

**TUESDAY,
May 10, 2022**

**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, MAY 10, 2022 @ 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 their name and address, and state any comment or concern that they 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.**
 - (1) **Second Quarter Financial Reports. [Presented by the Finance Director.]**
- C. **City Commission.**
[3-minute time limit per City Commission Member.]

4. ADDITIONS/DELETIONS.

5. CONSENT AGENDA:

- A. APPROVAL OF** the April 12, 2022 Investiture Ceremony Minutes.
- B. APPROVAL OF** the April 12, 2022 Regular City Commission Meeting Minutes.
- C. REAPPOINTMENT OF** Regular Board Member Peter Sawchyn to the Planning and Zoning Board for a two-year term, expiring May 31, 2024.
- D. REAPPOINTMENT OF** Regular Board Member Richard Antepenka to the Planning and Zoning Board for a two-year term, expiring May 31, 2024.
- E. REAPPOINTMENT OF** Regular Board Member James Labadie to the Board of Adjustments and Appeals for a three-year term, expiring June 30, 2025.
- F. REAPPOINTMENT OF** Regular Board Member David Watt to the Board of Adjustments and Appeals for a three-year term, expiring June 30, 2025.

6A. ABT 17-2022 — WYNE IRB, INC., 311 GULF BOULEVARD, #5

CONSIDERING a 2COP Alcoholic Beverage Use Designation request *[beer; wine. By the drink or in sealed containers for consumption on or off premises where sold]*, to Wyne IRB, INC, dba Wyne located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Being a replat of Lots 4, 5, 6, 7, 22, 23, 24, the westerly 21 feet of Lot 25 and a portion of Lots 8 and 21, Block 9, Indian Rocks Beach. Property ID #: 12-30-14-42858-009-0100. *[Presented by the City Clerk.]*

6B. BOA CASE NO. 2022-08— 349 12TH AVENUE

CONSIDERING a variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349-12th Avenue, Indian Rocks Beach Florida, and legally described as Indian Beach Re-Revised 2nd Add Blk 89, Lot 12. Parcel #: 06-30-15-42066-089-0120. *[Presented by Planning Consultant.]*

6C. BOA CASE NO. 2022-07— 2105 BAY BOULEVARD

CONSIDERING a variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet for the installation of a swimming pool for the property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Beach Re-Revised 13th Add Lot 6 & rip rts. Parcel #: 06-30-15-42264-000-0060. *[Presented by Planning Consultant.]*

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 to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 doreilly@irbcity.com, no later than FIVE (5) days before the proceeding for assistance.

POSTED: MAY 6, 2022

NEXT REGULAR CITY COMMISSION MEETING
June 14, 2022 @ 7:00 p.m.

AGENDA ITEM NO. 1A

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



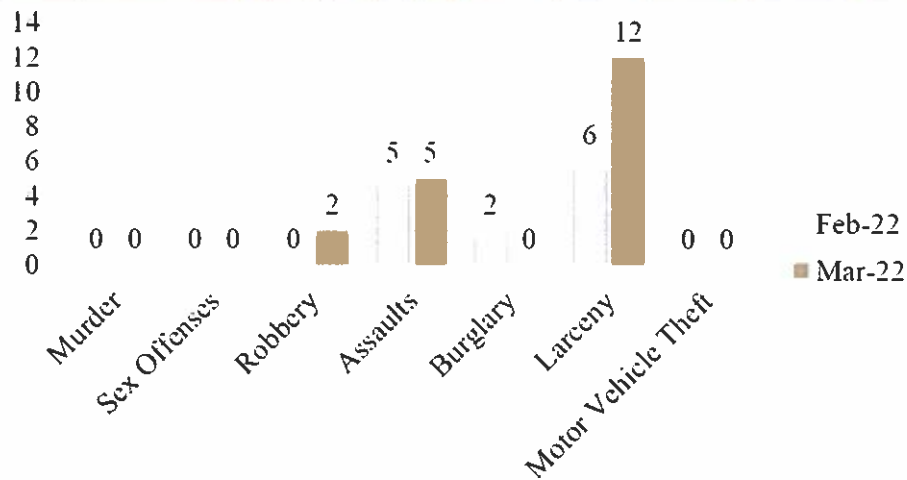
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

March 2022

Select UCR Property & Person Crimes	February 2022	March 2022	March 2021 YTD	March 2022 YTD
Murder	0	0	0	0
Sex Offenses	0	0	1	0
Robbery	0	2	0	2
Assaults	5	5	4	12
Burglary	2	0	4	2
Larceny	6	12	13	21
Motor Vehicle Theft	0	0	3	0
GRAND TOTAL	13	19	25	37



Arrests

March 2022

There were a total of 19 people arrested in the City of Indian Rocks Beach during the month of March resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
Felony	4
Felony Battery-Prior Convictions	1
Felony Theft-Prior Convictions	1
Possession Of Controlled Substance	1
Robbery-Carjacking	1
Misdemeanor	11
Battery	1
Battery-Domestic Related	2
Criminal Mischief	1
Disorderly Intoxication	2
False Information To LEO During Investigation	1
Resist/Obstruct LEO Without Violence	1
Trespass After Warning	1
Trespass In Structure/Conveyance	1
Violation Of Injunction Protect Domestic	1
Warrant	1
Warrant Arrest	1
Traffic Felony	1
Driver's License Suspended/Revoked	1
Traffic Misdemeanor	8
Driving Under The Influence	6
Leave Scene (With Damage)	1
Refusal Submit To Test-Intoxicated	1
Grand Total	25

*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 997 events in the City of Indian Rocks Beach during the month of March resulting in 1,344 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 March. *CAD data is filtered by problem type.

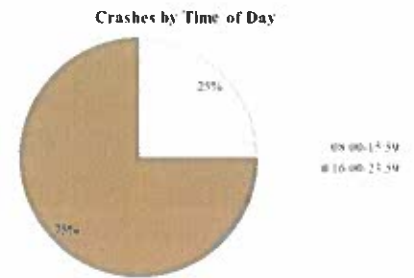
March 2022

DEPUTY ACTIVITY	TOTAL
Traffic Stop	245
Directed Patrol	219
Vehicle Abandoned/Illegally Parked	125
House Check	48
Assist Citizen	46
Suspicious Person	25
Ordinance Violation	23
Community Contact	21
Noise	19
Information/Other	16
Traffic Violation	13
Supplement	12
Transport Prisoner	11
Accident	11
Trespass	11
Building Check Business	9
Suspicious Vehicle	9
Alarm	9
Contact	9
Burglary-Not In Progress	8
Area Check	8
Contact/Welfare Check/MHU	6
Civil Matter	6
Hit And Run	6
Disorderly Conduct	5

Crash & Citation Analysis

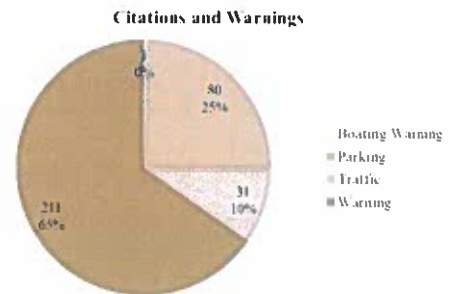
There were 8 crashes in the City of Indian Rocks Beach during March 2022. *Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
401 Gulf Blvd	2
713 Gulf Blvd	1
11th Ave/Gulf Blvd	1
20th Ave/1st St	1
Whitehurst Ave/Gulf Blvd	1
27th Ave/Gulf Blvd	1
2nd Ave/Gulf Blvd	1



There were a total of 323 citations and warnings issued in the City of Indian Rocks Beach during March 2022.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
4th Ave & Gulf Blvd	5
1st Ave & Gulf Blvd	5
Gulf Blvd & 7th Ave	3
50 Gulf Blvd	2
5th Ave & 1st St	2
11th Ave & Gulf Blvd	2
20th Ave & 1st St	1
2601 Gulf Blvd	1
E Gulf Blvd & 5th Ave	1
27th Ave & Gulf Blvd	1



AGENDA ITEM NO. 1B

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

AGENDA ITEM NO. 2
PUBLIC COMMENTS.

AGENDA ITEM NO. 3A
REPORTS OF City Attorney

AGENDA ITEM NO. 3B
REPORTS OF City Manager

May 2022 City Managers Report

Code Enforcement Report for March 2022

- 93 Parking Citations (does not include PCSO Citations)
- 14 Notice of Violations
- 3 Notices to Appear
- 4 Courtesy Letters

Capital Projects

- The Kolb Park Basketball Court reconstruction project is complete. Sod will be added around the border of the court within a few days. The project was completed ahead of schedule.
- The Kolb Park Tennis Court/Pickleball Accommodation Project is underway. This project is expected to last until May 27, 2022. Upon completion the tennis courts will accommodate four pickleball courts while maintaining two tennis courts.
- Gulf Boulevard Undergrounding Project - We have applied for grant funds from the State of Florida for possible funding of additional undergrounding of utilities along Gulf Boulevard. We do not know the timeline of a response to our request.
- The City recently lost one of its long-time residents, Mr. Wally Clark. Wally volunteered in various roles including the Charter Review Committee and the Board of Adjustments. We honor Wally's life and his service to the City of Indian Rocks Beach. The City will place a memorial brick in his honor at Chic -A- Si Park.

BEACHARTCENTER

www.beachartcenter.org

April 25, 2022

Gregg Mims
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

Dear Gregg,

On behalf of the Beach Art Center, I would like to thank you again for your generous sponsorship of our 2022 Boots and Brushes Gala. The amazing support of the city staff enabled the gala to be a resounding success. The Beach Art Center doubled its fund raised at this event versus its previous best mark, and your contribution was an especially important part of our success.

The sponsorship funds are now available to assist the Beach Art Center in achieving its near, and long term, goals of providing our beach community and surrounding communities with a first-class art experience including art instruction, art appreciation, performing and language arts classes. In the future, the art center will begin to transform its interior space to upgrade the classroom and gallery space to be able to accommodate events with upgraded audio and video capabilities.

We are so grateful for the city's contribution to our programming and helping to ensure our continuing success to create a safe, communal space for all kinds of artists, art enthusiasts, and our community.

We hope that you enjoyed the event as much as we did and look forward to next year's gala event.

Sincerely,


Barbara L. Parker, President
Beach Art Center Board of Directors

*Gregg, thank you
& the IRB staff
for always
supporting
us!
Barbara*

No goods or services were provided in exchange for this contribution. Gulf Beach Art Center, Inc. d/b/a Beach Art Center is an exempt organization as described in Section 501(c)(3) of the Internal Revenue Code; EIN 59-1848760.

(727) 596-4331
beachartcenter@gmail.com
1515 Bay Palm Blvd, Indian Rocks Beach, FL 33785

DISCUSSION MEMO

INDIAN ROCKS BEACH CITY COMMISSION

MEETING OF: May 10, 2022

AGENDA ITEM: 3B (1)

SUBMITTED AND

RECOMMENDED BY:

Dan Carpenter, Finance Director



APPROVED BY:

Brently Gregg Mims, City Manager



SUBJECT:

March 2022 Year-to-Date Financial Report

BACKGROUND:

Each quarter the Finance Director presents to the City Commission, a report outlining the financial position of the city.

ANALYSIS:

The attached report summarizes the City's financial performance for the three months ended March 31, 2022. Financial analysis is provided for the General Fund, Capital Projects and Solid Waste Fund.

City of Indian Rocks Beach
FY 2022 BUDGET TO ACTUAL REPORT
AS OF MARCH 31, 2022

	<u>3/31/2022</u> <u>Period to Date</u> <u>Actual</u>	<u>FY 2022 TOTAL</u> <u>APPROVED BUDGET</u>	<u>OVER/(UNDER)</u> <u>BUDGET</u>	<u>% OF</u> <u>TOTAL FY 2022</u> <u>APPROVED BUDGET</u>
001 GENERAL FUND				
AD VALOREM TAX	\$ 2,364,015	\$ 2,551,610	\$ (187,595)	93%
FRANCHISE FEE	\$ 195,722	\$ 456,000	\$ (260,278)	43%
COMMUNICATIONS SERVICES TAX	\$ 34,543	\$ 88,000	\$ (53,457)	39%
BUSINESS REG & OCC LICENSES	\$ 34,632	\$ 38,510	\$ (3,878)	90%
PERMITS & FEES	\$ 19,065	\$ 8,800	\$ 10,265	217%
INTERGOVERNMENTAL	\$ 198,492	\$ 454,340	\$ (255,848)	44%
CHARGES FOR SERVICES	\$ 5,647	\$ 7,250	\$ (1,603)	78%
PARKING FEES	\$ 108,360	\$ 150,000	\$ (41,640)	72%
FINES AND FOREFITS	\$ 25,372	\$ 20,000	\$ 5,372	127%
INTEREST ON INVESTMENT	\$ 30,269	\$ 25,000	\$ 5,269	121%
MISCELLANEOUS	\$ 27,362	\$ 17,500	\$ 9,862	156%
TRANSFERS	\$ 74,430	\$ 148,860	\$ (74,430)	50%
TOTAL REVENUE	\$ 3,117,909	\$ 3,965,870	\$ (847,961)	79%
CITY COMMISSION	\$ 30,537	\$ 51,840	\$ (21,303)	59%
CITY MANAGER	\$ 151,890	\$ 278,610	\$ (126,720)	55%
FINANCE	\$ 182,555	\$ 370,310	\$ (187,755)	49%
CITY ATTORNEY	\$ 27,545	\$ 87,700	\$ (60,155)	31%
PLANNING	\$ 33,219	\$ 85,650	\$ (52,431)	39%
CITY CLERK	\$ 80,596	\$ 179,220	\$ (98,624)	45%
LAW ENFORCEMENT	\$ 568,770	\$ 1,135,200	\$ (566,430)	50%
BUILDING & CODE ENFORCEMENT	\$ 57,936	\$ 131,900	\$ (73,964)	44%
PUBLIC WORKS	\$ 482,572	\$ 1,118,850	\$ (636,278)	43%
LIBRARY	\$ 56,450	\$ 113,510	\$ (57,060)	50%
RECREATION	\$ 31,253	\$ 40,200	\$ (8,947)	78%
CENTRAL SERVICES	\$ 135,089	\$ 359,250	\$ (224,161)	38%
TOTAL EXPENDITURES	\$ 1,838,412	\$ 3,952,240	\$ (2,113,828)	47%
101 CAPITAL PROJECTS				
IC SURTAX PENNY FOR PINELLAS	\$ 257,169	\$ 500,000	\$ (242,831)	51%
UTILITY UNDERGROUND GRANT	\$ -	\$ 1,772,360	\$ (1,772,360)	0%
GRANTS - AMERICAN RESCUE PLAN & D	\$ -	\$ 1,782,050	\$ (1,782,050)	0%
TOTAL REVENUE	\$ 257,169	\$ 4,054,410	\$ (3,797,241)	6%
CONTRUCTION PROJECTS	\$ 332,178	\$ 2,628,360	\$ (2,296,182)	13%
TOTAL EXPENDITURE	\$ 332,178	\$ 2,628,360	\$ (2,296,182)	13%
402 SOLID WASTE FUND				
GRANT REVENUE	\$ 2,943	\$ 3,000	\$ -	98%
SOLID WASTE	\$ 787,567	\$ 1,494,980	\$ (707,413)	53%
TOTAL REVENUE	\$ 790,510	\$ 1,497,980	\$ (707,413)	53%
SOLID WASTE	\$ 653,429	\$ 1,708,900	\$ (1,055,471)	38%
TOTAL EXPENDITURE	\$ 653,429	\$ 1,708,900	\$ (1,055,471)	38%

AGENDA ITEM NO. 3C

REPORTS OF City Commission

AGENDA ITEM NO. 4
ADDITIONS/DELETIONS

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

**APPROVAL OF
April 12, 2022 Investiture
Ceremony Minutes**

**MINUTES — APRIL 12, 2022
CITY OF INDIAN ROCK BEACH
INVESTITURE CEREMONY**

The Indian Rocks Beach Investiture Ceremony was held on **TUESDAY, APRIL 12, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 6:30 p.m.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Commissioner Phillip J. Hanna, Commissioner Edward G. Hoofnagle, Commissioner-Elect Joe McCall.

STAFF PRESENT: City Manager Brently Gregg Mims, City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, and Planning Consultant Hetty C. Harmon AICP.

ABSENT: Commissioner Denise Houseberg and Commissioner Ed Hoofnagle.

Mayor-Commissioner Mayor introduced Pastor Elizabeth M. Clement, Church of Isles, opened the Investiture Ceremony with an invocation.

Mayor-Commissioner Kennedy welcomed everyone to the Investiture Ceremony and noted there would be a brief reception following the proceedings.

The following individuals were sworn in for their new terms as Indian Rocks Beach Mayor-Commissioner and City Commissioners:

1. **Joanne "Cookie" Moston Kennedy**
Sworn in by Notary Kathryn Blankenship Alvarez.
2. **Jude Bond**
Sworn in by City Attorney Randy D. Mora.
3. **Joseph D. McCall**
Sworn in by City Attorney Randy D. Mora.

Mayor-Commissioner Kennedy announced that the regular meeting would begin at 7:00 p.m.

Fr. Tom Morgan, St. Jerome's Catholic Church, closed the Investiture Ceremony with words of encouragement, guidance, and strength for the elected officials, the City employees, and the citizens.

3. ADJOURNMENT.

The meeting was adjourned at 6:46 p.m.

May 10, 2022
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

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

**APPROVAL OF
April 12, 2022 Regular City
Commission Meeting Minutes**

**MINUTES — APRIL 12, 2022
CITY OF INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING**

The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, APRIL 12, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance and a moment of silence.

PRESENT: Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Joseph D. McCall, Commissioner Jude Bond, and Commissioner Philip J. Hanna.

STAFF PRESENT: City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Finance Director Daniel A. Carpenter, CGFO, and Planning Consultant Hetty C. Harmon, AICP.

ABSENT: Commissioner Denise Houseberg and City Manager Brently Gregg Mims.

(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 presented the crime analysis report for the month of February 2022.

