

**Board of Adjustments and Appeals  
Tuesday, October 19, 2021  
@ 6:00 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  
727/596-4759 (Fax)

Library  
727/596-1822

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

## AGENDA

**CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS  
TUESDAY, OCTOBER 19, 2021 @ 6:00 P.M.  
CITY COMMISSION CHAMBERS  
1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785**

---

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES:       AUGUST 17, 2021**
4. **BOA CASE NO. 2021-11 — 110-14<sup>TH</sup> AVENUE**  
Owner/Applicant:     Robert Kirk Park III  
Subject Location:     110-14<sup>th</sup> Avenue, Indian Rocks Beach, Florida  
Legal Description:    Indian Beach Re-Revised, Block 29, Lot 5.  
Parcel #:             01-30-14-42030-029-0050  
Variance Request:    A variance request from Section 110-131(1)(f.)(1) of Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of the existing porch and garage on the front of the house.
5. **BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE**  
Owner/Applicant:     Chris & Lydia Tremble  
Subject Location:     381 LaHacienda Drive, Indian Rocks Beach, Florida  
Legal Description:    LaHacienda 1<sup>st</sup> Addition, Lot 56 and part of Water Lot C in front.  
Parcel #:             07-30-15-47394-000-0560.  
Variance Request:    A variance request from Section 110-131(1)(f.)(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house.
6. **OTHER BUSINESS.**

## **7. ADJOURNMENT.**

---

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

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

POSTED: October 15, 2021

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

**AGENDA ITEM NO. 2  
ROLL CALL**

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

**MINUTES — AUGUST 17, 2021  
CITY OF INDIAN ROCKS BEACH  
BOARD OF ADJUSTMENTS AND APPEALS**

---

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, AUGUST 17, 2021**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

**1. CALL TO ORDER.** Chair DeVore called the meeting to order at 6:00 p.m.

**2. ROLL CALL:**

**PRESENT:** Chair Stewart DeVore, Vice-Chair David Watt, Board Member Jim Labadie, and 1<sup>st</sup> Alternate Board Member Michael A. Campbell.

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

**VACANT POSITION:** 2<sup>nd</sup> Alternate Board Member.

**ABSENT:** Board Member Rick Alvarez and Board Member Waldemar H. Clark, Jr.

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

City Clerk O'Reilly introduced and welcomed Member Campbell to the Board of Adjustments and Appeals.

**3. APPROVAL OF MINUTES: JULY 13, 2021**

***MOTION MADE BY VICE-CHAIR WATT, SECONDED BY MEMBER LABADIE, TO APPROVE THE JULY 13, 2021 BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES. UNANIMOUS APPROVAL BY ACCLAMATION.***

City Attorney Mora stated all BOA Cases before the Board are quasi-judicial in nature. In a quasi-judicial hearing, the Board is not making the law, but rather applying the law or criteria to the facts and evidence put before the Board this evening in the form of the agenda materials and any testimony the Board may hear this evening.

**4. BOA CASE NO. 2021-07 — 2204 GULF BOULEVARD**

**Owner/Applicant: Andrew Thompson**

**Representative: Jason Schaller, The Schaller Group**

**Subject Location: 2204 Gulf Boulevard, Indian Rocks Beach, Florida**

**Legal Description: Indian Beach Re- Revised, Block 47, Lot 3 & part of vacated Beach Drive adjacent on the West & West 1/2 of vacated 10**

foot alley Beach Trail adjacent on the East per O.R. 18911/1925.

**Parcel #:** 01-30-14-42030-047-0030

**Variance Request:** A variance request from Section 110-290(2)(a.)(1.) of the Code of Ordinances to allow for a 4-foot high fence that is less than 50 percent open in the front yard setback.

*[Beginning of Staffing Report]*

**SUBJECT: BOA CASE NO. 2021-07:** Variance request from Section 110-290 (2)(a.)(1.) of the Code of Ordinances to allow for a 4-foot-high fence that is less than 50 percent open in the front yard setback for property located at 2204 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Visited, Block 47, Lot 3 & part of vacated Beach Drive adjacent on the West & West 1/2 of vacated 10 foot alley Beach Trail adjacent on the East per O.R. 18911/1925. Parcel # 01-30-14-42030-047-0030.

**OWNER:** Andrew & Marcia Thompson  
**PROPERTY LOCATION:** 2204 Gulf Boulevard  
**ZONING:** CT-Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Vacant	P1
South	Residential	CT
West	Gulf	N/A

**BACKGROUND:**

Andrew and Marcia Thompson are requesting a variance for a 4-foot solid fence along the front property line. Section 110-290 (2)( a.)(1.) of the Code of Ordinance requires that a 4-foot fence be 50% open. The applicant constructed the fence in violation of the City Code and without the required permit. The applicant's sole reason for requesting the variance is that it is alleged that pedestrians peer through the windows. If this situation exist other methods could enhance privacy including landscaping. The illegally constructed fence does not block the view to the front of building and does not accomplish the goal of the applicant to provide privacy to the front of the building.

**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 structure was built in 1952 prior to the current zoning regulations and the building is located 10.2 feet from the front property line.
- b. The special conditions and circumstances do not result from the actions of the applicant. The applicant did not create any special conditions or circumstances.
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. Granting the variance would confer special privileges to the applicant.
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. The approval of this variance request would not deprive other owners of use and enjoyment of their properties.
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. This is the minimum variance to allow the owner to construct the 4-foot-high solid fence.
- 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 would not be in harmony with the general intent and purpose of subpart B.

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

**NOTICE:** Pursuit to Section 2-149 of the Code of Ordinance a 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 August 2, 2021.

**CORRESPONDENCE:** No correspondence received.

*[End of Staffing Report.]*

City Attorney Mora read the title only of Agenda Item No. 4, BOA Case No. 2021-07, 2204 Gulf Boulevard.

City Attorney Mora inquired of the members if they 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 DeVore responding in the affirmative.

City Attorney Mora inquired if Chair DeVore felt that his visit in any way impaired his ability to impartially adjudicate this matter, with Chair DeVore responding in the negative.

Chair DeVore stated the nature of his visit was to determine the fence's location to Gulf Boulevard and stated the site visit was about 5 minutes long.

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

City Attorney Mora stated this is an advisory board meeting. The Board of Adjustments and Appeals (BOAA) decision will not be binding, but it will be a recommendation to the City Commission.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-290(2) (a.) (1.) of the Code of Ordinances to allow for a 4-foot-high fence that is less than 50 percent open in the front yard setback, for the property located at 2204 Gulf Boulevard.

Planning Consultant Harmon presented a PowerPoint Presentation showing aerial views of the property, a survey, a photo before the fence installation, photos of current the fence installation with and without the green creeping fig ivy. The green creeping fig ivy is 3 feet up the fence.

Planning Consultant Harmon stated the house was built in the 1950s. There is approximately 10 feet from the front of the house to the property line.

Planning Consultant Harmon stated the fence was erected without a permit, and the pillars or posts are 63 inches high, which is not allowed either. She explained that there could be a small architectural feature, like a ball. The pillars cannot be this high because of the clear vision triangle. For example, with the pillars being at this height, it could be quite dangerous for a person that does not have a large vehicle or truck pulling out of the driveway.

Planning Consultant Harmon explained the City Code allows for a solid 3-foot-high fence or a 4-foot-high open fence.

Planning Consultant Harmon stated staff recommends denial, and the applicant needs to conform with the City Code. The reason for the variance was to block the front windows from pedestrians walking along Gulf Boulevard and looking into the front windows. However, it does not serve the purpose as the house is so close to Gulf Boulevard. She stated there is landscaping in front of most residences fronting Gulf Boulevard to provide privacy, block noise, and prevent pedestrian traffic from disturbing guests.

**Jason Schaller, The Schaller Group, 780 Cherry Street, #3, Winter Park,** stated he is the project's designer. The Thompsons hired him to help design a solution for the front of this residence that would help with cosmetics, pedestrian traffic, and noise issues because of its proximity to Gulf Boulevard. The property is a licensed vacation rental home in Indian Rocks Beach. He explained it is a beautiful piece of property, and people are peering

through the front windows, walking on the property, and looking in when guests are staying. The design was to curb some of the noise from the street traffic and stop some of the pedestrians from walking and peering through the front windows.

Mr. Schaller stated he was not aware that the pillars violated the City Code and said when he spoke with the Code Enforcement Officer, he was advised that those would be considered architectural elements and were not considered part of the fence.

Mr. Schaller stated the fence is made of wood, and the ivy is a false creeping fig ivy seen in several restaurants.

Mr. Schaller stated when the Thompsons purchased the property, they made improvements and alternations instead of demolishing the residence to build condos. They have improved the property and received a historic preservation award. They have maintained the property and have kept its 1950s charm.

Member Campbell inquired who built the fence and was he a licensed contractor in Indian Rocks Beach.

Mr. Schaller stated it was a contractor. He said there is a lot of building going on around Florida, and there are some municipalities where permits are not required for fences.

Member Campbell stated a split rail fence would keep pedestrians out just as well, and what the applicant wants is to keep people from coming from the sidewalk onto the property. He failed to even see a plausible necessity for this variance in any way, and can Mr. Schaller explain the necessity for that fence.

Mr. Schaller stated it is for aesthetics.

Member Campbell stated that is not a valid ground for a variance.

Vice-Mayor Watt asked if the applicant has considered lowering the fence to meet City Code.

Chair DeVore asked if there was any consideration to plant trees, like fishtail palms, that are not shrubs, creating additional privacy because most people can see over a 3 or 4-foot fence.

City Attorney Mora opened the public comments for this agenda item.

**Barry Eagle, 2200 Gulf Boulevard**, how is the creeping fig ivy attached to the Scopello's block wall.

Mr. Schaller responded with a short tap contact screw.

**Andrew Thompson, 2204 Gulf Boulevard, owner/applicant**, stated he has done nothing but improved the residence, making it look better. He said he received an award for

preservation. He improved the property instead of selling it to developers for high-rise condos. He was not trying to pull anything over on the City. He stated he does his best to preserve the integrity of how his residence would look back in the 1940s when Indian Rocks Beach was all houses. He has done nothing but try to do the right thing and have a nice place for people to stay. He stated the property is rented out as a compound and would like to provide more privacy for his guests.

