

File No. 17-0024
Request for Variance – 3 Stonegate Drive



JOHNSON POPE
BOKOR RUPPEL & BURNS, LLP
COUNSELORS AT LAW

DEFECTIVE NOTICE

The mailed and published notices failed to sufficiently identify the parcels that are the subject of this application.



NOTICE OF PUBLIC HEARING

Notice is hereby given that Public Hearings will be held by the Planning and Zoning Board and the Town Commission of the Town of Belleair, Florida on request for variance to the Code of Ordinances, Article IV, Section 74-288 of the Land Development Code.

The application is for two (2) variances for the property located at 3 Stongegate Dr., Belleair, Florida (Parcel No. 29/29/15/85511/000/0030, recorded on OR Book 10197, Page 0687, Public Records of Pinellas County). The variances are more specifically enumerated below:

1. Variance #1 – Requesting to allow for construction of a dock outside the center one third of the property line resulting in a 35ft side yard setback.
2. Variance #2 – Requesting to allow the dock to be extended an additional 35ft outside the 50ft maximum resulting in an 85ft dock.

The Planning and Zoning Board hearing will be held on **MONDAY, MARCH 13, 2017 at 5:30 P.M.** at the Belleair Town Hall, 901 Ponce de Leon Blvd., Belleair, Florida.

The Town Commission hearing will be held on **TUESDAY, MARCH 21, 2017 at 6:00 P.M.**, at the Belleair Town Hall, 901 Ponce de Leon Boulevard, Belleair, Florida. Additional information may be obtained from the Town Clerk's office. All parties interested are invited to attend and be heard.



LEGAL NOTICE

NOTICE OF PUBLIC HEARING

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Sec. 74-288(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...



Sec. 74-281 – General Standards.

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:...

- (2) There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this land development code.



Parcel 29-29-15-85511-000-0030



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STONEGATE
LOT 3 AND ACCRETED & SUBM
LAND ADJ ON W DESC IN OR
BK 10037 PG 958
3 STONEGATE DR, BELLEAIR 33756

