

TOWN OF BELLEAIR
BUILDING DEPARTMENT
901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

MEMORANDUM

DATE: 2/13/17

TO: Mayor and Commissioners

FROM: Micah Maxwell, Town Manager

SUBJECT: Request for Variance –
Parcel No. 29/29/15/85511/000/0030

Property Owner: Daniel Doyle
3 Stonegate Drive
Belleair, Florida 33756

The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
- A. Zoning designation: RE - Estate Residential
 - B. Original Construction date:
 - 1999
 - C. Structural and other improvements to date:
 - 2016- Interior remodel
 - 2013- Roof
 - 2012-Addition
 - 2012-Demo of pool house
 - D. Existing easements: None shown on survey
- II. Proposed request:

The applicant is requesting a 2 separate variances. The first variance would allow for the construction of a dock outside the center one third of the property line resulting in a 35ft side yard setback. The second variance would allow the dock to be extended additional 35ft outside the 50ft maximum resulting in a 85ft dock(Please see attached memo).

REVISION
DATE _____
APPROVED BY: _____

VARIANCE

**AMENDMENT TO VARIANCE APPLICATION
FOR DOCK PLACEMENT & DIMENSIONS**

RECEIVED
BELLAIR BLDG. DEPT.

**Applicant: Dan Doyle, Jr.
Property: 3 Stonegate Drive
Town of Belleair, Florida**

FEB 07 2016

TIME REC. _____

The Applicant/Property Owner, in response to the Town Staff/Consultant's review comments on the pending application, hereby amends and supplements the application dated October 3, 2016, as follows:

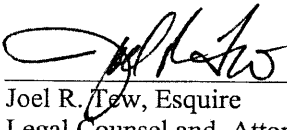
1. With respect to the Town's request for a letter of acceptance from the Homeowner's Association, the Applicant has attached and submitted herewith a copy of the recorded deed (O.R. Book 18861, Page 1981) which evidences that the Applicant is the current fee simple owner of the subject parcel, not the Association. Nevertheless, a consent letter from the Association for the placement of the dock by the Applicant on his own property, and consenting to the proposed variance(s), also is attached.
2. The Applicant hereby amends the Application to reduce the requested catwalk width to three (3) feet.
3. The proposed dock plan is clarified and re-attached, to demonstrate that the proposed dock extends a distance of eighty-five (85) feet if measured perpendicular into the water from the point at which the dock will meet the existing seawall, as the Town has required such measurement to be made. However, the plan also demonstrates that due to the jog in the Applicant's rear and side property line/seawall orientation, the proposed dock only extends fifty-five (55) feet as measured perpendicular from the Applicant's closest seawall point adjacent to the proposed boat slip, which the Applicant believes is the proper measurement under the Town's Code. In either event, the Applicant hereby amends the Application to request a variance of thirty-five (35) additional feet or five (5) additional feet beyond the fifty (50) foot standard distance under the Town's Code, whichever measurement is applicable to this unique circumstance. A copy of the plan with the added dimensions is attached, which also denotes the catwalk width at only three (3) feet.
4. The Applicant supplements the justification statement for the Application, as amended herein, as follows:
 - a. The Applicant's property ownership includes accreted and submerged lands (Deed Recorded at O.R. Book 10037, Page 958); consequently, it is the Applicant's position that the proposed dock does not extend more than fifty (50) feet from its fee simple property ownership boundary, and hence a variance is not legally required for item # 3, above.
 - b. If a variance is legally required for #3, above, then the proposed extension of the dock is entirely consistent with many other such dock extensions that have been permitted by the Town, also presumably based upon ownership of the submerged lands (without any variance being required), or otherwise approved and allowed by the Town. Common fairness and consistent application of the Town's code and/or variance policies therefore requires approval for the current Applicant's similar request.
 - c. If a variance is legally required for # 3 above, the length of the catwalk and the extension of the dock is functionally required in order to meet a sufficient depth of water to accommodate a water vessel. The use of the submerged land adjacent to the upland lot is

limited as a practical matter to the prior dredged area, and no further dredging can be anticipated due to applicable regulatory restrictions. The Applicant has no portion of its waterfront which has sufficient depth to accommodate the dock/boat slip, except for this location which is adjacent to the existing dredged area. Therefore, there is no reason for a dock if it cannot extend to the existing dredged area. In addition, the Town and/or its road contractor has negatively impacted the submerged area with silt/sand infiltration from the adjacent road work thereby worsening the existing situation.