City Attorney Mora closed public comments for this agenda item.

Mr. Schaller thanked the Board for their consideration. He understands opinions, but as Mr. Thompson reiterated, they were not trying to hide anything from the City.

Member Campbell stated the fence does not even provide the privacy that the applicant is seeking for the front of the house.

Chair DeVore stated that was his thought as well. He said there are other ways to augment privacy.

**MOTION MADE BY VICE-MAYOR WATT, SECONDED BY MEMBER LABADIE TO RECOMMEND TO THE CITY COMMISSION DENIAL OF BOA CASE NO. 2021-07, A VARIANCE FROM SECTION 110-290 (2)(a.)(1.) OF THE CODE OF ORDINANCE TO ALLOW FOR A 4-FOOT-HIGH FENCE THAT IS LESS THAN 50 PERCENT OPEN IN THE FRONT YARD SETBACK, FOR PROPERTY LOCATED AT 2204 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED, BLOCK 47, LOT 3 & PART OF VACATED BEACH DRIVE ADJACENT ON THE WEST & WEST 1/2 OF VACATED 10 FEET ALLEY BEACH TRAIL ADJACENT ON THE EAST PER O.R. 18911/1925.**

**ROLL CALL VOTE:**

**AYES: CAMPBELL, LABADIE, WATT, DEVORE.**

**NAYS: NONE**

**ABSENT: ALVAREZ, CLARK**

**MOTION TO DENY PASSED BY A VOTE OF 4 TO 0.**

**5. BOA CASE NO. 2021-08 — 351 12<sup>TH</sup> AVENUE**

**Owner/Applicant: Patricia Jordan**

**Representative: Joe Place, Enterprise Marine**

**Subject Location: 351 12<sup>th</sup> Avenue, Indian Rocks Beach, Florida**

**Legal Description: Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 13 (See Map S06-30-15)**

**Parcel #: 06-30-15-42066-089-0130.**

**Variance Request: A variance request from Section 94-86 (a)(1) of the Code of Ordinances to allow for a dock facility to exceed the 50-foot length from the seawall by 22 feet 4 inches and to**

**allow a variance of 11 feet 4 inches into side yard setback leaving a side yard setback of 8 inches.**

*[Beginning of Staffing Report]*

**SUBJECT: BOA CASE NO. 2021-08:** Variance requests from Section 94-86 (a)(1) of the Code of Ordinances to allow for a dock facility to exceed the 50-foot length from the seawall by 22 feet 4 inches and to allow a variance of 11 feet 4 inches into side yard setback leaving a side yard setback of 8 inches, for the property located at 351-12<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0130.

**OWNER:** Patricia Jordan  
**PROPERTY LOCATION:** 351-12<sup>th</sup> Avenue  
**ZONING:** S- Single Family

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

**BACKGROUND:**

Patricia Jordan is requesting variances for the length and side yard setback of the dock. In February 2020 the City granted a variance for the dock to exceed the 50 feet length by 6 feet and encroach into the required 12-foot side yard setback by 11 feet 4 inches leaving an 8-inch distance between the boat lift and the side property line extended. The dock has been installed and due to the height of the dock, which is required to be located 5 feet above the seagrass and the low water levels the dock is unusable. As a result, the applicant is requesting to extend the dock length by 22 feet 4 inches above the 50 feet requirement to be able to use the dock and boat lift.

**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 property is located in an area that has mangroves and seagrass and is not typical to most other properties in the City.

- b. The special conditions and circumstances do not result from the actions of the applicant. The applicant did not create any special conditions or circumstances.
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. Granting the variance would not confer special privileges to the applicant, it would allow for the dock and boat lift to be constructed and utilized.
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. The approval of this variance request would not deprive other owners of use and enjoyment of their properties.
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. This is the minimum variance to allow the owner to use the dock and boat lift.
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. Granting the variance will be in harmony with the general intent and purpose of subpart B.

**STAFF RECOMMENDATION:** Based on the variance review criteria of Section 2-152 of the Code of Ordinance staff recommends approval of the request.

**NOTICE:** Pursuit to Section 2-149 of the Code of Ordinance a 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 August 2, 2021.

**CORRESPONDENCE.** No correspondence was received.

*[End of Staffing Report]*

City Attorney Mora read by title only Agenda Item No. 5, BOA Case No. 2021-08, 351-12<sup>th</sup> Avenue.

City Attorney Mora inquired of the members if they 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 all members responding in the negative.

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

Planning Consultant Harmon stated on February 18, 2020, the City Commission granted variances for a dock to exceed the maximum 50-foot length by 6 feet and to encroach into the required 12-foot side yard setback by 11 feet 4 inches.

Planning Consultant Harmon stated the dock had been built. However, due to low water levels at 56 feet, the dock is unusable. The applicant is requesting to extend the dock length by an additional 16 feet for a total dock length of 72 feet 4 inches.

Planning Consultant Harmon presented a PowerPoint Presentation showing aerial views of the property, which depicts the seagrass, mangroves, build-up of sand, how shallow the water is at 32 feet, and beach shore, a photo of the applicant, Mr. Jordan, at low tide, the dock plan, and the dock profile.

Planning Consultant Harmon stated dredging had been discussed, but it would probably all fill in again if this area were dredged because of the strong currents.

Member Campbell clarified that the side setback and 56-foot dock length variances have already been granted. Therefore, the Board is only considering the additional 16-foot dock length extension.

Member Campbell asked when did the property come into the current owners' possession.

Planning Consultant Harmon stated the property came into the new owners' possession approximately two and half years ago. The applicants have been constructing their residence for the past two years. It was a vacant lot when it was purchased.

Member Campbell asked was the sand, seagrass, mangroves, and depth where it is now?

Planning Consultant Harmon stated she does not think it has changed.

Member Campbell stated there was not some other dock that made it more usable for a bigger boat in the historical past or anything.

Planning Consultant Harmon stated she is not aware of any other dock being there. It was a vacant lot.

Mr. Watt stated he does not understand the height issue, but he does understand the water depth issue.

**Joe Place, Enterprise Marine, 8165 46th Avenue North, St. Peterburg, appearing on behalf of the property owner/applicant, Patricia Jordan, 351-12<sup>th</sup> Avenue, stated the height of the dock is not the issue. The dock had to be raised because of government intervention, the Army Corps of Engineers and Pinellas County, wanting the sun to reach the seagrass, and that is why the dock was raised. There is a requirement that docks be raised 5 feet above the mean high water over the seagrass.**

Mr. Place stated the issue is the water depth. Now that the dock is built, he can see where the water depths are and was able to take more exact measurements. As depicted in the picture, he stated that the applicant, Mr. Jordan, is standing in water up to his knees where the boat lift is located.

Mr. Place stated for the applicant to utilize their boat lift, the dock length would need to extend out 16 feet more for a total dock length of 72 feet 4 inches.

Mr. Place stated in the Planning Consultant's photos that there is a photo that shows the sandbars, seagrass, and how the sand is built up in this inlet.

Mr. Place stated this is a natural environmental area, and if it were to be dredged, it would fill back in. It would just follow the natural slope coming back in.

Member Watt asked what time was the picture taken with the applicant in the water.

Mr. Place stated he was not there when it was taken. He does not honestly have an answer.

Member Watt asked if the applicant is trying to get usable water at the dock at all times. He stated he has a boat, and when there is low tide, he cannot use his boat lift. He said if he is out boating, he can tie off his boat to his dock but has to wait for the next tide to use his boat lift. He stated he is unable to operate his boat lift during certain low tides.

Member Watt asked if the applicant is trying to operate their boat lift all the time or are the waters so bad that this is even only at good tides.

Mr. Place stated that she would be unable to use her boat lift at extreme low tides, and many docks throughout Pinellas County are like that.

Member Campbell stated is he correct in thinking that a Hobie Cat, a pontoon party boat, a centerboard sailboat, a john boat, or any number of boats could be used at this property, and by the same token, the Queen Elizabeth could not. And somewhere in-between those two things, the applicant wants to have a boat.

Member Campbell stated he does not see how the applicant has a right to have any boat that they want and has a variance granted to accommodate that. The applicants purchased the property like it was. If the applicants did do due diligence, they would have known there was seagrass and sand built up at the seawall.

Member Campbell asked if the applicants could use the existing dock for shallow draft boats?

Mr. Place stated yes, the applicants could look at normal tides. An average boater is not looking for large boats, maybe a 24- to 26-foot boat.



Member Campbell stated the applicants are not being deprived of reasonable use of their property if all sorts of different boats can be used on the existing dock.

Member Campbell stated that if the applicants want a boat there, a pontoon boat would work fine, except at extreme low tide. That is generally an applicable City problem that the City does not grant variances to address general City problems. The City addresses individual problems, and one of the primary considerations is the City is allowing reasonable use of this property under existing zoning laws and does it create a hardship.

Member Campbell asked if the hardship is the applicants cannot have a bigger boat as they want, even if that is a very modest boat by those inboard standards.

Mr. Place responded yes if the boat has only a few inches of water depth for the boat draft. However, the boat would be impacting the environment, which the Florida Department of Environment Protection, the Army Corps of Army, and Pinellas County Environmentalist would not be happy that the seagrass is being disturbed.

Member Campbell again asked about the photo presented by Enterprise Marine, with Mr. Place responding that he was not present when that picture was taken.

Member Watt inquired could the boat lift be installed at the end of the dock without going out that additional 16 feet. He stated if the dock extends out 72 feet, it would be the longest dock out there. He does not know where the navigable waters are or if there is a channel there. He asked if the City would be making this area dangerous.

Planning Consultant Harmon stated Pinellas County allows docks to go up to 300 feet and stated this dock would not block the channel.

Mr. Place stated a dock could be 50 to 100 feet within the navigable waterways or a channel. He said there is no channel in that area.

Mr. Place stated the dock length of 56 feet was originally picked because Pinellas County went out and measured the seagrass. Pinellas County wants docks to be 5 feet above and go past the seagrass.