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

Fire Chief Davidson introduced and recognized the firemen and paramedics that were on scene for the March 6, 2022 stolen vehicle/carjacking incident and for the March 10, 2022, structure fire at 700 Gulf Boulevard. He also thanked and commended the Pinellas County Sheriff's Office for their work because they could not do their jobs as well without the help of the sheriff's office.

1C. PRESENTATION OF the Annual Comprehensive Financial Report for Fiscal Year Ended September 30, 2021, by Moore Stephens Lovelace, P.A.

Jeff Wolf, CPA, Audit Manager, of Moore Stephens Lovelace CPAs & Advisors, presented the Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2021, and stated the City is in a very good financial position and has no debt.

Finance Director Carpenter thanked the City Commission, the City Manager, the Department Heads, and staff for their support and assistance throughout the year to prepare and complete this process.

2. PUBLIC COMMENTS.

Keith Meyer, Florida 6th Circuit Court Judge Group 27, stated he is seeking re-election this coming November. He is a resident of the Town of Belleair and has sat on the bench since November 2010. He thereafter provided a brief background on himself, spoke about his credentials, experience, and judgeship. For further information, he can be contacted at 727-501-4654 or votekeithmeyer.com. He will return all phone calls and e-mails.

R.B. Johnson, 1206 Beach Trail, stated he was informed that he may have given the misimpression at the last City Commission Meeting that he was somehow in favor of adding paid parking to different areas in the City that do not have paid parking, such as the beach accesses or perhaps the on-street parking down in the Narrows Business District, and that was not what he was advocating at the last meeting.

Mr. Johnson stated he was referring to the fact that the City has parking issues largely because the City is so gracious. The City has lots of parking, mostly free parking on the beach accesses and the side streets and other places, such as the Narrows Business District and parks.

Mr. Johnson stated he is not and has never advocated for paid parking on the beach accesses. He is perfectly happy with the free parking on the beach accesses and the free parking in the Narrow Business District.

Mr. Johnson stated that because the City has so much parking, whether it is free or not, people will come to the beach. For example, Clearwater Beach has lots of parking, mostly paid parking, which does not deter people from coming to the beach.

Mr. Johnson stated the City put in on-street parking several years ago in the Narrows Business District. It was always intended for businesses, restaurants, and employees in that area. But over the years, it is primarily being used by beach-goers.

Mr. Johnson stated he brought up a possible solution limiting the time on those on-street parking spaces in the Narrows Business District. He said in Pass-A-Grill Beach the parking spaces have time limits on them, and it seems to be working.

Mishelle Hargett, 2900 1st Street, stated that April is Autism Awareness Month. She is a mother of 6 children. She introduced her youngest child, Zachary, who was diagnosed with autism on March 31, 2015, and shared Zachary's ups and downs and challenges with autism.

Ms. Hargett stated Zachary was born and raised in Indian Rocks Beach and he knows no other home, and Mayor Cookie thought it was important that her family brought autism awareness to Indian Rocks Beach.

Ms. Hargett and Mayor Cookie thought that maybe the City could look into having some disabled children events since Zachary will not go to the Easter Egg Hunt because there are too many children in attendance.

3A. REPORTS OF City Attorney.

City Attorney Mora reported on the following bills:

- *SB280/HB403, Local Ordinances.* Impose new substantive requirements on municipalities for adopting and enforcing ordinances. First, the bills require a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement.

City Attorney Mora stated SB280/HB403 failed.

- *SB620, Business Damages Against Local Government.* Allow a business that has been engaged in a lawful business in a municipality for at least three years to claim business damages from the municipality if it enacts or amends an ordinance or charter provision that will cause a reduction of at least 15% of the business' profit as applied on a per-location basis of a business operated within the jurisdiction. The bills provide three ways for a municipality to cure the business' claim and avoid paying damages: repeal the ordinance or charter provision; amend the ordinance or charter provision; or grant a waiver to the business from enforcement of the ordinance or charter provision. The bills provide exemptions from business damages claims for various ordinances and charter provisions: ordinances required to comply with, or expressly authorized by, state or federal law; emergency ordinances, declarations or orders adopted pursuant to the state Emergency Management Act; a temporary emergency ordinance that remains in effect for no more than 90 days; ordinances or charter provisions enacted to implement: Part II of Chapter 163 (including zoning, development orders and development permits); the Florida Building Code; the Florida Fire Code; a contract or an agreement, including contracts or agreements relating to grants or other financial assistance; debt issuance or refinancing; procurement; budgets or budget amendments, including revenue sources necessary to fund the budget. The bills specify that in action to recover damages, the courts may award attorney fees and costs to the prevailing party. The bills are prospective and apply to ordinances and charter provisions enacted or amended after the legislation becomes law.

City Attorney Mora stated SB620 passed. He stated it remains to be seen as with any new statute how this will change the landscape but it will change the landscape. When a new civil cause of action in one premised around government regulation, it changes things. This is somewhat of a cultural outgrowth of what municipalities saw come out of COVID and the

various regulations that were imposed in businesses claiming that they were being prohibitly harmed by government's attempt to adapt.

3B. REPORTS OF City Manager.

City Manager Mims submitted his written report.

3C. REPORTS OF City Commission.

The City Commission welcomed City Commissioner Jude Bond to the City Commission.

4. ADDITIONS/DELETIONS. None

5. CONSENT AGENDA:

- A. APPROVAL OF the March 8, 2022 Regular City Commission Meeting Minutes.**
- B. RECEIVE/FILE the Indian Rocks Beach Annual Progress Report on Flood Mitigation Projects in Pinellas in Pinellas County's Local Mitigation Strategy.**
- C. APPROVING of the Fiscal Year 2022/2023 Budget Calendar.**
- D. ACCEPT/FILE the Annual Comprehensive Financial Report for Fiscal Year Ended September 30, 2021.**

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

MOTION MADE BY VICE MAYOR-COMMISSIONER McCALL, SECONDED BY COMMISSIONER HANNA, TO APPROVE THE CONSENT AGENDA, CONSISTING OF AGENDA ITEM NOS. 5A THROUGH 5D. UNANIMOUS APPROVAL BY ACCLAMATION.

6A. BOA CASE NO. 2022-05 — 799 EAST GULF BOULEVARD.

CONSIDERING a variance request to Section 110-344(5) of the Code of Ordinances to encroach 5 feet into the north 8-foot side yard setback, resulting in a north side yard setback of 3 feet, for the installation of a swimming pool, on property located at 799 East Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 25, La Hacienda Replat, according to the plat thereof recorded in Plat Book 39, Pages 1 and 2, Public Records of Pinellas County, Florida, formerly La Hacienda Subdivision recorded in Plat Book 36, Pages 73 and 74. Parcel #12-30-14-47412-000-025.

[Beginning of Staff Report]

SUBJECT — BOA CASE NO. 2022-05/799 EAST GULF BOULEVARD: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 5 feet into the north 8-foot yard setback resulting in a north side yard setback of 3 feet, for the installation of a swimming pool, on property located at 799 East Gulf Boulevard, Indian Rocks Beach,

Florida, and legally described as a portion of Lot 25, La Hacienda Replat, according to the plat thereof recorded in Plat Book 39, Pages 1 and 2, Public Records of Pinellas County, Florida, formerly La Hacienda Subdivision recorded in Plat Book 36, Pages 73 and 74. Parcel #12-30-14-47412-000-0251

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

BOARD OF ADJUSTMENTS AND APPEALS: The Board of Adjustments and Appeals recommended denial to the City Commission by a vote of 4 to 1.

OWNER: Rory Burton
PROPERTY LOCATION: 799 E Gulf Boulevard
ZONING: RM-2- Medium Density Residential

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

BACKGROUND:

The applicant is requesting a variance for the north side yard setback for the installation of a swimming pool. They are requesting the pool encroach 5 feet into the north 8-foot side yard setback leaving a setback of 3 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 duplex was built in 2005 and the lot was illegally subdivided in 2005 causing the lots to be non-conforming limiting the width of the lot.*

- 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.*

PUBLIC NOTICE: A 15-day notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on March 28, 2022, pursuant to Section 2-149, of the Code of Ordinances.

CORRESPONDENCE RECEIVED: An opposition letter from Karl Balducci, 805 East Gulf Boulevard, and a letter of support from Andrew M. Quinn, 801 East Gulf Boulevard (adjacent neighbor).

LEGAL NOTICE: A legal notice was published in the March 30, 2022, of the St. Pete Time Section of the Tampa Bay Times, for public hearing that has been scheduled on April 12, 2022, for BOA Case No. 2022-05.

[End of Staff Report]

City Attorney Mora read Agenda Item No. 6A, BOA Case No. 2202-05, by title only.

City Attorney Mora inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

City Attorney Mora inquired of the City Commission Members if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2022-05, 799 East Gulf Boulevard.

During the February 8, 2022 City Commission Meeting, Planning Consultant Harmon stated that the City Commission tabled BOA Case 2202-05 and referred the BOA Case back to the Board of Adjustments and Appeals because of the newly submitted plan materially changed the relief sought.

Planning Consultant Harmon stated the applicant amended his plan requesting only one variance on the north side. The revised variance request is from Section 110-344(5) of the Code of Ordinances to encroach 5 feet into the north 8-foot yard setback resulting in a north side yard setback of 3 feet, for the installation of a swimming pool. The City Commission heard the revised plan during the February 8, 2022 City Commission Meeting. However, the Board of Adjustments and Appeals did not have the opportunity to listen to or see the amended plan. The original request was for a variance from Section 110-344(3)(f)(3)(i) to encroach 2 feet into the south 7-foot 6-inch side yard setback and 5 feet into the north 7-foot 6-inch side yard setback, resulting in a north side yard setback of 2 feet 6 inches and a south side yard setback of 5 feet 6 inches, for the installation of a swimming pool.

Planning Consultant Harmon stated the Board of Adjustments and Appeals voted to recommend denial to the City Commission by 4 to 1.

Planning Consultant Harmon stated staff recommended denial before there was no hardship.

Planning Consultant Harmon stated in 2004, the two townhouses were split into two individual lots making them non-conforming.

Planning Consultant Harmon made a PowerPoint Presentation showing photographs of the proposed pool, dimensions, the layout of the proposed pool, and aerial views of the property.

Planning Consultant Harmon stated the City had received a letter of support from Andrew Quinn, 801 East Gulf Boulevard, the adjacent property owner. She noted a shared-wall agreement states both property owners have to sign off on any improvements to the duplex.

Planning Consultant Harmon stated the City did receive a letter of objection from Karl Balducci, 805 East Gulf Boulevard, who lives two doors down.

Wess Ripley, 2340 126th Drive E., Parrish, Florida, representing the applicant, Rory Burton, stated when the applicant purchased the property, the real estate agent advised him that anything, including a fence or pool, could be built up to the shared-party wall line. The applicant intended to install a swimming pool up to the shared-party wall line.

Mr. Ripley stated since the lot is so small, the applicant is trying to have as much usable swim space as possible.

Commissioner Hanna asked what the hardship is?

Mr. Ripley stated the hardship is not being able to use the full extent of the property. Normally with a pool, the applicant would be able to go to the edge of their home as the setback. Wherewith this one, the setback is inside the edge of the property by 8 feet.

Mayor-Commissioner Kennedy stated, as far as the hardship, where does the City go with that hardship the way that the applicant has stated.

City Attorney Mora stated the Mayor's question was how the City went with that. He said the City, in reviewing the application, did not find a hardship. As quasi adjudicators of the matter, the City Commission must conclude independently based on the testimony that the City Commission has heard from the applicant's representative and the City. The City Commission is not bound by what the applicant's representative has stated or what the Planning Consultant has stated. The City Commission takes that evidence and makes its own decision as to whether a hardship has been established.

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

In the Board of Adjustments and Appeals minutes, Vice Mayor-Commissioner McCall stated that the Board spoke about making this a more non-conforming lot.

City Attorney Mora stated the question was about not increasing a non-conformity within a non-conforming property that references an issue that is not at issue in the application specifically related to how the property was subdivided. Otherwise, that is a long-established issue that pre-dates anybody working here on this and property recording records. So, non-conformity is not specifically at issue in this context.

From a design perspective, Commissioner Bond said if the goal is to maximize swimming space, it seems putting the Jacuzzi right in the middle would counter that. He said he would redesign the pool to provide more swimming space.

Mr. Ripley stated the Jacuzzi is sandwiched between the two deadmen and the sun shelf is actually over all the deadmen. He has a letter from an engineer stating this design would

not affect the integrity of the seawall. He said working within those deadmen was a design challenge.

Mayor-Commissioner Kennedy stated one of the problems with this application is that the Board of Adjustments and Appeals has again recommended denial to the City Commission, and staff has recommended denial. She stated the City Commission takes the City Boards very seriously. They work very hard to come up with the decisions that they make. She finds it difficult to pass this after those recommendations.

MOTION MADE BY VICE MAYOR-COMMISSION MCCALL, SECONDED BY COMMISSIONER HANNA TO DENY BOA CASE 2022-05: VARIANCE REQUEST FROM SECTION 110-344(3)(f)(3)(i) OF THE CODE OF ORDINANCES, TO ENCROACH 5 FEET IN TO THE NORTH 8-FOOT YARD SETBACK RESULTING IN A NORTH SIDE YARD SETBACK OF 3 FEET, FOR THE INSTALLATION OF A SWIMMING POOL, ON PROPERTY LOCATED AT 799 EAST GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS A PORTION OF LOT 25, LA HACIENDA REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 1 AND 2, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FORMERLY LA HACIENDA SUBDIVISION RECORDED IN PLAT BOOK 36, PAGES 73 AND 74. PARCEL #12-30-14-47412-000-0251.

Vice Mayor-Commissioner McCall stated hardships are a tough thing. When someone buys a piece of property, they should do their research.

Commissioner Hanna stated he agrees with Commissioner McCall. He reiterated that people need to research what is allowed and not allowed before purchasing a piece of property.

ROLL CALL VOTE:

AYES: BOND, HANNA, McCALL, KENNEDY

NAYS: NONE

ABSENT: HOUSEBERG

MOTION TO DENY CARRIED UNANIMOUSLY.

**6B. ABT CASE NO. 16-2022 — 125 GULF BOULEVARD
CONSIDERING a 4COP-SFS Alcoholic Beverage Use Designation request [Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises], for JD'S Restaurant & Lounge, located at 125 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Block 4, Lots 1, 2, and 3. [Parcel Number: 12-30-14-42858-004-0010]**

[Beginning of Staff Report]

BACKGROUND:

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities have the right to enact ordinances regulating the hours of business and location of place of business and prescribing sanitary regulations thereof, of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On March 15, 2022, Matt Loder, Sr. submitted a 4COP-SFS Alcoholic Beverage Designation Application (Beer; Wine; Liquor. By the drink for consumption on-premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off-premises) for the establishment J.D.'s Restaurant & Lounge, located at 125 Gulf Boulevard, Indian Rocks Beach, Florida, and legally described as Indian Beach, Block 4, Lots 1, 2, and 3 pursuant to Code Section 6-32(e).

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

ANALYSIS:

In February 2022, JD's Restaurant and Lounge was sold to 125 Gulf Blvd Restaurant, LLC (the Loder family) by the Downing family.

J.D.'s Restaurant & Lounge is located in the B-Business District. The surrounding zoning on the north and south sides is zoned B-Business, and the property on the west side of Gulf Boulevard is zoned CT-Commercial Tourist.

The Planning Consultant has determined that the Alcoholic Beverage Application for 125 Gulf Blvd Restaurant, LLC, dba JD's Restaurant & Lounge complies with Chapter 6, Alcoholic Beverages, and Chapter 110, Zoning.

On March 30, 2022, the Pinellas County Sheriff's Office reviewed its file for Matt Loder, Sr., and determined there are no responsive public records.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on March 28, 2022, per Code Section 2-149.

A legal notice was published in the March 30, 2022-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on April 12, 2022, for ABT Case No. 16-2022.

[End of Staff Report]

City Attorney Mora read Agenda Item No. 6B by title only.

City Attorney Mora inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively.

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

City Clerk O'Reilly introduced the Agenda Item and reviewed the Agenda Memo.

City Clerk O'Reilly stated staff recommends approval of ABT Case No. 16-2021, a 4COP-SFS (*Beer; Wine; Liquor. By the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises*) to 125 Gulf Blvd Restaurant, LLC, dba JD's Restaurant & Lounge, located at 125 Gulf Boulevard with the following stipulation: Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

Matt Loder, Sr., 401 Gulf Boulevard and 125 Gulf Boulevard, Indian Rocks Beach, stated JD's had been operated by the Downing Family for the past 37 years, and they want to continue what they had. He said the Downings had a 4COP-SFS alcoholic beverage license for JD's for the past 37 years, and Crabby Bill's has had several alcoholic beverage licenses in this City for 39 years without any incident.

Mr. Loder stated he would like to share with everyone that this evening is his 40th Wedding Anniversary with his lovely bride Maria. She has been perfect for him, and he appreciates her very much.

Mayor-Commissioner Kennedy opened the public hearing.

Laura Meares O'Donaghue, 3375 21st Place SW, Largo, asked about sealed containers? Does that mean when people buy alcohol, they can take it in a sealed container and leave the premises, or does that mean that a person can have a "sealed container" outside the building in the patio area?

Ms. O'Donaghue stated that if it is a sealed container, can they leave and do wherever they want to and asked if that increases the risk of DUIs or issues.

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

Mr. Loder stated the question of whether it is in a sealed or unsealed container. All alcoholic beverage licensees have to abide by the State's and local regulations.

Mr. Loder stated that the State had allowed the restaurants and bars over the past couple of years to sell mixed cocktails in sealed containers to patrons. Patrons are permitted to leave the premise and take the sealed container with them. He thinks this State rule is still in effect.

Mr. Loder stated his alcoholic beverages are for consumption on premises only. No package sales.

