

**CITY OF INDIAN ROCKS BEACH  
BOARD OF ADJUSTMENTS AND  
APPEALS**

**TUESDAY, AUGUST 15, 2023**

**6:00 P.M.**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

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, AUGUST 15, 2023 @ 6:00 P.M.

CITY COMMISSION CHAMBERS

1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785

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1. CALL TO ORDER.
  2. ROLL CALL.
  3. APPROVAL OF MINUTES: July 18, 2023.
  4. **BOA CASE NO. 2023-07 — 2116 1<sup>st</sup> Street**  
**Owner/Applicant** Greenhouse Real Estate  
**Subject Location:** 2116 1<sup>st</sup> Street  
**Legal Description:** Lot 10, Block 49, RE-Revised Map of Indian Beach recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida.  
  
**Parcel #** 01-30-14-42030-049-0100  
  
**Variance Request:** Variance request from Sec.110-344(4) of the Code of Ordinances to encroach three feet into the seven-foot side yard setback resulting in a side yard setback of four feet for the installation of a pool for property located at 2116 1<sup>st</sup> Street Indian Rocks Beach, Florida.
  5. OTHER BUSINESS.
  6. ADJOURNMENT.
- 

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

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

POSTED: August 11, 2023

AGENDA ITEM NO. 1  
CALL TO ORDER

AGENDA ITEM NO. 2  
ROLL CALL

AGENDA ITEM NO. 3  
APPROVAL OF MINUTES  
July 18, 2023

**MINUTES- JULY 18, 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, JULY 18, 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, Member Michael A. Campbell, Member Alvarez and Alternate Member Karen O'Donnell.

**OTHERS PRESENT:** City Attorney Randy Mora and Planning Consultant Hetty C. Harmon.

**VACANT POSITION:** 2<sup>nd</sup> Alternant Board Member.

3. **APPROVAL OF MINUTES: March 21, 2023.**

**Motion made by Member Alvarez, seconded by Vice-Chair Watt, to approve the March 21, 2023 Board of Adjustments and Appeals minutes as submitted.**

**Unanimous approval by acclamation.**

**Motion carried 5-0**

4. **PUBLIC HEARING: Quasi-Judicial**

**BOA CASE NO. 2023-04- 449 HARBOR DRIVE SOUTH**

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.

*[Beginning of staff report.]*

**SUBJECT:**

**BOA CASE NO. 2023-04- 449 HARBOR DRIVE S.**

**Owner Applicant:**

Brenda & Barry Lanier

**Subject Location:**

449 Harbor Dr S. Indian Rocks beach, Florida

**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 the water is deep allowing the use of 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 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 5, 2023, and July 3, 2023 due to rescheduling the June 20<sup>th</sup> meeting for no quorum. (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 449 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.

*[End of staff report.]*

City Attorney Mora read Agenda Item No. 4, BOA Case No. 2023-04 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 explained the variance while presenting a PowerPoint presentation.



Barry Lanier, 449 Harbor Drive S., the applicant stated, his wife has a boat, and he is bringing his fishing boat back home, he will need 2 lifts.

Member Campbell asked why the rules should not apply to this case. The applicant replied that he just wants it.

Member Watt stated the dock could be made narrower and would work without a variance. A 13-foot lift and a 12-foot dock and a 14-foot lift plus 24 feet on each side would be 63 feet. This property can comply without a variance. Planning Consultant Harmon confirmed that it would work.

**Motion made by Member Watt, seconded by Member Campbell to recommend to the City Commission 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 449 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.**

**AYES: Watt, Campbell, DeVore, Alvarez and O'Donnell**

**NAYS: None**

**Motion carried 5-0**

**5. PUBLIC HEARING: Quasi-Judicial**

**BOA CASE NO. 2023-05- 461 HARBOR DRIVE SOUTH**

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 #: 06-30-15-42444-000-0020  
Variance Request: 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.

*[Beginning of staff report.]*

**SUBJECT: BOA CASE NO. 2023-05 — 461 HARBOR DRIVE SOUTH**

Owner/Applicant: Seth & Jackie Parker  
Subject Location: 461 Harbor Drive S., Indian Rocks Beach Florida

**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 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 two 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 the water is deep allowing the use of 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 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.

*[End of staff report.]*

City Attorney Mora read Agenda Item No. 5, BOA Case No. 2023-05 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 explained the variance while presenting a PowerPoint presentation.

