

**TUESDAY,
DECEMBER 14, 2021**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.indian-rocks-beach.com

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

Library
727/596-1822

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

AGENDA

**CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
TUESDAY, DECEMBER 14, 2021 @ 7:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

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

1. PRESENTATIONS.

- A. **REPORT OF** Pinellas County Sheriff's Office.
- B. **REPORT OF** Pinellas Suncoast Fire & Rescue District.

2. PUBLIC COMMENTS. [3-minute time limit per speaker.]

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

3. REPORTS OF:

- A. **City Attorney.**
- B. **City Manager.**
- C. **City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. **CONSENT AGENDA:**

- A. **APPROVAL OF** the November 9, 2021 Regular City Commission Meeting Minutes.
- B. **APPOINTING MYRA WARMAN** to serve on the Planning and Zoning Board as a regular board member for a two-year term, expiring May 31, 2023.
- C. **AUTHORIZING** the City Manager to enter into a lease agreement with the West Pinellas Little League, for the municipal-owned property known as the Joseph Campalong Baseball Field.
- D. **APPOINTING BOARD OF ADJUSTMENTS AND APPEALS 1ST ALTERNATE BOARD MEMBER MICHAEL AUSTIN CAMPBELL** as a regular board member to fill the unexpired term of Waldemar H. Clark, Jr., expiring June 20, 2023.
- E. **APPOINTING KAREN O'DONNEL** to serve on the Board of Adjustments and Appeals as 1st Alternate Board Member for a three-year term, expiring June 30, 2024.
- F. **CONFIRMING ACTION** taken during the December 2, 2021 Special City Commission Meeting.
- G. **APPROVAL OF** the December 2, 2021 Special City Commission Meeting Minutes.

6. **PUBLIC HEARINGS:**

- A. **BOA CASE NO. 2021-14 — 339-12TH AVENUE**
Considering a variance request from Section 94-86 (a)(1) of the Code of Ordinances of 2 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift, for the property located at 339-12th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 2nd Addition, Block 89, Lot 7. Parcel #: 06-30-15-42066-089-0070.
- B. **BOA CASE NO. 2021-15 — 445 HARBOR DRIVE SOUTH**
Considering a variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1-foot 6 inches on the west side, for the installation of a new dock and new boat lift, for the property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 19th Addition, Lot 15. Parcel #: 06-30-15-42372-000-0150
- C. **BOA CASE NO. 2021-16 — 530 HARBOR DRIVE NORTH**
Considering a Variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2 inches, to allow for an aluminum awning, for the property located at 530 Harbor Drive North, Indian Rocks Beach, Florida, and legally described as Browns Addition to Re-Rev Map of Indian Beach, Lot 14. Parcel #: 06-30-15-12402-000-0140
- D. **ORDINANCE NO. 2016-06 — PUBLIC HEARING/SECOND AND FINAL HEARING.** An ordinance of the City of Indian Rocks Beach, Florida, providing for amendments to the Code of Ordinances by amending Chapter

110, Zoning; Article I - In General, Section 110-344 "Swimming pools and spas"; by increasing the maximum length of permissible waterfall features in swimming pools and spas; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.

- E. ORDINANCE NO. 2021-07 — PUBLIC HEARING/SECOND AND FINAL READING.** An ordinance by the City Commission of the City of Indian Rocks Beach, Florida, amending Chapter 90 of the Code of Ordinances to provide criteria for accessory structures in flood hazard areas; to not permit installation of manufactured homes and recreational vehicles in flood hazard areas and align with regulatory directives; providing for applicability, codification, and severability; and providing for an effective date.

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

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

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or doreilly@irbcity.com, no later than four (4) days prior to the proceeding for assistance.

POSTED: December 10, 2021

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, JANUARY 11, 2022**

AGENDA ITEM NO. 1A

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

AGENDA ITEM NO. 1B

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

Indian Rocks Beach
Monthly Report from Pinellas Suncoast Fire & Rescue District – November 2021

For City Commission Meeting December 14, 2021

1. COVID – The District remains fully staffed as no employees out due to COVID-related issues. Protocols continue to move closer to pre-pandemic status but careful monitoring is taking place with any onset of future variants, namely the Omicron variant.

2. EMS CALL ACTIVITY: EMS call volume for the month was higher than normal with 42 EMS calls for service in Indian Rocks Beach in November. The EMS calls included

| | |
|------------------|-----------------|
| Falls – 7 | Respiratory – 2 |
| Sick Person - 12 | Seizures - 3 |
| Other EMS – 10 | Trauma - 2 |
| Cardiac – 4 | Unconscious – 2 |

All EMS emergency responses except for two were within the target of 7 min. 30 sec. The two instances missing the target were due to needing other agencies to respond as the IRB units were responding to other calls. Average EMS response time for the above was 4 min. 23 sec.

3. FIRE CALL ACTIVITY: The fire call activity for November was typical month with a total of 12 incidents. The calls included:

Fire Alarm – 4
Elevator Rescue – 2
Electrical Issues – 2
Outside Fire – 3
Assist Other Agency - 1

All FIRE emergency responses except for two were within the 7 min. 30 sec. target. In those two instances, the mainland unit covered the calls as the IRB unit responding elsewhere. The average response time was 4 min. 34 sec.

4. FIRE CHIEF: The PSFRD Board of Commissioners selected Fire Chief Jeffrey Davidson to succeed retiring Chief Burton. Chief Davidson comes with over 33 years of experience and officially started with the District on Nov. 15. Chief Mike Burton last day on duty is Dec. 3 and has worked side by side with Chief Davidson to ensure a smooth transition.

5. SEAT 2 COMMISSIONER: IRB Commissioner and immediate past Vice Chair David Ardman has resigned from the Board of Commissioners effective Dec. 6, 2021, as he is moving out of Indian Rocks Beach. The District will begin the process of appointing a replacement to fill Seat 2 until the next general election.

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

December 2021 City Managers Report

Code Enforcement Report for November 2021

- 25 (Twenty-Five) Parking Citations (does not include PCSO Citations)
- 7 (Seven) Code Violation Notices
- 1 (One) Notice to Appear

Capital Projects

- Bay Boulevard Street Reconstruction Project is underway. Project scope includes Bay Boulevard from 18th Ave to 23rd Avenue.
- Storm Water Plan Update. CivilSurv was designated by the City Commission as the engineer for this project in October of 2021. The kickoff meeting to begin the process of updating the City's Master Storm Water Plan was held last week with CivilSurv. The cost of the update will be funded from a portion of the money received from the American Rescue Plan. The Engineers will present their findings and updated stormwater report to the City in mid-2022.
- Allocation of funds received from Frontier Communications. As discussed at the CC Meeting on Thursday, December 2, 2021, the city received a check from Frontier Communications in the amount of \$110,523.12. The funds received were the result of an overestimation of the binding cost estimate for Frontier's portion of the IRB Gulf Boulevard Undergrounding Project Phase I. After discussions and negotiations with Pinellas County, the county will allow the City to add the refund amount to the next phase of the Gulf Boulevard undergrounding Project. The added funds bring the total project budget for the IRB Gulf Boulevard Phase II project to \$5,807,393.

Other Updates

- IRB Christmas Tree Lighting and Street Parade events were a huge success. Thanks to our IRB Team Members that worked to make these events safe and successful.
- The IRB Christmas Boat Parade is scheduled for December 18th beginning at 7:00 PM at the Holiday Inn. Registration is ahead of schedule and we look forward to another successful parade.
- City Hall Closure: City Hall will be closed for Christmas on December 23rd & 24th and December 30th & 31st for New Year's.

AGENDA ITEM NO. 3C
REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

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

**APPROVAL OF
November 9, 2021 Regular City
Commission Meeting Minutes**

**AGENDA ITEM NO.: 5A - APPROVAL OF MINUTES.
DATE OF MEETING: DECEMBER 12, 2021 CCM**

**MINUTES — NOVEMBER 9, 2021
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, NOVEMBER 9, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:01 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joe McCall, Commissioner Philip J. Hanna, Commissioner Edward G. Hoofnagle, Commissioner Denise Houseberg, and City Manager Brently Gregg Mims.

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

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

1A. REPORT OF Pinellas County Sheriff's Office.

The Pinellas County Sheriff's Office submitted a written crime analysis report for the month of October 2021.

Commissioner Hoofnagle stated he appreciates the work that the Pinellas County Sheriff's Office does for the City.

Don House, 2104 Beach Trail, tried to ask the Pinellas County Sheriff's Office a question.

Mayor-Commissioner Kennedy interrupted and advised Mr. House that this was not the time or place to ask deputies questions. She advised the deputies are available 15 minutes prior to every City Commission Meeting for residents to ask their questions or they can make an appoint with them.

1B. REPORT OF Pinellas Suncoast Fire & Rescue District.

The Pinellas Suncoast Fire and Rescue District submitted a written report for the month of October 2021.

1C. PRESENTATION OF IRB VETERANS.

Mayor-Commissioner Kennedy honored the veterans in the community by presenting a candle and a City pin to each of them that were in attendance for their service in the military followed by the song *God Bless the U.S.A.*, by Lee Greenwood.

2. PUBLIC COMMENTS.

Don House, 2104 Beach Trail, stated it is obscene that the public is not allowed to communicate as long as they are not members of the "cult." He is not allowed to say what he wants to say. Because of the recent ordinance passed, there is a problem with camping on the beach. A resident has photographs of semis parking on the beach accesses overnight and people camping on the beach. He has called the sheriff regarding this issue, but nothing happened, and he is tired of it. He had other things for his three minutes, but he is so frustrated that he cannot say anything if he is not a member of the "cult."

3A. REPORTS OF the City Attorney.

City Attorney Mora reviewed the following legislative bills:

SB512/HB325, Short-Term Vacation Rentals. The bills maintain the current preemption on local governments from adopting zoning ordinances specific to short-term rentals, as well as regulating the duration of stays and the frequency in which the properties are rented. The bills expand this preemption to include local regulations on advertising platforms. For cities that adopted ordinances prior to June 1, 2011, the bills maintain the "grandfather" currently in place but clarify that those cities may amend their ordinances to be less restrictive or to comply with a local registration program. For cities that do not have "grandfathered" protections, the bills preempt cities from licensing short-term rentals; however, they authorize local governments to have a local registration program. Local governments who choose to adopt a local registration program may impose a fine for failure to register. The local government has 15 days after receiving an application for registration to either accept the application or issue a written notice specifying all deficiencies. Both parties may agree to extend the timeline. If a municipality does not accept or deny an application within that 15-day window, that application is deemed approved. These bills maintain the current preemption that exist.

HB633, Preemption of the Regulation of Vacation Rentals. Repeals all preemption provisions in current law relating to the local regulation of vacation rentals.

SB280/HB403. Amends the legal standards and processes used by courts to assess the validity of municipal ordinances and imposes new substantive requirements on municipalities for adopting and enforcing ordinances. First, the bill requires a municipality to prepare a business impact statement before adopting an ordinance and specifies the

minimum content that must be included in the statement. Emergency ordinances are exempt. The statement must be posted on the municipality's website concurrent with a publication of notice of the proposed ordinance. Second, the bill requires a municipality to suspend enforcement of an ordinance that is the subject of a civil action, including any appeals, challenging the ordinance's validity on the grounds that it is preempted by state law, is arbitrary or unreasonable, or is otherwise prohibited by law. This requirement applies only if: the action was filed within 20 days of the ordinance's effective date; suspension of the ordinance was requested in the complaint; and the municipality was served with a copy of the complaint. Third, the bill authorizes the award of attorney fees and costs to a prevailing plaintiff in a civil action commenced after October 1, 2022, in which the adoption or enforcement of an ordinance is alleged to be arbitrary or unreasonable, or prohibited by law other than by express preemption (i.e., is impliedly preempted or is in conflict with state law). Ordinances adopted to implement Part II of Chapter 163 (comprehensive planning and land development regulation), section 553.73 (Building Code), or section 633.202 (Fire Code) are exempt from this provision. Fourth, the bill specifies factors a court must consider in determining whether an ordinance is arbitrary or unreasonable, including: the extent to which the ordinance protects public health, safety and welfare; the impact of the ordinance on the personal rights and privileges of municipal residents; the total economic impact of the ordinance; and the business impact statement prepared by the municipality. It requires courts to prioritize and expedite the disposition of cases in which enforcement of an ordinance is suspended. It authorizes the award of attorney fees and costs pursuant to section 57.112. The court prioritization and new legal standard do not apply to emergency ordinances, ordinances relating to comprehensive planning and land development regulations, ordinances implementing the Florida Building Code and ordinances implementing the Florida Fire Code.

SB620. Authorizing certain businesses to claim business damages from a county or municipality if the county or municipality enacts or amends certain ordinances or charter provisions; authorizing businesses to recover costs and fees in a specified manner and if certain requirements are met; requiring courts to consider certain factors and follow specified guidance when assessing costs; specifying requirements for the courts in determining and awarding attorney fees; requiring attorneys and businesses to submit certain documentation relating to attorney fees, etc.

Commissioner Hoofnagle recommended the City Commission send a letter to the individuals chairing those legislative committees that are requiring the static backup for the legislation, requesting that there be an exemption for small towns.

CONSENSUS FOR THE CITY ATTORNEY TO DRAFT A LETTER FOR THE CITY COMMISSION'S REVIEW AND CONSIDERATION TO SEND A LETTER TO THE INDIVIDUALS CHAIRING THOSE LEGISLATIVE COMMITTEES AND REPRESENTATIVE NICK DICEGLIE THAT ARE REQUIRING STATICAL BACKUP FOR

THE LEGISLATION, REQUESTING THAT THERE BE AN EXEMPTION FOR SMALL TOWNS.

3B. REPORTS OF the City Manager:

City Manager Mims stated he submitted a written report.

City Manager Mims stated his response is to the one public speaker. The public has the ability to speak under Public Comments and directly to the sheriff deputies 15 minutes prior to every City Commission Meeting as pointed out by Mayor-Commissioner Kennedy.

City Manager Mims stated he would followup with the Pinellas County Sheriff's Office regarding individuals sleeping in their vehicles at the 21st Avenue Beach Access and on the beach overnight.

City Manager Mims stated the City had dealt with individuals that have parked campers by their homes, not for lengthy periods of time, and had advised them this is not allowed by the City Code.

City Manager Mims stated if the City does not know about an issue, then the City cannot handle and resolve it.

City Manager Mims clarified that an individual may park at a beach access overnight for three consecutive days, but are prohibited from sleeping in their vehicles, semis, and campers.

Commissioner Hoofnagle stated despite the uneasy interaction that happened, it is very notable that the city manager heard the complaint, and the city manager is going to act on it. That really shows a caring attitude toward the residents.

3C. REPORTS OF the City Commission.

COMMISSIONER HOOFNAGLE:

- Thanked the City for all the support with Oktoberfest and all the volunteers. He looks forward to Action 2000 putting that money to good use to improve the City.

VICE MAYOR-COMMISSIONER McCALL:

- Thanked the City for all the support with the Taste of IRB. He stated the attendance was fantastic, and the feedback from the vendors was *"it was one of the best events they have had."* He stated the local restaurants were unable to participate in the event because they did not have the staff. He stated Frank Chivas of Baystar Restaurant Group stepped in and helped with the food vendors. He stated these events cannot go on without the generosity of the Loder Family and Crabby Bill's.

The Loder Family took a very nice sponsorship position with the Indian Rocks Beach Homeowners' Association to make this a successful event.

COMMISSIONER HANNA:

- It is a wonderful time of year for Indian Rocks Beach. Moreover, it is only possible because of volunteerism by its residents. The City has a tremendous amount of residents that are members of Action 2000, the Homeowners' Association, the IRB Rotary, and so forth.

MAYOR-COMMISSIONER KENNEDY:

- Stated Halloween was a successful event.
- Announced the Women's Tea is on Saturday, November 13, 2021, and stated this year, they would be celebrating entrepreneurs from the community.

4. ADDITIONS/DELETIONS.

Commissioner Hoofnagle stated under Other Business, he would like to ask Mayor-Commissioner Kennedy why she voted for the Pinellas County Vulnerability Assessment Elevations rather than the FEMA Maps.

5. CONSENT AGENDA:

- A. APPROVAL OF the October 12, 2021 Regular City Commission Meeting Minutes.**
- B. RESOLUTION NO. 2021-09. Calling for a Municipal General Election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commission Seat and two Commission Seats for two-year terms, for Tuesday, March 15, 2022.**

City Attorney Mora read the Consent Agenda, consisting of Agenda Items 5A and 5B, by title only.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEMS 5A AND 5B, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. BOA CASE NO. 2021-11 — 110-14TH AVENUE

Considering a variance request from Section 110-131(1)(f)(1) of the Code of Ordinances of 5 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20 feet, to allow for a expansion of the existing porch and garage on the front of the house, for the property located at 110-14th Avenue, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised, Block 29, Lot 5. Parcel No. 01-30-14-42030-029-0050.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-11: Variance request from Section 110-131(1)(f.)(1) of the Code of Ordinance of 5 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20 feet, to allow for a expansion of existing porch and garage on the front of the house, for property located at 110-14th Avenue, 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
Property Location: 110-14th Avenue
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:

The applicant is planning on converting his existing duplex into a single-family residence. He is requesting to enlarge the front porch by 5 feet 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 the applicant has owned the building since 1997. The overall building has a front setback of 30 feet; however, the second story porch is located at 25 feet from the front property line. The existing front planter is located 20 feet 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 5 foot deep porch. Since the applicant is proposing to convert to a single-family, he 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. *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.

BOARD OF ADJUSTMENTS AND APPEALS: The Board of Adjustments and Appeals recommended approval by a vote of 5 to 0.

NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: None.

LEGAL ADVERTISEMENT: A legal notice was published in the October 27, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for public hearing that has been scheduled on November 9, 2021, for BOA Case No. 2021-11.

[End of Staff Report]

City Attorney Mora read BOA Case No. 2021-11 by title only.

City Attorney Mora inquired of the City Commission if they had any ex-parte communications with the applicant, with all members responding in the negative.

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

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

Planning Consultant Harmon stated BOA Case No. 2021-11 is a variance request from Section 110-131(1)(f.)(1) of the Code of Ordinances of 5 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 20 feet, to allow for an expansion of the existing porch and garage on the front of the house located at 110-14th Avenue.

Planning Consultant Harmon provided a PowerPoint Presenting showing an aerial view of the property, a photograph of the front of the property, a survey, the proposed addition, an aerial view with the proposed addition, and the proposed elevation.

Planning Consultant Harmon stated the applicant has owned the property since 1997, and at the time of purchase, it was a triplex. He converted the triplex into a duplex renting out the top two units and using the bottom unit as a storage area.

Planning Consultant Harmon stated since he has reached retirement age, he would like to convert the duplex into a single-family home for him and his wife.

Planning Consultant Harmon stated the applicant would like to bump out the second story balconies 5 feet causing the porches to encroach into the front yard setback by 5 feet. She also stated the roof "mohawk" would be removed and the two balconies would be combined into one balcony. The reason why the applicant would like to extend the width of the balconies from 5 feet to 10 feet is to accommodate a small dining table and grill. The applicant would remove the firewall between the two units, and the bottom floor of the duplex would also be extended by 5 feet into the front setback to match the upstairs addition.

Robert Kirk Park, III, 12935 Tar Flower Drive, Tampa, Florida, applicant, stated he and his wife plan on moving to Indian Rocks Beach next year after the renovation of their duplex at 110-14th Avenue into a single-family residence. He noted the upstairs balconies are tiny and would like to enlarge them 5 feet more to have enough space for a dining room table and a grill. In the future, he would like to enclose the carports to make them into garages and would also like to bring them forward by 5 feet to enclose their entry stairway to make it more secure.

Mayor-Commissioner Kennedy opened the public hearing. Hearing and/or seeing no one wishing to speak, the public hearing was closed.

Susan Park, 12935 Tar Flower Drive, Tampa, Florida, property owner, stated by moving out the garages, they would still be 3 feet back from the balconies because they need an overhang for their front door. For her coming home at nighttime, she does not want to walk outside to enter into her home. It would be extra security if she could park her car in the garage and enter her home from the garage instead of walking outside.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER McCALL, TO APPROVE BOA CASE NO. 2021-11, 110-14TH AVENUE, A VARIANCE REQUEST FROM SECTION 110-131(1)(f).(1) OF THE CODE OF ORDINANCES OF 5 FEET INTO THE REQUIRED 25-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 20 FEET, TO ALLOW FOR A EXPANSION OF THE EXISTING PORCH AND GARAGE ON THE FRONT OF THE HOUSE, FOR THE PROPERTY LOCATED AT 110-14TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED, BLOCK 29, LOT 5. PARCEL NO. 01-30-14-42030-029-0050.

Commissioner Hoofnagle stated the hardship stems from the building to coastal construction standards. The living area has to be elevated, and as a result, the stairwell is not in a convenient place, which is not safe for nighttime arrival. He thinks that creates a unique hardship, which warrants a slight extension setback to enclose the stairwell to be an interior stairwell.

ROLL CALL VOTE:

AYES: HANNA, HOUSEBERG, McCALL, HOFFNAGLE, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

6B. BOA CASE NO. 2021-12 — 381 LA HACIENDA DRIVE

Considering a variance request from Section 110-131(1)(f).(2) of the Code of Ordinances of 13 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet, to allow for a covered porch on the rear of the house, for the property located 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.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-12: Variance request from Section 110-131(1)(f).(2) of the Code of Ordinance of 13 feet into the required 25-foot rear yard setback, resulting

in a total rear yard setback of 12 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 part of Water Lot C in front. Parcel # 07-30-15-47394-000-0560.

OWNER: Chris & Lydia Tremble
 PROPERTY LOCATION: 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:

The applicants 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 waterfront lots. The house presently has a 263 square foot covered porch. The proposed additional covered porch would be extended 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. *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.

BOARD OF ADJUSTMENTS AND APPEALS: The Board of Adjustments and Appeals recommended approval by a vote of 5 to 0.

NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on October 25, 2021, pursuant to Sec. 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: None.

LEGAL ADVERTISEMENT: A legal notice was published in the October 27, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for public hearing that has been scheduled on November 9, 2021, for BOA Case No. 2021-12

[End of Staff Report.]

City Attorney Mora read BOA Case No. 2021-11 by title only.

City Attorney Mora inquired of the City Commission if they had any ex-parte communications with the applicant, with all members responding in the negative.

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

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

Planning Consultant Harmon stated BOA Case No. 2021-12 is a variance request from Section 110-131(1)(f).(2) of the Code of Ordinances of 13 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet, to allow for a covered porch on the rear of the house at 381 La Hacienda Drive.

Planning Consultant Harmon provided a PowerPoint Presentation showing an aerial view of the property, a survey, the proposed porch addition, the covered porch area, pictures looking south, looking west, and looking north, and a picture of the house from 2019 without any improvements. The applicants have added a pool area where the old screen porch used to be.

Planning Consultant Harmon stated that staff recommended denial because the property is located on the waterfront, and it does not meet the City Code or the variance criteria. The Board of Adjustments and Appeals recommended denial by a vote of 5 to 0.

Lydia Tremble, 381 La Hacienda Drive, the applicant, stated they purchased their home in 2019 and have rebuilt it keeping in style and the originality from when it was built in the late 1960s. The original house had a raised wooden deck, which was removed and replaced with an in-ground pool located directly off the covered seating area. They have also installed a spa situated at the south side of the backyard (opposite end of the pool). The location of the backyard lot is facing the southeastern exposure. As a result, they have full sun all day long, which is great for heating the pool, but awful for being able to enjoy a meal outside or even barbecuing.

Ms. Tremble stated they would kindly ask the City Commission for this 13-foot variance to install support columns for a covered pavilion. It would just be support columns alone with a covered roof area. This variance would enable them to make the most out of their backyard.

Ms. Tremble stated their hardship is that they cannot enjoy their backyard to the fullest extent that they possibly can due to the space and the southeastern exposure. This variance would enable them to make the most out of their backyard.

Ms. Tremble stated that she and her husband often have their elderly parents over for a cookout. Essentially, that side of their backyard is rendered useless due to the Florida sun. Building a shade pavilion would enable them to comfortably, with their folks, utilize this part of their lawn with comfortable seating, cooking, and eating area.

Ms. Tremble assured the City Commission that they would not build an enclosed pavilion; they just wanted some relief from the sun.

Ms. Tremble stated her lot is located at the end of La Hacienda Drive on the cul-de-sac, which is a unique area. They are located at the end of the finger or at the bend of the finger, which would not obstruct either neighbor's view to the north or south of them.

Ms. Tremble stated they have also gathered signatures from neighbors that do not object to their project and that the variance would not deprive their neighbors of use and full enjoyment of their properties.

Ms. Tremble stated they are not only exposed to the sun but also the wind as well. The wind comes ripping across the water there because of their location point on the bend of the finger. From their dock, their view is the Walsingham Bridge to the Belleair Beach Causeway. They have tried umbrellas to sun sail shades only to have them broken or have to fish them out of the Intracoastal Waterway.

Ms. Tremble stated they would not be able to enjoy the full potential of their backyard without this variance.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing is closed.

Commissioner Houseberg asked why there was no hardship.

City Attorney Mora stated the City Commission could ask what was staff's reasoning for its determination, but ultimately the decision of whether or not there is a hardship that is for the City Commission to determine.

Commissioner Houseberg asked Planning Consultant Harmon to clarify the Board of Adjustments and Appeals' recommendation of denial.

City Attorney Mora stated the Board's recommendation speaks for itself in the minutes.

City Attorney Mora asked Planning Consultant Harmon if she had a rationale for that element of her report or what her report states about it that she wishes to restate.

Planning Consultant Harmon stated the City Code has been in place since 1981 about nothing being vertical in the rear yard setback.

City Attorney Mora stated his office had advised the City Commission in the past that hardship is a hardship to the land, and staff has indicated in its staff report that there was not a unique feature of the land at issue for the relief sought here.

Commissioner Hoofnagle stated if the petition was for one of those SunSetter Awnings that were retractable, would those also require a variance.

Planning Consultant Harmon stated those are supposed to be temporary and retractable and would not require a variance.

Commissioner Hoofnagle stated this requires a variance because it is a permanent structure with column posts and footers.

Vice Mayor-Commissioner McCall stated the City Commission had made concessions to pie-shaped lots in the past.

City Attorney Mora stated a variance is unique to each property.

Vice Mayor-Commissioner McCall stated pie-shaped lots do create advantages and disadvantages. This particular property is on the point.

Commissioner Hoofnagle stated the property line is curvilinear on the back. If it were rectangular, the right and left corners would extend out another 5 feet. If a line was drawn tangent to the dock, there is a point in the middle of the property where the property is longer than it is on the right and left side, and the house is angled such that it does not necessarily get the full benefit of that shape of the lot.

Commissioner Hoofnagle stated the hardship is created by the shape of the lot would be the restrictions of the north and south sides of the boundary points because of the curvilinear nature of the property. That is something unique to the property itself, not to the house or the petitioners' request.

Commissioner Hanna stated he owns a SunSetter Awning. It is open, and part of the reason for it being opened was so his neighbors could see through to the water. He is very happy with the SunSetter, and it does work well and it is retractable.

Chris Tremble, 381 La Hacienda Drive, the applicant, stated he did have SunSetter Awnings come out, and they advised him that they would have to re-enforce the upper portion of his residence where it would attach because of the size and weight of the awning.

Commissioner Hanna stated he has had his awning for ten years, and he has a \$100 investment that fits on the rail and when the wind reaches 30 mph, it automatically retracts back in.

MOTION MADE BY VICE MAYOR-COMMISSIONER McCALL, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE BOA CASE NO. 2021-12, A VARIANCE REQUEST FROM SECTION 110-131(1)(f.) (2) OF THE CODE OF ORDINANCES OF 13 FEET INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, RESULTING IN A TOTAL REAR YARD SETBACK OF 12 FEET, TO ALLOW FOR A COVERED PORCH

ON THE REAR OF THE HOUSE, FOR THE PROPERTY LOCATED 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.

Vice Mayor-Commissioner McCall stated the shape of the lot is the hardship as explained by Commissioner Hoofnagle. He does believe a temporary sun shade structure would not fair well with the Florida weather or the winds coming off the Intracoastal Waterway. With this particular lot, he does not see any water view obstructions to the neighbors since this property is at the bend of the cul-de-sac.

ROLL CALL VOTE:

AYES: HANNA, HOOFNAGLE, HOUSEBERG, McCALL, KENNEDY

NAYS: NONE

MOTION CARRIED UNANIMOUSLY.

Commissioner Hoofnagle stated he would like to have a discussion on rear setbacks especially on non-standard lots.

CONSENSUS TO HAVE A WORK SESSION ON REAR SETBACKS ESPECIALLY ON NON-STANDARD LOTS.

6C. ORDINANCE NO. 2021-06 - FIRST PUBLIC HEARING. An ordinance of the City of Indian Rocks Beach, Florida, providing for amendments to the Code of Ordinances by amending Chapter 110, Zoning; Article I - In General, Section 110-344 "Swimming pools and spas"; by increasing the maximum length of permissible waterfall features in swimming pools and spas; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for severability; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

During the November 12, 2019 and September 14, 2021 City of Indian Rocks Beach City Commission Meetings, the City Commission approved variances to extend the allowable length of waterfalls. The City Code for up to 6 feet in length, and variances granted were for 12 feet. As a result, the Board of Adjustments and Appeals recommended that the City Commission consider a City Code amendment to allow the allowable length of waterfalls to 12 feet in length.

The City Commission by consensus authorized staff to forward a City Code amendment to the Local Planning Agency to change the 6 feet allocation to 12 feet. The Local Planning Agency should consider the proposed amendment and make the appropriate recommendation to the City of Indian Rocks Beach City Commission.

On October 21, 2021, the Local Planning Agency discussed changing the 6 feet allocation for the waterfall to 12 feet. The Board recommended that if the waterfall was increased to 12 feet it could be located on the house side of the property not along the side yard or rear yard property line. A 6-foot waterfall would still be allowed to be located on any side of the pool.

LEGAL ADVERTISEMENT: A legal notice was published in the October 27, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for public hearing that has been scheduled on November 9, 2021, for Ordinance No. 2021-06.

[End of Staffing Report]

City Attorney Mora read Ordinance No. 2021-06 by title only and stated this is first reading.

City Attorney Mora introduced Ordinance No. 2021-06 and stated the City Commission had at least two variance applications on waterfall features. The City Code presently limits the width of waterfalls to 6 feet. The City Commission suggested that some reconsideration be made since the City has seen more than one variance of some type with little controversy.

City Attorney Mora stated the Board of Adjustments and Appeals provided the feedback that they did not feel that the variance criteria were not met but did not see the reason for the restriction itself.

City Attorney Mora stated this amendment went before the Local Planning Agency to evaluate consistency with the Comprehensive Plan. The ordinance was deemed consistent with the Comprehensive Plan. However, by consensus, the Local Planning Agency was concerned that the City Code did not allow for fences of certain opacity and hedges that obscure side and rear views of waterfront properties. They felt that a 12-foot waterfall feature would be a way of accomplishing what a person cannot achieve with a fence, hedge, or otherwise. The Local Planning Agency did find the ordinance is consistent with the Comprehensive Plan. However, the Board recommended amending the ordinance in its current form to allow for an increase not to exceed 12 feet where the waterfall feature is adjacent to the rear of the home, but not allow waterfall features to be placed along the side or rear yard line setbacks.

Planning Consultant Harmon stated the Local Planning Agency recommended that the waterfall feature only be allowed on the side that abuts the house.

City Manager Mims stated the City had two variance requests for the extension of the waterfall features, and they were from the same contractor. The City Commission did approve both variances. The reality is whether the waterfall feature is 6 or 12 feet, the height of the waterfall feature cannot be higher than 4 feet.

City Manager Mims stated it bothers him that the City Code is being amended over two variance requests, but in the real world, whether it is 6 feet or 12 feet probably does not make a lot of difference. However, as recommended by the Local Planning Agency, there needs to be a restriction that the waterfall features are prohibited on the seawall (waterfront) side because only 4 feet, 50% open fences are permitted along the seawall.

City Manager Mims stated that if the City surveyed the waterfront properties abutting to the Intracoastal Waterway, ninety percent of those violate the City Code on fence heights. It is a good suggestion, as recommended by Commissioner Hoofnagle, to discuss that issue.

City Manager Mims stated the City Commission needs to have a lengthy discussion about dock variances because Pinellas County has gone to a system where if an application has met specific criteria and the abutting neighbors sign-off on the application, those applications are handled administratively.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY VICE MAYOR-COMMISSIONER McCALL, TO APPROVE ORDINANCE NO. 2021-06, ON FIRST READING, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-344 "SWIMMING POOLS AND SPAS"; BY INCREASING THE MAXIMUM LENGTH OF PERMISSIBLE WATERFALL FEATURES IN SWIMMING POOLS AND SPAS; AND PROHIBITING THE CONSTRUCTION OF WATERFALL FEATURES ALONG A SEAWALL OR TO BE A SYNTHETIC FENCE BLOCKING THE LINE OF SIGHT.

Commissioner Hoofnagle stated the City Commission approved both of the waterfall variances because the City Commission had difficulty differentiating the hardship between the 6- and a 12-foot waterfall. He felt it was an inefficient use of the City Commission's time.

Commissioner Hanna stated he agrees with the city manager and said the City has only had two variance requests on this issue and how many would there be. He thinks many more specifications need to be in this ordinance before it is voted on.

ROLL CALL VOTE:

AYES: McCALL, HOOFNAGLE, KENNEDY

NAYS: HANNA, HOUSEBERG

MOTION APPROVED BY A VOTE OF 3 TO 2.

7A. ORDINANCE NO. 2021-07 - FIRST READING. An ordinance by the City Commission of the City of Indian Rocks Beach, Florida, amending Chapter 90 of the Code of Ordinances to provide criteria for accessory structures in flood hazard areas; to not permit installation of manufactured homes and recreational vehicles in flood hazard areas and align with regulatory directives; providing for applicability, codification, and severability; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

FEMA established August 24, 2021, as the effective date for the revised Flood Insurance Study for Pinellas County and incorporated areas and flood insurance rate maps. FEMA requires adoption of floodplain management regulations meet certain NFIP requirements.

The City was required to revise sections of the ordinance that pertained to manufactured homes and accessory structures.

The City staff worked with FDEM to update the FEMA requirements in the ordinance and general cleanup of the ordinance.

The following are the areas that were modified:

1. Reference to Manufactured Homes was removed except stating they are not allowed. Manufactured Buildings are allowed if they are built offsite and installed on a foundation that meets building regulations.
2. Added definition and requirements of Accessory Structure.
Rebecca Quin, FDEM is inquiring from FEMA if vents are required since the accessory structures are not allowed to be greater than 120 square feet.
3. Redefined Market Values — definition is from Pinellas County Flood Manager.
4. Removed reference to development in watercourses/floodways.

[End of Staff Report]

City Attorney Mora read Ordinance No. 2021-07 by title only and stated this is first reading for Ordinance No. 2021-07.

Planning Consultant Harmon introduced Ordinance No. 2021-07, and briefly reviewed the staff report with the City Commission.

Planning Consultant stated the ordinance was amended as follows:

- The reference to manufactured homes was removed except stating they are not allowed, but manufactured buildings are allowed if they are built offsite and installed on a foundation that meet building regulations and flood regulations. Manufactured buildings are further defined in the Florida Building Code.
- **Sec. 90-79. Manufactured homes.**
Manufactured homes, as defined in 15C-1.0101, Florida Administrative Code, are not allowed in flood hazard areas. "Manufactured homes," as used in this section, are distinct from "manufactured buildings," as that term is used in the Florida Building Code or Florida Administrative Code.
- A definition and requirements for accessory structures were added.
 - Accessory Structure means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.
- **Sec. 90-78. Accessory structures.**
Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
 - (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 120 sq. ft.
 - (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
 - (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
 - (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
 - (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.
- The term *market values* was redefined as: ~~means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts:~~

~~As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for Ad Valorem taxation purposes, tax assessment value adjusted to approximate market value as determined by the PAO by a factor provided by the property appraiser~~

- ~~Removed the reference to development in watercourses/floodways.~~
 - ~~*Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]~~
 - ~~*Floodway encroachment analysis* means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~
 - ~~*Watercourse* means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

City Manager Mims stated 95% of the amendments are FEMA mandated. The City communicated with FEMA for over a year on this ordinance.

City Manager Mims stated the Floodplain Manager is now officially designated as the Public Services Director.

Mayor-Commissioner Kennedy opened the public comment section for this agenda item. Seeing/hearing no one wishing to speak, the public hearing was closed.

City Manager Mims stated Commissioner Hanna received an email from a Harbor Drive resident that somehow read into this that residents would not be allowed to pull their motor home or camper in their driveway and load it up. He stated this ordinance has no effect on that. However, the City Code prohibits individuals from living out of campers or motor homes.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-07, ON FIRST READING, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO NOT PERMIT

INSTALLATION OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN FLOOD HAZARD AREAS AND ALIGN WITH REGULATORY DIRECTIVES.

ROLL CALL VOTE:

AYES: McCALL, HOUSEBERG, HANNA, HOOFNAGLE, KENNEDY.

NAYS: NONE.

MOTION CARRIED UNANIMOUSLY.

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

9. OTHER BUSINESS.

Commissioner Hoofnagle asked Mayor-Commissioner Kennedy why she supported the Pinellas County Vulnerability Assessment Elevations rather than the FEMA Maps during the October 12, 2021 City Commission Meeting. He asked her this question because he is curious and values her opinion.

Mayor-Commissioner Kennedy stated it was just a gut feeling through all the conversations and all the involvement that she and the City have had with Pinellas County. She did not like how FEMA lowered standards, and their data was not up-to-date. She does not think either way would hurt the City. She feels that the County plan would have been better for the City.

Commissioner Hoofnagle stated one thing that he thought about it after that meeting was if the City were to go down the path of adopting the County's vulnerability assessment elevations, what would that mean for the overall building heights? Would the City have to raise the height limitations?

Mayor-Commissioner Kennedy stated she does not think so.

Planning Consultant Harmon stated no and explained that it would still be 35 feet from the crown of the road.

Commissioner Hoofnagle stated it would basically shrink the ceiling heights, and that could hurt people.

Planning Consultant Harmon stated most base flood elevations in the City are between 8 and 10 feet with the new FEMA maps. The existing grade of the properties is around 4 and 6 feet. The design flood elevation is 1 foot above the base flood elevation so that the first floor would be between 9 and 11 feet. Since the building height is measured from the crown of the road, the first-floor elevation would be around 13 and 15 feet, so the first floor

of the houses would be above the recommended base flood elevations of the Pinellas County Vulnerability Assessment Study.

City Manager Mims stated after the meeting, at least four different, long-time business owners in town had real concerns about going with the County's standards and the impact on development and costs.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:35 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

December 14, 2021

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

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

**APPOINTING Myra Warman to the
Planning and Zoning Board.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021 AGENDA ITEM: 5B

SUBMITTED AND RECOMMENDED BY: Deanne Bulino O'Reilly, MMC, City Clerk *dor*

APPROVED BY: Brently Gregg Mims, City Manager *BGM*

SUBJECT: The appointment of Myra Warman, as Regular Board Members to the Planning and Zoning Board/Local Planning Agency with term expiring May 31, 2023.

BACKGROUND:

As of August 10, 2021, one regular board member vacancies and two alternate board member vacancies exist on the Planning and Zoning Board/Local Planning Agency.

The current members of the Planning and Zoning Board are:

Richard Antepencko, Regular Board Member
Adrienne Dauses, Regular Board Member
Scott Holmes, Regular Board Member
Rick McFall, Regular Board Member
Peter Sawchyn, Regular Board Member
Regular Board Member Herb Sylvester
Regular Board Member vacant
1st Alternate Board Member Seat Vacant
2nd Alternate Board Member Seat Vacant

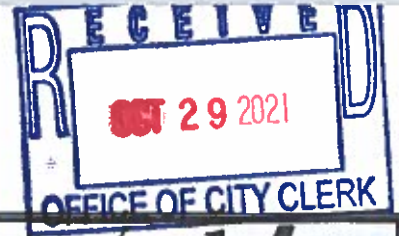
ANALYSIS:

A board application was received from Myra Warman who has showed an interest in serving on the Planning and Zoning Board.

MOTION:

I move to **APPROVE/DENY** the the appointment of Myra Warman as a Regular Board Member to the Planning and Zoning Board/Local Planning Agency with terms expiring May 31, 2023.

/dor



Administrative
727/595 2517

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

Library
727/596 1822

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

CITY OF INDIAN ROCKS BEACH
APPLICATION for Serving on a City Board

- Name: Myra Warman
Home Ph: none Cell Ph: 917-304-4212
Work Ph: n/a Email: myrawarman@gmail.com
- Home Address: 713 Gulf Blvd, IRB, FL 33785
- Occupation: retired
- Education & Training: see attached
BA from Bard College, Annandale on Hudson, NY
- Experience: Brief Job History, use additional sheets, if necessary: see attached
I have self employed and in the Real Estate
industry since 1984.
- Are you a resident of the city, if so, for how long? 4 yrs
- Are you a registered voter: Yes No

see reverse side

8. *Have you ever held public office at any time:* Yes No
If yes, when? _____

9. *Have you ever served on a city board/committee:* Yes No
If yes, please state the boards/committees and the dates that you served on those boards/committees: _____

10. *Do you currently serve on a city board/committee:* Yes No
If yes, please state the board/committee and when your term will expire on that board/committee: _____

11. *Are you related to a commissioner or an employee of the City of Indian Rocks Beach?* Yes No

12. *Please check the boards/committees that you are interested in serving on:*

- Board of Adjustments & Appeals*
- Finance & Budget Review Committee*
- Planning & Zoning Board*

13. *Would you consider serving on another board/committee other than the one(s) you selected above?* Yes No

The Office of the City Clerk will submit your application when vacancies occur. Applications are effective one year from the date of submittal. If you have any questions, please contact the City Clerk at 727/595-2517.

Signature

Oct 29, 2021
Date

I was a New York State Certified Real Estate Appraiser for 35 years. I was qualified in three counties as an expert witness in residential real estate values. As such, I understand the positive and negative effects on value from multiple sources. I'm also an entrepreneur who appreciates what it takes to make money in the real estate industry.

The topic of zoning has always fascinated me. I expect community planning, in a desirable growing community, to prove fascinating. I have owned 10 to 15, one- to four-family buildings in my life. Currently I own three multifamily buildings in Pinellas County. I am interested in the balance between the motivation of individuals, monetary or otherwise, versus the good of the community.

I love being a resident of Indian Rocks Beach. I have been visiting IRB for 30 years. Four years ago, I bought the house I currently live in on Gulf Blvd and two years ago, I officially became a resident of the state of Florida.


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


AUTHORIZING the City Manager to enter into a lease agreement with the West Pinellas Little League, for the municipal-owned property known as the Joseph Campalong Baseball Field.

AGENDA MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: December 14, 2021 **AGENDA ITEM:** 5C

SUBMITTED AND RECOMMENDED BY: Dean A. Scharmen, Public Services Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Authorizing the City Manager to enter into and execute a written Lease Agreement for the municipal owned property (Joseph Campalong Baseball Field) to the West Pinellas Little League

BACKGROUND:

The City of Indian Rocks Beach has supported the West Pinellas Little League by allowing the use of the baseball field and facilities situated on the southwest portion of the area known as Kolb Park for many years.

The West Pinellas Little League promotes supervised recreational programs for the benefit, amusement, convenience and enjoyment of the residents and visitors of Indian Rocks Beach.

The City has in the past entered into a Lease Agreement providing that the West Pinellas Little League submits the required documents as outlined within the Lease Agreement.

