

**TUESDAY,
SEPTEMBER 14, 2021**

**REGULAR
CITY COMMISSION MEETING**

@ 7:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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

Library
727/596-1822

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

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. PRESENTATIONS.

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

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

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

3. REPORTS OF:

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

4. ADDITIONS/DELETIONS.

5. **CONSENT AGENDA:**
 - A. **APPROVAL OF** August 10, 2021 Regular City Commission Meeting Minutes.
 - B. **CONFIRMING ACTION** taken during the September 8, 2021 Special City Commission Meeting.
 - C. **AUTHORIZE** the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.
 - D. **AUTHORIZE** the City Manager to sign a one year renewal agreement with Public Risk Management (PRM) of Florida for property, casualty, and workers' compensation, and flood coverages for FY 2021-22.

6. **PUBLIC HEARINGS:**
 - A. **CONDEMNATION PROCEEDINGS — 2004 GULF BOULEVARD, INDIAN ROCKS BEACH.** The garage (structure) on the property located at 2004 Gulf Boulevard, Indian Rocks Beach, Florida 33785, more particularly described as Indian Beach Re-Revised, Block 11, Lots 14 & 15 less RD R/W on E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, has been declared unsafe and a nuisance pursuant to Sections 14-301 and 14-321 of the Indian Rocks Beach Municipal Code, and is subject to condemnation proceedings under Section 14-309 of the Indian Rocks Beach Municipal Code.
 - B. **BOA CASE NO. 2021-08 — 351-12TH AVENUE**
Considering a variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12th Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 13 (See Map S06-30-15). Parcel #: 06-30-15-42066-089-0130.
 - C. **BOA CASE NO. 2021-09 — 353-12TH AVENUE**
Consideration a variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12th Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15). Parcel #:06-30-15-42066-089-0140.

D. BOA CASE NO. 2021-10 — 300-10TH AVENUE

Considering a variance request variance request from Section 110-344(7)(f) of the Code of Ordinances to allow for a waterfall structure to exceed the 6-foot length requirement by 6 feet, for the property located at 300-10th Avenue, Indian Rocks Beach, Florida, and legally described as First Addition to Re-Revised Map of Indian Beach Subdivision, Block 86, Lot 22, recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County. Parcel #: 01-30-14-42048-086-0220.

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

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

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

POSTED: September 10, 2021

<p>SECOND AND FINAL BUDGET HEARING WEDNESDAY, SEPTEMBER 22, 2021 @ 6:00 P.M.</p>

**NEXT REGULAR CITY COMMISSION MEETING
TUESDAY, OCTOBER 12, 2021 @ 7:00 P.M.**

AGENDA ITEM NO. 1A

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



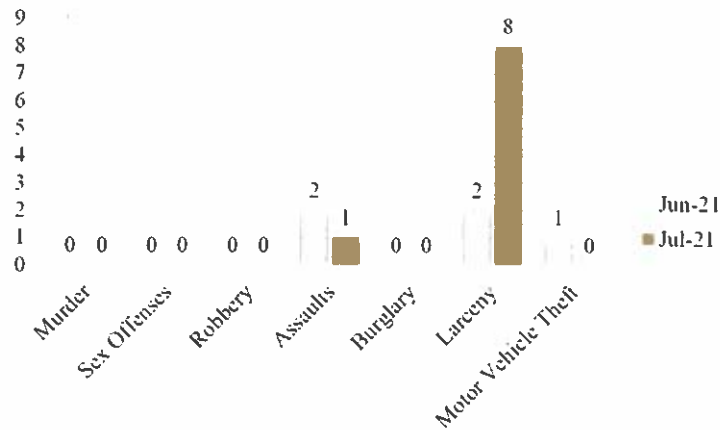
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

July 2021

Select UCR Property & Person Crimes	June 2021	July 2021	July 2020 YTD	July 2021 YTD
Murder	0	0	0	0
Sex Offenses	0	0	2	1
Robbery	0	0	2	0
Assaults	2	1	5	14
Burglary	0	0	4	6
Larceny	2	8	38	29
Motor Vehicle Theft	1	0	1	5
GRAND TOTAL	5	9	52	55



*Due to changes in UCR reporting taking effect January 1, 2021, there may be an increase in the categories listed

Prepared by: Casey Taylor
 Data Source: ACISS: UCR Offenses with Occurred Address, Arrested Subjects, Citation City Report
 CAD: Crime Analysis Views, Crime Analysis Incident History (Dispo- 7)

Arrests

July 2021

There were a total of 9 people arrested in the City of Indian Rocks Beach during the month of July resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	1
Possession Of Controlled Substance	1
Misdemeanor	3
Battery-Domestic Related	1
Trespass After Warning	2
Warrant	1
Warrant Arrest	1
Traffic Misdemeanor	6
Driving Under The Influence	4
Leave Scene (With Damage)	1
Refusal Submit To Test-Intoxicated	1
Grand Total	11

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

Deputy Activity

There were a total of **920** events in the City of Indian Rocks Beach during the month of July resulting in **1,195** units responding.

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

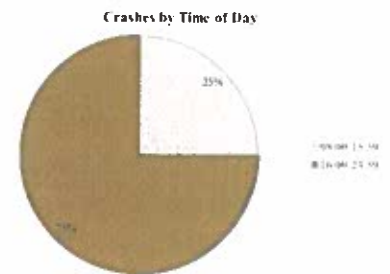
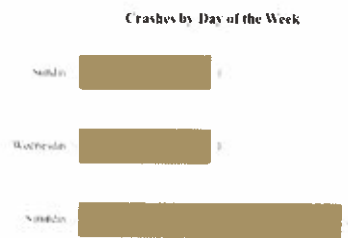
July 2021

DEPUTY ACTIVITY	TOTAL
Directed Patrol	199
Traffic Stop	129
House Check	119
Vehicle Abandoned/Illegally Parked	62
Assist Citizen	58
Contact	41
Suspicious Person	41
Noise	31
Community Contact	25
Area Check	13
Ordinance Violation	13
Trespass	12
Supplement	10
Traffic Violation	9
Suspicious Vehicle	9
Traffic Control	9
Information/Other	9
Building Check Business	7
Transport Prisoner	7
Accident	7
Assist Other Agency	6
Alarm	6
Lost/Found/Abandoned Property	6
Animal Call	5
Special Detail	5

Crash & Citation Analysis

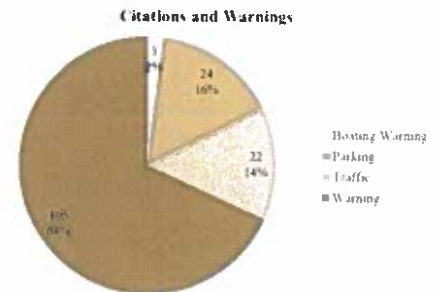
There were 4 crashes in the City of Indian Rocks Beach during July 2021. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
Gulf Blvd/5th Ave	1
4th Ave/2nd St	1
213 Gulf Blvd	1
311 Gulf Blvd	1



There were a total of 154 citations and warnings issued in the City of Indian Rocks Beach during July 2021.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
5th Ave & Gulf Blvd	4
213 Gulf Blvd	2
4th Ave & 2nd St	2
9th Ave & E Gulf Blvd	2
23rd Ave & Gulf Blvd	1
Gulf Blvd & 17th Ave	1
311 Gulf Blvd	1
400 2nd St	1
6th St & Harbor Drive	1
409 Gulf Blvd	1



AGENDA ITEM NO. 1B

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

August 2021 Report from the Pinellas Suncoast Fire & Rescue District

For IRB City Commission meeting Sept. 14, 2021

1. **COVID-19:** Front-line staff is currently at full strength but two administrative employees are in quarantine after testing positive with COVID-19. Some staff had been out temporarily while tending to family members that were ill.

2. **EMS Call Activity:** EMS call volume in IRB for August totaled 58 incidents. These calls included:

Person Down Calls – 12

Other Medical – 21

Trauma – 4

Falls – 11

MVC – 2

Overdose – 2

Cardiac – 4

All EMS responses except two were within the 7 min. 30 sec. target. Some calls were handled by outside agencies when PSFRD apparatus were already engaged responding to other incidents. The average EMS response times for these calls were 5 min. 06 sec.

3. **Fire Call Activity:** August call volume in IRB totaled 10 incidents. These calls included:

Fire Alarm – 5

Outside Fire – 1

Structure Fire – 2

Water Rescue – 2

All fire response time targets were met within target time, with the average response time at 5 min. 36 sec.

4. **GPS Dispatching:** PSFRD has been participating in GPS Closest Unit Dispatching for all EMS calls. The district has not noticed many changes in responses but has picked up a few extra calls along district borders.

5. **Resignations/Retirements:**

- Vice Chair/Seat 2 IRB Commissioner David Ardman will be resigning from the PSFRD Commission at a date in mid- to late-October 2021.
- PSFRD Fire Chief Michael Burton will be retiring in December with over 46 years of service which includes 22 years as fire chief in four cities, including four years with the PSFRD.
- PSFRD Finance Director David Martin will be retiring in December. David's accounting career spanned over 50 years, including the past 11 years as Finance Director for the PSFRD.

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

AGENDA ITEM NO. 3C
REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

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

**APPROVAL OF August 10, 2021
Regular City Commission Meeting
Minutes**

**AGENDA ITEM NO.: 5A - APPROVAL OF MINUTES.
DATE OF MEETING: SEPTEMBER 14, 2021 CCM**

**MINUTES — AUGUST 10, 2021
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, AUGUST 10, 2021**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

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

OTHERS PRESENT: City Attorney Randy D. Mora and City Clerk Deanne B. O'Reilly, MMC.

ABSENT: Commissioner Edward G. Hoofnagle.

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

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

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

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

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

1C. PRESENTATION BY MAYOR-COMMISSIONER KENNEDY:

Mayor-Commissioner Kennedy stated she wanted to recognize the residents of the La Hacienda neighborhood for beautifying the entrance of La Hacienda Drive and East Gulf Boulevard.

Mayor-Commissioner Kennedy presented frame pictures of the event to: Maria Heshmati,

315 La Hacienda Drive and Shawn and Debbie Stover, 361 La Hacienda Drive, and also thanked Ron and Rebecca Sacra, 368 La Hacienda Drive, and Patricia Priest, 341 La Hacienda Drive, Ira Hestmati, 315 La Hacienda Drive, and anyone else who helped or donated money for this beautification project.

2. PUBLIC COMMENTS.

Anna Paulina Luna, 3475 6th Avenue North, St. Petersburg, introduced herself and gave a brief background about herself. She stated she ran for Congress in 2020 and would like to represent this community in Washington, D.C., in 2022. She knows she looks relatively young, but she has a ton of life experience. She is not afraid of using her voice, especially when it comes to getting behind things that she is very passionate about. One of them being local community issues. She would like to have the City's support for 2022.

3A. REPORTS OF the City Attorney: No Report.

3B. REPORTS OF the City Manager:

- *City Manager Mims presented the 3rd Quarter Financial Reports.*
- *Code Enforcement Report for July 2021:*
 - 68 Citations Written (Does not include citations written by the Pinellas County Sheriff's Office.)
 - 18 Notice of Violations Written
 - On the September 14, 2021 City Commission Agenda, there will be a Notice of Hearing for Condemnation Proceedings for 2004 Gulf Boulevard, for a garage structure that has been declared unsafe and a nuisance.
- *Budget Public Hearing Dates:*
 - Wednesday, September 8, 2021 @ 6:00 P.M.
 - Wednesday, September 22, 2021 @ 6:00 P.M.
 - Tentative FY2022 Budget is posted on the City's Website.
- *IRB 5th Avenue Pocket Park Sculpture Unveiling:*
 - Wednesday, August 18, 2021 @ 9:00 A.M.
 - Donated/sponsored by Crabby's Bills.
- *October 12, 2021 City Commission Work Session*
 - FEMA/Pinellas County Map.
- *NPDES: City Manager Mims stated the City is under State and Federal mandates for stormwater. The City gets credit for sweeping its streets, which keeps debris from going out into the waterways. Every two years, the City goes through an evaluation by the State to ensure that the City is not only in compliance with State standard but Federal standards. He is happy to report that the City had no write ups.*
- *Cyclone Six/Tropical Storm Fred. The City staff continues to monitor Cyclone Six/Tropical Storm Fred.*

- City Manager Mims stated last week was his eighth anniversary with the City, and he thanked the City Commission and previous City Commissions, his wife, for making his job enjoyable. He stated he enjoys working with the people he works with.

3C. REPORTS OF the City Commission:

COMMISSIONER HOUSEBERG:

- Stated she spoke with Glenn Sutch, Coco's Orange Crush, who advised that they have received the demolition permit.

MAYOR-COMMISSIONER KENNEDY:

- **BEACH RENOURISHMENT:** Mayor-Commissioner Kennedy provided the City Commission a timeline of what the City and Pinellas County have been doing with the Army Corps of Engineering, the State and Federal Governments regarding beach renourishment, and the beach easements. Also, attached are two articles regarding Congressman Crist's efforts in securing funding for beach renourishment and language directing the Army Corps to provide flexibility to Pinellas County in obtaining these easements.
- City Manager Mims stated Senator Rubio included the following language in the report to accompany the bill, stating the House and the Senate are both expressing concern about the Army Corps' easement policies: Shore Protection Easement. The Committee notes the importance of periodic restoration of the Shore Protection Projects and their significance for the protection of public safety, public infrastructure, native vegetation, and wildlife, as well as economic stability in oceanfront communities. The Committee understands the challenges facing local governments in obtaining the necessary approvals for required easement when no work will be performed on the property for which the easement is being required. The Committee encourages the Army Corps to work with local governments to incorporate flexibility to project agreement language that allows for incremental acquisition of easements necessary for scheduled nourishments.

4. ADDITIONS/DELETIONS. None.

5. CONSENT AGENDA:

- A. APPROVAL OF July 13, 2021 Regular City Commission Meeting Minutes.**
- B. APPROVAL OF July 20, 2021 Special City Commission Meeting Minutes.**
- C. CONFIRMING ACTION taken during the July 20, 2021 Special City Commission Meeting.**
- D. REAPPOINTING Regular Board Member Adrienne Daus and Regular Board Member Frederick "Rick" McFall and appointing Scott A. Holmes as a Regular Board Member to serve on the Planning and Zoning**

Board/Local Planning Agenda for two year terms expiring on May 31, 2023.

- E. APPROVAL OF the FY2022 Law Enforcement Contract with the Pinellas County Sheriff's Office.**
- F. AUTHORIZING the City Manager to negotiate a Professional Services Contract with Utility Consultants of Florida for the City of Indian Rocks Beach Undergrounding Utilities Along Gulf Boulevard Project – Phase II.**
- G. APPROVAL of July 13, 2021 City Commission Budget Work Session Minutes.**

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

MOTION MADE BY VICE MAYOR-COMMISSION MCCALL, SECONDED BY COMMISSIONER HOUSEBERG, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5G, AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

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

MOTION MADE BY VICE MAYOR-COMMISSIONER MCCALL, SECONDED BY COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 7:25 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

September 14, 2021

Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR


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

**CONFIRMATION ACTION taken
during the September 8, 2021
Special City Commission Meeting**

**AGENDA MEMO
INDIAN ROCKS BEACH CITY COMMISSION**

MEETING OF: September 14, 2021 **AGENDA ITEM:** 5B

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

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: Confirming action taken during the September 8, 2021 Special City Commission Meeting.

BACKGROUND:

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

The City Commission took the following action during the September 8, 2021 Special City Commission Meeting:

- 1A. ORDINANCE NO. 2021-03 — *ADOPTED ON FIRST READING.*** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2022 at 1.8326. ***UNANIMOUS APPROVAL. SECOND AND FINAL READING IS SEPTEMBER 22, 2021.***

- 1B. ORDINANCE NO. 2021-04 — *ADOPTED ON FIRST READING.*** Adopting a budget for Fiscal Year 2022. ***UNANIMOUS APPROVAL. SECOND AND FINAL READING IS SEPTEMBER 22, 2021.***

- 2A. ORDINANCE NO. 2021-05 — *ADOPTED ON FIRST READING.*** Increasing Solid Waste Fees. ***UNANIMOUS APPROVAL. SECOND AND FINAL READING IS SEPTEMBER 22, 2021.***

MOTION:

I move to confirm the action taken during the September 8, 2021 Special City Commission Meeting.

/dor

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

**DISPOSAL of surplus
property/equipment which has
become unnecessary or unfit for
the City's use**


INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

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

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: Authorizing the City Manager to dispose of surplus property/equipment which has become unnecessary or unfit for the City's use.



BACKGROUND:

Pursuant to Part I Charter, Article V. City Manager, Section 5.3. Powers and Duties of the City Manager, Subsection 10 of the Code of the City of Indian Rocks Beach, Florida, providing for the disposal of City property/equipment which has become unnecessary or unfit for the City's use, the property/equipment listed on Attachment A has been inspected and found to be no longer usable by the City of Indian Rocks Beach.

ANALYSIS:

City staff is requesting authorization to sell, donate, recycle or destroy the City property/equipment shown on Attachment A.

FISCAL IMPACT:

GovDeals, Incorporated conducts auctions of state, county and municipal furniture, equipment and vehicles on a continual basis. There are no respective charges utilizing this firm for handling the sale and transfer of any paperwork associated with the vehicles and/or equipment.

By utilizing an outside agency to run the auction the City is saving staff time and avoids any conflict or problems that could occur if this was handled in house.

ATTACHMENT A – SURPLUS EQUIPMENT

- ✓ One – 2007 Ford F150 1/2 Ton Pick-up Truck – (539-8) –
VIN # 1FTRF12297KB47779
- ✓ One – 2009 Ford F550 Bucket Truck – (539-20) –
VIN # 1FDAX56R69EA51517
- ✓ One – 2010 Freightliner M2W Goliath MDL G370 Garbage Truck – (534-15) –
VIN # 1FVHCYBS1ADAR3667
- ✓ One – Sandmaster Sandbagger – Model Number – SM26 – Serial Number 190050187
- ✓ One – Kent Floor Finishing Machine – Model Number – KF 150A -
Serial Number – 923200201
- ✓ One – Dell Latitude D621 Laptop Computer – Model Number – PP18L
- ✓ Three – Dell Computer Keyboards
- ✓ One – Infoguard Paper Shredder
- ✓ One – Dell Optiplex 990 Computer – Service Number – 35002057969
- ✓ One – Cyberpower Battery Back-up – Serial Number – GALEX2000051

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

**PUBLIC RISK MANAGEMENT
PROPERTY AND CASUALTY
INSURANCE**

**INDIAN ROCKS BEACH CITY COMMISSION
AGENDA MEMORANDUM**

MEETING OF: September 14, 2021 **AGENDA ITEM:** 5 D

SUBMITTED AND RECOMMENDED BY: Dan Carpenter, Finance Director 

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: PRM Property/Casualty/Workers Compensation & Flood Insurance Renewal Fiscal Year 2021/22 – Authorize City Manager to sign one year agreement.

BACKGROUND:

Each year, prior to the start of the new fiscal year, staff works with PRM to obtain renewal quotes for both property/casualty/workers compensation and flood insurance. Public Risk Management of Florida (PRM) is a public entity risk-sharing pool dedicated to making insurance both available and affordable for its members. Currently, it provides property/casualty/workers compensation coverage. The City of Indian Rocks Beach has been a member of PRM since 2000 (21 years and running) and has benefitted significantly from its loss prevention support programs.

ANALYSIS:

The property/casualty/workers compensation renewal quote for FY 2021/22 provides the same level of insurance coverage and deductibles as in previous years. In total, premiums have increased only .2% to \$172,376 for FY 2021/22. Savings in general, auto, and workers compensation insurance were realized due to reductions in staffing totals. Continued rising risk in the property market led to a renewal increase for the over \$11.5 million of insured property values covered within the city.