DOYLE, DANIEL M JR
3 STONEGATE DR
BELLEAIR, FL 33756-1687

2016 29-29-15-85511-000-0030

Page 1 of 2

PRINTED 10/10/2016

BY jarmstrong

Map Id: 2309.0 1.00 1.00 1.00 AREA = 23; NEB = 9

BUILDING CHARACTERISTICS				0110 Single Family Home		** VALUE SUBJECT TO CHANGE **		Pinellas County Property Appraiser Office												
QUALITY Superior						VALUE SUMMARY														
CATEGORY	TYPE	%	PTS																	
FOUNDATION	2CONTINUOUS	100	3.00					PRIOR JUST MARKET VALUE 3,319,915												
FLOOR	1SLAB ON	100	6.00					CURRENT JUST MARKET VALUE 3,187,944												
EXTERIOR	6MASONRY	100	31.0					ASSESSED VALUE 3,187,944												
ROOF	1GABLE OR	100	6.00					HX/NHX CAP BASE YEAR 2016												
ROOF	8SLATE/GOOD	100	13.0					TAXABLE VALUE 3,137,944												
FLOOR	4HARD	100	18.0					HX Yes												
INTERIOR	4CUSTOM	100	48.0					% HX 100.00												
HEATING	6CENTRAL	100	5.00					TOT EXEMPTIONS VALUE 50,000												
COOLING	COOLING	100	3.00																	
CATEGORY				UNITS																
STORIES				2.00																
FIXTURES				27.00																
LIVING UNITS				1.00																
TOTAL LIVING UNITS				1																
DEPRECIATION ADJ				ADJ																
EXTERNAL OBSOLESCENCE				0.0000																
EXTERNAL OBSOLESCENCE				0.0000																
OTHER				0.0000																
TYPE				QU	HX/NHX															
09				05	100.0															
RCND				YB	EA															
2762288				1999	17															
SAR				AREA	% B	EFF. AREA														
BAS				583	100	583														
BSF				399	80	319														
OFF				32	20	25														
OFF				125	20	25														
USF				2,437	90	2,193														
10,195				8,666																
TAXING DISTRICT				BL	JUST VALUE/SF	374.39														
L	EXTRA	N	FEATURE	DESCRIPTION	BD	HX/NHX	LEN	WID	UNITS	UNIT VALUE	ADJ UNIT VALUE	BLT	EFF	%	XF	NOTES				
1	0102		PATIO/DECK		100	0	0	0	2,985.00	16.00	1999	17	2010	56	26,746	X TRA				
2	0203		POOL		100	0	0	0	1.00	32,000.00	32,000.00	1999	17	1999	56	17,920				
3	0503		FIREPLACE		100	0	0	0	1.00	6,000.00	6,000.00	1999	17	1999	72	4,320				
4	0504		FIREPLACE		100	0	0	0	1.00	8,500.00	8,500.00	1999	17	1999	72	6,120				
5	2003		PND/FNT/WF		100	0	0	0	1.00	15,000.00	15,000.00	1999	17	1999	100	15,000				
6	0503		FIREPLACE		100	0	0	0	1.00	6,000.00	6,000.00	2012	4	2013	96	5,760				
L	USE	LAND USE	HX/NHX	R	FRONT	DEPTH	FF	FRNT FT	FACT	UNITS	UT	D	DEPTH	SIZE	INFLUENCE	UNIT	ADJ UNIT	LAND	OTHER ADJ	
T	N	CODE	DSCR	D			T				TP	T	FACT	FACT	DESCRIPTION	VALUE	VALUE	VALUE	AND NOTES	
C	1	01	SINGLE	100	170.00	181.0	100	83.00		170.00	FF	200	0.97	1.00		10,000.0	8,051.00	1,368,670	15 UT LV	
C	2	96	WASTELAN	100	170.00	88.00		100.00		0.34	AC		1.00	1.00		1,000.00	1,000.00	340	15 UT LV	
NOTES																	APPRaisal DATES			
																	REVIEW DATE		04/14/2016	
																	FIELD NUMBER		021	
																	REVIEW TYPE		Permit	



JOHNSON POPE
BOKOR RUPPEL & BURNS, LLP
COUNSELORS AT LAW

Parcel 29-29-15-85511-000-0002



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STONEGATE
TRACT B, COMMON AREA,
DRAINAGE EASEMENT

HARBORSIDE DR, BELLEAIR 33756

DOYLE, DANIEL M JR
3 STONEGATE DR
BELLEAIR, FL 33756-1687

2016

29-29-15-85511-000-0002

Page 1 of 1

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BY jarmstrong

Map Id: 2309.0 1.00 1.00 1.00 AREA = 23; NEB = 9

BUILDING CHARACTERISTICS

QUALITY
CATEGORY TYPE % PTS

CATEGORY UNITS

TOTAL LIVING UNITS 0

DEPRECIATION ADJ ADJ

EXTERNAL OBSOLESCENCE 0.0000

EXTERNAL OBSOLESCENCE 0.0000

OTHER 0.0000

TYPE OU HX/NHX

RCND YB EA

0 2016

SAR AREA % B EFF. AREA

0945 Subdivision common area - right-of-way,

** VALUE SUBJECT TO CHANGE **

**Pinellas County Property Appraiser Office
VALUE SUMMARY**

PRIOR JUST MARKET VALUE 0

CURRENT JUST MARKET VALUE 0

ASSESSED VALUE 0

HX/NHX CAP BASE YEAR 0

TAXABLE VALUE 0

HX No

% HX 0.00

TOT EXEMPTIONS VALUE 0

PERMIT TP ST. EST VAL ISSUE DATE

BUILDING: 0

OFFICIAL OFFICIAL DATE OF SALE INSTR U I REASON SALES PRICE M SELLER BUYER SALES NOTE

1 18861 1981 07/23/2015 QC U I 11 100 N STONEGATE DOYLE DANIEL M JR MULTI

2 08574 0412 FROM THE NAT

TAXING DISTRICT BL JUST VALUE/SF 0.00

L EXTRA

N FEATURE DESCRIPTION BD HX/ NHX LEN WID UNITS UNIT VALUE ADJ UNIT VALUE BLT EFF YEAR AGE BLT % GOOD XF

NOTES

APPRaisal DATES

REVIEW DATE 08/26/2016

FIELD NUMBER 021

REVIEW TYPE Oblique



Parcel 29-29-15-85511-000-0003



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HARBORSIDE DR, BELLEAIR 33756

