

JANUARY 21, 2025

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

@ 6:00 PM



AGENDA

**CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS & APPEALS
TUESDAY, JANUARY 21, 2025 @ 6:00 PM
LOCATION CHANGED DUE TO DAMAGE CAUSED BY HURRICANE HELEN
MEETING TO BE HELD AT:
Holiday Inn Harbourside 401 2nd Street, Indian Rocks Beach, FL. 33785
Pelican-Sandpiper Room**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **BOA CASE NO: 2025-01- 2117 GULF BOULEVARD, INDIAN ROCKS BEACH FLORIDA**

Owner/Applicant: Esmark INC.

Subject Location: 2117 Gulf Boulevard, Indian Rocks Beach, FL. 33785.

Variance Request: Variance request from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of 11 parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach, according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida. Parcel # 01-30-14-42030-049-0010

5. **OTHER BUSINESS**

6. **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, no later than THREE (3) days before the proceeding for assistance.

POSTED: January 17, 2025.

AGENDA MEMO

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 County requires a permit to access the property from Gulf Blvd and if there are other options the permit will most likely be denied.

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 development of the office building as proposed.

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

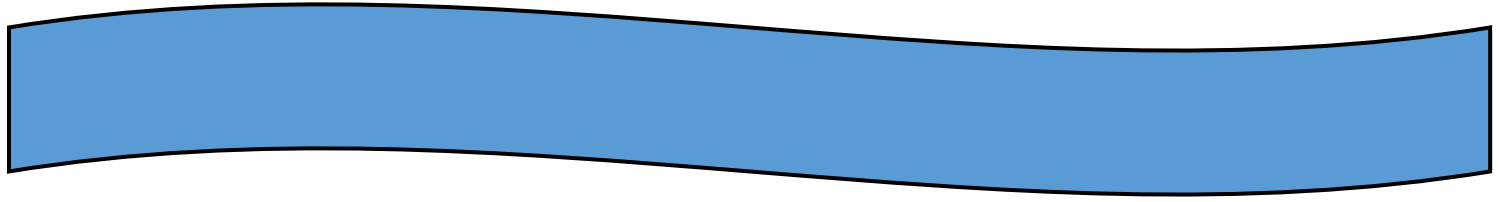
Granting the variance will not be in harmony with the general intent and purpose of subpart B.

NOTICE: A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on January 6, 2025 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: No objections were received.

MOTION:

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2025-01 – 2117 Gulf Blvd.** Variance request from Sec.110-372(5) of the Code of Ordinances, requesting a reduction of one parking space, resulting in a total of 11 parking spaces and from Sec 110-375 requesting a reduction in the aisle width of 2 ft resulting in an aisle width of 22 ft. for property located at 2117 Gulf Blvd Indian Rocks Beach, Florida, and legally described as Lot 1, Block 49 Re-revised Map of Indian Rocks Beach , according to the plat thereof, recorded in Plat Book 5, Page 6, of the Public Records of Pinellas County, Florida



2117 Gulf Blvd
BOA CASE NO. 2025-01



BOA CASE NO. 2025-01 – 2117 Gulf Blvd.