City Attorney Mora stated it is an accurate statement to say that Florida Statutes changed in the last few years concerning the regulation of the sale of sealed alcoholic beverages. It is also accurate to say that any purveyor of alcohol would have to comply with the local and State laws concerning the sale of sealed alcoholic beverages. He stated since Ms. O'Donoghnan's question concerned the incidents and increased in DUIs or other potentially harmful effects of that sale. There is no evidence in the record tonight concerning that, and no City staff is in a position tonight to offer any expertise or study on that at this time.

MOTION MADE BY VICE MAYOR-COMMISSIONER McCALL, SECONDED BY COMMISSIONER BOND, TO APPROVE ABT CASE NO. 16-2021, A 4COP-SFS (BEER; WINE; LIQUOR. BY THE DRINK FOR CONSUMPTION ON PREMISES OR IN A SEALED CONTAINER MEETING THE REQUIREMENTS OF S. 561.20(2)(A)4, F.S., FOR CONSUMPTION OFF PREMISES) TO 125 GULF BLVD RESTAURANT, LLC, DBA JD'S RESTAURANT & LOUNGE, LOCATED AT 125 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH, BLOCK 4, LOTS 1, 2, AND 3, WITH THE FOLLOWING STIPULATION: REPEATED OR INTERMITTENT NUISANCE ACTIVITY AND/OR UNLAWFUL NOISE LEVELS ORIGINATING FROM THE ESTABLISHMENT OF THE PARKING AREA MAY RESULT IN THE REVOCATION OF THE ALCOHOLIC BEVERAGE DESIGNATION.

Vice Mayor-Commissioner McCall stated JD's has been in this town for many years. He stated the Loder Family has operated in this town for the last 39 years, and they obviously know what they are doing in the hospitality business.

ROLL CALL VOTE:

AYES: HANNA, BOND, McCALL, KENNEDY

NAYS: NONE

ABSENT: HOUSEBERG

MOTION CARRIED UNANIMOUSLY.

7A. RESOLUTION NO. 2022-02. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a member of the City Commission to serve as Vice Mayor-Commissioner; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND:

Charter Section 4.4 authorizes the City Commission to appoint a Vice Mayor-Commissioner from among the members of the City Commission at its first regular meeting following certification each year.

The duties of the Vice Mayor-Commissioner shall be to preside over the meetings of the City Commission during the absence of the Mayor-Commissioner, and in general, in the absence or the incapacity of the Mayor-Commissioner, he or she shall do and perform those acts and things provided in the City Charter to be done by the Mayor-Commissioner.

ANALYSIS:

The City Commission should appoint a member of the City Commission to serve as Vice Mayor-Commissioner, which term shall commence on April 12, 2022, and shall expire on the newly elected City Commission's first meeting following certification of the March 15, 2023, Municipal General Election results.

[End of Staff Report]

City Attorney Mora read Resolution No. 2022-02 by title only.

City Clerk O'Reilly introduced the Agenda Item.

Vice Mayor-Commissioner McCall nominated Commissioner Houseberg as Vice Mayor.

Seeing no other nominations, City Attorney Mora closed the nominations.

MOTION MADE VICE MAYOR-COMMISSIONER McCALL, SECONDED COMMISSIONER HANNA, TO APPROVE/DENY RESOLUTION NO. 2022-22, APPOINTING COMMISSIONER DENISE HOUSEBERG TO SERVE AS VICE MAYOR-COMMISSIONER EFFECTIVE APRIL 12, 2022, AND UNTIL THE FIRST MEETING OF THE NEWLY ELECTED CITY COMMISSION FOLLOWING CERTIFICATION OF THE MARCH 14, 2023 MUNICIPAL GENERAL ELECTION RESULTS. UNANIMOUS APPROVAL BY ACCLAMATION.

7B. RESOLUTION NO. 2022-03. A Resolution of the City Commission of the City of Indian Rocks Beach, Florida, appointing a voting delegate and first and second alternate voting delegates to represent the City of Indian Rocks Beach at the Barrier Islands Governmental Council (BIG-C) Meetings; and providing for an effective date.

[Beginning of Staff Report]

BACKGROUND: The BIG-C By-Laws, Article III, Section 2, Representation, states that all elected officials of each municipality shall be members of the council, one of whom shall be appointed by the municipality as the voting delegate. Each municipality may appoint other elected officials as alternate voting delegates. Each municipality shall designate their delegates in writing.

Delegate #1 - Name - Voting Delegate.

Delegate #2 - Name - Alternate to Delegate #1.

Delegate #3 - Name - Alternate to Delegate #2.

An alternate voting delegate may vote when the voting delegate is absent. Each city is entitled to one vote.

The object of the BIG-C is to stimulate communications between the barrier island cities to focus on problems common to all, including but not limited to: tourism, recycling, public transportation, beach preservation, renourishment and access, marine environment, air and water quality, public safety, density management, waterway regulation, taxation based on permanent residents and average transient population, to unite and be able to have one voice addressing the county, state, and federal governments while respecting the individuality of each.

April, 2021 - March, 2022 - Voting Delegates

Mayor-Commissioner Joanne Moston Kennedy - Voting Delegate

Commissioner Denise Houseberg -1st Alternate

Vice Mayor-Commissioner Joe McCall - 2nd Alternate

ANALYSIS: The City Commission needs to appoint a voting delegate and two alternate voting delegates to the BIG-C.

The BIG-C meetings are held the last Wednesday of each month at 9:00 a.m., with the location rotating between the membership cities.

[End of Staff Report]

City Attorney Mora read Resolution No. 2022-03 by title only.

City Clerk O'Reilly introduced Resolution No. 2022-03.

Commissioner McCall nominated Mayor-Commissioner Kennedy as the voting delegate.

Commissioner Hanna nominated Commissioner McCall as 1st alternate.

Commissioner Hanna nominated Commissioner Bond as 2nd alternate.

Seeing no other nominations, City Attorney Mora closed the nominations.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER MCCALL TO APPROVE RESOLUTION NO. 2022-03, APPOINTING MAYOR-COMMISSIONER KENNEDY AS THE CITY'S VOTING DELEGATE, AT THE BIG-C MEETINGS, WITH COMMISSIONER MCCALL AS THE FIRST ALTERNATE VOTING DELEGATE, AND COMMISSIONER BOND AS THE SECOND ALTERNATE VOTING DELEGATE. UNANIMOUS APPROVAL BY ACCLAMATION.

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

9. **OTHER BUSINESS.** None.

10. **ADJOURNMENT.**

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 9:09 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

May 10, 2022
Date Approved

Joanne Moston Kennedy, Mayor-Commissioner

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

/DOR

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

**REAPPOINTMENT OF Regular
Board Member Peter Sawchyn to
the Planning and Zoning Board.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: May 10, 2022 AGENDA ITEM: 5C

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: The reappointment of **Regular Board Member Peter Sawchyn** to the Planning and Zoning Board/Local Planning Agency for a two-year term, expiring May 31, 2024.

BACKGROUND:

As of June 1, 2022, two regular board member vacancies will exist on the Planning and Zoning Board/Local Planning Agency. The 2nd alternate board member continues to remain vacant.

The current members of the Planning and Zoning Board are:

Richard Antepenko, Regular Board Member (*Term to expire*)
Adrienne Dauses, Regular Board Member
Scott Holmes, Regular Board Member
Rick McFall, Regular Board Member
Peter Sawchyn, Regular Board Member (*Term to expire*)
Regular Board Member Herb Sylvester
Regular Board Member Myra Warman
1st Alternate Board Member Dave Mott
2nd Alternate Board Member Seat (*Vacant*)

ANALYSIS:

Board Member Peter Sawchyn would like to be considered for reappointment to the Planning and Zoning Board.

MOTION:

I move to **APPROVE/DENY** the reappointment of Regular Board Member Peter Sawchyn to the Planning and Zoning Board/Local Planning Agency for a two-year term, expiring May 31, 2024.

/dor

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

**REAPPOINTMENT OF Richard
Antepenکو to the Planning and
Zoning Board.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: May 10, 2022 AGENDA ITEM: 5D

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: The reappointment of **Regular Board Member Richard Antepenko** to the Planning and Zoning Board/Local Planning Agency for a two-year term, expiring May 31, 2024.

BACKGROUND:

As of June 1, 2022, two regular board member vacancies will exist on the Planning and Zoning Board/Local Planning Agency due to the expiration of terms. The 2nd alternate position board member continues to remain vacant.

The current members of the Planning and Zoning Board are:

Richard Antepenko, Regular Board Member (*Term to expire*)
Adrienne Dauses, Regular Board Member
Scott Holmes, Regular Board Member
Rick McFall, Regular Board Member
Peter Sawchyn, Regular Board Member (*Term to expire*)
Regular Board Member Herb Sylvester
Regular Board Member Myra Warman
1st Alternate Board Member Dave Mott
2nd Alternate Board Member Seat (*Vacant*)

ANALYSIS:

Board Member Richard Antepenko would like to be considered for reappointment to the Planning and Zoning Board.

MOTION:

I move to **APPROVE/DENY** the reappointment of Regular Board Member Richard Antepenko to the Planning and Zoning Board/Local Planning Agency for a two-year term, expiring May 31, 2024.

/dor

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

**REAPPOINTMENT OF Regular
Board Member James Labadie to
the Board of Adjustments and
Appeals.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: May 10, 2022 AGENDA ITEM: 5E

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: The reappointment of **Regular Board Member Jim Labadie**, to the Board of Adjustments and Appeals for a three-year term, expiring May 31, 2025.

BACKGROUND:

As of July 1, 2022, two regular board member vacancies will exist on the Board of Adjustments and Appeals due to the expiration of terms. The 2nd alternate board member continues to remain vacant.

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

Richard Alvarez, Regular Board Member
Michael Campbell, Regular Board Member
Stewart DeVore, Regular Board Member
Jim Labadie, Regular Board Member (*Term to expire*)
David Watt, Regular Board Member (*Term to expire*)
Karen O'Donnell, 1st Alternate Board Member
2nd Alternate Board Member Seat (*Vacant*)

ANALYSIS:

Board Member Jim Labadie would like to be considered for reappointment to the Board of Adjustments and Appeals.

MOTION:

I move to **APPROVE/DENY** the reappointment of Regular Board Member Jim Labadie to the Board of Adjustments and Appeals for a three-year term, expiring May 31, 2025.

/dor

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

**REAPPOINTMENT OF Regular
Board Member David Watt to the
Board of Adjustments and
Appeals.**

CITY OF INDIAN ROCKS BEACH CITY COMMISSION STAFF REPORT

MEETING OF: May 10, 2022 AGENDA ITEM: 5F

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: The reappointment of **Regular Board Dave Watt**, to the Board of Adjustments and Appeals for a three-year term, expiring May 31, 2025.

BACKGROUND:

As of July 1, 2022, two regular board member vacancies will exist on the Board of Adjustments and Appeals due to the expiration of terms. The 2nd alternate board member continues to remain vacant.

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

Richard Alvarez, Regular Board Member
Michael Campbell, Regular Board Member
Stewart DeVore, Regular Board Member
Jim Labadie, Regular Board Member (*Term to expire*)
David Watt, Regular Board Member (*Term to expire*)
Karen O'Donnell, 1st Alternate Board Member
2nd Alternate Board Member Seat (*Vacant*)

ANALYSIS:

Board Member Dave Watt would like to be considered for reappointment to the Board of Adjustments and Appeals.

MOTION:

I move to **APPROVE/DENY** the reappointment of Regular Board Member Dave Watt to the Board of Adjustments and Appeals for a three-year term, expiring May 31, 2025.

/dor

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

**ABT 17-2022
WYNE, IRB
311 Gulf Boulevard, #5
2COP Alcoholic Beverage
Use Designation**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION AGENDA MEMORANDUM**

FOR MEETING OF: May 10, 2022

AGENDA ITEM: 6A

SUBMITTED BY: Deanne B. O'Reilly, City Clerk, MMC 

APPROVED BY: Brently Gregg Mims, City Manager

**SUBJECT: ABT CASE NO. 17-2022
311 GULF BOULEVARD, #5
WYNE IRB, LLC**

Jack Bennett, dba Wyne IRB, LLC, has requested a 2COP (*Beer; Wine. By the drink or in sealed containers for consumption on or off the premises where sold*) for the establishment Wyne IRB, located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach Block 9, Lots 9, 10, 11, & 20 together with Lots 8 & 21 less those parts lying within IRB Plaza LLC Sub.

BACKGROUND:

Alcoholic Beverage Use Designations are governed by Chapter 6, Alcoholic Beverages.

All alcoholic beverage licenses are under the control of the State of Florida, Division of Alcohol Beverages and Tobacco. However, municipalities have the right to enact ordinances regulating the hours of business and location of place of business and prescribing sanitary regulations thereof, of any license under the State Beverage Law within the county or corporate limits of such municipality. [F.S. 562.45(2)(a)]

On April 8, 2022, Jack Bennett submitted a 2COP Alcoholic Beverage Designation Application (*Beer; Wine. By the drink or in sealed containers for consumption on or off the premises where sold*) for the establishment Wyne IRB, located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach Block 9, Lots 9, 10, 11, & 20 together with Lots 8 & 21 less those parts lying within IRB Plaza LLC Sub pursuant to Code Section 6-32(e).

Code Section 6-32 Alcoholic Beverage Use Designations are approved for a specific property location and a specific application. Any change in ownership of the establishment will require filing a new application and approval by the City Commission.

ANALYSIS:

Wyne IRB is located in the B-Business District. The surrounding zoning on the north and south sides is zoned B-Business, and the property on the west side of Gulf Boulevard is zoned CT-Commercial Tourist.

The Planning Consultant has determined that the Alcoholic Beverage Application for Wyne IRB complies with Chapter 6, Alcoholic Beverages, and Chapter 110, Zoning.

On April 20, 2022, the Pinellas County Sheriff's Office reviewed its records for Jack Bennett and Suzanne Brown and determined there are no responsive public records. No criminal record checks were conducted by the Florida Department of Law Enforcement, other states, or the FBI.

Section 6-33, Authority of City Commission to designate locations, empowers the City Commission to designate the location and classification and to place reasonable restrictions which are deemed appropriate such as repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.

PUBLIC NOTIFICATION: A public meeting notice was mailed by first-class mail to the property owners within 150 feet in any direction of the subject property and posted on the property on April 25, 2022, per Code Section 2-149.

A legal notice was published in the April 27, 2022-edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on May 10, 2022, for ABT Case No. 17-2022.

MOTION:

I move to **APPROVE/DENY** a request for an Alcoholic Beverage Use Designation of 2COP to Wyne IRB, LLC, dba Wyne IRB located at 311 Gulf Boulevard, #3, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach Block 9, Lots 9, 10, 11, & 20 together with Lots 8 & 21 less those parts lying within IRB Plaza LLC Sub with the following stipulation: **Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage designation.**

/DOR



CITY OF INDIAN ROCKS BEACH
ALCOHOLIC BEVERAGE DESIGNATION APPLICATION

DATE: APRIL 8, 2022

APPLICANT'S NAME: JACK BENNETT

ADDRESS: 14002 KENSINGTON OAK PL, LARGO, FL 33774

PHONE NO.:

CELL PHONE: 727-408-4408

E-MAIL: BENNETTBUILDING@GMAIL.COM

DATE OF BIRTH:

DRIVER'S LICENSE NO.:

ESTABLISHMENT NAME: WYNE IRB LLC

ADDRESS: 311 GULF BLVD, #5, INDIAN ROCKS BEACH, FL 33785

PHONE NO.: 727-220-4180

WEBSITE:

LEGAL DESCRIPTION: INDIAN ROCKS BEACH BLK 9, LOTS 9, 10, 11 & 20 TOGETHER WITH LOTS 8 & 21 LESS THOSE PARTS LYING WITHIN IBR PLAZA LLC SUB

PARCEL ID#: 12-30-14-42858-009-0100

BEVERAGE DESIGNATION REQUESTED: 2COP

AFFIDAVIT

I, [Signature], hereby swear and affirm that the above information is true and correct.

[Signature]
Affiant

State of Florida
County of Pinellas

SWORN TO AND SUBSCRIBED before me on this 8th day of April 2022, by Jack Bennett (applicant), who is personally known to me or who produced as identification that he/she did execute the foregoing Affidavit.

My Commission Expires: 12/15/2022

[Signature]
Signature of Notary Public

ABT # 17-2022
BDMS #

KAREN M. LAWSON
Notary Public, State of Florida
My Comm Expires Dec 15, 2022
No. GG 260271


ALCOHOLIC BEVERAGE APPLICATION CHECKLIST

ESTABLISHMENT NAME WYNE IRB LLC

ADDRESS 311 GULF BLVD, #5, INDIAN ROCKS BEACH, FL 33785

DESIGNATION 2COP

- City Application.
 - Name and address, telephone number, date of birth, and Florida Driver's License Number of applicant.
 - The physical street address of the property.
 - The alcoholic beverage classification requested.
 - Notarized statement by the owner consenting to the application, if applicant is the lessee or tenant.
 - Legal description of property where the business is located, including a survey which clearly sets out the location of the building(s).
 - Parcel ID#
 - State of Florida DBPR ABT Completed Application.
- Signed, dated and completed Checklist.
- \$250 application fee.
- \$100 deposit for legal advertisement and public notices.



Signature of Applicant

4/8/2022

Date

#####

CITY USE

- Pinellas County Sheriff's Office background check. Names of applicants on State of Florida DBPR ABT Application.
- Code Enforcement: 500 feet from elementary, secondary & high schools.
- Planning Consultant compliance with R2002-95, Restaurant Seating & Parking Chart, Chapter 110, Zoning, Chapter 6, Alcoholic Beverages, and general parking.
- Check Florida DBPR for Alcoholic Beverage License.
- Check Sunbiz for LLC or Corporation.
- Approval/denial letter to applicant.