Mr. Place stated 56 feet was picked because it went past the seagrass, and it was the minimum requirement to accommodate the Army Corps of Engineers and Pinellas County with the seagrass, which was the reason for the dock height. They require docks to be 5 feet above the seagrass at mean high water.

Member Campbell stated if the seagrass were not there, it still would be just as shallow. The seagrass is not causing the problem. The problem is, the water is not deep enough.

Mr. Place stated as the water gets deeper, seagrass does not grow.

Member Campbell clarified for the record that the applicants' representative is not making any representation about the stated tide in the photo where the applicant appears in. That photo is representative of the water depth.

Mr. Place reiterated that he did not take the photo and was not present when it was taken. He does not know the time of day or the low tide when it was taken. However, the picture does show the water depth at that time.

Member Campbell stated that picture Mr. Place submitted is not representative of the water depth of the property in question.

Mr. Place stated yes it was. That is why the applicant is standing out there showing the elevation of the water on his legs.

Member Labadie stated in lives in that inlet, not far from this point. He has seen over the last 20 years that the water is getting shallower over there because of the flow from the main channel coming up and down, north and south. He can see where the need for an extension because of the shallowness and sand being dumped in there. He stated the problem is nothing is stopping the current from moving the sand into that inlet. This should have been observed by the person who initially put the dock in knowing the Intracoastal Waterway flow in that area. He understands the need for a more extended dock because of these conditions and the strong current flow.

Member Campbell asked if the new dock was even functional.

Mr. Place stated no. He further stated the dock had not had a boat on the boat lift.

Mr. Place stated without the dock there, he would not able to obtain an exact water depth measurement. Now, that the dock is built, he is able to provide more exact water depth measurements.

Chair DeVore recommended Mr. Place have exact water depth measurements before he appeared before the City Commission by recording the day, time, and the tide.

Member Watt asked if the boat lift was moved to the end of the dock, how much water depth would be gained?

Mr. Place stated the boat lift is approximately 14 feet in width. Mr. Place further explained how it would not work and the main reason is where the front beams are located.

Member Watt clarified that the dock length would be going from 56 feet to 72.4 feet.

Member Labadie asked Mr. Place if he put it in the original dock, with Mr. Place responding in the affirmative.

Member Labadie asked Mr. Place then he must have been aware of the depth of the water.

Mr. Place stated he was not able to measure out that far until the dock was built. He obtained accurate measurements once the dock was built using a measuring pole, which is noted on the Profile View Drawing.

*City Attorney Mora noted for the record that there was no public present for public comments.*

Mr. Place stated he is trying to make the dock more accommodating and trying to stay out of the environmental issues of the mangroves, seagrass, and shallower water.

Vice-Chair Watt stated there is that pushing and pushing of water by the strong current causing the build-up of sand in that inlet.

Chair DeVore stated there are environmental concerns about the mangroves and seagrass and the beach shore that is being created in that inlet.

Member Campbell stated the shallowness or depth of the water has not changed since the applicants purchased the property. He said he had reviewed the City Attorney's Memorandum to the City Commission and the Board of Adjustments and Appeals on the consideration of variance application and the list of criteria as outlined in the City Code to be considered in evaluating variances. He explained that he sees no new hardship and no complete absence of use of the property in a reasonable matter with a shallow draft boat, to him that satisfies all the requirements.

City Attorney Mora stated for clarity in the record to the extent that reference was made to a written document by the City Attorney's Office. He said it was a general memo outlining the criteria within the City Code and its interpretation and nothing specific to the applications submitted.

Chair DeVore stated that not many lots have this extensive sand that jets out, which makes this a unique situation for this inlet.

The Board reviewed the aerial views to see where surrounding boats were located, how far they crept into the Intracoastal Waterways, and the environmental issues occurring due to the existing mangroves, seagrass, and shallow water of the strong water current coming from the channel.

Member Campbell inquired when was the 50-foot length maximum limit enacted into the City Code.

Planning Consultant Harmon stated she does not know, but it has been in the City Code since she has been here.

Member Campbell asked if the 50-foot length maximum limit was for aesthetics or uniformity or just because the City had to have some limit?

City Attorney Mora stated the City goes by the letter of the law, the spirit or reason is less apparent, and the ills that it intended to address become less material over time. The Board is looking at what the restriction is and does the restriction apply. The Board has been advised that it applies but for the relief requested here, and it is for this Board to determine based on the evidence that the Board heard this evening whether the Board thinks the relief is appropriate under this circumstance.

Vice-Chair Watt stated because that inlet is so wide, he would normally be concern about the length of the dock. However, if the request was further in the inlet, then that would be a different scenario.

Chair DeVore stated that each variance request stands on its merit.

Member Campbell asked what is the hardship for this variance.

Chair DeVore stated he is all about the preservation of the environment. It is more about hardship on the environment. He does not have a problem with a dock sticking out in the channel unreasonably to save the environment. The closer the dock comes to the shoreline, the more it can affect nature growth.

**MOTION MADE BY MEMBER LABADIE, SECONDED BY VICE-MEMBER WATT TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF BOA CASE NO 2021-08, VARIANCES FROM SECTION 94-86(a)(1) OF THE CODE OF ORDINANCES TO ALLOW FOR A DOCK FACILITY TO EXCEED THE 50-FOOT LENGTH FROM THE SEAWALL BY 22 FEET 4 INCHES AND TO ALLOW A VARIANCE OF 11 FEET 4 INCHES INTO SIDE YARD SETBACK LEAVING A SIDE YARD SETBACK OF 8 INCHES FOR THE PROPERTY LOCATED AT 351-12<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS BLOCK 89, LOT 13, SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH.**

**ROLL CALL VOTE:**

**AYES: WATT, LABADIE, DEVORE**  
**NAYS: CAMPBELL**  
**ABSENT: ALVAREZ, CLARK**

**MOTION TO APPROVE CARRIED BY A VOTE OF 3 TO 1.**

- 6. BOA CASE NO. 2021-09 — 353-12<sup>TH</sup> AVENUE**  
**Owner/Applicant: Adam Probst**  
**Representative: Joe Place, Enterprise Marine**  
**Subject Location: 353-12<sup>th</sup> Avenue, Indian Rocks Beach, Florida**  
**Legal Description: Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15).**  
**Parcel #: 06-30-15-42066-089-0140.**  
**Variance Request: A variance request from Section 94-86(a)(1) of the Code of Ordinances to allow for a dock facility to exceed the 50-foot length from the seawall by 22 feet and 4 inches to**

**allow a variance of 9 feet 4 inches into side yard setback leaving a side yard setback of 2 feet 8 inches.**

**BOA CASE NO. 2021-09:** Variance requests from Section 94-86(a)(1) to allow for a dock facility to exceed the 50-foot length from the seawall by 22 feet and 4 inches to allow a variance of 9 feet 4 inches into side yard setback leaving a side yard setback of 2 feet 8 inches for the property located at 353-2<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 14, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0140.

**OWNER: Adam & Deborah Probst**  
**LOCATION PROPERTY: 353-12<sup>th</sup> Avenue**  
**ZONING: S- Single Family**

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

**BACKGROUND:**

Adam and Deborah Probst are requesting variances for the length and side yard setback of the dock. In February 2020 the City granted a variance for the dock to exceed the 50 feet length by 6 feet, and encroach into the required 12-foot side yard setback by 9 feet 4 inches leaving a 2 feet distance between the boat lift and the side property line extended. The dock has been installed and due to the height of the dock, which is required to be located 5 feet above the seagrass and the low water levels, the dock is unusable. As a result, the applicant is requesting to extend the dock length by 22 feet 4 inches above the 50 feet requirement to be able to use the dock and boat lift.

**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 property is located in an area that has mangroves and seagrass and is not typical to most other properties in the City.*

- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for the dock and boat lift to be constructed and utilized.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to use the dock and boat lift.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with the general intent and purpose of subpart B.*

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

**NOTICE:** Pursuit to Section 2-149 of the Code of Ordinance a 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 August 2, 2021.

**CORRESPONDENCE:** No correspondence was received.

City Attorney Mora read by title only Agenda Item No. 6, BOA Case No. 2021-09, 353 12<sup>th</sup> Avenue.

City Attorney Mora inquired of the members if they 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 all members responding in the negative.

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

Planning Consultant Harmon stated in February 18, 2020, the City Commission granted a variance for a dock to exceed the 50-foot length by 6 feet, and to encroach into the required 12-foot side yard setback by 11 feet 4 inches.

Planning Consultant Harmon stated the dock has been installed. However, due to low water levels at 56 feet, the dock is unusable. The applicant is requesting to extend the dock length by an additional 16 feet for a total dock length of 72 feet 4 inches.

Planning Consultant Harmon presented a PowerPoint Presentation showing aerial views of the property, which depicts the seagrass, mangroves, build up of sand, how shallow the water is at 32 feet, and beach shore, a photo of man at low tide, the dock plan, and the dock profile.

Vice-Chair Watt asked if Pinellas County still has to permit this dock permit, with Planning Consultant responding in the affirmative.

City Attorney Mora stated the representative, Joe Place, may include by reference his statements and testimony from the previous matter as long as Chair is willing to accept that, Mr. Place may do so.

**Joe Place, Enterprise Marine, 8165 46<sup>th</sup> Avenue North, St. Peterburg, appearing on behalf of the property owners/applicants, Adam and Deborah Probst, 353 12<sup>th</sup> Avenue, stated he would like to do that.**

Mr. Place stated not only does the City and Pinellas County approve the permit, but also the Army Corps of Engineers would also have to permit the dock.

