

Board of Adjustments and Appeals
Tuesday, July 13, 2021
@ 5:00 p.m.



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

Library
727/596-1822

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

AGENDA

**CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS
TUESDAY, JULY 13, 2021 @ 5:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785**

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES: APRIL 20, 2021**
4. **BOA CASE NO. 2021-05 — 306 BAHIA VISTA DRIVE**
Owner/Applicant: Steven R. Levine
 Mary L. Levine
Representative: Jay Bowers, Coral Stone Builders, LLC
Subject Location: 306 Bahia Vista Drive, Indian Rocks Beach, Florida
Legal Description: Bahia Vista Subdivision, Lot 6 & part of Water Lot A lying within side lot lines extended northerly, according to the plat thereof recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida.

Parcel #: 12-30-14-02394-000-0060.
Variance request: Variance request from Section 94-86 to allow a dock to encroach 6 feet into the 12-foot side yard setback for the installation of new boat lift.
5. **BOA CASE NO. 2021-06 — 378 LA HACIENDA DRIVE**
Owner/Applicant: Elias Leousis
Subject Location: 378 La Hacienda Drive, Indian Rocks Beach, Florida
Legal Description: La Hacienda 1st Addition and part of Water Lot C in front and 14.5 feet x 115 feet T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14 of the Public Records of Pinellas County, Florida.

Parcel #: 07-30-15-47394-000-0600.
Variance request: Variance request from Code Section 110-131(1)(f.) (2)(i) of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 feet, to allow for a covered porch on the rear of the house.

6. OTHER BUSINESS.

7. ADJOURNMENT.

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

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

POSTED: July 9, 2021

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

**AGENDA ITEM NO. 2
ROLL CALL**

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

**MINUTES — APRIL 20, 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, APRIL 20, 2021**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

2. **ROLL CALL:**

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

OTHERS PRESENT: City Attorney Randy Mora, Planning Consultant Hetty C. Harmon, AICP, and Office Administrator Lorin Kornijtschuk.

ABSENT: Board Member Waldemar H. Clark, Jr.

VACANT POSITIONS: 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: March 16, 2021**

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE TO APPROVE THE MARCH 26, 2021 MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2021-02 — 416-20th AVENUE**

Owner/Applicant: Matthew & Lauren Campo
Subject Location: 416 20th Avenue, Indian Rocks Beach, Florida
Legal Description: Lot 10, and the West ½ of Lot 11, Seventh Addition of Re-Revised Map of Indian Beach.
Parcel #: 06-30-15-42156-000-0100.
Variance request: Variance request from Section 94-87 to permit a dock to extend beyond the maximum allowable 50-foot dock length for the installation of a new dock.

[Beginning of Staffing Report]

SUBJECT: BOA CASE NO. 2021-02. Variance request from Section 94-87 to allow the dock to extend 10 feet beyond the permitted 50 foot dock length for the installation of a new dock for property located at 416-20th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 10, and the West 1/2 of Lot 11, Seventh Addition to Re-Revised Map of

Indian Beach, according to the map or plat thereof as recorded in Plat Book 28, Page 78, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42156-000-0100.

OWNER Matthew & Lauren Campo
 PROPERTY LOCATION: 416 20th Avenue
 ZONING: S- Single Family

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

BACKGROUND:

Matthew and Lauren Campo are requesting a variance of 10 feet for the length of the dock to extend 10 feet beyond the 50-foot dock length because of the mangroves and water depth.

Sec. 2-152. Variances.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The property is located in an area where there the water is shallow and has increase mangrove growth.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for the dock and boat lift to be constructed.*
- 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 dock and boat lift.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with the general intent and purpose of subpart B.*

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

PUBLIC NOTICE: 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 April 5, 2021. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: Letters of support were received from Dale Segura, 414 20th Avenue, and Dennis Hart, 422 20th Avenue.

[End of Staffing Report]

City Attorney Mora read the title of Agenda Item No. 4, BOA Case No. 2021-02.

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

City Attorney Mora asked if any of the Members conducted a site visit for the limited purpose of evaluating this case, with all Members responding negatively.

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

Planning Consultant Harmon introduced BOA Case No. 2021-02. She stated the applicant is requesting a variance from Section 94-87 to allow a variance of 10 feet to allow the dock to extend to 60 feet beyond the allowed 50-foot maximum dock length to construct a new dock on the property at 416-20th Avenue. The variance is because of the shallowness and to avoid the mangroves in the area.

Planning Consultant Harmon presented a PowerPoint presentation showing an aerial view, which shows the existing dock, the mangroves, and his neighbor's docks that go beyond 50 feet.

Matthew Campo, 416-20th Avenue, applicant, stated he is proposing a variance to the allowable dock length of 50 feet to 60 feet. His existing dock is only 45 feet and extends 20 feet past a thick mangrove cluster. In addition, the current dock location is very shallow compared to other properties in Indian Rocks Beach. At a dock length of 50 feet, he would not have 36" depth at mean low water. The lots adjacent to his currently have the same condition and have 60-foot dock lengths.

Vice-Chair Watt clarified that this variance is strictly about the length of the dock and does not have anything to do with the side setbacks.

Mr. Campos stated all other aspects of the dock comply with the City Codes.

There were no public questions or comments.

Member Labadie asked if there were any storm sewers in close proximity which bring sand off the streets.

Mr. Campos stated yes, and in his packet, that is one of the hardships he pointed out. Approximately two to three houses to the east, there is a storm sewer; and over the years, it has created a shallow beach.

Vice Mayor Watt noted that the abutting neighbors' docks' length is 60 feet with 12-foot clearance on each side.

Chair DeVore stated his concern is if this is a true hardship to the City.

Member Labadie stated shallowness is becoming a problem, and it keeps getting worse. He said he has three of those storm sewers in his area and stated during high tide is the only time he can launch his boat.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF BOA CASE 2021-02: VARIANCE REQUEST FROM SECTION 94-87 TO ALLOW A VARIANCE OF 10 FEET TO ALLOW THE DOCK TO EXTEND TO 60 FEET BEYOND THE ALLOWED 50-FOOT DOCK LENGTH FOR THE INSTALLATION OF A NEW DOCK FOR PROPERTY LOCATED AT 416 20TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 10, AND THE WEST 1/2 OF LOT 11, SEVENTH ADDITION TO RE-REVISED MAP OF INDIAN BEACH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 78, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #06-30-15-42156-000-0100.

ROLL CALL VOTE:

AYES: WATT, LABADIE, ALVAREZ

NAYS: DEVORE

ABSENT: CLARK

MOTION CARRIED BY A VOTE OF 3 TO 1.

- 5. BOA CASE NO. 2021-01 — 1615-1st Street**
Owner/Applicant: Reverend Jon Roberts
Agent/Representative: Bob Lima & Garg Spivack
Calvary Episcopal Church
Subject Location: 1615-1st Street, Indian Rocks Beach, Florida
Legal Description: Indian Beach Re-Revised 3rd Addition, Block 1, Lots 16 thru 24 & part of Lot 25 desc beg NW corner of

Lot 25 thence S81D41' 35"E 150 feet thence S08D23'32"W 50 feet thence N81D41'35"W 44 feet thence S08D23'32"W 37.50 feet thence N81D41'35"W 106 feet thence N08D 23'32"E 87.50 feet to point of beginning less part of Lots 16 & 19 desc com NW corner of Lot 18 thence S81D41'35"E 150 feet for point of beginning thence S08D23'32"W 102.30 feet thence N81D36'28"W 4.20 feet thence N09D34'06"E 102.32 feet thence S81D41'35"E 2.10 feet to point of beginning together with Lot 4, Block 73 of Indian Beach Revised less W'ly 10 feet for road right-of-way & vacated 10-foot alley adjacent to E of SD Lot 4.

Parcel #: 01-30-14-42084-001-0250.
Variance Request: Variance request from Section 110-131(10)(c) to allow for a new dock to be considered as an accessory use.

[Beginning of Staffing Report]

SUBJECT: BOA CASE NO. 2021-01: Variance request from Section 110-131(10)(c) to allow for a new dock as an accessory use for property located at 1615-1st Street, Indian Rocks Beach, Florida.

OWNER: Calvary Episcopal church
PROPERTY LOCATION: 1615-1st Street
ZONING: P/SP- Public/Semi-public

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

BACKGROUND:

Calvary Episcopal Church is requesting a variance to install a dock with two slips along their waterfront. Docks are not allowed as an accessory use in the Public/Semipublic zoning district. Docks are only allowed in the Single Family(S), Medium Density Residential (RM-1), and Medium Density Multifamily (RM2) zoning districts as an accessory use.

Sec. 2-152. Variances.

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

(1) The Board of Adjustments and appeals shall make recommendations on and the City Commission shall decide variance applications will not be contrary to the public

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The property is located in a public/semipublic zoning which does not allow for docks as a permitted or an accessory use.*
- 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, it would allow for a dock to be constructed in a district that does not permit docks as an accessory use.*
- 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 denial of this variance request would not deprive other owners of use and enjoyment of their properties and would not cause undue hardship on the applicant.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *The denial of the variance would not prevent the applicant from reasonable use of their land.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance would not be in harmony with the general intent and purpose of subpart B.*

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

PUBLIC NOTICE: 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 April 5, 2021. (Sec. 2-149 of the Code of Ordinances.)

[End of Staffing Report]

City Attorney Mora read the title of Agenda Item No. 5, BOA Case No. 2021-01.

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

City Attorney Mora asked if any of the Members conducted a site visit for the limited purpose of evaluating this case, with all Members responding negatively except for Member Alvarez.

City Attorney Mora asked Member Alvarez if he knew the date and time he conducted the site visited, with Member Alvarez responding April 19, 2021, at 5:00 p.m.

City Attorney Mora asked Member Alvarez if he had any communications with the applicant or anyone on behalf of the applicant while present. Member Alvarez responded negatively.

City Attorney Mora asked Member Alvarez what was the nature of his inspection, with Member Alvarez responding visually.

City Attorney Mora asked Member Alvarez if he walked to the rear of the property.

Member Alvarez stated he walked to the seawall, and then there is a fence, so he was restricted a little bit. However, he did look on both sides of the property.

City Attorney Mora asked if Member Alvarez believed that limited site visit of walking to the fence line and looking over the property in any way impairs his ability to impartially adjudicate this matter, with Member Alvarez responding negatively.

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

Planning Consultant Harmon introduced BOA Case No. 2021-01. The applicants are requesting a variance from Section 110-131(10)(c) to allow for a new dock as an accessory use for property located at 1615-1st Street, Indian Rocks Beach.

Planning Consultant Harmon stated a dock is not listed as an accessory use for public/semi-public zoned property. It is listed as an accessory use in single-family, medium-density residential, and multi-family zoned properties.

Planning Consultant Harmon made a PowerPoint Presentation showing aerial views of the property and the dock plan. She stated that there is one existing dock there, and the City did not grant a variance or a special exception to build that dock. If this were a residential property, the property would be allowed one dock with two slips every 50 feet.

Planning Consultant Harmon stated staff had recommended denial based on the City Code, stating that docks are not stated as an accessory use in the public/semi-public zoning district.

Member Alvarez inquired if the City Code was written after the existing dock was built and if there was any history concerning the existing dock as to when it was built.

Planning Consultant Harmon stated the dock was built after 1981, and the property appraiser's website shows it was built in the 1990's.

Member Alvarez stated since the property is zoned public/semi-public, they are not entitled to a dock, with Planning Consultant responding affirmatively.

Member Watt asked how does the City Code apply to something like this?

Planning Consultant Harmon stated there could be commercial docks. Someone could own a commercial dock with boat slips, and there are limitations on the number of slips.

Member Watt asked if the special exception is specific to this property or based strictly on the zoning. Planning Consultant responded strictly based on zoning that a dock is not allowed as an accessory structure in the public/semi-public zoning district.

Member Watt asked if the City received any objections from the surrounding property owners, with Planning Consultant Harmon responding negatively.

Gary Spivack, Vestry, Official Agent for Calvary Episcopal Church, provided the Board and staff with a handout, which he reviewed. The handout provided Calvary's mission, hardship, and factors to consider.

CALVARY MISSION

- Community involvement and improvement.
 - Food pantry.
 - AA meetings.
- Christian worship, fellowship, and community outreach.
 - Sunday services.
 - Bible study.
 - Sunday school.
 - Youth and adult programs.
- Provide spiritual support to their church members and community.
 - Provide waterfront access at no charge; donations accepted.
 - Provide beach and village parking at no charge; donations accepted.

HARDSHIP TO CALVARY

- Impact of pandemic on Calvary operations.
 - Sunday service in-person attendance one-third or pre-pandemic levels.
 - Youth programs canceled.
 - Sunday school canceled.
 - Minimal fellowship opportunities.
 - Weddings, baptisms, and funerals curtailed.
- Improve outdoor opportunities through waterfront improvements.
 - Second dock to increase outdoor operations.
 - Outdoor chapel for service, weddings, baptisms, and funerals.
 - Beautification and improvement of waterfront property.

FACTORS TO CONSIDER

- Calvary is semi-public property with 320' of prime waterfront.
 - Private property (50' of waterfront) allow for one dock structure.

- Several private homes in IRB have more than one dock. (Example: 208-16th Avenue and 210-16th Avenue).
- Request for variance to build a second dock on 320' waterfront.
- Improved waterfront would enable resumption of normal operations; increase programs, provide public access to the waterfront.
- Improved dock would permit access for emergency and first responders, as necessary. (Example: Parking lot for emergency helo access)
- Work with their neighbors to improve access. (Example: 207-18th Avenue dock encroaches on north Calvary seawall.)
- No liability exposure to IRB-Calvary is covered by the Church Insurance Agency of Vermont for public access as well as church member access.

