

Board of Adjustments and Appeals

Tuesday, March 21, 2023

@ 6:00 p.m.



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

Library
727/596-1822

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

AGENDA

**CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS
TUESDAY, MARCH 21, 2023 @ 6:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785**

1. **CALL TO ORDER.**
 2. **ROLL CALL.**
 3. **APPROVAL OF MINUTES:** February 21, 2023
 4. **BOA CASE NO. 2023-03 — 2011-1ST STREET**
Owner/Applicant: OCF Beach LLC
Subject Location: 2011-1st Street, Indian Rocks Beach, Florida
Legal Description: Lot 16, Block 54, Indian Beach Re-Revised, as recorded in Plat Book 5, Page 67, of the Public Records of Pinellas County, Florida.
Parcel #: Parcel #01-30-14-42030-054-0010.
Variance Request: Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool.
 5. **OTHER BUSINESS.**
 6. **ADJOURNMENT.**
-

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

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

POSTED: March 17, 2023

AGENDA ITEM NO. 1

CALL TO ORDER

AGENDA ITEM NO. 2

ROLL CALL

AGENDA ITEM NO. 3

APPROVAL OF MINUTES

**MINUTES — FEBRUARY 21, 2023
CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENTS AND APPEALS**

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, FEBRUARY 21, 2023**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

PRESENT: Chair Stewart DeVore, Vice-Chair David Watt, Board Member Michael A. Campbell, Board Member Jim Labadie, and 1st Alternate Board Member Karen O'Donnell.

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

VACANT POSITION: Board Member Rick Alvarez and 2nd Alternate Board Member.

3. **APPROVAL OF MINUTES: January 17, 2023**

MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER LABADIE, TO APPROVE THE JANUARY 17, 2023 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. **BOA CASE NO. 2023-02 — 608 GULF BOULEVARD**
Owner/Applicant: Westside Investments LLC
Agent/Representative: Classic Florida Dream Homes, LLC
Subject Location: 608 Gulf Boulevard
Legal Description: Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the Public Records of Pinellas County, Florida.
Parcel #: Parcel #12-30-14-37764-001-0160
Variance Request: Variance request from Sec. 110-344 (4), of the Code of Ordinance to allow for a pool to encroach 5 feet into the 10-foot rear yard setback.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2023-02 — 608 GULF BOULEVARD
Variance request from Sec. 110-344 (4) of the Code of Ordinance to allow for a pool to encroach 5 feet in the 10 feet rear yard setback for property located at 608 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as Lot 16, Block 1, Haven Beach, as recorded in Plat Book 5, Page 27, of the

OWNER Westside Investments LLC
PROPERTY LOCATION: 608 Gulf Boulevard
ZONING: CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	RM-2
South	Residential	CT
West	Gulf of Mexico	N/A

BACKGROUND:

The applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence.

Sec. 2-152. Variances.

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *There are no Special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The applicant did not create any special conditions or circumstances.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would confer special privileges to the applicant.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of*

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

- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the pool as proposed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on February 6, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: There was no correspondence.

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

[End of Staff Report]

City Attorney Mora read BOA Case No. 2023-02, 608 Gulf Boulevard, by title only.

City Attorney Mora stated the variance application before the board is a quasi-judicial matter.

City Attorney Mora asked if any member had conducted any ex-parte communications with the applicant or their agent in advance of this evening. All members responded negatively.

City Attorney Mora asked if any member had conducted any site visit for the purpose of evaluating the application before them. All members responded negatively.

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

Planning Consultant Harmon stated the applicant is requesting a variance for a pool to encroach 5 feet into the 10-foot rear yard setback for a single-family residence for the property located at 608 Gulf Boulevard.

Planning Consultant Harmon presented a PowerPoint Presentation depicting aerial views of the property, a survey, a site plan, the proposed pool plan, and site photos.

Planning Consultant Harmon explained the variance while presenting the PowerPoint Presentation. She stated there are two lots involved, Lots 7 and 16. Previously, it was two

platted lots with one parcel number, and the developer had subdivided the two platted lots into two parcels. There is a single-family building on each lot with an access easement on Lot 16 Lot 7 on the Gulf. The variance deals with Lot 16, which fronts Gulf Boulevard.

Planning Consultant Harmon stated there is approximately a 20-foot setback in the rear on 608 Gulf Boulevard. The applicant requests a 5-foot variance into the 10-foot required setback to accommodate a 10 by 24-foot pool in the area shown on the site plan. The pool would be 5 feet off the building and 5-foot off the rear property line. The required rear setback is 10 feet for a pool in the CT zoning district.

Planning Consultant Harmon stated staff recommends denial because the variance request goes against the setback requirement for pools in the CT zoning district.

Vice Chair Watt clarified that Lots 7 and 16 had one parcel number before any construction, and the two lots were subdivided into two separate parcels of land for two houses.

Planning Consultant Harmon stated the lots were not required to have separate parcel numbers to construct the two single-family homes. She noted that one owner could have built two houses on those two platted lots with one parcel number. Now, each lot has a separate parcel number.

Vice Chair Watt stated that the setback would have the same requirement regardless of whether the lots had one or two parcel numbers.

Planning Consultant Harmon stated if the lots remained as one parcel, there would not have been an issue.

Member Campbell stated the package's last page(drawing) was confusing and asked the Planning Consultant to explain it.

Planning Consultant Harmon stated she requested that the applicant submit a proposed pool plan as the page Member Campbell is referring to is a preliminary plan. She noted that the drawing relates to Lot 7.

Thomas Smith, of Classic Florida Dream Homes, LLC, 424 Harbor Drive North, representative for the applicant, stated the property (both lots) is owned by Westside Investments, LLC, Donny and Debbie Gonterman. Two houses are under construction on the property. One of the houses (Lot 7 - facing the Gulf of Mexico) would be the Gonterman's homesteaded property, and Lot 16, facing Gulf Boulevard, would be used as a rental. He stated that no variance would be required if the property still had one parcel number.

Mr. Smith stated they spoke to the planning consultant before they applied for the variance, and she advised them if the property were un-subdivided, there would be no need for a variance to construct the pool. However, requesting a variance is easier, and it makes it better. The hardship is that the Gontermans want to homestead Lot 7, and then use Lot 16 as their rental property.

