislative. In a quasi-judicial capacity, the Board is not making the law, but rather applying the law to establish criteria and guidance in the City Code based on the competent, substantial evidence the Board receives this evening.

3. **APPROVAL OF MINUTES: JANUARY 18, 2022**

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO APPROVE THE JANUARY 18, 2022 MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2022-05 — 799 EAST GULF BOULEVARD (REVISED)**

Owner/Applicant: Rory Burton

Agent/Representative: Wess Ripley

Subject Location: 799 East Gulf Boulevard

Legal Description: A portion of Lot 25, La Hacienda Replat, according to the plat thereof recorded in Plat Book 39, Pages 1 and 2, Public Records of Pinellas County, Florida, formerly La Hacienda Subdivision recorded in Plat Book 36, Pages 73 and 74.

Parcel #: 12-30-14-47412-000-0251

Variance Request:

Variance request to Section 110-344(5) of the Code of Ordinances to encroach 5 feet into the north 8 foot side yard setback, resulting in a north side yard setback of 3 feet, for the installation of a swimming pool, on property located at 799 East Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 25, La Hacienda Replat, according to the plat thereof recorded in Plat Book 39, Pages 1 and 2, Public Records of Pinellas County, Florida, formerly La Hacienda Subdivision recorded in Plat Book 36, Pages 73 and 74.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2022-05/799 EAST GULF BOULEVARD: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 5 feet in to the north 8-foot yard setback resulting in a north side yard setback of 3 feet, for the installation of a swimming pool, on property located at 799 East Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 25, La Hacienda Replat, according to the plat thereof recorded in Plat Book 39, Pages 1 and 2, Public Records of Pinellas County, Florida, formerly La Hacienda Subdivision recorded in Plat Book 36, Pages 73 and 74. Parcel #12-30-14-47412-000-0251

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

OWNER: Rory Burton
PROPERTY LOCATION: 799 E Gulf Boulevard
ZONING: RM-2- Medium Density Residential

Direction	Existing Use	Zoning Category
North	Residential	RM-2
East	Intracoastal	N/A
South	Residential	RM-2
West	Residential	RM-2

BACKGROUND:

The applicant is requesting variance for the north side yard setback for the installation of a swimming pool. They are requesting the pool encroach 5 feet into the north 8 foot side yard setback leaving a setback of 3 feet.

Sec. 2-152. Variances.

(a) Generally; criteria for granting variances from the terms of subpart B.

(1) The Board of Adjustments and Appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the Board or the City Commission shall consider each of the following:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The duplex was built in 2005 and the lot was illegally subdivided in 2005 causing the lots to be non-conforming limiting the width of the lot.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the pool as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

PUBLIC NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on February 28, 2022, pursuant to Section 2-149, of the Code of Ordinances.

CORRESPONDENCE RECEIVED: An opposition letter from Karl Balducci, 805 East Gulf Boulevard, and a letter of support from Andrew M. Quinn, 801 East Gulf Boulevard (adjacent neighbor).

[End of Staff Report.]

City Attorney Mora read by title only Agenda Item No. 4, BOA Case No. 2022-05, 799 East Gulf Boulevard.

City Attorney Mora inquired of the members if they had any ex-parte communications with the applicant or their agent in advance tonight concerning the application before them. All members have responded in the negative.

City Attorney Mora inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All having members have responded in the negative.

City Attorney Mora duly swore in all persons planning to give testimony during the quasi-judicial proceeding.

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2022-05, 799 East Gulf Boulevard.

Planning Consultant Harmon stated BOA Case No. 2022-05 was before the Board on January 18, 2022. (The original variance requests were from Section 110-344(3)(f)(3)(i) of the Code of Ordinances to encroach 2 feet into the south 7-foot 6-inch side yard setback and 5 feet into the north 7-foot 6-inch side yard setback, resulting in a south side yard setback of 5 feet 6 inches and a north side yard setback of 2 feet 6 inches, for the installation of a swimming pool.) She stated the Board unanimously recommended denial of the original variance request to the City Commission. However, between the BOA Meeting and City Commission Meeting, the applicant amended his plan requesting only one variance on the north side. (Revised variance request from Section 110-344(5) of the Code of Ordinances to encroach 5 feet into the north 8-foot yard setback resulting in a north side yard setback of 3 feet, for the installation of a swimming pool.)

Planning Consultant Harmon stated during the February 8, 2022 City Commission Meeting, the revised plan was submitted and discussed by the City Commission. She noted that the City did not advertise the revised plan, nor the surrounding neighbors were not aware of the revised plan.

Planning Consultant Harmon stated that the City Commission tabled and referred BOA Case No. 2022-05 back to the BOA because the newly submitted plan materially changed the relief sought.

Planning Consultant Harmon stated the applicant revised his plan and is now requesting a variance to encroach 5 feet into the 8-foot north side setback to install a swimming pool, which leaves a 3-foot setback.

Planning Consultant Harmon stated the property is a legal non-conforming duplex, and the encroachment would affect the adjacent unit, which the City has received a letter of support from. She stated a shared-wall agreement states both property owners have to sign off on any improvements to the duplex.

Planning Consultant Harmon made a PowerPoint Presentation to the Board consisting of aerial views of the property and proposed site plans.

Planning Consultant Harmon asked if any members wanted to see the original variance request. To which Vice Chair Watt said he would.

Planning Consultant Harmon stated the original request was for variances from Section 110-344(3)(f)(3)(i) of the Code of Ordinances to encroach 2 feet into the south 7-foot 6-inch side yard setback and 5 feet into the north 7-foot 6-inch side yard setback, resulting in a south side yard setback of 5 feet 6 inches and a north side yard setback of 2 feet 6 inches, for the installation of a swimming pool.

Planning Consultant Harmon stated the applicant is now requesting to encroach 5 feet into the north 8-foot yard setback resulting in a north side yard setback of 3 feet to install a swimming pool. The applicant is reducing the size of the pool.

Vice-Chair Watt asked if the applicant meets all other setbacks, such as the rear yard setback.

Planning Consultant Harmon stated property owners can go as close as they want to the seawall as long as they get a letter from a professional engineer registered in Florida saying that the proposed swimming pool will not affect the integrity or functioning of the seawall under the most adverse conditions.

Planning Consultant Harmon recommended denial on this BOA Case because the swimming pool does not meet the setbacks.

Vice-Chair Watt stated with a duplex, the internal property line acts the same as a property line that would border another property.

Planning Consultant Harmon stated that this is being treated because a lot split was done on this piece of property. There are different parcel numbers on those two lots.

Vice-Chair Watt stated it is technically a lot split.

Member Campbell asked if this is a non-conforming parcel and there is nothing that the City can do or intends to do about that aspect of things.

Planning Consultant Harmon stated that was correct.

Planning Consultant Harmon stated this is a newer non-conforming, but many of the houses built in the 50s, 60s, and early 70s were all non-conforming because of their setbacks.

Member Campbell stated very few of them are non-conforming in this particular way.

Planning Consultant Harmon responded exactly.

Vice-Chair Watt asked what non-conforming is?

Planning Consultant Harmon stated that means the building does not meet the setbacks.

City Attorney Mora stated there are different ways for a property to be non-conforming. Non-conforming describes that it is outside of compliance or alignment with the property. It could be that a structure is too close to a property line, or there are minimum lot sizes in most municipal codes. A non-conformity is something that is not in alignment with the law but existed before the law was made.

City Attorney Mora stated for various administrative reasons, the Board does not need to go into for purposes of what the Board is considering this non-conformity happened later in time. As a result, the setbacks are an issue for the pool. The Board is considering whether the variance sought for those setbacks is appropriate.

Member Campbell stated his question to the City Attorney: Is there any way for a zero lot line house in Indian Rocks Beach to conform? Could they make the duplex into a condominium? The reason why it makes a difference to him is that if the City allowed it to happen and allows it still to happen, the applicant should be able to get the full use of their yard that is why he is belaboring it.

City Attorney Mora stated non-conformities are eliminated through one of four means. Attrition or abatements, acts of God, obsolescence, and code amendments/revisions.

City Attorney Mora stated none of those would be at issue here. There is not an enforcement mechanism, the City is not going to compel this structure to be torn down. There are various reasons, especially so many years after the structure was approved, that it may not be appropriate or perhaps the best use of the City resources for legal reasons. But be as it may, the property exists as it is now, there is no proposal to destroy any of the structures there or somehow invalidate the separate parcels on which people have paid taxes for years.

City Attorney Mora stated the Board is being asked to consider this application with the property as it exists at the time of application.

Wess Ripley, 2340 126th Drive W., Parrish, Florida, representing the applicant, stated the Board's concern was getting closer to the seawall and changing the shape of the pool. On the proposed plan, the blue lines coming down from the top are the actual cables for

the deadmen there, so the only deep end is the narrow band by the house. The pool cannot be rotated because of the deadmen. A sun-shelf can only be over the deadmen, limiting how far the pool can go toward the seawall. He stated the only option was to go to the shared-wall.

Vice-Chair Watt stated people have designed pools before where the pool itself becomes a part of the deadman anchor if he is not mistaken.

Mr. Ripley stated he was not sure. The marine engineer told him there has to be an actual slip sheet between the two so they are not attached. The marine engineer recommended a gap.

Chair DeVore stated it had been his experience that there could be a beam placed as a part of the pool to get to that infinity-type of the pool.

It was noted, for the record, that no one was present to speak at this public meeting.

Member Campbell stated if there is no issue of public safety for fire or access and if the City is going to let it exist, then the applicant is entitled to reasonable use of their property.

Chair DeVore stated he is looking at this case as more of a non-conforming property and the City Code states that the City should not make properties more non-conforming.

Vice-Chair Watt stated this case could be tricky because of the setbacks for outside boundaries of the entire property, but the internal setback line is not. He said in some way, it would not affect the outer properties. He stated this is a considerable encroachment on the adjacent unit.

MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER LABADIE, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2022-05, 799 EAST GULF BOULEVARD. VARIANCE REQUEST FROM SECTION 110-344(5) OF THE CODE OF ORDINANCES TO ENCROACH 5 FEET IN TO THE NORTH 8-FOOT YARD SETBACK RESULTING IN A NORTH SIDE YARD SETBACK OF 3 FEET, FOR THE INSTALLATION OF A SWIMMING POOL, ON PROPERTY LOCATED AT 799 EAST GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS A PORTION OF LOT 25, LA HACIENDA REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 1 AND 2, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FORMERLY LA HACIENDA SUBDIVISION RECORDED IN PLAT BOOK 36, PAGES 73 AND 74. PARCEL #12-30-14-47412-000-0251

ROLL CALL VOTE:

AYES: ALVAREZ, WATT, LABADIE, DEVORE

NAYS: CAMPBELL

MOTION TO RECOMMEND DENIAL TO THE CITY COMMISSION WAS APPROVED BY A VOTE OF 4 TO 1.

5. OTHER BUSINESS.

City Clerk O'Reilly advised that there would be a Board of Adjustments and Appeals Meeting on Tuesday, April 19, 2022 at 6:00 p.m.

Member Alvarez stated, for the record, that he would be unable to attend the April meeting.

6. ADJOURNMENT.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO ADJOURN THE MEETING AT 6:23 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

April 19, 2022
Date Approved

Stewart DeVore, Chair

/dor

AGENDA ITEM 4.

**BOA CASE NO. 2022-06
424 Harbor Drive North**

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: April 19, 2022
City Commission: May 10, 2022

AGENDA ITEM: 4

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, City Planner

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

BOA CASE NO. 2022-06 – 424 HARBOR DRIVE NORTH:
Variance request from Section 94-86 (a)(1) of the Code of Ordinances to encroach 19 feet beyond the allowed 35-foot width envelope resulting in a width envelope of 54 feet for the installation of pilings for a catamaran boat for the property located at 424 Harbor Dr. N, Indian Rocks Beach, Florida, and legally described as Lot 4, Twenty Second addition to Re- Revised map of Indian Beach as recorded in Plat Book 37 page 59 of the public records of Pinellas County, Florida.
Parcel #06-30-15-42426-000-0040

OWNER

Thomas & Linda Smith

LOCATION of PROPERTY:

424 Harbor Drive North

ZONING:

S-Single Family Residential

Direction	Existing Use	Zoning Category
North	Intracoastal	N/A
East	Residential	S
South	Residential	S
West	Residential	S

BACKGROUND:

The applicant is requesting a variance for an increase of the width envelope allowed for docks for the installation of pilings for catamaran boat. They are requesting the pilings exceed the width envelope of 35 feet by 19 feet for a total width envelope of 54 feet.

Sec. 2-152. - Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary

to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The rear lot line has a width of 112 ft which is wider than most lots in the area.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the pilings as proposed

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

STAFF

RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

MOTION: I move to recommend to the City Commission **APPROVAL/DENIAL** of **BOA CASE 2022--06:** Variance request from Section 94-86 (a)(1) of the Code of Ordinances to encroach 19 feet beyond the allowed 35-foot width envelope resulting in a width envelope of 54 feet for the installation of pilings for a catamaran boat, for the property located at 424 Harbor Drive North, Indian Rocks Beach, Florida, and legally described as Lot 4, Twenty -Second addition to Re-Revised Map of Indian Beach as recorded in Plat Book 37 page 59 of the public records of Pinellas County, Florida.



424 Harbor Dr N
BOA CASE NO. 2022-06



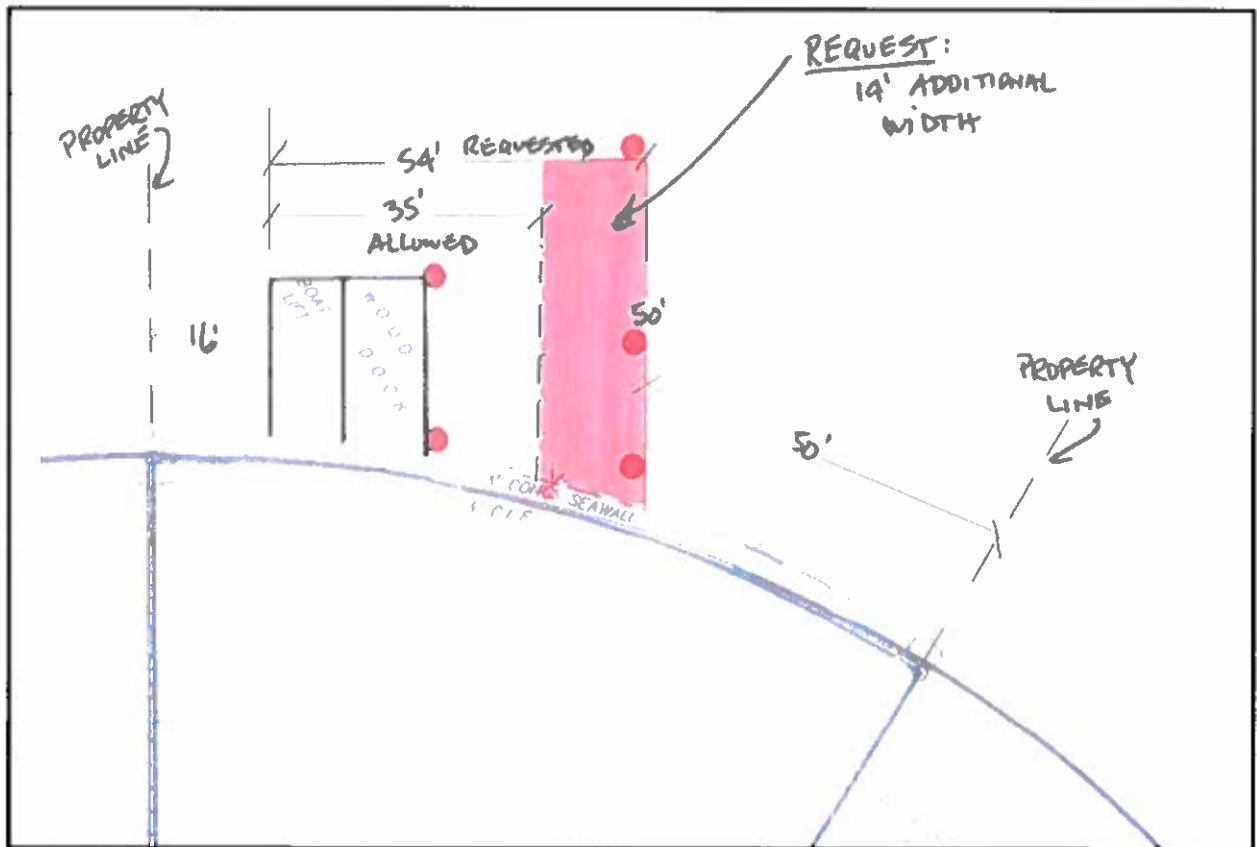
BOA CASE NO. 2022-06: Variance request from Section 94-86 (a)(1) of the Code of Ordinances to encroach 19 feet beyond the allowed 35-foot width envelope resulting in a width envelope of 54 feet for the installation of pilings for a catamaran boat, for the property located at 424 Harbor Dr. N, Indian Rocks Beach, Florida, and legally described as Lot 4, Twenty -Second addition to RE-Revised map of Indian Beach as recorded in Plat Book 37 page 59 of the public records of Pinellas County, Florida.



424 Harbor Dr. N



424 Harbor Dr N



APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759
Web: http://www.indian-rocks-beach.com/
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No. **2022-06**

Date Received **3/2/2022**

APPLICANT

Name: **THOMAS SMITH**
Address: **424 HARBOR DR N.**
City: **INDIAN ROCKS BEACH**
Zip Code: **33785**
Tel: **(352) 424-0424**
Fax: **/**
Mobile: **SAME**
Email: **TSMITHCFDH@OUTLOOK.COM**

AGENT/REPRESENTATIVE **N/A**

Name:
Company:
Address:
City:
Zip Code:
Tel:
Fax:
Mobile:
Email:

SITE DETAILS

Address: **424 HARBOR DR N.** Parcel ID: **06-30-15-42426-000-0040**
City: **IRB** Zip Code: **33785**
Legal Description: **INDIAN ROCKS BEACH, RE-REVISED 22ND ADD. LOT A**
Zoning: **SINGLE FAMILY** Future Land Use:
Size: **SEE ATTACHED**

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

Does any other person have ownership or interest in the property? Yes No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation	Required	Proposed	Total Requested
Gulf-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	50'	50'	50'
Dock width (feet):	35'	50'	+19' (50' width)
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use of the property?

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

MUCH WIDER PROPERTY LINE IN REAR
ON WATER (112.5')
THE NEIGHBOR TO MY EAST PROPERTY LINE WILL
STILL HAVE ABOUT 50' TO THE NEW PILING LINE
(ONLY 12' REQUIRED BY CODE)

Special conditions and circumstances do not result from the actions of the applicant:

ADDING THIS 19' TO THE PILING WIDTH ONLY
WILL HELP THE WATER VIEW FOR MY NEIGHBOUR
ON THE WEST SIDE.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

YES, A BOAT SLIP TO DOCK A
CATAMARAN

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

CONFORMS TO INTENT

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

IT WILL BE BENEFICIAL FOR THE WATER
VIEW FOR MY NEIGHBOR ON THE WEST. THIS
WILL GIVE THEM MUCH MORE WATER VIEW.