Preferred pool membership and full participation in loss prevention programs helped to mitigate the premium renewal amount for FY 2021/22. IRB receives a 5% discount for being a drug-free workplace and a 3% discount from our workers' compensation premium for having an active safety program.

FY 2021/22 flood insurance renewals have been received for both City Hall and the Historic Museum. The market for flood insurance has experienced continued increases on properties located within high-risk flood areas over the past several years. Renewal rates for FY 2021/22 flood premiums increased \$1,392 or 7.3% for City insured properties.

MOTION:

Authorize the City Manager to sign a one year agreement to bind property and casualty insurance coverage, effective 10/1/2021, expiration 10/1/2022.



PROPOSAL PRICING & BINDING AUTHORITY

AFTER CAREFUL CONSIDERATION OF THE REFERENCED PROPOSAL, WE ACCEPT YOUR INSURANCE PROGRAM AS INDICATED WITH AN "X" BELOW:

PROPERTY & CASUALTY COVERAGES	PREMIUM BREAKDOWN			BIND	
	2020-2021	2021 – 2022	% CHANGE	YES	NO
PRM PROPERTY & CRIME	\$72,862	\$83,921			
PRM BOILER & MACHINERY	\$0	\$0			
PRM GL/LEL/AL/E&O	\$48,858	\$44,250			
PRM WORKERS' COMPENSATION	\$51,072	\$44,971			
PREFERRED MEMBER PARTICIPATION CREDIT	-\$864	-\$866			
GRAND TOTAL	\$171,928	\$172,276	0.2 %		
OPTIONAL/ANCILLARY COVERAGES					
CYBER LIABILITY	INCLUDED	INCLUDED			
POLLUTION LIABILITY	N/A	N/A			
AVIATION LIABILITY	N/A	N/A			

PAYMENT PLAN: PRM ALLOWS THEIR MEMBERS TO PAY THEIR TOTAL COSTS IN FOUR (4) QUARTERLY INSTALLMENTS. THE FIRST INSTALLMENT IS DUE AT INCEPTION AND IS EQUAL TO 25% OF ALL COSTS. THE REMAINING COSTS WILL BE PAID OVER THE NEXT THREE (3) QUARTERS.

THIS WARRANTS THAT YOU HAVE NO KNOWLEDGE OF ANY CLAIM, OR INCIDENT THAT MAY RESULT IN A CLAIM, THAT HAS NOT BEEN REPORTED TO THE INSURANCE CARRIER.

IT IS UNDERSTOOD AND AGREED THAT REFERENCED PROPOSAL PROVIDES ONLY A SUMMARY OF THE INSURANCE PROGRAM OPTIONS OFFERED. THE ACTUAL POLICIES WILL CONTAIN THE COMPLETE TERMS, CONDITIONS, DEDUCTIBLES, EXCLUSIONS, ETCETERA. PLEASE REVIEW POLICY LANGUAGE FOR A FULL UNDERSTANDING OF PURCHASED PROGRAM.

 Member Signature

 Date

 Print Member Name

SIGNED BINDING AUTHORITY TO BE RETURNED BY 9/15/2021

THIS DOCUMENT IN ITS ENTIRETY IS CONFIDENTIAL & PROPRIETARY IN NATURE - NOT FOR PUBLIC RECORD.

AGENDA ITEM NO. 6A

**CONDEMNATION PROCEEDINGS
2004 GULF BOULEVARD**



**T R A S K
D A I G N E A U L T**
LLP
A T T O R N E Y S

THOMAS J. TRASK, B.C.S.*
JAY DAIGNEAULT, B.C.S.*
ERICA F. AUGELLO, B.C.S.*
RANDY D. MORA, B.C.S.*
ROBERT ESCHENFELDER, B.C.S.*
NANCY S. MEYER
DAVID E. PLATTE
JEREMY SIMON

** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

TO:	Mayor Joanne “Cookie” Kennedy Vice Mayor Phil Hanna Commissioner Denise Houseberg Commissioner Edward Hoofnagle Commissioner Joe McCall
CC:	Brently Gregg Mims, City Manager
FROM:	Erica F. Augello, Esq., Code Enforcement Attorney, City Attorney’s Office
DATE:	September 9, 2021
RE:	2004 Gulf Blvd. Unsafe Structure and Request for Condemnation Order

Dear Mayor, Vice Mayor, and Commissioners:

This memorandum is to provide you with a recitation of the relevant code enforcement actions the City has taken against this property in an effort to gain compliance with the City’s Codes. While this property has been the subject of various Code violations over the years, this memorandum is focused solely on the garage structure located on the property. Ultimately, the property owner, Ms. Thelma Smith (See attached Ex. A) (hereinafter “Property Owner”), has failed to comply with the City’s Codes and the garage structure has been declared unsafe and a nuisance by the City’s Code Enforcement Officer Mike Kelley, pursuant to Sections 14-301 and 14-321 of the City’s Code of Ordinances.

Section 14-301 of the City’s Code allows the City Manager or his designee to declare any building “which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health and safety of the occupants or the public” unfit for occupancy and to be a nuisance, and to allow for condemnation of such a building.

Section 14-321 of the City’s Code prohibits unsafe buildings and defines same as “all residential buildings or structures used which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment”.

The narrative below and associated documents more than demonstrate the garage structure meets and exceeds the definition of an unsafe building and should be declared condemned.

On October 25, 2017, the City's previous Code Enforcement Officer, the late Jack Ouimette, issued the Property Owner a Notice to Appear to County Court for violating City Code Section 14-262(1) for failing to maintain the property constituting a blighting factor for adjoining properties. (See attached Ex. B). The Property Owner was served a Notice of Arraignment in Court Case Number 17-16020-MO, and entered a written plea of not guilty. (See attached Ex. C). Though the Property Owner pleaded not guilty to the violation, she ultimately chose to pay the \$93 fine and was adjudicated guilty by the judge. However, the property failed to come into compliance.

On June 25, 2019, the City's current Code Enforcement Officer, Mike Kelley, issued a Code Enforcement Violation Notice (City Code Enforcement Case No. 200102661) for violating City Code Section 14-262 for failing to properly maintain the property, noting the garage was in a state of disrepair with the windows, doors, and soffits being rotted, constituting a blighting factor for neighboring properties as well as posing safety issues to the general public, and constituting an attractive nuisance. (See attached Ex. D). Mr. Kelley allotted ten (10) calendar days to correct or abate the violations.

On August 7, 2019, after inspection and finding that the Property Owner failed to bring the structure into compliance, Mr. Kelley issued another Notice of Violation (City Code Enforcement Case No. 2001026760) for violating City Code Sections 14-262 and 14-321, for failing to properly maintain the structure allowing the garage to be in a state of disrepair with the windows and doors rotted, missing, or boarded up, the soffits rotted, and evidence of rats and other rodents, and for continuing to be a blighting factor for neighboring properties as well as as safety and health hazard. (See attached Ex. E). Mr. Kelley allotted ten (10) calendar days to correct or abate the violations.

On August 22, 2019, after inspection and finding the violations on the property still outstanding, Mr. Kelley issued a Notice to Appear to County Court for violating City Code Sections 14-262 and 14-321. (See attached Ex. F). The Property Owner was served a Notice of Arraignment in Court Case Number 19-14257-MO, and entered a plea of not guilty. (See attached Ex. G). Again, though the Property Owner pleaded not guilty, she opted to pay the fine of \$250 and the judge adjudicated her guilty.

The garage, however, remained in a state of disrepair and dilapidation. On December 13, 2019, Mr. Kelley, after inspection, issued a Notice to Appear to County Court for violating City Code Section 14-321, as the garage structure in its state of disrepair was deemed a prohibited unsafe building. (See attached Ex. H). The Property Owner was served a Notice of Arraignment in Court case Number 19-20080-MO, and entered a plea of not guilty. (See attached Ex. I). This case made it as far as a pre-trial hearing in February 2020, however, to avoid going to trial, the Property Owner paid the \$495 fine and was adjudicated guilty by the judge.

Unfortunately the garage structure continued to be in a state of disrepair and was rapidly deteriorating. On December 4, 2020, upon inspection, Mr. Kelley issued a Notice of Violation for violation of City Code Sections 14-263 (a) and (e), as the garage was continuing to deteriorate, had a large hole in the roof, was rodent and vermin infested, and constituted a severe blight to neighboring properties. Mr. Kelley allotted ninety (90) days to abate or correct. (See attached Ex. J).

After years of issuing notices of violations, unsuccessful court intervention, continued discussions with the property owner with promises of correction but no action, and City action at a cost to taxpayers to abate the structure, on March 9, 2021, Mr. Kelley issued a Notice of Violation pursuant to City Code Section 14-322 citing that the garage was continuing to deteriorate with a large hole in the roof, it was rodent-infested, and there were broken and boarded windows. (See attached Ex. K). Mr. Kelley determined the garage was an unsafe structure and allotted thirty (30) days to correct or abate or the City would pursue condemnation proceedings seeking to demolish the structure pursuant to City Code Sections 14-301 and 14-309. This notice was posted on the property as well as sent Certified Mail Return Receipt Requested to the Property Owner. (See attached Ex. L).

The Property Owner failed to correct or abate the violation within the thirty days, and did not appeal the determination as per City Code Section 14-308. Therefore, on August 6, 2021, pursuant to City Code Section 14-309, Mr. Kelley issued a Notice of Hearing which was both posted at the property and sent to property owner via Certified Mail Return Receipt Requested. (See attached Ex. M). The Notice specified that all interested parties are required to show cause as to why the occupant, owner, or both should not comply with the Code Violation Notice dated March 9, 2021. This Notice of Public Hearing was published in the Tampa Bay Times on August 25, 2021 and September 1, 2021, as required by the City's Code. (See attached Ex. N).

Section 14-309 (b) of the City's Code provides:

Action by city commission. If at the public hearing designated in the notice under subsection (a) of this section no objections are filed or presented, or if objections filed or presented shall be deemed insufficient by the city commission, it shall then by resolution order that the repair, alteration or improvement or vacation or closing of the building, or the removal or demolition of the building, be completed by the occupant or owner thereof within 30 days after the passage and adoption of the resolution. If the occupant or owner of the property fails to comply with the resolution in accordance with the terms thereof, the city commission shall cause the correction, repair, alteration or improvement, or vacation or closing of such building, or the removal or demolition of the building, to be done in accordance with the requirements of the minimum building or housing code.

To date, the property owner has failed to comply with the City's Code and the garage remains unsafe and in disrepair. (See attached Ex. O). The City has received no evidence from the Property Owner as of the submission of this memorandum that shows cause as to why the garage structure should not be condemned and demolished.

Respectfully,
Erica F. Augello
Erica F. Augello, Esq.
Code Enforcement Attorney

/Encl



MIKE TWITTY, MAI, CFA
Meet Mike

- Property Appraiser HOME
- Search Our Database ▶
- Appraisal Info ▶
- Forms / Change of Address
- Exemption / Save-Our-Homes / Portability ▶
- Tax Estimator
- Tangible Personal Property
- Downloads / Reports / Maps ▶
- Truth In Millage ▶
- Tax Roll / Budget / Legal ▶
- Glossary / FAQ's ▶
- Links

Interactive Map of this parcel Sales Query Back to Query Results New Search Tax Collector Home Page Contact Us

01-30-14-42030-011-0140

Compact Property Record Card

Tax Estimator
Update
Email Print Radius Search FEMA/WLM

Ownership/Mailing Address [Change Mailing Address](#) **Site Address**

SMITH, WILLIAM
SMITH, THELMA W
12506 LUCAS LN
ANCHORAGE KY 40223-1545

2004 GULF BLVD
INDIAN ROCKS BEACH

Property Use: 0110 (Single Family Home) **Current Tax District:** INDIAN ROCKS BEACH (IRB) **Total Living SF:** 1,284 **Total Gross SF:** 1,688 **Total Living Units:** 1

[click here to hide] **Legal Description**

INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E

Tax Estimator			File for Homestead Exemption		2021 Parcel Use	
Exemption	2021	2022				
Homestead:	No	No	2021 Parcel Use Homestead Use Percentage: 0.00% Non-Homestead Use Percentage: 100.00% Classified Agricultural: No			
Government:	No	No				
Institutional:	No	No				
Historic:	No	No				

Parcel Information [Latest Notice of Proposed Property Taxes \(TRIM Notice\)](#)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone <small>(NOT the same as a FEMA Flood Zone)</small>	Flood Zone <small>(NOT the same as your evacuation zone)</small>	Plat Book/Page
09358/2398	\$754,800 Sales Query	121030276031	A	Current FEMA Maps	5/6

2021 Preliminary Value Information




COUNTY COURT, PINELLAS COUNTY, FLORIDA NOTICE TO APPEAR/ORDINANCE VIOLATION					
OBTS Number	Person ID	Court Case Number			
Agency: City of Indian Rocks Bch			Report Number: (COMPLAINT) 2017-5		
THE UNDERSIGNED SWEARS THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE THAT THE BELOW NAMED DEFENDANT, AT THE TIME AND PLACE LISTED,					
Day of Week Wednesday	Month Oct	Day 25	Year 2017	Time AM	
Name First Thelma	Middle		Last SMITH		
Street 12506 Lucas Lane					
City Anchorage	State Ky	Zip Code 40223-1545	Race	Sex	
Telephone	Place of Birth	Citizenship	Soc Sec Number		
Driver License Number		State	Employment		
Date of Birth	Height	Weight	Hair Color	Eye Color	
LOCATION OF OFFENSE 2004 Gulf Blvd., Indian Rocks Beach, Florida IN PINELLAS COUNTY FLORIDA, DID COMMIT THE FOLLOWING OFFENSE: _1_ OF _1_ CHARGES					
TO-WIT: Fail to maintain property constituting blighting factor for adjoining properties					
CONTRARY TO <input type="checkbox"/> FLORIDA STATE STATUTE <input checked="" type="checkbox"/> ORDINANCE					
CITY/COUNTY OF COUNTY OF Indian Rocks Beach		SECTION 14	SUB-SECTION 262 (1)		
<input type="checkbox"/> THIS IS A MISDEMEANOR VIOLATION OF FLORIDA STATE STATUTES REQUIRING AN APPEARANCE IN COURT <input type="checkbox"/> THIS IS A CRIMINAL ORDINANCE VIOLATION REQUIRING AN APPEARANCE IN COURT, THE PAYMENT OF THE LISTED FINE, OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS <input checked="" type="checkbox"/> THIS IS A NON-CRIMINAL ORDINANCE VIOLATION REQUIRING PAYMENT OF THE LISTED FINE OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS					
COURT INFORMATION					
DATE 11-30-17	TIME 0830	COURTROOM 15	FINE \$93.00		
COUNTY JUSTICE CENTER 14250 49 TH STREET N CLEARWATER, FLORIDA 33762 I agree to (1) appear at the time and place designated above to answer to the offense charged, (2) enter a written plea of not guilty to the offense charged in person or by mail, or (3) pay the fine listed. I understand that should I willfully fail to appear, fail to enter a written plea of not guilty, or fail to pay the required fine within thirty (30) calendar days, a capias may be issued for my arrest. I certify by my signature the above listed address is correct.					
Filed #7015 3010 0000 0129 8665					
Defendant's Signature Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read this document and its attachments and that the facts in it are true and correct to the best of my knowledge and belief.  John F. Ouimette, Code Enforcement Officer					
Rank/Signature of Officer		Badge Number	Person ID		

Exhibit B

COUNTY COURT, PINELLAS COUNTY, FLORIDA
MISDEMEANOR DIVISION

Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida 33762
Phone: (727) 464-7000
11/03/2017

NOV - 6 2017

STATE OF FLORIDA vs. SMITH, THELMA
Division P
UCN: 522017MO016020000APC

PID: 310963619
CASE NUMBER: 17-16020-MO

CHARGE(s):
FAIL TO MAINTAIN PROPERTY (1 COUNT)

NOTICE OF MUNICIPAL ORDINANCE ARRAIGNMENT HEARING

***** PLEASE BRING THIS NOTICE WITH YOU *****
***** APPROPRIATE ATTIRE REQUIRED *****

**The above case is set at 8:30 AM on Thursday, December 07, 2017.
In Courtroom 15, 3rd Floor, at the Pinellas County Justice Center,
14250 49th Street North, Clearwater, Florida 33762.**

***** PLEASE DISREGARD THIS NOTICE IF PAYMENT HAS ALREADY BEEN MADE ***
(You may call (727) 464-7000 to confirm receipt of payment)**

All interested parties listed on the reverse side are notified of said ARRAIGNMENT date.

You are further notified that attorney's fees and mandatory and discretionary costs may be imposed against you. If you fail to appear as required by this court notice, and are not currently in custody, a warrant will be issued for your arrest, and your Release-On-Recognizance (ROR) will be revoked or your surety or cash bond will be estreated. If you are represented by an attorney, please contact them regarding this notice.


***** NOTICE *****

If you need a foreign language interpreter for this hearing, please call (727) 453-7177. Si usted necesita un interprete el dia de su cita en la corte, favor de llamar al (727) 453-7177.

***** See the reverse side for disability accommodation information. *****

ERICA F AUGELLO
TRASK DAIGNEAULT LLP
1001 S FORT HARRISON AVE STE 201
CLEARWATER, FL 33756




KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

DEFENDANT

SMITH, THELMA

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

17-16020MO

COUNTY COURT, PINELLAS COUNTY, FLORIDA
NOTICE TO APPEAR/ORDINANCE VIOLATION

OBTS Number		Person ID		Court Case Number	
Agency: City of Indian Rocks Beach 2017-5			Report Number: (COMPLAINT)		
THE UNDERSIGNED SWEARS THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE THAT THE BELOW NAMED DEFENDANT, AT THE TIME AND PLACE LISTED,					
Day of Week Wednesday	Month Oct	Day 25	Year 2017	Time AM	
Name First Thelma		Middle COPY		Last SMITH	
Street 12506 Lucas Lane					
City Anchorage		State Ky	Zip Code 40223-1545	Race	Sex
Telephone	Place of Birth	Citizenship		Soc Sec Number	
Driver License Number		State	Employment		
Date of Birth	Height	Weight	Hair Color	Eye Color	
LOCATION OF OFFENSE 2004 Gulf Blvd., Indian Rocks Beach, Florida IN PINELLAS COUNTY FLORIDA, DID COMMIT THE FOLLOWING OFFENSE: 1 OF 1 CHARGES					
TO-WIT: Fail to maintain property constituting blighting factor for adjoining properties					
CONTRARY TO <input type="checkbox"/> FLORIDA STATE STATUTE <input checked="" type="checkbox"/> ORDINANCE					
CITY/COUNTY CODE Indian Rocks Beach		SECTION 14	SUB-SECTION 262(1)		
<input type="checkbox"/> THIS IS A MISDEMEANOR VIOLATION OF FLORIDA STATE STATUTES REQUIRING AN APPEARANCE IN COURT.					
<input type="checkbox"/> THIS IS A CRIMINAL ORDINANCE VIOLATION REQUIRING AN APPEARANCE IN COURT, THE PAYMENT OF THE LISTED FINE, OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS.					
<input checked="" type="checkbox"/> THIS IS A NON-CRIMINAL ORDINANCE VIOLATION REQUIRING PAYMENT OF THE LISTED FINE OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS.					
COURT INFORMATION					
DATE 11-30-17	TIME 0830	COURTROOM 15	FINE \$93.00		
COUNTY JUSTICE CENTER 14250 49 TH STREET N CLEARWATER, FLORIDA 33762					
I agree to (1) appear at the time and place designated above to answer to the offense charged; (2) enter a written plea of not guilty to the offense charged in person or by mail; or (3) pay the fine listed. I understand that should I willfully fail to appear, fail to enter a written plea of not guilty, or fail to pay the required fine within thirty (30) calendar days, a capias may be issued for my arrest. I certify by my signature the above listed address is correct.					
Filed #7015 3010 0000 0129 8665					
Defendant's Signature Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read this document and its attachments and that the facts in it are true and correct to the best of my knowledge and belief. <i>John F. Ouimette</i> John F. Ouimette, Code Enforcement Officer					
Rank/Signature of Officer		Badge Number		Person ID	

Nov 2, 2017

Written Plea of Not Guilty
Notice to: County Court,
Pinellas County, Fla

Enclosed: business card
for person I have employed
to do repairs & maintenance at
2004 Gulf Blvd., Fla
I & B, Fla
There has been re-appear-
ance problems with ceiling on
W. side of house.

