

**TUESDAY,  
SEPTEMBER 12, 2023**

**REGULAR  
CITY COMMISSION MEETING**

**@ 6:00 PM**



# 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  
REGULAR CITY COMMISSION MEETING  
TUESDAY, SEPTEMBER 12, 2023 @ 6:00 P.M.  
CITY COMMISSION CHAMBERS**

**1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FLORIDA 33785**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**1. PRESENTATIONS.**

- A. REPORT OF Pinellas County Sheriff's Office.**
- B. REPORT OF Pinellas Suncoast Fire & Rescue District.**
- C. PRESENTATION Florida League of Cities, Scott Dudley to present Local Voices United.**

**2. PUBLIC COMMENTS. [3-minute time limit per speaker.]**

(Any member of the audience may come forward, give their name and address, and state any comment or concern that they may have regarding any matter over which the City Commission has control, EXCLUDING AGENDA ITEMS. All statements made to the City Commission shall be made to the City Commission as a whole, not directed to any individual City Commission Member, and no personal, impertinent, or slanderous remarks shall be permitted. No speaker shall be interrupted, and no debate shall take place between the speaker and the City Commission.)

**3. REPORTS OF:**

- A. City Attorney.**
- B. City Manager.**
- C. City Commission.**

**[3-minute time limit per City Commission Member.]**

**4. ADDITIONS/DELETIONS.**

**5. CONSENT AGENDA:**

- A. APPROVAL OF** the August 8, 2023, Regular City Commission Meeting Minutes.
- B. CONFIRMING ACTION** taken during the September 6, 2023, Special City Commission Meeting.
- C. RESOLUTION NO. 2023-07.** A resolution of the City Commission of the City of Indian Rocks Beach, Florida, calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two City Commissioner Seats for two-year terms; establishing a candidate qualifying period; authorizing the City Manager to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place for the March 19, 2024 Election; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.
- D. APPROVAL OF** the FY 2023-24 Law Enforcement Contract with the Pinellas County Sheriff's Office.
- E. AUTHORIZING** the City Manager to sign a one-year agreement to renew property/casualty/workers compensation & flood insurance with the Public Risk Management (PRM) Group Health Trust for FY 2023-24.

**6. PUBLIC HEARINGS:**

- A. BOA CASE NO. 2023-07 –2116 1<sup>st</sup> Street**  
Considering a 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.  
Parcel#:01-30-14-42030-049-0100.

**7. OTHER LEGISLATIVE MATTERS: None**

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

**9. OTHER BUSINESS.**

**10. ADJOURNMENT.**

APPEALS: Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which

record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 [lkornijtschuk@irbcity.com](mailto:lkornijtschuk@irbcity.com), no later than FIVE (5) days before the proceeding for assistance.

POSTED: September 8, 2023

**NEXT REGULAR CITY COMMISSION MEETING**  
**Tuesday, October 10, 2023 @ 6:00 PM**

**SPECIAL CITY COMMISSION MEETING — 2<sup>nd</sup> BUDGET HEARING**  
**Wednesday, September 20, 2023 @ 6:00 PM**

**AGENDA ITEM NO. 1A**

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



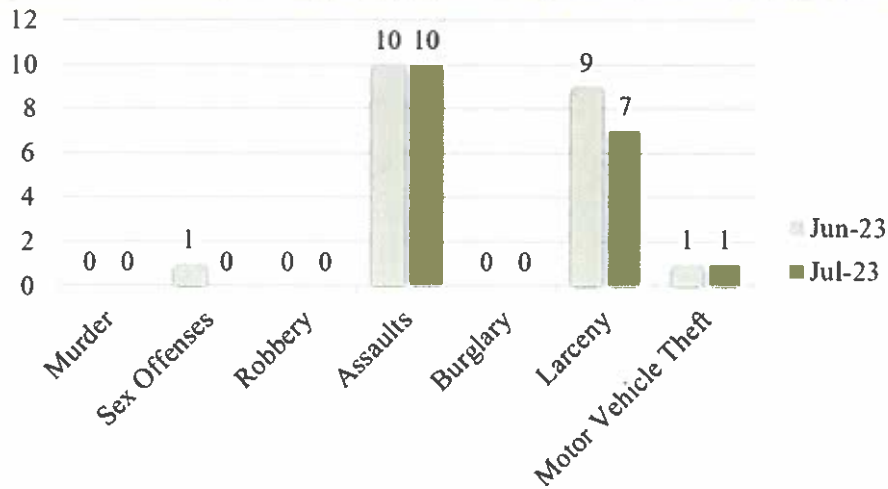
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

July 2023

Select UCR Property & Person Crimes	June 2023	July 2023	July 2022 YTD	July 2023 YTD
Murder	0	0	0	0
Sex Offenses	1	0	1	2
Robbery	0	0	2	2
Assaults	10	10	27	44
Burglary	0	0	11	3
Larceny	9	7	40	66
Motor Vehicle Theft	1	1	5	7
<b>GRAND TOTAL</b>	<b>21</b>	<b>18</b>	<b>86</b>	<b>124</b>



## Arrests

### July 2023

There was a total of 26 people arrested in the City of Indian Rocks Beach during the month of July resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>5</b>
Aggravated Assault	1
Burglary-Conveyance (No Entry)	1
Criminal Use Of Personal ID	1
Fraudulent Use Of Credit Card	1
Tamper With Evidence	1
<b>Misdemeanor</b>	<b>13</b>
Battery	2
Battery-Domestic Related	2
Disorderly Intoxication	1
False Name Or ID By Person Arrested	1
Misuse 911 Or E911 System	1
Possession Of Controlled Substance	1
Possession Of Drug Paraphernalia	3
Resist/Obstruct LEO Without Violence	2
<b>Warrant</b>	<b>2</b>
Warrant Arrest	2
<b>Traffic Felony</b>	<b>1</b>
Felony Habitual Traffic Offender	1
<b>Traffic Misdemeanor</b>	<b>12</b>
Driver's License Suspended/Revoked	2
Driver's License Suspended/Revoked-2nd Conviction	2
Driving Under The Influence	5
Leave Scene (With Damage)	1
No Valid Driver's License	2
<b>Grand Total</b>	<b>33</b>

\*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

## Deputy Activity

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There was a total of **1,310** events in the City of Indian Rocks Beach during the month of July resulting in **1,780** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of July. \*CAD data is filtered by problem type.

### July 2023

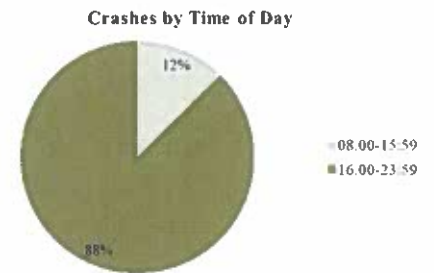
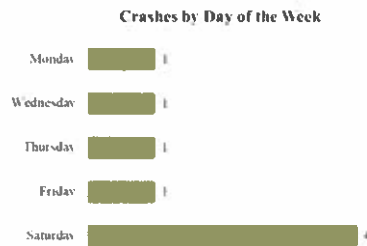
DEPUTY ACTIVITY	TOTAL
Traffic Stop	273
House Check	253
Directed Patrol	200
Vehicle Abandoned/Illegally Parked	176
911 Hangup Or Open Line	84
Assist Citizen	38
Suspicious Person	27
Ordinance Violation	23
Transport Prisoner	20
Trespass	16
Noise	14
Information/Other	14
Contact	11
Supplement	11
Traffic Violation	10
Civil Matter	8
Alarm	7
Accident	7
Traffic/DWLSR	6
Suspicious Vehicle	6
Lost/Found/Abandoned Property	6
Theft-Not In Progress	5
Disorderly Conduct	5
Area Check	4
Animal Call	4



## Crash & Citation Analysis

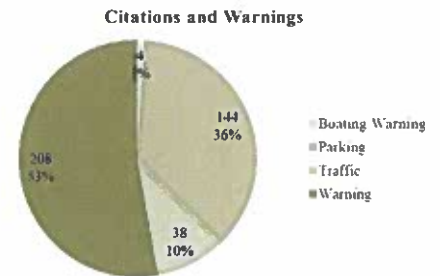
There were 8 crashes in the City of Indian Rocks Beach during July 2023. \*Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
7th Ave/Gulf Blvd	1
399 2nd St	1
312 Gulf Blvd	1
1st St/5th Ave	1
415 2nd St	1
212 20th Ave	1
1511 Gulf Blvd	1
27th Ave/Gulf Blvd	1



