

MINUTES — JULY 14, 2020
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, JULY 14, 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.

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

OTHERS PRESENT: City Manager Brently Gregg Mims, City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC.

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

1A. Pinellas County Sheriff's Office. (Written report submitted)

The Pinellas County Sheriff's Office (PCSO) submitted written Crime Analysis Report for the month of June 2020 for the City of Indian Rocks Beach.

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

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.

2. PUBLIC COMMENTS.

Kelly Cisarik, 448 Harbor Drive South, complimented the City on administrating the City's fireworks ordinance.

Ms. Cisarik made the following commentary on Resolution No. 2020-07, creating a Best Practices Guide for Communications Media Technology Virtual and Telephonic Meetings, Consent Agenda Item No. 5B:

- She would like to hear the City Commission and members of the public weigh in on the matter.
- Stated the City is headed in the right direction with this resolution in its approach to virtual meetings by allowing the public to be able to phone in their public comments.
- Public comments via phone are a better option than online participation, but with several caveats. First, two phones will be needed, so the second caller can get through when controversial items are discussed. Second, public comments need to be accepted on each agenda item after it is discussed. It is not sufficient to have a single comment period at the beginning of the meeting to cover all agenda items. That is how she currently reads the resolution, and if that is the current plan, she does not think it is Sunshine Law-friendly.
- The public comment period should be permitted at the end of each agenda for any agenda or non-agenda item, so no one's comments are missed due to busy phone lines or technical mishaps. Previously, the public comment period used to be at the end of each agenda. It is appropriate to renew that policy, at least temporarily, until the City goes to in-person meetings full-time again.

Phil Wrobel, 112-13th Avenue, thanked the City for their parking efforts. He stated the public needs the signs to be dumbed down a little — "No Parking On This Side of the Street". He does not recommend doing away with street parking altogether.

Mr. Wrobel stated the City did a great job of controlling the fireworks. He went out to the beach, and it was not wall-to-wall people.

Stanley McFarland, 212 20th Avenue, stated he had received calls from some friends and neighbors who all favor the appropriate use of their properties for rental purposes. But this Airbnb thing is out of hand. There is a duplex down off 1st Street and 24th Avenue that is being converted into a four-plex without permits and will be turned into an Airbnb.

Mr. McFarland stated he has occupancy concerns. They are renting two-bedroom, one-bath homes to 10 people. There is rental behind him on Bay Boulevard that plays loud music, party day and night, creates a lot of garbage.

Francesco (LNU), 2407 Bay Boulevard, stated he understands that the City has done away with the City's Building Department. He has noticed much more construction going during the weekends. He believes people are aware that the City no longer has a Building Department, and people are taking that for granted that they can turn a duplex into a four-plex.

Francesco (LNU) stated that when there are ten occupants renting a 2-bedroom, 1-bathroom house in this time of a pandemic and they are from out-of-state, they jeopardize the residents of IRB. The occupants are loud, party day and night, produce a lot of garbage, and it is a free for all.

Francesco (LNU) wants more oversight by the City on short-term rentals.

Francesco (LNU) stated he lives near the Joog Squad (YouTube sensation), and at any given weekend, there are a hundred kids parked around his house and partying on the beach. The group is disrespectful, and when they leave for the day, they leave their garbage in the street.

Maria Wodzinski, 2401-1st Street, stated her concerns about a short-term duplex rental at 1st Street and 23rd Avenue. She stated they park everywhere, party all the time, play loud noise and garbage overflowing, and express concerns about the number of occupants. She stated the owner should be responsible and should be fined.

Ms. Wodzinski stated a tree covers the Duke Energy Street light at 24th Avenue and 1st Street, and the light is not working.

Richard Wodzinski, 2401-1st Street, stated they are remodeling a house at 23rd Avenue and 1st Street into a duplex.

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

3B. REPORTS OF THE CITY MANAGER:

**CITY MANAGER REPORT
Brently Gregg Mims
July 14, 2020**

- **Upcoming meetings:**

July 21, 2020 @ 4:00 P.M. — FY 2020-21 Budget Work Session.

July 21, 2020 @ 7:00 P.M. — City Commission Meeting to Set Tentative Millage Rate.

