CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS TUESDAY, JULY 18, 2023 6:00 P.M.

Administrative 727/595-2517

Library 727/596-1822 Public Works 727/595-6889

AGENDA

CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS AND APPEALS TUESDAY, JULY 18, 2023 @ 6:00 P.M. CITY COMMISSION CHAMBERS 1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785

- CALL TO ORDER. 1.
- 2. ROLL CALL.
- 3. APPROVAL OF MINUTES: March 21, 2023
- BOA CASE NO. 2023-04 449 Harbor Drive South 4.

Owner/Applicant:

Brenda L. & Barry R. Lanier

Subject Location:

449 Harbor Drive South, Indian Rocks Beach Florida.

Legal Description:

Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach

recorded in Plat Book 36 Page 37 of the Public Records of

Pinellas County, Florida

Parcel #:

06-30-15-42372-000-0170

Variance Request

Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12-foot side setback.

resulting in a total setback of 3 feet on the northwest side for the

installation of a new boat lift.

BOA CASE NO. 2023-05 - 461 Harbor Drive South 5.

Owner/Applicant:

Seth & Jackie Parker

Subject Location:

461 Harbor Drive South, Indian Rocks Beach, Florida.

Legal Description:

Lot 2 Twenty Third Addition to Re-Revised Map of Indian Beach

recorded in Plat Book 36 Page 37 of the Public Records of

Pinellas County, Florida

Parcel #:

06-30-15-42444-000-020

Variance Request:

Variance request from Sec. 94-86 (a)(1) of the Code of

Ordinances of 9 feet into the required 12-foot side setback.

resulting in a total setback of 3 feet on the northwest side for the

installation of a new boat lift.

6. BOA CASE NO. 2023-06 - 2209 Gulf Boulevard

Owner/Applicant: Tahyana & Aleksandr Drigailo

Subject Location: 2209 Gulf Boulevard, Indian Rocks Beach, Florida. Legal Description: Lot 3, Block 45, RE-Revised Map of Indian Beach

Subdivision recorded in Plat Book 5 Page 6 of the Public Records

of Pinellas County, Florida.

Parcel #: 01-30-14-42030-046-0030

Variance Request: Variance request from Sec.110-131(4)(f)(1) of the Code of

Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2

pools/ swim spas.

7. OTHER BUSINESS.

8. ADJOURNMENT.

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

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

POSTED: July 14, 2023

AGENDA ITEM NO. 1 CALL TO ORDER

AGENDA ITEM NO. 2 ROLL CALL

AGENDA ITEM NO. 3 APPROVAL OF MINUTES MARCH 21, 2023

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

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

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

2. ROLL CALL:

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

OTHERS PRESENT: City Attorney Randy Mora, B.C.S. and Planning Consultant Hetty C. Harmon, AICP.

ABSENT: Board Member Rick Alvarez and 1st Alternate Board Member Karen O'Donnell,

VACANT POSITION: 2nd Alternate Board Member.

3. APPROVAL OF MINUTES: February 21, 2023

MOTION MADE BY MEMBER LABADIE, SECONDED BY VICE CHAIR WATT, TO APPROVE THE FEBRUARY 21, 2023 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.

4. BOA CASE NO. 2023-03 — 2011-1ST STREET Owner/Applicant: OCF Beach LLC

Subject Location: 2011-1st Street, Indian Rocks Beach,

Florida

Legal Description: Lot 16, Block 54, Indian Beach Re-

Revised, as recorded in Plat Book 5, Page 67, of the Public Records of

Pinellas County, Florida.

Parcel #: Parcel #01-30-14-42030-054-0010.

Variance Request: Variance request from Sec. 110-344

(4), of the Code of Ordinance, to

allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool.

[Beginning of staff report.]

SUBJECT: BOA CASE NO. 2023-03 -2011-1ST STREET

Variance request from Sec. 110-344 (4) of the Code of Ordinance to allow for a pool to encroach 16 feet into the 25 feet front yard setback resulting in a total front yard setback of 9 feet to allow for a new pool for property located at 2011-1st Street, Indian Rocks Beach, Florida, and legally described as Lot 1, Block 54, Indian Beach Re-Revised, as recorded in Plat Book 5, Page 67, of the Public Records of Pinellas County, Florida, Parcel # 01-30-14-42030-054-0010.

OWNER: OCF BEACH LLC PROPERTY LOCATION: 2011-1st Street

ZONING: RM-1 Medium-Density Residential

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

BACKGROUND:

The applicant is requesting a variance for pool to encroach 16 feet into the 25-foot front yard setback for two-family residence.

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

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

Sec. 2-152. Variances.

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

- (1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. The existing residence was built in 1972 and maintains the 25-foot front setback on 1st Street even though house faces 21st Avenue.
 - The special conditions and circumstances do not result from the actions of the applicant.
 The applicant did not create any special conditions or circumstances.
 - c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. Granting the variance would confer special privileges to the applicant.
 - d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. The approval of this variance request would not deprive other owners of use and enjoyment of their properties.
 - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. This is the minimum variance to allow the owner to construct the pool as proposed.
 - f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. Granting the variance will not be in harmony with the general intent and purpose of subpart B.

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

CORRESPONDENCE: Correspondence was received objecting to the variance.

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

[End of staff report.]

City Attorney Mora read Agenda Item No. 4, BOA Case No. 2023-03, 2011-1st Street, by title only.

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

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

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

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

Planning Consultant Harmon stated the applicant is requesting a variance request from Code Section 110-344(4) to encroach 16 feet into the 25-foot front yard setback to build a pool on the property located at 2011-1st Street.

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

Planning Consultant Harmon explained the variance while presenting the PowerPoint Presentation. She stated the house is on a corner lot at 1st Street and 21st Avenue. The dwelling is a duplex with two driveways out front.

Planning Consultant Harmon explained that 1st Street is considered the front yard with a required setback of 25 feet, and 21st Avenue is considered the side yard with a required setback of 7 feet. The house does face 21st Avenue. The applicant is requesting to locate the pool in the front yard along 1st Street even though it appears as the side yard of the dwelling. The water's edge would be 9 feet from 1st Street the property line. The pool would be 25 feet from 21st Avenue but 9 feet from 1st Street.

Planning Consultant Harmon stated staff recommended denial since the pool would encroach into the front setback.

Chair DeVore questioned the power box and asked if a utility easement existed.

Planning Consultant Harmon stated she thinks that box is between the lot line and the street.

Vice Chair Watt asked as a point of clarity what is the side considered on 21st Avenue. Is 21st Avenue considered the side or the front of the house? Planning Consultant Harmon stated 21st Avenue is actually the front of the house. It is where the front doors and driveways are. It is where people gain access to the house.

Vice Chair Watt stated that usually the setbacks on most corner lots he has been involved with are usually 25 feet from both directions.

Planning Consultant Harmon responded no — just one or the other.

Vice Chair Watt stated in this case; it is off 1st Street.

Vice Chair Watt clarified that this is a request for an encroachment of 16 feet into the required 25-foot front yard setback, leaving a front yard setback of 9 feet.

Planning Consultant Harmon responded affirmatively.

Shawn Lee, OCF Beach LLC, 2011-1st Street, the applicant, stated this duplex is his vacation home, and he does come down 25% of his time. He loves Indian Rocks Beach, and it is his second home. When he purchased the property, it was overgrown and an eyesore for the neighborhood. Since then, he has put his heart and soul into making it someplace where he would want to stay.

Mr. Lee stated he requested this variance because the city code says the narrowest portion of a corner lot was automatically the front yard. When the duplex was built, the front yard was actually the side yard. The side yard (21st Avenue) is where a person gains entry — where the front door and driveways are. There are no doors or driveways in the front of the house (1st Street).

Mr. Lee stated if the front yard (21st Avenue) were the actual front yard of the house, he would be within the 7-foot side setbacks and 25-foot front setback. That is why he is asking for the variance.

Mr. Lee stated Planning Consultant Harmon stated a pool could be built between his two driveways, but it would only be 5 feet. However, legally if he had the space, he could put the pool on 21st Avenue, and that would actually be a nuisance because it would be in the front yard. He was able to find three other properties that have the exact same layouts. They all requested variances and were approved — 2313-1st Street, 124-13th Avenue, and 2508 Bay Boulevard.

Mr. Lee stated that on 1st Street, many of these lots were shaped with the working end, not on the legal front side. If the board looks at the street views for his corner, all the houses that face 1st Street have side entry off 21st Avenue. This is just a quirk in the way the structures are laid out.

Mr. Lee asked the board to look at the hardship granted by this lot's unique shape/layout.

Vice Chair Watt asked about the other side.

Mr. Lee responded there was nothing on that side, and they looked at it. However, there is an unimproved city alley, and there are only 14.8 feet from the property line, leaving 4.48 feet for a pool.

Chair DeVore opened the public comment portion.

Darinka Konjanovski, 2005-1st Street, stated she owns a duplex property directly behind Mr. Lee's that she rents year-round. However, she has received several complaints from her tenants because of the noise generated by Mr. Lee's short-term renters. She stated her tenants are woken up in the middle of the night because of the noise, and they have called the sheriff's office, and she is afraid that she would lose her long-

term tenants because of the noise, etc. She stated it is already noisy, and a pool would generate more noise.

Carol McGlaughlin, 115-21st Avenue, stated her home is directly across 1st Street from the subject duplex. Ms. McGlaughlin read the following letter into the record:

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

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

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

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

The basis for the owner's appeal is the desire to maximize the value and profits of the newly acquired property. Does the new owner have a right to increase his profitability running a business at the expense of the neighbor's right to quiet comfort? A financial increase on a return of an investment does not constitute or equal a hardship.

