

**FACE COVERINGS REQUIRED**

**SEATING IS LIMITED**

**CDC SOCIAL DISTANCING GUIDELINES  
FOLLOWED**

**REGULAR  
CITY COMMISSION MEETING**

**TUESDAY, JULY 14, 2020**

**@ 7:00 P.M.**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

Administrative  
727/595-2517

Building/Planning & Zoning  
727/517-0404  
727/596-4759 (Fax)

Library  
727/596-1822

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

**AGENDA**  
**CITY OF INDIAN ROCKS BEACH**  
**REGULAR CITY COMMISSION MEETING**  
**TUESDAY, July 14, 2020 @ 7:00 P.M.**  
**CITY COMMISSION CHAMBERS**  
**1507 BAY PALM BOULEVARD**  
**INDIAN ROCKS BEACH, FLORIDA 33785**

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**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

- 1. PRESENTATIONS.**
  - A. REPORT OF Pinellas County Sheriff's Office.**
  - B. REPORT OF Pinellas Suncoast Fire & Rescue District.**
  
- 2. PUBLIC COMMENTS. [3-minute time limit per speaker.]**

(Any member of the audience may come forward, give his/her name and address, and state any comment or concern that he/she may have regarding any matter over which the City Commission has control, **EXCLUDING AGENDA ITEMS**. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent or slanderous remarks shall be permitted. No speaker shall be interrupted and no debate shall take place between the speaker and the City Commission.)
  
- 3. REPORTS OF:**
  - A. City Attorney.**
  - B. City Manager.**
  - C. City Commission.**

**[3-minute time limit per City Commission Member.]**
  
- 4. ADDITIONS/DELETIONS.**

**5. CONSENT AGENDA:**

**A. APPROVAL** of the June 30, 2020 Regular City Commission Meeting Minutes.

**B. RESOLUTION NO. 2020-07.** A Resolution of the City of Indian Rocks Beach, Florida, creating a Best Practices Guide for Communications Media Technology (CMT) Virtual and Telephonic Meetings, providing for legislative findings, and providing for an effective date hereof.

**C. REAPPOINTMENTS TO THE BOARD OF ADJUSTMENTS AND APPEALS AS REGULAR BOARD MEMBERS FOR TWO YEAR TERMS EXPIRING ON JUNE 30, 2023.**

1. Waldemar H. Clark, Jr.
2. Stewart Devore.

**6. PUBLIC HEARINGS:**

**A. BOA CASE NO. 2020-04 — 124-13<sup>th</sup> AVENUE**

Considering a variance request of 17.5 feet into the required 25-foot front setback, resulting in a total front yard of 7.5 feet, to allow for a new pool, on the property located at 124-13<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 1<sup>st</sup> Addition, Block 78, Lot 11 & S ½ vac alley adj North. Parcel # 01-30-14-42048-078-0110.

**7. OTHER LEGISLATIVE MATTERS:** None.

**8. WORK SESSION ITEMS [DISCUSSION ONLY]:** None.

**9. OTHER BUSINESS.**

**10. ADJOURNMENT.**

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**APPEALS:** Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, 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](mailto:doreilly@irbcity.com), no later than four (4) days prior to the proceeding for assistance.

POSTED: July 10, 2020

**CITY COMMISSION BUDGET WORK SESSION  
TUESDAY, JULY 21, 2020 FROM 4:00 P.M. TO 7:00 P.M.**

**SPECIAL CITY COMMISSION MEETING (setting tentative millage rate)  
TUESDAY, JULY 21, 2020 @ 7:00 P.M.**

**CITY COMMISSION WORK SESSION  
THURSDAY, JULY 23, 2020 @ 1:00 P.M**

**NEXT REGULAR CITY COMMISSION MEETING  
TUESDAY, AUGUST 11, 2020 @ 7:00 P.M.**

**AGENDA ITEM NO. 1A**

**REPORT OF  
Pinellas County Sheriff's Office**



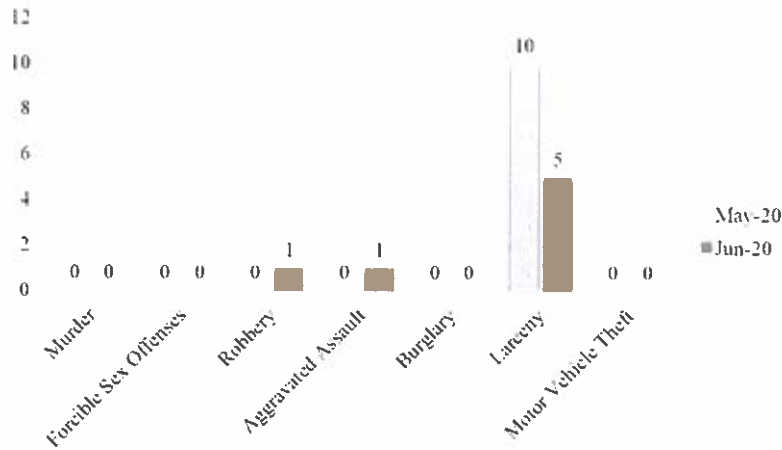
STRATEGIC PLANNING BUREAU

INDIAN ROCKS BEACH ANALYSIS

UCR Part I Crimes

June 2020

UCR Part I Crime Category	May 2020	June 2020	June 2019 YTD	June 2020 YTD
Murder	0	0	0	0
Forcible Sex Offenses	0	0	1	1
Robbery	0	1	0	1
Aggravated Assault	0	1	1	2
Burglary	0	0	5	3
Larceny	10	5	33	30
Motor Vehicle Theft	0	0	3	1
<b>GRAND TOTAL</b>	<b>10</b>	<b>7</b>	<b>43</b>	<b>38</b>



## Arrests

### June 2020

There were a total of 12 people arrested in the City of Indian Rocks Beach during the month of June resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>5</b>
Aggravated Assault - Domestic Related	1
Battery-Domestic Related	1
Carry Concealed Firearm	1
Possession Of Controlled Substance	2
<b>Misdemeanor</b>	<b>11</b>
Battery-Domestic Related	1
Disorderly Conduct/Breach Peace	1
Disorderly Intoxication	1
False Name Or ID By Person Arrested	1
Petit Theft-Other Larceny	1
Possession Of Drug Paraphernalia	1
Resist/Obstruct LEO Without Violence	3
Spouse Battery	1
Trespass After Warning	1
<b>Warrant</b>	<b>1</b>
Warrant Arrest	1
<b>Traffic Felony</b>	<b>2</b>
Driver's License Suspended/Revoked	2
<b>Traffic Misdemeanor</b>	<b>4</b>
Driving Under The Influence	3
Refusal Submit To Test-Intoxicated	1
<b>Grand Total</b>	<b>23</b>

\*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.



## Deputy Activity

There were a total of **856** events in the City of Indian Rocks Beach during the month of June resulting in **1,310** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of June. \*CAD data is filtered by problem type.

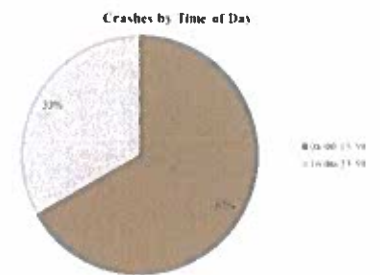
### June 2020

DEPUTY ACTIVITY	TOTAL
Traffic Stop	134
Directed Patrol	122
Vehicle Abandoned/Illegally Parked	120
House Check	85
Contact	35
Assist Citizen	33
Suspicious Person	27
Building Check Business	27
Information/Other	25
Noise	19
Ordinance Violation	18
Special Detail	15
Suspicious Vehicle	12
Area Check	10
Traffic Control	9
Supplement	9
Transport Prisoner	8
Trespass	8
Animal Call	7
Disorderly Conduct	7
Civil Matter	7
Juvenile Trouble	7
Lost/Found/Abandoned Property	7
Person Under Influence/Marchman Act	7
Domestic-In Progress	6

## Crash & Citation Analysis

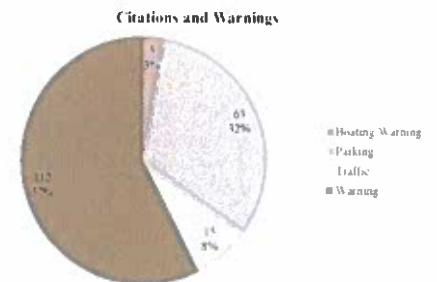
There were 6 crashes in the City of Indian Rocks Beach during June 2020. \*Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
1000 Gulf Blvd	1
1301 Gulf Blvd	1
25th Ave/Gulf Blvd	1
409 Gulf Blvd	1
4th Ave/Gulf Blvd	1
Gulf Blvd/3rd Ave	1



There were a total of 195 citations and warnings issued in the City of Indian Rocks Beach during June 2020.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
7th Ave & Gulf Blvd	4
25th Ave & Gulf Blvd	2
1000 Gulf Blvd	1
Gulf Blvd & 1st Ave	1
1301 Gulf Blvd	1
Gulf Blvd & 3rd Ave	1
17th Ave & Gulf Blvd	1
Gulf Blvd & Canal Ave S	1
Miami Ave & 2nd St	1
409 Gulf Blvd	1



**AGENDA ITEM NO. 1B**

**REPORT OF  
Pinellas Suncoast Fire & Rescue  
District**

## **Monthly Report from the Pinellas Suncoast Fire & Rescue District**

### **David Ardman, Commissioner – Seat 2 Indian Rocks Beach**

#### **For City Commission Meeting July 14, 2020**

**As of July 8, the District has 14 out of 36 staff that are out on medical leave. Eleven are COVID-related with eight testing positive. Staffing is being achieved with overtime currently but both the Largo and Seminole districts have offered staffing help if need be. We expect some staff to return as soon as the week of July 13.**

- **COVID-19 monitoring continues daily and District administration stays in frequent contact with Pinellas County EMS leadership. Some operational changes from COVID-19 that had been relaxed are now reinstated based upon current conditions. Administrative staff are back to working remotely.**
- **Fireboat training has been completed and the boatlift at the IRB public docks and the final electrical hookup work is underway.**
- **Finance Director David Martin continues to work tirelessly in an effort to recover any extraordinary costs related to COVID-19**
- **The PSFRD Commission held a live, socially distant meeting at the City of Belleair Beach city hall on June 16 but based upon the recent rise in COVID 19 cases, virtual meetings will resume.**
- **Administrative staff has started “reopener” negotiations with the labor organization per the Collective Bargaining Agreement.**
- **Staff from PSFRD assisted the PCSO in IRB for the July 4 fireworks enforcement efforts. No incidents and/or issues to report.**

**AGENDA ITEM NO. 2**  
**PUBLIC COMMENTS.**

**AGENDA ITEM NO. 3A**  
**REPORTS OF City Attorney**

**AGENDA ITEM NO. 3B**  
**REPORTS OF City Manager**

## CITY MANAGER REPORT

Brently Gregg Mims

July 14, 2020

- Reminder of upcoming meetings:

July 21, 2020 – 4:00 PM – FY 2020-21 Budget Work Session (MASK REQUIRED)

July 21, 2020-7:00 PM – City Commission Meeting to Set Tentative Millage Rate (MASK REQUIRED)

July 23, 2020-1:00 PM- City Commission Meeting to discuss a variety of topics. Meeting will be setup in Zoom format. More details to follow including press release. Max of twenty (20) members of the public in the auditorium. (MASK REQUIRED)

August 11, 2020- 4:00 PM- Gulf Boulevard Visioning Session- setup in Zoom format. More details to follow including press release. Max of twenty (20) members of the public in the auditorium. (MASK REQUIRED)

August 11, 2020-7:00 PM- Regular City Commission Meeting (MASK REQUIRED)

- Penny IV Gulf Boulevard Allocation

Our City has been tentative allocated \$5,696,867 for the next phase of undergrounding utilities along Gulf Boulevard. More details to follow.

- Covid-19 Related expenses

We have expended approximately \$25,000 in Covid-19 related expenses. Currently we have access to three different funding sources to cover some or all these costs.

- Fireworks – 4<sup>th</sup> of July 2020

PSFRD/PCSO/City of Indian Rocks Beach effort. Four additional deputies, IRB Code Enforcement, Public Services Staff, personnel from the Pinellas Suncoast Fire Rescue Department, electronic message boards, banners, signs, post cards mailed, press releases.

Resulted in a dramatic reduction in the illegal use of fireworks. July 4, 2019 -22 truckloads of debris (mostly fireworks related). July 4, 2020- 9 loads of debris (mostly non fireworks related).

The Administration will be forwarding to the IRB City Commission an amendment to the city code to clarify one issue related to fireworks.



**AGENDA ITEM NO. 3C**

**REPORTS OF City Commission**

Commissioner's Comments (Revised) July 14, 2020  
By Vice Mayor Phil Hanna

I hope everyone had a safe and relaxing 4th of July. I believe the control of fireworks worked reasonably well. Many citizens reached out to me to express both sides of the decision. Everything from I enjoyed the quiet to why are these people launching fireworks? They are scaring my dog to death. Some thought it was un-American not to have fireworks on the 4th. I do know our beaches were much cleaner the next morning. No seven-foot stacks of empty boxes that once contained aerial rockets and more were on the beach this year. I am concerned about the response from the PCSO. I was one of several who called about an aerial display around the 2400 block of Beach Trail. First, the line was jammed the night of the 4th, but once I got through, the operator took my information. I can't tell if a car was called into service as the incident continued for the next 45 minutes. And, yes, my dogs were terrified too. The next day, my wife walked the beach and noticed many fireworks boxes in front of a condo at 25th and the beach. This may have been the location where the massive display was launched. Anyone near the area, even a block away, would be able to see the light-show and certainly hear the percussions. Surprisingly, according to one of the citizen's calls I received, this violation continued for the next four nights. I would think the PCSO would have noticed what was happening by then. On July 8th, the volley began again about 10 PM or so. I called the PCSO Comm line and identified myself and told the operator the situation. I watched out the window and soon no fireworks display. About fifteen minutes later, the barrage began again. This display continued on and off for the next half-hour — certainly enough time for a deputy to identify the location and go to the scene. Again, a citizen called me regarding the same situation. She had just been on the phone with the PCSO Comm line and lodged her complaint.

Another issue I wish to address, again, is Golf Carts and ATVs on our streets. I will keep this brief as I know this will be part of a broader discussion on the 23rd of July. An underaged little girl (approximately 8 or 9) was riding a mini-ATV down Harbor Drive South. She had no protective gear. Directly across from my house, she lost control of the ATV and struck a brick supported mailbox. The structure was destroyed. Luckily she had only a few scrapes. What if the accident unfolded differently? What if she lost control to her left and ran head-on into an oncoming vehicle? Her parents replaced the mailbox and certainly had a scare. Many short-term rentals provide golf carts to their guests as a convenience and enticement to lease from them as opposed to their competition. I wonder if they also provide a copy of our golf cart ordinance? Doubtful. Reports of overloading the cart, driving on sidewalks along Gulf Blvd., and more have

been reported, as well as witnessed by me. I still see underaged children driving the carts as dad or mom sit beside them. I am sure we will have a healthy exchange of suggestions during the July 23rd meeting.

MOTHLY REPORT FROM COMMISSIONER FLAGG  
MEETING JULY 14,2020

I SINCERELY HOPE THAT MEMBERS OF OUR  
COMMUNITY ARE STAYING HEALTHY WHILE WE  
BEGIN TO RESUME SOME NORMALCY IN OUR LIVES  
WHILE FOLLOWING CDC GUIDELINES.

THIS MONTH ON JULY 23<sup>RD</sup>, BETWEEN 1 & 4PM  
OUR CITY COMMISSION WILL CONDUCT A WORK  
SESSION ON MANY ITEMS OF CONCERN BY  
RESIDENTS. OVERCROWDING, EXCESSIVE STREET  
PARKING AND BEACH CONDITIONS WILL BE AMONG  
THE DISCUSSION ITEMS.

BECAUSE OF COVID 19 RESTRICTONS THE MEETING  
WILL BE CONDUCTED ON LINE. INSTRUCTIONS WILL  
BE ON OUR CITY WEBSITE AND ALL ARE  
ENCOURAGED TO TAKE PART. YOU WILL ALSO BE  
ABLE TO CALL IN DURING THE WORKSHOP TO  
CONTRIBUTE TO THE DISCUSSIONS.