As for I have Improved:
1. new roof
2. 11 floors
3. All walls re finished
4. new ceiling
5. new fencing
New work begins on
exterior: windows,
doors, set walls.
work to be completed by
Nov 30, 2017.

Please remove fine - I
do not deserve of a fine
thanks. Thelma Smith
Please respond Immediately!



Administrative
727-595-2517

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

Library
727-596-1822

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

CODE VIOLATION NOTICE

08/07/2019

Thelma Smith

Re: Property located 2004 Gulf Blvd Indian Rocks Beach, Fl 33785 Parcel 01-30-14-42030-011-0140

Dear Property Owner:

It has recently come to our attention that the property described above is in violation of **Chapter 14 Section 262 & 321 and Section 26-61** of the Indian Rocks Beach City Code. The specific violation, verified by an inspection, pursuant to **F.S. 162, on 08/07/2019** is as follows:

PROPERTY & STRUCTURE NOT BEING MAINTAINED. WEEDS, GRASS, BUSHES, & TREES OVERGROWN. EVIDENCE OF POISON IVY. HOUSE AND GARAGE BOTH IN STATE OF DISREPAIR. WINDOWS, DOORS ROTTED, MISSING OR BOARDED UP, SOFFETS ROTTED. EVIDENCE OF RATS AND OTHER RODENTS. THIS CONSTITUTES A BLIGHTING FACTOR FOR NEIGHBORING PROPERTIES AS WELL AS A SAFETY AND HEALTH HAZARD.

The condition listed above constitutes a building code/municipal code violation. You are being notified because public records indicate that you own this property. It is your responsibility to see that this violation is abated or corrected within Ten (10) calendar days of receipt of this notice, pursuant to Florida Statutes 162.

When the violation is corrected, it will also be your responsibility to contact the City of Indian Rocks Beach Code Enforcement Department, at (727) 517-0404, between the hours of 7:00 a.m. and 12:00 noon, Monday through Friday, to request a follow-up inspection. If you fail to do so, and the Code Enforcement Officer finds that the violation has not been corrected within the time period, the Code Enforcement Officer will issue a Notice to Appear to the owner pursuant to Florida Statutes 162 or the violation will be corrected by the city or a designee and property owner will be assessed actual cost plus \$100.00 administrative fee or both.

Respectfully, Mike Kelley – Code Enforcement Officer – 727-595-2517

CITY OF INDIAN ROCKS BEACH

Certified Mail #7016 3560 0000 8713 5662

CASE # 200102670

Exhibit E

COUNTY COURT, PINELLAS COUNTY, FLORIDA NOTICE TO APPEAR/ORDINANCE VIOLATION					
OBTS Number	Person ID	Court Case Number			
Agency: <i>City of Indian Rocks Beach</i>			Report Number: (COMPLAINT) <i>20110276</i>		
THE UNDERSIGNED SWEARS THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE THAT THE BELOW NAMED DEFENDANT, AT THE TIME AND PLACE LISTED.					
Day of Week <i>Thursday</i>	Month <i>8</i>	Day <i>22</i>	Year <i>2019</i>	Time <i>10:50 AM</i>	
Name First <i>Trulma</i>	Middle <i>W</i>	Last <i>Smith</i>			
Street <i>12506 Lucas Ln</i>					
City <i>Anchorage</i>	State <i>KY</i>	Zip Code <i>40233</i>	Race	Sex <i>F</i>	
Telephone	Place of Birth	Citizenship	Soc Sec Number		
Driver License Number	State	Employment			
Date of Birth	Height	Weight	Hair Color	Eye Color	
LOCATION OF OFFENSE: <i>2004 Gulf Blvd Indian Rocks Beach FL</i>					
IN PINELLAS COUNTY FLORIDA, DID COMMIT THE FOLLOWING OFFENSE: <i>1 OF 1 CHARGES Did Allow House & Garage to</i>					
TO-WIT: <i>become dilapidated, unsafe and</i> <i>Attractive Nuisance Property overgrown,</i> <i>weeds, grass trees neglected. Evidence</i> <i>of rats, rodents poisoning. Blighting</i> <i>factor as well as safety and</i> <i>Health hazard</i>					
CONTRARY TO <input type="checkbox"/> FLORIDA STATE STATUTE <input checked="" type="checkbox"/> ORDINANCE					
CITY/COUNTY OF: <i>Indian Rocks Beach</i>		SECTION <i>26-61</i>	SUB-SECTION <i>17-221</i>		
<input type="checkbox"/> THIS IS A MISDEMEANOR VIOLATION OF FLORIDA STATE STATUTES REQUIRING AN APPEARANCE IN COURT. <input type="checkbox"/> THIS IS A CRIMINAL ORDINANCE VIOLATION REQUIRING AN APPEARANCE IN COURT. THE PAYMENT OF THE LISTED FINE, OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS. <input checked="" type="checkbox"/> THIS IS A NON-CRIMINAL ORDINANCE VIOLATION REQUIRING PAYMENT OF THE LISTED FINE OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS.					
COURT INFORMATION					
DATE <i>9-19-19</i>	TIME <i>8:30 AM</i>	COURTROOM <i>16</i>	FINE <i>250.00</i>		
COUNTY JUSTICE CENTER 14250 49 TH STREET N CLEARWATER, FLORIDA 33762 I agree to (1) appear at the time and place designated above to answer to the offense charged; (2) enter a written plea of not guilty to the offense charged in person or by mail; or (3) pay the fine listed. I understand that should I willfully fail to appear, fail to enter a written plea of not guilty, or fail to pay the required fine within thirty (30) calendar days, a capias may be issued for my arrest. I certify by my signature the above listed address is correct.					
Defendant's Signature					
Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read this document and its attachments and that the facts in it are true and correct to the best of my knowledge and belief. <i>Code Enforcement 4038 [Signature]</i>					
Rank/Signature of Officer		Badge Number	Person ID		

Revised 02/2014

Exhibit F

**COUNTY COURT, PINELLAS COUNTY, FLORIDA
MISDEMEANOR DIVISION**

Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida 33762
Phone: (727) 464-7000
09/04/2019

STATE OF FLORIDA vs. SMITH, THELMA W
Division P
UCN: 522019MO014257000APC

PID: 311377710
CASE NUMBER: 19-14257-MO

CHARGE(s):

DID ALLOW HOUSE & GARAGE TO BECOME DILAPIDATED (1 COUNT)

NOTICE OF MUNICIPAL ORDINANCE ARRAIGNMENT HEARING

******* PLEASE BRING THIS NOTICE WITH YOU *****
***** APPROPRIATE ATTIRE REQUIRED *******

**The above case is set at 1:30 PM on Thursday, October 03, 2019.
In Courtroom 16, 3rd Floor, at the Pinellas County Justice Center,
14250 49th Street North, Clearwater, Florida 33762.**

***** PLEASE DISREGARD THIS NOTICE IF PAYMENT HAS ALREADY BEEN MADE ***
(You may call (727) 464-7000 to confirm receipt of payment)**

All interested parties listed on the reverse side are notified of said ARRAIGNMENT date.

You are further notified that attorney's fees and mandatory and discretionary costs may be imposed against you. If you fail to appear as required by this court notice, and are not currently in custody, a warrant will be issued for your arrest, and your Release-On-Recognizance (ROR) will be revoked or your surety or cash bond will be estreated. If you are represented by an attorney, please contact them regarding this notice.

***** NOTICE *****

If you need a foreign language interpreter for this hearing, please call (727) 453-7177. Si usted necesita un interprete el dia de su cita en la corte, favor de llamar al (727) 453-7177.

***** See the reverse side for disability accommodation information. *****

RANDY D MORA
TRASK DAIGNEAULT LLP
1001 S FT HARRISON AVE STE 201
CLEARWATER, FL 33756




KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

Exhibit G

DEFENDANT

SMITH, THELMA W

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

9-6-2019

1914257MO JW

A Plea of Not Guilty

2004 Gulf Blvd, Indian Rocks Beach,
FL 33785

FILED
CRIMINAL COURT RECORDS
2019 SEP 10 AM 11:30
HER BURKE
CLERK OF CIRCUIT COURT

I, Helma Smith, trusted Austin
Bell to do trimming & repairs in
exchange for staying on the property for
6 months. He occupied the property
but did not trim or repair. I
have immediate plans for trimming &
repairing my property to begin very
soon.

If this charge cannot be removed.
Please allow a payment plan. I am a retired
teacher & have no income from same.

Cordially
Helma Smith

COUNTY COURT, PINELLAS COUNTY, FLORIDA NOTICE TO APPEAR/ORDINANCE VIOLATION					
OBTS Number	Person ID	Court Case Number			
Agency: <i>City of Indian Rocks Beach</i>			Report Number: (COMPLAINT) <i>200102720</i>		
THE UNDERSIGNED SWEARS THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE THAT THE BELOW NAMED DEFENDANT, AT THE TIME AND PLACE LISTED:					
Day of Week <i>Friday</i>	Month <i>12</i>	Day <i>13</i>	Year <i>2019</i>	Time <i>12:00</i>	
Name First <i>Thelma</i>	Middle <i>W</i>	Last <i>Smith</i>			
Street <i>12506 Lucas Ln</i>					
City <i>Anchorage</i>	State <i>KY</i>	Zip Code <i>40233</i>	Race	Sex <i>F</i>	
Telephone	Place of Birth	Citizenship	Soc Sec Number		
Driver License Number	State	Employment			
Date of Birth	Height	Weight	Hair Color	Eye Color	
LOCATION OF OFFENSE <i>3004 Gulf Blvd Indian Rocks Beach FL</i>					
IN PINELLAS COUNTY FLORIDA, DID COMMIT THE FOLLOWING OFFENSE: <i>1</i> OF <i>1</i> CHARGES					
TO-WIT: <i>Violation of Sec 14-321</i>					
<i>City Ordinance</i>					
<i>"Unsafe Buildings Prohibited"</i>					
CONTRARY TO <input type="checkbox"/> FLORIDA STATE STATUTE <input checked="" type="checkbox"/> ORDINANCE					
CITY/COUNTY OF <i>Indian Rocks Beach</i>		SECTION <i>14-321</i>	SUB-SECTION		
<input type="checkbox"/> THIS IS A MISDEMEANOR VIOLATION OF FLORIDA STATE STATUTES REQUIRING AN APPEARANCE IN COURT <input type="checkbox"/> THIS IS A CRIMINAL ORDINANCE VIOLATION REQUIRING AN APPEARANCE IN COURT, THE PAYMENT OF THE LISTED FINE, OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS <input checked="" type="checkbox"/> THIS IS AN ORDINANCE VIOLATION REQUIRING PAYMENT OF THE LISTED FINE OR A WRITTEN PLEA OF NOT GUILTY TO THE OFFENSE CHARGED IN PERSON OR BY MAIL WITHIN THIRTY (30) CALENDAR DAYS					
COURT INFORMATION					
DATE <i>1-16-2020</i>	TIME <i>AM</i> <i>8:30</i>	COURTROOM <i>16</i>	FINE <i>495.00</i>		
PINELLAS COUNTY JUSTICE CENTER 14250 49 TH STREET N CLEARWATER, FLORIDA 33762					
I agree to (1) appear at the time and place designated above to answer to the offense charged, (2) enter a written plea of not guilty to the offense charged in person or by mail or (3) pay the fine listed. I understand that should I willfully fail to appear, fail to enter a written plea of not guilty, or fail to pay the required fine within thirty (30) calendar days a capias may be issued for my arrest.					
I certify by my signature the above listed address is correct.					
Defendant's Signature					
Pursuant to F.S. 92.525 and under penalty of perjury, I declare that I have read this document and its attachments and that the facts in it are true and correct to the best of my knowledge and belief.					
<i>Code Officer</i>		<i>6038</i>	<i>[Signature]</i>		
Rank/Signature of Officer		Badge Number	Person ID		

Exhibit H

**COUNTY COURT, PINELLAS COUNTY, FLORIDA
MISDEMEANOR DIVISION**

Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida 33762
Phone: (727) 464-7000
12/20/2019

STATE OF FLORIDA vs. SMITH, THELMA W.
Division P
UCN: 522019MO020080000APC

PID: 311443253
CASE NUMBER: 19-20080-MO

CHARGE(s):
UNSAFE BUILDINGS PROHIBITED (1 COUNT)

NOTICE OF MUNICIPAL ORDINANCE ARRAIGNMENT HEARING

******* PLEASE BRING THIS NOTICE WITH YOU *****
***** APPROPRIATE ATTIRE REQUIRED *******

**The above case is set at 1:30 PM on Thursday, January 16, 2020.
In Courtroom 16, 3rd Floor, at the Pinellas County Justice Center,
14250 49th Street North, Clearwater, Florida 33762.**

***** PLEASE DISREGARD THIS NOTICE IF PAYMENT HAS ALREADY BEEN MADE ***
(You may call (727) 464-7000 to confirm receipt of payment)**

All interested parties listed on the reverse side are notified of said ARRAIGNMENT date.

You are further notified that attorney's fees and mandatory and discretionary costs may be imposed against you. If you fail to appear as required by this court notice, and are not currently in custody, a warrant will be issued for your arrest, and your Release-On-Recognizance (ROR) will be revoked or your surety or cash bond will be estreated. If you are represented by an attorney, please contact them regarding this notice.

***** NOTICE *****

If you need a foreign language interpreter for this hearing, please call (727) 453-7177. Si usted necesita un interprete el dia de su cita en la corte, favor de llamar al (727) 453-7177.

***** See the reverse side for disability accommodation information. *****

ERICA F AUGELLO
TRASK DAIGNEAULT LLP
1001 SOUTH FORT HARRISON AVE
SUITE 201
CLEARWATER, FL 33756




KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

Exhibit I

DEFENDANT

SMITH, THELMA W.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

12-18-2019

Written Plea of Not Guilty

to Violation of Sec 14-321
I was served without warning,
2004 Gulf Blvd., JRB, Fla

I have begun work at this address
as of Fall, 2019. Further work will

continue January 2020. This is my
vacation home and is not open for residents.

It is Not Rental property!

If I have the right, I will repair & improve
my property & grounds. It takes time to do mefaro
work.

Please answer me. I am 88 years old and want
to exercise my rights as a property owner. At
this time, I am physically unable to travel
to Fla.
(ardually)

Jubone Smith

Further: I am accused of an violations while
working to correct.

FILED
CRIMINAL COURT RECORDS
2019 DEC 26 AM 11:12
NEW ORLEANS
CLERK OF CIRCUIT COURT

12/04/2020

**CODE VIOLATION NOTICE LETTER
#220102791**

THELMA SMITH

PROPERTY LOCATED AT 2004 GULF BLVD, INDIAN ROCKS BEACH, FL. 33785
PARCEL # 01-30-14-42030-011-0140

The property described above is in violation of **Sec 14-263(a) & 14-263(e)** of the Indian Rocks Beach City Code. The specific violation, verified by an inspection, pursuant to F.S. 162, on DEC 04 , 2020 is as follows.

GARAGE DETERIORATING, LARGE HOLE IN ROOF , RODENT/VERMIN INFESTED , SEVERE BLIGHT TO ADJOINING PROPERTIES. HOUSE IN STATE OF DISREPAIR, BROKEN WINDOW, ROTTING WOOD, PEELING PAINT, OVERALL INADEQUATE CONDITION.

The condition listed above constitutes a building code/municipal code violation. You are being notified because public records indicate that you own this property. It is your responsibility as owner of the property to see that this violation is abated or corrected within **(90) calendar days of receipt of this notice**, pursuant to Florida Statutes 162.

When the violation is corrected, it will also be your responsibility to contact the City of Indian Rocks Beach Code Enforcement Department, at (727) 595-2517, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, to request a follow-up inspection.

IF THESE VIOLATIONS ARE NOT ABATED OR CORRECTED THE CITY SHALL PURSUE CONDEMNATION OF THE PROPERTY PURSUANT TO SEC 14-301 OF MUNICIPAL CODE.

Respectfully,

Mike Kelley – Code Enforcement Officer – City of Indian Rocks Beach – 727-595-2517

Exhibit J



Administrative
727 595 2517
727 596 4759 (Fax)

Library
727 596 1822

Public Services
727 595 6889
727 593 5137 (Fax)

**CODE VIOLATION NOTICE
CASE # 200102796**

03/09/2021

THELMA SMITH

Re: Property located at 2004 GULF BLVD, INDIAN ROCKS BEACH, FL 33785

The property located at 2004 GULF BLVD, INDIAN ROCKS BEACH, FL 33785, more particularly described as INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, is in violation of Sec. 14-263 (a)(e), Sec. 14-301, and Sec. 14-321 of the Indian Rocks Beach Municipal Code. These violations, verified by an inspection conducted on March 8th, 2021, pursuant to Chap. 162, F.S., are as follows:

GARAGE ON PROPERTY DETERIORATING, LARGE HOLE IN ROOF, RODENT INFESTED, WINDOWS BROKEN & BOARDED. HOUSE IS IN STATE OF DISREPAIR, BROKEN & BOARDED WINDOWS & DOORS, ROTTING WOOD, PEELING PAINT, LEAKING ROOF. FENCE ON PROPERTY ROTTED & FALLING DOWN.

The condition listed above constitutes a building code/municipal code violation. You are being notified because public records indicate that you own this property. It is your responsibility to see that this violation is abated or corrected within THIRTY (30) calendar days from the date of this notice, pursuant to Chap. 162, F.S., and Chap. 14 of the City of Indian Rocks Beach Municipal Code.

When the violation is corrected, it is your responsibility to contact the City of Indian Rocks Beach Code Enforcement Department, at (727) 595-2517, between the hours of 7:30 a.m. and 4:00 pm, Monday through Friday, to request a follow-up inspection.

IF THESE VIOLATIONS ARE NOT ABATED OR CORRECTED THE CITY SHALL PURSUE CONDEMNATION AND DEMOLITION OF THE PROPERTY PURSUANT TO SEC 14-301 & 14-309, CITY OF INDIAN ROCKS BEACH CODE.

Respectfully, Mike Kelley - Code Enforcement Officer - 727-595-2517
CITY OF INDIAN ROCKS BEACH

Exhibit K

City of Indian Rocks Beach
 Attention: Elizabeth Atkinson
 1507 Bay Palm Blvd
 Indian Rocks Beach, FL 33785

Date 4/20/2021
 Invoice # 1021

Bill To
 THELMA W. SMITH
 12506 LUCAS LANE
 ANCHORAGE, KY 40223-1545

Ship To
 THELMA W. SMITH
 12506 LUCAS LANE
 ANCHORAGE, KY 40223

P.O. #
 Terms Due on receipt

Ship Date 4/20/2021
 Due Date 4/20/2021
 Other

Item	Description	Qty	Price	Amount
Maintenance	PROPERTY CLEANUP AT 2004 GULF BLVD INDIAN ROCKS BEACH FL 33785 ON MARCH 12 2021		150 03	150 03
Maintenance	PROPERTY CLEANUP AT 2004 GULF BLVD INDIAN ROCKS BEACH FL 33785 ON APRIL 15 2021		1 291 50	1 291 50
Administrative	Administrative Fee		100 00	100 00

001-115-004-000-000 Lot Mowing

City of Indian Rocks Beach

www.indian-rocks-beach.com

727-595-2517

Subtotal	\$1,541.53
Sales Tax (0.0%)	\$0.00
Total	\$1,541.53
Payments / Credits	\$0.00
Balance Due	\$1,541.53

Kelley, Mike

From: Scharmen, Dean
Sent: Friday, April 16, 2021 9:21 AM
To: Kelley, Mike
Cc: Mims, Gregg; Carpenter, Dan; Olson, Colleen
Subject: Property Clean Up - Thelma Smith 2004 Gulf Boulevard

Good Morning Mike

Please be advised of the following costs incurred for the Property Clean Up - Thelma Smith 2004 Gulf Boulevard:

Force Account Labor = \$665.19
Equipment = \$314.00
Window Boarding = \$31.12
Yard Waste Removal = \$131.25
Dump Fees = \$149.94

Total = \$1291.50

Thank You, Be Safe and Be Kind !!!