CONCLUSIONS

- Increase Christian programs and participation through outdoor access.
 - Provide outdoor services.
 - Resume outdoor bible study, Sunday school, and youth programs.
 - Create outdoor fellowship opportunities.
 - Conduct outdoor weddings, baptisms, funerals, and other services.
- Provide spiritual support to their members and community.
 - Increase member and community access to the waterfront.
 - Post invitational signage to encourage community use, similar to parking.
- Request the Board grant their request for a variance.
 - Increase community involvement.
 - Improve community waterfront as a resource.

Vice-Chair Watt asked if they intended to have boats docked at this dock or would it be used more like a pier.

Mr. Spivack stated it would be used for services as well as for boat docking both for the public and their members.

Vice-Chair Watt asked if anyone could use the dock for boat docking, with Mr. Spivack responding yes. They do not charge, but they do request a donation. It would be operated the same way as they do with their parking lot.

Vice-Chair Watt asked if there is a difference between a dock and pier in the City Code, with Planning Consultant Harmon responding they are the same.

Member Alvarez stated it is transitory in nature. If the dock was going to be used to attend services on Sunday morning or an event, it is not a permanent situation.

Chair DeVore stated it is not income producing but more of an amenity to the Church.

Mr. Spivack stated they do not charge for parking. It is strictly on a donation basis.

Member Labadie stated if boats would be permitted to park overnight, and if so, would they be permitted to stay for a couple of nights. He said he is concerned about the discharge of waste from the boats.

Mr. Spivack stated the Church is located within a no-discharge zone, and that is a Federal regulation.

Planning Consultant asked Mr. Spivack if a person would be able to dock their boat at the dock for a couple of nights when they were visiting a friend.

Mr. Spivack responded affirmatively and stated they would welcome that.

Chair DeVore asked if the Church plans on continuing the youth sailing program, with Mr. Spivack responding that the sailing program moved to the Clearwater Yacht Club some time ago.

Member Alvarez stated this is a unusual case. The Board is discussing a variance on zoning.

City Attorney Mora stated a variance by definition is permitting something that is a derogation from the City Code. A variance is making an exception to the rule. He stated this Board considers variances and special exceptions. Variances have to do with structures themselves, and special exceptions have to do with the use that deviates from the permitted uses.

City Attorney Mora stated the applicant here had characterized the application as a special exception to be considered an accessory use of the property with the accessory use is the existence of a structure.

City Attorney Mora stated any inch of its existence is an inch of derogation of the City Code. Ultimately, whether or not a variance is appropriate to overcome that restriction is this Board's determination based on the record before them.

City Attorney Mora opened public testimony and comment.

Roberto Lima, 960 Starkey Road, #1103, stated he has been a member of Calvary Church for over 18 years and has seen many changes over the last couple of years, especially this last year because of COVID-19 and the effect it has had on church attendance. He stated church attendance is one-third of what it was before COVID-19. The Church would like to provide outdoor services for weddings, funerals, church services, and youth programs. They plan on landscaping the area in the back to provide a bigger space for people to congregate for events and church services.

Kathleen Bliesner, 1612-1st Street, stated she is not in favor of this variance. She said she does understand what the Church wants and what the Church is trying to do. Every weekend, their parking lot is used for beach parking, and about 300 people come and go from the beach. They walk through their lawn and back up into their yard. They have tried to be neighborly and to talk to the Church with no avail. She stated the difficulty here is the City has a Church that wants to do what the Church wants to do. The Church is in the middle of the residential neighborhood. It has been tough to live near the Church over the last couple of years because of the weekend parking situation.

Ms. Bliesner stated if the Church is not a business, then it should be defined. If they should have a dock, give them a dock, but it does not look like they should.

Ms. Bliesner stated the Church does not charge for parking, but they are out there with flags and parking cars for \$10. There are signs that say they expect donations.

Ms. Bliesner asked the Board to follow the law stating it is very difficult to live across the street from the Church.

Alan Edwards, 213 18th Avenue, stated the dock is important to the community and said he supports the Church in what they are doing.

Member Labadie stated he understands the need for the dock. He has a problem in that the waterway backing up to the Church's seawall is a small area to get in and out. There are other residences along the way, and when more boats start to go in and out of this area, it will cause congestion, and that is an issue for him. The intentions are good.

Member Alvarez stated Calvary had been an exemplary community member for 60 years, which he is a part of. In looking at what they are trying to accomplish in their request, he sees it is not as an undue hardship in the overall approach. What they are trying to do is continue to service a community through this COVID period. He feels their pain in terms of helping the Church to continue with their financial affairs. This one item helps them in that cause. He is going to look at this a little bit differently. He does not see the impact on those surrounding the church property in terms of the dock.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER WATT TO RECOMMEND TO THE CITY COMMISSION APPROVAL BOA CASE NO. 2021-01: VARIANCE REQUEST FROM SECTION 110-131(10)(C) TO ALLOW FOR A NEW DOCK AS AN ACCESSORY USE FOR PROPERTY LOCATED AT 1615-1ST ST, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS, INDIAN BEACH RE-REVISED 3RD ADDITION BLOCK 1, LOTS 16 THRU 24 & PART OF LOT 25 DESC BEG NW CORNER OF LOT 25 THENCE S81°41'35"E 150 FEET THENCE S08°23'32"W 50 FEET THENCE N81°41'35"W 44 FEET THENCE S08°23'32"W 37.50 FEET THENCE N81°41'35"W 106 FEET THENCE N08°23'32"E 87.50 FEET TO POINT OF BEGINNING LESS PART OF LOTS 16 & 19 DESC COM NW CORNER OF LOT 18 THENCE S81D41'35"E 150 FEET FOR POINT OF BEGINNING THENCE S08°23'32"W 102.32 FEET THENCE N81°36'28"W 4.20FT THENCE N09°34'06"E 102.32 FEET THENCE S81°41'35"E 2.10 FEET TO POINT OF BEGINNING TOGETHER WITH LOT 4, BLOCK 73 OF INDIAN BEACH REVISED LESS W'LY 10 FEET FOR ROAD RIGHT-OF-WAY & VACATED 10 FEET ALLEY ADJACENT TO E OF SD LOT 4 (PER DB 1600 PG 63 & O.R.'S 5511/975 & 5555/1136) OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ROLL CALL VOTE:
AYES: DEVORE, WATT, ALVAREZ
NAYS: LABADIE
ABSENT: CLARK

MOTION CARRIED BY A VOTE OF 3 TO 1.

6. OTHER BUSINESS.

Planning Consultant Harmon stated there would be a Board of Adjustments and Appeals Meeting on May 18, 2021.

7. ADJOURNMENT.

MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO ADJOURN THE MEETING AT 7:00 P.M. UNANIMOUS APPROVAL.

July 13, 2021 _____
Date Approved

Stewart DeVore, Chair

/dor

AGENDA ITEM 4.

**BOA CASE NO. 2021-05
306 Bahia Vista Drive**

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: July 13, 2021
City Commission: July 13, 2021

AGENDA ITEM: 4

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP
City Planner

APPROVED BY:

Brently Gregg Mims 
City Manager

SUBJECT:

BOA CASE NO. 2021-05: Variance request from Section 94-86 to allow the dock to encroach 6 feet into the 12 feet side yard setback for the installation of a new boat lift for property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision Lot 6 & part of Water Lot A lying within side lot lines extended northernly, according to the plat thereof as recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida.
Parcel #12-30-14-02394-000-0060

OWNER Steve Levine
LOCATION of PROPERTY: 306 Bahia Vista Dr
ZONING: S- Single Family

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

BACKGROUND:

Steve Levine is requesting to install a boat lift on an existing dock. Due to the size of the desired boat lift, it will encroach in to the required side yard setback by 6 feet leaving a 6 foot distance between the boat lift and the side property line extended. The abutting property to the west who is impacted by the reduced setback has no objections and signed off on the location of the new boatlift.

Sec. 2-152. - Variances.

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

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

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

The property is located in an area where there the water is deep allowing the use the existing 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; and

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 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.

BOA RECOMMENDATION:

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2021-05: Variance request from Section 94-86 to allow the dock to encroach 6 feet into the 12 feet side yard setback for the installation of a new boat lift for property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision Lot 6 & part of Water Lot A lying within side lot lines extended northernly, according to the plat thereof as recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida.



**306 Bahia Vista Dr.
BOA CASE NO. 2021-05**



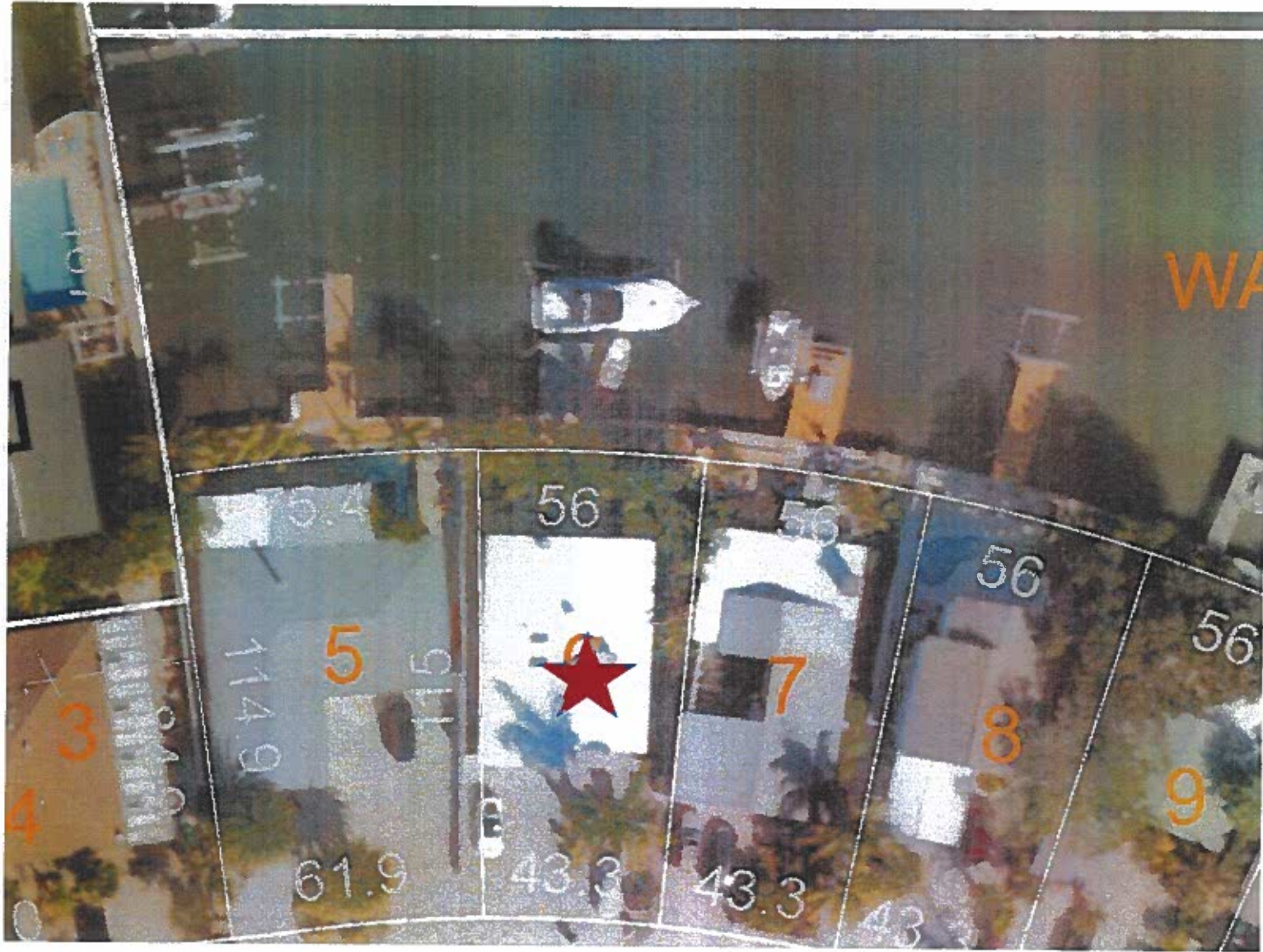
BOA CASE NO. 2021-05: Variance request from Section 94-86 to allow the dock to encroach 6 feet into the 12 feet side yard setback for the installation of a new boat lift for property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision Lot 6 & part of Water Lot A lying within side lot lines extended northerly, according to the plat thereof as recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida.