Mr. Smith stated it is a very modest pool, and Westside Investments LLC owns both lots.

Member Campbell stated that moving the lot lines would probably be the simplest since the same person owns both parcels.

Mr. Smith stated that they would do that.

Planning Consultant Harmon stated they would have to keep the minimum lot size.

Member Campbell asked Mr. Smith if he had examined whether or not it was possible to move the lot lines.

Mr. Smith stated it would be yes, because Lot 7 goes past the seawall, so that lot totals 130 feet. If Lot 7's lot line was moved back 5 feet, which the surveyor can do, that might solve the problem. Lot 7 would be 125' X 50', and Lot 16 would be 105' X 50'.

Chair DeVore opened the public comment session. Seeing/hearing no one wishing to speak, the public comment session was closed.

Vice Chair Watt stated the hardship was a self-inflicted wound and that there were other alternatives. From a variance standpoint, it is cutting the setback in half. This variance request is not just 10 inches or a foot. He stated that by allowing variances of this size would not be prudent.

Chair DeVore stated he agreed with Vice Chair Watt. He stated this was a vacant piece of land and by making the property into two separate parcels, it created one lot non-compliant immediately. It is a self-inflicted wound, and there is a remedy for it. In his mind, a variance would not be appropriate in this instance.

Member Labadie stated the buildings are up. This construction was not thought out before the buildings went up.

Chair DeVore stated there is a reasonable remedy to return the lots to one.

Planning Consultant Harmon stated the owner would have to vacate property lines and make it one lot. Before, the property was two platted lots with one parcel number.

Chair DeVore asked if this could be done.

Planning Consultant Harmon responded affirmatively.

Member Campbell stated a person can transfer a sliver of property by simple deed and then it would be counted in that lot from then on, correct?

Planning Consultant Harmon responded affirmatively. She stated as long as the other lot meets the rear yard setback requirement, which she thinks it does.

Member Campbell stated he does not think they will meet the rear yard setback.

MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER CAMPBELL, TO RECOMMEND DENIAL TO THE CITY COMMISSION ON BOA CASE NO. 2023-02, A VARIANCE REQUEST FROM SEC. 110-344 (4), OF THE CODE OF ORDINANCE TO ALLOW FOR A POOL TO ENCROACH 5 FEET INTO THE 10-FOOT REAR YARD SETBACK, FOR THE PROPERTY LOCATED AT 608 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 16, BLOCK 1, HAVEN BEACH, AS RECORDED IN PLAT BOOK 5, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. PARCEL #: 12-30-14-37764-001-0160

Planning Consultant Harmon stated the City Commission will hear BOA Case No. 2023-02, 608 Gulf Boulevard, on Tuesday, March 28, 2023. The meeting begins at 6:00 p.m., with the public hearing convening as soon as thereafter.

5. OTHER BUSINESS.

A. CITY COMMISSION ACTION:

- 1. BOA CASE NO. 2023-01 — 2504 GULF BOULEVARD. APPROVED BY CITY COMMISSION.**

City Clerk O'Reilly advised that there will be BOA Meeting on Tuesday, March 21, 2023, at 6:00 p.m.

6. ADJOURNMENT.

MOTION MADE BY VICE CHAIR WATT, SECONDED BY COMMISSIONER CAMPBELL, TO ADJOURN THE MEETING AT 6:20 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

March 21, 2023
Date Approved

Stewart DeVore, Chair

/DOR

AGENDA ITEM NO. 4

**BOA CASE NO. 2023-03
2011-1st Street**

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: March 21, 2023 **AGENDA ITEM: 4**
City Commission: April 11, 2023

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

AUTHORIZED BY: Brently Gregg Mims, City Manager 

SUBJECT: **BOA CASE NO. 2023-03 –2011 1st Street**
 Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool for property located at 2011 1st Street, Indian Rocks Beach, Florida, and legally described as Lot 1, Block 54, Indian Beach Re-Revised, as recorded in Plat Book 5, Page 67, of the Public Records of Pinellas County, Florida.
 Parcel # 01-30-14-42030-054-0010

OWNER **OCF BEACH LLC**
LOCATION of PROPERTY: 2011 1st Street
ZONING: RM-1 Medium Density Residential

Direction	Existing Use	Zoning Category
North	Residential	RM-1
East	Residential	RM-1
South	Residential	RM-1
West	Residential	RM-2

BACKGROUND:

The applicant is requesting a variance for pool to be encroach 9 ft into the 25 ft front yard setback for two family residence.

This house's address is 2011 1st Street but the house actually faces 21st Avenue. The required front yard setback of 25 feet is on the 1st Street side. They are requesting to locate the pool in the front yard setback along 1st Street even though it appears as the side yard of the dwelling.

This property is registered with the City as a vacation rental.

Sec. 2-152. - Variances.

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

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

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

The existing residence was built in 1972 and maintains the 25 foot front setback on 1st Street even though house faces 21st Avenue.

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

The applicant did not create any special conditions or circumstances.

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

Granting the variance would confer special privileges to the applicant.

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

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

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

This is the minimum variance to allow the owner to construct the pool as proposed.

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

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

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on March 6, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Two letters of denial were submitted.

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

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2023-03 -2011 1st Street. Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool for property located at 2011 1st Street, Indian Rocks Beach, Florida, and legally described as Lot 1, Block 54, Indian Beach Re-Revised, as recorded in Plat Book 5, Page 67, of the Public Records of Pinellas County, Florida.



