

CITY OF INDIAN ROCKS BEACH
BOARD OF ADJUSTMENT MEETING

AGENDA PACKET

CITY HALL

1507 BAY PALM BLVD. INDIAN ROCKS BEACH, FL. 33785

TUESDAY, MAY 19, 2026

6:00 PM



AGENDA

CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS & APPEALS

TUESDAY, MAY 19, 2026 AT 6:00 PM

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

1. CALL TO ORDER

2. ROLL CALL

- Chair David Watt
- Vice Chair Karen O'Donnell
- Member Stewart DeVore
- Member Mark Rieumont
- Member Jacqueline Russo

3. Approval BOA Meeting Minutes: January 20, 2026

4. BOA CASE NO: 2026-02

Owner/Applicant: John and Pauline Goodgame

Subject Location: 2709 Bay Blvd

Variance Request: Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 1'10" above the required 35-foot maximum building height resulting in a building height of 36'10" feet for a new residential dwelling

5. BOA CASE NO: 2026-03

Owner/Applicant: 960 Gulf LLC

Location: 960 Gulf Blvd #5

Variance Request: Variance request from Sec.110-131(5)(f) of the Code of Ordinances, of 29.5 feet into the required 35 ft front yard setback resulting in a total front yard setback of 5.5 feet and 2.5 feet into the required 7.5 foot side yard setback resulting in a total side yard setback of 5.0 feet on the southside and 5.0 feet into the required 10.0 foot rear yard setback resulting in a total rear yard setback of 5.0 feet.

6. OTHER BUSINESS

7. 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 lorink@irbcity.com, no later than THREE (3) days before the proceeding for assistance.

POSTED: May 15, 2026.

AGENDA ITEM 3

Approval of Board of Adjustment Meeting Minutes
January 20, 2026

MEETING MINUTES

CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS & APPEALS

Date: Tuesday, January 20, 2026

Time: 6:00 PM

Location: City of Indian Rocks Beach City Hall, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33785

1. CALL TO ORDER

Chair David Watt called the meeting to order at 6:00 PM.

2. ROLL CALL

Following members present:

- **Chair David Watt** - Present
- **Vice Chair Karen O'Donnell** - Present
- **Member Stewart DeVore** - Present

Staff Present:

- Hetty Harmon, Planning and Zoning Consultant
- Lorin Kornijtschuk, City Clerk

3. APPROVAL OF MINUTES

Member DeVore motioned to approve the minutes from the November 19, 2025 meeting. Vice Chair O'Donnell seconded the motion. Motion passed unanimously.

4. BOA CASE NO: 2026-01

Owner/Applicant: Lindsey and James Stuthers

Subject Location: 452 Harbor Drive S., Indian Rocks Beach, FL 33785

Legal Description: Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38, Page 75 of the Public Records of Pinellas County. Property ID # 06-30-15-42444-000-0380

Variance Request: Relief from Section 110-131(1)(g) of the Code of Ordinances requesting 4 feet above the required 35-foot maximum building height, resulting in a building height of 39 feet for a new residential dwelling.

Quasi-Judicial Proceedings Notice

City Clerk Kornijtschuk explained that the case is a quasi-judicial proceeding where the Board applies established criteria from the City Code based on competent and substantial evidence.

Ex Parte Communications: No Board members reported ex parte communications with the applicant or their agent.

Site Visits: No Board members conducted site visits for evaluation purposes.

Oath Administration: All persons providing testimony were sworn in.

Staff Presentation

Hetty Harmon, Planning and Zoning Consultant presented the case, explaining:

- The variance request is for 4 feet above the 35-foot maximum building height
- Building height is measured from the crown of the road (elevation 5.66 feet) to the midpoint of the roof
- The applicant is requesting to measure to 39 feet (actual measurement 38.5 feet) from the crown of the road
- This measurement methodology has been in place since approximately 1980

Applicant Presentation

Ryan Manassi, Director of Development and Planning with Johnson Pope, presented on behalf of the applicants:

Project Goals:

- Construction of a 3,000-3,500 square foot home with 9-10 foot ceilings
- Elevate garage base level to mitigate flood risks, including loss of vehicles and electrical/chemical fires from solar batteries or electric vehicles
- Minimize flood and homeowners insurance costs
- Prepare for potential upcoming FEMA requirement changes following Hurricane Helene

Variance Criteria Analysis:

1. **Special Conditions Exist:** The hardship arises from the city's use of road crown elevation rather than Base Flood Elevation (BFE) as the height reference point. Neighboring coastal municipalities including North Redington Beach, Belleair Beach, Pinellas County, Treasure Island, and Madeira Beach measure height from BFE. The road crown elevation is unique to the site and affects height calculations.
2. **Not Self-Created:** The hardship is not self-created as the home was designed in compliance with FEMA guidance and Florida Building Code. The variance need results from the city's height measurement standard, which predates modern floodplain management requirements.
3. **No Special Privilege:** The proposed home remains consistent in size, scale, and character with other coastal homes in the area and with construction allowed in nearby municipalities that measure from BFE.
4. **Unnecessary Hardship:** Literal interpretation would require lowering finished floor elevations or reducing ceiling heights below modern standards, increasing flood risk and compromising safety.

5. **Minimum Relief:** The requested 4-foot variance represents the minimum relief necessary for a safe, flood-compliant home with standard ceiling heights and modest roof slope.
6. **Consistent with Zoning Intent:** The variance advances the intent of the zoning code by promoting public safety, flood resilience, and responsible coastal development while remaining compatible with the surrounding neighborhood.

Community Support: The applicant submitted 11 letters of support from adjacent neighbors. The properties most likely to be affected by the variance are all owned by individuals who support the request.

Comparative Analysis: The presentation included code sections from neighboring municipalities showing they measure building height from Base Flood Elevation rather than crown of road.

Historical Context: Based on available records, the city's height measurement standard has not been amended since approximately 1980 (45 years) and is not aligned with current FEMA guidance or modern flood mitigation standards.

Board Discussion

Chair Watt sought clarification on measurement methodology and confirmed the variance is measured from the crown of the road (5.66 feet) to the midpoint of the roof, requesting 39 feet total (38.5 feet actual).

Member DeVore noted that while 10-foot ceilings are modern construction standards, 9-foot ceilings could potentially reduce the variance need to approximately 1 foot.

Vice Chair O'Donnell noted that some municipalities measuring from BFE have lower height limits than Indian Rocks Beach's 35 feet (some at 30 feet).

The Board discussed:

- The need to modernize the city's ordinance based on 2024 hurricane experiences
- Support for anything bringing structures up to hurricane code and proper elevation
- Concerns about incremental height increases and potential impacts on properties that don't elevate
- Recognition that this is a residential variance, different from commercial/condominium height requests
- The variance would not be noticeable to neighbors and has community support
- Measuring to the midpoint of sloped roofs encourages architectural diversity versus flat roofs
- 10-foot ceilings are reasonable for modern construction

Public Comment

No public comments were received.

Motion:

Vice Chair O'Donnell moved to approve the BOA Case 2026-01 for 452 Harbor Drive S.

Second: Member DeVore seconded the motion.

Roll Call Vote:

- Vice Chair Karen O'Donnell - Yes
- Member Stewart DeVore - Yes
- Chair David Watt - Yes

Result: Motion passed 3-0 to approve the variance.

The case will proceed to the City Commission on February 10, 2026 at 6:00 PM for final decision.

5. OTHER BUSINESS

Member DeVore requested that the Board of Adjustments recommend the City Commission consider initiating a workshop to address building height measurement methodology, particularly in light of increased variance requests anticipated due to flood resilience needs following recent hurricanes.

6. ADJOURNMENT

Member DeVore motioned to adjourn. Chair Watt seconded. Meeting adjourned at 6:45 PM.

ATTESTATION

These minutes constitute a true and accurate record of the proceedings of the Board of Adjustment Meeting held on January 20, 2026.

Date Approved

David Watt, Chair

ATTEST: Lorin A. Kornijtschuk, City Clerk

AGENDA ITEM 4

BOA CASE NO: 2026-02

Owner/Applicant: John and Pauline Goodgame

Subject Location: 2709 Bay Blvd

Variance Request: Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 1'10" above the required 35-foot maximum building height resulting in a building height of 36'10" feet for a new residential dwelling

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: May 19, 2026
City Commission: June 9, 2026

AGENDA ITEM: 4

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

AUTHORIZED BY: Ryan Henderson, City Manager

SUBJECT: BOA CASE NO. 2026-02 –2709 Bay Blvd

Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 1' 10" above the required 35 foot maximum building height resulting in a building height of 36'10" feet for a new residential dwelling located at 2709 Bay Blvd Indian Rocks Beach, Florida, and legally described as Lot 12, Twelfth Addition to Re-Revised Map of Indian Beach, recorded in Plat Book 31 Page 25 of the Public Records of Pinellas County.
Property ID #06-30-15-42246-000-0340

OWNER John and Pauline Goodgame
LOCATION of PROPERTY: 2709 Bay Blvd
ZONING: S- Single Family

Direction	Existing Use	Zoning Category
North	Brown Park	R/OS
East	Residential	S
South	Intracoastal	N/A
West	Residential	S

BACKGROUND:

The applicant is requesting to increase the building height by 1'10" for a total building height of 3'10" ft instead of the allowed 35 ft. Applicant is asking to increase the building height to be consistent with modern standards for safety and flood protection and to maintain standard ceiling heights.

The City determines building height based on the following regulations and definitions.

1. In Sec 110-131(g) **Maximum building height.** For buildings constructed on pilings, the maximum height of pilings is ten feet. The maximum height of a building above pilings is 25 feet.

2. In Sec 110-1

- a. **Building height** means the vertical distance from the mean grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridges for gable, hip or mansard roofs
- b. **Grade** means the highest point on the crown of the road or street which borders on the lot or combination of lots. On corner lots, grade shall mean the highest point on the crowns of the intersecting roads. The finished grade shall mean the ground surface immediately adjacent to the exterior walls or pilings of the building.

The building plans are reviewed by the County and they review to determine if living area is at or above the Design Flood Elevation which is one foot above the Base Flood elevation shown on the FEMA maps. The City reviews for overall building height and setbacks.

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.

There are no special conditions that are not applicable to all lots in the same zoning district.

- 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 the house they designed.

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.

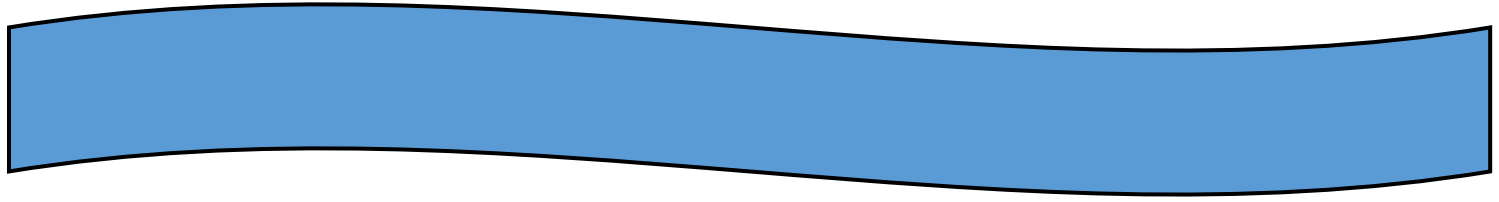
Granting the variance will not be in harmony with the general intent and purpose of subpart B.

