

**Board of Adjustments and Appeals**  
**Tuesday, July 19, 2022**  
**@ 6:00 p.m.**



Administrative  
727/595-2517  
727/596-4759 (Fax)

Library  
727/596-1822

Public Services  
727/595-6889  
727/593-5137 (Fax)

### **AGENDA**

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

**TUESDAY, JULY 19, 2022 @ 6:00 P.M.**

**CITY COMMISSION CHAMBERS**

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

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1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES: MAY 17, 2022**
4. **BOA CASE NO. 2022-11 — 2036- 20<sup>TH</sup> AVENUE PARKWAY**  
Owner/Applicant: Timothy S. Davis  
Agent/Representative: ANIKS  
Subject Location: 2036-20<sup>th</sup> Avenue Parkway, Indian Rocks Beach  
Legal Description: Indian Beach Re-Revised 9<sup>th</sup> Add Lot 16 & Rip Rts.  
Parcel #: 06-30-15-42192-000-0160.  
Variance Request: Variance request from Sec. 110-131(1)(f.) (2)(i) of the Code of Ordinances to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house.
5. **OTHER BUSINESS.**
  - A. **CITY COMMISSION ACTION:**
    1. **BOA CASE NO. 2022-10, 1104 Beach Trail.** Withdrawn by applicant prior to the June 14, 2022 Regular City Commission Meeting.

### **6. ADJOURNMENT.**

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

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

POSTED: July 15, 2022

**AGENDA ITEM NO. 1**  
**CALL TO ORDER**



**AGENDA ITEM NO. 2**  
**ROLL CALL**

**AGENDA ITEM NO. 3  
APPROVAL OF MINUTES**

**MINUTES — MAY 17, 2022  
CITY OF INDIAN ROCKS BEACH  
BOARD OF ADJUSTMENTS AND APPEALS**

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The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, MAY 17, 2022**, at 6:00 p.m., in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

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

Chair DeVore stated that previous Board Member Wally Clark had passed away. He was a fierce public servant and a very good friend to many. He will be missed by the community greatly. He would like to have a moment of silence to dedicate to his service and his memory.

2. **ROLL CALL:**

**PRESENT:** Chair Stewart DeVore, Vice-Chair David Watt, Board Member Rick Alvarez, Board Member Michael A. Campbell, and 1<sup>st</sup> Alternate Board Member Karen O'Donnell.

**OTHERS PRESENT:** City Attorney Randy Mora, Planning Consultant Hetty C. Harmon, AICP, and City Clerk Deanne B. O'Reilly, MMC.

**ABSENT:** Board Member Jim Labadie.

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

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

3. **APPROVAL OF MINUTES:        APRIL 19, 2022**

**MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER CAMPBELL, TO APPROVE THE APRIL 19, 2022 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.**

4. **BOA CASE NO. 2022-10 — 1104 BEACH TRAIL**  
**Owner/Applicant:** Beach House of Indian Rocks  
**Subject Location:** 1104 Beach Trail, Indian Rocks Beach  
**Legal Description:** Unit Nos. 1, 2, 3, and 4, Beach House of Indian Rocks Beach. A condominium, together with an undivided interest in the common elements appurtenant thereto, according to the Declaration of Condominium recorded in O.R. Book 5342, Page 1522, and all exhibits and amendments thereof, and

**Parcel #:** recorded in Condominium Plat Book 60, Page 29, Public Records of Pinellas County, Florida.  
12-30-14-05892-000-0010, 12-30-14-05892-000-0020, 12-30-14-05892-000-0030, and 12-30-14-05892-000-0040.

**Variance Request:** Variance request from Sec. 110-131(5)(f.)(1) of the Code of Ordinance to encroach 9 feet into the required 35-foot front yard setback, resulting in a total front yard setback of 26 feet, to allow for an extra 2 feet to be added to the existing balconies on the front of the condominium.

*[Beginning of Staff Report.]*

**SUBJECT: BOA CASE NO. 2022-10 — Beach House of Indian Rocks  
1104 Beach Trail, Indian Rocks Beach**

Variance request from Sec. 110-131(5)(f.)(1) of the Code of Ordinances to encroach 9 feet into the required 35-foot front yard setback, resulting in a total front yard setback of 26 feet, to allow for an extra 2 feet to be added to the existing balconies on the front of the condominium for property located at 1104 Beach Trail, Indian Rocks Beach, Florida, and legally described as Unit Nos 1, 2, 3, and 4, Beach House of Indian Rocks Beach, a Condominium, together with an undivided interest in the common elements appurtenant thereto, according to the Declaration of Condominium recorded in O.R. Book 5342, Page 1522, and all exhibits and amendments thereof, and recorded in Condominium Plat Book 60, Page 29, Public Records of Pinellas County, Florida. Parcel #s 12-30-14-05892-000-0010, 12-30-14-05892-000-0020, 12-30-14-05892-000-0030, 12-30-14-05892-000-0040

**APPLICANT:** Beach House of Indian Rocks Beach  
**REPRESENTATIVE:** Jim Triplett  
**PROPERTY LOCATION:** 1104 Beach Trail  
**ZONING:** CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	CT
South	Residential	CT
West	Gulf of Mexico	N/A

**BACKGROUND:**

The applicant is requesting a variance for the front yard setback to increase the depth of the decks from 4 feet to 6 feet. They currently have a front yard setback of 28 feet and are requesting the 2 feet additional for the enlarged decks leaving a front yard setback of 26 feet.

## **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 condominium was built in 1982 and was approved before the new land development code was adopted in 1981.*
- 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 deprive other owners of use and enjoyment of their properties.*
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building. *This is the minimum variance to allow the owner to construct the decks 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.*

**PUBLIC 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 May 2, 2022, (Sec. 2-149 of the Code of Ordinances).



**CORRESPONDENCE RECEIVED:** Letters of support were received from: The Reef Club Condominium Association, 1000 Gulf Boulevard, the Gables Condominium Association, 1108 Gulf Boulevard, Roval, LLC, 1100 Beach Trail, and FL Sundowner, LLC, 1010 Beach Trail.

A letter of objection was received from Hugh Burton, 1102 Beach Trail.

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

*[End of Staff Report.]*

City Attorney Mora read Agenda Item No. 4, BOA Case No. 2022-10, for 1104 Beach Trail, by title only.

City Attorney Mora inquired of the members if they had any ex-parte communications with the applicant or their agent in advance of tonight's meeting concerning the application before them. All members have responded in the negative.

City Attorney Mora inquired of the members if they had conducted a site visit for the limited purpose of evaluating the application that they are considering this evening. All having members have responded in the negative.

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

Planning Consultant Harmon stated the applicant is asking for an additional 2 feet in width and additional 5 feet in length on the existing balconies. The balconies are located on the front of the condominium building, the gulf side, where the required front yard setback is 35 feet. She stated the building is nonconforming. The building currently sits at 28 feet from the front yard setback, and with the additional 2 feet, the building would be encroaching 9 feet into the required 35-foot front yard setback leaving a front yard setback of 26 feet.

Planning Consultant Harmon showed a PowerPoint presentation showing aerial views of the property, a survey, area of the variance request, the deck (balcony) plan, and the existing decks (balconies).

Planning Consultant Harmon stated the balconies are currently into the front yard setback. The site plan shows how the balconies will be enlarged in-depth and length-wise. The balconies are currently just under 4 feet in depth. It is hard to get a chair on the balconies, but increasing the balconies would be encroaching into the front yard setback even more than they already do.

Planning Consultant Harmon stated staff had recommended denial because the building is a nonconforming structure. If approved, it would increase the nonconformity of the structure.

Member Alvarez stated that the nonconforming piece is the 7-foot encroaching into the setback, with Planning Consultant Harmon responding in the affirmative.

Member Campbell stated the building is encroaching 7 feet into the front yard setback, and the variance is for an additional 2 feet onto the width of the balconies.

Member Campbell stated he assumes that a deck in the air is part of the structure and a deck on the ground is not.

Planning Consultant Harmon responding in the affirmation. She further clarified that anything that protrudes in the air needs to be within the required setbacks. Anything on the ground can go into the setbacks so long as the handrails are not above 4 feet.

**Jim Triplett, 1104 Beach Trail, Unit #3, Beach House of Indian Rocks, representative of the Beach House of Indian Rocks Condominiums**, stated this building was built in 1982. The present-day City Code was enacted in 1981. However, the building was approved before enacting the current City Code.

Mr. Triplett stated that when this building was built, it was already nonconforming. It did not meet the current required setbacks.

Mr. Triplett stated the balconies are in dire need of repair, and that is one of the bases that brought them to this point of requesting variances. For many years, the condo residents have complained that these balconies are sufficiently small that nobody can have any access to the area. The condo residents were looking to repair the balconies, but they did not believe that they would be able to obtain a building permit to repair the balconies because they would have to meet today's City Code. They thought the City Code would not allow them to repair the balconies because there is only a 3.5-foot distance from the sliding doors to the outside railings, which do not meet handicap accesses of today's standards or accessibility.