There were a total of 394 citations and warnings issued in the City of Indian Rocks Beach during July 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
5th Ave & Gulf Blvd	7
Gulf Blvd & 12th Ave	3
900 Gulf Blvd	2
1511 Gulf Blvd	2
Gulf Blvd & 16th Ave	2
19th Ave & 2nd St	2
Gulf Blvd & 6th Ave	2
Gulf Blvd & 22nd Ave	1
940 Gulf Blvd	1
707 Gulf Blvd	1





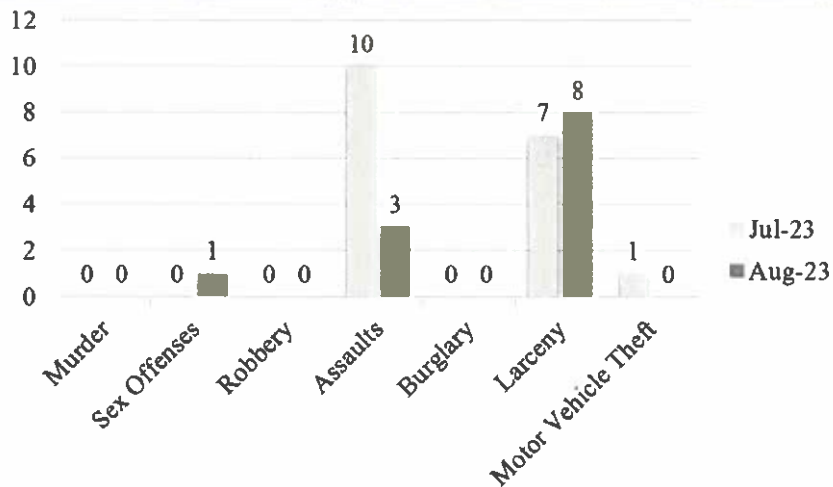
STRATEGIC PLANNING DIVISION

INDIAN ROCKS BEACH ANALYSIS

Select UCR Property & Person Crimes

August 2023

Select UCR Property & Person Crimes	July 2023	August 2023	August 2022 YTD	August 2023 YTD
Murder	0	0	0	0
Sex Offenses	0	1	1	3
Robbery	0	0	3	2
Assaults	10	3	33	47
Burglary	0	0	12	3
Larceny	7	8	44	74
Motor Vehicle Theft	1	0	5	7
<b>GRAND TOTAL</b>	<b>18</b>	<b>12</b>	<b>98</b>	<b>136</b>



## Arrests

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### August 2023

There was a total of 16 people arrested in the City of Indian Rocks Beach during the month of August resulting in the following charges:

ARREST TYPE & DESCRIPTION	TOTAL
<b>Felony</b>	<b>6</b>
Battery On LEO	1
Lewd Or Lascivious Battery	1
Possession Of Controlled Substance	4
<b>Misdemeanor</b>	<b>12</b>
Battery	1
Battery - Domestic Related	1
Disorderly Conduct In Establishment	1
Loitering/Prowling	1
Petit Theft-Shoplifting	1
Possession Of Controlled Substance	1
Possession Of Drug Paraphernalia	2
Resist/Obstruct LEO Without Violence	2
Trespass After Warning	2
<b>Warrant</b>	<b>4</b>
Warrant Arrest	4
<b>Traffic Misdemeanor</b>	<b>6</b>
Driver's License Suspended/Revoked	2
Driver's License Suspended/Revoked-2nd Conviction	1
DUI-Damage To Person/Property	1
Leave Scene (With Damage)	1
Refusal Submit To Test-Intoxicated	1
<b>Grand Total</b>	<b>28</b>

\*Information provided reflects the number of arrests (persons arrested) as well as the total charges associated with those arrests.

## Deputy Activity

There was a total of **940** events in the City of Indian Rocks Beach during the month of August resulting in **1,306** units responding.

The table below reflects the top twenty-five events to include both self-initiated and dispatched calls in the City of Indian Rocks Beach for the month of August. *\*CAD data is filtered by problem type.*

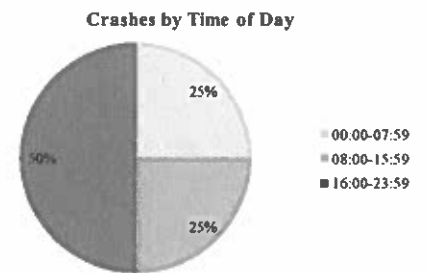
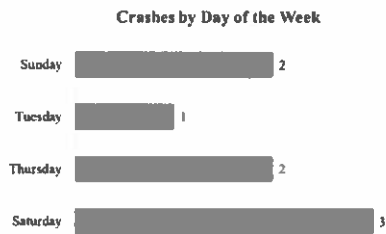
### August 2023

DEPUTY ACTIVITY	TOTAL
Traffic Stop	232
Directed Patrol	171
House Check	116
Vehicle Abandoned/Illegally Parked	101
Assist Citizen	45
Suspicious Person	37
911 Hangup Or Open Line	29
Trespass	16
Contact	16
Noise	14
Ordinance Violation	12
Transport Prisoner	11
Disorderly Conduct	9
Accident	8
Alarm	7
Civil Matter	7
Traffic Violation	6
Community Contact	6
Supplement	6
Information/Other	6
Reckless Driver/Boater	5
Assist Other Agency	5
Suspicious Vehicle	5
Drug Call-Not In Progress	5
Animal Call	5

## Crash & Citation Analysis

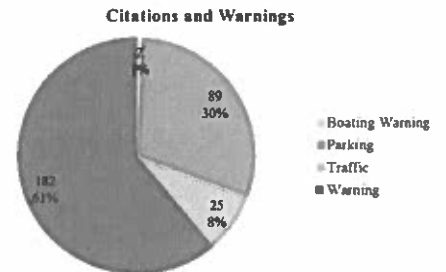
There were 8 crashes in the City of Indian Rocks Beach during August 2023. \*Crash data is filtered by disposition type and may include "accident and hit and run" problem types.

CRASH LOCATIONS	TOTAL
Gulf Blvd/1st Ave	1
401 Gulf Blvd	1
200 24th Ave	1
1516 1st St	1
4th Ave/Gulf Blvd	1
1519 Gulf Blvd	1
125 Gulf Blvd	1
15th Ave/Bay Palm Blvd	1



There were a total of 298 citations and warnings issued in the City of Indian Rocks Beach during August 2023.

TOP 10 TRAFFIC CITATION LOCATIONS	TOTAL
20th Ave & 1st St	3
401 Gulf Blvd	3
4th Ave & Gulf Blvd	4
15th Ave & Gulf Blvd	2
Gulf Blvd & 8th Ave	2
Gulf Blvd & 24th Ave	1
68 Gulf Blvd	1
19th Ave & 2nd St	1
1501 Gulf Blvd	1
Gulf Blvd & 12th Ave	1



**AGENDA ITEM NO. 1B**

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

**AGENDA ITEM NO. 1C**

**PRESENTATION**

**Florida League of Cities, Scott Dudley to  
present Local Voices United.**

**AGENDA ITEM NO. 2**  
**PUBLIC COMMENTS**



**AGENDA ITEM NO. 3A**  
**REPORTS OF City Attorney**

**AGENDA ITEM NO. 3B**  
**REPORTS OF City Manager**

**AGENDA ITEM NO. 3C**  
**REPORTS OF City Commission**

**AGENDA ITEM NO. 4**  
**ADDITIONS/DELETIONS**

**AGENDA ITEM NO. 5A**

**CONSENT AGENDA**

**APPROVAL OF the  
August 8, 2023  
Regular City Commission  
Meeting Minutes.**

**CITY OF INDIAN ROCKS BEACH  
REGULAR CITY COMMISSION MEETING  
TUESDAY, AUGUST 8, 2023- 6:00 PM  
1507 BAY PALM BOULEVARD INDIAN ROCKS BEACH, FL 33785  
MINUTES**

Mayor-Commissioner Kennedy called the meeting to order at 6:00 p.m., FOLLOWED BY THE Pledge of Allegiance and a moment of silence.

**MEMBERS PRESENT:** Mayor-Commissioner Joanne Kennedy, Vice-Mayor Jude Bond, Commissioner Denise Houseberg, Commissioner Joe McCall, Vice-Mayor Jude Bond and Commissioner Lan Vaughan.