Respectfully,



Dean A. Scharmen
Public Services Director
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, Florida 33785
T-727/595-6889
F-727/593-5137
dscharmen@irbcity.com

Florida Public Works - First to Respond, Last to Leave
www.apwafloida.com

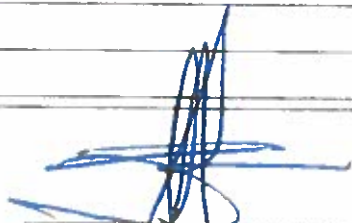
All government correspondence is subject to the public records law.

CITY OF INDIAN ROCKS BEACH

Employee # 148 Date 4.15.21 through _____
 Employee Name Thomas Pitterich
 Department Public Services

DATE	HOURS	JOB
4.15.21	7	Clean up property 2004 Gulf Blvd
		Equip.
		539.19 Backhoe (5) =
		+HS =
		\$ 107.50
		\$ 172.09
TOTAL	HOURS	


 Employee Signature


 Supervisor Signature

- LEGEND**
- V - Vacation
 - H - Holiday
 - FH - Floating Holiday
 - S - Sick Leave
 - OT - Overtime
 - T - Training/Seminar
 - R - Recycling
 - WC - Workers Compensation

CITY OF INDIAN ROCKS BEACH

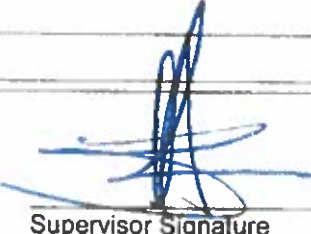
Employee # 206 Date _____ through 4-15-01 ^(CAN)

Employee Name Dave Tatch

Department Pubic Services

DATE	HOURS	JOB
4-15	7	Cleaned up 204 Gulf Blvd.
		EQUIP
		CHAINSAW = 2 HRS
		= \$ 3.50
		\$ 170.00
TOTAL	7	HOURS

Employee Signature 

Supervisor Signature 

LEGEND:

- V - Vacation
- H - Holiday
- FH - Floating Holiday
- S - Sick Leave
- OT - Overtime
- T - Training/Seminar
- R - Recycling
- WC - Workers Compensation

CITY OF INDIAN ROCKS BEACH

Employee # _____ Date 4/15/21 through _____

Employee Name Ludie Regali

Department Public Service

DATE	HOURS	JOB
4-15	7	cleaned up 2004 Gulf Blvd used Truck 534-20
		↓
		1 HA = \$14.7
TOTAL	7	HOURS

\$145.32


Employee Signature


Supervisor Signature

- LEGEND:**
- V - Vacation
 - H - Holiday
 - FH - Floating Holiday
 - S - Sick Leave
 - OT - Overtime
 - T - Training/Seminar
 - R - Recycling
 - WC - Workers Compensation

CITY OF INDIAN ROCKS BEACH

Employee # 191 Date 4/15/2021

Employee Name ROBERT ASHLEY

Department Public Services
Title 2004 GULF BLVD

DATE	HOURS	JOB
<u>4/15</u>	<u>1.00</u>	
<u>QTY 1</u>	<u>831.12</u>	<u>1/2" X 4 X 8 UTILITIES</u>
		<u>TRUCK 539-12</u>
		<u>\$14.-</u>
		<u>\$24.74</u>
TOTAL		




Employee Signature Supervisor Signature

LEGEND: V - Vacation S - Sick Leave R - Recycling
 H - Holiday OT - Overtime T - Training/Seminar
 P - Personal Da WC - Workers Compensation

Angelo's Aggregate Material LTD.
 dba Angelo's Recycled Materials
 1755 20th Ave S.E.
 Largo, FL 33771
 PH (727) 588-9529 Fax (727) 585-2134

Ticket # 291886 INVOICE
 Truck # City of IRB INBOUND
 Ref: 539 23
 Date: 4/15/21
 Time In: 10:49 am
 Time Out: 11:00 am
 REPRINT
 Cust # 004150 - City of Indian Rocks Beach
 Name: 1507 Bay Palm Blvd

Contract Largo Gate Rate Inbound
 BOL

GROSS 15,280 lbs
 TARE 11,640 lbs
 NET 3,640 lbs
 NET TONS 1.82 TN
 Volume 0.00

Payment On Account
 Origin Pinellas County

Description	Amount
Class III (Ton)	1.82 TN @ \$42.00

Scale Operator: CassandraC

Angelo's Aggregate Material LTD.
 dba Angelo's Recycled Materials
 1755 20th Ave S.E.
 Largo, FL 33771
 PH (727) 588-9529 Fax (727) 585-2134

Ticket # 291704 INVOICE
 Truck # City of IRB INBOUND
 Ref: 534 22
 Date: 4/15/21
 Time In: 11:22 am
 Time Out: 11:31 am
 REPRINT
 Cust # 004150 - City of Indian Rocks Beach
 Name: 1507 Bay Palm Blvd

Contract Largo Gate Rate Inbound
 BOL

GROSS 28,680 lbs
 TARE 24,300 lbs
 NET 4,380 lbs
 NET TONS 2.19 TN
 Volume 0.00

Payment On Account
 Origin Pinellas County

Description	Amount
Class III (Ton)	2.19 TN @ \$42.00

Scale Operator: CassandraC

REPRINT

Angelo's Aggregate Material LTD.
 dba Angelo's Recycled Materials
 1755 20th Ave S E
 Largo, FL 33771

Ticket # 291854 INVOICE
 Truck # City of IRB INBOUND
 Ref: 539 23
 Date: 4/16/21
 Time In: 8:02 am
 Time Out: 8:11 am

Cust # 4150
 Name City of Indian Rocks Beach

Contract Largo Gate Rate Inbound
 BOL

GROSS 15,140 lbs
 TARE 11,640 lbs
 NET 3,500 lbs
 NET TONS 1.75 TN
 Volume 0.00

Payment On Account
 Origin Pinellas County

Description	Amount
Class III (Ton)	

Scale Operator: CassandraC

Kelley, Mike

From: Scharmen, Dean
Sent: Monday, March 15, 2021 11:50 AM
To: Kelley, Mike
Cc: Carpenter, Dan; Mims, Gregg; Olson, Colleen
Subject: Thelma Smith Property

Good Morning Mike

Please be advised that the City incurred the following costs in regards to securing the Thelma Smith Property on Friday, March 12, 2021.

Materials	= \$76.02
FAL	= \$74.01
Total	=\$150.03

Thank You, Be Safe and Be Kind !!!

Respectfully,



Dean A. Scharmen
Public Services Director
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, Florida 33785
T-727/595-6889
F-727/593-5137
dscharmen@irbcity.com

Florida Public Works - *First to Respond, Last to Leave*
www.apwafloida.com

All government correspondence is subject to the public records law.





3/12/2020

Exhibit L



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

Library
727/596 1822

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

**CODE VIOLATION NOTICE
CASE # 200102796**

03/09/2021

THELMA SMITH

Re: Property located at 2004 GULF BLVD, INDIAN ROCKS BEACH, FL 33785

The property located at 2004 GULF BLVD, INDIAN ROCKS BEACH, FL 33785, more particularly described as INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, is in violation of Sec. 14-263 (a)(e), Sec. 14-301, and Sec. 14-321 of the Indian Rocks Beach Municipal Code. These violations, verified by an inspection conducted on March 8th, 2021, pursuant to Chap. 162, F.S., re as follows:

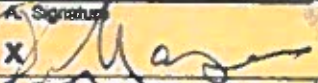
GARAGE ON PROPERTY DETERIORATING, LARGE HOLE IN ROOF, RODENT INFESTED, WINDOWS BROKEN & BOARDED. HOUSE IS IN STATE OF DISREPAIR, BROKEN & BOARDED WINDOWS & DOORS, ROTTING WOOD, PEELING PAINT, LEAKING ROOF. FENCE ON PROPERTY ROTTED & FALLING DOWN.

The condition listed above constitutes a building code/municipal code violation. You are being notified because public records indicate that you own this property. It is your responsibility to see that this violation is abated or corrected within THIRTY (30) calendar days from the date of this notice, pursuant to Chap. 162, F.S., and Chap. 14 of the City of Indian Rocks Beach Municipal Code.

When the violation is corrected, it is your responsibility to contact the City of Indian Rocks Beach Code Enforcement Department, at (727) 595-2517, between the hours of 7:30 a.m. and 4:00 pm, Monday through Friday, to request a follow-up inspection.

IF THESE VIOLATIONS ARE NOT ABATED OR CORRECTED THE CITY SHALL PURSUE CONDEMNATION AND DEMOLITION OF THE PROPERTY PURSUANT TO SEC 14-301 & 14-309, CITY OF INDIAN ROCKS BEACH CODE.

Respectfully, Mike Kelley - Code Enforcement Officer - 727-595-2517
CITY OF INDIAN ROCKS BEACH

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p>B. Received by (Printed Name) C. <i>3/6/21</i></p>												
<p>1. Article Addressed to:</p> <p><i>Thelma W Smith 12506 Lucas Lane Anchorage, KY 40223-1545</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>9590 9402 2903 7094 7576 98</p> <p>2. Article Number (Transfer from service label)</p> <p><i>7016 3560 0000 8713 6010</i></p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table> <p>Restricted Delivery</p>	<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only											
For delivery information, visit our website at www.usps.com											
OFFICIAL USE											
Certified Mail Fee \$											
Extra Services & Fees (check box, add fee as appropriate) <table border="0"> <tr> <td><input checked="" type="checkbox"/> Return Receipt (hardcopy)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (electronic)</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Required</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td>\$</td> </tr> </table>	<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$	<input type="checkbox"/> Return Receipt (electronic)	\$	<input type="checkbox"/> Certified Mail Restricted Delivery	\$	<input type="checkbox"/> Adult Signature Required	\$	<input type="checkbox"/> Adult Signature Restricted Delivery	\$	<div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;"> <p>MAR 9 2021</p> <p>Postmark Here</p> <p>U.S. PS</p> </div>
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$										
<input type="checkbox"/> Return Receipt (electronic)	\$										
<input type="checkbox"/> Certified Mail Restricted Delivery	\$										
<input type="checkbox"/> Adult Signature Required	\$										
<input type="checkbox"/> Adult Signature Restricted Delivery	\$										
Postage \$											
Total Postage and Fees \$ <i>6.91</i>											
Sent To <i>Thelma W Smith</i> Street and Apt. No., or PO Box No. <i>12506 Lucas Lane</i> City, State, ZIP+4® <i>Anchorage KY 40223-1545</i>											
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions											

7016 3560 0000 8713 6010

CITY OF INDIAN ROCKS BEACH, FLORIDA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will hold public hearing to consider the following:

**CONDEMNATION PROCEEDINGS
2004 Gulf Boulevard
Indian Rocks Beach, FL 33785**

The garage (structure) on the property located at 2004 GULF BOULEVARD, INDIAN ROCKS BEACH, FL 33785, more particularly described as INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E. in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, has been declared unsafe and a nuisance pursuant to Sections 14-301 and 14-321 of the Indian Rocks Beach Municipal Code, and is subject to condemnation proceedings under Section 14-309 of the Indian Rocks Beach Municipal Code.

Meeting Date:	Tuesday, September 14, 2021
Time:	7:00 p.m., or as soon thereafter
Meeting Location:	Indian Rocks Beach Commission Chambers 1507 Bay Palm Boulevard Indian Rocks Beach, Florida

ALL INTERESTED PERSONS ARE REQUIRED TO SHOW CAUSE AS TO WHY THE OCCUPANT, OWNER, OR BOTH SHOULD NOT COMPLY WITH THE CODE VIOLATION NOTICE DATED MARCH 9, 2021.

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

In accordance with the Americans with Disability Act and s. 286.26, F.S., any persons with disabilities requiring reasonable accommodation in order to participate in this proceeding should call the City Clerk's Office with their request at 727/595-2517 or email doreilly@irbcity.com no later than seven days prior to the proceeding for assistance.

Deanne B. O'Reilly, MMC, City Clerk

Exhibit M

CITY OF INDIAN ROCKS BEACH
Petitioner,

v.

THELMA SMITH

PARCEL # 01-30-14-42048-087-0220

PROPERTY ADDRESS:

2004 GULF BLVD
INDIAN ROCKS BEACH, FL 33785

LEGAL DESCRIPTION:
INDIAN BEACH RE-REVISED BLK
11, LOTS 14 & 15 LESS RD ON E


AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Michael Kelley, Code Enforcement Officer for the City of Indian Rocks Beach, who after being duly sworn, deposes and says that on 08/06/2021, a Notice of Hearing was posted at the above-property address.

FURTHER AFFIANT SAYETH NOT.

Dated this 6th day of August, 2021

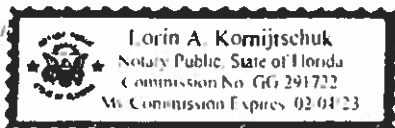


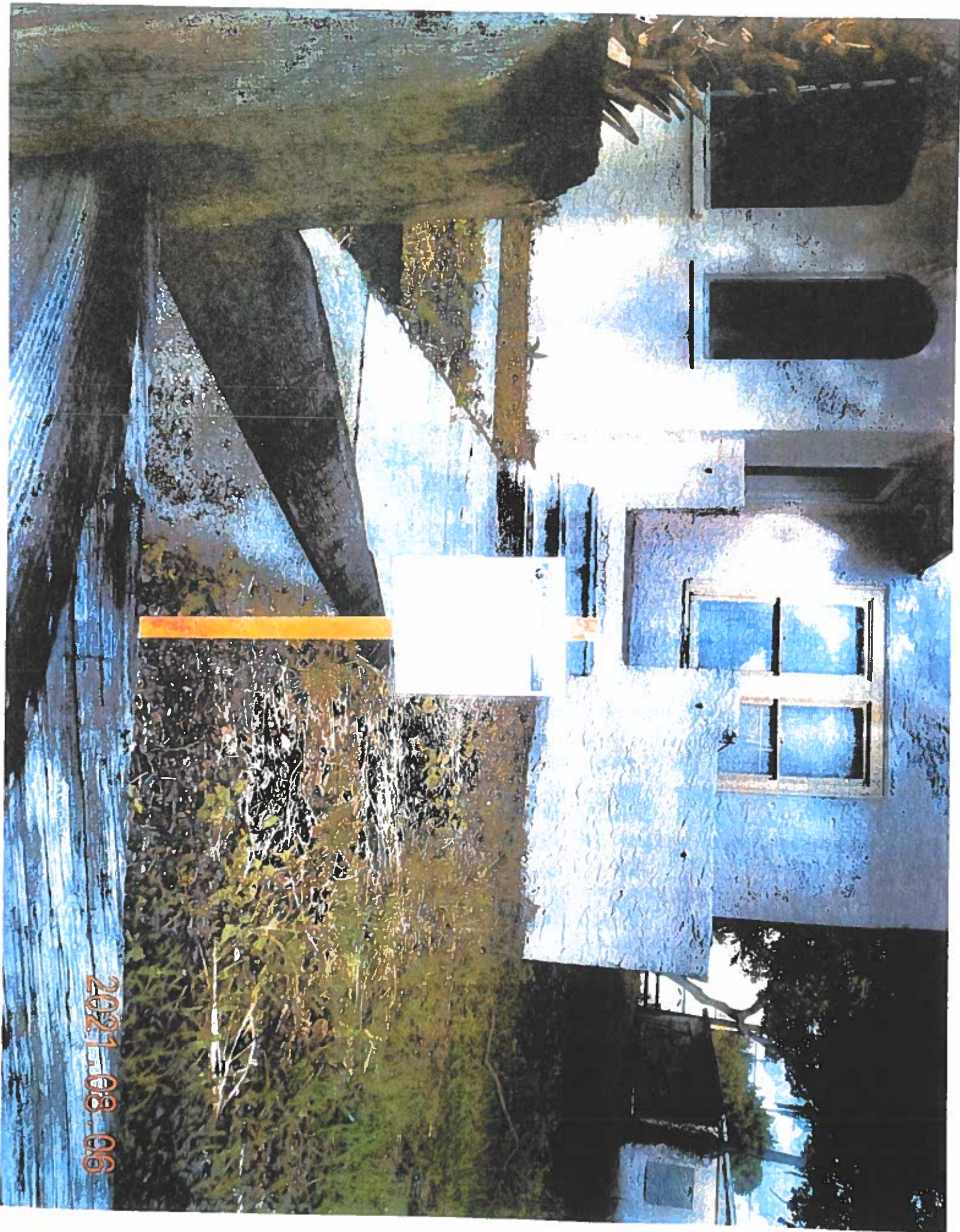
Michael Kelley, Code Enforcement Officer

PERSONALLY appeared before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, Michael Kelley, who first being duly sworn, acknowledges before me that the information contained herein is true and correct. He is personally known to me and has produced a Florida Driver's License as identification and did take an oath.

WITNESS my hand and official seal this 6 day of August, 2021

Lorin A. Kornijtschuk
Notary Public
My Commission Expires: 2/4/2023





2021.08.06

**NOTICE OF PUBLIC HEARING
THE CITY OF INDIAN ROCKS BEACH
THURSDAY, MARCH 19, 2021, 7:00 PM
1507 BAYVIEW BLVD. BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 32113**

The City Commission of the City of Indian Rocks Beach, Pasco County, Florida, will conduct a public hearing on Thursday, September 19, 2021, which meeting will begin at 7:00 p.m., at the Beach Pavilion, 1507 Bay View Boulevard, Indian Rocks Beach, Florida, on each Wednesday of Case No. 200101795 to address the following:

WILLIAM SMITH

Project Address:
2004 Gulf Blvd.,
Indian Rocks Beach, FL 32113

Neighbor Address:
1286 Linn Lane,
Aventura, FL 33155

The project (structure) on the property located at 2004 GULF BLVD, INDIAN ROCKS BEACH, FL 32113, more particularly described as INDIAN BEACH RE-REVISED PLAT 1, LOTS 91 & 92, 15155 RD B/W/ ON E, as the more recent, according to the Pasco County Official Assessor Book 0039 Page 2396, has been declared vacant and a nuisance per se under Section 160.04(4)(a) of the Indian Rocks Beach Municipal Code, and is subject to the same provisions under Section 160.096 of the Indian Rocks Beach Municipal Code.

ALL INTERESTED PERSONS ARE REQUIRED TO SHOW UP AS AT THE WHY THE OCCUPANT, OWNER, OR BOTH SHOULD NOT COMPLY WITH THE CODE VIOLATION NOTICE DATED MARCH 9, 2021.

If you desire schedule a public hearing, you may appear at the City Commission meeting on said date, or submit in writing your evidence or objections. Due to the COVID-19 pandemic, the public hearing will be held at the Indian Rocks Beach Municipal Code, and is subject to the same provisions under Section 160.04(4)(a) of the Indian Rocks Beach Municipal Code, and is subject to the same provisions under Section 160.096 of the Indian Rocks Beach Municipal Code.