CERTIFICATION

Date: FEB 28, 2022

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: THOMAS E. SMITH

Signature: Thomas E Smith

Personally known/Form of Identification _____

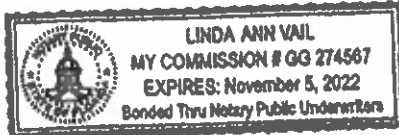
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day 28th Month: February, 2022

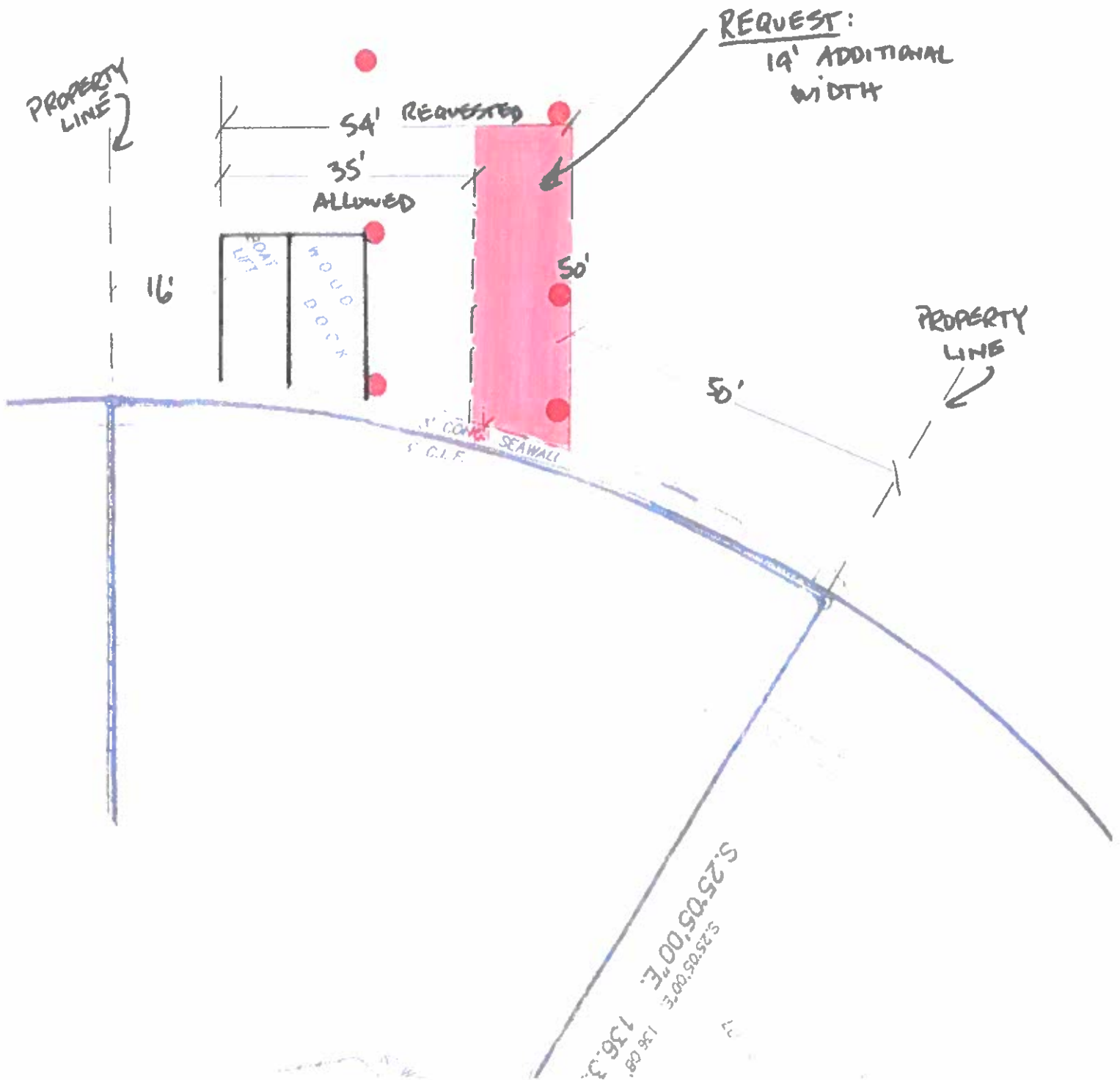
Notary Public State of Florida at Large: Linda Ann Vail

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.



February 28, 2022

Re: Variance Application, Lot 4, 22nd Addition
424 Harbor Dr. N, Indian Rocks Beach, FL 33785

To Whom it May Concern,

I am the neighbor on the east side of the property at 424 Harbor Dr N, Indian Rocks Beach. My neighbors, Tom & Linda Smith are requesting a variance to increase the width of a dock slip (pilings only) towards my home. Although the present zoning only allows a total 35' width for a dock & slip, due to their large rear lot line, 112.5', this increase request will not affect my property. The code calls for a minimum 12' from a dock to a property line. Once the new pilings are installed, the side setback will be 45' – 50', greatly larger than the minimum required.

As such, I have no objection to this variance.

Sincerely,

Mark Aleksin
426 Harbor Dr N, Indian Rocks Beach



Dock Variance Request

Write a description for your map.

Legend

📍 424 Harbor Dr N





If you are experiencing issues with this map loading, you may need to clear your web browsing history, then close

[Interactive Map of this parcel](#) [Map Legend](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)

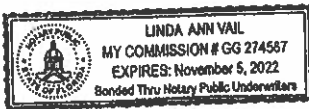
I, the undersigned contractor, who is duly licensed to construct and repair docks in Pinellas County, Florida, do hereby attest to the following:

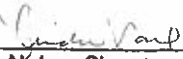
1. On behalf of my client, I do hereby propose to construct a dock in the City of Indian Rocks Beach that has a length of thirty five (35") feet, or longer if necessary to reach thirty six (36") inches of water depth at a mean low water mark. In no case shall the length exceed fifty (50') feet beyond the property line, seawall of mean high water mark, whichever is applicable pursuant to Section 94-87 of the City Code; and
2. I, or personnel under my supervision, have inspected the proposed construction site for the subject dock and have taken measurements at the proposed construction site in accordance with generally accepted standards and have determined that the depth of the water at the subject location at mean low tide of thirty six (36") inches at a distance of _____ from the seawall as measured perpendicular to the seawall.


Signature of Contractor/Authorized Agent

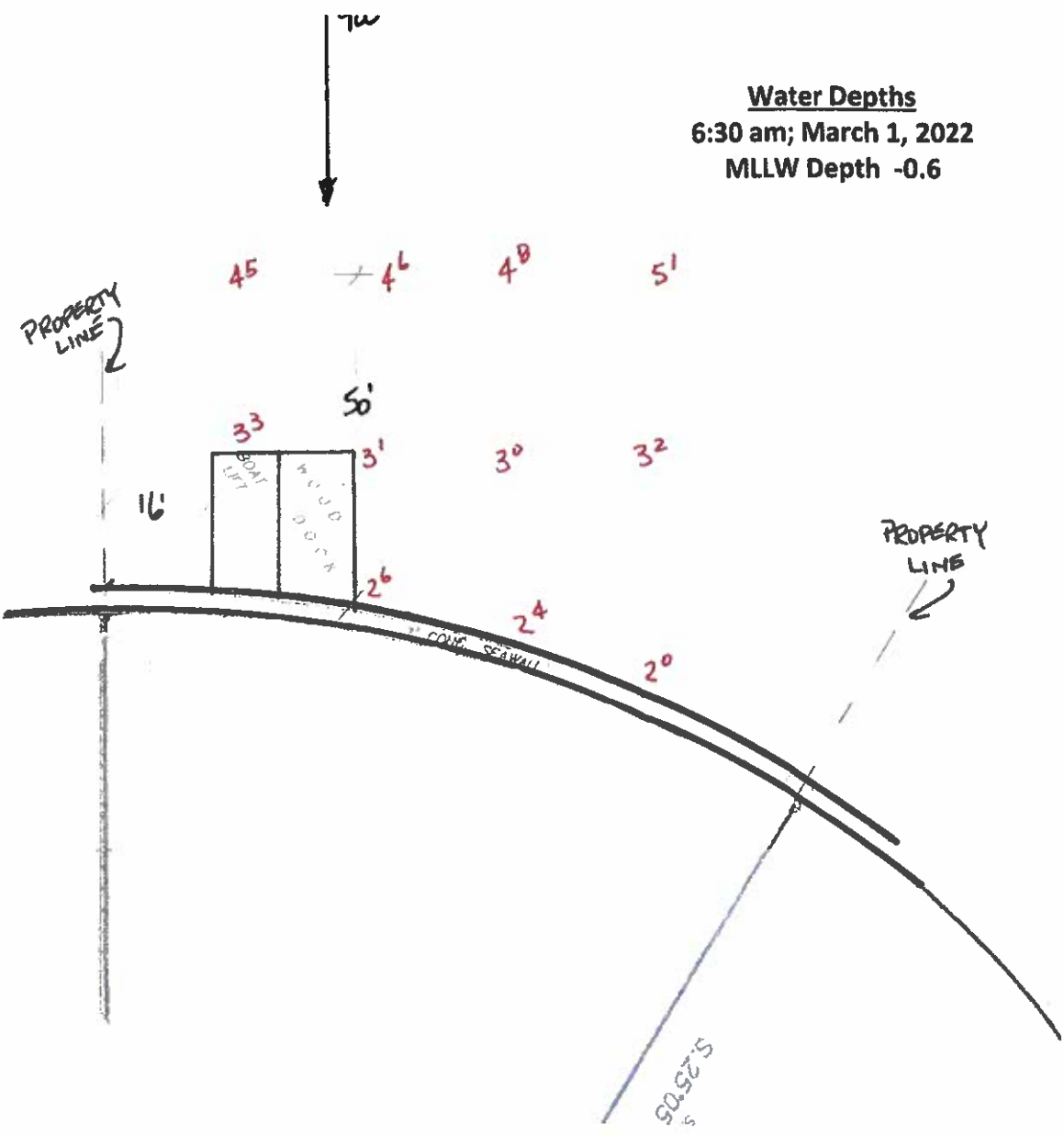
The above instrument was acknowledged before me this 4th day of March, 2022, by David Rinaldo, who is personally known to be or who produced mla as identification.

Notary Stamp & Number




Notary Signature:
Name (print):
Title/Rank:

Water Depths
6:30 am; March 1, 2022
MLLW Depth -0.6



RECEIVED
City Manager's Office
APR 11 2022
City of Indian Rocks Beach

Deanne B. O'Reilly
City Clerk, IRB Florida
Subject :BOA Case # 2022-06

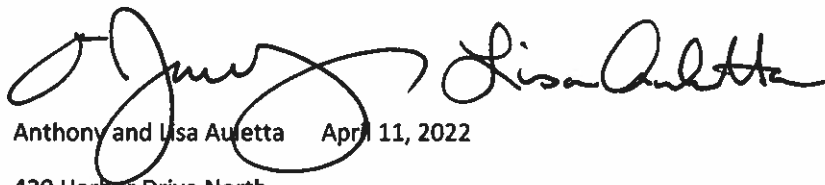
To whom it may concern:

In response to the letter notification received as a property owner within 150 feet of a variance request located at 424 Harbor Drive North to encroach 19 feet beyond the allowed 35 width envelope.

As residents for 35 years at 420 Harbor Drive North, 37 years in IRB, and have navigated by sail and power vessels on this harbor, we **emphatically oppose** the variance requested by Mr. Tom Smith for the following reasons:

1. It is self-serving and *disingenuous* for Mr. Smith to request a variance to protect his neighbor's waterfront view when it's his view he wants to protect by not placing his boat parallel to the sea wall. Bow in 54-foot catamaran will obstruct views in all directions. Mr. Smith will lose a significant view of his waterfront to moor his 54 plus long catamaran parallel to his sea wall. Can this not be any more obvious and disingenuous on face value?
2. This variance request is not a couple feet, but 19 feet, **which is 54%** of the standing allowed code ordinance of 35 feet. If approved, it will set a BOA precedence the City of Indian Rocks will long regret, as others will present this approval of 54 % over the existing Code Ordinance with other docks/boats requests within the city limits.
3. If approved, the aft tie poles will be set at 54 feet from the sea wall. The boat will most likely extend at least 10 feet beyond those aft tie poles to compensate for tides. So, when the catamaran is moored to correct for tidal changes, the physical obstruction to the channel could be as much as 64 feet from the sea wall. The permit renderings are misleading without the exact vessel properly placed in the drawing to show the variance requested.
4. The Smith House is at the apex of the narrowest portion of the exit channel where the variance is requested. North of his home along the narrow channel is seagrass struggling to maintain its health in a heavily used harbor. The only navigable channel out will be behind the catamaran for large draft boats that dock in and around this harbor. As boaters and the jet ski's circle out and around the stern of a catamaran extending into the channel 54 to 64 feet from the seawall, this over time will put environmental pressure and change on the channel. This could pose a navigation risk at low tide. At extreme low tides, the water way will be compromised for bigger boats if the variance is approved.

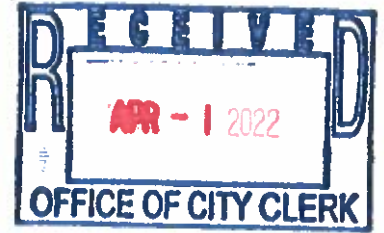
Sincerely,



Anthony and Lisa Auletta April 11, 2022
420 Harbor Drive North

Agenda Item #4 BOA Case #2202-6
Date of Meeting BOA 4-19-2022

Donald T Becker
125 Huntington Hills
Rochester, NY. 14622



Deanne B. O'Reilly
City Clerk, Indian Rocks Beach

Subject: BOA Case NO. 2022-06

Dear Ms. O'Reilly,

My wife and I own the property at 422 Harbor Drive N., Indian Rocks Beach. Our neighbor, Tom Smith, who owns the adjacent property at 424 Harbor Drive N., has requested a variance of the existing code to extend the mooring pilings to the east side of his existing dock beyond the allowed 35" by 19" to 54" so it will accommodate his large Catamaran. Approval of this exception will have a significant adverse effect to our view and therefore our property value. In the application for a variance, it is stated by Mr. Smith that adding the additional 19" to the allowed 35" "will only help the water view for my neighbor on the west side." This is simply not true. A 54" mooring is a significant extension. As such, we strongly oppose the request to permit a variance beyond the 35" allowed by code. Additionally, there is a narrow channel running between the shoreline and the harbor, especially at low tide. I would think that a 54' mooring extending from the shore might present a navigational hazard. Perhaps Mr. Smith can consider getting a slip at a marina that can accommodate a large craft.

You or a representative of the Board of Appeals has our permission to come out to our house at 422 Harbor Drive N. and go to our backyard so that you might get a first-hand view and perspective of how this extension will affect us.

Unfortunately, we are leaving Florida April 2nd, and will not be able to attend the BOA hearing scheduled for Tuesday, April 19, 2022 as we must be back at our home in Rochester, NY.

Please advise us as to the outcome of the hearing.

Sincerely,

Handwritten signatures in black ink. The first signature is "Donald Becker" and the second is "Regina B. Becker".

Donald and Regina Becker
125 Huntington Hills
Rochester, NY, 14622

Email: dtbecker2@mac.com
Mobile phone: 585-298-7608

Agenda Item # 4. BOA Case 2022-04
Date of Meeting BOA 4-19-2022



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.IndianRocksBeach.com

Administrative
727-595-2517
727-595-4757 (Fax)

Library

Public Services
727-595-2889
727-595-5137 (Fax)

NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — BOARD OF ADJUSTMENTS AND APPEALS
TUESDAY, APRIL 19, 2022 @ 6:00 P.M.
1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, APRIL 19, 2022**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2022-08**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **424 HARBOR DRIVE NORTH, INDIAN ROCKS BEACH, FLORIDA 33785**, and legally described as Indian Beach Re-Revised 22nd Add Lot 4, of the following variance request:

Variance request from Section 94-86 (a)(1) of the Code of Ordinances to encroach 19 feet beyond the allowed 35-foot width envelope resulting in a width envelope of 54 feet for the installation of pilings for a catamaran boat.

FOR FURTHER INFORMATION REGARDING THIS REQUEST, PLEASE CONTACT PLANNING CONSULTANT HETTY C. HARMON AT 863/646-4771, EXT. 211 OR E-MAIL: hharmon@irbcity.com

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **TUESDAY, APRIL 19, 2022 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

If any person desires to appeal a decision made with respect to this request, such person will need a record of the proceedings and for such purposes, they may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements (i.e. court reporter) should be made in advance by the interested party.

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodations in order to participate in this meeting should contact the City Clerk's Office with your request by telephone (727/595-2517) or email: doreilly@irbcity.com no later than seven (7) business days prior to the proceeding.

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and should be subject property on April 4, 2022.
(Sec. 2-143 of the Code of Ordinances.)

ldor

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

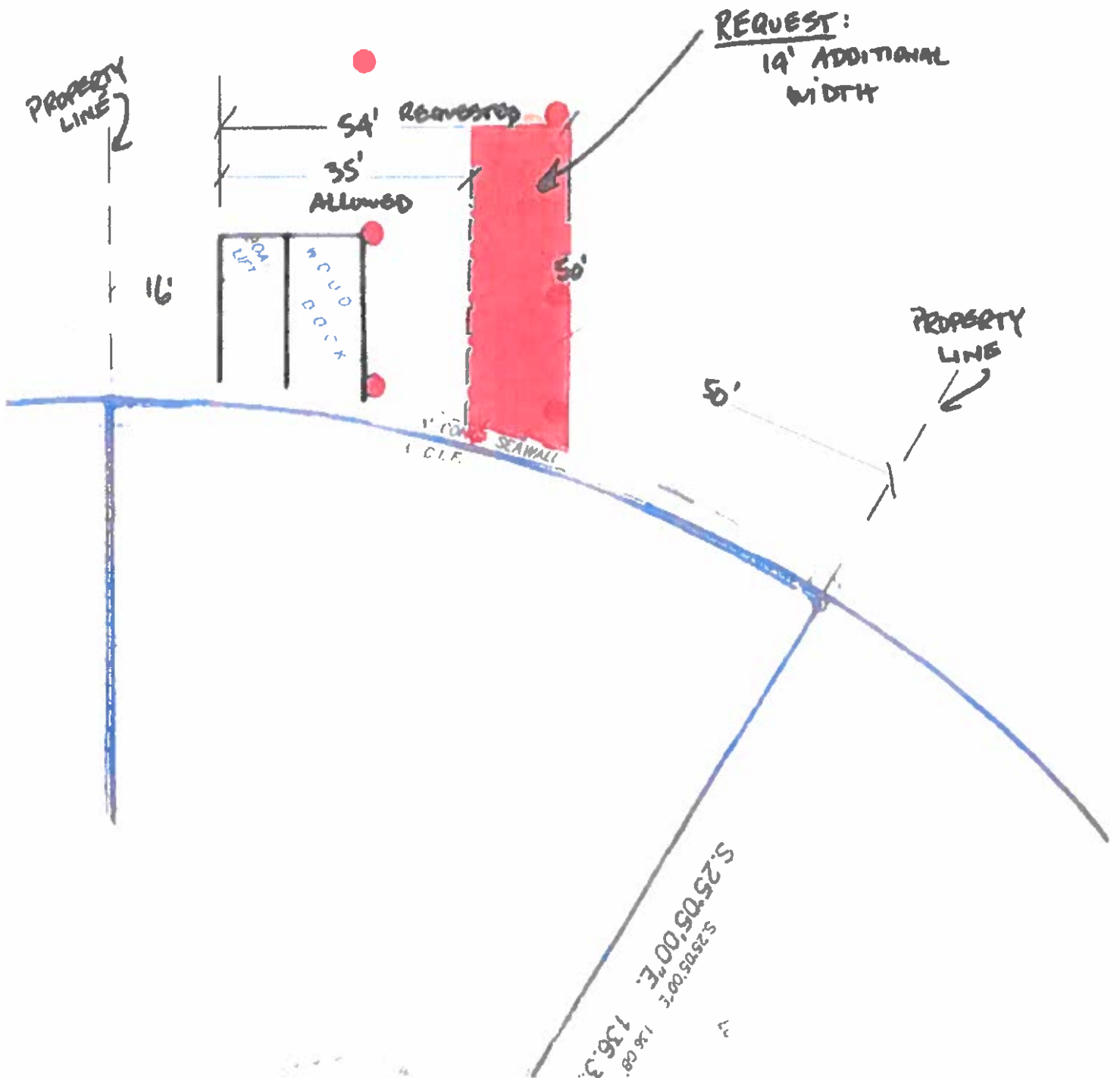
MUCH WIDER PROPERTY LINE IN REAR
ON WATER (112.5')
THE NEIGHBOR TO MY EAST PROPERTY LINE WILL
STILL HAVE ABOUT 50' TO THE NEW PILING LINE
(ONLY 12' REQUIRED BY CODE)