*City Attorney Mora noted for the record that there was no public present for public comments.*

**MOTION MADE BY VICE-MAYOR WATT, SECONDED MEMBER LABADIE, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF VARIANCE REQUESTS FROM SECTION 94-86(A)(1) TO ALLOW FOR A DOCK FACILITY TO EXCEED THE 50-FOOT LENGTH FROM THE SEAWALL BY 22 FEET AND 4 INCHES TO ALLOW A VARIANCE OF 9 FEET 4 INCHES INTO SIDE YARD SETBACK LEAVING A SIDE YARD SETBACK OF 2 FEET 8 INCHES FOR THE PROPERTY LOCATED AT 353-12<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS BLOCK 89, LOT 14, SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH.**

**ROLL CALL VOTE:**

**AYES: LABADIE, WATT, DEVORE  
NAY: CAMPBELL  
ABSENT: ALVARZ, CLARK**

**MOTION CARRIED BY A VOTE OF 3 TO 1**

- 7. BOA CASE NO. 2021-10 — 300 10<sup>TH</sup> AVENUE  
Owner/Applicant: All D Nuts, LLC, Trudi Holthouse  
Representative: Steve Buscema, Sunsatation Pools/Spas, Inc.  
Subject Location: 300 10<sup>th</sup> Avenue, Indian Rocks Beach, Florida**

**Legal Description: First Addition to Re-Revised Map of Indian Beach Subdivision, Block 86, Lot 22, recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County.**

**Parcel #: 01-30-14-42048-086-0220.**

**Variance Request: A variance request from Section 110-344(7)(f) of the Code of Ordinances to allow for a waterfall structure to exceed the 6 foot length requirement by 7 feet.**

*[Beginning of Staffing Report]*

**SUBJECT: BOA CASE NO. 2021-10:** Variance request from Sec. 110-344 (7)(f) of the Code of Ordinances to allow for a waterfall structure to exceed the 6 foot length requirement by 7 feet, for property located at 300- 10<sup>th</sup> Avenue Indian Rocks Beach, Florida, and legally described as Lot 22, Block 86 First Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County. Property ID # 01-30-14-42048-086-0220.

**OWNER: All D Nuts, LLC, Trudi Holthouse**  
**PROPERTY LOCATION: 300-10<sup>th</sup> Avenue**  
**ZONING: Single Family Residential**

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

**BACKGROUND:**

Ms. Holthouse is requesting a variance to build a waterfall 4 foot high, 13 feet long in the rear yard setback. Section 110-344 (7)(f) of the Code of Ordinances applies to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed 6 feet. The proposed waterfall would exceed the 6 feet length requirement by 7 feet.

**Sec. 2-152. Variances.**

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands,



structures or buildings in the same zoning district. The applicant has designed a waterfall rock feature that tapers down to grade and exceeds the length allowed by code.

- b. The special conditions and circumstances do not result from the actions of the applicant. The applicant has proposed a waterfall design that incorporates a rock formation rather than a waterfall wall.
- 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 request would not deprive other owners of use and enjoyment of their properties.
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. Granting of this variance would allow the applicant to have a unique waterfall design without impacting the neighbors.
- 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 injurious to the area involved or detrimental to the public welfare.

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

**NOTICE:** Pursuit to Section 2-149 of the Code of Ordinance a 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 August 2, 2021.

**CORRESPONDENCE:** No correspondence was received.

*[End of Staffing Report]*

City Attorney Mora read by title only Agenda Item No. 7, BOA Case No. 2021-10, 300 10<sup>th</sup> Avenue.

City Attorney Mora inquired of the members if they 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 all members responding in the negative.

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

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-344(7)(f) of the Code of Ordinance to allow a waterfall structure to exceed the 6-foot length requirement by 7 feet for property located at 300 10th Avenue. Waterfalls are permitted 4 feet high and 6-foot long. The applicant is requesting a 13-foot long waterfall.

Planning Consultant Harmon presented a PowerPoint presentation showing aerial views, a property survey, and photos of the proposed pool and waterfall location.

Planning Consultant Harmon stated Steve Buscema of Sunstation Pools and Spas, the applicant's representative, was not present due to COVID.

Member Campbell stated he is a little bit uncomfortable because his primary view of this is to deny. There is no one here for the applicant to convince him otherwise.

Member Campbell stated in fairness to the applicant, he asked if this application could be tabled until they can be present.

City Attorney Mora stated the applicant was made aware of the option to continue the matter to another date. They did not elect to do so.

City Attorney Mora stated staff's recommendation is for approval, so the evidence in the record would favor the relief requested.

Member Campbell asked the applicant is claiming as a hardship other than aesthetics.

Planning Consultant Harmon stated to make it work as far as a decorative model.

Planning Consultant Harmon stated that the representative, Steve Buscema of Sunstation Pools, was granted a 12-foot length variance last year for his waterfall. Other residents saw his, and they want the same thing.

Member Campbell stated this is a beautiful waterfall, and the ordinance should be amended to come into the times.

Vice-Mayor Watt stated until the ordinance is amended, the process is through a variance. The waterfall does not block anyone's view and makes the pool area physically look nicer.

Vice-Mayor Watt stated what matters to him is how much water is involved with the waterfall because of the noise level with the next-door neighbors. He noted that a larger waterfall is it just more aesthetics with the same size fall.

Planning Consultant Harmon stated it looks like, in the picture, maybe 6 feet in the middle of the waterfall of water coming down more rocks.

Chair DeVore confirmed there were no letters from any of the neighbors, with Planning Consultant Harmon responding in the affirmative.

Member Campbell stated he does not think aesthetics justify a variance. Be that it may, he has a hard time not looking at how that affects the uniformity of the application of the zoning ordinance.

City Attorney Mora stated as it relates to variances, aesthetics is not one of six established criteria in the City Code that the Board is to consider. Separately, as the Board is considering variances, each of them stands on their own merit and based on the evidence and criteria that are in the City Code. Ultimately, the Board has to decide if those criteria are satisfied based on the evidence.

City Attorney Mora noted, for the record, there is no applicant, agent, or representative as stated, and there was no public present for public comments.

**MOTION MADE BY COMMISSIONER LABADIE, SECONDED MEMBER CAMPBELL TO RECOMMEND TO THE CITY COMMISSION DENIAL ON BOA CASE NO. 2021-10: VARIANCE REQUEST FROM SEC. 110-344 (7)(F); TO ALLOW FOR A WATERFALL STRUCTURE TO EXCEED THE 6 FOOT LENGTH REQUIREMENT BY 7 FEET FOR PROPERTY LOCATED AT 300-10<sup>TH</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 22, BLOCK 86, FIRST ADDITION TO RE-REVISED MAP OF INDIAN BEACH SUBDIVISION RECORDED IN PLAT BOOK 23, PAGE 11 OF THE PUBLIC RECORDS OF PINELLAS COUNTY.**

**ROLL CALL VOTE:**

**AYES: CAMPBELL, LABADIE**

**NAYES: WATT, DEVORE**

**ABSENT: ALVAREZ, CLARK**

**THE MOTION FAILS DUE TO THE LACK OF A MAJORITY VOTE IN EITHER DIRECTION.**

**THE BOARD OF ADJUSTMENTS AND APPEALS ON THIS APPLICATION GRID-LOCKED AT A 2 TO 2 VOTE.**

**8. OTHER BUSINESS.**

**CONSENSUS OF THE BOARD TO RECOMMEND TO THE CITY COMMISSION TO CONSIDER AMENDING SECTION 110-344(7)(f) OF THE CODE OF ORDINANCES BY ALLOWING A MAXIMUM WATERFALL LENGTH OF 12 FEET.**

City Clerk O'Reilly announced that there will be no September Board of Adjustments and Appeals Meeting.

**9. ADJOURNMENT.**

**MOTION MADE BY MEMBER CAMPBELL, SECONDED BY MEMBER LABADIE, TO  
ADJOURN THE MEETING AT 7:31 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

October 19, 2021

Date Approved

\_\_\_\_\_  
Stewart DeVore, Chair

/dor

**AGENDA ITEM 4.**

**BOA CASE NO. 2021-11  
110-14<sup>th</sup> Avenue**

**BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA MEMORANDUM**

**MEETING OF:**

Board of Adjustment: October 19, 2021  
City Commission: November 9, 2021

**AGENDA ITEM: 4**

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims  
City Manager



**SUBJECT:**

**BOA CASE NO. 2021-11:** Variance request from Sec. 110-131(1)(f)(1) of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house for property located at 110 14<sup>th</sup> Ave, Indian Rocks Beach, Florida, and legally described as Indian Beach Re- Revised , Block 29 , Lot 5 Parcel # 01-30-14-42030-029-0050

---

**OWNER:** Robert Kirk Park III  
**LOCATION of PROPERTY:** 110 14<sup>th</sup> Ave  
**ZONING:** S- Single Family

Direction	Existing Use	Zoning Category
North	Medium Density Residential	RM-1
East	Medium Density Residential	RM-1
South	Medium Density Residential	RM-1
West	Medium Density Residential	RM-1

**BACKGROUND:**

Kirk Park is planning on converting his existing duplex into a single family residence. He is requesting to enlarge the front porch by 5ft and enlarge the garage below the porch to be the same distance from the front property line as the porch. The existing residence was built in 1979 and Mr. Kirk has owned the building since 1997. The overall building has a front set back of 30 ft, however the second story porch is located at 25 ft from the front property line. The existing front planter is

located 20 ft from front property line. The new porch and extended garage would be located at 20 feet from the front property line.