**Jackie Parker, 461 Harbor Drive S.**, applicant stated she has the same request as the previous applicant. She purchased the house in 2019, the dock and the supports are brand new, adding a secondary boat lift would be easier than modifying the existing dock.

Member Campbell asked what was different about the property from the other properties in the area that the rules should not apply. The applicant replied there was nothing different, but they have grown to need another boat.

Member Watt stated it will fit within the lot lines by adjusting the dock as stated in the previous case.

**Motion made by Member Alvarez and seconded by Member O'Donnell to recommend to the City Commission denial of 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.**

**AYES: Watt, Campbell, DeVore, Alvarez and O'Donnell**

**NAYS: None**

**Motion carried 5-0**

**6. PUBLIC HEARING: Quasi-Judicial**

**BOA CASE NO. 2023-06 — 2209 Gulf Boulevard**

Owner/Applicant: Tanyana & Aleksandr Drigailo

Subject Location: 2209 Gulf Boulevard, Indian Rocks Beach Florida

Legal Description: Lot3, 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.

*[Beginning of staff report.]*

**SUBJECT: BOA CASE NO. 2023-06-2209 GULF BOULEVARD**

Owner/Applicant: Tanyana & Aleksandr Drigailo

Subject Location: 2209 Gulf Boulevard, Indian Rocks Beach Florida

**ZONING:**

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning Category</b>
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 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 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:** (3) letters of objection received.

**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.

*[End of staff report.]*

City Attorney Mora read Agenda Item No. 6, BOA Case No. 2023-06 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. Member Alvarez responded affirmatively. Members Watt, Campbell, DeVore, and O'Donnell to the negative.

City Attorney asked Member Alvarez when he visited the property. Member Alvarez replied

Monday, July 17, 2023, just walked by and could see it plainly from the street. City Attorney asked Member Alvarez if he had entered the property or had a conversation with the property owner. Member Alvarez responded negatively.

City Attorney asked Member Alvarez if his site visit would impair his ability to partially adjudicate this matter. Member Alvarez responded negatively.

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

Planning Consultant Harmon explained the variance while presenting a PowerPoint presentation.

Member Alvarez asked, when the building plans were submitted for approval, the applicant knew at that time they would not receive a Gulf Boulevard cut out for ingress and egress from the County. Planning Consultant Harmon responded affirmatively.

Member Watt asked what would normally be allowed to fall in the 25-foot standard set back. Planning Consultant replied parking.

Member Watt stated this case is encroaching a full 15 feet into the 25 feet.

Member Watt, stated the property was bought with the intention of coming in off the alley.

Member Watt stated, this is a variance not just for 15 feet encroachment but also a variance to install a swim feature in the front.

Planning Consultant Harmon stated that no permanent structures could be installed in the front yard. 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 or spas are not permitted in the front yard setback.

Val Stelmach, Polo Builders, speaking on behalf of the homeowners stated the homeowner's incurred hardship with having to put the driveways in the back. The original design was to have spas on the roof, but the owners have retired parents, and 4 small children. The spa is a temporary structure, there is no foundation so it can be removed.

Member DeVore stated the plans were approved with the pool on the roof.

Val Stelmach, Polo Builders presented a photo/diagram showing where the spas would be located and all the landscaping that would be done.

**Motion made by Member Campbell and seconded by Member O'Donnell to recommend to the City Commission 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.

**AYES:** Watt, Campbell, DeVore, Alvarez and O'Donnell

**NAYS:** None

**Motion carried 5-0**

7. **OTHER BUSINESS.** None.

August 15, 2023, BOA meeting.

8. **ADJOURNMENT.**

Motion made by Member Alvarez, seconded by Vice-Chair Watt, to adjourn the meeting at 6:40 p.m. Unanimous approval by acclamation.

