

**Board of Adjustments and Appeals**

**Tuesday, August 16, 2022**

**@ 6:00 p.m.**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785  
www.indian-rocks-beach.com

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, AUGUST 16, 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. **ELECTIONS OF:**
    - A. **CHAIR**
    - B. **VICE CHAIR**
  4. **APPROVAL OF MINUTES: JULY 19, 2022**
  5. **BOA CASE NO. 2022-12 — 526-20<sup>TH</sup> AVENUE**

Owner/Applicant: Edwin Management & Holdings  
Agent/Representative: Edwin DiRuzza  
Subject Location: 526-20<sup>th</sup> Avenue, Indian Rocks Beach  
Legal Description: Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach.  
Parcel #: 06-30-15-42300-000-0290  
Variance Request: Variance request from Sec. 110-131(1)f.1. of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house.
  6. **OTHER BUSINESS.**
    - A. **CITY COMMISSION ACTION:**
      1. **BOA CASE NO. 2022-11 — 2036- 20<sup>th</sup> Avenue Parkway.**
  7. **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 no later than seven (7) business days prior to the proceeding for assistance.

POSTED: August 12, 2022

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

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

**AGENDA ITEM NO. 3A-B**

**ELECTION OF OFFICERS**

**A. CHAIRPERSON**

**B. VICE CHAIRPERSON**

**AGENDA ITEM NO. 4  
APPROVAL OF MINUTES**

**MINUTES — JULY 19, 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, JULY 19, 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.

**2. ROLL CALL:**

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

**OTHERS PRESENT:** Assistant City Attorney Jeremy Simon and Planning Consultant Hetty C. Harmon.

**ABSENT:** Board Member Michael A. Campbell.

**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:            MAY 17, 2022**

***MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE, TO APPROVE THE MAY 17, 2022 BOARD OF ADJUSTMENTS AND APPEALS MINUTES AS SUBMITTED. UNANIMOUS APPROVAL BY ACCLAMATION.***

**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.**

*[Beginning of Staff Report]*

**SUBJECT: BOA CASE NO. 2022-11 – 2036-20<sup>TH</sup> AVENUE 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> Avenue 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, Page 56, of the Public Records of Pinellas County, Florida. Parcel #06-30-15-42192-000-0160

OWNER Timothy S Davis Trust  
PROPERTY LOCATION: 2036-20<sup>th</sup> Avenue Parkway  
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 feet 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. *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 was received from Gordon Ross, 2038-20<sup>th</sup> Avenue Parkway.

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

*[End of Staff Report]*

Assistant City Attorney Simon read Agenda Item No. 4, BOA Case No. 2022-11, for 2036-20<sup>th</sup> Avenue Parkway, by title only.

Assistant City Attorney Simon asked 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.

Assistant City Attorney Simon asked the members if they had conducted a site visit for the limited purpose of evaluating the application they are considering this evening. All members

have responded in the negative.

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

Planning Consultant Harmon stated the subject property is located at 2036-20th Avenue Parkway and is located at the end of a cul de sac (on a curved lot). The applicant is requesting a variance from Section 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 the installation of an awning on the rear of the house.

Planning Consultant Harmon presented a PowerPoint Presentation on BOA Case No. 2022-11 for the property located at 2035-20th Avenue Parkway. The presentation consisted of aerials of the property, a survey of the property, a sketch of the proposed awning, a photo of the awning location, and an example of the awning (photo) with details. She explained the variance request as she went through the presentation. She noted that the awning was hurricane-proofed.

Vice Chair Watt stated that the corner of the house already encroaches into the rear setback and noted the house was built in the 1950s before the adoption of the land development codes, which Planning Consultant Harmon confirmed.

Vice Chair Watt stated that the other corner of the house meets the City Code, which Planning Consultant Harmon said was correct.

Vice Chair Watt asked how does the City Code define canopies?

Planning Consultant Harmon stated that the City Code does not define canopies.