If you present evidence to a decision made at the public hearing, you will need a signed copy of the evidence and a copy of the decision made at the public hearing. The evidence should be submitted to the City Clerk's Office, 1507 Bay View Boulevard, Indian Rocks Beach, Florida 32113, no later than 5:00 p.m. on the day of the public hearing. The evidence should be submitted to the City Clerk's Office, 1507 Bay View Boulevard, Indian Rocks Beach, Florida 32113, no later than 5:00 p.m. on the day of the public hearing.

concordance with the Amendments with Disability Act and a 2001-2002 public hearing regarding reasonable accommodations. In order to participate in the public hearing, you must contact the City Clerk's Office with your request. Telephone: 771-274-2312 or email: clerk@indianrocksbeach.com. No later than 5:00 p.m. (P) business days prior to the proceeding for review.

2021.08.06



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

Library
727/596-1822

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

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

The City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will conduct a public hearing on **Tuesday, September 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **Code Enforcement Case No. 200102796** to address the following:

THELMA SMITH
WILLIAM SMITH

Property Address: 2004 Gulf Boulevard
Indian Rocks Beach, FL 33785

Mailing Address: 12506 Lucas Lane
Anchorage, KY 40223-1545

The garage (structure) on the property located at 2004 GULF BOULEVARD, INDIAN ROCKS BEACH, FL 33785, more particularly described as INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, has been declared unsafe and a nuisance pursuant to Sections 14-301 and 14-321 of the Indian Rocks Beach Municipal Code, and is subject to condemnation proceedings under Section 14-309 of the Indian Rocks Beach Municipal Code.

ALL INTERESTED PERSONS ARE REQUIRED TO SHOW CAUSE AS TO WHY THE OCCUPANT, OWNER, OR BOTH SHOULD NOT COMPLY WITH THE CODE VIOLATION NOTICE DATED MARCH 9, 2021.

If you desire to submit evidence or to object, you may appear at the City Commission meeting on said date, or submit in writing your evidence or objections to Deanne B. O'Reilly, City Clerk, 1507 Palm Beach Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the Clerk no later than **Tuesday, September 14, 2021, by 2:00 p.m.**

If any person desires to a decision made at this hearing, 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, F.S. 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 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 email doreilly@irbcity.com no later than seven (7) business days prior to the proceeding for assistance.

U.S. Postal Service
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$ 3.55

Extra Services & Fees (check box, add fee to certified mail)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <u>2.85</u>
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$.51

Total Postage \$ 6.91

Sent To
 Street and
 City, State

**THELMA SMITH
 WILLIAM SMITH
 12506 LUCAS LANE
 ANCHORAGE, KY 40223-1545**



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 3560 0000 8713 6072

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**THELMA SMITH
 WILLIAM SMITH
 12506 LUCAS LANE
 ANCHORAGE, KY 40223-1545**



2. Article Number (Transfer from service label)
7016 3560 0000 8713 6072

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 _____ 8/9

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- | | |
|--|---|
| <input checked="" type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco,
Hernando Citrus

} ss

Before the undersigned authority personally appeared Deirdre Almeida who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: 2204 Gulf Blvd. was published in Tampa Bay Times: 8/25/21, 9/1/21 in said newspaper in the issues of Tampa Bay Times/Local B/Full Run

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Signature Affiant

Sworn to and subscribed before me this 09/01/2021

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



Exhibit N

**CITY OF
INDIAN ROCKS BEACH, FLORIDA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Indian Rocks Beach, Pinellas County, Florida, will hold public hearing to consider the following:

**CONDEMNATION PROCEEDINGS
2004 Gulf Boulevard
Indian Rocks Beach, FL 33785**

The garage (structure) on the property located at 2004 GULF BOULEVARD, INDIAN ROCKS BEACH, FL 33785, more particularly described as INDIAN BEACH RE-REVISED BLK 11, LOTS 14 & 15 LESS RD R/W ON E, in the most recent recording in the Pinellas County Official Records Book 9358 Page 2398, has been declared unsafe and a nuisance pursuant to Sections 14-301 and 14-321 of the Indian Rocks Beach Municipal Code, and is subject to condemnation proceedings under Section 14-309 of the Indian Rocks Beach Municipal Code.

Meeting Date:	Tuesday, September 14, 2021
Time:	7:00 p.m., or as soon thereafter
Meeting Location:	Indian Rocks Beach Commission Chambers 1507 Bay Palm Boulevard Indian Rocks Beach, Florida

ALL INTERESTED PERSONS ARE REQUIRED TO SHOW CAUSE AS TO WHY THE OCCUPANT, OWNER, OR BOTH SHOULD NOT COMPLY WITH THE CODE VIOLATION NOTICE DATED MARCH 9, 2021.

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

In accordance with the Americans with Disability Act and s. 286.26, F.S., any persons with disabilities requiring reasonable accommodation in order to participate in this proceeding should call the City Clerk's Office with their request at 727/595-2517 or email doreilly@irbcity.com no later than seven days prior to the proceeding for assistance.

Deanne B. O'Reilly, MMC, City Clerk



ROOF - 1



ROOF - 2



ROOF - 3



CEILING



SOUTH FRONT - 1



SOUTH FRONT - 2



SOUTH FRONT - 3



SOUTH FRONT - 4



SOUTH SIDE FRONT



SOUTH-EAST



EAST SIDE GULF BLVD -1



EAST SIDE GULF BLVD -2



AGENDA ITEM NO. 6B

**BOA CASE NO. 2021-08
351-12TH AVENUE
DOCK VARIANCE**

**INDIAN ROCKS BEACH CITY COMMISSION
STAFFING REPORT**

MEETING OF: September 14, 2021 **AGENDA ITEM:** 6B

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

APPROVED BY: Brently Gregg Mims, City Manager 

SUBJECT: BOA CASE NO. 2021-08: A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0130

OWNER: Patricia Jordan
PROPERTY LOCATION: 351-12th Avenue
ZONING: S- Single Family

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

BACKGROUND:

On February 18, 2020, the City Commission granted variances for Patricia Jordan, the applicant, 351-12th Avenue to extend the dock length 56 feet from the seawall and to encroach into the side yard setback by 11 feet 4 inches through BOA Case No. 2020-01.

The dock has been installed. At 56 feet, there was less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Patricia Jordan, the applicant, is requesting an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of

water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection.

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

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: Motion carried by a vote of 3 to 1.

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 August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the September 1, 2021-edition, of the St. Pete Time Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No. 2021-10.

MOTION:

I move to **APPROVE/DENY** BOA CASE No. 2021-08: Variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet where there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach.

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

City Attorney Mora closed public comments for this agenda item.

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

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

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

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

ROLL CALL VOTE:

AYES: CAMPBELL, LABADIE, WATT, DEVORE.

NAYS: NONE

ABSENT: ALVAREZ, CLARK

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

5. BOA CASE NO. 2021-08 — 351 12TH AVENUE

Owner/Applicant: Patricia Jordan

Representative: Joe Place, Enterprise Marine

Subject Location: 351 12th Avenue, Indian Rocks Beach, Florida

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

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

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

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

[Beginning of Staffing Report]

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

OWNER: Patricia Jordan
PROPERTY LOCATION: 351-12th Avenue
ZONING: S- Single Family

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

BACKGROUND:

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

Sec. 2-152. Variances.

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

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

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

structures or buildings in the same zoning district. The property is located in an area that has mangroves and seagrass and is not typical to most other properties in the City.

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

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

NOTICE: Pursuit to Section 2-149 of the Code of Ordinance a notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 2, 2021.

CORRESPONDENCE. No correspondence was received.

[End of Staffing Report]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Member Watt asked what time was the picture taken with the Enterprise Marine worker in the water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Member Campbell asked if the new dock was even functional.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



351 12th Avenue
BOA CASE NO. 2021-08



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



351 12th Avenue



351 12th Avenue



351 12th Avenue



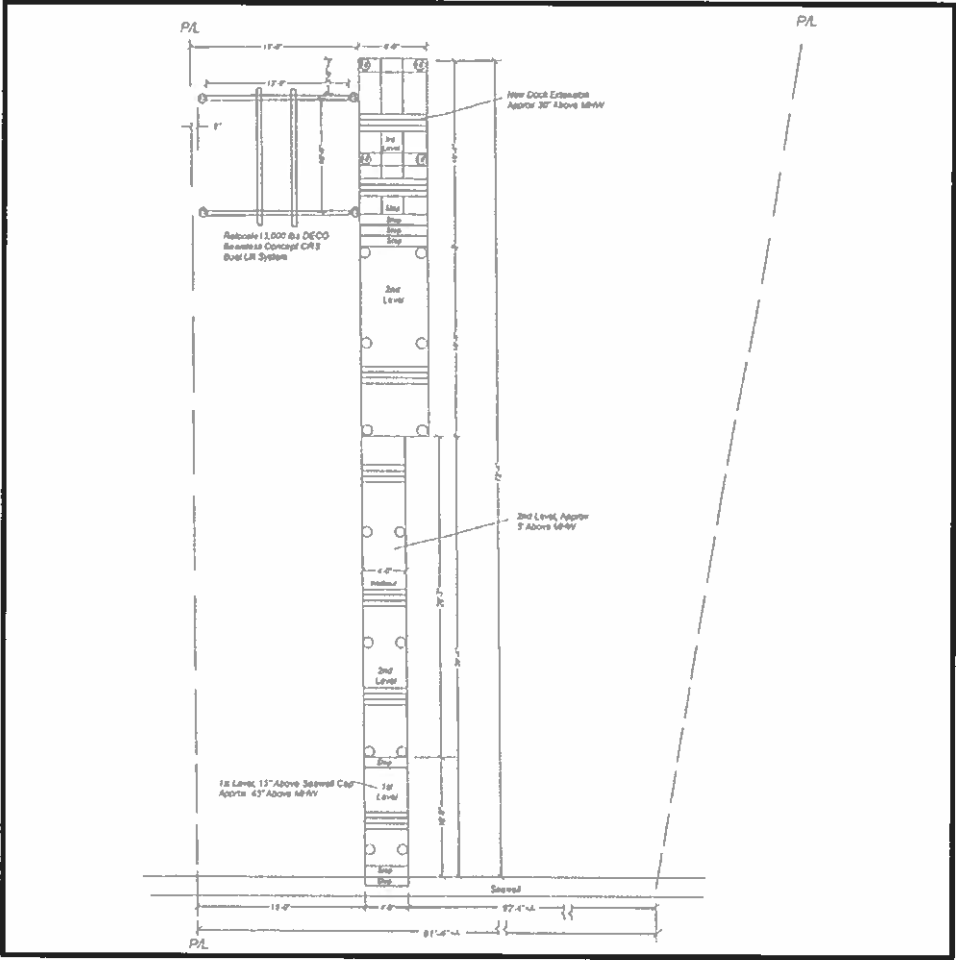
351 12th Avenue



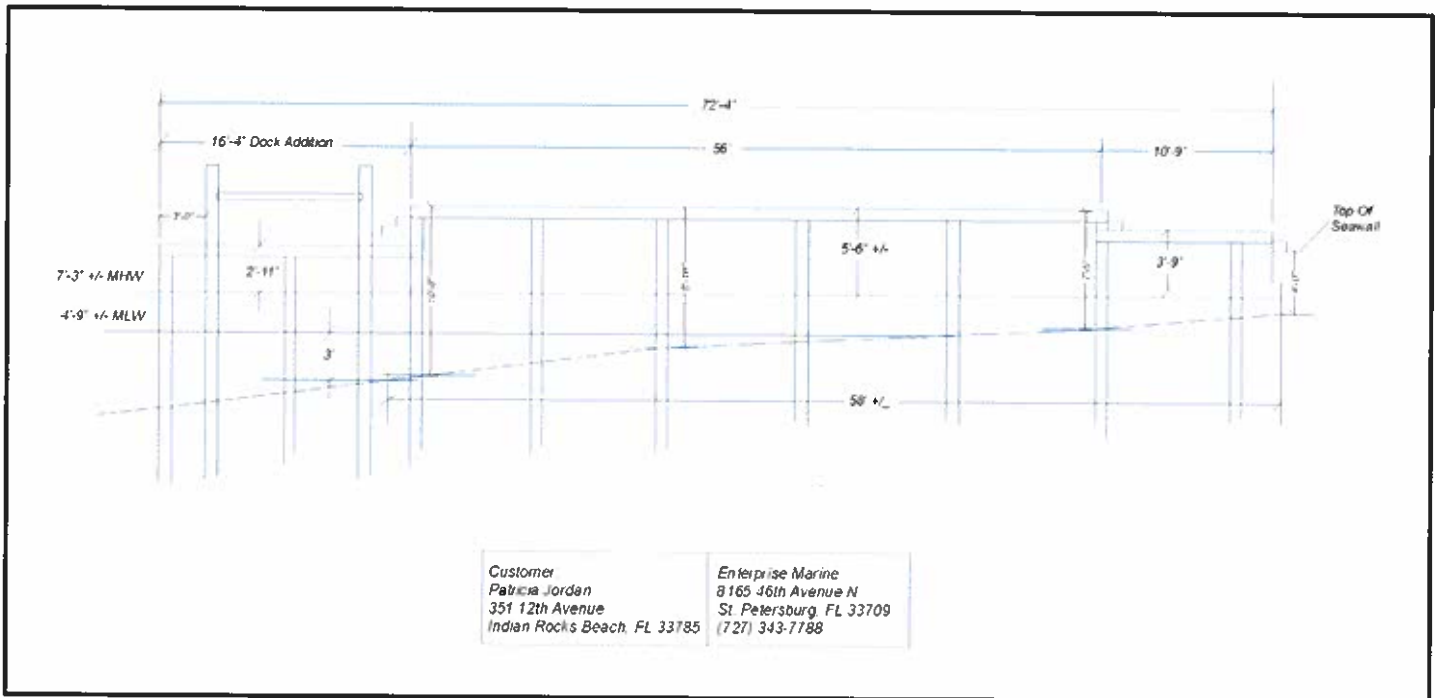
351 12th Avenue



DOCK PLAN



DOCK PROFILE





City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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

Library
727/596-1822

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

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

The City of Indian Rocks Beach City Commission, Pinellas County, Florida, will hold a hearing on **TUESDAY, SEPTEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-08**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **351-12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-01) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 351-12th Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 13 (See Map S06-30-15). Parcel #06-30-15-42066-089-0130.

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

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, September 14, 2021, by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

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

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

06-30-15-42066-089-0140

(SEE MAP S06-30-15)
BLK 89, LOT 14
RE-REVISED 2ND ADD
INDIAN BEACH

PROBST, ADAM
PROBST, DEBORAH
353 12TH AVE
INDIAN ROCKS BEACH FL 33785

06-30-15-42066-090-0180

BLK 90, LOT 18
RE-REVISED 2ND ADD
INDIAN BEACH

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

06-30-15-42066-090-0160

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

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

06-30-15-42066-090-0170

BLK 90, LOT 17
RE-REVISED 2ND ADD
INDIAN BEACH

SISARSKY, JEFF DAVID
SISARSKY, MARTHA ELLIS
551 CHATEAUGAY LN NE
ATLANTA GA 30342-3403

06-30-15-42066-089-0120

BLK 89, LOT 12
RE-REVISED 2ND ADD
INDIAN BEACH

SCHAEFER, JEFF WARD
SCHAEFER, CAROL R
777 52ND AVE N
ST PETERSBURG FL 33703-2831

06-30-15-42066-089-0170

BLK 89, LOT 17
RE-REVISED 2ND ADD
INDIAN BEACH

ROMANO, JOSEPH
JOSLIN, JANICE
359 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0110

BLK 89, LOT 11
RE-REVISED 2ND ADD
INDIAN BEACH

AMBREFE, JOSEPH T
347 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0160

BLK 89, LOT 16
RE-REVISED 2ND ADD
INDIAN BEACH

YGZ ENTERPRISES LLC
12788 W FOREST HILL BLVD STE 2005
WELLINGTON FL 33414-4703

06-30-15-42066-089-0100

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

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

06-30-15-42066-090-0190

BLK 90, LOT 19
RE-REVISED 2ND ADD
INDIAN BEACH

TUREK, DONNA B
360 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-089-0150

BLK 89, LOT 15
RE-REVISED 2ND ADD
INDIAN BEACH

FERRELL, JOHN A
FERRELL, JANIS I
355 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0180

BLK 89, LOT 18 & RIP RTS
RE-REVISED 2ND ADD
INDIAN BEACH

HASTINGS, MARK S
HASTINGS, KIMBERLY A
361 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

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

^{BOA}
Application No. 2021-08

Date Received 7/14/2021

APPLICANT

Name: Patricia Jordan
Address: 351 12th Avenue
City: Indian Rocks Beach
Zip Code: 33785
Tel: (716) 583-3187
Fax:
Mobile:
Email: royj@nforest.com

AGENT/REPRESENTATIVE

Name: Joe Place
Company: Enterprise Marine
Address: 8165- 46th Ave. N.
City: St. Petersburg
Zip Code: 33709
Tel: (727) 343-7788
Fax: (727) 954-8812
Mobile: (727) 280-4416
Email: joe@enterprisemarine.com

SITE DETAILS

Address: 351 12th Ave. Parcel ID: 06-30-15-42066-089-0130
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian Beach Re- Revised 2nd Add, Block 89, Lot 13
Zoning: Future Land Use:
Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Dock Permit #20-210, was issued for this property on 3/14/20

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Gulf-front setback (feet):	12'	8"	11'-4"
Bay-front setback (feet):			
Alley setback (feet):			

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	50'	72'-4"	22'-4"
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:

Shallow water depths restrict the use of the boat and boat lift system.

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

Mangroves, seagrass and shallow water, are natural conditions. No actions by the applicant, resulted in the existing conditions.

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:

This variance will not provide any special privilege for this property. It will allow increased access to the dock and boat lift, similar to other properties in the area.

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

Not approving the variance, would cause unnecessary and undue hardship to the applicant, due to the natural occurrence of the existing mangroves, seagrass and shallow water.

HARDSHIP CONTINUED...

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

We are asking for the minimum variance for the length of the dock and boat lift, due to the mangroves, seagrass and shallow water.

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

The granting of the variance, will not be injurious to the area, or detrimental to the public welfare.

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

The City has already approved variances, for docks in this area due to similar issues.

CERTIFICATION

Date: June 16, 2021

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

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

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

Before me this date personally appeared:

Name: Patricia A Jordan

Signature: Patricia A Jordan

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: 16 Month: June, 2021

Notary Public State of ^{new york 2.3.} Florida at Large: [Signature]

Notary Public Commission Expiration: June 7 2022

^{new york 3.3.}
State of Florida
County: Pinellas
Ec. 6
2.2.

JENNIFER ELLEN BUSCH
Notary Public, State of New York
No. 01BU6220123
Qualified in Erie County
Commission Expires June 7, 2025

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: June 16, 2021

I, Patricia A Jordan do hereby designate and appoint

Joe Place 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: Patricia A Jordan Signature: Patricia A Jordan

My agent of record may be contacted at:

Company: Enterprise Marine Contractors, Inc.

Address: 8165 46th Avenue N.

City/State: St. Petersburg Zip Code: 33709

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

Before me this date personally appeared:

Name: Patricia A Jordan

Signature: Patricia A Jordan

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: 16 Month: June, 20 21

Notary Public State of ^{new york} Florida at Large: [Signature]

Notary Public Commission Expiration: June 7, 2022

State of Florida ^{new york}
County: Piellas ^{Eric}

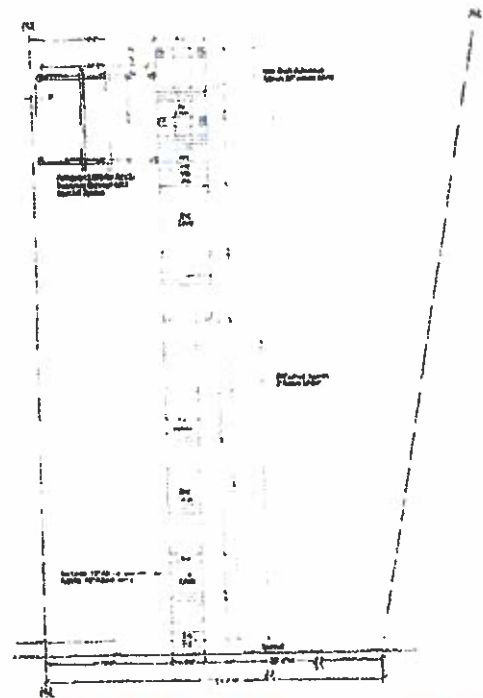
JENNIFER ELLEN BUSCH
Notary Public, State of New York
No. 01BU6220123
Qualified in Erie County
Commission Expires June 7, 2022

Owner Name: Patricia Jordan Site Address: 351 12th Avenue

Nature and Size of Project: Construct a 6' x 16'-4" dock addition.
The existing boat lift will be removed and relocated
approximately 16' out further in deeper water.