YOUR IMPUT IS VERY VALUED, AND WE HOPE TO  
HAVE YOUR PARTICIPATION.

THANK YOU, DIANE FLAGG

**AGENDA ITEM NO. 4**  
**ADDITIONS/DELETIONS**

**AGENDA ITEM NO. 5A  
CONSENT AGENDA**

**APPROVAL of the  
June 30, 2020  
Regular City Commission Meeting  
Minutes**

**AGENDA ITEM NO.: 5A - CONSENT AGENDA**  
**DATE OF MEETING: JULY 14, 2020 CCM**

**MINUTES — JUNE 30, 2020**  
**CITY OF INDIAN ROCKS BEACH**  
**REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JUNE 30, 2020**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence in memory of former City Commissioner Connie Allen.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Philip J. Hanna, Commissioner Diane Flagg, Commissioner Edward G. Hoofnagle, and Commissioner Joe McCall.

**OTHERS PRESENT:** City Attorney Randy D. Mora (telephonic), Daniel A. Carpenter, CGFO, and City Clerk Deanne B. O'Reilly, MMC.

**ABSENT:** City Manager Brently Gregg Mims.

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

**1A. Pinellas County Sheriff's Office.**

The Pinellas County Sheriff's Office (PCSO) submitted written Crime Analysis Reports for the months of May 2020 for the City of Indian Rocks Beach.

**1B. Pinellas Suncoast Fire & Rescue District:** (Written report below):

Mayor-Commissioner Kennedy mentioned that Fire Commissioner David Ardman will continue as the City's Fire Commissioner as he ran unopposed.

**Monthly Report from the Pinellas Suncoast Fire & Rescue District**  
**David Ardman, Commissioner – Seat 2 Indian Rocks Beach**  
**For City Commission Meeting June 30, 2020**

- As of June 25, 2020, the District has 11 out of 36 staff that are on long-term sick issues, with nine of them being COVID related. There is one COVID positive

paramedic, and a number of exposure related absences from the associated exposures. A few are out due to signs and symptoms, and one is out as his spouse has tested positive. It is estimated that all will be out for a minimum of 14 days.

So far, service levels are being maintained with overtime staffing, but ranks are thin and overtime may not be sustainable. Chief Burton has discussed the situation with counterparts in Seminole and Largo and both are prepared to help with staffing and operations as needed.

Most staff who are able to do so are again working remotely.

COVID-19 monitoring continues daily and District Administration stays in frequent contact with Pinellas County EMS leadership. Some operational changes from COVID-19 have been relaxed, such as daily wellness checks and the exclusion of public visitors. All staff that was working remotely have returned to the office on a full- or part-time basis.

- Fireboat training has been completed and the boatlift at the IRB public docks is awaiting the final electrical hookups.
- Finance Director David Martin continues to work tirelessly in an effort to recover any extraordinary costs related to COVID-19.
- The pace of EMS call volumes in Indian Rocks Beach has returned to more normal levels, with 58 EMS calls in the last 30 days.

## **2. COMMENTS:**

**Don House, 2104 Beach Trail**, stated he wrote a letter to the City Attorney concerning his issue with a commissioner living outside the City boundaries. He has not heard anything back from the City Attorney, and he hopes this issue has not been swept under the rug.

**Mic Knight, 475 Harbor Drive South**, spoke on the parking and traffic problems throughout the City. He stated he is having a hard time parking at the resident beach access parking spaces as they are always filled by non-residents. He expressed his concern with the amount of litter being left by beach-goers for the City and the residents to clean up after them. The residents are paying to keep the beach clean; the beach is free for the visitors, and they leave it a mess. He suggested the City should try parking meters.

**3A. REPORTS OF THE CITY ATTORNEY:** No report.

**3B. REPORTS OF THE CITY MANAGER:** (Written report below):



## CITY MANAGER'S REPORT OF JUNE 30, 2020

- **4<sup>th</sup> of JULY.** Electronic signs will be placed at each of the three entrances to IRB; postcards were mailed to residents; banner at the GTE building; 40+ signs along Gulf Boulevard and in the neighborhood; additional deputies on the beach; PSFRD in IRB neighborhoods; code enforcement officer, and other public services staff deployed; additional no parking signs added on 1<sup>st</sup> Street from 16<sup>th</sup> Avenue to 27<sup>th</sup> Street; additional no parking signs added on 1<sup>st</sup> Street from 10<sup>th</sup> Avenue to 14<sup>th</sup> Avenue.
- **GULF BOULEVARD UNDERGROUNDING PROJECT.** On schedule to be completed by October 1, 2020.
- **SOLAR POWER PROJECT (CITY HALL & IRB MUSEUM).** Purchase order issued for the installation of solar panels for the City Hall Complex and the IRB Museum.
- **KOLB PARK GAZEBO PROJECT.** Minor punch list items remain.
- **MAXWELL DRIVE/HARBOR DRIVE DRAINAGE PROJECT.** Purchase order issued for drainage project at the intersection of Harbor Drive South and Maxwell Place. Work to begin the end of July 2020.
- **JULY 23, 2020 WORK SESSION TOPICS.** The IRB City Commission and Administration will conduct a work session on July 23, 2020, beginning at 1:00 p.m. to discuss, park hours, golf carts, on street parking, residential permit review fee, items on the beach (no trace ordinance).
- **FY2020-21 PROPOSE BUDGET.** Delivered to the IRB City Commission ahead of schedule. Budget Work Session scheduled for Tuesday, July 21, 2020, from 4:00 to 7:00 p.m.
- **COVID-19.** City Manager is involved in regular conference calls with city managers, the county administrator, the health department, and the PCSO. Parks are open with restrictions. No pavilion rentals or outside use of the auditorium until further notice. City Hall and Library are open with restrictions.
- **GULF BOULEVARD VISIONING REPORT.** Gulf Boulevard Visioning Meeting set for August 11, 2020 from 4:00 to 6:00 p.m.
- Thanks to the PSFRD and the PCSO for the outstanding services they provide to the City of Indian Rocks Beach. Both agencies provide proactive services that reduce public safety events and save lives.

### 3C. REPORTS OF THE CITY COMMISSION:

**COMMISSIONER HOOFNAGLE:** (Written report below):

I would like to express gratitude to the Pinellas County Sheriff's Office for their professionalism. The deputies that protect our city and enforce our laws display an attitude towards reducing kinetic interactions and calming tense situations while ensuring that our laws get enforced. I believe that such behavior is a result of excellent training, diversity, and a culture of positivity in the sheriff's department.

I am proud of our law enforcement team, and believe that they promote high ethical standards, enforcement excellence and compassion for the people with whom they interact.

**MAYOR/COMMISSIONER KENNEDY:** (Written report below):

**Mayor's Report  
Few Thoughts As We Reach The Halfway Mark In 2020**

First, a reminder to residents to fill out the Census 2020. One can visit the website 2020census.gov, complete the form sent, or call 844-330-2020 to complete the census. IRB has a completion of 43% of our citizens. In 2010 IRB response rate totaled 53.5%.

We'd like to acknowledge the passing of Connie Allen, an Indian Rocks Beach resident and former commissioner in our city from 1989-1993. We send our condolences to her husband David and their sons.

I'd like to thank our residents for their support of our city and complying with the requirements set forth by IRB, Pinellas County, and the State of Florida during COVID-19. We appreciate your diligence in washing hands, social distancing, wearing masks, and continuing to keep each other safe.

I appreciate all of you.

4. **ADDITIONS/DELETIONS.** None.

5. **CONSENT AGENDA:**

- A. **APPROVAL OF** the May 12, 2020 Regular City Commission Meeting minutes.
- B. **RESOLUTION NO. 2020-06.** A Resolution of the City of Indian Rocks Beach, Florida, adopting the 2020 Pinellas County Local Mitigation Strategy providing a framework for a unified Countywide pre-disaster mitigation and post-disaster redevelopment effort.
- C. **AUTHORIZING** the City Manager to dispose of City property that has become unnecessary or unfit for the City's use.
- D. **REAPPOINTMENTS TO THE PLANNING AND ZONING BOARD AS REGULAR BOARD MEMBERS FOR TWO YEAR TERMS EXPIRING IN MAY 31, 2022.**
  - 1. Richard Antepenko.
  - 2. Peter Sawchyn.

City Attorney read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5D, by title only.

**MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA. UNANIMOUS APPROVAL BY ACCLAMATION.**

6. PUBLIC HEARINGS: None.
7. OTHER LEGISLATIVE MATTERS: None.
8. WORK SESSION ITEMS [DISCUSSION ONLY]: None
9. OTHER BUSINESS. None.
10. ADJOURNMENT.

**MOTION MADE BY COMMISSIONER FLAGG, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO ADJOURN THE MEETING AT 7:12 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

July 14, 2020  
Date Approved

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Deanne B. O'Reilly, MMC, City Clerk

/DOR

**AGENDA ITEM NO. 5B  
CONSENT AGENDA**

**RESOLUTION NO. 2020-07  
Creating a Best Practices Guide  
for Communications Media  
Technology (CMT) Virtual and  
Telephonic Meetings.**

**CITY OF INDIAN ROCKS BEACH  
RESOLUTION 2020-07**

**A RESOLUTION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CREATING A BEST PRACTICES GUIDE FOR COMMUNICATIONS MEDIA TECHNOLOGY (CMT) VIRTUAL AND TELEPHONIC MEETINGS, PROVIDING FOR LEGISLATIVE FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, On March 1, 2020, Governor DeSantis issued Executive Order 20-51 declaring a Public Health Emergency in the State of Florida in response to the Novel Coronavirus Disease 2019 (COVID-19) outbreak; and

**WHEREAS**, On March 9, 2020, Governor DeSantis issued Executive Order 20-52 declaring a State of Emergency for the State of Florida in response to COVID-19 outbreak; and

**WHEREAS**, On March 13, 2020, The Board of County Commissioners of Pinellas County, Florida adopted resolution 20-16 declaring a local State of Emergency in Pinellas County, Florida; and

**WHEREAS**, On March 20, 2020, Governor DeSantis issued Executive Order 20-69 relating to Local Government Public Meetings; and

**WHEREAS**, On March 25, 2020, The Board of County Commissioners of Pinellas County, Florida adopted Resolution 20-20 "COVID-19 Safer At Home" order which is intended to help prevent the spread of COVID-19 by taking measure to avoid social interaction by requiring all persons in the County to maintain a distance of 6 feet from other person and prohibits gathering in groups of more than 10 individuals; and

**WHEREAS**, on April 29, 2020, Governor DeSantis issued Executive Order 20-112, which went into effect at 12:01am on May 4, 2020, and extends Executive Order 20-69 (Local Government Public Meetings) for the duration of Executive Order 20-112; and

**WHEREAS**, on June 23, 2020, The Board of County Commissioners of Pinellas County, Florida adopted Ordinance 20-14 (Face Coverings) requiring the use of face coverings in all indoor public places; and

**WHEREAS**, on June 23, 2020, Governor DeSantis issued Executive Order 20-150, which extended Executive Order 20-69 regarding Local Government Public Meetings until 12:01am on August 1, 2020; and

**WHEREAS**, on June 30, 2020, The Board of County Commissioners of Pinellas County, Florida adopted Resolution 20-57, which extends the local State of Emergency for Pinellas County, Florida; and

**WHEREAS**, Executive Order 20-69 suspends current laws requiring that a quorum be present in-person and that a local government body meet in a specific public place; and

**WHEREAS**, Executive Order 20-69 authorizes local government bodies to use communications media technology ("CMT"), such as telephonic and video conference, as provided in section 120.54(5)(b)(2), Florida Statutes; and

**WHEREAS**, CMT and virtual meetings allow the City to enforce and practice social distancing guidelines promulgated by the Centers for Disease Control and Prevention ("CDC") and the Florida Department of Health; and

**WHEREAS**, Executive Order 20-69 does not waive any other requirements under the Florida Constitution and Florida's Government in the Sunshine laws, including Chapter 286, Florida Statutes; and

**WHEREAS**, pursuant to Executive Order 20-69, the City of Indian Rocks Beach desires to provide a best practices guide for CMT virtual or telephonic meetings; and

**WHEREAS**, this resolution is made in accordance with and pursuant to Sections 4.5 and 7.3 of the Charter of the City of Indian Rocks Beach regarding procedure and quorum requirements of City Commission meetings; and

**WHEREAS**, nothing in this resolution is intended to suspend or waive any other constitutional or statutory requirements for Florida's Government in the Sunshine Laws, including Chapter 286, Florida Statutes; and

**WHEREAS**, this resolution and CMT best practices guide are made in accordance with the health, safety, and welfare of the City of Indian Rocks Beach; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, THAT:**

**SECTION 1:** The City of Indian Rocks Beach shall establish the following as a Best Practices Guide for communications media technology ("CMT") virtual and telephonic meetings, as follows:

The City of Indian Rocks Beach communications media technology - virtual and telephonic meeting best practices guide.

#### **1. Platforms**

- The City shall use a remote conference/presentation software package that is capable of handling telephonic or virtual meetings. These may include, but are not limited to GoToWebinar, Zoom, Google Meet, and Webex.

- The City shall confer with its elected officials and make a reasonable effort to make sure each possesses the required minimum equipment for all communication media technology ("CMT"), including a stable phone/internet connection for each participating City official or City employee, a physical phone set or webcam for each participating City official or City employee, and method to merge the virtual conferences into any existing TV Channel, Cable Television, or web-streaming packing that the City uses, including, but not limited to YouTube or Granicus.
- The City shall establish a CMT that allows the public to access the virtual meeting or telephone/video conference by phone or internet.
- The City shall test the CMT software that will be used for virtual or telephonic meetings in order to ensure audio and/or video quality is uniform for everyone participation on the call.
- While audio and video quality cannot be guaranteed due to the number of meeting participants and varying internet speed and reliability, the City should consider switching to audio only meetings if there is a significant loss in audio or video quality or internet connectivity.

## **2. Meetings**

- Participating City officials and City employees should all be registered as panelist speakers, where each is given their own unique user-name or access code when connecting, to ensure the CMT software can keep track of who is speaking.
- Prior to the start of a phone or virtual meeting, the City shall establish how City Officials and City Employees who wish to speak will be recognizes and how to call for a vote.
- Members of the public should be able to dial in as a non-participating guest in listen-only mode
- The City shall establish a method for a City Official or City Employee to communicate any technical difficulties that may arise during the meeting.

## **3. Public Participation**

- The City shall include in the meeting notice a means for the public to provide comments or questions in advance of the meeting. The City shall ensure reasonable time under the circumstances to receive input from the public prior to the meeting. The City should consider designating a timeframe within which public comment may be received. The City shall incorporate public comment or questions into the meeting record, along with any answers or responses.
- The City shall provide a dial-in number for the public and assign a City employee to monitor the number during the public comment portion of the agenda. The City employee will be logged into the meeting as a panelist speaker. When a member of the

public calls in, the designated City employee can conference the caller in a controlled manner into the virtual or telephonic meeting, disconnect the caller when his or her time is up, and take the next call.

- The City shall, when means are available, consider allowing a live feed of the meeting through television, internet, or social media.
- The City shall indicate in the meeting notice any ADA accommodations that will be available to those requesting assistance in advance and provide contact information for ADA accommodation requests.

**4. Sharing of meeting after adjournment.**

- The City shall make sure the CMT software for virtual or telephonic meetings has the capability of exporting the meeting into a video or audio file that can be shared on the City's website.
- Because video files can be very large, the City will share links to virtual or telephonic meetings on social media platform websites, such as YouTube, when available. Sharing of links on YouTube may allow closed captioning of the meeting, though this method is imperfect.

**SECTION 2:** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of July 2020, by the City Commission of the City of Indian Rocks Beach, Florida.

