



ATTORNEYS & COUNSELORS AT LAW EST. 1884

One Tampa City Center, Suite 2000
201 N. Franklin Street
P.O. Box 1531 (33601)
Tampa, FL 33602
813.273.4200 Fax: 813.273.4396

WWW.MFMLEGAL.COM

625 Court Street, Suite 200
P.O. Box 1669 (33757)
Clearwater, FL 33756
727.441.8966 Fax: 727.442.8470

Clearwater

May 9, 2018

Via Email: jmurphy@townofbelleair.net

JP Murphy
Town Manager
Town of Belleair
901 Ponce de Leon Blvd.
Belleair, FL 33756

Re: Dock Variance - 3 Stonegate Drive, Belleair

Dear Mr. Murphy:

The purpose of this letter is to request an extension of variances requested by Dan Doyle, Jr. ("Applicant") so as to (a) allow a dock to be extended 35 feet outside the 50 foot length maximum resulting in an 85 foot dock, and (b) allow for construction of a dock outside the center one-third of the property. The variances were approved, conditioned upon the following items being completed by the Applicant to the Town's satisfaction:

CONDITIONS TO GRANT OF VARIANCES FOR RESIDENTIAL DOCK

1. Applicant will undertake to apply for the necessary permits and authorizations for maintenance dredging and the boat dock to the furthest permitted location northward of the adjacent property where a boat dock can be constructed; provided, however, the dredged area need not extend beyond a location which would permit the dock to be constructed in the center one-third of Applicant's property.
2. Applicant's dock will be constructed in the northernmost portion of the final dredged area to maximize its distance from the adjacent property to the south, to be verified by the Town Manager.
3. Regardless of water depth, no part of Applicant's dock shall be located less than 41 feet from the seawall of the adjacent property to the south.

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4. To the maximum extent possible while accommodating launching of boat, the dock shall be designed and positioned to minimize the profile of the dock, boat lift and boat when viewed from the adjacent property to the south. Such design and location shall be subject to approval by the Town Manager and his designated professional advisors.

These conditions were deemed met by the Town in September of 2017 as confirmed by the issuance of Permit No. 4108 on September 22, 2017 allowing for the construction of a dock. Since the variance is set to expire on September 22, 2018, we are now seeking an extension.

There are two main reasons why construction on the dock has not yet commenced. First, the Applicant has been sued by his neighbor to the south, John Connelly, who among other things is seeking an injunction to prevent the construction of the dock. While the Applicant is in disagreement with the basis for Connelly's lawsuit, until such time as the lawsuit is resolved, the Applicant is in legal limbo concerning construction of the dock. Second, the Applicant has not yet secured the other necessary permits from Pinellas County and other applicable agencies so as to allow construction of the dock. While all such permits have been applied for, the Applicant has no control over when these permits will be issued.

The Applicant is actively working through its counsel to resolve the lawsuit and to obtain the permits. Nevertheless, it is doubtful that the construction of the dock will be commenced prior to September 22, 2018. Pursuant to the Belleair Town Code, the Commission may extend variances for up to twelve months in the event extenuating circumstances have prevented the building or construction of the structure for which the variance was granted.

Based upon the foregoing, the Applicant is requesting an extension of the time for which construction must commence under the variance until September 22, 2019. If further delays occur due to the pending suit by Mr. Connelly, we likewise request further extensions.

Sincerely yours,



Thomas C. Nash, II

TCN:cpe

cc: David Ottinger (via e-mail)