2011 1st Street
BOA CASE NO. 2023-03

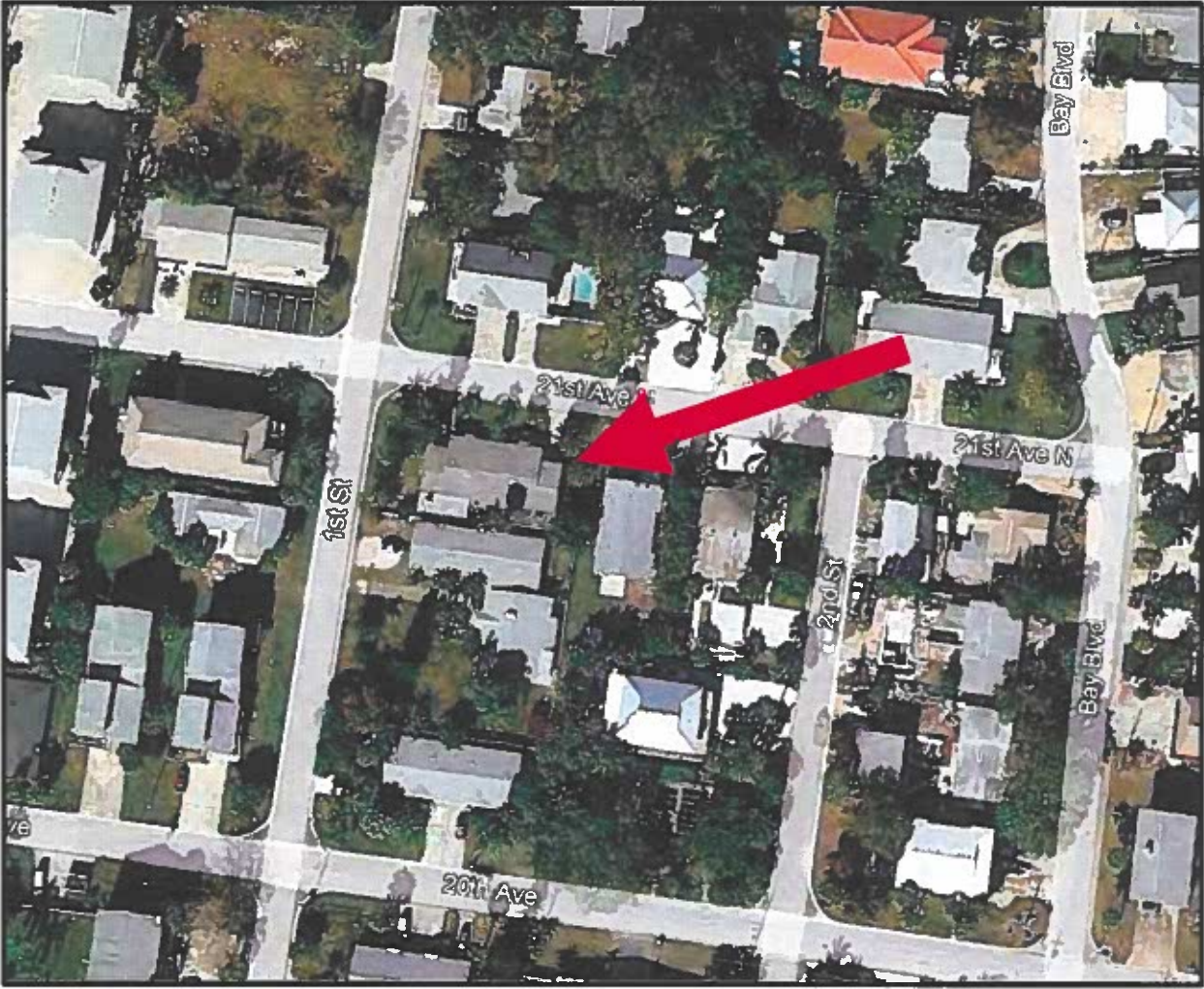


BOA CASE NO. 2023-03 –2011 1st Street

Variance request from Sec. 110-344 (4), of the Code of Ordinance, to allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool for property located at 2011 1st Street, Indian Rocks Beach, Florida, and legally described as Lot 1, Block 54, Indian Beach Re-Revised, as recorded in Plat Book 5, Page 67, of the Public Records of Pinellas County, Florida.