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Deanne B. O'Reilly, City Clerk

/RM



**AGENDA ITEM NO. 5C  
CONSENT AGENDA**

**Board of Adjustments and Appeals  
Reappointments.**

**AGENDA ITEM NO. 6A  
QUASI-JUDICIAL PROCEEDING**

**BOA CASE NO. 2020-04  
124-13<sup>TH</sup> AVENUE**

**CITY COMMISSION  
AGENDA MEMORANDUM**


**MEETING OF:** JULY 14, 2020

**AGENDA ITEM:** 6A

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims   
City Manager

**SUBJECT:**

**BOA CASE NO. 2020-04** Variance request of 17.5 feet into the required 25.0 feet front yard setback, resulting in a total front yard setback of 7.5 feet to allow for a new pool for property legally described as Lot 11& S ½ Vac alley Adj on N, Block 78, Indian Beach Re- Revised 1<sup>st</sup> ADD located at 124 13<sup>th</sup> Avenue, Indian Rocks Beach, Florida.  
Property ID # 01-30-14-42048-078-0110

**STAFF**

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

**BOA**

**RECOMMENDATION:** The BOA recommended **DENIAL** to the City Commission by a vote of 3 to 1 with Board Member Labadie casting the dissenting vote.

**OWNER:**

**Patti Baker Katz  
Jorge L Blassino**

**LOCATION of PROPERTY:**

124 13<sup>th</sup> Ave

**ZONING:**

Single Family Residential (S)

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>
North	Residential	S
East	Residential	S
South	Residential	S
West	Residential	S

## BACKGROUND

Patti Katz is requesting a variance of 17.5 feet of the required 25 feet front yard setback to allow for a pool.

This house's address is off of 13<sup>th</sup> Avenue but the house actually faces 1<sup>st</sup> Street. The required front yard setback of 25 feet is on the 13<sup>th</sup> Avenue side. They are requesting to locate the pool in the front yard setback along 13<sup>th</sup> Avenue even though it appears as the side yard of the dwelling.

### 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 residence were built in 2005 and was built to the current land development codes which complied with the front, side and rear yard setbacks.*

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

*The applicant has proposed a pool that would encroach into the front yard setback.*

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 that is not allowed by the Land Development Code to other lands, structures, or buildings in the same zoning district.*

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/ denial of this variance would not deprive other owners of use and enjoyment of their properties and would not cause undue hardship on the applicant.*

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 the property to have a reduced front yard setback*

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 general intent and purpose of subpart B.*

---

## MOTION

That **BOA CASE NO. 2019-02:** Variance request of 17.5 feet into the required 25.0 foot front yard setback, resulting in a total front yard setback of 7.5 feet to allow for a new pool for property legally described as Lot 11& S ½ Vac alley Adj on N, Block 78, Indian Beach Re-Revised 1<sup>st</sup> ADD located at 124 13<sup>th</sup> Avenue, Indian Rocks Beach, Florida be approved/denied.



124 13<sup>th</sup> Ave  
BOA CASE NO. 2020-04



**BOA CASE NO. 2020-04:** Variance request of 17.5 feet into the required 25.0 foot front yard setback, resulting in a total front yard setback of 7.5 feet to allow for a new pool for property legally described as Lot 11& S ½ Vac alley Adj on N, Block 78, Indian Beach Re-Revised 1<sup>st</sup> ADD located at 124 13<sup>th</sup> Avenue, Indian Rocks Beach, Florida.

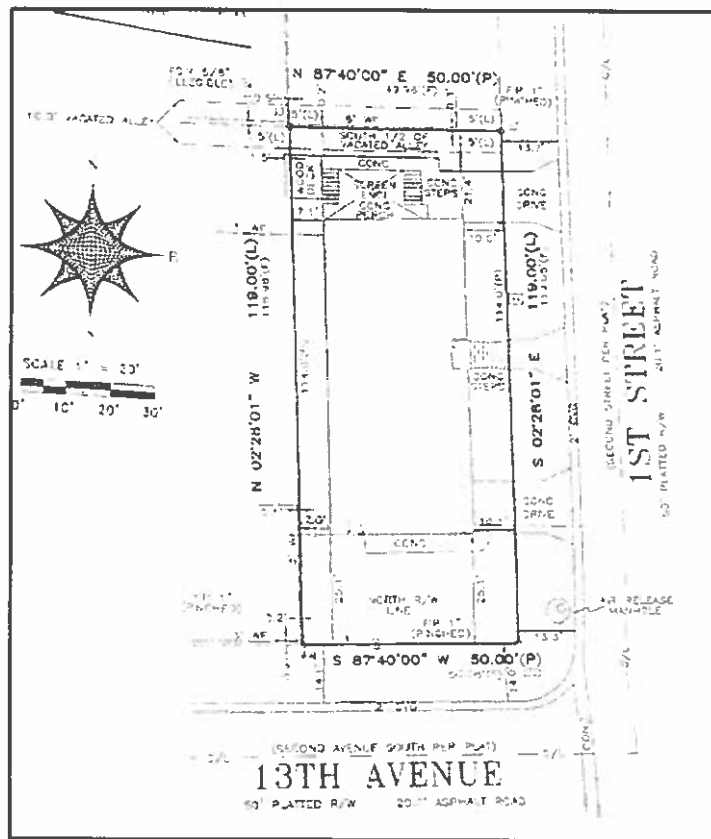


# 124 13<sup>th</sup> Avenue

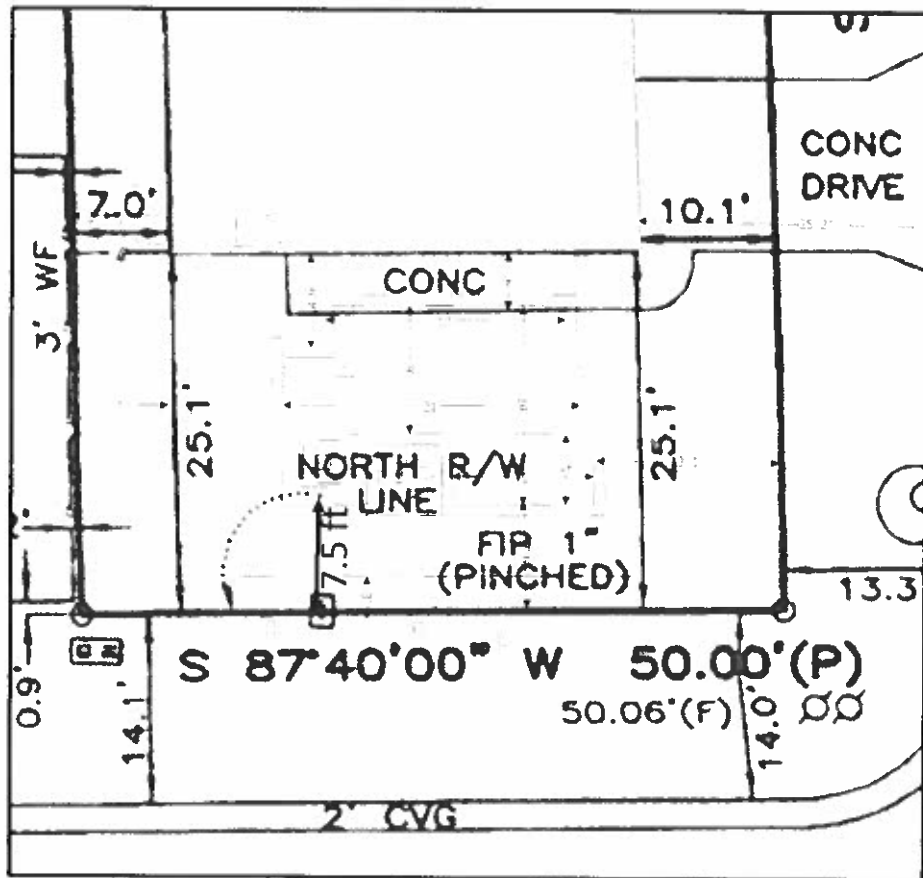




# Survey



# Proposed New Construction



## 1<sup>st</sup> Street – Looking North



**13<sup>th</sup> Avenue – Looking East**



## 1<sup>st</sup> Street Avenue – Looking East



**MINUTES — JUNE 16, 2020  
CITY OF INDIAN ROCKS BEACH  
BOARD OF ADJUSTMENTS AND APPEALS**

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The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, JUNE 16, 2020**, at 7:01 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

**1. CALL TO ORDER.** Chair Alvarez called the meeting to order at 7:01 p.m.

**2. ROLL CALL:**

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

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

**ABSENT:** Board Member Waldemar H. Clark, Jr.

**VACANT POSITIONS:** 1<sup>st</sup> Alternate Board Member and 2<sup>nd</sup> Alternate Board Member.

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

**3. APPROVAL OF MINUTES: February 18, 2020**

**MOTION MADE BY VICE-CHAIR DEVORE, SECONDED BY MEMBER LABADIE, TO APPROVE THE FEBRUARY 18, 2020 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.**

**4. BOA CASE NO. 2020-04 — 124-13<sup>TH</sup> AVENUE**

**Owners/Applicants:** Patti Baker Katz

Jorge L. Blassino

**Representative:** Platinum Pools & Spas

**Subject Location:** 124-13<sup>th</sup> Avenue

**Legal Description:** Indian Beach Re-Revised 1<sup>st</sup> Addition, Block 78, Lot 11 & S 1/2 vac alley adj on North

**Parcel #:** 01-30-14-42048-078-0110

**Variance Request:** Variance request of 17.5 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 7.5 feet, to allow for new pool.

*[Beginning of Staffing Report.]*

**SUBJECT: BOA CASE NO. 2020-04.** A variance request of 17.5 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 7.5 feet to allow for a new pool for property located at 124-13<sup>th</sup> Avenue.

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

Owner: Patti Baker Katz  
Jorge L. Blassino  
Property Location: 124-13<sup>th</sup> Avenue  
Zoning: Single-Family Residential (S)

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Residential	S
West	Residential	S

**BACKGROUND:**

Patti Katz is requesting a variance of 17.5 feet of the required 25 feet front yard setback to allow for a pool.

This house's address is off of 13<sup>th</sup> Avenue, but the house actually faces 1<sup>st</sup> Street. The required front yard setback of 25 feet is on the 13<sup>th</sup> Avenue side. They are requesting to locate the pool in the front yard setback along 13<sup>th</sup> Avenue even though it appears as the side yard of the dwelling.

**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 residence was built in 2005 and was built to the current land development codes which complied with the front, side and rear yard setbacks.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant has proposed a pool that would encroach into the front yard setback.*
- 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 that is not allowed by the Land Development Code to other lands, structures, or buildings in the same zoning district.*
- 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/denial of this variance would not deprive other owners of use and enjoyment of their properties and would not cause undue hardship on the applicant.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *Granting of this variance would allow the property to have a reduced front yard setback.*
- 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 general intent and purpose of subpart B.*



**PUBLIC NOTIFICATION:** A public meeting notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on June 1, 2020, per Code Section 2-149.

*[End of Staffing Report.]*

City Attorney Mora read the title of Agenda Item No. 4, BOA Case No. 2020-04. City Attorney Mora stated this is a quasi-judicial proceeding and proceeded to review the rules for quasi-judicial proceedings.

City Attorney Mora asked the Members if any of them had any ex-parte communications with the applicant, with all Members responding in the negative.

City Attorney Mora inquired of the Members if any of them had done a site visit for the limited purpose of evaluating this case, with Chair Alvarez and Member Watt responding in the affirmative.

City Attorney Mora inquired if Chair Alvarez and Member Watt felt that their visit in any way impaired their ability to impartially adjudicate this matter, with both Chair Alvarez and Member Watt responding in the negative.

All persons planning to give testimony during the quasi-judicial proceeding were duly sworn in by the City Attorney.

Planning Consultant Harmon introduced BOA Case No. 2020-04. She stated the applicants are requesting a variance of 17.5 feet into the required 25.0 feet front yard setback, resulting in a total front yard setback of 7.5 feet, to allow for a new pool for property located at 124-13<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 1st Addition, Block 78, Lot 11 & S ½ vac alley adj on North.

Planning Consultant Harmon stated the house's address is off of 13<sup>th</sup> Avenue, but the house faces 1<sup>st</sup> Street. The required front yard setback of 25 feet is on the 13<sup>th</sup> Avenue side. They are requesting to locate the pool in the front yard setback along 13<sup>th</sup> Avenue, even though it appears as the side yard of the house.

Planning Consultant Harmon presented a PowerPoint Presentation showing an aerial view of the property, a survey, a drawing of the proposed construction,

a photo of 1st Street looking north and east, and a photo of 13th Avenue looking east.

Planning Consultant Harmon stated staff recommends denial based on the variance review criteria of Section 2-152.

Vice-Chair DeVore asked if a 4-foot fence is adequate enough for safety for children who are biking or walking in the neighborhood.

Planning Consultant Harmon stated the required fencing for a pool is 46 or 48 inches for a pool.

**David Greiner, Platinum Pools & Spas, 104 Seacrest Drive, Largo, Florida, applicants' pool contractor,** stated once a safety fence is installed, a latch would be attached to the door and would be raised to 54 inches where it needs to be per the City Code.

Mr. Greiner explained the variance request and stated there was no other place to put the pool except for that area.

**Patti Katz, 124-13<sup>th</sup> Avenue, the applicant,** stated the front of the house is physically on 1<sup>st</sup> Street, and there is a property at 2215-1<sup>st</sup> Street where their fence and pool are actually in front of their house, and the physical front of their house is exactly like hers.

City Attorney Mora stated the Board is only considering her property and application tonight. There is no precedent.

**Phil Wrobel, 112-13<sup>th</sup> Avenue,** spoke in support of the variance and stated they are good neighbors, who have taken excellent care of their property. Mr. Wrobel talked about the history of the construction of the house and the lack of communication between the owner, who lived in Kentucky, and the builder. He further stated there are other residences with pools in their front yard with 6-foot fences.

**Chris Turpin, 107-14<sup>th</sup> Avenue,** stated she did not want a 6-foot fence around the pool. She asked questions about where the front setback and property line starts and asked what are setbacks and right-of-ways for.

Planning Consultant Harmon provided answers to Ms. Turpin's questions.

Ms. Turpin stated the applicants take outstanding care of their residence. She is not opposed but had curiosity questions for the future of Indian Rocks Beach.

Member Labadie asked about the telephone pole on the corner of the property.

Mr. Greiner stated the utility pole had been removed, and the power lines have been buried and rerouted to the side of the residence.

Mr. Greiner stated there would be no exterior lighting other than the existing exterior lighting.

Mr. Greiner stated the interior pool lights would be facing toward the house, so at the same time, they would not shine out toward the street to where it would cause a driver to be blinded by the light. The lights are at a low dim to where they only shine inside the pool.

***MOTION MADE BY VICE-CHAIR DEVORE, SECONDED BY MEMBER WATT, TO RECOMMEND TO THE CITY COMMISSION DENIAL BOA CASE NO. 2020-04, A VARIANCE REQUEST OF 17.5 FEET INTO THE REQUIRED 25.0 FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 7.5 FEET, TO ALLOW FOR NEW POOL, FOR THE PROPERTY LOCATED AT 124-13<sup>th</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 1ST ADDITION, BLOCK 78, LOT 11 & S ½ VAC ALLEY ADJ ON NORTH. PARCEL NO. 01-30-14-42048-078-0110.***

Vice-Chair DeVore stated the applicants did not show any hardship as required by the Code of Ordinances.

***ROLL CALL VOTE:***

***AYES: WATT, DEVORE, ALVAREZ***

***NAYS: LABADIE***

***ABSENT: CLARK***

***MOTION TO DENY WAS APPROVED BY A VOTE OF 3 TO 1.***

Planning Consultant Harmon stated this BOA Case is scheduled for the July 14, 2020 City Commission Agenda, for consideration.

**5. OTHER BUSINESS.**

City Clerk O'Reilly stated there will be no Board of Adjustments and Appeals Meeting in July 2020.