**OTHERS PRESENT:** City Manager Gregg Mims and City Attorney Randy Mora.

For continuity, items are listed in agenda order, although not necessarily discussed in that order.

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

The Pinellas County Sheriff's Office presented a crime analysis report for June 2023.

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

Fire Chief Davidson presented the fire district's report for July 2023. He stated that the Life Safety Inspection Program for Short Term Rentals is available on the Fire Departments Website.

**2. PUBLIC COMMENTS.**

Don House, 2104 Beach Trail, commented on his attendance at the July Big C Meeting regarding Beach Renourishment.

**3 A. REPORT OF the City Attorney.**

City Attorney Mora stated the City received a litigation demand letter from one law firm allegedly representing 300 properties owners who may interpose legal challenges to the city's Short-term Rental Ordinance. He is coordinating with the city's insurance defense council to defend the city's position on the Short-term Rental Ordinance.

City Attorney Mora provided an update of the following legislative bills:

The new law created by SB 250 is set forth in section 553.80 of Florida Statutes and says: "A county or municipality located entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall shall not propose or adopt any moratorium on construction, reconstruction or redevelopment of any property damaged by Hurricane Ian or Hurricane Nicole; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval or issuance of a site plan, development permit or development order before October 1, 2024. Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation or procedure shall be null and void ab initio. This applies retroactively to September 28, 2022." City Attorney Mora stated this will limit the amount of business that comes before the Planning and Zoning Board and City Commission.

Senate Bill 170, Local Ordinances; Authorizing courts to assess and award reasonable attorney fees and costs and damages in certain civil actions filed against local governments; providing certain procedures for continued meetings on proposed ordinances and resolutions for counties; requiring a county to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; providing certain procedures for continued meetings on proposed ordinances for municipalities, etc. City Attorney Mora stated this bill would require the city to produce a business impact statement during the drafting phase of an ordinance.

Senate Bill 774 makes the following changes to ethics requirements for public officials: Requires specified local officers to file a Form 6 financial disclosure, beginning January 1, 2024, instead of Form 1.

### **3 B. REPORT OF the City Manager.**

City Manager Mims read the Code Enforcement Report for July 2023.

City Manager Mims gave an update on the implementation of the new vacation rental ordinance that went in effect on August 1, 2023.

City Manager Mims stated Ordinance 2023-02- Short-term Vacation Rentals, adopted by the Commission, does not require a vacation rental property to comply with current electrical or plumbing building codes. However, the city would get involved if during the short-term vacation property inspection there was a FEMA violation on the property such as illegally converted renovations that make a ground floor area into a living space.

City Manager Mims stated at the next Regular City Commission Meeting on September 12, 2023, Scott Dudley from Florida League of Cities will give a presentation on Local Voices United.

City Manager Mims stated at the conclusion of the July 25 2023, City Commission Budget Work Session, the Commission made no changes to the proposed budget. One of the highlights of the budget is the tenant mill rate was set at 1.73 down from 1.83, that is the third mill rate reduction since 2017.

The City Manager announced the following dates to finalize the budget process:

September 6, 2023, at 6:00 p.m. first public hearing to adopt a Tentative Budget and Millage Rate.  
September 20, 2023, at 6:00 p.m. final public hearing to adopt a Final Budget and Millage Rate.

### **3 C. REPORT OF the City Commission.**

Commissioner Houseberg stated that she read in the Tampa Bay Times regarding the Beach Renourishment Project, "Army Corp of Engineers Jacksonville office is working with Pinellas County Officials for mutually acceptable resolution that will clear the way for renourishment projects."

Mayor-Commissioner Kennedy provided a recap on the July Big C meeting regarding Beach Renourishment.

4. **ADDITIONS/DELETIONS.**

**ADD TO THE CONSENT AGENDA:**

- **APPROVAL** of July 25, 2023, Special City Commission Meeting Minutes.
- **CONFIRMING ACTION** taken during July 25, 2023, Special City Commission Meeting.
- **APPROVAL** of the July 25, 2023, City Commission Budget Work Session Minutes.

**DELETION TO PUBLIC HEARINGS:**

- **BOA CASE NO. 2023-05-461 Harbor Dr S.**- to be rescheduled to a later date.

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

5. **CONSENT AGENDA.**

- A. **APPROVAL OF** the June 13, 2023, Regular City Commission Meeting Minutes.
- B. **APPROVAL OF** July 11, 2023, Regular City Commission Meeting Minutes.
- C. **AUTHORIZING** the Mayor- Commissioner to sign employment agreement with the City Clerk, Lorin A. Kornijtschuk.
- D. **REAPPOINTMENT** to the Board of Adjustments and Appeals, Stewart DeVore as a regular board member for a three-year term expiring June 30, 2026.
- E. **REAPPOINTMENT** to the Planning and Zoning Board, Dave Mott from 1<sup>st</sup> Alternate to regular member for a two-year term expiring June 30, 2025.
- F. **ACCEPT/FILE** the June 2023 Year-to-Date Financial Report.
- G. **APPROVAL** of July 25, 2023, Special City Commission Meeting Minutes.
- H. **CONFIRMING ACTION** taken during July 25, 2023, Special City Commission Meeting.
- I. **APPROVAL** of the July 25, 2023, City Commission Budget Work Session Minutes.

**MOTION** was made by Commissioner McCall and seconded by Commissioner Houseberg to approve the Consent Agenda. **Motion to approve carried unanimously.**

6. **PUBLIC HEARING.**

A. **BOA CASE NO. 2023-04 –449 Harbor Drive S.**

Considering a 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. Parcel # 06-30-15-42372-000-0170.

{Beginning of Staff Report}



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

**BOARD OF ADJUSTMENTS AND APPEALS:** The board of Adjustments and Appeals recommended denial to the City Commission by a vote of 5-0.

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**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 the side of the 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 July 3, 2023, (Sec. 2-149 of the Code of Ordinances.)

**LEGAL NOTICE:** A legal notice was published in the July 26, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for August 8, 2023, for BOA Case No. 2023-04.

**CORRESPONDENCE:** Adjacent neighbors at 447 and 451 Harbor Dr S have signed off on the setbacks.

**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 BOA Case No. 2023-04 — 449 Harbor Dr. S. by title only.

City Attorney Mora inquired of the City Commission Members if they had any ex-parte communications with the applicant or their agent, with all members responding negatively. City Attorney Mora inquired of the City Commission Members if any of them had conducted a site visit for the limited purpose of evaluating the application before them, with all members responding negatively.

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2023-04.

Planning Consultant Harmon stated the applicants are requesting a variance for a boat lift to encroach 9 ft into the 12 ft side yard setback resulting in a total setback of 3 feet on the northwest side for the installation of a new boat lift. They want to remove an existing lift and install a new lift on the side of the dock. The abutting properties have no objection. BOA recommended denial of the request by 5-0 and staff recommended denial on the project.

Planning Consultant Harmon made a PowerPoint Presentation depicting an aerial view of the property, the dock plan, and the dock cross-section.

Applicant Barry Lanier, 449 Harbor Drive S, stated he would like to have his fishing boat along with his wife's boat on the dock so he would not have to trailer the fishing boat from his workshop.

Mayor- Vice Mayor Bond asked would a simple re- design of the dock solve this problem.

The applicant replied probably would, but he could not afford it.

Mayor-Commissioner Kennedy asked the applicant what the hardship was.

The applicant stated he did not know how to answer.

Mayor-Commissioner Kennedy opened the Public Hearing.

Daniel Muccio, 447 Habor Drive S. stated he is the neighbor, and his dock is the closest to be impacted by this request and does not object. Currently the jet ski dock sticks out and the addition of the boat lift would be a safer situation.

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

Commissioner Houseberg stated she does not have a problem with it.

City Attorney Mora explained what a hardship is.

Commissioner Vaughan stated he agreed with Vice Mayor- Commissioner Bonds view that the dock could be modified, and a variance would not be needed.

Commissioner Vaughan is concerned that seeing a wall of boats would look more like a marina versus a neighborhood.

Commissioner McCall stated this request does not meet the definition of hardship.

Commissioner McCall stated he understood it is a financial situation but there is enough room to put two docks in and still be compliant. He appreciates the neighbor not objecting but stated it will not always be that neighbor.

City Attorney Mora read Sec. 110-101. – of the City of Indian Rocks Beach city code.

**MOTION** was made by Commissioner McCall and seconded by Commissioner Vaughan to **deny** 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.