ANALYSIS:

The previous Lease Agreement expired on August 31, 2021. The West Pinellas Little League has been contacted and they have advised that they wish to continue with this type of program.

FISCAL IMPACT:

This is limited to the City's cost of electrical power, which is currently estimated \$2,000 annually, and the routine grounds maintenance activities presently included within the City's Park/Grounds Maintenance Contract.

RECOMMENDED ACTION:

Move to authorize the City Manager to enter into and execute a written Lease Agreement for the municipal owned property (Joseph Campalong Baseball Field) to the West Pinellas Little League.

**LEASE AGREEMENT
BETWEEN THE CITY OF INDIAN ROCKS BEACH
AND WEST PINELLAS LITTLE LEAGUE**

THIS AGREEMENT made and entered into this 1st day of January, 2022, by and between the CITY OF INDIAN ROCKS BEACH, a Florida Municipal Corporation, hereinafter called "CITY", and the WEST PINELLAS LITTLE LEAGUE, a not for profit organization in accordance with the Laws of the State of Florida, hereinafter called "WPLL".

WHEREAS, "WPLL" has been formed to promote supervised recreational programs for the public in Indian Rocks Beach area and in particular to sponsor a Little League baseball League.

WITNESSETH:

That in consideration of the mutual promises and covenants hereinafter contained, parties agree as follows:

1. "CITY" agrees that "WPLL" shall have the use of this premises in particular described as the ballfield situated on the southwest portion of the area known as Kolb Park for a term of five (5) year, commencing on the 1st day of January, 2022, and ending on the 31st day of December, 2026. "WPLL" may request to renew this Agreement for an additional one (1) year upon at least ninety (90) days written notice to "CITY" before the end of the five (5) year term. The "WPLL" use of the premises for its baseball league activities shall be from the 1st day of January throughout the 31st day of December of each year that this agreement is in effect. The "WPLL" use of the particular above described premises during the above term as specified shall be on a first choice basis, but not

exclusive, in that other agencies or groups may utilize the park premises when such does not conflict with scheduled activities of the "WPLL".

2. "WPLL" shall have the right to use said premises at and during the terms specified in the aforementioned paragraph for conducting sports activities on said premises of all kinds, primarily Little League Baseball, and girls' softball, but may with the approval of the "CITY", use this portion of Kolb Park for other sports or recreational activities at other times of the year subject to the CITY's written approval.

3. For all activities conducted by or under the supervision of "WPLL", all electrical power used on the premises shall be paid for by the "CITY" and the "CITY" agrees to contract for such electrical power used to operate the lighting system. The ball park lights shall not be operated in the evenings later than 10:00 p.m.

4. "WPLL" agrees that when it is using the ball field located in Kolb Park, that the ball field and adjacent areas will be kept in a clean and orderly condition, free from debris and trash resulting from the attendance of spectators or participants at any activity conducted by "WPLL". Failure to do so could result in a back charge to the "WPLL" for the cost of the CITY's clean up of the property.

5. "WPLL" agrees to indemnify, hold harmless and defend "CITY" of, from and against all liability and expense including reasonable attorney's fees, in connection with any and all claims whatsoever for personal injuries or property damage, including loss of use, caused by the negligent or deliberate act or omission of "WPLL", its agents, officers, contractors or employees or anyone else for whose acts "WPLL" may be liable. This includes claims made by the employees of "WPLL" against "CITY" and "WPLL"

hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statute.

Nothing contained herein shall be construed as a waiver of any immunity of limitation of liability that "CITY" may have under the doctrine of sovereign immunity of Section 768.28, Florida Statutes.

6. "WPLL" agrees to provide liability insurance indemnifying the "CITY" from any claims for damages for personal injury or property loss incurred on the premises in the following amounts; General liability \$1,000,000, each occurrence \$2,000,000, participants \$1,000,000, and medical payments \$2,000,000.

7. "WPLL" shall have the privilege to operate the existing concession stand only during organized ball games or practice sponsored or supervised by "WPLL". At other times "WPLL" may, with the permission of "CITY" operate the concession stand.

8. The "CITY" shall have the right to terminate this Agreement upon thirty (30) days written notice to "WPLL". At the termination of this Agreement or at the termination of any extension thereof, any improvements of any nature whatsoever heretofore or hereafter made or done in or to the ball field area, shall become and remain, upon termination thereof, the sole and exclusive property of the "CITY" and the "CITY" may remove the improvements.

The "WPLL" upon termination of this Agreement shall restore the premises to the "CITY" in the original condition.

9. "WPLL" agrees that it will not conduct or allow any organized or supervised activities by it on the premises covered by this Agreement on Sundays at any time before 11:00 a.m.

10. "WPLL" agrees to hold harmless the CITY of Indian Rocks Beach should there be any cessation of play due to circumstances beyond the "CITY's" control or for a lack of funding to cover the cost of maintaining the field and related fixtures or equipment.

11. "WPLL" shall have the right to display ball field sponsor signs having dimensions of 4' x 8' within the field.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

WEST PINELLAS LITTLE LEAGUE

CITY OF INDIAN ROCKS BEACH

By:  _____

By: _____

Michael Wright, WPLL President

Brently Gregg Mims, City Manager

WITNESSES:

ATTEST:

Deanne Bulino O'Reilly, MMC, City Clerk

APPROVED AS TO FORM:

Randy D. Mora, Esq., B.C.S.
City Attorney

**AGENDA ITEM NO. 5D
CONSENT AGENDA**

**APPOINTING BOARD OF
ADJUSTMENTS AND APPEALS 1ST
ALTERNATE BOARD MEMBER
MICHAEL AUSTIN CAMPBELL as a
regular board member to fill the
unexpired term of Waldemar H.
Clark, Jr.**

**AGENDA ITEM NO. 5E
CONSENT AGENDA**

**APPOINTING KAREN O'DONNELL to
serve on the Board of
Adjustments and Appeals as 1st
Alternate Board Member.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021 AGENDA ITEM: 5E

SUBMITTED AND

RECOMMENDED BY:

Deanne Bulino O'Reilly, MMC, City Clerk 

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

The appointment of Karen O'Donnell, as Regular Board Members to the Board of Adjustments and Appeals with term expiring May 31, 2024.

BACKGROUND:

As of July 13, 2021, two alternate board member vacancies exist on the Board of Adjustments and Appeals.

The current members of the Board of Adjustments and Appeals are:

Richard Alvarez, Regular Board Member
Michael Campbell, Regular Board Member
Stewart DeVore, Regular Board Member
Jim Labadie, Regular Board Member
David Watt, Regular Board Member
1st Alternate Board Member Seat Vacant
2nd Alternate Board Member Seat Vacant

ANALYSIS:

A board application was received from Karen O'Donnell who has showed an interest in serving on the Board of Adjustments and Appeals.

MOTION:

I move to **APPROVE/DENY** the the appointment of Karen O'Donnell as a Regular Board Member to the Board of Adjustments and Appeals with terms expiring May 31, 2024.

/dor



Administrative
727/595-2517

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

Library
727/596-1822

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

CITY OF INDIAN ROCKS BEACH
APPLICATION for Serving on a City Board

1. Name: KAREN DONNELLY

Home Ph: _____ Cell Ph: 727-667-2861

Work Ph: 727-667-2861 Email: KAREN-DONNELLIZZ7 @ yahoo.com

2. Home Address: 1506 BAY LINE BLVD, IRB

3. Occupation: HIGHER ED. ADMIN.

4. Education & Training:
BA. COMM. & PHILOSOPHY; minor: BUSINESS
MA: SPECIAL COMM.
PH.D.: HIGHER ED.; COLLEGE SUPERVISOR

5. Experience: Brief Job History, use additional sheets, if necessary:
SEE ATTACHED RESUME

6. Are you a resident of the city, if so, for how long? YES - 24 yrs.

7. Are you a registered voter: Yes No

see reverse side

8. **Have you ever held public office at any time:** Yes No
If yes, when? _____

9. **Have you ever served on a city board/committee:** Yes No
If yes, please state the boards/committees and the dates that you served on those boards/committees:
PARKS + REC
LIBRARY AND HDC

10. **Do you currently serve on a city board/committee:** Yes No
If yes, please state the board/committee and when your term will expire on that board/committee: _____

11. **Are you related to a commissioner or an employee of the City of Indian Rocks Beach?** Yes No

12. **Please check the boards/committees that you are interested in serving on:**
 Board of Adjustments & Appeals
 Finance & Budget Review Committee
 Planning & Zoning Board

13. **Would you consider serving on another board/committee other than the one(s) you selected above?** Yes No

The Office of the City Clerk will submit your application when vacancies occur. Applications are effective one year from the date of submittal. If you have any questions, please contact the City Clerk at 727/595-2517.

Kara M. Ornel
Signature

11/16/21
Date

Karen O'Donnell, Ph.D.

1506 Bay Pine Blvd. Indian Rocks Beach, FL 33785
Phone: (727) 667-2861 E-Mail: Karen.odonnell1227@yahoo.com

Professional Summary

Results driven academic professional eager to contribute sharp business acumen and aptitude for strategic planning toward leading a team to achieving short-term results and long-term goals.

Over twenty-five years of experience in higher education;

- Conscientious manager of campus and academic operations, budgeting, strategic planning;
- Committed to service learning and nurturing community relationships for the better service of campus communities;
- Experienced in faculty management, training and evaluation;
- Skilled in recognizing key risks and controls with extensive experience in regulatory affairs;
- Clear communicator of complex concepts.

Experience

Program Director, Doctoral Studies, Colorado Technical University December 2019 - present

- Direct academic operations for Doctoral Programs, with enrollment of over 700 students and 90 full and part time faculty;
- Ensure program quality, including new program launch, revision, evaluation;
- Strategic planning to meet mission driven goals.

Professor, Dissertation Mentor, Colorado Technical University June 2014 - present

- Instructor of on-line doctoral classes;
- Mentor (Committee Chair) for Doctoral Candidates;

Executive Director, Florida Regional Center, National Louis University February 2015 - April, 2019

- Oversee all facets of Center Operations for a Regional Center serving locations throughout Central Florida
- Plan and introduce new programmatic offerings in accord with the University mission and goals, and Regional need;
- Partner with School District and Business leaders to meet the needs of Academic and Professional leaders;
- Planned, developed and launched, with Board approval and team cooperation, a Higher Education Doctoral program resulting in the fastest growing doctoral program in University history.

Campus President, International Academy of Design and Technology, Tampa June, 2009 - December, 2013

- Oversaw all facets of campus operations for a student population up to 1900 students and 150 full and part time employees;
- Developed and managed revenue and expense budgets within required margins;

- Overachieved student attrition budgets by providing effective student support and advisement, maintaining a positive campus culture, and developing an instructional staff who modeled the values of the institution;
- Developed and implemented a new academic advising model to drive more aggressive retention goals; model implemented across IADT campuses;
- Hired and evaluated full time and adjunct staff; ensured they received appropriated orientation, and training and development opportunities to perform successfully in their roles;
- Regularly evaluated programmatic offerings, made recommendations for new program development and implementation or discontinuation, in accord with the college mission and goals;
- Maintained positive, compliant relationships with accrediting bodies, and ensured that academic programs and campus operations met all applicable state and federal regulations;
- Partnered with and provided feedback to corporate marketing partners to develop and maintain exposure in appropriate market segments;
- Managed teams to achieve yearly growth targets while maintaining retention rates;
- Oversaw campus human resources by communicating campus strategy, values and vision; determining accountability; implementing recruitment, orientation and training programs; reviewing and monitoring organizational make up and compensation strategies.

Vice-President of Education, International Academy of Design and Technology, Tampa June, 2002 – June, 2009

- Managed academic and student services departments serving up to 2400 students and 150 full and part-time employees, in support of academic programs granting Associate, Bachelor's and Master's degrees;
- Regularly evaluated academic programs and made recommendations for introduction of new programmatic offerings; achieved accreditation for and started Master's degree programs in design;
- Formed teams and advisory boards to research potential academic program offerings, and to develop programs deemed appropriate to the college's mission and goals;
- Worked with corporate entities to develop and start IADT, On-Line; hired and managed on-line academic staff and faculty, developed and implemented retention and advising models;
- Managed capital budget up to 3.5 million dollars to support physical and technology requirements for academic programs;
- Oversaw hiring, staffing and evaluation of instructional staff; ensured appropriate training and development was offered; directed campus committees to support curricular and extra-curricular development;
- Partnered with other college departments such as Admissions, Career Services and Marketing to meet or exceed institutional goals.

Regional Coordinator, Academic Services, FL Metropolitan University

August, 2001 – May, 2002

- Responsible for accreditation project coordination spanning nine campus locations;
- Evaluated faculty credentials for multiple campus locations;
- Assisted in developing policy and procedures for multi-campus group;
- Trained staff in policy, procedure and accreditation guidelines.

Virtual Course Designer/On-Line Instructor, FL Metropolitan University, Clearwater

1999 – 2002

- Served as subject matter expert and course designer for Florida Metropolitan University's newly developing on-line courses;

- Taught undergraduate on-line classes.

Director of Student Services, FL Metropolitan University, Clearwater

1997 – 2001

- Academic advising, student re-entry, and student support services.

Education

Ph.D., College Student Personnel

November, 2000

Ohio University, Athens, OH

M.A., Speech Communication

December, 1991

Bloomsburg University, Bloomsburg, PA

B.A., Mass Communication, Philosophy

May, 1989

University of Scranton, Scranton, PA

**AGENDA ITEM NO. 5F
CONSENT AGENDA**

**CONFIRMING ACTION taken
during the December 2, 2021
Special City Commission Meeting.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021

AGENDA ITEM: 5F

SUBMITTED AND

RECOMMENDED BY: Deanne Bulino O'Reilly, City Clerk, MMC 

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

Confirming action taken during the December 2, 2021 Special City Commission Meeting.

BACKGROUND:

Pursuant to Charter, Section 4.12, Special Meetings of the Commission, decisions taken at a special meeting shall be confirmed at the next regular meeting.

The City Commission took the following action during the December 2, 2021 Special City Commission Meeting:

- 1A. **ORDINANCE NO. 2021-03 — *ADOPTED ON REHEARING OF SECOND AND FINAL READING.*** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2022 at 1.8326. ***UNANIMOUS APPROVAL.***
- 1B. **ORDINANCE NO. 2021-04 — *ADOPTED ON REHEARING OF SECOND AND FINAL READING.*** Adopting a budget for Fiscal Year 2022. ***UNANIMOUS APPROVAL.***

MOTION:

I move to confirm the action taken during the December 2, 2021 Special City Commission Meeting.

/dor

**AGENDA ITEM NO. 5G
CONSENT AGENDA**

**APPROVAL OF the
December 2, 2021 Special
City Commission Meeting Minutes**

AGENDA ITEM NO.: 5G - CONSENT AGENDA
DATE OF MEETING: DECEMBER 14, 2021 CCM

MINUTES — DECEMBER 2, 2021
CITY OF INDIAN ROCKS BEACH
SPECIAL CITY COMMISSION MEETING

The City of Indian Rocks Beach Special City Commission Meeting was held on **THURSDAY, DECEMBER 2, 2021.**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Commissioner Philip J. Hanna, Commissioner Edward G. Hoofnagle, Commissioner Denise Houseberg, and City Manager Brently Gregg Mims.

OTHERS PRESENT: City Attorney Randy Mora, City Clerk Deanne B. O'Reilly, MMC, and Finance Director Daniel A. Carpenter, CGFO.

ABSENT: Vice Mayor-Commissioner Joe McCall.

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

FISCAL YEAR 2021-2022 BUDGET PUBLIC HEARINGS:

- 1A. ORDINANCE NO. 2021-03 — REHEARING: PUBLIC HEARING / SECOND AND FINAL READING.** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission previously established the proposed millage rate for Fiscal Year 2021/22 at 1.8326 mills, with no change to the previous fiscal year millage rate. The current mill rate has been in place since 2019. The mill rate was reduced at that time from 1.93 to 1.8326.

ANALYSIS:

With a millage rate of 1.8326, the total estimated tax collection is \$2,551,610 based on a 97% collection rate. For Fiscal Year 2021/22, a mill rate of 1.8326 is 7.41% higher than the roll back rate of 1.7062. The proposed millage rate of 1.8326 remains one of the lowest

in Pinellas County. Currently, millage rates in Pinellas County range from 0.5823 to 6.7550.

The City has been notified by the State Department of Revenue that due to an error in the published advertisement of the Notice of Proposed Tax Increase (TRIM advertisement), the City must re-advertise and re-hear the Ordinance in order to be in compliance with State Law. The error DID NOT affect the bottom line 2021/22 millage amount and THIS YEAR'S PROPOSED FY 2022 TAX LEVY REMAINS THE SAME.

[End of Staff Report]

City Attorney Mora read Ordinance No. 2021-03 in its entirety, and stated this was a full and final reading of Ordinance of 2021-03 for adoption by this City Commission.

There were no comments by staff or the City Commission.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

It was noted for the record that no public was present.

MOTION MADE COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO. 2021-03, ON REHEARING OF THE SECOND AND FINAL READING, RE-ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, FY2022 AT 1.8326.

Commissioner Hoofnagle stated it is worthwhile that the City Commission is amending an technical inadequacy.

ROLL CALL VOTE:

AYES: HOUSEBERG , HANNA, HOOFNAGLE, KENNEDY

NAYS: NONE

ABSENT: McCALL

THE MOTION CARRIED UNANIMOUSLY.

1B. ORDINANCE NO. 2021-04 — REHEARING: PUBLIC HEARING / SECOND AND FINAL READING. Adopting a budget for Fiscal Year 2021/2022; making appropriations and operating expenditures for Fiscal Year 2021/2022; providing for notification of requisite government authorities; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

The City Commission reviewed the City Manager's proposed Fiscal Year 2021/22 Budget

at a Budget Work Session on July 20, 2021. Prior to the budget work session, the City Manager and Finance Director met with each member of the City Commission to brief them on the proposed budget. In addition, the City of Indian Rocks Beach Finance and Budget Review Committee met on July 14, 2021, and unanimously endorsed the proposed budget.

The City Manager and Finance Director made presentations, which provided an overview of the Fiscal Year 2021/22 Program Budget, and together, the City Commission and staff reviewed all aspects of the proposed budget in detail. The Final Budget for Fiscal Year 2021/22 is the result of a consensus by the City Commission from the July Budget Work Session. The Fiscal Year 2021/22 Budget was adopted by the City Commission in September 2021.

ANALYSIS:

The final budget is balanced in all funds and presents a comprehensive plan for providing services during the coming fiscal year. With the approval of the Final Budget for Fiscal Year 2021/22, the City will establish a spending plan for Fiscal Year 2021/22 and provide approval for the City Manager to implement the plan.

[End of Staff Report]

City Attorney Mora read Ordinance No. 2021-04 in its entirety, and stated that this has been a full and final reading of Ordinance No. 2021-04.

City Manager Mims stated since the budget has been adopted, the City received a letter and check from Frontier Communications for \$110,523.12. He explained that part of the Gulf Boulevard Undergrounding of Utilities Project Phase I was for the City to obtain binding costs estimates from each utility company where they lock into a price to do their part of the work. When Frontier Communications closed out their part of the project, they realized they had overestimated their costs.

City Manager Mims stated after discussions and negotiations with Pinellas County, the County would allow the City to add the refund amount to the next phase of the Gulf Boulevard Undergrounding Project. The added funds bring the total project budget for the IRB Gulf Boulevard Phase II Project to \$5,807,393.

Mayor-Commissioner Kennedy opened the public hearing. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

It was noted for the record that no public was present.

MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER HOOFNAGLE, TO APPROVE ORDINANCE NO. 2021-04, ON THE REHEARING OF SECOND AND FINAL READING, RE-ADOPTING A BUDGET FOR FISCAL YEAR 2021/2022; MAKING APPROPRIATIONS AND OPERATING EXPENDITURES FOR FISCAL YEAR 2021/2022; PROVIDING FOR NOTIFICATION OF REQUISITE GOVERNMENT AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

ROLL CALL VOTE:

AYES: HOUSEBERG, HOOFNAGLE, HANNA, KENNEDY

NAYS: NONE

ABSENT: McCALL

MOTION CARRIED UNANIMOUSLY.

2. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO ADJOURN THE MEETING AT APPROXIMATELY 6:13 P.M.

UNANIMOUS APPROVAL BY ACCLAMATION.

December 14, 2021

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

AGENDA ITEM NO. 6A

**QUASI-JUDICIAL PROCEEDING
BOA CASE NO. 2021-14
339-12TH AVENUE**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021

AGENDA ITEM: 6A

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY:

Brently Gregg Mims, City Manager 

SUBJECT:

BOA CASE NO. 2021-14 — A variance request from Section 94-86 (a)(1) of the Code of Ordinances, of 2 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift for property located at 339-12th Avenue Indian Rocks Beach, Florida, and legally described as Lot 7, Block 89, 2nd Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23 Page 72 of the Public Records of Pinellas County.
Property ID # 06-30-15-42066-089-0070

OWNER: Michael Mirmanesh
PROPERTY LOCATION: 339-12th Avenue
ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting to encroach 2 feet 6 inches into the 12-foot side yard setback for his boat lift. The existing dock is in the middle of the lot and the installation of a boat lift on either side of the dock would require a variance.

The owners to the east and the west have agreed to the location of the 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 existing dock is located in the middle of the lot and the side setbacks would be impacted by the installation of the boat lift on either side of the dock.*
- 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 boat lift to be constructed on an existing dock.*
- 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 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 not be injurious to the area involved or detrimental to the public welfare.*

PUBLIC NOTICE: A public 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 November 29, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the December 1, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for public hearing that has been scheduled on December 14, 2021, for BOA Case No. 2021-14.

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The Board recommended approval to the City Commission by a vote of 3 to 1.

MOTION:

I move to **APPROVE/DENY** BOA CASE NO. BOA CASE NO. 2021-14. A variance request from Section 94-86 (a)(1) of the Code of Ordinances, of 2 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift for property located at 339-12th Avenue Indian Rocks Beach, Florida, and legally described as Lot 7, Block 89, 2nd Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23 Page 72 of the Public Records of Pinellas County.