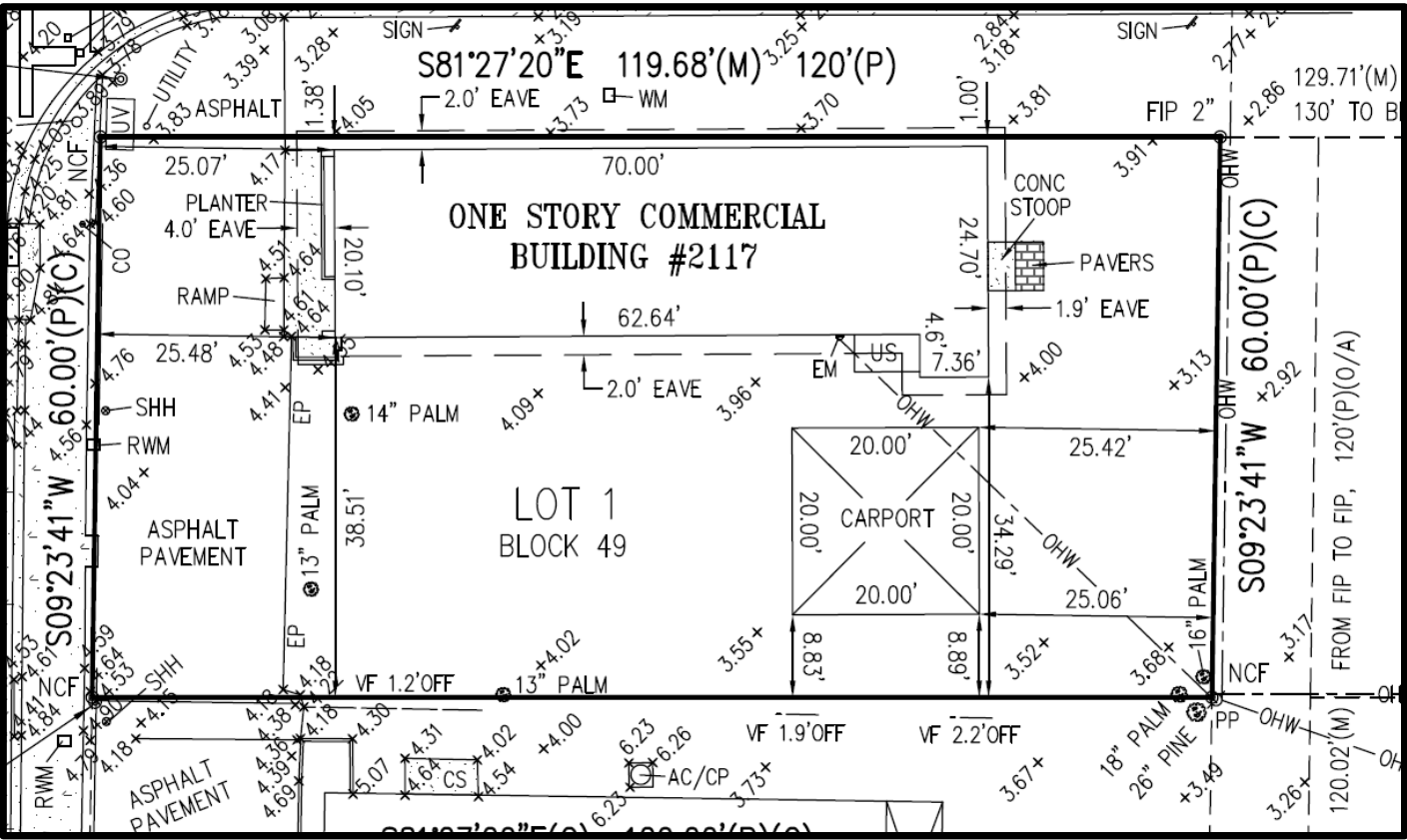
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