Mr. Triplett stated the requirement for anybody who is disabled or in a wheelchair requires 6 clear feet of accessibility to move about safely and fit the general safety of the public.

Member Campbell asked Mr. Triplett if he was saying that he is required to meet ADA requirements.

Mr. Triplett stated he believes that they are required to meet the standards. He thought in July 2020, the Florida Statutes and the City Code require that people have handicapped access, so with that, he is interpreting that to mean that the balconies need to be 6 feet in radius for disabled people or 5 feet in radius for a non-disabled person.

Member Campbell stated Mr. Triplett claims that it reflects only onto the balconies, not the bathrooms, not the entrances, or not anything else.

Mr. Triplett responded that since the balconies need repair, they must be brought up to code.

Mr. Triplett stated with that in mind, they decided to request a variance for an additional 2 feet in width for the balconies, which would give them the minimum requirement that they need for any future disabled person or an extra 1 foot for everyday people who need room and access.

As outlined in the Staff Report, Mr. Triplett reviewed the criteria for granting variances.

Mr. Triplett stated the balconies only allow two people on them with one table and two chairs. He said it is unsafe to be on these balconies because there is little room, and a person could trip and fall. He stated the balconies are so inadequately constructed.

Mr. Triplett stated granting the variance would not grant any special privileges to them because they are already in the setback. He said most balconies in the area are significantly bigger than what they are requesting, and clearly, they fit a regular size table and chairs.

Mr. Triplett stated the residents use the deck on the ground for gatherings because it is bigger, but it is a hazard. The handrails are not quite 4-feet high and are not sturdy.

Mr. Triplett stated if the variances are granted, the ground deck would be removed entirely and replaced with pavers.

Mr. Triplett stated the condo units are two bedrooms designed for more than two people. As it stands now and because of the smallness of the balconies, only two people can use the balconies.

Mr. Triplett stated they are only asking for the minimum variance allowed to construct the balconies. He is unsure if they will be able to obtain a permit to repair the balconies because they cannot meet City Code. Therefore, they would need a variance to repair the balconies to meet current standards.

Mr. Triplett stated that granting the variance would be in harmony with the general intent and purpose of subpart B of the Code of Ordinances, and it would not be injurious to the area. The proposed enlarged balconies are in harmony with the rest of the neighborhood, where the balconies are bigger.

Mr. Triplett stated the whole idea is to make people have equity when they request variances, and at the current stage, they do not have equity. They would at least like to have that minimum equity needed to keep safe, have the balconies meet City Code, and go forward with their lives as residents of the building.

Mr. Triplett reviewed the ten photographs that he submitted with the application. The photos show the size of the balconies, the chairs and a table on a balcony, a balcony

looking toward the gulf and overlooking the ground floor wooden deck, the handrailings of that deck, and the back and front of the condominium building.

Mr. Triplett stated a 3.5-foot balcony would not meet the City Code today and explained that the chair is right in the egress door. The person coming in and out of that door has about 14 inches of space to move around.

Mr. Triplett stated the handrailings of the ground floor wooden deck are falling apart, and no repairs have been done because they have applied for a variance. He said in high winds, he believes the railings would fall apart. He stated the sidewalks are connected to the building underneath and come around and attached to other decks that the residents can walk on. They would remove all of that and replace it with stone that would be secured.

City Attorney Mora stated for purposes of the record, the applicant played a video entitled "*Video 1, Balcony Restrictions, Lack of Access*," with a run time of 39 seconds.

City Attorney Mora stated for purposes of the record, the applicant played a video entitled "*Video 2, Distance Perspective*," with a run time of 1 minutes and 30 seconds, and the video was played in full.

City Attorney Mora stated for purposes of the record, the applicant played a video entitled "*Amount of Balcony Added*," with a run time of 7 seconds.

Mr. Triplett stated overall, the owners feel that they fit the variance criteria and are not looking for anything special just to be able to change the one thing about this building that is a serious issue. The condo association's request is for an additional 2 feet to the width of the existing balconies. The 2 feet would allow the owners just the minimal sufficient room to have guests, have regular chairs, not trip over things on the balconies, and be generally safe. Adding the 2 feet would allow disabled individuals to enjoy the balconies as well.

Chair DeVore asked if there is anything in place that allows handicapped accessibility to the second floor of this complex?

Mr. Triplett responded that they have not had to address that at this particular point. He stated that once the disabled person was in the unit, they would stay in the unit unless they had a doctor's appointment or had someplace to go. He thinks that is how it generally works with older adults.

Chair DeVore asked if there are handrailings going up from the ground floor to the living units.

Mr. Triplett responded in the affirmative. For a disabled person to be in a unit and not be able to have the one benefit of the one thing that is the most unique and best thing about that complex is to enjoy the view of the gulf sitting out on the balcony. He stated that would be the one thing that a disabled person would be missing. They would not be able to get on the balcony without significant difficulty.



Chair DeVore stated he understands there are varying levels of disabilities.

Vice-Chair Watt stated that Mr. Triplett had made a lot of this about handicapped accessibility. He is not a building official or code enforcement officer, but he feels that Mr. Triplett is mistaken. He does not think that the balconies would have to be widened to 6 feet. Because it is a residential property, it is not a commercial, public property, and the building already exists. He does not think that is something the applicant would have to do unless the applicant has found something different or has been told that the balconies do not meet City Code. He does not think that is the case.

Vice-Chair Watt stated he does know a fair amount about it, but he is not an expert on handicap accessibility. He said if the applicant got into actual handicap accessibility, the minute the furniture was placed on the balcony, the handicap accessibility would probably be taken away.

Vice-Chair Watt stated that not all balconies are patios. There are a lot of walk-out balconies, and this is what these balconies look like to him that the complex is trying to use as patios, understandably, and he would want that as well. But, the balconies were not built that way. There are ones that are even narrower or basically where the sliding glass door can only be opened to just lookout.

Vice-Chair Watt stated that this is where it becomes hard on the Board from a hardship standpoint. The furniture on the balcony is rather sizable and the chairs have arms on them, so some things can be done to help appease that without a variance.

Vice-Chair Watt said it is okay if the applicant wanted to comment on his remarks. Those were just some thoughts because the applicant made a lot of it around the furniture and handicap accessibility.

Mr. Triplett responded by saying he looked at the City Code, and he could not find anything that distinguished between residential and commercial properties. The City Code talked about accessibility under new construction. Secondly, they can make accommodations for anyone regarding the furniture they need. The furniture is removable. That still does not change the actual size of the balcony. If everything were removed from the balcony, there would not be sufficient room for a wheelchair.

Vice-Chair Watt stated Mr. Triplett again is making this a lot about wheelchair accessibility, and he is not sure that is the thing to hang his hat on here. If there was no furniture on the balcony, a person in a wheelchair could be wheeled straight out and have a view. If there was furniture on the balcony, a wheelchair could not fit even on a 6-foot balcony. Handicap accessibility is the wrong direction to go, and again these are just points he is making.

Member Campbell stated the applicant is not contending that he has a right to a balcony, with Mr. Triplett responding in the affirmative.

Member Campbell asked if Beach House of Indian Rocks has applied for a building permit to rebuild those existing balconies?

Mr. Triplett responded no.

Member Campbell asked why Beach House of Indian Rocks has not applied for a building permit?

Mr. Triplett stated that they have not applied for a permit because they will incur engineering costs of \$6,000. He said rather than go through the process of getting pricing for engineering and then have it denied. He knows enough about the building industry to know that buildings have to meet code by most standards today. If they cannot meet the code in this case, how can they get a building permit?

Member Campbell stated the building currently does not meet City Code because the building is nonconforming by encroaching into the front yard setback by 7 feet.

Member Campbell stated the applicant is not asking for 2 feet but instead 9 feet. He is asking the Board to validate that the building that already encroaches into the front yard setback by 7 feet and to make that encroachment even more significant by 2 feet.

Mr. Triplett stated he would never expect the Board to validate something done in the past.

Member Campbell stated the variance is to encroach 9 feet into the 35-foot front yard setback.

Mr. Triplett stated they are requesting an additional 2 feet to the existing 7 feet encroachment into the front yard setback.

Member Campbell stated that the additional 2 feet is the keyword. If the Board grants the 2 feet, then the Board has validated the existence of this nonconforming building.

City Attorney Mora opened the public comment session on the agenda item.

**Hugh Burton, 1102 Beach Trail**, said he would like to be an accommodating neighbor. But, in this case, he objects to the variance. The variance request is from the property to his immediate north, a 4-unit condo at 1104 Beach Trail.

Mr. Burton stated per the request, the balconies at 1104 Beach Trail have been in place for decades and do not comply with current building codes and requirements. The balconies currently encroach into the setback by 4 feet, and now they request an additional 2 feet as well as widening to 18 feet from 10.5 feet.

Mr. Burton stated he has a hard time understanding how balconies that have been used for years are now suddenly a hardship.

Mr. Burton stated from the variance application: "They are deemed to be restrictive and that safety, movement, and access are significantly impeded for the limited space that only allows two average-size adults to occupy that space and two chairs, and all but prevents movement entirely except in the most unstable and smallest ways. The owners have relayed that a handicap, an infirmity, temporary or permanent, or wheelchair, the use of a walker or crutches, a boot, or anything of the kind prohibits access to the balcony area."