If this variance is approved, it will set a precedent. It will open the floodgates for variance applicants that will encroach into all setback lines.

Setback lines are like fences. They make good neighbors.

For these reasons, we object to the approval of a variance for 2011-1st Street.

Melissa Page, 108-20th Avenue, #A Jim Poehlman, 108-20th Avenue, #B Darinki Darinka, 2005-1st Street Scott Franz, 2025-1st Street, #1 Phil Thompson, 2005-1st Street, #1
Milica Fosif, 2005-1st Street, #3"
Robert Page, 1080-20th Avenue
Fred Woody, 204-21st Avenue
Carol McGlaughlin, 115-21st Avenue
Diane Rath, 2117-1st Street
Patsy Sullivan, 401 Harbor Drive North
Sue Taylor, 1215 Bayshore Boulevard"

Chair Devore closed the public comment portion.

Planning Consultant Harmon stated there are two hot tubs in the screen porches on the back of the duplexes that are not on the site plan, which were installed about a year ago.

Member Campbell stated the applicant said the remaining portion between his property line and the street combined with the 9 feet left of his property would give him 25 feet. He asked if that was correct and who actually owned that wide stripe of land.

Planning Consultant Harmon stated that it is city right-of-way, usually used for stormwater, sewage, utility lines, etc. She noted that it is not part of the applicant's property. She stated there is always a right-of-way for utilities, mainly in front of houses.

Member Campbell stated he understood that. But he owns the easement in front of his house, which has a utility easement.

Planning Consultant Harmon stated there is a utility easement in the unimproved alley for power poles.

Mr. Lee stated that short-term rentals are a hot button for the city. There is a different venue for that, and he will abide by whatever the city commission does. This is the first he has heard about noise issues regarding his property. He has left his number with several of his neighbors, and he does not have a problem receiving calls in the middle of the night to handle issues arising from his property.

Vice Mayor Watt stated there are unique properties in that city area. Unfortunately, people buy these properties with certain restrictions, and it is a big ask on a front/side yard that becomes the front yard of other neighbors.

Chair DeVore stated 16 feet is a big front yard variance request, and he does not see a hardship.

Member Labadie stated that granting a pool to the front yard would devalue the neighbors' property because when it comes time to sell, who would buy a property with a lot of noise going on that close to their house? He does not encourage people to do things that would hurt their neighbors.

MOTION MADE BY MEMBER LABADIE, SECONDED BY MEMBER VICE CHAIR WATT, TO RECOMMEND TO THE CITY COMMISSION DENIAL OF BOA CASE NO. 2023-03 — 2011-1ST STREET. A VARIANCE REQUEST FROM SEC. 110-344 (4) OF THE CODE OF ORDINANCE TO ALLOW FOR A POOL TO ENCROACH 16 FEET INTO THE 25 FEET FRONT YARD SETBACK RESULTING IN A TOTAL FRONT YARD SETBACK OF 9 FEET, FOR PROPERTY LOCATED AT 2011-1ST STREET, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS LOT 1, BLOCK 54, INDIAN BEACH RE-REVISED, AS RECORDED IN PLAT BOOK 5, PAGE 67, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AYES: CAMPBELL, LABADIE, WATT, DEVORE

NAYS: NONE

ABSENT: ALVAREZ, O'DONNELL

MOTION TO RECOMMEND **DENIAL** TO THE CITY COMMISSION APPROVED UNANIMOUSLY.

5. OTHER BUSINESS.

There will be no meeting in April.

6. ADJOURNMENT.

MOTION MADE BY MEMBER LABADIE, SECONDED BY VICE MAYOR WATT, TO ADJOURN THE MEETING AT 6:38 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved	Stewart DeVore, Chair
/DOR	

AGENDA ITEM NO. 4 BOA CASE NO. 2023-04 449 HARBOR DRIVE SOUTH

BOARD OF ADJUSTMENTS AND APPEALS AGENDA MEMORANDUM

MEETING OF:

Board of Adjustment: June 20, 2023 AGENDA ITEM: 4

City Commission: July 11, 2023

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

AUTHORIZED BY: Brently Gregg Mims, City Manager

SUBJECT: BOA CASE NO. 2023-04 –449 Harbor Dr S

Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12 foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 445 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of

the Public Records of Pinellas County, Florida

Parcel # 06-30-15-42372-000-0170

OWNER Brenda & Barry Lanier

LOCATION of PROPERTY: 449 Harbor Dr S

ZONING: S- Single- Family Residential

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

BACKGROUND:

The applicant is requesting a variance for a boat lift to encroach 9 ft into the 12 ft side yard setback for to install a boat lift. They want to remove an existing lift and install a new lift on side of dock. The abutting property to the north who is impacted by the reduced setback has no objections and signed off on the location of the new boatlift.

Sec. 2-152. - Variances.

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

- (1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.
- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The property is located in an area where there the water is deep allowing the use the existing dock.

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

The applicant did not create any special conditions or circumstances.

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

Granting the variance would 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 boat lift as proposed.

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

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

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on July 3, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Adjacent neighbors at 447 and 457 Harbor Dr S have signed off on the setbacks.

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

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2023-04-449 Harbor Dr S -Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12 foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 445 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida

449 Harbor Dr S BOA CASE NO. 2023-04



BOA CASE NO. 2023-04 –449 Harbor Dr S

Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 9 feet into the required 12 foot side setback, resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift for property located at 445 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 17 Nineteenth Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida

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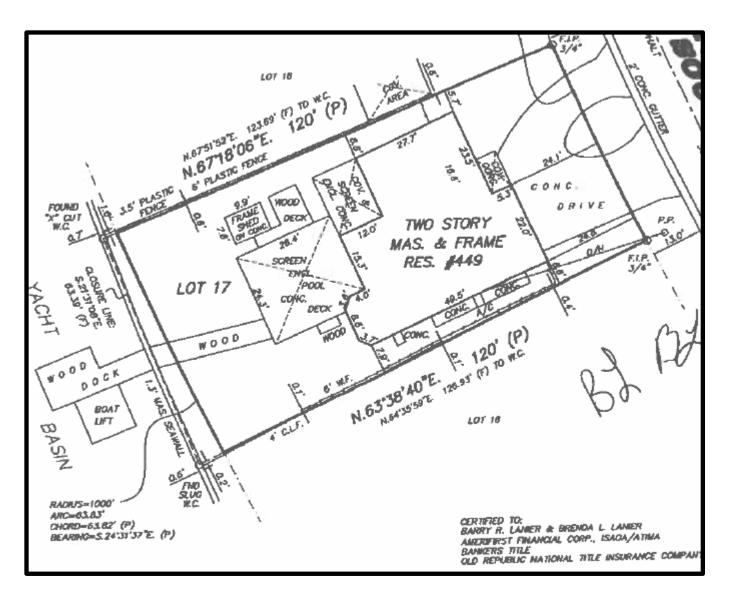
449 Harbor Dr S



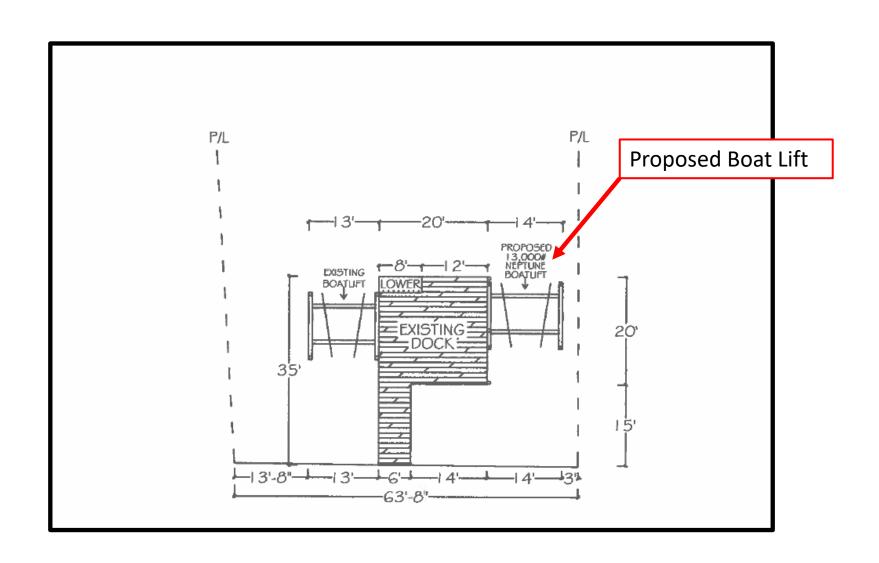
449 Harbor Dr S



Survey



Proposed Proposed Boat Lift



APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING DEPARTMENT

Enquiries: Tel: (727) 517-0404 Fax: (727) 596-4759

Web: http://www.indian-rocks-beach.com/

Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

APPLICANT		AGENT/REF	PRESENTATIVE
Name:	Brenda L. & Barry R. Lanier	Name:	Home /wner
Address:	449 Harbor Dr. S.	Company:	4
City:	Indian Rocks Beach	Address:	
Zip Code:	33785	City:	
Tel:	727-463-1167	Zip Code:	
Fax:		Tel:	
Mobile:		Fax:	
Email:	barrylanier40@gmail.com	Mobile:	
		Email:	
SITE DETAI	LS		
Address:	449 Harbor Dr. S.	Parcel ID:	06-30-15-42372-000-0170
City:	Indian Rocks Beach	Zip Code:	33785
Legal Description:	INDIAN BEACH RE-REVISED) 19TH ADD LOT 17	7
Zoning:		Future Land Use:	
Size:			