**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 original building was built as a duplex and each unit has a small 5ft deep porch. Since the applicant is proposing to convert to a single family they would like a more usable porch.*

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

*The applicant did not create any special conditions or circumstances.*

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

*Granting the variance would not confer special privileges to the applicant, it would allow for reasonable use of the dwelling for a single family residence.*

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

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

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

*This is the minimum variance to allow the owner to convert to a single family dwelling and construct a usable porch as desired.*

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

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

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

**MOTION:**

I move to recommend to the City Commission **APPROVAL/DENIAL** of **BOA CASE BOA CASE NO. 2021-11: Variance request from Sec. 110-131(1)(f)(1) of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house for property located at 110 14th Ave, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised , Block 29 , Lot 5**





**110 14<sup>th</sup> Avenue  
BOA CASE NO. 2021-11**



**BOA CASE NO. 2021-11: Variance request from Sec. 110-131(1)(f.)(1) of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house for property located at 110 14th Ave, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised , Block 29 , Lot 5**



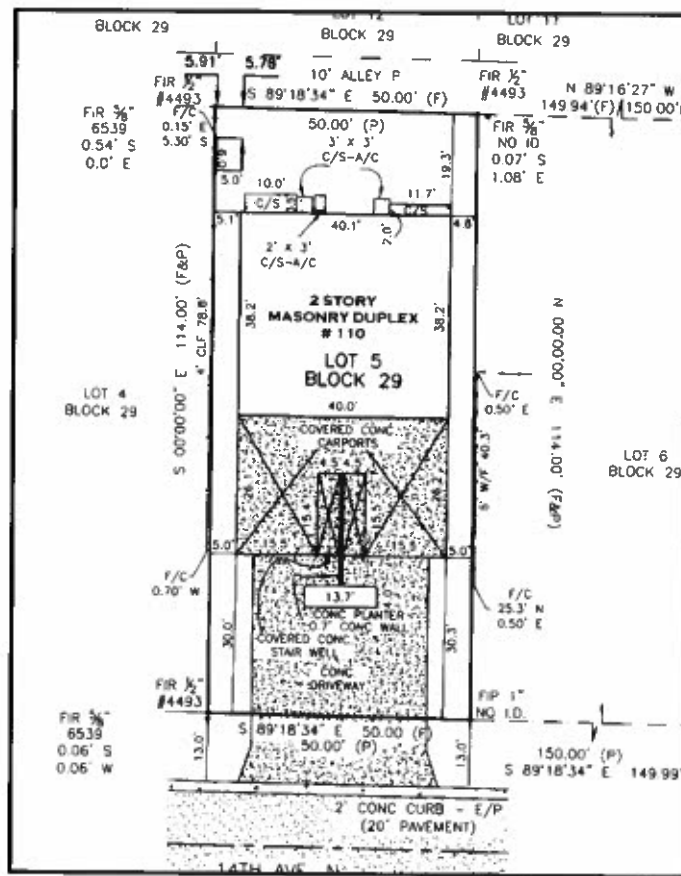
# 110 14<sup>th</sup> Avenue



# 110 14<sup>th</sup> Avenue



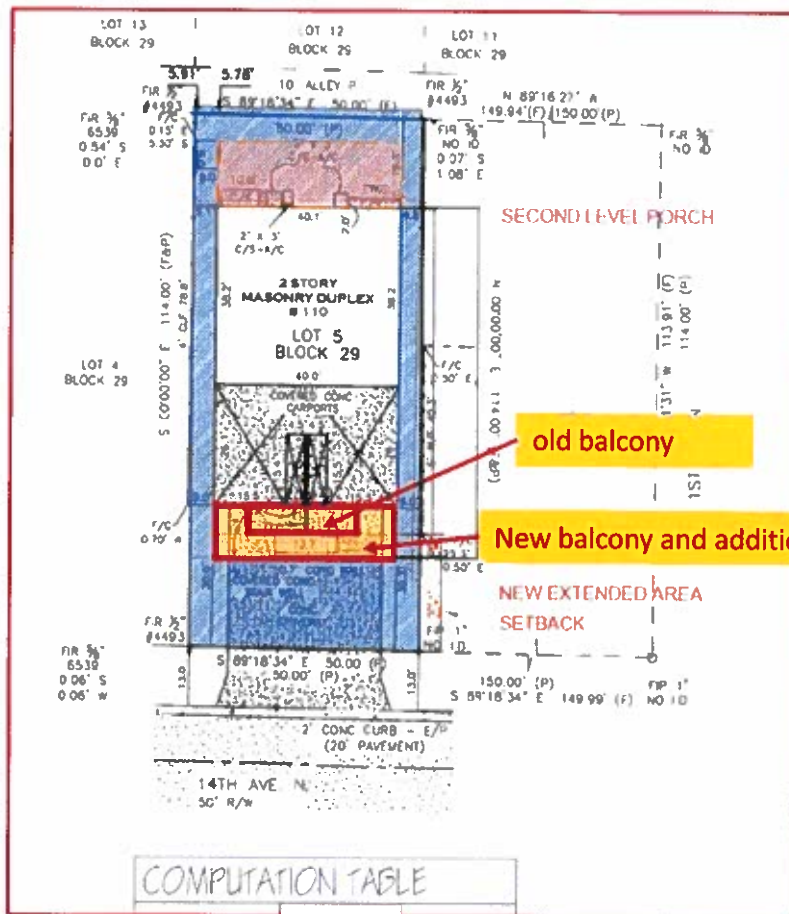
# Survey



110 14<sup>th</sup> Ave



# Proposed addition



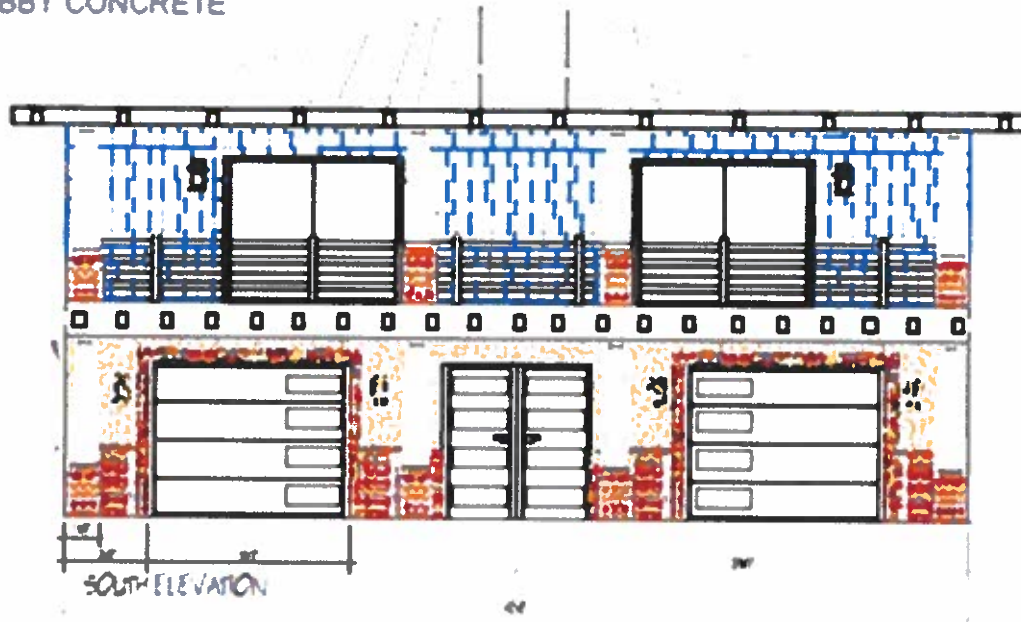
# Proposed addition





# Proposed Elevation

ABBY CONCRETE



## 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.

Date Received

#### APPLICANT

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

#### AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

#### SITE DETAILS

Address:  Parcel ID:

City:  Zip Code:

Legal Description:

Zoning:  Future Land Use:

Size:

**SITE DETAILS CONTINUED...**

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

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

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**

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

**VARIANCE REQUEST CONTINUED...**

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	N/A		
Rear-north/south street (feet):	N/A		
Street-front setback (feet):	25	20	5
Side-one/both setback (feet):	N/A		
Minimum green space (%):	N/A		
Habitable stories (#):	N/A		
Minimum lot size (sq. ft.):	N/A		
Building height (feet):	N/A		
Off-street parking (spaces):	N/A		
ISR (%):	N/A		
FAR (%):	N/A		
Dock length (feet):	N/A		
Dock width (feet):	N/A		
Signage (#):	N/A		
Accessory structure (sq. ft.):	N/A		
Accessory structure height (feet):	N/A		
Lot size (sq. ft.):	N/A		

Other:

What is the proposed use of the property?

**HARDSHIP**

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

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

See attached "Variance Application Hardship Questionnaire"

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: August 25, 2021

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.

25 August 2021

Before me this date personally appeared: \_\_\_\_\_

Name: Robert Kirk Park III

Signature: [Handwritten Signature]

Personally known/Form of Identification FL DL

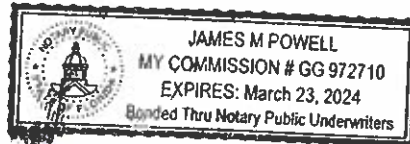
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 25 Month: AUGUST, 2021

Notary Public State of Florida at Large: James M Powell

Notary Public Commission Expiration: 03/23/2024

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.

## Variance Application Hardship Questionnaire

**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 subject property was originally built as a duplex, with each unit having a very small balcony that butts up to the set-back limit. These tiny balconies may have been barely adequate for the smaller individual units, but with the conversion of the duplex to a single-family residence, the balconies will need to be combined and extended to accommodate a small dining table and grill. Currently, chairs barely fit in the space provided. In order to accommodate the appropriate outdoor living space, we will need to extend the balcony from 5 feet to 10 feet given that it would be impractical to move the front of the dwelling back. Additionally, the current design of the building is an eyesore given the concrete firewall/mohawk that runs between the two units and even rises above the roofline, as per the codes that were in place when it was originally constructed. If the variance is approved, we will trim down the firewall to the roof level and replace the roof with a metal roof that extends and covers the new balcony. This should help beautify the neighborhood and be supportive of property values for the area.

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

The special conditions are the result of the original construction of the dwelling, not from 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 dwelling to the East of the subject property has a porch that extends approximate 5 feet more towards the set-back than the current balconies of the subject property, such that if the variance is approved, it will be within a foot of the neighbor's dwelling edge. The dwelling to the West, although not as far as the proposed variance, also extends further towards the street than the proposed variance. The commercial property two lots to the West goes to the edge of the easement with no set-back at all.

**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:**

N/A



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

As evidenced by the pictures attached hereto, the current depth of the balconies is barely adequate to allow the depth of a single chair. Granting a set-back variance will allow for reasonable use of the balcony to enjoy a small amount of outdoor space with family.

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

The lot across the street is vacant land, the lot to the East has an Airbnb rental dwelling that is already past the set-back limit, and the property to the West is vacant, past the set-back limit, and in need of major renovations. The commercial property two lots to the West comes within a few feet of the street, all the way to the easement with no set-back at all. The proposed variance will not be detrimental to the public welfare; in fact, the property renovations will significantly improve the appearance of the dwelling and the neighborhood.