Mr. Burton stated that if he reads the variance request correctly, the argument seems to make the property more accessible to individuals with disabilities. (1) If this is the case, since there is no elevator on the property, how would someone with an infirmity get upstairs? And (2) If the goal is to make the property more accessible, then the units would have to undergo a complete and massive remodel from bathrooms, kitchens, sliding doors, interior door widths, thresholds, etc.

Mr. Burton stated he has personal experience in doing this. He remodeled a condo for his ex-in-laws several years ago on Clearwater Beach. He made it all ADA compliant because of his father-in-law — the doors were widened, the kitchen and bathroom were made more accessible, the sinks and toilets were at the right height, etc. It is just not about widening a balcony. His in-law's condo also had a balcony, but it was a smoking balcony. Those buildings were concrete, and the balconies would not be widened in any way, shape, or form. He stated his father-in-law would get as close as possible to those sliding glass doors to smoke his cigarette.

Mr. Burton stated he understands the dilemma, and it is unfortunate. However, the bigger issue is one of privacy, his. To his knowledge, he is the only full-time resident on the 1100 block of Beach Trail with vacation rental properties surrounding him. Since these units are all used by the owners but by vacation renters as well, bigger balconies invite more people that look directly back into his house. He constructed his home to provide as much privacy as possible within the guidelines of the City Codes. The further that 1104 Beach Trail balconies encroach into the setback, the less privacy he has.

Mr. Burton stated 1104 Beach Trail is the property to the north of his property and sits approximately 4 feet further toward the seawall than his property. Add on the current balconies, and that extends 7 feet.

Mr. Burton stated his house is 8 feet from the north side yard setback property line, while 1104 Beach Trail sits 5 feet 3 inches from the same line.

Mr. Burton stated the point is that everyone is already living pretty close to each other on the beach and having some privacy is a luxury. Granting this variance just takes more of his privacy away and, therefore, he objects.

Seeing or hearing no one else wishing to speak, City Attorney Mora closed the public comment session.

Panning Consultant Harmon stated the City had approved numerous balconies that have been rebuilt in the existing footprint with no handicap issue ever coming up. However, some engineering might be required to make sure the building is structurally sound to hold the balconies.

Planning Consultant Harmon stated the current balconies are under 4 feet by 10 feet, and the applicant is requesting to enlarge the balconies to 6 feet by 18 feet.

Vice-Chair Watt asked if the applicant would need a variance for the length of the balconies?

Planning Consultant Harmon responded in the affirmative.

Member Campbell asked who writes the Staff Report?

Planning Consultant Harmon responded that she writes the staff reports.

Member Campbell stated there seems to be a disconnect between staff and the applicant. He explained the Staff Report says the request is for 9 feet, and the applicant stated he is asking for 2 feet.

Planning Consultant Harmon stated the applicant is asking for an additional 2 feet in width on a nonconforming building that is currently encroaching 7 feet into the front yard setback.

Member Campbell asked if the variance is for the entire building and the enlargement of the balconies.

Planning Consultant Harmon stated the variance reflects the total encroachment of the building, including the enlargement of the balconies.

Member O'Donnell stated the applicant actually needs two variances: one for the width and one for the length.

Planning Consultant Harmon stated that is correct. The original variance was only for the width. But after the public notices were sent out, the applicant asked for a variance to the length of the balconies.

Mr. Triplett stated originally, he put in the application that he was looking for 2 feet. He understands that the building had already encroached into the front yard setback. He stated he and Ms. Harmon spoke, and she asked him to address the application, which he did so that it reflected the total encroachment of 9 feet. There was not really a disconnect there. The way he saw it was they were looking for a variance of 2 feet. He was not trying to get around anything or manipulate anything. He thought straight, black and white, looking for 2 feet, and that is it.



Mr. Triplett stated because they thought if they asked for a 2-foot variance for the width, why not ask for a variance for the length.

Mr. Triplett stated he does not know how the balconies would affect Mr. Burton's privacy since the balconies are in front of his place.

Mr. Triplett stated the condos are residential, and the by-laws specifically restrict the use of the building to six-month time rentals, twice a year to help the residents pay their taxes. The condo complex is not a commercial building.

Mr. Triplett stated the Clearwater Beach condo buildings that Mr. Burton was referring to are concrete structures with smoking balconies, and no one will change those buildings. There is no money in the world that they will spend to make those balconies bigger. He does not feel that they are on the plane like that.

Member Alvarez stated he always tries to reconcile the granting of a variance that could take somebody else's rights away, and he always likes to view things that way.

Member Campbell stated he does think that the handicapped issue has no traction whatsoever. Without having asked to repair the existing balconies, the fact that they will fall off gets no traction with him as a reason to let them encroach way further into the setback.

Chair DeVore stated that since the building was built under the old City Code, it gives him every desire to request the existing nonconformity, but adding any more to that is not, in his mind, a hardship to the City. That would just be a convenience and a luxury to the owners of the condo units.

**MOTION MADE BY VICE CHAIR WATT, SECONDED BY MEMBER CAMPBELL, TO RECOMMEND *DENIAL* TO THE CITY COMMISSION BOA CASE NO. 2022-10: VARIANCE REQUEST FROM SEC. 110-131(5)(F.)(1) OF 9 FEET INTO THE REQUIRED 35-FOOT FRONT YARD SETBACK, RESULTING IN A TOTAL FRONT YARD SETBACK OF 26 FEET, TO ALLOW FOR AN EXTRA 2 FEET TO BE ADDED TO THE EXISTING BALCONIES ON THE FRONT OF THE CONDOMINIUM FOR PROPERTY LOCATED AT 1104 BEACH TRAIL, INDIAN ROCKS BEACH, FLORIDA, AND LEGALLY DESCRIBED AS UNIT NOS 1, 2, 3, AND 4, BEACH HOUSE OF INDIAN ROCKS BEACH, A CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED IN O.R. BOOK 5342, PAGE 1522, AND ALL EXHIBITS AND AMENDMENTS THEREOF, AND RECORDED IN CONDOMINIUM PLAT BOOK 60, PAGE 29, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**ROLL CALL VOTE:**

**AYES: ALVAREZ, O'DONNELL, CAMPBELL, WATT, DEVORE**

**NAYS: NONE**

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

City Attorney Mora stated by the Board's vote, the Board has unanimously recommended to the City Commission to deny the relief requested. This is an advisory decision, and the matter will be heard at the City Commission Meeting scheduled for June 14, 2022, at 7:00 P.M.

**5. OTHER BUSINESS.**

City Clerk O'Reilly announced that there will be no meeting in June.

Member Campbell asked if a listing was available on how the City Commission voted on the variance requests.

City Clerk O'Reilly stated she will email the Board the City Commission's actions taken on BOA Cases since 2017.

City Attorney Mora stated the City Commission Minutes are available on the City's website as well.

**6. ADJOURNMENT.**

***MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER CAMPBELL, TO ADJOURN THE MEETING AT 6:55 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

July 19, 2022  
Date Approved

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

/dor

**AGENDA ITEM 4.**

**BOA CASE NO. 2022-11  
2036-20<sup>TH</sup> AVENUE PARKWAY**

# BOARD OF ADJUSTMENTS AND APPEALS

## AGENDA MEMORANDUM

**MEETING OF:**

Board of Adjustment: July 19, 2022  
City Commission: August 9, 2022

AGENDA ITEM: 4

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims, City Manager

**SUBJECT:**

**BOA CASE NO. 2022-11 – 2036 20<sup>th</sup> Ave Parkway**

Variance request from Sec. 110-131(1)(f)(2)(i), of the Code of Ordinance, to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house for property located at 2036 20<sup>th</sup> Ave Parkway, Indian Rocks Beach, Florida, and legally described as Lot 16, Ninth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Book 56, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42192-000-0160

**OWNER**

**Timothy S Davis Trust**

**LOCATION of PROPERTY:**

2036 20<sup>th</sup> Ave Pkwy

**ZONING:**

S- Single Family Residential

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

**BACKGROUND:**

The applicant is requesting a variance of 3 feet into the rear yard setback to install an attached awning to the east side of the house. The current rear setback of the west half of the house is 17.5 ft from the seawall and was constructed in 1956.

**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 house was built in 1956 and was approved before the new land development code was adopted in 1981. In 2014 the rear enclosed area on the west side was reconstructed.*

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 awning as proposed.*

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

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

**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on July 1, 2022, (Sec. 2-149 of the Code of Ordinances).

**CORRESPONDENCE:** A letter of no objection from Gordon Ross 2038 20<sup>th</sup> Ave Parkway.

**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. 2022-11 – 2036 20<sup>th</sup> Ave Parkway**. A variance request from Sec. 110-131(1)(f)(2)(i) of the Code of Ordinance to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house for property located at 2036 20<sup>th</sup> Ave Parkway, Indian Rocks Beach, Florida, and legally described as Lot 16, Ninth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Book 56, of the Public Records of Pinellas County, Florida.