**Motion carried 5-0**

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Stewart DeVore, Chair

/lak



AGENDA ITEM NO. 4  
BOA CASE NO. 2023-07  
2116 1<sup>st</sup> Street



**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 original home was built in 1940 and a duplex was added in 1987 and maintains the 25ft front yard setback on 1<sup>st</sup> Street.*

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 pool.*

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.*

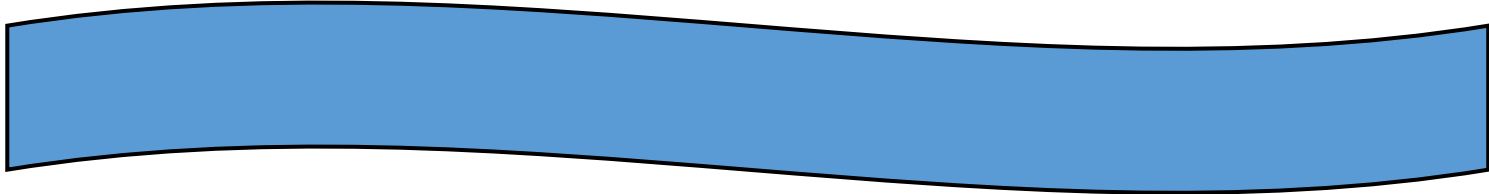
**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on July 31, 2023, (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE:** Two letters of approval and one letter of objection.

**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 2023-07 2116 1<sup>st</sup> Street -Variance request from Sec.110-344(4) of the Code of Ordinances to encroach three feet into the seven foot side yard setback resulting in a side yard setback of four feet for the installation of a pool for property located at 2116 1<sup>st</sup> Street Indian Rocks Beach, Florida, and legally described as Lot 10, Block 49, RE-Revised Map of Indian Beach recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida



2116 1<sup>st</sup> Street  
CASE NO. 2023-07



## **BOA CASE NO. 2023-07 –2116 1<sup>st</sup> Street**

Variance request from Sec.110-344(4) of the Code of Ordinances to encroach three feet into the seven foot side yard setback resulting in a side yard setback of four feet for the installation of a pool for property located at 2116 1<sup>st</sup> Street Indian Rocks Beach, Florida, and legally described as Lot 10, Block 49, RE-Revised Map of Indian Beach recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida



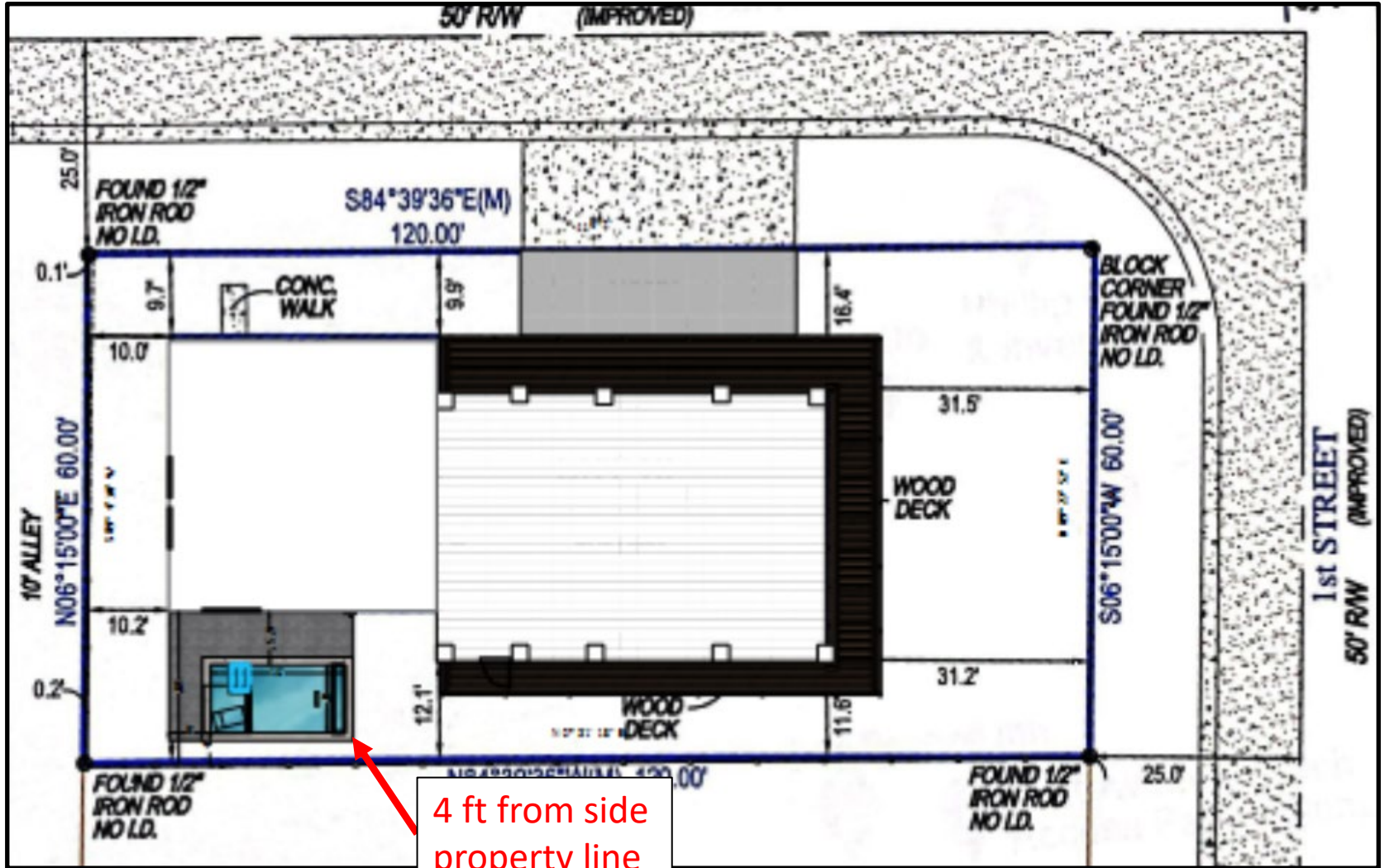
# 2116 1<sup>st</sup> Street.