Vice Chair Watt said this is an actual physical structure attached to the house. The applicant could put a screen on it, and then it would be a screened-in porch.

Vice Chair Watt asked why did the City recommend denial?

Planning Consultant Harmon stated the City recommended denial because of the encroachment into the rear yard setback.

Vice Chair Watt said just for that purpose.

Planning Consultant Harmon responded just for that reason. She further stated that there was a letter of support from his neighbor on the right-hand side.

Planning Consultant Harmon stated she is unsure if the applicant plans to cover the structure, but some do have fabric that goes back and forth, and some leave them open.

Vice Chair Watt asked that if the applicant installed a retractable awning, no variance would be required.

Planning Consultant Harmon stated that is correct. She discussed that with the applicant, but the applicant thought this was much stronger than the retractable awnings.

Vice Chair Watt asked, what if a retractable awning was mounted to the house and supported, and there was an overhang? Would that require a variance?

Planning Consultant Harmon stated that would require a variance only because it would involve a permanent post in the ground.

**Timothy Davis, 2036-20th Avenue Parkway**, stated the post is for updrafts, better support, and hurricane rating; that is why they went with the post. It is seamless next to the house and will fit perfectly there. The proposed awning does not create any obstacles whatsoever. He stated he has a pie-shaped lot and has 140-feet of seawall. He has just replaced his seawall and pool because they were leaking. The awning would provide shade to allow them to enjoy the pool and to have a covered space next to the pool.

**Susan Davis, 2026-20th Avenue Parkway**, stated the heat is ridiculous in their backyard because they have western sun exposure.

Member Labadie asked if the roof of the awning was angled?

Mr. Davis explained the awning has a roof louver system that has electricity. The louvers close when it rains. He explained that it has a rain gutter system that will go into his gutter that goes to the seawall.

Ms. Davis stated the photo of the example is the picture of the awning at the Marriott Riverwalk in Tampa.

Assistant City Attorney Simon opened the public comment session.

**Scott Shapiro, 2032-20th Avenue Parkway**, stated the applicant lives one house away from him. His house faces 270 degrees due west, and Mr. Davis is probably at 285 degrees due west. He stated the Board would not believe the weather residents get whose homes face west across the bay direct unobstructed, whether it is wind or sun. There is no way a retractable awning would last more than a year or two on the applicant's house. It would get blown off and ripped to shreds and become a hazard.

Mr. Shapiro stated the hardship is the sun — skin cancer. What is the remedy? Shade. He noted the other hardship is the applicant's pie-shaped lot. He stated that they are permanent residents and are great neighbors.

Assistant City Attorney Simon closed the public comment session.

Chair DeVore stated this is a solid structure that will be hurricane-grade. Like generators, he was against them because of the overhang, but now the hardship is that residents are struggling, and generators could help residents and their neighbors. He believes the City should do what it can to protect residents' homes and their neighbors, and it is for 3 feet only.

**MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER LABADIE To recommend APPROVAL TO THE CITY COMMISSION ON BOA CASE NO. 2022-11, 2036-20<sup>TH</sup> AVENUE 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 THE INSTALLATION OF AN AWNING IN THE REAR OF THE HOUSE, FOR PROPERTY LOCATED AT 2036- 20<sup>TH</sup> AVENUE 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, PAGE 56, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**AYES: ALVAREZ, LABADIE, O'DONNELL, WATT, DEVORE  
NAYS: NONE**

**MOTION TO RECOMMEND APPROVAL TO THE CITY COMMISSION APPROVED UNANIMOUSLY.**

**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.**

Planning Consultant Harmon stated there will be an August Meeting.