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 4, 2026 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: No correspondence has been received.

MOTION:

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2026-02 – 2709 Bay Blvd** Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 1' 10" above the required 35 foot maximum building height resulting in a building height of 36'10" feet for a new residential dwelling located at 2709 Bay Blvd Indian Rocks Beach, Florida, and legally described as Lot 12, Twelfth Addition to Re-Revised Map of Indian Beach, recorded in Plat Book 31 Page 25 of the Public Records of Pinellas County.



2709 Bay Blvd
BOA CASE NO. 2026-02

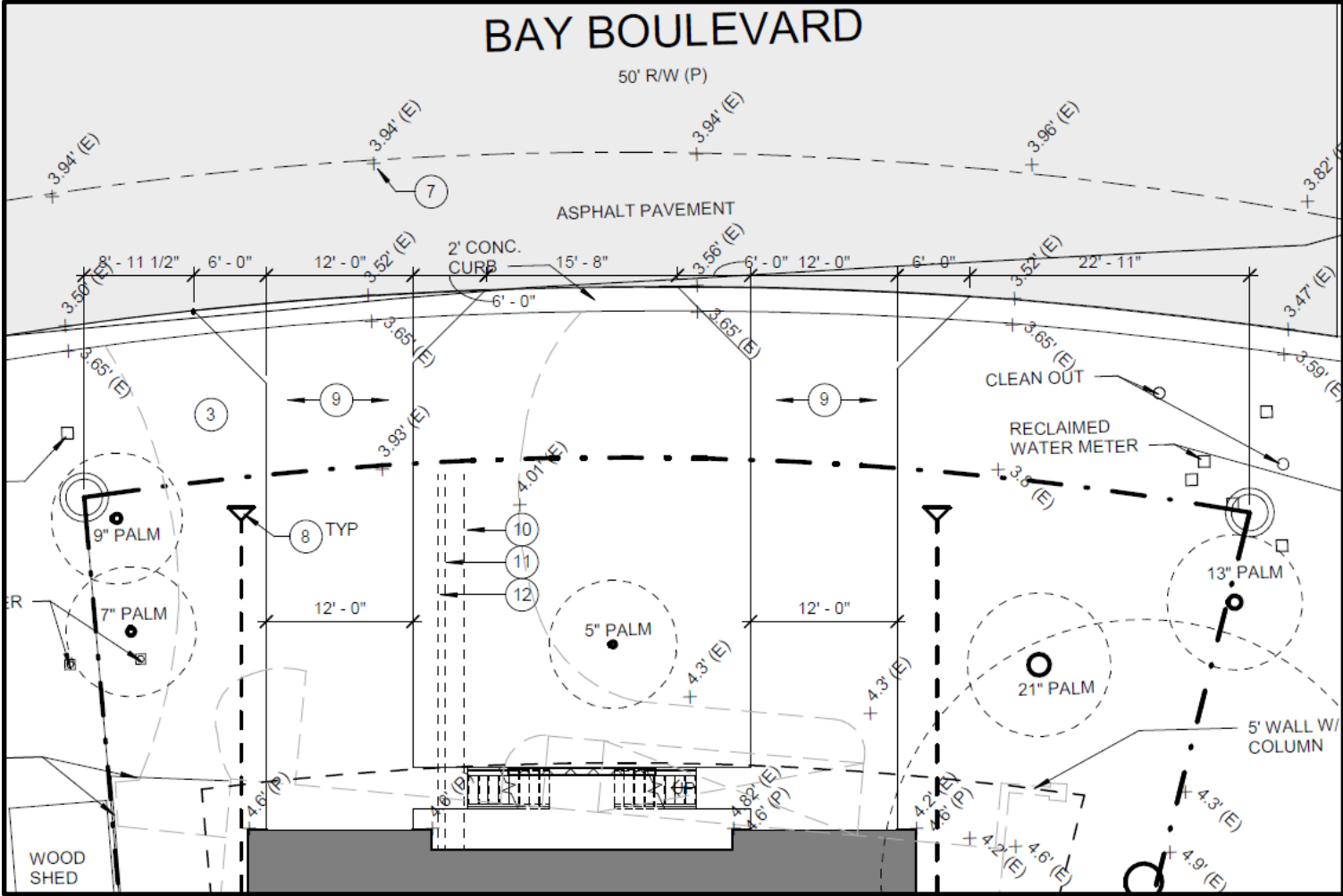


BOA CASE NO. 2026-02 –2709 Bay Blvd

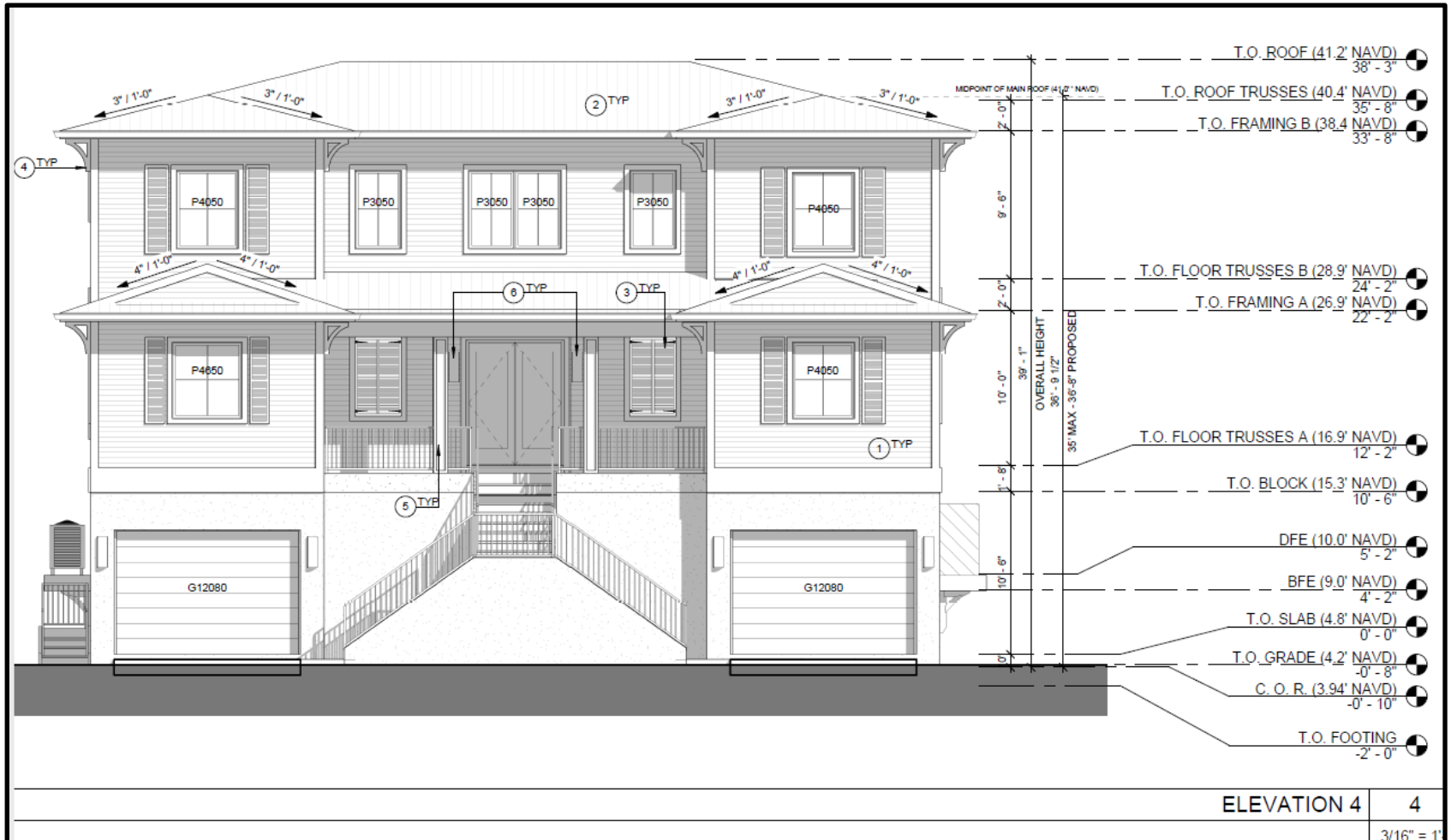
Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 1' 10" above the required 35 foot maximum building height resulting in a building height of 36'10" feet for a new residential dwelling located at 2709 Bay Blvd Indian Rocks Beach, Florida, and legally described as Lot 12, Twelfth Addition to Re-Revised Map of Indian Beach, recorded in Plat Book 31 Page 25 of the Public Records of Pinellas County.



Survey



Proposed Elevation



ELEVATION 4 | 4

3/16" = 1'

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

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

For Office Use Only

Application No.

Date Received

APPLICANT

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

Parcel ID:

City:

Zip Code:

Legal Description:

Zoning:

Future Land Use:

Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

Regulation

Required

Proposed

Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
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):	35'	36' 10"	1' 10"
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:

Please see answer 2 on Exhibit A.

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

Please see answer 3 on Exhibit 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:

Please see answer 4 on Exhibit 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:

Please see answer 5 on Exhibit A.

HARDSHIP CONTINUED...

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

Please see answer 6 on Exhibit 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:

Please see answer 7 on Exhibit A.

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

Please see answer 8 on Exhibit A.

CERTIFICATION

Date: 4/13/2026

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: JOHN GOODGAME

Signature: [Handwritten Signature]

Personally known/Form of Identification TX DL

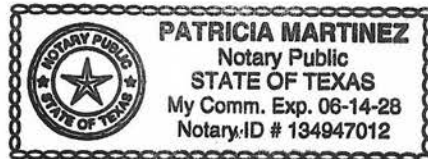
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 13 Month: April, 2026

Notary Public State of ~~Florida~~ ^{Texas} at Large: [Handwritten Signature]

Notary Public Commission Expiration: 6-14-28

State of ~~Florida~~ ^{Texas}
County: ~~Pinellas~~ ^{Harris}



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.