**City Attorney Mora clarified that the motion on the floor is in the negative, that is a motion to deny the variance.**

**ROLL CALL VOTE:**

**AYES: McCALL, VAUGHAN, BOND, KENNEDY**

**NAYS: HOUSEBERG**

**MOTION TO DENY 4-1**

**B. BOA CASE NO. 2023-05 –461 Harbor Dr S.-- to be rescheduled to a later date.**

**C. BOA CASE NO. 2023-06 – 2209 Gulf Boulevard.**

Considering a 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.

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

**BOARD OF ADJUSTMENTS AND APPEALS:** The board of Adjustments and Appeals recommended denial to the City Commission by a vote of 5-0.

**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 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.

*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 June 30, 2023, (Sec. 2-149 of the Code of Ordinances.)

**LEGAL NOTICE:** A legal notice was published in the July 26, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for August 8, 2023, for BOA Case No. 2023-06.

**CORRESPONDENCE:** Four letters of objection were received.

**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 BOA Case No. 2023-6 — 2209 Gulf Blvd. by title only.

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

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

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

Planning Consultant Harmon presented the Agenda Item, BOA Case No. 2023-06.

Planning Consultant Harmon stated 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. The BOA recommended denial and four letters of objection were received. The original plans have pool spas on top of the building as outdoor living with a pergola.

Planning Consultant Harmon made a PowerPoint Presentation depicting an aerial view of the property.

Tatiana Drigailo, 2209 Gulf Boulevard, applicant stated her parents would be moving into one side of the duplex and her family would be on the other side to use as a vacation home. The property was bought with the plans and engineering done by others. She was not aware that she needed a permit for the spas.

The applicant stated they bought the 2 spas to be installed in the backyard but discovered that they would have to make the backyard into a driveway because there was no access to the property off Gulf Boulevard. She stated she spent \$17,000 on landscaping in the front yard to install the spas in the front.

Commissioner Houseberg asked if the only way to the roof is the spiral staircase.

The applicant replied yes, if there was a fire, this was another way out of the home.

The applicant stated that there were a couple of properties that did have a pool in the front yard on Gulf Boulevard. Harmon clarified that the pool located at 719 Beach Trail is in the 25-foot set back and the pool located at 2500 Gulf Boulevard also known as The Walk is a Planned Unit Development.

Mayor-Commissioner Kennedy asked what the hardship was.

The applicant replied that she does not have a backyard because she was required to have that turned into a driveway so technically her backyard is her front yard.

Mayor-Commissioner Kennedy asked if that was considered a hardship.

City Attorney Mora stated that ultimately whether it is a hardship or not is a determination of the fact finders, you have heard staff opinion and testimony and ultimately the commission is deciding if the criteria have been satisfied.

Vice- Mayor Bond stated this would not be compliant even if the problem was not where to place the spas.

**MOTION** was made by Commissioner Vaughan and seconded by Commissioner Houseberg to **deny** 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.

***City Attorney Mora clarified that the motion on the floor is in the negative, that is a motion to deny the variance.***

**ROLL CALL VOTE:**

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

**NAYS: NONE**

**MOTION TO APPROVE 5-0**

City Attorney Mora stated there was a question from the floor whether the city had any recommendations of what she could do. He responded, the board is not in a position to give planning or legal advice. The hearing is concluded at this time. The stated rational the criteria has not been satisfied. The placement of the spas is allowed somewhere, it may not be the most desirable location given your concerns, not that your concerns are not valid, but that is one of the criteria that the commission looked at.

7. **OTHER LEGISLATIVE MATTERS. None.**

8. **WORK SESSION ITEMS. DISCUSSION OF golf carts.**  
**City Attorney Mora presented information on golf carts.**

{Beginning of Staff Report}

In March 2020, I provided the City Commission with a memorandum analyzing state law relating to low-speed vehicles and golf carts (the "Memo"). The Memo detailed the substantive legal differences between golf carts, low speed vehicles, and other mobility devices. The Memo observed that pursuant to the then-operative version of § 316.212 (7), Fla. Stat., a golf cart could lawfully be operated on public roads and streets by any person over the age of 14. (the "Statute")

In November 2020, the City enacted Ordinance No. 2020-06 (the "Ordinance"), amending Section 62-40 of the City's Code of Ordinances to regulate golf carts and low speed vehicles. The Ordinance, mirroring the restrictions in the Statute, provided that "[a]ny person operating a golf cart within the jurisdictional boundaries of the City must be at least 14 years old.

On May 12, 2023, the Governor signed HB 949, amending the statute governing the requirements to lawfully operate a golf cart. For the City's purposes the most important changes concern amendments to § 316.212 (7), Fla. Stat., governing who may lawfully operate a golf cart. Pursuant to this amendment a golf cart **cannot** be operated on public roads or streets by a person who:

- (a) is under **18** years of age, *unless* he or she possesses a valid learner's driver license or valid driver license; or
- (b) is over **18** years of age, *unless* he or she possesses a valid form of government-issued photographic identification.

Said differently, anyone under 18 **can** lawfully operate a golf cart if they have their driver license or learner's license. Similarly, anyone over 18 **can** lawfully operate a golf cart if they have valid government-issued photo-ID. Though this amendment does not take effect until October 1, 2023, it was most likely intended to resolve the administrative challenges for law enforcement trying to determine and objectively establish the age of golf cart operators.

Considering this statutory amendment, I recommend the City amend its code to align it with state law.

[End of report]

City Attorney Mora stated the law on golf carts has changed since the City enacted their own golf cart Ordinance No. 2020-06 in November of 2020. At that time the law provided a person of the age of 14 or older to lawfully operate a golf cart. On May 12, 2023, the Governor signed HB 949, amending the statute governing the requirements to lawfully operate a golf cart to; 18 years or younger with a driver's license or learner permit, and over 18 years of age with some form of government issued identification. Currently the City's code reads that a golf cart could be operated by any person over the age of 14.



Mayor-Commissioner Kennedy asked if anyone had any questions and if everyone agreed with staff preparing an ordinance on golf carts. Unanimous approval by acclamation.

Commissioner Bond asked what the status on the subject of motorized vehicles on the beach such as electric bicycles. City Attorney Mora replied that there is a legal distinction between golf carts, low speed vehicles and electric bicycles and that would be another subject.

**Motion** was made by Commissioner Houseberg and seconded by Vice-Mayor Commissioner Bond to adjourn at 7:43 p.m. Unanimous approval by acclamation.

**ROLL CALL VOTE:**

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

**NAYS: NONE**

**MOTION TO APPROVE 5-0**

**9. OTHER BUSINESS. None.**

**10. ADJOURNMENT.**

**Motion** was made by Commissioner Houseberg and seconded by Vice-Mayor Commissioner Bond to adjourn at 7:43 p.m. Unanimous approval by acclamation.

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

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

Attest: \_\_\_\_\_  
Lorin A. Kornijtschuk, City Clerk  
/LAK

**AGENDA ITEM NO. 5B**

**CONSENT AGENDA**

**CONFIRMING the action taken during the  
September 6, 2023, Special City Commission  
Meeting.**

**AGENDA MEMO**  
**INDIAN ROCKS BEACH CITY COMMISSION**

**MEETING OF:** September 12, 2023      **AGENDA ITEM:** 5B

**ORIGINATED BY:** Lorin A. Kornijtschuk, City Clerk

**AUTHORIZED BY:** Brently Gregg Mims, City Manager 

**SUBJECT:** Confirming action taken during the September 6, 2023 Special City Commission Meeting.

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**BACKGROUND:**

Pursuant to Charter, Section 4.12, Special Meetings of the Commission, decisions taken at a special meeting shall be confirmed at the next regular meeting.

The City Commission took the following action during the September 6, 2023 Special City Commission Meeting:

- 1A. ORDINANCE NO. 2023-04 — ADOPTED ON FIRST READING.** Adopting the final levying of ad valorem taxes for the City of Indian Rocks Beach, Pinellas County, Florida, Fiscal Year 2024 at 1.7300. **UNANIMOUS APPROVAL.**
  
- 1B. ORDINANCE NO. 2023-05 — ADOPTED ON FIRST READING.** Adopting a budget for Fiscal Year 2024. **UNANIMOUS APPROVAL.**

**MOTION:**

I move to confirm the action taken during the September 6, 2023 Special City Commission Meeting.