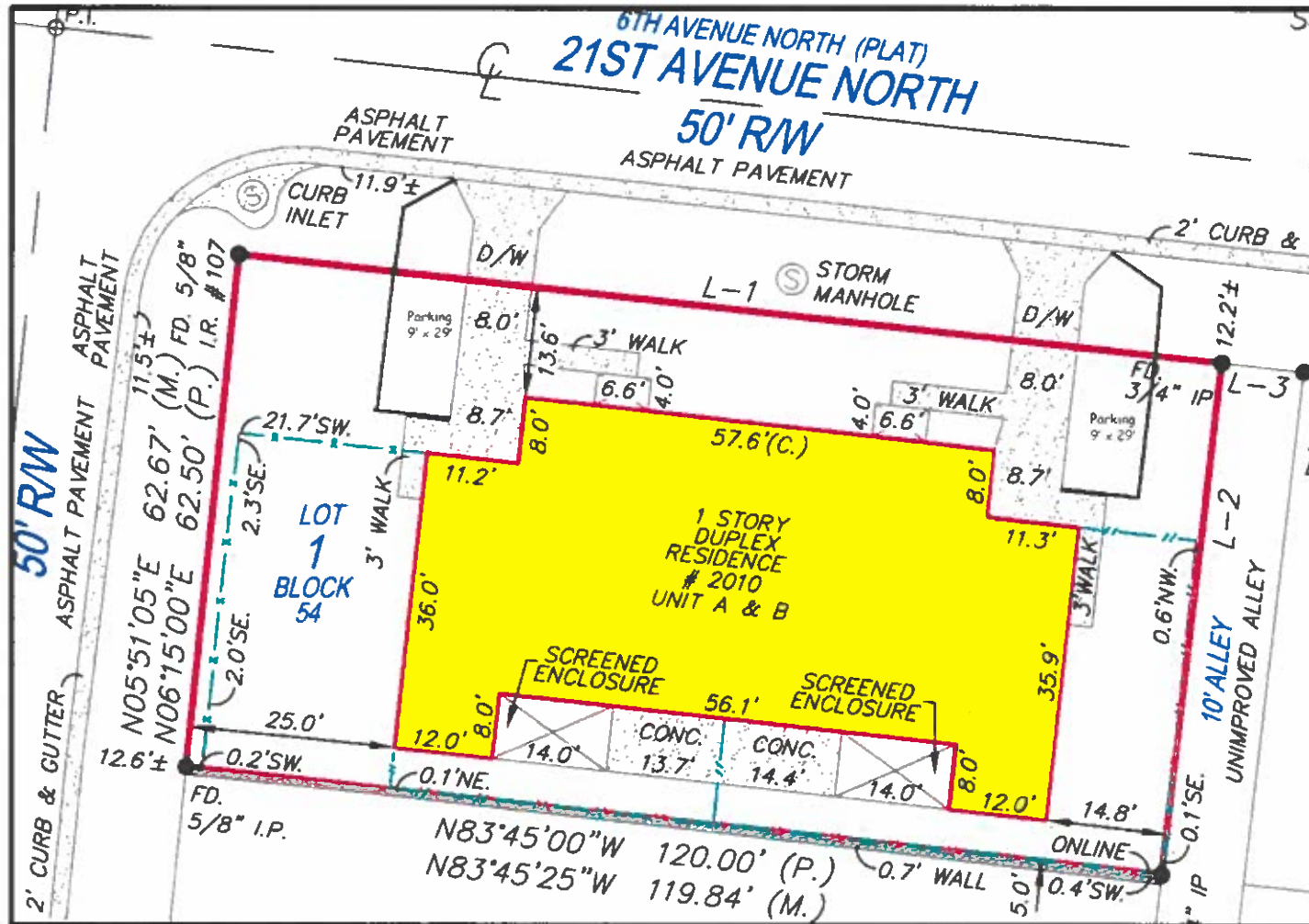
2011 1st Street



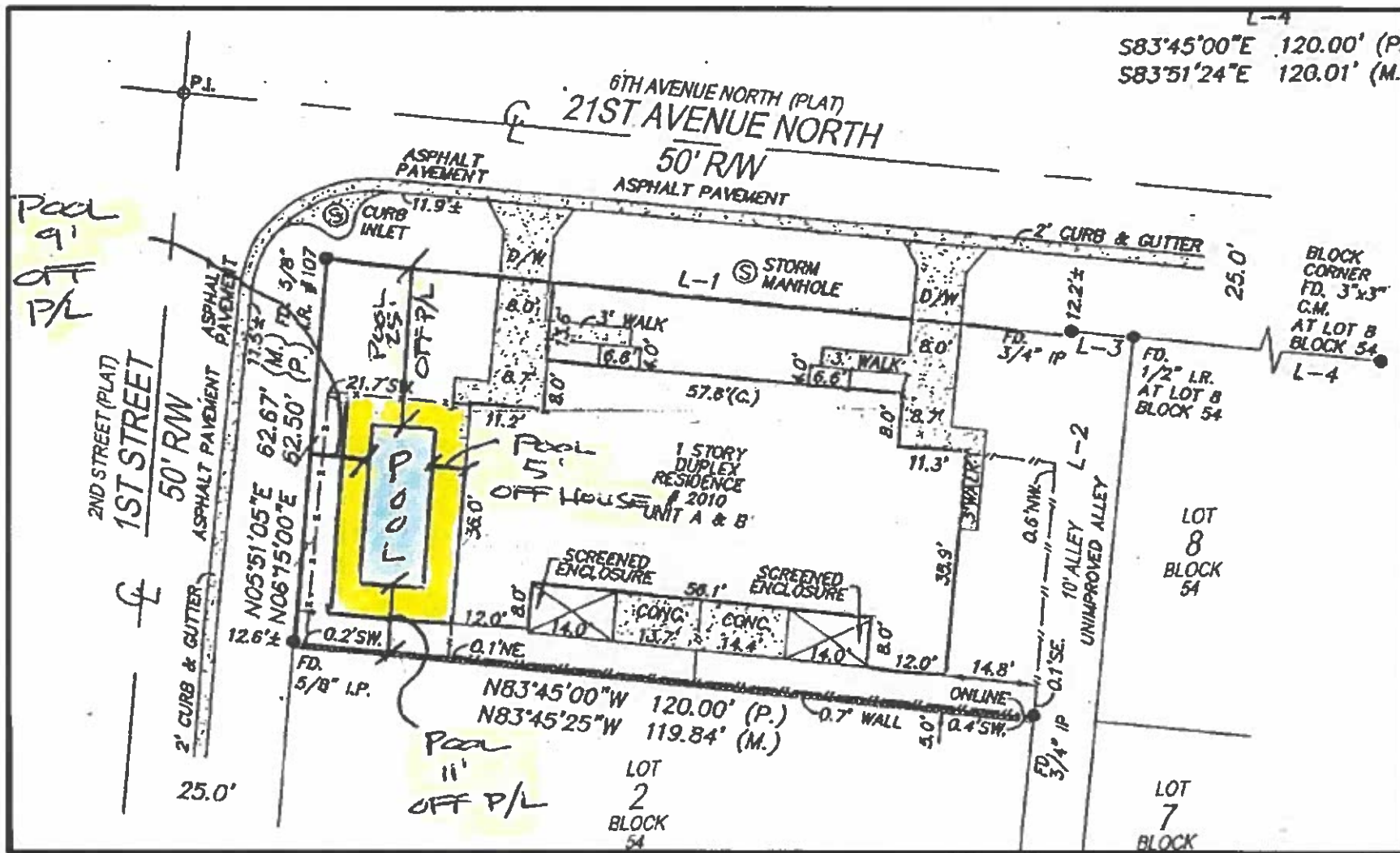
2011 1st Street



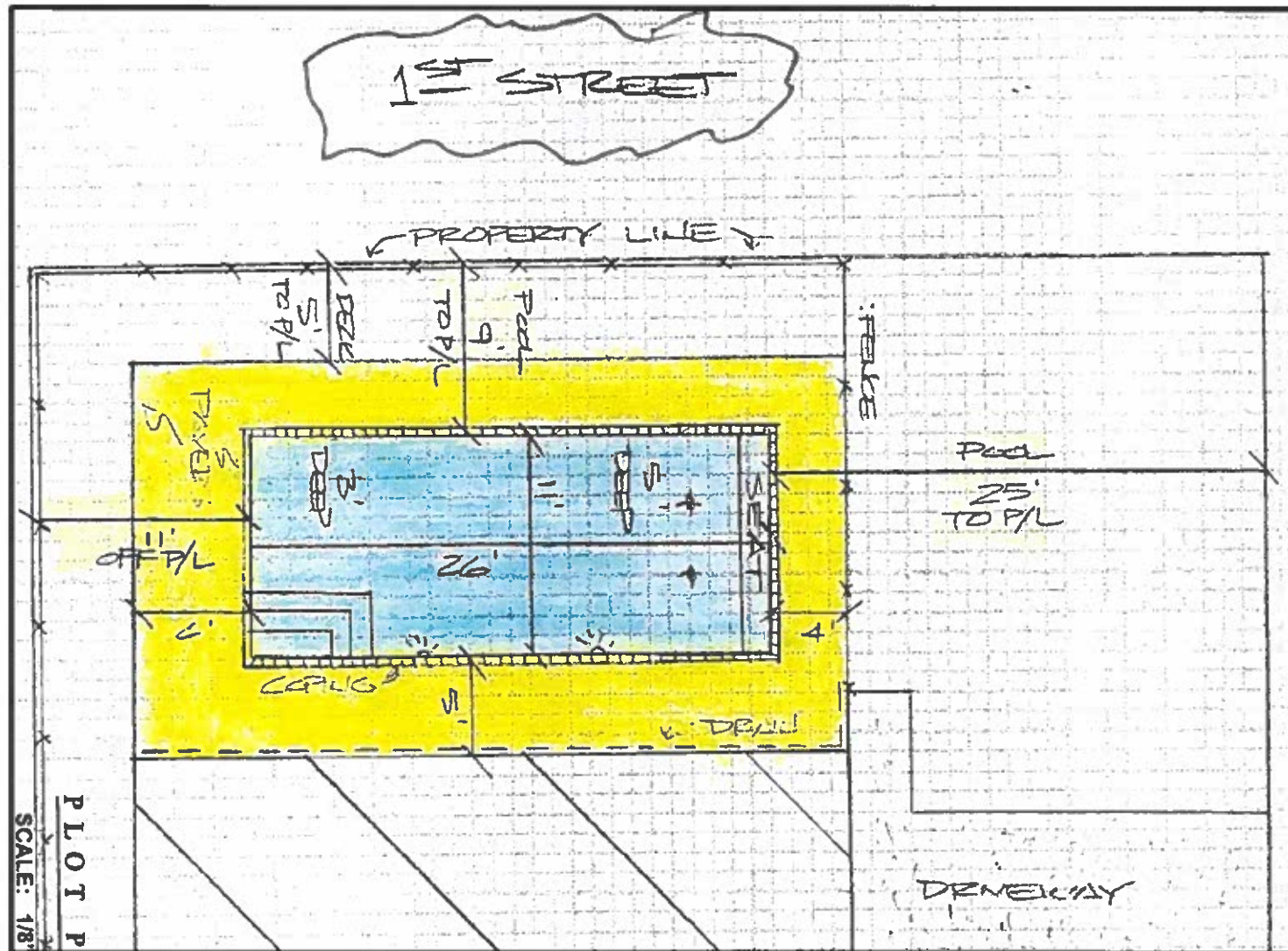
Survey



Proposed Pool Plan



Proposed Pool Plan



Looking South on 1st Street



Front Yard



Front Yard



Looking North on 1st Street



CORRESPONDENCE

RECEIVED

O'Reilly, Deanne

From: Fred Woody <fnwoody@gmail.com>
Sent: Wednesday, March 15, 2023 6:23 PM
To: O'Reilly, Deanne
Subject: Variance request 2011 21st Avenue

This is written to express my opposition to the variance requested by the owner of 2011 21st Avenue. My residence is directly across 21st Avenue from the subject property. I have been a full time resident since 2017. The reason for my objection is as follows. There have been occasions where I have observed as many as ten(10) overnight guests staying in each of the two units. If my information is accurate, each of these units contains two bedrooms.

Even if there are only six(6) guests per unit, that leaves the potential of twelve(12) guests utilizing the proposed pool at any one time. Obviously, the level of noise that would produce is quite concerning, and at a minimum, disruptive to the peace and quiet of those of us who live nearby. Approval of this variance would create a far greater hardship on those of us who make our homes here just so a vacation property owner can raise his rental rates in my opinion.

I ask that you please vote no on this request. Thank you, and if you would, pass along my comments as you see appropriate.

Fred Woody
204 21st Avenue
IRB



OBJECTION TO SETBACK VARIANCE REQUESTED BY 2011 1ST. ST. IRB, FL