- d. With respect to the side setback variance request, the proposed location for the dock is within the southern (outside) 1/3 of the Applicant's waterside property line; however, the proposed dock connection point remains thirty-five (35) feet from the adjacent property line on the south. This setback distance is consistent with many dock permits approved by the Town on other lots, and does not constitute an unreasonable encroachment upon the adjacent property owner. In addition, that owner has an existing dock located within the outside one third (1/3) of its own lot, already, so that owner already has availed themselves of the same opportunity.
- e. The proposed dock/boat slip is in the only portion of the Applicant's lot width that does not contain substantial, existing mangroves. Applicable regulatory requirements prohibit the removal of the mangroves; therefore, it is not legally possible to place the dock within the center one-third (1/3) of the waterfront area of the lot. Consequently the proposed side setback variance is required to comply with environmental requirements.

OWNER/APPLICANT:

Dan Doyle, Jr.

By: 
Joel R. Tew, Esquire
Legal Counsel and Attorney-in-Fact

Date: Feb 6, 2017

PREPARED BY AND RETURN TO:

Thomas C. Nash, II, Esquire
Macfarlane Ferguson & McMullen
625 Court Street, Suite 200
Post Office Box 1669 (33757)
Clearwater, Florida 33756

THIS QUIT CLAIM DEED IS PREPARED
WITHOUT EXAMINATION OR OPINION
OF TITLE

COPY

QUIT CLAIM DEED

THIS INDENTURE, made this 23 day of July, 2015, between STONEGATE
PROPERTY HOMEOWNERS ASSOCIATION, INC., f/k/a Stonegate Homeowner's Association,
Inc., a Florida non-profit corporation, Party of the First Part, whose mailing address is 11201
Corporate Circle North, Suite 120, ST. Petersburg, FL 33716, and DANIEL M. DOYLE, Jr., a
married man, of the County of Florida, and the State of Pinellas, Party of the Second Part, whose
mailing address is 3 Stonegate Drive, Belleair, FL 33756.

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of
Ten Dollars (\$10), in hand paid by the said Party of the Second Part, the receipt whereof is hereby
acknowledged, has remised, released and quitclaimed, and by these presents does remise, release
and quit claim unto the said Party of the Second Party all the right, title, interest claim and demand
which the said Party of the First Part has in and to the following described lot, piece or parcel of
land, situate lying and being in the County of Pinellas, State of Florida, to wit:

Tract "B" and Tract "C", Stonegate, according to the map or plat thereof recorded in
Plat Book 115, Pages 67 and 68, Public Records of Pinellas County, Florida

Parcel ID number: 29-29-15-85511-000-0002, 29-29-15-85511-000-0003

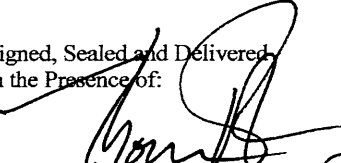
This is a conveyance of property from the Association to the adjacent property owner for
minimum consideration.

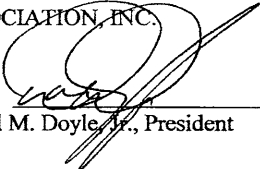
TO-HAVE AND TO HOLD the same, together with all the singular the appurtenances
thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim
whatsoever of the said Party of the First Part, either in law or equity, to the only proper use, benefit
and behoof of the said Party of the Second Part.

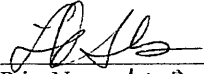
IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its Secretary the day the year above written.

Signed, Sealed and Delivered
in the Presence of:

STONEGATE PROPERTY HOMEOWNERS
ASSOCIATION, INC.