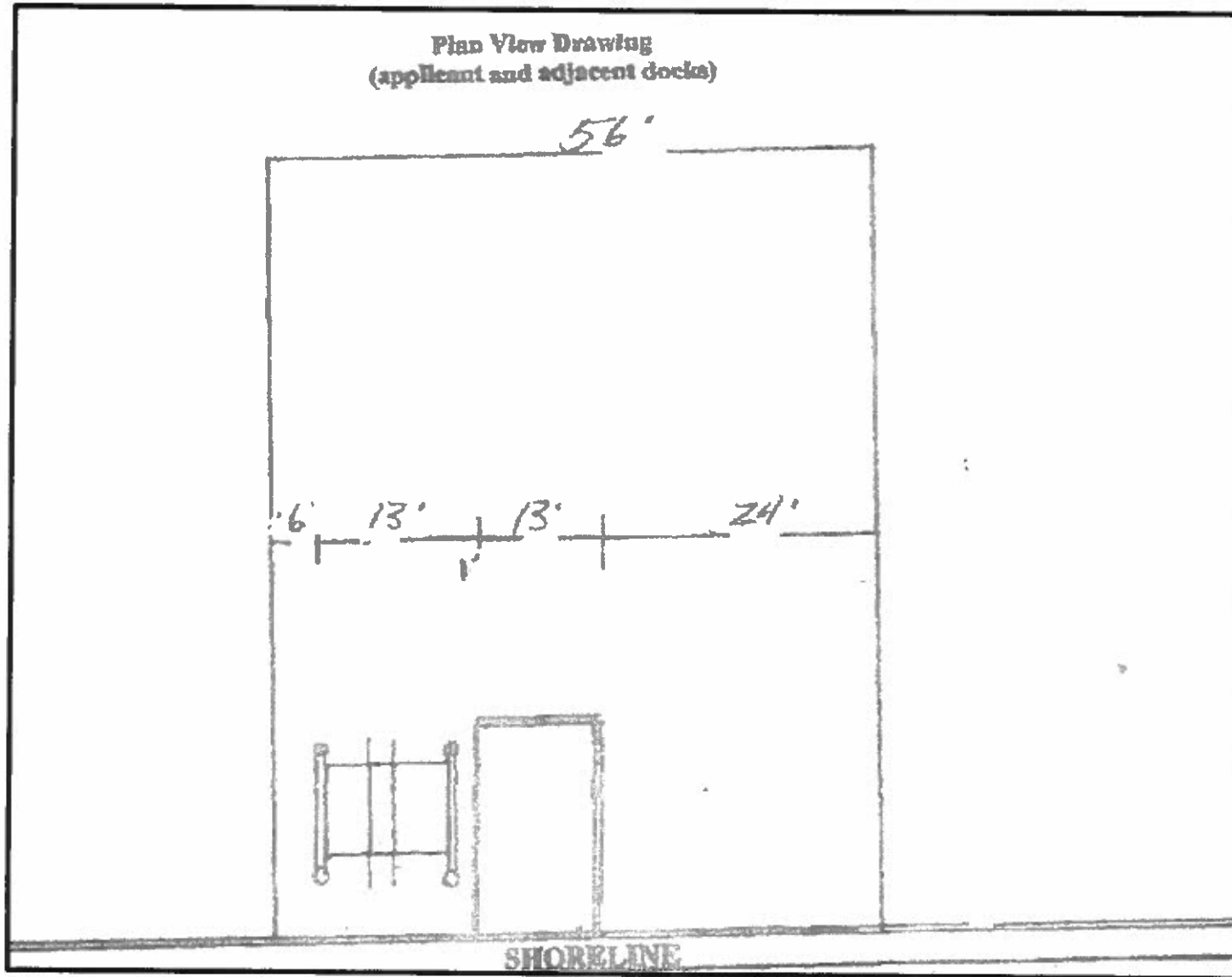
306 Bahia Vista Dr.



306 Bahia Vista Dr.



306 Bahia Vista Dr.





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

Library
727/596-1822

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

NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — BOARD OF ADJUSTMENTS AND APPEALS
TUESDAY, JULY 13, 2021 @ 5:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, JULY 13, 2021**, which meeting convenes at 5:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on BOA Case No. 2021-05.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **306 BAHIA VISTA DRIVE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 94-86 to allow the dock to encroach 6 feet into the 12-foot side yard setback for the installation of a new boat lift for the property located at 306 Bahia Vista Drive, Indian Rocks Beach, Florida, and legally described as Bahia Vista Subdivision, Lot 6 & part of Water Lot A lying within side lot lines extended northerly, according to the plat thereof as recorded in Plat Book 31, Page 26, of the Public Records of Pinellas County, Florida. Parcel #12-30-14-02394-000-0060.

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 Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, July 13, 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 June 28, 2021. (Sec. 2-149 of the Code of Ordinances.)

From: Heidi Wilkers <heidiwilkers@gmail.com>

Sent: Monday, June 14, 2021 9:35 PM

To: O'Reilly, Deanne <doreilly@irbcity.com>

Subject: Boat Lift Variance Request - Steve & Mary Levine - 306 Bahia Vista Drive

Hello Ms. O'Reilly,

I am writing in regards to the meeting tomorrow evening concerning the boat lift variance request made by Steve and Mary Levine. Please ensure all the appropriate parties receive this email.

I would like it known that I am in support of them receiving the variance. Last year, I put in a new lift and received a variance greater than the one they are requesting. Denying the variance would be putting an unjust restriction on a long time resident and tax payer of our community. I have reviewed the variance request details and in no way does it interfere with our view or navigable waters.

Please take this opportunity to support one of our outstanding neighbors, full-time residents and property owners that contribute so much to our town.

Best regards,

Heidi M. Wilkers
312 Bahia Vista Drive
Indian Rocks Beach, FL 33785
321-626-1230

12-30-14-02394-000-0680

LOT 68
BAHIA VISTA SUB

717 EAST GULF BLVD LLC
LINDACHSTR 14/2
KIRCHHEIM TECK 73230

12-30-14-55321-000-0010

UNIT 1
CONDO
MARINERS COVE LANDING

EICHER, SHARMAN L LIVING TRUST
EICHER, SHARMAN L TRE
9200 98TH AVE
SEMINOLE FL 33777-1724

12-30-14-55321-000-0040

MARINERS COVE LANDING
USE OF BOAT SLIP 4
UNIT 4 TOGETHER WITH THE
CONDO

BASTAN, JAMES
BASTAN, BONNIE
296 WYCKOFF RD
EATONTOWN NJ 07724-1410

12-30-14-55321-000-0060

UNIT 6
CONDO
MARINERS COVE LANDING

NAZAROV, OLEG
NAZAROVA, ELENA
706 AV VICTORIA
WESTMOUNT QC H3Y 2S1

12-30-14-55321-000-0050

USE OF BOAT SLIP 5
UNIT 5 TOGETHER WITH THE
CONDO
MARINERS COVE LANDING

DOMBROWSKI, TRUDY
729 E GULF BLVD UNIT 5
INDIAN ROCKS BEACH FL 33785-3738

12-30-14-02394-000-0670

LOT 67 LESS E 3.6FT MOL
BAHIA VISTA SUB

ZARKA, NADEEM
ZARKA, JULIA M
301 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3703

12-30-14-55321-000-0020

USE OF BOAT SLIP 2
UNIT 2 TOGETHER WITH THE
CONDO
MARINERS COVE LANDING

WESSELS, WILLIAM H & VIRGINIA M REV LIVING TRUST
WESSELS, WILLIAM H TRE
811 N US ROUTE 15
DILLSBURG PA 17019-1618

12-30-14-02394-000-0660

OF LOT 67
LOT 66 AND E 3.6FT
BAHIA VISTA SUB

SMITH, HOYT THOMAS III
SMITH, HOYT THOMAS JR
305 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3703

12-30-14-02394-000-0070

LINES EXTENDED N'LY
A LYING WITHIN SIDE LOT
LOT 7 AND RIP RTS
BAHIA VISTA SUB

YOUNG, JERRY L
YOUNG, JANICE M
308 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3702

12-30-14-02394-000-0080

LOT 8
BAHIA VISTA SUB

ATTKISSON, KEVIN W
ATTKISSON, LISA C
1600 STAFFORD SPRINGS PL
CENTERVILLE OH 45458-6033

12-30-14-02394-000-0630

LINES EXTENDED S'LY
A LYING WITHIN SIDE LOT
LOT 63 & PART OF WATER LOT
BAHIA VISTA SUB

HOLMES, SCOTT A
HOLMES, ANN M
311 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3703

12-30-14-02394-000-0650

LINES EXTENDED S'LY
A LYING WITHIN SIDE LOT
LOT 65 & PART OF WATER LOT
BAHIA VISTA SUB

STARR, BRENDA FOX
STARR, EDWARD W JR
307 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3703

12-30-14-02394-000-0100

LINES EXTENDED N'LY
A LYING WITHIN SIDE LOT
LOT 10 & PART OF WATER LOT
BAHIA VISTA SUB

JENKINS, KAREN M
9394 DURANGO LN
GILROY CA 95020-8120

12-30-14-55321-000-0030

USE OF BOAT SLIP 3
UNIT 3 TOGETHER WITH THE
CONDO
MARINERS COVE LANDING

KOEHNE, CLARENCE
KOEHNE, CHANDA
729 E GULF BLVD UNIT C
INDIAN ROCKS BEACH FL 33785-3747

12-30-14-02394-000-0640

LINES EXTENDED S'LY
A LYING WITHIN SIDE LOT
LOT 64 & PART OF WATER LOT
BAHIA VISTA SUB

GALISH, LISA
309 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3703

12-30-14-47412-000-0420

WATER LOT B LESS DEEDS
LA HACIENDA REPLAT

PINELLAS COUNTY
ATTN: ENVIRONMENTAL MGMT
315 COURT ST
CLEARWATER FL 33756-5165

12-30-14-02394-000-0040

LOT 4 & S 15FT OF LOT 3
BAHIA VISTA SUB

STELLING, HAROLD ERIC
5379 DUHME RD
ST PETERSBURG FL 33708-2708

12-30-14-02394-000-0050

LOT 5
BAHIA VISTA SUB

HUNTER, NICHOLAS A
HUNTER, MELANIE

2285 POINTE PL
CINCINNATI OH 45244-2999

12-30-14-55321-000-0001
COMMON ELEMENTS
CONDO
MARINERS COVE LANDING

MARINERS COVE LANDING CONDO ASSN INC
2949 WEST BAY DR
LARGO FL 33770-2621

12-30-14-02394-000-0090
LINES EXTENDED N'LY
A LYING WITHIN SIDE LOT
LOT 9 & PART OF WATER LOT
BAHIA VISTA SUB

WILKERS, HEIDI M REV TRUST
WILKERS, HEIDI M TRE
312 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3702

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:

STEVE LEVINE

Address:

306 BAHIA VISTA DR

City:

INDIAN ROCKS FL

Zip Code:

33785

Tel:

727 224 9787

Fax:

Mobile:

SAME

Email:

INFO@WATER SPORTS WEST
.COM

AGENT/REPRESENTATIVE

Name:

JAY POWERS

Company:

LOCAL SPORTS 1310 LLC

Address:

11417 84TH AVE. N.

City:

SEMIHOLE

Zip Code:

33770

Tel:

727 481 8441

Fax:

Mobile:

SAME

Email:

TJLEVIN@7706.COM
.COM

SITE DETAILS

Address:

306 BAHIA VISTA DR W

Parcel ID:

12/30/14/02394/000/0062

City:

INDIAN ROCKS BEACH FL

Zip Code:

33785

Legal Description:

BAHIA VISTA SUB LOT 6 + PART OF WATER LOT A LYING WITHIN
SIDE LOT LINES EXTENDING N 1/4

Zoning:

T01 SINGLE FAMILY

Future Land Use:

Size:

1224 / 1736 TOTAL

SIX 115

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

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

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	18'6"	6.6'	6'6"
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.):	56 x 115 56 x 115	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use of the property?

HARDSHIP

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

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

Special conditions that exist include. Due to the shallow water depth behind the house near the back of the inlet it limits the location of the lift to the area requested.

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

Special circumstances: As a senior citizen heading into retirement who will be counting on my harvest from the sea to offset food purchases and cost of living at the time when my wife and I go to fixed income, this will aid in overcoming that financial barrier.

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:

My neighbor has tie poles within 6' of my property, many other properties have same, so there is nothing special about using property that I own and knowing that same variances have been approved over time in this neighborhood to long term owners and users of water as a resource for food.

The liberal 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:

My neighbor to the west side of the my property has signed off on the variance as it was submitted to the city office and it only affects her as mentioned her tie poles only affect me, neither of us have a problem with this. The western end of the inlet between Bahia Vista and La Hacienda is packed full of boat lifts and none of us have a problem with that. Unnecessary hardship of this, as a Florida native and Indian rocks property owner since October 1984 entails the following: As a senior citizen heading into retirement who will be counting on my harvest from the sea to offset food purchased when my wife and I go to fixed income it overcomes that financial barrier. The safety of boarding a properly lifted boat far outweighs the danger of using a home town own boat ramp with no parking and heavy traffic from vrbo renters lost, drunk and disoriented on 15th avenue.

Further the danger to this senior citizen at the belleair boat ramp is similar especially on weekends where those facilities are too small to handle the demand. By granting this lift it will free up one more parking spot at the ramp for the public at large.

HARDSHIP CONTINUED...

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

Yes

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:

Correct

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

My wife Mary and myself believe the board of adjustment and appeals and the city commission should grant this application for the following reasons.

When I purchased this house in 1984 it was and is today my conduit to harvest from the sea as many before me have done in this community that uses the waters for sustenance. As a St Petersburg native my family of fishermen, divers and sailors have always gravitated to the water and used it as a source of food and recreation. The safety of boarding a properly lifted boat far outweighs the danger of using a home town boat ramp with no parking and heavy traffic from vrbo renters lost and disoriented on 15th avenue. Further the danger to this senior citizen at the belleair boat ramp is similar especially on weekends where those facilities are too small to handle the demand. By granting this lift it will free up one more parking spot at the ramp for the public at large.

Loss of quality of life due to local laws that have made IRB a motel zone and the circus that has followed it insults the moral value of our community by diluting it with strangers and the filth, noise and crime that will follow. I pull trash out of my inlet daily. Having the ability to use my property as I see fit will help dissolve the hardship that I feel by being boxed into the Holiday inn zone now called indian rocks beach.