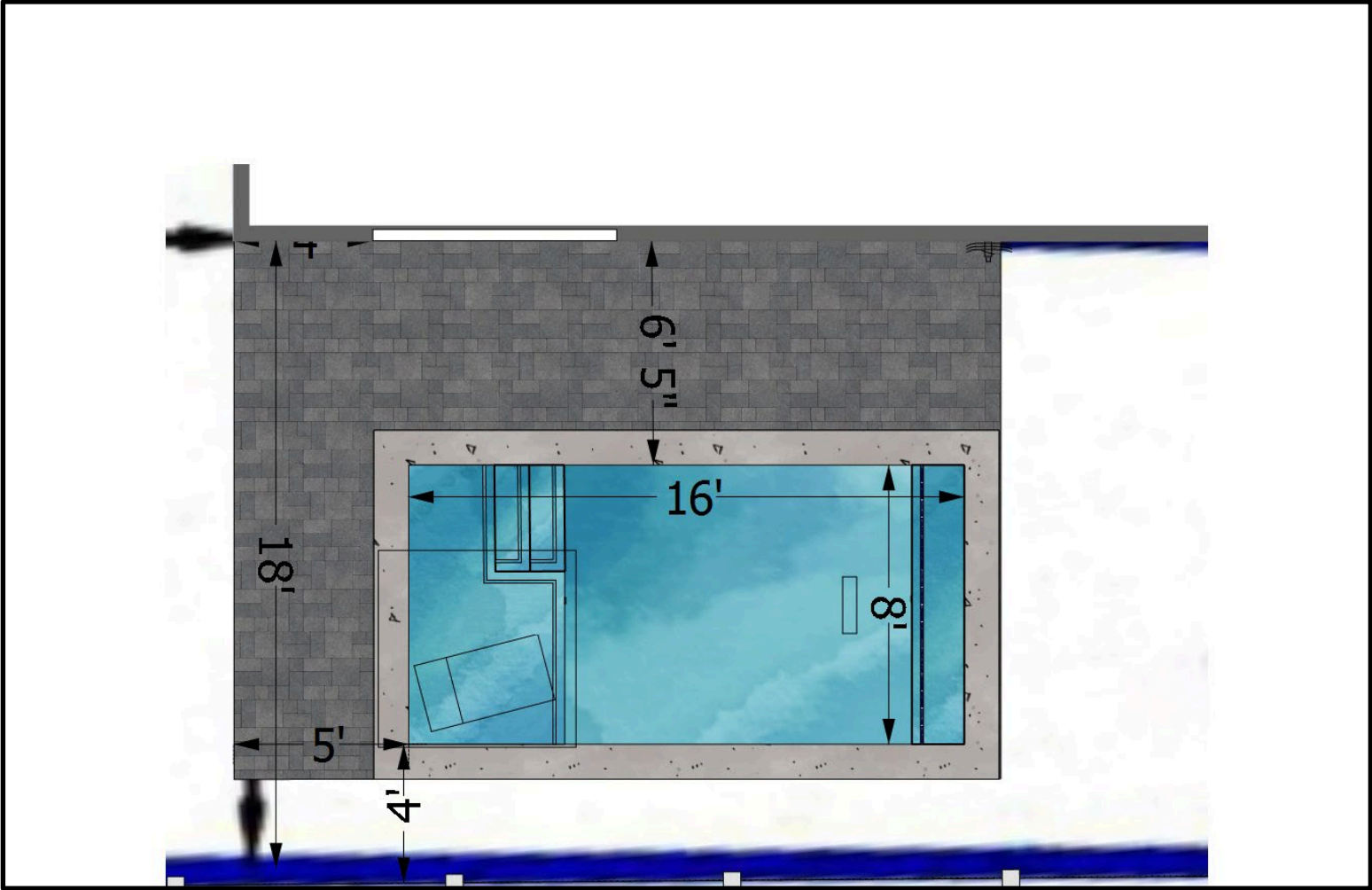




# Proposed Pool Location



# Pool detail



# Pool

artistic conception

 Pool Studio



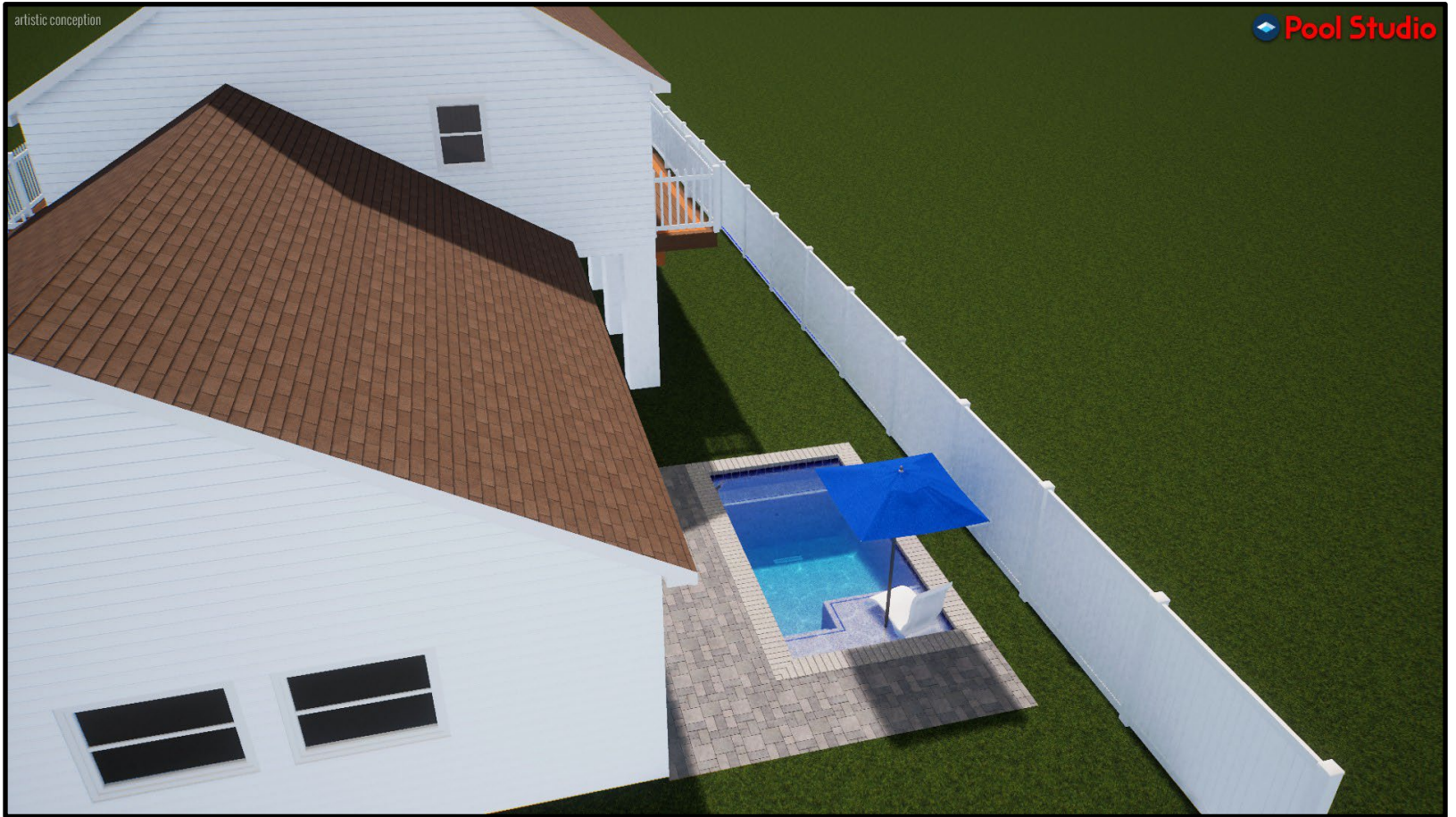
# Pool



# Pool



# Pool



# 22<sup>nd</sup> Avenue



# From Alley





From Alley with property to the south



# Looking West



# Property to West



**APPLICATION FOR VARIANCE**

**CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING**

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

For Office Use Only

Application No.

Date Received

**APPLICANT**

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

**AGENT/REPRESENTATIVE**

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

**SITE DETAILS**

Address:

Parcel ID:

City:

Zip Code:

Legal Description:

Zoning:

Future Land Use:

Size:

**SITE DETAILS CONTINUED...**

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

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute?  Conditional  Absolute

Are there options to purchase?  Yes  No

**VARIANCE REQUEST**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
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...**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
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):	7 ft	4ft	3ft
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:

**I purchased the property April 7, 2023. According to the previous owner, the cottage was built in the 1940s. The duplex was later built in the 80s. My properties face 22nd Ave even though the "front" is considered to be off of 1st St. To avoid applying for a variance to install a pool in the front yard, I am instead requesting a small variance to be able to place a narrow and roughly 8 ft wide pool in the side yard behind the cottage.**

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

