

MAY 20, 2025

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

**AT:
6:00 PM**

**LOCATION:
Holiday Inn Harbourside
401 2nd Street,
Indian Rocks Beach, FL. 33785
Pelican-Sandpiper Room**



AGENDA
CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS & APPEALS
TUESDAY, MAY 20, 2025 @ 6:00 PM

MEETING TO BE HELD AT:
Holiday Inn Harbourside -401 2nd Street, Indian Rocks Beach, FL. 33785
Pelican-Sandpiper Room

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES- January 21, 2025

4. BOA CASE NO: 2025-02- 800 GULF BOULEVARD, INDIAN ROCKS BEACH, FLORIDA

Owner/Applicant: Andrew J. Conti

Subject Location: 800 Gulf Boulevard, Indian Rocks Beach, FL. 33785.

Variance Request: Variance request from Sec.110-103(a) of the Code of Ordinances, requesting to encroach into the existing front yard setback for property that is non-conforming to construct an elevated structure, primarily following the existing footprint and is located at 800 Gulf Blvd, Indian Rocks Beach, Florida, and legally described as a part of Lot 13, block "A", New Haven Beach, according to map or plat thereof as recorded in Plat Book 20, Page 8, public records of Pinellas County, Florida. Parcel # 12-30-14-59832-001-0130.

5. OTHER BUSINESS

6. ADJOURNMENT

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

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 lkornijtschuk@irbcity.com, no later than THREE (3) days before the proceeding for assistance.

POSTED: May 16, 2025.

**Approval of January 21, 2025
Meeting Minutes**

MINUTES
JANUARY 21, 2025
CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENTS AND APPEALS

The Regular Meeting of the Indian Rocks Beach Board of Adjustments and Appeals was held on **TUESDAY, JANUARY 21, 2025, at 6:00 p.m.**, at the Holiday Inn Harbourside, Pelican Sandpiper Room, 401 2nd Street, Indian Rocks Beach, Florida 33785.

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

2. **ROLL CALL:**

PRESENT: Chair David Watt, Vice-Chair Karen O'Donnell, Board Member Stewart DeVore

OTHERS PRESENT: City Attorney Jeremy Zoe Rawls, Planning Consultant Hetty C. Harmon, AICP, and City Clerk Lorin Kornijtschuk.

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

City Attorney Rawls stated that the case the Board will be considering tonight is a quasi-judicial proceeding not legislative. In a quasi-judicial capacity, the Board is not making the law, but rather applying the law to establish criteria and guidance in the City Code based on the competent, substantial evidence the Board receives this evening.

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

3. **BOA CASE NO: 2025-01- 2117 GULF BLVD, INDIAN ROCKS BEACH FLORIDA**
Owner/Applicant: Esmark INC.

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

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

City Attorney Rawls read by title only Agenda Item No. 3, BOA Case No. 2025-01.

Planning Consultant Harmon provided her staff report.

OWNER
LOCATION of PROPERTY:
ZONING:

ESMARK, INC
2117 Gulf Blvd
P1- Professional Office

Direction	Existing Use	Zoning Category
North	Vacant	P1
East	Residential	RM-2
South	Office	P1
West	Residential	CT

BACKGROUND:

The applicant is proposing a two-story office building on this location and proposes access from the alley and exit onto 22nd Avenue instead off of Gulf Blvd as it exists today. In order to provide parking within the rear of the building as well as underneath the building they proposing to reduce the drive aisle width from 24 ft to 22 ft. They are proposing no parking in the front yard setback, and they are requesting to reduce the required parking spaces from 12 to 11.

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 on any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

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

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

b. The special conditions and circumstances do not result from the actions of the applicant.

The applicant did not create any special conditions or circumstances.

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

Granting the variance would confer special privileges to the applicant.

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

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

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building; and

This is the minimum variance to allow the development of the office building as proposed.

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

Granting the variance will 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 the subject property on January 6, 2025 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: No objections were received.

Chair Watt opened the public hearing.

Applicant representative Antonio Lanzilotta clarified: that the alley will be improved for better access to the building. One parking space is being removed in favor of bike racks. The building will have minimal traffic since it is a low-traffic office, reducing the impact of the reduced parking.

