

**MINUTES — MAY 10, 2022**  
**CITY OF INDIAN ROCKS BEACH**  
**REGULAR CITY COMMISSION MEETING**

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The Indian Rocks Beach Regular City Commission Meeting was held on **TUESDAY, MAY 10, 2022**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

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

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

**ABSENT:** City Manager Brently Gregg Mims.

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

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

The Pinellas County Sheriff's Office presented the crime analysis report for March 2022.

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

Fire Chief Davidson presented the Fire District's report for April 2022.

Fire Chief Davidson stated the Fire District participated in IRB BeachFest, and the Fire Union had a booth where they passed out information and materials about the Fire Department.

Mayor-Commissioner Kennedy asked Fire Chief Davidson to go over EMS and Fire response times.

Fire Chief Davidson stated in April that the District's EMS response calls, which are medical calls handled by the Fire District, the average response time was 4 minutes, 41 seconds, which is the time from when the Fire District receives the alert to the time they arrive on the scene. He stated that the response time could be hindered by traffic

congestion, narrow roadways, and pedestrians crossing Gulf Boulevard, which could be every quarter mile or less. He said they cannot drive very fast, as they have to drive very cautiously. Pinellas County's standard is 7 minutes, 30 seconds 90% of the time.

Fire Chief Davidson stated the fire responses are slightly higher at 5 minutes and 8 seconds because the firefighters need to put on their fire protective equipment before getting into the fire truck, so they are ready when they arrive. The national standard time for getting the first unit on the scene is 5 minutes, 40 seconds at 90% of the time.

Fire Chief Davidson invited the City Commission and the public to the monthly Fire Commission Meetings, held on the second Tuesday of the month at 6:00 p.m. The meeting location rotates between Indian Shores and Belleair Beach. They are trying to have a meeting in Indian Rocks Beach; however, there is a conflict with scheduling.

Fire Chief Davidson stated next Tuesday, May 17, 2022, at 6:00 p.m., at Indian Shores, he will be presenting the budget to the Fire Commission.

At the request of Mayor-Commissioner Kennedy, Fire Chief Davidson recapped the incidents that occurred on March 6, 2022, concerning the stolen vehicle/carjacking incident, and on March 10, 2022, regarding the structure fire at 700 Gulf Boulevard. He again wanted to recognize the firefighters and the paramedics for their efforts and what they do.

Mayor-Commissioner Kennedy stated the Fire District also purchased a new fire engine for Station 27 and had a "Washdown" or "Housing" Ceremony.

Mayor-Commissioner Kennedy stated she likes to recap everything because she wants everyone to know how great a job the firefighters and paramedics are doing, just like the Pinellas County Sheriff's Office and its deputies.

## **2. PUBLIC COMMENTS.**

**Phil Wrobel, 112-13<sup>th</sup> Avenue**, thanked the City for co-sponsoring the HOA BeachFest, the HOA's biggest fundraiser. He thanked all the volunteers and the Public Works employees. He feels fortunate to live in a town where the City and its non-profit organizations get together and hold fantastic events.

Mr. Wrobel stated the water from the 12th Avenue showers is draining into the parking lot area, and it becomes slimy on the weekends. He said the City rebuilt this shower a couple of years ago because of the build-up of sand, which is happening again.

Mr. Wrobel stated years ago, the HOA paid for signs at the beach access walkovers on the beach that identified where a person was while walking on the beach. Those signs are now facing north or south and are covered up with sea oats and things like that. The signs

cannot be seen from the beach and are not doing any good. He would like to see these signs adjusted so that beach-walkers or beach-goers can see the signs from the beach.

Mr. Wrobel stated he was at an event where a Gulfport person advised him that Gulfport handles their short-term rental violators through their nuisance ordinances where the City can revoke their business license from them.

### **3A. REPORTS OF City Attorney:**

City Attorney Mora stated he is continuing to work with the City Manager and staff on revising the sign code.

City Attorney More stated he continues to track the legal issues as they come.

City Attorney Mora stated that a question was raised about chronic nuisance as an enforcement mechanism. That is an enforcement mechanism in some codes related to short-term rentals or otherwise. The challenge with it is that there is due process. Again, when he says challenges, he wants to be sure that it is clear because not many people are used to talking to attorneys. Issue spotting is not nay-saying. It is just letting the City Commission know the challenges. The issues with chronic-nuisance ordinances are the function of due process. Before it is declared a chronic nuisance violator, there has to be some form of procedure to contest the violation. The other part of that is being adjudicated in violation of the code on more than one occasion.