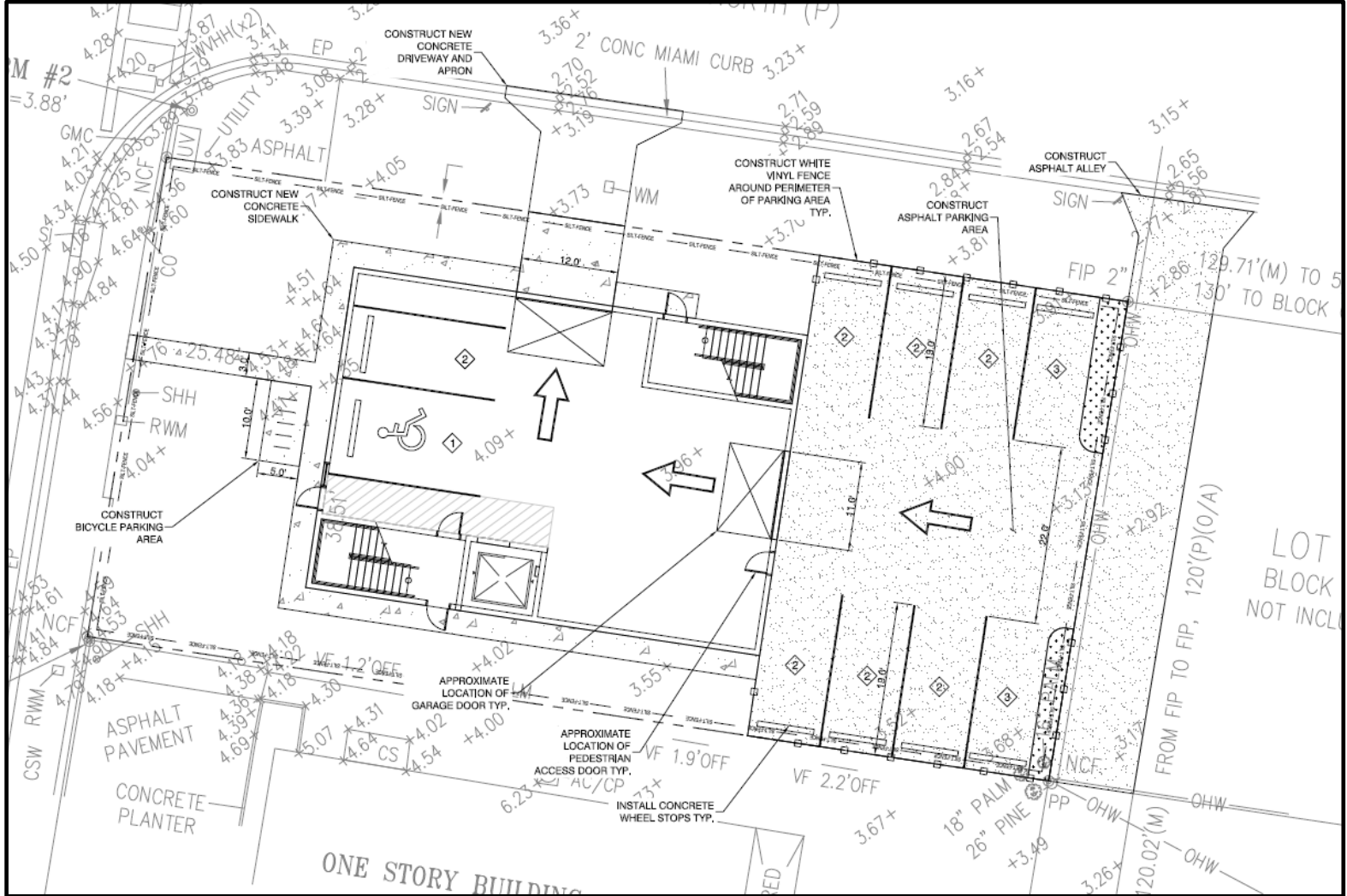
2117 Gulf Blvd