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

**BOA CASE NO. 2022-08
349-12TH AVENUE**

INDIAN ROCKS CITY COMMISSION STAFF REPORT

MEETING OF: May 10, 2022 AGENDA ITEM: 6B

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT:

BOA CASE NO. 2022-08 — 349 12TH AVENUE:

Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349 12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re- Revised Map of Indian Beach. Parcel # 06-30-15-42066-089-0120

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

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

OWNER: Jeff Schaefer
PROPERTY LOCATION: 349-12th Avenue
ZONING: Single Family Residential

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

BACKGROUND:

On December 10, 2019, Mr. Schaeffer was granted a variance to extend the dock to 56 feet from the seawall. The dock has been installed. At 56 feet, there is less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Mr. Schaeffer is now requesting an additional 16 feet to the existing dock length of 56 for a total dock length of 72 feet 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 existing mangroves in front of the seawall are peculiar to this property and the adjacent property however are not typical of other properties in the area.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The mangroves are a natural condition of nature and did not result in actions of the applicant.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for access to a dock and a boat lift similar to others in the area.*
- 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. *Granting of this variance would allow a dock and boat lift to be installed.*
- 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 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 the subject property on April 25, 2022.

CORRESPONDENCE: No correspondence has been received.

LEGAL NOTICE: A legal notice was published in the April 27, 2022-edition of the St. Pete Times Section of the Tampa Bay Times, for the public hearing that has been scheduled on May 10, 2022, for BOA Case No. 2022-07.

MOTION:

I move to **APPROVE/DENY** BOA CASE NO. 2022-08: Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach.

/HH

- 6. BOA CASE NO. 2022-08— 349 12TH AVENUE**
Owner/Applicant: Schaefer, Jeff Ward
Schaefer, Carol
Representative: Enterprise Marine
Subject Location: 349 12th Avenue
Legal Description: Indian Beach Re-Revised 2nd Add Blk 89, Lot 12
Parcel #: 06-30-15-42066-089-0120
Variance Request: Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-08 — 349 12th AVENUE: Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock

length of 72 feet from the seawall at its maximum projection, for the property located at 349-12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re- Revised Map of Indian Beach. Parcel # 06-30-15-42066-089-0120.

OWNER: Jeff Schaefer
PROPERTY LOCATION: 349 12th Avenue
ZONING: Single Family Residential

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

BACKGROUND:

On December 10, 2019, Mr. Schaeffer was granted a variance to extend the dock to 56 feet from the seawall. The dock has been installed. At 56 feet, there is less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Mr. Schaeffer is now requesting an additional 16 feet to the existing dock length of 56 for a total dock length of 72 feet 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 existing mangroves in front of the seawall are peculiar to this property and the adjacent property however are not typical of other properties in the area.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The mangroves are a natural condition of nature and did not result in actions of the applicant.*

- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for access to a dock and a boat lift similar to others in the area.*
- 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. *Granting of this variance would allow a dock and boat lift to be installed.*
- 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 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 the subject property on April 4, 2022.

CORRESPONDENCE: No correspondence has been received.

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

[End of Staff Report]

Assistant City Attorney Simon read Agenda Item No. 6, BOA Case No. 2022-08, by title only.

Assistant City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant or their agent in advance tonight concerning the application before them. All members have responded in the negative.

Assistant City Attorney Simon inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All having members have responded in the negative.

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

For the record, Assistant City Attorney Simon noted that neither the applicant nor the representative was present for the meeting.

Planning Consultant Harmon presented a PowerPoint Presentation showing an aerial view, the proposed dock, and water depths.

Planning Consultant Harmon reviewed the agenda memo and stated the applicant is requesting a variance from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there are less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum project.

Planning Consultant Harmon stated in December 2019, the applicant was granted a variance to extend his dock to 56 feet from the seawall. At 56 feet, there are less than 3 feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

Vice-Chair Watt asked the maximum length for a dock to go out into the Intracoastal before some agency stops them?

Planning Consultant Harmon stated the maximum length that Pinellas County will allow a dock to go out is 300 feet. However, some communities look at the entire channel and determine the maximum length and width of a dock.

Vice-Chair Watt stated this applicant has the same issues with the mangroves, seagrass, and shallow water as his neighbors have, with Planning Consultant Harmon responding affirmatively.

Member Campbell stated he could not find in the backup material a statement whether there has been siltification or something that has made this shallower since the applicant purchased the property.

Planning Consultant Harmon stated she does not think so. She will let the applicant's neighbors talk about what is occurring in that area of the channel.

Assistant City Attorney Simon opened the public comment section.

Rory Jordan, 351-12th Avenue, representing the applicant and east next-door of the applicant, thanked the Board and City Commission for granting their dock variance to allow him to go out to 72 feet with his dock. He stated he is here to support his neighbor's variance because he has the same issues with the existing mangroves, seagrass, and shallow water.

Mr. Jordan stated that the applicant's boat is sideways, but he can only use his boat if it is half tidal or higher.

Member Campbell stated is this not the case with almost every inlet finger in Indian Rocks Beach that getting access to their docks during low tide.

Chair DeVore stated this particular point has more exceptional low depth with more seagrass, which is one reason he approved the previous cases for environmental purposes.

Member Campbell stated if it is that environmentally important, perhaps the applicant should go to the City Commission and seek a zoning ordinance change rather than piecemealing it around. He can see a good case being made for 72-foot docks; however, he does not see the Board doing it on a case-by-case basis.

Mr. Jordan stated the area has a lot of seagrasses, mangroves, and oyster shells, and it continues to silt up.

Member Campbell asked what the hardship is?

Debbie Probst, 353-12th Avenue, stated she also received a dock variance to have a dock length of 72 feet, and she thanks the Board and the City Commission for granting her variance.

Ms. Probst stated during low tide, they cannot get their boat on or off the lift. The hardship comes when they are out and cannot get their boat back on the boat lift.

Member Campbell asked about the shallow water near the seawalls.

Ms. Probst stated the water depth definitely changes along the coastline. For example, the Jordans still have some exposed land near the seawall during high tide when they do not, and they live next door to the Jordans. She stated one rule does not fit all with the depth of the water.

Vice-Chair Watt stated the water depth could depend on the curvature of the tides and boat wave action.

Assistant City Attorney Simon closed the public comment session,

Assistant City Attorney Simon stated there is no precedent for variance requests. Each application stands on its own. The Board cannot consider a variance merely because a prior variance has been granted. The criteria needs to be elevated with respect to this particular applicant.

Member Labadie stated he lives on that inlet and has observed over the last 20 years that area is continually building up with silt. He explained why silt is building up and how tides and boat wave action affect the channel.

MOTION MADE BY MEMBER LABADIE, SECONDED BY VICE-CHAIR WATT, TO RECOMMEND TO THE CITY COMMISSION APPROVAL OF BOA CASE NO. 2022-08: VARIANCE REQUEST FROM SECTION 94-87 OF THE CODE OF ORDINANCES OF AN ADDITIONAL 16 FEET TO THE MAXIMUM DOCK LENGTH OF 50 FEET WHERE THERE IS LESS THAN 3 FEET OF WATER AT THE MEAN LOW WATERMARK FOR A TOTAL DOCK LENGTH OF 72 FEET FROM THE SEAWALL AT ITS MAXIMUM PROJECTION, FOR THE PROPERTY LOCATED AT 349 12TH AVENUE, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS BLOCK 89, LOT 12, SECOND ADDITION TO RE-REVISED MAP OF INDIAN BEACH.

ROLL CALL VOTE:

AYES: WATT, LABADIE, DeVORE

NAYS: CAMPBELL

ABSENT: ALVAREZ, O'DONNELL

MOTION TO RECOMMEND APPROVAL TO THE CITY COMMISSION CARRIES BY A VOTE OF 3 TO 1.

Planning Consultant Harmon stated the City Commission will hold a public hearing on BOA Case No. 2022-07 on Tuesday, May 10, 2022, beginning at 7:00 p.m., for a final decision.



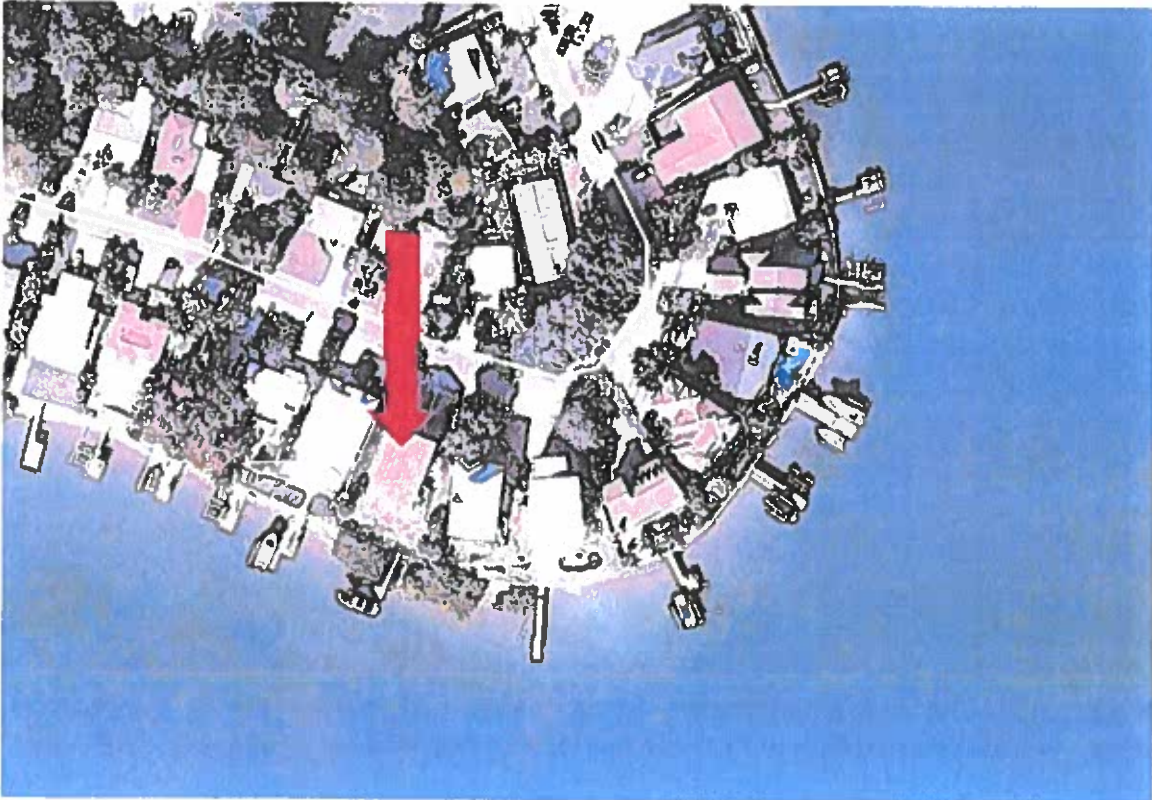
349 12th Ave
BOA CASE NO. 2022-08



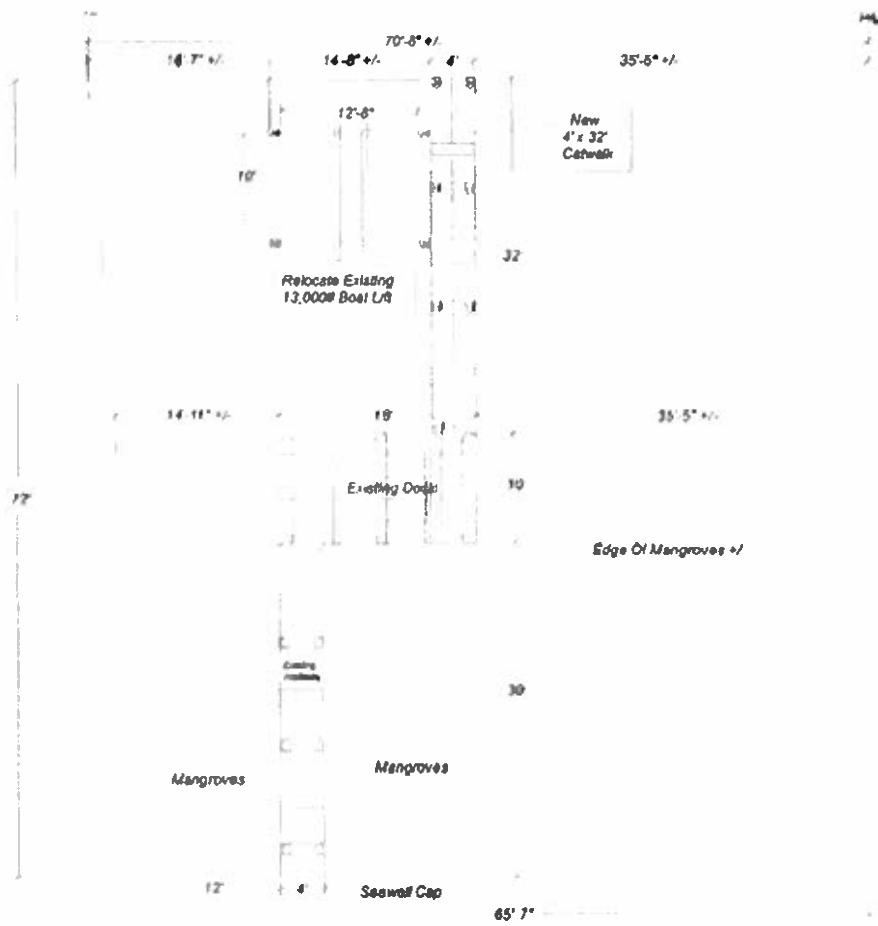
BOA CASE NO. 2022-08- Variance request from Section 94-87 of the Code of Ordinances of an additional 16 feet to the maximum dock length of 50 feet where there is less than 3 feet of water at the mean low watermark for a total dock length of 72 feet from the seawall at its maximum projection, for the property located at 349 12th Avenue, Indian Rocks Beach, Florida, and legally described as Block 89, Lot 12, Second Addition to Re-Revised Map of Indian Beach



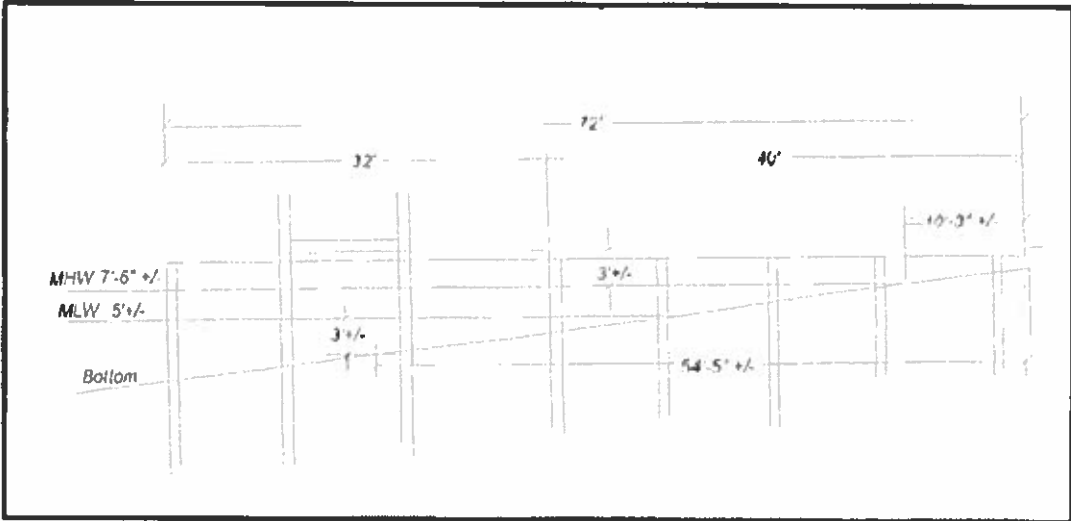
349 12th Avenue

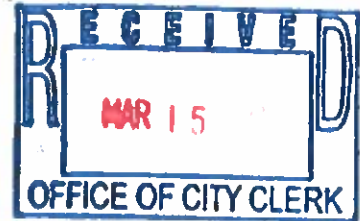


Proposed dock



Water Depths





APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

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

For Office Use Only

Application No. 2022 08

Date Received 3/15/2022

APPLICANT

Name: Jeff Schaefer
Address: 777 52nd Ave. N.
City: St. Petersburg
Zip Code: 33703
Tel: (303) 868-8999
Fax:
Mobile:
Email: jschaefer@verusmc.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: 349 12th Ave Parcel ID: 06-30-15-42066-089-0120
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian Beach Re-revival. 2nd Add, Block 89, Lot 12
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 #19-1094 was issued for this property on 1/3/2020

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):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

VARIANCE REQUEST CONTINUED...

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

Other:

What is the proposed use of the property?

Private Home & Private Dock

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: 5-27-21

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: JEFF SCHAEFER

Signature: [Handwritten Signature]

Personally known/Form of Identification Florida Drivers Lic

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: 27th Month: May, 2021

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

Notary Public Commission Expiration: 4/15/2022

State of Florida
County: Pinellas



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

AGENT OF RECORD

Date: 5-27-21

I, JEFF SCHAEFER do hereby designate and appoint Joe Alar, Enterprise Machine 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: JEFF SCHAEFER Signature: 

My agent of record may be contacted at:

Company: Enterprise Machine Contractors, Inc.