Total Project Square Footage:	<u>355.33</u>	New Square Footage:	<u>98</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>9"</u>
Waterway Width	<u>720</u>	Waterfront Width	<u>81.3'</u>

Plan View Drawing



SHORELINE			
The undersigned does not object to the proposed project as drawn in the space provided above.			
Left Owner	<u>Aham Probst</u>	Right Owner	
Signature	<u>[Signature]</u>	Signature	
Date	<u>6/2/21</u>	Date	
Municipality Approval		Water and Navigation Approval	

LETTER OF NO OBJECTION

Left Lot Owner's Name Adam & Deborah Probst

Mailing Address 12207 Illinois Rd. Zip 46814

I certify that I am the owner of 353 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

351 12th Avenue

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 5/28/21

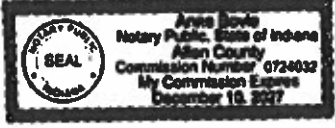
NOTARY: Indiane Allen
STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

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 28 day of May, 20 21



Anne Brue
Notary Public

My commission expires: December 10, 2027

Right Lot Owner's Name Jeff & Carol Schaeffer

Mailing Address 777 52nd Ave. N. Zip 33703

I certify that I am the owner of 349 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

351 12th Avenue

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: _____

LETTER OF NO OBJECTION

Left Lot Owner's Name Adam & Deborah Probst

Mailing Address 12207 Illinois Rd. Zip 46814

I certify that I am the owner of 353 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

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

OWNER'S SIGNATURE: _____ Date _____

NOTARY:

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

physical presence or online notarization this _____ day of _____, 20__ by personally known OR produced identification

Type of Identification Produced _____

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

Notary Public

My commission expires: _____

Right Lot Owner's Name Jeff & Carol Schaeffer

Mailing Address 777 52nd Ave. N. Zip 33703

I certify that I am the owner of 349 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

351 12th Avenue

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: [Signature] Date 5/28/2021

NOTARY:

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

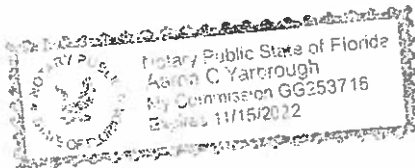
physical presence or online notarization this 28th day of May, 2021 by Personally Known OR Produced Identification

Type of Identification Produced Florida Drivers Lic

Witness my hand and official seal this 28th day of May, 2021

Notary Public

My commission expires: 11/15/2022



Owner Name: Patricia Jordan

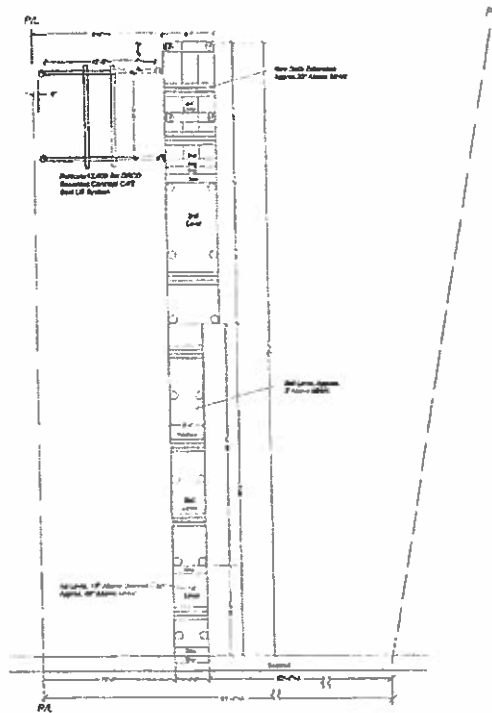
Site Address: 351 12th Avenue

Nature and Size of Project: Construct a 6' x 16'-4" dock addition.

The existing boat lift will be removed and relocated approximately 16' out further in deeper water.

Total Project Square Footage:	<u>355.33</u>	New Square Footage:	<u>98</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>9"</u>
Waterway Width	<u>720</u>	Waterfront Width	<u>81.3'</u>

Plan View Drawing

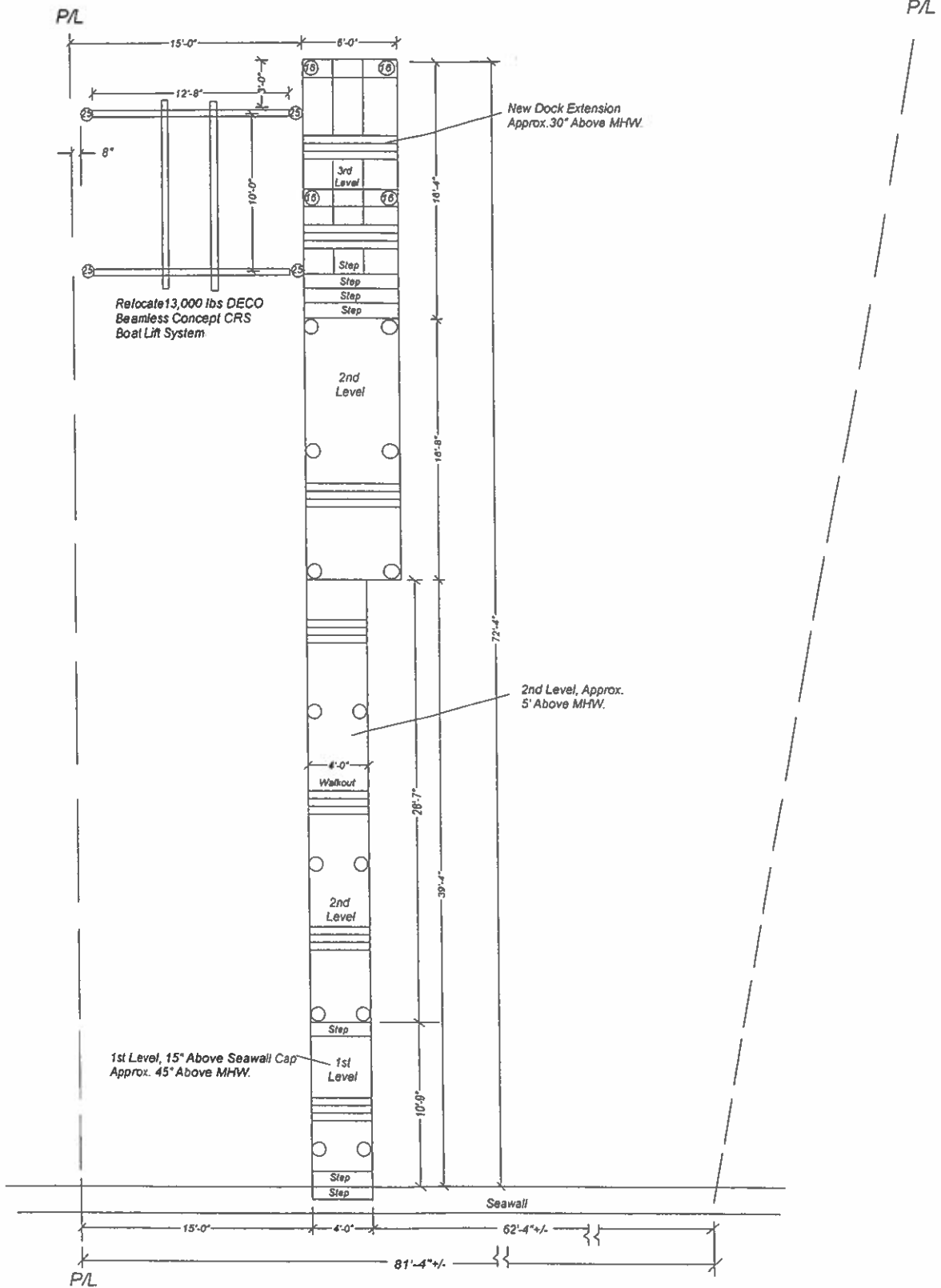


SHORELINE

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

Left Owner	Right Owner <u>Jeff Schaefer</u>
Signature	Signature <u>[Signature]</u> Date <u>5-28-21</u>
Municipality Approval	Water and Navigation Approval

Dock Design No.5
5/24/2020



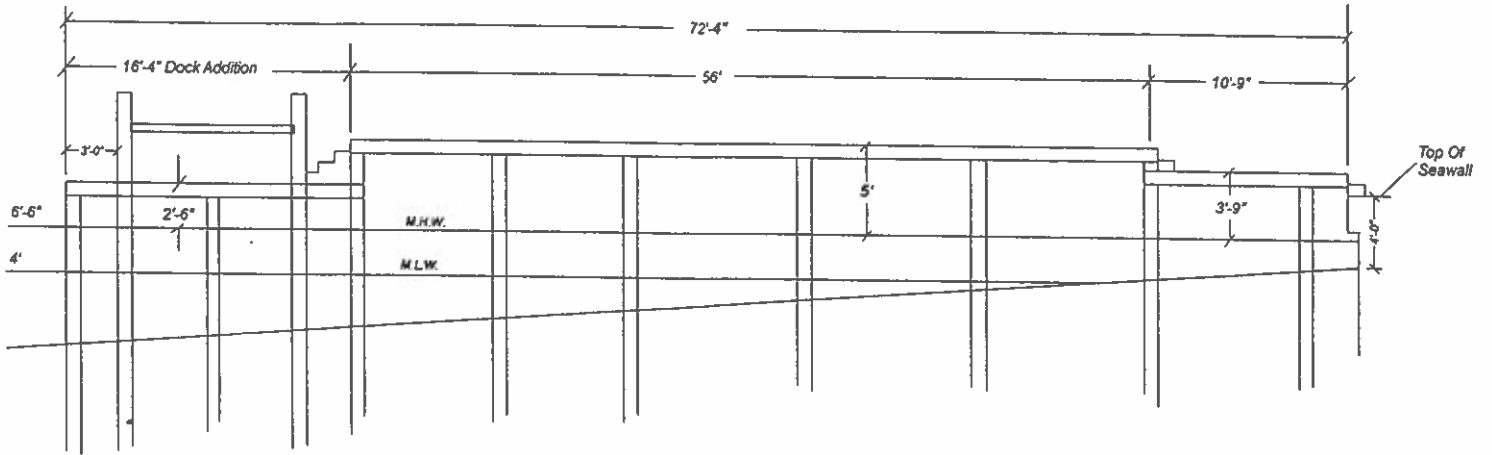
Customer:
Patricia Jordan
351 12th Avenue
Indian Rocks Beach, FL 33785

Enterprise Marine Contractors, Inc.
8165 46th Avenue N.
St. Petersburg, FL 33709
(727) 343-7788

Owner Name: Patricia Jordan

Site Address: 351 12th Avenue

Profile View Drawing



AGENDA ITEM NO. 6C

**BOA CASE NO. 2021-09
353-12TH AVENUE
DOCK VARIANCE**

**INDIAN ROCKS BEACH CITY COMMISSION
STAFFING REPORT**

MEETING OF: September 14, 2021

AGENDA ITEM: 6C

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT:

BOA CASE NO. 2021-09: A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet where there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42066-089-0140

OWNER: Adam & Deborah Probst
PROPERTY LOCATION: 353-12th Avenue
ZONING: S- Single Family

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

BACKGROUND:

On February 18, 2020, the City Commission granted variances for Adam and Deborah Probst, the applicants, 353-12th Avenue to extend the dock length 56 feet from the seawall and to encroach into the side yard setback by 9 feet 4 inches through BOA Case No. 2020-02.

The dock has been installed. At 56 feet, there was less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water. The applicants are requesting an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection.

Sec. 2-152. Variances.

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

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

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

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: Motion carried by a vote of 3 to 1.

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 August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the September 1, 2021-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No. 2021-10.

MOTION:

I move to **APPROVE/DENY BOA CASE NO. 2021-09:** Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet 4 inches to the maximum dock length of 50 feet where there is less than 3 feet of water at 56 feet from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 13, Second Addition to Re-Revised Map of Indian Beach.

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

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

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

Member Campbell asked what is the hardship for this variance.

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

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

ROLL CALL VOTE:

AYES: WATT, LABADIE, DEVORE

NAYS: CAMPBELL

ABSENT: ALVAREZ, CLARK

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

6. BOA CASE NO. 2021-09 — 353-12TH AVENUE

Owner/Applicant: Adam Probst

Representative: Joe Place, Enterprise Marine

Subject Location: 353-12th Avenue, Indian Rocks Beach, Florida

Legal Description: Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15).

Parcel #: 06-30-15-42066-089-0140.

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

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

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

ROLL CALL VOTE:

AYES: WATT, LABADIE, DEVORE

NAYS: CAMPBELL

ABSENT: ALVAREZ, CLARK

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

6. BOA CASE NO. 2021-09 — 353-12TH AVENUE

Owner/Applicant: Adam Probst

Representative: Joe Place, Enterprise Marine

Subject Location: 353-12th Avenue, Indian Rocks Beach, Florida

Legal Description: Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15).

Parcel #: 06-30-15-42066-089-0140.

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

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

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

OWNER: Adam & Deborah Probst
LOCATION PROPERTY: 353-12th Avenue
ZONING: S- Single Family

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

BACKGROUND:

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

Sec. 2-152. Variances.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The property is located in an area that has mangroves and seagrass and is not typical to most other properties in the City.*

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

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

NOTICE: Pursuit to Section 2-149 of the Code of Ordinance a notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 2, 2021.

CORRESPONDENCE: No correspondence was received.

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

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

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

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

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

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

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

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

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

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

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

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

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

ROLL CALL VOTE:

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

MOTION CARRIED BY A VOTE OF 3 TO 1

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



353 12TH Avenue
BOA CASE NO. 2020-02



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



353 12th Avenue



353 12th Avenue



353 12th Avenue



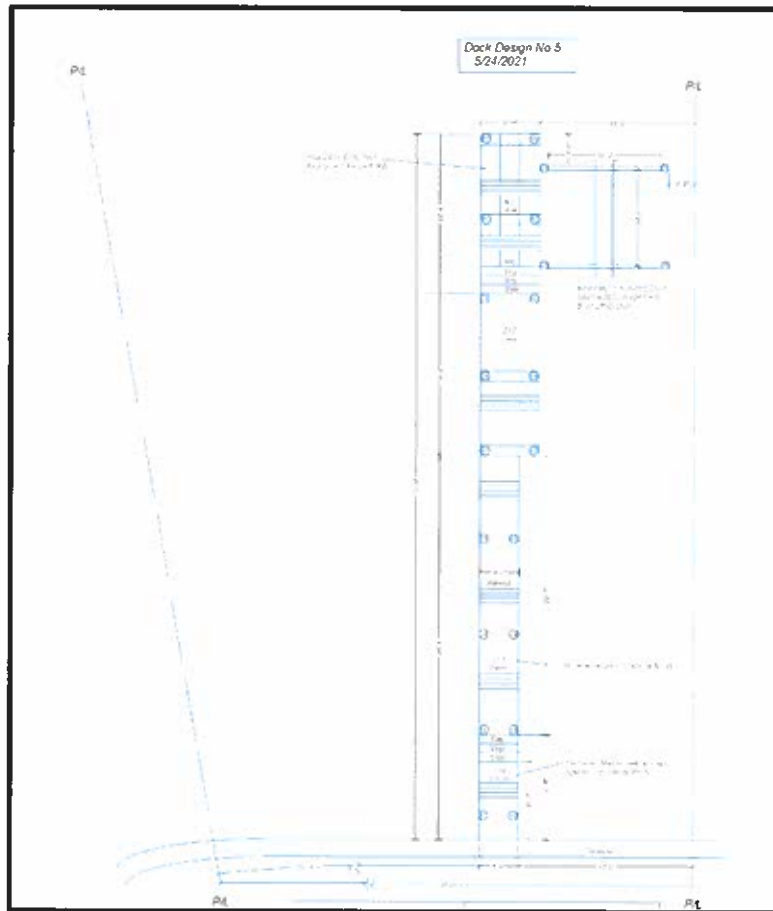
353 12th Avenue



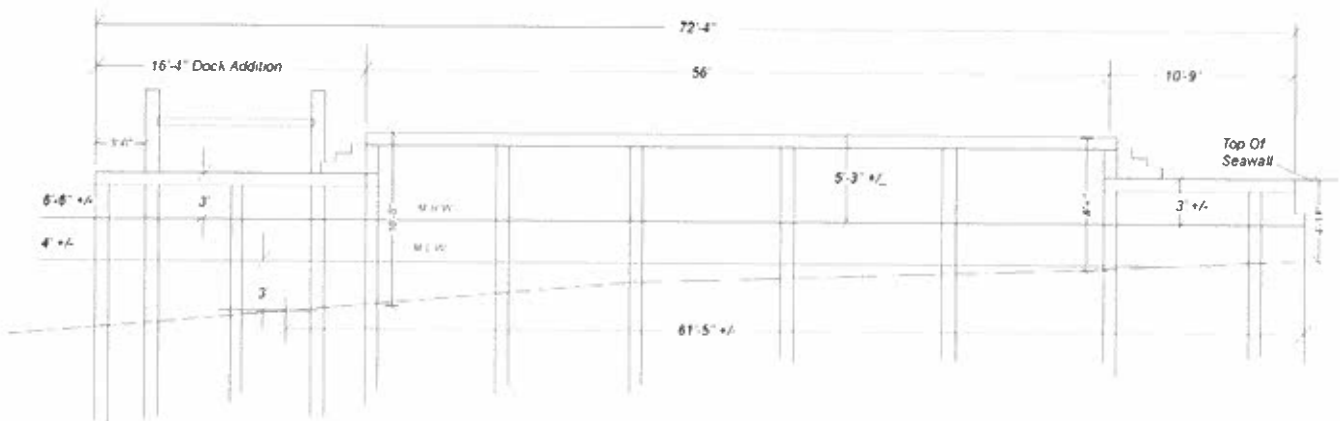
353 12th Avenue



353 12th Avenue



353 12th Avenue



Customer Adam Probst 353 12th Avenue Indian Rocks Beach, FL 33785	Enterprise Marine 8165 46th Avenue N St. Petersburg, FL 33709 (727) 343-7788
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City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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

Library
727/596-1822

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

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

The City of Indian Rocks Beach City Commission, Pinellas County, Florida, will hold a hearing on **TUESDAY, SEPTEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-09**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **353-12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 94-87 of the Code of Ordinances for an additional 16 feet 4 inches to the previously granted variance of 6 feet (BOA Case No. 2020-02) extending the dock a total of 22 feet 4 inches beyond the maximum dock length of 50 feet when there is less than 3 feet of water from the end of the dock at mean low water for a total dock length of 72 feet 4 inches from the seawall at its maximum projection, for the property located at 353-12th Avenue, Indian Rocks Beach, Florida, and legally described as Second Addition to Re-Revised Map of Indian Beach, Block 89, Lot 14 (See Map S06-30-15). Parcel #06-30-15-42066-089-0140.