Applicant representative John Berger, commented on the parking space design and its adequacy. He mentioned that in their Pittsburgh office, they have parking spaces 18 and 24 feet in depth, which are working well even with high traffic, including a hospital and partner spaces. He emphasized that despite the smaller 19-foot depth in a new plan, it should still function similarly because of the existing setup, where cars typically pull up and leave a 24-foot space between them. He suggested that reducing the parking space by one foot (from 19 feet to 18 feet) would still be workable. He expressed confidence that the current setup works fine in their experience.

Applicant James Bouchard, the owner of Esmark, shares details about his company and its move to Florida. He explained that Esmark is a \$500 million company, one of the largest in the U.S., with a history dating back to 1897. He highlighted that the company's headquarters will be transitioning to Florida, although the CFO and HR will remain in Pittsburgh. Bouchard also described the new building as a major upgrade from its current state, emphasizing it will be a significant addition to the area. While the company isn't immediately planning to rent space to other tenants, there might be some offices leased in the future.

Resident Bert Valery expressed support for the project.

Chair Watt closed the public hearing.

Chair Watt asked for clarity on the number of parking spaces.

Planning and Zoning Consultant Harmon stated the design includes 10 parking spaces but is requesting approval for 11 spaces because one space would be substituted with bike racks.

Chair Watt opened board deliberations as they discussed whether the variances are reasonable, with consideration of traffic flow and future building use.

Chair Watt emphasized that while there are often challenges with small lots and building requirements, the proposed one-way access and improved alleyway will alleviate congestion. The office is expected to have limited traffic, further justifying the parking reduction.

Vice-Chair, O'Donnell, noted the project isn't a high-traffic retail space and acknowledges the limited office use, suggesting this will be more manageable in terms of parking.

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

ROLL CALL VOTE:

AYES: O'Donnell, Devore, Watt

NAYS: None

Unanimous Approval

5. OTHER BUSINESS.

6. ADJOURNMENT.

Unanimous approval by acclamation to adjourn the meeting at 6:28 p.m.

Date Approved

David Watt

/lak

AGENDA MEMO

BOARD OF ADJUSTMENTS AND APPEALS

AGENDA MEMORANDUM

MEETING OF:

Board of Adjustment: May 20, 2025,
City Commission: June 10, 2025

AGENDA ITEM: 4

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

AUTHORIZED BY: Brently Gregg Mims, City Manager

SUBJECT:

BOA CASE NO. 2025-02 – 800 Gulf Blvd.

Variance request from Sec.110-103(a) of the Code of Ordinances, requesting to encroach into the existing front yard setback for property that is non-conforming to construct an elevated structure primarily following the existing footprint and is located at 800 Gulf Blvd Indian Rocks Beach, Florida, and legally described as a part of Lot 13, block "A", New Haven Beach, according to map or plat thereof as recorded in Plat Book 20, Page 8, public records of Pinellas County, Florida.

Parcel # 12-30-14-59832-001-0130

OWNER

Andrew J Conti

LOCATION of PROPERTY:

800 Gulf Blvd

ZONING:

CT- Commercial Tourist

Direction	Existing Use	Zoning Category
North	Residential	CT
East	Residential	CT
South	Commercial	CT-1
West	Residential	CT

BACKGROUND:

The applicant is proposing a new elevated home on this location due to storm damage from Helene. The existing structure is non-conforming due to the lot size and existing setbacks. The existing house is 616 square feet and proposed is approximately 1250 square feet. The new structure would increase the existing footprint by encroaching further into the front yard setback on the east side. The existing side setbacks are less than 5ft on one side. The increased square footage would accommodate stairs and an elevator.

Sec 110-103 allows for enlargement of a non-conforming structure only if the side setbacks are a minimum of 5ft and all other setbacks are met.