Further we have been a good neighbor, we ran the Little Miss Beauty and the beach competition in concert with the city for over 5 years, we have been and will continue to be a contributor to the HOA, food bank, art center and both churches for many years to come.

CERTIFICATION

Date: 4.22.21

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: STEVEN R LEVINE

Signature: [Handwritten Signature]

Personally known/Form of Identification _____

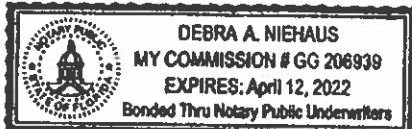
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day 22 Month April, 2021

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

Notary Public Commission Expiration: April 12, 2022

State of Florida
County: Pinellas



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

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

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

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

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

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

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

Permit Number _____
Parcel ID Number 12/00/14/02394/0000000

NOTICE OF COMMENCEMENT

State of Florida
County of Pinellas

THE UNDERSIGNED hereby gives notice that improvements will be made to certain real property, and in accordance with Section 713.13 of the Florida Statutes, the following information is provided in this NOTICE OF COMMENCEMENT.

- 1. Description of property (legal description): BAHIA VISTA SUB, LOT 6 & PART OF WATERLOT A
- a) Street (job) Address: 306 BAHIA VISTA DR. INDIAN ROCKS BEACH, FL. 33785
- 2. General description of improvements: INSTALL A NEW BOAT LIFT

- 3. Owner information or Lessee information if the Lessee contracted for the improvement:
 - a) Name and address: STEVEN & MARY LEVINE 306 BAHIA VISTA DR. INDIAN ROCKS BEACH, FL. 33785
 - b) Name and address of fee simple titleholder (if different than Owner listed above) N/A
 - c) Interest in property: OWNERS

- 4. Contractor information
 - a) Name and address: CORAL STONE BUILDERS LLC 11417 84TH AVE. N. SEMINOLE, FL. 33772
 - b) Telephone No.: 727 481-8441 Fax No.: (optional) _____

- 5. Surety (if applicable, a copy of the payment bond is attached)
 - a) Name and address: N/A
 - b) Telephone No.: _____
 - c) Amount of Bond: \$ _____

- 6. Lender
 - a) Name and address: N/A
 - b) Telephone No.: _____

- 7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7., Florida Statutes:
 - a) Name and address: _____
 - b) Telephone No.: _____ Fax No.: (optional) _____

- 8. a) In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes.
- b) Phone Number of Person or entity designated by Owner: _____

- 9. Expiration date of notice of commencement (The expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified): 20

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN 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.

Under penalty of perjury, I declare that I have read the foregoing notice of commencement and that the facts stated therein are true to the best of my knowledge and belief.

(Signature of Owner or Lessee, or Owner's or Lessee's (Authorized Officer/Director/Owner/Manager) _____ (Print Name and Provide Signatory's Title/Office) _____
The foregoing instrument was acknowledged before me by means of physical presence or on-line notarization, this 20 day of February, 2021, by STEVEN & MARY LEVINE as _____ (type of authority, e.g. officer, trustee, attorney in fact) _____
for _____ as _____ (name of Person)

for _____ (name of party on behalf of whom instrument was executed)
Personally Known Produced ID
Type of ID _____
Notary Signature _____
Print name _____



Debra A. Niehaus

CORAL STONE BUILDERS LLC
11417 84TH AVE. N. SEMINOLE, FL. 33772
727 565-5693 CGC1505750 727-481-8441

**PROPOSAL FOR THE INSTALLATION OF A NEW
BOATLIFT FOR STEVE LEVINE @ 306 BAHIA VISTA DR. INDIAN
ROCKS BEACH FL. 33785.**

SCOPE OF WORK

1.] REMOVE THE [2] EXISTING DAVITS & PLACE WHERE
CUSTOMER DESIRES.

2.] INSTALL [4] NEW 2.5 CCA MARINE GRADE PILINGS &
INSTALL A 10 K "BOAT LIFT US" PREMIUM ALUMINUM CRADLE
LIFT WITH DIRECT DRIVE GEARS, STAINLESS STEEL MOTORS,
PADDED ALUMINUM BUNKS, GEM 2 REMOTE CONTROL WITH
AUTO STOP LIMITER SWITCH. MOUNT THE TOP BEAMS TO THE
PILINGS WITH 304 STAINLESS STEEL BOLTS, HANG THE CRADLE
ON THE CABLES & ADJUST THE BUNKS & GUIDES FOR
CUSTOMERS BOAT.

**TOTAL COST FOR WORK AS DESCRIBED ABOVE TO
INCLUDE ALL PERMITS, MATERIALS, LABOR, TAXES &
INSURANCE. UTILITIES NOT INCLUDED. .**

TOTAL COAT \$10,250.00
1/3RD DOWN [RECEIVED]
BALANCE UPON COMPLETION

SIGNATURES OF AGREEMENT TO PROCEED

CUSTOMER _____

CSB AGENT _____

DATE _____



CITY OF INDIAN ROCKS BEACH
1607 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: DAVE & MARY LEVINE

B. Mailing Address: 306 PANIA LISA DR.
 City: INDIAN ROCKS BEACH State: FL. Zip: 33785

C. Telephone No: 727-224-9181 E-mail Address: JANE@MARRIOTTSPORTSWEEST.COM

II. AGENT INFORMATION:

A. Name: CORAL STONE BUILDERS LLC.

B. Address: 11417 84TH AVE N.
 City: SEDAVILLE State: FL Zip: 33726

C. Telephone No: 127 481 8441 E-mail Address: TJERVIN@790AOK.COM

III. SITE INFORMATION:

A. Construction Site Address: SAME AS ABOVE
 City: _____ State: _____ Zip: _____

B. Parcel ID Number: 12 130 14 02394 1000 0060

IV. PROJECT DESCRIPTION:

A. Nature and Size of Project:
INSTALL 4 PILING FOR A 10K LIFT
REPLACE 2 DAVID

 Square Feet: 0



V. CONTRACTOR INFORMATION:

I, LARRY BAILEY 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: Larry Bailey Cert No.: 1621725756
Company Name: CORAL SOME BUILDINGS Telephone No: 727 481-8441
City: SEMIOLA State: FL Zip: 33772
E-mail Address: TJRK@1977@aol.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.

12-5-21
Date

[Signature]
Legal Owner's Signature

44



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: STEPHEN MARY LEVINE

Name: _____

Address: 306 PALM VISTA DR

Address: _____

IRB FL 33201

Name: _____

Name: _____

Address: _____

Address: _____

B. REPRESENTATIVES:

Name: _____

Name: _____

Address: _____

Address: _____

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 5/1/21

If applying in person, direct all correspondence to:

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

COUNTY

**PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION**

I. PROPERTY OWNER INFORMATION:

A. Applicant's Name: STEVEN & MARY LEVINE
B. Mailing Address: 306 BAHIA VISTA Dr.
City: INDIAN ROCKS BEACH State: FL Zip: 33785
C. Telephone No.: 727 224-9787 E-mail Address: INFO@WATERSPORTSWEST.COM

II. CONTRACTOR INFORMATION (Pro):

A. Name: CORAL STONE BUILDERS LLC
B. Address: 11417 84TH AVE. N.
City: SEMINOLE State: FL Zip: 33772
C. Telephone No.: 727 481-8441 E-mail Address: TJIRVING77@AOL.COM

III. AGENT INFORMATION (If different from Contractor):

A. Name: _____
B. Address: _____
City: _____ State: _____ Zip: _____
C. Telephone No.: _____ E-mail Address: _____

IV. SITE INFORMATION:

A. Construction Site Address: SAME AS ABOVE
City: _____ Zip Code: _____
B. Site Parcel ID Number: 12 / 30 / 14 / 02394 / 000 / 0060
C. Incorporated: Unincorporated:
D. Affected Water Body: CLEARWATER HARBOR
E. Previous Permits: _____

VI. CONTRACTOR INFORMATION:

I, LARRY BANG a GENERAL contractor,
whose contractor license # CGC1505750 expires on 10/2022

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

Signed: Larry Bang Date: 2/25/21

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

VII. PROPERTY OWNER'S SIGNATURE:

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

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

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

Signed: _____ Date: 2/25/21

F. Date applicant assumed property ownership: **10/2009** month/year

G. Obstructions: (Dogs, Fences, etc.) *gate*

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

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

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

Amount of deviation: Length: _____
Width: _____
Setbacks: Left: _____ Right: _____

Other: _____

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

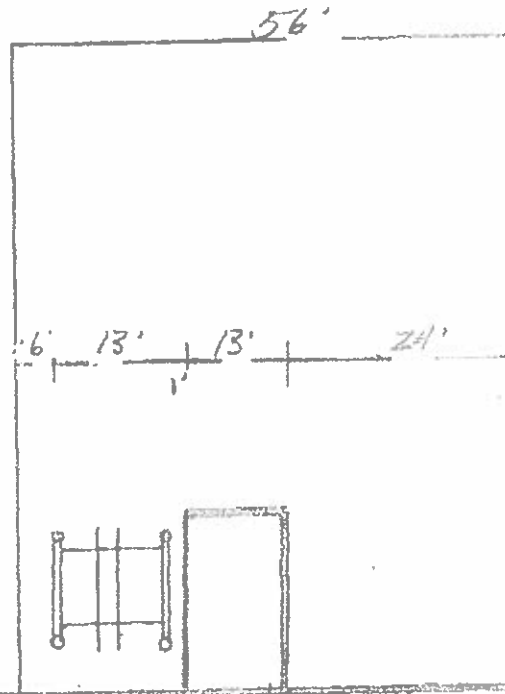
Owner Name: **STEVE LEVINE**

Site Address: **308 BAHIA VISTA DR. INDIAN ROCKS BEACH FL. 33765**

Nature and Size of Project: **REMOVE [2] EXISTING DAVITS & INSTALL [4] NEW PILINGS FOR A 10 K CRADLE LIFT**

Total Project Square Footage:	<u>0</u>	New Square Footage:	<u>0</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>10" TO 12"</u>
Waterway Width	<u>250</u>	Waterfront Width	<u>56'</u>

Plan View Drawing
(applicant and adjacent docks)



SHORELINE

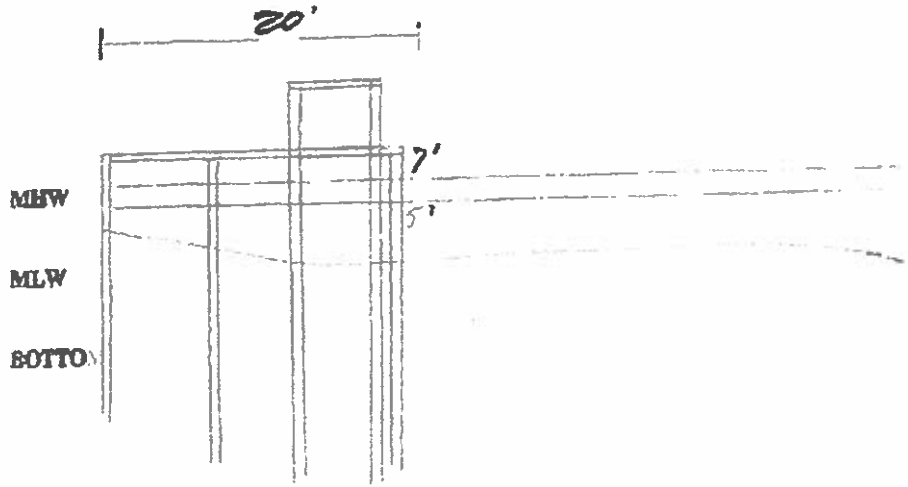
The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner	Right Owner
Signature <i>MA</i>	Signature
Date <i>3/8/21</i>	Date
Municipality Approval	Water and Navigation Approval

Owner Name: **STEVE LEVINE**

Site Address: 300 OAKDA VISTA DR. NEEDHAM HEIGHTS BEND CT FL. 33068

Profile View Drawing



LETTER OF NO OBJECTION

Left Lot Owner's Name NICHOLAS & MELANIE HUNTER

Mailing Address 2285 POINT PLACE CINCINNATI OHIO Zip 45244

I certify that I am the owner of LOT 5 which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

306 BAHIA VISTA DR. 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: [Signature] Date 3/8/2021

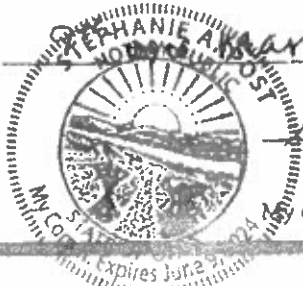
NOTARY:

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

physical presence or online notarization this 9th day of March, 2021 by personally known OR produced identification

Type of Identification Produced _____

Witness my hand and official seal this 9th day of March, 2021



Stephanie A. Post
Notary Public

My commission expires: _____

Right Lot Owner's Name _____

Mailing Address _____ Zip _____

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

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: _____ 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: _____