### **3B. REPORTS OF City Manager:**

City Manager Mims submitted his written report.

Finance Director Carpenter submitted the Second Quarter Financial Report and asked if there were any questions or comments.

### **3C. REPORTS OF City Commission.**

The City Commission stated that IRB BeachFest was fantastic and thanked everyone who volunteered and participated in the event.

### **COMMISSIONER HANNA:**

- Stated the Nature Preserve Boardwalk is starting to show its age and needs a little facelift. He stated some of the handrails and boards need to be replaced and asked if there is any grant funding available for this kind of maintenance project. He stated that a lot of people utilize the Nature Preserve Boardwalk.

**COMMISSIONER BOND:**

- Stated he lives right on Gulf Boulevard, and it is not so much about the traffic as it is with the noisiness of the drunk kids. For example, a group of young males hurled a drink at him as he was walking his dog on Gulf Boulevard. This kind of activity is not entirely out of character for the neighborhood anymore. He does not know how to address that, but if the City is talking about nuisances, that whole strip from the Business District Triangles to where they stay (short-term rentals) has become a problem area. He stated the young people drive up and down Gulf Boulevard at night raising cane, and he does not know what to do about that issue. He is personally offended now that he was hit by a drink thrown from a car. He stated that maybe ramped-up DUI enforcement might take care of the enforcement of this issue.

**COMMISSIONER McCALL:**

- Thanked the City, the volunteers, and the participants that helped the HOA put on two significant events in April, the Easter Egg Hunt and the IRB BeachFest, the HOA's largest fundraiser. He personally thanked the Pinellas County Sheriff's Office and the Pinellas Suncoast Fire and Rescue District for their professionalism. He stated BeachFest could not have gone off without a glitch without the dedicated Public Works employees.
- Thanked Crabby Bill's for sponsoring the IRB BeachFest and allowing the HOA to use their liquor license.
- Stated a couple from Redington Shores were taken back by the partnership between the City, the City Commission, and the non-profit organizations putting on the events. The Redington Shores resident was lamenting how he wished his town commission got along with the City and each other and how wonderful this is.

**MAYOR-COMMISSIONER KENNEDY:**

- Stated the beach mayors had a meeting with Representative DiCeglie, and he has asked the beach mayors to put together a document concerning issues that the beach towns are having with short-term rentals. She stated the City Commission should contact the City Attorney for items to be included in the document on behalf of the City of Indian Rocks Beach.
- Stated that if residents have noise issues with short-term rentals, they should contact the Pinellas County Sheriff's Office to document the incident officially.

**4. ADDITIONS/DELETIONS.**

City Attorney Mora stated Agenda Item 6C, BOA Case No. 2022-07, 2105 Bay Boulevard, is deleted from the Agenda. The property owners/applicants have voluntarily withdrawn their application for a variance as they are attempting to develop within the structures of the City Code.

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

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

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

- 6A. **ABT CASE NO. 17-2022 — WYNE IRB, INC., 311 GULF BOULEVARD, #5 CONSIDERING a 2COP Alcoholic Beverage Use Designation request *[beer; wine. By the drink or in sealed containers for consumption on or off premises where sold]*, to Wyne IRB, LLC, dba Wyne located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida, and legally described as Indian Rocks Beach, Being a replat of Lots 4, 5, 6, 7, 22, 23, 24, the westerly 21 feet of Lot 25 and a portion of Lots 8 and 21, Block 9, Indian Rocks Beach. Property ID #: 12-30-14-42858-009-0100.**

*[Beginning of Staff Report.]*

**BACKGROUND:**

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

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

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

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

**ANALYSIS:**

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

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

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

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

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

**CORRESPONDENCE:** No correspondence was received.

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

*[End of Staff Report.]*

City Attorney Mora read by title only Agenda Item No. 6A, ABT Case No. 17-2022.