Sec 110-103(a) states the following:

(a)Enlargement or reconstruction. No existing structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use. When an existing nonconforming structure built prior to May 11, 1981, does not meet the minimum required side yard setback, an addition may be constructed on the same line as the exterior wall of the existing residential structure. Additions may extend into the required side yard setback up to the setback line formed by the nonconforming wall. The side yard setback between the extended wall of the residential wall and the property line shall not be less than five feet as long as lot coverage, height, front yard and rear yard setbacks and other requirements conform to the appropriate part of the schedules in sections 110-153 through 110-155 and a substantial improvement is not accomplished.

Sec. 2-152. - Variances.

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

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

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

The existing structure as at grade and does not need stairs or an elevator which take up more square footage on the lot. An elevator is necessary to due owners disabilities.

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 build an elevated home with access that is not required at grade.

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.

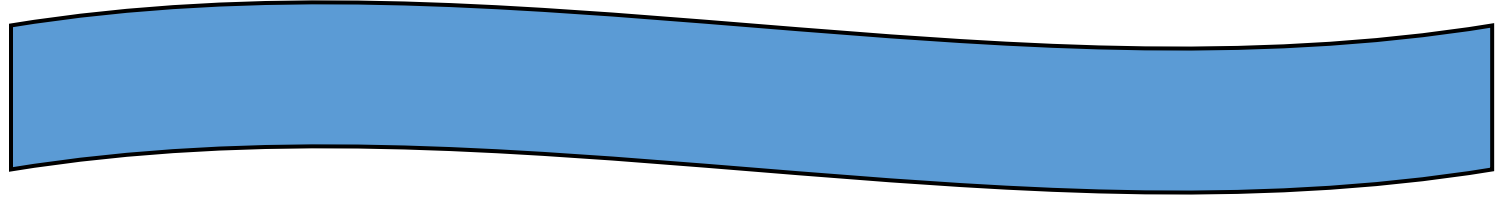
Granting the variance will not be in harmony with the general intent and purpose of subpart B.

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 May 6, 2025 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: No objections were received.

MOTION:

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2025-02 – 800 Gulf Blvd.** Variance request from Sec.110-103(a) of the Code of Ordinances, requesting to encroach into the existing front yard setback for property that is non-conforming to construct an elevated structure primarily following the existing footprint and is located at 800 Gulf Blvd Indian Rocks Beach, Florida, and legally described as a part of Lot 13, block “A”, New Haven Beach, according to map or plat thereof as recorded in Plat Book 20, Page 8, public records of Pinellas County, Florida.



800 Gulf Blvd
BOA CASE NO. 2025-02



BOA CASE NO. 2025-02 –800 Gulf Blvd.