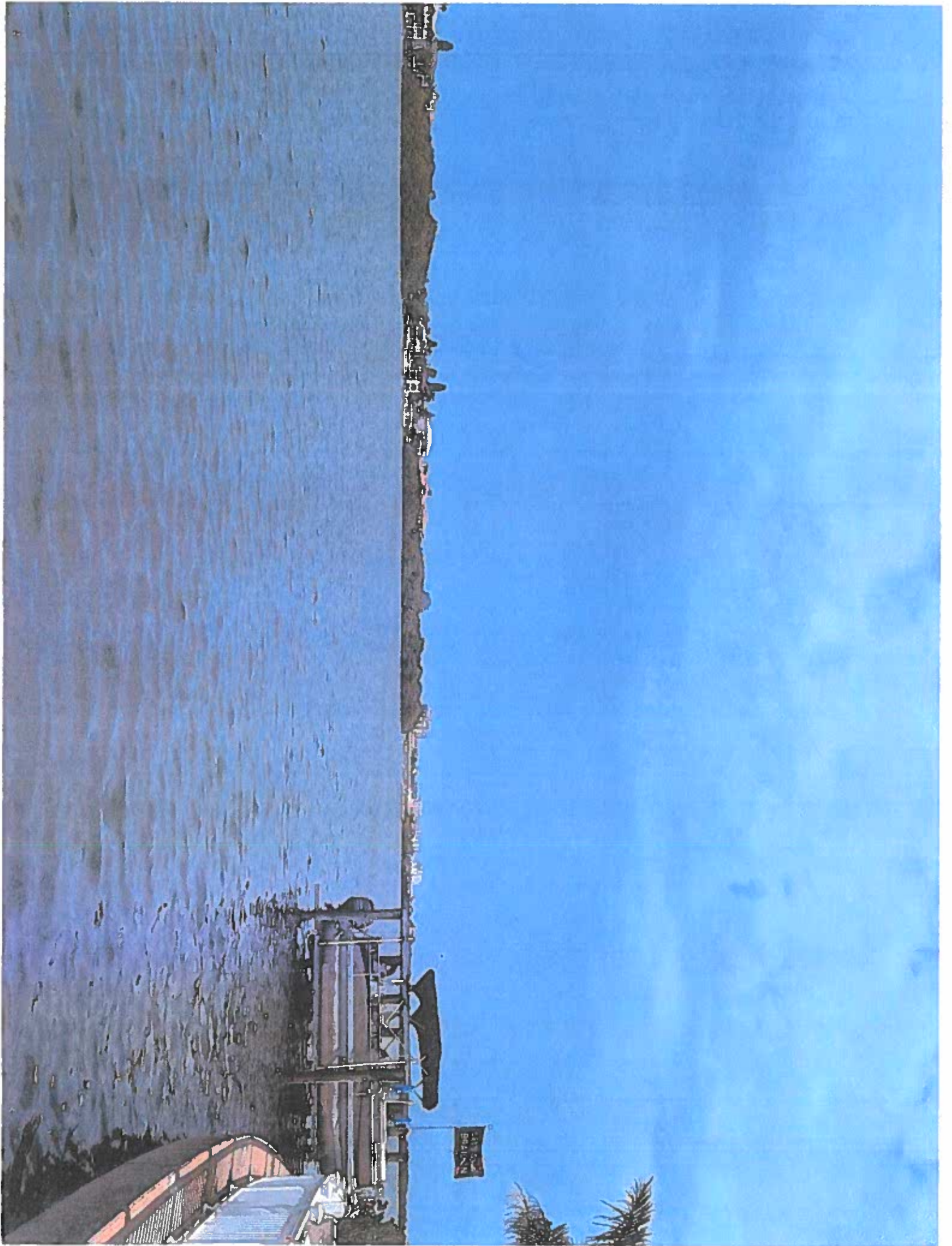
Special conditions and circumstances do not result from the actions of the applicant:

ADDING THIS 19' TO THE PILING WIDTH ONLY
WILL HELP THE WATER VIEW FOR MY NEIGHBOR
ON THE WEST SIDE.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:







O'Reilly, Deanne

From: Hetty Harmon <hharmon@civilsurv.com>
Sent: Wednesday, April 06, 2022 12:31 PM
To: O'Reilly, Deanne
Subject: FW: Variance request. BOA Case No. 2022-06

This email chain goes on and on, I submitted some to you before. Not sure how this should be presented

Hetty C. Harmon, AICP

CivilSurv Design Group, Inc.
Work: (863) 646 – 4771 x 211

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From: Donald T Becker <dtbecker2@mac.com>
Sent: Wednesday, April 6, 2022 12:12 PM
To: Hetty Harmon <hharmon@civilsurv.com>
Cc: Richard Becker <rbecker@icloud.com>
Subject: Re: Variance request. BOA Case No. 2022-06

Thanks, Hetty.

That is a strange answer from Mr. Smith. I'm not sure why Mr. Smith knows the beam width but not the length of a boat he will be considering. Both are necessary. A Catamaran with a beam of 25' will be between 46' long to 54' long depending on the model. There are sail powered Catamarans and Motor powered Catamarans. The motor craft models are particularly obnoxious regarding blocking a view due to their bulk and height; but sail craft of that size are also very bulky. I think the City must know the exact measurements and type of craft prior to considering a variance. Surly Mr. Smith has several models in mind. How can a decision be made by the City council if the reasons for his asking for an exception and the detail for the exception are not provided? If Mr. Smith can't provide the detail needed, then the City should stick to the code as written and not pursue the exception request. The size and model of the craft Mr. Smith is considering will also have an influence as to an adverse effect of my property value and a potential navigational obstruction as well as his plans to modify his dock and moorings.

Additionally, the City should require a formal build drawing for his dock and mooring piles specifying the exact dimensions of his current as built dock and any modifications that he is requesting to accommodate his new craft. The drawing provided in the request for variance is rather informal. These plans should indicate the setbacks established by code and flag all the areas where a variance exception is being requested, including the length beyond the 35' allowed by code. The application should also include a certified marine survey done on the navigation channel that runs along the break wall and into the harbor, indication the width of the channel and the mean low water level at 54' from the break wall. It appears that Mr. Smith is being purposely evasive due to possible conflicts with the City code and reasons for a request for variance. This information will also be necessary for the City Code Enforcer to inspect the construction to assure it complies should a variance be issued.

As before, please pass on any information you may obtain regarding Mr. Smith' request and justification for a variance. It will be helpful to me and the City Council.

Best regards,

Don

Donald T Becker
125 Huntington Hills
Rochester, NY 14622
dtbecker2@mac.com
Mobile: 585-298-7608
Home: 585-266-6401

On Apr 6, 2022, at 8:22 AM, Hetty Harmon <hharmon@civilsurv.com> wrote:

This is the response I got.

"The (beam) width is 25'. That's why I need the variance for the dock width. For the length, I don't know what cat I will be buying until I see if I get the variance. "

Hetty C. Harmon, AICP
CivilSurv Design Group, Inc.
Work: (863) 646 – 4771 x 211

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From: Donald T Becker <dtbecker2@mac.com>
Sent: Wednesday, April 6, 2022 8:15 AM
To: Hetty Harmon <hharmon@civilsurv.com>
Subject: Re: Variance request. BOA Case No. 2022-06

Thanks, Hetty. Please let me know what they are when you find out. We are back in Rochester. Not as warm as Florida, but Spring is in the air.

Best regards,
Don

Donald Becker
dtbecker2@mac.com
585-298-7608

On Apr 6, 2022, at 7:38 AM, Hetty Harmon <hharmon@civilsurv.com> wrote:

I will ask him for the measurements.

Hetty C. Harmon, AICP

CivilSurv Design Group, Inc.

Work: (863) 646 - 4771 x 211

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From: Donald T Becker <dtbecker2@mac.com>
Sent: Tuesday, April 5, 2022 7:34 PM
To: Hetty Harmon <hharmon@civilsurv.com>
Cc: Richard Becker <rbecker@icloud.com>
Subject: Re: Variance request. BOA Case No. 2022-06

Hi Hetty,

Thank you for your reply regarding my son representing me. Has Mr. Smith submitted the length and width of his boat to the town? It isn't in his application for a variance. Knowing it is important to assess the impact of his request vs the City Codes and navigational impact. Please send me any additional information you might have.

Kind regards,

Don

Donald Becker

dtbecker2@mac.com

585-298-7608

On Apr 4, 2022, at 1:01 PM, Hetty Harmon <hharmon@civilsurv.com> wrote:

He can represent you, if you were the applicant then you would need to file an agent of record.

The may meeting is may 10th

Hetty C. Harmon, AICP

CivilSurv Design Group, Inc.

Work: (863) 646 - 4771 x 211

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intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Donald T Becker <dtbecker2@mac.com>
Sent: Friday, April 1, 2022 8:41 PM
To: Hetty Harmon <hharmon@civilsurv.com>
Cc: Richard Becker <rbecker@icloud.com>
Subject: Re: Variance request. BOA Case No. 2022-06

Hello Hetty,

Thank you for taking the time to review my concern regarding the pending request to build an out of conformance mooring 54' into the harbor and the impact it will have on my property and navigation.

I'd like to add some additional thoughts regarding BOA Case No. 2022-06. I don't know what kind of catamaran Mr. Smith owns but I assume it is at least 50'. The beam on an 50' cat runs about 26 to 27 feet. My guess is that Mr. Smith's dock is about 20-30 feet in length. If his other proposed option is to moor his boat at the end of his existing dock, given the scope needed for his mooring lines allowing for tides and the placement of mooring piles added to the beam of his boat, it would place this configuration well over 50' out into the harbor. Most people who own large catamarans moor them horizontally to their break walls as is the case with the catamaran moored across the harbor from my property. It is obvious that Mr. Smith would rather not do this as it would interfere with the view from his house, so proposing a nose in mooring configuration next to my property line keeps his view open while blocking a significant portion of mine and extending his mooring size well into the navigable channel.

My son, Richard Becker lives in Tampa. I would like to have him represent me and my wife, Regina in the meetings that will be conducted with the City's principles on April 19th and May when this case is reviewed, if his calendar permits. He is a Board Certified Attorney in the State of Florida. Will he need any approval to represent me and my wife and speak on our behalf? What is the date in May again? Please advise.

Best regards,

Don Becker

Donald T Becker
125 Huntington Hills
Rochester, NY 14622
dtbecker2@mac.com
Mobile: 585-298-7608

From: [Donald T Becker](#)
To: [Hetty Harmon](#)
Subject: Re: Variance request. BOA Case No. 2022-06
Date: Friday, April 1, 2022 2:25:18 PM
Attachments: [Ref BOA Case No. 2022-06.pdf](#)
[Variance 424 Harbor Drive N 2022-06 3-9-22.pdf](#)

A Case No. 2022Hi Hetty,

Thanks again for sending me the application for building a 54' mooring to dock Mr. Tom Smith's catamaran. Now that I see the detail, my wife and I have a significant problem with this request for a code variance. I have explained our concern in my enclosed letter to the Town Clerk along with photographs of our property giving a perspective as to how having such a large craft moored that far out in the harbor will significantly negatively impact our view and therefore, property value. In one of the attached photos, I show a large catamaran that is moored across the harbor from us. They have moored it horizontally along the shore line.

I think the bigger issue is the navigational hazard such a large craft and 54' mooring will have in the harbor. All boats, especially the larger cabin cruisers and the catamaran across from us hug the shoreline very close to our dock since there is a very narrow channel, especially at low tide. Hopefully the EPA and the Coast Guard will also get involved with this application.

Please call me if you would like to discuss the status of Mr. Smith's application and please keep me posted as to it's progress through the approval cycle.

Best regards,
Don







Donald T Becker
125 Huntington Hills
Rochester, NY 14622
dtbecker2@mac.com
Mobile: 585-298-7608

On Apr 1, 2022, at 11:03 AM, Hetty Harmon <hharmon@civilsurv.com> wrote:

Attached is the variance request for 424 Harbor Dr.

Please let me know if you have any comments.

Hetty C. Harmon, AICP <image003.jpg>

Senior Planner
CivilSurv Design Group, Inc.
2525 Drane Field Road, Suite 7
Lakeland, FL 33811
Work: (863) 646 - 4771 x 211

AGENDA ITEM NO. 5

**BOA CASE NO. 2022-07
2105 Bay Boulevard**

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: April 19, 2022
City Commission: May 10, 2022

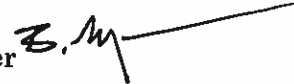
AGENDA ITEM: 5

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, City Planner

APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

BOA CASE NO. 2022-07 – 2105 BAY BOULEVARD: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7 foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re-Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.
Parcel #06-30-15-42264-000-0060

OWNER

Cherry & Sean Foos

LOCATION of PROPERTY:

2105 Bay Boulevard

ZONING:

RM-2- Medium Density Residential

Direction	Existing Use	Zoning Category
North	Residential	RM-2
East	Intracoastal	N/A
South	Residential	RM-2
West	Residential	RM-1

BACKGROUND:

The applicant is requesting a variance for the north side yard setback for the installation of a swimming pool. They are requesting the pool encroach 2 feet into the north 7-foot side yard setback leaving a setback of 5 feet.

Sec. 2-152. - Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary

to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The duplex was built in 1996 and the lot narrows as it gets closer to the sea wall.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the pool as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 4, 2022.

CORRESPONDENCE: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard.

STAFF

RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of **BOA CASE NO. 2022-07**: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet in to the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re-Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.



2105 Bay Boulevard
BOA CASE NO. 2022-07



BOA CASE NO. 2022-07: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7 foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re- Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.



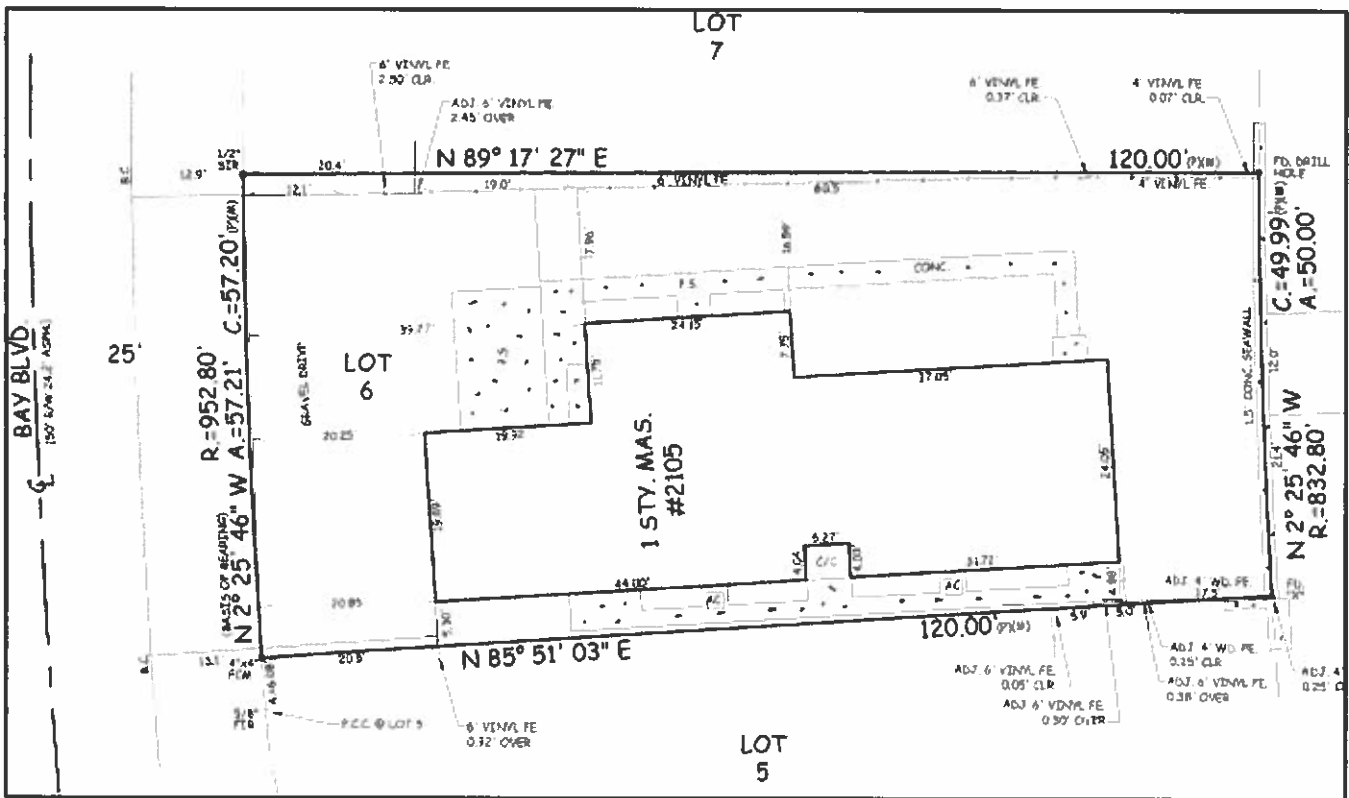
2105 Bay Boulevard



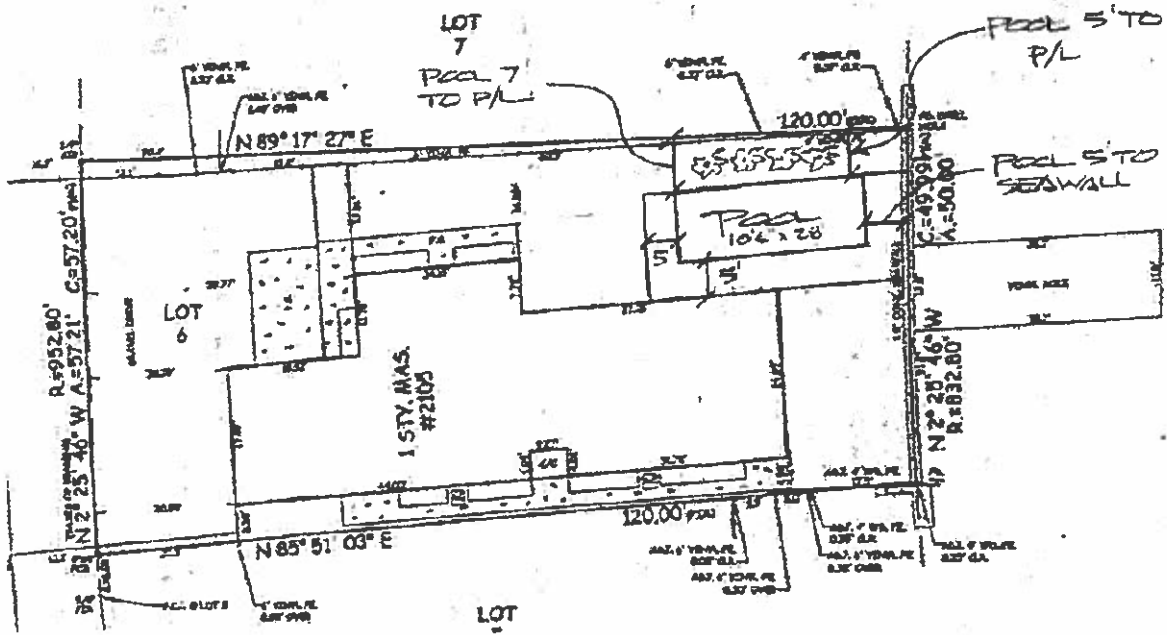
2105 Bay Boulevard



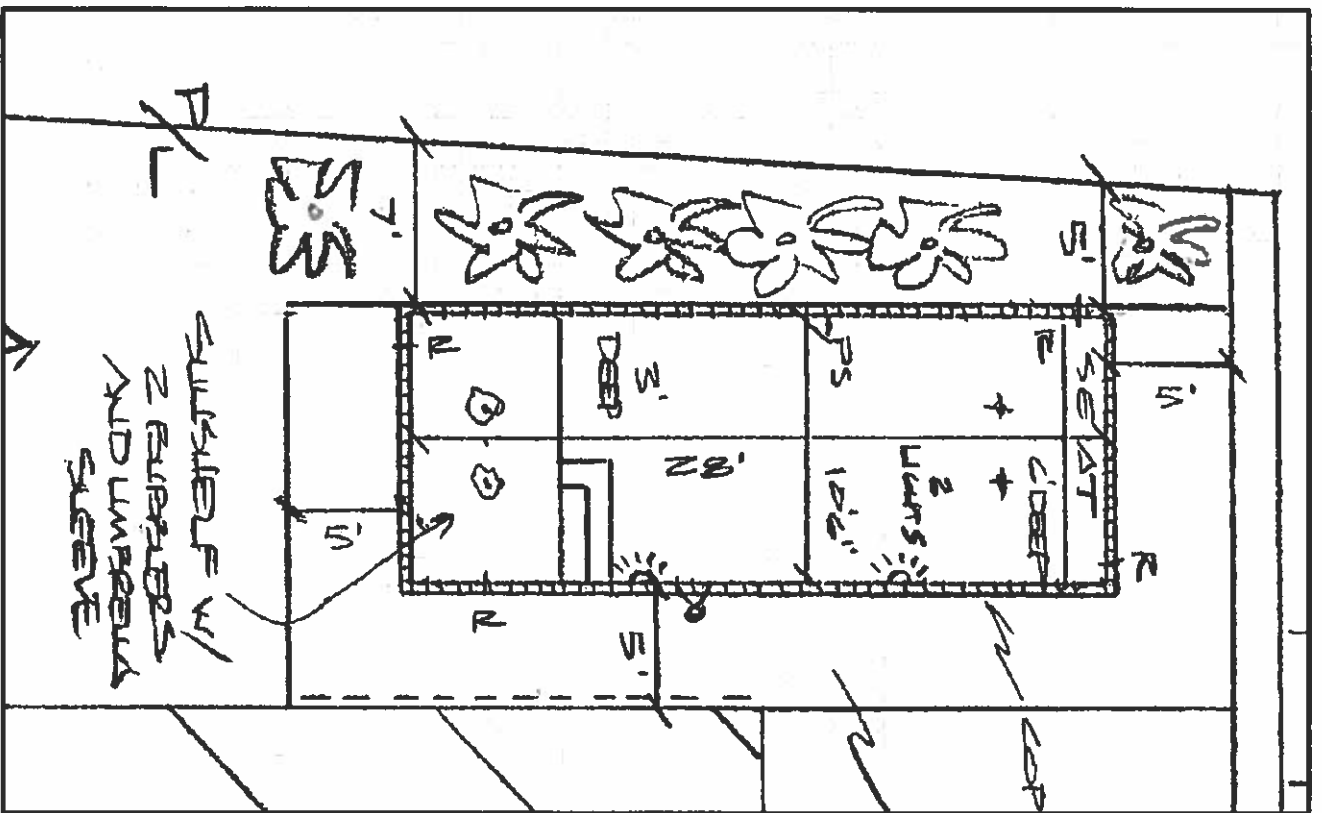
Survey



Proposed Pool



Proposed Pool



to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The duplex was built in 1996 and the lot narrows as it gets closer to the sea wall.