Address: 8145 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: _____

Signature: _____

Personally known/Form of Identification _____

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

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

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

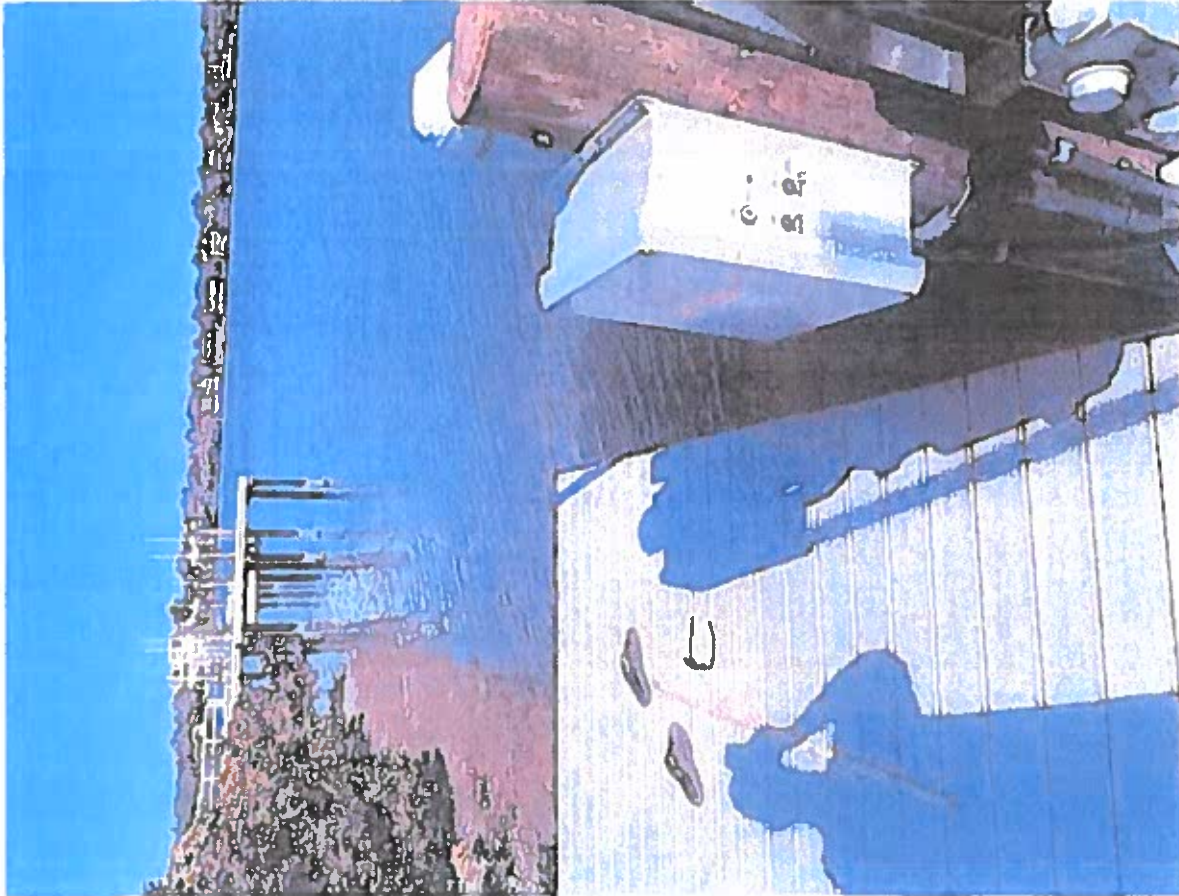
State of Florida

County: Pinellas

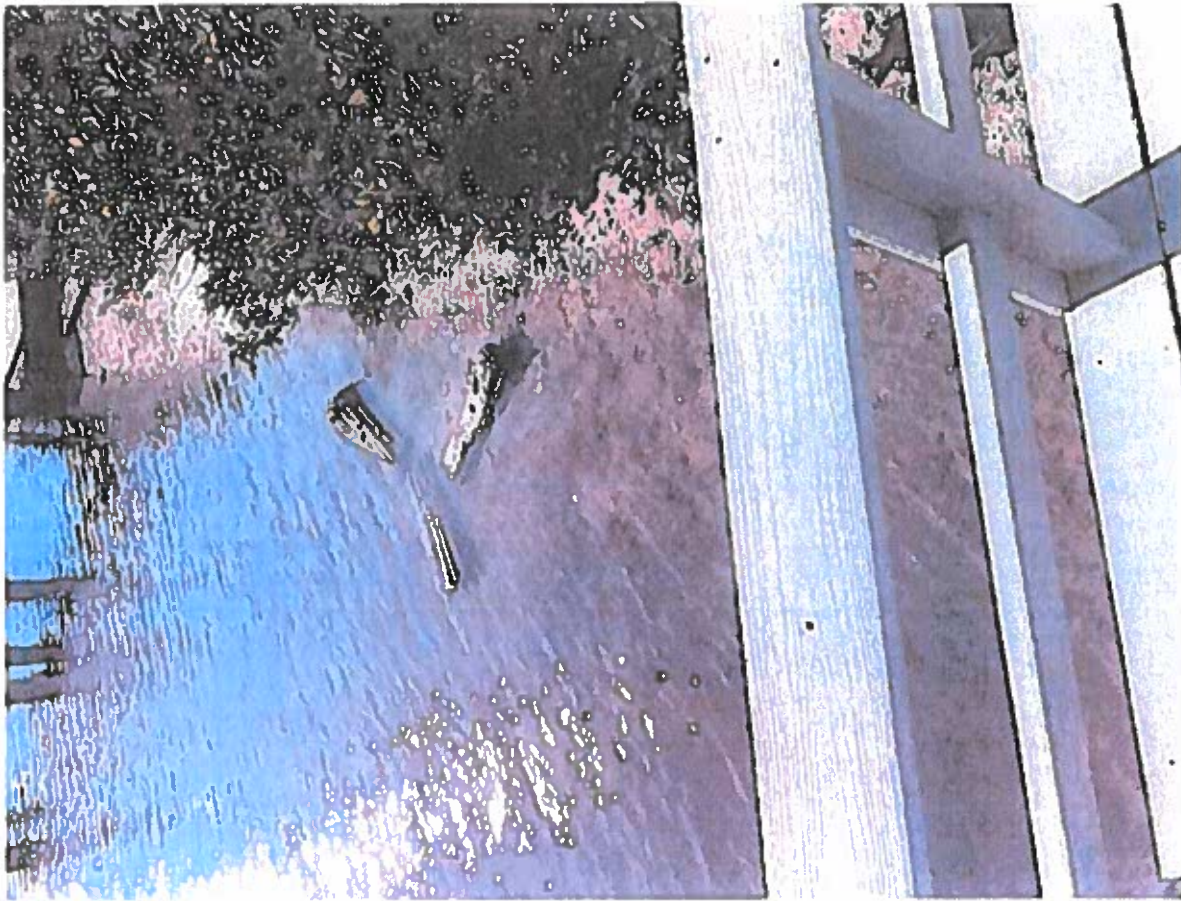
Joe Place

From: Jeff Schaefer <jschaefer58@yahoo.com>
Sent: Wednesday, May 26, 2021 9:28 AM
To: Joe Place
Subject: Pictures

I have less than a foot of water and high tide is about 2.5ft on average







Sent from my iPhone

DOCK WATER DEPTH AFFIDAVIT

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

1. On behalf of my client, I do hereby propose to construct a dock in the City of Indian Rocks Beach that has a length of thirty five (35') feet, or longer if necessary to reach thirty six (36") inches of water depth at a mean low water mark. In no case shall the length exceed fifty (50') feet beyond the property line, seawall of mean high water mark, whichever is applicable pursuant to Section 94-87 of the City Code; and
2. I, or personnel under my supervision, have inspected the proposed construction site for the subject dock and have taken measurements at the proposed construction site in accordance with generally accepted standards and have determined that the depth of the water at the subject location at mean low tide of thirty six (36") inches at a distance of 54'-5" from the seawall as measured perpendicular to the seawall.

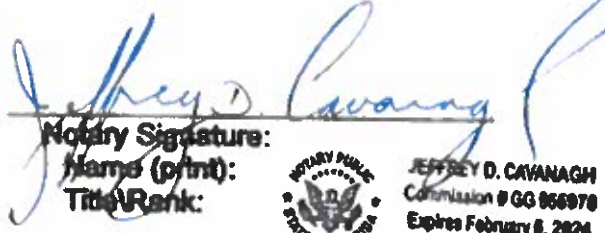



Signature of Contractor/Authorized Agent

The above instrument was acknowledged before me this 9TH day of DECEMBER 2021, by JOE PLACE, who is personally known to be or who produced _____ as identification.


JEFFREY D. CAVANAGH |
Commission # GG 966978
Expires February 6, 2024
Repeal This Budget History Service

Notary Stamp & Number



Notary Signature:
Name (print):
Title/Rank:
 JEFFREY D. CAVANAGH
Commission # GG 966978
Expires February 6, 2024
Repeal This Budget History Service

If applying in person, direct all correspondence to

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



PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION

I. PROPERTY OWNER INFORMATION:

A. Applicant's Name: Jeff & Carol Schaefer
B. Mailing Address: 777 52nd Avenue N.
City: St. Petersburg State: FL Zip: 33703
C. Telephone No.: (303) 868-8999 E-mail Address: jschaefer@verusmc.com

II. CONTRACTOR INFORMATION (Pro):

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

III. AGENT INFORMATION (if different from Contractor):

A. Name: Joe Place
B. Address: 8165 46th Avenue N.
City: St. Petersburg State: FL Zip: 33709
C. Telephone No.: (727) 343-7788 E-mail Address: joe@enterprisemarine.com

IV. SITE INFORMATION:

A. Construction Site Address: 349 12th Avenue
City: Indian Rocks Beach Zip Code: 33785
B. Site Parcel ID Number: 06 / 30 / 15 42066 / 089,012
C. Incorporated: Unincorporated:
D. Affected Water Body: Clearwater Harbor
E. Previous Permits: P49304-19

F. Date applicant assumed property ownership: 04/29/2019
month/year

G. Obstructions: (Dogs, Fences, etc.) _____

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

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

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

Amount of deviation: Length: _____

Width: _____

Setback: Left: _____ Right: _____

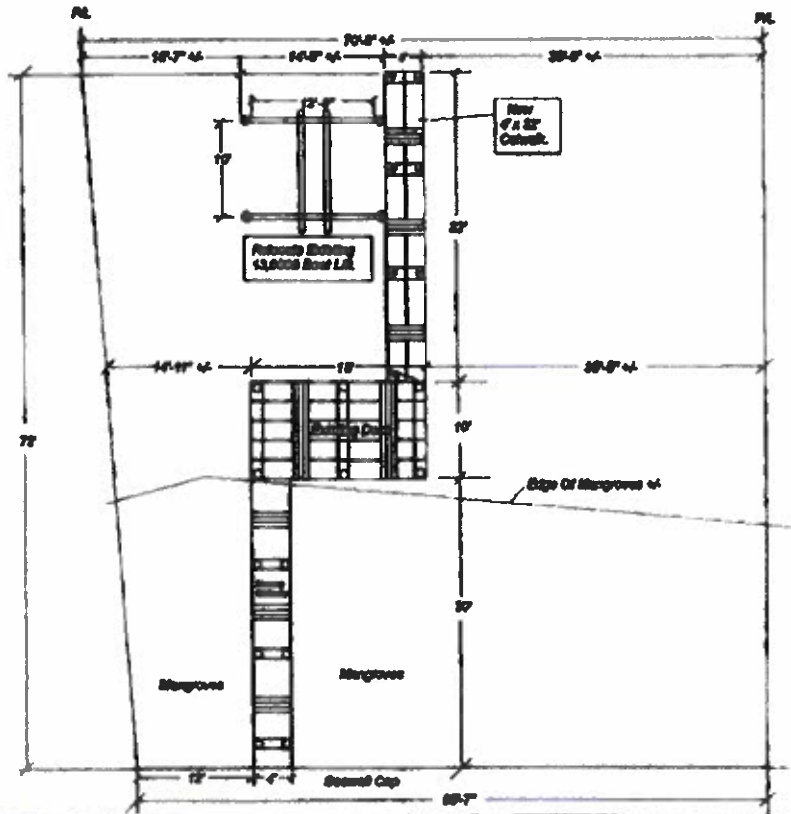
Other: _____

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

Owner Name: Jeff & Carol Schaefer Site Address: 349 12th Avenue

Nature and Size of Project: Construct a 4' x 32' catwalk at the end of the existing dock and relocate the existing boat DECO Boat Lift, on the left side of the new catwalk.

Total Project Square Footage:	<u>428</u>	New Square Footage:	<u>128</u>
Total Number of Pilings:	<u>11</u>	Diameter of Pilings:	<u>9" & 10"</u>
Waterway Width	<u>560'</u>	Waterfront Width	<u>65'-7"</u>

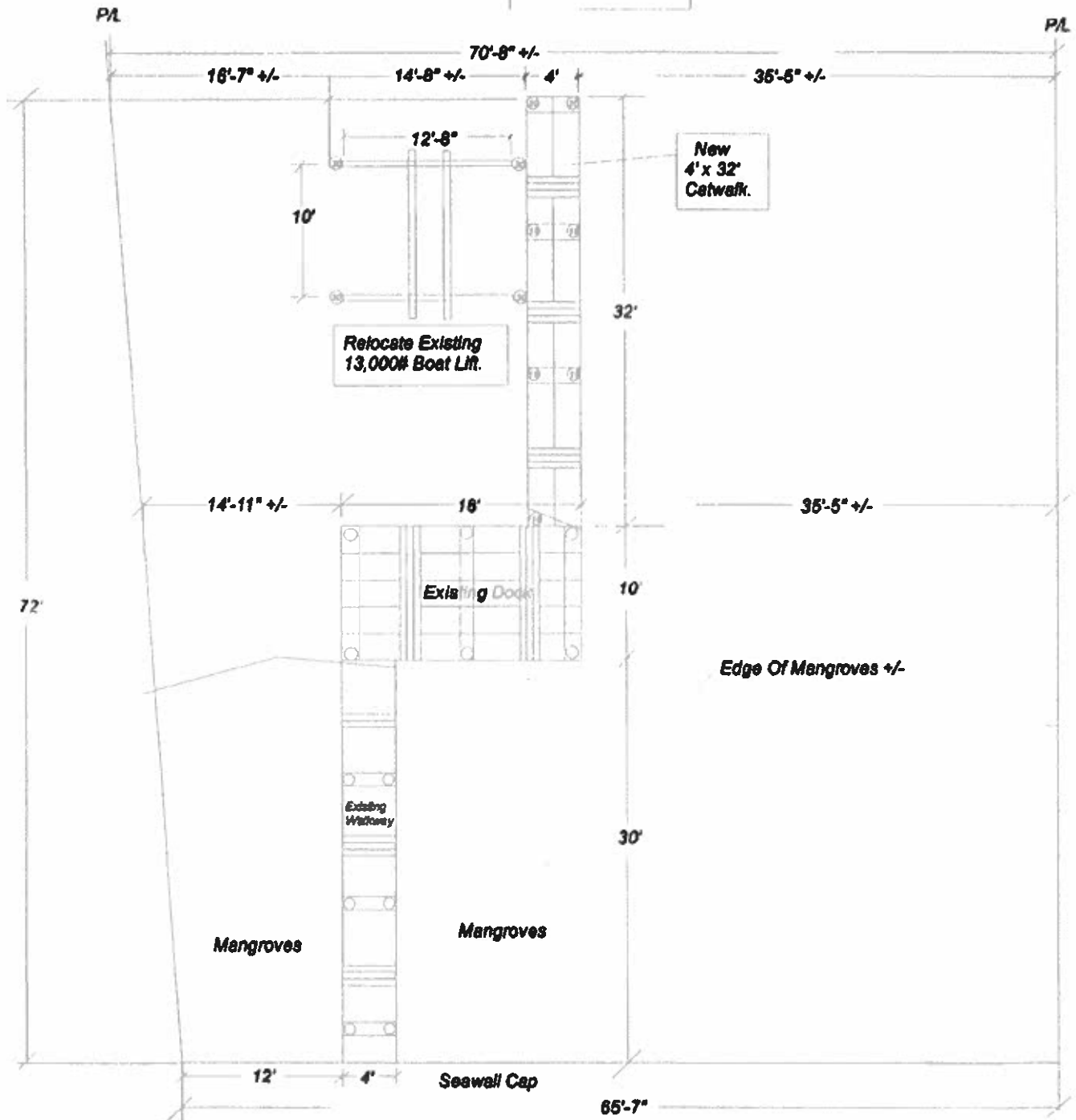


SHORELINE

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

Left Owner	Right Owner
Signature <u>Carol Schaefer</u> Date <u>3/19/22</u>	Signature <u>[Signature]</u> Date <u>3.9.22</u>
Municipality Approval	Water and Navigation Approval

Dock Design No.10
2/28/2022



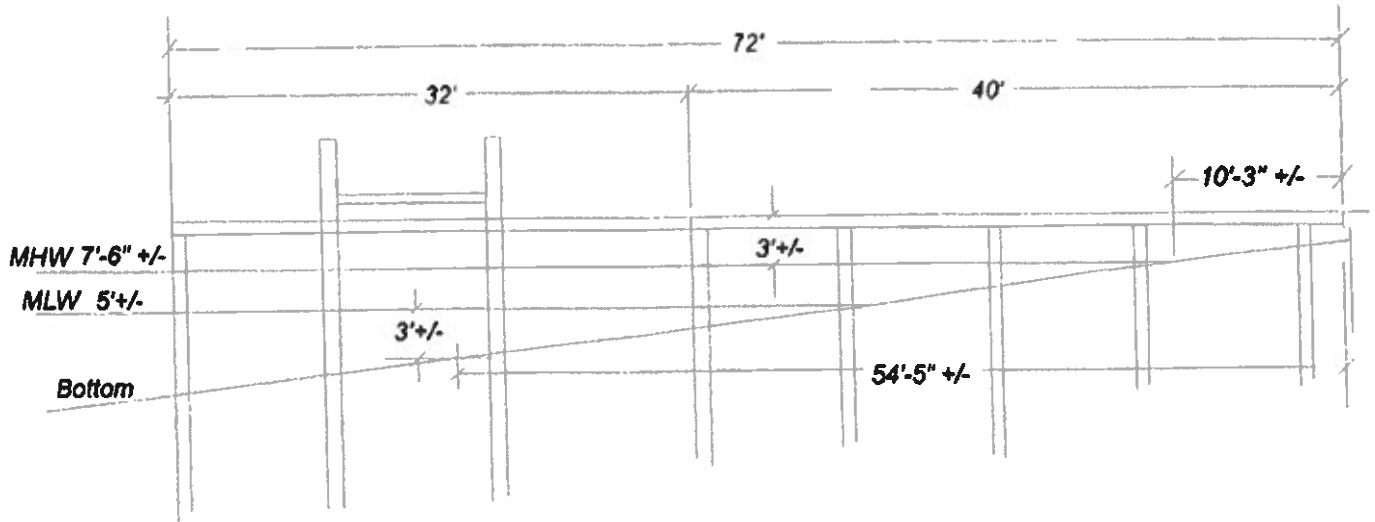
Customer:
Jeff Schaefer
349 12th Avenue
Indian Rocks Beach, FL 33786