July 23, 2020 @ 1:00 P.M. — 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.

August 11, 2020 @ 4:00 P.M. — 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.

August 11, 2020 @ 7:00 P.M. — Regular City Commission Meeting.

Penny IV Gulf Boulevard Allocation: The City has been tentatively allocated \$5,696,867 for the next phase of undergrounding utilities along Gulf Boulevard. More details to follow.

Covid-19 Related expenses: The City has expended approximately \$25,000 in Covid-19 related expenses. Currently, the City has access to three different funding sources to cover some or all these costs.

Fireworks – 4th of July 2020: PSFRD/PCSO/City of Indian Rocks Beach effort. Four additional deputies, IRB Code Enforcement, Public Services Staff, personnel from the PSFRD, 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.

3C. REPORTS OF THE CITY COMMISSION:

VICE MAYOR-COMMISSIONER 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 P.M. or so I called the PCSO Communications 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 Communications 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 underage 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 Boulevard, and more have been reported, as well as witnessed

by me. I still see underage 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.

COMMISSIONER FLAGG:

**MONTHLY REPORT FROM COMMISSIONER FLAGG
FOR CITY COMMISSION 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 23rd, between 1 and 4 P.M., 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 restrictions, 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 work session to contribute to the discussions.

Your input is very valued, and we hope to have your participation.

Thank you, Commissioner Diane Flagg

CITY COMMISSION REMARKS TO CITIZEN COMMENTS:

COMMISSIONER HOOFNAGLE:

Commissioner Hoofnagle stated that outsourcing the building permit process did not change the City's Building Codes, and it did not change the City's code enforcement capabilities. In many cases, inspections were done by Pinellas County anyway. Construction that is happening without a permit is still under the City's purview, and a phone call placed to the City Manager, or Code Enforcement, is the right way to voice that so that it can be addressed. The City takes it very seriously as a City. It is not something that is outsourced and should be looked into; it just has to be reported to the City .

Commissioner Hoofnagle stated quality of life issues that arise on the short-term rentals are also under the Code Enforcement purview of the City. If it is a noise complaint, the Pinellas County Sheriff's Office should be called.

Commissioner Hoofnagle stated the City does not have the ability to regulate short-term rentals, the State has taken that capability away from municipalities.

Commissioner Hoofnagle stated he understands, and he thinks everyone else empathizes with what the public is saying. In fact, everyone's lifestyles are being impacted by these short-term rentals. As a municipality, the City does not have the legal authority to do anything besides the enforcement of the garbage code, noise code, and in the future, parking code. He stated that when it comes to certain ordinances (codes), the City uses the sheriff's office to enforce them, especially during weekends and off-hours.

MAYOR-COMMISSIONER KENNEDY:

Mayor-Commissioner Kennedy stated the public does have the ability to write to the Florida Legislature to express their concerns regarding short-term rentals. She recommended that the public write to Congressman Nick DiCeglie, who represents the City, is a resident of the City, and serves on a committee dealing with short-term rentals.

Mayor-Commissioner Kennedy stated any changes to the short-term rental bill would have to be made through the Florida Legislature at this time.

CITY ATTORNEY MORA:

City Attorney Mora stated the City sympathizes with the frustrations that property owners are encountering. The City does not mean to minimize or invalidate that. There are legal limits of what the City can do. That said, the issue of short-term rentals in Indian Rocks Beach has been analyzed, discussed, considered, and followed over the last three to four years culminating in an ordinance that is facilitating the ability of the City to track, monitor, and know who to hold accountable on a property by property basis.

Mr. McFarland asked if the City had control over zoning with short-term rentals.

City Attorney Mora responded in the negative and stated the City cannot restrict the operation of short-term rentals at this point.

Mayor-Commissioner Kennedy stated the State had preempted the City from regulating frequency, duration, and prohibition of short-term rentals.

COMMISSIONER FLAGG:

Commissioner Flagg stated short-term rental licensing is handled through the State of Florida, Department of Business and Professional Regulations, and asked if there was an avenue where complaints could be called in or sent in regarding any disturbances or infractions concerning short-term rentals.

City Attorney Mora stated on their website, there are instructions on how to file a complaint concerning short-term rentals.