CERTIFICATION

Date: 4/13/2026

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: PAULINE GOODGAME

Signature: *P. Goodgame*

Personally known/Form of Identification TX DL

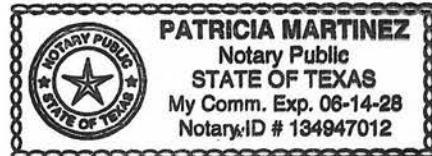
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 13 Month: April, 2026

Notary Public State of ~~Florida~~ ^{Texas} at Large: *PLM*

Notary Public Commission Expiration: 0-14-28

State of ~~Florida~~ Texas
County: ~~Pinellas~~ Harris



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: 4/13/2026

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

Name: JOHN GOODGAME Signature: [Handwritten Signature]

My agent of record may be contacted at:

Company: Dream Coast Builders

Address: 304 S. Prospect Ave

City/State: Clearwater, FL Zip Code: 33756

Telephone: 727-812-8200 Fax: _____

Before me this date personally appeared:

Name: JOHN GOODGAME

Signature: [Handwritten Signature]

Personally known/Form of Identification TX DL

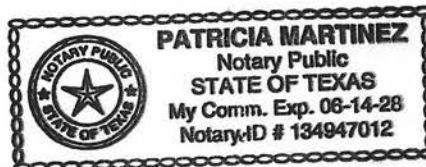
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 13 Month: April, 2026

Notary Public State of ~~Florida~~ ^{Texas} at Large: [Handwritten Signature]

Notary Public Commission Expiration: 6-14-28

State of ~~Florida~~ Texas
County: ~~Pinellas~~ Harris



AGENT OF RECORD

Date: 4/13/2026

I, PAULINE GOODGAME do hereby designate and appoint Gregg Gallagher 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: PAULINE GOODGAME Signature: [Signature]

My agent of record may be contacted at:

Company: Dream Coast Builders

Address: 304 S. Prospect Ave

City/State: Clearwater, FL Zip Code: 33756

Telephone: 727-812-8200 Fax: _____

Before me this date personally appeared:

Name: PAULINE GOODGAME

Signature: [Signature]

Personally known/Form of Identification TX DL

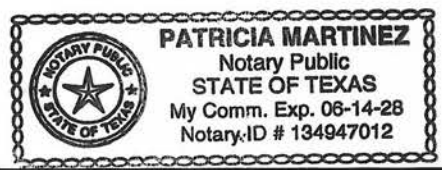
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 13 Month: April, 2026

Notary Public State of ~~Florida~~ ^{Texas} at Large: [Signature]

Notary Public Commission Expiration: 0-14-28

State of ~~Florida~~ ^{Texas}
County: ~~Pinellas~~ ^{Harris}



**EXHIBIT A TO
APPLICATION FOR VARIANCE BY
JOHN & PAULINE GOODGAME FOR
2709 BAY BLVD**

Answer 1:

Lot 34, Twelfth Addition to Re-Revised Map of Indian Beach, according to plot thereof as recorded in Plat Book 31, Page(s) 25, of the Public Records of Pinellas County, Florida

Answer 2:

The hardship arises from the City's use of the crown of the road as the reference point for height measurement rather than Base Flood Elevation (BFE). This standard has been deemed obsolete by FEMA due to its inaccuracy in coastal floodplain areas (FEMA-2021-0024). The elevation of the crown of the road is completely unique to the subject property. The subject property's location within a flood-prone coastal zone makes it uniquely affected by this outdated methodology. Nearby communities such as North Redington Beach have already modernized their regulations to reflect BFE-based measurements, highlighting the need for reasonable flexibility for properties like this one.

Answer 3:

The need for this variance is not self-created. The applicant has designed a home consistent with FEMA and Florida Building Code elevation requirements. The hardship is imposed by the City's outdated measurement reference, not by any voluntary act or design decision of the applicant. The City established its height regulations prior to FEMA's adoption of flood elevation heights and standards.

Answer 4:

Granting this variance does not confer a special privilege but simply enables the applicant to construct a home consistent with modern standards for safety and flood protection. The proposed structure remains in line with the size, height, and character of other homes within the zoning district and neighboring municipalities.

Answer 5:

Strict adherence to the current code would require the finished floor elevation or ceiling height to levels inconsistent with modern construction standards. This would compromise flood safety and increase the risk of property loss. The literal interpretation imposes an unnecessary hardship that prevents reasonable, safe, and practical use of the property.

Answer 6:

The requested variance of less than 2 feet (from 35 feet to 36 feet 10 inches) is the smallest adjustment possible to allow a safe, flood-compliant elevation while maintaining standard ceiling heights and an efficient roof design. The height increase is minimal and does not exceed what is typical for new coastal construction in comparable communities.

Answer 7:

The variance supports the purpose and intent of the zoning code by enhancing public safety and property resilience. The home will maintain neighborhood compatibility in scale, architectural style, and visual character. The variance will not obstruct views, cast shadows, or otherwise harm adjacent properties. Rather, it promotes safe, sustainable coastal development aligned with FEMA and state resilience goals. It will also confer a public benefit to the community by providing a fully compliant flood resilient home and associated housing and tax benefits.

Answer 8:

Approval of this variance represents sound, responsible planning that aligns with evolving flood management standards and community safety priorities. It enables the applicant to construct a home that meets modern expectations for quality and resilience while avoiding unnecessary risk. The variance ensures reasonable use of the property, anticipates FEMA's ongoing updates to flood elevation criteria, and upholds the public welfare by encouraging safer, more resilient coastal development consistent with the City's long-term vision.

AGENDA ITEM 5

BOA CASE NO: 2026-03

Owner/Applicant: 960 Gulf LLC

Location: 960 Gulf Blvd #5

Variance Request: Variance request from Sec.110-131(5)(f) of the Code of Ordinances, of 29.5 feet into the required 35 ft front yard setback resulting in a total front yard setback of 5.5 feet and 2.5 feet into the required 7.5 foot side yard setback resulting in a total side yard setback of 5.0 feet on the southside and 5.0 feet into the required 10.0 foot rear yard setback resulting in a total rear yard setback of 5.0 feet.

**BOARD OF ADJUSTMENTS AND APPEALS
AGENDA MEMORANDUM**

MEETING OF:

Board of Adjustment: May 19, 2026
City Commission: July 14, 2026

AGENDA ITEM: 5

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

AUTHORIZED BY: Ryan Henderson, City Manager

SUBJECT: BOA CASE NO. 2026-03 –960 Gulf Blvd. #5

Variance request from Sec.110-131(5)(f) of the Code of Ordinances, of 29.5 feet into the required 35 ft front yard setback resulting in a total front yard setback of 5.5 feet and 2.5 feet into the required 7.5 foot side yard setback resulting in a total side yard setback of 5.0 feet on the southside and 5.0 feet into the required 10.0 foot rear yard setback resulting in a total rear yard setback of 5.0 feet for property located at 960 Gulf Blvd #5 Indian Rocks Beach, Florida, and legally described a parcel of land lying and being in that portion of the South 75 feet of the North 750 feet of Government Lot 1, Section 12, Township 30 South, Range 14 East, that lies between Gulf Boulevard, and the Gulf of Mexico according to map or plat thereof as recorded in Book 23234 Page 2235, public records of Pinellas County, Florida.
Parcel # 12-30-14-00000-120-0400

OWNER 960 Gulf LLC
LOCATION of PROPERTY: 960 Gulf Blvd #5
ZONING: CT- Commercial Tourist

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

BACKGROUND:

The applicant is proposing a new elevated home on this location to have a FEMA compliant structure. The existing structure is non-conforming due to the lot size and existing setbacks. Per Section 110-103 of the Land Development Code the owner could elevate the home in the same square footprint.

The existing house is 480 square feet and proposed is approximately 991 square feet. The new structure would increase the existing footprint by encroaching further into the setbacks. The increased square footage would accommodate a larger living space.

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 is at grade and does not meet FEMA requirements.

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 as close to the required minimum unit size of 1000 square feet.

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.

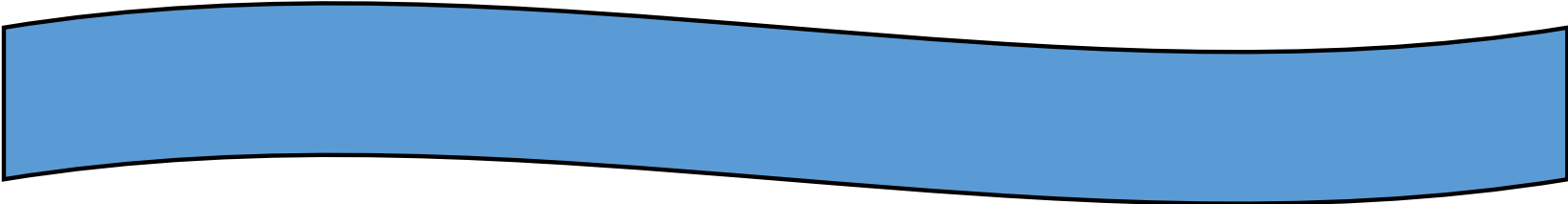
Granting the variance will not be in harmony with the general intent and purpose of subpart B.

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 4, 2025 (Sec. 2-149 of the Code of Ordinances.)

CORRESPONDENCE: Objections were received: 6

MOTION:

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2026-03 – 960 Gulf Blvd. #5** Variance request from Sec.110-131(5)(f) of the Code of Ordinances, of 29.5 feet into the required 35 ft front yard setback resulting in a total front yard setback of 5.5 feet and 2.5 feet into the required 7.5 foot side yard setback resulting in a total side yard setback of 5.0 feet on the southside and 5.0 feet into the required 10.0 foot rear yard setback resulting in a total rear yard setback of 5.0 feet for property located at 960 Gulf Blvd #5 Indian Rocks Beach, Florida, and legally described a parcel of land lying and being in that portion of the South 75 feet of the North 750 feet of Government Lot 1, Section 12, Township 30 South, Range 14 East, that lies between Gulf Boulevard, and the Gulf of Mexico according to map or plat thereof as recorded in Book 23234 Page 2235, public records of Pinellas County, Florida.