We are property owners and/or full time residents living on 1st. Street. Some of us of have been here for 40-50 years. We moved to this community to enjoy the quiet peaceful atmosphere and to live in harmony with our neighbors. There is a growing trend in our community of properties being converted to short term rentals. This has resulted in new problems that seem to be materializing on a regular basis.

These issues affect the permanent residents in real time. 2011 1st. was recently converted to a short term rental. It has been a long term rental since 1972. Long term tenants at 2005 -next door- have complained about noise issues and have even witnessed a physical altercation requiring law enforcement to intervene.

We are concerned with an application for a variance and the eventual installation of a pool. Additional noise issues will threaten the livability for the surrounding permanent residents.

The current owner bought the property knowing that the orientation of the building made it impossible to add a pool.

The basis for the owner's appeal is the desire to maximize the value and profits of the newly acquired property. Does the new owner have a right to increase his profitability running a business at the expense of the neighbor's right to quiet comfort? A FINANCIAL INCREASE ON A RETURN OF AN INVESTMENT DOES NOT CONSTITUTE OR EQUAL A HARDSHIP.


If this variance is approved, it will set a precipitant. It will open the floodgates for variance applications that will encroach into all set back lines.

Set back lines are like fences. They make good neighbors.

For these reasons we object to the approval of a variance for 2011 1st. Street, Indian Rocks Beach, FL.