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the pool as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 4, 2022.

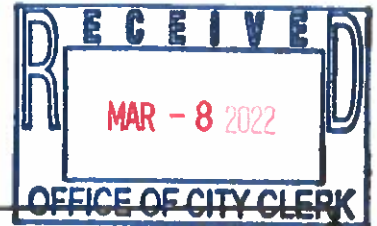
CORRESPONDENCE: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard.

STAFF

RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of **BOA CASE NO. 2022-07**: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet in to the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re- Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.



APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759
Web: <http://www.indian-rocks-beach.com/>
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No. 2022-07

Date Received 3-8-2022

APPLICANT

Name: Cherry & Sen Foos
Address: 2105 Bay Blvd
City: Indian Rocks Beeach
Zip Code: 33785
Tel: 5094751440
Fax:
Mobile:
Email: cherrysellshomes@email.com

AGENT/REPRESENTATIVE

Name:
Company:
Address:
City:
Zip Code:
Tel:
Fax:
Mobile:
Email:

SITE DETAILS

Address: 2105 Bay Blvd Parcel ID: 063015422640000060
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian beach re revised 13th add lot 6 = rip rts
Zoning: multi Future Land Use:
Size:

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

Does any other person have ownership or interest in the property? Yes No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation	Required	Proposed	Total Requested
Gulf-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text" value="7"/>	<input type="text" value="5"/>	<input type="text" value="2"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use of the property?

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

Due to lot size we are requesting a variance from the normal 7' side set back to a 5' set back on North side of property. With the current setback our pool would only be 8' wide which is very narrow for a normal pool.

Special conditions and circumstances do not result from the actions of the applicant:

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

Due to lot size we are requesting a variance from the normal 7' side set back to a 5' set back on North side of property. With the current setback our pool would only be 8' wide which is very narrow for a normal pool.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

We have also discussed with our neighbors the plans of the pool and will be putting in a green space between property line and pool. We have the permission of the neighbors on the north side of the property.

CERTIFICATION

Date: 3.8.2022

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: Cherry Ann Foos

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L

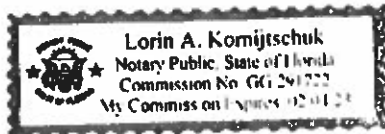
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 8 Month: March, 20 22

Notary Public State of Florida at Large: Lorin A. Kornijtschuk

Notary Public Commission Expiration: 2/4/2023

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

_____ as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: _____ Month: _____, 20_____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

Reuben Clarson CONSULTING

February 28, 2022

City of Indian Rocks Beach
Building & Zoning Department
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

**Re: Seawall/Pool at Foos Residence
2105 Bay Blvd, Indian Rocks Beach, FL**

Dear Madam or Sir,

The above referenced seawall has been constructed per the attached permitted seawall documents, dated November 17, 2021. A proposed pool is to be located near the north side of the property. Per the attached pool plan (Kelly Pools, 2/18/22), the proposed 10 ft wide pool is to be located 5 ft offset of the north property line and 5 ft from the seawall. The deadmen/tieback rods are spanned 12 ft in this area and will not be impacted by the proposed pool.

Therefore, if the pool is constructed per the attached the pool plan, there will not be detrimental effects to the seawall or the proposed pool. Please give a copy of this letter to whomever requires one for permitting.

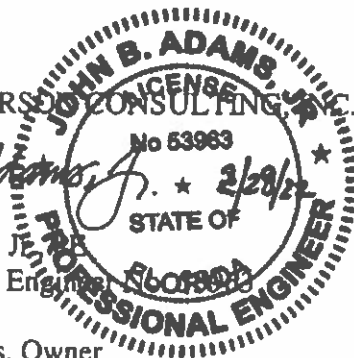
If you should have any questions or comments, please do not hesitate to contact me. Thank you for the opportunity to be of service.

Sincerely,

REUBEN CLARSON CONSULTING, INC.



John B. Adams, Jr.
FL Professional Engineer



Cc: Cherry Foos, Owner

780 94th Avenue North, Suite 102, St. Petersburg, FL 33702
T: 727 895 4717 E: Info@ReubenClarsonConsulting.com W: ReubenClarsonConsulting.com

ASSESS. ADVISE. DESIGN.

NOVEMBER 2, 2021

SEAWALL REPAIR
OWNER: CASK CONSTRUCTION
PE: CHAD HOFFMAN 266-312-7645
JOB ADDRESS: 2105 BAY BLVD INDIAN ROCKS BEACH, FL

CONTRACTOR: PETER SAFF / DANN SAFF AND SON, INC.

FURNISH ALL MATERIAL, LABOR, EQUIPMENT, SERVICES AND SUPERVISION TO COMPLETE THE FOLLOWING IN ACCORDANCE WITH PLANS AND SPECIFICATIONS ATTACHED HERETO:

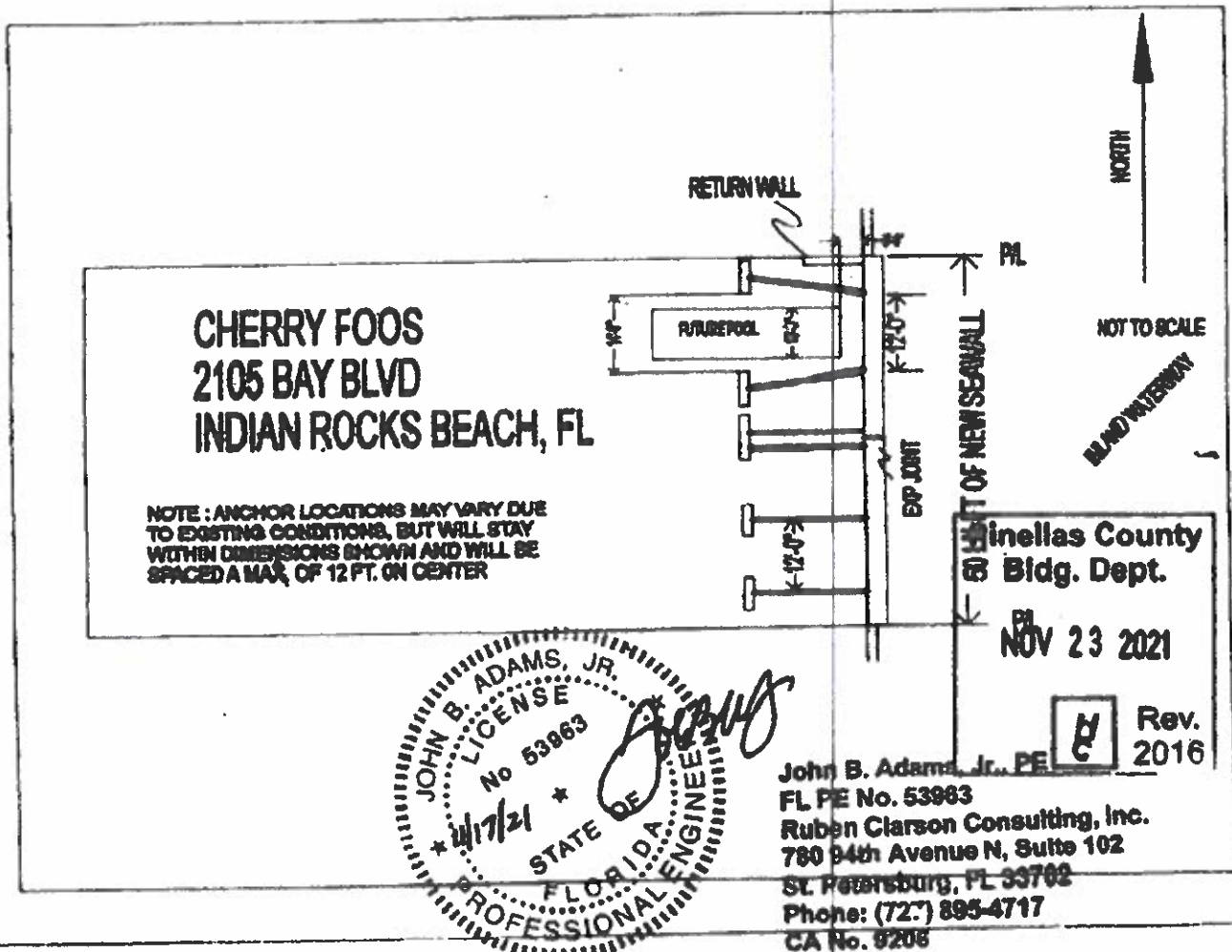
SPECIFICATIONS

DESIGN MEETS FLORIDA BUILDING CODE 7TH EDITION 2020

INSTALL NEW SHEET PILE SEAWALL DIRECTLY IN FRONT AND ABOVE OF THE EXISTING SEAWALL.
INSTALL APPROXIMATELY 60 LINEAL FEET OF NEW SEAWALL USING STIFFER GIARD 425 OR EQUIVALENT 8 FOOT LONG VINYL SHEET PILE WITH NEW 24" DEEP FRONT SIDE BY 18" DEEP BACK SIDE BY 21" WIDE REINFORCED CONCRETE CAP AND NEW ANCHOR SYSTEM. ANCHORS SHALL BE 1" DIAMETER STEEL RODS, 12" LONG, WHERE POSSIBLE, ENCASED IN PVC, SPACED 12 FOOT ON CENTER, ANCHORED WITH 1 CUBIC FOOT (FOR SINGLE) AND 1 CUBIC FOOT (FOR DOUBLE) REINFORCED CONCRETE DEAD MEN. THE FRONT FACE OF THE EXISTING CAP SHALL REMAIN. NEW SEAWALL SHALL BE INSTALLED DIRECTLY IN FRONT OF THE EXISTING SEAWALL NOT TO EXCEED ONE-FOOT WATER WARD. THE VOID BETWEEN THE OLD AND NEW WALL SHALL BE FILLED WITH CONCRETE TO GROUND LEVEL ON WATER WARD SIDE OF THE SEAWALL. TOP ELEVATION FOR THE NEW SEAWALL SHALL BE 12 INCHES HIGHER THAN THE EXISTING SEAWALL.

SHEET PILES SHALL BE INSTALLED USING WATER JETTING AND DRIVEN USING A PNEUMATIC HAMMER. IF NATURAL ROCK OR DENSE CLAY IS ENCOUNTERED, SHEETS SHALL BE DRIVEN TO REFUSAL AND CUT OFF (WITH NO COST CREDITED TO OWNER). THE CONTRACTOR WILL INSTALL THE SHEET PILES STRAIGHT AND PLUMB, BUT MINOR MISS ALIGNMENTS MAY OCCUR DUE TO SHEET DISTORTION CAUSED BY THE FORCE REQUIRED TO DRIVE THE VINYL SHEETS INTO BURED OR HARD ITEMS BURED BELOW THE BAY BOTTOM.

INSTALL ONE CURB TYPE RETURN WALL AT EACH END OF THE PROPERTY. RETURN WALLS SHALL BE 6" WIDE BY 24" DEEP BY 8' ± LONG, REINFORCED WITH #4 BARS SPACED ONE FOOT ON CENTER EACH WAY.

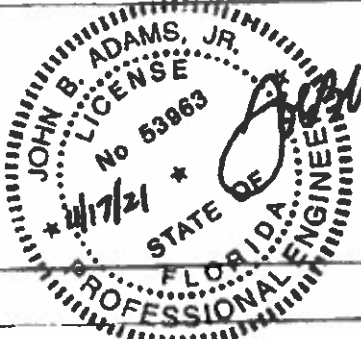


CHERRY FOOS
2105 BAY BLVD
INDIAN ROCKS BEACH, FL

NOTE: ANCHOR LOCATIONS MAY VARY DUE TO EXISTING CONDITIONS, BUT WILL STAY WITHIN DIMENSIONS SHOWN AND WILL BE SPACED A MAX. OF 12 FT. ON CENTER

Pinellas County
Bldg. Dept.

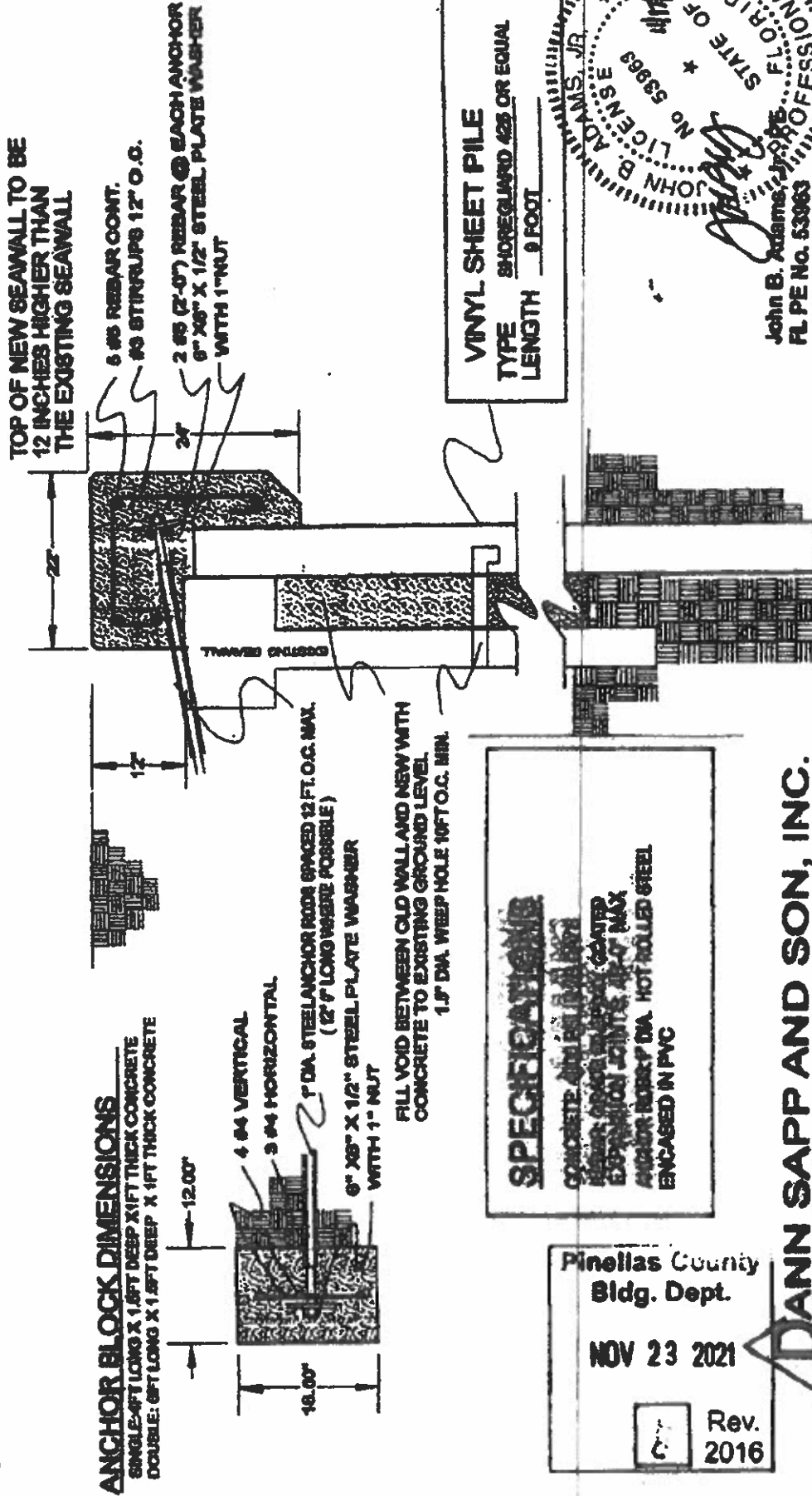
NOV 23 2021



John B. Adams, Jr., PE
FL PE No. 53983
Ruben Clarson Consulting, Inc.
780 94th Avenue N, Suite 102
St. Petersburg, FL 33702
Phone: (727) 895-4717
CA No. 8208

CONCRETE AND SHEET PILE SEAWALL

NOT TO SCALE



TOP OF NEW SEAWALL TO BE 12 INCHES HIGHER THAN THE EXISTING SEAWALL

ANCHOR BLOCK DIMENSIONS
 SINGLE: 4FT LONG X 1.5FT DEEP X 1FT THICK CONCRETE
 DOUBLE: 8FT LONG X 1.5FT DEEP X 1FT THICK CONCRETE

4 #4 VERTICAL
 3 #4 HORIZONTAL
 1" DIA. STEEL ANCHOR RODS SPACED 12 FT. O.C. MAX.
 (12' LONG WHERE POSSIBLE)
 6" X 12" X 1/2" STEEL PLATE WASHER WITH 1" NUT

FILL VOID BETWEEN OLD WALL AND NEW WITH CONCRETE TO EXISTING GROUND LEVEL.
 1.5" DIA. WEEP HOLE 10FT O.C. MIN.

VINYL SHEET PILE
 TYPE SHORGLAND 425 OR EQUAL
 LENGTH 9 FOOT

SPECIFICATIONS
 CONCRETE: 4000 PSI (MIN.)
 REBAR: GRADE 60 EPOXY COATED
 EXEMPT FROM CORROSION
 ANCHOR RODS: 1" DIA. HOT ROLLED STEEL
 ENCASED IN PVC

Pinellas County
 Bldg. Dept.
 NOV 23 2021
 Rev. 2016

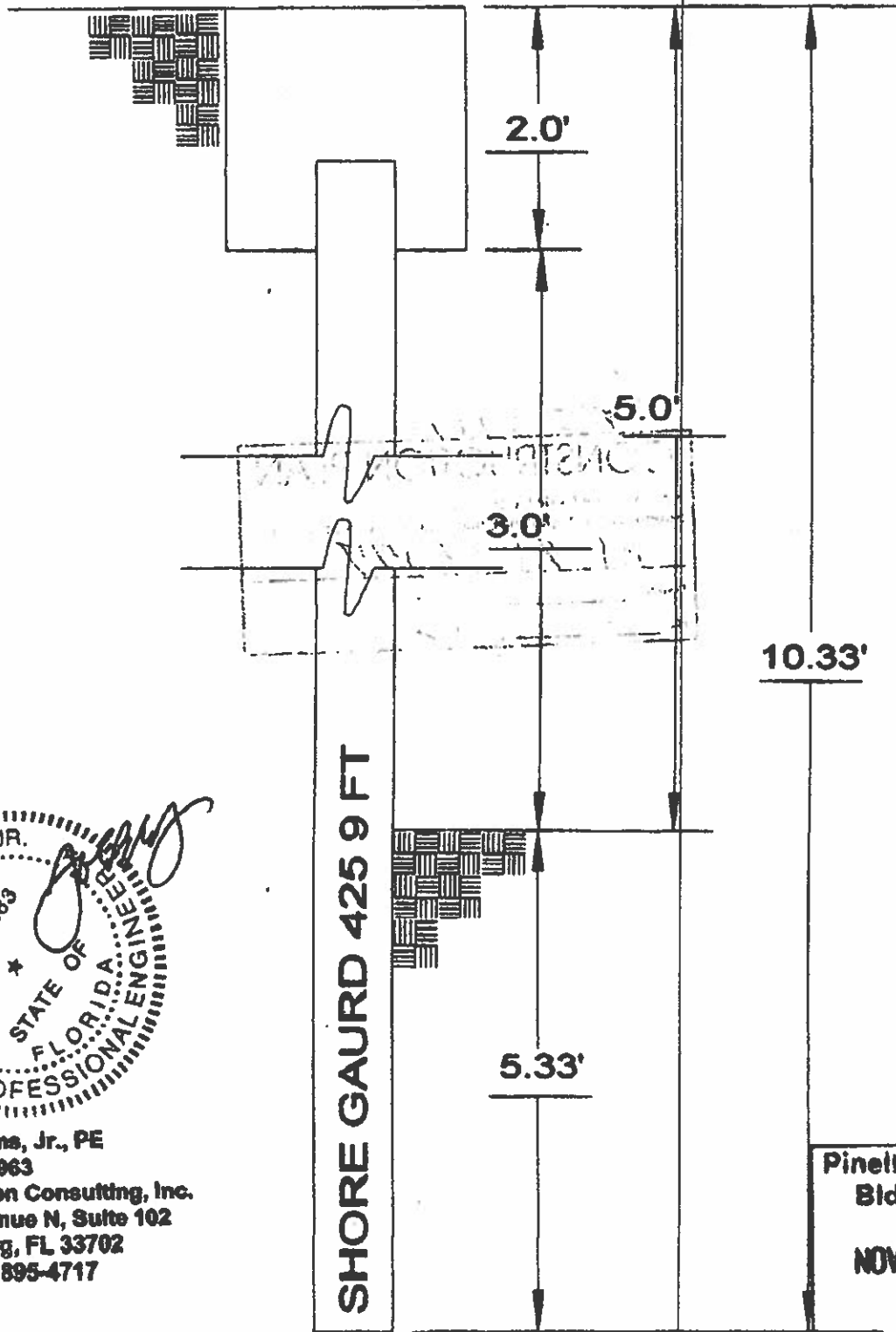
DANN SAPP AND SON, INC.
 MARINE DIVISION