**6. ADJOURNMENT.**

***MOTION MADE BY MEMBER LABADIE, SECONDED BY MEMBER WATT, TO ADJOURN THE MEETING AT 7:25 P.M. UNANIMOUS APPROVAL.***

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Rick Alvarez, Chair

/dor



Administrative  
727/595-2517

Building Planning & Zoning  
727/517-0404  
727/596-4759 (Fax)

Library  
727/596-1822

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

**NOTICE OF PUBLIC MEETING**  
**THE CITY OF INDIAN ROCKS BEACH — CITY COMMISSION**  
**TUESDAY, JULY 14, 2020 @ 7:00 P.M.**  
**1507 BAY PALM BOULEVARD**  
**INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will conduct a public hearing on **TUESDAY, JULY 14, 2020**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on BOA Case No. 2020-04.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at **124-13<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

**Variance request of 17.5 feet into the required 25.0 foot front yard setback, resulting in a total front yard setback of 7.5 feet, to allow for new pool, for the property located at 124-13<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 1<sup>st</sup> Addition, Block 78, Lot 11 & S ½ vac alley adj on North. Parcel #01-30-14-42048-078-0110.**

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

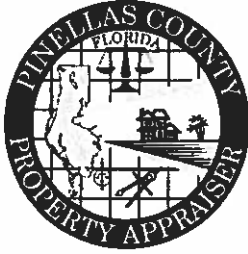
If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: [doreilly@irbcity.com](mailto:doreilly@irbcity.com). All correspondence must be received by the City Clerk no later than **Tuesday, JULY 14, 2020, by 3:00 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](mailto:doreilly@irbcity.com) no later than 5 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 posted on subject property on June 29, 2020. (Sec. 2-149 of the Code of Ordinances.)

/dor



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**  
www.pcpao.org      mike@pcpao.org

Run Date: 18 Jun 2020

Subject Parcel: 01-30-14-42048-078-0110

Radius: 150 feet

Parcel Count: 22

Note: Parcels with protected address status are not included in this report.

Total pages: 4

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

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**MAIN OFFICE – COUNTY COURTHOUSE**

315 Court St - 2nd Floor  
Clearwater, FL 33756  
Office: (727) 464-3207  
Fax: (727) 464-3448  
Hearing Impaired:  
Office: (727) 464-3370  
Commercial Appraisals:  
Office: (727) 464-3284

Exemptions:  
Office: (727) 464-3294  
Fax: (727) 464-3408  
Residential Appraisals:  
Office: (727) 464-3643  
Tangible Personal Property:  
Office: (727) 464-8484  
Fax: (727) 464-8488

**NORTH COUNTY**

29269 US Highway 19 N  
Clearwater, FL 33761  
Office: (727) 464-8780  
Fax: (727) 464-8794

**MID COUNTY**

13025 Starkey Road  
Co-located with Tax Collector  
Largo, FL 33773  
Office: (727) 464-3207  
Fax: (727) 464-3448

**SOUTH COUNTY**

1800 66th Street N  
St. Petersburg, FL 33710  
Office: (727) 582-7652  
Fax: (727) 582-7610

**ALL MAIL: PO Box 1957 – Clearwater, FL 33757**

**01-30-14-42048-078-0070**  
ALLEY ADJ ON N  
BLK 78, LOT 7 & S 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

LA BARBERA, JOHN J  
LA BARBERA, BETTY J  
2704 W WALNUT ST  
TAMPA FL 33607-3339

**01-30-14-42048-078-0080**  
ALLEY ADJ ON N  
BLK 78, LOT 8 & S 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

LUMIA, FRANCO  
BENTIVEGNA, FRANCA  
118 13TH AVE  
INDIAN ROCKS BEACH FL 33785-3728

**01-30-14-42048-078-0130**  
ALLEY ADJ ON S  
BLK 78, LOT 13 & N 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

CADEAU, DIANNE  
CONLON, MICHAEL  
102 CORRELL AVE  
SCARBOROUGH ON M1N 2Y4

**01-30-14-42048-078-0120**  
ALLEY ADJ ON S  
BLK 78, LOT 12 & N 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

ANDREWS, THOMAS J  
ANDREWS, ALEXANDRA KATRIN  
687 CORVETTE DR  
LARGO FL 33771-1104

**01-30-14-42048-081-0130**  
LOT 12  
BLK 81, LOT 13 & S 1/2 OF  
RE-REVISED 1ST ADD  
INDIAN BEACH

NISTOR, MIHAIL  
NISTOR, ATENA  
505 MORRISON RD  
OAKVILLE ON L6J 4K6

**01-30-14-42048-081-0100**  
BLK 81, LOT 10  
RE-REVISED 1ST ADD  
INDIAN BEACH

FISHER, DENNIS L & ELIZABETH M W LIV TRUST  
FISHER, DENNIS L TRE  
5808 SCHOONER WAY  
TAMPA FL 33615-3638

**01-30-14-42048-078-0150**  
ALLEY ADJ ON S  
BLK 78, LOT 15 & N 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

GARRETT, GEORGE K  
GARRETT, TRACY C  
115 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2703

**01-30-14-42048-077-0140**  
VAC ALLEY ADJ ON S  
BLK 77, LOT 14 AND N 1/2  
RE-REVISED 1ST ADD  
INDIAN BEACH

BRUNO, PIETRO  
BRUNO, MIRELLO  
537 EUCLID AVE  
TORONTO ON M6G 2T3

**01-30-14-42048-081-0090**  
BLK 81, LOT 9  
RE-REVISED 1ST ADD

INDIAN BEACH

KRUEGER, RICHARD A  
KRUEGER, MARIPAT  
203 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2811

---

**01-30-14-42048-081-0040**

BLK 81, LOT 4  
RE-REVISED 1ST ADD  
INDIAN BEACH

REY, JOSE I  
JIMENEZ, JEFFY  
1212 BAY PALM BLVD  
INDIAN ROCKS BEACH FL 33785-2860

---

**01-30-14-42030-030-0160**

ALLEY ADJ ON S  
BLK 30, LOT 16 & N 1/2 VAC  
INDIAN BEACH RE-REVISED

KINEN, DOUGLAS  
KINEN, GWENDOLYN  
117 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2703

---

**01-30-14-42048-077-0150**

VAC ALLEY ADJ ON S  
BLK 77, LOT 15 AND N 1/2  
RE-REVISED 1ST ADD  
INDIAN BEACH

BENTIVEGNA, FRANCA  
LUMIA, FRANCO  
118 13TH AVE  
INDIAN ROCKS BEACH FL 33785-3728

---

**01-30-14-42048-081-0150**

BLK 81, LOT 15  
RE-REVISED 1ST ADD  
INDIAN BEACH

EARLY, JAMES G JR  
EARLY, LOIS A  
1205 1ST ST  
INDIAN ROCKS BEACH FL 33785-2801

---

**01-30-14-42048-081-0110**

LOT 12  
BLK 81, LOT 11 & N 1/2 OF  
RE-REVISED 1ST ADD  
INDIAN BEACH

YANES, DANIEL  
YANES, BRENDA  
1111 W WOODLAWN AVE  
TAMPA FL 33603-5251

---

**01-30-14-42048-081-0050**

BLK 81, LOT 5  
RE-REVISED 1ST ADD  
INDIAN BEACH

LEIGH, WENDY  
1214 BAY PALM BLVD  
INDIAN ROCKS BEACH FL 33785-2860

---

**01-30-14-42048-081-0140**

BLK 81, LOT 14  
RE-REVISED 1ST ADD  
INDIAN BEACH

KEITH, DAVID S  
1207 1ST ST  
INDIAN ROCKS BEACH FL 33785-2801

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**01-30-14-42048-077-0160**

VAC ALLEY ADJ ON S  
BLK 77, LOT 16 AND N 1/2  
RE-REVISED 1ST ADD  
INDIAN BEACH

VASIL, PAMELA E  
VASIL, NICK S  
121 13TH AVE  
INDIAN ROCKS BEACH FL 33785-3729



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**01-30-14-42048-078-0100**

ALLEY ADJ ON N  
BLK 78, LOT 10 & S 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

ALLEY, DAVID  
ALLEY, SARIKA  
230 MAIN ST  
NORTH EASTON MA 02356-1434

---

**01-30-14-42048-077-0170**

VAC ALLEY ADJ ON S  
BLK 77, LOT 17 AND N 1/2  
RE-REVISED 1ST ADD  
INDIAN BEACH

VON RONN, OSWALD  
339 THIS WAY  
SUGAR GROVE NC 28679-9780

---

**01-30-14-42048-078-0090**

ALLEY ADJ ON N  
BLK 78, LOT 9 & S 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

ROBERTSHAW, DAVID A  
120 13TH AVE  
INDIAN ROCKS BEACH FL 33785-3728

---

**01-30-14-42048-078-0140**

ALLEY ADJ ON S  
BLK 78, LOT 14 & N 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

JENSEN, ADAM LEE  
MC CONNIE, NICOLE ANNETTE  
533 HARBOR DR N  
INDIAN ROCKS BEACH FL 33785-3116

---

**01-30-14-42030-031-0100**

BLK 31, LOT 10  
INDIAN BEACH RE-REVISED

PIERCE, MELVIN W  
C/O BRANDON ACCOUNTING  
117 W ROBERTSON ST  
BRANDON FL 33511-5111

**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.

<sup>BDA</sup>  
2020-04

Date Received

3/25/2020

**APPLICANT**

Name:

Patti Katz

Address:

124 13th Ave

City:

Indian Rocks Beach

Zip Code:

33785

Tel:

Fax:

Mobile:

813-505-6585

Email:

pKatz2@yahoo.com

**AGENT/REPRESENTATIVE**

Name:

David Greiner

Company:

Platinum Pools & Spas

Address:

104 Seacrest Dr

City:

Large

Zip Code:

33771

Tel:

727-600-0336

Fax:

Mobile:

Email:

David@PlatinumPoolsandSpas.net

**SITE DETAILS**

Address:

124 13th Ave

Parcel ID:

67741861

City:

Indian Rocks Beach

Zip Code:

33785

Legal Description:

single family home

Zoning:

Res

Future Land Use:

500 sqft

Size:

2080 sqft

**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):




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):	5'	5'	0
Rear-north/south street (feet):	7.5	7.5	0
Street-front setback (feet):	25'	25'	0
Side-one/both setback (feet):			
Minimum green space (%):	35%	40%	0
Habitable stories (#):			
Minimum lot size (sq. ft.):	5850	3,563	
Building height (feet):			
Off-street parking (spaces):			
ISR (%):	35%	43%	
FAR (%):			
Dock length (feet):			
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?

Building Pool

**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 Plans Att.

Placement of House on property does not allow for pool to be placed in Backyard. Only 13 Ave side has room for pool. It is considered the front side yards 13 Ave set back meets the standards for set back. But 1st street side does not. Typically front set backs are from the street. But in this case it is from Property line. We are asking for the front set back to be reduced to 13.6 to allow pool to be installed on side of House. But still behind House and will be fenced in.

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:

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:

**CERTIFICATION**

Date: 3/24/2020

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: David J. ...

Signature: [Handwritten Signature]

Personally known/Form of Identification \_\_\_\_\_

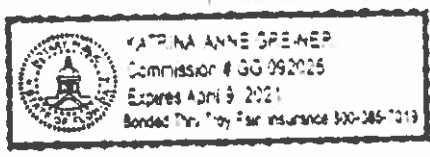
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 14 Month: March . 2020

Notary Public State of Florida at Large: [Handwritten Signature]

Notary Public Commission Expiration: April 9, 2021

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: 03/23/2020

I, PAUL KATZ do hereby designate and appoint Daniel Greiner / Daniel Greiner & Sons 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: Paul Katz Signature: [Signature]

My agent of record may be contacted at:

Company: Daniel Greiner & Sons

Address: [Address]

City/State: [City/State] Zip Code: [Zip Code]

Telephone: [Telephone] Fax: [Fax]

Before me this date personally appeared:

Name: [Name]

Signature: [Signature]

Personally known/Form of Identification [Signature]

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

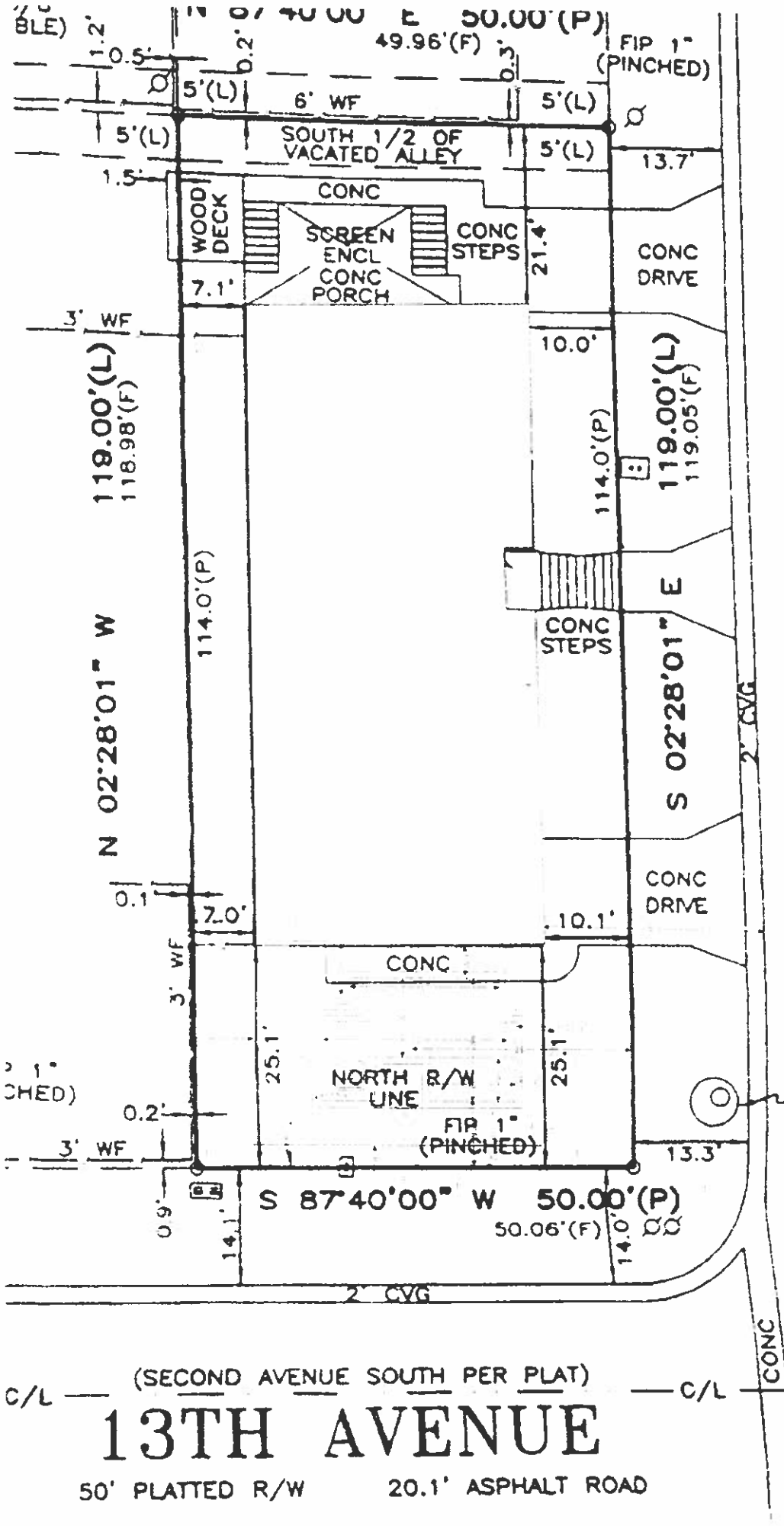
Sworn to and subscribed before me this: Day: 24 Month: March, 2020

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expires **ABRIANNE GREINER**  
State of Florida Commission # GG 092025  
County: Pinellas Expires April 9, 2021  
Bonded thru Troy Farm Insurance 300-385-7219

April 9, 2021





# 1ST STREET

(SECOND AVENUE SOUTH PER PLAT)

# 13TH AVENUE

50' PLATTED R/W 20.1' ASPHALT ROAD

# Variance Approval Request

124 13<sup>th</sup> Avenue

Indian Rocks Beach, FL 33785

Agenda Item # LA - BBA Case 2020-04  
Date of Meeting 7-14-2020 com  
Submitted by applicant  
Jorge L. Blassino

# Introduction

## BRIEF HISTORY

The property at 124 13<sup>th</sup> Avenue was constructed in 2005 by a contractor hired by an out of state owner. The physical distance between the two parties hindered communication between them and ultimately resulted in a unique and non-optimal build which the current residents:

- had no control over,
- have no reasonable avenue or opportunity to remedy, and
- are forced to work with as it relates to any property improvements