339 12th Avenue
BOA CASE NO. 2021-14



BOA CASE NO. 2021-14 Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 2 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 9 feet 6 inches on the west side for the installation of a boat lift for property located at 339 12th Avenue Indian Rocks Beach, Florida, and legally described as Lot 7, block 89, 2nd Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23 Page 72 of the Public Records of Pinellas County.



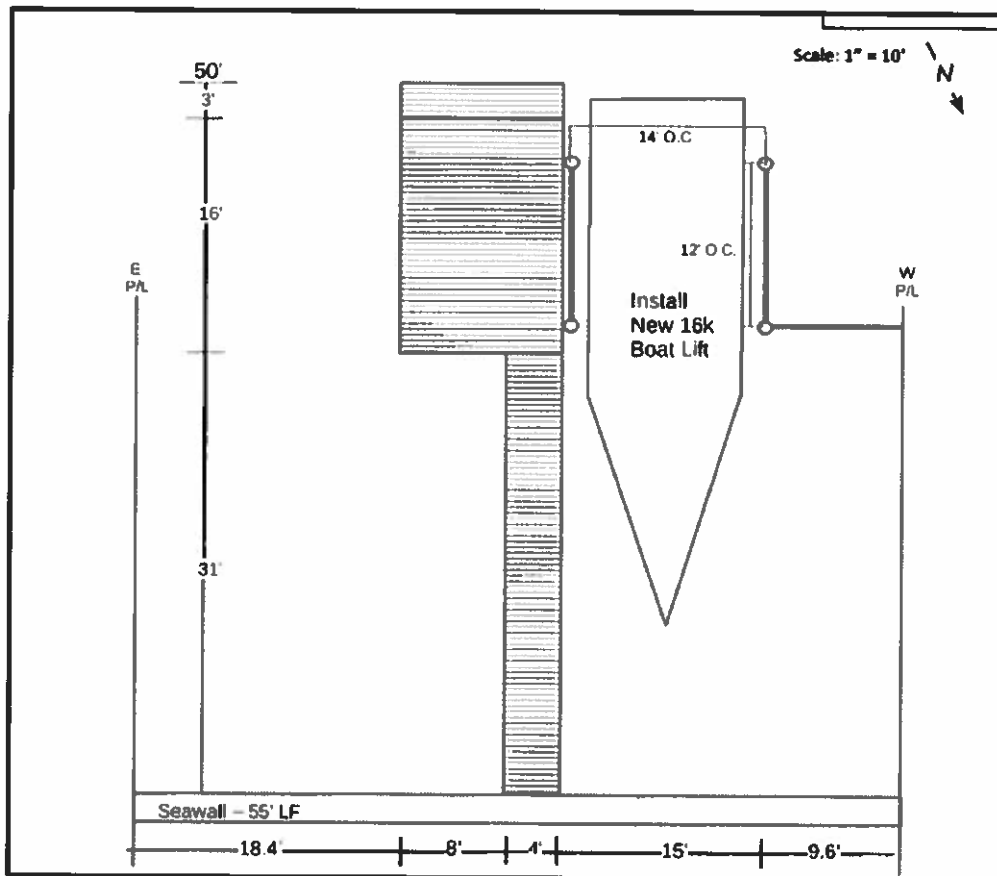
339 12th Avenue



339 12th Avenue



Proposed Boat Lift



**MINUTES — NOVEMBER 16, 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, NOVEMBER 16, 2021**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

2. **ROLL CALL:**

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

ABSENT: Chair Stewart DeVore.

VACANT POSITION: 1st Alternate Board Member and 2nd Alternate Board Member.

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

3. **APPROVAL OF MINUTES: OCTOBER 19, 2021**

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO APPROVE THE OCTOBER 19, 2021 MINUTES. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2021-14 — 339-12TH AVENUE**

Owner/Applicant: Michael Mirmanesh

Devon Elizabeth Granter

Subject Location: 339-12th Avenue, Indian Rocks Beach, Florida

**Legal Description: Indian Beach Re-Revised 2nd Addition, Block 89,
Lot 7**

Parcel #: 06-30-15-42066-089-0070

**Variance Request: Variance request from Section 94-86 (a)(1) of the
Code of Ordinances of 2 feet 6 inches into the
required 12-foot side setback, resulting in a total
setback of 9 feet 6 inches on the west side, for the
installation of a boat lift.**

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-14. Variance request from Section 94-86 (a)(1) of the Code of Ordinances of 2 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift for property located at 339-12th Avenue Indian Rocks Beach, Florida, and legally described as Lot 7, Block 89, 2nd Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23 Page 72 of the Public Records of Pinellas County. Property ID # 06-30-15-42066-089-0070

OWNER: Michael Mirmanesh
 PROPERTY LOCATION: 339-12th Avenue
 ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting to encroach 2 feet 6 inches into the 12-foot side yard setback for his boat lift. The existing dock is in the middle of the lot and the installation of a boat lift on either side of the dock would require a variance.

The owners to the east and the west have agreed to the location of the 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 existing dock is located in the middle of the lot and the side setbacks would be impacted by the installation of the boat lift on either side of the dock.*
- 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 boat lift to be constructed on an existing dock.*
- 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 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 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, staff recommends approval of the request.

NOTICE: NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on November 1, 2021 pursuant to Section 2-149 of the Code of Ordinances.

[End of Staff Report]

City Attorney Simon read by title only Agenda Item No. 4, BOA Case No. 2021-14, 339-12th Avenue.

City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant, with all members responding in the negative.

Acting City Attorney Simon 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.

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

Planning Consultant Harmon stated BOA Case No 2021-14 is a variance request from Code Section 94-86(a)(1) of the Code of Ordinances of 2 feet 6 inches into the required 12-foot side yard setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift located at 339-12th Avenue.

Planning Consultant Harmon made a PowerPoint Presentation showing aerial views of the property depicting the existing house with the boat lift extending off the rear of the property.

Planning Consultant Harmon stated the applicant requested to encroach 2 feet 6 inches into the 12-foot side yard setback for his boat lift. She noted the existing dock is in the middle of the lot, and installing a boat lift on either side of the dock would require a variance. The owners to the east and the west have agreed to the location of the boat lift.

Member Campbell stated is he correct in looking at the draft drawing that all this necessity and hardship and setback is all premised on this large chunk of the dock at the end staying there.

Planning Consultant Harmon responded in the affirmative and stated it is an existing dock.

Member Campbell stated there is no reason why the boat lift could not be moved to the other side, and the boat lift would fit without having to request a variance.

Planning Consultant Harmon stated that is correct. She said the applicant does not propose to install a new dock.

Natalie Dwier, 3-33rd Street South, St. Petersburg, representing the applicant and his application for a boat lift at 339-12th Avenue, stated the applicant's desire is to put a 16,000-pound boat lift on the west side of the already-in-place dock that the previous owner built. To place the boat lift on the west side of the dock requires a variance of the standard 12-foot side yard setback, 2.5 feet to 9.5 feet. The applicant's plan has full approval from his west neighbors, 337-12th Avenue, and has signed off on the submitted drawing. As of this time, Gulfside Docks is planning on installing the boat lift if approval is obtained. Of note, the boat lift would not be amendable on the east side of the dock due to the "L" shaped nature of the existing dock, which would also require a variance at an approximate 6-foot setback. In addition, the east side neighbors, 341-12th Avenue, have also signed off and have agreed that the boat lift on the west side of the dock would make docking the boat more cumbersome.

Member Campbell asked if there would be any problem with the depth of the water or anything else that the applicant could rip out that platform and set it further to the west side and have a straight line of the dock on the east line side and put the boat lift there.

Ms. Dwier stated not that she is aware.

City Attorney Simon opened the public comment section. Seeing and/or hearing no one wishing to speak, the public comment section was closed.

Planning Consultant Harmon stated the applicant advised if the boat lift is installed on the other side, the boat lift would be closer to the property line.

Vice-Chair Watt stated that if the platform was removed and there was nothing but the 4-foot walkway, there would be a total of 26 feet minus the 15 feet, so only a 2-foot variance would be needed. The only way this would work without a variance is to move the entire

dock, just not the platform. He stated that the Board is not here to judge whether the applicant should move the dock necessarily.

Member Campbell stated he disagrees with that. The Board is here for that because it is an economic hardship only and merely.

MOTION MADE BY MEMBER CAMPBELL TO DENY BOA CASE NO. 2021-14, 399-12TH AVENUE, ON THE BASIS THAT THERE IS HARDSHIP OTHER THAN ECONOMIC HARDSHIP SHOWN. MOTION DIED DUE TO A LACK OF A SECOND.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, RECOMMENDED TO THE CITY COMMISSION APPROVAL OF BOA CASE NO. 2021-14, A VARIANCE REQUEST FROM SECTION 94-86 (A)(1) OF THE CODE OF ORDINANCES OF 2 FEET 6 INCHES INTO THE REQUIRED 12-FOOT SIDE SETBACK, RESULTING IN A TOTAL SETBACK OF 9 FEET 6 INCHES ON THE WEST SIDE, FOR THE INSTALLATION OF A BOAT LIFT, FOR THE PROPERTY LOCATED AT 339-12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 2ND ADDITION, BLOCK 89, LOT 7. PARCEL # 06-30-15-42066-089-0070.

ROLL CALL VOTE:

AYES: LABADIE, ALVAREZ, WATT

NAYS: CAMPBELL

ABSENT: DeVORE

MOTION CARRIED BY A VOTE OF 3 TO 1.

5. **BOA CASE NO. 2021-15 — 445 HARBOR DRIVE SOUTH**
Owner/Applicant: James Eric Sullivan, Jr.
Representative/Agent: Enterprise Marine
Subject Location: 445 Harbor Drive South
Legal Description: Indian Beach Re-Revised 19th Addition, Lot 15
Parcel #: 06-30-15-42372-000-0150
Variance Request: Variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1 foot 6 inches on the west side, for the installation of a new dock and new boat lift.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-15: Variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1-foot 6 inches on the west side, for the installation of a new dock and new boat lift for property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Lot 15, Nineteenth Addition to Re-Revised Map of Indian Beach



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785
www.indian-rocks-beach.com

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

Library
727/596-1822

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

**NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — CITY COMMISSION
TUESDAY, DECEMBER 14, 2021 @ 7:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will hold a public hearing on **TUESDAY, DECEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-14**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **339-12th AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 94-86 (a)(1) of the Code of Ordinances of 2 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 9 feet 6 inches on the west side, for the installation of a boat lift, for property located at 339-12th Avenue Indian Rocks Beach, Florida, and legally described as Lot 7, block 89, 2nd Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23 Page 72 of the Public Records of Pinellas County. Property ID # 06-30-15-42066-089-0070

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.

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **TUESDAY, DECEMBER 14, 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 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 November 29, 2021. (Sec. 2-149 of the Code of Ordinances.)

06-30-15-42066-089-0060

BLK 89, LOT 6
RE-REVISED 2ND ADD
INDIAN BEACH

LOPEZ, PETER
LOPEZ, ANNE F
337 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-090-0120

BLK 90, LOT 12
RE-REVISED 2ND ADD
INDIAN BEACH

HARGER, PARIS W TRE
HARGER, PARIS W LIVING TRUST
336 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-090-0160

BLK 90, LOT 16
RE-REVISED 2ND ADD
INDIAN BEACH

APPELMAN, KELLY R
346 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-090-0140

BLK 90, LOT 14
RE-REVISED 2ND ADD
INDIAN BEACH

JENSEN, WILLIAM GLENN
JENSEN, MICHELE L
2171 MARSH SEDGE LN
WINTER PARK FL 32792-3141

06-30-15-42066-090-0100

BLK 90, LOT 10
RE-REVISED 2ND ADD
INDIAN BEACH

POOLE, LISA
420 12TH AVE
INDIAN ROCKS BEACH FL 33785-2857

06-30-15-42066-089-0040

BLK 89, LOT 4
RE-REVISED 2ND ADD
INDIAN BEACH

TOVEY, CAROLINE JANE
VALE HOUSE BURLEY ST
RINGWOOD HAMPSHIRE BH24 4HQ

06-30-15-42066-089-0080

INDIAN BEACH
BLK 89, LOT 8
RE-REVISED 2ND ADD

COVINGTON, ELIZABETH
341 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-090-0150

BLK 90, LOT 15
RE-REVISED 2ND ADD
INDIAN BEACH

MALONEY, BETTY JOYCE
344 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-089-0050

BLK 89, LOT 5
RE-REVISED 2ND ADD
INDIAN BEACH

ZAGAMI, PATRICIA A
ZAGAMI, PAUL A
335 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-090-0110

BLK 90, LOT 11
RE-REVISED 2ND ADD
INDIAN BEACH

RAMM, DOUGLAS R
RAMM, BARBARA S
334 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-089-0090

BLK 89, LOT 9 & RIP RTS
RE-REVISED 2ND ADD
INDIAN BEACH

JENSEN, WILLIAM GLENN
JENSEN, MICHELE L
2171 MARSH SEDGE LN
WINTER PARK FL 32792-3141

06-30-15-42066-089-0100

BLK 89, LOT 10
RE-REVISED 2ND ADD
INDIAN BEACH

GAGNON, CHAD E TRE
GAGNON, CHAD E TRUST
300 BEACH DR NE APT 302
ST PETERSBURG FL 33701-3404

06-30-15-42066-090-0130

BLK 90, LOT 13
RE-REVISED 2ND ADD
INDIAN BEACH

INGUAGGIATO, JOANNE TRE
INGUAGGIATO TRUST
340 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

AMENDED

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.

604
2021-147

Date Received

10/8/2021

APPLICANT

Name: Michael Mirmanesh

Address: 339 12th Ave

City: Indian Rocks Beach

Zip Code: 33785

Tel: 604 980 9641

Fax: -

Mobile: 604 980 9641

Email: MICHAELMIRMANESH@GMAIL.COM

AGENT/ REPRESENTATIVE

Name: Natalie Dwier

Company: The Garden Medical Spa

Address: 6650 78th Ave N

City: Pinellas Park, FL

Zip Code: 33781

Tel: 727-610-5335

Fax: -

Mobile:

Email:

SITE DETAILS

Address: 339 12th Avenue

Parcel ID:

City: Indian Rocks Beach

Zip Code: 33785

Legal Description: Lot 7, Block 89, 2nd Addition to Re-vised Map of Indian Beach according to map or plat thereof as recorded in Plat Book 23, Page 72 Public Record of Pinellas County, Florida -

Zoning:

Future Land Use: Single Family Residential

Size:

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.

2021-147

Date Received

10/8/2021

APPLICANT

Name: Michael Mirmanesh

Address: 334 12th Ave

City: Indian Rocks Beach

Zip Code: 33785

Tel: 609 980 9641

Fax: -

Mobile: 609 980 9641

Email: MICHAELMIRMANESH@GMAIL.COM

AGENT/ REPRESENTATIVE

Name: Michael Mirmanesh

Company: self

Address: 334 12th Ave

City: Indian Rocks Beach

Zip Code: 33785

Tel: 609 980 9641

Fax: -

Mobile: 609 980 9641

Email: MICHAELMIRMANESH@GMAIL.COM

SITE DETAILS

Address: 334 12th Avenue

Parcel ID:

City: Indian Rocks Beach

Zip Code: 33785

Legal Description: Lot 7, Block 89, 2nd Addition to Re-vised Map of Indian Beach according to map or plat thereof as recorded in Plat Book 23, Page 72 Public Record of Duval County, Florida -

Zoning:

Future Land Use: Single Family Residential

Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

| <u>Regulation</u> | <u>Required</u> | <u>Proposed</u> | <u>Total Requested</u> |
|------------------------------------|----------------------|----------------------|------------------------|
| Rear-no alley setback (feet): | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Rear-north/south street (feet): | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Street-front setback (feet): | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Side-one/both setback (feet): | <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:

Requesting 9 foot, 6 inch setback for boat lift on west side of dock, required is 12 feet, requesting 2 feet, 6 inches.

What is the proposed use of the property?

Single Family Homestead

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:

To place an adequate size boat lift on west side of current dock. Cannot place it on the east side as it would be too close to my neighbor's boat on current dock.

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

No

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:

No, many other properties have this including direct neighbors.

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:

Yes, many other properties including my direct neighbors have been granted such.

HARDSHIP CONTINUED...

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

Yes, with the current dock, it will be too close to my neighbor on the east side if I were to place it there, so it must be placed on the west side.

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:

Yes, it is supported by my neighbors.

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

It is the only place on my current dock I can put an adequate boat lift. My neighbors on both sides are fully supportive and have signed off.

CERTIFICATION

Date: 10/8/2021

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: Michael Micmanaly

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L

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

Sworn to and subscribed before me this: Day: 8 Month: October, 20 21

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

Notary Public Commission Expiration: 2/4/2023

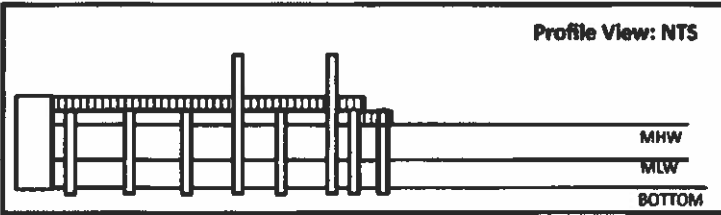
State of Florida
County: Pinellas



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.

RESIDENTIAL DOCK DRAFT DRAWING 7.2.2021

Application # _____ (OFFICIAL USE ONLY)

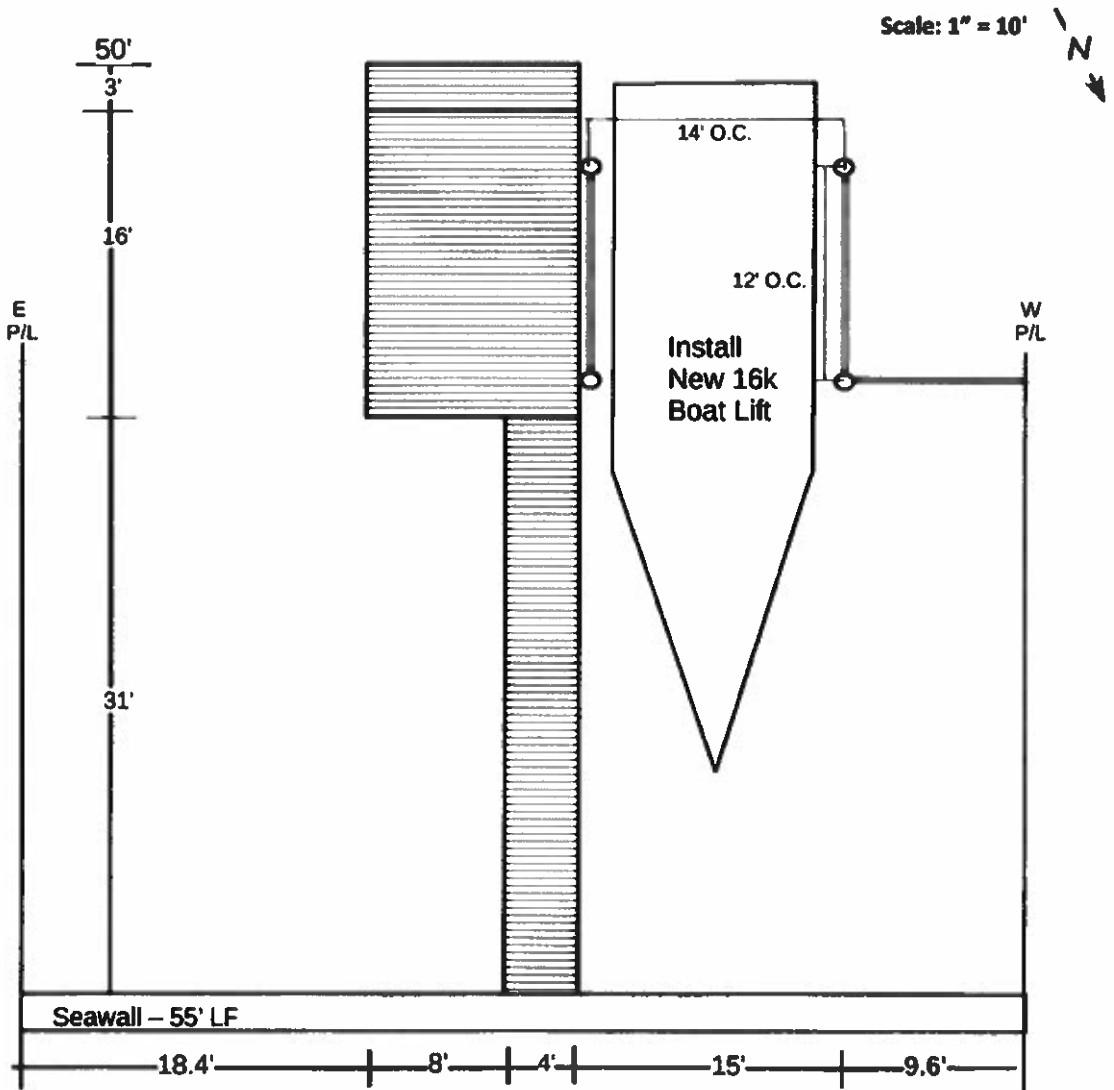


Total Square Feet 352'
New Square Feet 0
Waterway Width 500'+
Waterfront Width 55'

Dwg. Prepared By:
Coastal Construction™
Gulfside Docks
7916 Congress St.
Port Richey, FL 34668
(727) 847-4300
CGC-1513225

- Provide and install (4) new 2.5 CCA timber lift piles wrapped in standard black vinyl
- Provide and install new 16,000 LBS. aluminum boat lift

Jobsite:
DRAFT
MIRMANESH, MICHAEL
[Signature]
Owner Signature



The undersigned does not object to the proposed dock and requested variances as drawn in the space provided here.

| | | | |
|-------------------------------|---------------|-------------------------------|---------------|
| Left Owner | | Right Owner | |
| Signature: <i>[Signature]</i> | Date: 10/1/21 | Signature: <i>[Signature]</i> | Date: 10/3/21 |
| Municipality Approval | | Water and Navigation Approval | |

AGENT OF RECORD

Date: 11/8/21

I, Michael Mirmanesh do hereby designate and appoint

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

Name: Natalie Dwie Signature: Natalie Dwie

My agent of record may be contacted at:

Company: The Garden Medical Sp.