(727) 528-1858 FAX (727) 629-1288
 STATE L.C. #CB 0028120
 MARINE L.C. #C-1088
 471 2nd STREET NORTH ST. PETERSBURG FL 33714

JOHN B. ADAMS, JR.
 LICENSE # 53963
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER
 John B. Adams, Jr. P.E.
 Ruben Clarion Consulting Inc.
 780 94th Avenue N, Suite 102
 St. Petersburg, FL 33702
 Phone: (727) 895-4717
 CA No. 9208

SEAWALL EXPOSURE PLAN

TOP OF NEW SEAWALL CAP SHALL BE 12 INCHES HIGHER THAN THE EXISTING SEAWALL CAP



John B. Adams, Jr., PE
FL PE No. 53963
Ruben Clarkson Consulting, Inc.
780 94th Avenue N, Suite 102
St. Petersburg, FL 33702
Phone: (727) 895-4717
CA No. 9206

Pinellas County
Bldg. Dept.
NOV 23 2021
Rev. 2016

POOL SIZE 10' x 28' x 5' SPECS
 POOL DEPTH 3' TO 6' CAPACITY _____ GALLONS
 TILE _____ COLOR _____
 DECKING: FOUR & TOP SEE
 DECKING: TOP ONLY TYPICAL
 FILTER _____ PUMP _____
 POOL CLEANER _____
 CHEMICAL SYSTEM _____ TIME CLOCK (0)
 POOL LIGHT _____
 ELECTRICAL HOOR-UP _____
 SWIM-OUT _____ SEAT AT STEPS _____
 THERAPY JETS _____ DRAIN-AWAY _____
 RETURN INLETS _____ SKIMMER _____
 MANUAL CLEANING EQUIPMENT YES TEST KIT YES
 HEATER FOR POOL _____ SIZE _____
 THERAPY SPA _____ SIZE _____ SPA LIGHT _____
 SPA JETS _____ JET PUMP _____
 HEATER FOR SPA _____ SIZE _____
 RAISED SPA BEAM _____ BEAM WIDTH _____
 TOP OF BEAM _____ BACK OF BEAM _____
 SCREEN ENCLOSURE _____

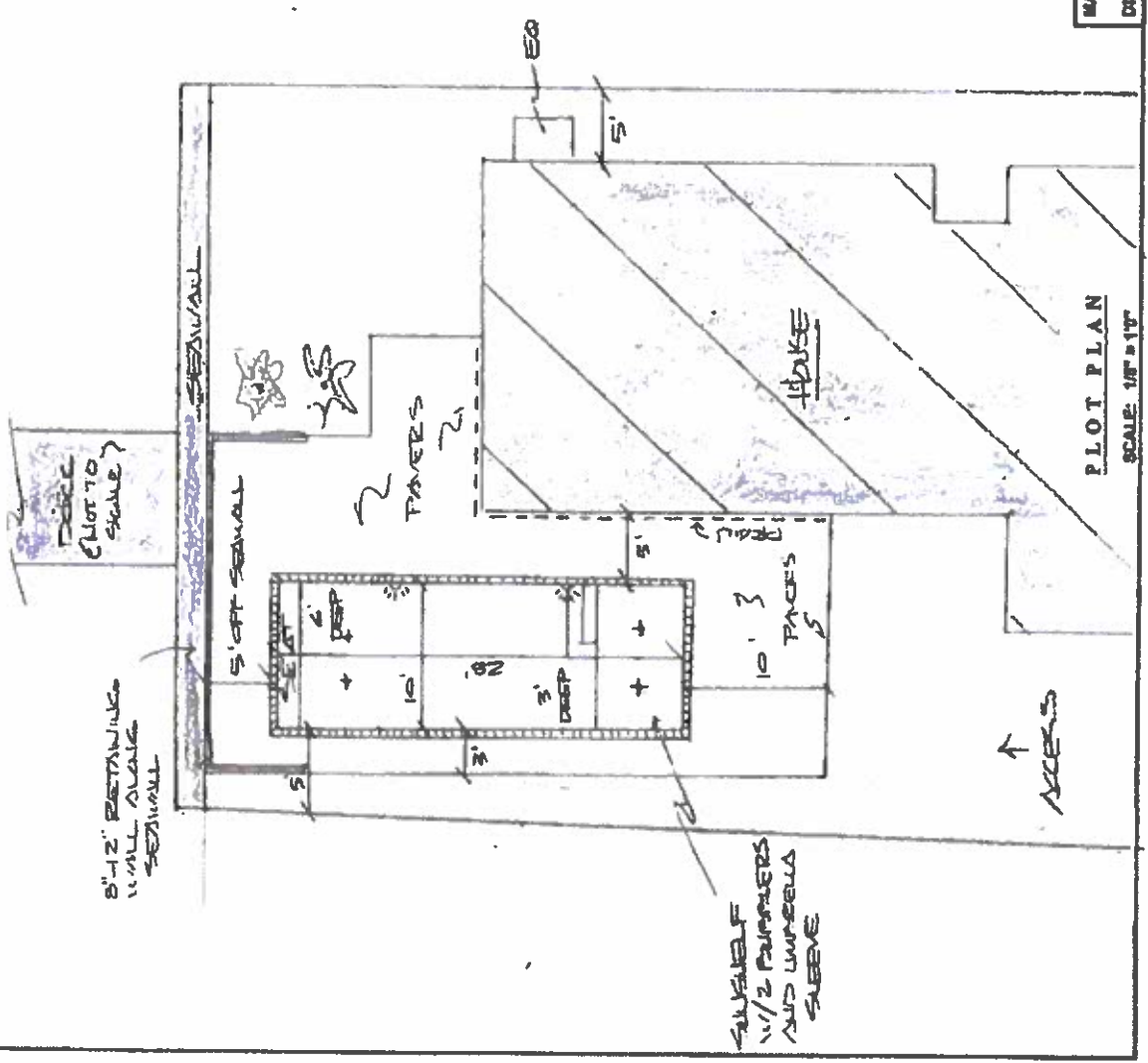


727-593-9330
 P.O. Box 309 • Indian Rocks Beach, FL 33785

NAME: CHERY FRIED
 ADDRESS: 2105 PAX PLND
 CITY: INDIAN ROCKS FL 33785
 HOME PHONE: 727-475-1442
 LOT _____ BLOCK _____ SUB _____

MARCIITE IS NOT WARRANTED
 DUE TO MOTTILING,
 DISCOLORATION OR ETCHING

2/18/2022



seanflorida85@gmail.com

From: cherrysellshomes@email.com
Sent: Tuesday, March 8, 2022 1:19 PM
To: seanflorida85@gmail.com
Subject: Fwd: Re: 2105 Bay Blvd Indian Rocks Beach 33785

Cherry Foos
Realtor
Staging and Marketing Consultant
Dalton Wade Real Estate Group
cell 5094751440

On 2/28/22 at 4:39 PM, Sharon Coreno wrote:

From: "Sharon Coreno" <sharoncoreno@yahoo.com>
Date: February 28, 2022
To: "cherrysellshomes@email.com" <cherrysellshomes@email.com>, "hharmon@civilsurv.com" <hharmon@civilsurv.com>
Cc:
Subject: Re: 2105 Bay Blvd Indian Rocks Beach 33785
Hello Hetty,

My husband Guy and I give our permission for Cherry and Sean at 2105 Bay Blvd, Indian Rocks Beach, FL 33785 to place their pool 5' from the property line. Please let us know if you need anything further.

Thank you.

Sharon Coreno
2107 Bay Blvd, Indian Rocks Beach, FL 33785

On Monday, February 21, 2022, 09:21:16 AM EST, cherrysellshomes@email.com <cherrysellshomes@email.com> wrote:

Hi there

Hetty I have copied our neighbor Sharon / Sheri on this email. She is our neighbor north of us and is the one giving permission to us to put the pool 5' ft from the property line.

Thank you Sheri! Can you please confirm with Hetty.

Cherry Foos
Realtor
Staging and Marketing Consultant
Dalton Wade Real Estate Group
cell 5094751440

AGENDA ITEM NO. 6

BOA CASE NO. 2022-08
349-12th Avenue

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: April 19, 2022
City Commission: May 10, 2022

AGENDA ITEM: 6

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, City Planner

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

BOA CASE NO. 2022-08 349-12TH AVENUE: Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349 12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach.
Parcel # 06-30-15-42066-089-0120

OWNER:

Jeff Schaefer

LOCATION of PROPERTY:

349 12th Avenue

ZONING:

Single Family Residential

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Intracoastal	N/A
West	Residential	S

BACKGROUND:

On December 10, 2019, Mr. Schaeffer was granted a variance to extend the dock to 56 feet from the seawall. The dock has been installed. At 56 feet, there is less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Mr. Schaeffer is now requesting an additional 16 feet to the existing dock length of 56 for a total dock length of 72 feet from the seawall at its maximum projection.

Sec. 2-152. - Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The existing mangroves in front of the seawall are peculiar to this property and the adjacent property however are not typical of other properties in the area.

b. The special conditions and circumstances do not result from the actions of the applicant.

The mangroves are a natural condition of nature and did not result in actions of the applicant.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would not confer special privileges to the applicant, it would allow for access to a dock and a boat lift similar to others in the area.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

Granting of this variance would allow a dock and boat lift to installed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will be in harmony with general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 4, 2022.

CORRESPONDENCE: No correspondence has been received.

STAFF

RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends approval of the request.

MOTION:

Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349 12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach.



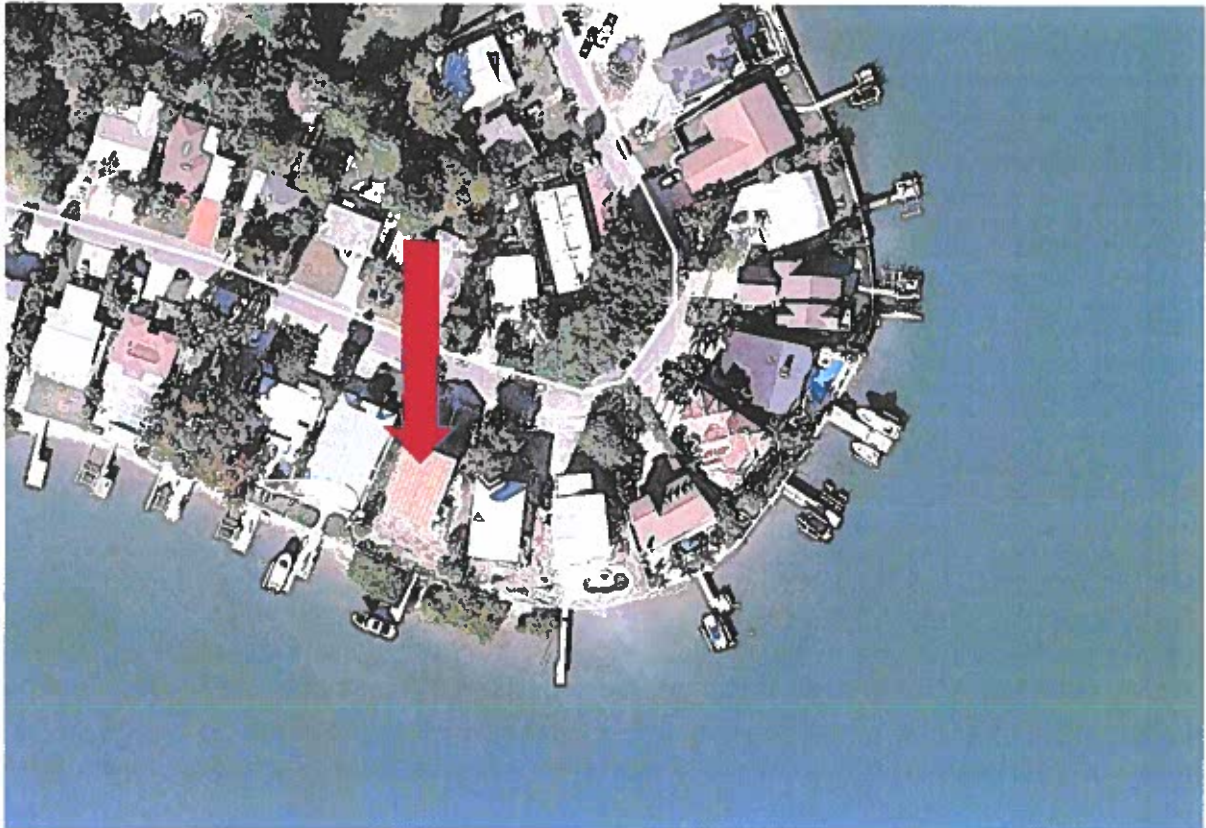
349 12th Ave
BOA CASE NO. 2022-08



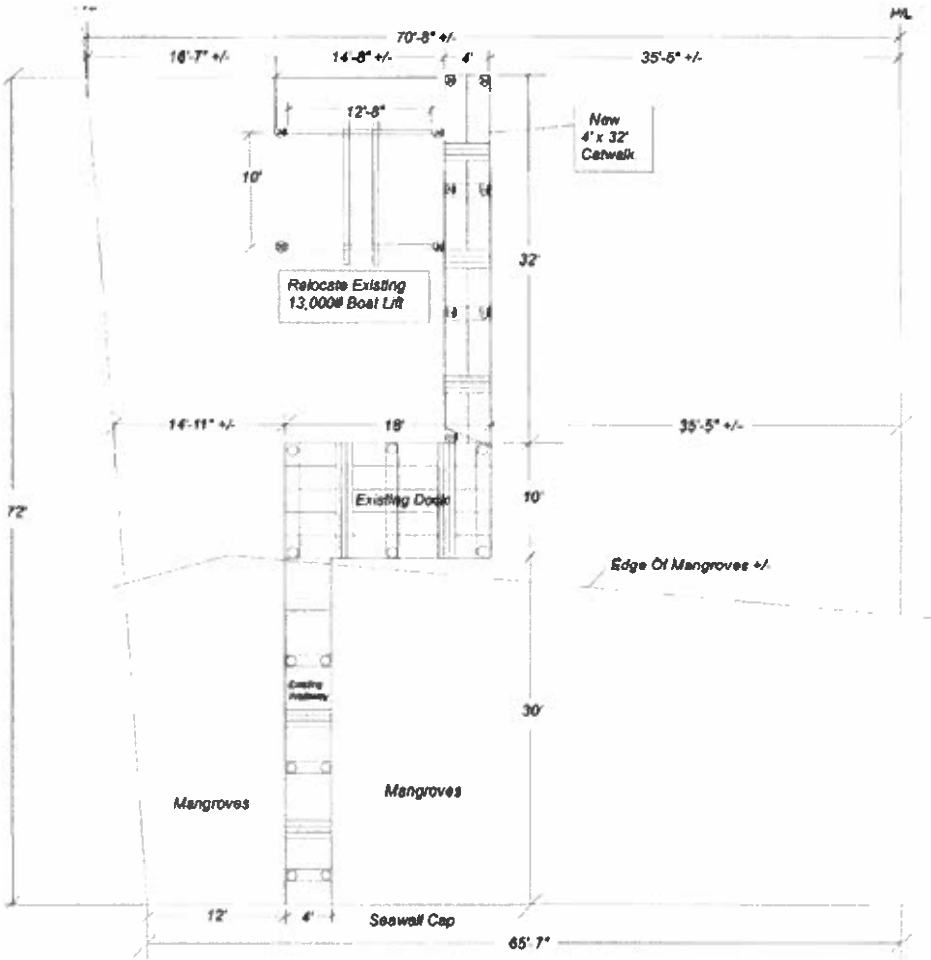
BOA CASE NO. 2022-08- Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349 12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach



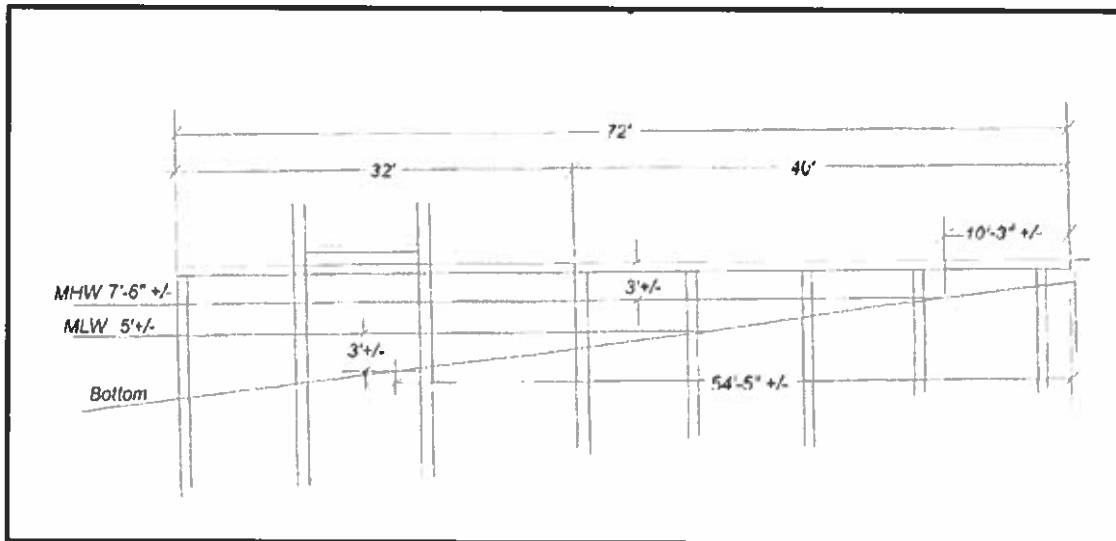
349 12th Avenue



Proposed dock



Water Depths





APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759
Web: <http://www.indian-rocks-beach.com/>
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No. 2022-08

Date Received 3/15/2022

APPLICANT

Name: Jeff Schaefer
Address: 777 52nd Ave. N.
City: St. Petersburg
Zip Code: 33703
Tel: (303) 868-8999
Fax:
Mobile:
Email: jschaefer@everusmc.com

AGENT/REPRESENTATIVE

Name: Joe Place
Company: Enterprise Marine
Address: 8165- 46th Ave. N.
City: St. Petersburg
Zip Code: 33709
Tel: (727) 343-7788
Fax: (727) 954-8812
Mobile: (727) 280-4416
Email: joe@enterprisemarine.com

SITE DETAILS

Address: 349 12th Ave. Parcel ID: 06-30-15-42066-089-0120
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian Beach Re-revival. 2nd Add, Block 89, Lot 12
Zoning: Future Land Use:
Size:

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Dock Permit #19-1094 was issued for this property on 1/3/2020

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

Does any other person have ownership or interest in the property? Yes No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation	Required	Proposed	Total Requested
Gulf-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):			
Rear-north/south street (feet):			
Street-front setback (feet):			
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):			
Off-street parking (spaces):			
ISR (%):			
FAR (%):			
Dock length (feet):	50'	72'	22'
Dock width (feet):			
Signage (#):			
Accessory structure (sq. ft.):			
Accessory structure height (feet):			
Lot size (sq. ft.):			

Other:

What is the proposed use of the property?

Private Home & Private Dock

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

Shallow water depths restrict the use of the boat and boat lift system.

Special conditions and circumstances do not result from the actions of the applicant:

Mangroves, seagrass and shallow water, are natural conditions. No actions by the applicant, resulted in the existing conditions.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

This variance will not provide any special privilege for this property. It will allow increased access to the dock and boat lift, similar to other properties in the area.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

Not approving the variance, would cause unnecessary and undue hardship to the applicant, due to the natural occurrence of the existing mangroves, seagrass and shallow water.

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

We are asking for the minimum variance for the length of the dock and boat lift, due to the mangroves, seagrass and shallow water.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

The granting of the variance, will not be injurious to the area, or detrimental to the public welfare.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

The City has already approved variances, for docks in this area due to similar issues.