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

Owner Name: Jeff & Carol Schaefer

Site Address: 349 12th Avenue

Profile View Drawing



LETTER OF NO OBJECTION

Left Lot Owner's Name Patricia and Roy 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:

349 12th Avenue, Indian Rocks Beach, FL 33785

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

OWNER'S SIGNATURE: Patricia Jordan Date 3/9/22

NOTARY:

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

physical presence or online notarization this 9th day of March, 2022 by

personally known OR produced identification

Type of Identification Produced _____

Witness my hand and official seal this 9th day of March, 2022

Joseph R. Place
Notary Public
My commission expires: _____
JOSEPH R. PLACE
Commission # GG 203101
Expires August 3, 2022
Sealed This Budget Notary Service

Right Lot Owner's Name Joseph Ambrefe

Mailing Address 347 12th Avenue Zip 33785

I certify that I am the owner of 347 12th Avenue which adjoins the property owned

by the applicant who proposes to construct a structure at the following address:

349 12th Avenue, Indian Rocks Beach, FL 33785

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

OWNER'S SIGNATURE: Joseph Ambrefe Date 3.9.22

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 9th day of March, 2022

Joseph R. Place
Notary Public
My commission expires: _____
JOSEPH R. PLACE
Commission # GG 203101
Expires August 3, 2022
Sealed This Budget Notary Service

VI. CONTRACTOR INFORMATION:

I, Gary Kalke, a Marine Specialty contractor,
whose contractor license # C-9714 expires on 9/30/2021

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

Signed:  Date: 12/7/21

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

VII. PROPERTY OWNER'S SIGNATURE:

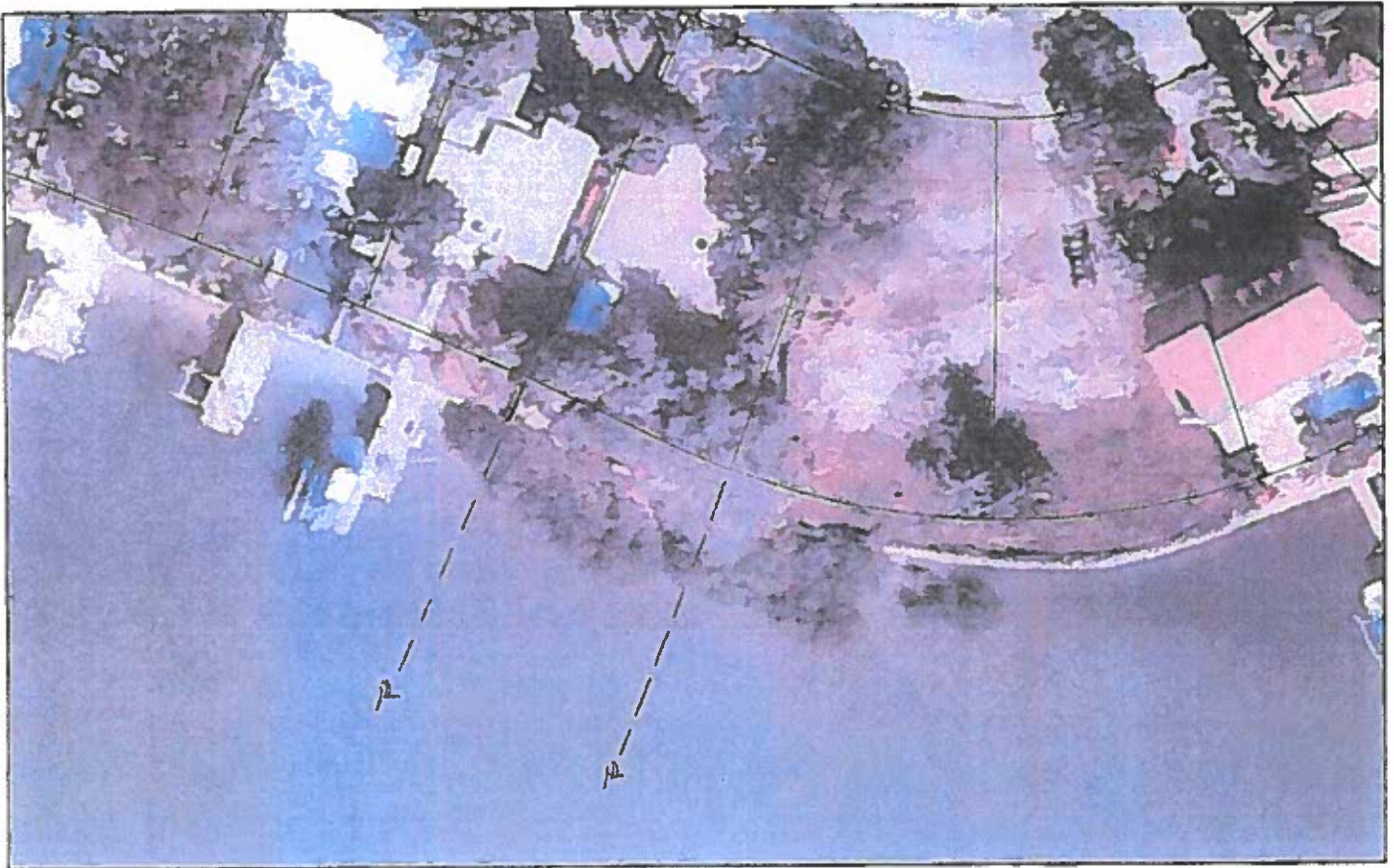
I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto;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

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

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

Signed:  Date: 12/7/21

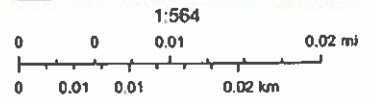
ArcGIS Web Map



5/27/2021 8:56:18 AM

 Parcels

Project: Jeff Schuster
349 - 12th Ave
Indian Rocks Beach



Esri, HERE, Garmin, IPC, State of Florida, Maxar, Microsoft

Web AppBuilder for ArcGIS

DATA STEWARD & EDITOR Pinellas County Safety and Emergency Services, Regional 911 Department, Mark Whiby (727)464-3818 mwhiby@pinellascounty.org

Consent to Use State-Owned Submerged Lands

DO YOU LIVE OR DO BUSINESS ON THE WATER?

If so, you may need authorization to use the lands under the water from the owners of those lands. This authorization is in addition to any city, county, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, or Water Management District permit.

WHAT LANDS ARE WE TALKING ABOUT AND WHO OWNS THEM?

Sovereign submerged lands are all those submerged lands waterward of the ordinary or mean high water line under navigable fresh and salt water bodies. The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, hold title to all of those lands below navigable waters which have not been previously conveyed into private ownership. Portions of these submerged lands have been designated as "aquatic preserves" and because of their unique biological, aesthetic or scientific value, they are held and managed to a higher degree of care. Since the State owns these lands, both public and private entities must obtain consent to use them.

WHY IS CONSENT NECESSARY AND BY WHAT AUTHORITY IS IT REQUIRED?

These lands are held in trust for the use and benefit of the people of the State, as set forth in the State Constitution; therefore, the private use of these lands must be balanced with the need to conserve and protect the scientific value and beauty of those lands. The intent of the regulations is to ensure that all sovereign submerged lands are managed primarily for the propagation of fish and wildlife, and public recreation. The legislative origins of the procedures employed in the review of applications to use sovereignty submerged lands are contained within Chapters 253 and 258 of the Florida Statutes. These statutes are implemented through rules which are contained within Chapters 18-14, 18-18, 18-20 and 18-21 of the Florida Administrative Code. It is important to contact the Department of Environmental Protection before you use these lands.

WHAT TYPE OF ACTIVITIES REQUIRE AUTHORIZATION?

Uses that require authorization must be approved before they are conducted. The most commonly requested uses are the construction of docks, the placement of riprap, dredging for access or channels, mangrove trimming, bridge and utility crossings, and beach renourishment projects.

WHAT DO YOU HAVE TO DO AND IS THERE A FEE?

The form of consent that is required depends upon the type of activity that is proposed. Forms of consent include letters, easements, use agreements, management agreements, and leases. The type of activity proposed also determines the amount of fees; however, commercial uses will always require payment of fees.

WHAT HAPPENS IF YOU DO NOT RECEIVE AUTHORIZATION TO USE THESE LANDS?

Alterations to, or structures discovered on, sovereignty submerged lands without authorization are subject to lease fees in arrears, with interest, and fines. In some cases, removal of structures may also be required.

WHO DO YOU CONTACT TO INQUIRE ABOUT THE USE OF THESE LANDS?

The Department of Environmental Protection Division of State Lands field office listed below.

Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637
Phone: (813) 632-7600
Fax: (813) 632-7665

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

**BOA CASE NO. 2022-07
2105 BAY BOULEVARD**

**CITY OF INDIAN ROCKS BEACH
CITY COMMISSION STAFF REPORT**

MEETING OF: May 10, 2022 AGENDA ITEM: 6C

SUBMITTED AND

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

APPROVED BY: Brently Gregg Mims, City Manager

SUBJECT: **BOA CASE NO. 2022-07 — 2105 BAY BOULEVARD**
Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re-Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida. Parcel #06-30-15-42264-000-0060

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

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

OWNER Cherry & Sean Foes
PROPERTY LOCATION: 2105 Bay Boulevard
ZONING: RM-2- Medium Density Residential

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

BACKGROUND:

The applicant is requesting a variance for the north side yard setback for the installation of a swimming pool. They are requesting the pool encroach 2 feet into the north 7-foot side yard setback leaving a setback of 5 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 duplex was built in 1996 and the lot narrows as it gets closer to the seawall.*
- 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 the subject property on April 4, 2022.

CORRESPONDENCE RECEIVED: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard.

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 the subject property on April 25, 2022, pursuant to Section 2-149, of the Code of Ordinances.

CORRESPONDENCE RECEIVED: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard. (adjacent neighbor)

LEGAL NOTICE: A legal notice was published in the April 27, 2022-Edition, of the St. Pete Times Section of the Tampa Bay Times, for a public hearing that has been scheduled on May 10, 2022, for BOA Case No. 2022-07

MOTION:

I move to **APPROVE/DENY of BOA CASE NO. 2022-07:** Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re- Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.

/HH

5. BOA CASE NO. 2022-07— 2105 BAY BOULEVARD

Owner/Applicant: Sean Foos
Cherry Foos
Subject Location: 2105 Bay Boulevard
Legal Description: Indian Beach Re-Revised 13th Add Lot 6 & rip rts
Parcel #: 06-30-15-42264-000-0060
Variance Request: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet for the installation of a swimming pool.

[Beginning of Staff Report]

SUBJECT: BOA CASE NO. 2022-07 – 2105 BAY BOULEVARD: A variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow, for the installation of a swimming pool, for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, 13th Addition to Indian Beach Re-Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida. Parcel #06-30-15-42264-000-0060

OWNER: Cherry & Sean Foos
PROPERTY LOCATION: 2105 Bay Boulevard
ZONING: RM-2- Medium Density Residential

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

BACKGROUND:

The applicant is requesting a variance for the north side yard setback, for the installation of a swimming pool. They are requesting the pool encroach 2 feet into the north 7-foot side yard setback leaving a setback of 5 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 duplex was built in 1996 and the lot narrows as it gets closer to the seawall.*
- 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 the subject property on April 4, 2022.

CORRESPONDENCE RECEIVED: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard.

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

[End of Staff Report]

Assistant City Attorney Simon read Agenda Item No. 5, BOA Case No. 2022-07, by title only.

Assistant City Attorney Simon inquired of the members if they had any ex-parte communications with the applicant or their agent in advance tonight concerning the application before them. All members have responded in the negative.

Assistant City Attorney Simon inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All having members have responded in the negative.

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

Planning Consultant Harmon presented a PowerPoint Presentation showing pictures of aerial views of the property, a survey, and the proposed pool plan.

Planning Consultant Harmon stated the applicant is requesting a variance from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool. She stated the property is a duplex at 2105 Bay Boulevard, and the duplex is triangle in shape. The applicant would like to put the pool in the rear of the duplex near the seawall. The pool meets the setback to the seawall, but it does not meet the north side setback by 5 feet.

Planning Consultant Harmon stated staff recommended denial because the pool could be moved closer to the duplex or reconfigured. She said it is a minimal yard, explaining the yard is 7 feet at one end and 5 feet on the other end. The applicant is keeping 5-feet away from the seawall and the duplex.

Planning Consultant Harmon stated the applicant could move it closer to the duplex and have a 3-foot walkway between the duplex and the pool.

Chair DeVore stated being on the Intracoastal did not the Board decide that applicants could go closer to the seawall within the 5 feet.

Planning Consultant Harmon responded in the affirmative.

Member Campbell asked Planning Consultant Harmon to point out where the entrances are to the duplex units are; to which she stated they are on the same side as where the proposed pool is going.

The applicant, Sean Foos, 2105 Bay Boulevard, stated his hardship with having a narrower walkway next to the units is that his 3-foot front door for the waterfront unit is at the front right corner. If the front door is open, it will leave 2 feet to get around the front door. Anything narrower than that would make the pool close to that entrance. The lot does go at an angle, so he is only asking for 3 feet on the front right northeast side. The hardship is that the pool would be very narrow if the variance was not granted, or the pool would have to be in some odd shape.

Member Watt asked if the applicant had done a layout for this pool parallel to the property line teetering, where 5-foot is still being maintained for a portion along with the duplex.

Discussion incurred about moving the pool closer to the duplex or reconfiguring the pool like a kidney-shape by the Board.

Mr. Foos responded that the units' front doors would face the proposed pool, and 3 feet would be too close to the front doors, and reconfiguring the pool would be more expensive.

Member Labadie asked the applicant if he lives on the property.

Mr. Foos stated he lives full-time on the property, and the other unit is used for friends and families.

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

Chair DeVore stated that having a variance on something like this when he can construct something, albeit a little more expensive, is feasible and plausible, making it a little more difficult for him to justify any hardship on the City. He realizes this is what the applicant wants, but it might not be a hardship in the correct way. From him, he is seeing ways that this could be done without a variance.

Vice-Chair stated he concurs with Chair DeVore. He said the Board is tasked with specific measures for the applicant's benefit, and one of them is hardship. He thinks that something like a kidney-shaped pool will probably work without having a variance.

Member Labadie stated in his opinion, it is not a big deal. If the neighbors are not complaining about it and do not mind it being there. And the cost is more efficient to the applicant in these high-priced times and days, he would be more in favor to do it.

MOTION MADE BY MEMBER LABADIE TO RECOMMEND APPROVAL TO THE CITY COMMISSION ON BOA CASE NO. 2022-07, 2105 BAY BOULEVARD.

MOTION DENIED FOR LACK OF SECOND.

MOTION MADE BY VICE-CHAIR WATT, SECONDED BY MEMBER CAMPBELL TO RECOMMEND TO THE CITY COMMISSION *DENIAL* OF BOA CASE NO. 2022-07: VARIANCE REQUEST FROM SECTION 110-344(5) OF THE CODE OF ORDINANCES TO ENCROACH 2 FEET INTO THE NORTH 7-FOOT SIDE YARD SETBACK RESULTING IN A NORTH SIDE YARD SETBACK OF 5 FEET TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL FOR PROPERTY LOCATED AT 2105 BAY BOULEVARD, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS A PORTION OF LOT 6, INDIAN BEACH RE-REVISED 13TH ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 331, PAGE 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ROLL CALL VOTE:

AYES: CAMPBELL, WATT, DeVORE

NAYS: LABADIE

ABSENT: ALVAREZ, O'DONNELL

MOTION TO RECOMMEND *DENIAL* TO THE CITY COMMISSION CARRIES BY A VOTE OF 3 TO 1.

Planning Consultant Harmon stated the City Commission will hold a public hearing on BOA Case No. 2022-07 on Tuesday, May 10, 2022, beginning at 7:00 p.m., for a final decision.



2105 Bay Boulevard
BOA CASE NO. 2022-07



BOA CASE NO. 2022-07: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet into the north 7 foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re-Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.



