



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Master

File Number: 17-0024

File ID: 17-0024	Type: Discussion Items	Status: Passed
Version: 2	Agenda Section:	In Control: Planning & Zoning Board
Subject:		File Created: 02/13/2017
Title:		Final Action: 03/13/2017

Internal Notes:

Sponsors:

Enactment Date:

Attachments: 3 Stonegate Drive, 3 Stonegate Drive Original variance, Hail opposition letter, Sec. 66_251. ___ Nonconforming_development., Taraszki Notice of Legal Representation for John Connelly, Sec. 66_253. ___ Nonconforming_development., Sec. 74_288. ___ Docks_and_piers., Connelly NTA-3 Stonegate, Sec. 74_84. ___ Schedule_of_dimensional_regulations ., Sec. 74_82. ___ Schedule_of_district_regulations., Sec. 74_281. ___ General_standards., Connelly Legal Representation attachment

Enactment Number:

Recommendation:

Drafter: glauda@townofbelleair.net

Hearing Date:

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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2	Planning & Zoning Board	03/13/2017	approved				Pass
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Action Text: Mr. Mariano moved to recommend approval of the dock length exceeding 50ft in length and allowing the 85ft dock length, and including references to the town staff recommendations for the first variance; seconded by Mr. Marich.

Notes: No exparte communications identified by board members.

JP Murphy-Assistant Town Manager-Provided existing conditions of property; first variance would allow construction of a dock outside center one third of property line, resulting in 35ft side yard setback; second variance would allow dock to be extended additional 35 ft outside the 50 ft maximum, resulting in and 85 ft dock. Micah Maxwell-Town Manager-Noted criteria for variance outlined in packet.

Joel Tew-Applicant's Attorney-Presented case; discussed specific location and configuration of the dock; discussed related code sections. Presentation exhibits included property survey, aerial and graphic photos; discussed dredge area in relation to dock as well as existence of mangroves and seagrass located on property. Mr. Tew further detailed each of the variance criteria in relation to case; possible environmental constraints; addressed board questions related to historical dredge, need for maintenance dredging and ownership of submerged lands.

Mr. Tarazski-Attorney for John Connelly-Presented argument against variance; discussed related code sections; riparian rights. Discussed zoning use of parcel for requested dock; presented related cases. Unreasonable encroachment into Mr. Connelly's view; discussed length of dock.

John Connelly-Applicant-Detailed the process of when he obtained his dock; commented on inability to obtain a new dredge permit; addressed questions from the board relating to permission and ownership of submerged land.

Mr. Tarazski discussed dredging; presented counter argument to hardships claimed by applicant relating to variance criteria; addressed board questions regarding trimming of mangroves and distinction of parcels.

Ciliento requested clarification on parcel; Mr. Maxwell stated approval can be conditional that the parcels be joined as the accessory use is not currently permitted.

No public comments to be heard

Letter received from John Hail in opposition; provided in packet.

Mr. Tew provided applicant rebuttal regarding property lines, silt and debris from roadway project and noticing. He further stated parcels are in process of being joined; applicant willing to accept a conditional variance. Addressed questions from the board related to mangroves and potential dock extension.

David Ottinger addressed question from Mr. Mariano regarding parcel and noticing; Mr. Tew stated that re-noticing will be done once the unity of title is obtained.

Discussion ensued regarding silt in area; potential impacts to outfall structure, no issues at this time.

Mr. Tew objects to request for surrebuttal; Chairman Brandvik will allow and objection noted.

Mr. Tarazski clarified previous comments regarding riparian corridor.

Meeting closed to public

Chairman Brandvik reviewed staff recommendations that approval be accompanied with following conditions: parcel deficiencies be made compliant with town development code; Town Attorney agrees to sign off on all questions related to the HOA common use of property or the original PDP.

Aye: 7 Chairman Brandvik, Burton, Acken, Vice Chairman Millspaugh, Marich,
Mariano, and Cilento

2 Planning & Zoning Board 03/13/2017 approved with conditions Fail

Action Text: Mr. Mariano made a motion to approve the construction of a dock outside the center 1/3 of the property condition to including the references to the town staff recommendations; seconded by Mr. Marich.

Aye: 3 Burton, Marich, and Mariano

Nay: 4 Chairman Brandvik, Acken, Vice Chairman Millspaugh, and Cilento