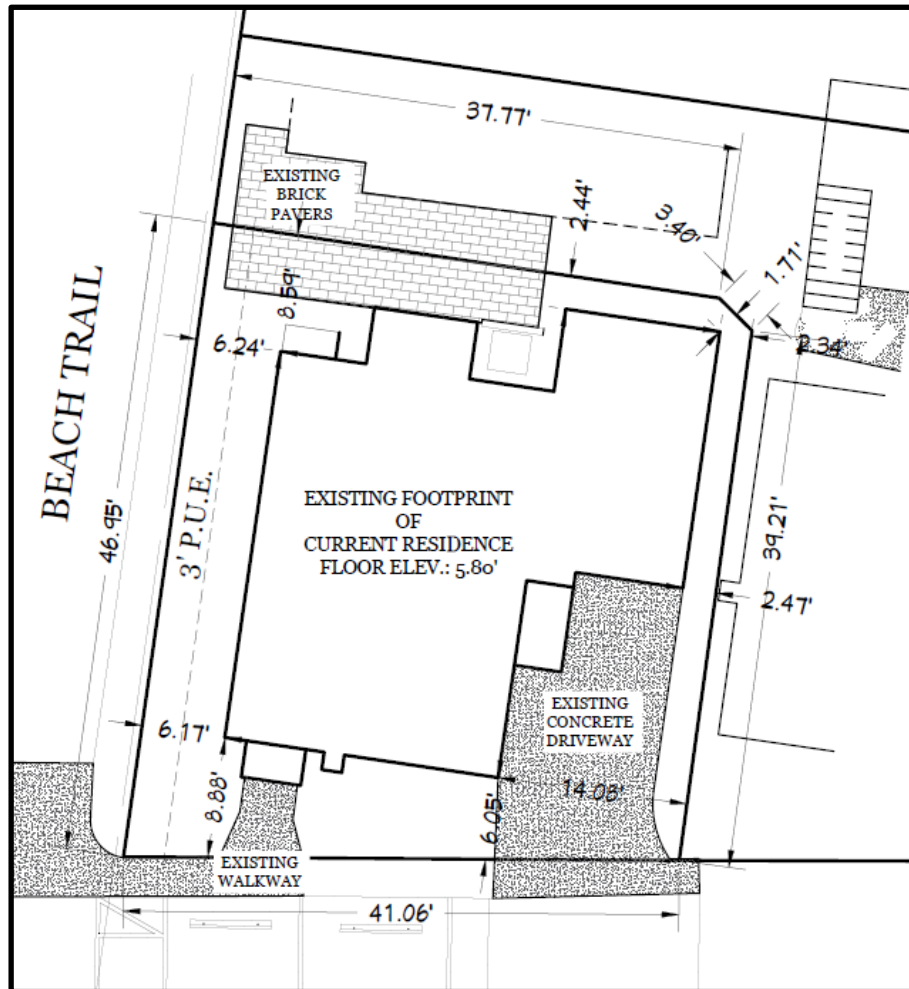
Variance request from Sec.110-103(a) of the Code of Ordinances, requesting to encroach into the existing front yard setback for property that is non-conforming to construct an elevated structure primarily following the existing footprint and is located at 800 Gulf Blvd Indian Rocks Beach, Florida, and legally described as a part of Lot 13, block “A”, New Haven Beach, according to map or plat thereof as recorded in Plat Book 20, Page 8, public records of Pinellas County, Florida.