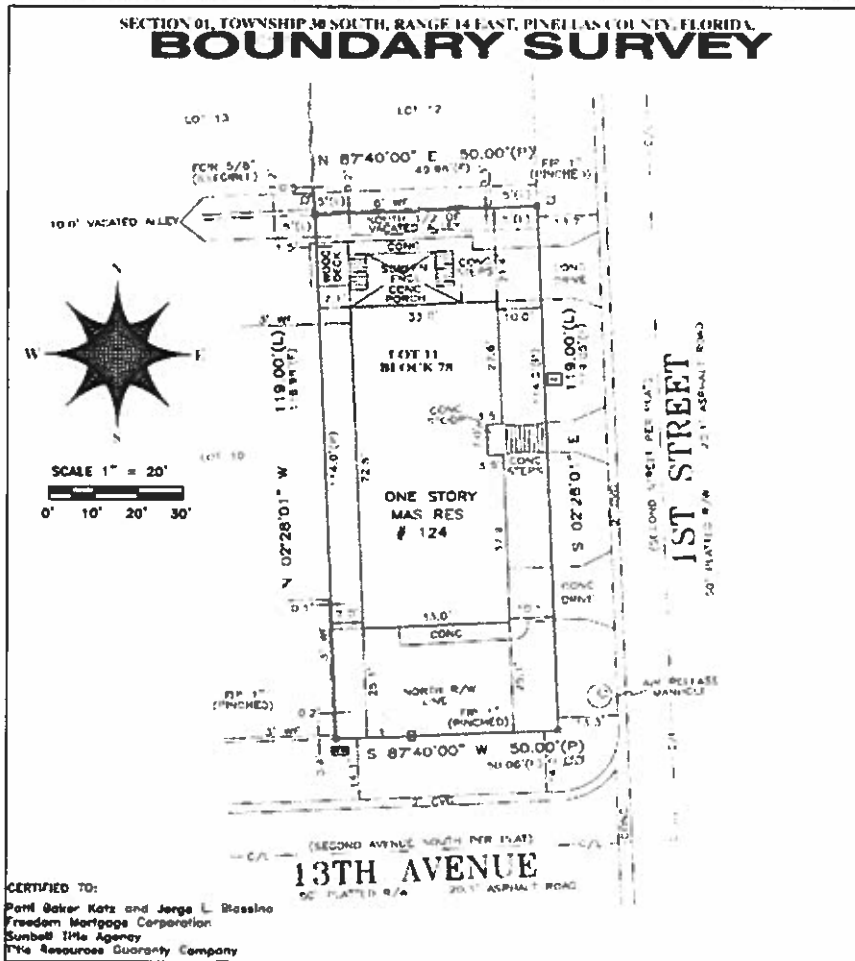
As an example, the home was built to minimal flood level code at the direction of a 3<sup>rd</sup> party entrusted with the design, but failed to meet the original owner's desire to exceed that code and build the structure higher so that vehicles could be parked under the structure, rather than have a single car garage constructed adjacent to the front yard and taking up additional yard space. To accommodate for the garage, the front door of the property was then placed on 1<sup>st</sup> Avenue rather than on 13<sup>th</sup>, which is the currently designated address.

# Hardship

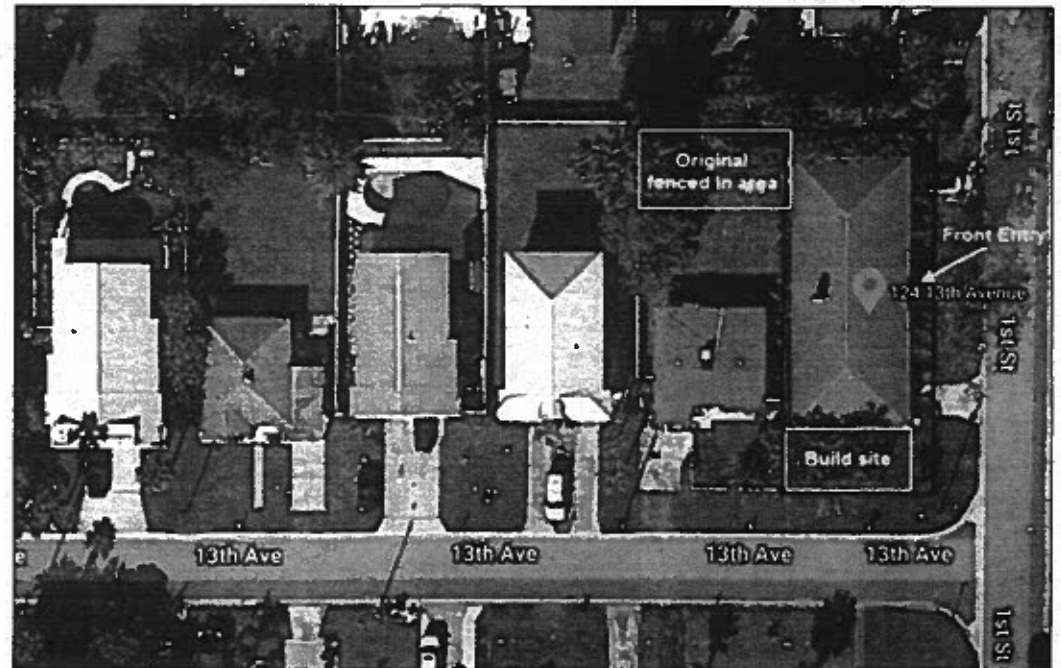
## EVENTS LEADING TO THE HARDSHIP

When the current residents initially viewed the property for consideration to purchase, the back yard of the neighboring home located at 122 13<sup>th</sup> Avenue was split with fencing, dividing the back yard roughly in half and making it appear the fenced in portion, which was only accessible from 124 13<sup>th</sup> Avenue, conveyed with the sale of that property. All efforts to confirm property lines with the seller's realtor were unfruitful and that agent added pressure to move forward with the purchase by claiming a competing offer existed. It was later discovered both adjacent properties were owned by the same out of state owner and the fence was installed in order to deceive potential buyers into thinking there was a backyard area which would convey with the sale of 124 13<sup>th</sup> Avenue. After the current residents' offer was accepted and the home was under contract, efforts continued to seek confirmation of the property lines and a survey was scheduled. The survey revealed the fenced in property accessible only from 124 13<sup>th</sup> Avenue was not part of the lot and would not convey with the sale. In order to entice the buyers into the sale, the seller indicated a "lifetime use variance" could be worked out for use of the back half of the yard belonging to his other property at 122 13<sup>th</sup> Avenue. After proceeding with closing on 124 13<sup>th</sup> Avenue, the seller then negated the "lifetime use variance" leaving the buyer without recourse and no clear space to build a pool. Consequently, consultations with various pool companies indicated the only reasonable space to build a pool was on the south end of the lot adjacent to 13<sup>th</sup> Avenue.

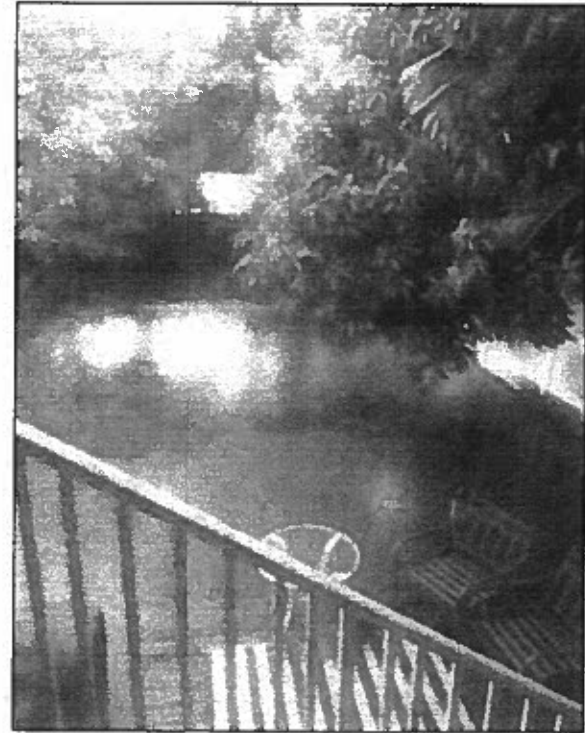
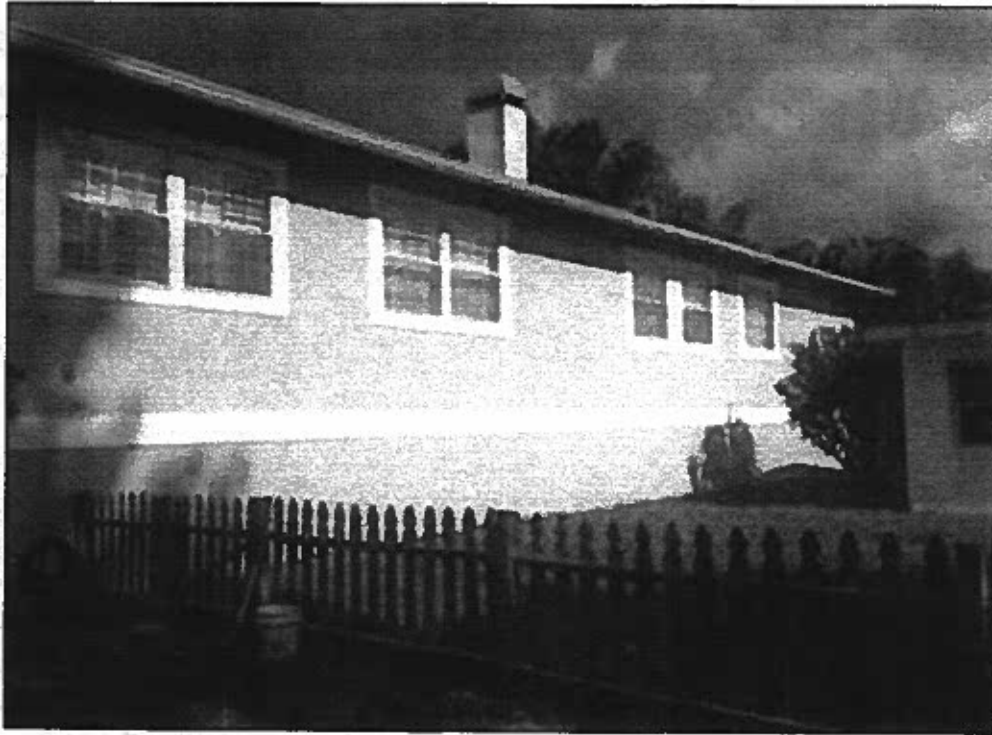
The Boundary Survey and satellite view of the property clearly show the hardship was created by how the home was situated on the lot by the builder, the deception of fenced in property and the desired build location.



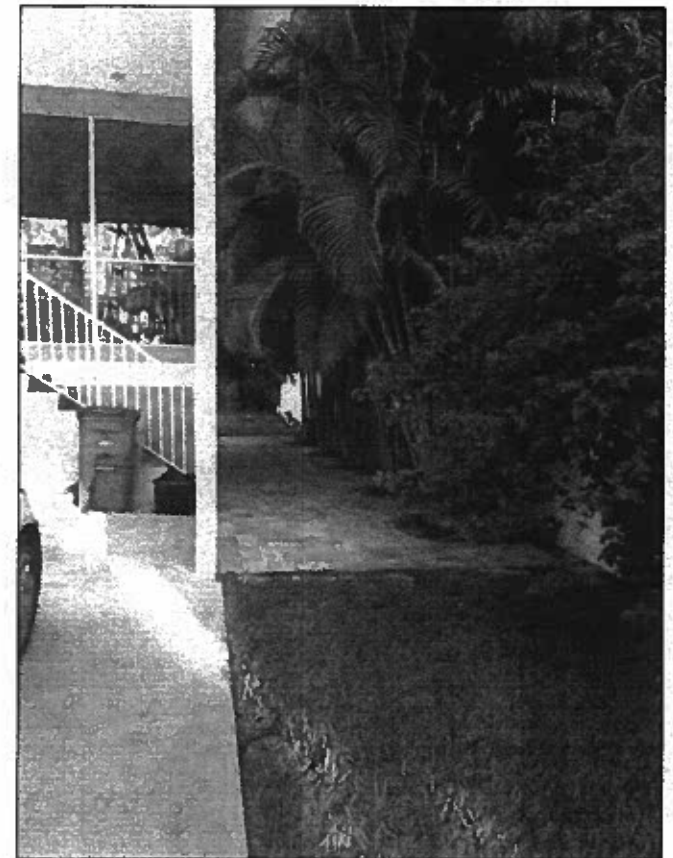
- The original fenced in area ultimately did not convey with purchase of the property.
- The front entry is located on 1<sup>st</sup> Street rather than 13<sup>th</sup> Ave.
- Only available build site the on property is adjacent to 13<sup>th</sup> Ave.



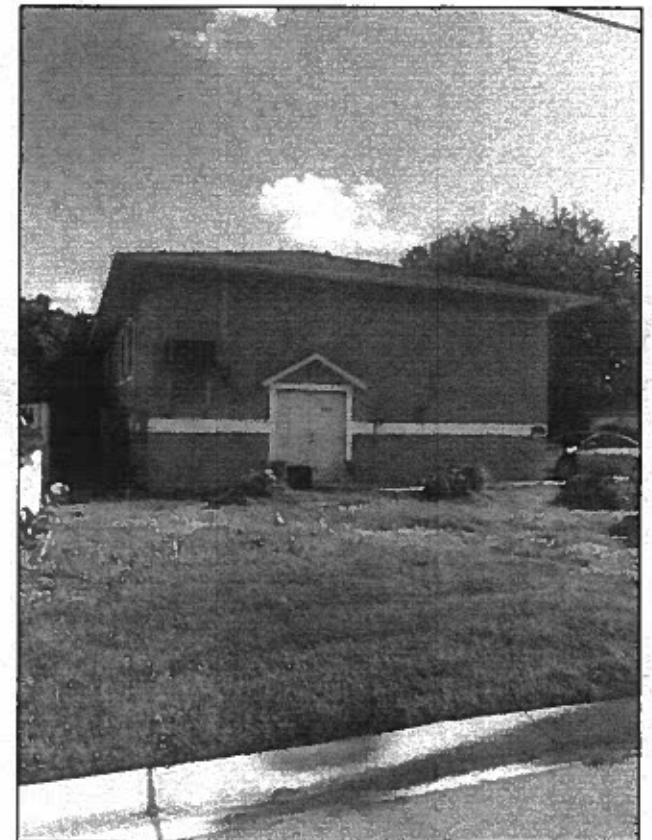
The below picture shows the permanent fencing installed by the original owner (i.e. the Seller) in the back yard of 122 13<sup>th</sup> Avenue which was intended to designate the area enclosed towards the front of the picture for the property at 124 13<sup>th</sup> Avenue (this is the portion of the yard that was misrepresented as conveying with the sale of 124 13<sup>th</sup> Avenue). As intended by the Seller's realtor, 124 13<sup>th</sup> Avenue was under contract before it was confirmed that fenced in property would not convey with the sale. Later, the owner of 122 13<sup>th</sup> Avenue, who also was also the owner/seller of 124 13<sup>th</sup> Avenue, claimed a "lifetime usage variance" would be considered if the purchase of 124 13<sup>th</sup> Avenue went forward. That offer was then rescinded once the sale went through.



The below picture on the left shows the front entrance to the home which is located on 2<sup>nd</sup> Street (13<sup>th</sup> Avenue would be located to the left side of this picture, but is not visible). The picture on the right shows the amount of space that would have been available on the north side of the property (insufficient to build on), as well as the access to the back yard property belonging to 122 13<sup>th</sup> Avenue.



The below picture shows the view from 13<sup>th</sup> Avenue near 1<sup>st</sup> Street (south end of the property). This is the side yard where the request is being submitted to build the pool since there is no alternate space anywhere else on the property. The site has been prepped for the build as the City of Indian Rocks Beach previously approved the removal of the trees specifically to make room for a pool (reference next slide and picture to far right showing trees removed).





## Tree removal approval and prep work completed in preparation for the pool

**City of Indian Wells**  
**Tree Permit Application**

City of Indian Wells, 10000 Indian Wells Drive, Suite 100, Indian Wells, CA 92033  
Land Development Code Chapter 166, Article 11

Use: Residential Permit Application  
Street Address: 10000 Indian Wells Drive  
Parcel ID: 10000 Indian Wells Drive  
Dates of Operation: 10/1/2014 to 12/31/2014  
Name of Applicant: James J. Simpson  
Address: 10000 Indian Wells Drive  
Office: 10000 Indian Wells Drive  
Phone # (City): 951-251-1234 (Area): 951 (City): Indian Wells

I hereby certify that this application complies with the provisions of the Ordinance and Code of Indian Wells, and that the removal of the tree(s) is necessary for the proposed project. I understand that the removal of a tree is a permanent action and that the removal of a tree is subject to the provisions of the Ordinance and Code of Indian Wells, and that the applicant is responsible for the removal of the tree(s) and for the protection of the tree(s) during the process.