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

I originally purchased this property in 1997 as a single person to live in one unit and rent out the other. After moving for work, starting a family, and now soon becoming empty nesters, we decided that we would love to move back to the beach and that our duplex would be perfect if we convert it to a single family. We really love being outside and grilling with our family and pets, but the tiny balcony situation just won't work given how the property was originally constructed. We don't have occupant neighbors on either side of the home or across the street, and the street already has multiple dwellings and commercial buildings on our block that are closer to the street. The property, when completed, will be much more attractive and will significantly increase the value of the home and support values throughout the community.



Administrative  
727/595-2517  
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 — BOARD OF ADJUSTMENTS AND APPEALS  
TUESDAY, OCTOBER 19, 2021 @ 6:00 P.M.  
1507 BAY PALM BOULEVARD  
INDIAN ROCKS BEACH, FLORIDA 33785**

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, OCTOBER 19, 2021**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-11**.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at **110-14<sup>th</sup> AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

***A variance request from Section 110-131(1)(f).(1) of Code of Ordinances of 5.00 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20.00 feet, to allow for a expansion of existing porch and garage on the front of the house, for the property located at 110-14<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lot 5. Parcel # 01-30-14-42030-029-0050.***

**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 Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: [doreilly@irbcity.com](mailto:doreilly@irbcity.com). All correspondence must be received by the City Clerk no later than **Tuesday, October 19, 2021 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

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

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 4, 2021. (Sec. 2-149 of the Code of Ordinances.)



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**  
[www.pcpao.org](http://www.pcpao.org)      [mike@pcpao.org](mailto:mike@pcpao.org)

Run Date: 07 Oct 2021

Subject Parcel: 01-30-14-42030-029-0050

Radius: 150 feet

Parcel Count: 23

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.

---

COUNTY COURTHOUSE  
315 Court Street - 2nd Floor  
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY  
29269 US Highway 19 N  
Clearwater, FL 33761

FAX: (727) 464-3448    TTY/TDD: (727) 464-3370

MID COUNTY  
13025 Starkey Road  
Largo, FL 33773

MAIL: PO Box 1957, Clearwater, FL 33757

SOUTH COUNTY  
2500 34th Street N - 2nd Floor  
St. Petersburg, FL 33713

---

**01-30-14-42030-029-0130**  
BLK 29, LOT 13  
INDIAN BEACH RE-REVISED

HUBINGER, KIMBERLY  
107 15TH AVE  
INDIAN ROCKS BEACH FL 33785-2705

---

**01-30-14-42030-029-0040**  
BLK 29, LOT 4  
INDIAN BEACH RE-REVISED

BOWERS, JONATHAN  
108 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2704

---

**01-30-14-42030-030-0190**  
ALLEY ADJ ON S  
BLK 30, LOT 19 & N 1/2 VAC  
INDIAN BEACH RE-REVISED

PINES, RAYMOND  
3308 W UNION ST  
TAMPA FL 33607-4229

---

**01-30-14-42048-079-0010**  
BLK 79, LOT 1  
RE-REVISED 1ST ADD  
INDIAN BEACH

PALOSCIO, DANIEL J  
915 N FRANKLIN ST UNIT 1805  
TAMPA FL 33602-3879

---

**01-30-14-42030-030-0220**  
ON S  
AND N 1/2 VAC ALLEY ADJ  
BLK 30, LOT 22 LESS E 6IN  
INDIAN BEACH RE-REVISED

IRB ROCKS LLC  
103 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2806

---

**01-30-14-42048-078-0160**  
ALLEY ADJ ON S  
BLK 78, LOT 16 & N 1/2 VAC  
RE-REVISED 1ST ADD  
INDIAN BEACH

PINES, HAZEL J  
10922 JUNIPERUS PL  
TAMPA FL 33618-3883

---

**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

---

**01-30-14-79342-000-0020**  
UNIT 2  
BEACH CONDO  
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE E  
KOK, SELINA  
VIJVERSTRAAT 2A  
5502 HJ VELDHOVEN

---

**01-30-14-42030-030-0200**  
ALLEY ADJ ON S  
BLK 30, LOT 20 & N 1/2 VAC  
INDIAN BEACH RE-REVISED

TURPIN, CHRISTINE J  
107 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2703

---

**01-30-14-79342-000-0050**  
UNIT 5

BEACH CONDO  
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE  
KOK, SELINA  
VIJVERSTRAAT 2A  
5502 HJ VELDHOVEN

---

**01-30-14-79342-000-0010**

UNIT 1  
BEACH CONDO  
SEA BREEZE OF INDIAN ROCKS

DANIEL, DIANE  
KOK, SELINA  
VIJVERSTRAAT 2A  
5502 HJ VELDHOVEN

---

**01-30-14-79342-000-0001**

COMMON ELEMENT  
BEACH CONDO  
SEA BREEZE OF INDIAN ROCKS

SEA BREEZE OF INDIAN ROCKS BEACH CONDO ASSN  
INC  
116 14TH AVE  
INDIAN ROCKS BEACH FL 33785-2712

---

**01-30-14-42030-029-0120**

BLK 29, LOT 12  
INDIAN BEACH RE-REVISED

MCDONALD, KATHLEEN R  
109 15TH AVE  
INDIAN ROCKS BEACH FL 33785-2705

---

**01-30-14-42030-029-0110**

BLK 29, LOT 11  
INDIAN BEACH RE-REVISED

LANSING, LU ANN M  
LANSING, GARRY L  
111 15TH AVE  
INDIAN ROCKS BEACH FL 33785-2705

---

**01-30-14-42048-079-0020**

BLK 79, LOT 2  
RE-REVISED 1ST ADD  
INDIAN BEACH

KAPRALOS, PETER  
LAZARDIS, CHARALAMBOS MIKE  
42 DELAIR CRES  
THORNHILL ON L3T 2M4

---

**01-30-14-42030-030-0210**

ALLEY ADJ ON S  
OF LOT 22 & N 1/2 VAC  
BLK 30, LOT 21 AND E 6IN  
INDIAN BEACH RE-REVISED

MAISANO, ANTHONY JOHN REVOCABLE TRUST  
MAISANO, ANTHONY JOHN TRE  
1105 GULF BLVD  
BELLEAIR BEACH FL 33786-3356

---

**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

---

**01-30-14-79342-000-0040**

UNIT 4  
BEACH CONDO

SEA BREEZE OF INDIAN ROCKS

109 12TH LLC  
109 12TH AVE  
INDIAN SHORES FL 33785-3727

---

**01-30-14-79342-000-0030**

UNIT 3  
BEACH CONDO  
SEA BREEZE OF INDIAN ROCKS

109 12TH LLC  
109 12TH AVE  
INDIAN SHORES FL 33785-3727

---

**01-30-14-42030-029-0160**

BLK 29, LOTS 14, 15 & 16  
INDIAN BEACH RE-REVISED

ANNA MARIE REALTY CORP  
C/O TEMPLETON, BRUCE  
28-48 31ST ST 2ND FL  
ASTORIA NY 11102-2131

---

**01-30-14-42030-029-0100**

BLK 29, LOT 10  
INDIAN BEACH RE-REVISED

PEREZ, RICHARD FRED III  
7240 SERRANO TER  
DELRAY BEACH FL 33446-2200

---

**01-30-14-42030-029-0090**

BLK 29, LOT 9  
INDIAN BEACH RE-REVISED

KIPPS, ERIN  
KIPPS, JASON  
435 LANE 101 LAKE PLEASANT  
FREMONT IN 46737-8854

---

**01-30-14-42030-029-0010**

BLK 29, LOTS 1, 2 & 3  
INDIAN BEACH RE-REVISED

LION PROPERTIES OF FLORIDA NO 1 LLC  
6208 PASADENA POINT BLVD S  
GULFPORT FL 33707-3873

**AGENDA ITEM NO. 5**

**BOA CASE NO. 2021-12  
381 La Hacienda Drive**

**BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA MEMORANDUM**

**MEETING OF:**

Board of Adjustment: October 19, 2021  
City Commission: November 9, 2021

**AGENDA ITEM: 5**

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims  
City Manager



**SUBJECT:**

**BOA CASE NO. 2021-12:** Variance request from Sec. 110-131(1)(f)(2) of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house for property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1<sup>st</sup> Addition, Lot 56 and pat of Water Lot "C" in front.  
Parcel # 07-30-15-47394-000-0560

---

**OWNER:** Chris & Lydia Tremble  
**LOCATION of PROPERTY:** 381 La Hacienda Drive  
**ZONING:** S- Single Family

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

**BACKGROUND:**

Chris and Lydia Tremble are requesting to install a covered porch on the rear of their house. The existing residence was built in 1968 and has a rear yard setback of 25 feet. The required rear yard setback in the single-family residential zoning district is 25 feet on water front lots. The house presently has 263 square foot



covered porch. The proposed additional covered porch would be extend into the rear yard setback for 13 feet leaving a 12 foot rear yard setback.

**Sec. 2-152. - Variances.**

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

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

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

*There are no special conditions or circumstances peculiar to their land.*

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

*The applicant did not create any special conditions or circumstances.*

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

*Granting the variance would confer special privileges to the applicant.*

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

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

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

*This is the minimum variance to allow the owner to construct the covered porch as desired.*

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

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

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

**MOTION:**

I move to recommend to the City Commission **APPROVAL/DENIAL of BOA CASE BOA CASE NO. 2021-12:** Variance request from Sec. 110-131(1)(f).(2) of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house for property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1<sup>st</sup> Addition, Lot 56 and pat of Water Lot "C: in front.



381 La Hacienda Drive  
**BOA CASE NO. 2021-12**



**BOA CASE NO. 2021-12:** Variance request from Sec. 110-131(1)(f.)(2) of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house for property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and pat of Water Lot "C: in front.