WE ARE CONCERNED NEIGHBORS OF 2011 FIRST STREET, INDIAN ROCKS BEACH, FL
WHO ARE OPPOSED TO A VARIANCE BEING GRANTED TO THE PROPERTY LOCATED AT
2011 ST. STREET, INDIAN ROCKS BEACH, FL

Melissa Page - 108A 20TH AVENUE IRB, FL 33785

 JIM POEHLMAN - 108 20TH AVE #B, IRB 33785

Dorinka Kenjanski 2005 1ST ST IRB 33785

ST FRANZ 2005 1ST ST #1, IRB, 33785

PHIL THOMPSON 2005 1ST ST #1, IRB, 33785

Milica Josif ^{#3} 2005 1ST ST. 3 33785

Robert Page - 108 20th Avenue IRB, FL 33785

Steve Waddy - 204 21st Avenue, IRB, FL 33785

Carol McLaughlin 115-21st IRB

APPLICATION

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

Enquiries City Hall: 727.595.2517 or Hetty Harmon: 863.646.4771 x211 Email: hharmon@irbcity.com
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

APPLICANT

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

AGENT/REPRESENTATIVE

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

SITE DETAILS

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

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

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

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	25ft	9ft	16ft
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:

Pool in front yard, Fence change from chain link to new fence that meets code and add landscaping for privacy (not to block sight triangle)

What is the proposed use of the property?

Residential Duplex

HARDSHIP

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

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

The property has exposure on two sides however the legal "front" of this property is 2011 1st St. This is due to an old resolution that states the front yard is the narrowest part of the property. The property functions with the driveway and entrance being on the longest side which is 21st Ave. The side and rear yards are not large enough for a pool. The technicality of the 25 foot setback would not allow for construction of a pool even though there is enough land and is the most appropriate location for a pool.

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

The house was built with this orientation in 1972 by the original owner in compliance of the old resolution stating that the front yard is the narrowest part of the property. We recently purchased the property in 2021 and did not create this hardship.

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:

Swimming pools are an allowable accessory use in this zoning district. Many homes in this neighborhood and district have swimming pools.

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:

Corner lots share this hardship due to the old resolution and literal interpretation would deprive other corner lots the ability to put in a pool, as well as an undue hardship on the applicant. Similar applicants with corner lots have been approved. 2313 1st St (1997) and 124 13th Ave (2020) are two examples.

HARDSHIP CONTINUED...

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

2313 1st was granted a 20 ft variance, we're only asking for 16ft and a front yard swimming pool. This would allow a 11' wide pool which is skinny, and 5ft between the house and pool for a walkway. Total distance from the pool to the street curb is 21.6 ft. The proposed pool is smaller than the average pool and a pool makes reasonable use of the land.

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:

This is the most uninjurious location to the area because that location is the most appropriate on the side of the house where it can be fenced and landscaped for privacy and safety. Pools in general are desirable amenities and desired by many homeowners, as evidenced by the numerous pools on our street. Denying variances for corner lots solely due to orientation would be injurious to many property owners.

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

There isn't room to put a pool in the legal side or rear yards. It is not possible to reorient the property to front 21st Ave so that the proposed location could be our side yard. This variance is only needed because of the old resolution deeming the narrowest portion our front yard, otherwise we could meet all setbacks as a side yard. Our house functions as facing 21st Ave and a pool on 1st fits the character and setbacks of other pool homes

facing 21st. This is an issue facing other corner lot owners. Prior granted variances did not cause a nuisance or create an undesirable situation.

CERTIFICATION

Date: 2/2/23

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: Shahan Lee

Signature: [Handwritten Signature]

Personally known/Form of Identification FLDL

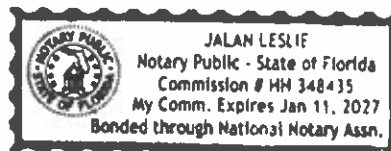
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 2 Month: February, 2023