# 2036 20<sup>th</sup> Avenue Parkway BOA CASE NO. 2022-11



**BOA CASE NO. 2022-11 – 2036 20<sup>th</sup> Ave Parkway**

Variance request from Sec. 110-131(1)(f.) (2)(i) of 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house for property located at 2036 20<sup>th</sup> Ave Parkway, Indian Rocks Beach, Florida, and legally described as Lot 16, Ninth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Book 56, of the Public Records of Pinellas County, Florida.





# 2036 20<sup>th</sup> Avenue Parkway

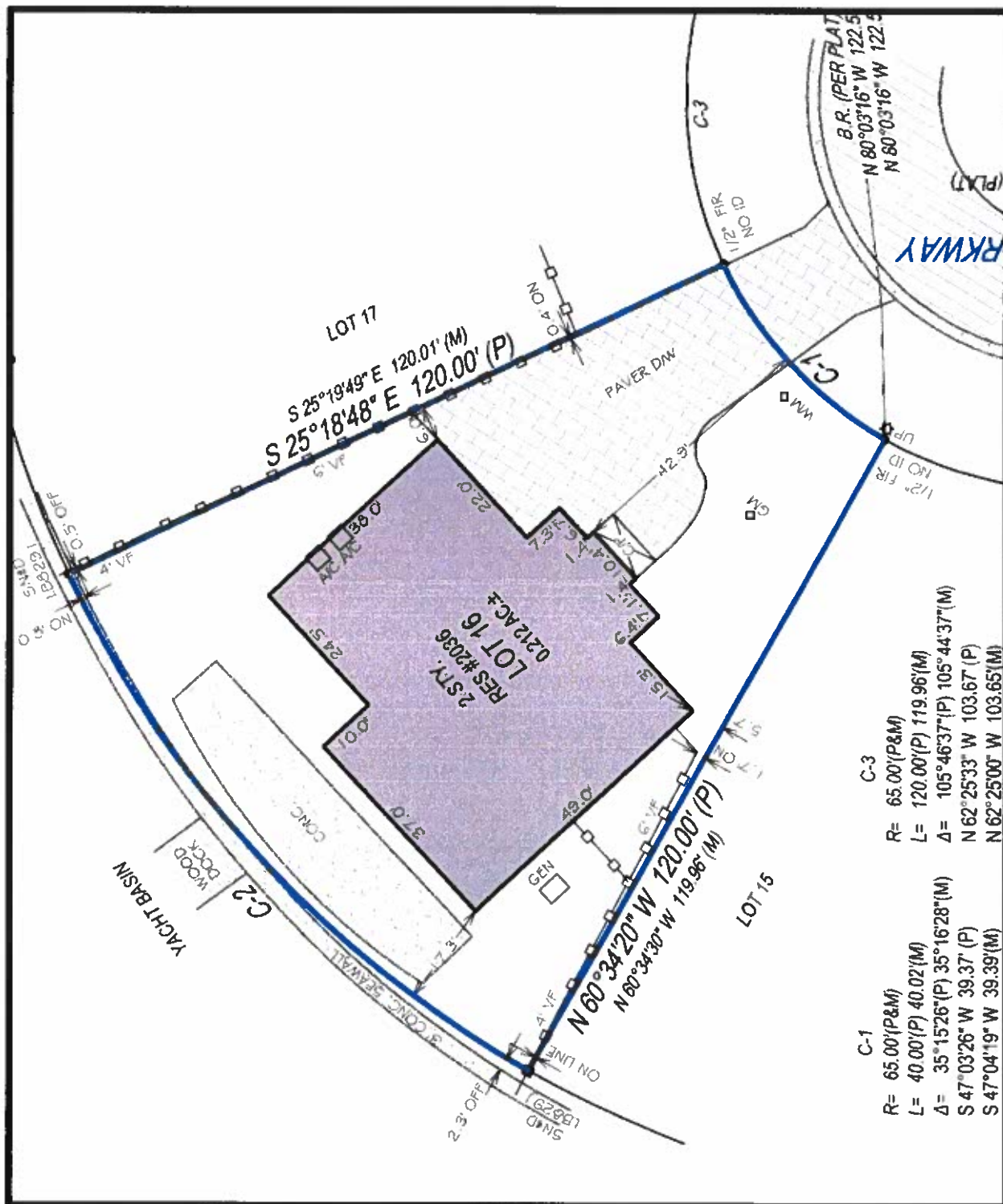


# 2036 20<sup>th</sup> Avenue Parkway

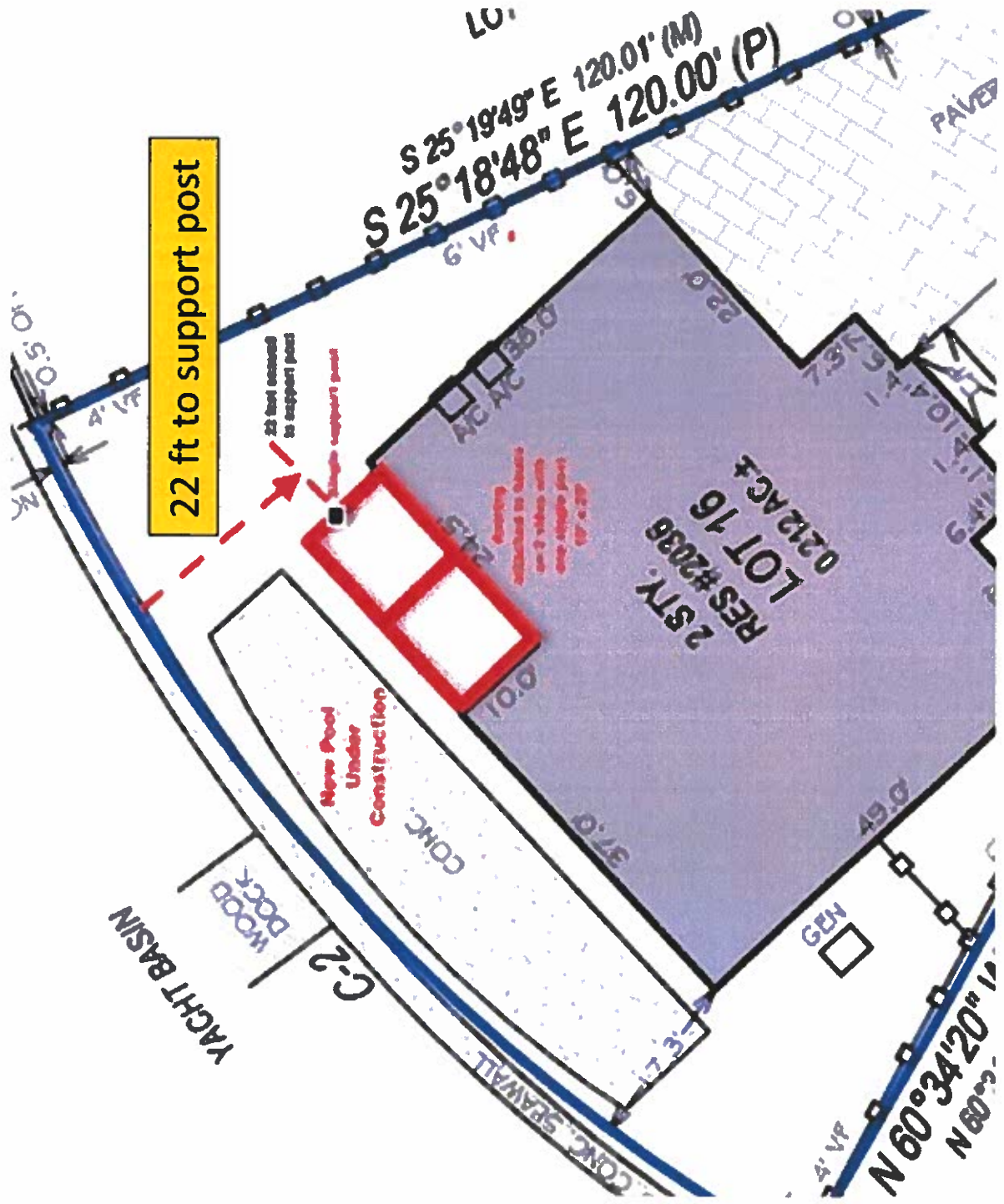




# Survey



# Proposed Awning

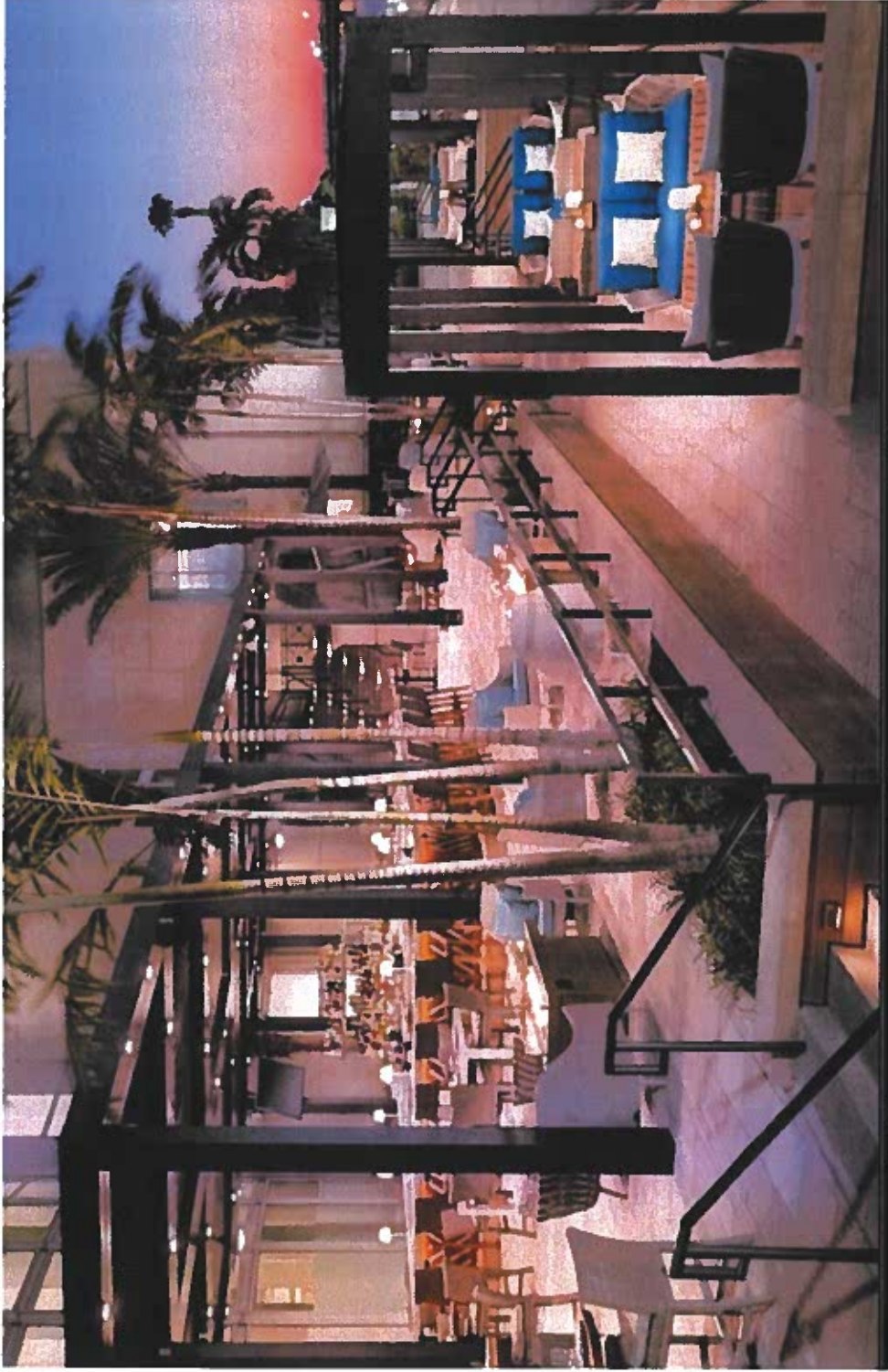




# Awning location



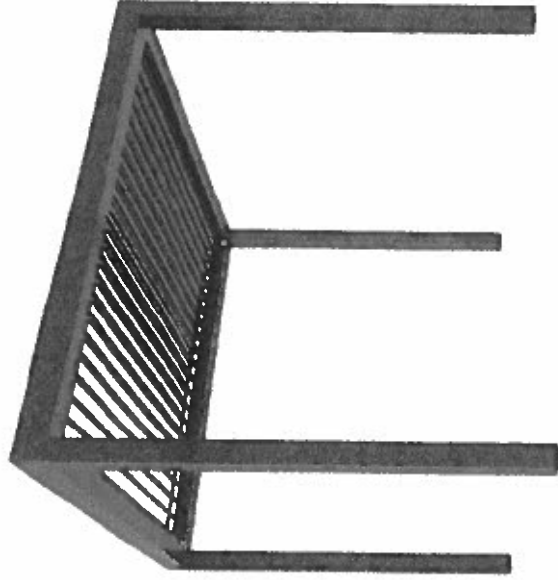
## Example of Awning



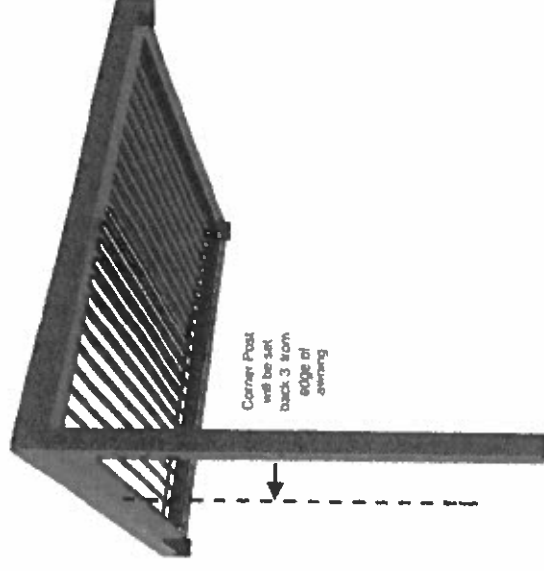


# Awning Detail

StruXure X Awning



Our Modified StruXure X awning





Administrative  
727/595-2517  
727/596-4759 (Fax)

Library  
727/596-1822

Public Services  
727/595-6889  
727/593-5137 (Fax)

**NOTICE OF PUBLIC MEETING**  
**THE CITY OF INDIAN ROCKS BEACH — BOARD OF ADJUSTMENTS AND APPEALS**  
**TUESDAY, JULY 19, 2022 @ 6:00 P.M.**  
**1507 BAY PALM BOULEVARD, INDIAN ROCKS BEACH, FLORIDA 33785**

The Board of Adjustments and Appeals of the City of Indian Rocks Beach, Pinellas County, Florida, an advisory board to the City Commission, will conduct a public meeting on **TUESDAY, JULY 19, 2022**, which meeting convenes at 6:00 p.m., or as soon as thereafter, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, on **BOA CASE NO. 2022-11**.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at the **2036- 20<sup>th</sup> Avenue Parkway, Indian Rocks Beach, Florida**, and legally described as Lot 16 & rip rts, 9<sup>th</sup> Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 27, Book 56, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42192-000-0160.

***Variance request from Sec. 110-131(1)(f)(2)(i) of the Code of Ordinances to encroach 3 feet into the required 25-foot rear yard setback, resulting in a total rear yard setback of 22 feet, to allow for an awning to be installed on the rear of the house.***

**FOR FURTHER INFORMATION REGARDING THIS REQUEST, PLEASE CONTACT PLANNING CONSULTANT HETTY C. HARMON AT 863/646-4771, EXT. 211 OR E-MAIL: [hharmon@irbcity.com](mailto:hharmon@irbcity.com)**

If you desire to either support or object to the referenced variance, you may appear at the Indian Rocks Beach Board of Adjustments and Appeals Meeting on said date, or submit in writing your support or objections to Deanne B. O'Reilly, City Clerk, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida, 33785, or e-mail: [doreilly@irbcity.com](mailto:doreilly@irbcity.com). All correspondence must be received by the City Clerk no later than **TUESDAY, JULY 19, 2022 by 2:00 p.m.** The City will make such records available during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m., to any interested person at his or her request and expense.