City Attorney Mora stated that if there is someone having a short-term rental problem, they can also call the City or the sheriff's office.

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

City Attorney Mora read the Consent Agenda, consisting of Agenda Item Nos. 5A through 5C, by title on.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5C. UNANIMOUS APPROVAL BY ACCLAMATION.

Commissioner Hoofnagle thanked the citizen who brought up the concern about Resolution No. 2020-07, Best Practice Guide for Communications Media Technology. He stated he believes it sets a template, and he does not think it changes Roberts Rules or in anyway be ordering of public commentary. He stated any of those concerns that may have been raised, he is one hundred percent confident that the City Commission can address those in the implementation of it.

- 6A. **BOA CASE NO. 2020-04 — 124-13th 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 124-13th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 1st Addition, Block 78, Lot 11 & S ½ vac alley adj North. Parcel # 01-30-14-42048-078-0110.

[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 124-13th Avenue.

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

BOARD OF ADJUSTMENTS AND APPEALS 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
Property Location: 124-13th 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 and Jorge L. Blassino are requesting a variance of 17.5 feet of the required 25 feet front yard setback to allow for a pool.

This house address is off of 13th Avenue, but the house actually faces 1st Street. The required front yard setback of 25 feet is on the 13th Avenue side. They are requesting to locate the pool in the front yard setback along 13th 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 30, 2020, per Code Section 2-149.

Pursuant to a legal notice published in the July 1, 2020-edition, of the St. Pete Times Section of the *Tampa Bay Times*, a public hearing has been scheduled on July 14, 2020, for BOA Case No. 2020-04.

[End of Staffing Report.]

City Attorney Mora read Agenda Item No. 6A/BOA Case No. 2020-04 by title only and stated that this was a quasi-judicial proceeding.

City Attorney Mora inquired of the City Commission if any of them had any ex-parte communications with the applicant, with Commissioner McCall responding he received a text from the applicant inquiring how many handouts he would need for the City Commission Meeting.

City Attorney Mora asked Commissioner McCall if he felt that his text in anyway impaired his ability to impartially adjudicate this matter, with Commissioner McCall responding in the negative.

City Attorney Mora inquired of the City Commission if any of them had done a site visit for the limited purpose of evaluating this case, with all Members responding in the negative.

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

City Manager Mims presented BOA Case No. 2020-04. He stated the applicants are requesting a variance 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 on the property located at 124-13th Avenue.

City Manager Mims stated the house address is off of 13th Avenue, but the house faces 1st Street. The required front yard setback of 25 feet is on the 13th Avenue side. They are requesting to locate the pool in the front yard setback along 13th Avenue, even though it appears as the side yard of the house.

City Manager Mims stated the property is unique in that the front door faces 1st Street and the mailbox and address is on 13th Avenue.

The Board of Adjustments and Appeals recommended denial to the City Commission by a vote of 3 to 1.

Jorge Blassino, 124-13th Avenue, applicant, distributed a handout presentation entitled "*Variance Approval Request, 124-13th Avenue, Indian Rocks Beach, FL 33785*" to the City Commission and thereafter reviewed the document page by page.

Mr. Blassino stated he is requesting a variance for an in-ground pool and an accompanying legal barrier surrounding the pool, as well as the addition of landscaping.

Mr. Blassino provided a brief history of the property from construction, and explained the events leading to the hardship.

Mr. Blassino stated his property 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 related 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 1st Street rather than on 13th Avenue, which is the currently designated address.

Mr. Blassino reviewed the following photographs:

- A boundary survey and satellite view of the property illustrated how 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.
- A picture showing the permanent fencing installed by the original owner (i.e. the seller) in the backyard of 122-13th Avenue, which was intended to designate the area enclosed toward the front of the picture for the property at 124-13th Avenue (this is the portion of the yard that was misrepresented as conveying with the sale of 124-13th Avenue). As intended by the seller's realtor, 124-13th Avenue was under contract before it was confirmed that fenced in property would not convey with the sale. Later, the owner of 122-13th Avenue, who was also the owner/seller of 124-13th Avenue, claimed a "lifetime usage variance" would be considered if the purchase of 124-13th Avenue went forward. That offer was then rescinded once the sale went through.
- A picture showing the front entrance to the home, which is located on 1st Street.
- A picture showing the view from 13th Avenue near 1st Street. 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 previously approved the removal of the trees specifically to make room for a pool. A trench was built to rerouted and the electrical meter was relocated to be in compliance with the Code with respect to the planned pool, and the lawn irrigation system work was completed to temporarily reroute water pipes.
- A picture showing a rough sketch of the pool design pending approval. The pool to be built would be within the property lines and not encroaching on the City's property or hinder any future development in any way.
- A petition with 18 names of property owners who live there full-time within 150 feet of his property approving his request to have a pool built on his property.