BELLEAIR, FL 33756-1687

29-29-15-85511-000-0003

Page 1 of 1

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BY jarmstrong

Map Id: 2309.0 1.00 1.00 1.00 AREA = 23; NEB = 9

BUILDING CHARACTERISTICS				0945 Subdivision common area - right-of-way,	** VALUE SUBJECT TO CHANGE **	Pinellas County Property Appraiser Office VALUE SUMMARY				BL										
QUALITY CATEGORY	TYPE		%	PTS												PRIOR JUST MARKET VALUE	0			
																CURRENT JUST MARKET VALUE	0			
																ASSESSED VALUE	0			
																HX/NHX CAP BASE YEAR	0			
																TAXABLE VALUE	0			
																HX	No			
																% HX	0.00			
																TOT EXEMPTIONS VALUE	0			
CATEGORY				UNITS												PERMIT	TP	ST	EST VAL	ISSUE DATE
																CB08-10814	00	V	300,000	10/27/08
TOTAL LIVING UNITS				0																
DEPRECIATION ADJ				ADJ																
EXTERNAL OBSOLESCENCE				0.0000																
EXTERNAL OBSOLESCENCE				0.0000																
OTHER				0.0000																
TYPE		QU		HX/NHX																
				0.00%																
RCND		YB		EA																
0				2016																
SAR		AREA		% B EFF. AREA																



Sec. 74-228(d)(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.

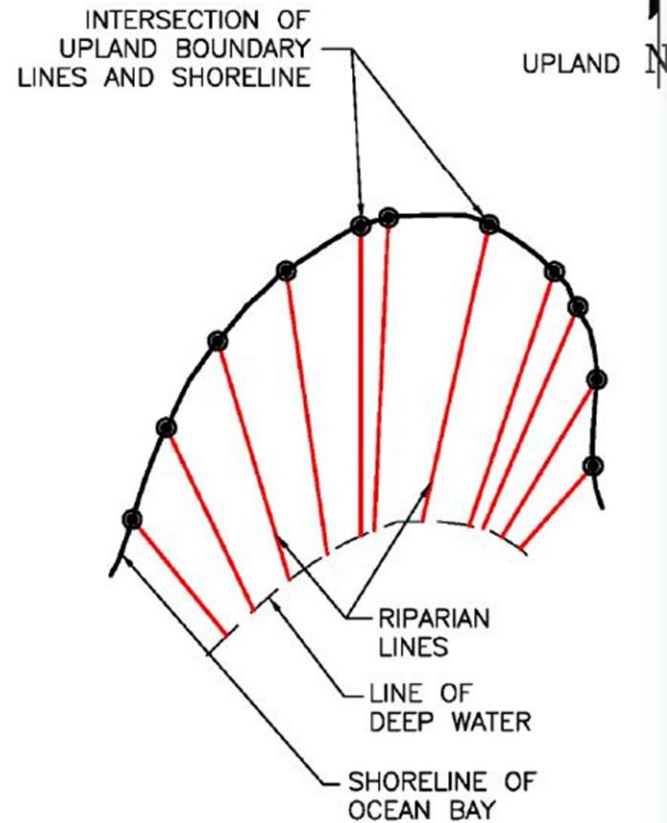
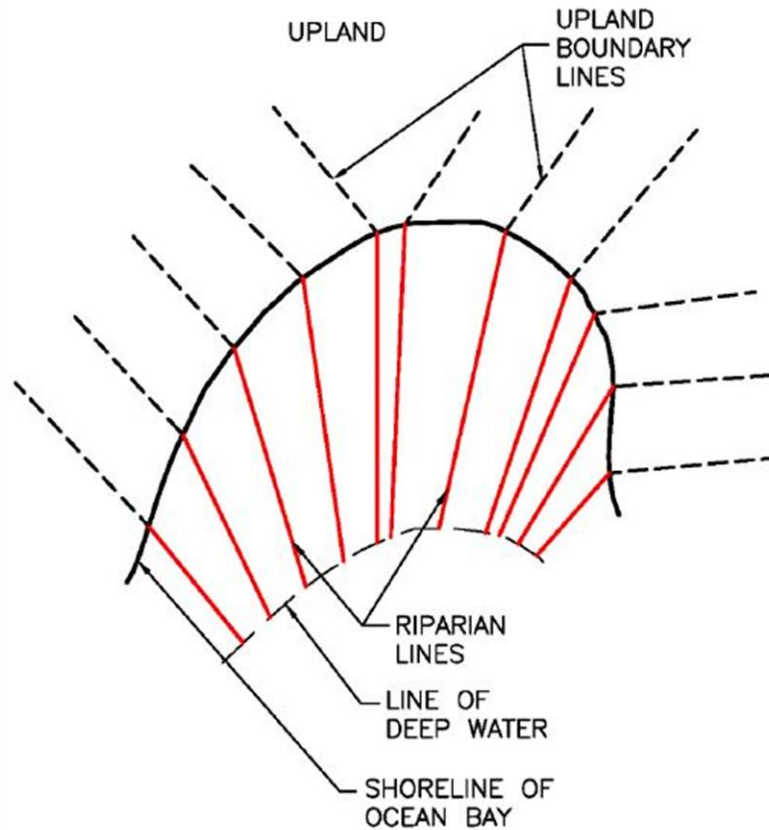