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

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

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

City Clerk O'Reilly stated staff recommends approval of ABT Case No. 17-2022, a 2COP Alcoholic Beverage Use Designation (*Beer; Wine. By the drink or in sealed containers for consumption on or off the premises where sold*) for the establishment Wyne IRB, located at 311 Gulf Boulevard, #5, Indian Rocks Beach, Florida. If approved, staff recommends that the following restriction be placed on the designation: Repeated or intermittent nuisance activity and/or unlawful noise levels originating from the establishment of the parking area may result in the revocation of the alcoholic beverage use designation.

**Jack Bennett, 14002 Kensington Oak Place, Largo, owner of Wyne IRB**, stated that he is an owner of Slyce and has been in IRB for almost 12 years. He said the Business District Triangle was not what it is today and stated that it is crazy now.

Mr. Bennett stated that partner Suzanne Bone knows about wine and has always talked about owning a wine place. The opportunity came directly next to Slyce, and they will open the most amazing, cute little place with beer and wine with small plates. There will be an inside and outside area.

Mr. Bennett stated he takes a lot of pride in the fact that they have been involved in the community for a long time and participate in the City events.

Mr. Bennett stated he is excited that they can open up a second business next-door to Slyce.

Mayor-Commissioner Kennedy asked if there would be any live entertainment, like a piano player.

Mr. Bennett stated there would be light music either inside or outside. Just one person, not bands.

Vice Mayor-Commissioner Houseberg asked if there would be wine tastings, to which Mr. Bennett responded in the affirmative.

Mayor-Commissioner Kennedy asked what would be the hours of Wyne IRB, to which Mr. Bennett responded that it is yet to be determined.

Mr. Bennett stated that there are three of them in this venture: him, Suzanne Bone, and Doug Mullins.

**Doug Mullins, 18131 Gulf Boulevard, Redington Shores**, stated his whole career has been in aviation, and this is a new adventure for him. He said he would be at Wyne every day.

Commissioner Bond asked what is Wyne's seating capacity?

Mr. Bennett stated there are ten seats inside and ten seats on the outside patio.

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

***MOTION MADE BY COMMISSIONER McCALL, SECONDED BY VICE MAYOR-COMMISSIONER HOUSEBERG TO APPROVE ABT CASE NO. 17-2022, AN ALCOHOLIC BEVERAGE USE DESIGNATION OF 2COP TO WYNE IRB, LLC, DBA WYNE IRB LOCATED AT 311GULF BOULEVARD, #5, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS INDIAN ROCKS BEACH BLOCK 9, LOTS 9, 10, 11, & 20 TOGETHER WITH LOTS 8 & 21 LESS THOSE PARTS LYING WITHIN IRB PLAZA LLC SUB WITH THE FOLLOWING STIPULATION: REPEATED OR INTERMITTENT NUISANCE ACTIVITY AND/OR UNLAWFUL NOISE LEVELS ORIGINATING FROM THE ESTABLISHMENT OF THE PARKING AREA MAY RESULT IN THE REVOCATION OF THE ALCOHOLIC BEVERAGE DESIGNATION.***

Commissioner McCall stated Wyne IRB will be a definite good neighbor. Mr. Bennett and Ms. Bone have been good stewards in Indian Rocks Beach for a long time and have always run a good business.

Mayor-Commissioner Kennedy stated she wanted to follow up on Commissioner Bond's question on seating. She asked what is the seating capacity for that location.

Mr. Bennett stated it could be 20 seats. It is not a big place.

City Attorney Mora stated just for clarity in the record as it relates to the application this evening, the alcoholic beverage use designation is separate and distinct from site plan approval and other review of similar elements.

**ROLL CALL VOTE:**

**AYES: HANNA, BOND, HOUSEBERG, McCALL, KENNEDY**

**NAYS: NONE**

**MOTION TO APPROVE UNANIMOUSLY.**

**6B. BOA CASE NO. 2022-08— 349 12<sup>TH</sup> AVENUE**

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

*[Beginning of Staff Report]*

**SUBJECT: BOA CASE NO. 2022-08 — 349 12<sup>TH</sup> AVENUE:**

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

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

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

**OWNER:** Jeff Schaefer  
**PROPERTY LOCATION:** 349-12<sup>th</sup> Avenue  
**ZONING:** Single Family Residential

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

**BACKGROUND:**

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

Mr. Schaeffer is now requesting an additional 16 feet to the existing dock length of 56 for a total dock length of 72 feet from the seawall at its maximum projection.