/lak

**AGENDA ITEM NO. 5C**

**CONSENT AGENDA  
Resolution 2023-07**

**Calling for a Municipal General Election on  
March 19, 2024.**

**INDIAN ROCKS BEACH CITY COMMISSION  
STAFF REPORT**

**MEETING OF:** September 12, 2023      **AGENDA ITEM:** 5C

**ORIGINATED BY:** Lorin A. Kornijtschuk, City Clerk

**AUTHORIZED BY:** Brently Gregg Mims, City Manager



**SUBJECT:**                    **RESOLUTION NO. 2023-07.** Calling for a general election for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two Commissioner Seats for two-year terms and entering into a contract with the Pinellas County Supervisor of Elections for the **MARCH 19, 2024 MUNICIPAL GENERAL ELECTION.**

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**BACKGROUND:**

The City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106.

Pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections.

The City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their Municipal General Election to be held on March 19, 2024.

The Pinellas County Supervisor of Elections has agreed to provide such assistance to the City subject to conditions, considerations, and agreements.

The Pinellas County Supervisor of Elections advised that final ballot language for the March 19, 2024, Ballot is due on or before December 31, 2023.

Pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election, December 19, 2023, the City Clerk shall transmit to the Pinellas County

Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

*CANDIDATE QUALIFYING WILL BEGIN MONDAY, DECEMBER 4, 2023, AT NOON, AND WILL END MONDAY, DECEMBER 11, 2023, AT NOON.*

The outcome of the election for the Mayor-Commissioner Seat and two Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

The Pinellas County Canvassing Board will conduct the Logic and Accuracy Tests, open and prepare absentee/mail ballots for tabulation and tabulate all ballots for the March 19, 2024, General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

The City Manager is authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Elections Service Center.

The Pinellas County Supervisor of Elections shall be responsible for appointing all poll workers.

The Pinellas County Supervisor of Elections is hereby authorized to independently verify candidate petition cards and determine their compliance with the legal and administrative requirements of the City's and Florida's election laws.

Election tabulation will take place at the Elections Service Center. Election results will be released throughout the night and posted to the Pinellas County Supervisor of Elections' website, [www.votepinellas.com](http://www.votepinellas.com). Only cumulative results will be released on election night. No results will be suppressed. The Elections Office will provide precinct results when the Pinellas County Canvassing Board certifies the official results.

**MOTION:**

I move to **APPROVE/DENY RESOLUTION NO. 2023-07**, calling for a general election on March 19, 2024, for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two City Commissioner Seats for two-year terms: establishing a candidate qualifying period: authorizing the City Manager

to enter into a contract with the Pinellas County Supervisor of Elections; establishing a polling place; authorizing the Pinellas County Supervisor of Elections to verify candidate petition cards and facilitate the election process.

/lak-9/7/2023

**CITY OF INDIAN ROCKS BEACH  
RESOLUTION NO. 2023-07**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, CALLING FOR A GENERAL ELECTION FOR THE PURPOSE OF ELECTING, AT LARGE, QUALIFIED CANDIDATES TO FILL THE VACANCIES OF THE MAYOR-COMMISSIONER SEAT AND TWO CITY COMMISSIONER SEATS FOR TWO-YEAR TERMS; ESTABLISHING A CANDIDATE QUALIFYING PERIOD; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS; ESTABLISHING A POLLING PLACE FOR THE MARCH 19, 2024 ELECTION; AUTHORIZING THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS TO VERIFY CANDIDATE PETITION CARDS AND FACILITATE THE ELECTION PROCESS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Indian Rocks Beach is subject to and has adopted the applicable provisions of the Florida Elections Code, Florida Statute Chapters 97 through 106; and

**WHEREAS**, pursuant to Charter Section 3.1, Manner of Holding Elections, the City Commission of the City of Indian Rocks Beach shall, by resolution, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof and said City Commission shall also by resolution provide such polling place or places as they deem expedient. The Pinellas County Canvassing Board shall serve as the canvassing board for the City for the purpose of declaring the results of elections; and

**WHEREAS**, the City of Indian Rocks Beach has requested the assistance from the Pinellas County Supervisor of Elections in conducting their municipal general election to be held on March 19, 2024; and

**WHEREAS**, the Pinellas County Supervisor of Elections has agreed to provide such assistance to the City subject to conditions, considerations, and agreements; and

**WHEREAS**, the Pinellas County Supervisor of Elections has advised that final ballot language for the March 19, 2024, Ballot is due on or before December 31, 2023; and

**WHEREAS**, pursuant to Section 22-63, Ballot Language, Subsection (g), no later than 90 days prior to the issue election, December 19, 2023, the City Clerk shall transmit to the Pinellas County Supervisor of Elections a certified copy of any ordinance calling an issue election together with the designating number, if applicable, the ballot title, and the substance of the issue.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, that:**

**Section 1.** The City of Indian Rocks Beach, Florida, Municipal General Election shall be conducted on March 19, 2024, for the purpose of electing, at large, qualified candidates to fill the vacancies of the Mayor-Commissioner Seat and two City Commissioner Seats for two-year terms.



**Section 2.** The outcome of the election for the Mayor-Commissioner Seat and two City Commissioner Seats shall be determined by the candidates receiving the greatest number of votes for each seat.

**Section 3.** Except as otherwise provided by the City Charter and Code of Ordinances, the provisions of the election laws of the State of Florida shall apply to this election.

**Section 4.** The polling place for such election shall be the Civic Auditorium, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, and the polls shall be open from 7:00 a.m. to 7:00 p.m.

**Section 5.** All persons desiring to be candidates at such election shall qualify in accordance with the provisions of the Charter and Code of Ordinances for the City of Indian Rocks Beach and the elections laws of the State of Florida pertaining to municipal elections.

**Section 6.** Candidate Qualifying Period will begin Monday, December 4, 2023, at noon, and will end Monday, December 11, 2023, at noon.

**Section 7.** The Pinellas County Canvassing Board shall conduct the Logic and Accuracy Tests, open and prepare absentee and mail ballots for tabulation, and tabulate all ballots for the March 19, 2024, General Municipal Election at the Pinellas County Supervisor of Elections' Service Center located at 13001 Starkey Road, Largo, Florida.

**Section 8.** The Pinellas County Supervisor of Elections is hereby authorized to appoint poll workers.

**Section 9.** The Pinellas County Supervisor of Elections is hereby authorized to independently verify candidate petition cards and determine their compliance with the legal and administrative requirements of the City's and Florida's election laws.

**Section 10.** The City Manager shall be authorized to contract with the Pinellas County Supervisor of Elections to conduct said election and tabulate all ballots at the Pinellas County Supervisor of Elections' Service Center.

**Section 11.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of September 2023, by the City Commission of the City of Indian Rocks Beach, Florida

\_\_\_\_\_  
Joanne Moston Kennedy, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Lorin A. Kornijtschuk, City Clerk

/lak

**AGENDA ITEM NO. 5D**

**CONSENT AGENDA  
APPROVAL OF the FY 2023-24 Law  
Enforcement Contract with the Pinellas  
County Sheriff's Office.**

**INDIAN ROCKS BEACH CITY COMMISSION  
AGENDA MEMORANDUM**

**MEETING OF:** September 12, 2023      **AGENDA ITEM:** 5D

**AUTHORIZED BY:**

Brently Gregg Mims  
City Manager



**SUBJECT:** Pinellas County Sheriff's Office FY 2023-24 Law  
Enforcement Contract for Services.

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**BACKGROUND**

During the FY 2023-24 Proposed Budget review process, the City Commission noted a 7.9% increase in PCSO law enforcement services. The total cost of law enforcement services for FY 2023-24 is \$1,275,740.

Attached to this memorandum is the proposed contract.

**MOTION**

That the City Commission approve a contract for law enforcement services with the Pinellas County Sheriff's Office at a total cost of \$1,275,740 and authorize the Mayor-Commissioner and the City Manager to sign all necessary documents and agreements.

CONTRACT FOR LAW ENFORCEMENT SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF INDIAN ROCKS BEACH, FLORIDA (hereinafter "CITY"), and BOB GUALTIERI, Sheriff, Pinellas County, Florida (hereinafter "SHERIFF").