Mr. Blassino brought up other corner lots that have pools in their front yards.

City Attorney Mora stated for the purposes of the City Commission's analysis, what has been done at other properties is not competent, substantial evidence of the factors for this case.

Mayor-Commissioner Kennedy opened the public hearing.

David Greiner, Platinum Pools & Spas, 104 Seacrest Drive, Largo, Florida, applicants' pool contractor, stated when he first applied for the variance, he was provided with misinformation concerning the front and side yard setbacks. He was advised that 1st Street was the front of the house, and then he was advised that 13th Avenue was the front of the house.

Mr. Greiner stated his traditional build time is 8 to 10 weeks. He will put up an orange safety fence to keep all the construction packed into the yard, daily sweeps of the street will be done every day, and will keep the area very clean.

Mr. Greiner stated for safety reasons, instead of a four and a half foot safety fence, there will be a baby gate all around the outside perimeter of the pavers, which will be much safer and it is 42 inches tall.

Phil Wrobel, 112-13th 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 out of state, and the builder.

Mr. Wrobel stated the house was advertised as an "L" shaped lot, and Mr. Blassino did try to do his due diligence.

Alex Dorman, 126-11th Avenue, spoke in support of the variance. She stated the pools in the area are gorgeous and help beautify the area. The pool and landscaping will also increase the property value for that house.

Mr. Blassino stated Indian Rocks Beach has a variety of homes from a small house to beautiful multimillion homes. Everyone is unique, nothing is the same, and what he is asking to do will add to the charm of this community and what everyone prides themselves in. There is no other community like Indian Rocks Beach.

MOTION MADE BY COMMISSIONER MC CALL, SECONDED BY COMMISSIONER HOOFNAGLE, TO APPROVE BOA CASE NO, 2020-04, 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 124-13TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND

LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 1ST ADDITION, BLOCK 78, LOT 11 & S ½ VAC ALLEY ADJ NORTH. PARCEL # 01-30-14-42048-078-0110.

Commissioner McCall stated this is a private home and does not see any detriments in improving the property.

Commissioner Hoofnagle asked what is the setback on the legal front yard (13th Avenue). Because on the drawing, it looks like 14.1 feet, but in the staffing report it states there is a 25-foot setback.

City Manager Mims stated it is 25 feet.

Commissioner Flagg asked how far from the street will the pool be, with Mr. Greiner responding the pool 7.5 feet from the property line, and approximately 22 feet from 13th Avenue, and then there is 14 feet of City right-of-way from the street to their property line.

Commissioner Flagg asked about the amount of green space, with Mr. Greiner responding that there will be 42% after the job is completed and 35% is required.

ROLL CALL VOTE:

AYES: HANNA, FLAGG, MC CALL

NAYS: HOOFNAGLE, KENNEDY

Commissioner Flagg confirmed that Commissioner Hoofnagle seconded the motion.

Commissioner Hoofnagle confirmed that he did second the motion so that the City Commission could have the discussion. He did not have the chance to comment as the seconder of the motion. He asked a question. He feels the survey is clear. Regardless of what the real estate said. He feels that the structure could not have been built if it were not put on the wrong side. It is unfortunate that the house is oriented they way it is, but the survey is clear and the staff and the Board of Adjustments and Appeals have recommended to deny based on that and he is concurring with them.

MOTION CARRIED BY A VOTE OF 3 TO 2.

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

MOTION MADE BY COMMISSIONER MC CALL, SECONDED BY COMMISSIONER HOOFNAGLE, TO ADJOURN THE MEETING AT 8:10 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

August 11, 2020

Date Approved

/DOR