James J. Simpson  
10000 Indian Wells Drive  
Indian Wells, CA 92033

**PLEASE CALL FOR INSPECTION 48 HOURS BEFORE THE END OF THE PERMIT TERM**  
Before 4 PM on the following day: 10/1/2014

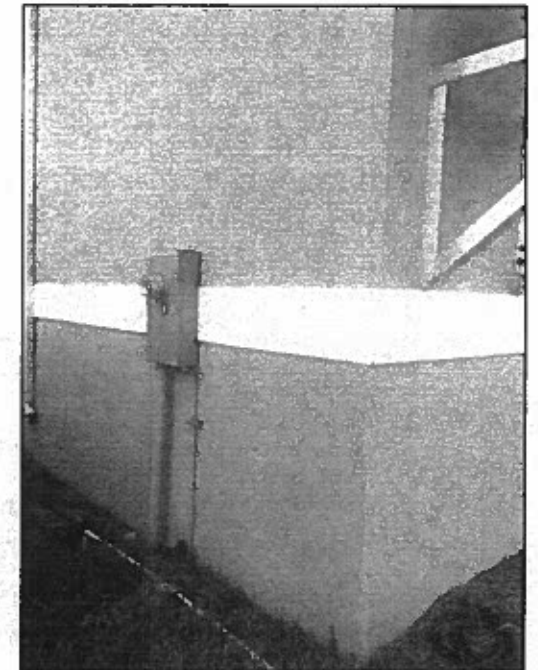
Qualification of Applicant: James J. Simpson (Title): Owner  
If Applicant is not a resident of Indian Wells, the applicant must provide proof of insurance and a copy of the applicant's license to perform the work. The applicant must also provide proof of insurance and a copy of the applicant's license to perform the work. The applicant must also provide proof of insurance and a copy of the applicant's license to perform the work.

**SKETCH OF TREE REMOVAL AND PREP WORK**

James J. Simpson  
10000 Indian Wells Drive  
Indian Wells, CA 92033

APPROVED  
 DENIED

- Trench was built to reroute electrical service to be in compliance with code with respect to planned pool location.
- Electrical meter was relocated to be in compliance with code with respect to planned pool location.
- Lawn irrigation system work was completed to temporarily reroute water pipes.



# CITY OF INDIAN ROCKS BEACH Tree Permit Application

City of Indian Rocks Beach Code of Ordinance, Chapter 106—Sec. 33., TREE CODE, Pinellas County  
Land Development Code, Chapter 166, Article II

Date 11/19/2019 Permit Application # \_\_\_\_\_

Street Address: 124 13<sup>th</sup> Ave. City Indian Rocks Beach

Parcel ID # \_\_\_\_\_ Lot Dimension \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

### Owner Information

Name Patli Katz & Jorge Blassino Company N/A

Address 124 13<sup>th</sup> Ave Contact Patli or Jorge

Phone # 813-505-6385 or Address 124 13<sup>th</sup> Ave.

443-745-0224 Phone # same

### Applicant with Authorization Letter

I hereby certify that this application is correct. It is understood that any deviation from the permit conditions will render the permit null & void and shall be considered as a violation of Indian Rocks Beach Code of Ordinance, Chapter 106—Sec. 33. This application is for the purpose of developing the below-described property and/or for the purpose of removing: 6 trees for the following reason

Building a pool. Consulted with Hippie to complete tree removal process. (3 Queen palms & 3 Areca palms).

Signature \_\_\_\_\_ Signature Jorge Blassino

**PLEASE CALL FOR INSPECTION AFTER REMOVAL OF TREES: (727-596-4759)**  
**Before 4 PM for the following day's inspection**

Verification of number of trees remaining \_\_\_\_\_ and \_\_\_\_\_ trees that have been planted, 6' in height, 1.5" caliper, (selection to be made from the tree replacement species list) being Nursery Grade #1. Undersize trees remaining on site will count toward this requirement if they are of a species on the replacement list, and at least 6' in height and in good condition.

SKETCH OF TREE LOCATION ATTACHED.

[Signature]  
Code Enforcement Officer

11/21/19  
Date Issued

APPROVED  
 DISAPPROVED

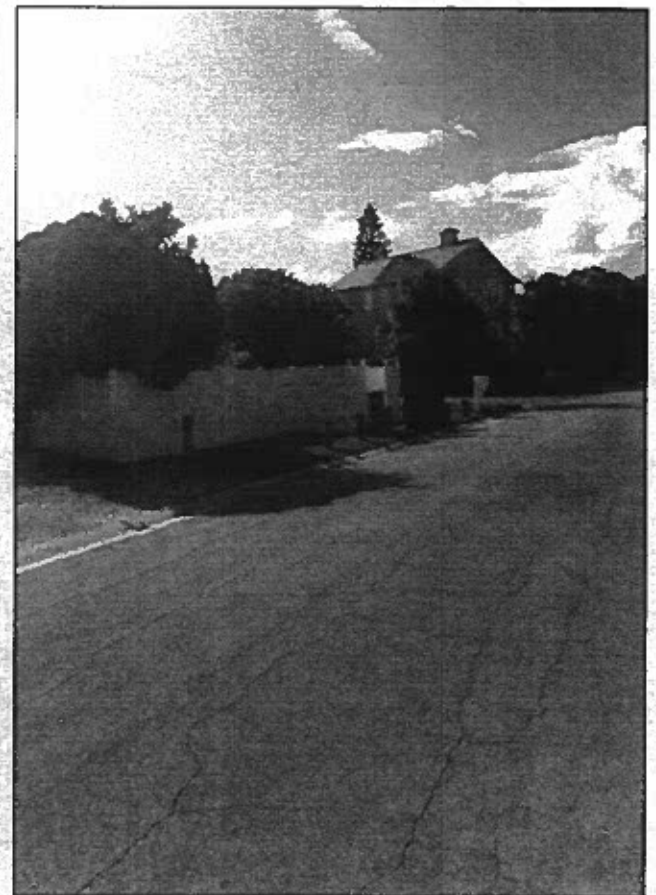
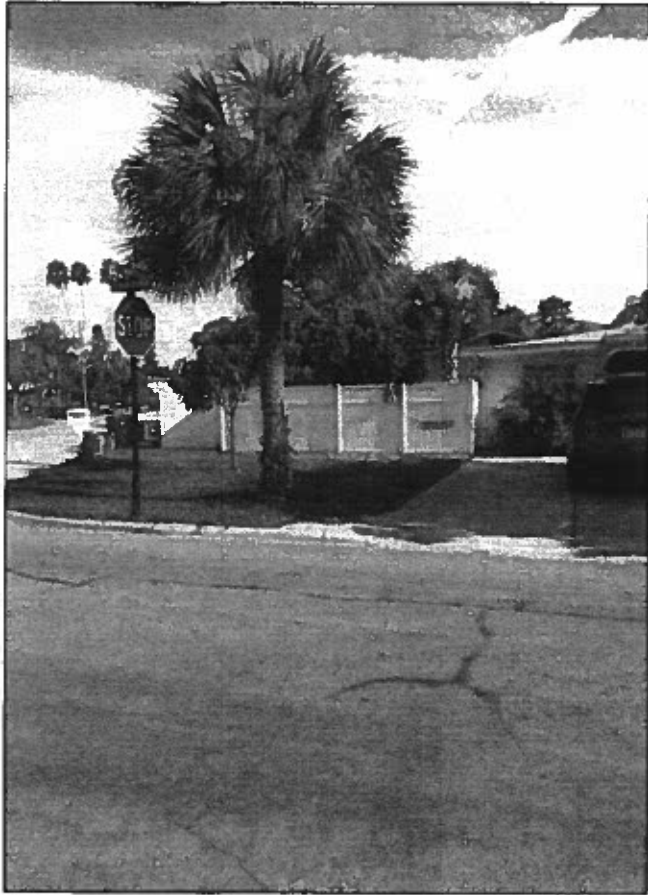
# Precedents

There are several properties already existing within the community which have set a precedent in support of this request. The following slides will demonstrate properties which have pools built in the front yard, have fences installed in the front yard, or contain both on the respective lot.

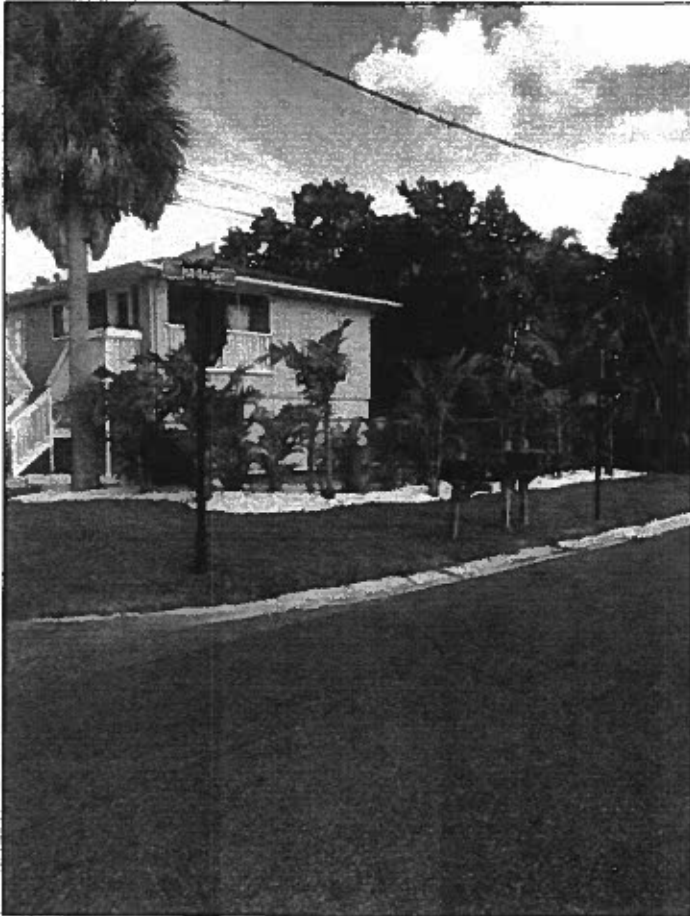
**Examples:**

- 2508 Bay Blvd.
- 2313 1<sup>st</sup> Street
- 2215 1<sup>st</sup> Street
- 2601 1<sup>st</sup> Street
- 430 Harbor Drive South

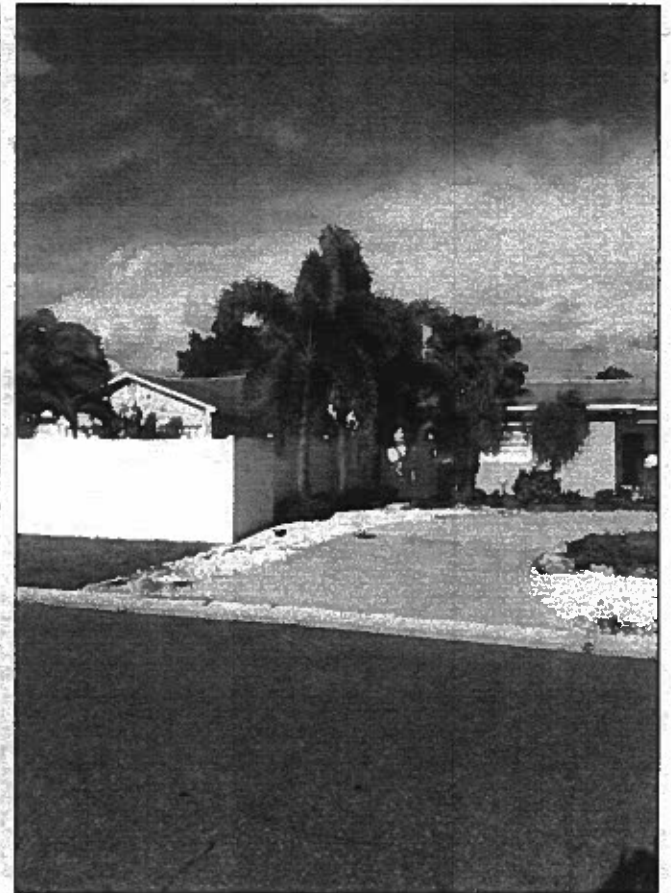
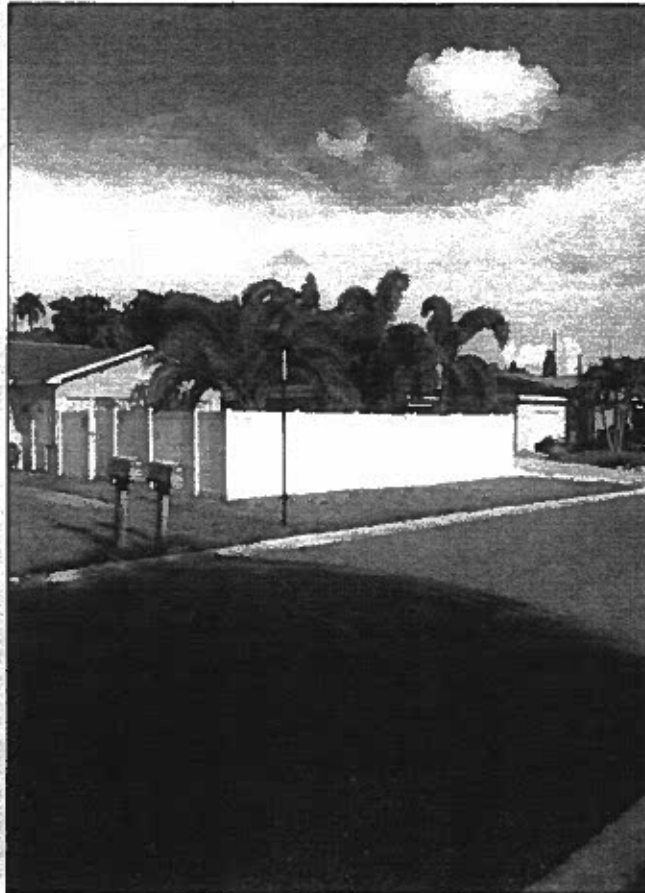
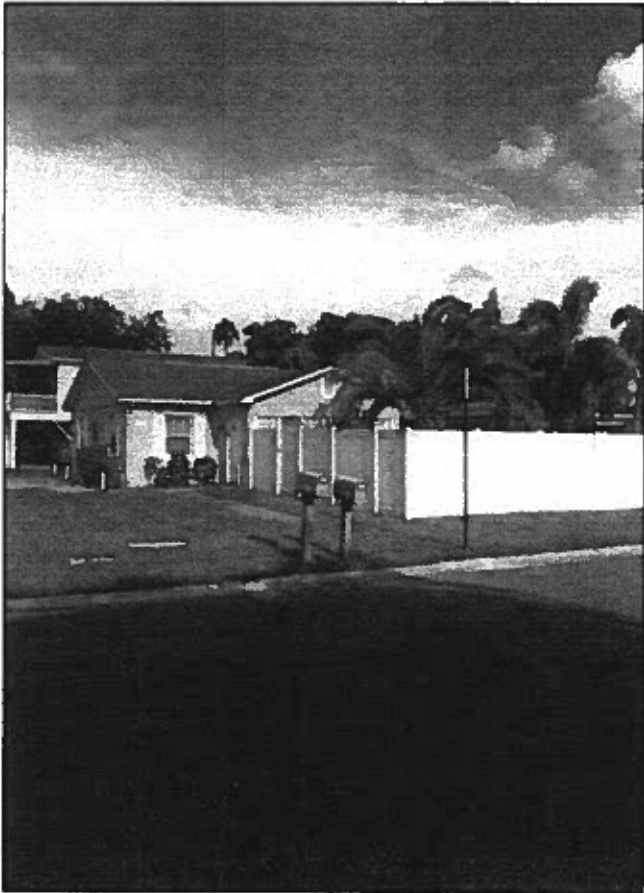
2508 Bay Blvd. – this home is on a corner lot and situated in like fashion to 327 13<sup>th</sup> Avenue; the front entrance to the home is on 26<sup>th</sup> Avenue north, but the front yard is located on Bay Blvd. and exhibits both a pool and a 6 foot fence that is less than 7 feet away from the curb. The owner claims no variance was required for the build.