960 Gulf Blvd #5
BOA CASE NO. 2026-03



BOA CASE NO. 2026-03 –960 Gulf Blvd. #5

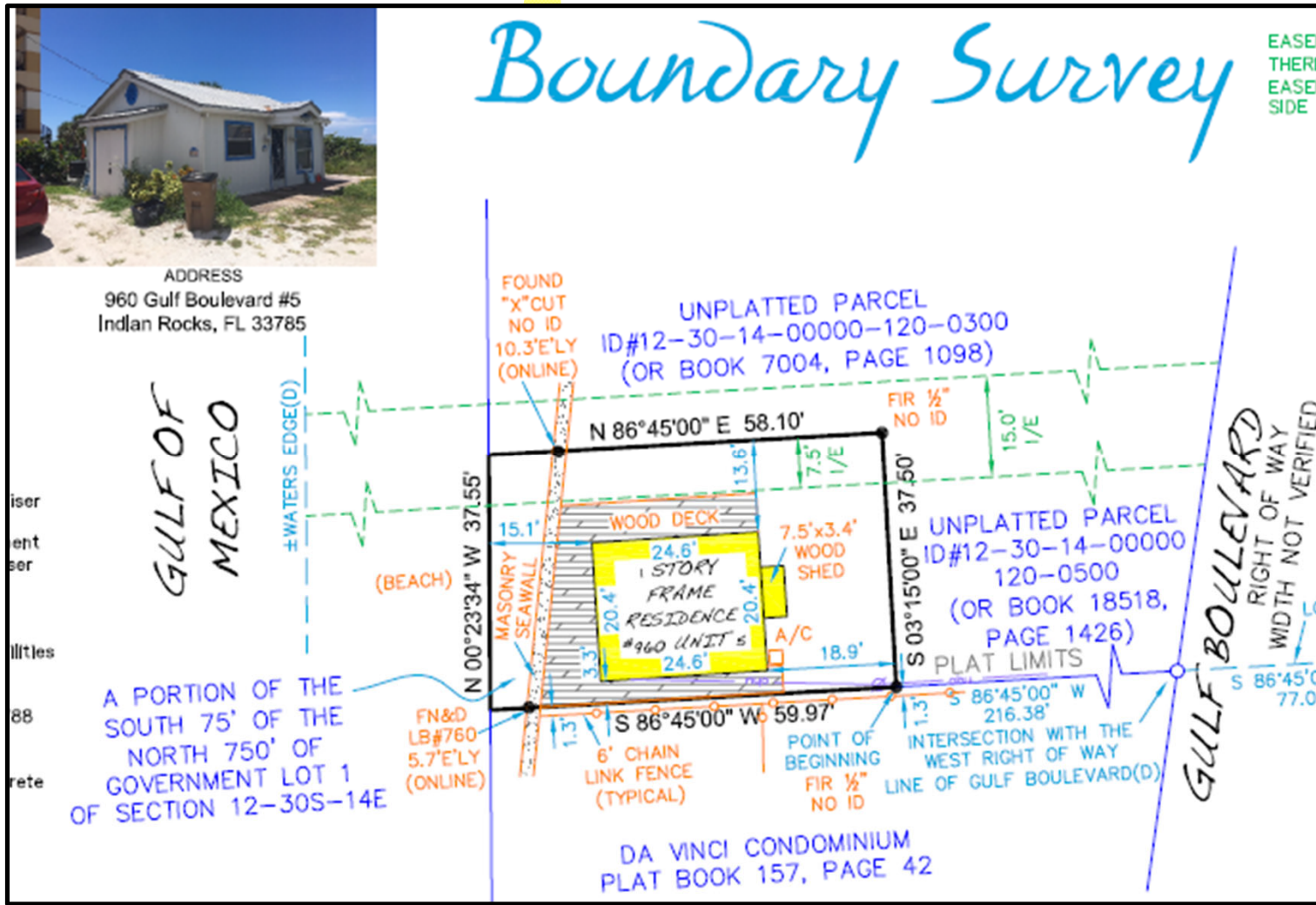
Variance request from Sec.110-131(5)(f) of the Code of Ordinances, of 29.5 feet into the required 35 ft front yard setback resulting in a total front yard setback of 5.5 feet and 2.5 feet into the required 7.5 foot side yard setback resulting in a total side yard setback of 5.0 feet on the southside and 5.0 feet into the required 10.0 foot rear yard setback resulting in a total rear yard setback of 5.0 feet for property located at 960 Gulf Blvd #5 Indian Rocks Beach, Florida, and legally described a parcel of land lying and being in that portion of the South 75 feet of the North 750 feet of Government Lot 1, Section 12, Township 30 South, Range 14 East, that lies between Gulf Boulevard, and the Gulf of Mexico according to map or plat thereof as recorded in Book 23234 Page 2235, public records of Pinellas County, Florida.