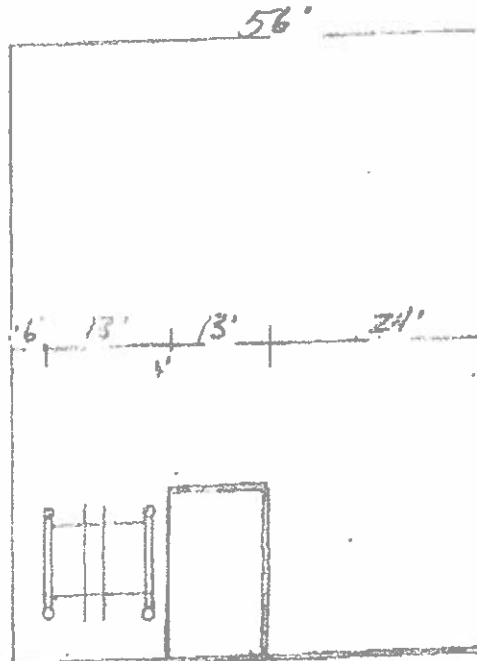
Owner Name: **STEVE LEVINE**

Site Address: **305 BOWEN WITH ON BOWEN ROAD CORCH FL 33065**

Nature and Size of Project: **REMOVE [2] EXISTING DAVITS & INSTALL [4] NEW PILINGS FOR A 10 K CRADLE LIFT**

Total Project Square Footage:	<u>0</u>	New Square Footage:	<u>0</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>10" TO 12"</u>
Waterway Width:	<u>250</u>	Waterfront Width:	<u>56'</u>

Plan View Drawing
(applicant and adjacent docks)



SHORELINE

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

Left Owner

Right Owner

Signature

Date

3-8-2011

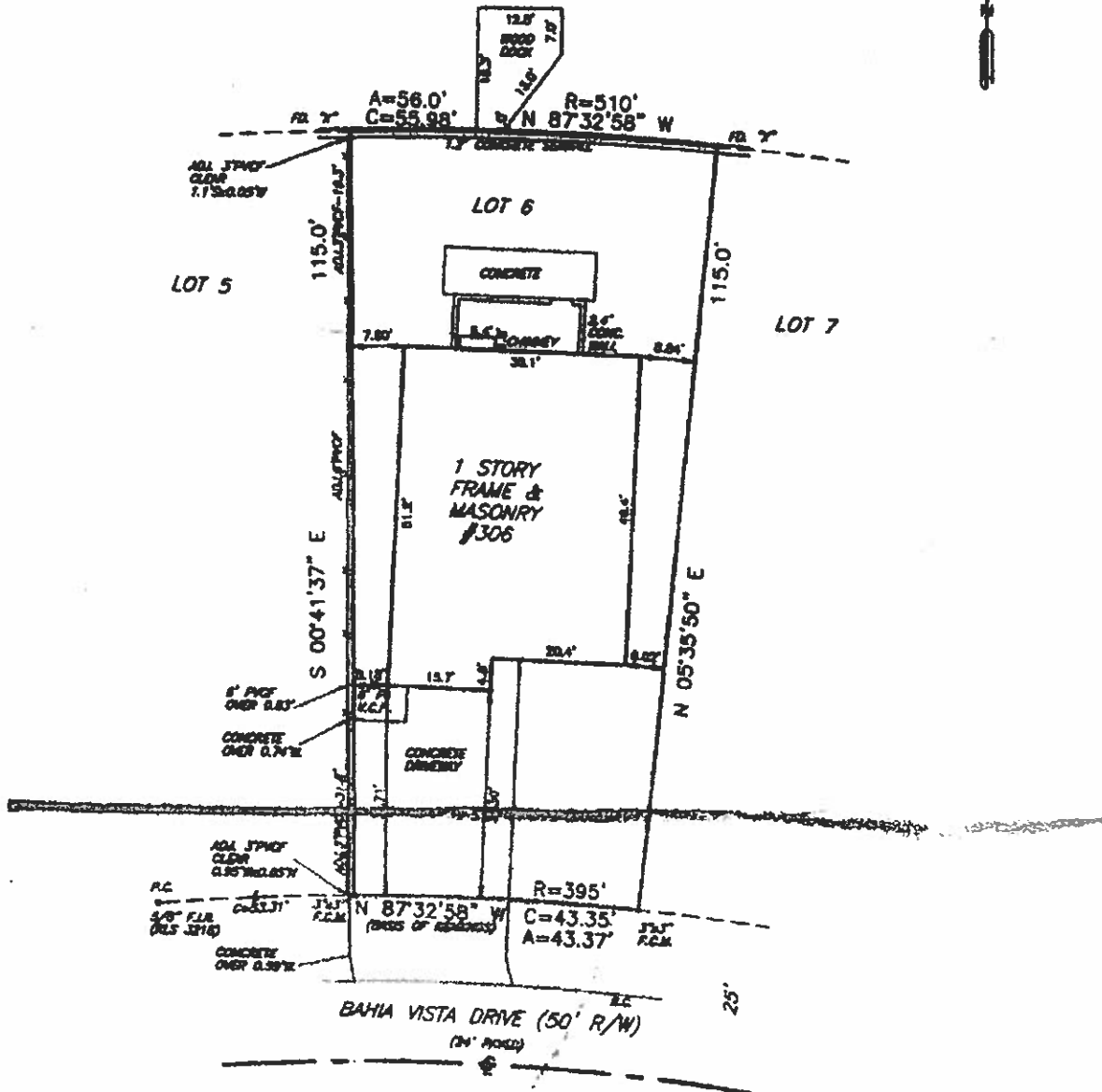
Signature

Date

Municipality Approval

Water and Navigation Approval

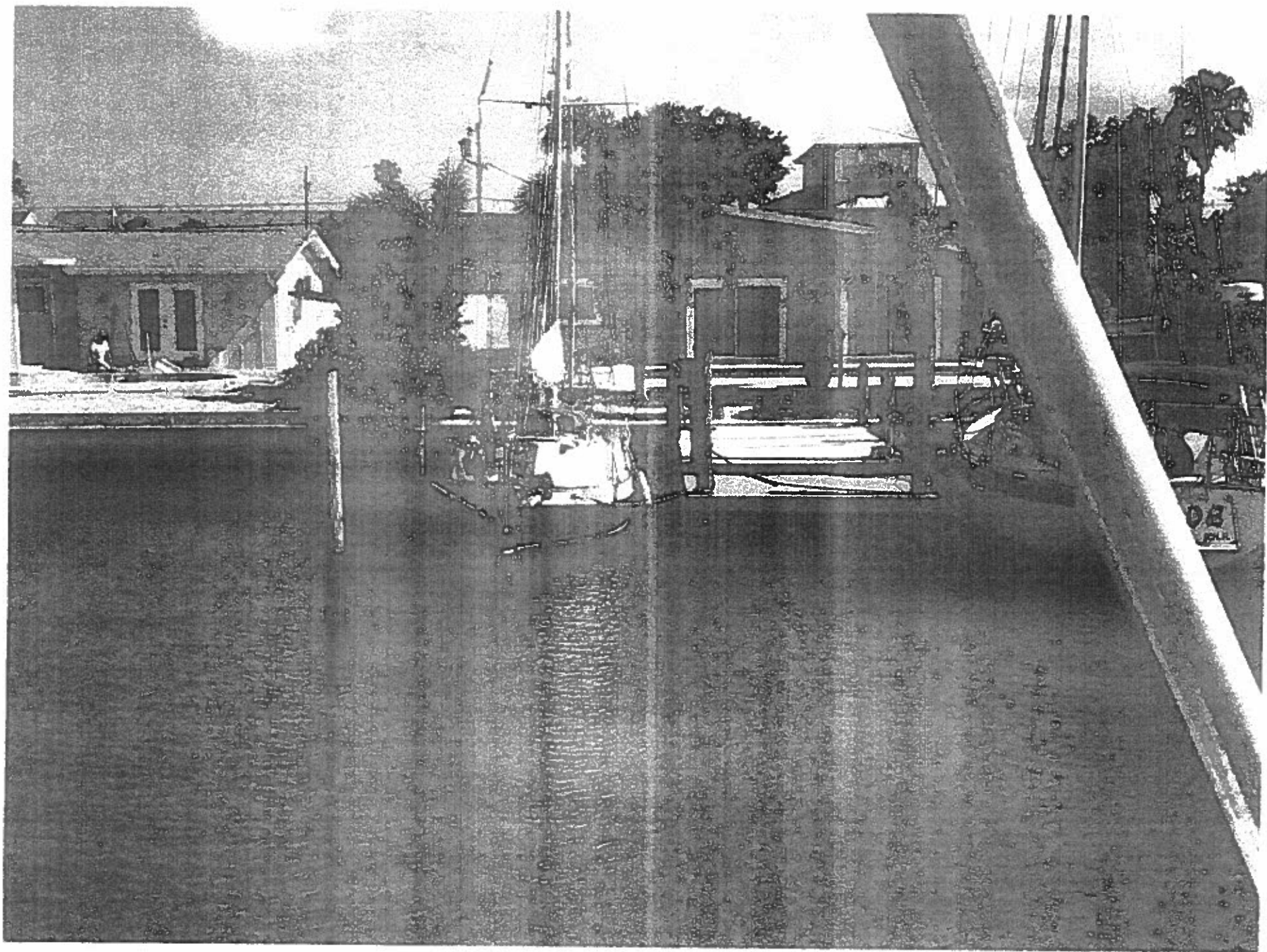
WATER LOT A



A BOUNDARY SURVEY OF LOT 6, BAHIA VISTA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGES 26 AND 27 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: 00270 TELEPHONE: (727) 380-0636 DATE OF FIELD SURVEY: 10/01/09 SCALE: 1 INCH = 20 FEET DRAWN BY: DCN	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL 33708 SECTION 12 TOWNSHIP 30 SOUTH RANGE 14 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125117 PANEL NUMBER: 0113 G CHECKED BY: DCN
CERTIFIED BY: STEVEN R. LE VINE FIDELITY NATIONAL TITLE INSURANCE COMPANY CORNERSTONE BANK		
I HEREBY CERTIFY TO THE HEREIN NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREIN, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS, STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND SURVEYS IN CHAPTER 61017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 401.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER DOCUMENTS AFFECTING THIS PROPERTY ARE NOT SHOWN IN THE PUBLIC RECORDS OF THIS COUNTY, ONLY THOSE DOCUMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREIN NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: P-PAVING LINESH 1/4"=1/4"SCALE B.C.-BRICK OF CURB OR-ORANGE LINESH C-ONE C.L.T.-CONCRETE DRIVE CON-CONCRETE B.L.-BRICKS G.C.-COVERED CONC. CL-CONCRETE ON ONE-ORANGE BOUND B.L.-GLASSION 1/4"=1/4"SCALE P.L.A.-PAVED SIDE WALK S.L.A.-SET SIDE WALK SIDE OF ROAD P.L.A.-PAVED SIDE WALK P.L.A.-PAVED SIDEWALK SIDEWALK S-SEWER S.S.-SEWER SHED P.O.L.-POLE ON LINE G-ROAD BOUNDING SURVEYING BILL BY-ROAD FENCE OR-ORANGE BR-BRICK B.C.-BRICK B.L.-BRICKWORK P.L.-POINT OF INTERSECTION P.A.L.-PAVED SIDEWALK P-PLAT E.A.-EDGE OF PAVEMENT T-TRAILER		
THIS WOULD BE THE SIGNATURE AND THE ORIGINAL DATED SIGN, OF A FLORIDA LICENSED SURVEYOR AND MAPPING ENGINEER.		

23



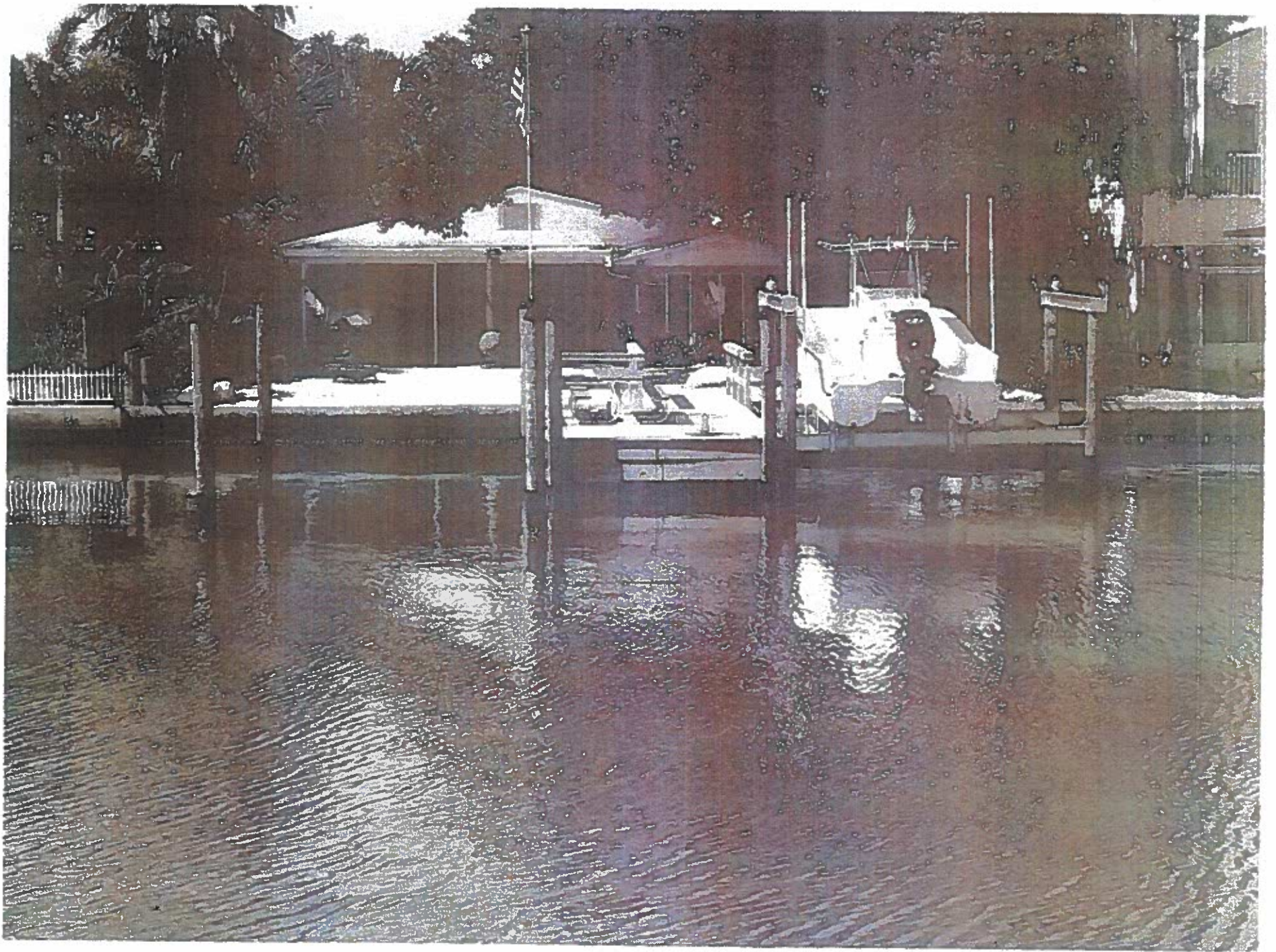
LA HACIENDA



25

306 BAHIA VISTA DR

304 BAHIA VISTA



26

312

Rotha Vista

12-30-14-02394-000-0060

Simplest Property Record Card

Tax Estimator

Updated May 7, 2021

Email Print

Radius Search

FEMA Map

Ownership/Mailing Address Current Mailing Address

Site Address

LEVINE, STEVEN R
LEVINE, MARY L
306 BAHIA VISTA DR
INDIAN ROCKS BEACH FL 33785-3702

306 BAHIA VISTA DR
INDIAN ROCKS BEACH



Property Use: 0110 (Single Family Home)