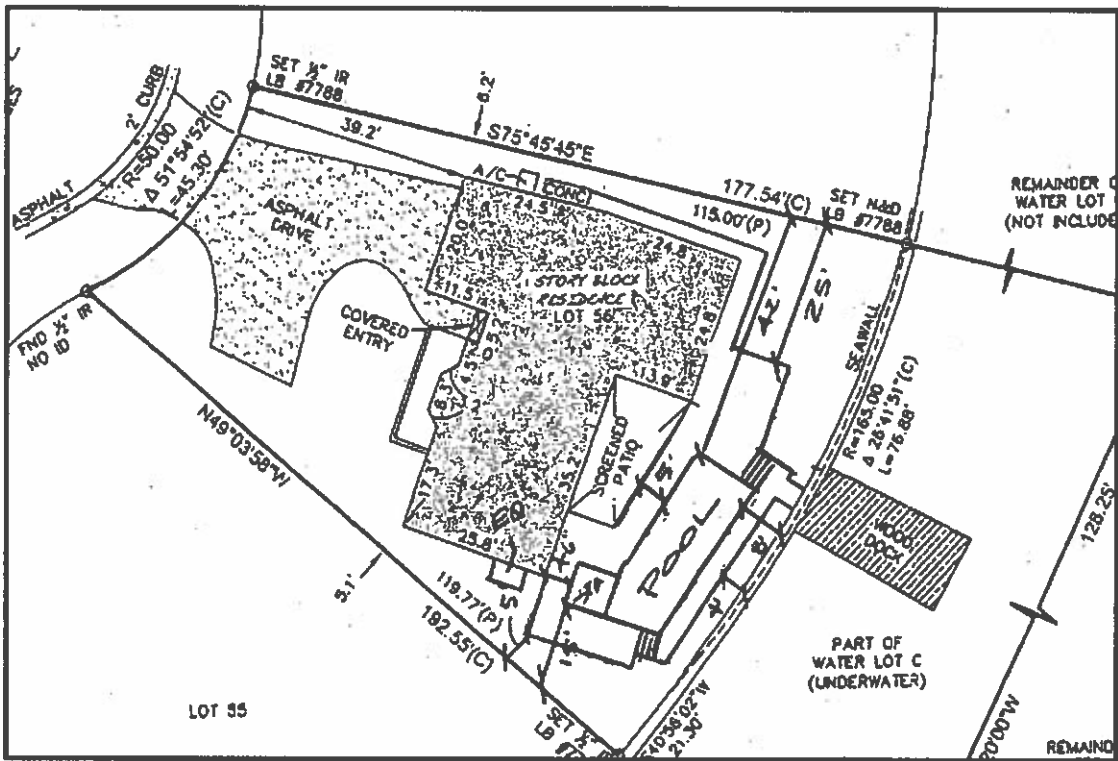
# 381 La Hacienda Drive



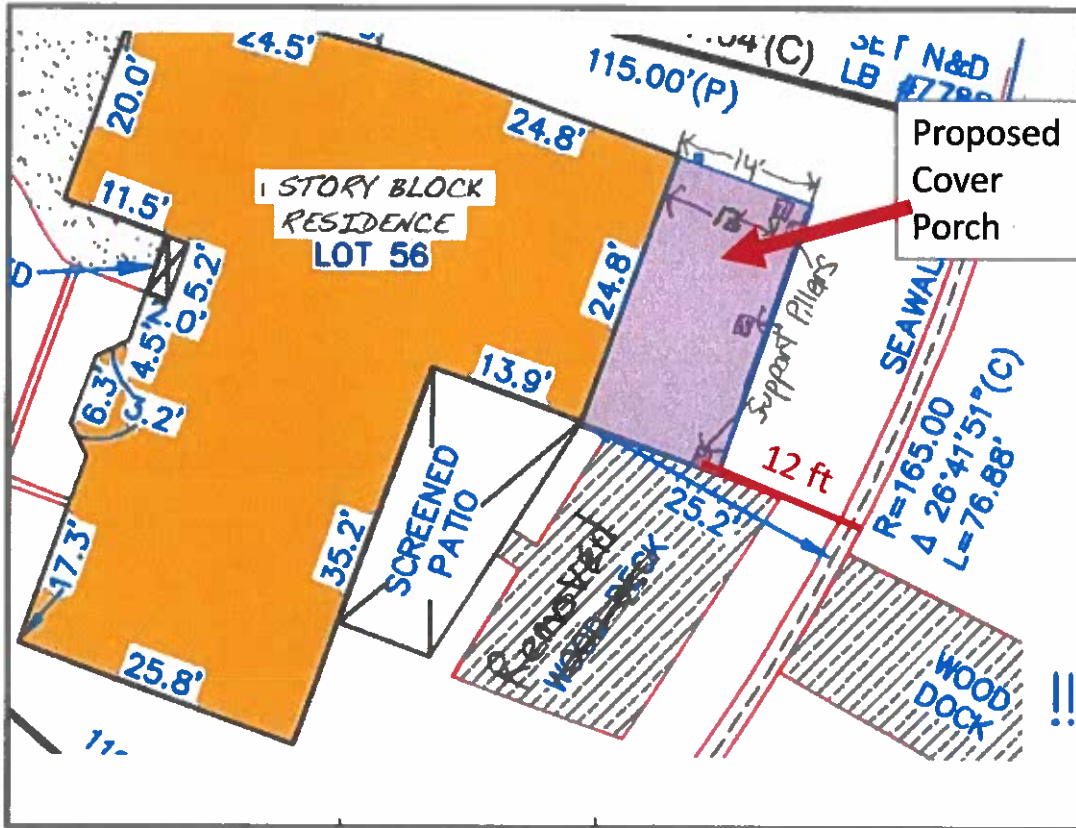
# 381 La Hacienda Drive



# Survey



# Proposed Porch Addition





# Covered Porch Area



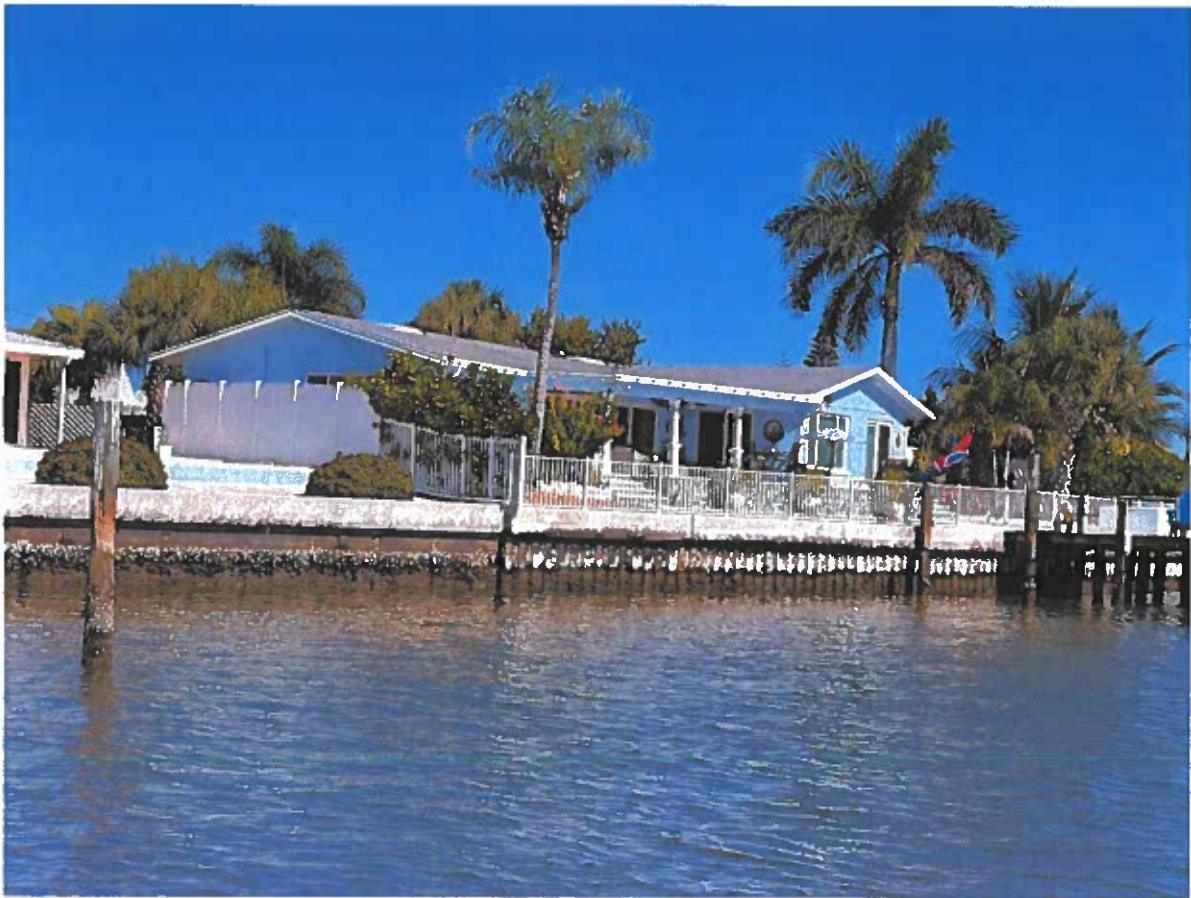
# Looking South



# Looking West



# Looking North



2019



RECEIVED  
City Manager's Office

SEP 14 2021

City of Indian Rocks Beach

### APPLICATION FOR VARIANCE

#### CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

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

For Office Use Only

Application No.

Date Received

#### APPLICANT

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

#### AGENT/REPRESENTATIVE

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

#### SITE DETAILS

Address:  Parcel ID:   
City:  Zip Code:   
Legal Description:   
Zoning:  Future Land Use:   
Size:

**SITE DETAILS CONTINUED...**

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

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

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**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
Gulf-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	25 ft.	12 ft.	13 ft.
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

**VARIANCE REQUEST CONTINUED...**

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

Other:

What is the proposed use of the property?

*Shaded outdoor cooking + seating*



**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:

*The location of the back of the lot is South/Eastern exposure, as a result has full sun most of the day. by building a shade pavillion we will comfortably be able to utilize this part of our yard as a cooking + seating area.*

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:

[Empty box for response]

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:

[Empty box for response]

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

*This variance + permission to build this Shade Pavilion will not obstruct the view of our neighbors on either side. While providing us with a shaded area for our outdoor activities. Thank you.*

**CERTIFICATION**

Date: 7-14-2021

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: LYDIA Tremble

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L.