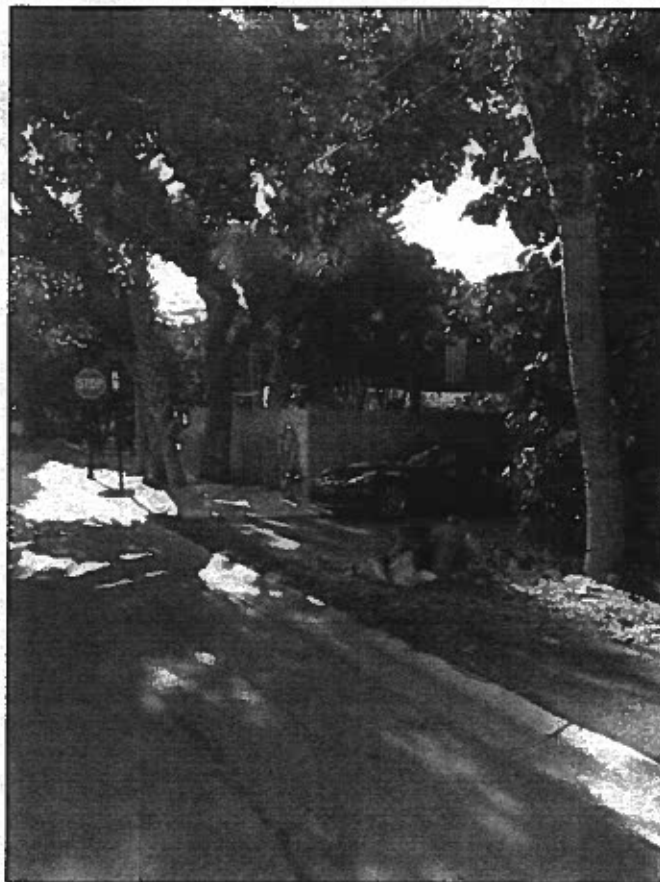
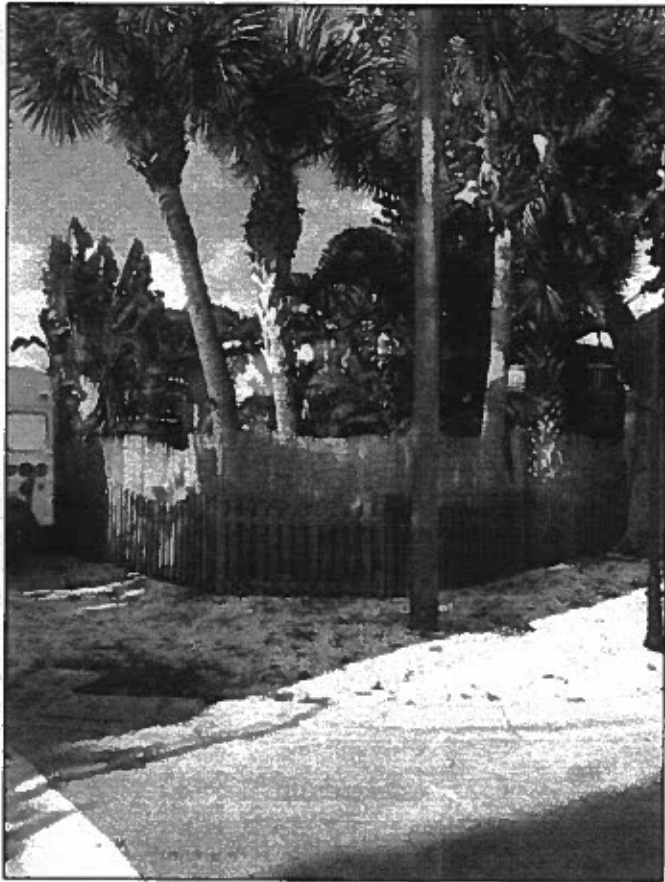
**2313 1<sup>st</sup> Street** – this home is located on a corner lot in block 15, from 124 13<sup>th</sup> Avenue, the front entryway to the home is located on 24<sup>th</sup> Avenue North, but the front yard is located on 1<sup>st</sup> Street. The property exhibits both a pool in the front yard area and a 4 foot fence surrounding the pool.



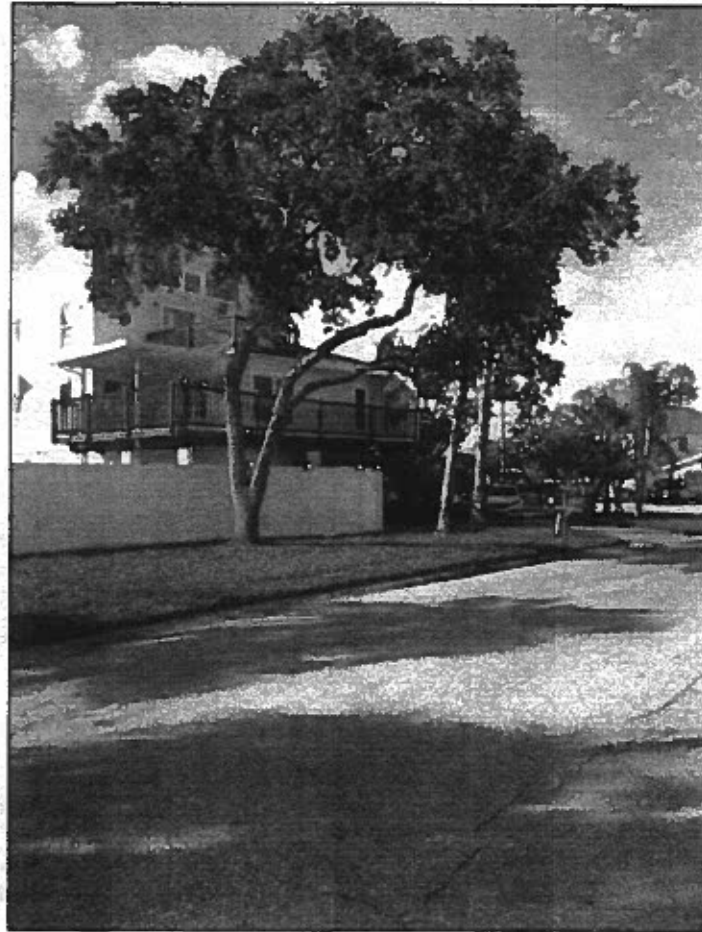
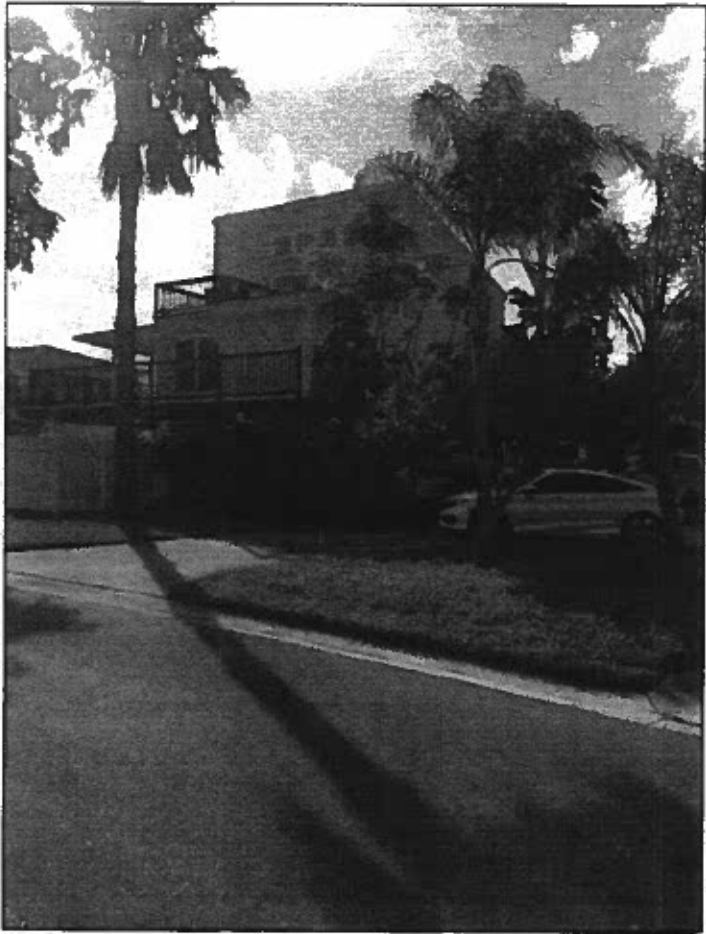
2215 1<sup>st</sup> Street – this home is situated on a corner lot similarly to 1274 1<sup>st</sup> Avenue; the front entryway to the home is located on 23<sup>rd</sup> Avenue North, but the front yard is located on 1<sup>st</sup> Street. The property exhibits a 6 foot fence around the right portion of the front yard and protruding well past the neighboring home's front entryway.



**2601 1<sup>st</sup> Street** – this home is on a corner lot and situated similarly to 124 13<sup>th</sup> Avenue; the front entrance to the home is located on 26<sup>th</sup> Avenue North, but the front yard is located on 1<sup>st</sup> Street. The property exhibits both a 4 foot and 6 foot fencing around the front yard, where the 4 foot portion of the fence's height was modified to achieve roughly 6 feet of height and greater privacy.



430 Harbor Drive South – this home located on a corner lot similarly to 307 13<sup>th</sup> Avenue, the front entrance to the home is located on Maxwell Place, but the front yard is located on Harbor Drive South. The property exhibits a portion of 6 foot fencing around the right side of the front yard.

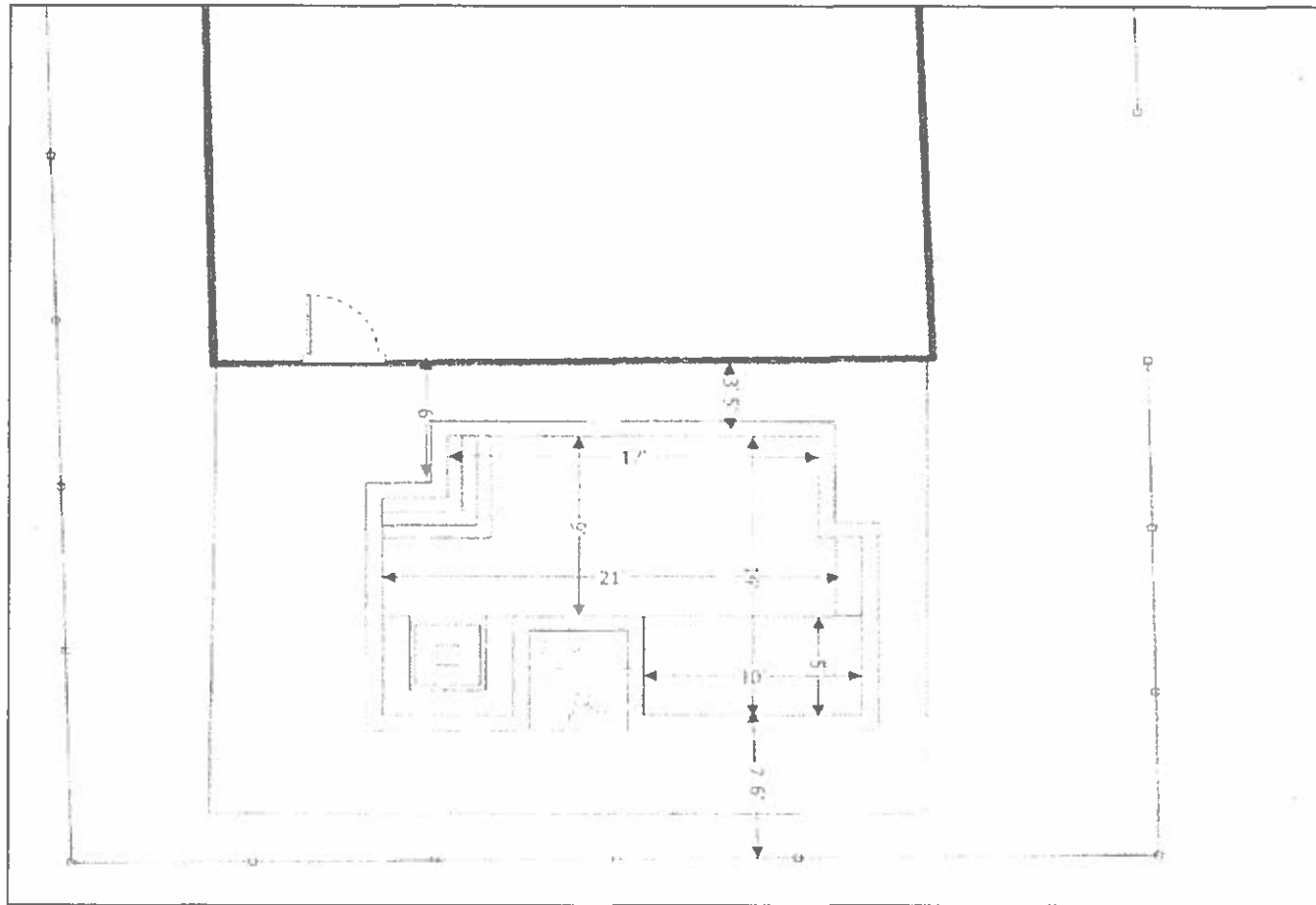




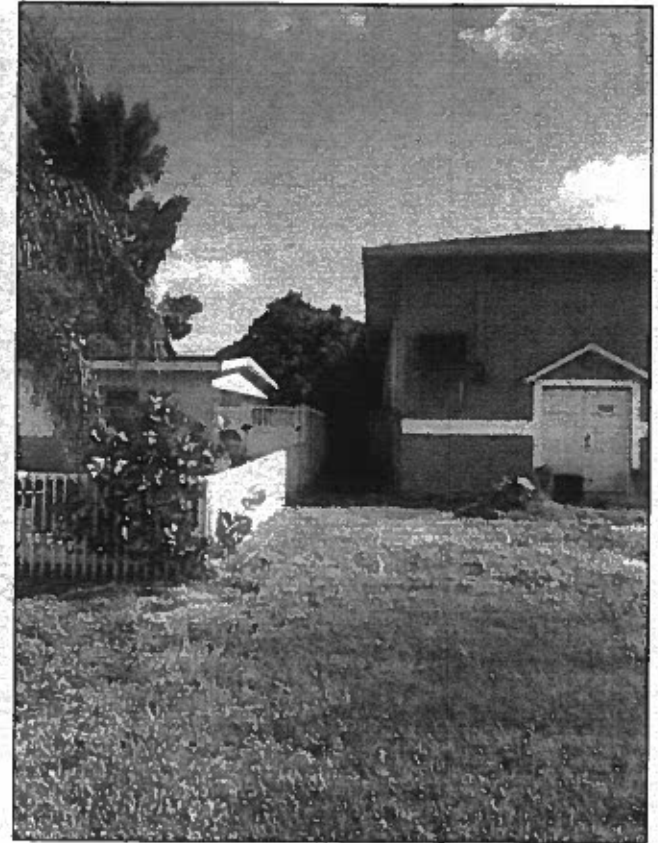
## Building Plan

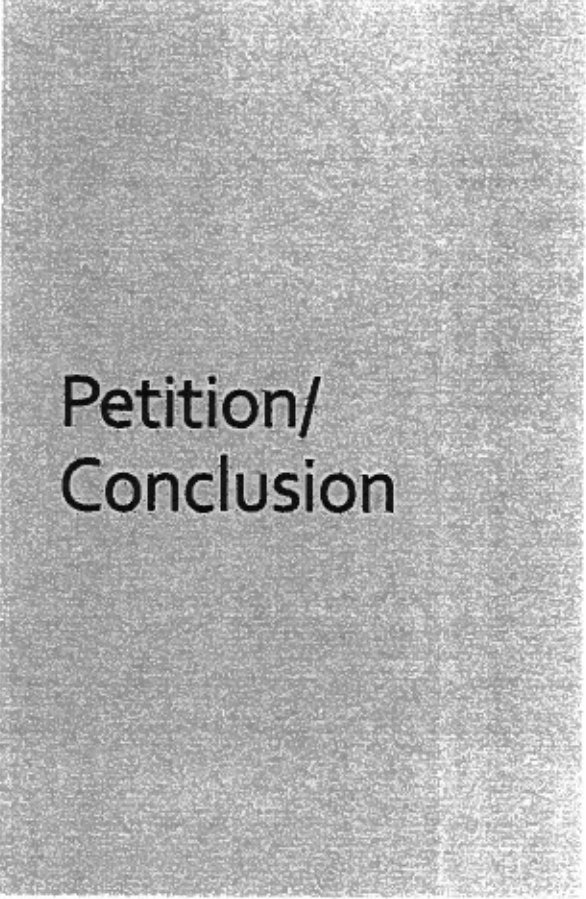
The request for the planned build at 124 13<sup>th</sup> Avenue includes the addition of an in ground pool and an accompanying legal barrier surrounding the pool, as well as the addition of landscaping.