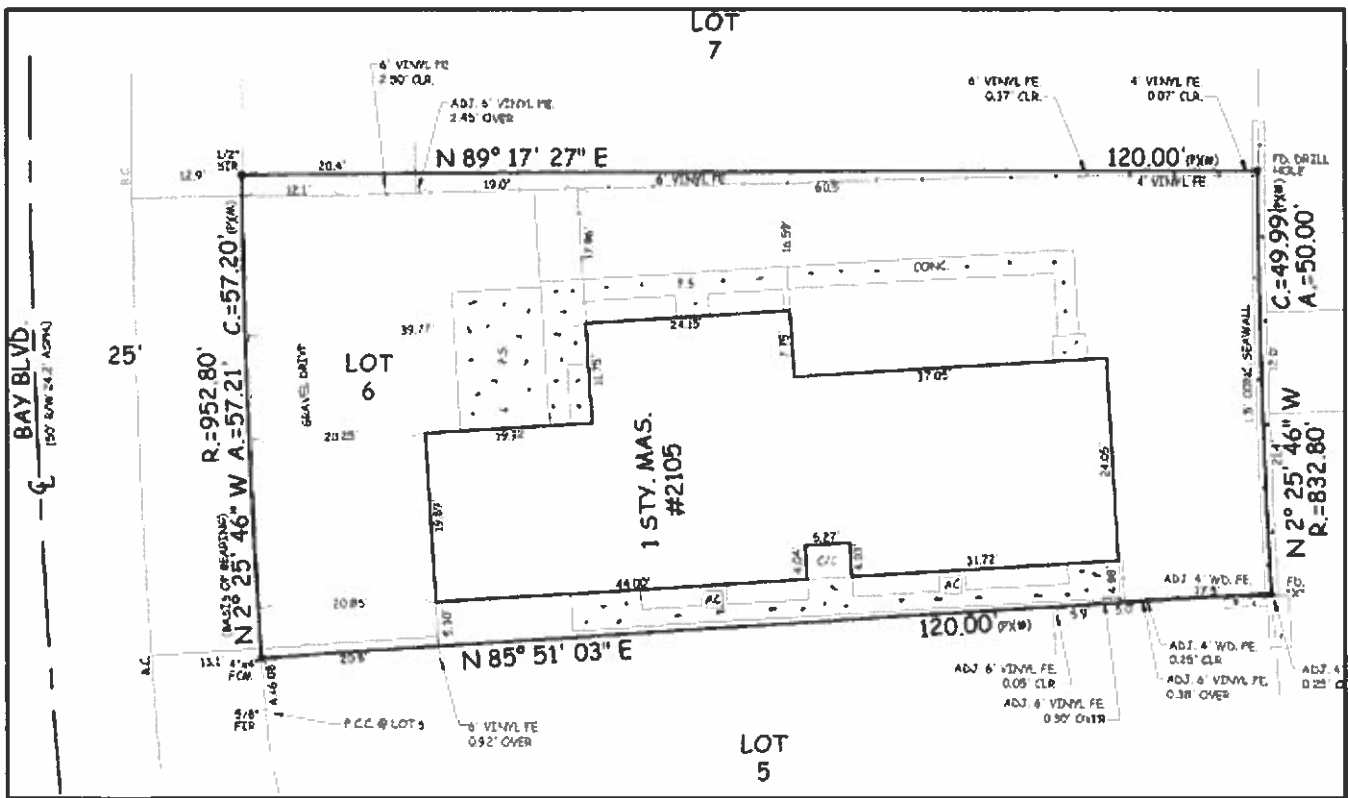
2105 Bay Boulevard



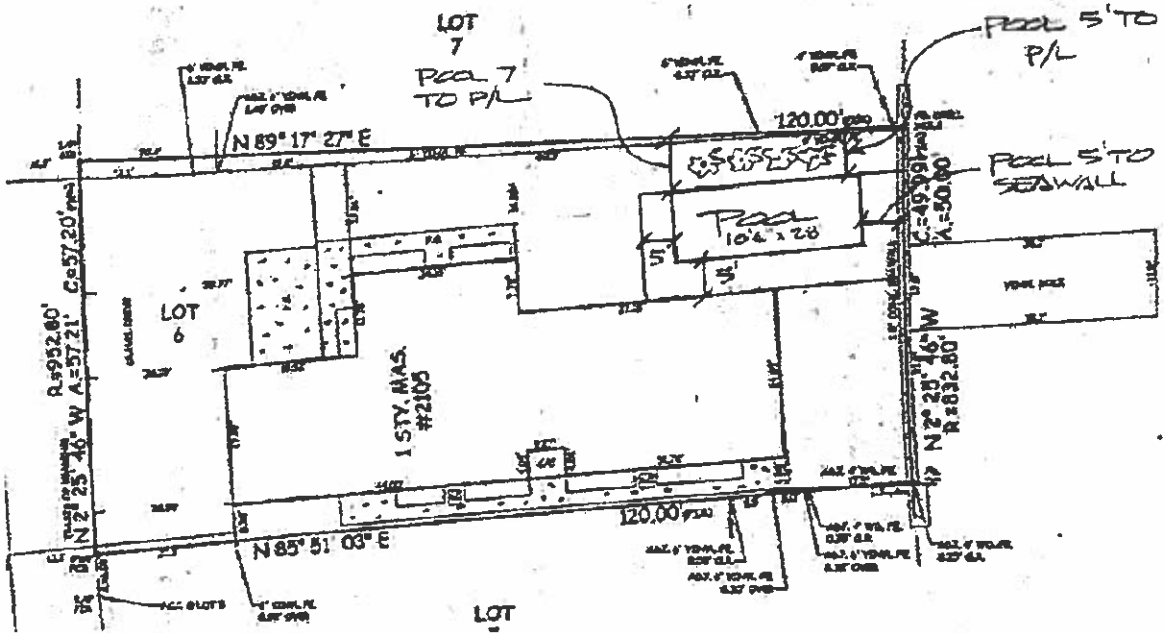
2105 Bay Boulevard



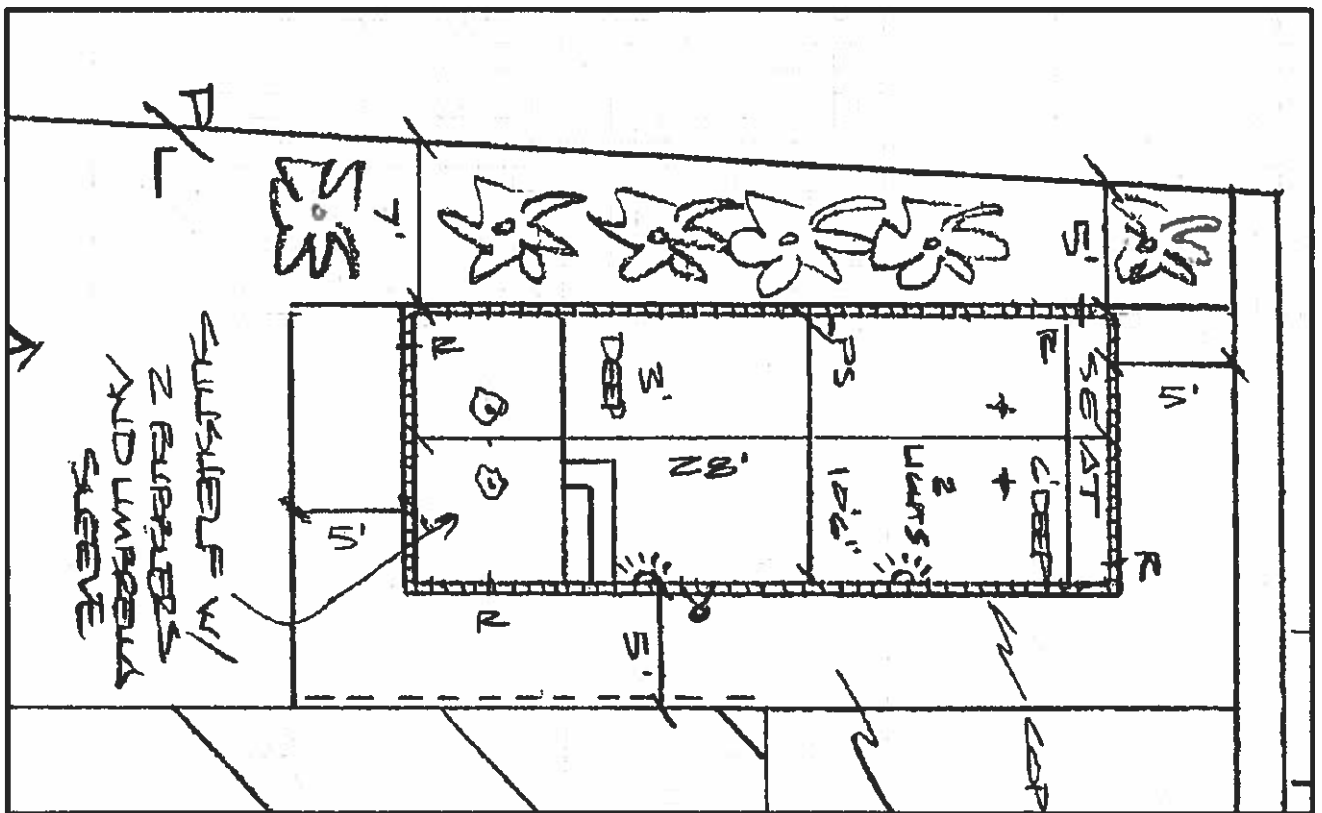
Survey



Proposed Pool



Proposed Pool



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 duplex was built in 1996 and the lot narrows as it gets closer to the sea wall.

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 the subject property on April 4, 2022.

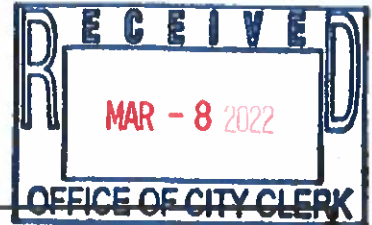
CORRESPONDENCE: A letter of approval was received from Guy and Sharon Coreno, 2107 Bay Boulevard.

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. 2022-07**: Variance request from Section 110-344(5) of the Code of Ordinances to encroach 2 feet in to the north 7-foot side yard setback resulting in a north side yard setback of 5 feet to allow for the installation of a swimming pool for property located at 2105 Bay Boulevard, Indian Rocks Beach, Florida, and legally described as a portion of Lot 6, Thirteenth Addition to Indian Beach Re- Revised 13th Addition, according to the plat thereof recorded in Plat Book 331, Page 38, Public Records of Pinellas County, Florida.



APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

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

For Office Use Only

Application No. 2022-07

Date Received 3-8-2022

APPLICANT

Name: Cherry & Sen Foes
Address: 2105 Bay Blvd
City: Indian Rocks Beach
Zip Code: 33785
Tel: 5094751440
Fax:
Mobile:
Email: cherrysellshomes@email.com

AGENT/REPRESENTATIVE

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

SITE DETAILS

Address: 2105 Bay Blvd Parcel ID: 063015422640000060
City: Indian Rocks Beach Zip Code: 33785
Legal Description: Indian beach re revised 13th add lot 6 = rip rts
Zoning: multi Future Land Use:
Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text" value="7"/>	<input type="text" value="5"/>	<input type="text" value="2"/>
Minimum green space (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Habitable stories (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Building height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	<input type="text"/>
ISR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
FAR (%):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock length (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Dock width (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signage (#):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other:

What is the proposed use of the property?

HARDSHIP

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

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

Due to lot size we are requesting a variance from the normal 7' side set back to a 5' set back on North side of property. With the current setback our pool would only be 8' wide which is very narrow for a normal pool.

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

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

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

HARDSHIP CONTINUED...

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

Due to lot size we are requesting a variance from the normal 7' side set back to a 5' set back on North side of property. With the current setback our pool would only be 8' wide which is very narrow for a normal pool.

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

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

We have also discussed with our neighbors the plans of the pool and will be putting in a green space between property line and pool. We have the permission of the neighbors on the north side of the property.

CERTIFICATION

Date: 3.8.2022

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: Cherry Ann Foos

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L

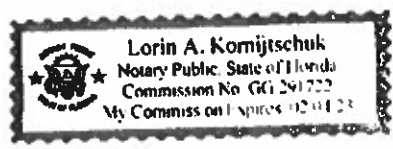
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 8 Month: March 20 22

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

Notary Public Commission Expiration: 2/4/2023

State of Florida
County: Pinellas



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

AGENT OF RECORD

Date: _____

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

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

Personally known/Form of Identification _____

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

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

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

Reuben Clarson CONSULTING

February 28, 2022

City of Indian Rocks Beach
Building & Zoning Department
1507 Bay Palm Blvd
Indian Rocks Beach, FL 33785

**Re: Seawall/Pool at Foos Residence
2105 Bay Blvd, Indian Rocks Beach, FL**

Dear Madam or Sir,


The above referenced seawall has been constructed per the attached permitted seawall documents, dated November 17, 2021. A proposed pool is to be located near the north side of the property. Per the attached pool plan (Kelly Pools, 2/18/22), the proposed 10 ft wide pool is to be located 5 ft offset of the north property line and 5 ft from the seawall. The deadmen/tieback rods are spanned 12 ft in this area and will not be impacted by the proposed pool.

Therefore, if the pool is constructed per the attached the pool plan, there will not be detrimental effects to the seawall or the proposed pool. Please give a copy of this letter to whomever requires one for permitting.

If you should have any questions or comments, please do not hesitate to contact me. Thank you for the opportunity to be of service.

Sincerely,

REUBEN CLARSON CONSULTING, JR.


John B. Adams, Jr.
FL Professional Engineer



Cc: Cherry Foos, Owner

780 94th Avenue North, Suite 102, St. Petersburg, FL 33702
T: 727.895.4717 E: Info@ReubenClarsonConsulting.com W: ReubenClarsonConsulting.com

ARCHITECTURE & ENGINEERING

ASSESS. ADVISE. DESIGN.

NOVEMBER 2, 2021

SEAWALL REPAIR
OWNER: CASK CONSTRUCTION
PR: CHAD HORTMAN 886-212-7645
JOB ADDRESS: 2105 BAY BLVD INDIAN ROCKS BEACH, FL

CONTRACTOR: PETER SAFF / DANN SAFF AND SON, INC.

FURNISH ALL MATERIAL, LABOR, EQUIPMENT, SERVICES AND SUPERVISION TO COMPLETE THE FOLLOWING IN ACCORDANCE WITH PLANS AND SPECIFICATIONS ATTACHED HERETO:

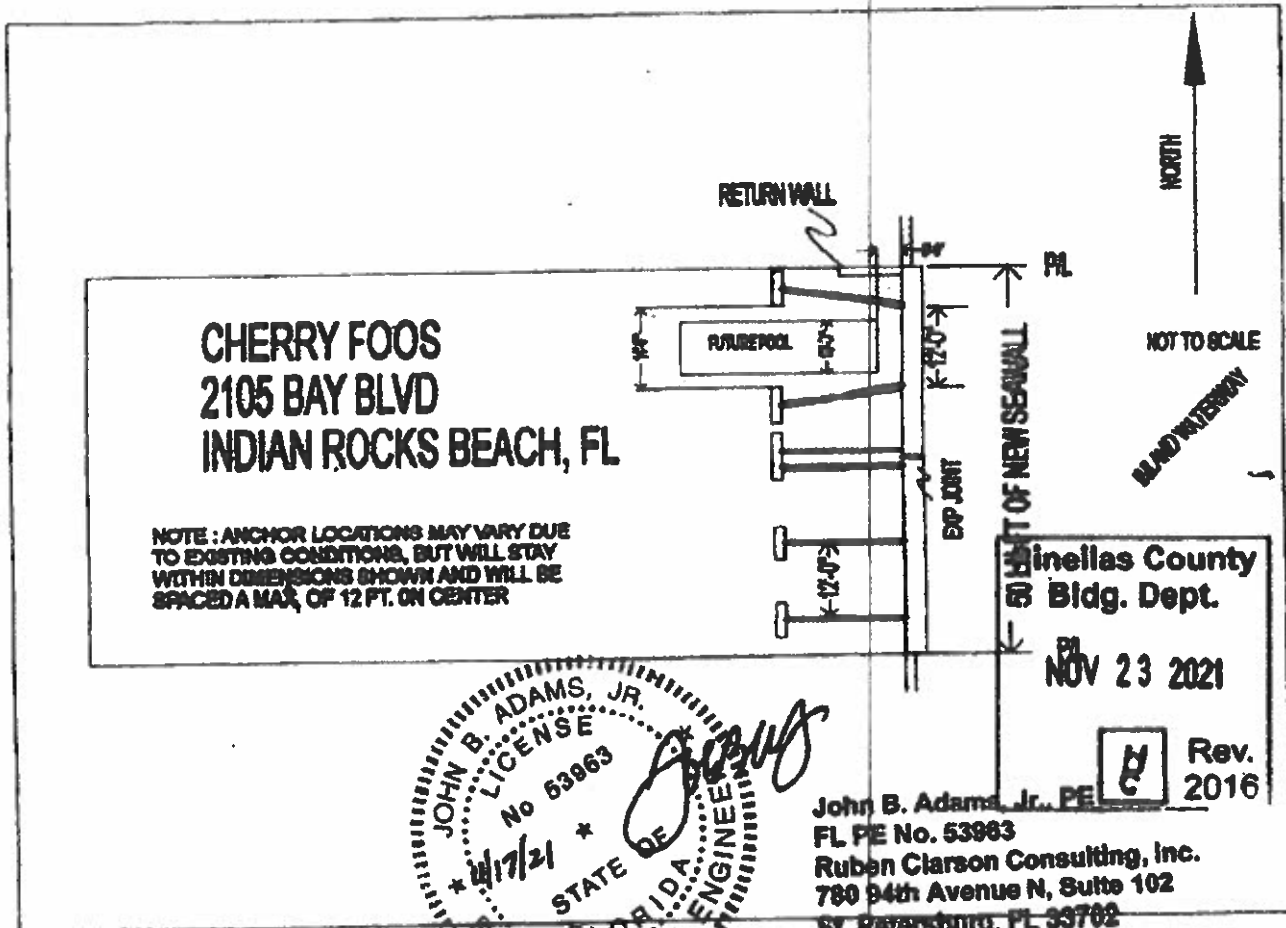
SPECIFICATIONS

DESIGN MEETS FLORIDA BUILDING CODE 7TH EDITION 2020

INSTALL NEW SHEET PILE SEAWALL DIRECTLY IN FRONT AND ABOVE OF THE EXISTING SEAWALL.
INSTALL APPROXIMATELY 60 LINEAL FEET OF NEW SEAWALL USING SPUN CHAINS 425 OR EQUIVALENT 8 FOOT LONG VINYL SHEET PILE WITH NEW 24" DEEP FRONT SIDE BY 18" DEEP BACK SIDE BY 22" WIDE REINFORCED CONCRETE CAP AND NEW ANCHOR SYSTEM. ANCHORS SHALL BE 1" DIAMETER STEEL RODS, 12" LONG, WHERE POSSIBLE, ENCASED IN PVC, SPACED 12 FOOT ON CENTER, ANCHORED WITH 4 CUBIC FOOT (FOR SINGLE) AND 8 CUBIC FOOT (FOR DOUBLE) REINFORCED CONCRETE DEAD MEN. THE FRONT FACE OF THE EXISTING CAP SHALL REMAIN. NEW SEAWALL SHALL BE INSTALLED DIRECTLY IN FRONT OF THE EXISTING SEAWALL NOT TO EXCEED ONE-FOOT WATER WARD. THE VOID BETWEEN THE OLD AND NEW WALL SHALL BE FILLED WITH CONCRETE TO GROUND LEVEL ON WATER WARD SIDE OF THE SEAWALL. TOP ELEVATION FOR THE NEW SEAWALL SHALL BE 12 INCHES HIGHER THAN THE EXISTING SEAWALL.