**Historical ordinances and required setbacks as well as decisions of previous builders have left me as the new owner with very little space for a pool. A small variance of 3ft would allow me some additional enjoyment of my 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:

**I am not aware of any. The neighbor to the south of me, Tim McCandless, who would be most affected by the pool installation has given me his written permission (via text) to move forward with a pool if the city allows. He recently had his pool installed as well. He operates a 3-unit short-term rental business out of that property.  
I have also received written permission to proceed with a pool from my neighbor directly to the East of my property.**

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:

**I do not believe it deprives other properties. Otherwise, I am unaware of any undue or possible hardship.**

**HARDSHIP CONTINUED...**

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

Yes

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

**I do not believe my request is harmful to the public. It has almost no impact on the community whatsoever. The people that may be impacted have given me written permission to proceed.**

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

**My request is not to blame the city for its restrictions that limit my property use. it is a genuine ask to allow me and my family to further enjoy our time spent in IRB. For the times we are not here, we will be renting out the units. Therefore a pool is both for my personal enjoyment as well as my livelihood as a property owner and landlord. I believe that laws are made for people, not people made for laws. Ultimately, if our requests do not hurt others, then the law is there to serve and provide us with freedom to live happier. I hope the board will approve my request. Thank you for your consideration. -Joe Cirafici**



**CERTIFICATION**

Date: 6-17-23

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: Joe Cirafici

Signature: [Handwritten Signature]

Personally known/Form of Identification FL Driver License

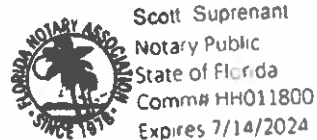
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 19 Month: June, 20 23

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

Notary Public Commission Expiration: July 14, 2024

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.

**Fwd: Swimming Pool Permission from Joe Cirafici**

2 messages

**Tim McCandless** <timmac8000@gmail.com>  
To: "McIntyre, Sarah" <sarahmcintyre@c21be.com>

Mon, Jul 31, 2023 at 9:58 AM

Sarah, can you print this letter off for me so I can sign it for him that's the neighbor to my cottages thanks

----- Forwarded message -----

From: **Joe Cirafici** <joecirafici@gmail.com>  
Date: Sun, Jul 30, 2023 at 6:47 PM  
Subject: Swimming Pool Permission from Joe Cirafici  
To: <Timmac8000@gmail.com>

Hi Tim,

I am requesting a 4ft property variance from IRB. I would like to install a swimming pool behind the cottage (2114 1st St., Indian Rocks Beach, FL 33785). In the event I am granted the variance, I would be 4 ft closer to my southern property line than normally allowed. Since your home is directly South of mine, I am asking if I can have your official permission to pursue this. Would you be ok if I were to put a pool in that area of my property? Please let me know. I have my first meeting with IRB on August 15th.