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

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, September 14, 2021, by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

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

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

06-30-15-42066-089-0130

(SEE MAP S06-30-15)
BLK 89, LOT 13
RE-REVISED 2ND ADD
INDIAN BEACH

JORDAN, PATRICIA A LIV TRUST
351 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-090-0180

BLK 90, LOT 18
RE-REVISED 2ND ADD
INDIAN BEACH

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

06-30-15-42066-090-0170

BLK 90, LOT 17
RE-REVISED 2ND ADD
INDIAN BEACH

SISARSKY, JEFF DAVID
SISARSKY, MARTHA ELLIS
551 CHATEAUGAY LN NE
ATLANTA GA 30342-3403

06-30-15-42066-089-0120

BLK 89, LOT 12
RE-REVISED 2ND ADD
INDIAN BEACH

SCHAEFER, JEFF WARD
SCHAEFER, CAROL R
777 52ND AVE N
ST PETERSBURG FL 33703-2831

06-30-15-42066-089-0170

BLK 89, LOT 17
RE-REVISED 2ND ADD
INDIAN BEACH

ROMANO, JOSEPH
JOSLIN, JANICE
359 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0110

BLK 89, LOT 11
RE-REVISED 2ND ADD
INDIAN BEACH

AMBREFE, JOSEPH T
347 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0160

BLK 89, LOT 16
RE-REVISED 2ND ADD
INDIAN BEACH

YGZ ENTERPRISES LLC
12788 W FOREST HILL BLVD STE 2005
WELLINGTON FL 33414-4703

06-30-15-42066-090-0190

BLK 90, LOT 19
RE-REVISED 2ND ADD
INDIAN BEACH

TUREK, DONNA B
360 12TH AVE
INDIAN ROCKS BEACH FL 33785-2803

06-30-15-42066-089-0150

BLK 89, LOT 15
RE-REVISED 2ND ADD
INDIAN BEACH

FERRELL, JOHN A
FERRELL, JANIS I
355 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0190

BLK 89, LOT 19
RE-REVISED 2ND ADD
INDIAN BEACH

STRAKERJAHN, UTE
363 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

06-30-15-42066-089-0180

BLK 89, LOT 18 & RIP RTS
RE-REVISED 2ND ADD
INDIAN BEACH

HASTINGS, MARK S
HASTINGS, KIMBERLY A
361 12TH AVE
INDIAN ROCKS BEACH FL 33785-2854

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

BOA
Application No. 2021-09

Date Received 7/14/2021

APPLICANT

Name: Adam Probst
Address: 12207 Illinois Rd.
City: Fort Wayne, IN
Zip Code: 46814
Tel: (260) 433-1244
Fax:
Mobile:
Email: aprobst@thefortisgroup.com

AGENT/REPRESENTATIVE

Name: Joe Place
Company: Enterprise Marine
Address: 8165- 46th Ave. N.
City: St. Petersburg
Zip Code: 33709
Tel: (727) 343-7788
Fax: (727) 954-8812
Mobile: (727) 280-4416
Email: joe@enterprisemarine.com

SITE DETAILS

Address: 353 12th Ave. Parcel ID: 06-30-15-42066-089-0140
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian Beach Re-Revisional 2nd Add, Block 09, Lot 14
Zoning: Future Land Use:
Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

Dock Permit #20-211, was issued for this property on 3/16/2020

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):

12'

2'-8"

9'-4"

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):			
Rear-north/south street (feet):			
Street-front setback (feet):			
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):			
Off-street parking (spaces):			
ISR (%):			
FAR (%):			
Dock length (feet):	50'	72'-4"	22'-4"
Dock width (feet):			
Signage (#):			
Accessory structure (sq. ft.):			
Accessory structure height (feet):			
Lot size (sq. ft.):			

Other:

What is the proposed use of the property?

HARDSHIP

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

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

Shallow water depths restrict the use of the boat and boat lift system.

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

Mangroves, seagrass and shallow water, are natural conditions. No actions by the applicant, resulted in the existing conditions.

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:

This variance will not provide any special privilege for this property. It will allow increased access to the dock and boat lift, similar to other properties in the area.

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

Not approving the variance, would cause unnecessary and undue hardship to the applicant, due to the natural occurrence of the existing mangroves, seagrass and shallow water.

HARDSHIP CONTINUED...

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

We are asking for the minimum variance for the length of the dock and boat lift, due to the mangroves, seagrass and shallow water.

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

The granting of the variance, will not be injurious to the area, or detrimental to the public welfare.

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

The City has already approved variances, for docks in this area due to similar issues.

CERTIFICATION

Date: 5/26/21

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: Adam Probst

Signature: [Signature]

Personally known/Form of Identification M.D.R.S.M.

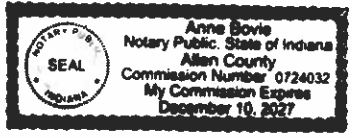
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 26 Month: May . 2021

Notary Public State of ~~Florida~~ Indiana at Large: Anne Bovie

Notary Public Commission Expiration: December 10, 2027

State of Florida Indiana
County: Pinellas Allen



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: 5/26/21

I, Adam Probst do hereby designate and appoint

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

Name: Adam Probst Signature: [Signature]

My agent of record may be contacted at:

Company: Enterprise Marine Contractors, Inc.

Address: 8165 46th Avenue N.

City/State: St. Petersburg Zip Code: 33709

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

Before me this date personally appeared:

Name: Adam Probst

Signature: [Signature]

Personally known/Form of Identification _____

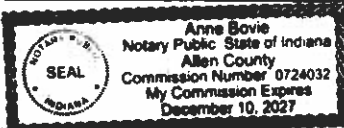
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 26 Month: May, 20 21

Notary Public State of ~~Florida~~ ^{Indiana} at Large: Anne Bowie

Notary Public Commission Expiration: December 10, 2027

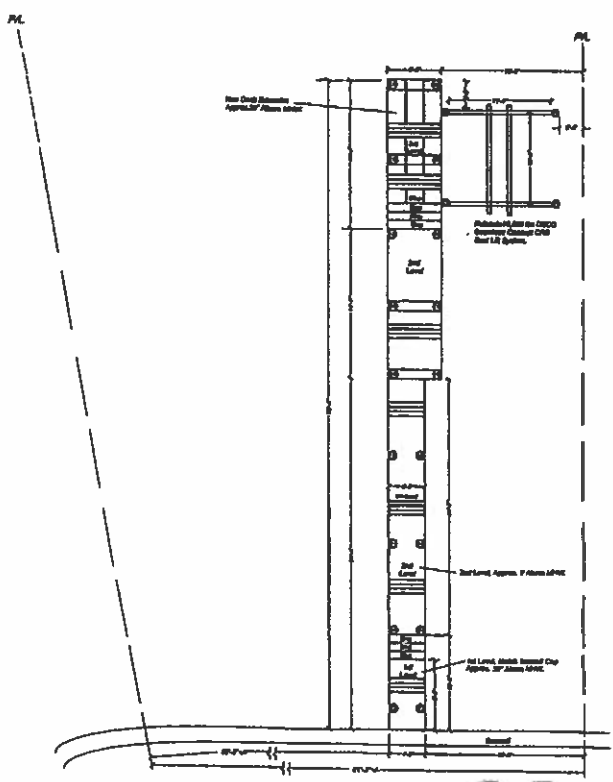
State of ~~Florida~~ ^{Indiana}
County: Pinellas ^{Allen}



Owner Name: Adam Probst Site Address: 353 12th Avenue

Nature and Size of Project: Construct a 6' x 16'-4" dock addition.
The existing boat lift will be removed and relocated
approximately 16' out further in deeper water.

Total Project Square Footage:	<u>355.33</u>	New Square Footage:	<u>98</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>9"</u>
Waterway Width	<u>720</u>	Waterfront Width	<u>81.3'</u>



SHORELINE

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

Left Owner	Right Owner
Signature <i>[Signature]</i> Date <i>6/8/21</i>	Signature _____ Date _____
Municipality Approval	Water and Navigation Approval

LETTER OF NO OBJECTION

Left Lot Owner's Name John & ~~Marie~~ Ferrell

Mailing Address 355 12th Avenue

Zip 33785

I certify that I am the owner of 355 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

353 12th Avenue

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: _____

John Ferrell

Date 5-27-21

NOTARY:

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

physical presence or online notarization this 27th day of May, 2021 by

personally known OR produced identification John Ferrell

Type of Identification Produced At Drive house

Witness my hand and official seal this 27th day of May, 2021



Scott Suprenant
Notary Public
State of Florida
Comm# HH011800
Expires 7/14/2024

Scott Suprenant
Notary Public

My commission expires: 7-14-2024

Right Lot Owner's Name Patricia Jordan

Mailing Address 351 12th Avenue

Zip 33785

I certify that I am the owner of 351 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

353 12th Avenue

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__

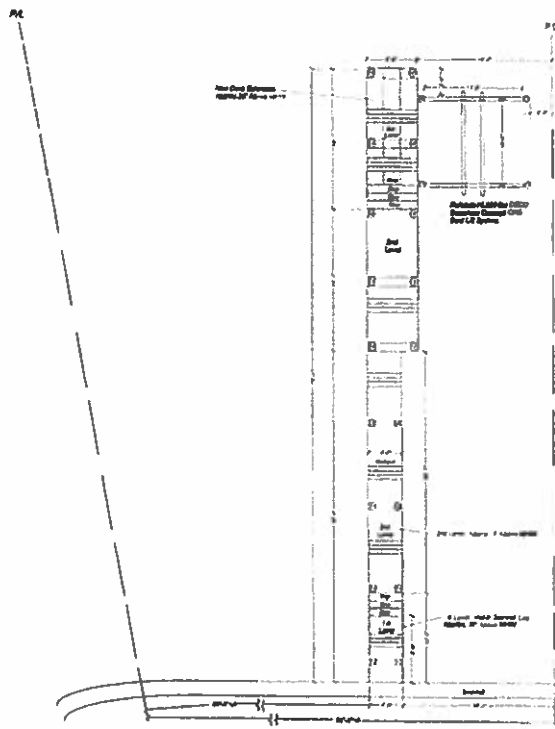
Notary Public

My commission expires: _____

Owner Name: Adam Probst Site Address: 353 12th Avenue

Nature and Size of Project: Construct a 6' x 16'-4" dock addition.
The existing boat lift will be removed and relocated
approximately 16' out further in deeper water.

Total Project Square Footage:	<u>355.33</u>	New Square Footage:	<u>98</u>
Total Number of Pilings:	<u>4</u>	Diameter of Pilings:	<u>9"</u>
Waterway Width	<u>720</u>	Waterfront Width	<u>81.3'</u>



SHORELINE

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

Left Owner		Right Owner	
Signature	Date	Signature <i>Thomas Johnson</i>	Date <i>6/3/21</i>
Municipality Approval		Water and Navigation Approval	

LETTER OF NO OBJECTION

Left Lot Owner's Name John & Janis Ferrell

Mailing Address 355 12th Avenue Zip 33785

I certify that I am the owner of 355 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

353 12th Avenue

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

OWNER'S SIGNATURE: _____ Date _____

NOTARY:

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

physical presence or online notarization this _____ day of _____, 20__ by

personally known OR produced identification

Type of Identification Produced _____

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

Notary Public

My commission expires: _____

Right Lot Owner's Name Patricia Jordan

Mailing Address 351 12th Avenue Zip 33785

I certify that I am the owner of 351 12th Avenue which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

353 12th Avenue

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: Patricia Jordan Date 5/26/21

NOTARY: Texas, Travis County JRM

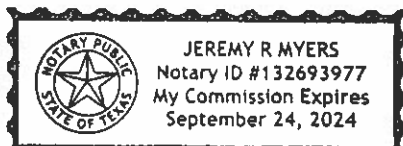
STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

physical presence or online notarization this 26 day of May, 2021 by Patricia Jordan

Personally Known OR Produced Identification

Type of Identification Produced Florida DL

Witness my hand and official seal this 26 day of May, 2021



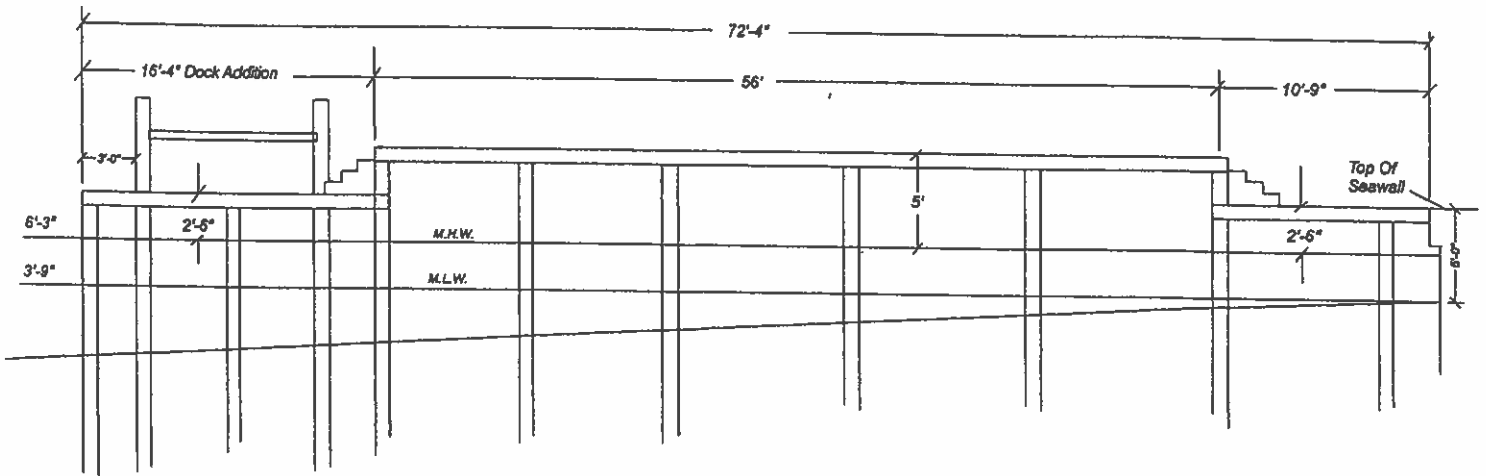
Jeremy R. Myers
Notary Public

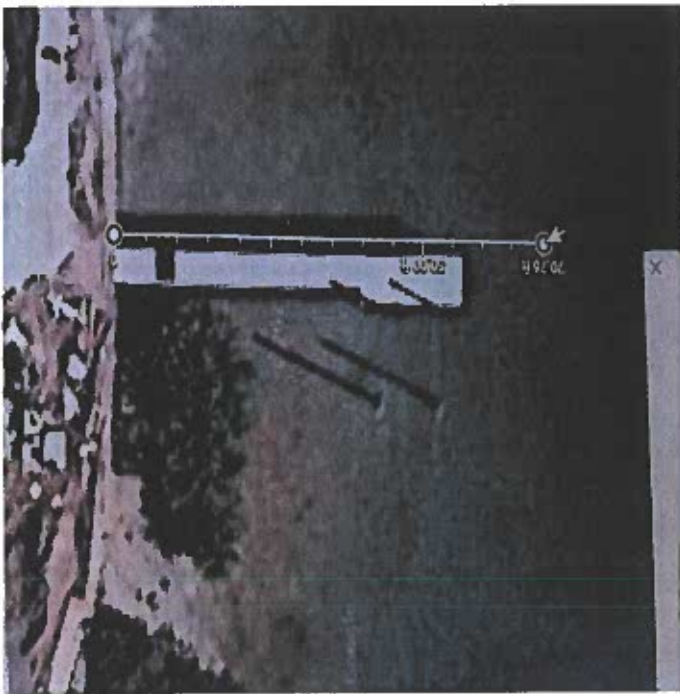
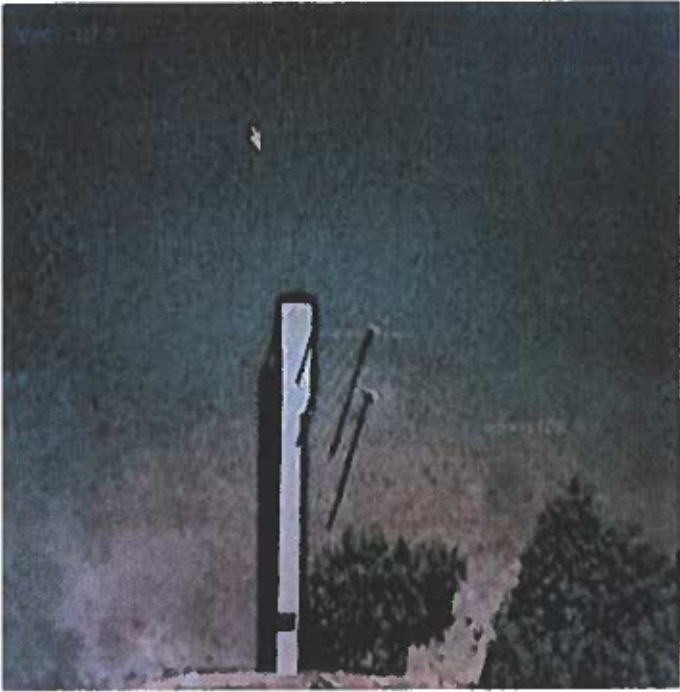
My commission expires: 09/24/2024

Owner Name: Adam Probst

Site Address: 353 12th Avenue

Profile View Drawing





Project: Adam Probst
353 12th Ave.
Indian Rocks Beach, FL 33785

AGENDA ITEM NO. 6D

**BOA CASE NO. 2021-10
300-10TH AVENUE
WATERFALL WALL VARIANCE**

**INDIAN ROCKS BEACH CITY COMMISSION
STAFFING REPORT**

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

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

APPROVED BY: Brently Gregg Mims, City Manager 

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

OWNER: All D Nuts, LLC, Trudi Holthouse
PROPERTY LOCATION: 300-10TH Avenue
ZONING: Single-Family Residential

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

BACKGROUND:

Ms. Holthouse is requesting a variance to build a waterfall 4 feet high, 12 feet long in the rear yard setback. Section 110-344 (7)(f) applies to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed 6 feet. The proposed waterfall would exceed the 6 feet length requirement by 6 feet.

Sec. 2-152. Variances.

- (a) *Generally; criteria for granting variances from the terms of subpart B.*
- (1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest,

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The applicant has designed a waterfall rock feature that tapers down to grade and exceeds the length allowed by City Code.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant has proposed a waterfall design that incorporates a rock formation rather than a waterfall wall.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant that is not allowed by the Land Development Code to other lands, structures, or buildings in the same zoning district.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval/denial of this variance request would not deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *Granting of this variance would allow the applicant to have a unique waterfall design without impacting the neighbors.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be injurious to the area involved or detrimental to the public welfare.*

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

BOARD OF ADJUSTMENTS AND APPEALS RECOMMENDATION: Motion failed with a 2-2 vote. The Board did recommend changing the Land Development Code to allow waterfalls up to 12 feet in length.

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 August 30, 2021 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE RECEIVED: No correspondence was received.

LEGAL ADVERTISEMENT: A legal notice was published in the September 1, 2021-edition, of the St. Petes Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on September 14, 2021, for BOA Case No.2021-10.

MOTION:

I move to **approve/deny** BOA CASE NO. 2021-10: Variance request from Sec. 110-344 (7)(f); to allow for a waterfall structure to exceed the 6-foot length requirement by 6 feet for property located at 300-10th Avenue, Indian Rocks Beach, Florida, and legally described as Lot 22, Block 86, First Addition to Re-Revised Map of Indian Beach Subdivision recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County.

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

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

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

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

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

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

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

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

ROLL CALL VOTE:

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

MOTION CARRIED BY A VOTE OF 3 TO 1

7. BOA CASE NO. 2021-10 — 300 10TH AVENUE

Owner/Applicant: All D Nuts, LLC, Trudi Holthouse

Representative: Steve Buscema, Sunsatation Pools/Spas, Inc.

Subject Location: 300 10th Avenue, Indian Rocks Beach, Florida

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

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

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

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

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

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

BACKGROUND:

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

Sec. 2-152. Variances.