WITNESSETH:

WHEREAS, the CITY is a municipality within the boundaries of Pinellas County, Florida; and

WHEREAS, the CITY has requested that the SHERIFF furnish law enforcement protection to its inhabitants and citizens; and

WHEREAS, the CITY desires that the SHERIFF furnish law enforcement protection on a full-time basis and do and perform any and all necessary and appropriate functions, actions, and responsibilities of a law enforcement force for the CITY; and

WHEREAS, it is further the desire of the CITY that the full, complete and entire responsibility for law enforcement within the CITY be performed by the SHERIFF for the period beginning October 1, 2023, and ending September 30, 2024; and

WHEREAS, the SHERIFF has indicated his desire and willingness to accept and fulfill the responsibilities hereinbefore mentioned;

NOW, THEREFORE, in consideration of the mutual promises contained herein and given by each party to the other, the parties hereto do covenant and agree as follows:

1. By appropriate Resolution, the City Commission of the CITY shall declare that the SHERIFF shall perform the duties and functions and shall have the power and authority of a Police Department of the CITY during the contract period.

2. The SHERIFF hereby agrees to provide all necessary and appropriate law enforcement services in and for the CITY by providing two (2) patrol deputies with patrol automobiles for twenty-four consecutive hours per day, seven days per week, which will provide coverage "around the clock".

3. The SHERIFF shall discharge his responsibility under this Agreement by the enforcement of all state laws, county ordinances applicable within the CITY and ordinances of the CITY. The SHERIFF shall bring appropriate charges for violations for all laws and ordinances. The SHERIFF or his designee shall consult with the City Commission twice annually and the City Manager monthly to ascertain the "points of emphasis" for law enforcement services deemed necessary by the City Commission or City Manager and include reports on the results of said "points of emphasis" as part of the regular monthly report.

4. All fines and forfeitures rendered in any court as a result of charges made by the SHERIFF shall be distributed as provided by general law and the rules of the court. It will be noted on all citations and notices to appear for said violations that the violations occurred within the CITY.

5. The SHERIFF shall maintain Uniform Crime Reporting records regarding crimes committed within the CITY. These records shall include the number and type of crimes committed, the number of arrests made for each type of crime, and any other information required by law. The SHERIFF will provide a monthly crime analysis report to the CITY.

6. The SHERIFF shall provide each deputy who provides services under this Agreement with a patrol automobile and all other necessary or appropriate equipment as determined by the SHERIFF, with training provided by the SHERIFF on said equipment. Other discretionary equipment and training on said equipment may be provided at the

option of the SHERIFF. The CITY may also provide additional equipment for use by deputies in the CITY. The SHERIFF may provide training on the CITY-provided equipment when determined by the SHERIFF to be feasible; otherwise, the cost and provision of said training shall be borne by the CITY.

Deputies providing services under this Agreement shall operate out of the Sheriffs Administration Building or North District Station. The cost of operating and maintaining these facilities and the cost of purchasing, maintaining, and repairing equipment issued by the SHERIFF under this Agreement shall be borne by the SHERIFF.

7. The SHERIFF shall be responsible for the appointment, training, assignment, discipline and dismissal of all his law enforcement personnel performing services under this Agreement. The SHERIFF is in compliance with Florida Statute §448.095 which references the use of E-Verify.

8. The parties to this Agreement are represented by the following attorneys:

- A. SHERIFF OF PINELLAS COUNTY  
Office of General Counsel  
P.O. Drawer 2500  
Largo, FL 33779-2500
  
- B. CITY OF INDIAN ROCKS BEACH  
City Attorney  
1507 Bay Palm Boulevard  
Indian Rocks Beach, FL 33785

9. To the extent permitted by law and as provided by Section 768.28, Florida Statutes, the SHERIFF agrees to indemnify and hold harmless the CITY from and against all loss or expense including costs and attorney's fees by reason of liability imposed by law upon the SHERIFF for damages including any strict or statutory liability under Workers' Compensation Laws because of bodily injury, including death, sustained by any person or persons, or damage to property, including loss of use thereof, arising out of or in consequence of the actions of the SHERIFF'S law enforcement personnel performing services under this Agreement in accordance with, and subject to the limitation of Section 111.07 Florida Statutes. Lawsuits and claims that may be filed from time to time hereunder shall be handled by the SHERIFF in accordance with normal procedures.

10. This Agreement shall take effect on October 1, 2023, and continue in effect thereafter through September 30, 2024, unless hereafter extended upon such terms and conditions as the parties hereto may later agree. Should either party intend to modify the terms and conditions of this Agreement, written notice must be given to the other party ninety (90) days prior to the expiration of the Agreement.

The parties agree that where the Agreement is not terminated, the terms of this Agreement shall automatically continue for 120 days beyond September 30, 2024, in the event a replacement contract has not yet been completely executed. The CITY shall continue to pay to the SHERIFF on a monthly basis the amount due per this Agreement, until such time as a replacement contract has been approved. The parties further agree that an increase, if any, in the cost of service, shall be retroactively applied for services rendered from October 1, 2024, to the approval and execution of the replacement contract, and shall be

paid by the CITY to the SHERIFF immediately for the services already provided.

11. The CITY shall pay to the SHERIFF, as payment in full for all of the services herein agreed to be performed by the SHERIFF, the sum of ONE MILLION TWO HUNDRED SEVENTY-FIVE THOUSAND SEVEN HUNDRED THIRTY-TWO DOLLARS AND NO CENTS. (\$1,275,732.00). Payment shall be made in monthly installments of ONE HUNDRED SIX THOUSAND THREE HUNDRED ELEVEN DOLLARS AND NO CENTS. (\$106,311.00). Payment shall be made on the first day of each month beginning on the 1st day of October, 2023. (See Attachment 1.)

12. In no event shall this Agreement confer upon any third person, corporation or entity other than the parties hereto any right or cause of action or damages claimed against either of the parties to this Agreement arising from the performance of the obligation and responsibilities of the parties herein or for any other reason.

13. This Agreement reflects the full and complete understanding of the parties to it and may be modified or amended only by a document in writing signed by the parties hereto and executed with the same formality of this Agreement.

*Remainder of page intentionally left blank.*



IN WITNESS WHEREOF the parties to this Agreement have caused the same to be signed by their duly authorized representative this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

ATTEST:

CITY OF INDIAN ROCKS BEACH

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
CITY ATTORNEY

(CITY SEAL)

SHERIFF, PINELLAS COUNTY, FLORIDA

\_\_\_\_\_  
BOB GUALTIERI, Sheriff


**AGENDA ITEM NO. 5E**

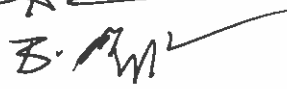
**CONSENT AGENDA**

**Authorizing the City Manager to sign  
a one-year agreement to renew  
property/casualty/workers compensation  
& flood insurance with the Public Risk  
Management (PRM) Group Health Trust for  
FY 2023-24.**

## INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: September 12, 2023 AGENDA ITEM: 5 E

ORIGINATED BY: Dan Carpenter, Finance Director 

AUTHORIZED BY: Brently Gregg Mims, City Manager 

SUBJECT: PRM Property/Casualty/Workers Compensation & Flood Insurance  
Renewal Fiscal Year 2023/24 – Authorize City Manager to sign one  
year agreement.

---

### BACKGROUND:

Each year, the IRB Administrative team works with PRM to obtain renewal quotes for both property/casualty/workers compensation and flood insurance. Public Risk Management of Florida (PRM) is a public entity risk-sharing pool dedicated to making insurance both available and affordable for its members. Currently, it provides property/casualty/workers compensation coverage. The City of Indian Rocks Beach has been a member of PRM since 2000 and has benefitted significantly from its loss prevention support programs.

### ANALYSIS:

The property/casualty/workers compensation renewal quote for FY 2023/24 provides the same level of insurance coverage and deductibles as in previous years. In total, premiums have increased 24.99% to \$245,611 for FY 2023/24. Continued rising risk in the property market led to a renewal increase for the over \$12.8 million of insured property values covered within the city. Key factors contributing to the increase in property insurance premiums include rising costs to rebuild or make repairs, and sharp increases in the premiums from reinsurance. Higher payrolls, and inflation were the main contributors to the increase in workers' compensation insurance premiums.

Preferred pool membership and full participation in loss prevention programs helped to mitigate the premium renewal amount for FY 2023/24. IRB receives a 5% discount for being a drug-free workplace and a 3% discount for our workers' compensation premium for having an active safety program.

FY 2023/24 flood insurance renewals have been received for both City Hall and the Historic Museum. The market for flood insurance has experienced continued increases on properties located within high-risk flood areas. Renewal rates for FY 2023/24 flood premiums increased approximately 10% for City insured properties.

### MOTION:

Authorize the City Manager to sign a one-year agreement to bind property and casualty insurance coverage, effective 10/1/2023, expiration 10/1/2024.