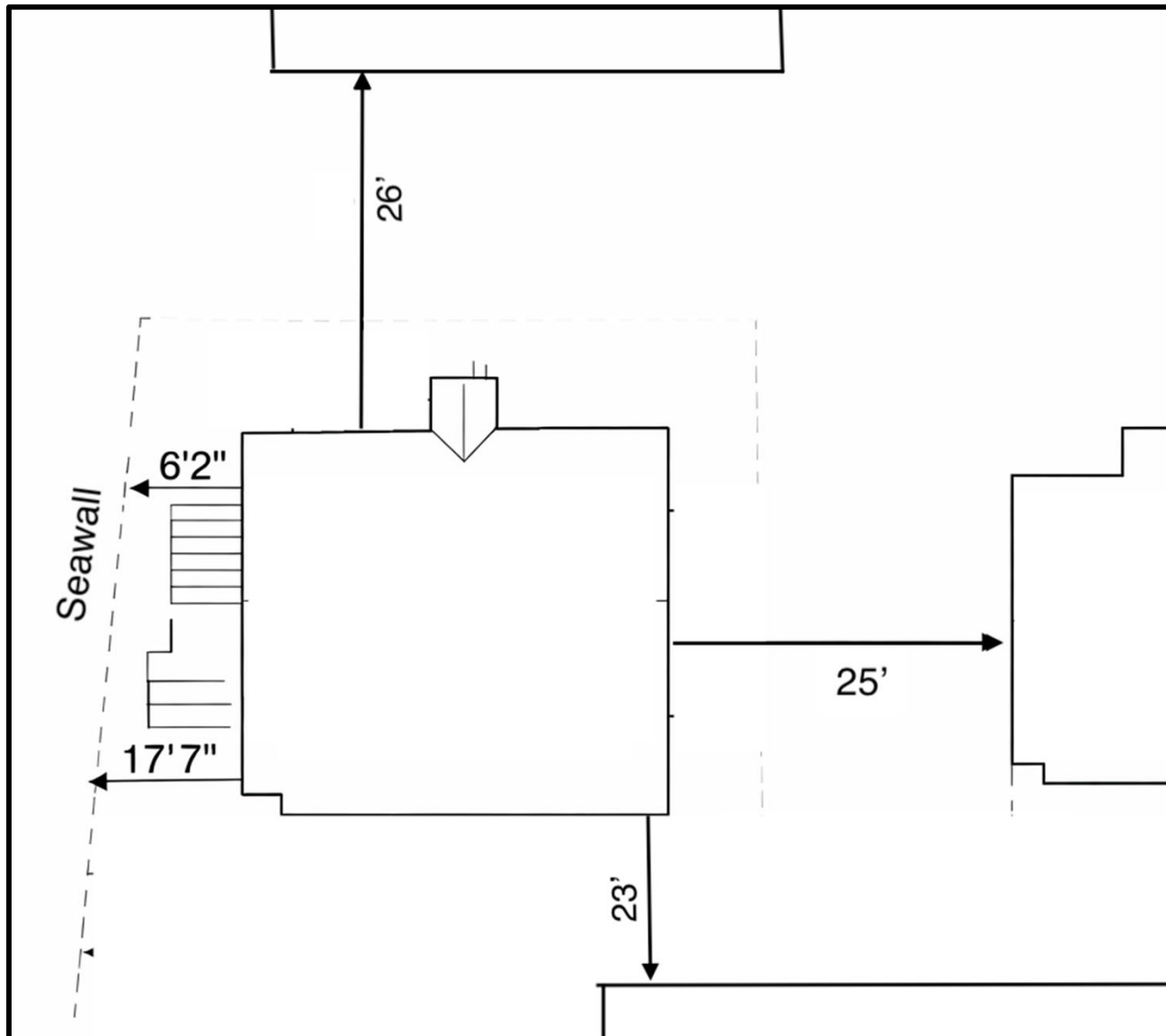
960 Gulf Blvd #5



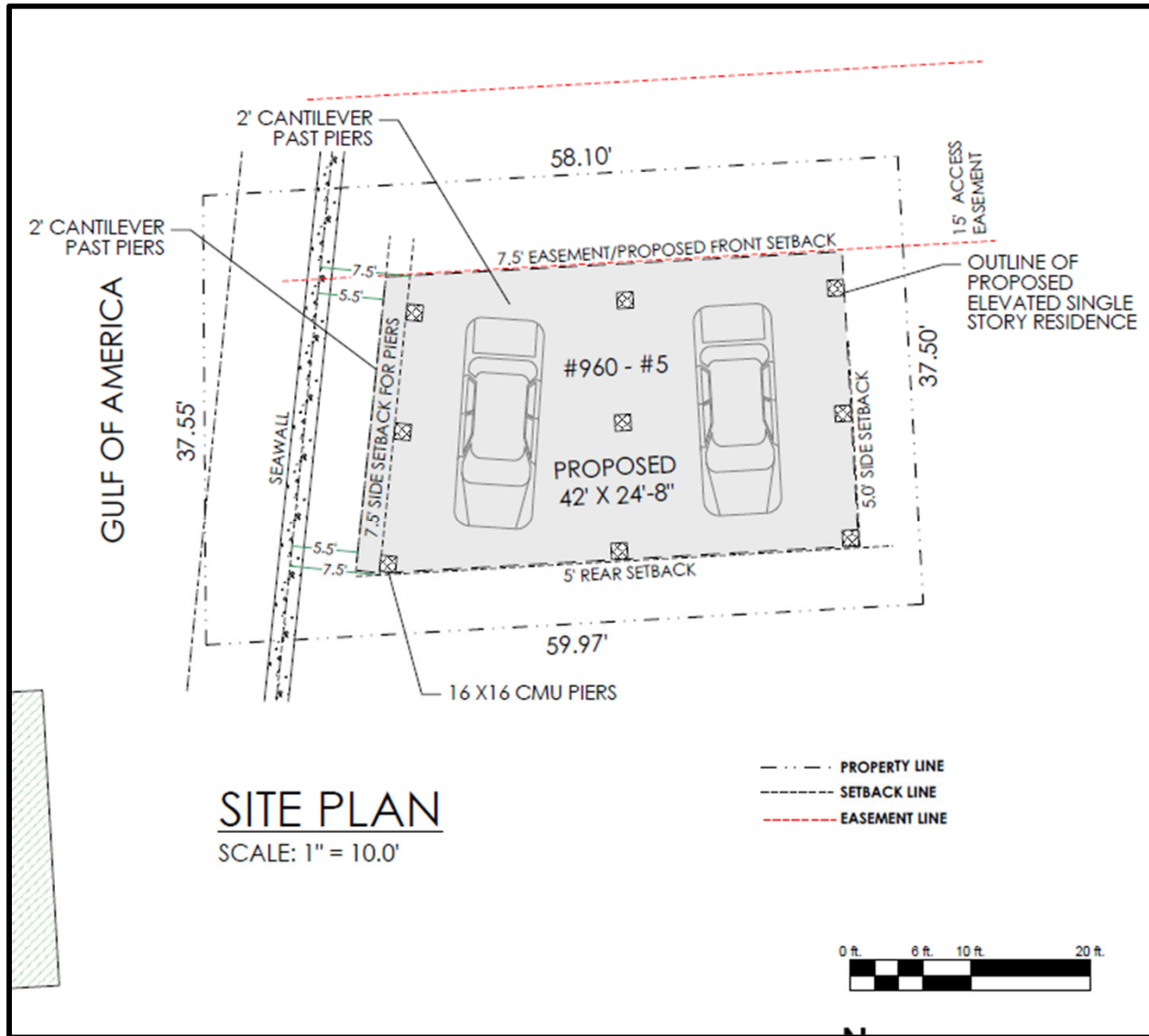
Survey



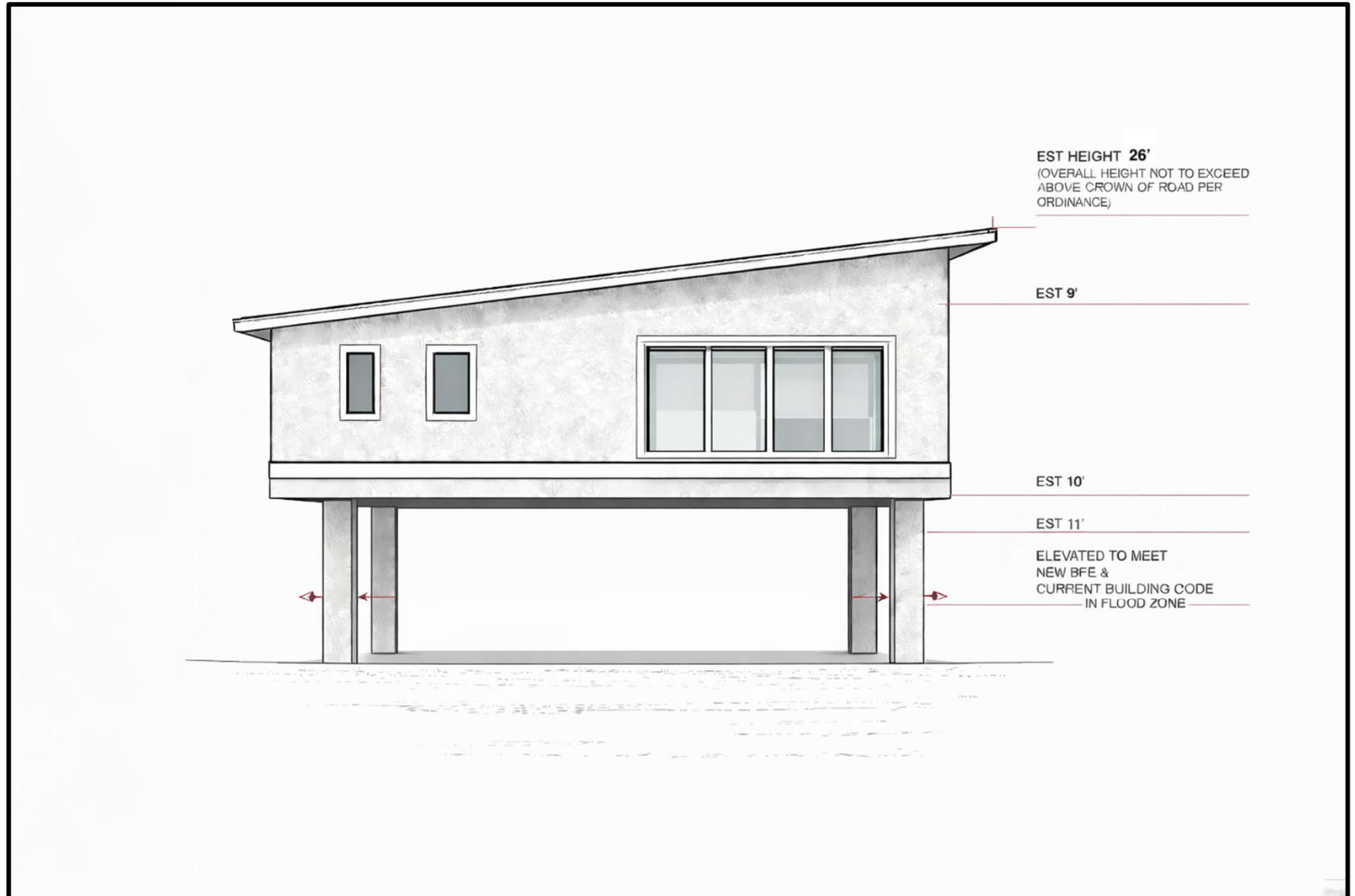
Existing Site Plan



Proposed Site Plan



Proposed Elevation



Looking West



Looking East



From Gulf Blvd



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:

Guisseppi Morabito

Address:

2021 Beach Dr SE

City:

St Petersburg

Zip Code:

33705

Tel:

440-212-3926

Fax:

Mobile:

Email:

guisseppi19@yahoo.com

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

960 Gulf Blvd, #5

Parcel ID:

City:

Indian Rocks Beach

Zip Code:

33785

Legal Description:

Zoning:

Future Land Use:

Size:

SITE DETAILS CONTINUED...

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

If yes, provide address and legal description:

Have previous applications been filed for this property? Yes No

If yes, describe:

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

If yes, describe:

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

If yes, is ownership or interest contingent or absolute:

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

If yes, list all parties on the contract:

Is contract conditional or absolute? Conditional Absolute

Are there options to purchase? Yes No

VARIANCE REQUEST

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

VARIANCE REQUEST CONTINUED...

Regulation	Required	Proposed	Total Requested
Rear-no alley setback (feet):	<input type="text"/>	<input type="text"/>	See survey
Rear-north/south street (feet):	<input type="text"/>	<input type="text"/>	See survey
Street-front setback (feet):	<input type="text"/>	<input type="text"/>	See survey
Side-one/both setback (feet):	<input type="text"/>	<input type="text"/>	See survey
Minimum green space (%):	<input type="text"/>	<input type="text"/>	See survey
Habitable stories (#):	<input type="text"/>	<input type="text"/>	1
Minimum lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	See survey
Building height (feet):	<input type="text"/>	<input type="text"/>	26
Off-street parking (spaces):	<input type="text"/>	<input type="text"/>	0
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"/>	N/A
Dock width (feet):	<input type="text"/>	<input type="text"/>	N/A
Signage (#):	<input type="text"/>	<input type="text"/>	N/A
Accessory structure (sq. ft.):	<input type="text"/>	<input type="text"/>	N/A
Accessory structure height (feet):	<input type="text"/>	<input type="text"/>	N/A
Lot size (sq. ft.):	<input type="text"/>	<input type="text"/>	See survey

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:

The subject property is a legally platted but substandard lot measuring approximately 37.5 feet in width and 58.6 feet in depth. A recorded 7.5-foot ingress/egress easement along the north property line further reduces the buildable width. These combined conditions significantly limit the developable area and are unique to this property, as most other lots in the zoning district are wider and not similarly encumbered by easements. Additionally, the property is located in a coastal high-hazard area subject to FEMA flood regulations and hurricane risk, which necessitates elevated construction and further constrains the usable building envelope.

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

The hardship is not self-created and results from the original platting of the lot, the existence of the recorded easement, and federally mandated FEMA flood elevation requirements applicable to coastal properties. These conditions existed prior to the applicant's involvement with the property.

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

I'm consulting with a licensed architect to ensure the design meets all safety and building requirements if this variance is granted. The requested variance will not confer any special privilege but will instead allow reasonable use of a legally existing lot under current FEMA and coastal construction requirements. The proposed single-family residence is consistent with other similarly developed properties in the area, including nearby properties at 960 Gulf Boulevard #1 and #6, which are elevated to meet floodplain and hurricane resilience standards

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:

Strict application of the required 15-foot total side setback would reduce the buildable width to approximately 22.5 feet due to the easement constraint. This would make it impractical to construct a reasonably functional single-family residence, including the ability to provide compliant off-street parking and safe access beneath a FEMA-compliant elevated structure. As a result, the property would be deprived of reasonable residential use.

HARDSHIP CONTINUED...

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

The requested relief to allow a 5-foot side setback on the south side (resulting in a total side setback of 12.5 feet) represents the minimum variance necessary to accommodate a functional building footprint while respecting the existing easement. This relief is also necessary to allow for compliant elevated construction and safe vehicular access in accordance with FEMA guidelines and hurricane-resilient building practices.

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. The proposed development is consistent with the character of the surrounding area, which includes elevated single-family residences designed to withstand coastal flooding and hurricane events. The structure complies with all other applicable zoning requirements, including height, front and rear setbacks, and use regulations. By facilitating FEMA-compliant construction, the project enhances safety.

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

The request represents the minimum relief necessary to allow reasonable, safe, and code-compliant residential use of a legally existing but constrained coastal lot. The proposal respects existing easements, meets FEMA flood elevation requirements, incorporates hurricane-resilient design, provides compliant parking, and remains consistent with surrounding development. Approval of this variance will enable appropriate use of the property.

CERTIFICATION

Date: 4/7/2026

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.

GIUSEPPE MORABITO

Before me this date personally appeared:

Name: _____

Signature: [Handwritten Signature]

Personally known/Form of Identification FL DL

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: 7 Month: April, 2026

Notary Public State of Florida at Large: [Handwritten Signature] KAYLEEN JUMADEEN

Notary Public Commission Expiration: 04/14/2028

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.

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 _____

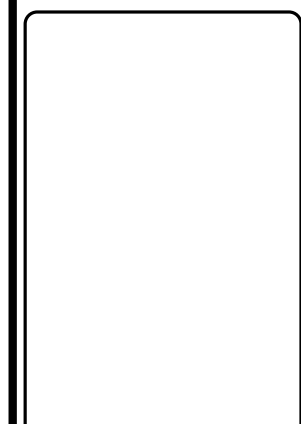
Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