Address: 6650 78th Ave N

City/State: Pinellas Pch, FL Zip Code: 33771

Telephone: 727-610-5335 Fax: _____

Before me this date personally appeared:

Name: Michael Mirmanesh & Natalie Dwie

Signature: [Signatures]

Personally known/Form of Identification License

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

Sworn to and subscribed before me this: Day: 8th Month: November, 2021

Notary Public State of Florida at Large: Lisa Ann Mirmanesh

Notary Public Commission Expiration: 2/5/23

State of Florida
County: Pinellas

[Signature]

LISA ANN MIRMANESH
Notary Public, State of New Jersey
My Commission Expires
February 05, 2023

- Signed by left owner (East owner) - Liz Covington

341 12th Ave

Indian Rocks Beach, FL 33785

- Signed by right owner (West owner) - Pete Lopez

337 12th Ave

Indian Rocks Beach, FL 33785

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

**BOA CASE NO. 2021-15
445 HARBOR DRIVE SOUTH**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021 AGENDA ITEM: 6B

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

BOA CASE NO. 2021-15. A variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1 foot 6 inches on the west side, for the installation of a new dock and new boat lift for property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Lot 15, Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County. Property ID # 06-30-15-42372-000-0150

OWNER: James Eric Sullivan, Jr.
PROPERTY LOCATION: 445 Harbor Drive South
ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting to encroach 10 feet 6 inches into the 12-foot side yard setback for his boat lift. The lot is an inverse curve lot and the property lines project into the water at an angle causing the available side setback to be reduced as the lot lines are extended into the water. The owners to the north have agreed to the location of the 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 narrower width and the angled property lines are not applicable to all lots in the same zoning district.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not 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 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 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 not be injurious to the area involved or detrimental to the public welfare.*

PUBLIC NOTICE: A public 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 November 29, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the December 1, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for public hearing that has been scheduled on December 14, 2021, for BOA Case No. 2021-15.

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The Board of Adjustments and Appeals recommended denial to the City Commission by a vote of 4 to 0.

MOTION:

I move to **APPROVE/DENY BOA CASE NO. 2021-15.** A variance request from Section 94-86 (a)(1) of the Code of Ordinances, of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1 foot 6 inches on the west side, for the installation of a new dock and new boat lift for property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Lot 15, Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County.



445 Harbor Dr South
BOA CASE NO. 2021-15



BOA CASE NO. 2021-15 Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 10 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 1 foot 6 inches on the west side for the installation of a new dock and new boat lift for property located at 445 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 15 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County.



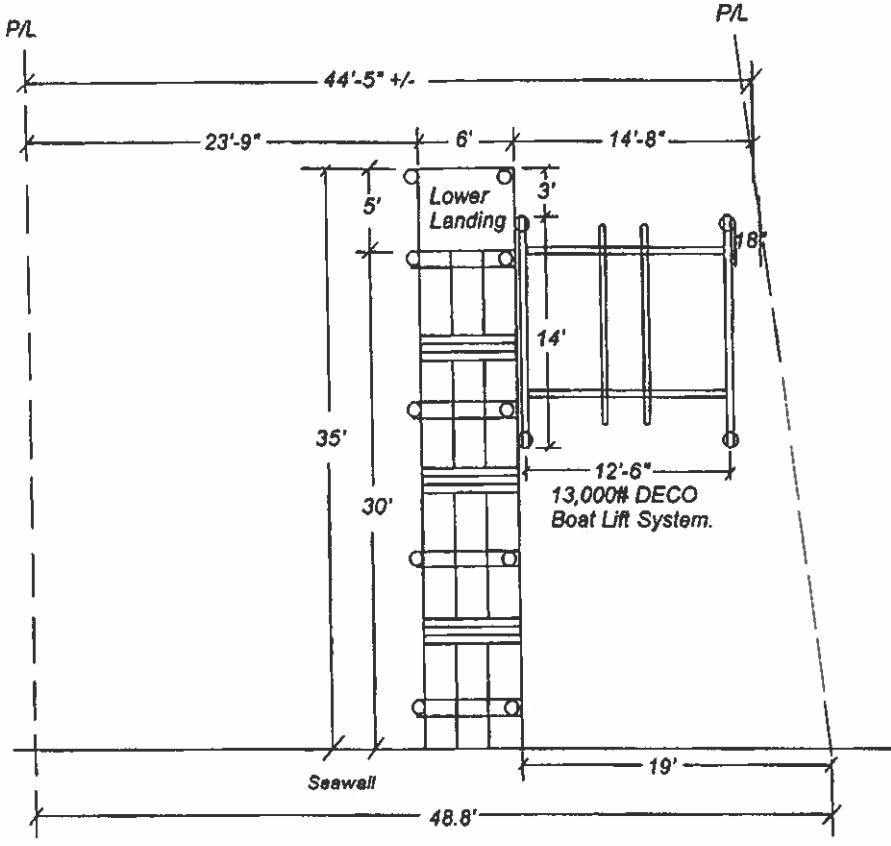
445 Harbor South



445 Harbor Dr South



Proposed Dock and Boat Lift



dock, just not the platform. He stated that the Board is not here to judge whether the applicant should move the dock necessarily.

Member Campbell stated he disagrees with that. The Board is here for that because it is an economic hardship only and merely.

MOTION MADE BY MEMBER CAMPBELL TO DENY BOA CASE NO. 2021-14, 399-12TH AVENUE, ON THE BASIS THAT THERE IS HARDSHIP OTHER THAN ECONOMIC HARDSHIP SHOWN. MOTION DIED DUE TO A LACK OF A SECOND.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, RECOMMENDED TO THE CITY COMMISSION APPROVAL OF BOA CASE NO. 2021-14, A VARIANCE REQUEST FROM SECTION 94-86 (A)(1) OF THE CODE OF ORDINANCES OF 2 FEET 6 INCHES INTO THE REQUIRED 12-FOOT SIDE SETBACK, RESULTING IN A TOTAL SETBACK OF 9 FEET 6 INCHES ON THE WEST SIDE, FOR THE INSTALLATION OF A BOAT LIFT, FOR THE PROPERTY LOCATED AT 339-12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 2ND ADDITION, BLOCK 89, LOT 7. PARCEL # 06-30-15-42066-089-0070.

ROLL CALL VOTE:

AYES: LABADIE, ALVAREZ, WATT

NAYS: CAMPBELL

ABSENT: DeVORE

MOTION CARRIED BY A VOTE OF 3 TO 1.

5. BOA CASE NO. 2021-15 — 445 HARBOR DRIVE SOUTH

Owner/Applicant: James Eric Sullivan, Jr.

Representative/Agent: Enterprise Marine

Subject Location: 445 Harbor Drive South

Legal Description: Indian Beach Re-Revised 19th Addition, Lot 15

Parcel #: 06-30-15-42372-000-0150

Variance Request: Variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1 foot 6 inches on the west side, for the installation of a new dock and new boat lift.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-15: Variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1-foot 6 inches on the west side, for the installation of a new dock and new boat lift for property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Lot 15, Nineteenth Addition to Re-Revised Map of Indian Beach

recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County. Property ID # 06-30-15-42372-000-0150

OWNER: James Eric Sullivan, Jr.
PROPERTY LOCATION: 445 Harbor Drive South
ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting to encroach 10 feet 6 inches into the 12-foot side yard setback for his boat lift. The lot is an inverse curve lot and the property lines project into the water at an angle causing the available side setback to be reduced as the lot lines are extended into the water. The owners to the north have agreed to the location of the 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 and, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The narrower width and the angled property lines are not applicable to all lots in the same zoning district.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not 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 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 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 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, staff recommends approval of the request.

NOTICE: NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on November 1, 2021 pursuant to Section 2-149 of the Code of Ordinances.

[End of Staff Report]

City Attorney Simon read BOA Case No. 2021-15, 445 Harbor Drive South, by title only.

City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant, with all members responding in the negative.

Acting City Attorney Simon 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.

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

Planning Consultant Harmon stated BOA Case No. 2021-14 is for a variance request from Section 94-86(a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12-foot side setback, resulting in a total setback of 1-foot 6 inches on the west side for the installation of a new dock and boat lift for the property at 445 Harbor Drive South.

Planning Consultant Harmon made a PowerPoint Presentation showing aerial views of the property, and a picture of the proposed dock and boat lift.

Planning Consultant Harmon stated the applicant requested to encroach 10 feet 6 inches into the 12-foot side yard setback for his boat lift. The lot is an inverse curve lot, and the property lines project into the water at an angle, causing the available side setback to be reduced as the lot lines are extended into the water. The applicant did receive a sign-off from his next-door neighbor at 443 Harbor Drive South. This neighbor is the one that would be impacted the most.

City Attorney Simon noted for the record that neither the applicant James Sullivan nor the applicant's representative, Joe Place of Enterprise Marine, were present.

Member Alvarez clarified that the applicant is replacing the dock.

Member Alvarez stated if the boat lift were on the other side, it would be less of a variance, and he asked if staff saw it that way.

Planning Consultant Harmon stated yes, but the applicant was adamant about keeping on that side.

Member Campbell stated property lines go out into the water and asked the city attorney if driving over those property lines out in the water is not trespassing.

City Attorney Simon responded that it is not trespassing.

Member Campbell asked if the applicant's boat comes across his neighbor's property line, the applicant is not evading into the next person's property rights going across their property extension into the water.

City Attorney Simon responded in the negative and stated based on the facts that he presented.

City Attorney Simon opened the public comments section. Seeing and hearing no one wishing to speak, the public comments section was closed.

Member Campbell stated the applicant expressed a preference for putting the dock in the middle, and it is going to be a new dock, and it could be placed in another location, so a variance is not needed for the boat lift.

Planning Consultant Harmon stated she does not see why not.

Vice-Chair Watt stated this boat lift would fit on the other side with maybe a 1-foot variance. He asked what is the City's position on having two boats side-by-side.

Planning Consultant Harmon stated the City does not have a position on that issue.

Member Labadie asked if the depth of the water on the other side of the dock is shallower.

Planning Consultant Harmon stated it does not appear so. The applicant did not bring that up.

Member Labadie asked if the water depth was why the applicant wanted it on the other side.

Planning Consultant Harmon stated she thinks it is because the other neighbor is so close maybe.

Member Campbell stated he thinks the applicant does not want his boat in front of his window, and the applicant wants it off to the side.

Member Campbell stated that since the existing dock is being removed, this amounts to an almost frivolous variance request because everything fits if the dock is relocated. There is not even the economic hardship because the existing dock is being removed. He does not feel the application meets the criteria of that there is no alternative under the current ordinance without a variance.

Vice-Mayor Watt stated his comment would be similar to Member Campbell's comment. He said some things are just nice to have and things that are a tight squeeze and a couple of feet are needed, which is not one of them.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2021-15, A VARIANCE REQUEST FROM SECTION 94-86 (A)(1) OF THE CODE OF ORDINANCES OF 10 FEET 6 INCHES INTO THE REQUIRED 12-FOOT SIDE SETBACK, RESULTING IN A TOTAL SETBACK OF 1 FOOT 6 INCHES ON THE WEST SIDE, FOR THE INSTALLATION OF A NEW DOCK AND BOAT LIFT FOR THE PROPERTY LOCATED AT 445 HARBOR DRIVE SOUTH, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 19TH ADDITION, LOT 15. PARCEL #: 06-30-15-42372-000-0150.

ROLL CALL VOTE:

AYES: CAMPBELL, LABADIE, ALVAREZ, WATT

NAYS: NONE

ABSENT: DeVORE

MOTION TO DENY CARRIES UNANIMOUSLY.

Member Alvarez stated by the applicant not being present to address the Boards concerns and questions, the Board based their decision on what was presented to them by staff.

Vice-Mayor Watt asked if Planning Consultant Harmon was looking for the Board's reasons for denial to pass onto the City Commission, with Planning Consultant Harmon responding in the affirmative.

Vice-Mayor Watt stated there was no hardship with this application.

The rest of the Board agreed with Vice-Mayor Watt's comment that no hardship was found.

**6. BOA CASE NO. 2021-16 — 530 HARBOR DRIVE NORTH
Owner/Applicant: Jason Medley**



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

Library
727/596-1822

Public Services
727/595-6889
727/593-3137 (Fax)

**NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — CITY COMMISSION
TUESDAY, DECEMBER 14, 2021 @ 7:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will hold a public hearing on **TUESDAY, DECEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-15**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **445 HARBOR DRIVE SOUTH, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 94-86 (a)(1) of the Code of Ordinances of 10 feet 6 inches into the required 12 foot side setback, resulting in a total setback of 1 foot 6 inches on the west side, for the installation of a new dock and new boat lift, for property located at 445 Harbor Drive South, Indian Rocks Beach, Florida, and legally described as Lot 15 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County. Property ID # 06-30-15-42372-000-0150

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.

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **TUESDAY, DECEMBER 14, 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 no later than seven (7) business days prior to the proceeding.

06-30-15-42444-000-0420
LOT 43 AND RIP RTS
LOT 42 AND S'LY 10FT OF
RE-REVISED 23RD ADD
INDIAN BEACH

WILSON, TOM J
WILSON, THEA T
444 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3156

06-30-15-42444-000-0390
LOT 39 AND RIP RTS
RE-REVISED 23RD ADD
INDIAN BEACH

RUSINOWSKI, LESTER
RUSINOWSKI, WANDA
450 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3156

06-30-15-42444-000-0380
LOT 38
RE-REVISED 23RD ADD
INDIAN BEACH

RIEUMONT, MARK J
RIEUMONT, KERRY
1508 S HOWARD AVE APT E
TAMPA FL 33606-3186

06-30-15-42372-000-0120
LOT 12
RE-REVISED 19TH ADD
INDIAN BEACH

MAJOR, KATHLEEN
SHEIRER, JAMIE S
439 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3118

06-30-15-42444-000-0440
10 FT & RIP RTS
LOT 44 & LOT 43 LESS S'LY
RE-REVISED 23RD ADD
INDIAN BEACH

PARKS, JAMES ODUM
603 BARRY PL
INDIAN ROCKS BEACH FL 33785-3106

06-30-15-42444-000-0410
LOT 41
RE-REVISED 23RD ADD
INDIAN BEACH

WOLFE, CLAYTON H
WOLFE, ALICIA R
446 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3156

06-30-15-42372-000-0130
LOT 13
RE-REVISED 19TH ADD
INDIAN BEACH

ELLISON, MAUREEN R
ELLISON, ANTHONY C
441 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3118

06-30-15-42372-000-0110
LOT 11
RE-REVISED 19TH ADD
INDIAN BEACH

ALLEY, DAVID L
ALLEY, SARIKA KAMATH
437 HARBOR DR S
INDIAN ROCKS BEACH FL 33785

06-30-15-42480-000-0090
LOT 9
RE-REVISED 25TH ADD
INDIAN BEACH

SUTHERLAND, ALAN C
600 BARRY PL
INDIAN ROCKS BEACH FL 33785-3107

06-30-15-42372-000-0160

LOT 16
RE-REVISED 19TH ADD
INDIAN BEACH

MUCCIO, DANIEL
MUCCIO, JILL P
4812 ISLAND VIEW NE
ROSWELL GA 30075-5742

06-30-15-42372-000-0170

LOT 17
RE-REVISED 19TH ADD
INDIAN BEACH

LANIER, BRENDA L
LANIER, BARRY R
449 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3118

06-30-15-42372-000-0180

LOT 18
RE-REVISED 19TH ADD
INDIAN BEACH

WILK, THOMAS J & STASIA FAMILY REV LIV TRUST
WILK, THOMAS J TRE
451 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3118

06-30-15-42444-000-0400

LOT 40 AND RIP RTS
RE-REVISED 23RD ADD
INDIAN BEACH

PFANSTIEHL, JOHN G
CISARIK, KELLY S
448 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3156

06-30-15-42372-000-0140

LOT 14
RE-REVISED 19TH ADD
INDIAN BEACH

SMITH, GREGORY G TRE
SMITH, BETH A TRE
443 HARBOR DR S
INDIAN ROCKS BEACH FL 33785-3118

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.

⁶⁰⁴
2021-15

Date Received

10-8-2021

APPLICANT

Name: James Eric Sullivan Jr

Address: 445 Harbor Dr. S.

City: Indian Rocks Beach

Zip Code: 33785

Tel: (231) 631-1102

Fax:

Mobile:

Email: Esullivan@sports
facilities.com

AGENT/REPRESENTATIVE

Name: Joe Place

Company: Enterprise Marine

Address: 8165-46th Ave. N.

City: St. Petersburg

Zip Code: 33709

Tel: (727) 343-7788

Fax: (727) 954-8812

Mobile: (727) 280-4416

Email: joe@enterprisemarine.com

SITE DETAILS

Address: 445 Harbor Dr. S.

Parcel ID: 06-30-15-42372-000-0150

City: Indian Rocks Beach

Zip Code: 33785

Legal Description: Indian Beach Re-Revised 19th Add. Lot 15

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

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

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

Private Home, Private Dock & Boat Lift.

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 NARROW WIDTH @ THE PROPERTY (48.8') AND THE ANGLED PROPERTY LINE, REDUCES THE AREA TO INSTALL A DOCK AND BULKLIFT AND MEET THE CITY'S 12' SIDE SET BACK REQUIREMENTS.

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

THE PROPERTY DIMENSIONS ARE NOT A RESULT OF ACTIONS BY THE HOMEOWNER.

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 APPROVAL OF THIS VARIANCE DOES NOT PROVIDE ANY SPECIAL PRIVILEGE, THAT IS NOT ALREADY ENJOYED BY OTHER RESIDENTS IN THE IMMEDIATE AREA.

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

GRANTING THE VARIANCE WOULD NOT DEPRIVE OTHER PROPERTIES IN THE SAME ZONING DISTRICT, THAT HAVE HAD SIMILAR REQUESTS APPROVAL.

HARDSHIP CONTINUED...

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

THE WIDTH OF THE PROPOSED BOAT DOCK IS BEING REDUCED FROM 9'-6" IN WIDTH DOWN TO 6' WIDE. THE BOAT LIFT WILL BE INSTALLED ON THE RIGHT SIDE OF THE DOCK, WHERE A BOAT CAN BE MOORED USING THE EXISTING POLES. THE BOAT WILL BE LOCATED IN THE SAME POSITION IT IS NOW.

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

THE GRANTING OF THE VARIANCE, WILL NOT BE INJURIOUS TO THE AREA, OR DETRIMENTAL TO THE PUBLIC WELFARE.

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

SIMILAR VARIANCES HAVE PREVIOUSLY BEEN APPROVED BY THE CITY, FOR DOCK AND BOAT LIFT IN THIS IMMEDIATE AREA.

CERTIFICATION

Date: 9/10/21

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

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

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

Before me this date personally appeared: _____

Name: JAMES ERIC SULLIVAN JR.

Signature: [Handwritten Signature]

Personally known/Form of Identification Drivers License

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

Sworn to and subscribed before me this: Day: 10th Month: Sept. 2021

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

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas



JOSEPH R PLACE
Commission # GG 203101
Expires August 3, 2022
Banded Tire Budget Notary Services

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

AGENT OF RECORD

Date: 9/10/21

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

Name: JAMES ERIC SULLIVAN JR. Signature: [Signature]

My agent of record may be contacted at:

Company: Enterprise Marine Contractors, Inc.

Address: 8165- 46th Ave. N.

City/State: St. Petersburg, FL Zip Code: 33709

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

Before me this date personally appeared:

Name: James Eric Sullivan Jr.

Signature: [Signature]

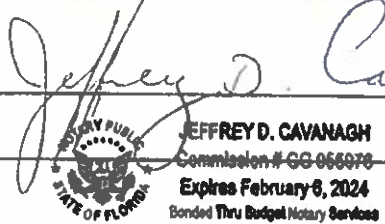
Personally known/Form of Identification

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

Sworn to and subscribed before me this: Day: 8th Month: OCTOBER, 20 21

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: _____
State of Florida
County: Pinellas





CITY OF INDIAN ROCKS BEACH
1507 BAY PALM BLVD. INDIAN ROCKS BEACH, FL. 33785 (727)695-2517
PRIVATE DOCK PERMIT APPLICATION

APPROVED DENIED _____

 City of Indian Rocks Beach Official Date

Permit Fee: _____

Permit required from Pinellas County YES NO
 If yes, deliver approved City of Indian Rocks Beach Dock Permit to Pinellas Water & Navigation
 315 Court Street Clearwater, FL 33756. (727) 484-3385

I. PROPERTY OWNER INFORMATION:

- A. Applicant's Name: James Eric Sullivan Jr.
- B. Mailing Address: 445 Harbor Dr. S.
 City: Indian Rocks Beach State: FL Zip: 33785
- C. Telephone No: (231) 631-1102 E-mail Address: ESullivan@sportsfacilities.com

II. AGENT INFORMATION:

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

III. SITE INFORMATION:

- A. Construction Site Address: 445 Harbor Dr. S.
 City: Indian Rocks Beach State: FL Zip: 33785
- B. Parcel ID Number: 06 / 30 / 15 / 42372 / 000 / 0150

IV. PROJECT DESCRIPTION:

- A. Nature and Size of Project:
Remove the existing dock, tie poles and boat davits.
Construct a new 6' x 30' dock with 5' x 6' lower
landing and install a 13,000# DECD Boat Lift.
 _____ Square Feet: 210



V. CONTRACTOR INFORMATION:

I, Gary Kalkreuth, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in the City of Indian Rocks Beach Code, and in accordance with the attached drawings which accurately represent all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either remove the dock or correct the deficiency.