Print Name Thomas Nash II

By: 
Daniel M. Doyle, Jr., President

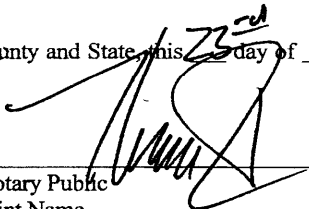

Print Name LINDA S MORRIS

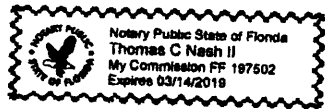
COPY

STATE OF FLORIDA
COUNTY OF PINELLAS

I HEREBY CERTIFY that before me personally appeared Daniel M. Doyle, Jr., as President, of Stonegate Property Homeowners Association, Inc., a Florida non-profit corporation, to me personally known or who has produced _____ as identification and who executed the foregoing instrument, and acknowledged the execution thereof to his free act and deed as such officer, for the uses and purposes therein expressed and the said instrument is the act and deed of said corporation.

WITNESS my hand and official seal at said County and State, this 23rd day of July, 2015.


Notary Public
Print Name _____
My Commission Expires: _____



g:\m\doyle\stonegate\quit claim corp.doc

STONEGATE HOA

February 6, 2017

RE:

Lot 3 Stonegate
3 Stonegate Drive
Belleair, FL 33756

Dock construction/variance request

To whom it may concern:

The Stonegate HOA has no objection to the construction of a dock or the approval of any variance request associated with the construction of a dock at 3 Stonegate Drive.

Sincerely,

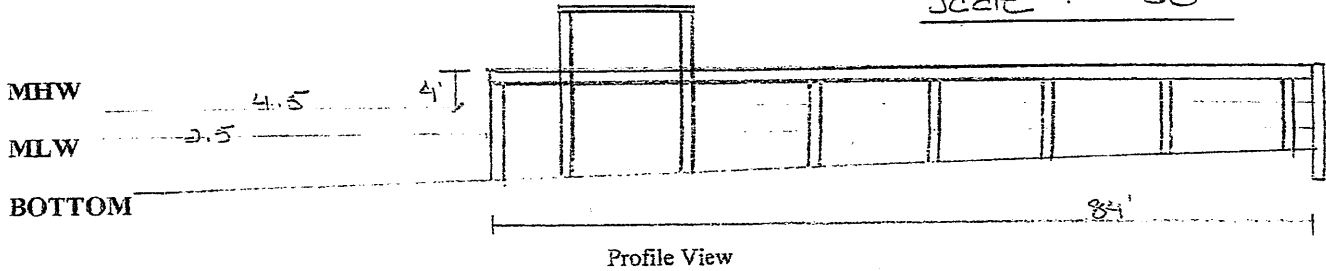


Daniel M Doyle

PRIVATE DOCK

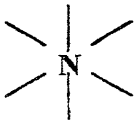
Application # _____
(OFFICIAL USE ONLY)

Scale 1" = 20'