REVISIONS

Morabito Residence
 960 Gulf Blvd #5
 Indian Rocks Beach, FL



SCALE: AS NOTED

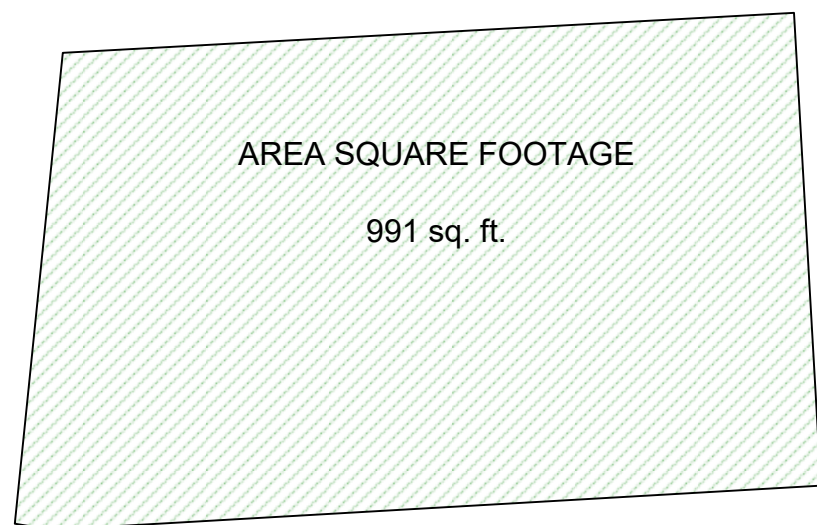
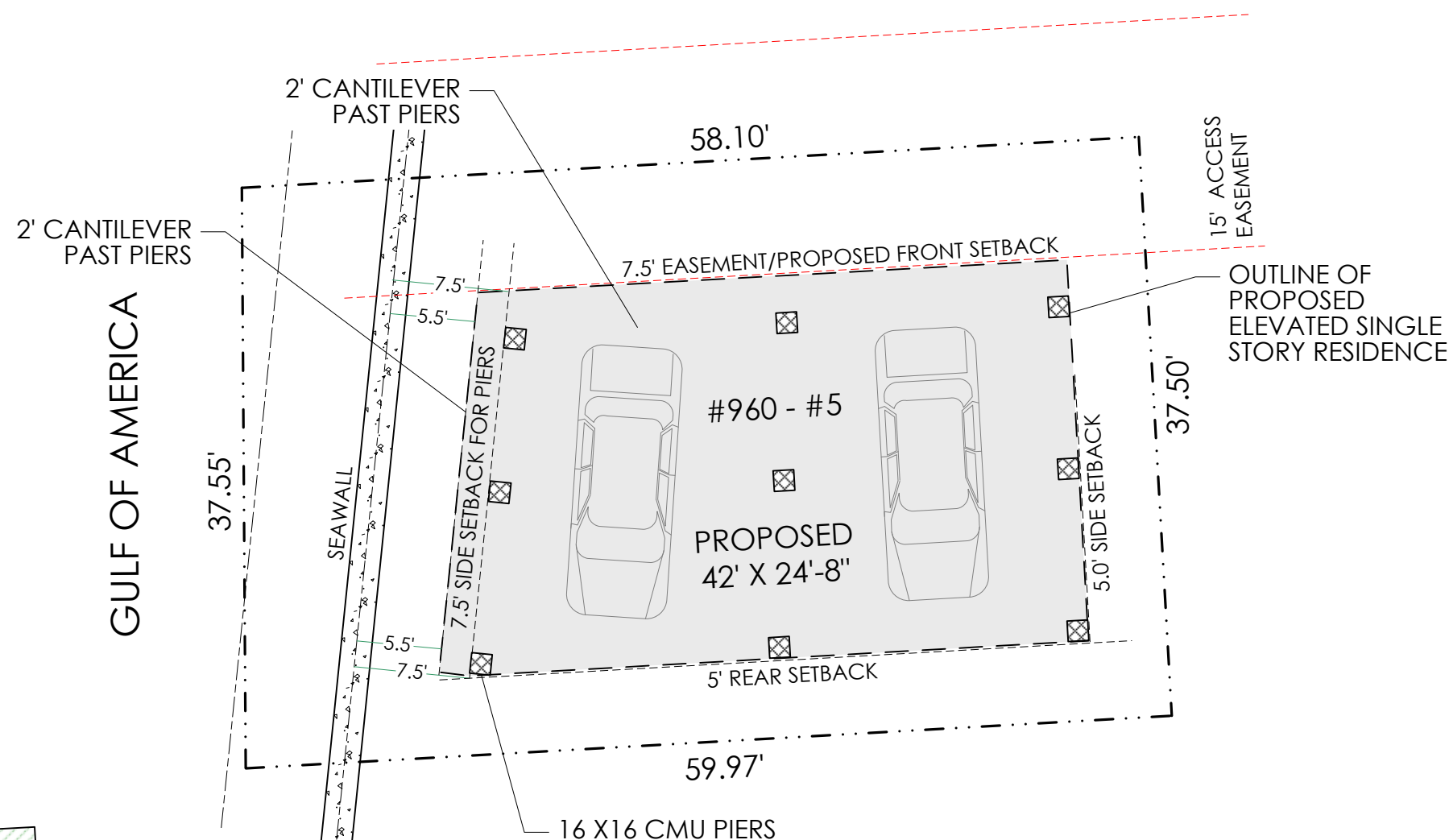
CHECKED BY:

DRAWN BY: R.Y.

DATE: MAR 17, 2026

PROJECT NUMBER: 261032

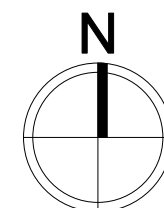
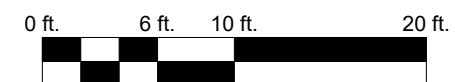
SHEET NUMBER:



SITE PLAN

SCALE: 1" = 10.0'

- · - · - · PROPERTY LINE
- - - - - SETBACK LINE
- - - - - EASEMENT LINE



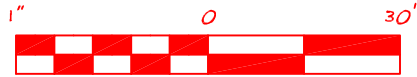
SITE PLAN

SCALE: 1" = 10.0'

Boundary Survey

EASEMENT NOTE:
THERE IS A 7.5' INGRESS & EGRESS
EASEMENT (I/E) ALONG THE NORTH
SIDE OF SUBJECT PROPERTY.

CERTIFIED TO: (AS FURNISHED)
Jessica Binnie & Matthew Binnie
Title Agency of Florida, a Division of Fidelity National Title of Florida, Inc.
Fidelity National Title Insurance Company
Union Home Mortgage Corp., ISAOA/ATIMA



SCALE: 1"=30'

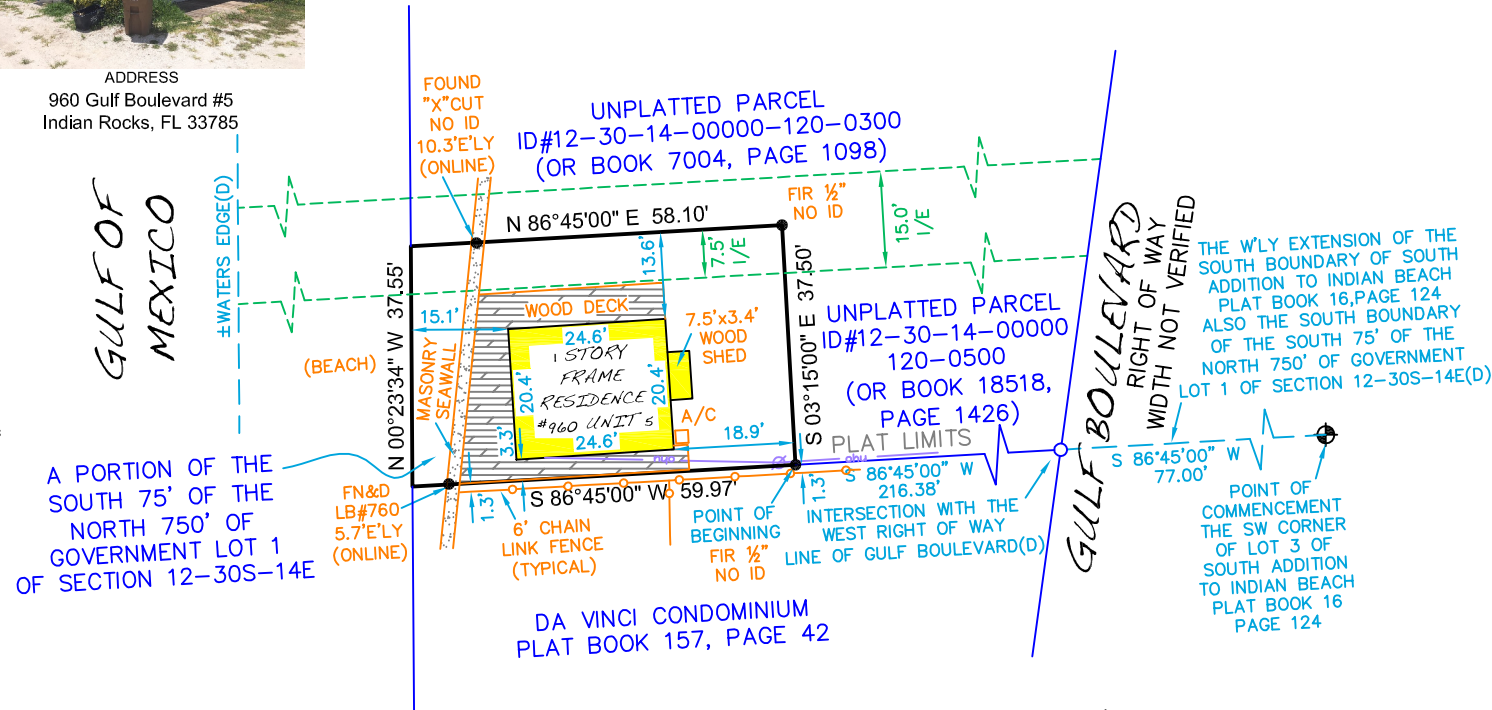
LEGEND

- | | |
|----------------------------|--------------------------|
| CC = Covered Concrete | Pg = Page |
| ID = Identification | Ⓜ = Electric Box |
| LB = Licensed Business | Ⓜ = Water Meter |
| FIP = Found Iron Pipe | ☆ = Light Pole |
| FIR = Found Iron Rod | Ⓜ = Telephone Riser |
| C/S = Concrete Slab | Ⓜ = Transformer |
| D = Central Angle | P/E = Pool Equipment |
| L = Arc Length | Ⓜ = Cable TV Riser |
| R = Radius | ONS = Onsite |
| (P) = Plat Dimension | OFFS = Offsite |
| (C) = Calculated Dimension | Ⓜ = Power Pole |
| (D) = Deed Dimension | ohu = Overhead Utilities |
| (F) = Field Dimension | Ⓜ = Well |

- OR Book = Official Record Book
SIR = Set 1/2" Iron Rod & Cap LB#7788
CBP = Covered Brick Pavers
FCM = Found Concrete Monument
SECC = Screen Enclosed Covered Concrete
FN&D = Found Nail & Disk
SN&D = Set Nail & Disk LB#7788
BP = Brick Pavers
CWD = Covered Wood Deck
Ⓜ = Mitered End Section
NCF = No Corner Set or Found
Ⓜ = Water Valve
Ⓜ = ±Septic Area



ADDRESS
960 Gulf Boulevard #5
Indian Rocks, FL 33785



A PORTION OF THE
SOUTH 75' OF THE
NORTH 750' OF
GOVERNMENT LOT 1
OF SECTION 12-30S-14E

DA VINCI CONDOMINIUM
PLAT BOOK 157, PAGE 42

Legal Description (as furnished)

A parcel of land lying and being in that portion of the South 75 feet of the North 750 feet of Government Lot 1, Section 12, Township 30 South, Range 14 East, that lies between Gulf Boulevard, and the Gulf of Mexico, being further described as follows:

Commence at the Southwest corner of Lot 3, of SOUTH ADDITION TO INDIAN BEACH, as recorded in Plat Book 16, Page 124, of the Official Records of Pinellas County, Florida; thence traverse S. 86 degrees 45'00" W., (assumed bearing) along the Westerly extension of the South boundary of said SOUTH ADDITION TO INDIAN BEACH, said South boundary also being the South boundary of the South 75 feet of the North 750 feet of said Government Lot 1, 77.00 feet to the West right-of-way line of Gulf Boulevard; thence continue S. 86 degrees 45'00" W., 216.38 feet to the Point of Beginning; thence continue S. 86 degrees 45'00" W., 59.97 feet; thence N. 00 degrees 23'34" W., 37.55 feet; thence N. 86 degrees 45'00" E., 58.10 feet; thence S. 03 degrees 15'00" E., 37.50 feet; to the Point of Beginning.

Subject to an ingress/egress easement over and across the North 7.5 feet thereof.

Together with a 15 foot ingress/egress easement being located in and across the South 75.0 feet of the North 750.0 feet of Government Lot 1 in Section 12, Township 30 South, Range 14 East lying West of Gulf Boulevard and whose centerline is more particularly described as follows:

From the Northeasterly corner of said Parcel, run S 10 degrees 30' 27" W, 38.35 feet to the Point of Beginning of said centerline; thence run S 88 degrees 25' 54" W, 307.21 feet more or less to the waters' edge and the ending point of said centerline.

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "AE & VE", AREAS DETERMINED TO BE INSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12103C0113G, LAST REVISION DATE 9/3/03. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
SOME UTILITIES LIE OUTSIDE OF EASEMENT AREA.
WALL CROSSES PROPERTY LINE.
OWNERSHIP OF WALL & FENCES HAS NOT BEEN DETERMINED.