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

In accordance with Section 286.26, Florida Statutes, persons with a disability requiring reasonable accommodations in order to participate in this meeting should contact the City Clerk's Office with your request by telephone (727/595-2517) or email: [doreilly@irbcity.com](mailto:doreilly@irbcity.com) no later than seven (7) business days prior to the proceeding.

Notice was mailed by first class mail to the property owners within 150 feet in any direction of the subject property and posted on subject property on July 1, 2022. (Sec. 2-149 of the Code of Ordinances.)

/dor

## APPLICATION FOR VARIANCE

PERMIT #  
CPB-22-02871



## PLANNING AND ZONING DEPARTMENT

### CITY OF INDIAN ROCKS BEACH

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

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

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

### What is a variance?

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

### What materials must be included to complete an application?

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

### Is there a fee to submit an application?

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

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

(1) *Variance applications to board of adjustments and appeals:* Public hearing fees for variance or special exception/conditional use applications to be heard by the board of adjustments and appeals shall be as follow:

a. Special exceptions ....\$400.00

b. Variances:

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

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

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

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

**What is the application process?**

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

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

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

GRAPHICS: Graphics such as surveys, site plans, drawings, photographs, etc., should be submitted by email to: [do@cilly@irbcity.com](mailto:do@cilly@irbcity.com), in either PDF or JPEG format.

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

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

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

## APPLICATION FOR VARIANCE

### CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

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

For Office Use Only

Application No.