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

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

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

- designed a waterfall rock feature that tapers down to grade and exceeds the length allowed by code.
- b. The special conditions and circumstances do not result from the actions of the applicant. The applicant has proposed a waterfall design that incorporates a rock formation rather than a waterfall wall.
 - c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. Granting the variance would confer special privileges to the applicant that is not allowed by the Land Development Code to other lands, structures, or buildings in the same zoning district.
 - d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. The approval/denial of this variance request would not deprive other owners of use and enjoyment of their properties.
 - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. Granting of this variance would allow the applicant to have a unique waterfall design without impacting the neighbors.
 - f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. Granting the variance will not be injurious to the area involved or detrimental to the public welfare.

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

NOTICE: Pursuit to Section 2-149 of the Code of Ordinance a notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 2, 2021.

CORRESPONDENCE: No correspondence was received.

[End of Staffing Report]

City Attorney Mora read by title only Agenda Item No. 7, BOA Case No. 2021-10, 300 19th Avenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROLL CALL VOTE:

AYES: CAMPBELL, LABADIE

NAYES: WATT, DEVORE

ABSENT: ALVAREZ, CLARK

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

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

8. OTHER BUSINESS.

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

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

9. ADJOURNMENT.

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



300 10th Ave
BOA CASE NO. 2021-10



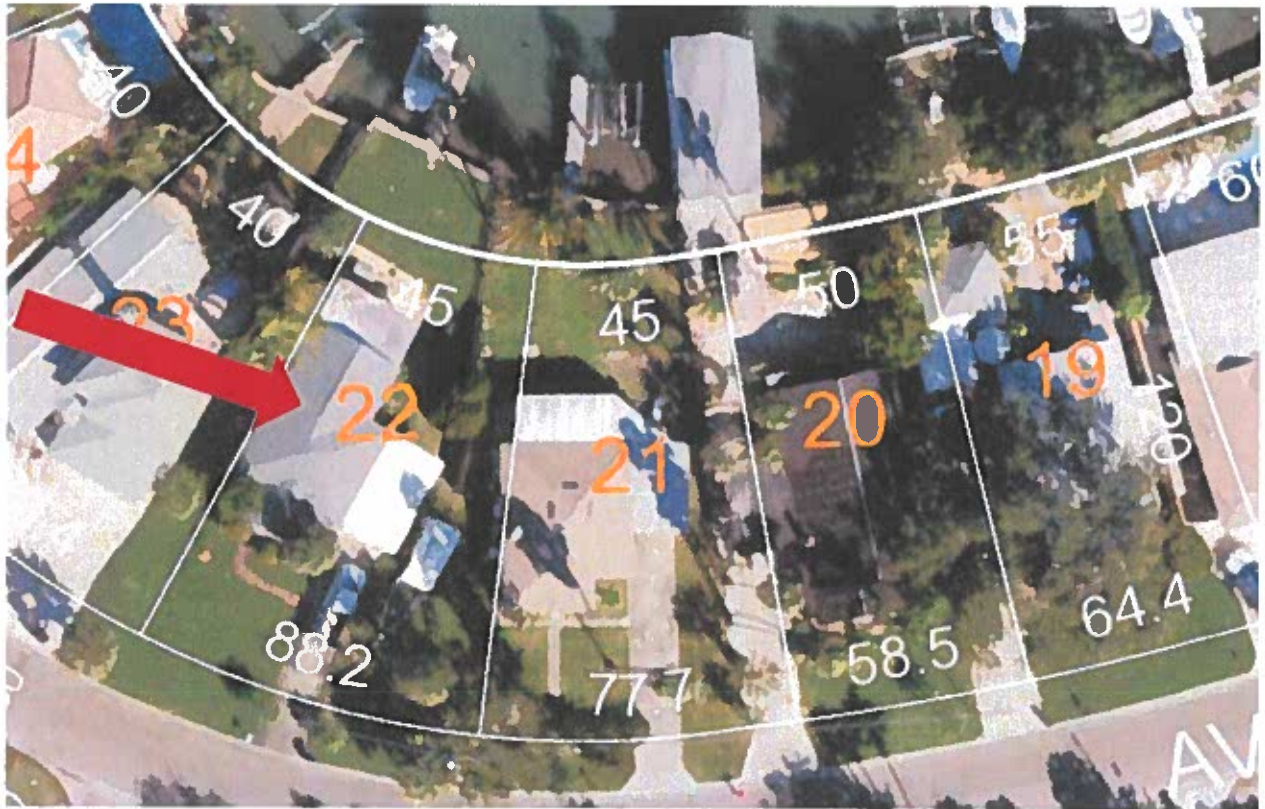
BOA CASE NO. 2021-10: Variance request from Sec. 110-344 (7)(f); to allow for a waterfall structure to exceed the 6 foot length requirement by 7 feet for property located at 300 10th Ave Indian Rocks Beach, Florida, and legally described as Lot 22, Block 86 First Addition to Re-Revised Map of Indian Beach Subdivision recoded in Plat Book 23 Page 11 of the Public Records of Pinellas County.




300 10th Avenue



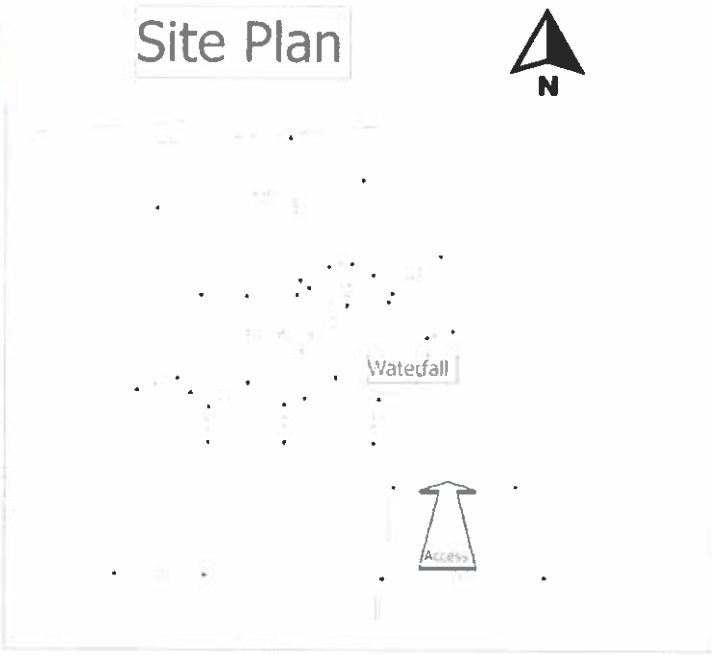
300 10th Avenue



Proposed Pool and Waterfall Location



Site Plan



Pool	
Perimeter	97' Area 8307'
Drainage	1213'
Depth	2' 8" PTHS 4'
Drains	2 Lights 2
Skim	1 P.C.
Dis Filter	1
Spillover Location	
Coping Material	
Water Wash	
Notes	1. See 3/10/2020 site plan for pool location


Spa	
Perimeter	Area
Jet	Height
Light	PTHS
Drain	Spillover Location
Coping Material	
Water Wash	
Notes	

Tile	
Pool Deck	
Pool Tile Material	
Spa Tile Material	
Notes	

Deck	
Perimeter	Area 1405 sq ft
Coping Area	30 sq ft
Coping Material	Spillover
Surface Material	Grass
1. or Down	Run
Notes	

Equipment	
Circ Pump	5.5 hp vs Copro Panel
Pump HP	7.5 hp vs 5.5 hp
Panel	SD
Filter	50000
Header	10000
Control	CHP
Hot Light	1
Hot Light	1
Chair	1
Notes	1. See 3/10/2020 site plan for equipment location


Approve	
See 3/10/2020 site plan for equipment location	



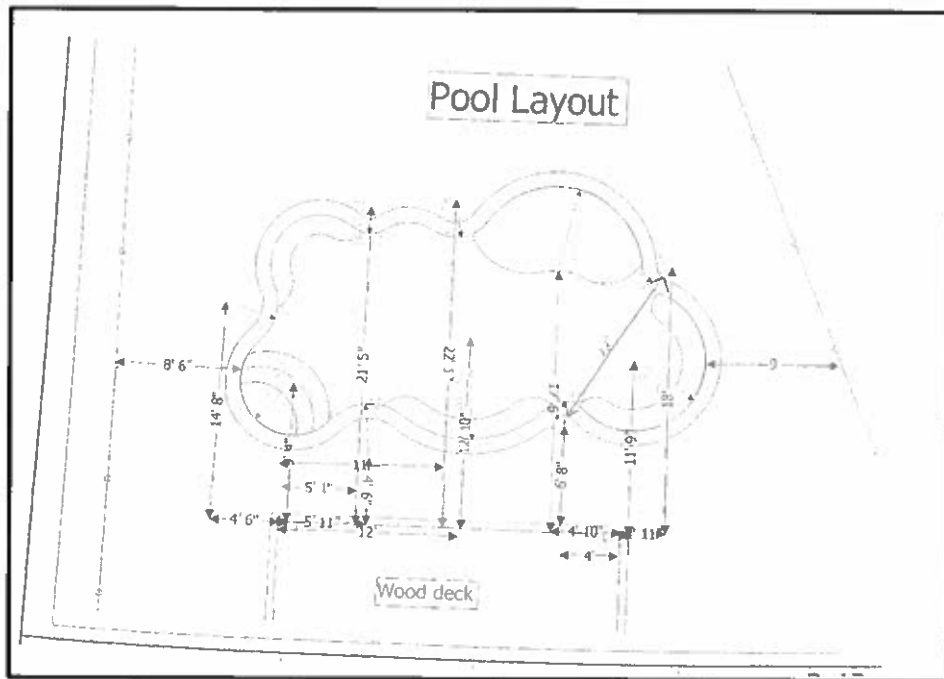
Project Name: Hillhouse
 Client Name: Trudi Hoffmeyer
 Client Email: trudi@hillhouse.net
 Client Phone: 337-262-2229
 Address: 220 10th Ave NE
 City: San Diego Beach
 State/Province: Florida
 Zip/Postal Code: 33763
 Designer Name: Steve Beckwith

Block: _____
 Sub Division: _____
 Lot #: _____
 P/C: _____
 Notes: _____

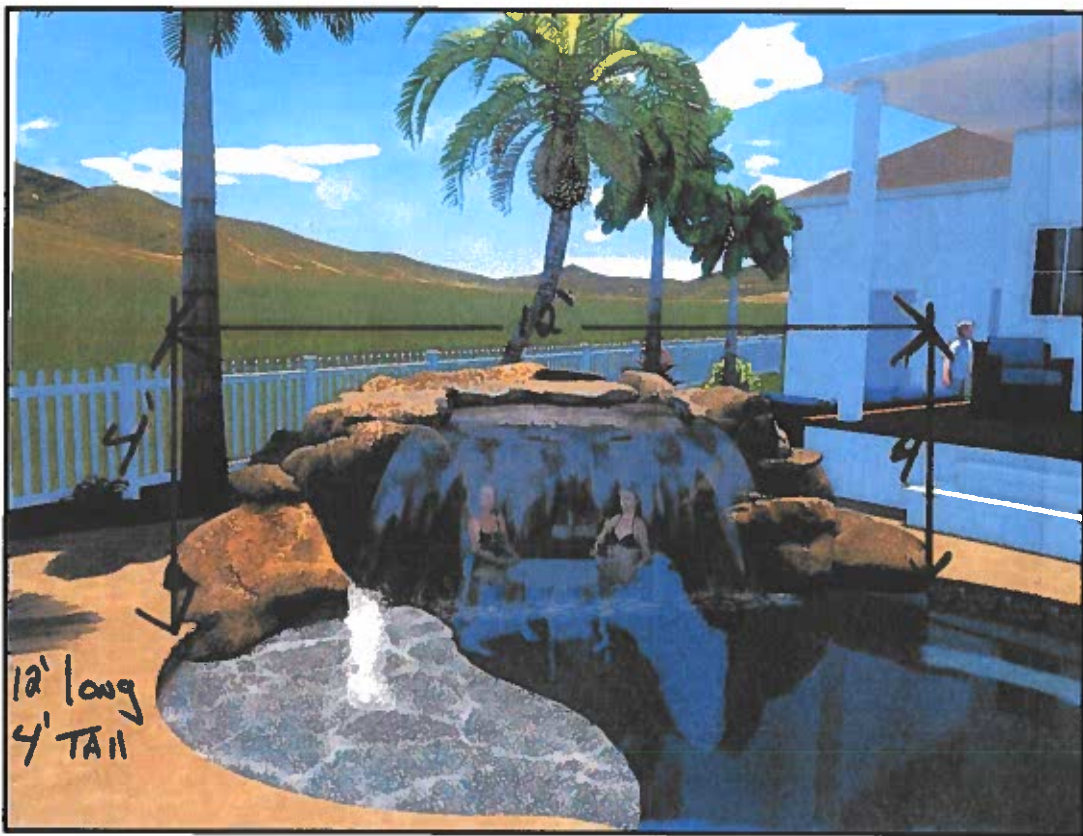
Pool Depth Profile



Proposed Pool & Waterfall



Proposed Waterfall





City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

www.indian-rocks-beach.com

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

Library
727/596-1822

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

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

The City of Indian Rocks Beach City Commission, Pinellas County, Florida, will hold a public meeting on **TUESDAY, SEPTEMBER 14, 2021**, which meeting convenes at 7:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2021-10**.

YOU ARE HEREBY NOTIFIED as a property owner of land within 150 feet of the property located at **300-10th AVENUE, INDIAN ROCKS BEACH, FLORIDA 33785**, of the following variance request:

A variance request from Section 110-344(7)(f) of the Code of Ordinances to allow for a waterfall structure to exceed the 6 foot length requirement by 6 feet, for the property located at 300-10th Avenue, Indian Rocks Beach, Florida, and legally described as First Addition to Re-Revised Map of Indian Beach Subdivision, Block 86, Lot 22, recorded in Plat Book 23, Page 11 of the Public Records of Pinellas County. Property ID # 01-30-14-42048-086-0220

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 City Commission Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: doreilly@irbcity.com. All correspondence must be received by the City Clerk no later than **Tuesday, September 14, 2021, by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

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

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on August 30, 2021. (Sec. 2-149 of the Code of Ordinances.)

01-30-14-42048-086-0230

BLK 86, LOT 23
RE-REVISED 1ST ADD
INDIAN BEACH

MEADE, PATRICK RYAN
MEADE, ERIN KATHERINE
75 TALAMINE CT STE A
COLORADO SPRINGS CO 80907-5133

01-30-14-42048-086-0040

BLK 86, LOT 4
RE-REVISED 1ST ADD
INDIAN BEACH

MAURIELLO, ROBERT A TRUST
MAURIELLO, ROBERT A TRE
307 10TH AVE
INDIAN ROCKS BEACH FL 33785-2870

01-30-14-42048-083-0070

BLK 83, LOT 7
RE-REVISED 1ST ADD
INDIAN BEACH

BARNES, GILLIAN B
216 10TH AVE
INDIAN ROCKS BEACH FL 33785-2849

01-30-14-42048-083-0080

BLK 83, LOT 8
RE-REVISED 1ST ADD
INDIAN BEACH

GRANDMAS BEACH BUNGALOW LLC
PO BOX 5764
CLEARWATER FL 33758-5764

01-30-14-42048-086-0210

BLK 86, LOT 21
RE-REVISED 1ST ADD
INDIAN BEACH

MCLAUGHLAN, ZANDRA J
C/O EVANS, JAEME POA
3521 AVOCADO RD
LARGO FL 33770-4501

01-30-14-42048-086-0180

DESC FROM NE COR OF SD LOT
BLK 86, THAT PT OF LOT 18
RE-REVISED 1ST ADD
INDIAN BEACH

WALSH, PATRICK B TRE
WALSH, MARYALICE O TRE
310 10TH AVE
INDIAN ROCKS BEACH FL 33785-2871

01-30-14-42048-086-0020

BLK 86, LOT 2
RE-REVISED 1ST ADD
INDIAN BEACH

FULTON, TOMMY
303 10TH AVE
INDIAN ROCKS BEACH FL 33785-2870

01-30-14-42048-086-0030

BLK 86, LOT 3
RE-REVISED 1ST ADD
INDIAN BEACH

LINDEN, MARK J
305 10TH AVE
INDIAN ROCKS BEACH FL 33785-2870

01-30-14-42048-086-0010

BLK 86, LOT 1
RE-REVISED 1ST ADD
INDIAN BEACH

INDIAN ROCKS BEACH, CITY OF
1507 BAY PALM BLVD
INDIAN ROCKS BEACH FL 33785-2827

01-30-14-42048-086-0190
BLK 86, LOT 19 & RIP RTS
RE-REVISED 1ST ADD
INDIAN BEACH

YORK, WILLIAM E
308 10TH AVE
INDIAN ROCKS BEACH FL 33785-2871

01-30-14-42048-083-0090
BLK 83, LOT 9
RE-REVISED 1ST ADD
INDIAN BEACH

WILTSHIRE, MARC A
213 11TH AVE
INDIAN ROCKS BEACH FL 33785-2872

01-30-14-42048-086-0260
OF LOT 27 DESC BEG MOST
BLK 86, LOT 26 & THAT PART
RE-REVISED 1ST ADD
INDIAN BEACH

TITUS, THOMAS
SARAI, ABHEY
9019 BAYWOOD PARK DR
SEMINOLE FL 33777

01-30-14-42048-086-0250
BLK 86, LOT 25
RE-REVISED 1ST ADD
INDIAN BEACH

BULUT, TIMUR J TRUST
BULUT, TIMUR J TRE
1101 BAY PINE BLVD
INDIAN ROCKS BEACH FL 33785-2866

01-30-14-42048-086-0200
BLK 86, LOT 20 & RIP RTS
RE-REVISED 1ST ADD
INDIAN BEACH

HILL, DAVID M
4212 W SAN JUAN ST
TAMPA FL 33629-7702

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

\$400-
✓ #14156 *WAL*

For Office Use Only

BOA
Application No.

Date Received

APPLICANT

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

AGENT/REPRESENTATIVE

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

SITE DETAILS

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

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

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

<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:

Grotto on new Inground Pool.
 This water feature measures 13LFWIDE, 4ft High in Middle

What is the proposed use of the property?

OWNER OCCUPIED

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:

[Empty box for special conditions]

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

NA
[Empty box for special conditions]

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:

[Empty box for special privilege]

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:

[Empty box for literal interpretation]

HARDSHIP CONTINUED...

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

[Empty rectangular box for response]

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

N/A

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

[Empty rectangular box for response]

CERTIFICATION

Date: July 9, 2021

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

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

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

TRUDI HOLT HOUSE

Before me this date personally appeared:

Name: _____

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: 9 Month: July, 20 21

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

Notary Public Commission Expiration: 12/25/21

State of Florida
County: Pinellas

LAWRENCE FREDERICK DELL
Notary Public, State of Florida
My Comm. Expires Dec. 25, 2021
No. GG 141784

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: 7/9/21

I, TRUDI HOLT HOUSE do hereby designate and appoint

STEVE BUSCEMA 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: STEVE BUSCEMA Signature: 

My agent of record may be contacted at:

Company: SUNSATON POOLS + SPAS, INC

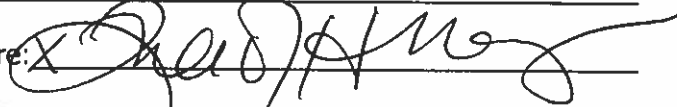
Address: 10945 Ulmerton Rd

City/State: LARGO, FL Zip Code: 33785

Telephone: 727-510-7070 Fax: 727-559-7183

Before me this date personally appeared:


Name: TRUDI HOLT HOUSE

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: 9 Month: July, 2021

Notary Public State of Florida at Large: 

Notary Public Commission Expiration: 12/25/21

State of Florida
County: Pinellas

LAWRENCE FREDERICK DELL
Notary Public, State of Florida
My Comm. Expires Dec. 25, 2021
No. GG 141784

AGENDA ITEM NO. 7

**OTHER LEGISLATIVE MATTERS:
None**

AGENDA ITEM NO. 8

**WORKS SESSION ITEMS:
None**

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.