Kindly,

Joe Cirafici  
Greenhouse Real Estate, LLC

--  
**Joe Cirafici**  
Broker | Owner  
cirafici.com  
Cirafici Real Estate  
25W560 Geneva Rd. #27  
Carol Stream, IL 60188  
708-308-8677

*JOE: You have my official permission for a pool beside the fence. No objections whatsoever.*

*[Signature]*  
07/31/23  
Tim McCandless



2110 1st Street

**CONFIDENTIALITY NOTICE:**

The information contained in this email is privileged and confidential information intended for the sole use of the individual(s) or entity named in the message header. If you are not the intended recipient, you are hereby notified that any dissemination, copying or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this message in error, please notify the sender of the error and delete this message.

If you have a brokerage relationship with another agency, do not regard this as a solicitation. All information deemed reliable but not guaranteed. Equal Opportunity Housing Provider.

McIntyre, Sarah <sarahmcintyre@c21be.com>  
To: Tim McCandless <timmac8000@gmail.com>

Mon, Jul 31, 2023 at 10:53 AM

Yes, of course. I'll be in the office later today and let you know when I have it ready for you.

*Sarah McIntyre*

REALTOR® | Serving Tampa Bay & Beaches

E-mail: [sarahmcintyre@c21be.com](mailto:sarahmcintyre@c21be.com)  
Call or text: 904-383-0984

**CENTURY 21**  
Beggins Enterprises



[Quoted text hidden]

---

## I would like your Permission

2 messages

---

Joe Cirafici <joeCirafici@gmail.com>  
To: dhtomasello@aol.com

Sun, Jul 30, 2023 at 6:46 PM

Dominic,

As you know, I am requesting a 4 ft property variance from IRB. This means that I am asking them to allow me to put a swimming pool 4 ft closer to my fence and southern property line. The swimming pool would be fenced in and behind the cottage (2114 1st St., Indian Rocks Beach, FL 33785). Since your home is directly across the street and east of mine, I am asking if I can have your and Diane's permission to pursue this. Would you guys be ok if I were to put a pool in that area of my property?

Kindly,

Joe Cirafici


--

**Joe Cirafici**  
**Broker | Owner**  
[cirafici.com](http://cirafici.com)  
Cirafici Real Estate  
25W560 Geneva Rd. #27  
Carol Stream, IL 60188  
708-308-8677



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If you have a brokerage relationship with another agency, do not regard this as a solicitation. All information deemed reliable but not guaranteed. Equal Opportunity Housing Provider. 

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dhtomasello@aol.com <dhtomasello@aol.com>  
To: Joe Cirafici <joeCirafici@gmail.com>

Mon, Jul 31, 2023 at 2:21 PM

you have it

2117 1st Street

[Quoted text hidden]

To: +1 (716) 474-7897

Beach about putting a pool behind the cottage. In the past, you mentioned that you would have a problem with me putting it on the corner of 22nd and 1st Street but you would be OK with me putting it behind the cottage. It would be much closer to Gulf Boulevard and shouldn't be a bother to you and Diane. My first hearing is on August 15. I will be flying back from Chicago to stand in front of the IRB board and ask for permission. Would you be OK if I sent you and Diane an email asking your permission to put a pool back there behind the cottage and you guys responded with clear verbiage stating you are 100% OK with me putting a pool back there? If so, what email addresses should I use for you guys?

Thursday 2:49 PM

DH [tomasolo@aol.com](mailto:tomasolo@aol.com) and it's fine with me

Thank you. Please let me know if Diane is ok with it as well. Especially if she is also the owner of the house. 🙏

Yesterday 3:35 PM

Very good it's okay

Yesterday 5:36 PM

Thanks, Dominic. I just sent an email to you asking for permission for the swimming pool but the email bounced back. Perhaps I'm reading your text wrong. Can you text me your email once again?

Yesterday 6:39 PM

[dhtomasello@aol.com](mailto:dhtomasello@aol.com)

Thank you, Dominic. I just emailed you.

Today 2:13 PM

Hey Dominic, checking in to make sure you got my email. Did it go through to you?

Wes

You have our permission but I don't know how to do it in writing or anything like that

Ok. I will use this text thread, but if you can do it through email somehow, that would be great. What you would have to do is click on the email I sent you and hit the "reply" button. Then you would type your response, then hit "Send". If you don't get to it, no worries.