Signed: [Signature] Cert No.: C-9714
Company Name: Enterprise Marine Telephone No: (727) 343-7788
City: St. Petersburg State: FL Zip: 33709
E-mail Address: joe@enterprisemarine.com

VI. OWNER'S SIGNATURE:

I hereby apply for a permit to do the above work and state that the same will be done according to the map or plan attached hereto and made a part hereof, and agree to abide by the criteria of the City of Indian Rocks Beach Code for such construction. I further state that said construction will be maintained in a safe condition at all times, should this application be approved, that I am the legal owner of the upland from which I herein propose to construct the improvements, and that the above stated agent/contractor may act as my representative. I understand that I, not the City of Indian Rocks Beach, am responsible for the accuracy of the information provided as part of this application and that it is my responsibility to obtain any necessary permits and approvals applicable for the proposed activities on either private or sovereign owned submerged land.

9/10/21
Date

[Signature]
Legal Owner's Signature



DISCLOSURE FORM

In order to alleviate any potential conflict of interest with City of Indian Rocks Beach staff, it is required that the City be provided with a listing of PERSONS being party to a trust, corporation, or partnership, as well as anyone who may have beneficial interest in the application which would be affected by any decision rendered by the City (attach additional sheets if necessary).

A. PROPERTY OWNERS:

| | |
|--------------------------------------|----------------|
| Name: <u>James Eric Sullivan Jr.</u> | Name: _____ |
| Address: <u>445 Harbor Dr. S.</u> | Address: _____ |
| <u>Indian Rocks Beach, FL 33785</u> | _____ |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |

B. REPRESENTATIVES:

| | |
|--|----------------|
| Name: <u>Enterprise Marine, Inc Place</u> | Name: _____ |
| Address: <u>8165 - 46th Ave. N.</u> | Address: _____ |
| <u>St. Petersburg, FL 33709</u> | _____ |

C. OTHER PERSONS HAVING OWNERSHIP INTEREST IN THE SUBJECT PROPERTY:

Interest is: contingent absolute

Name: _____

Specific interest held: _____

D. OWNER'S SIGNATURE:

I hereby certify that the information stated above is complete, accurate, and true to the best of my knowledge.

X Date 9/10/21



PRIVATE DOCK

MHW
MLW
BOTTOM

Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET 210
NEW SQUARE FEET 80
WATER WAY WIDTH 537'
WATERFRONT WIDTH 48.8'

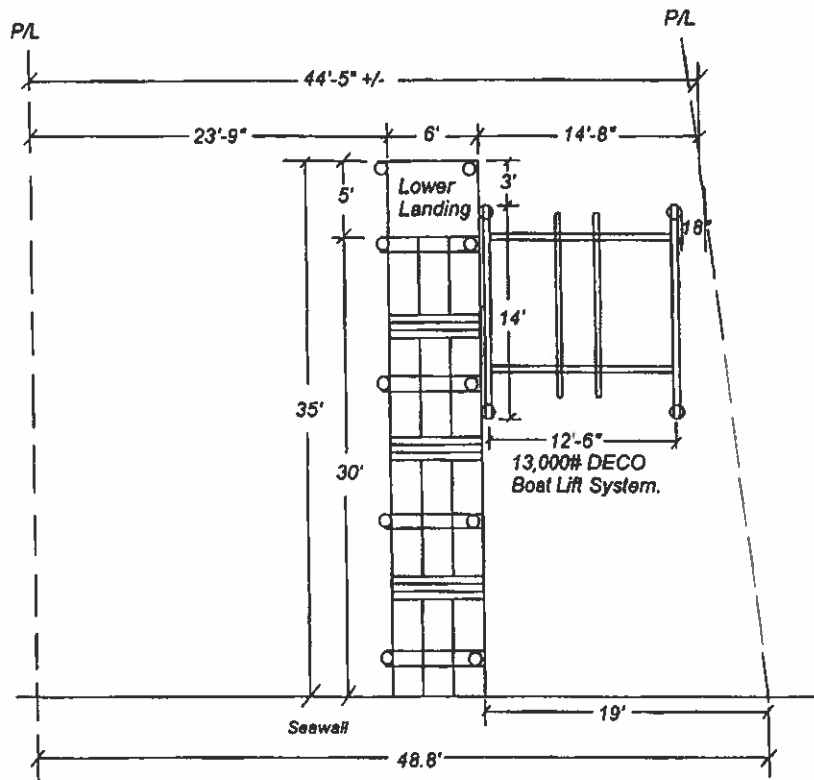
Plan View - (applicant and adjacent docks)

*See Attached
Drawings.*

Owner Name: James Eric Sullivan Jr. Site Address: 445 Harbor Drive S., Indian Rocks Beach, FL 33785

Nature and Size of Project: Remove the existing dock, tie poles and davits. Construct a new 6' x 30' dock, with a 5' x 6' lower landing. Install a 13,000# DECO Boat Lift, on the right side of the new dock.

| | | | |
|-------------------------------|-------------|----------------------|---------------------|
| Total Project Square Footage: | <u>210</u> | New Square Footage: | <u>80</u> |
| Total Number of Pilings: | <u>14</u> | Diameter of Pilings: | <u>9" & 10"</u> |
| Waterway Width | <u>537'</u> | Waterfront Width | <u>48.8'</u> |



| SHORELINE | | | |
|---|------|-------------------------------|---------|
| The undersigned does not object to the proposed project as drawn in the space provided above. | | | |
| Left Owner | | Right Owner | |
| Signature | Date | Signature | Date |
| | | <i>[Signature]</i> | 10-8-21 |
| Municipality Approval | | Water and Navigation Approval | |

LETTER OF NO OBJECTION

Left Lot Owner's Name Daniel & Jill Muccio
Mailing Address 4812 Island View NE, Roswell, GA Zip 30075

I certify that I am the owner of 447 Harbor Drive S. which adjoins the property owned by the applicant who proposes to construct a structure at the following address:
445 Harbor Drive S., Indian Rocks Beach, FL 33785

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

OWNER'S SIGNATURE: _____ Date _____

NOTARY:
STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of
 physical presence or online notarization this _____ day of _____, 20__ by
 personally known OR produced identification
Type of Identification Produced _____

Witness my hand and official seal this _____ day of _____, 20__

Notary Public

My commission expires: _____

Right Lot Owner's Name Gregory & Beth Smith
Mailing Address 443 Harbor Drive S., Indian Rocks Beach Zip 33785

I certify that I am the owner of 443 Harbor Drive S. which adjoins the property owned by the applicant who proposes to construct a structure at the following address:
445 Harbor Drive S., Indian Rocks Beach, FL 33785

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

OWNER'S SIGNATURE: *Beth Smith* Date 10-8-21

NOTARY:
STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of
 physical presence or online notarization this 8 day of Oct., 2021 by
 Personally Known OR Produced Identification
Type of Identification Produced Florida Drivers License

Witness my hand and official seal this 8th day of October, 20 21

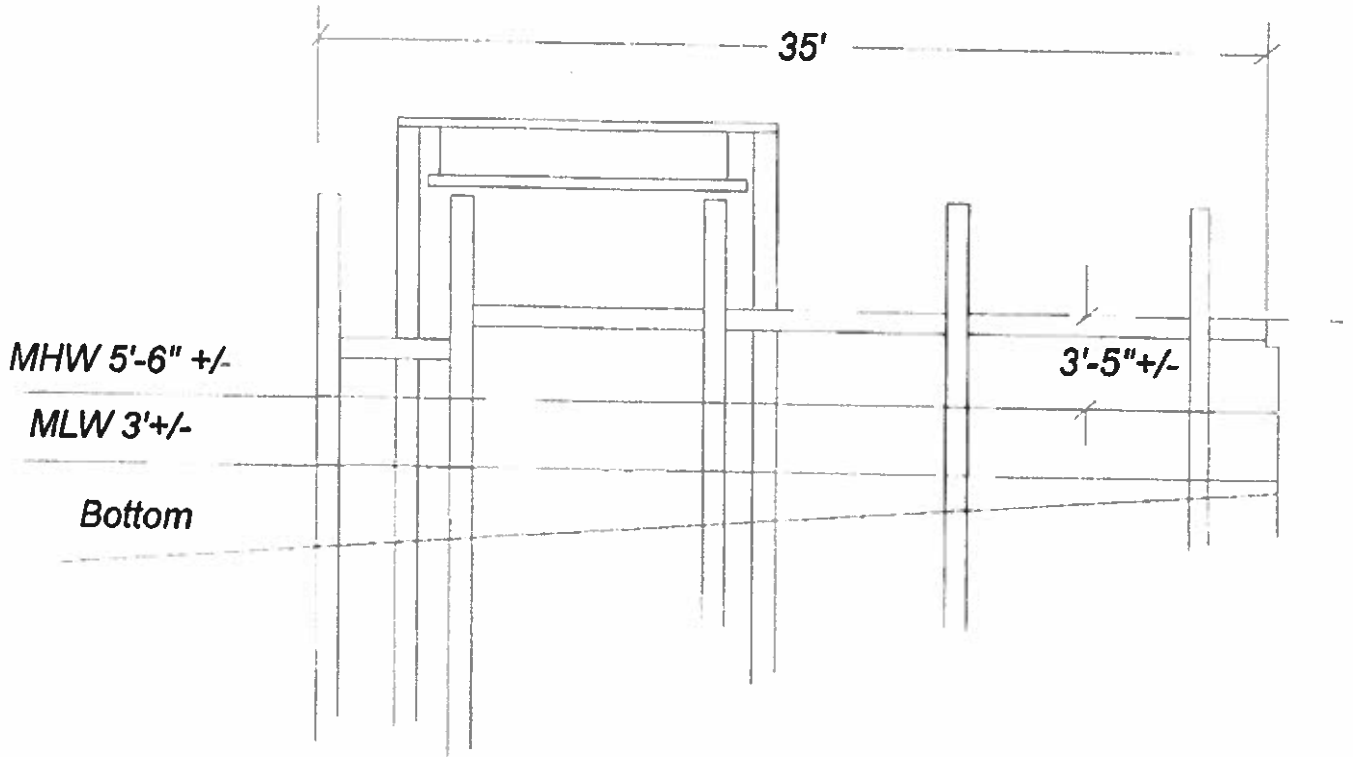
Notary Public

My commission expires: _____
 JOSEPH R PLACE
Commission # GG 203101
Expires August 3, 2022
Bonded Thru Budget Notary Services

Owner Name: James Eric Sullivan Jr.

Site Address: 445 Harbor Drive S., Indian Rocks Beach, FL 33785

Profile View Drawing



DOCK WATER DEPTH AFFIDAVIT

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

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



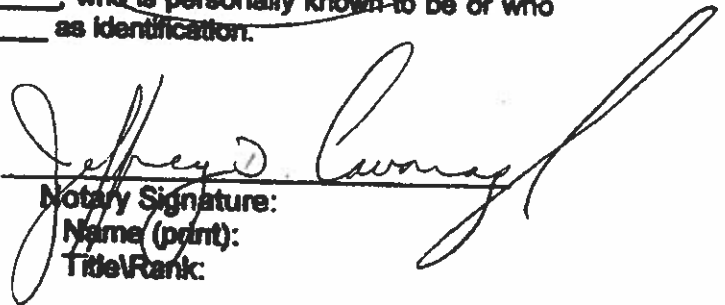
Signature of Contractor/Authorized Agent

The above instrument was acknowledged before me this 8TH day of OCT., 2021, by JOE PLACE, who is personally known to be or who produced _____ as identification.



JEFFREY D. CAVANAGH
Commission # GG 955976
Expires February 8, 2024
Bonded thru Budget Notary Services

Notary Stamp & Number



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

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

**BOA CASE NO. 2021-16
530 HARBOR DRIVE NORTH**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021 AGENDA ITEM: 6C

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: BOA CASE NO. 2021-16. A variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2 inches, to allow for an aluminum awning, for property located at 530 Harbor Drive North Indian Rocks Beach, Florida, and legally described as Lot 14, Browns Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 58 Page 80 of the Public Records of Pinellas County.
Property ID # 06-30-15-12402-000-0140

OWNER: Jason Medley, Jeff Troxel, Marck De Lautour
PROPERTY LOCATION: 530 Harbor Drive North
ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting a variance to build a 217square foot awning in the rear yard setback. The property was built in 1968 and has a rear yard setback of 25 feet. The proposed awning is proposed to project 12feet 8 inches into the rear yard setback, leaving a rear setback of 12 feet 2 inches.

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 the 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. *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.*

PUBLIC NOTICE: A public 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 November 29, 2021, pursuant to Section 2-149 of the Code of Ordinances.

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the December 1, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for public hearing that has been scheduled on December 14, 2021, for BOA Case No. 2021-16.

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: The Board of Adjustments and Appeals recommended denial to the City Commission by a vote of 3 to 1.

MOTION:

I move to **APPROVA/DENY** BOA CASE NO. 2021-16. A variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2inches, to allow for an aluminum awning, for property located at 530 Harbor Drive North, Indian Rocks Beach, Florida, and legally described as Lot 14, Browns Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 58 Page 80 of the Public Records of Pinellas County.



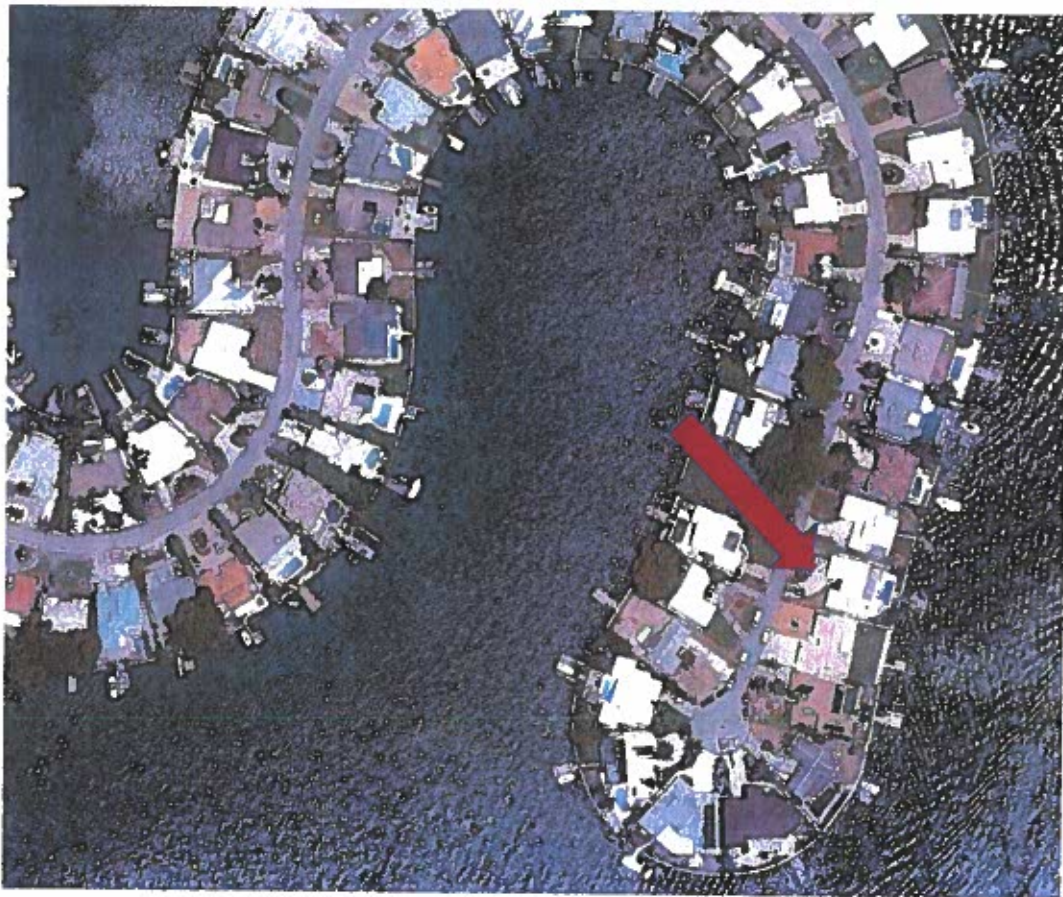
530 Harbor Dr North
BOA CASE NO. 2021-16



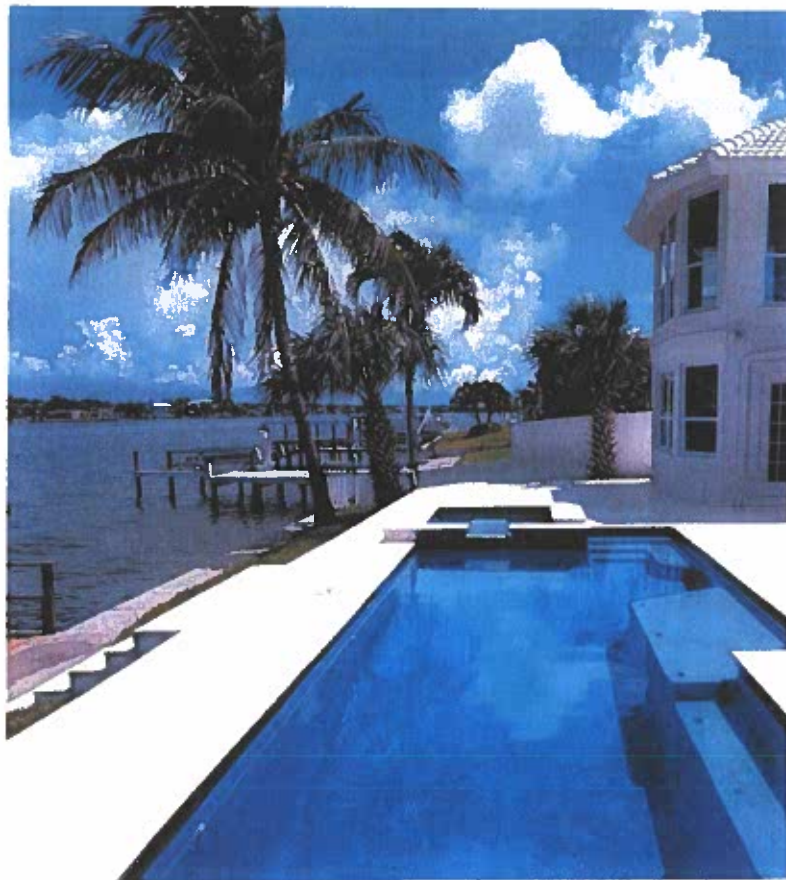
BOA CASE NO. 2021-16 Variance request from Sec. 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2 inches, to allow for a aluminum awning for property located at 530 Harbor Dr. N Indian Rocks Beach, Florida, and legally described as Lot 14, Browns Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 58 Page 80 of the Public Records of Pinellas County.



530 Harbor Dr. North



Looking South



Looking North



Planning Consultant Harmon stated she thinks it is because the other neighbor is so close maybe.

Member Campbell stated he thinks the applicant does not want his boat in front of his window, and the applicant wants it off to the side.

Member Campbell stated that since the existing dock is being removed, this amounts to an almost frivolous variance request because everything fits if the dock is relocated. There is not even the economic hardship because the existing dock is being removed. He does not feel the application meets the criteria of that there is no alternative under the current ordinance without a variance.

Vice-Mayor Watt stated his comment would be similar to Member Campbell's comment. He said some things are just nice to have and things that are a tight squeeze and a couple of feet are needed, which is not one of them.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2021-15, A VARIANCE REQUEST FROM SECTION 94-86 (A)(1) OF THE CODE OF ORDINANCES OF 10 FEET 6 INCHES INTO THE REQUIRED 12-FOOT SIDE SETBACK, RESULTING IN A TOTAL SETBACK OF 1 FOOT 6 INCHES ON THE WEST SIDE, FOR THE INSTALLATION OF A NEW DOCK AND BOAT LIFT FOR THE PROPERTY LOCATED AT 445 HARBOR DRIVE SOUTH, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN BEACH RE-REVISED 19TH ADDITION, LOT 15. PARCEL #: 06-30-15-42372-000-0150.

ROLL CALL VOTE:

AYES: CAMPBELL, LABADIE, ALVAREZ, WATT

NAYS: NONE

ABSENT: DeVORE

MOTION TO DENY CARRIES UNANIMOUSLY.

Member Alvarez stated by the applicant not being present to address the Boards concerns and questions, the Board based their decision on what was presented to them by staff.

Vice-Mayor Watt asked if Planning Consultant Harmon was looking for the Board's reasons for denial to pass onto the City Commission, with Planning Consultant Harmon responding in the affirmative.

Vice-Mayor Watt stated there was no hardship with this application.

The rest of the Board agreed with Vice-Mayor Watt's comment that no hardship was found.

**6. BOA CASE NO. 2021-16 — 530 HARBOR DRIVE NORTH
Owner/Applicant: Jason Medley**

Representative/Agent: A-NIKS Outdoor Comfort
Subject Location: 530 Harbor Drive North
Legal Description: Browns Addition to Re-Rev Map of Indian Beach, Lot 14
Parcel #: 06-30-15-12402-000-0140
Variance Request: Variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2inches, to allow for an aluminum awning.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2021-16: Variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2inches, to allow for an aluminum awning for property located at 530 Harbor Drive North, Indian Rocks Beach, Florida, and legally described as Lot 14, Browns Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 58 Page 80 of the Public Records of Pinellas County. Property ID # 06-30-15-12402-000-0140

OWNER: Jason Medley, Jeff Troxel, Marck De Lautour
PROPERTY LOCATION: 530 Harbor Drive North
ZONING: Single-Family Residential

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

BACKGROUND:

The applicant is requesting a variance to build a 217 square foot awning in the rear yard setback. The property was built in 1968 and has a rear yard setback of 25 feet. The proposed awning is proposed to project 12 feet 8 inches into the rear yard setback, leaving a rear setback of 12 feet 2inches.

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 the 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. *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.

NOTICE: NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on November 1, 2021 pursuant to Section 2-149 of the Code of Ordinances.

[End of Staff Report]

City Attorney Simon read BOA Case No. 2021-16, 530 Harbor Drive North, by title only.