**6. ADJOURNMENT.**

**MOTION MADE BY MEMBER ALVAREZ, SECONDED BY MEMBER O'DONNELL, TO ADJOURN THE MEETING AT 6:19 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.**

August 16, 2022  
Date Approved

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

/DOR

**AGENDA ITEM NO. 5**

**BOA CASE NO. 2022-12  
526-20<sup>th</sup> Avenue**

**BOARD OF ADJUSTMENTS AND APPEALS**  
**AGENDA MEMORANDUM**

**MEETING OF:**


**Board of Adjustment:** August 16, 2022  
**City Commission:** September 13, 2022

**AGENDA ITEM:** 5

**SUBMITTED AND**

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

**APPROVED BY:**

Brently Gregg Mims, City Manager 

**SUBJECT:**

**BOA CASE NO. 2022-12 – 526 20<sup>th</sup> Ave**

Variance request from Sec. 110-131(1)(f)(1), of the Code of Ordinance, to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526 20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County Florida. Parcel #06-30-15-42300-000-0290

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**OWNER**

**Edlin management & Holdings LLC**

**LOCATION of PROPERTY:**

526 20<sup>th</sup> Ave

**ZONING:**

S- Single Family Residential

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

**BACKGROUND:**

The applicant is requesting a variance of 3 feet into the front yard setback for an addition with bedrooms, garage and a pool. By adding onto the front of the house the new addition will be FEMA compliant. The original house was constructed in 1960.