**AGENDA ITEM NO. 6A**

**PUBLIC HEARINGS**

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

**INDIAN ROCKS CITY COMMISSION STAFF REPORT**  
**MEETING OF: September 12, 2023      AGENDA Item: 6A**

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

**AUTHORIZED BY:**    Brently Gregg Mims, City Manager 

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

**BOARD OF ADJUSTMENTS AND APPEALS:** The Board of Adjustments and Appeals met on August 15, 2023 and recommended denial to the City Commission by a vote of 5-0.

**SUBJECT: 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  
Parcel#:01-30-14-42030-049-0100

---

**OWNER:**    **Greenhouse Real Estate**  
**LOCATION of PROPERTY:**                      2116 1<sup>st</sup> Street  
**ZONING:**    RM-2 – Medium Density Multifamily Residential

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

**BACKGROUND:**

The applicant is requesting to install a pool in the side yard of the duplex and encroach 3 ft in to the 7 ft side yard setback.

The duplex faces 21<sup>st</sup> Avenue but the 25 ft front yard setback is shown from 1<sup>st</sup> Street and actually measures 31.5 ft from the property line. A pool cannot be located in the 25t ft front yard setback and a pool cannot fit into the remaining 6ft in front of the duplex.

**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.)

**LEGAL NOTICE:** A legal notice was published in the July 26, 2023-Edition, of the St. Pete Times Section of the Tampa Bay Times. For a public hearing that has been scheduled for August 30, 2023, for BOA Case No. 2023-07.

**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**

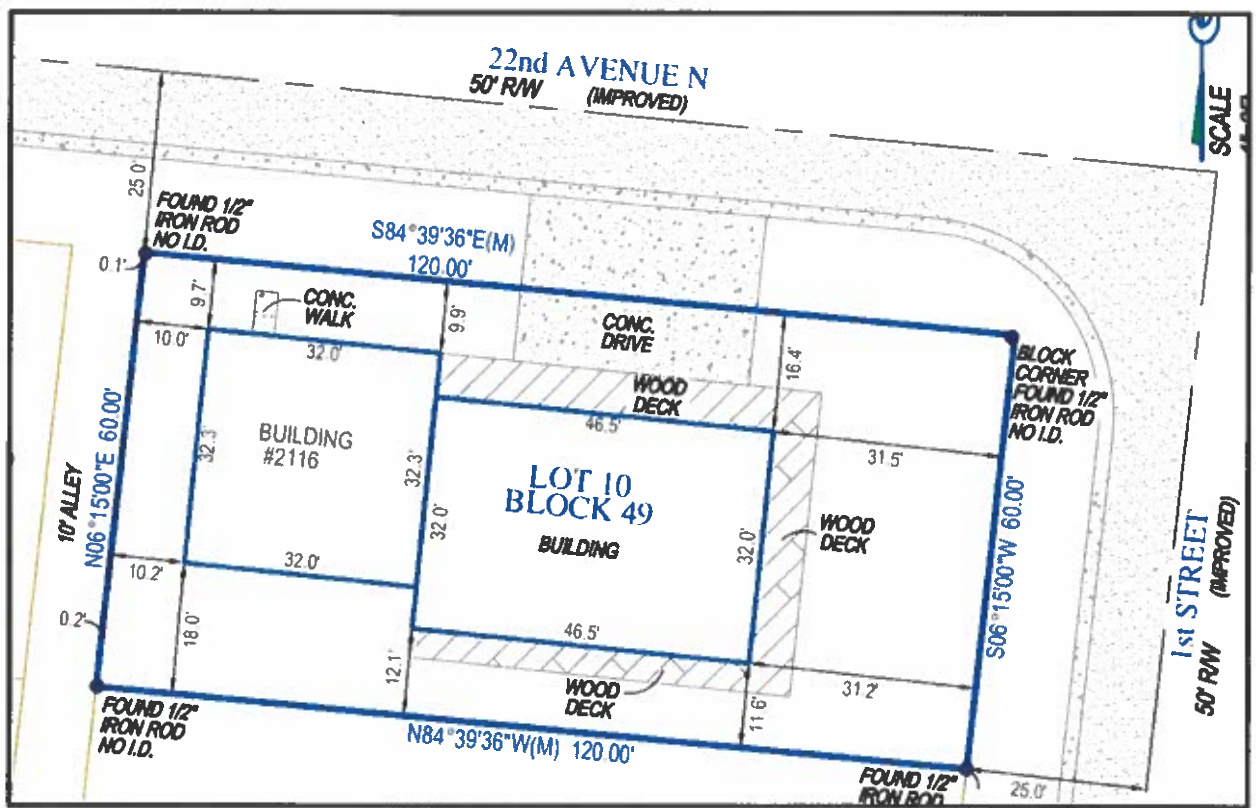
Variance request from Sec.110-344(4) of the Code of Ordinances to encroach three feet into the seven foot side yard setback resulting in a side yard setback of four feet for the installation of a pool for property located at 2116 1<sup>st</sup> Street Indian Rocks Beach, Florida, and legally described 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



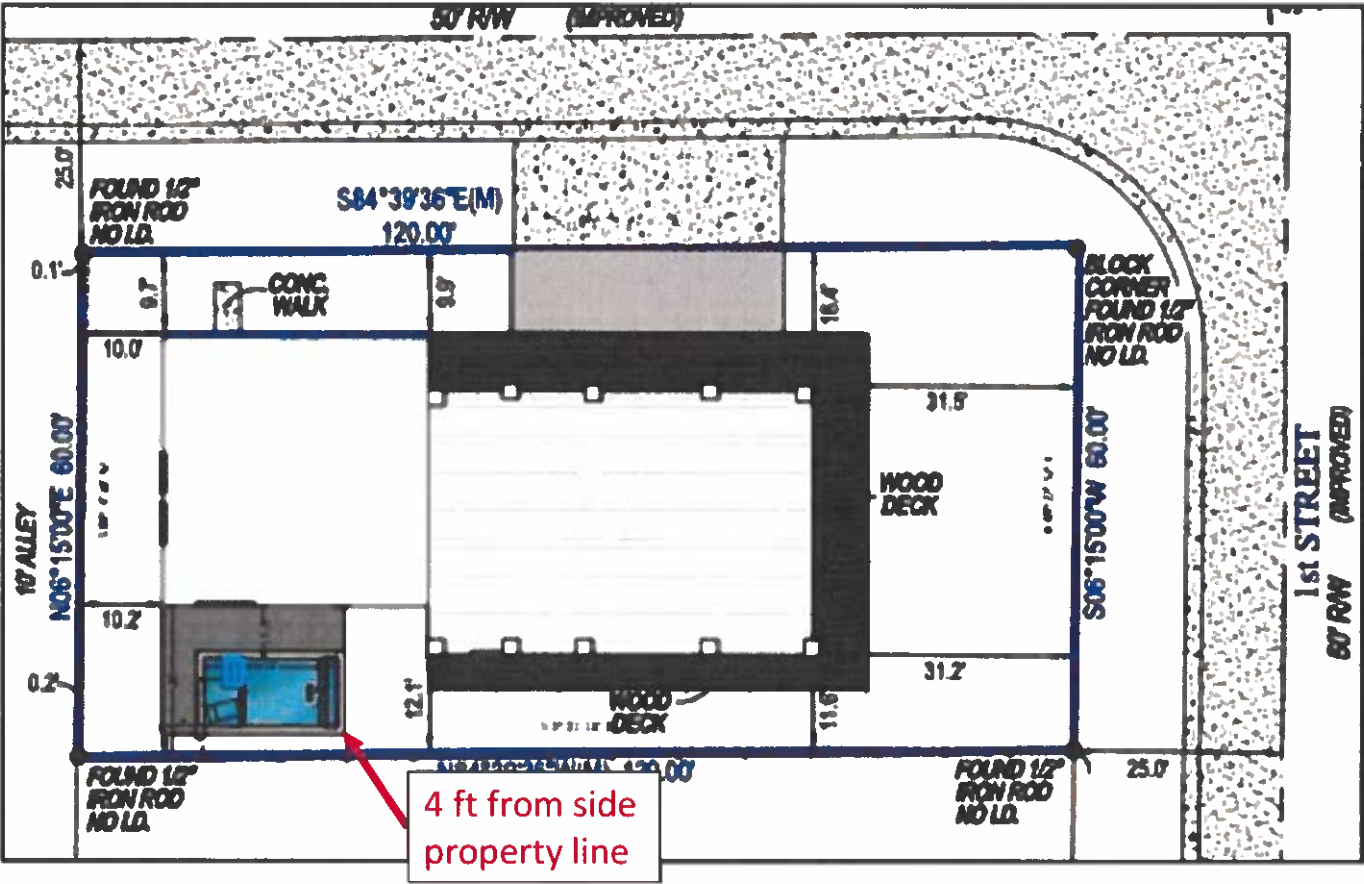
2116 1<sup>st</sup> Street.