BASIS OF BEARING
BEARINGS ARE BASED ON THE SOUTH LINE OF SUBJECT PROPERTY WHICH HAS A BEARING OF S 86°45'00" W PER DEED.

- NOTES**
- Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
 - The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
 - Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
 - The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
 - Building ties and dimensions for improvements should not be used to reconstruct boundary lines.

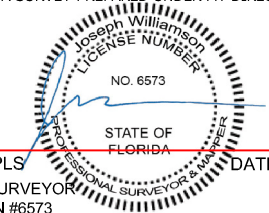
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER

DATED: 8/22/18

DATE	REVISION	DATE	REVISION

COPYRIGHT 2011

X Borrower's Acknowledgment and Acceptance
X Borrower's Acknowledgment and Acceptance



NOTE:
This Survey was prepared with the benefit of a title commitment.



Patent Pending

EST HEIGHT 26'

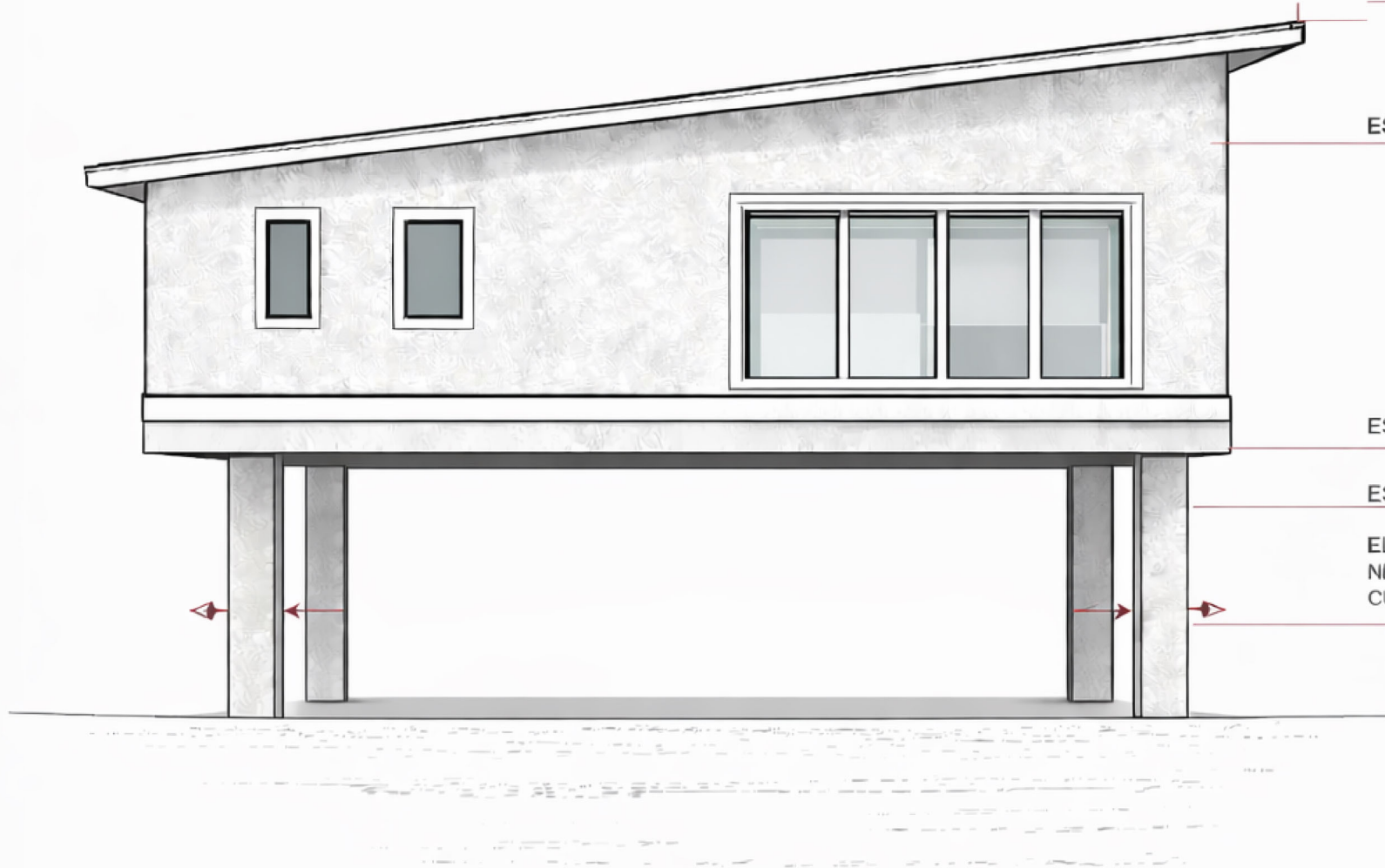
(OVERALL HEIGHT NOT TO EXCEED ABOVE CROWN OF ROAD PER ORDINANCE)

EST 9'

EST 10'

EST 11'

ELEVATED TO MEET
NEW BFE &
CURRENT BUILDING CODE
IN FLOOD ZONE



From: [Kornijtschuk, Lorin](#)
To: "Mark Wilson"
Cc: [Steph](#); [Harmon, Hetty C.](#)
Subject: RE: BOA case no. 2026-03 Variance request
Date: Tuesday, May 12, 2026 9:24:37 AM

Good morning, Mark Wilson,
Thank you for your email and we will include it in our packet for the board of adjustment meeting and the city commission meeting.
Kind regards,

Lorin A. Kornijtschuk, CMC
City Clerk- Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, FL. 33785
lorink@irbcity.com
(727)595-2517

Transparency, Integrity & Professionalism

Website:www.indian-rocks-beach.com
All government correspondence is subject to the public records law.

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

From: Mark Wilson <mark4w@icloud.com>
Sent: Monday, May 11, 2026 7:55 PM
To: Kornijtschuk, Lorin <lorink@irbcity.com>
Cc: Steph <sbwilson4@verizon.net>
Subject: BOA case no. 2026-03 Variance request

[You don't often get email from mark4w@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I strongly object to giving a Variance to 960 Gulf Blvd Unit 5. There is no Valid reason to grant such an extreme variance request or any Variance at all.
The owner is simply trying to maximize their property value at the expense of not only their neighbors but the community as a whole. Our community does not need or want such a concentrated building plan. If you grant this variance everyone will want one to increase their property value when selling to a developer.

Mark and Stephanie Wilson
940 Gulf Blvd
Unit 303
Indian Rocks Beach FL 33785
813-361-1314
Sent from my iPhone

From: [Jorge Jimenez](#)
To: [Hetty Harmon](#)
Cc: lorink@irbcity.com
Subject: Re: BOA CASE NO. 2026-3
Date: Tuesday, May 5, 2026 9:07:19 AM

Thank you for responding.

I did have one more concern.

I wanted to make sure that the new construction does not encroach into the access road at all (not 1 inch).

If the proposal encroaches into the access road shared by all 10 units then, I am against the construction and my vote would be a NO,

Thanks

Jorge Jimenez

813-363-5187

Jorgeandrosi@gmail.com

Sent from my iPad

> On May 5, 2026, at 8:01 AM, Hetty Harmon <hharmon@civilsurv.com> wrote:

>

> Thank you for your comments, we will add your email to the agenda packets for the boards to review.

>

> Hetty C. Harmon, AICP

> CivilSurv Design Group, Inc.

> Work: (863) 646 - 4771 x 211

>

> *Disclaimer: This e-mail, including any attachments, is intended only for the recipient(s) listed above and may contain confidential information, work product, and/or trade secrets or other information of a proprietary and confidential nature. By using this information the recipient shall indemnify and hold harmless CivilSurv Design Group, Inc. and its independent consultants or professional associates. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>

> -----Original Message-----

> From: Jorge Jimenez <jorgeandrosi@gmail.com>

> Sent: Monday, May 4, 2026 4:21 PM

> To: hharmon@irbcity.com; lorink@irbcity.com

> Subject: Re: BOA CASE NO. 2026-3

>

> Hi I am the owner of 960 Gulf Blvd apt #1 Jorge Jimenez, I will not be attending in person, but could these concerns be read during the meeting.

> I only have 4 concerns:

> 1.) the sewer lines run down the middle of the access road and are old galvanized pipes. I think the sewer line shared by all 10 units will not survive the construction. I propose as part of the construction they must install a new PVC sewer line to the street.

>

> 2.) the access road will be damaged by construction heavy trucks. The access road must be restored back and graded properly for all 10 units with shells on top to prevent erosion.

>

> 3. Since the proposal will include the entire property, then where will any and all construction supplies be stored. Trusses, wood, blocks, supplies. Where would all the construction trucks park? Will construction block access to the other units?

>

> 4.) could piles being driven into the ground affect the surrounding buildings from 1940?

>

>

>

> Owner of 960 Gulf Blvd apt 1, Indian Rocks Beach, FL 33785 Jorge Jimenez

> 813-363-5187

> Jorgeandrosi@gmail.com

>

From: [Karen Diehl](#)
To: hharmon@irbcity.com
Subject: BOA case no. 2026-03 variance
Date: Monday, May 11, 2026 4:16:11 PM

Dear Ms. Harmon

Regarding the BOA case no. 2026-03 variance request at 960 Gulf Blvd #5 Indian Rocks Beach

We own cottage 2 and will not be able to attend the information meeting on May 19th as we are out of state.

The sewer lines and water lines to all the units run under the road, they are very old. Driving heavy construction equipment down this road would likely cause added stress to the sewer and water lines which may not be noticed immediately, what remediation/repair is planned? The sewer runs down the center of the road, the main water line is on the south side of the road with the leads to each cottage on the north side of the road running under the road. These lines will be impacted by the equipment and construction of this project.

In addition, we would like to understand where construction trucks and materials will be located during construction. Space is very limited and we do not want our beach access blocked.

Karen and Chris Diehl

From: [Linda Whitman](#)
To: [Hetty Harmon](#)
Subject: Re: BOA CASE NO. 2026-3
Date: Tuesday, May 5, 2026 4:28:12 PM

Dear Ms. Harmon,

Thank you for your response. I stand corrected though, the cast iron pipe that runs down the center of the drive is a sewage pipe. But I would like the cottage owner, demolition and construction contractors to accept financial responsibility in writing for any and all damage and consequential repairs of the cast iron pipe, connecting pipes, water pipes, and any other damages caused by this project.

Linda Whitman
Cottage #9

On Mon, May 4, 2026 at 1:35 PM Hetty Harmon <hharmon@civilsurv.com> wrote:

The meeting is on May 19, 2026 at 6:00pm. We will include your email in the agenda packet for Board to read.

Thank you,

Hetty C. Harmon, AICP

CivilSurv Design Group, Inc.

Work: (863) 646 - 4771 x 211

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From: Linda Whitman <lkwhitman@gmail.com>
Sent: Monday, May 4, 2026 1:30 PM
To: hharmon@ircity.com; lorink@ircity.com
Subject: BOA CASE NO. 2026-3

I am the owner of a STR located at 960 Gulf Blvd. Cottage #9. Since I live 70 miles north of there, it is a hardship for me to attend tonight's meeting on the above subject.