BOA 2022-11

Date Received

06/10/2022

#### APPLICANT

Name: TIM DAVIS  
Address: 2036 20TH AVE PERM  
City: IRB  
Zip Code: 33785  
Tel: 727-365-4599  
Fax:   
Mobile: 727-365-4599  
Email: TIMOTHYSHANE@ME.COM

#### AGENT/REPRESENTATIVE

Name: RANDOLPH G. BAILY  
Company: ANIKS  
Address: 9937 RACE TRACK RD  
City: TAMPA FL  
Zip Code: 33626  
Tel: 813-224-0774  
Fax:   
Mobile:   
Email: JESSIKA@ANIKS.COM

#### SITE DETAILS

Address: 2036 20TH AVE PERM Parcel ID: 06-30-15-42192-000-0160  
City: IRB. Zip Code: 33785  
Legal Description: BEACH RE-INDIAN ~~PERMITS~~ REVISED 9TH ADD LOT 16+ RIP RTS  
Zoning:  Future Land Use:   
Size: 83x120



**SITE DETAILS CONTINUED...**

Does applicant own any property contiguous to the subject property?

☐ Yes☒ NoIf 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☒ NoIf yes, is ownership or  
interest contingent or  
absolute:

Is there an existing contract for sale on the property?

☐ Yes☒ NoIf yes, list all parties on  
the contract:

Is contract conditional or absolute?

☐ Conditional☐ Absolute

Are there options to purchase?

☐ Yes☒ No**VARIANCE REQUEST**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
Gulf-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bay-front setback (feet):	<input type="text" value="25"/>	<input type="text" value="22"/>	<input type="text" value="3'"/>
Alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>

**VARIANCE REQUEST CONTINUED...**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
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?

SINGLE FAMILY (220SF ALUMINUM AWNING FOR SHAD)  
NEW AWNING IS TO COVER OUTDOOR KITCHEN

## 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:

SEE ATTACHED ~~MENT~~ A.

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

SEE Attachment A

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:

See Attachment A

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

See Attachment A

**HARDSHIP CONTINUED...**

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

*See Attachment A*

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:

*See Attachment A*

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

*See Attachment A*

1. Request immediate approval of this application for variance from Sec 110-131 (1) (f)(2)(i) rear yard setbacks. The following is a list of what you term "HARDSHIPS"
2. HARDHIP 1. is my house was built too close to the seawall. THIS IS ABOUT 3 Feet. That is how much our only support post will encroach into the seemingly arbitrary 25' setback. Obviously this was not a concern in 1956 when my home was built but was enacted in 1981 as a blanket requirement. Our "HARDSHIP" is the existing footprint of house already being in the 25 foot setback however this plan DOES NOT intrude FARTHER into this arbitrary 25 foot setback. At it's closest point, which is the Southwest corner of my home, opposite of the proposed awning location, my home was built according to my most recent survey 17.5 feet from Seawall. The one and only support post for this awning will be no closer than 22 feet from seawall.
3. Second "HARDSHIP" lack of shade for pool area making it unusable for much of the time. It is 100% hurricane proof and will not blow away like a cheap fabric awning.
4. This Awning addition occurs 100% within the existing footprint of the house and does not interfere with any other persons view outwardly. The decision in 1981 to place a blanket 25 foot setback from seawall incorrectly assumes that all lots are the same shape and size. Our lot is clearly different placed on the end of a cul-de-sac (Encl 1) and as such has a much wider seawall (Pie Shaped) front which negates the implied intent of this ordinance which we assume was to protect line of sight of adjacent properties. Our lot offers a much wider range than those placed on the inside corner of the bay (a reverse pie shape).
5. My neighbor to the Northeast, closest to awning location, Gordon Ross, 2038 20th ave parkway, gladly provided the attached signed letter him stating he has no issue or concern what so ever with the proposed awning location (encl 2) and it does not infringe on this view or property in the slightest.
6. 5<sup>th</sup> HARDSHIP. This awning is an essential part of our outdoor living space and It will provide much needed shade to allow us to maximize our outdoor time provide protection and a covered place to enjoy the water front while not protruding past the existing envelope of the house.
7. The picture below is from the StruXure web page. On the left is the stock awning and on the right you can see I have made every effort to minimize the footprint the awning makes by attaching it to the existing house and I have removed 3 of the 4 posts they show as they are not needed and add to the minimalistic effect this awning will have. Additionally, we have custom made the dimension so it will not exceed the existing elevations of the house on the any side. This custom size along with the decision to attach to the house on two sides allowing us to cantilever the post back 3 feet were I believe this in complete compliance with INTENT of the change in the set back in the first place by
  - a. eliminating 3 posts and attaching to house
  - b. not extending past the plane of the existing house on any sides
  - c. cantilevering the post back as far as structurally possible which encroaches on 25 foot setback by 3 feet.

9 of 21

StruXure X Awning



Our Modified StruXure X awning



The second photo is the ACTUAL StruXure AWNING installed at the Waterside Marriott near Amalie Arena in Downtown Tampa. As you can see this is a classy enhancement to ANY waterfront location and will seamlessly blend into our existing house.

REAL Life application of StruXure Awning @ 505 Water St Tampa installed on waterfront.



8. Since I gained ownership of property in 2011, I have been granted two permits # 201300031 and 2013000046 by the city of Indian Rocks in 2013 (encl 3) which are in the exact plane of the new awning we would like to install. I have included photos of this allowed and permitted construction at enclosure 4, 4a & 4b. This construction is perinate in that the proposed awning attaches directly to this newly constructed area and is not closer than to set back than this allowed construction 9 years ago and should be handled in the same manner and without variance.



9. I have enclosed a modified copy of our most recent survey that shows our new pool design and proposed awning location (Encl 5).
10. Enclosure 6 is an exert from the property appraisers web site that I used to show the footprint of the new awning location and clearly not protruding in any direction past the existing envelope of the home.
11. In Summary, request immediate approval of this variance because:
  - a. It seamlessly integrates into existing structure
  - b. Home built in 1956 inside of 1981 setback rules
  - c. Does not impact anyone else
  - d. Our neighbor has signed on with his approval
  - e. Home is on the end of the Cul-de-sac end affording much wider seawall exposure
  - f. Does not further encroach on the waterside setback
  - g. Falls into existing home envelope; does not extend past in ANY direction
  - h. Is needed for cover and shade from sun
  - i. Attaches to previously permitted structure
  - j. It is a classy addition to any waterfront.
  - k. Hurricane Proof and it makes more sense than umbrellas or fabric awnings
12. Thank you for your consideration.

Original Signed 6/7/22  
Timothy S. Davis, Homeowner

**CERTIFICATION**

Date: 3 July 2022

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: Timothy S. Davis

Signature: 

☐ Personally known/Form of Identification 

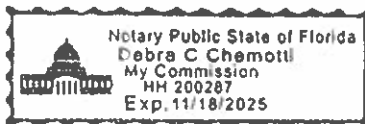
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 3 Month: June, 2022

Notary Public State of Florida at Large: Debra Chemotti

Notary Public Commission Expiration: 11/18/25

State of Florida  
County: Pinellas



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

12/21

AGENT OF RECORD

Date: 3 JUNE 2022

I, TIMOTHY S. DAVIS do hereby designate and appoint

ANIKS OUTDOOR COMFORT SOLUTIONS 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: TIMOTHY S. DAVIS Signature: [Signature]

My agent of record may be contacted at:

Company: ANIKS OUTDOOR COMFORT SOLUTIONS

Address: 9937 RACE TRACK RD.

City/State: TAMPA FL. Zip Code: 33626

Telephone: 813-224-0774 Fax: \_\_\_\_\_

Before me this date personally appeared:

Name: TIMOTHY S. DAVIS

Signature: [Signature]

☐ Personally known/Form of Identification \_\_\_\_\_

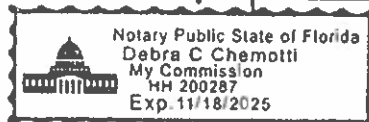
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