Current Tax District: INDIAN ROCKS BEACH (IRB)

Total Living: SF: 1,224

Total Gross SF: 1,736

Total Living Units: 1

[click here to hide] Legal Description

BAHIA VISTA SUB LOT 6 & PART OF WATER LOT A LYING WITHIN SIDE LOT LINES EXTENDED NLY

2021 Homestead Election			2021 Parcel Use	
Exemption	2021	2022		
Homestead:	Yes	Yes	*Assuming no ownership changes before Jan. 1	
Government:	No	No	Homestead Use Percentage: 100.00%	
Institutional:	No	No	Non-Homestead Use Percentage: 0.00%	
Historic:	No	No	Classified Agricultural: No	

Parcel Information: Ejecta Notice of Proposed Property Taxes (EJN Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page
16730 1510	\$445,000 Sales Query	121030276062	A	Compare Preliminary to Current FEMA Maps	31-26

2020 Final Value Information

Year	Just Market Value	Assessed Value - SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value

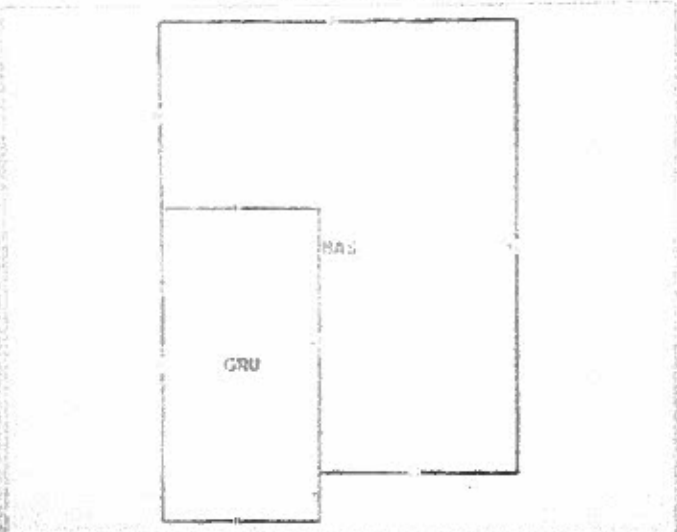
2

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Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Single Family (01)	51x115	7200.00	50.9200	1.0600	\$388,621	FF

[click here to hide] 2021 Building 1 Structural Elements Back to Top
 Site Address: 306 BAHIA VISTA DR

- Building Type: Single Family
- Quality: Average
- Foundation: Continuous Footing Poured
- Floor System: Slab On Grade
- Exterior Wall: Cb Strucc/Cb Reclad
- Roof Frame: Gable Or Hip
- Roof Cover: Roll Composition
- Stores: 1
- Living units: 1
- Floor Finish: Carpet/Hardtile/Hardwood
- Interior Finish: Drywall/Plaster
- Fixtures: 6
- Year Built: 1958
- Effective Age: 39
- Heating: Central Duct
- Cooling: Cooling (Central)



[Compact Property Record Card](#)

[Open plot in New Window](#)

Building 1 Sub Area Information

Sub Area	Area	Value
GRU	50.92	7200.00

(click here to hide) 2021 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
DOOR	\$55.00	117.00	\$6,435.00	\$2,574.00	1975
FIRE PLACE	\$4,000.00	1.00	\$4,000.00	\$1,680.00	1975
BT LEFT DAV	\$2,000.00	2.00	\$4,000.00	\$1,600.00	1968
BT LEFT DAV	\$1,500.00	2.00	\$3,000.00	\$1,200.00	1968
PAVING DECK	\$10.00	300.00	\$3,000.00	\$1,200.00	1968

(click here to hide) Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). We are required to list all improvements, which may include unpermitted construction. Any questions regarding permits, or the status of non-permitted improvements, should be directed to the permitting jurisdiction in which the structure is located.

Permit Number	Description	Issue Date	Estimated Value
301200456	SIDING/EXTERIOR WALL	17 Jul 2012	\$3,500



MIKE T.M. MAI, CFA
MAY 2011

- Property Appraiser HOME
- Search Our Database
- Appraisal Tools
- Forms / Change of Address
- Participate / Save Our Homes
- Assessors
- Assessor
- Online Personal Property
- Assessment / Property Maps
- Assessment
- Assessment / Property Maps
- Assessment

Type here to search

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AGENDA ITEM NO. 5

**BOA CASE NO. 2021-06
378 La Hacienda Drive**

**BOARD OF ADJUSTMENTS AND APPEALS &
CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: July 13, 2021
City Commission: July 13, 2021

AGENDA ITEM: 5
AGENDA ITEM: 6A

SUBMITTED AND

RECOMMENDED BY: Hetty C. Harmon, AICP
City Planner

APPROVED BY:

Brently Gregg Mims
City Manager



SUBJECT:

BOA CASE NO. 2021-06: Variance request from Sec. 110-131(1)(f.) (2)(i) of a range from 12 feet to 5.5 feet for a length of 22 ft into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 ft, to allow for a covered porch on the rear of the house for property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La hacienda 1st Addition and part of Water Lot C in front and 14.5 ft x 115 ft T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14.
Parcel #07-30-15-47394-00-0600

OWNER: Elias Leousis
LOCATION of PROPERTY: 378 La Hacienda Drive
ZONING: S- Single Family

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

BACKGROUND:

Elias Leousis is requesting to install a roof over the patio area at the rear of the house. The existing residence was built in 1968 and a portion of the residence has historically encroached into the rear yard setback approximately 5 feet for about 25 feet. The required rear yard setback in the single-family residential zoning district is typically 25 feet.

The City’s approved site plan showed a CMU base of wood post on the plans and the new site plan shows a 16” x 16” CMU column and showing the new roof line. The intention of the post/column was to support the roof over the outside patio area which follows the existing line of the building and encroaches into the rear setback. The roof encroachment was not shown on the City’s approved site plan only the post base.

Sec. 2-152. - Variances.

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

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

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

The existing structure was built in 1968 prior to the current zoning regulations and a portion of the building is in the rear yard setback. The lot is located at the end of La Hacienda Drive where the rear lot lines are curvilinear.

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

The applicant did not create any special conditions or circumstances.

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

Granting the variance would confer special privileges to the applicant,

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

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

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

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

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

Granting the variance would not be injurious to the area involved or be detrimental to the public welfare.

STAFF RECOMMENDATION: Based on the variance review criteria of Section 2-152, and existing unique characteristics of the property, staff recommends approval of the request.

PROPOSED MOTION:

I move to recommend to the City Commission [APPROVAL / DENIAL] BOA CASE NO. 2021-06: Variance request from Sec. 110-131(1)(f)(2)(i) of a range from 12 feet to 5.5 feet for a length of 22 ft into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 ft, to allow for a covered porch on the rear of the house for property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La hacienda 1st Addition and part of Water Lot C in front and 14.5 ft x 115 ft T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14.



378 La Hacienda Drive
BOA CASE NO. 2021-06



BOA CASE NO. 2021-06: Variance request from Sec. 110-131(1)(f.)(2)(i) of a range from 12 feet to 5.5 feet for a length of 22 ft into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 ft, to allow for a covered porch on the rear of the house for property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La hacienda 1st Addition and part of Water Lot C in front and 14.5 ft x 115 ft T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14