SITE DETAILS CONTINUED			
Does applicant own any property co	ntiguous to the subject property?	☐ Yes	✓ No
If yes, provide address and legal description:			
Have previous applications been file	d for this property?	☐ Yes	☑ No
If yes, describe:			
Has a certificate of occupancy or co	mpletion been refused?	Yes	☑ No
If yes, describe:			
Does any other person have owners	hip or interest in the property?	Yes	☑ No
If yes, is ownership or interest contigent 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?	□с	onditional [Absolute
Are there options to purchase?		Yes	☑ No
VARIANCE REQUEST			Paga 4
Regulation	Required Propos		<u>lotal</u> luested
Gulf-front setback (feet):			
Bay-front setback (feet):			
Alley setback (feet):			

	VARIANCE	REQUEST CONTIN	IUED			
	Regulation			Required	Proposed	<u>Total</u> Requested
	Rear-no alley	setback (feet):				
	Rear-north/s	outh street (feet):				
	Street-front	setback (feet):				
	Side-one/bot	h setback (feet):				
	Minimum gre	en space (%):				
	Habitable sto	ories (#):				
	Minimum lot	size (sq. ft.);				
	Building heig	ht (feet):				
	Off-street pa	rking (spaces):				
	ISR (%):					
	FAR (%):					
×	Dock length	(feet):				
*	Dock width (feet):		35	47	
	Signage (#):					7
	Accessory str	ructure (sq. ft.):				
	Accessory str	ucture height (feet)	:			
	Lot size (sq. 1	ft.):				
	Other:	We are requesting setback is 12'. Pr	g a side oposed	setback variand setback is 3', for	e for a boatlift. Re a variance of 9'.	equired side
	What is the p of the proper	tv?	Single F	amily Residence		

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:

With a lot width of only 63.8', it is difficult to have a dock and two boatlifts that will allow us to safely moor and access our boats.

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

We did not create the size of the lot.

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:

Granting this variance will not confer any special privilege. Any homeowner in the City can apply for a variance to the required side setbacks.

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:

Literal interpretation of the code would prevent us from making full use of our waterfront property.

HARDSHIP CONTINUED...

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

The requested variance is the minimum that will make the reasonable use of the land possible. This variance will allow us to safely store our boat.

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:

If approved, the variance will be in harmony with the general intent and purpose of Subpart B and will not be injurious to the area involved. There will be no navigational issues created by granting the variance or negative impacts to the neighborhood.

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

We would like to be able to safely moor and access our boat. The way to do that is to add the proposed boatlift.

	STREET, SQUARE, SQUARE		TION
4.4		III-W I	

CENTIFICATION
Date:
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: Barry Lanier Signature: Bauf La
Signature: Sauf La
Personally known/Form of Identification FLORIDA DRIVERS LICENSE
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.
Sworn to and subscribed before me this: Day: <u>SRD Month: MAY</u> , 20 3
Notary Public State of Florida at Large: Catherine m Citta
Notary Public Commission Expiration: 3/5/2026

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.

N/A

AGENT OF RECORD

Date: 5/4/23
I, Basey ban see 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: Barry Lanier Signature: Barry Lam
My agent of record may be contacted at:
Company: Home Owner
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

OWNER NAME: Lanier, Barry & Brenda SITE ADDRESS: 449 Harbor Dr. S. Indian Rocks Beach, FL. 33785

NATURE AND SIZE OF PROJECT: Remove boatlift from behind head. Set piling and install a 13,000# capacity boatlift to the right of the existing dock. Replace any existing piling, framing, or decking if necessary.

TOTAL PROJECT SQUARE FOOTAGE: 490'

TOTAL NUMBER OF PILING: Four(4)

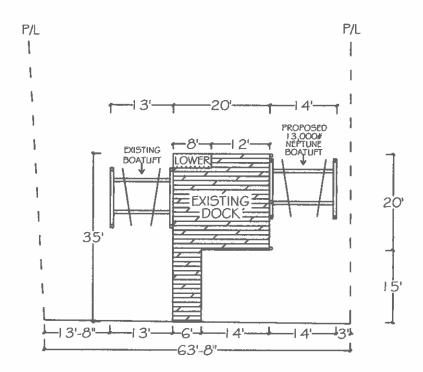
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: 0'

DIAMETER OF PILING: 8" TIP

WATERFRONT WIDTH: 63'-8"(Per Field Measurement)

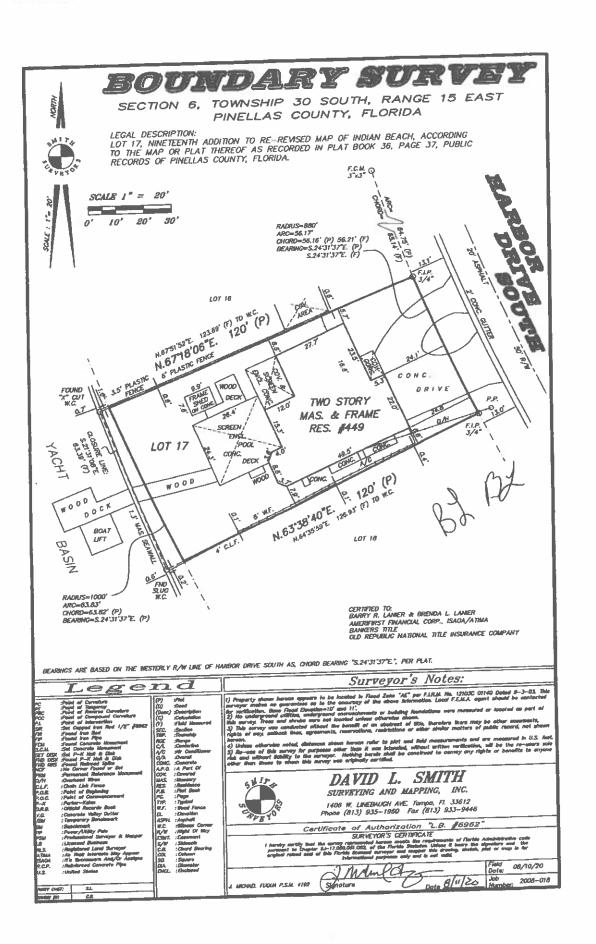
Plan View



The undersigned does not object to the proposed	project as drawn in the space provided above.	
Left Owner: Thomas J. #/or Stasia Wilk, TRE.	Right Owner: Daniel Muçcio	
Signature Strasia-Will Date 4-30-23	Signature Date 4/30/2?	
Municipality Approval	Water and Navigation Approval	

LETTER OF NO OBJECTION

Mailing Address 451 Harbor Dr. S. Indian Rocks Beach, FL. Zip 33785
451 Harbor Dr. S. I certify that I am the owner of Indian Rocks Beach, FL. 33785 by the applicant who proposes to construct a structure at the following address:
449 Harbor Dr. S. Indian Rocks Beach, FL. 33785 I have seen the County permit application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).
OWNER'S SIGNATURE: X Stasio Wilk Date X 4-30-2023 PRINT NAME: X STASIA WILK NOTARY:
STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of
physical presence or online notarization this 30th day of April, 2023 by
personally known OR produced identification
Type of Identification Produced Florida Drivers Cicense
Witness my hand and official seal this 30th day of April , 20 23
X KELLY BAYNES Notation Public, State Of Florida Appropriate HH 162014 My Commission Expires: 8/5/2025
My commission expires:
Right Lot Owner's Name Daniel Muccio
Mailing Address 447 Harbor Dr. S. Indian Rocks Beach, FL. Zip 33785
447 Harbor Dr. S. 1 certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned
I certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned
I certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address:
l certify that I am the owner of Indian Rocks Beach, FL, 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address: 449 Harbor Dr. S. Indian Rocks Beach, FL, 33785 I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).
l certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address: 449 Harbor Dr. S. Indian Rocks Beach, FL. 33785 I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s). OWNER'S SIGNATURE: X //30/23 PRINT NAME: X //30/23
l certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address: 449 Harbor Dr. S. Indian Rocks Beach, FL. 33785 I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s). OWNER'S SIGNATURE: X Date X 4//30/23
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l certify that I am the owner of Indian Rocks Beach, FL. 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address: 449 Harbor Dr. S. Indian Rocks Beach, FL. 33785 I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s). OWNER'S SIGNATURE: X Date X 4/30/23 PRINT NAME: X Date X 4/30/23 NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this 30 ⁴¹⁰ day of April 2023 by
l certify that I am the owner of Indian Rocks Beach, FL 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address: 449 Harbor Dr. S. Indian Rocks Beach, FL 33785 I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s). OWNER'S SIGNATURE: X Date X 4/30/23 PRINT NAME: X Date X 4/30/23 NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this 30th day of April , 2023 by Personally Known OR Produced Identification



06-30-15-42372-000-0170

Compact Property Record Card

Tax Estimator

Updated May 4, 2023

Email Print

Radius Search

FEMA/WLM

Ownership/Mailing Address Change Mailing Address Site Address LANIER, BRENDA L LANIER, BARRY R 449 HARBOR DR S 449 HARBOR DR S INDIAN ROCKS BEACH INDIAN ROCKS BEACH FL 33785-3118 Current Tax District: INDIAN ROCKS

Property Use: 0110 (Single Family Home)

BEACH (IRB)

Total Living: SF: 1,717 Total Gross SF: 2,477 Total Living Units:1

[click here to hide] Legal Description INDIAN BEACH RE-REVISED 19TH ADD LOT 17

Tax Estimator File for Homestead Exemption		ead Exemption	2023 Parcel Use
Exemption	2023	2024	
Homestead:	Yes	Yes	*Assuming no ownership changes before Jan. 1
Government:	No	No	Homestead Use Percentage: 100.00%
Institutional:	No	No	Non-Homestead Use Percentage: 0.00%
Historic:	No	No	Classified Agricultural: No