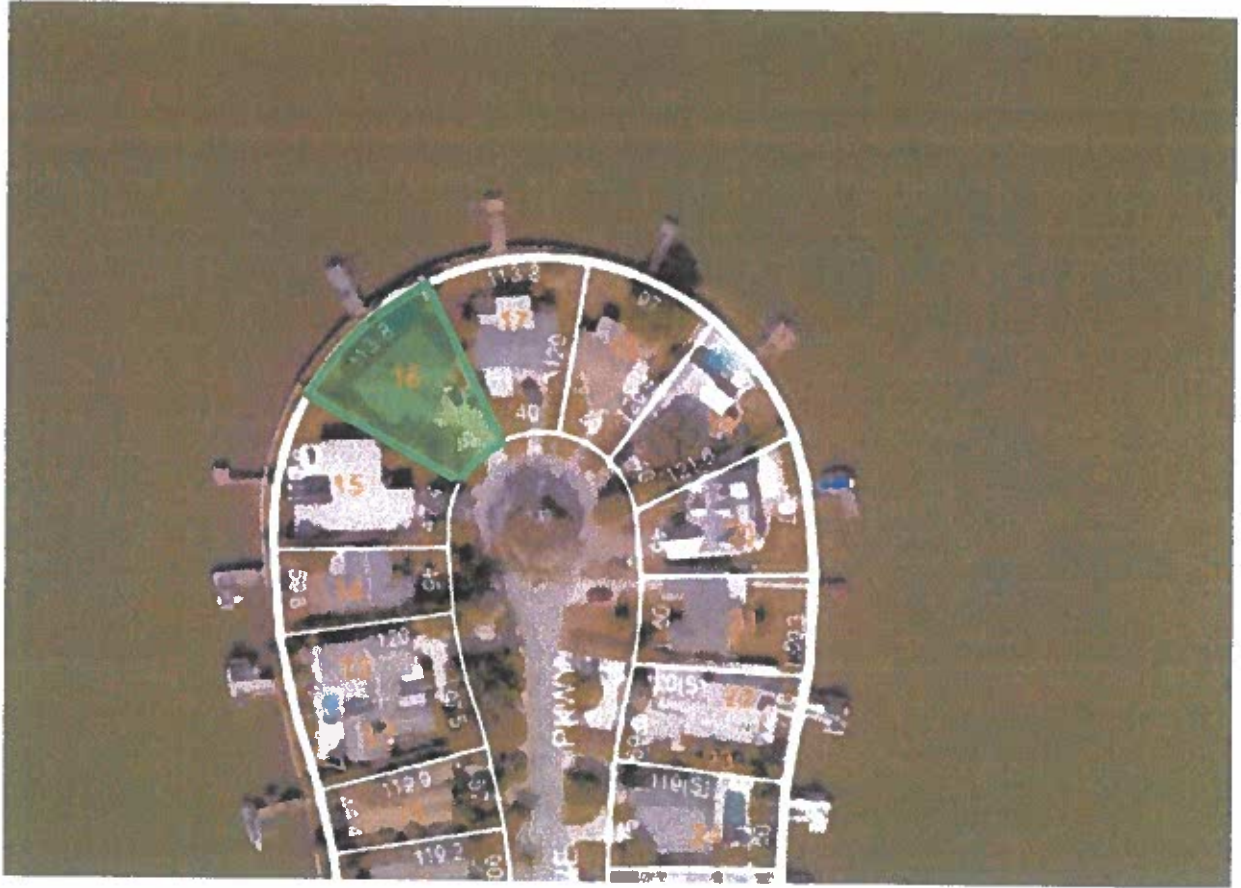
Sworn to and subscribed before me this: Day: 3 Month: JUNE, 20 22

Notary Public State of Florida at Large: Debra Chemotti

Notary Public Commission Expiration: 11/18/25

State of Florida  
County: Pinellas





ENCLOSURE 1, MY HOUSE

12/01/21

Memorandum for City of Indian Rocks Beach

Subject: Request for Variance to Add Outdoor Awning to Davis Residence, 2036 20<sup>th</sup> Ave Parkway

My name is Gordon Ross. I am the owner of the property bordering the Davis Property to the EAST, closest to the proposed location of the awning this variance addresses. I have no objections to the immediate approval of this variance and as both our properties are on the tip of the Cul-de-sac and are pie shaped, our lots are not the shaped of the lots the 25 feet variance is designed to protect. I do not view any of the existing or proposed structures on the Davis' property.

My address is 2038 20<sup>th</sup> Ave Parkway; parcel id

**06-30-15-42192-000-0170**

Highlighted in green below

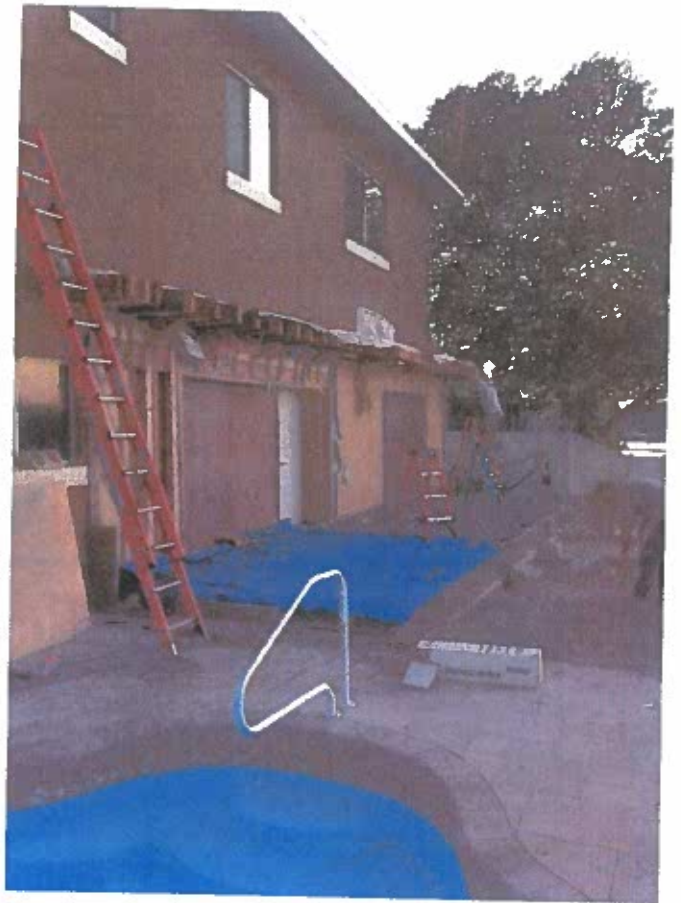




Permit Number	Description	Issue Date	Estimated Value
CBP-21-01481	SEA WALL	19 May 2021	\$48,000
CBP-20-00695	POOL	11 Dec 2020	\$0
PER-H-CB20-02919	HEAT/AIR	20 May 2020	\$6,367
PER-H-CB20-00670	ROOF	14 May 2020	\$16,883
201700955	WINDOWS/DOORS	27 Nov 2017	\$9,570
201700955	MISCELLANEOUS	27 Nov 2017	\$9,570
201600684	MISCELLANEOUS	05 Oct 2016	\$6,200
201300444	HEAT/AIR	24 Jul 2013	\$7,485
201300031	ADDITION/REMODEL/RENOVATION	29 Jan 2013	\$43,000
201300046	DEMOLITION	23 Jan 2013	\$43,000
201100637	POOL	26 Oct 2011	\$26,637
200500739	MISCELLANEOUS	07 Sep 2005	\$26,810
200500063	ROOF	08 Mar 2005	\$6,805
200400979	ADDITION/REMODEL/RENOVATION	07 Dec 2004	\$73,887
P3097301	DOCK	07 Mar 2002	\$0
200100801	BOAT LIFT/DAVIT	14 Feb 2002	\$4,500
0100189	POOL	27 Apr 2001	\$18,215
0000050	ADDITION/REMODEL/RENOVATION	23 Jun 2000	\$1,000
0000027	ADDITION/REMODEL/RENOVATION	23 Jun 2000	\$6,700
9900815	ROOF	30 Nov 1999	\$6,500

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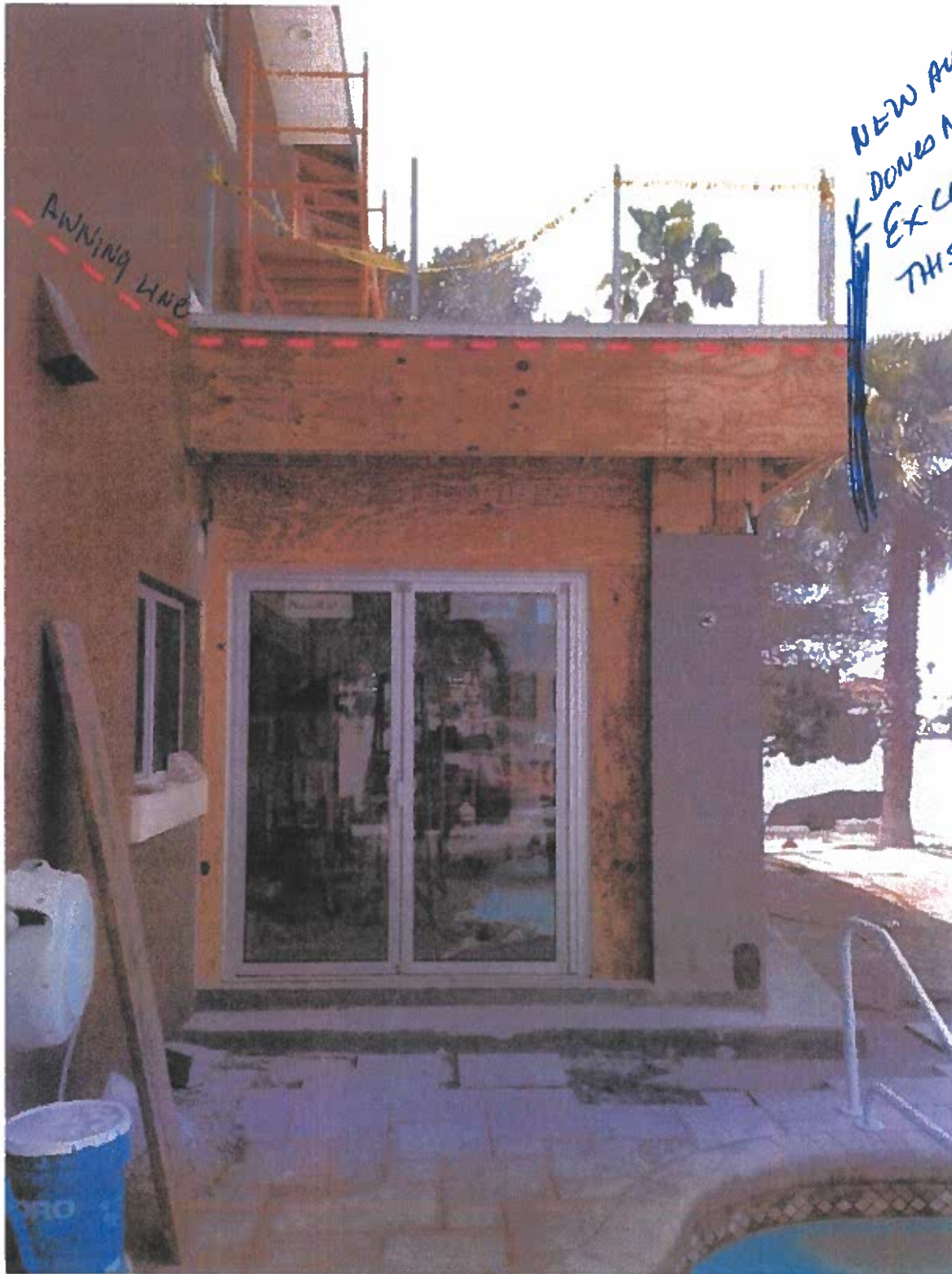
ENCL 3