Guidelines for Allocation of Riparian Rights (FDEP, February 26, 2013)

“The direction of upland boundaries is largely ignored when apportioning riparian rights. **The public’s mistaken belief that riparian lines are on the extension of their side upland lines is the most frequent cause of riparian disputes.** Instead, the water body must be equitably apportioned as if all waterfront owners were standing on the shore looking out over the water body...”



Guidelines for Allocation of Riparian Rights (FDEP, February 26, 2013)



DIRECTION OF UPLAND BOUNDARIES IS IRRELEVANT TO
DIRECTION OF RIPARIAN LINES



Riparian Right to a View

“An upland owner must in all cases be permitted a direct, unobstructed view of the channel...”

Hayes v. Bowman, 91 So.2d 795 (Fla. 1957)

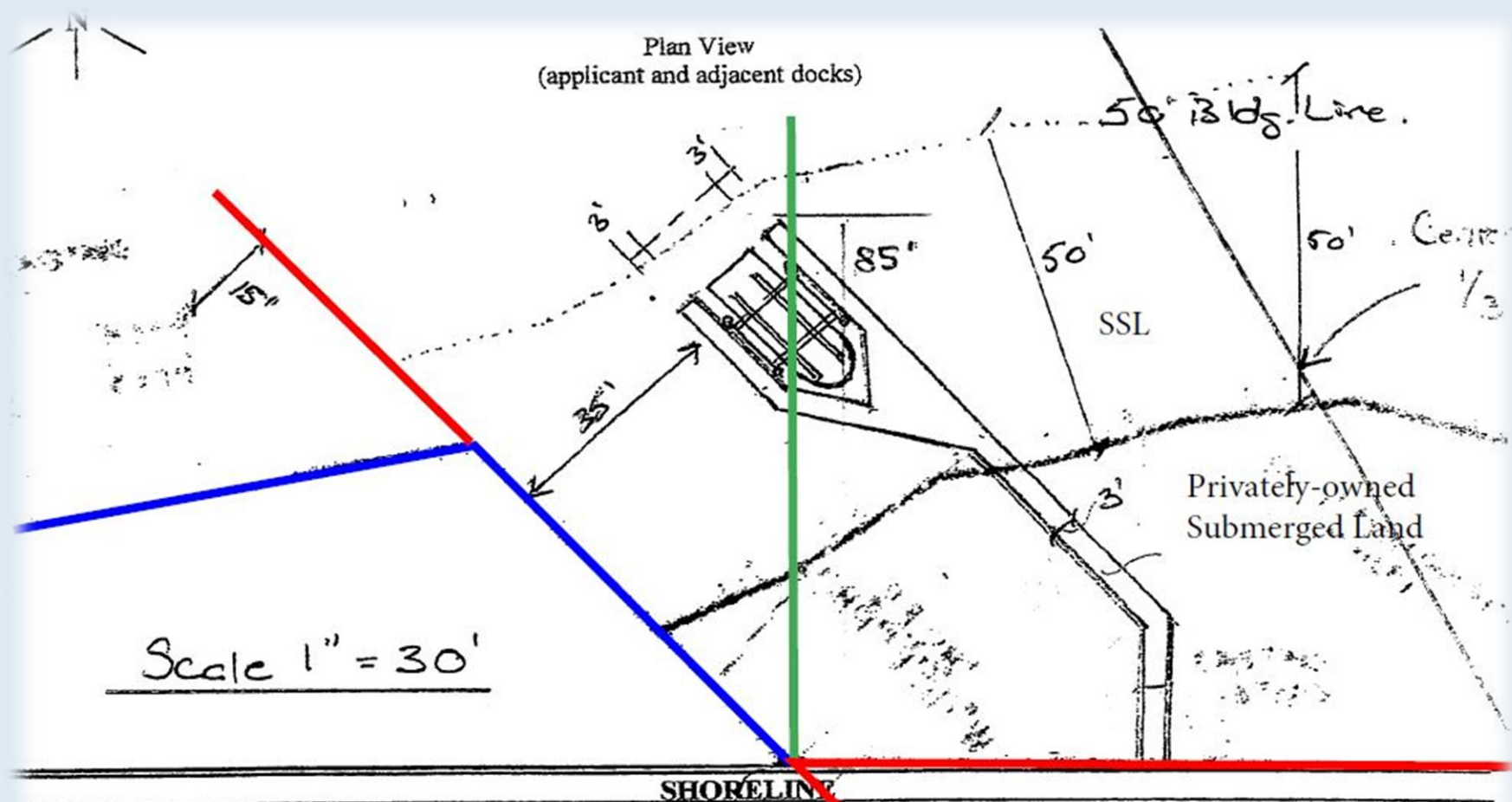




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The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.



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Sec. 74-228(d)(1)b.

Private docks shall be constructed to that *the length of the structure* shall not extend more than 50 feet *measured from the waterfront*.



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.b. ...the proposed extension of the dock is entirely consistent with many other such dock extensions that have been permitted...



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.c. ...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.



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.c. ...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.

Mean Low Water Level = -1.25 feet (NAVD 88)

Bottom Elevation at Dock = -0.41 feet



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.c. ...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.*





Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.c. ...there is no reason for a dock if it cannot extend to the existing dredged area.



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.c. ...the Town and/or its road contractor has negatively impacted the submerged area with silt/sand infiltration from the adjacent road work...