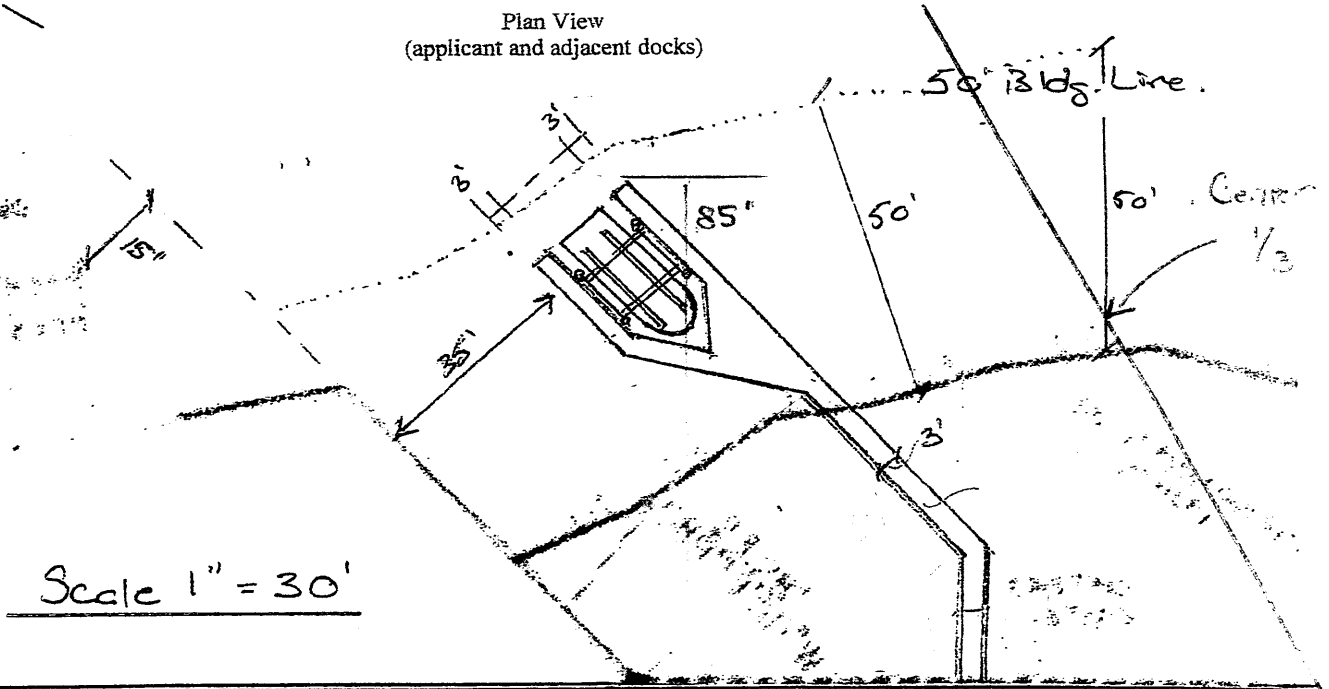
Profile View

ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET 500
NEW SQUARE FEET 500
WATERWAY WIDTH 309.99
WATERFRONT WIDTH 321.99

Plan View
(applicant and adjacent docks)



Scale 1" = 30'