CERTIFICATION

Date: 5-27-21

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared: _____

Name: JEFF SCHAEFER

Signature: [Signature]

Personally known/Form of Identification Florida Drivers Lic

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 27th Month: May, 2021

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: 11/15/2022

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: 5-27-21

I, JEFF SCHAEFER do hereby designate and appoint Joe Alon, Enterprise Marina as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: JEFF SCHAEFER Signature: 

My agent of record may be contacted at:

Company: Enterprise Marine Contractors, Inc.

Address: 8145 46th Avenue N.

City/State: St. Petersburg Zip Code: 33709

Telephone: (727) 343-7788 Fax: (727) 954-8812

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: _____ Month: _____, 20_____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

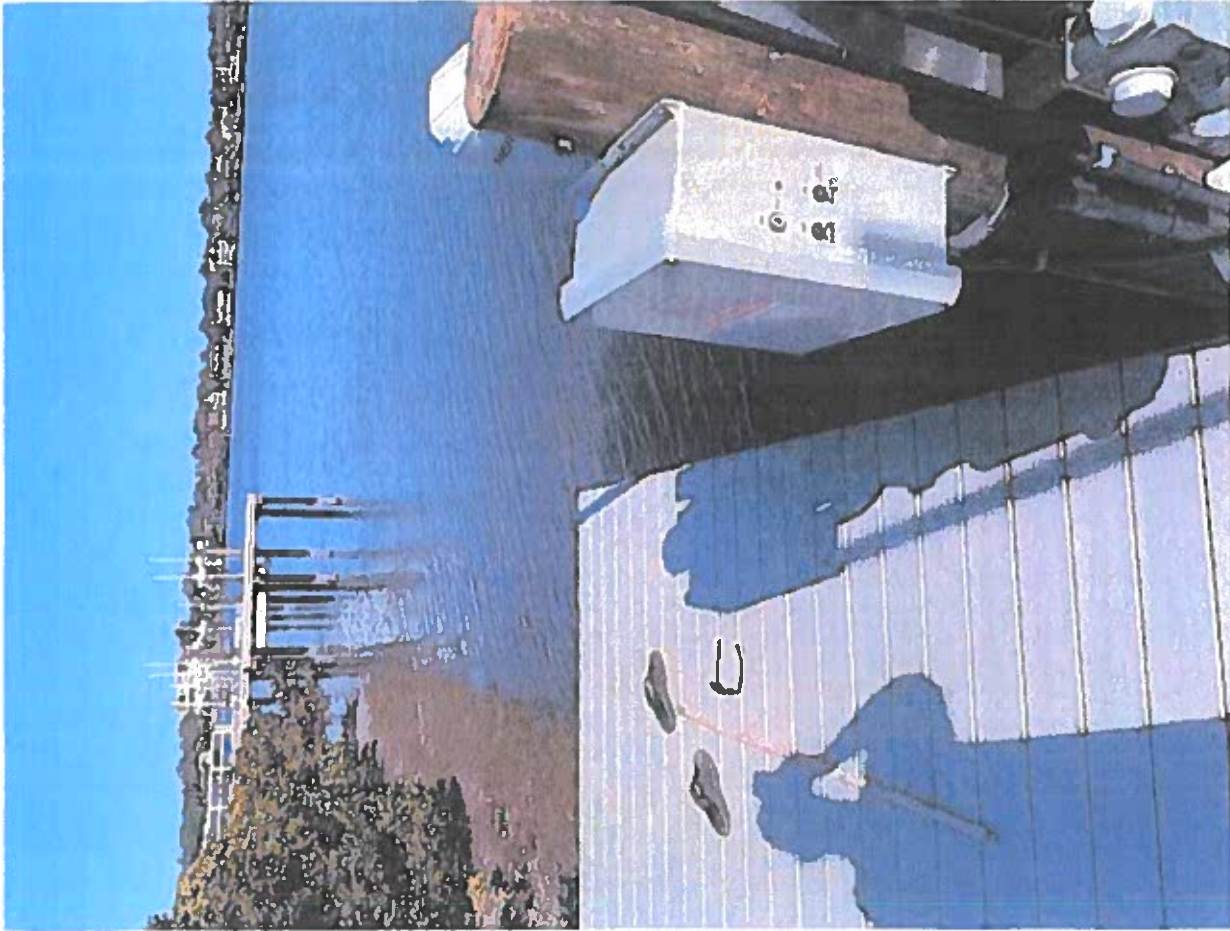
State of Florida

County: Pinellas

Joe Place

From: Jeff Schaefer <jschaefer58@yahoo.com>
Sent: Wednesday, May 26, 2021 9:28 AM
To: Joe Place
Subject: Pictures

I have less than a foot of water and high tide is about 2.5ft on average







Sent from my iPhone

DOCK WATER DEPTH AFFIDAVIT

I, the undersigned contractor, who is duly licensed to construct and repair docks in Pinellas County, Florida, do hereby attest to the following:

1. On behalf of my client, I do hereby propose to construct a dock in the City of Indian Rocks Beach that has a length of thirty five (35') feet, or longer if necessary to reach thirty six (36") inches of water depth at a mean low water mark. In no case shall the length exceed fifty (50') feet beyond the property line, seawall of mean high water mark, whichever is applicable pursuant to Section 94-87 of the City Code; and
2. I, or personnel under my supervision, have inspected the proposed construction site for the subject dock and have taken measurements at the proposed construction site in accordance with generally accepted standards and have determined that the depth of the water at the subject location at mean low tide of thirty six (36") inches at a distance of 54'-5" from the seawall as measured perpendicular to the seawall.



Signature of Contractor/Authorized Agent

The above instrument was acknowledged before me this 9TH day of DECEMBER 2021, by JOE PLACE, who is personally known to be or who produced _____ as identification.


JEFFREY D. CAVANAGH |
Commission # GG 966978
Expires February 8, 2024
Notary Stamp & Number



Notary Signature:
Name (print):
Title/Rank:


JEFFREY D. CAVANAGH
Commission # GG 966978
Expires February 8, 2024
Served This Budget History Services

If applying in person, direct all correspondence to:

Clerk, Water and Navigation, 5th Floor
315 Court Street
Clearwater, FL 33756



PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION

I. PROPERTY OWNER INFORMATION:

A. Applicant's Name: Jeff & Carol Schaefer
B. Mailing Address: 777 52nd Avenue N.
City: St. Petersburg State: FL Zip: 33703
C. Telephone No.: (303) 868-8999 E-mail Address: jschaefer@verusmc.com

II. CONTRACTOR INFORMATION (Pro):

A. Name: Enterprise Marine Contractors, Inc.
B. Address: 8165 46th Avenue N.
City: St. Petersburg State: FL Zip: 33709
C. Telephone No.: (727) 343-7788 E-mail Address: gary@enterprisemarine.com

III. AGENT INFORMATION (if different from Contractor):

A. Name: Joe Place
B. Address: 8165 46th Avenue N.
City: St. Petersburg State: FL Zip: 33709
C. Telephone No.: (727) 343-7788 E-mail Address: joe@enterprisemarine.com

IV. SITE INFORMATION:

A. Construction Site Address: 349 12th Avenue
City: Indian Rocks Beach Zip Code: 33785
B. Site Parcel ID Number: 06 / 30 / 15 / 42066 / 089,012
C. Incorporated: Unincorporated:
D. Affected Water Body: Clearwater Harbor
E. Previous Permits: P49304-19

F. Date applicant assumed property ownership: 04/29/2019
month/year

G. Obstructions: (Dogs, Fences, etc.) _____

H. All other information pursuant to Chapter 58, Article XV (Water and Navigation Regulations).

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

A. Signature from Adjacent Owner Required under Code Section 58-555(b): Yes No

Amount of deviation: Length: _____

Width: _____

Setbacks: Left: _____ Right: _____

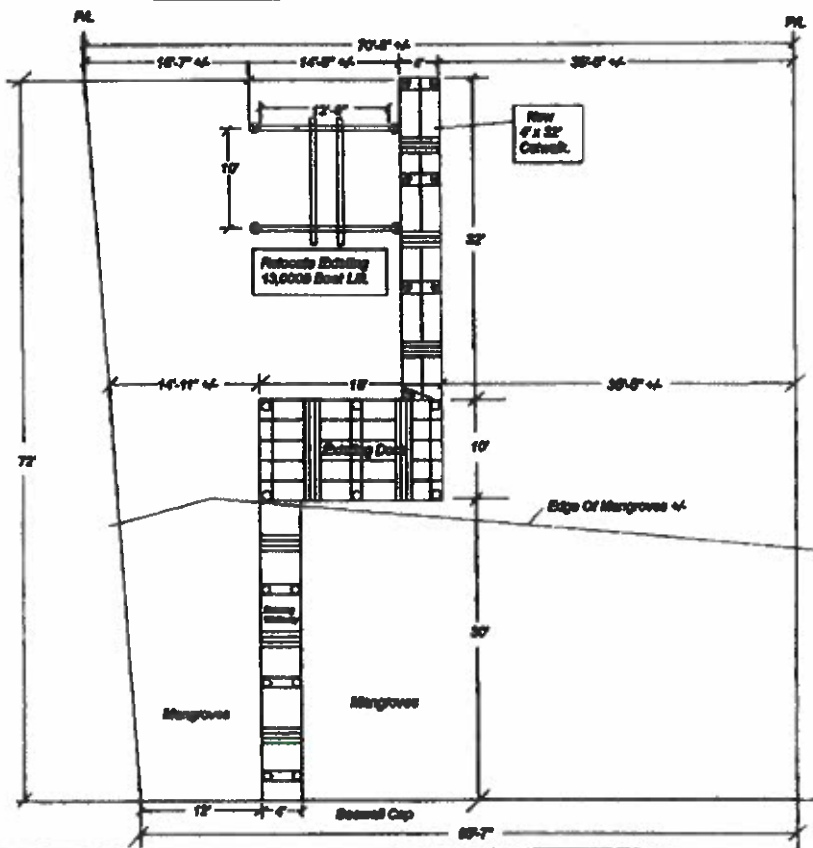
Other: _____

❖ Please note that all information requested in this application must be filled out in its entirety prior to submittal to Pinellas County. An application missing information will not be considered complete, and therefore ready for possible approval, until all required information is provided.

Owner Name: Jeff & Carol Schaefer Site Address: 349 12th Avenue

Nature and Size of Project: Construct a 4' x 32' catwalk at the end of the existing dock and relocate the existing boat DECO Boat Lift, on the left side of the new catwalk.

Total Project Square Footage:	<u>428</u>	New Square Footage:	<u>128</u>
Total Number of Pilings:	<u>11</u>	Diameter of Pilings:	<u>9" & 10"</u>
Waterway Width	<u>560'</u>	Waterfront Width	<u>65'-7"</u>

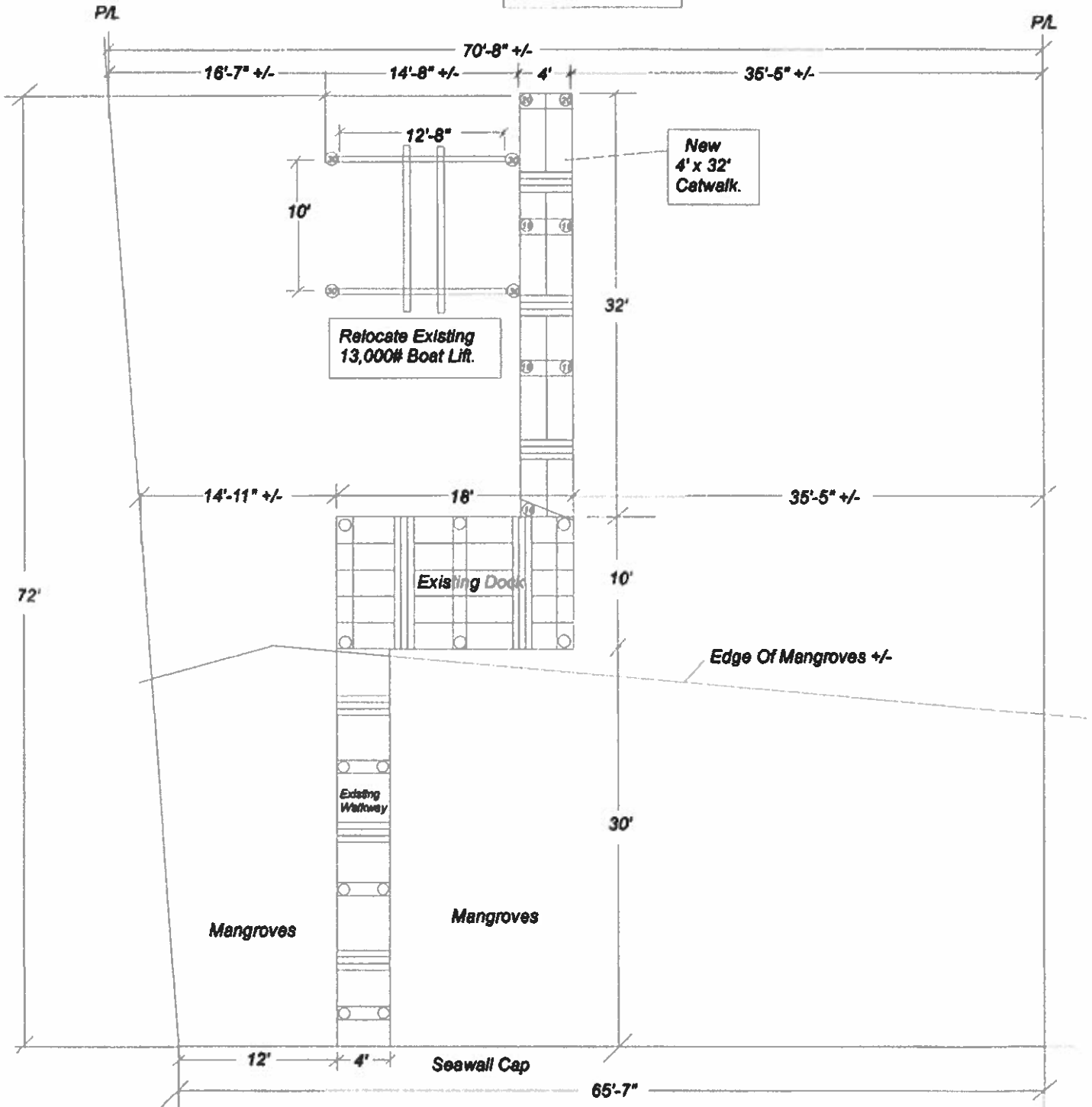


SHORELINE

The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner	Right Owner
Signature <u>James Deane</u> Date <u>3/9/22</u>	Signature <u>[Signature]</u> Date <u>3.9.22</u>
Municipality Approval	Water and Navigation Approval

Dock Design No.10
2/28/2022

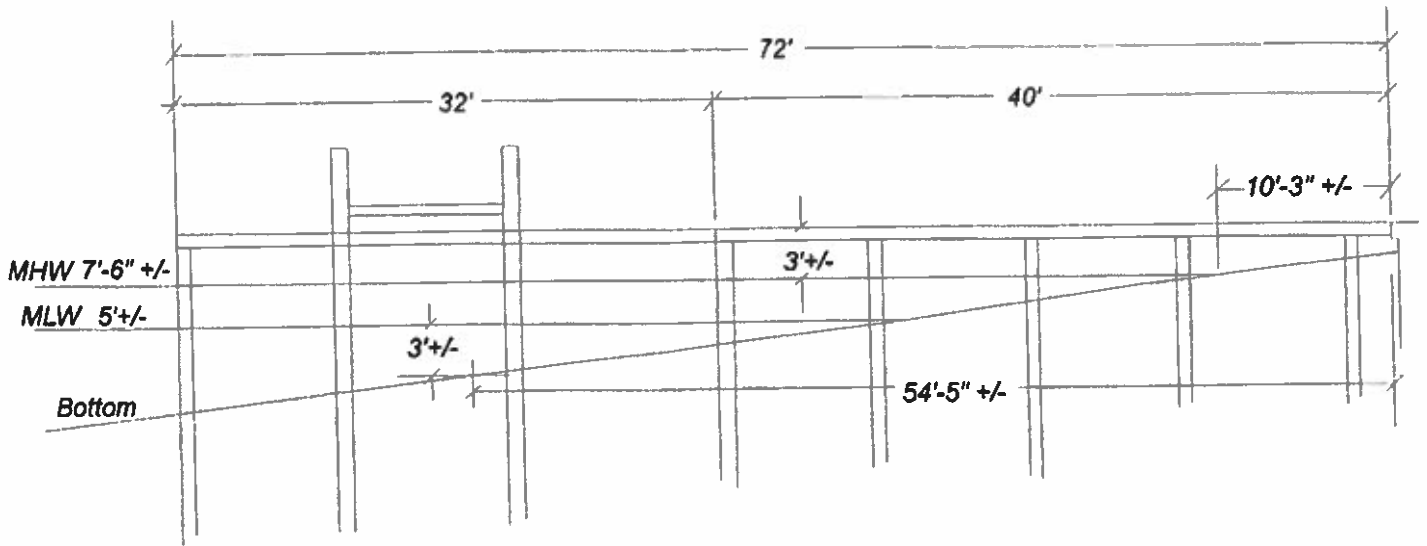


<p>Customer: Jeff Schaefer 349 12th Avenue Indian Rocks Beach, FL 33785</p>	<p>Enterprise Marine 8165 48th Avenue N. St. Petersburg, FL 33709 (727) 343-7788</p>
--	---

Owner Name: Jeff & Carol Schaefer

Site Address: 349 12th Avenue

Profile View Drawing



LETTER OF NO OBJECTION

Left Lot Owner's Name Patricia and Roy Jordan

Mailing Address 351 12th Avenue Zip 33785

I certify that I am the owner of 351 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

349 12th Avenue, Indian Rocks Beach, FL 33785

I have seen the County permit application - including plans or drawings - for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: Patricia Jordan Date 3/9/22

NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

physical presence or online notarization this 9th day of March, 2022 by personally known OR produced identification

Type of Identification Produced _____

Witness my hand and official seal this 9th day of March, 2022

Joseph R. Place
Notary Public
My commission expires: _____
JOSEPH R PLACE
Commission # GG 203101
Expires August 3, 2022
Bounded This Budget Notary Services

Right Lot Owner's Name Joseph Ambrefe

Mailing Address 347 12th Avenue Zip 33785

I certify that I am the owner of 347 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

349 12th Avenue, Indian Rocks Beach, FL 33785

I have seen the application - including plans or drawings - for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: Joseph Ambrefe Date 3.9.22

NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

physical presence or online notarization this ____ day of _____, 20__ by Personally Known OR Produced Identification

Type of Identification Produced _____

Witness my hand and official seal this 9th day of March, 2022

Joseph R. Place
Notary Public
My commission expires: _____
JOSEPH R PLACE
Commission # GG 203101
Expires August 3, 2022
Bounded This Budget Notary Services

VI. CONTRACTOR INFORMATION:

I, Gary Kalke, a Marine Specialty contractor,
whose contractor license # C-9714 expires on 9/30/2021

swear that the above described project (the "Project") has not been constructed as of the date affixed by my signature below. If a permit for this Project (the "Permit") is granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the drawings or plans attached hereto. I swear that the information provided in this application represents the full scope of the Project and that no material information regarding the Project has been omitted. In the event that either the Project is not constructed in full accordance with the Permit or the information provided in this application is not correct, I agree to either ~~repeal~~ repeal the Project or correct the deficiency.

Signed:  Date: 12/7/21

- You must have USL&H insurance in order to construct a dock in Pinellas County; as well as be licensed with the PCCLB.

VII. PROPERTY OWNER'S SIGNATURE:

I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto; I likewise agree to maintain the Project in a safe condition throughout the Project's existence.

I hereby authorize the above stated contractor – and agent if listed – to act as my representative in all matters pertaining to the application. I understand that I, not the County am responsible for the accuracy of the information provided as part of this application. I further understand that it is my responsibility to obtain any necessary permits and approvals required for the Project at the Federal, State, and local levels; should the Project lie within a municipality, I recognize that approval from that municipality – in addition to the County – is required.

I swear that I own the upland property described in this application (the "Property"). While this application is pending, I expressly authorize the County and its agents to access the Property at any time as may be necessary to review and act on this application. Should a permit for the Project be granted by the County, I expressly authorize the County and its agents to access the Property at any time as may be necessary to monitor the Project and ensure compliance with the terms of the permit; this permission is valid until the Project has passed final inspection.

Signed:  Date: 12/7/21

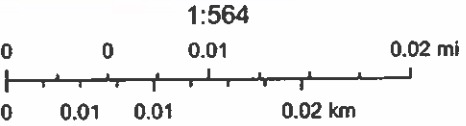
ArcGIS Web Map



5/27/2021 8:56:18 AM

 Parcels

*Project: Jeff Schaefer
349 - 12th Ave
Indian Rocks Beach*



Esri, HERE, Garmin, IPC, State of Florida, Maxar, Microsoft

Web AppBuilder for ArcGIS

Consent to Use State-Owned Submerged Lands

DO YOU LIVE OR DO BUSINESS ON THE WATER?