**Sec. 2-152. Variances.**

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

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

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. *The existing mangroves in front of the seawall are peculiar to this property and the adjacent property however are not typical of other properties in the area.*
- b. The special conditions and circumstances do not result from the actions of the applicant. *The mangroves are a natural condition of nature and did not result in actions of the applicant.*
- c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district. *Granting the variance would not confer special privileges to the applicant, it would allow for access to a dock and a boat lift similar to others in the area.*
- d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant. *The approval of this variance request would not deprive other owners of use and enjoyment of their properties.*

- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *Granting of this variance would allow a dock and boat lift to be installed.*
- f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare. *Granting the variance will be in harmony with general intent and purpose of subpart B.*

**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on the subject property on April 25, 2022.

**CORRESPONDENCE:** No correspondence has been received.

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

*[End of Staff Report.]*

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

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

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

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

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

Planning Consultant Harmon stated in December 2019, the applicant was granted a variance to extend his dock to 56 feet from the seawall. At 56 feet, there are less than 3

feet of water at mean low water due to the natural occurrence of existing mangroves, seagrass, sandbar, and shallow water.

**The applicant, Jeff Schaefer, 349-12<sup>th</sup> Avenue,** explained the variance request. He stated that at 56 feet, there is less than 3 feet of water; therefore, he is requesting to go out another 16 feet to reach 3 feet of water. He stated his hardship is the natural occurrence of existing mangroves, seagrass, the sandbar, and shallow water at 56 feet of water. He noted both abutting neighbors have signed off on the dock permit.

Mayor-Commissioner Kennedy asked the applicant when he purchased the house.

Mr. Schaefer responded about three years ago, they purchased the land. There was no house or dock on the property, and before that, he lived on La Hacienda.

Mayor-Commissioner Kennedy asked if the applicant knew there were issues there when he purchased the property.

Mr. Schaefer replied no. At first, his focus was on getting a variance to clear the mangroves.

Commissioner Bond asked if there was a reason for the "z" design rather than going straight out.

Mr. Schaefer stated this was the tenth proposed drawing, and finally, his neighbor to the west was in agreement. Initially, he was just going to take the catwalk straight out, which made a lot of sense and then put the boat on the left side. But unfortunately, another variance would be required because it was essentially 16 inches from the setback line.

Commissioner Hanna asked why this was not discovered a year ago when the dock was initially put in and had the water silted up that much in a year?

Mr. Schaefer stated he did not spend an enormous amount of time there because the house was under construction, and the boat was not being used a lot. For a short time, he kept the boat at his La Hacienda property that they sold, which had better access in and out. He thought he would be fine once the dock was built and the boat was moved to the 12<sup>th</sup> Avenue residence.

Commissioner Hanna asked if anyone in that area has contacted the Army Corps of Engineers or the State of Florida since they own the waterways for assistance with dredging.

Mr. Schaefer stated there is an 8 to 10 foot drop-off where he and his neighbors are trying to get.

Commissioner Bond asked how the applicant's neighbor to the west handled this issue.

Mr. Schaefer stated that the west's boat neighbor comes out a little further already, and he does not have the mangroves, so he has more water coming in. His boat definitely sets back a little more, and the boat's motors face south, so it is easier for his neighbor to get his boat in and out.

Mr. Schaefer stated the mangroves are creating problems for many residents in that area.

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

Commissioner McCall stated the hardship is with the mangroves that go out approximately 30 to 35 feet into the Intracoastal waterway from the seawall and are going to continue to cause issues for that area.

Mayor-Commissioner Kennedy suggested the applicant call Pinellas County to see if the mangroves could be trimmed back.

**ROLL CALL VOTE:**

**AYES: BOND, HOUSEBERG, McCALL, HANNA, KENNEDY**

**NAYS: NONE**

**MOTION TO APPROVE CARRIED UNANIMOUSLY.**

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

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

On May 10, 2022, the applicants withdrew their BOA Case as the applicants they are attempting to develop within the structures of the City Code.

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

***MOTION MADE BY COMMISSIONER BOND, SECONDED BY VICE CHAIR-COMMISSIONER HOUSEBERG, TO ADJOURN THE MEETING AT 8:04 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

June 14, 2022  
Date Approved

/DOR