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

2112//1000 St 015 600 Salar Owers 121020276022		Most Recent Recording	Sales Comparison	Census Tract	(NOT the same as a FEMA Flood Zone)	Flood Zone (NOT the same as your evacuation zone)	Plat Book/Page	
21124/1000 = 31,013,000 Sales Query [1210302/10032] A Current FEWA Maps 30/3/	l	21124/1000	\$1,015,600 Sales Query	121030276032	A	Current FEMA Maps	36/37	

2022 Final Value Information

ı	Year	Just/Market Value	Assessed Value / SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
1	2022	\$869,588	\$613,343	\$563,343	\$588,343	\$563,343

2022		90U7,300	3013,343	3303,343	\$300,343	3303,343
(click here to hide			l Value History as C	Certified (yellow indicates c	orrection on file)	
Year	Homestead Exemption	Just/Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2021	Yes	\$656,778	\$574,096	\$524,096	\$549,096	\$524,096
2020	Yes	\$622,377	\$281,314	\$231,314	\$256,314	\$231,314
2019	Yes	\$538,563	\$274,989	\$224,989	\$249,989	\$224,989
2018	Yes	\$490,013	\$269,862	\$219,862	\$244,862	\$219,862
2017	Yes	\$476,563	\$264,311	\$214,311	\$239,311	\$214,311
2016	Yes	\$438,810	\$258,875	\$208,875	\$233,875	\$208,875
2015	Yes	\$406,350	\$257,075	\$207,075	\$232,075	\$207,075
2014	Yes	\$384,325	\$255,035	\$205,035	\$230,035	\$205,035
2013	Yes	\$327,898	\$251,266	\$201,266	\$226,266	\$201,266
2012	Yes	\$298,601	\$247,066	\$197,066	\$222,066	\$197,066
2011	Yes	\$309,641	\$239,870	\$189,870	\$214,870	\$189,870
2010	Yes	\$356,372	\$236,325	\$186,325	\$211,325	\$186,325
2009	Yes	\$429,523	\$230,112	\$180,112	\$205,112	\$180,112
2008	Yes	\$526,500	\$229,882	\$179,882	\$204,882	\$179,882
2007	Yes	\$601,400	\$223,186	\$198,186	N/A	\$198,186
2006	Yes	\$626,800	\$217,742	\$192,742	N/A	\$192,742
2005	Yes	\$542,400	\$211,400	\$186,400	N/A	\$186,400
2004	Yes	\$445,400	\$205,300	\$180,300	N/A	\$180,300
2003	Yes	\$335,100	\$185,900	\$160,900	N/A	\$160,900
2002	Yes	\$282,500	\$181,600	\$156,600	N/A	\$156,600
2001	Yes	\$253,000	\$178,800	\$153,800	N/A	\$153,800
2000	Yes	\$182,100	\$154,200	\$129,200	N/A	\$129,200
1999	Yes	\$156,200	\$139,800	\$114,800	N/A	\$114,800
1998	Yes	\$143,800	\$137,600	\$112,600	N/A	\$112,600
1997	Yes	\$139,900	\$135,300	\$110,300	N/A	\$110,300
1996	Yes	\$136,500	\$131,400	\$106,400	N/A	\$106,400

2022 Tax Informat	ion	Ranked Sales (What are Ranked Sales?). See all transactions				
2022 Tax Bill	Tax District: IRB	Sale Date	Book/Page	Price	Q/U	<u>V/I</u>
2022 Final Millage Rate	15.3397	14 Aug 2020	21124 / 1000	\$700,000	Q	1
Do not rely on current taxes as an estimate followin	19 Oct 1990	07406 / 2246	\$145,000	U	1	
significant change in taxable value may occur after	31 Aug 1990	07367 / 0974	\$145,000	0	- I - V	

05670 / 1903 **5** 03355 / 0399 **5** \$100,000 (\$24,000 (

2022 Land Information

Frontage: Intracoastal

Land Use Single Family (01)

Seawall: Yes

Land Size 58x120 Unit Value 15000.00 **Units** 58.4600

Total Adjustments
1.0192

Adjusted Value \$893,736

View: None

Method FF

[click here to hide] 2023 Building 1 Structural Elements Back to Top Site Address: 449 HARBOR DR S

Building Type: Single Family

Quality: Average

Foundation: Continuous Footing Poured

Floor System: Slab On Grade
Exterior Wall: Cb Stucco/Cb Reclad

Roof Frame: Gable Or Hip
Roof Cover: Shingle Composition

Stories: 2 Living units: 1

Floor Finish: Carpet/Hardtile/Hardwood

Interior Finish: Drywall/Plaster

Fixtures: 8
Year Built: 1959
Effective Age: 33
Heating: Central Duct

Cooling: Cooling (Central)

SPF USF OPF

Compact Property Record Card

Open plot in New Window

Building 1 Sub Area Information

	Dunding 1 Sub Arta Into matter	
Description	Living Area SF	Gross Area SF
Screen Porch (SPF)	0	204
Open Porch (OPF)	0	50
Garage Unfinished (GRU)	0	506
Base (BAS)	1,268	1,268
Upper Story (USF)	449	449
	Total Living SF: 1,717	Total Gross SF: 2,477

[click here to hide] 2023 Extra Features					
Description	Value/Unit	Units	Total Value as New	Depreciated Value	Year
DOCK	\$56.00	483.00	\$27,048.00	\$26,237.00	2021
BT LFT/DAV	\$7,000.00	1.00	\$7,000.00	\$6,790.00	2021
ENCLOSURE	\$9.00	1,324.00	\$11,916.00	\$5,958.00	2003
PATIO/DECK	\$39.00	119.00	\$4,641.00	\$2,042.00	2000
BT LFT/DAV	\$12,000.00	1.00	\$12,000.00	\$4,800.00	1998

[click here to hide] Permit Data

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

Permit Number	Description	Issue Date	Estimated Value
EBP-22-04780	WINDOWS/DOORS	17 Mar 2022	\$5,713
EBP-21-03158	SIDING/EXTERIOR WALL	26 Feb 2021	\$19,436
WND-20-00292	DOCK	26 Jan 2021	\$0
PER-H-CB20-08002	WINDOWS/DOORS	02 Oct 2020	\$14,817
PER-H-CB20-07255	ROOF	04 Sep 2020	\$9,800
200300503	ENCLOSURE	28 Jul 2003	\$3,500
200300282	POOL	16 May 2003	\$24,000
0100457	GARAGE	26 Jul 2001	\$2,450
0000174	ADDITION/REMODEL/RENOVATION	21 Jun 2000	\$20,000
9800905	ADDITION/REMODEL/RENOVATION	10 Feb 1999	\$21,410
9800637	DOCK	22 Oct 1998	\$0
P2624798	DOCK	05 Oct 1998	\$0



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

CITY OF INDIAN ROCKS BEACH **PLANNING DETAIL**

Planning Information

Planning No: 202300009

Property No:

2331

Address: LANIER, BRENDA L & BARRY R

449 HARBOR DR S

INDIAN ROCKS BEACH, FL 337853118

Type: Date Granted: 00/00/0000

Variance- Existing noncomforn

Review Type:

Parallel

Expiration Date: 00/00/0000

SetBack 1:

SetBack 2:

SetBack 3:

SetBack 4:

Property Use:

Date Denied:

00/00/0000

Status:

Description:

Comments:

REVIEWS

FEES

Fee Date Type 05/04/2023 Advertising fees 05/04/2023 Variances-New projects

Fee \$100.00 \$400.00 **Amount Paid** \$100.00 \$400.00 **Date Paid** 05/04/2023

05/04/2023 Total: \$500.00 \$500.00

Page 1 of 1 05/04/2023

AGENDA ITEM NO. 5 BOA CASE NO. 2023-05 461 HARBOR DRIVE SOUTH

BOARD OF ADJUSTMENTS AND APPEALS AGENDA MEMORANDUM

MEETING OF:

Board of Adjustment: July 18, 2023 AGENDA ITEM: 5

City Commission: August 8, 2023

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

AUTHORIZED BY: Brently Gregg Mims, City Manager

SUBJECT: BOA CASE NO. 2023-05 –461 Harbor Dr S

Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 11 feet 3 inches into the required 12 foot side setback, resulting in a total setback of 9 inches on the northwest side for the installation of a new boat lift for property located at 461 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 2 Twenty Third Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas

County, Florida

Parcel # 06-30-15-42444-000-020

OWNER Seth & Jackie Parker LOCATION of PROPERTY: 461 Harbor Dr S

ZONING: S- Single- Family Residential

Direction	Existing Use	Zoning Category
North	Residential	\mathbf{S}
East	Residential	${f S}$
South	Residential	\mathbf{S}
West	Intracoastal	N/A

BACKGROUND:

The applicant is requesting a variance for a boat lift to encroach 11 ft 3 inches into the 12 ft side yard setback for to install a boat lift. This dock is not centered on the lot and is the same for the tow lots to the north. The abutting property to the north who is impacted by the reduced setback has no objections and signed off on the location of the new boatlift.

Sec. 2-152. - Variances.

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

- (1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.
- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The property is located in an area where there the water is deep allowing the use the existing dock.

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

The applicant did not create any special conditions or circumstances.

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

Granting the variance would 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 boat lift as proposed.

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

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

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on July 3 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Adjacent neighbors at 459 and 463 Harbor Dr S have signed off on the setbacks.