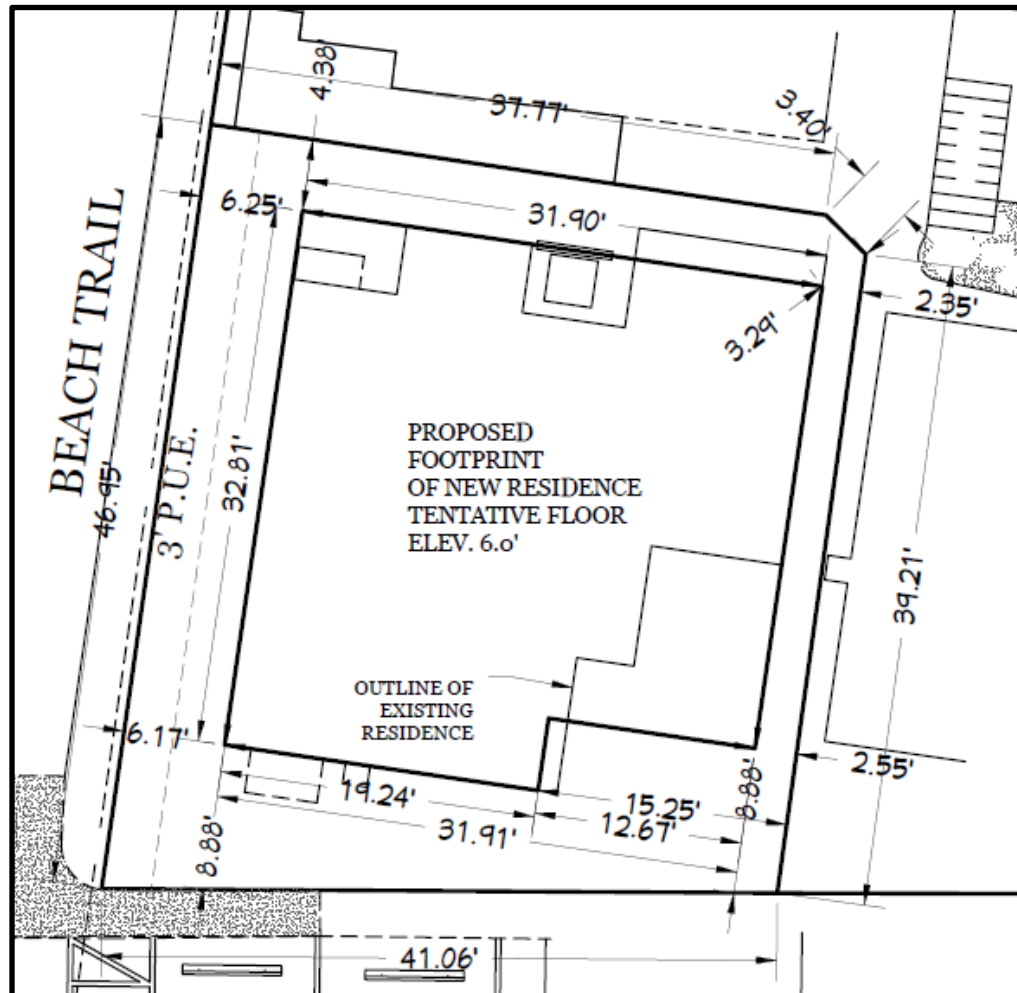
800 Gulf Blvd



Existing Site Plan



Proposed Site Plan



Proposed Elevation



Looking North



Looking East



Looking West



APPLICATION

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

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

For Office Use Only

Application No.

Date Received

APPLICANT

Name: Andrew J. CONTI
Address: 800 Gulf BLVD
City: Indian Rocks Beach
Zip Code: 33785
Tel: 614-949-9335
Fax: N/A
Mobile: 614-949-9335
Email: Kacmanagement@gmail.com

AGENT/REPRESENTATIVE

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

SITE DETAILS

Address: 800 Gulf BLVD Parcel ID: 12-30-14-59832-001-0130
City: Indian Rocks Beach Zip Code: 33785
Legal Description: See survey Parcel #12-30-14-59832-001-0130
Zoning: Future Land Use:
Size:

SITE DETAILS CONTINUED...

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

If yes, provide address
and legal description:

Have previous applications been filed for this property? ☐ Yes ☒ No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or
interest contingent or
absolute:

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

If yes, list all parties on
the contract:

Is contract conditional or absolute? ☐ Conditional ☐ Absolute

Are there options to purchase? ☐ Yes ☒ No

VARIANCE REQUEST**Regulation****Required****Proposed****Total
Requested**

Gulf-front setback (feet):

See Site Plan

Bay-front setback (feet):

See Site Plan

Alley setback (feet):

See Site Plan

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):			See Survey
Rear-north/south street (feet):			See Survey
Street-front setback (feet):			See Survey
Side-one/both setback (feet):			See Survey
Minimum green space (%):			See Survey
Habitable stories (#):			2
Minimum lot size (sq. ft.):			See Survey
Building height (feet):			35 feet
Off-street parking (spaces):			4 cars
ISR (%):			
FAR (%):			
Dock length (feet):			N/A
Dock width (feet):			N/A
Signage (#):			N/A
Accessory structure (sq. ft.):			N/A
Accessory structure height (feet):			N/A
Lot size (sq. ft.):			See Survey

Other:

What is the proposed use of the property?

Single Family Home (Homestead Exempted)

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:

My non-conforming lot with current code setbacks won't allow me to tear down my home that was built in 1937 and rebuild a new elevated home without a variance allowing me to build a new home with the current grandfathered setbacks and 2 floors of living area above the garage while still adhering to the current residential home height restrictions per the building code.

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

On September 26, 2024, Hurricane Helene hit the city of IRB flooding our homes. My home is located at 800 Gulf Blvd #2 and is located on a non-conforming lot. The FEMA WLM letter shows my home structure value at \$66,982 and allows for repairs and improvements not to exceed \$33,490.

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

I'm consulting with a licensed architect to ensure the design meets all safety and building code requirements if this variance is granted. This house is my homestead exempted primary residence.