I got your email. Thank you!

**From:** [Kornijtschuk, Lorin](#)  
**To:** [Hetty Harmon](#)  
**Subject:** BOA CASE 2023-07-OBJECTION LETTER DATED 8-1-2023  
**Date:** Tuesday, August 1, 2023 10:46:32 AM  
**Attachments:** [image001.gif](#)  
[BOA CASE 2023-07- OBJECTION LETTER DATED 8-1-2023.pdf](#)

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Please see attached letter received today from K. Hall at 2205 1<sup>st</sup> Street-  
objecting to BOA Case 2023-07

Respectfully,  
Lorin A. Kornijtschuk  
City Clerk  
City of Indian Rocks Beach  
1507 Bay Palm Boulevard  
Indian Rocks Beach, Florida 33785  
[lkornijtschuk@irbcity.com](mailto:lkornijtschuk@irbcity.com)  
727/595-2517

*Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

Aug 1, 2023

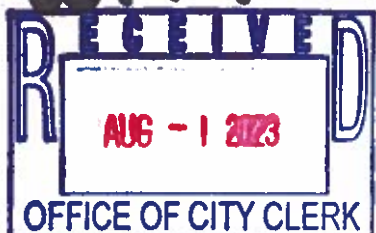
Dear Lorin,

re: 2116 1<sup>ST</sup> ST

We in no way Support  
any more activity around  
This "nuisance property"

The over abundance of  
vehicles, constantly ignoring  
parking regulations in the street,  
The continual line of trash  
cans through the week  
and weekend and noise  
should not be propagated  
with the addition of a Pool!

Kathleen Hall



ASAS 12NA

(NO)



**NOTICE OF PUBLIC MEETING**  
**THE CITY OF INDIAN ROCKS BEACH — BOARD OF ADJUSTMENTS AND APPEALS**  
1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785  
www.indian-rocks-beach.com

Administrative: 727/595-2511  
Public Works: 727/595-6889

TUESDAY, AUGUST 8, 2023 @ 6:00 P.M.  
1507 BAY PALM BOULEVARD  
INDIAN ROCKS BEACH, FLORIDA 33785

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, AUGUST 8, 2023** which meeting will begin at 6:00 p.m. as soon as possible in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on BOA Case No. 2023-07.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at 2116 1<sup>ST</sup> STREET, INDIAN ROCKS BEACH, FLORIDA and legally described as Lot 49, RE-REVISED Map of Indian Beach recorded in Plat Book 5 Page 6 of the Public Records of Pinellas County, Florida. Parcel#: 01-30-14-42030-049-0100.

Variance request proposed 110-31(h) of the Code of Ordinances to encroach four feet into the seven-foot side yard setback resulting in a side yard setback of three feet for the installation of a pool.

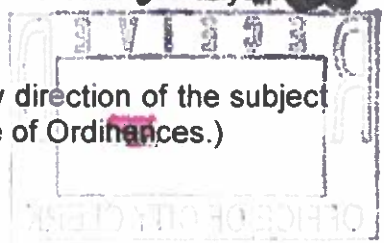
**FOR FURTHER INFORMATION REGARDING THIS REQUEST, PLEASE CONTACT HETTY C. HARMON, PLANNING CONSULTANT, AT 727/846-4771, EXT. 211 OR E-MAIL: [hharmon@ircbci.com](mailto:hharmon@ircbci.com).**

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach Board of Adjustments and Appeals Meeting on said date or submit your support or objections to Lorin A. Kornijtschuk, Interim City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785 or e-mail: [lkornijtschuk@ircbci.com](mailto:lkornijtschuk@ircbci.com). All correspondence must be received by the City Clerk no later than Tuesday, AUGUST 8, 2023, by 3:00 p.m. The City will make such records available during normal business hours, Monday through Friday, 8:00 a.m. to 4:00 p.m. to any interested person at his or her request and expense.

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

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request by telephone 727/595-2517 or e-mail: [lkornijtschuk@ircbci.com](mailto:lkornijtschuk@ircbci.com) no later than 5 business days prior to the 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 subject property on July 31, 2023. (Sec. 2-149 of the Code of Ordinances.)





**AGENDA ITEM NO. 5**  
**OTHER BUSINESS**

**AGENDA ITEM NO. 6**  
**ADJOURNMENT**