If so, you may need authorization to use the lands under the water from the owners of those lands. This authorization is in addition to any city, county, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, or Water Management District permit.

WHAT LANDS ARE WE TALKING ABOUT AND WHO OWNS THEM?

Sovereign submerged lands are all those submerged lands waterward of the ordinary or mean high water line under navigable fresh and salt water bodies. The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, hold title to all of those lands below navigable waters which have not been previously conveyed into private ownership. Portions of these submerged lands have been designated as "aquatic preserves" and because of their unique biological, aesthetic or scientific value, they are held and managed to a higher degree of care. Since the State owns these lands, both public and private entities must obtain consent to use them.

WHY IS CONSENT NECESSARY AND BY WHAT AUTHORITY IS IT REQUIRED?

These lands are held in trust for the use and benefit of the people of the State, as set forth in the State Constitution; therefore, the private use of these lands must be balanced with the need to conserve and protect the scientific value and beauty of those lands. The intent of the regulations is to ensure that all sovereign submerged lands are managed primarily for the propagation of fish and wildlife, and public recreation. The legislative origins of the procedures employed in the review of applications to use sovereignty submerged lands are contained within Chapters 253 and 258 of the Florida Statutes. These statutes are implemented through rules which are contained within Chapters 18-14, 18-18, 18-20 and 18-21 of the Florida Administrative Code. It is important to contact the Department of Environmental Protection before you use these lands.

WHAT TYPE OF ACTIVITIES REQUIRE AUTHORIZATION?

Uses that require authorization must be approved before they are conducted. The most commonly requested uses are the construction of docks, the placement of riprap, dredging for access or channels, mangrove trimming, bridge and utility crossings, and beach renourishment projects.

WHAT DO YOU HAVE TO DO AND IS THERE A FEE?

The form of consent that is required depends upon the type of activity that is proposed. Forms of consent include letters, easements, use agreements, management agreements, and leases. The type of activity proposed also determines the amount of fees; however, commercial uses will always require payment of fees.

WHAT HAPPENS IF YOU DO NOT RECEIVE AUTHORIZATION TO USE THESE LANDS?

Alterations to, or structures discovered on, sovereignty submerged lands without authorization are subject to lease fees in arrears, with interest, and fines. In some cases, removal of structures may also be required.

WHO DO YOU CONTACT TO INQUIRE ABOUT THE USE OF THESE LANDS?

The Department of Environmental Protection Division of State Lands field office listed below.

Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637
Phone: (813) 632-7600
Fax: (813) 632-7665

AGENDA ITEM NO. 7

**BOA CASE NO. 2022-09
1306 Gulf Boulevard**

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: April 19, 2022
City Commission: May 10, 2022

AGENDA ITEM: 7

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, City Planner

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

BOA CASE NO. 2022-09 – 1306 GULF BOULEVARD: Variance request from Section 110-131(f)(4)(ii) of the Code of Ordinances to not require the portion of the building that exceeds 30 ft in height to step in 1 foot for every two feet above 30 feet to allow for the construction of a 5 unit building for the property located at 1306 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Lots 8 and 25, Block 28, TOGETHER WITH that portion of the West ½ of the vacated alley adjoining the East boundary of Lot 8 and lying between the North and South lot lines of said Lot 8 extended East to the center of said alley, and TOGETHER WITH that portion of the East ½ of the vacated alley adjoining the West boundary of Lot 25 and lying between the North and South lot line of said Lot 25 extended West to the center of said alley and TOGETHER WITH that portion of vacated Beach Drive lying Westerly of the West lot line of said Lot 8, RE-REVISED MAP OF INDIAN BEACH, according to the map or plat thereof as recorded in Plat Book 5, Page 6 of the Public Records of Pinellas County, Florida. LESS AND EXCEPT the East 10 feet of said Lot 25 deeded to the City of Indian Rocks Beach in Official Records Book 2028, Page 392 of the Public Records of Pinellas County, Florida. Parcel #01-30-14-42060-028-0080

OWNER: Gulf Dunes Property LLC
LOCATION of PROPERTY: 1306 Gulf Blvd
ZONING: CT – Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Business	B
South	Residential	CT
West	Gulf of Mexico	N/A

BACKGROUND:

The Commercial Tourist (CT) zoning district requires that the building be stepped back 1 foot for every two feet above 30 feet. The applicant is requesting that requirement be waived and allow the side walls of the building be constructed at the same setback of 7.5 feet for the 40 feet.

Sec. 2-152. - Variances.

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

There are no special conditions or circumstances which are peculiar to the land. Which are not applicable to other lands is the same zoning district..

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

The approval of this variance request would not deprive other owners of use and enjoyment of their properties.

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

This is the minimum variance to allow the owner to construct the building as proposed.

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 4, 2022.

CORRESPONDENCE RECEIVED: None.

STAFF

RECOMMENDATION: Based on the variance review criteria of Section 2-152, staff recommends denial of the request.

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL of BOA CASE 2022-09** : Variance request from Section 110-131(f)(4)(ii) of the Code of Ordinances to not require the portion of the building that exceeds 30 ft in height to step in 1 foot for every two feet above 30 feet to allow for the construction of a 5 unit building for the property located at 1306 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Lots 8 and 25, Block 28, **TOGETHER WITH** that portion of the West ½ of the vacated alley adjoining the East boundary of Lot 8 and lying between the North and South lot lines of said Lot 8 extended East to the center of said alley, and **TOGETHER WITH** that portion of the East ½ of the vacated alley adjoining the West boundary of Lot 25 and lying between the North and South lot line of said Lot 25 extended West to the center of said alley and **TOGETHER WITH** that portion of vacated Beach Drive lying Westerly of the West lot line of said Lot 8, **RE-REVISED MAP OF INDIAN BEACH**, according to the map or plat thereof as recorded in Plat Book 5, Page 6 of the Public Records of Pinellas County, Florida. **LESS AND EXCEPT** the East 10 feet of said Lot 25 deeded to the City of Indian Rocks Beach in Official Records Book 2028, Page 392 of the Public Records of Pinellas County, Florida.



1306 Gulf Boulevard
BOA CASE NO. 2022-09



BOA CASE NO. 2022-09: Variance request from Section 110-131(f)(4)(ii) of the Code of Ordinances to not require the portion of the building that exceeds 30 ft in height to step in 1 foot for every two feet above 30 feet to allow for the construction of a 5 unit building for the property located at 1306 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Lots 8 and 25, Block 28, TOGETHER WITH that portion of the West ½ of the vacated alley adjoining the East boundary of Lot 8 and lying between the North and South lot lines of said Lot 8 extended East to the center of said alley, and TOGETHER WITH that portion of the East ½ of the vacated alley adjoining the West boundary of Lot 25 and lying between the North and South lot line of said Lot 25 extended West to the center of said alley and TOGETHER WITH that portion of vacated Beach Drive lying Westerly of the West lot line of said Lot 8, RE-REVISED MAP OF INDIAN BEACH, according to the map or plat thereof as recorded in Plat Book 5, Page 6 of the Public Records of Pinellas County, Florida. LESS AND EXCEPT the East 10 feet of said Lot 25 deeded to the City of Indian Rocks Beach in Official Records Book 2028, Page 392 of the Public Records of Pinellas County, Florida.



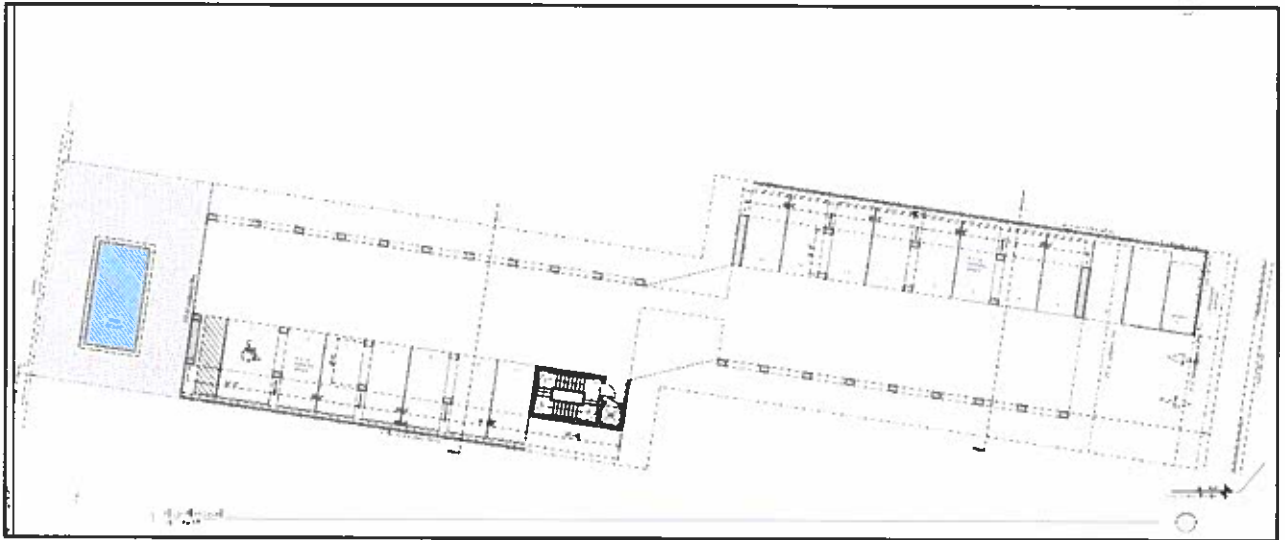
1306 Gulf Boulevard



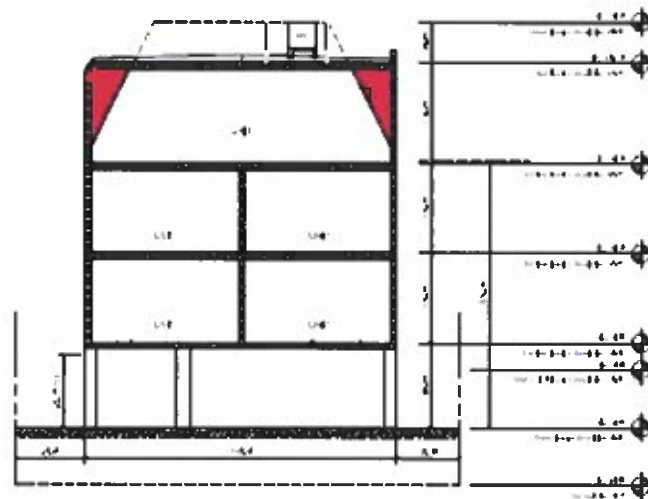
1306 Gulf Boulevard



Proposed Site Plan



Area of Variance Request



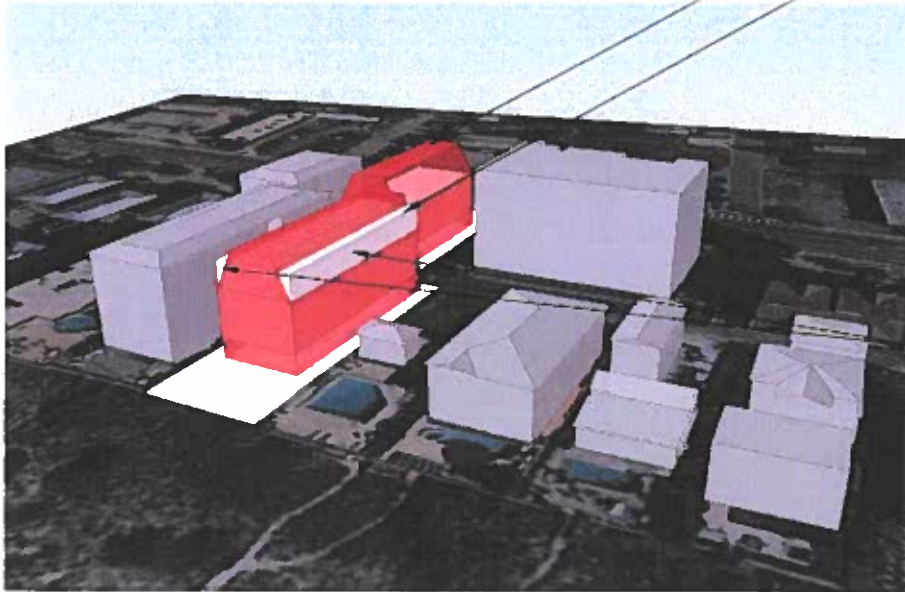
2 Building Section - South
11/19/11

Area of Variance Request

5 Building And Street

Zoning Envelope (Red)

Building (White)



Area of Variance Request

4 Building And Beach

Hetty Harmon

From: britches1095@aol.com
Sent: Tuesday, April 12, 2022 1:28 PM
To: hharmon@irbcity.com
Subject: BOA case 2022-09

Re: BOA case 2022-09

I respectfully oppose and object to this matter.

Thank you,
Gwendolyn Crittenden trent
owner
1310 Gulf Blvd #101
Indian Rocks Beach
FL 33785

RECEIVED
City Manager's Office

MAR 15 2022

City of Indian Rocks Beach

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759
Web: <http://www.indian-rocks-beach.com/>
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No. 2022.09

Date Received 3/15/2022

APPLICANT

Name: Gulf Dunes Property LLC
Address: 3919 E. 7th Avenue
City: Tampa, FL
Zip Code: 33605
Tel: 813-892-0143
Fax: N/A
Mobile: 813-892-0143
Email: shyer@rowellchemical.com

AGENT/REPRESENTATIVE

Name: Angela Rauber
Company: Hill Ward Henderson, PA
Address: 101 E. Kennedy Blvd
City: Tampa, FL
Zip Code: 33602
Tel: 813-222-8504
Fax: N/A
Mobile: 865-599-1446
Email: Angela.Rauber@HWHlaw.com

SITE DETAILS

Address: 1306 Gulf Blvd. Parcel ID: 01-30-14-42030-028-0080
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Lot 8 & the Westerly 1/2 of vacated alley on east and that part of vacated beach drive on west together with lot 25 and the easterly 1/2 of vacated alley on west, less the east 10 feet for road right-of-way, Block 28, re-revised map of Indian beach, as recorded in plat book 5, page 6, public records of Pinellas county, Florida.
Zoning: CT Future Land Use:
Size: 13,352 sf

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? Yes No

If yes, provide address and legal description:

NA

Have previous applications been filed for this property? Yes No

If yes, describe:

NA

Has a certificate of occupancy or completion been refused? Yes No

If yes, describe:

NA

Does any other person have ownership or interest in the property? Yes No

If yes, is ownership or interest contingent or absolute:

NA

Is there an existing contract for sale on the property? Yes No

If yes, list all parties on the contract:

NA

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	See narrative attached as Exhibit A.	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	45'6"	40'10"	(see other)
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other: Request to reduce the required side yard setbacks for the portion of building exceeding 30' in height, to allow the building to maintain side yard setbacks totaling 15 feet for the entire building, as shown on submitted plans. (Article III, Section 110.131(5)(f)(4)(ii).
See narrative attached as Exhibit A.

What is the proposed use of the property? Multi-family residential

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

See Narrative attached as Exhibit A.

Special conditions and circumstances do not result from the actions of the applicant:

See Narrative attached as Exhibit A.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

See Narrative attached as Exhibit A.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

See Narrative attached as Exhibit A.

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

See Narrative attached as Exhibit A.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

See Narrative attached as Exhibit A

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

See Narrative attached as Exhibit A.

CERTIFICATION

Date: March 15, 2022

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared: _____

Name: Angela B. Rauber

Signature: Angela B. Rauber

Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 15th Month: March, 2022

Notary Public State of Florida at Large: Meghan

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: 3/11/22

I, Sean Hyer do hereby designate and appoint

Katie Cole, Esq./Angela Rauber, Esq./Hill Ward Henderson, PA as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: Sean Hyer Signature: [Signature]

My agent of record may be contacted at:

Company: Hill Ward Henderson

Address: 101 E. Kennedy Blvd.

City/State: Tampa, Florida Zip Code: 33602

Telephone: 813-222-8504 Fax: N/A

Before me this date personally appeared:

Name: Sean Hyer

Signature: [Signature]

Personally known/Form of Identification FL Driver's License

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 11 Month: March, 20 22

Notary Public:
Notary Public Commission Expiration: _____
State of Utah
County: Summit

[Signature]
02/26/2026



Exhibit A

Application for Variance

Narrative: Statement of Hardship and Justification

Applicant: Gulf Dunes Property, LLC

Subject Property: 1306 Gulf Blvd, Indian Rocks Beach, Florida

Request: Reduce the required side setbacks for the portion of a building exceeding 30 feet in height, to allow the building to maintain side setbacks totaling 15 feet for the entire building, as shown on submitted plans. [Article III, Section 110-131(5)(f)(4)(ii)].

Narrative:

The Subject Property is located at 1370 Gulf Blvd., Indian Rocks Beach, Florida. It is currently vacant. The Applicant proposes to develop the Subject Property as a nine-unit multifamily development with parking on the first level. The maximum building height is 40 feet, 10 inches (40'10") as measured from the crown of the road.

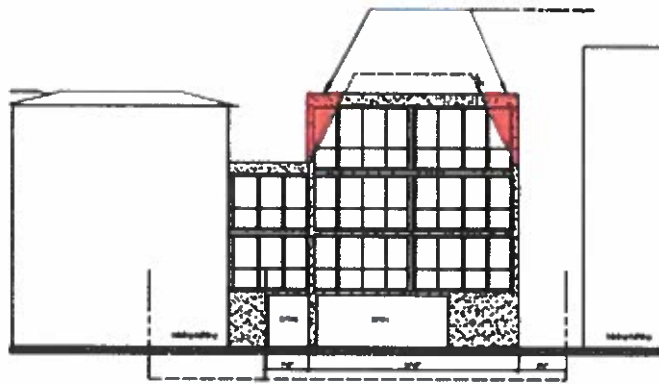
The Subject Property and surrounding area are zoned CT- High Density Commercial Tourist Zoning District. The CT district provides for various commercial tourist facilities of high density, including the proposed use of multi-family.

The surrounding area is characterized by a mix of multi-family, retail/commercial uses, and tourist development. Immediately to the north is a multi-unit condominium with 3-stories over parking. Immediately to the south is a multi-unit condominium with 4 stories over parking.

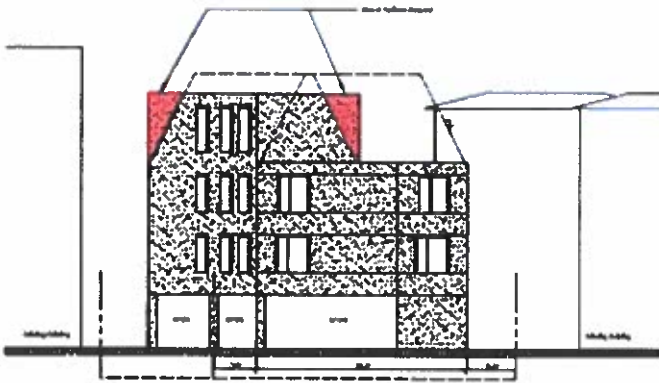
The Subject Property is relatively narrow (50'), and is irregularly shaped. The distinct lot shape was created when two (2) rectangular, 50' wide, platted lots and a section of vacated right-of-way were combined into one lot by a prior developer. The result is a lot that includes two rectangular areas offset from one another. The lot's irregular shape and narrowness limits the options for accommodating the required drive aisle and parking spaces for uses on the lot. As a result, any development of the type intended by the property's zoning must be "pushed" to the setback line and up vertically.



The Project design works with the lot constraints to create a visually appealing building with two distinct building sections that follow the irregular shape of the lot. Building Section 1 will face Gulf Blvd and contain four (4) total units on two (2) levels over ground level parking (three (3) total levels); while Building Section 2 will be located on the rear, beach-facing side of the property, and will contain five (5) total units on three (3) levels over parking (four (4) total levels). The elevation of Building Section 1 is lower than that of Building Section 2 (29'6") in height for Building Section 1 vs. 40'10" for Building Section 2). The difference in heights between the two building sections creates a visually interesting stepback that is visible from both street and beach views.