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 2023-05 —461 Harbor Dr S Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 11 feet 3 inches into the required 12 foot side setback, resulting in a total setback of 9 inches on the northwest side for the installation of a new boat lift for property located at 461 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 2 Twenty Third Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida

461 Harbor Dr S BOA CASE NO. 2023-05



BOA CASE NO. 2023-05 -461 Harbor Dr S

Variance request from Sec.94-86 (a)(1) of the Code of Ordinances, of 11 feet 3 inches into the required 12 foot side setback, resulting in a total setback of 9 inches on the northwest side for the installation of a new boat lift for property located at 461 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 2 Twenty Third Addition to Re-Revised Map of Indian Beach recorded in Plat Book 36 Page 37 of the Public Records of Pinellas County, Florida





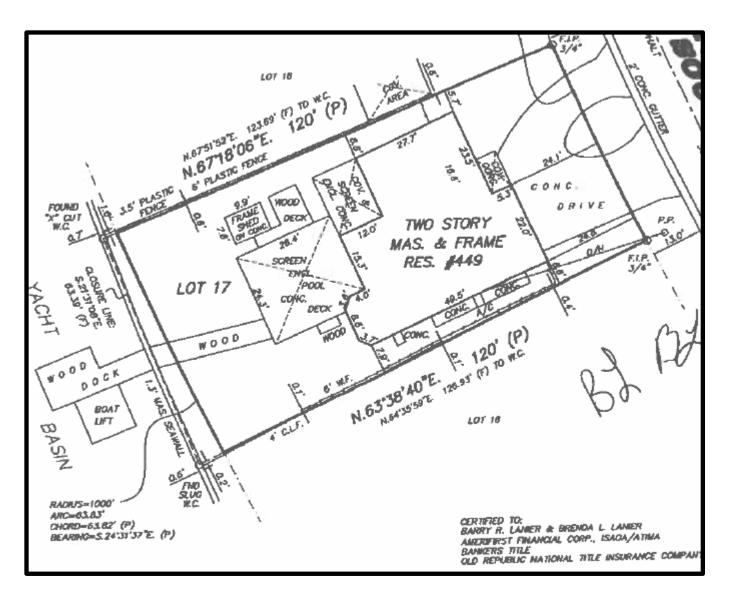
461 Harbor Dr S



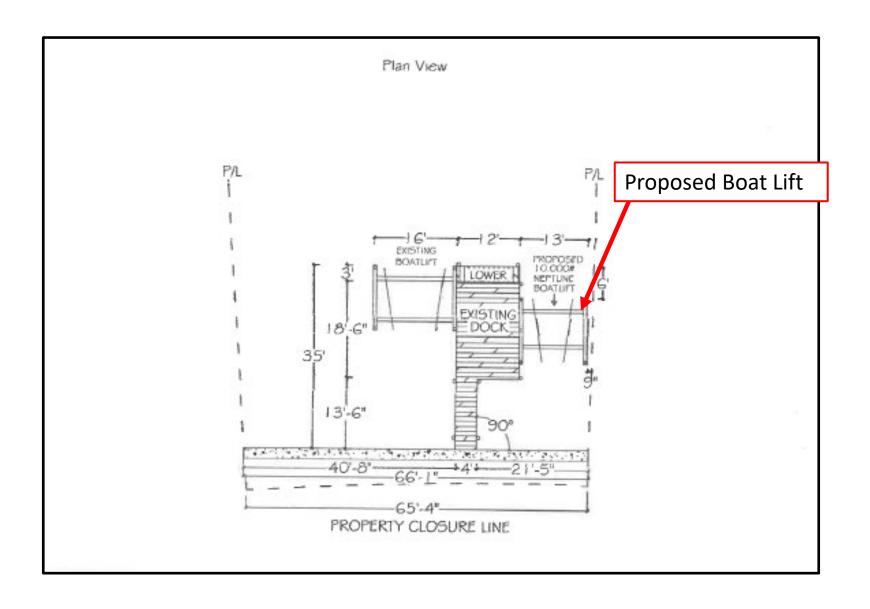
461 Harbor Dr S



Survey



Proposed Boat Lift



APPLICATION FOR VARIANCE



PLANNING AND ZONING DEPARTMENT

CITY OF INDIAN ROCKS BEACH

www.indian-rocks-beach.com

There is a link to the Indian Rocks Beach Code of Ordinances at the website noted above.

(This form was revised February 2014 and replaces and supersedes all previous application forms)

What is a variance?

A variance is a modification from the literal interpretation of one or more provisions of the land development regulations set forth in Subpart B of the Indian Rocks Beach Code of Ordinances. A variance allows deviation to a specific regulation when a property is uniquely burdened by the application of a law to the extent that the application prevents reasonable use of the property. The applicant must present evidence that substantiates an undue and unnecessary hardship, whereby it is concluded that the hardship present is not a personal, self-created result of an intentional or negligent violation of the code either due to unfamiliarity with the code, personal preference and/or inconvenience.

What materials must be included to complete an application?

- ☑ Application for variance
- ☑ Agent of record
- ☑ Survey
- ☑ Plans, other drawings or supplementary information

Is there a fee to submit an application?

Yes. The particular fee required is based on the request, as set forth in the Indian Rocks Beach Code of Ordinances, Sections 15-20 through 15-24, Schedule of fees. This is **NOT** an all-inclusive schedule of fees.

Sec. 15-20. - Public hearing fees. The following fees shall be paid in addition to any other fees in this chapter where an application is filed requiring action. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

- (1) Variance applications to board of adjustments and appeals: Public hearing fees for variance or special exception/conditional use applications to be heard by the board of adjustments and appeals shall be as follow:
- a. Special exceptions\$400.00

b. Variances:

1. Existing, nonconforming conditions	\$250.00
2. New projects or existing, conforming conditions	\$400.00
3. Accessory uses	\$200.00
4. Flood variances	\$100.00
5. Other variances	\$400.00

c. The applicant shall pay the advertising and notification costs of the public hearing prior to a permit being issued, or within 30 days after final action.

NOTE: Advertising includes the cost of running ads in the newspaper. Notification costs include the cost of postage for each letter mailed to surrounding property owners within 150 feet of the subject property for both the Board of Adjustment and Appeals hearing and the hearing before the City Commission.

In signing this application the applicant is responsible for these fees regardless of whether the application is approved or disapproved by the City Commission.

What is the application process?

Each application is assigned a BOA Case number and is scheduled for two public hearings. The schedule is determined by the date the application is received by the department. Hearing one is before the Board of Adjustment and Appeals. The board will make a recommendation to either approve or deny the request. The recommendation will be forwarded to the City Commission, who will render a final decision during hearing two.

Where can further information be found and what else do I need to know?

The required application forms are provided on the following pages. Additional copies are available from the Planning and Zoning Department or from ://www.indian-rocks-beach.com/

Please be advised that the application package is accepted only in person. This ensures that the package is complete and provides an opportunity for the applicant to discuss any concerns with the planning and zoning director.

Applicants are strongly encouraged to meet with Planning and Zoning Director to discuss in advance the viability of their application.

GRAPHICS: Graphics such as surveys, site plans, drawings, photographs, etc., may be submitted by email to: @irbcity. in either PDF or JPEG format.

All information submitted with the application or provided at a public hearing will be kept by the City of Indian Rocks Beach as part of the record of the application and hearing.

If the information submitted with the application is incomplete or insufficient, the Planning and Zoning Director may postpone having the application heard by the Board of Adjustments and Appeals and the City Commission until the application is deemed sufficiently complete for public presentation.

Most applications for variances will not pass the variance review criteria. A variance hearing is a quasi-judicial proceeding. Please be prepared to argue your case. A good presentation can greatly assist an applicant.

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.

2023-05

Date Received

6/8/23

APPLICANT	Γ	AGENT/REP	RESENTATIVE
Name:	Seth & Jackie Parker	Name:	
Address:	11 Oak Ridge Blvd.	Company:	
City:	Saratoga Springs, NY 12866	Address:	
Zip Code:	33785	City:	
Tel:	518-365-8579	Zip Code:	
Fax:		Tel:	
Mobile:		Fax:	
Email:	seth@parkerhammond.com	Mobile:	
		Email:	
SITE DETA	īLS		
Address:	461 Harbor Dr. S.	Parcel ID:	06-30-15-42444-000-0020
City:	Indian Rocks Beach	Zip Code:	33785
Legal Description:	INDIAN BEACH RE-REVISE	D 23RD ADD LOT 2	
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 f	iled for this property?	Yes	☑ No
If yes, describe:			
Has a certificate of occupancy or	completion been refused?	Yes	☑ No
If yes, describe:			The testing on which the constant of
Does any other person have owne	ership or interest in the property?	Yes	☑ No
If yes, is ownership or interest contigent or absolute:			
Is there an existing contract for sa	ale on the property?	Yes	☑ No
If yes, list all parties on the contract:			
Is contract conditional or absolute	e? C	onditional [Absolute
Are there options to purchase?		Yes	☑ No
VARIANCE REQUEST		1	[otal
Regulation	Required Propos		uested
Gulf-front setback (feet):			
Bay-front setback (feet):			
Alley setback (feet):			

VARIANCE	REQUEST CONTINUED.			
Regulation	<u>0</u>	Required	Proposed	<u>Total</u> Requested
Rear-no alle	ey setback (feet):			
Rear-north/:	south street (feet):			
Street-front	setback (feet):			
Side-one/bo	oth setback (feet):			
Minimum gr	reen space (%):			
Habitable st	ories (#):			
Minimum lot	t size (sq. ft.):			
Building heig	ght (feet):			
Off-street pa	arking (spaces):			
ISR (%):				
FAR (%):				
Dock length	(feet):	17774 (9-14-14-14-14-14-14-14-14-14-14-14-14-14-		
Dock width ((feet):			
Signage (#):	:			
Accessory st	ructure (sq. ft.):			
Accessory st	ructure height (feet):			
Lot size (sq.	ft.):			
Other: We are requesting a side setback variance for a boatlift. Required side setback is 12'. Setback will be 9" at closest spot, for a variance of 11'-3".				
What is the poper	proposed use rty? Single I	Family Residence		

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:

With a lot width of only 66'-1", it is difficult to have a dock and two boatlifts that will allow us to safely moor and access our boats.