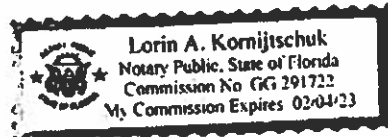
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 14 Month: September 20 21

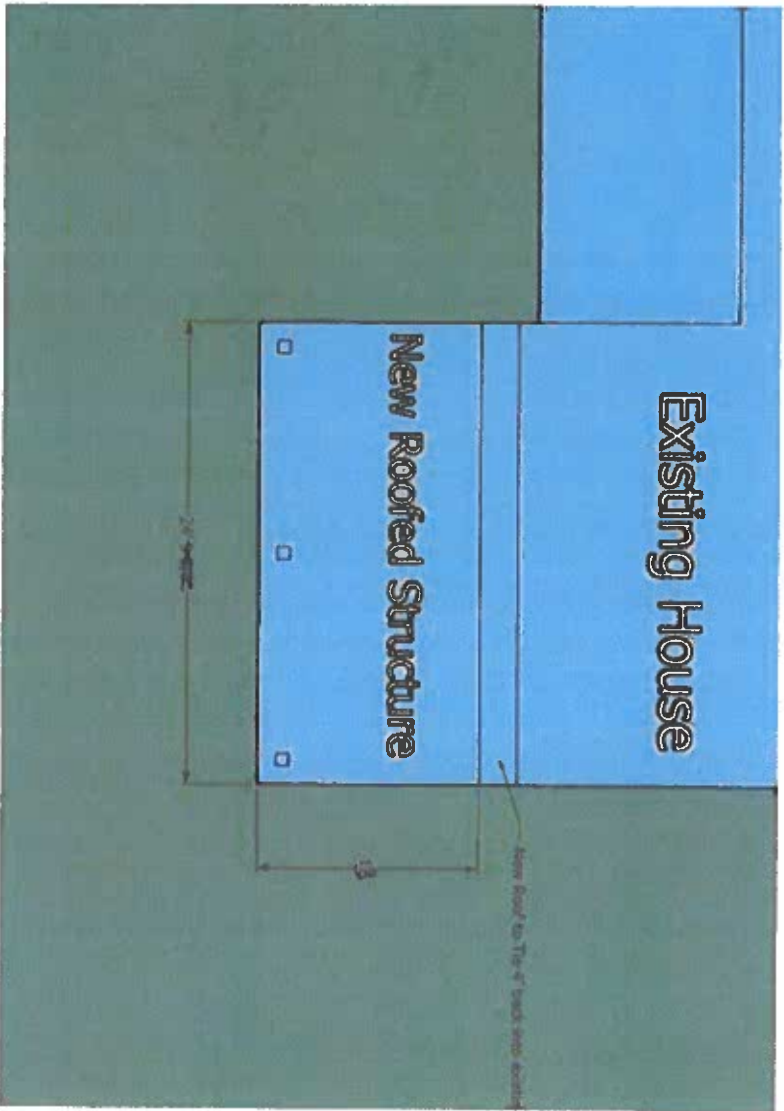
Notary Public State of Florida at Large: Lorin A. Kornijtschuk

Notary Public Commission Expiration: 2/4/2023

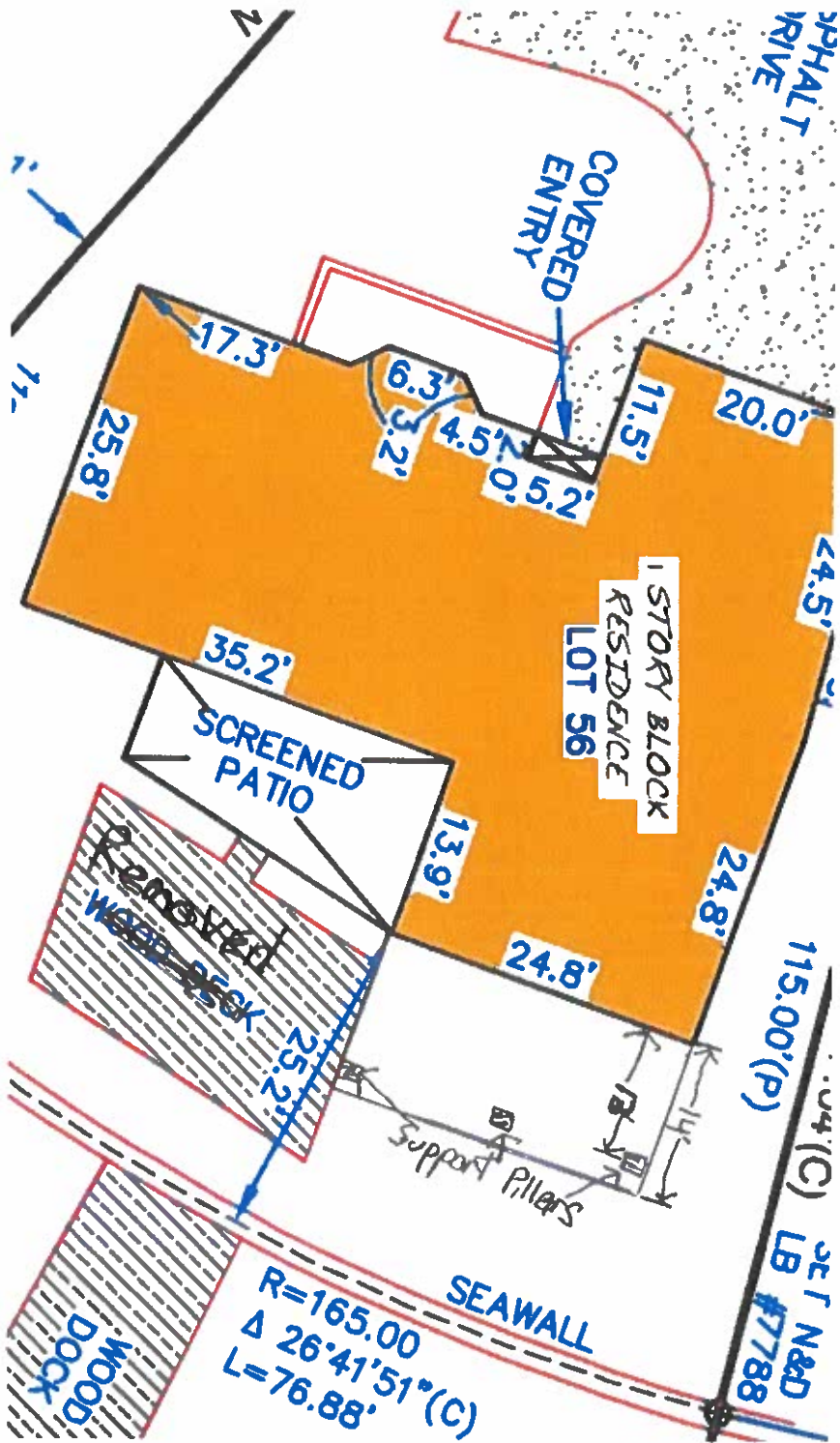
State of Florida  
County: Pinellas



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



Done\_VLSR19-34487 8x1...



Chris + Lydia Tremble  
 381 La Hacienda Dr  
 IRB 33785  
 813-469-7810

24'x14' Overhang for shade supported by 2-3 pillars depending on contractor recommendation. Pillars to be 12' out from house. 6"X6" P.I.







Administrative  
727/595-2517  
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 — BOARD OF ADJUSTMENTS AND APPEALS  
TUESDAY, OCTOBER 19, 2021 @ 6:00 P.M.  
1507 BAY PALM BOULEVARD  
INDIAN ROCKS BEACH, FLORIDA 33785**

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, OCTOBER 19, 2021**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-12**.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at **381 LA HACIENDA DRIVE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

***A variance request from Section 110-131(1)(f.)(2) of the Code of Ordinances of 13.00 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12.00 feet, to allow for a covered porch on the rear of the house, for the property located at 381 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition, Lot 56 and part of Water Lot "C: in front. Parcel # 07-30-15-47394-000-0560.***

**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 Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: [doreilly@irbcity.com](mailto:doreilly@irbcity.com). All correspondence must be received by the City Clerk no later than **Tuesday, October 19, 2021 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

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

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 4, 2021. (Sec. 2-149 of the Code of Ordinances.)



**MIKE TWITTY, MAI, CFA**  
**Pinellas County Property Appraiser**  
[www.pcpao.org](http://www.pcpao.org)      [mike@pcpao.org](mailto:mike@pcpao.org)

Run Date: 07 Oct 2021

Subject Parcel: 07-30-15-47394-000-0560

Radius: 150 feet

Parcel Count: 10

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

Total pages: 2

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.

---

COUNTY COURTHOUSE  
315 Court Street - 2nd Floor  
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY  
29269 US Highway 19 N  
Clearwater, FL 33761

FAX: (727) 464-3448    TTY/TDD: (727) 464-3370

MID COUNTY  
13025 Starkey Road  
Largo, FL 33773

SOUTH COUNTY  
2500 34th Street N - 2nd Floor  
St. Petersburg, FL 33713

MAIL: PO Box 1957, Clearwater, FL 33757



RUCINSKI, MAE  
370 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

HENDERSON, GEORGE R INTER-VIVOS TRUST  
HENDERSON, MARK G TRE  
374 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

JANNARONE, PAUL W  
WHEATLEY, PATRICIA K  
376 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

LEOUSIS, ELIAS  
LEOUSIS, ALEXANDRA BOUYOUCAS  
378 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

MACDONALD, MIRIAM J  
373 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3716

GRIFFIN, ROBERT P  
GRIFFIN, REBBECA FOGLER  
375 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3716

EDGERTON, DAVID A  
EDGERTON, CYNTHIA R  
701 POINSETTIA RD UNIT 238  
BELLEAIR FL 33756-1549

BONE, JAMES W JR  
BONE, GLORIA J  
380 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

MULLEN, CHARLOTTE A TRUST  
MULLEN, CHARLOTTE A TRE  
382 LA HACIENDA DR  
INDIAN ROCKS BEACH FL 33785-3715

ROBERTS, CHRISTIE D  
ROBERTS, JAMES M  
424 MONTROSE AVE  
TEMPLE TERRACE FL 33617-4238

**AGENDA ITEM NO. 6**

**OTHER BUSINESS**

**AGENDA ITEM NO. 7**

**ADJOURNMENT**