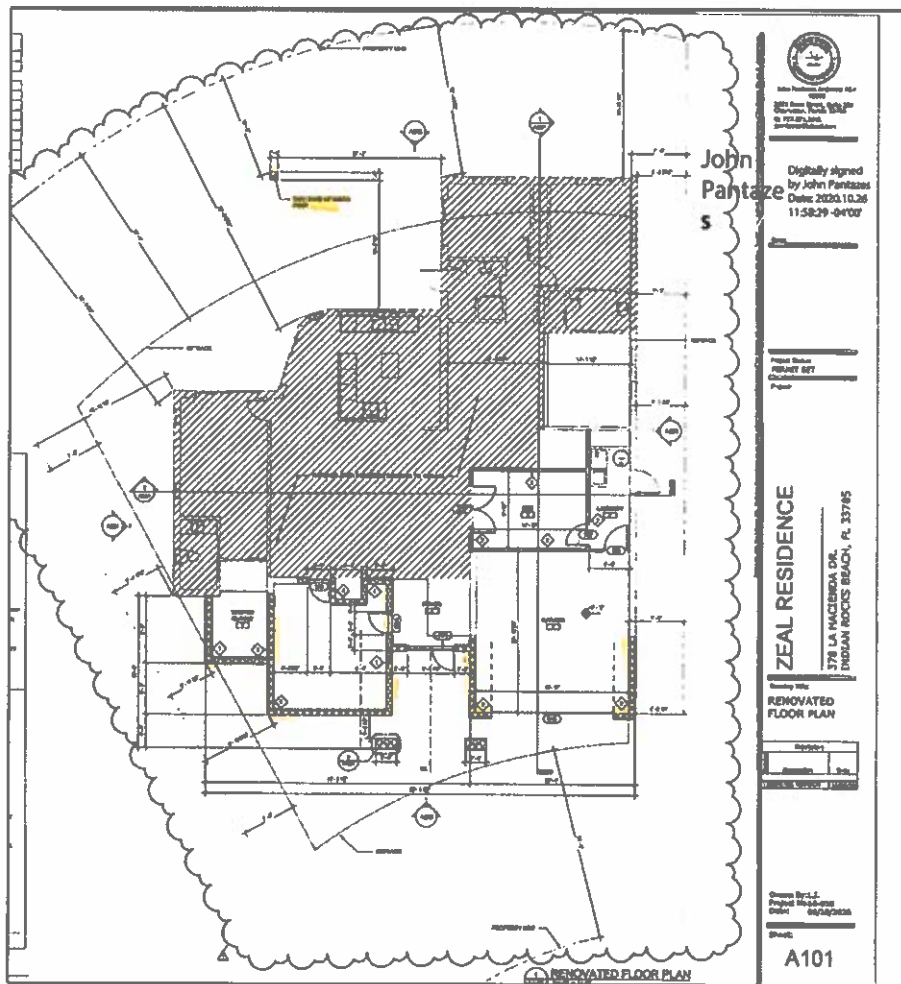
378 La Hacienda Drive



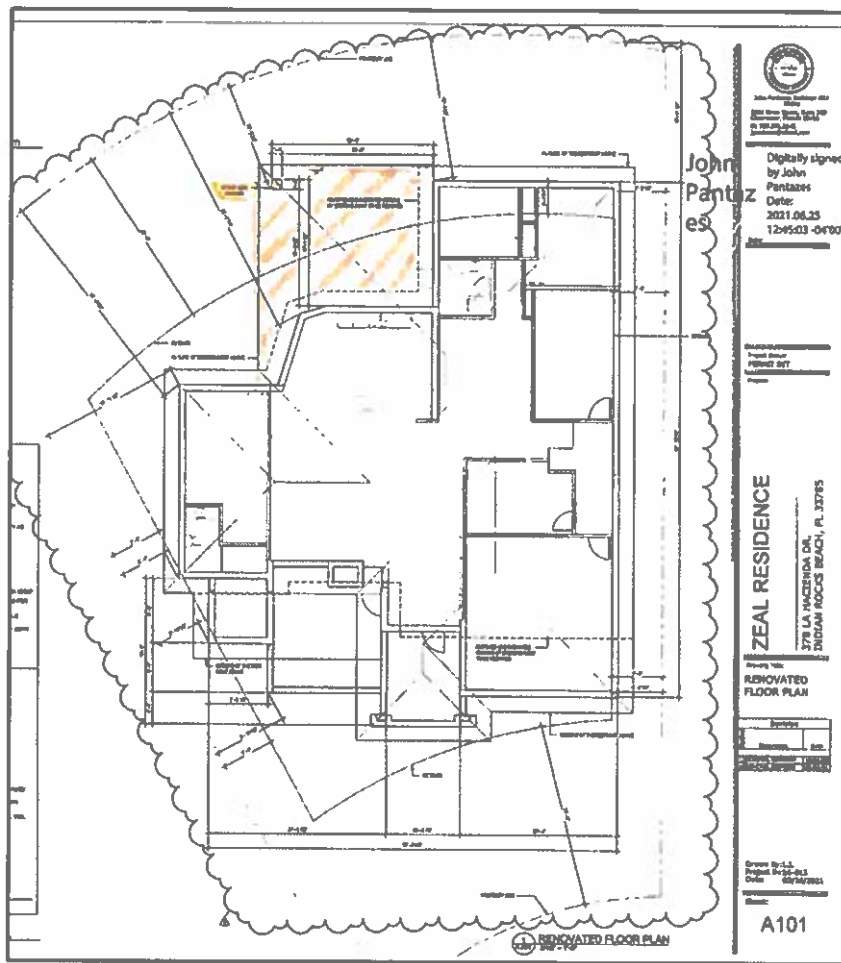
378 La Hacienda Drive



Approved Site Plan

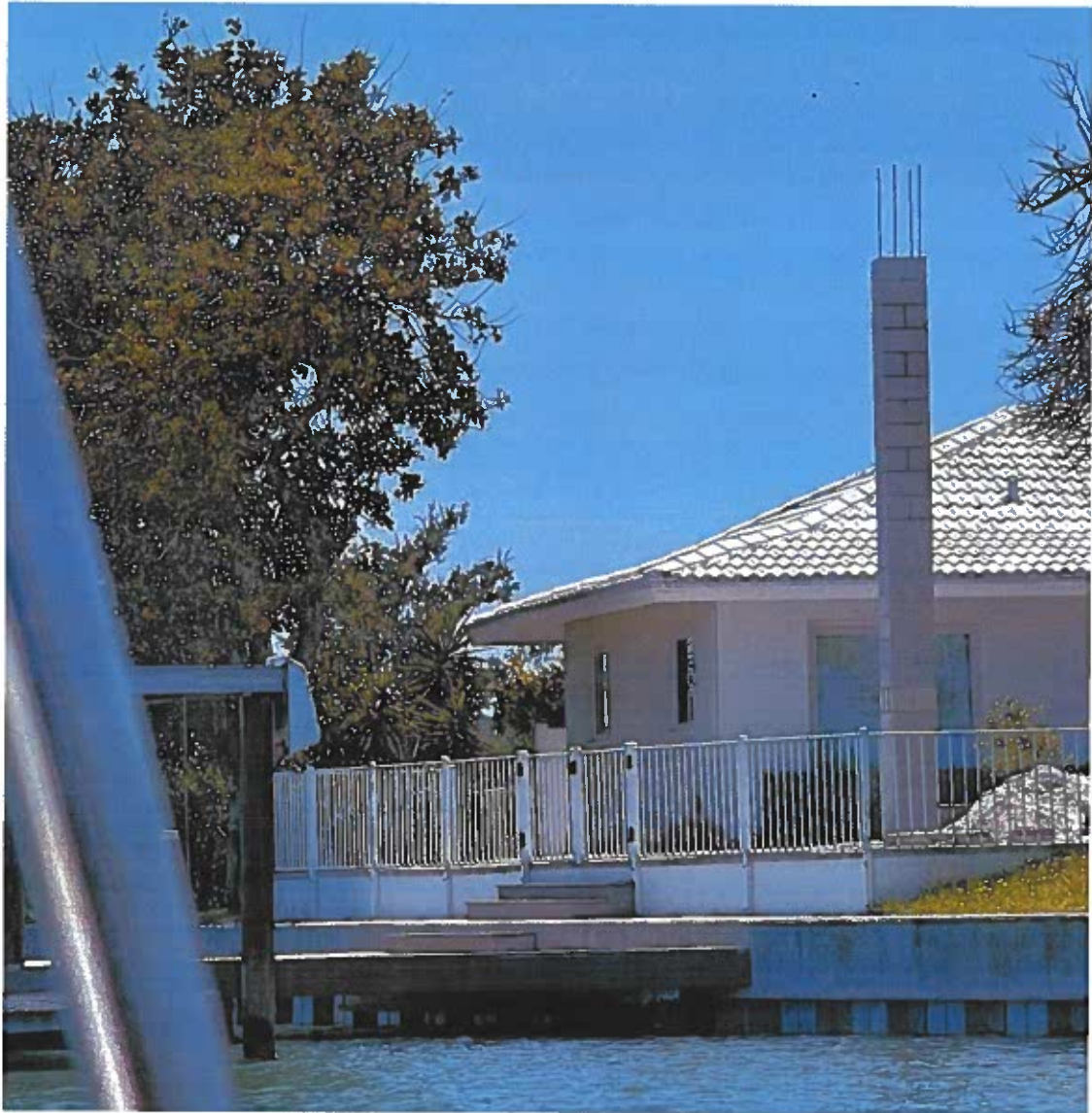


Proposed Site Plan









O'Reilly, Deanne

From: BonesBoat <bareboneii@gmail.com>
Sent: Friday, July 02, 2021 5:07 PM
To: Hetty C. Harmon
Cc: Harmon, Hetty C.; O'Reilly, Deanne
Subject: Re: 378 La Hacienda Variance

Thank you. I have no big concerns on the variance part on the rear. Now if he wants to install a moat around the new front end that looks like a spanish castle, we will have issues. :-)

Jim Bone

On Thu, Jul 1, 2021 at 12:25 PM Hetty Harmon <hharmon@civilsurv.com> wrote:

Jim,

This is what I have so far. I asked for the site plan to be put on the survey, should have this next week. This plan calls for a column in rear setback, what was approved called for a wood post base, did not show roof extending over his back yard.

I will be in office on Tuesday if you want to give me a call.

Hetty

From: Hetty Harmon
Sent: Monday, June 28, 2021 6:32 PM
To: James Bone <bareboneii@gmail.com>
Cc: hharmon@irbcity.com <hharmon@irbcity.com>; Deanne O'Reilly <doreilly@irbcity.com>
Subject: Re: 378 La Hacienda Variance

As soon as I get the new site plan

Hetty Harmon, AICP
Senior Planner
CivilSurv Design Group, Inc
2525 Drane Field Road Suite 7
Lakeland, FL 33811
863-646-4771 ext 211

On Jun 28, 2021, at 5:52 PM, James Bone <bareboneii@gmail.com> wrote:

Mr. Harmon,

I live at 380 La Hacienda. I was wondering if you could send me a plot plan for the variance BOA 2021 meeting. It is difficult to tell what the plans are from the text in the Notice of Public Meeting where the covered porch is going. Also if this will be a screened room or enclosed.

Thanks,

Jim Bone
380 La Hacienda Dr.
Indian Rocks Beach, FL 33785

SUPPLEMENTAL INFORMATION

AGENDA ITEM NO. 5

**BOA CASE NO. 2021-06
378 La Hacienda Drive**

O'Reilly, Deanne

From: Mims, Gregg
Sent: Monday, July 12, 2021 8:43 PM
To: O'Reilly, Deanne; Mora, Randy (City Attorney); Hetty C. Harmon
Subject: Fwd: Variance for 378 La Hacienda. Leousis

Sent from my iPhone

Begin forwarded message:

From: Bob Griffin <bob@griffindirectories.com>
Date: July 12, 2021 at 8:41:04 PM EDT
To: "Mims, Gregg" <gmims@irbcity.com>, Cookie Kennedy <Cookieirb52@gmail.com>, Becky Griffin <becky@griffindirectories.com>
Subject: Variance for 378 La Hacienda. Leousis

RE: 378 LA HACIENDA

Greg, we are out of town.

Please accept this email as our support for the Variance requested by Louis Leousis at 378 LA Hacienda on his set back requirement on the rear of the property.

I know that the 'pie shaped' properties in Indian Rocks Beach have to be handled differently, than the standard rectangled sites.

Let it be known that we do not have any objection on approving this variance.

Bob and Becky Griffin
375 La Hacienda.

Sent from my T-Mobile 4G LTE Device
Get [Outlook for Android](#)

RE: BOA CASE NO. 2021-06

ATTENTION:

Deanne B. O'Reilly

City Clerk

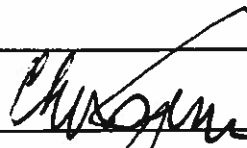
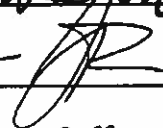
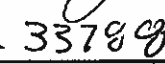

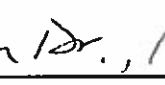
1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785

E-mail: doreilly@irbcity.com

The undersigned received notice of the Public Meeting for BOA Case No. 2021-06 to be heard by the BOA on Tuesday, July 13, 2021 at 5:00 pm. The variance request described as follows:

A variance request from Code Section 110-131(1)(f.)(2)(i) of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 feet, to allow for a covered porch on the rear of the house for the property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition and part of Water Lot C in front and 14.5 feet x 115 feet TIA on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14 of the Public Records of Pinellas County, Florida. Parcel#: 07-30-15-47394-000-0600.

As property owners within 150 feet of the above property we do not object to the requested variance, support its approval and request that the BOA recommend approval to the City Commission. We also encourage the Indian Rocks City Commission to approve this request.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Christopher Tremble	381 LA HACIENDA Indian Rocks Beach		7/1/21
LYDIA TREMBLE	381 LA HACIENDA IRB FL 33785		7/1/2021
Jim Bone	380 La Hacienda Dr IRB FL 33785		7/1/2021
Dave Edgert	377 LA HACIENDA DR. IRB FL		3/5/21 7/1/21
Christi Robut	383 La Hacienda Dr., IRB 33785		

Regarding:

BOA Case No. 2021-06

Respondents:

Paul and Patricia Jannarone
376 La Hacienda Drive
Indian Rocks Beach, FL 33785

Respondents' Geographic Location:

Adjacent (southwest) to 378 La Hacienda Drive

Subject:

Our thoughts on the proposed variance request

To:

The Indian Rocks Beach Board of Adjustments and Appeals (hereafter referred to as "BOA")

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida

Introduction:

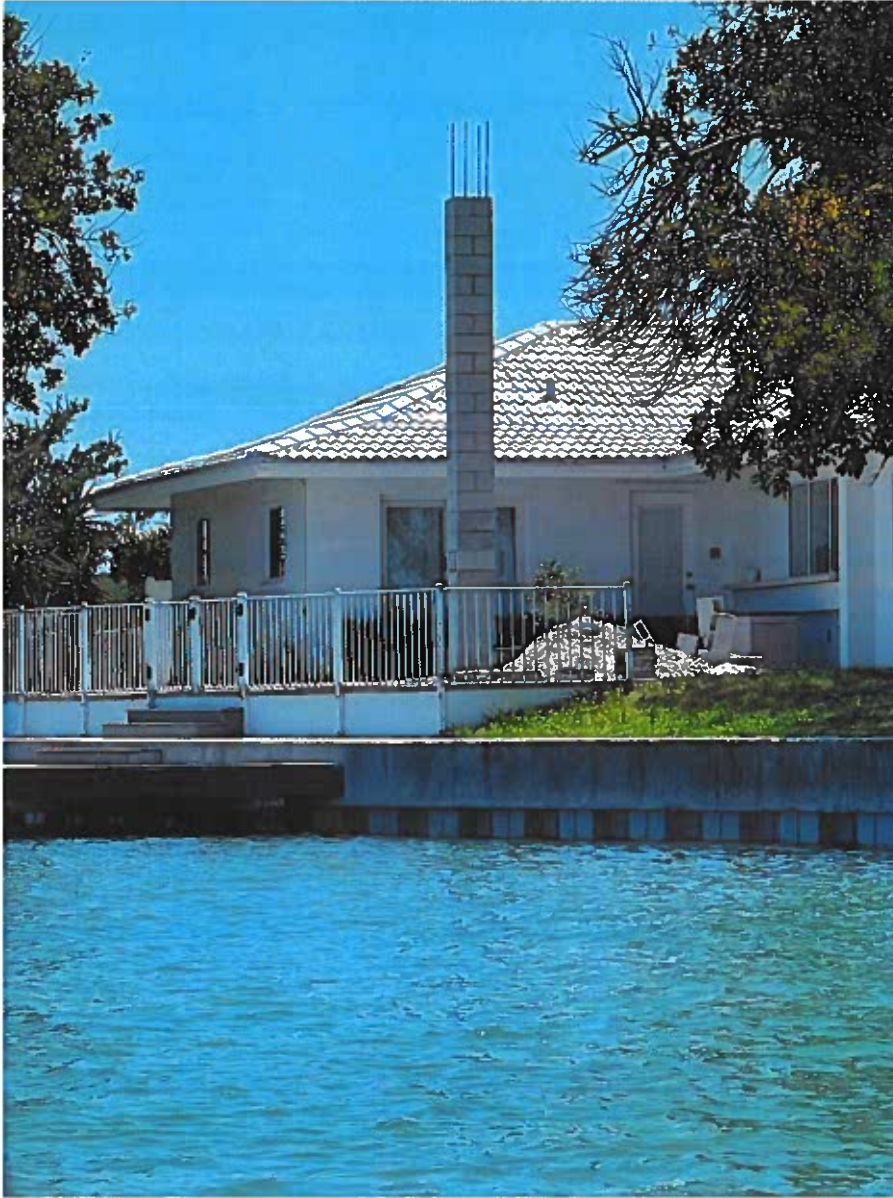
As 29-year residents and taxpayers of Indian Rocks Beach, we welcome this opportunity to present our thoughts regarding BOA Case No. 2021-06. Due to a non-changeable out-of-town trip, we will be unable to attend the Public Meeting in-person and are submitting this document to Deanne B. O'Reilly, City Clerk via email (doreilly@irbcity.com) for the record as specified in the Notice of Public Meeting.