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

We did not create the size of the lot. The existing dock and boatlift were already in place when we purchased the property.

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:

Granting this variance will not confer any special privilege. Any homeowner in the City can apply for a variance to the required side setbacks.

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:

Literal interpretation of the code would prevent us from making full use of our waterfront property.

HARDSHIP CONTINUED...

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

The requested variance is the minimum that will make the reasonable use of the land possible. This variance will allow us to safely store our boat.

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:

If approved, the variance will be in harmony with the general intent and purpose of Subpart B and will not be injurious to the area involved. There will be no navigational issues created by granting the variance or negative impacts to the neighborhood.

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

We would like to be able to safely moor and access our boat. The way to do that is to add the proposed boatlift.

CERTIFICATION

Date: MR4 17, 2023

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.

SETH HARKING
Before me this date personally appeared:
Name: SETH PARKER
Signature: Seth Paulau
Personally known/Form of Identification DRIVERS LICENSE
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.
Sworn to and subscribed before me this: Day: Month: MAY . 20 2023
Notary Public State of Florida at Large: LISA ROSENEDZI-
Notary Public Commission Expiration: 07-04-2027
State of Florida County: Pinellas Notary Public State of Florida Lisa Joy Rosenberg My Commission, NH 395773

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.

Expires 7/4/2027

N/A

AGENT OF RECORD

I,do hereby designate and ap	point
as my agent of representing me during the Planning and Zoning Departn application. My agent of record is hereby vested with authority agreements or promises, which are necessary or desirable in process. My agent of record is authorized to accept or reject a reviewing board or entity.	to make any representations
Name: Signature:	
My agent of record may be contacted at:	
Company:	
Address:	
City/State:Zip Code:	
Fax:Fax:	
Before me this date personally appeared:	
Name:	
Signature:	
Personally known/Form of Identification	
Who, being first duly sworn, deposes and attests that the tertification.	above is a true and correct
iworn to and subscribed before me this: Day:Month:	
otary Public State of Florida at Large:	
lotary Public Commission Expiration:	

OWNER NAME: Parker, Seth

SITE ADDRESS: 461 Harbor Dr. S. Indian Rocks Beach, FL. 33785

NATURE AND SIZE OF PROJECT: Remove existing davit. Set piling and install a new 10,000# capacity

boatlift to the right of an existing dock. Replace any existing piling, framing, or decking if necessary.

TOTAL PROJECT SQUARE FOOTAGE: 312'

TOTAL NUMBER OF PILING: Four(4)

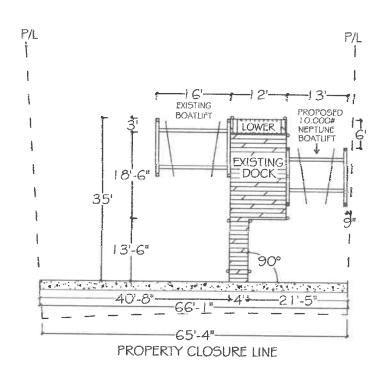
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: 0'

DIAMETER OF PILING: 8" TIP

WATERFRONT WIDTH: 66'-1" (Per Survey)

Plan View



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

Left Owner: Joanne E. Wor Richard F. Schickel

Right Owner: Anchorsti, LLC.

Signature

innet Schille Date 5/11

Signature Rosella

Municipality Approval

Water and Navigation Approval

LETTER OF NO OBJECTION

Left Lot Owner's Name Joanne E. &/or Richard F. Schickel
Mailing Address 463 Harbor Dr. S. Indian Rocks Beach, FL. Zip 33785 463 Harbor Dr. S.
I certify that I am the owner of <u>Indian Rocks Beach</u> , FL. 33785 which adjoins the property owned by the applicant who proposes to construct a structure at the following address:
461 Harbor Dr. S. Indian Rocks Beach, FL. 33785 I have seen the County permit application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).
OWNER'S SIGNATURE: X PRINT NAME: X SCHICKEL ALLIAGO E SCHICKEL NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of
physical presence or online notarization this thay of MAY. 2023 by
Type of Identification Produced Delvers License
Witness my hand and official seal this Aday of MAU . 20 2023
Notary Public State of Florida Lisa Joy Rosenberg My Commission HH 395273 Expires 7/4/2027 My commission expires: 07-04-200
Right Lot Owner's Name Anchorsti, LLC.
Mailing Address 4110 N. Service Rd. St. Peters, MO. Zip 63376 459 Harbor Dr. S.
by the applicant who proposes to construct a structure at the following address: which adjoins the property owned
461 Harbor Dr. S. Indian Rocks Beach, FL. 33785
I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the
proposed structure(s).
OWNER'S SIGNATURE: X PRINT NAME: X NOTARY:
PRINT NAME: X 7 1 King, ~ Provide Kilain
PRINT NAME: X NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this day of MAL 20 Zey Personally Known OR Produced Identification
PRINT NAME: X NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this day of MAL. 20 22 by
PRINT NAME: X NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this day of MAL 20 Zey Personally Known OR Produced Identification
PRINT NAME: X NOTARY: STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of physical presence or online notarization this day of MAL 20 Zay Personally Known OR Produced Identification Type of Identification Produced Witness my hand and official seed this 20 Zay Witness my hand and official seed this 20 Zay

VI. CONTRACTOR INFORMATION:

ւ, Douglas R. Speeler, Jr.	Specialty Marine contractor
whose contractor license # C-8853	expires on September 30, 2023
swear that the above described project (the "Project") I signature below. If a permit for this Project (the "Perconstruct the Project in full compliance with the Pinellas or plans attached hereto. I swear that the information pro Project and that no material information regarding the I Project is not constructed in full accordance with the Perconsect, I agree to either remove the Project or correct the	nit") is granted by the County, I agree to design and County Code and in full accordance with the drawing vided in this application represents the full scope of the Project has been omitted. In the event that either the part or the information provided in this application is no
Signed:	Date: 5/30/23
 You must have USL&H insurance in order to co- licensed with the PCCLB. 	,
VII. PROPERTY OWNER'S SIGNATURE: I hereby apply for a permit to perform the above described be granted by the County, I agree to design and construct to Code and in full accordance with the plans or drawings atta a safe condition throughout the Project's existence.	he Project in full compliance with the Pinellas County
I hereby authorize the above stated contractor – and ager pertaining to the application. I understand that I, not information provided as part of this application. I furthe necessary permits and approvals required for the Project at lie within a municipality, I recognize that approval fron required.	the County am responsible for the accuracy of the runderstand that it is my responsibility to obtain any the Federal, State, and local levels; should the Project
I swear that I own the upland property described in this a pending, I expressly authorize the County and its agents to review and act on this application. Should a permit for authorize the County and its agents to access the Property and ensure compliance with the terms of the permit; this inspection.	access the Property at any time as may be necessary to r the Project be granted by the County, I expressly at any time as may be necessary to monitor the Project
Signed: X Seth Parker Print Name: X SETH PARKER	Date: X 5-17-23

JOB NO.:

230419

DRAWN BY: MRB CHECKED BY: EDM

DATE OF FIELD WORK: 4/12/2023 MURPHY'S LAND SURVEYING, INC.

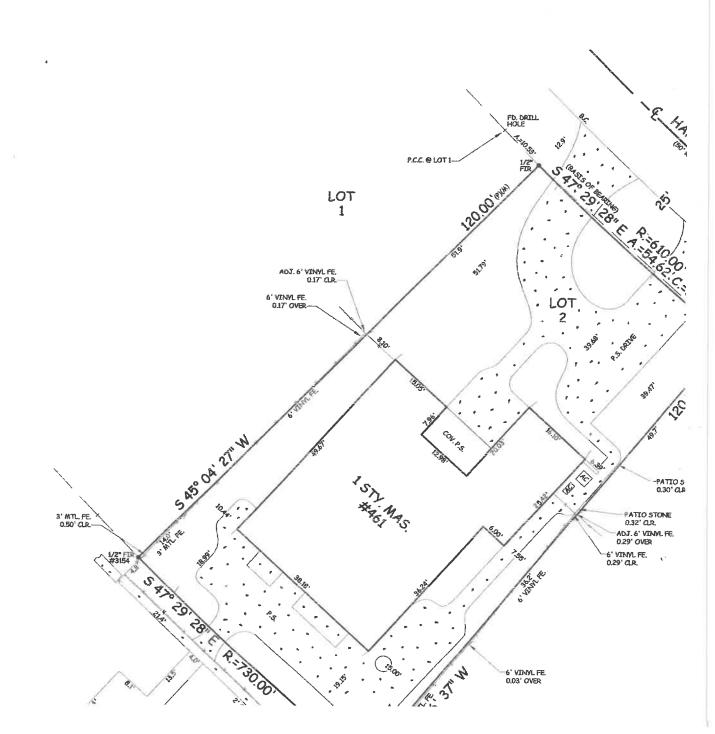
PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM

CERTIFIED TO: Seth Parker

SCALE: 1" = 20'

Survey not valid for more than one (1) year from date of field work.