City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant, with all members responding in the negative.

Acting City Attorney Simon 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.

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

Planning Consultant Harmon stated BOA Case No. 2021-06 is a variance request from Section 110-131(1)(f)(2)(i) of the Code of Ordinances of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2 inches, to allow for an aluminum awning, for the property located at 520 Harbor Drive North.

Planning Consultant Harmon made a PowerPoint Present showing aerial views of the property, a survey, pictures looking south and north from where the awning would be located.

Planning Consultant Harmon stated the applicant requested a 217 square foot in the rear yard setback to build an awning. The house was built in 1968 and has a rear yard setback of 25 feet. The proposed awning to project 12 feet 8 inches into the rear yard setback, leaving a rear setback of 12 feet 2 inches.

Planning Consultant Harmon stated staff did recommend denial because the City Code does not permit structures in the rear yard setback.

Member Alvarez stated he did not see an "artist rendition" of the proposed awning in the packet. He asked if the awning would be open on both ends, so it is just the awning with two post anchors on the waterside.

Planning Consultant Harmon responded in the affirmative.

Jason Medley, 530 Harbor Drive North, the applicant, submitted a proposal of the awning from A-NIKS, showing a drawing of the proposed awning. He stated there is no pitch to the roof, and there are two posts.

Member Campbell stated what the rules are for awnings, and if this is a retractable awning would it be subject to the setback or not?

Planning Consultant Harmon stated retractable awnings do not require variances because they are not permanent structures.

Mr. Medley stated they had remodeled the home. However, they realized that there were zero places to hide from the sun in the backyard in doing so. There is no covered space. The area that the planning consultant proposed does have some steps there, so that would not work. They would like to have a seating area where they can have dinner outside or sit outside. There is not enough space where the pool starts and the back of the house.

Mr. Medley stated the proposed roof is a flat roof with two posts and would not have a pitch. They want to be respectful of everyone from a view perspective.

Mr. Medley stated they looked at alternatives that could be taken down at night, like giant umbrellas, but that would block his neighbors' views. His goal is to have a space to sit outside in the summertime to enjoy their home.

Mr. Medley stated they had gutted the house down to the studs. It is a brand-new home. They are just trying to find a place outside where they can sit outside and not get scorched up in the summertime.

Member Alvarez asked if Mr. Medley considered a retractable awning.

Mr. Medley stated that the company they are using, A-NIKS, handles all different shade systems. He does not know if the retractable awning would out far enough to cover the table, so that was the challenge they were looking at from that perspective. Would it be adequately engineered to extend out far enough to cover a table?

Mr. Medley stated he realizes the issue has the two pillars in the ground, making it a permanent structure. Still, with the awning, at least from a visual perspective, it would be bulkier and less appealing.

Member Alvarez stated retractable awnings are limited to 6 or 8-foot at the most. He said the applicant needs a total of 12 feet to have a table and chairs to meet his requirements.

Vice-Chair Watt stated it appears, by the drawing, the front edge of the awning would be 12 feet back from the seawall. He asked what the height of the roofline was?

Mr. Medley stated the height of the roofline is approximately 10 feet because it comes off of where the first and second stories meet.

Member Campbell asked if the house is within the rear setback already? And if so, how close to the setback is the edge of the house?

Planning Consultant Harmon stated the house is 26 feet from the seawall and 25 feet is the required rear yard setback.

Member Alvarez confirmed that the awning would be above the first-floor windows and just right below the stucco band.

Member Alvarez asked if that is a solid wall looking southward.

Mr. Medley stated that it is a 6-foot PVC vinyl fence.

Member Labadie asked whose fence is it.

Mr. Medley stated he was not sure. It has been there since they have purchased the property.

Member Alvarez stated it is a shadow box, and it cannot be seen through as the City Code provides for.

Member Labadie stated the applicant wants to extend the awning out 16 feet.

Mr. Medley explained the posts would be out by the hot tub.

Member Labadie stated his concern is obstructing the view of his neighbors on both sides. He said if the awning is projected out far enough, the neighbors cannot see to the north. He asked if his neighbors had signed off on and approved his project.

Mr. Medley stated he was not aware that his neighbors had to sign off on his project. He said he would be more than happy to try and do that.

Mr. Medley stated to the south of his property that the neighbor does not have a pool and that one single flat roofline would obstruct her view. He said when that neighbor looks north, there is already a fence blocking her view.

Member Campbell said from the City's criteria what is the least variance that would accomplish the applicant's need. His question is whether the applicant has considered building out 5 feet with a solid roof and then having an 8-foot retractable awning at the edge of that. Then the solid roof would only encroach into the rear setback by 1 or 2 feet, and the retractable awning would not need a variance.

Mr. Medley stated he does not know from an engineering perspective if that is feasible to put the awning in. He does not know if a retractable awning can be mounted to the flat roof.

Member Campbell asked the applicant if he had investigated this with anybody?

Mr. Medley responded no. He has never seen anything done like that.

Member Campbell stated that a 16-foot awning with two poles unattached to anything is not all that usual either.

Mr. Medley stated the awning would be attached to the home. It is hurricane-rated.

Vice-Chair Watt asked what the difference between this awning and a freestanding pergola is?

Planning Consultant Harmon responded with basically nothing.

Vice-Chair Watt stated he wanted to make sure because this awning is attached to the house. Structures within the 25-foot rear yard setback are a very sensitive subject.

Vice-Chair Watt clarified that the City Code prohibits anything within the 25-foot required rear yard setback of a vertical structure above 4 feet.

Vice-Chair Watt stated the abutting white vinyl fence does not meet City Code.

City Attorney Simon opened the public comment session. Seeing and/or hearing no one wishing to speak, the public hearing was closed.

Planning Consultant Harmon stated, for the record, that she had asked the people who submitted the application to talk to the neighbors numerous times.

Member Alvarez stated there was a discussion about being mindful of the neighbors. The Board did not have letters from the neighbors whether or not they approved or objected to the variance for consideration. He asked if the applicant had another option other than denial and then go to the City Commission, or can the applicant withdraw the application, talk to the neighbors and come back to the Board for a vote.

City Attorney Simon stated the applicant could withdraw his application and submit a new application with the letters from his neighbors. Still, then he would be starting the application process all over again.

City Attorney Simon stated the Board could table it and bring it back for another hearing at another date and time.

Member Campbell stated there is nothing that would stop him from submitting the letters to the City Commission.

The Board discussed whether the applicant withdrew his application, or the Board table, or vote on the variance.

Vice-Chair Watt asked would the applicant like to withdraw his application or continue with the process.

Vice-Chair Watt advised the applicant that the Board is only an advisory board to the City Commission and makes the final decision.

Mr. Medley stated he would like to proceed with the process.

MOTION MADE BY MEMBER CAMPBELL, SECONDED BY MEMBER LABADIE, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2021-16, A VARIANCE REQUEST FROM SECTION 110-131 (1)(f)(2)(i) OF THE CODE OF ORDINANCES OF 12 FEET 8 INCHES INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, RESULTING IN A TOTAL REAR YARD SETBACK OF 12 FEET 2 INCHES, TO ALLOW FOR AN ALUMINUM AWNING FOR PROPERTY LOCATED AT 530 HARBOR DRIVE NORTH, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 14, BROWNS ADDITION TO RE-REVISED MAP OF INDIAN BEACH SUBDIVISION RECORDED IN PLAT BOOK 58 PAGE 80 OF THE PUBLIC RECORDS OF PINELLAS COUNTY. PROPERTY ID # 06-30-15-12402-000-0140

ROLL CALL VOTE:

AYES: LABADIE, CAMPBELL, WATT
NAYS: ALVAREZ
ABSENT DeVORE

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

7. OTHER BUSINESS.

City Clerk O'Reilly announced that there will be no December meeting.

Member Campbell stated there was a dock water depth affidavit included with one of the dock variance and stated it was incredibly helpful. He asked if that was required as part of the variance application.

Planning Consultant Harmon stated that is an application that goes to Pinellas County.

8. ADJOURNMENT.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER CAMPBELL, TO ADJOURN THE MEETING AT 6:49 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved

Stewart DeVore, Chair

/dor



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 — CITY COMMISSION
TUESDAY, DECEMBER 14, 2021 @ 7:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785**

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will conduct a public hearing on **TUESDAY, DECEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-16**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **530 HARBOR DRIVE NORTH, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 110-131 (1)(f)(2)(i) of the Code of Ordinances, of 12 feet 8 inches into the required 25-foot rear yard setback, resulting in a total rear yard setback of 12 feet 2 inches, to allow for an aluminum awning, for property located at 530 Harbor Drive North, Indian Rocks Beach, Florida, and legally described as Lot 14, Browns Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 58 Page 80 of the Public Records of Pinellas County. Property ID # 06-30-15-12402-000-0140

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

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **TUESDAY, DECEMBER 14, 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 no later than seven (7) business days prior to the proceeding.

06-30-15-12402-000-0160
LOT 16
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

TIERIE, WIEGERT TRE
DIETZ, ERIKA K TRE
534 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3117

06-30-15-12402-000-0220
LOT 22
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

RP HARBOR IRB LLC
1502 WESTSHORE DR
LOVELAND CO 80538-3147

06-30-15-12402-000-0130
LOT 13
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

MALOK, MARIA
8 BETTY CT
LEBANON NJ 08833-2102

06-30-15-12402-000-0120
LOT 12
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

KIRK, GARY W
KIRK, NATALIE L
526 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3117

06-30-15-12402-000-0150
LOT 15
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

SACCOCCIO, SALVATORE & GLORIA D TRUST
SACCOCCIO, GLORIA TRE
532 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3117

06-30-15-42552-000-0070
LOT 7
RE-REVISED 29TH ADD
INDIAN BEACH

PEREZ, ANGELO
PEREZ, WILMA E
525 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3116

06-30-15-12402-000-0230
LOT 23
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

EICHMAN, CLARENCE C
527 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3116

06-30-15-12402-000-0170
LOT 17
MAP OF INDIAN BEACH
BROWNS ADD TO RE-REV

DOLPHIN WATERFRONT REALTY LLC
2401 INLET DR
FT LAUDERDALE FL 33316-3621

06-30-15-42552-000-0050
LOTS 5 AND 6
RE-REVISED 29TH ADD
INDIAN BEACH

RUGGLES, JOHN F
521 HARBOR DR N
INDIAN ROCKS BEACH FL 33785-3116

06-30-15-12402-000-0110

LOT 11

MAP OF INDIAN BEACH


BROWNS ADD TO RE-REV

SOSA, MANUEL JR

LONG, LESLIE DIANE

524 HARBOR DR N

INDIAN ROCKS BEACH FL 33785-3117

| | | | | | | | | | | | |
|--|------------------|--|---|--|------------------|------------------------|----------|--------------------|---------------|---------------------|--------------|
| <h1 style="margin: 0;">A-NIKS™</h1> <p style="margin: 0;">Outdoor Comfort Solutions</p> | | Hillsborough-East Pasco-Tampa: 813-224-0774 Pinellas-West Pasco-St. Petersburg: 727-384-0774 Sarasota-Manatee: 841-360-0774 Polk: 863-283-0399/Orlando-Orange: 407-481-1074 Charlotte-Lee-Collier: 239-674-7413 Broward: 954-573-1757/Miami-Dade: 786-646-2307 Palm Beach: 561-208-5782 | | | | | | | | | |
| PROPOSAL / CONTRACT Good for 60 Days. (Price Subject to Change Without Notice) | | | | | | | | | | | |
| Contract Date: 4/25/2021 PO: Salesperson: Ali Erturk Phone#: 813-224-0514 | | 9937 Race Track Rd. Tampa, FL 33626 Toll Free: 877-966-2483 www.aniks.com License # CGC1504645 / J8133052 Fax: 813-436-6567 | | | | | | | | | |
| Name: Jason Medley Billing Address: 530 Harbor Dr., N. City: Indian Rocks Beach, FL Phone: Cell: 813-244-0206 Email: jmedley@collectorsaniks.com | | | | | | | | | | | |
| Work to Be Performed at: Attn: Job Address: 530 Harbor Dr., N. City: Indian Rocks Beach, FL App ID/Contact: | | Job Type: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Retractable Awning</td> <td>Louvered Pergola</td> </tr> <tr> <td>Structured Retractable</td> <td>Umbrella</td> </tr> <tr> <td>Retractable Screen</td> <td>Window Awning</td> </tr> <tr> <td>Kourtna Wind Screen</td> <td>Vyziona FR-C</td> </tr> </table> | | Retractable Awning | Louvered Pergola | Structured Retractable | Umbrella | Retractable Screen | Window Awning | Kourtna Wind Screen | Vyziona FR-C |
| Retractable Awning | Louvered Pergola | | | | | | | | | | |
| Structured Retractable | Umbrella | | | | | | | | | | |
| Retractable Screen | Window Awning | | | | | | | | | | |
| Kourtna Wind Screen | Vyziona FR-C | | | | | | | | | | |
| Parts List and Installation Description | | | | | | | | | | | |
| Model | Qty | Description | Installation Note or Size | Each | Ext'd | | | | | | |
| FR-C | 1 | 15' Wide by 18' - Cut Around Bay Window | Attached on House Wall, Above White Bend. | \$ 10,257.00 | \$ 10,257.00 | | | | | | |
| 6" Posts | 2 | 1-10' Tall and 1-12' Tall, With Functional Post Base | | \$ 600.00 | \$ 1,380.00 | | | | | | |
| Fan Beam | 1 | 2" by 8" By 15' Fan Beam | | \$ 566.00 | \$ 566.00 | | | | | | |
| | |  | | | | | | | | | |
| | | 2 Footers | | \$ 850.00 | \$ 1,700.00 | | | | | | |
| Financing 6 Months SAC, W/ Payments After 17.99% 10 Years @ 9.99% | | \$ 2,596.46 5 Years @ 9.99% \$ 388.43 \$ 229.40 15 Years @ 9.99% \$ 165.95 | 90 Months @ 9.99% \$ 274.58 All Financing Options Are for Homeowner and assume approval from finance company to receive the rates shown. | | | | | | | | |
| - For Commercial Financing see Your Account Manager | | | | Parts-Total: \$ 13,903.00 | | | | | | | |
| A-NIKS's Labor Warranty is 1 year regardless of Manufacturer's Warranty. Mfr Warr may exceed the 1 year subject to terms & conditions as per their documentation. We will assist in processing the Mfr's Warr as needed. System Warranties are per manufacturer's terms and vary from one year to as much as a lifetime warranty and do not include labor. It is a material warranty as per the manufacturer's requirements. | | | | Installation: \$ 3,475.75 | | | | | | | |
| | | | | Subtotal: \$ 17,378.75 | | | | | | | |
| Please Note: Only the Items and their Installation and assembly is included in the scope of work as outlined above. Anything not shown above is not included in our scope of work. This contract represents in whole, the contract between the parties and no other verbal promises or commitments agreed to, are apart of this contract herein. All Items and services agreed to, are on this contract. Installation does not include any licensed trade work, i.e. high voltage (110 Volts or above) electrical or plumbing. Quote assumes reasonable access will be provided to complete the work. Reasonable access, includes vehicle parking and the ability to work during the day. Any hindrance to this access could result in additional charges. Any extra trips required to do the install because the jobsite was not ready or jobsite readiness was misrepresented, could result in additional charges. Any specialized lift equipment required (including Cranes) unless shown in this quote are not included in the quote. All Material ownership is retained by A-NIKS, LLC until this contract is paid in full. In the event the material cannot be recovered, for various reasons, then any unpaid balances not paid as per the schedule shown, are subject to a 1.5% per month or 18% annual interest rate charge. Any attorneys fees required to collect the funds will be the responsibility of the client that has not paid, as per the schedule shown, and are subject to the lien laws on the back of this contract. | | | | Sales Tax (For Umbrellas or Dr): | | | | | | | |
| | | | | Estimated Freight: | | | | | | | |
| | | | | Total: \$ 17,378.75 | | | | | | | |
| | | | | Engineering Due upon contract signing: \$ 1,750.00 50% Deposit, due before system ordering: \$ 8,688.38 25% Upon On Site Delivery: \$ 4,344.69 Balance Upon Substantial Completion: \$ 4,344.69 | | | | | | | |
| I understand that due to the width of fabric requested, there may be a visible seam. I understand that A-NIKS will try its best to place it so that it is not visible. Initial | | | | | | | | | | | |
| Other Estimated Costs; Not Included in System Totals, Deposits and Balances | | | | | | | | | | | |
| | | Estimated Engineering Cost: \$ 1,250.00 Estimated Permitting Cost: \$ 500.00 | Charges for Other Costs-Not Included: Above \$ 1,750.00 | | | | | | | | |
| Please Note: Quotes Do Not Include Electrical, Plumbing, Construction Work or Footers, Engineering, Permitting and Freight, Unless Otherwise Specified Above are Not Included. | | | | | | | | | | | |
| I/We hereby accept this proposal and authorize A-NIKS to perform the work as specified. I/We agree to make payment in accordance with the terms specified in this agreement. By signing this contract we accept the items listed on this page and the covenants on the 2nd page. | | | | | | | | | | | |
| Authorized A-NIKS Agent _____ | | Customer _____ | | Date _____ | | | | | | | |
| | | | | Page 1 of 2 20H30 | | | | | | | |



CITY OF INDIAN ROCKS BEACH
BUILDING PERMIT APPLICATION

1507 Bay Palm Boulevard
Indian Rocks Beach FL 33785
Ph: 727/595-2517 Fax: 727/596-4759
www.indian-rocks-beach.com

CODE: _____

FLOOD ZONE: _____

Project Address 530 Harbor Dr. N.

Parcel ID # 06-30-15-12402-000-0140 Legal: Lot 14 Block _____ Subdivision Browns Addit.

Owners Name Jason Medley Phone # 813-244-0206

Owners Address 1804 N Bearss Ave City Tampa State FL Zip 33613

Fee Simple Titleholder's Name (if other than owner) _____

Fee Simple Titleholder's Address (if other than owner)

Address _____ City _____ State _____ Zip _____

Contractors Company Name _____

Contractors Address _____ City _____ State _____ Zip _____

Fax # _____ Phone # _____ E-mail _____

State Certification/Registration # or Certificate of Competency # CC.1504645 PCCLB # _____

Contact Person Ali Erturk Phone # 813-838-8514

Bonding Company _____

Bonding Company's Address _____ City _____ State _____ Zip _____

Architect/Engineer's Name DeStefano Engineering Group, PL Phone # 941-371-1724

Architect/Engineer's Address 311 Interstate Blvd City Sarasota State FL Zip 34240

Mortgage Lender's Name _____

Mortgage Lender's Address _____ City _____ State _____ Zip _____

Present Occupancy / Use Single Family Home Proposed Occupancy / Use Single Family Home

Structure Type: Commercial Residential 1 or 2 Units Residential 3 or more units

Type of Work: New Addition Alteration Repair Replace Demolition

Contract Valuation \$ 15,714.00

Description of Work: Aluminum Canopy

Permit Fee: _____



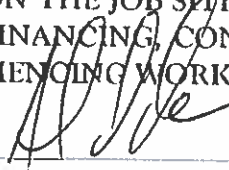
CITY OF INDIAN ROCKS BEACH
BUILDING PERMIT APPLICATION

1507 Bay Palm Boulevard
Indian Rocks Beach FL 33785
Ph: 727/595-2517 Fax: 727/596-4759
www.indian.rocks.beach.com

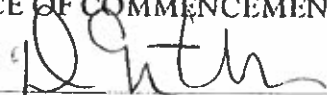
Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that failure to request a final inspection will result in the assessment of a \$500 fee. Additionally, the expiration of my permit through failure to obtain an approved inspection within 180 days of issuance will result in re-permitting fees equal to 50% of the original fees.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.



Signature of Contractor



Signature of Owner or Agent

Ali C. Erturk

Print Name

Deborah Erturk

Print Name

State of Florida, County of Pinellas
Sworn to (or affirmed) and subscribed before
me this 6 day of October
20 21

State of Florida, County of Pinellas
Sworn to (or affirmed) and subscribed before
me this 6 day of October
20 21

Personally known Identification produced:
Type: _____

Personally known Identification produced:
Type: _____

Signature of Notary Public Benji J. W.

Signature of Notary Public Benji J. W.

Asbestos Notification Statement
Be advised that building materials encountered may contain asbestos. I understand my obligations and will comply with all federal, state, and local regulations pertaining to asbestos including Section 469.003, Florida Statutes. I also acknowledge my responsibility to notify the Dept. of Environmental Protection of my intentions to remove asbestos, when applicable, in accordance with state and federal law.

Signature of Applicant _____ Date _____

Application Approved by: _____



www.exacta.com | Office 888-735-1018 | Fax 888-744-2102



PROPERTY ADDRESS:
530 HARBOR DRIVE N., INDIAN ROCKS BEACH, FLORIDA 33785

SURVEY NUMBER: FL2012.0903

DATE OF SURVEY: 12/09/20 FIELD WORK DATE: 12/07/2020

REVISION DATE(S):
(REVO 12/9/2020)

POINTS OF INTEREST
NONE VISIBLE

SURVEYORS CERTIFICATE

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 53, 15.050 through 53.15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.