Our Understanding:

It is our understanding that this is a variance request from Code Section 110-131(1)(f.)(2)(i) which specifies a 25 foot rear yard setback (***Waterfront lots: 25 feet for single-family and 20 feet for duplex measured from the center of the seawall***) in order to place a 16" x 16" concrete pillar 13 feet from the water and to construct an associated covered porch creating an area of approximately 357 ft² where the underside of the covered porch is approximately 17 feet high. Further, it is our understanding that the variance application states the newly created open area "will remain open pursuant to a proposed recorded covenant."

Water view of the concrete pillar

We would assume all members of the BOA have taken the opportunity to personally view the subject concrete pillar from the water or by land. Here is a picture from the water:



Oversight? Mistake?

Firstly, we are dismayed that we are even in an emotional situation with a valued neighbor where we must expend time and effort debating an issue which, in our opinion, should never even have reached this point! It is our understanding that for whatever reason, the new-construction concrete post within the rear yard setback was not questioned by the City's consultant or other reviewers during the site plan approval phase. Subsequently, a permit was issued, and Mr. Leousis proceeded in good faith with construction and large monetary commitments for other portions of the project such as the trusses.

Clarification of the rear setback rule for new construction

It is asserted in the Variance Application that: **APPLICANT IS NOT REQUESTING VARIANCE TO SETBACK AS THE EXISTING STRUCTURE IS ALREADY IN THE SETBACK AND ALL CONSTRUCTION IN THE REAR IS CONTAINED WITHIN THE BUILDING FOOTPRINT.** In conflict with this assertion, we have been told by Hetty Harmon that *"having a previously existing structure within the setback does not grandfather-in new construction for the front and rear setbacks."* We have not been able to substantiate this statement in the City Code; however, it seems important for the BOA to rule if, in fact, an administrative error/oversight or rear setback violation has occurred. If an error has occurred, two sections of the City Code appear to be applicable:

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.**

And:

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.

Architectural Definition of the term "footprint"

The applicant's responses in the Application for Variance document cite the terms "building footprint," "current building footprint" and "existing building footprint" in the following phrases:

- **"THIS IS WITHIN CURRENT BUILDING FOOTPRINT,"**
- **"ALL CONSTRUCTION IN THE REAR IS CONTAINED WITHIN THE BUILDING FOOTPRINT"**
- **"THE VARIANCE IS FOR AN OPEN PORCH AREA IN THE REAR WITHIN THE EXISTING BUILDING FOOTPRINT"**

Researching the definition of "building footprint," one finds that a building footprint is bounded by the outlines of the exterior walls; therefore, it would follow that "current footprint," or "existing footprint" would be bounded by the walls of the existing structure.

Some definitions from <https://www.lawinsider.com/dictionary/building-footprint> follow:

- Building footprint means the perimeter of a building at the outer edge of the outside walls of the building, including cantilevered portions of a building.
- Building footprint means the area contained within the exterior building walls of the ground floor.

- Building footprint means the area delineated by the outer edge of the foundation.
- Building footprint means the area that falls directly beneath and shares the same perimeter as a building or structure.
- Building footprint means the outline of the total area of a lot or site that is surrounded by the exterior wall of a building or portion of a building, measured at the foundation. It shall be exclusive of courtyards.
- Building footprint means the two-dimensional configuration of a building's perimeter boundaries measured on a horizontal plane at grade level.

And from the Illustrated Dictionary of Architecture:

- The area on a project site that is used by the building structure and is defined by the perimeter of the building plan. Parking lots, landscapes, and other nonbuilding facilities are not included in the building footprint.

Referencing the included photograph above, the concrete pillar in question resides within an existing ground-level paver patio and does not lie within the boundaries of what would be considered an "existing building footprint" given the definitions of that term. One could reasonably conclude the applicant's use of the terms "current building footprint" or "existing building footprint" is technically incorrect.

Special Privilege and Financial Loss:

We would also ask the BOA to consider the topics of "special privilege" and "financial loss." By granting a variance to the rear water setback, does this bestow a "special privilege" and set a precedent for other IRB property owners on the water who desire to undertake projects such as covered shelters or outdoor kitchens?

Any contractor we've engaged for a waterside project has been very much aware of IRB's 25-foot rear setback and won't even touch the project. We would ask the BOA to be cognizant of the highlighted text in the sections below [2-152(a)(1)(c.) and 2-152(b)] as they debate this variance request.

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;

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

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

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;

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

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.

- (b) *Conditions and safeguards; prohibited variances.* In recommending the granting of any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of subpart B. The board may recommend a reasonable time limit within which action for which the variance is required shall be begun or completed, or both. Under no circumstances, except as permitted in this section, shall the board recommend the granting of a variance to permit a use not generally or by special exception permitted in the zoning district involved or uses expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighborhood lands, structures or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance. **Financial loss alone is not sufficient justification for a variance.**

In Conclusion:

We are angry that the City, consultants, reviewing staff or other parties, let this issue progress to its current state! From our perspective, this sequence of events should never have occurred. If the submitted plans had been properly reviewed and *approved*, these proceedings would have been moot. If the submitted plans had been properly reviewed and *denied*, Mr. Leousis would have had sufficient time to make design changes.

If the BOA finds in favor of the variance request, we ask that the “proposed recorded covenant” component of the application be enforced and remain with the property in perpetuity.

We thank the BOA for reading this document outlining our thoughts and concerns and for carefully considering all viewpoints associated with the Variance Application.

Regardless of the outcome, it should be clear to the city staff, BOA and Commissioners that a thorough review of the permitting process must be done to prevent this from happening again.

Thank you.

Respectfully submitted July 9, 2021 via email attachment to doreilly@irbcity.com.

Paul Jannarone

Paul Jannarone

Patricia Jannarone

Patricia Jannarone



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

Library
727/596-1822

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

NOTICE OF PUBLIC MEETING
THE CITY OF INDIAN ROCKS BEACH — BOARD OF ADJUSTMENTS AND APPEALS
TUESDAY, JULY 13, 2021 @ 5:00 P.M.
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, JULY 13, 2021**, which meeting convenes at 5:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on BOA Case No. 2021-06.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **378 LA HACIENDA DRIVE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Code Section 110-131(1)(f)(2)(i) of a range from 12 feet to 5.5 feet for a length of 22 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of a range from 13 feet to 19.5 feet for a length of 22 feet, to allow for a covered porch on the rear of the house for the property located at 378 La Hacienda Drive, Indian Rocks Beach, Florida, and legally described as La Hacienda 1st Addition and part of Water Lot C in front and 14.5 feet x 115 feet T/A on East side of Lot 61 recorded thereof recorded in Plat Book 43, Page 14 of the Public Records of Pinellas County, Florida. Parcel #: 07-30-15-47394-000-0600.

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 Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, July 13, 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 June 28, 2021. (Sec. 2-149 of the Code of Ordinances.)



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

Run Date: 23 Jun 2021

Subject Parcel: 07-30-15-47394-000-0600

Radius: 150 feet

Parcel Count: 9

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

Total pages: 3

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

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

PHONE: (727) 464-3207

NORTH COUNTY
29269 US Highway 19 N
Clearwater, FL 33761

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

MID COUNTY
13025 Starkey Road
Largo, FL 33773

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

MAIL: PO Box 1957, Clearwater, FL 33757

07-30-15-47394-000-0580

C IN FRONT
LOT 58 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0590

C IN FRONT
LOT 59 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0620

LOT C IN FRONT
LOT 62 AND PART OF WATER
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0550

LOT C IN FRONT
LOT 55 AND PART OF WATER
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0560

C IN FRONT
LOT 56 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

TREMBLE, LYDIA
TREMBLE, CHRISTOPHER
381 LA HACIENDA DR
INDIAN ROCKS BEACH FL 33785-3716

07-30-15-47394-000-0630

LOT C IN FRONT
LOT 63 AND PART OF WATER
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0570

C IN FRONT
LOT 57 AND PT OF WATER LOT
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0610

FT X 115FT T/A ON E
LOT C IN FRONT LESS A 14.5
LOT 61 AND PART OF WATER
LA HACIENDA 1ST ADD

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

07-30-15-47394-000-0540

LOT C IN FRONT
LOT 54 AND PART OF WATER
LA HACIENDA 1ST ADD

GRIFFIN, ROBERT P
GRIFFIN, REBBECA FOGLER
375 LA HACIENDA DR

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:

ELIAS LOUIS LEOUSIS

Address:

378 LA HACIENDA DRIVE

City:

INDIAN ROCKS BEACH

Zip Code:

FLORIDA 33785

Tel:

727-647-0482

Fax:

888-816-6889

Mobile:

727-647-0482

Email:

l_leousis@hotmail.com

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

378 LA HACIENDA DRIVE

Parcel ID:

07-30-15-47394-000-0600

City:

INDIAN ROCKS BEACH

Zip Code:

33785

Legal Description:

LA HACIENDA 1ST ADD LOT 60 AND PT OF WATER LOT C IN FRONT AND A 14.5FT X 115FT T/A ON E SIDE OF LOT 61

Zoning:

SINGLE FAMILY HOME

Future Land Use:

SINGLE FAMILY HOME

Size:

8510

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

DOCK VARIANCE FOR 2 TIE POLES -APPROVED 1988

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):

25 FEET

14 FEET

11 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:

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:

THE STRUCTURE IS LOCATED WITHIN THE 25 FOOT SETBACK. THE COLUMN WHICH WAS SPECIFICALLY APPROVED SUPPORTS AN EXTENDED ROOF CANOPY OVER AN EXISTING PATIO AREA THAT WILL REMAIN OPEN. THIS IS WITHIN CURRENT BUILDING FOOTPRINT. PERMIT, CONSTRUCTION PLANS AND SPECIFICATIONS APPROVED FOR 2 MONTHS PRIOR TO CHANGE OF APPROVAL. ALL MATERIALS/TRUSSES BASED ON APPROVED AND PERMITTED STRUCTURAL DESIGN ARE ALREADY ORDERED AND PURCHASED. PERMITTED.

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

PERMIT WAS APPLIED FOR ON 10/12/20 AND GRANTED ON 3/30/21 BASED ON PLANS AND SPECIFICATIONS PROVIDED TO ALL DEPARTMENTS ON MULTIPLE OCCASIONS DURING THE PERMITTING PROCESS. CONSTRUCTION COMMENCED ACCORDING TO SUBMITTED AND APPROVED PLANS. ALL INSPECTIONS PASSED 5/11/21,5/13/21,5/25/21. STOP WORK ORDER ISSUED 5/26/21 EVEN THOUGH THERE WERE NO ALTERATIONS TO THE PLANS ONCE APPROVED AND PERMITTED.

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:

APPLICANT IS NOT REQUESTING VARIANCE TO SETBACK AS THE EXISTING STRUCTURE IS ALREADY IN THE SETBACK AND ALL CONSTRUCTION IN THE REAR IS CONTAINED WITHIN THE BUILDING FOOTPRINT. THE AREA IN QUESTION IS AN EXTENSION OF THE ROOF CANOPY OVER AN OPEN AREA THAT WILL REMAIN OPEN PURSUANT TO A PROPOSED RECORDED COVENANT.

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:

APPLICANT HAS COMMENCED CONSTRUCTION ON THE BASIS OF PERMITTED AND APPROVED CONSTRUCTION PLANS AS SUBMITTED. NO CHANGE HAS BEEN MADE TO THESE PLANS ON THE PART OF APPLICANT. IN RELIANCE ON THE APPROVED PLANS AND ISSUED PERMITS, THE ROOF TRUSSES HAVE BEEN ORDERED AND FABRICATED, AND THE PROPOSED COVENANT HAS BEEN PROVIDED TO THE CITY ATTORNEY FOR APPROVAL.

HARDSHIP CONTINUED...

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

THE ENGINEERED ROOF TRUSS LAYOUT AS APPROVED IS THE ONLY CONFIGURATION THAT WOULD MAKE ROOF AND HOUSE STRUCTURALLY SOUND, AND IS MERELY AN OPEN CANOPY OVER AN OPEN SPACE THAT IS TO REMAIN OPEN.

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 VARIANCE IS FOR AN OPEN PORCH AREA IN THE REAR WITHIN THE EXISTING BUILDING FOOTPRINT, AND IS REQUESTED IN ADDITION TO A RESTRICTIVE COVENANT THAT MAINTAINS THE AREA AS AN OPEN PORCH.

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

PERMIT WAS GRANTED ON THE BASIS OF CONSTRUCTION DOCUMENTS ALREADY FURNISHED AND AFTER FIVE MONTHS OF REVIEW. APPLICANT DID NOT CHANGE THE NATURE OR INTENT OF THE DRAWINGS AS PRESENTED AND APPROVED.

CERTIFICATION

Date: 6/22/21

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: ELIAS LOUIS LEOUSIS

Signature: 

Personally known/Form of Identification _____

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

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

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

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

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

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

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

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

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

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

AGENDA ITEM NO. 6

OTHER BUSINESS

AGENDA ITEM NO. 7

ADJOURNMENT