The below slide shows a rough sketch of the pool design to be added to the property, pending approvals. The pool would be built within the property lines belonging to 127 13<sup>th</sup> Avenue (parcel #01-30-14-42048-078-0110) and not encroach on city property or hinder any future development in any way.



The below photos show the neighboring property at 102 13<sup>th</sup> Avenue which would be adjacent to the planned build area. The pictures also show current fencing as it stands today (the shorter portion of the fence is made from wood and somewhat worn, it will require replacement or removal in the near future, as agreed to by the owner).





## Petition/ Conclusion

We are petitioning the City Commission of Indian Rocks Beach, Pinellas County, Florida to consider the request to approve a hardship variance as it relates to the property located at 124 13<sup>th</sup> Ave., Indian Rocks Beach, FL 33785. We are concerned that the Board of Adjustments and Appeals recommendations to deny the variance did not fully consider the circumstances particular to this address as well as precedence which has already been set within the community. Approval of this variance would in no way encumber the community with undue burden for future development, result in any safety concerns or generally be considered outside of the confines of reasonable use the property. Additionally, approval of the variance would contribute to the unique nature of our vibrant and varied community which is a very large part of the allure and charm Indian Rocks Beach is known for and something our community prides itself in.

## Action Petitioned For

We, the undersigned petitioners, want the Commissioners to approve the variance request, without introducing any additional obstacles to the builder and/or residents at 124 13<sup>th</sup> Avenue for the ultimate goal of building a pool in a timely manner. We support the residents' request to have a pool built at this address and agree that the request itself is reasonable and appropriate, based on the location and planned design. Further to this, we agree with the Argue Points appended to the end of the petition document and know the build will not result in an unsightly landmark or burden to the city of any kind. There are no doubts the property will be anything but extremely well maintained and cared for, as it always has been by the current residents. This will be a welcomed improvement to our community.

## Petition Signees\*

1. Brenda Yanes (1213 1<sup>st</sup> Street)
2. Daniel Yanes (1213 1<sup>st</sup> Street)
3. David Keith (1207 1<sup>st</sup> Street)
4. Barbara Leedy (113 13<sup>th</sup> Avenue)
5. Charlie Blour (202 12<sup>th</sup> Avenue)
6. David Robertshaw (120 13<sup>th</sup> Avenue)
7. Denise Steel (120 13<sup>th</sup> Avenue)
8. Daniel Descitler (123 14<sup>th</sup> Avenue)
9. Marie Rogan (123 14<sup>th</sup> Avenue)
10. Lazaro Alfonso (115 13<sup>th</sup> Avenue)
11. Silvia Gonzalez (115 13<sup>th</sup> Avenue)
12. Lucy Berger (114 13<sup>th</sup> Avenue)
13. Jane Wrobel (112 13<sup>th</sup> Avenue)
14. Philip Wrobel (112 13<sup>th</sup> Avenue)
15. Franco Lumia (118 13<sup>th</sup> Avenue)
16. Alexandra Dorman (126 11<sup>th</sup> Avenue)
17. Gabriele Antoni (126 11<sup>th</sup> Avenue)
18. Karl Dietiker (1206 Bay Palm Boulevard)

\*Missing signatures for homes within 150 feet are non-owner occupied/rentals.

## Petition to the City of Indian Rocks Beach

<b>Petition summary and background</b>	<p>We are petitioning the City Commission of Indian Rocks Beach, Pinellas County, Florida to consider the request to approve a hardship variance as it relates to the property located at 124 13<sup>th</sup> Ave., Indian Rocks Beach, FL 33785. We are concerned that the Board of Adjustments and Appeals recommendations to deny the variance did not fully consider the circumstances particular to this address as well as precedence which has already been set within the community. Approval of this variance would in no way encumber the community with undue burden for future development, result in any safety concerns or generally be considered outside of the confines of reasonable use the property. Additionally, approval of the variance would contribute to the unique nature of our vibrant and varied community which is a very large part of the allure and charm Indian Rocks Beach is known for and something our community prides itself in.</p>
<b>Action petitioned for</b>	<p>We, the undersigned petitioners, want the Commissioners to approve the variance request, without introducing any additional obstacles to the builder and/or residents at 124 13<sup>th</sup> Avenue for the ultimate goal of building a pool in a timely manner. We support the residents' request to have a pool built at this address and agree that the request itself is reasonable and appropriate, based on the location and planned design. Further to this, we agree with the Argue Points appended to the end of this document and know the build will not result in an unsightly landmark or burden to the city of any kind. There are no doubts the property will be anything but extremely well maintained and cared for, as it always has been by the current residents. This will be a welcomed improvement to our community.</p>

	Signature	Address (Street Only)	Printed Name	Date
1	<i>Brenda Yanes</i>	1213 1st	Brenda Yanes	7/6/20
2	<i>Daniel Yanes</i>	1213 1st	Daniel Yanes	7/6/20

3	David S Keith	1207 First St	David S Keith	7/9/20
4	Barbara A Leedy	113 13th Ave.	Barbara A. Leedy	7-9-20
5	Charles Blood	202 12th Ave	Charles Blood	7-9-20
6	DAVID Robertshert	120 13 Ave	David Keith	7-9-20
7	Denise Steel	120 13th Ave	Denise Steel	7-9-20
8	DR. P.D.C.	123 14th Ave	DAVID DESGHEIN	7-9-20
9	Maria Roque	123 14th Ave	Maria Roque	7-9-20
10	Lasano Alfonso	115 13 AVE		7/11/20
11	Silvia Gonzalez	115 13 Ave		7/11/20
12	Judy Berger	114 13th Ave.	Lucy Berger	7/13/20
13		112 13th AVE	JANE WROBEL	7/13/20
14		118 13th Ave	Franco Lumia	7/13/20
15	Alexandra Doman	126 11th Ave	Alexandra Doman	7/13/20
16	Gabriele Antoni	126 11th Ave	Gabriele Antoni	7/13/20
17	Karl F. Dietiker	1206 Bay Palm Blvd.	Karl F. Dietiker	7/13/20
18	Philip M. Wrobel	112 13th Ave	Philip M. Wrobel	7/13/20
19				
20				
21				

## TOPIC:

The property at 124 13<sup>th</sup> Avenue was constructed in 2005 by a contractor hired by an out of state owner. The physical distance between the two parties hindered communication between the two parties and ultimately resulted in a unique and non-optimal build which the current residents a) had no control over, b) have no reasonable avenue or opportunity to remedy, and c) are forced to work with as it relates to any property improvements. As an example, the home was built to minimal flood level code, but failed to meet the original owner's desire to exceed that code and build the structure higher so that vehicles could be parked under the structure, rather than have a single car garage constructed adjacent to the front yard and taking up additional yard space. To accommodate for the garage, the front door of the property was placed on 1<sup>st</sup> Avenue rather than on 13<sup>th</sup>, which is the currently designated address.

Additionally, when the current residents initially viewed the property for consideration to purchase, the back yard of the neighboring home located at 122 13<sup>th</sup> Avenue was split with fencing, dividing the back yard roughly in half and making it appear the fenced in portion which was only accessible from 124 13<sup>th</sup> Avenue conveyed with the sale of that property. All efforts to confirm property lines with the seller's realtor were unfruitful and that agent added pressure to move forward with the purchase by claiming a competing offer existed. However, the agent still refused to confirm the property lines. It was later discovered both adjacent properties were owned by the same out of state owner and the fence was installed in order to deceive potential buyers into thinking there was a backyard area which would convey with the sale of 124 13<sup>th</sup> Avenue (apparently sales had previously been lost because of the lack of yard space). After the current residents' offer was accepted and the home was under contract, efforts continued to seek confirmation of the property lines and a survey was scheduled. The survey revealed the fenced in property accessible only from 124 13<sup>th</sup> Avenue was not part of the lot and would not convey with the sale. Conversation was then initiated directly with the seller who indicated a "lifetime use variance" could be worked out for use of the back half of the yard belonging to his other property at 122 13<sup>th</sup> Avenue. After proceeding with closing on 124 13<sup>th</sup> Avenue, the seller then negated the "lifetime use variance" leaving the buyer without recourse and no clear space to build a pool. Consequently, consultations with various pool companies indicated the only reasonable space to build a pool was on the south end of the lot adjacent to 13<sup>th</sup> Avenue.

## ARGUE POINTS:

- There is no other place to build a pool due to the property hardship described above. The current owners had no power over the original construction of the home and were strung along and ultimately duped when purchasing the home.
- The front entrance of the home is located on 1<sup>st</sup> street rather than 13<sup>th</sup> Avenue; therefore, the land adjacent to 13<sup>th</sup> Avenue is viewed as a side yard. The request to build a pool in that location is for use of an area within the property lines of the home and does not encroach on city land. There exists precedent throughout the community where this portion of a yard has been used in similar ways by those owners.
- The construction of the pool will beautify the property and add the type charm the city is known for. The current residents take pride in maintaining their property and a pool addition will not result in any undue burden to the city for future development or be unsightly in any way.
- Though legal, a 4 foot fence does not provide sufficient privacy and further burdens the residents with additional costs, as well as greater responsibility to ensure safety on their property. A 6 foot fence would be more appropriate for the application and, as previously stated, the community has prior precedence in allowing 6 foot fences in the front yard of various residences. It would be unfair to have allowed other residents the privilege to build higher fencing in their front yard and claim that allowing the same at 124 13<sup>th</sup> Avenue would confer special privileges to the owners at this address.



## Letters of Support For Request

### 1. Mr. & Mrs. Daniel & Brenda Yanes (1213 1<sup>st</sup> Street)

July 4, 2020

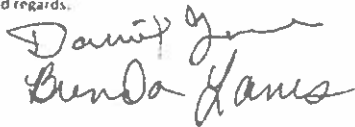
Daniel & Brenda Yanes  
1213 1<sup>st</sup> Street  
Indian Rocks beach, FL 33785

Dear Commissioners of Indian Rocks Beach,

In response to the prior notice received from the Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, we, the undersigned owners of the property located at 1213 1<sup>st</sup> Street in Indian Rocks Beach, submit this letter in support of the variance request from our neighbors located at 124 13<sup>th</sup> Ave., Indian Rocks Beach (variance request of 17.5 feet into the required 25.0 foot front yard setback, resulting in a total front yard setback of 7.5 feet, to allow for new pool, for the property located at 124 13<sup>th</sup> Avenue, Indian Rocks Beach Florida, and legally described as Indian Beach Re Revised 1<sup>st</sup> Addition, Block 78, lot 11 & 2nd alley adj on North Parcel #01-30-14-47048-078-0110). We believe the request is for reasonable use of their property and have no objection to the planned request, including a desired revision in plan to install a 6 foot fence around the pool area.

We live directly across the street and have an elevated, completely unobstructed view of our neighbor's yard. We are certain that the addition of a pool will not result in an eyesore and that the yard, and any additional alterations, will be well maintained and serve to beautify our street. We'd further like to add that we appreciate the kept hedges that our neighbors have maintained since moving in and have noted that their yard is always finely manicured. We look forward to the planned pool installation and believe it will serve as yet another welcome improvement, as well as add an attractive landmark which we are certain will be extremely well cared for and cause no burden in any way, shape or form to our city.

Kind regards,



### 2. Mr. & Mrs. David & Sarika Alley residing at 122 13<sup>th</sup> Avenue)

July 12, 2020

David & Sarika Alley  
122 13<sup>th</sup> Avenue  
Indian Rocks beach, FL 33785

Dear Commissioners of Indian Rocks Beach and interested parties,

We are writing in support of our next-door neighbor's request to build a pool at 123 13<sup>th</sup> Avenue. We received prior notice from the Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, and therefore submit this letter in support of the variance request submitted by our neighbors. We do not perceive any future issue with approval of the build and believe the request is reasonable. As immediate neighbors, we have no objection to the planned request as illustrated to us in person.

Please note that we appreciate the time and care our neighbors dedicate to their property and are certain this will be a welcome addition to our street which will be very well cared for and maintained. Our neighbors have always been quiet and considerate and we are aware of the previous hardship they encountered when purchasing their home. As such, we support their desire to install a pool in the only reasonable area available to them since it will do nothing but improve the address and cause no undue burden to us or the city.

Sincerely,



July 4, 2020

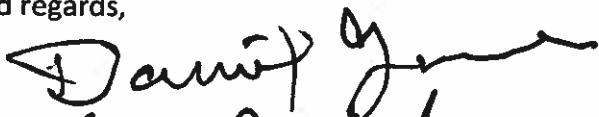
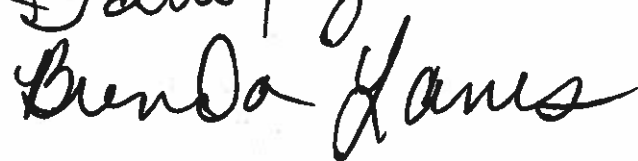
Daniel & Brenda Yanes  
1213 1<sup>st</sup> Street  
Indian Rocks beach, FL 33785

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Kind regards,

July 12, 2020

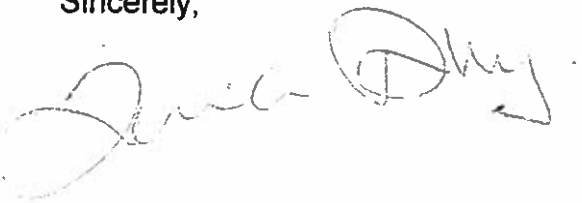
David & Sarika Alley  
122 13<sup>th</sup> Avenue  
Indian Rocks beach, FL 33785

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Please note that we appreciate the time and care our neighbors dedicate to their property and are certain this will be a welcome addition to our street which will be very well cared for and maintained. Our neighbors have always been quiet and considerate and we are aware of the previous hardship they encountered when purchasing their home. As such, we support their desire to install a pool in the only reasonable area available to them since it will do nothing but improve the address and cause no undue burden to us or the city.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarika Alley". The signature is written in dark ink and is positioned below the word "Sincerely,".

## Conclusion

The special conditions pertaining to the property at 124 13<sup>th</sup> Avenue were not created by the current homeowners. As such, and with consideration of established precedence, granting approval of the variance to build:

- Will not confer any special privileges to the applicants (other owners have been permitted to build similar structures in our zoning district)
- Will not deprive other owners and our neighbors use or enjoyment of their properties
- Will not be injurious to the area involved or be considered otherwise detrimental to the public welfare

### Additional Points:

- The City provided no indication there would be an issue to build in that area (approval from City to remove trees for pool)
- The current owners had no power over the original construction of the home and were strung along and ultimately duped when purchasing the home, leaving them with no alternate space to build a pool.
- The request to build a pool in the described location is for use of an area within the property lines of the home and does not encroach on city land.
- There exists precedent within the community were this portion of a front yard space has been used in similar ways by corresponding owners.
- The pool addition will not result in any undue burden to the city for future development or be unsightly in any way.

**Thank you, Commissioners, for your time!**

**AGENDA ITEM NO. 7**

**OTHER LEGISLATIVE MATTERS**

**NONE**

**AGENDA ITEM NO. 8**

**WORK SESSION ITEMS**

**NONE**

**AGENDA ITEM NO. 9**

**OTHER BUSINESS:**

**NONE**

**AGENDA ITEM NO. 10**  
**ADJOURNMENT.**