C. BOYD ALLEN
State of Florida Professional Surveyor and Mapper
License Number: 3824

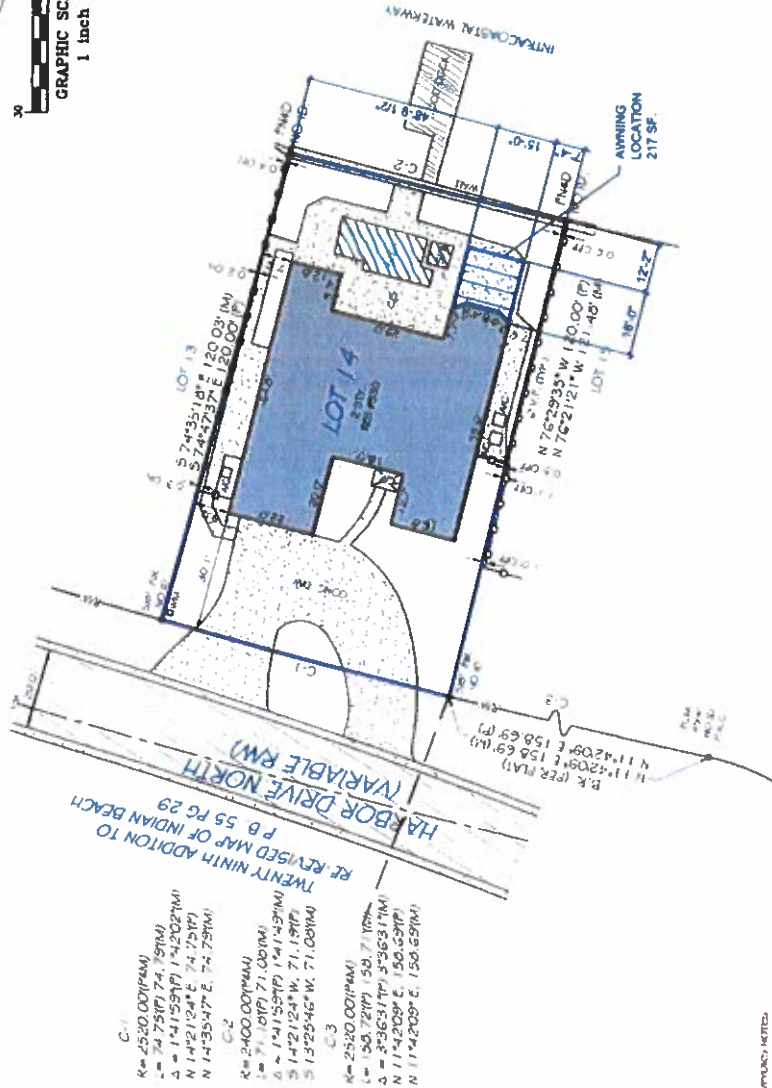


Office 888-735-1018 | Fax 888-744-2102
1800 Parkway Lakes Drive, Suite 111, Palm Bay, FL 32909

2012.0903
BOUNDARY SURVEY
PINELLAS COUNTY



GRAPHIC SCALE (in Feet)
1 inch = 30' ft



- C-1
K = 2520.001(MM)
L = 74.7587(74.758M)
A = 141.5517(141.551M)
N 142124°E 74.7587
N 143547°E 74.7587
- C-2
K = 2400.001(MM)
L = 71.107(71.107M)
A = 141.5517(141.551M)
S 142124°W 71.107
S 132545°W 71.001(M)
- C-3
K = 2520.001(MM)
L = 150.7217(150.721M)
A = 336.517(336.517M)
N 114208°E 150.659(F)
N 114208°E 150.659(M)

REVISIONS: NONE
EASEMENTS: NONE
NOT AFFRONTED TO BE SERVED BY PUBLIC WATER AND SEWER
NOTE: POINTS EXIST, OWNERSHIP NOT DETERMINED
PLEASE REVIEW LOCATION ON DRAWING.

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

Use of this survey other than intended, without written verification, will be at users' sole risk and without liability to the surveyor.

Amended 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:

Absolute

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

| <u>Regulation</u> | <u>Required</u> | <u>Proposed</u> | <u>Total Requested</u> |
|------------------------------------|-----------------|-----------------|------------------------|
| Rear-no alley setback (feet): | 25' | 12'-2" | 12'-8" |
| Rear-north/south street (feet): | | | |
| Street-front setback (feet): | | | |
| Side-one/both setback (feet): | | | |
| Minimum green space (%): | | | |
| Habitable stories (#): | | | |
| Minimum lot size (sq. ft.): | | | |
| Building height (feet): | | | |
| Off-street parking (spaces): | | | |
| ISR (%): | | | |
| FAR (%): | | | |
| Dock length (feet): | | | |
| Dock width (feet): | | | |
| Signage (#): | | | |
| Accessory structure (sq. ft.): | | | |
| Accessory structure height (feet): | | | |
| Lot size (sq. ft.): | | | |

Other:

What is the proposed use of the property?

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:

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:

The canopy is only 15' wide being placed on a a71'-5" lot that will have no other shade, providing protection from skin/sun exposure. Additionally, the canopy will provide energy savings in the home by sheltering direct sunlight intrusion into the back window nook.

CERTIFICATION

Date: 10/14/21

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

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

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

Before me this date personally appeared: _____

Name: Jason Medley

Signature: Jason Medley

Personally known/Form of Identification _____

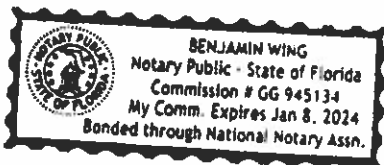
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 14 Month: October .2021

Notary Public State of Florida at Large: Benji Wi

Notary Public Commission Expiration: January 8, 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.

AGENT OF RECORD

Date: 10/14/2021

I, Jason Medley do hereby designate and appoint

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

Name: Ali Erturk Signature: *Ali Erturk*

My agent of record may be contacted at:

Company: A-NIKS Outdoor Comfort Solutions

Address: 9937 Race Track Rd.

City/State: Tampa, FL Zip Code: 33626

Telephone: 813.224.0774 Fax: 813.436.5567

Before me this date personally appeared:

Name: Jason Medley

Signature: *Jason Medley*

Personally known/Form of Identification _____

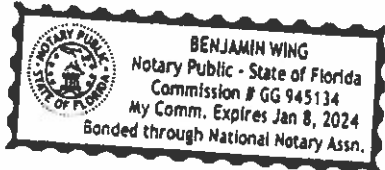
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

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

Notary Public State of Florida at Large: Benja W

Notary Public Commission Expiration: Jan. 8, 2024

State of Florida
County: Pinellas



IRB Variance form 10

Final Audit Report

2021-10-14

| | |
|-----------------|--|
| Created: | 2021-10-14 |
| By: | Debbie Erturk (derturk@aniks.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAG8yfcPEUMNCmyXSQmiu6wBi10JUUXzaL |

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**AGENDA ITEM NO. 6D
SECOND/FINAL PUBLIC HEARING**

**ORDINANCE NO. 2021-06
Amending Section 110-344 of the
Code of Ordinances.**

AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: December 14, 2021 **AGENDA ITEM: 6D**

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

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: **Ordinance No. 2021-06 Length of Waterfalls**

BACKGROUND:

At the November 12, 2019, and September 14, 2021 City of Indian Rocks Beach City Commission meetings, the City Commission approved variances to extend the allowable length of waterfalls. The Land Development Code allows for up to six feet in length and the variances granted were for twelve feet. As a result, the Board of Adjustment recommended that the City Commission consider a Land Code Amendment to allow the allowable length of waterfalls to twelve feet in length.

The City Commission by consensus authorized staff to forward a Land Code Amendment to the Local Planning Agency to change the six feet allocation to twelve feet. The LPA should consider the proposed amendment and make the appropriate recommendation to the City of Indian Rocks Beach City Commission.

On October 21, 2021, the LPA discussed changing the six feet allocation for the waterfall to 12 feet. The LPA recommended that if the waterfall was increased to 12 feet it could be located on the house side of the property not along the side yard or rear yard property line. A 6 foot waterfall would still be allowed to be located on any side of the pool.

On November 9, 2021, the City Commission discussed proposed revisions to the ordinance and the Commission voted to increase the maximum length of permissible waterfall feature from 6 feet to twelve feet and the waterfall feature may not be constructed along the seawall or the rear property line.

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2021- 06**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-344 “SWIMMING POOLS AND SPAS” AMENDING THE PERMISSIBLE LOCATION AND LENGTH OF A WATERFALL PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR RENUMBERING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Indian Rocks Beach Board of Adjustments and Appeals has received an increased number of variance applications to extend the maximum length of a waterfall to enhance the aesthetics of the pool area; and

WHEREAS, during the August 17, 2021, Board of Adjustments and Appeals Meetings, the Board recommended the City Commission consider extending the maximum length of decorative waterfalls;

WHEREAS, on October 21, 2021, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan; and

WHEREAS, Section 13.1 of the City's Charter empowers the City Commission to regulate and restrict, among other things, the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes in the City; and

WHEREAS, the City Commission for the City of Indian Rocks Beach finds the amendments set forth in this ordinance to be in the interest of promoting the health, safety and general welfare of the community.

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

SECTION 1. Chapter 110, Zoning; Article IV, Supplementary District Regulations; Section 110-344 Swimming Pools and Spas” of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

Sec. 110-344. – Swimming pools and spas.

- (7) Spas, jacuzzis, and hot tubs. Spas, as defined in section 14-421, shall be permitted in accordance with the following standards:
 - a. When located on nonwaterfront lots and lots abutting the Intracoastal Waterway, spas may be located in rear and side yards so long as a five-foot setback is maintained from the property line.

- b. When located on lots abutting the Gulf of Mexico, spas may be located in any yard, so long as a five-foot setback is maintained from the property line.
- c. The capacity of any spa permitted pursuant to this subsection shall not exceed 500 gallons. Larger spas shall be permitted in accordance with subsections (1) through (6) of this section.
- d. Spas shall not exceed four feet in height above the adjacent finished grade, or four feet in height above a deck permitted in accordance with chapter 14.
- e. The provisions of this subsection (7) shall also apply to spas which are constructed as part of and integrated into a swimming pool.
- f. The provisions of this subsection (7) shall also apply 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 ~~six~~ twelve feet. When located on a waterfront lot, lot abutting the Intracoastal Waterway, or lot abutting the Gulf of Mexico, the waterfall feature may not be constructed along the seawall or rear property line, and no variance shall issue for a waterfall feature in this location.
- g. A maximum of one spa per residential unit is permitted pursuant to this subsection.

SECTION 2. In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

SECTION 3. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify such other provisions of the Land Development Regulations to accomplish such intention.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

SECTION 6. This Ordinance shall become effective immediately upon final passage as allowed by law.

ADOPTED ON FIRST READING on the 9th day of November 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED this 1st day of December 2021 in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the 14th day of December, 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

**AGENDA ITEM NO. 6E
SECOND/FINAL PUBLIC HEARING**

**ORDINANCE NO. 2021-07
Amending Chapter 90 of the Code
of Ordinances to provide criteria
for accessory structures in flood
hazard areas; to not permit
installation of manufactured
homes and recreational vehicles
in flood hazard areas and align
with regulatory directives.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: December 14, 2021 AGENDA ITEM: 6E

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP, Planning Consultant

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: **ORDINANCE NO. 2021-07 — SECOND AND FINAL READING**
Amendments to Chapter 90, of the Code of Ordinances, Flood Damage Prevention, to provide criteria for accessory structures in flood hazard areas; to not permit installation of manufactured homes and recreational vehicles in flood hazard areas and align with regulatory directives.

BACKGROUND:

The Federal Emergency Management Agency (FEMA) established August 24, 2021 as the effective date for the revised Flood Insurance Study for Pinellas County and incorporated areas and flood insurance rate maps. FEMA requires adoption of floodplain management regulations meet certain NFIP requirements.

The City was required to revise sections of the ordinance that pertained to manufactured homes and accessory structures.

The City staff worked with FDEM to update the FEMA requirements in the ordinance and general cleanup of the ordinance.

The following are the areas that were modified:

- Reference to Manufactured Homes was removed except stating they are not allowed. Manufactured Buildings are allowed if they are built offsite and installed on a foundation that meets building regulations.
- Added definition and requirements of “*accessory structure*”. Rebecca Quin, FDEM is inquiring from FEMA if vents are required since the accessory structures are not allowed to be greater than 120 square feet.
- Redefined “*market values*”. Definition is from Pinellas County Flood Manager.
- Removed reference to development in watercourses/floodways.

On November 9, 2021, the City Commission approved Ordinance No. 2021-07, on first reading unanimously.

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2021-07**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO NOT PERMIT INSTALLATION OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN FLOOD HAZARD AREAS AND ALIGN WITH REGULATORY DIRECTIVES; PROVIDING FOR APPLICABILITY, CODIFICATION, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Commission of Indian Rocks Beach has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy or the City's zoning code; and

WHEREAS, the City of Indian Rocks Beach does not permit installation of manufactured homes and recreational vehicles in flood hazard area and, at the request of the Federal Emergency Management Agency, is modifying the regulations to clarify those limitations; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Indian Rocks Beach that the Code of Ordinances is amended as set forth in the following amendments, as shown in ~~strikethrough~~ and underline format in Section 1.

SECTION 1. AMENDMENTS. The Code of Ordinances, Subpart B, Chapter 90, is hereby amended as set forth below:

CHAPTER 90 - FLOOD DAMAGE PREVENTION

ARTICLE I. - IN GENERAL

Sec. 90-1. - Title.

These regulations shall be known as the Floodplain Management Ordinance of the City of Indian Rocks Beach hereinafter referred to as "this ordinance."

Sec. 90-2. - Scope.

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; ~~placement, installation, or replacement of manufactured homes and manufactured buildings;~~ installation or replacement of tanks; ~~placement of recreational vehicles; installation of swimming pools;~~ and any other development.

Sec. 90-3. - Intent.

The purposes of this ordinance and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, ~~watercourses,~~ and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Sec. 90-4. - Coordination with the Florida Building Code.

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 90-5. - Warning.

The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

Sec. 90-6. - Disclaimer of liability.

This ordinance shall not create liability on the part of the city commission of the City of Indian Rocks Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE II. – APPLICABILITY

Sec. 90-7. - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 90-8. - Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within the City of Indian Rocks Beach as

Sec. 90-9. - Basis for establishing flood hazard areas.

The FEMA. Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated ~~August 18, 2009~~ August 24, 2021 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City Hall at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida. (Ord. No. 2014-03, § 11, 8-12-2014)

Sec. 90-10. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to article V of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

Sec. 90-11. - Other laws.

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law, including ~~chapter 39 of the Pinellas County Code of Ordinances~~, the county coastal construction code.

Sec. 90-12. - Abrogation and greater restrictions.

This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

Sec. 90-13. - Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

ARTICLE III. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 90-14. - Designation.

The ~~public services planning and zoning~~ director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to staff members ~~other employees~~.

(Ord. No. 2014-03, § 17, 8-12-2014)

Sec. 90-15. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to article VII of this ordinance.

Sec. 90-16. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

Sec. 90-17. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this ordinance is required.

Sec. 90-18. - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to article VII of this ordinance.

Sec. 90-19. - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

Sec. 90-20. - Inspections.

The floodplain administrator shall make the required inspections as specified in article VI of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 90-21. - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including, but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 90-17 of this ordinance;
- ~~(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);~~
- ~~(2)~~ (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, or flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six months of such data becoming available;
- ~~(3)~~ (4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
- ~~(4)~~ (5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Indian Rocks Beach, Florida, are modified; and
- ~~(5)~~ (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 90-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Sec. 90-22. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained~~; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood-resistant construction requirements of the Florida Building Code. These records shall be

available for public inspection at City Hall at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

ARTICLE IV. - PERMITS

Sec. 90-23. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 90-24. - Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec. 90-25. - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

Sec. 90-26. - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Article V section 90-10 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

Sec. 90-27. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

Sec. 90-28. - Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec. 90-29. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

Sec. 90-30. - Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and ch. 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

ARTICLE V. - SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 90-31. - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, ~~or floodway~~ data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection 90-32(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 90.32(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- ~~(9) Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

Sec. 90-32. - Information in flood hazard areas without base flood elevations (approximate zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation ~~and floodway~~ data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation ~~and floodway~~ data available from a federal or state agency or other source.
- (3) Where base flood elevation ~~and floodway~~ data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

- b. Specify that the base flood elevation is three feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three feet.
- (4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 90-33. - Additional analyses and certifications.

~~As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:~~

- ~~(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 90-34 of this ordinance and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.~~
- ~~(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.~~
- ~~(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 90-34 of this ordinance.~~
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), the applicant shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents.

Sec. 90-34. - Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, ~~change floodway boundaries,~~ or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI. - INSPECTIONS

Sec. 90-35. - General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 90-36. - Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 90-37. - Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 90-38. - Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 90-32(3)b. of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec. 90-39. - Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 90-38 of this ordinance.

ARTICLE VII. - VARIANCES AND APPEALS

Sec. 90-40. - General.

The City of Indian Rocks Beach City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the City of Indian Rocks Beach City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Sec. 90-41. - Appeal.

City of Indian Rocks Beach City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of City of Indian Rocks Beach City Commission may appeal such decision to the circuit court, as provided by Florida Statutes.

Sec. 90-42. - Limitations on authority to grant variances.

The City of Indian Rocks Beach City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 90-46 90-47 of this ordinance, the conditions of issuance set forth in section 90-47 90-48 of this ordinance, and the comments and recommendations of the floodplain administrator and the building official. The City of Indian Rocks Beach City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Sec. 90-43. - Restrictions in floodways. (RESERVED)

~~A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 90-33 of this ordinance.~~

Sec. 90-44. - Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 44 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 90-45. - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of section 90-43, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 90-46. - Considerations for issuance of variances.

In reviewing requests for variances, the City of Indian Rocks Beach City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Sec. 90-47. - Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the City of Indian Rocks Beach City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

ARTICLE VIII. - VIOLATIONS

Sec. 90-48. - Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Sec. 90-49. - Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Sec. 90-50. - Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law and as provided in section 1-14, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IX. - FINDINGS OF FACT

Sec. 90-51. - Findings of fact.

The following findings of fact apply:

- (1) All of the city is located within the Special Flood Hazard Area with some areas designated coastal high hazard area, and is therefore subject to development limitations on density and intensity, consistent with the city's comprehensive plan.
- (2) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (3) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or floodproofed, or otherwise unprotected from flood damages.

ARTICLE X. - DEFINITIONS

DIVISION 1. - GENERAL

Sec. 90-52. - Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Sec. 90-53. - Terms defined in the Florida Building Code.

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

Sec. 90-54. - Terms not defined.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

DIVISION 2. - DEFINITIONS

Sec. 90-55. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

~~Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.~~

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24 means a standard titled flood-resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, Virginia.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line means the line established by the State of Florida pursuant to F.S. § 161.053, F.S. recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or

permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

~~*Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]~~

~~*Floodway encroachment analysis* means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 44 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) *Letter of map amendment (LOMA)* means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) *Letter of Map Revision (LOMR)* means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) *Letter of Map Revision Based on Fill (LOMR-F)* means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) *Conditional Letter of Map Revision (CLOMR)* means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck, as defined in 40 C.F.R. 86.082-2, means any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Market value means the ~~price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for Ad Valorem taxation purposes, tax assessment value adjusted to approximate market value as determined by the PAO by a factor provided by the property appraiser.~~

New construction, for the purposes of administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, means structures for which the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to article VII section 90-44 of this ordinance.

Variance means a grant of relief from the requirements of this ordinance, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

~~*Watercourse* means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

ARTICLE XI. - FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. - BUILDINGS AND STRUCTURES

Sec. 90-56. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 90-25 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of article XV of this ordinance.

Sec. 90-57. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
- (2) Minor structures and non-habitable major structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

ARTICLE XII. - SUBDIVISIONS

Sec. 90-58. - Minimum requirements.

Subdivision proposals, ~~including proposals for manufactured home parks and subdivisions,~~ shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 90-59. - Subdivision plats.

Where any portion of proposed subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 90.32(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of article XIII of this ordinance.

ARTICLE XIII. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 90-60. - Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 90-61. - Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

Sec. 90-62. - Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec. 90-63. - Limitations on sites in regulatory floodways. (RESERVED)

~~No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 90-33(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

Sec. 90-64. - Limitations on placement of fill.

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 90-65. - Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 90-33(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 90-75(3) of this ordinance.

ARTICLE XIV. - TANKS

Sec. 90-66. - Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec. 90-67. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Section ~~90-68~~ 90-66 of this ordinance shall:

- (1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (zone V).

Sec. 90-68. - Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec. 90-69. - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

ARTICLE XV. - OTHER DEVELOPMENT

Sec. 90-70. - General requirements for other development.

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- ~~(2) Meet the limitations of Section 90-63 90-61 of this ordinance if located in a regulated floodway;~~
- ~~(2)~~ (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- ~~(3)~~ (4) Be constructed of flood damage-resistant materials; and
- ~~(4)~~ (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 90-71 – 90-73. --Fences in regulated floodways. (RESERVED)

~~Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 90-63 of this ordinance.~~

~~Sec. 90-72. — Retaining walls, sidewalks and driveways in regulated floodways. (RESERVED)~~

~~Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 90-63 of this ordinance.~~

~~Sec. 90-73. — Roads and watercourse crossings in regulated floodways.~~

~~Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 90-61 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 90-33(3) of this ordinance.~~

Sec. 90-74. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four inches.

Sec. 90-75. - Decks and patios in coastal high hazard areas (zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Sec. 90-76. - Other development in coastal high hazard areas (zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec. 90-77. - Nonstructural fill in coastal high hazard areas (zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Sec. 90-78. – Accessory structures.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 120 sq. ft.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Sec. 90-79. – Manufactured homes.

Manufactured homes, as defined in 15C-1.0101, Florida Administrative Code, are not allowed in flood hazard areas. “Manufactured homes,” as used in this section, are distinct from “manufactured buildings,” as that term is used in the Florida Building Code or Florida Administrative Code.

Sec. 90-80. – Recreational Vehicles

Permanent placement of recreational vehicles and park trailers, as defined in 15C-1.0101, Florida Administrative Code, is not permitted in flood hazard areas.

SECTION 2. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance. In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

SECTION 3. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify provisions of the Land Development Regulations to accomplish such intention.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts

SECTION 6. This Ordinance shall become effective immediately upon final passage as allowed by law.

ADOPTED ON FIRST READING on the 9th day of November 2021, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED this 1st day of December 2021, in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ___ day of _____, 202__, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

AGENDA ITEM NO. 7

OTHER LEGISLATIVE ITEMS:

NONE

AGENDA ITEM NO. 8

WORK SESSION ITEMS: NONE

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.