Survey



Proposed Site Plan



Looking East



Looking West



Proposed Building -not approved



APPLICATION

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

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

For Office Use Only

Application No.

Date Received

APPLICANT

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

Parcel ID:

City:

Zip Code:

Legal Description:

Zoning:

Future Land Use:

Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Gulf-front setback (feet):	<input type="text" value="N/a"/>	<input type="text" value="N/a"/>	<input type="text" value="N/a"/>
Bay-front setback (feet):	<input type="text" value="N/a"/>	<input type="text" value="N/a"/>	<input type="text" value="N/a"/>
Alley setback (feet):	<input type="text" value="15'"/>	<input type="text" value="38.5'"/>	<input type="text" value="N/a"/>

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	N/a	N/a	N/a
Rear-north/south street (feet):	N/a	N/a	N/a
Street-front setback (feet):	25'	25'	N/a
Side-one/both setback (feet):	7'/15'	10'	N/a
Minimum green space (%):	30%	31%	N/a
Habitable stories (#):	N/a	2	N/a
Minimum lot size (sq. ft.):	7,200 SF	7,200 SF	N/a
Building height (feet):	35'	< 35'	N/a
Off-street parking (spaces):	12	11	1
ISR (%):	70%	69%	N/a
FAR (%):	40%	39%	N/a
Dock length (feet):	N/a	N/a	N/a
Dock width (feet):	N/a	N/a	N/a
Signage (#):	N/a	N/a	N/a
Accessory structure (sq. ft.):	N/a	N/a	N/a
Accessory structure height (feet):	N/a	N/a	N/a
Lot size (sq. ft.):	7,200 SF	7,200 SF	N/a

Other: The requested variance is to reduce the required off street parking from 12 to 11 and to reduce the required off street parking from back-out requirement from 24' to 22' within the east parking area.

What is the proposed use of the property? Office

HARDSHIP

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

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

Due to the size constraints of the site, the required parking for this use, and the required parking stall length, providing the off street parking required within the site is not feasible. By reducing the required parking back-out and reducing the required parking based on the limited traffic associated with this particular use, this required necessary parking for this specific use can be achieved. Other site have additional length to allow the required parking and drive aisle length.

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

Due to the size constraints of the site, the required parking for this use, and the required parking stall length, providing the off street parking required within the site is not feasible. By reducing the required parking back-out and reducing the required parking based on the limited traffic associated with this particular use, this required necessary parking for this specific use can be achieved. Other site have additional length to allow the required parking and drive aisle length.

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

Granting this request will not afford any special privileges as other sites have adequate width to allow for a typical parking configuration that meets the city's parking requirements.

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:

The interpretation of the code would deprive adequate parking within the site. The purpose of the code is to allow adequate circulation within a parking area. Due to the limited traffic associated with this particular use, the reductions requested would not interfere with the literal interpretation of the code.

HARDSHIP CONTINUED...

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

Due to the size constraints of the site, the required parking per code for this land use, and required parking stall length, providing the required back-out and minimum parking is not feasible. This reduction would be the minimum needed to make reasonable use of the land based on the constraints present.

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

The interpretation of the code would deprive adequate parking within the site. The purpose of the code is to allow adequate circulation within a parking area. Due to the limited traffic associated with this particular use, this reduction would not interfere with the literal interpretation of the code and would not be detrimental to the public welfare.

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

Due to the size constraints of the site, the required parking per code for this land use, and required parking stall length, providing the required back-out and minimum parking is not feasible. The reduction of the required back-out and the limited traffic associated with the specific use on site still provides the public with safe travel and access to and from the site. For this reason, the literal interpretation of the code is met and this variance request should be granted.

CERTIFICATION

Date: November 18th, 2024

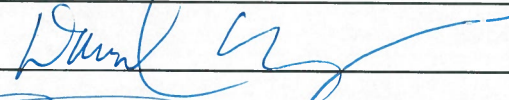
I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature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

Signature: 

Personally known/Form of Identification

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

Sworn to and subscribed before me this: Day: 18th Month: November, 2024

Notary Public State of Florida at Large: 

Notary Public Commission Expiration: 12/5/2026

State of Florida
County: Pinellas



ANTONIO LANZILOTTA
Notary Public
State of Florida
Comm# HH338323
Expires 12/5/2026

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

AGENT OF RECORD

Date: 11/18/2024

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

Name: John Burger Signature: [Signature]

My agent of record may be contacted at:

Company: ARO Engineering

Address: 780 94th Ave. N. Suite 102

City/State: St. Petersburg, FL Zip Code: 33702

Telephone: 727-527-5900 Fax:

Before me this date personally appeared:

Name: John Burger

Signature: [Signature]

Personally known/Form of Identification

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

Sworn to and subscribed before me this: Day: 18th Month: November, 2024

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: 12/5/2026

State of Florida
County: Pinellas



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Notary Public
State of Florida
Comm# HH338323
Expires 12/5/2026