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 Attached word Document

Page 7 4th question concerning the Literal interpretation of the provisions of Subpart B

The granting of my variance request per the literal interpretation of the provisions of Subpart B, Code Sections 78 through 110 will not deprive other properties in the same zoning district due to Section 90-47 (1), (2) A,B & C and Section 90-70 (1), (2), (3) & (4) and Section 90-40 "Pursuant to F.S. 553.73(5), 110-101 (A)-(1),(2),(3),(4),(5) and 110-101 (B)-A,B,C,D,E,G, the City of Indian Rocks Beach City Commission shall hear and decide on request appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code". I'm requesting to tear down my existing homestead exempted single family residence and build a new elevated home that will not exceed the height of the current building code and won't extend or encroach any further towards the existing setbacks from my original 1937 constructed home. The change from the original foot on the Southeast corner of the home squaring off the house to allow for the Approx. 80 SqFt interior staircase and elevator loss of square footage of the 1st living level caused by elevating my home to accommodate my disability under The Americans with Disability Act and will still maintain the furthest setback of the current home.

HARDSHIP CONTINUED...

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

Without this variance, I cannot reasonably elevate my home to meet my family's needs. This request is not self-created but rather a direct result of the Hurricane Helena property's constraints.

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

I believe my request is reasonable, aligns with the neighborhood, and does not negatively impact the community. I'm requesting to keep my existing setbacks and add a 2nd living floor and still maintaining a roof height allowed in the current building code that is approved currently for Indian Rocks Beach.

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

I believe this variance application will be granted because my home was damaged by hurricane Helene and this is my homestead exempted primary residence, and I'm a disabled from a on duty injury and the variance I'm requesting is supported by the Americans with Disability Act of 1974 and I'm requesting to keep my current setbacks and a 2nd living level to off set the loss of living space square footage due to the need of an interior stairway and an elevator now that the house will be elevated due to the current building code.

CERTIFICATION

Date: 3-27-25

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: Andrew J. Conti

Signature: [Signature]

Personally known/Form of Identification FL Driver License

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

Sworn to and subscribed before me this: Day: 27 Month: March, 2025

Notary Public State of Florida at Large: [Signature]

Notary Public Commission Expiration: DEC 12, 2028

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.

Sec. 110-103. - Modification, repair or conversion of nonconforming uses and structures.

- (a) *Enlargement or reconstruction.* No existing structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered, except when changed to a conforming use. When an existing nonconforming structure built prior to May 11, 1981, does not meet the minimum required side yard setback, an addition may be constructed on the same line as the exterior wall of the existing residential structure. Additions may extend into the required side yard setback up to the setback line formed by the nonconforming wall. The side yard setback between the extended wall of the residential wall and the property line shall not be less than five feet as long as lot coverage, height, front yard and rear yard setbacks and other requirements conform to the appropriate part of the schedules in sections 110-153 through 110-155 and a substantial improvement is not accomplished.
- (b) *Restoration of unsafe or unusable structure.* Any nonconforming structure made unsafe or unusable may be restored, reconstructed or used as before, provided it is rebuilt in the same footprint at grade with foundation or elevated with pilings and must comply with all FEMA requirements, if applicable, provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All required permits shall be applied for within six months after damage occurs or such use shall not be rebuilt, except as a conforming use.
- (c) *Normal maintenance, repair and incidental alteration.* Normal maintenance, repair, and/or incidental alteration to a structure containing a nonconforming use is permitted, provided it does not exceed the area or volume of space occupied by the nonconforming use or increase the degree of nonconformance. A building or other structure containing residential nonconforming uses may be altered to improve interior livability. No structural alterations shall be made which would increase the number of units. Repairs and/or incidental alterations may not be accomplished when the repairs equal or exceed 51 percent of the then physical value of the structure determined before repairs and/or alterations are begun. The burden of proof shall be placed on the property owner to show such damage or alteration at less than 51 percent.
- (d) *Conversion of use.* The kind or type of use to which the property was being put at the time it became nonconforming shall not be changed, modified or diversified in kind or type of use unless the building or structure is made to conform with the schedules set forth in this chapter, the schedules of off-street parking regulations and the flood regulations.

(Code 1980, § 24-31; Code 1989, § 21-88; Ord. No. 2017-05, § 1, 8-8-2017)

OTHER BUSINESS

ADJOURNMENT