**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 1960 and was approved before the new land development code was adopted in 1981. The existing front yard setback is 54.61 ft*

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 additions 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 August 1, 2022, (Sec. 2-149 of the Code of Ordinances).

**CORRESPONDENCE:** Letters of no objection were received from Deborah Levine 524 20<sup>th</sup> Avenue and Andrew Wall 528 20<sup>th</sup> Avenue.

**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 **2022-12 – 526 20<sup>th</sup> Ave** Variance request from Sec. 110-131(1)(f)(1), of the Code of Ordinance, to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526 20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re- Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County Florida.





526 20<sup>th</sup> Avenue  
BOA CASE NO. 2022-12



**BOA CASE NO. 2022-12 – 526 20<sup>th</sup> Ave**

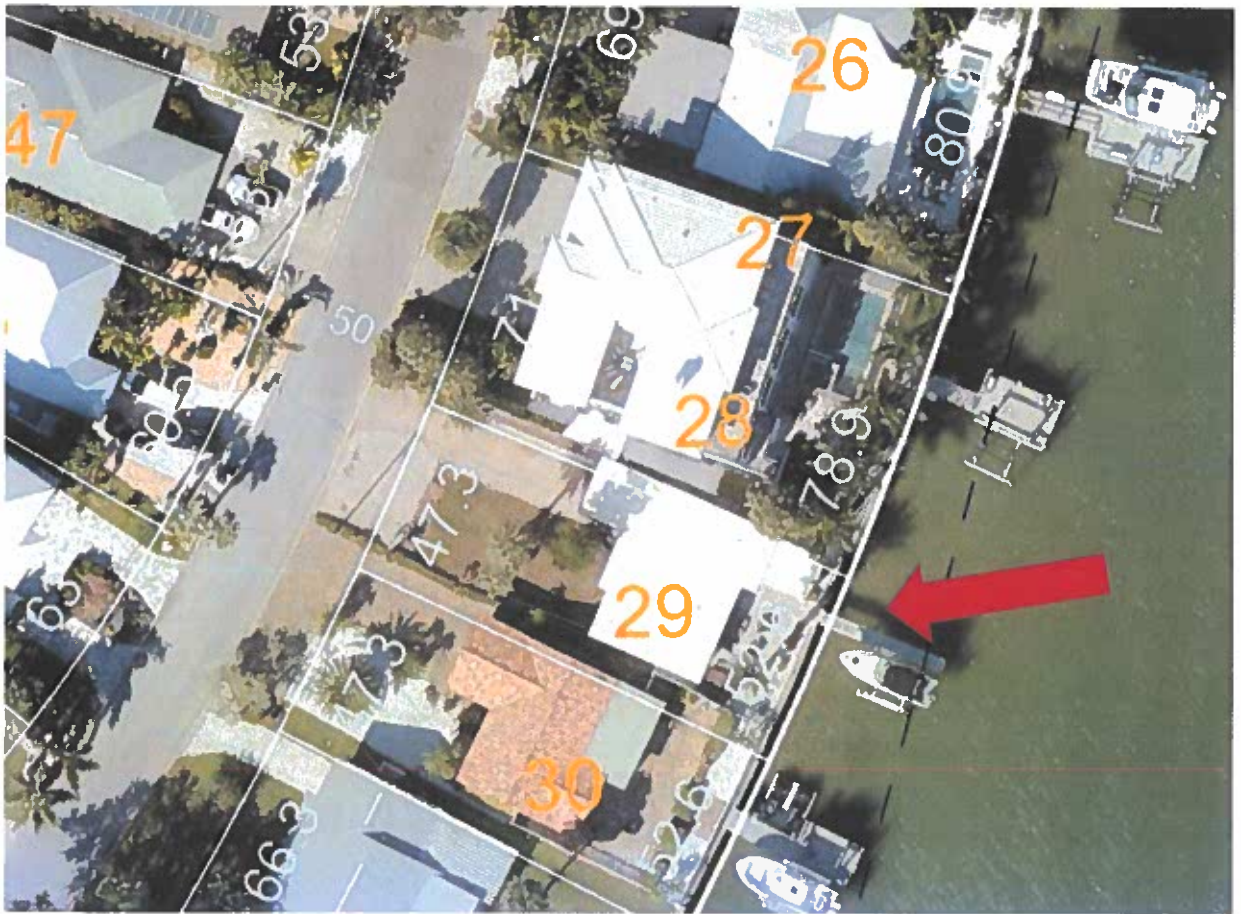
Variance request from Sec. 110-131(1)(f.) (1), of the Code of Ordinance, to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front of the house for property located at 526 20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach as recorded in Plat Book 31, Pages 57 and 58, of the Public Records of Pinellas County Florida.