ENCL 4

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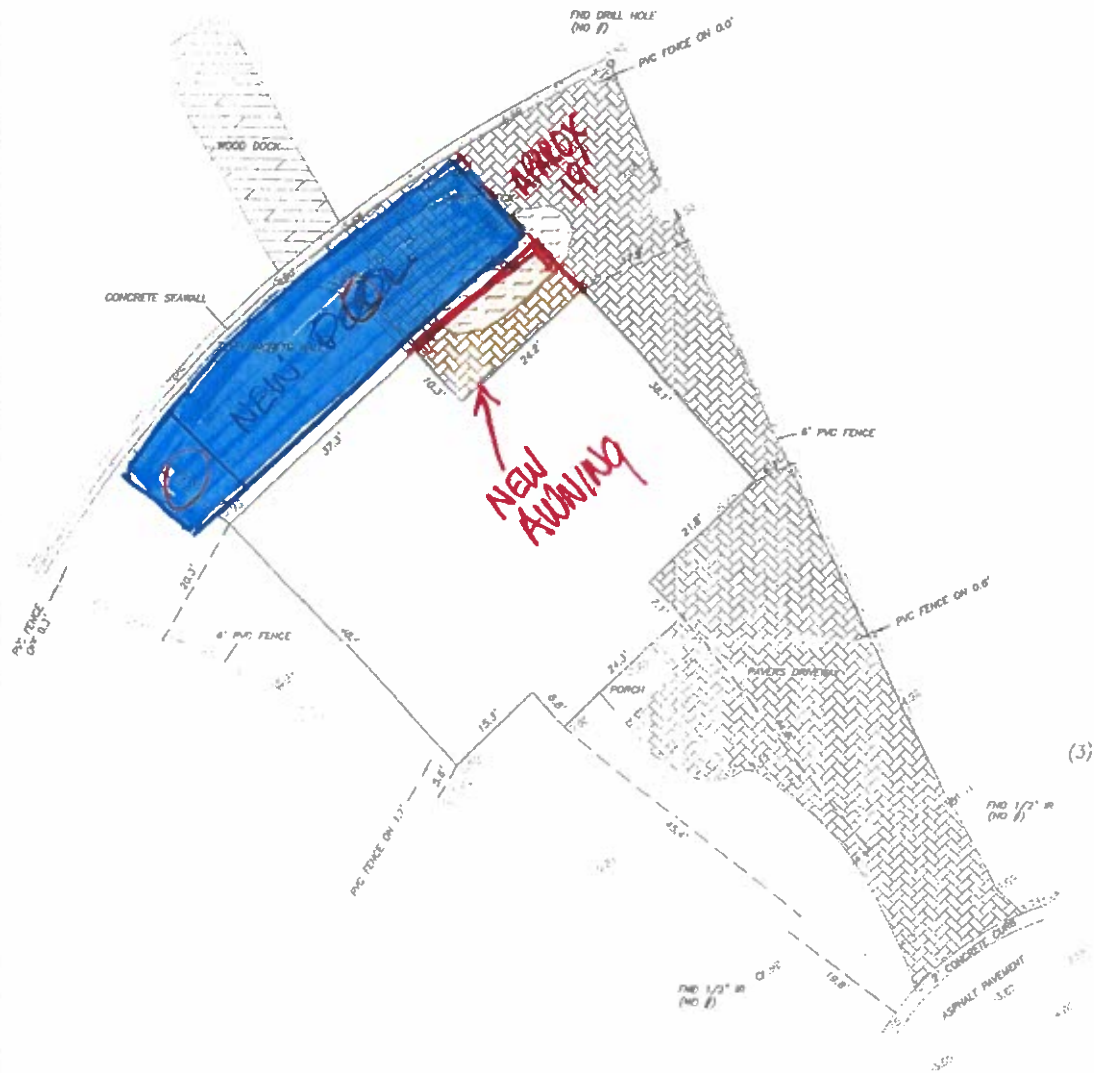




ENCL 4a NORTHEAST ATTACHMENT POINT

180F 24

7. This Survey is prepared for the exclusive use of those parties certified herein and is valid for one (1) year from Date of Certification.



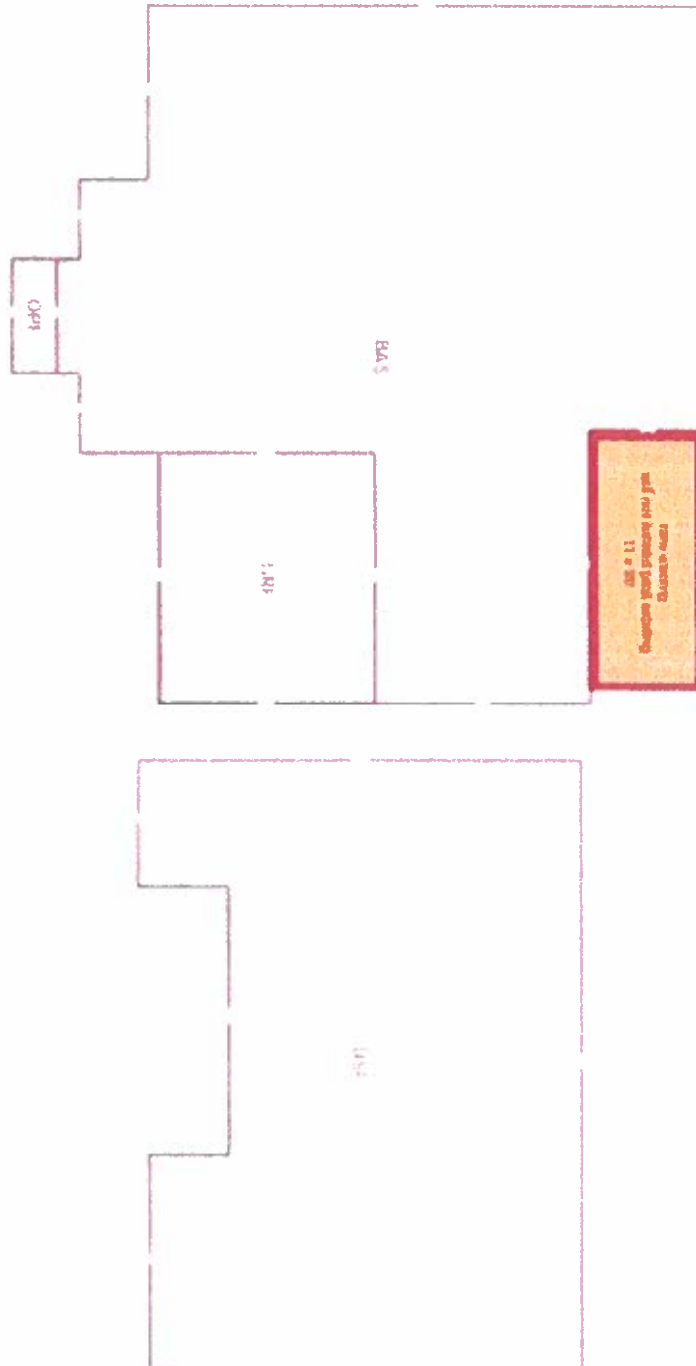
19 of 21





ENCL 4B.

20 of 21.



ENCL. 6

**AGENDA ITEM NO. 5**

**OTHER BUSINESS**



**AGENDA ITEM NO. 6**

**ADJOURNMENT**