AGENDA ITEM NO. 6 BOA CASE NO. 2023-06 2209 GULF BOULEVARD

BOARD OF ADJUSTMENTS AND APPEALS AGENDA MEMORANDUM

MEETING OF:

Board of Adjustment: July 18, 2023 AGENDA ITEM: 6

City Commission: August 8, 2023

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

AUTHORIZED BY: Brently Gregg Mims, City Manager

SUBJECT: BOA CASE NO. 2023-06 –2209 Gulf Blvd

Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County,

Florida

Parcel#:01-30-14-42030-046-0030

OWNER Aleksandr & Tatiyana Drigailo

LOCATION of PROPERTY: 2209 Gulf Blvd

ZONING: P-1- Professional Office

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

BACKGROUND:

The applicant is requesting to install two swim/spas for each side of the duplex in the front yard setback. The proposed swim/spas are reviewed as a "pool" since they are larger than the allowed 500 gallons for a spa. The swim/spas are 1200 gallons. pools. Pools or spas are not permitted in the front yard setback.

Sec. 2-152. - Variances.

- (a) Generally; criteria for granting variances from the terms of subpart B.
 - (1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Pinellas County required access to the property from the alley and not from Gulf Blvd.

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 install the swim/spas.

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

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

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on June 30, 2023, (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE:

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

MOTION:

I move to recommend to the City Commission **APPROVAL/DENIAL** of BOA CASE NO. 2023-06—2209 Gulf Blvd Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/ swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida

2209 Gulf Blvd CASE NO. 2023-06

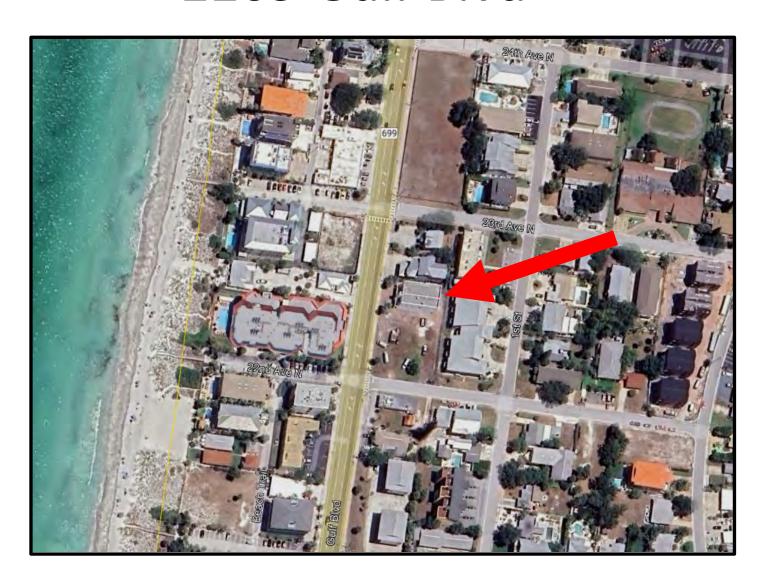


BOA CASE NO. 2023-06 –2209 Gulf Blvd

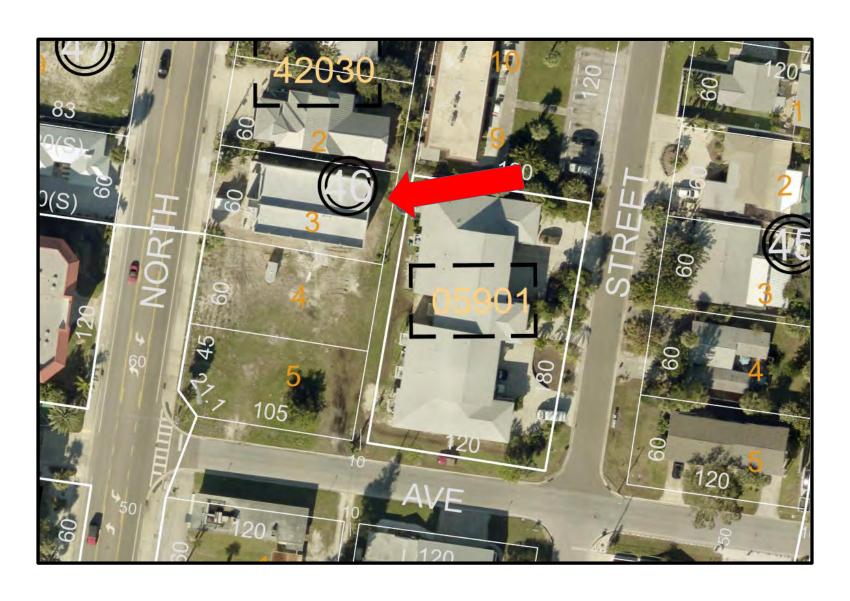
Variance request from Sec.110-131(4)(f)(1) of the Code of Ordinances, of 15 feet into the required 25 foot front yard setback, resulting in a total setback of 10 feet and from Sec.110-344(1) of the Code of Ordinances, for an increase of 3 ft above the required 1 foot above grade for the pool height resulting in a pool height of 4 ft above the adjacent finished grade for the installation of 2 pools/ swim spas for property located at 2209 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 3, Block 45, RE-Revised Map of Indian Beach Subdivision recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida



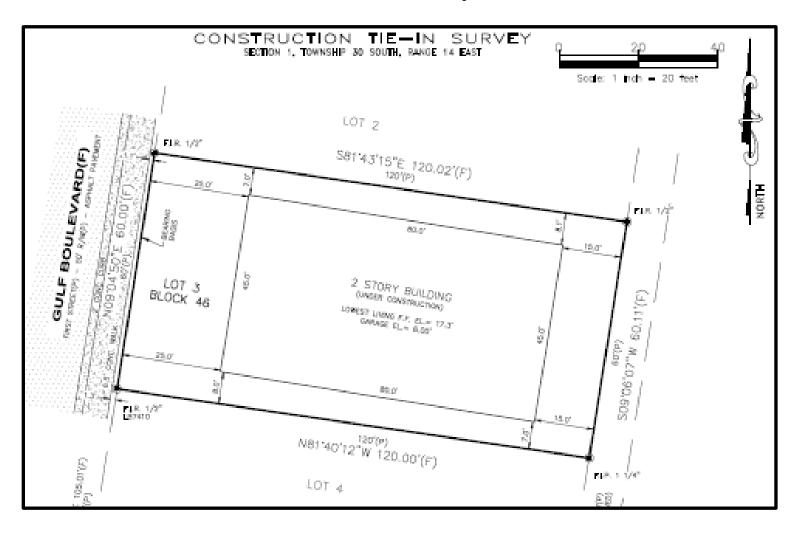
2209 Gulf Blvd



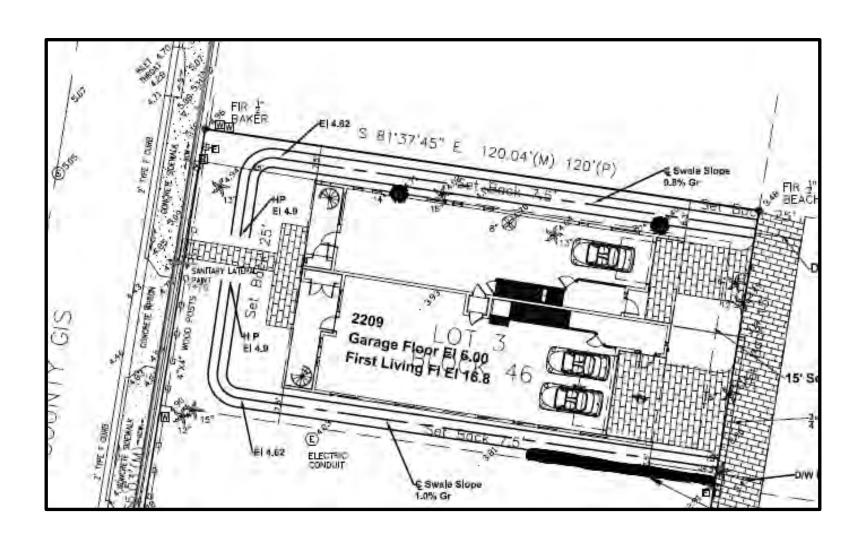
2209 Gulf Blvd.



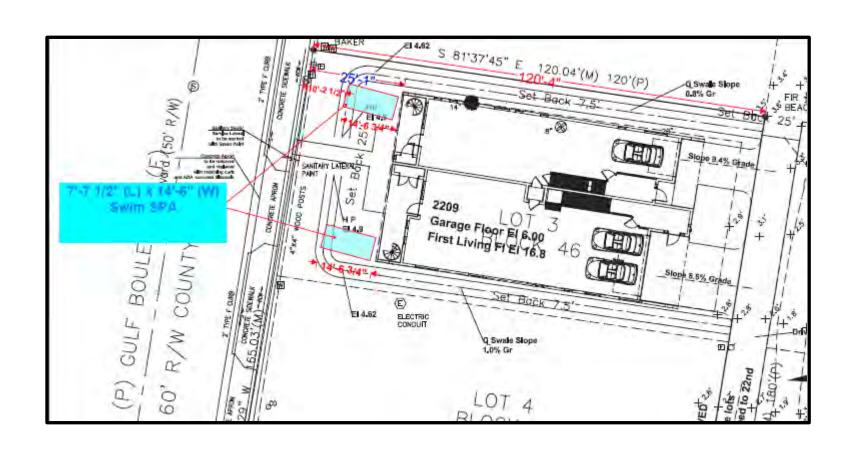
Survey



Approved Site Plan



Proposed Swim/Spa locations



Proposed Swim/Spa Specifications



Proposed Swim/Spa Specifications



APPLICATION FOR VARIANCE



PLANNING AND ZONING DEPARTMENT

CITY OF INDIAN ROCKS BEACH

www.indian-rocks-beach.com

There is a link to the Indian Rocks Beach Code of Ordinances at the website noted above.