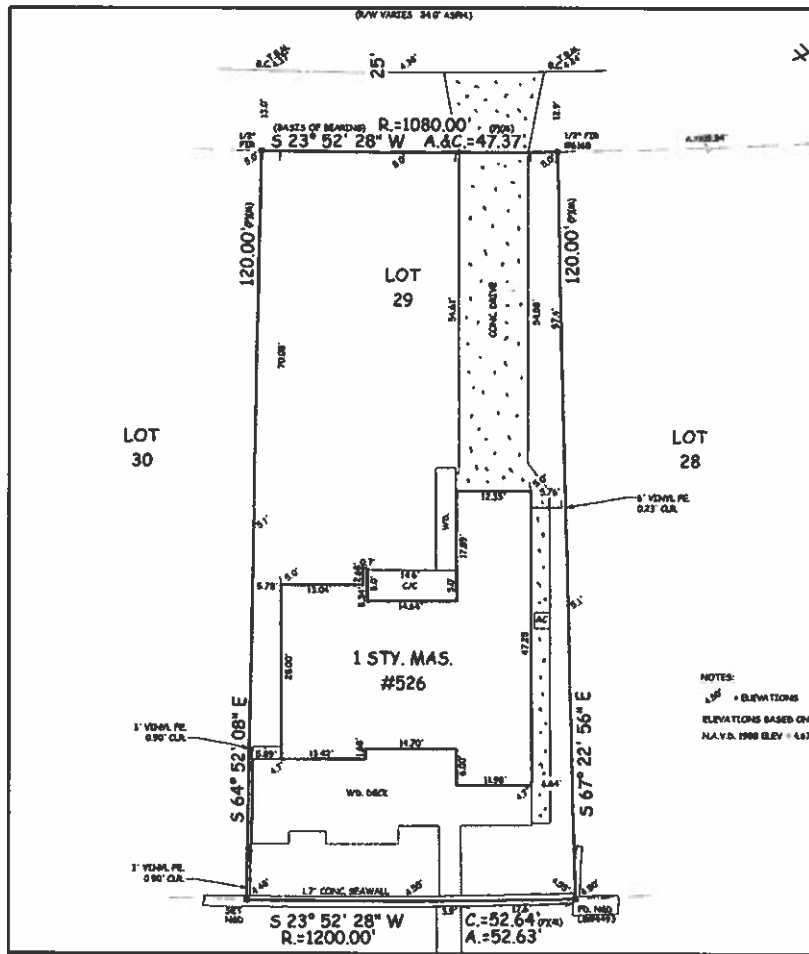
# 526 20<sup>th</sup> Avenue



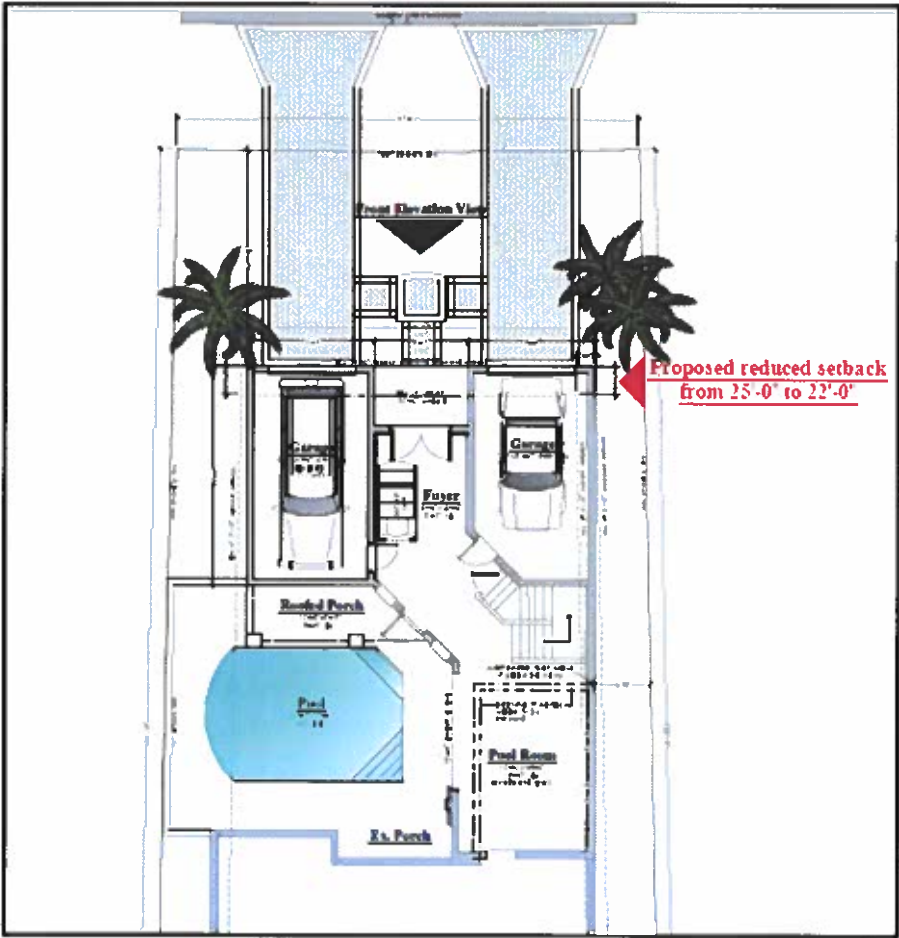
# 526 20<sup>th</sup> Avenue



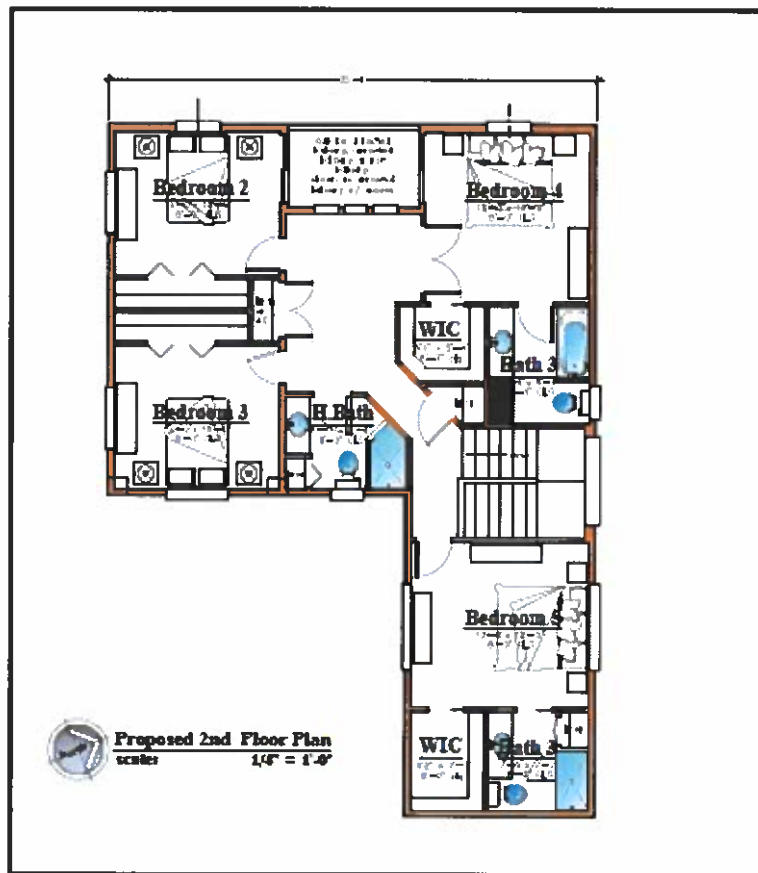
# Survey



# Proposed First Floor Addition



# Proposed Second Floor Addition



## Proposed Awning





## 20<sup>th</sup> Avenue Looking South



# 526 20<sup>th</sup> Avenue



# 526 20<sup>th</sup> Avenue





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, AUGUST 16, 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, AUGUST 16, 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. 2022-12**.

**YOU ARE HEREBY NOTIFIED** as a property owner of land within 150 feet of the property located at 526-20<sup>th</sup> Avenue, Indian Rocks Beach, Florida, and legally described as Lot 29, Fifteenth Addition to Re-Revised Map of Indian Beach. Parcel #06-30-15-42300-000-0290.

**Variance request from Sec. 110-131(1)f.1. of the Code of Ordinance to encroach 3 feet into the required 25-foot front yard setback, resulting in a total front yard setback of 22 feet, to allow for an addition to the front 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, AUGUST 16, 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 August 1, 2022. (Sec. 2-149 of the Code of Ordinances.)

/dor

June 6, 2022

City of Indian Rocks Beach  
1507 Bay Palm Blvd  
Indian Rocks Beach, FL 33785

RE: Support letter for Edlin Management & Holdings, LLC request application  
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,  
FL 33785

To whom it may concern:

I support my neighbor's variance request to construct an addition in front of their existing home which will be further than the established setback requirements. I understand that the setback requirement is 25' but the 22' setback will provide a much better utilization of the property, and it will not encumber my property in any way.

Please let me know if you need anything further from me in the support of the setback variance request.

Sincerely,

A handwritten signature in black ink that reads "Deborah Levine". The signature is written in a cursive style with a large, looped initial "D".

Deborah Levine  
524 20th Ave.  
Indian Rocks Beach, FL 33785

June 6, 2022

City of Indian Rocks Beach  
1507 Bay Palm Blvd  
Indian Rocks Beach, FL 33785

RE: Support letter for Edlin Management & Holdings, LLC request application  
for front setback variance request located at 526 20th Ave, Indian Rocks Beach,  
FL 33785

To whom it may concern:

We support our neighbor's variance request to construct an addition in front of his existing home which will be further than the established setback requirements. We understand that the setback requirement is 25' but the 22' setback will provide a much better utilization of his property, and it will not encumber our property in any way.