SHEET PILES SHALL BE INSTALLED USING WATER JETTING AND DRIVEN USING A PNEUMATIC HAMMER. IF NATURAL ROCK OR DENSE CLAY IS ENCOUNTERED, SHEETS SHALL BE DRIVEN TO REFUSAL AND CUT OFF (WITH NO COST CREDITED TO OWNER). THE CONTRACTOR WILL INSTALL THE SHEET PILES STRAIGHT AND PLUMB, BUT MINOR MISS ALIGNMENTS MAY OCCUR DUE TO SHEET DISTORTION CAUSED BY THE FORCE REQUIRED TO DRIVE THE VINYL SHEETS INTO BURIED OR HARD ITEMS BURIED BELOW THE BAY BOTTOM.

INSTALL ONE CURB TYPE RETURN WALL AT EACH END OF THE PROPERTY. RETURN WALLS SHALL BE 8" WIDE BY 24" DEEP BY 8' ± LONG, REINFORCED WITH #4 BARS SPACED ONE FOOT ON CENTER EACH WAY.



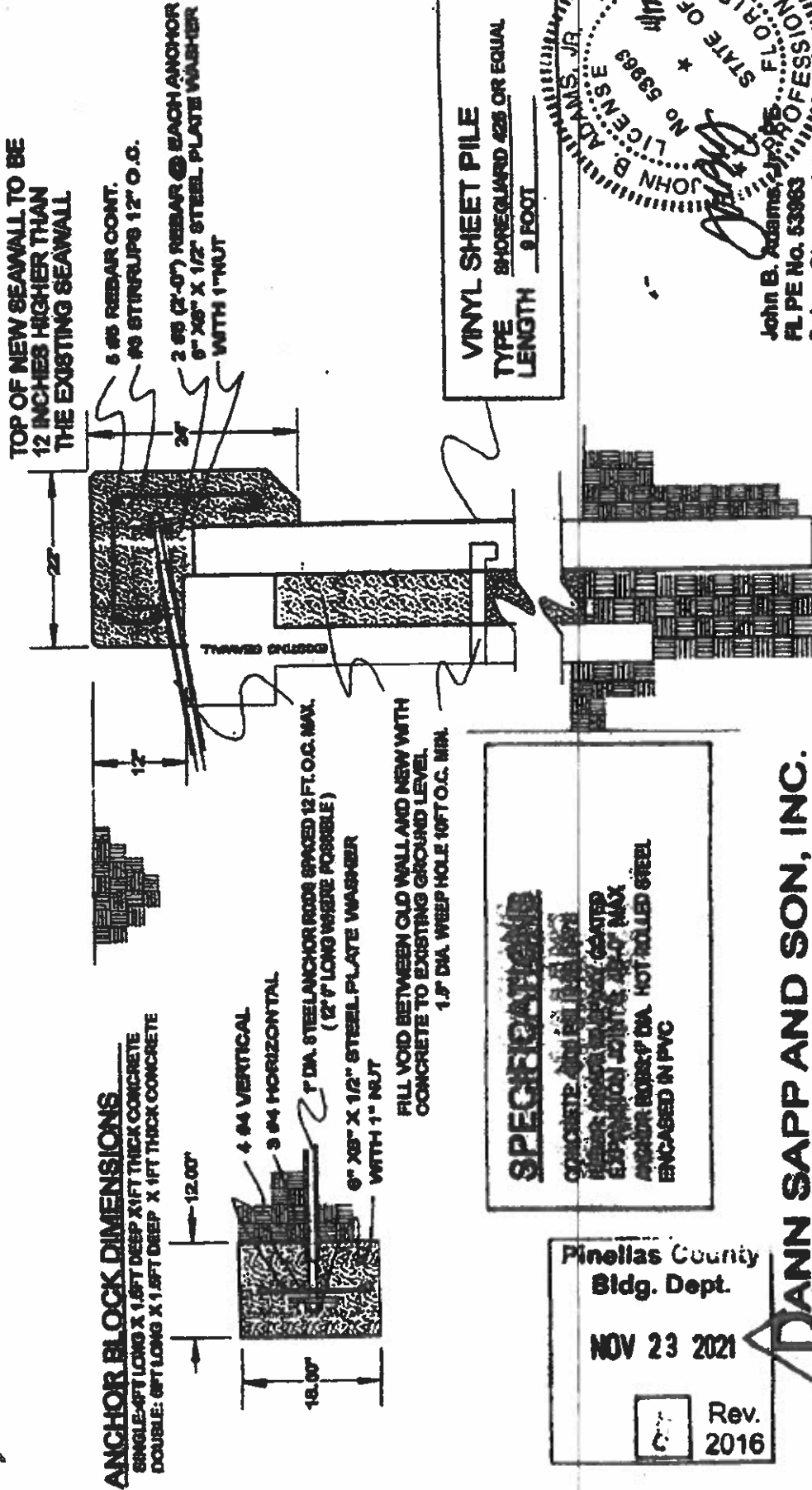
JOHN B. ADAMS, JR.
LICENSE
No. 53963
4/17/21
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Pinellas County
Bldg. Dept.
NOV 23 2021
Rev. 2016

John B. Adams, Jr., PE
FL PE No. 53963
Ruben Clarson Consulting, Inc.
780 94th Avenue N, Suite 102
St Petersburg, FL 33702
Phone: (727) 895-4717
CA No. 9208

CONCRETE AND SHEET PILE SEAWALL

NOT TO SCALE



ANCHOR BLOCK DIMENSIONS

SINGLE: 8FT LONG X 1.5FT DEEP X 1FT THICK CONCRETE
 DOUBLE: 8FT LONG X 1.5FT DEEP X 1FT THICK CONCRETE

4 #4 VERTICAL
 3 #4 HORIZONTAL

1" DIA. STEEL ANCHOR ROD SPACED 12 FT. O.C. MAX.
 (12' LONG WHERE FEASIBLE)

6" X 6" X 1/2" STEEL PLATE WASHER
 WITH 1" NUT

FILL VOID BETWEEN OLD WALL AND NEW WITH
 CONCRETE TO EXISTING GROUND LEVEL.
 1.5" DIA. WEEP HOLE 10FT O.C. MIN.

VINYL SHEET PILE
 TYPE SHOREGUARD 425 OR EQUAL
 LENGTH 9 FOOT

SPECIFICATIONS

CONCRETE: 4000 PSI
 REBAR: #4
 ANCHOR RODS: 1" DIA. HOT ROLLED STEEL
 ENCASED IN PVC

Pinellas County
 Bldg. Dept.

NOV 23 2021

Rev.
 2016

DANN SAPP AND SON, INC.
 MARINE DIVISION

STATE LIC. #CB 0028120
 MARINE LIC. #C-8888

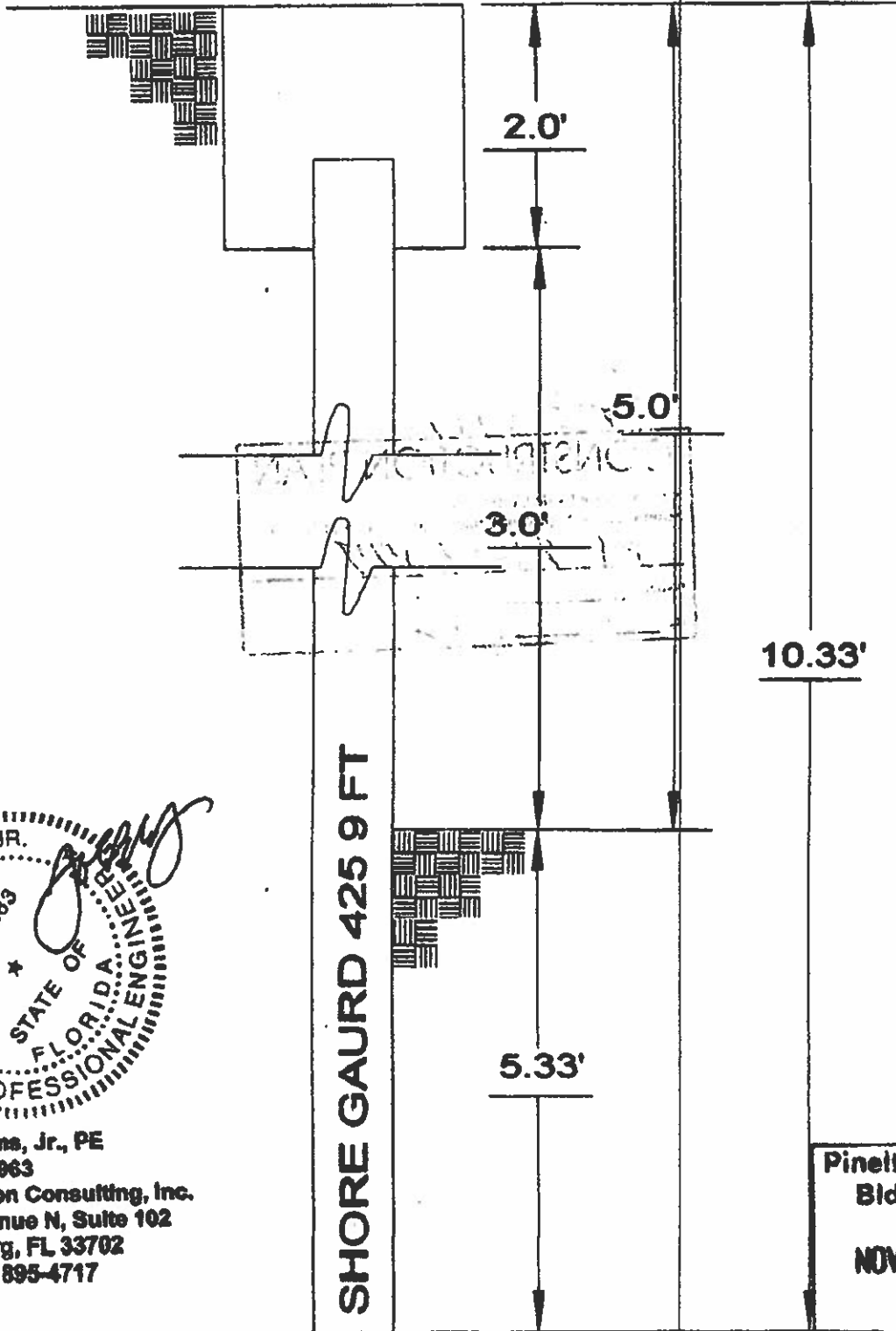
(727) 628-1888 FAX (727) 628-1288
 4211 3rd STREET NORTH ST. PETERSBURG FL 33714

JOHN B. ADAMS, JR.
 LICENSE NO. 53863
 PROFESSIONAL ENGINEER
 STATE OF FLORIDA

John B. Adams, Jr.
 Ruben Clarion Consulting and
 780 94th Avenue N, Suite 102
 St. Petersburg, FL 33702
 Phone: (727) 895-4717
 CA No. 9208

SEAWALL EXPOSURE PLAN

TOP OF NEW SEAWALL CAP SHALL BE 12 INCHES HIGHER THAN THE EXISTING SEAWALL CAP



John B. Adams, Jr., PE
FL PE No. 53963
Ruben Carlson Consulting, Inc.
780 94th Avenue N, Suite 102
St. Petersburg, FL 33702
Phone: (727) 895-4717
CA No. 9206

Pinellas County
Bldg. Dept.
NOV 23 2021
Rev. 2016

POOL SIZE 10' x 28' x 28' SPECS _____ GALLONS _____
 POOL DEPTH 3' TO 4' CAPACITY _____
 TILE _____ COLOR SEE PREP
 DECKING: POUR & TOP _____
 DECKING: TOP ONLY _____
 FILTER _____ PUMP _____
 POOL CLEANER _____
 CHEMICAL SYSTEM _____ TIME CLOCK (H) _____
 POOL LIGHT _____
 ELECTRICAL HOOK-UP _____
 SWIM-OUT _____ SEAT AT STEPS _____
 THERAPY JETS _____ DRAIN-AWAY _____
 RETURN NOLETS _____ 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 _____



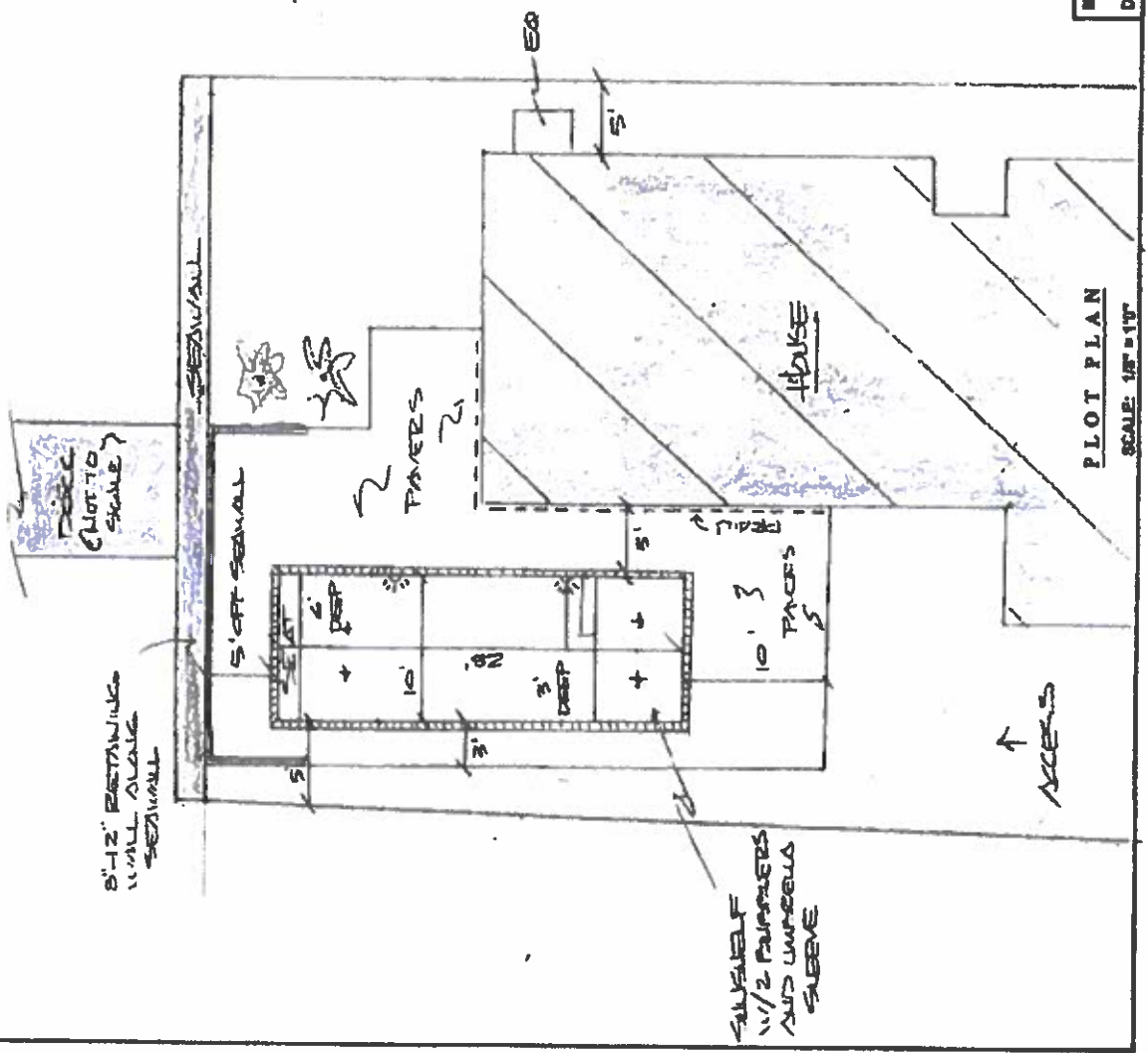
727-493-9330
 P.O. Box 309 • Indian Rocks Beach, FL 33785

NAME QUEBY FRANK
 ADDRESS 2105 PINEY RD
 CITY INDIAN ROCKS, FL ZIP CODE 33785
 HOME PHONE _____ OTHER PHONE 475-1440

LOT _____ BLOCK _____ SUB _____

WARRANTY IS NOT WARRANTED
 DUE TO MOTTILING
 DISCOLORATION OR ETCHING

2/18/2022



seanflorida85@gmail.com

From: cherrysellshomes@email.com
Sent: Tuesday, March 8, 2022 1:19 PM
To: seanflorida85@gmail.com
Subject: Fwd: Re: 2105 Bay Blvd Indian Rocks Beach 33785

Cherry Foos
Realtor
Staging and Marketing Consultant
Dalton Wade Real Estate Group
cell 5094751440

On 2/28/22 at 4:39 PM, Sharon Coreno wrote:

From: "Sharon Coreno" <sharoncoreno@yahoo.com>
Date: February 28, 2022
To: "cherrysellshomes@email.com" <cherrysellshomes@email.com>, "hharmon@civilsurv.com" <hharmon@civilsurv.com>
Cc:
Subject: Re: 2105 Bay Blvd Indian Rocks Beach 33785
Hello Hetty,

My husband Guy and I give our permission for Cherry and Sean at 2105 Bay Blvd, Indian Rocks Beach, FL 33785 to place their pool 5' from the property line. Please let us know if you need anything further.

Thank you.

Sharon Coreno
2107 Bay Blvd, Indian Rocks Beach, FL 33785

On Monday, February 21, 2022, 09:21:16 AM EST, cherrysellshomes@email.com <cherrysellshomes@email.com> wrote:

Hi there

Hetty I have copied our neighbor Sharon / Sheri on this email. She is our neighbor north of us and is the one giving permission to us to put the pool 5' ft from the property line.

Thank you Sheri! Can you please confirm with Hetty.

Cherry Foos
Realtor
Staging and Marketing Consultant
Dalton Wade Real Estate Group
cell 5094751440

AGENDA ITEM NO. 7

OTHER LEGISLATIVE MATTERS:

NONE

AGENDA ITEM NO. 8

WORK SESSION ITEMS: NONE

AGENDA ITEM NO. 9

OTHER BUSINESS

AGENDA ITEM NO. 10
ADJOURNMENT.