(This form was revised MARCH 2022 and replaces and supersedes all previous application forms)

What is a variance?

A variance is a modification from the literal interpretation of one or more provisions of the land development regulations set forth in Subpart B of the Indian Rocks Beach Code of Ordinances. A variance allows deviation to a specific regulation when a property is uniquely burdened by the application of a law to the extent that the application prevents reasonable use of the property. The applicant must present evidence that substantiates an undue and unnecessary hardship, whereby it is concluded that the hardship present is not a personal, self-created result of an intentional or negligent violation of the code either due to unfamiliarity with the code, personal preference and/or inconvenience.

What materials must be included to complete an application?

Application for variance
Agent of record
Certification
Survey
Plans, other drawings or supplementary information

Is there a fee to submit an application?

Yes. The particular fee required is based on the request, as set forth in the Indian Rocks Beach Code of Ordinances, Sections 15-20 through 15-24, Schedule of fees. This is **NOT** an all- inclusive schedule of fees.

Sec. 15-20. - Public hearing fees. The following fees shall be paid in addition to any other fees in this chapter where an application is filed requiring action. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

- (1) Variance applications to board of adjustments and appeals: Public hearing fees for variance or special exception/conditional use applications to be heard by the board of adjustments and appeals shall be as follow:
- a. Special exceptions\$400.00
- b. Variances:

 Existing, nonconforming conditions 	\$250.00
2. New projects or existing, conforming conditions	\$400.00
3. Accessory uses	\$200.00
4. Flood variances	\$100.00
5. Other variances	\$400.00

c. The applicant shall pay the advertising and notification costs of the public hearing prior to a permit being issued, or within 30 days after final action.

NOTE: Advertising includes the cost of running ads in the newspaper. Notification costs include the cost of postage for each letter mailed to surrounding property owners within 150 feet of the subject property for both the Board of Adjustment and Appeals hearing and the hearing before the City Commission.

In signing this application, the applicant is responsible for these fees regardless of whether the application is approved or disapproved by the City Commission.

What is the application process?

Each application is assigned a BOA Case number and is scheduled for two public hearings. The schedule is determined by the date the application is received by the department. Hearing one is before the Board of Adjustment and Appeals. The board will make a recommendation to either approve or deny the request. The recommendation will be forwarded to the City Commission, who will render a final decision during hearing two.

Where can further information be found and what else do I need to know?

The required application forms are provided on the following pages. Additional copies are available from City Hall or from http://www.indian-rocks-beach.com/ - permits/pdfs

GRAPHICS: Graphics such as surveys, site plans, drawings, photographs, etc., should be submitted by email to: doreilly@irbcity.com, in either PDF or JPEG format.

All information submitted with the application or provided at a public hearing will be kept by the City of Indian Rocks Beach as part of the record of the application and hearing.

If the information submitted with the application is incomplete or insufficient, the Planning and Zoning Consultant may postpone having the application heard by the Board of Adjustments and Appeals and the City Commission until the application is deemed sufficiently complete for public presentation.

Most applications for variances will not pass the variance review criteria. A variance hearing is a quasi-judicial proceeding. Please be prepared to argue your case. A good presentation can greatly assist an applicant.

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

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

For Office Use Only

Application No.

Date Received

APPLICANT	Tahyana Drigaile	AGENT/RE	PRESENTATIVE TBD
Name:	Aleksandr Dingailo	Name:	Solomon Tawiah
Address:	2209 Gulf Blyd	Company:	Polo Builders
City:	Indian pocks Beach	Address:	BIII US HUY 19 N
Zip Code:	33785	City:	Palm Harbor
Tel:	425-647-8273	Zip Code:	34684
Fax:		Tel:	727-236-0469
Mobile:	425-737-7600	Fax:	
Email:	tangailo @gmail.gon	Mobile:	727-336-0469
		Email:	sdange pdobuide

	ils
Address:	2209 GULF Blvd Parcel ID: 01-30-14-420306
City:	Indian poors Beach Zip Code: 33785
Legal Description:	Indian rocks Beach RE-Revised BLK 40
	FE TO SEC 40
Description.	Lot 3
Zoning:	P-1 Future Land Use:

Does applicant own any property cont	iquous to the subject	rt property?	Yes Day
If yes, provide address and legal description:		Et property:	res Land
Have previous applications been filed	for this property?		Yes Date
If yes, describe:) les 🖳 No
Has a certificate of occupancy or comp	oletion been refused	?	Yes \(\text{No}
If yes, describe:			
Does any other person have ownership	or interest in the p	eroperty?	Yes No
If yes, is ownership or interest contigent or absolute:			
Is there an existing contract for sale or	the property?		Yes PNo
If yes, list all parties on the contract:			
Is contract conditional or absolute?		Condition	nal Absolute
Are there options to purchase?			Yes No
VARIANCE REQUEST			
Regulation	Required	Proposed	Total Requested
Gulf-front setback (feet):			
		No. of the last of	

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):			
Rear-north/south street (feet):			
Street-front setback (feet):	25	10	15 ft (
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):			
Off-street parking (spaces):			
SR (%):			
AR (%):			
ock length (feet):			
Oock width (feet):			
ignage (#):			
ccessory structure (sq. ft.):			
ccessory structure height (feet):			
ot size (sq. ft.):			
ther: My Variance reque	Ft I ft allow this is a f	parole heigh	it angle
(hat is the proposed use		3	Spa.

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:

We were required to use our backyard area as the driveway I garage parking area. We do not have a backyard whe to that requirement we are using our front yard as a backyard

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

& pinellas county pead and IRB city did not give us access from out Blue to use alk fort as driving, we use required to darlage the only to our pacyard for air garage pun

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:

direct access to full bird. Himost everyone else has direct access the are pull to this we do not have a back yord and are using alk fortyard as a

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:

This variance will not effect ongone in anyone. It is fully prepried in a safe area to be set. If will not be visible from the front stread and we are assorting for a smell over for variance to have a safe place for that to said place. This fact area is the any one what we are an use place. This fact area is the any one what we can use

HARDSHIP CONTINUED...

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

We are asking to grant permission to hove a jacuzzi swim spa (free standing jacutzi) 152 x7 ft width in our front years (in a partial activ) as weare who our first years as a backgood area due to new code. It will be fully middles from public view and taking up partial of the Jestiau code.

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

This variance who give us a make to have somewhat of a bocky and open for our small rids to have some area to furthing the asking for assum pucter area to be allowed for our rids to swim, we have purchased and paid, almost 430,000 to be for these 2 swim spa jacutal and propper area.

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

We have no backyand area and per code we had to use as "backyand" area as divisionally parely I garage area, we are asking for as mall portion of are front yard trad we are using side funity. There's the only place air tiest can safely summan and solp aid and of many to alwardly manage them and prop treated this formed private blacked from any view. With a fully tended private blacked from any view. With a full force and private blacked from

CE	RT	IF	CA	TI	ON

Date: 0 16 23

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

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

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

Before me this date pe	rsonally appeared:
Name: Alekso	ndr Digailo
Signature:	
Personally know	wn/Form of Identification Washington Dovers lec
	worn, deposes and attests that the above is a true and correct
Sworn to and subscribe	ed before me this: Day: 16 Month: The 20 23
Notary Public State of	florida at Large:
Notary Public Commiss	on Expiration: 12/4/2026
State of Florida County: Pinellas	Notary Public State of Florida Aaron C Yarbrough My Commission HH337918 Expires 12/4/2026

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: 2 6/16/23
I, flex sand Onsailodo hereby designate and appoint
as my agent of record for the purposes of 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: SOLOMON Tawaih Signature: X Signature:
My agent of record may be contacted at:
Company: POLO Builders
Address: 3111 US Huy 19 N
City/State: Palm travorde Zip Code: 34684
Telephone: 717 - 336 - 0469 Fax:
Before me this date personally appeared:
Name: Alexsander Organio
Signature:
Personally known/Form of Identification
Sworn to and subscribed before me this: Day: 19 Month: June , 2023
Notary Public State of Florida at Large:
Notary Public Commission Expiration: AUG 31, 2024 State of Florida
County: Pinellas OLENKA STASHCHAK Notary Public, State of Florida My Comm. Expires Aug. 31, 2024

CERTIFICATION

Date: 6/16/23

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

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

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

Before me this date	personally appeared:
Name: Tafi	yana Digallo
Signature:	
Personally	known/Form of Identification Washington Drivers 1/c
Who, being first dul certification.	y sworn, deposes and attests that the above is a true and correct
Sworn to and subsc	ribed before me this: Day: 16 Month: Jone 20 23
Notary Public State	of Florida at Large:
Notary Public Comm	ission Expiration: 12 74/2026
State of Florida County: Pinellas	Notary Public State of Florida Aaron C Yarbrough My Commission HH337918 Expires 12/4/2026

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:		
Ι,	do hereby designate and appo	pint
promises, which are nece	as my agent of re the Planning and Zoning Department's review reby vested with authority to make any re- essary or desirable in conjunction with the except or reject any conditions imposed by a	ew process of my application presentations, agreements or
Name:	Signature:	
My agent of record may b		
Company:		
	Zip Code:	
	Fax:	
Before me this date perso		
Name:		
iignature:		
Personally known	/Form of Identification	
Vho, being first duly swor	n, deposes and attests that the above is a t	rue and correct certification.
worn to and subscribed b	pefore me this: Day:Month:	, 20
otary Public State of Flori	ida at Large:	
otary Public Commission	Expiration:	43

AGENDA ITEM NO. 7 OTHER BUSINESS

AGENDA ITEM NO. 8 ADJOURNMENT