4 Building Elevation - West Beach

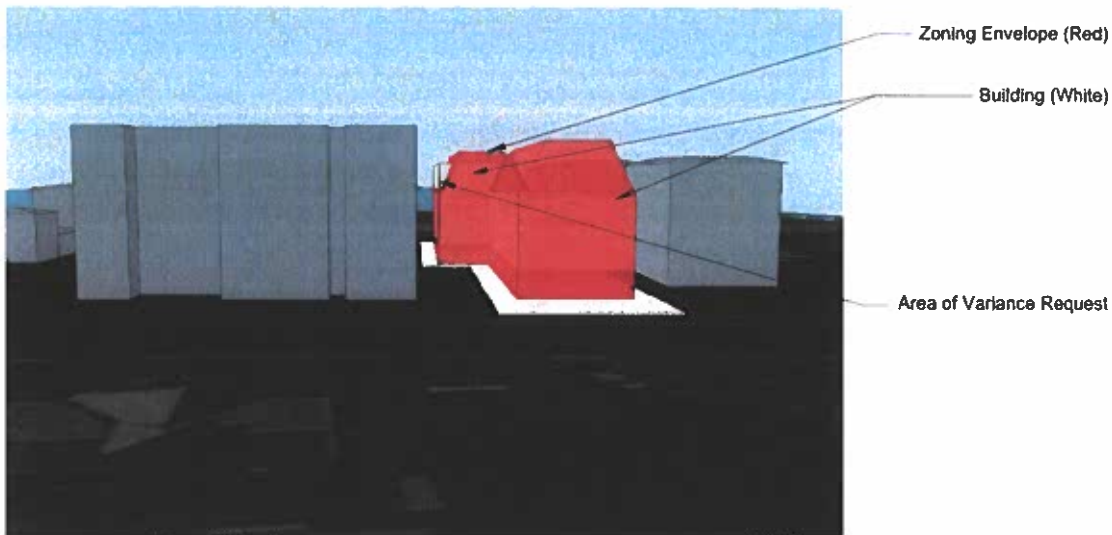


Article III, Section 110-131(5)(f)(4)(ii) of the Indian Rocks Beach Code of Ordinances provides that buildings exceeding 25 in height above pilings have a side yard setback that is "a minimum of 12 percent of the building width on each side and the side yard shall be at least seven feet on one side and 15 feet total on both sides. Also for every two feet in height above 30 feet from grade (as measured from the crown of the road), one foot shall be added to each minimum side yard." The maximum allowed building height within the CT zoning district is 36 feet above pilings.

The additional required setback for the portion of the building exceeding 30 feet in height creates a required "step-back" at the upper level of the building, pushing it further towards the center of the property. For a building constructed on a more regularly shaped, rectangular lot, the side stepback would create visual interest, reduce the scale of the building, and increase sky exposure for the Subject Property.

The Subject Property, however, is not a regularly shaped, rectangular lot. Instead, the two rectangular areas are offset from one another. The "zoning envelope" for development would accommodate two buildings of the same height, with the same upper floor reductions for the portion of

the building above 30 feet. Because the lots are offset, the overall effect would be to create two rooflines of the same height that appear side by side from the beach and the street. The intent of stepback resulting from requiring 2 additional feet of side yard for each additional 2 feet in height above 30' elevation would be lost. The proposed design balances the development potential of the Subject Property with the design intent of the applicable design standards for projects in the CT zoning district. By designing the building to fit the irregular shape of the lot, the building creates the visual interest, reduces the scale of the building, and increases sky exposure for the Subject Property in a more impactful way than it could with a building that fit the available zoning envelope for the Subject Property.



7 Building Avo Street
Sept 10/13

Accordingly, the Applicant requests a variance to reduce the required side setbacks for the portion of the building exceeding 30 feet in height to allow the type of development intended for the CT district due to the relatively narrow, irregular shape of the lot.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Response: The Project is the type of high intensity use intended for the CT zoning district. With the exception of the proposed variance, the Project meets all design standards for the CT zoning district, including height. Strict application of the requirement to provide additional side yard setbacks for the portion of the building exceeding 30 feet in height results in a hardship due to the narrowness and irregular shape of the lot. The already constrained zoning envelope created by the shape of the lot would be further reduced by strict application of the additional side yard setbacks, and would interfere with the interior flow and programming of the third floor unit.

Moreover, the application of the additional side setbacks would do little to enhance the overall Project. Due to the irregular shape of the lot, the current building design does a better job of creating the sky exposure and visual interest than an alternative design that would result in two building sections of

the same height that could be built in accordance with the additional side setbacks for the portion of the building exceeding 30 feet in height.

2. The special conditions and circumstances do not result from the actions of the Applicant.

Response: The special conditions and circumstances created by the above-described hardship are not the result of actions of the applicant. Rather, the lot configuration was created by an unrelated party when 2 platted lots were combined along with portions of a vacated right-of-way.

3. Granting this variance will not confer on the Applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district.

Response: If granted, the variance will not confer special privileges on the Applicant that are denied to other lands, structures or buildings in the CT (Commercial Tourist) zoning district. Rather, the Applicant will be allowed to construct a Project that is intended for the zoning district and is of the same height and number of units as others in the zoning district.

4. The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Subpart B and would work unnecessary hardship upon the applicant.

Response: The CT (Commercial Tourist) zoning district is intended for buildings with the same or a greater number of apartment units at the same height as the proposed Project. Strict application of the ordinance would prevent the Applicant from being able to construct the building in the same architectural style and would unduly interfere with the programming and interior flow of the upper unit of the proposed Project.

5. The variance granted is the minimum that will make possible the reasonable use of the land, structure or building.

Response: The requested variance is the minimum code deviation necessary to achieve the reasonable development potential of constructing a multi-family structure upon the irregularly shaped lot. The proposed design balances development potential with aesthetically pleasing design. Without the relatively minor deviation requested to the side setbacks, the Applicant cannot construct a design that addresses the lot configuration in such a thoughtfully designed way.

6. The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

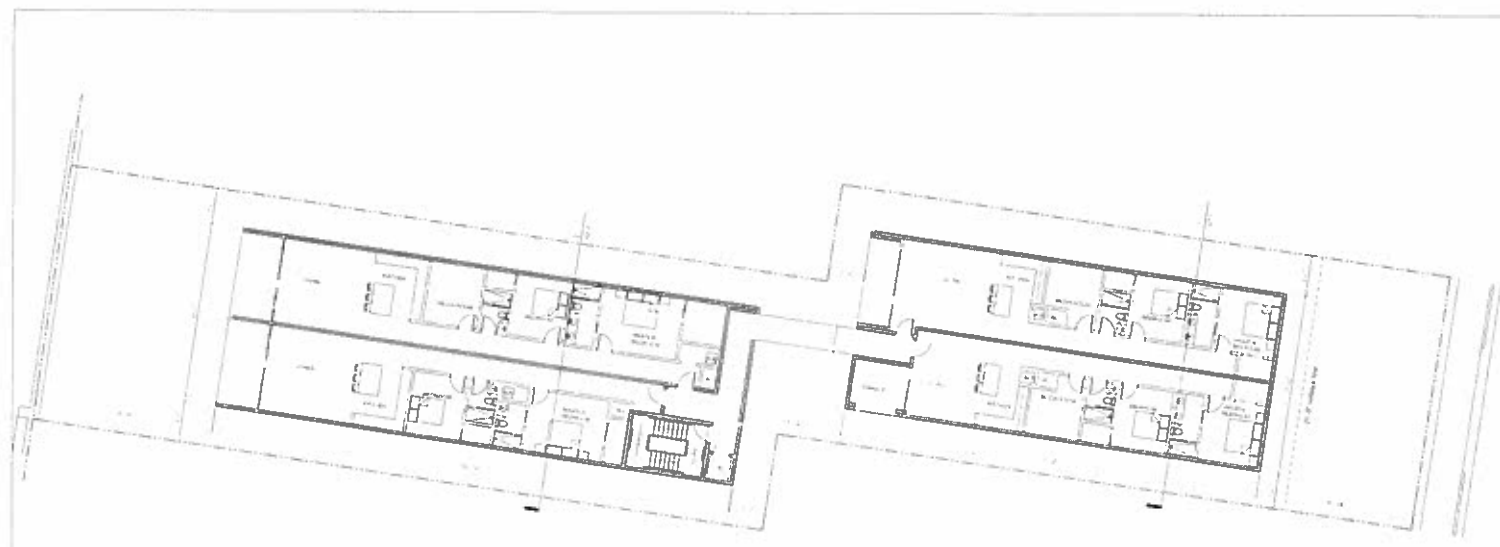
Response: The requested variance is in harmony with the intent, purpose, and spirit of the Code because the intent of the CT zoning for the Subject Property and surrounding area is to provide for high density development along Gulf Boulevard. The proposed nine unit multifamily development is in harmony with the intent of the Project and presents thoughtful project design along Indian Rocks Beach. The proposed design is a balanced, sensible approach that achieves development potential and provides visually appealing building in the area.

Further, the proposed design achieves the same effect as the required side setbacks. By designing the project with Building Section 1 at a lower height than Building Section 2, the effect is that the overall building appears to be stepped from the side. This visual appearance is the result of designing the building to match the offset configuration of the lot. Because of the lot's irregular shape, the proposed design responds to the intent and purpose of the design standards more effectively than a building which matched the available zoning envelope.

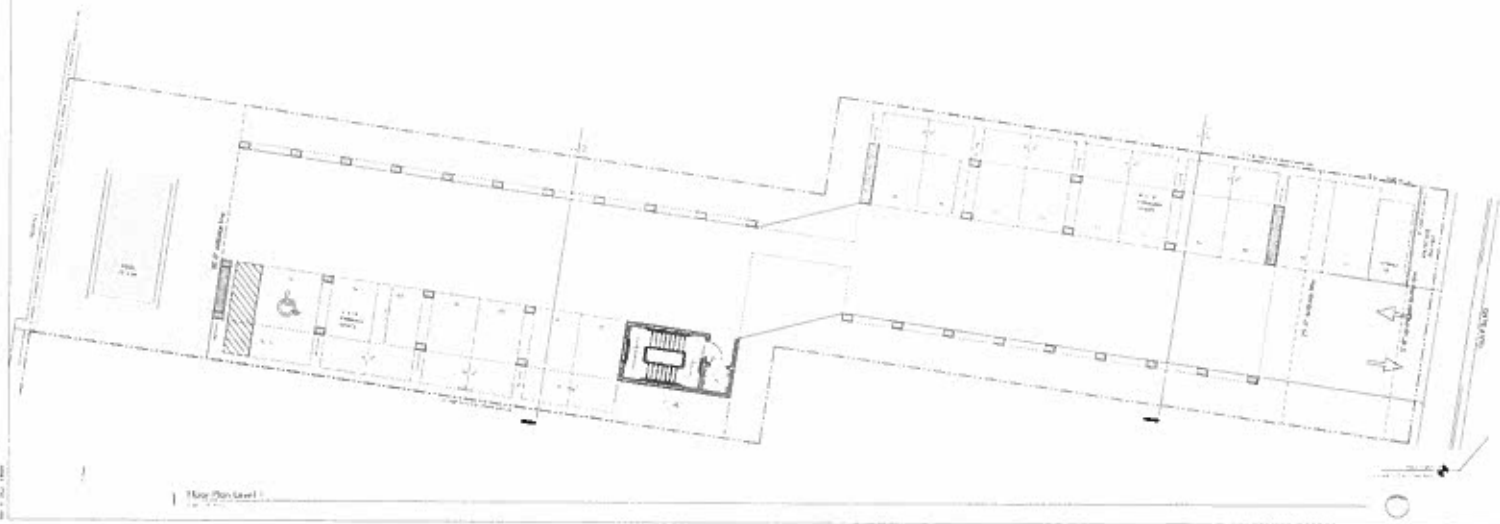
Conclusion:

For all of the reasons described herein, the Applicant respectfully requests that the Board of Adjustments and Appeals grant its request to reduce the required side setbacks for the portions of the Building exceeding 30' in height to allow the entire building to maintain side setbacks totaling 15 feet for the entire building, as shown on submitted plans. [Article III, Section 110-131(5)(f)(4)(ii)] The proposed building design results in a design that balances the intent of the design standard with the goal of achieving the development potential of the Subject Property.

The client is the owner of the property and is not responsible for the accuracy of the information provided herein.



2 Level 2.0.3 Floor Plan Level 2.0.3



1 Level 2.0.1 Floor Plan Level 2.0.1

Search Units
 1000 Gulf Blvd
 Palm Beach, Florida 33480

ALFONSO ARCHITECTS
 Project Architect:
 Carlos J. Alfonso P.E., O.D.
 Albert E. Alfonso A.S.A.
 Angel del Monte A.S.A.

Variance Request
 Item 15 of 15

Floor Plans

A1.1

Project: 1000 Gulf Blvd, Palm Beach, FL 33480
 Date: 08/14/2018

ALFONSO ARCHITECTS
1780 N. 10th Street
Tucson, Arizona 85710
520.247.2800
520.247.2801

REGISTERED ARCHITECTS
STATE OF ARIZONA
No. 12511-1982

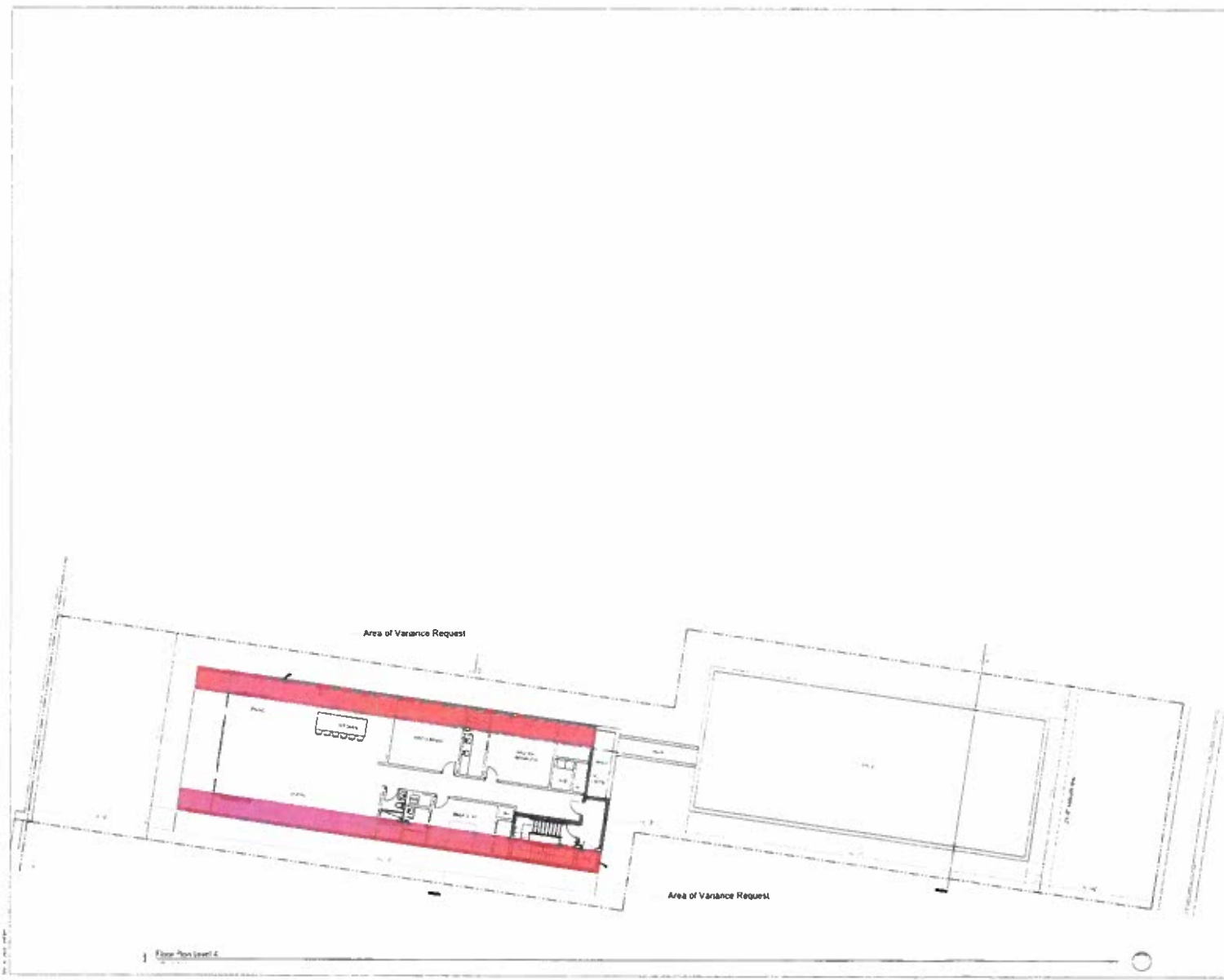
Beach Units
1000 Gulf Blvd
1000 Beach Blvd
Fonds 13-95

ARCHITECT: ANGELO DEL MONTE
REGISTERED ARCHITECT
STATE OF ARIZONA
NO. 12511-1982

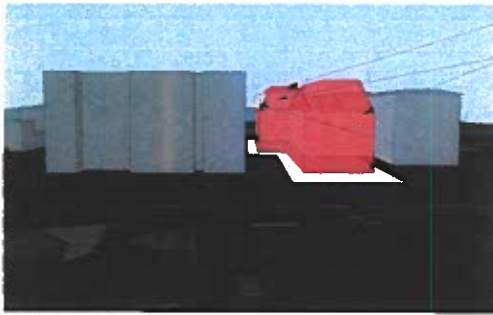
Variance Request
No. 13-232

Floor Plan

A1.2



Floor Plan Sheet 1

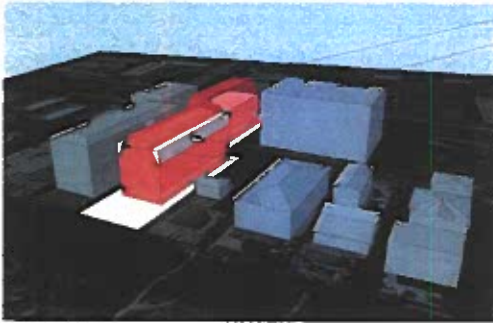


7 Building Area Street

Zoning Envelope (Red)

Building (White)

Area of Variance Request

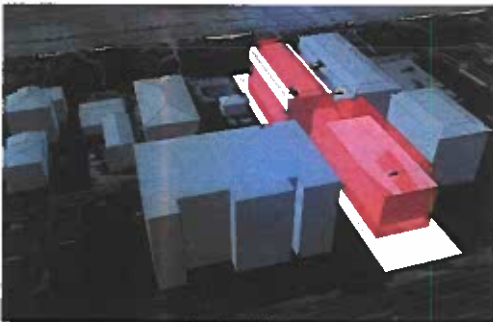


6 Building Area Beach

Zoning Envelope (Red)

Building (White)

Area of Variance Request



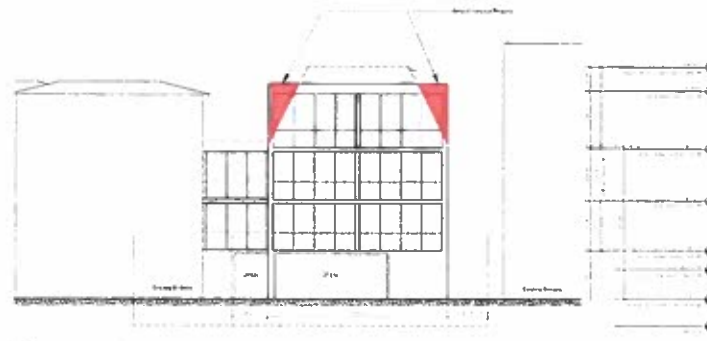
5 Building Area Street

Zoning Envelope (Red)

Building (White)

Area of Variance Request

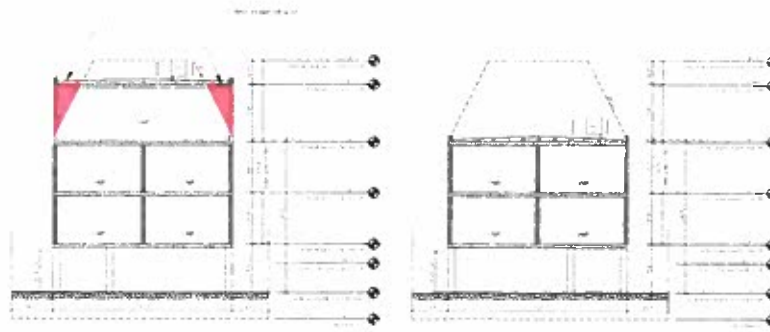
Building (White)



4 Building Elevation West (Beach)



3 Building Elevation East (Street)



2 Building Elevation Beach

1 Building Elevation Street

ALFONSO ARCHITECTS

1700 N. 19th Street
 Phoenix, Arizona 85016
 602.977.2200
 602.977.2200

100% of the fee is payable upon completion of the project. Payment of the fee does not constitute an offer of any services.

Beach Units
 1200 Surf Ave
 Palm Beach Beach, Florida 33416

ARCHITECT OF RECORD: ARCHITECTS
 2 ALFONSO P.A., D.C.
 ALFONSO ARCHITECTS P.A.
 ANGELO DI MORA A.I.A.

Variance Request
 No. 15-1702

Building Elevation
 Elevation & 3D views

A7.1

AGENDA ITEM NO. 8

OTHER BUSINESS

AGENDA ITEM NO. 9

ADJOURNMENT