Please let me know if you need anything further from me in the support of the setback variance request.

Sincerely,

*Andrew Wall*

Andrew Wall  
528 20th Ave.  
Indian Rocks Beach, FL 33785

-----Original Message-----

From: Harry Levine <[levined3@icloud.com](mailto:levined3@icloud.com)>

Sent: Monday, August 08, 2022 7:59 AM

To: O'Reilly, Deanne <[doreilly@irbcity.com](mailto:doreilly@irbcity.com)>

Subject: Variance request 526 20th ave Indian rocks beach

To whom it may concern:

I have no objection to the variance request for 526 20th avenue Indian rocks beach. (The setback of 22 feet to allow an addition to the front of their house is fine with me). Consider this my support and approval.

Deborah Levine  
524 20th avenue  
Indian Rocks Beach, Fl 33785  
407-493-1271

Sent from my iPhone

**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**

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

**VARIANCE REQUEST CONTINUED...**

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Total Requested</b>
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	<input type="text"/>
Street-front setback (feet):	25ft	22ft	3ft
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?

## **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:

We are using this property as our primary residence and need the additional space now that we work from home, require space for our automobiles and to accommodate visits from our grand-children. Adding to the front of the existing structure is the only way to add additional space and still be FEMA compliant and conforming. The current building is only 985sf. In order to accommodate sufficient garage space and upstairs living space we are requesting the additional 3' front setback. The front setback would still put the structure approximately 35ft from the street - ample space for any community projects should the need arise. Also, there appears to be other homes that encroach on the front setback restrictions in the neighborhood so the structure would not be too far out of the ordinary. The back of the building is only 15ft from the seawall which is not enough space to do any kind of pool or structure.

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

The applicant did not create any special conditions or circumstances.

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 the variance would not confer special privileges to the applicant, it would allow a building of slightly larger size to be built based on the eased front setback restriction.

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 approval of this variance request would not deprive other owners of use and enjoyment of their properties.

**HARDSHIP CONTINUED...**

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

This is the minimum variance to allow the owner to construct a reasonably larger structure to accommodate garage space for two vehicles and extra living space.

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

Granting the variance will be in harmony with the general intent and purpose of subpart B.

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

Encroaching on the front setback of only 3ft will not affect any right-of-way projects should they be deemed necessary in the future. The neighbor to my left facing the house has no objection to the new building being slightly larger. My neighbor to the right does not object to the extra 3ft front setback infringement either.

**CERTIFICATION**

Date: 6/3/2022

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: Edmond DiRuzza

Signature: [Handwritten Signature]

Personally known/Form of Identification D.L

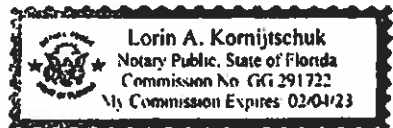
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 29 Month: June, 2022

Notary Public State of Florida at Large: Lorin A. Kornijtschuk

Notary Public Commission Expiration: 2/04/2023

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.

**AGENT OF RECORD**

Date: \_\_\_\_\_

I, \_\_\_\_\_ do hereby designate and appoint

\_\_\_\_\_ 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: \_\_\_\_\_ Signature: \_\_\_\_\_

My agent of record may be contacted at:

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Before me this date personally appeared:

Name: \_\_\_\_\_

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: \_\_\_\_\_ Month: \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public State of Florida at Large: \_\_\_\_\_

Notary Public Commission Expiration: \_\_\_\_\_

State of Florida  
County: Pinellas

**AGENDA ITEM NO. 6**

**OTHER BUSINESS**

**AGENDA ITEM NO. 7**

**ADJOURNMENT**