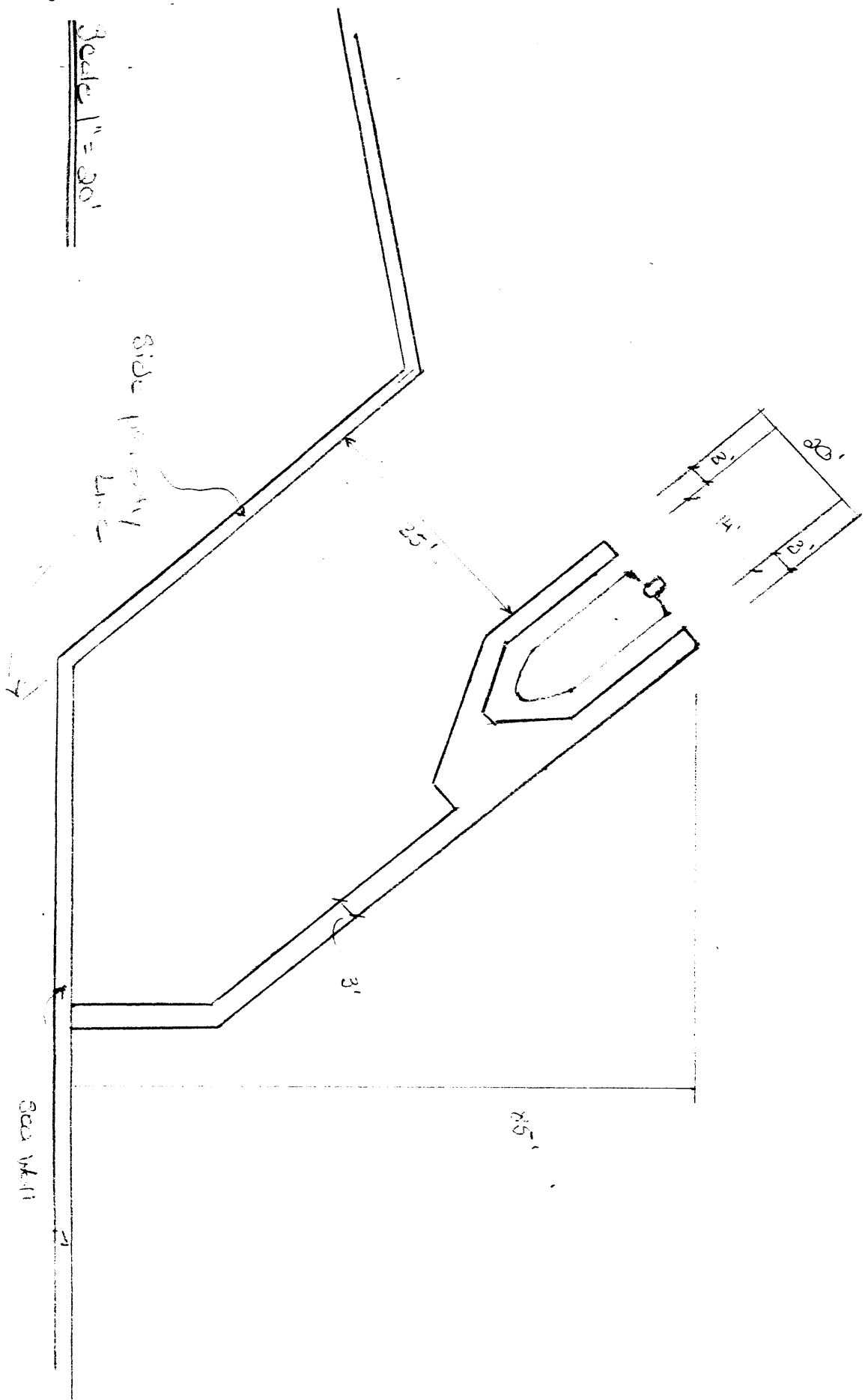
SHORELINE

The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner		Right Owner	
Signature	Date	Signature	Date 10/6/16
Municipality Approval		Water and Navigation Approval	

Scale 1" = 30'

Side property line



Sec. 74-288. - Docks and piers.

- (a) *Generally.* The construction, installation, or structural alteration of any dock, pier, boat lift, or dock-related structure, which shall include the structural alteration, building, moving, projection, or prolongation of a dock, pier, boat lift or dock-related structure, or any part thereof (collectively referred to herein as dock or pier "construction") shall be regulated by the provisions of this section and must comply with all specifications prescribed by the town. All multi-use private docks shared by more than ten property owners, managed collectively, and not governed by and contained within RPD zoning districts shall be exempt from the provisions of subsections (d)(1) and (2).
- (b) *Permits.* No person or party may construct any type of planned or existing dock or pier located within the jurisdiction of the town without first having obtained a permit.
- (1) The owner of record of the riparian upland property upon which a dock or pier may be constructed as set forth herein, or its agent, must submit to the town building department an application for a building permit, which shall include, but shall not be limited to: plans and specifications; a survey showing precise location of the structure or structures relative to the property lines and in conjunction with adjoining lands, waters, and channels; construction contracts reflecting the cost of the proposed work and the address of the contractor authorized by the applicant to perform the proposed work; and other pertinent information which the town building department may deem necessary for review and consideration of the application.
- (2) The town building department shall review all applications and notify applicant of the building department's approval or disapproval of the dock. If the building department approves the dock, the building department shall issue a dock permit that is contingent upon the applicant securing all permits or approvals as may be required by other governmental agencies having regulatory jurisdiction over such dock or pier, including without limitation, approval from the Pinellas County Water and Navigation Control Authority ("authority").
- (3) Repairs to a private dock, together with associated mooring piles, shall require a repair permit from the town if the construction is done in the same configuration as the originally issued permit. The owner of record of the riparian upland property upon which a dock or pier is located must submit to the town building department an application for a repair permit which shall include any and all such documentation as may be required by the town building department for review and consideration of the application. Repair permits shall be effective from the date of issuance for six months and may be renewable for one additional term of one month upon the written request of the applicant at least two weeks prior to the expiration date of the permit and for justifiable cause. If no original permit can be identified, a new permit shall be required which shall be issued based upon the requirements set forth herein for new or planned docks or piers. Repairs or replacement of deck boards only do not require a permit from the town. This exemption does not apply to any support structure such as stringers, caps or floaters and all deck boards must meet the Minimum Construction Criteria required by the Pinellas County Water and Navigation Control Authority.
- (4)

Prior to commencing construction or replacement of any dock or pier, any and all parties performing such work shall present to the town building department evidence that such party holds a class A general contractor's license or marine contractor's license issued by the Pinellas County Construction and Licensing Board.