I understand cottage #5 owner's desire to raise and enlarge his present cottage, but I do have some concerns. Other than the inconvenience of demolition and construction dust and debris, I am mainly concerned about the heavy equipment traffic. The water main for all ten cottages runs down the middle of the drive. I know that the cottages were originally built in 1948 and am assuming that the cast iron water main was installed around the same time. This could probably be confirmed by city records.

I would like to see the owner of cottage #5 and/or the construction companies hired for the demolition and construction agree in writing that they will be responsible for any damages and costs of repairs to the water lines.

Thank you for the opportunity to share my concerns.

Linda Whitman

960 Gulf Blvd. #9 11923 Elm St, San Antonio, FL 33576

Indian Rocks Beach FL

33785

(727)420-7093

From: [Andrew Knox](#)
To: lorink@irbcity.com
Cc: hharmon@irbcity.com
Subject: Subject: Collective Opposition by 20 of 21 Unit Owners – BOA Case No. 2026-03 (960 Gulf Blvd #5)
Date: Tuesday, May 12, 2026 2:40:32 PM
Attachments: [Collective Opposition by 20 of 21 Unit Owners – BOA Case No. 2026-03 \(960 Gulf Blvd #5\).pdf](#)

Dear Ms. Kornijtschuk,

Attached please find a **collective objection letter** signed by **20 of the 21 unit owners** of the condominium building at 940 Gulf Blvd, Indian Rocks Beach. This letter strongly opposes the variance request in BOA Case No. 2026-03 for the property immediately adjacent to our building at 960 Gulf Blvd #5.

One additional owner submitted a separate individual response, so the entire condominium is on record in opposition.

We respectfully request that this collective letter be included in the official record for both the Board of Adjustments and Appeals hearing on May 19, 2026, and the subsequent City Commission hearing. Multiple owners plan to attend the May 19 public hearing at 6:00 p.m. to speak in opposition.

Thank you for your attention to this matter that so significantly impacts our entire building and the surrounding neighborhood.

Sincerely,

Andrew and Emily Knox
Unit 200
940 Gulf Blvd, Indian Rocks Beach, FL 33785
732-232-9381
andrew@andrewknox.com

On behalf of 20 of the 21 unit owners of 940 Gulf Blvd Condominium

Andrew Knox
Unit 200
940 Gulf Blvd
Indian Rocks Beach, FL 33785
andrew@andrewknox.com
732-232-9381
May 7, 2026

VIA EMAIL (lorink@irbcity.com) and Certified Mail

Lorin A. Kornijtschuk, City Clerk
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, FL 33785

Re: Strong Opposition to BOA Case No. 2026-03 – Variance Request at 960 Gulf Blvd #5 (Parcel #12-30-14-00000-120-0400)

Dear Ms. Kornijtschuk, Members of the Board of Adjustments and Appeals, and City Commission:

We, the undersigned owners of condominium units at **940 Gulf Blvd**, write collectively to **strongly oppose** the requested variances from Sec. 110-131(5)(f) of the Code of Ordinances. The subject property lies immediately adjacent (to the North) of our building. The applicant seeks extraordinarily large encroachments: **29.5 feet into the required 35-foot front yard setback** (reducing it to only 5.5 feet), **2.5 feet into the 7.5-foot side yard setback** (to 5.0 feet on the south), and **5.0 feet into the 10.0-foot rear yard setback** (to 5.0 feet). This would allow major expansion and elevation of the cottage directly against neighboring structures.

This variance fails to meet the mandatory criteria of Sec. 2-152 of the Code of Ordinances:

1. There are **no special conditions or circumstances peculiar to this lot** that are not common to other similarly situated beachfront properties in the same zoning district. Many lots on Gulf Blvd are narrow and subject to FEMA elevation requirements.
2. Any claimed hardship is **self-created and not undue**. The applicant knowingly purchased a legally platted substandard lot in an established low-density cottage community. The need for flood elevation and the existence of the recorded easement are common conditions along Gulf Boulevard and do not constitute a unique hardship that justifies such extreme setback encroachments. Literal enforcement of the setbacks still allows reasonable use of the property.
3. Granting these variances **would confer a special privilege** denied to other property owners and would be **injurious to the neighborhood and public welfare**. Specifically, the proposal would:
 - o Completely or substantially eliminate northwest Gulf of America views from eight different units and limit views from four other units, affecting over half the units in our building;

- Create severe privacy invasions through direct window-to-window overlooking due to the extreme proximity (mere feet away), **including downward views into our condominium’s private pool and common areas**;
 - Significantly reduce natural light and sunlight to units in our building, including the second-floor northwest corner unit and the unit(s) above;
 - Create dangerous limitations on emergency vehicle access (fire, EMS, and ambulance) between the properties in this already-tight cottage community, impairing response times in a high-risk coastal evacuation zone;
 - Interfere with existing utility infrastructure (telephone poles and electrical service) and reduce clearance for maintenance crews, creating additional safety hazards;
 - Cause prolonged construction disruption, noise, dust, and access issues;
 - Materially diminish property values for adjacent owners;
 - Destroy the historic low-scale, cottage-community character of this Gulf Blvd block.
4. The requested variances are **not the minimum necessary** to allow reasonable use of the property — and, in fact, **no variance is necessary** for reasonable use. The existing cottage already provides reasonable use. Any flood-related elevation can and should be accomplished **within the current building footprint and without these extreme setback encroachments**. Granting this request would go far beyond the minimum necessary and would constitute an impermissible special privilege.
 5. Approval would be inconsistent with recent Board of Adjustments decisions denying setback variances that fail the mandatory criteria under Sec. 2-152. For example, in BOA Case 2025-06 (1101 Bay Pine Blvd), the Board unanimously denied a side-setback variance because it was not the minimum necessary and would be injurious to the area. Granting these far more extensive encroachments here would set a harmful and inconsistent precedent for oversized developments that undermine the uniform application of the zoning code and the City’s goal of preserving the low-density, cottage-community scale along Gulf Boulevard.
 6. The proposal conflicts with the City’s **Comprehensive Plan** and adopted policies that seek to preserve the coastal, small-town character, low-scale beach bungalows, and cottage-community feel along Gulf Boulevard. Setbacks exist precisely to protect light, air, views, privacy, and neighborhood scale.
 7. Additional public welfare, drainage, and coastal hazard concerns weigh against approval. The City’s Comprehensive Plan explicitly recognizes that “extensive urbanization within Indian Rocks Beach has destroyed virtually all natural drainage patterns,” leading to flooding during heavy rainfall in many areas. Current land development regulations prohibit any development from discharging **more stormwater onto adjacent rights-of-way or neighboring properties** than occurred in the pre-development (natural/unimproved) state, and all new development/redevelopment must meet 10-year/60-minute storm event standards. The proposed expansion and elevation — enabled by these extreme setback reductions — will increase impervious surfaces and alter drainage patterns on this tight beachfront lot. In a densely developed cottage community with limited pervious area and high storm surge/flood risk, even modest increases can create or exacerbate runoff, ponding, or drainage impacts on immediately adjacent properties, including my condominium building. This is particularly concerning in a

Coastal High Hazard Area and evacuation zone. The application should be required to include full engineered drainage calculations demonstrating **no net increase** in runoff to neighbors.

This collective opposition is submitted on behalf of the following owners of 940 Gulf Blvd, each of whom has reviewed and authorized this letter:

1. Andrew and Emily Knox - Unit 200
2. David and Stacy Wright – Unit 201
3. Brian Abrams – Unit 202
4. Robert and Meredith Goode – Unit 203
5. Tony Doblin – Unit 204
6. Manuel Alvarado – Unit 205
7. Pauline & Nino DiBiase – Unit 206
8. Corkey and Jena Baca – Unit 300
9. Christine Bock – Unit 301
10. Abelardo de la Teja – Unit 302
11. Mario and Donna Augusta – Unit 304
12. Maria Patri – Unit 305
13. Ken Straus – Unit 306
14. Barb and D’Arcy Murphy – Unit 400
15. Gordon Voit – Unit 401
16. Mason Clauser – Unit 402
17. Fiona Jeffery – Unit 403
18. Wilfredo and Maya Lorenzo – Unit 404
19. Larry and Marsha Green – Unit 405
20. John and Lynda Womer – Unit 406

For the reasons stated above, we urge the Board of Adjustments and Appeals to **recommend denial** and the City Commission to **deny** this variance request in its entirety.

Thank you for protecting the property rights, views, privacy, quality of life, and drainage integrity of existing residents in Indian Rocks Beach.

Sincerely,

Andrew Knox on behalf of the undersigned owners

CC: Hetty C. Harmon, Planning Consultant (hharmon@irbcity.com) Condominium Association Board / Other Owners at 940 Gulf Blvd

From: [Patti Marshall](#)
To: lorink@irbcity.com; hharmon@irbcity.com
Subject: BOA CASE NO. 2026-03 - 960 Gulf Blvd., #5, Variance Request
Date: Wednesday, May 13, 2026 10:46:53 AM

BOA Case No. 2026-03

Indian Rocks Commissioners, Ms. Lorin Kornijtschuk, Ms. Hetty Harmon, neighbors:

I am an owner at 960 Gulf Boulevard, Unit #8 specifically, and am in receipt of your Notice of Public Meeting May 19,, 2026 at 6:00 p.m., BOA Case 2026-03.

I have seen the preliminary drawings proposed on this agenda.

I live 100 miles away in Citrus County and I still work. I am unable to attend your 5/19/26 meeting; although I would be happy to attend via Zoom, which I understand is not available.

Please consider my comments herein:

My family has had a vast amount of experience with the plumbing there since originally purchasing in 1976. There is one shared central line. In fact, I lived there myself from 1982-1988, and am very familiar with the “sensitivities” of the system. I’m concerned about whether the driveway and the underlying structures there can survive the heavy machinery that will undoubtedly be traveling through the site daily. The system is very fragile.

IF APPROVED, I’d like to suggest some sort of “cash bond” so that when this damage occurs, the funds will be readily available for the repair AND the housing of ALL of the individuals that will be displaced when the system is down. We won’t have time to inquire about making an insurance claim, etc. When that main sewage pipe bursts, it will be of the **utmost urgency**. We have people that live there year round, as well as the short-term rentals. And this will not be a one-day repair.

Can we somehow require a pre-construction sewer system engineering assessment be done and any requisite reinforcements be done first – and not necessarily at the remaining owners’ cost?

Lastly, the “elephant on the beach” - Parking: Many of us have only one parking space. It’s extremely difficult to orchestrate the occasional delivery out there, let alone parking extra construction vehicles, and then add workers’ vehicles on the property?!? There simply is no room.

Those of us that rent will undoubtedly be financially impacted, the repercussions of which are yet unknown. NO ONE wants to listen to construction while they are on vacation.

Thank you for all of the very, very hard, diligent work you all do! Please consider my comments.

Sincerely,

Patti Marshall

PO Box 347

Homosassa, FL 34487-0347

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Patti Marshall, Court Reporter, RPR, FPR
pattimarshall1@gmail.com

AGENDA ITEM 6
OTHER BUSINESS

AGENDA ITEM 7
ADJOURNMENT