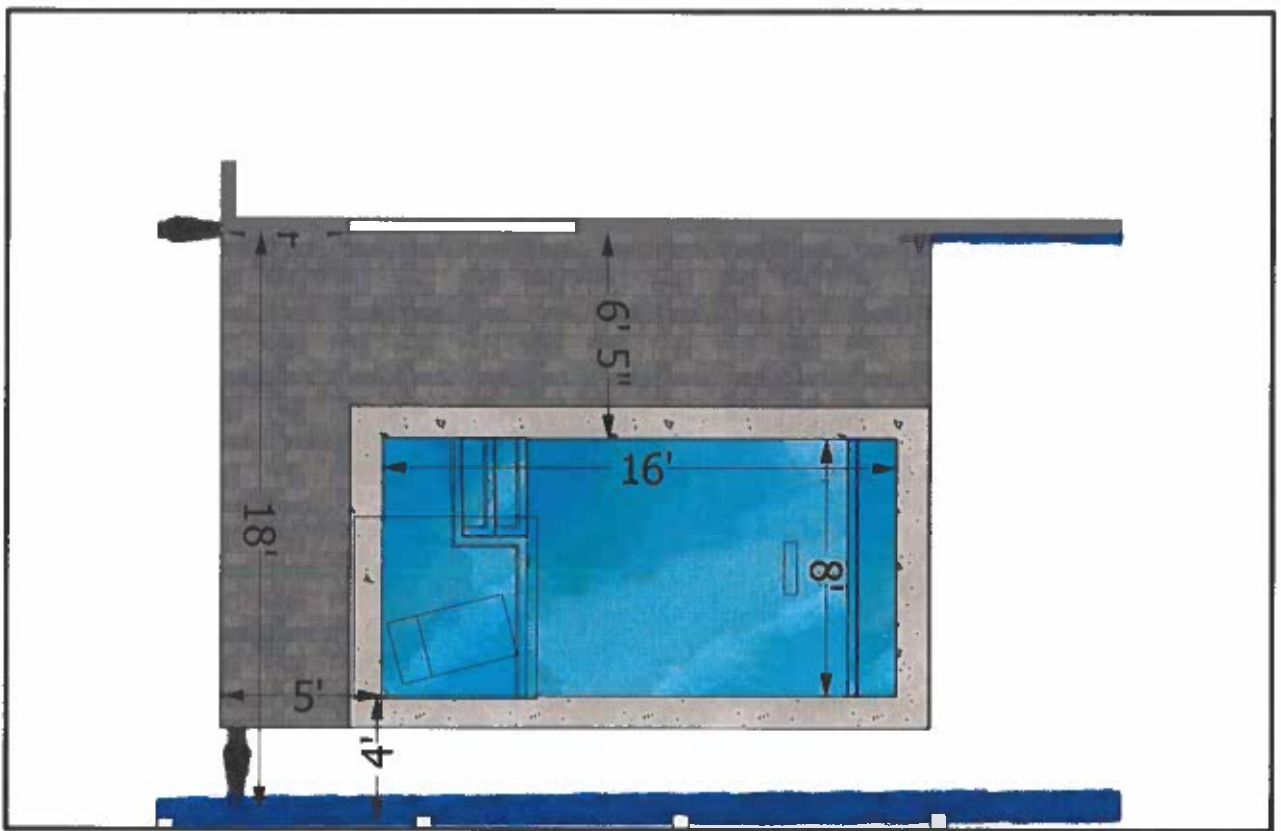
# Survey



# Proposed Pool Location



# Pool detail

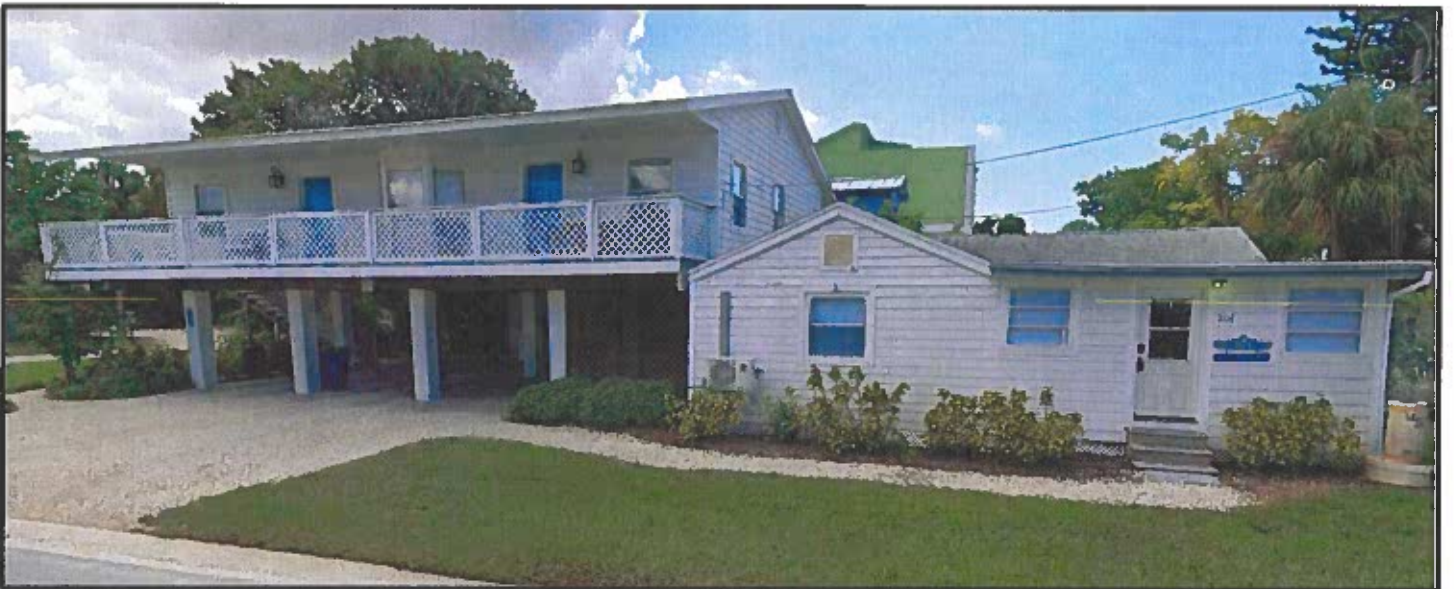




# Pool



## 22<sup>nd</sup> Avenue



## From Alley





From Alley with property to the south



Looking West



## Property to West



**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


  
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  
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. 

---

**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 [tomaspolo@aol.com](mailto:tomaspolo@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](#)

---

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.*

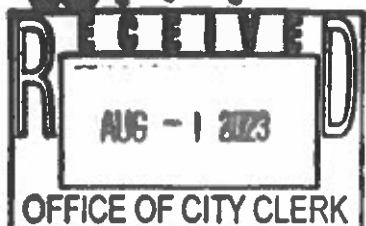


Aug 1, 2023  
Dear Horin, re: 2116 1st St

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



**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@ircbity.com  
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

**APPLICANT**

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

**AGENT/REPRESENTATIVE**

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

**SITE DETAILS**

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

**SITE DETAILS CONTINUED...**

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

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute?  Conditional  Absolute

Are there options to purchase?  Yes  No

**VARIANCE REQUEST**

**Regulation**

**Required**

**Proposed**

**Total Requested**

Gulf-front setback (feet):




Bay-front setback (feet):




Alley setback (feet):

**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?

desire to install a small pool in my side yard.

## **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 2023

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

Notary Public Commission Expiration: July 14, 2024

State of Florida  
County: Pinellas



Scott Suprenant  
Notary Public  
State of Florida  
Comm# HH011800  
Expires 7/14/2024

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.

**AGENDA ITEM NO. 7A**

**OTHER LEGISLATIVE MATTERS**

**None**



**AGENDA ITEM NO. 8**  
**WORK SESSION ITEMS**

**None.**

**AGENDA ITEM NO. 9**

**OTHER BUSINESS**

**None.**