- (5) Permits for dock and pier construction from the town shall be effective for six months from the date of issuance. Such permits may be renewable for one additional term of 90 days upon the written request of the applicant at least 30 days prior to the expiration date of the permit and for justifiable cause. All permits must be posted prominently and openly, in close proximity to the work for the duration of the permit or until the work is completed.
 - (6) After-the-fact dock permits. Any person who undertakes to construct or structurally alter a dock without obtaining the required permit from the town shall have ten days from the date of written notice from town to file an application for an after-the-fact permit, or to remove the unpermitted structure. After-the-fact dock applications shall be subject to an application fee which is three times the amount of the standard application fee. Such after-the-fact applications and construction must comply with all the terms and conditions of this Code. If such construction does not comply with the Code, it must either be removed or repaired so as to comply with all such requirements. The town shall copy the written notice of violation to the Pinellas County Construction and Licensing Board which notice shall constitute a complaint against the contractor who performed the unpermitted work. The town's authority to enforce unpermitted construction as set forth in this Code shall apply to enforcement of this section.
- (c) *Location; types of facilities.* Building permits for docks and piers shall only be issued for construction of docks or piers on riparian properties zoned and used for single-family, residential dwellings (RE, R-1, R-2, RN-15, and RPD), for hotels (H), for country clubs (GC), and for public land (P). Any dock to be owned in common or used by the residents of a homeowner's association or condominium shall be referred to as "multi-use private dock." Permits for commercially zoned properties and for commercial docks, piers, and wharfs where the primary use of such structure is the collection of revenue for profit, including, but not limited to, commercial marinas, boat yards and commercial boat docking facilities, shall not be permitted. Live-aboard facilities accommodating the use of a boat as a residence shall not be permitted. The foregoing prohibition, however, shall not be construed to prohibit the use of a private dock or pier to accommodate temporary living arrangements for up to seven days within a 30-day period.
- (d) *Design criteria.*
- (1)
 - a. All docks must be constructed within the center one-third of the applicant's waterfront property. This requirement may be waived by the building official provided that the applicant submits a signed, notarized statement of no objection, from the owner of the adjacent waterfront property that the dock encroaches upon.
 - b. Private docks shall be constructed so that the length of the structure shall not extend more than 50 feet measured from the waterfront.
 - c.

Catwalks shall have a maximum width of three feet and shall be contained entirely between the two side setbacks of the property. Mooring piles shall be constructed within the side property lines and shall be contained entirely within the dock area and the extended property line.

- (2) No single-family use dock shall be constructed to permit more than two boats to permanently dock, moor, park, store or in any other manner attach to or be placed upon the dock. For purposes of this paragraph, the term boat shall include boats, vessels or any other item which floats and is constructed to be propelled by oars, paddles, sail or motorized power. In addition to the foregoing, each dock shall be allowed to also store or have placed upon it a total of not more than two of the following boats: canoes, kayaks, non-motorized boats less than 12 feet in length, or motorized boats less than eight feet in length (this provision shall not exempt the structure from being designed and constructed for only two boats).
- (3) No roof structure will be allowed.
- (e) *Construction.* The construction of all docks and piers shall comply with the state building code and the minimum construction specifications required by the authority.
- (f) *Disrepaired or dilapidated docks.* If any dock constructed under this Code or continued in existence under this Code falls into disrepair so as to become a dangerous structure involving risks to the safety and well-being of the community or individual members thereof, such structure must either be removed or repaired so as to conform with the requirements of this Code. Upon determination by the town building department that any dock or pier has become a dangerous structure, written notice thereof shall be given by registered/certified, return receipt requested, mail or personal service to the owner of record of the riparian upland property. Such party shall have seven days from the date of service within which to secure the area and respond to the town building department indicating the intent regarding the dilapidated structure. Such party shall have an additional 60 days to remove the structure or obtain the required permits and repair such structure to conform with the requirements of this Code; the entire structure shall be brought into conformance with the requirements of this Code.

(Ord. No. 395, § 1, 8-23-00; Ord. No. 399, § 1, 11-20-01; Ord. No. 412, § 1, 3-18-03)