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.d. ...This setback distance is consistent with many other dock permits approved by the Town on other lots, and does not constitute an unreasonable encroachment upon the adjacent property owner.



Applicant's Justification Statement

(Amendment to Variance Application, February 6, 2017)

4.e. 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 is required to comply with environmental requirements.



Mangrove Trimming and Preservation Act

Sec. 403.9325. Definitions.

(7) "Riparian mangrove fringe" means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree.



Riparian Mangrove Fringe



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Riparian Mangrove Fringe

Sec. 403.9328. Alteration and trimming of mangroves; permit requirement.

(5) *A permit is not required* under [the Mangrove Trimming and Preservation Act] to trim or alter mangroves if the trimming or alteration is part of an activity that is exempt under s. 403.813...



Riparian Mangrove Fringe

Sec. 403.803(1) *A permit is not required* under this chapter, chapter 373,... for activities associated with the following types of projects;...

(b) *The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers...*



Sec. 66-253 - Variances.

(b) Criteria for granting;...

a. Before granting any variance, the town commission *shall* determine that:



1. Special conditions and circumstances exist which are peculiar to the land, structure or buildings involved.



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



3. Literal interpretation of the provisions of the Code would work *unnecessary and undue hardship* on the applicant.



4. The variance, if granted, is the minimum variance that will make possible the *reasonable use* of the land, structure or building.



5. A grant of variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.



6. A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations (section 74-82 of this Code) for the zoning district in which the property is located.





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