Notary Public State of Florida at Large: [Handwritten Signature] 02/02/23

Notary Public Commission Expiration: 01/11/27

State of Florida
County: Pinellas
Lake

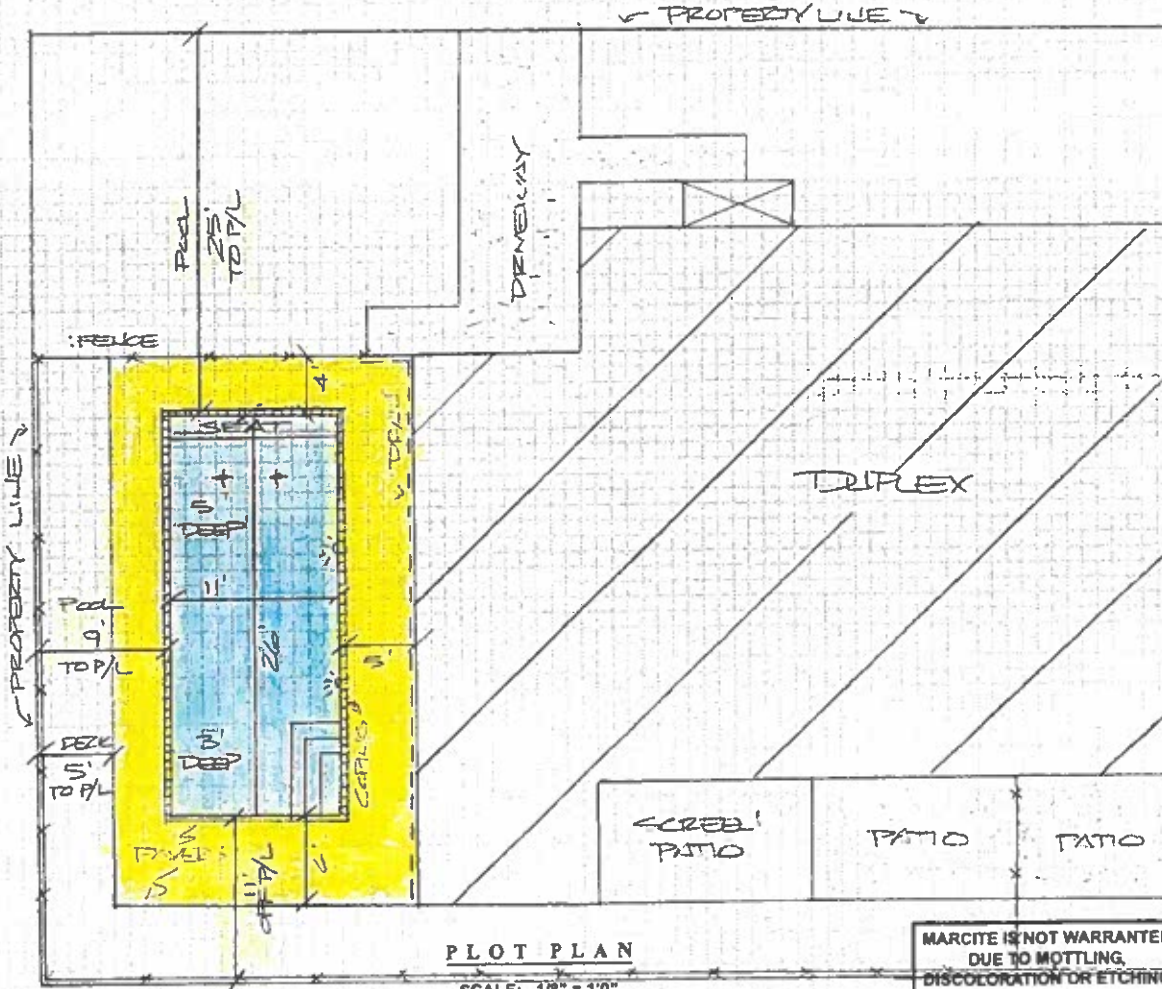


APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

21ST AVENUE NORTH

↑
NORTH

POOL SIZE 11' x 24' x SPECS
 POOL DEPTH 3' TO 5' CAPACITY GALLONS
 TILE COLOR 3
 DECKING: POUR & TOP SEE PROPOSAL
 DECKING: TOP ONLY
 FILTER PUMP
 POOL CLEANER
 CHEMICAL SYSTEM TIME CLOCK (S)
 POOL LIGHT
 ELECTRICAL HOOK-UP
 SWIM-OUT SEAT AT STEPS
 THERAPY JETS DRAIN-AWAY
 RETURN INLETS SKIMMER
 MANUAL CLEANING EQUIPMENT YES TEST KIT YES
 HEATER FOR POOL SIZE
 THERAPY SPA SIZE
 SPA JETS JET PUMP SPA LIGHT
 HEATER FOR SPA SIZE
 RAISED SPA BEAM BEAM WIDTH
 TOP OF BEAM BACK OF BEAM
 SCREEN ENCLOSURE



PLOT PLAN
 SCALE: 1/8" = 1'0"

MARCIITE IS NOT WARRANTED
 DUE TO MOTTLING,
 DISCOLORATION OR ETCHING

Kelly Pools
 Inc.
 727-593-9330
 P.O. Box 309 • Indian Rocks Beach, FL 33785

NAME SHAWN LEE
 ADDRESS 2011 1ST STREET
 CITY INDIAN ROCKS FL ZIP CODE 33785
 HOME PHONE 352-815-8778 OTHER PHONE

LOT _____ BLOCK _____ SUB _____

Legal Description:
 Lot 1, Block 54, Re- Revised Map of Indian Beach, according to the map or plat thereof, as recorded in Plat Book 5, Page(s) 6, of the Public Records of Pinellas County, Florida.

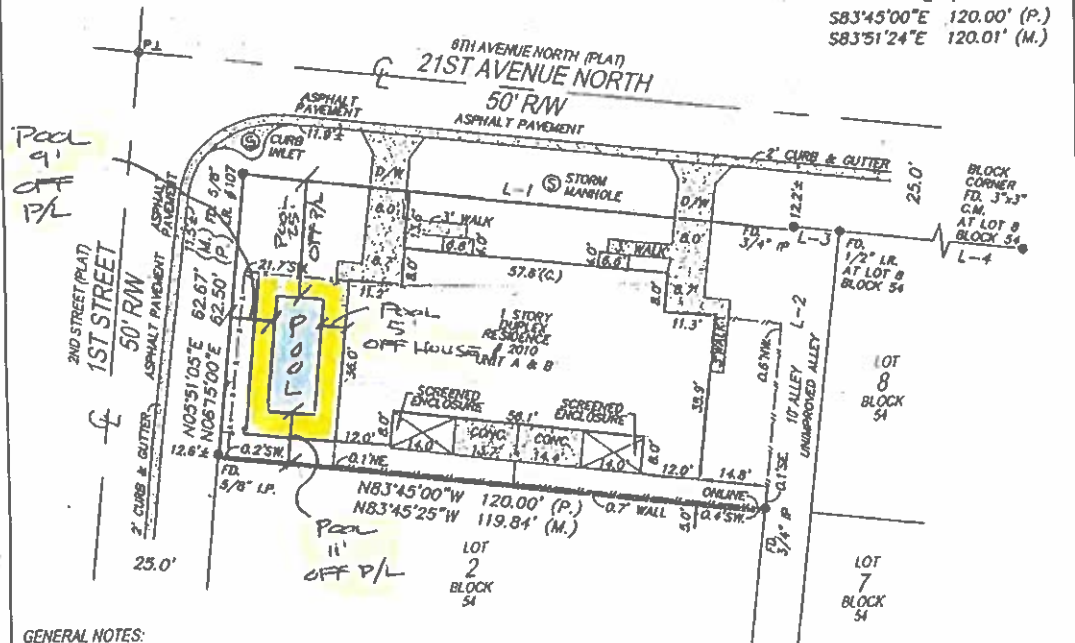
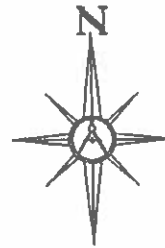
Property Address:
 2011 1st Street
 Indian Rocks Beach, Florida 33785

SKETCH OF SURVEY

TYPE OF SURVEY: BOUNDARY



- L-1
S83°45'00"E 120.00' (P.)
B.R. 120.79' (M.)
- L-2
S06°15'00"W 62.50' (P.)
S06°42'58"W 62.66' (M.)
- L-3
S83°45'00"E 10.00' (P.)
S83°41'15"E 10.08' (M.)
- L-4
S83°45'00"E 120.00' (P.)
S83°51'24"E 120.01' (M.)



GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) UNDERGROUND FEATURES, SUCH AS IMPROVEMENTS, ENCROACHMENTS, FOUNDATIONS OR UTILITIES, IF EXISTENT, WERE NOT LOCATED AS A PART OF THIS SURVEY.
- 3) BUILDING TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES. THE DIMENSIONS OF BUILDINGS AS SHOWN HEREON DO NOT INCLUDE ANY GABLE OVERHANGS UNLESS NOTED.
- 4) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- 5) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 6) BEARINGS SHOWN ARE REFERENCED TO THE LINE NOTED B.R.
- 7) THE SURVEY DEPICTED HEREON FORMS A CLOSED GEOMETRIC FIGURE.
- 8) THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- 9) THIS DRAWING MAY NOT BE TO SCALE DUE TO ELECTRONIC TRANSFER OR COPY.
- 10) THIS SURVEY DOES NOT REFLECT OR DETERMINE PROPERTY OWNERSHIP OR INTEREST THEREIN, IF ANY, WHICH WERE NOT DETERMINED AS A PART OF THIS SURVEY.
- 11) THE SURVEY DEPICTED HEREON IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY WETLAND OR JURISDICTIONAL AREAS. THERE MAY BE AREAS WITHIN THE BOUNDARIES OF THIS SURVEY THAT MAY BE CONSIDERED JURISDICTIONAL BY VARIOUS AGENCIES.
- 12) THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 601.7042, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
- 13) THIS SURVEY IS INTENDED FOR MORTGAGE OR REFINANCE PURPOSES ONLY, AND IS EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF THE ATTESTING SURVEYOR.
- 14) THIS IS NOT AN ALTA MENSURA LAND TITLE SURVEY. NO EXAMINATION OF TITLE WAS MADE BY THE SURVEYOR.
- 15) THESE LANDS MAY BE SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS, AND/OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.

LEGEND & ABBREVIATIONS

AC	AIR CONDITIONER	N	NORTH	SW	SIDEWALK
B.R.	BEARING REFERENCE	NAD	NAD 83 DISC	SEC	SECTION
C	CALCULATED	N.R.	NON RADIAL	TEL	TELEPHONE FACILITIES
C.M.	CONCRETE MONUMENT	O.H.L.	OVERHEAD LINES	T.O.B.	TOP OF BANK
CONC	CONCRETE	O.R.B.	ORIGINAL RECORDS BOOK	TR	TRANSFORMER
CALC.	CALCULATED	P.	PLAT	TYP.	TYPICAL
CATV	CABLE TELEVISION RISER	P.B.	PLAT BOOK	U.E.	UTILITY EASEMENT
CP	CORNER BEARING	P.C.	POINT OF CURVATURE	W.	WEST
CH	CHORD	P.C.P.	POINT OF COMPOUND CURVATURE	W.M.	WATER METER
CDR.	CORNER	P.C.P.	PERMANENT CONTROL POINT		
D	DESCRIPTION OR DRED	PL	PAGE		
D.E.	DRAINAGE EASEMENT	P.I.	POINT OF INTERSECTION		
EL	ELEVATION	P.A.R.	PARKER/AYR/ON/VAL		
E	EAST	P.O.L.	POINT ON LINE		
E.O.P.	EDGE OF PAVEMENT	P.P.	UTILITY POLE		
E.O.W.	EDGE OF WATER	P.P.C.	POLYVINYL CHLORIDE		
E.P.U.E.	ELECTRIC UTILITY EASEMENT	P.O.B.	POINT OF BEGINNING		
ESMT.	EASEMENT	P.O.C.	POINT OF COMMENCEMENT		
FF.	FINISHED FLOOR	P.R.C.	POINT OF REVERSE CURVE		
F.	FOUND	PRM	PERMANENT REFERENCE MONUMENT		
IP.	IRON PIPE	P.T.	POINT OF TANGENCY		
IR	IRON ROD	R.	RADIUS		
L	LENGTH	RAD. P.	RADIUS POINT		
L.M.	LENGTH	R.W.	RIGHT OF WAY		
M.E.	MAINTENANCE EASEMENT	S	SOUTH		
N.A.V.D. 1988	NORTH AMERICAN VERTICAL DATUM 1988				
N.G.V.D. 1929	NATIONAL GEODETIC VERTICAL DATUM 1929				
G.P.S.	GLOBAL POSITIONING SYSTEM				
N.A.D. 83	NORTH AMERICAN HORIZONTAL DATUM 1983				
N.A.D. 83	NORTH AMERICAN HORIZONTAL DATUM 1983				

CERTIFIED TO:

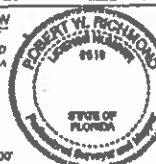
OCF Beach LLC, a Virginia Limited Liability Company;
 Elevated Title Services, LLC;
 Fidelity National Title Insurance Company.

SHEET 1 OF 1

Section 01, Township 30 South, Range 14 East

Drawn By: AV	Survey Number: 21-2421
4	
3	
2	
1	
NO.	REVISIONS

SURVEYOR'S CERTIFICATION
 I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS A TRUE AND ACCURATE PRESENTATION OF THE INFORMATION SHOWN HEREON.
 LAST DATE OF FIELD SURVEY: 07-26-2021
 R. WAYNE RICHMOND
 Digitally signed by R. WAYNE RICHMOND
 Date: 2021.07.28 12:02:57-04'00'



Prepared By
Richmond Surveying & Mapping, LLC
 17310 DEER ISLAND ROAD PHONE 407-386-3151
 DEER ISLAND, FL 32778 407-386-3162
 CERTIFICATE OF AUTHORIZATION LB7723 FAX 1-866-941-8769

ROBERT W. RICHMOND, Professional Land Surveyor & Mapper No. 6616, State of Florida
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND/OR AN AUTHENTICATED ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.

AGENDA ITEM NO. 5

OTHER BUSINESS

AGENDA ITEM NO. 6

ADJOURNMENT