



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: February 8th 2019
TO: Mayor and Commissioners
FROM: J.P. Murphy, Town Manager
SUBJECT: Request for Variance –Belleair Estates
Parcel No. 29/29/15/23796/000/0290

Property Owner: Michael & Erin Schardt
47 North Pine Circle
Belleair, Florida 33756

The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
- A. Zoning designation: R-2 (Single Family Residential)
 - B. Original Construction date:
 - 47 North Pine Circle -1965
 - C. Structural and other improvements to date:
 - 1958- Install Dock
 - 2012-Remodel
 - 2018-Windows
 - D. Existing Easements: 5ft Easement

II. Proposed request:

The applicant is requesting a variance which would allow the construction of a second boat lift outside the center one third. Per town code all docks and boatlifts must be constructed inside the center one third of the property. The 2nd boat lift would be approximately 6 ft. off the property line. Please see drawings for detail of boatlift location.



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RECEIVED

BELLEAIR BLDG. DEPT.

FEB 06 2019

TIME REC. _____

DATE 1/25/19

To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Michael & Erin Schardt, owner of Lot 29
Block _____, Subdivision Eagles Nest Point, property
Commission of the Town of Belleair for a variance on the above-described property.

2. The property is presently zoned R2 - Single-Family Residential.

3. The present land use on the property is Permanent Residence.

4. The decision involves Article IV Section 74-288 of the Belleair Land
Development Code. (d)(1)a.

5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development
Code.

6. The Relief prayed by the applicant is: Boat lift in existing boat dock slip.

7. The Justification for the request is (requests for the variances must demonstrate the practical
difficulty or unnecessary hardship which justifies the variance): To avoid property damage
during times of severe weather, extreme tides, and intra-coastal
waterway traffic. Moving the boat to another location would require
dredging and removal of sea grasses.

8. Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing
this application. (** Note: All costs incurred by the Town of Belleair, above and beyond the
variance application fee, will be the responsibility of the applicant regardless of approval or denial
of the request**)

9. I am aware that this request will be voided should I or my representative fail to appear at the public
hearings scheduled to consider this request.

10. I am aware that any variance that may be granted will automatically expire twelve months after
approval by the Town Commission unless a building permit is produced from the Town with
respect to the improvements contemplated by this application for variance within said twelve
month period unless the construction of said improvements is promptly commenced pursuant to
the building permit and diligently pursued to completion thereafter.

FEE: \$300.00

Paid: _____

Michael & Erin Schardt
Owner

47 N. Pine Cir.
Address

813-217-3506 / 727-424-7916
Telephone Number

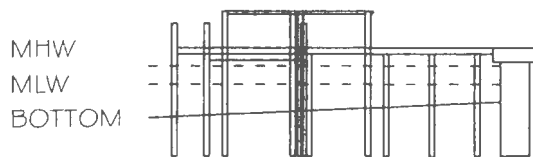
PRIVATE DOCK

NAME: Schardt, Mike

47 N. Pine Cir. Belleair, FL. 33756

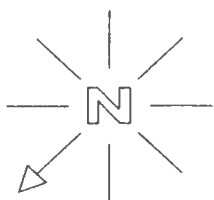
Application # _____

(OFFICIAL USE ONLY)



Profile View

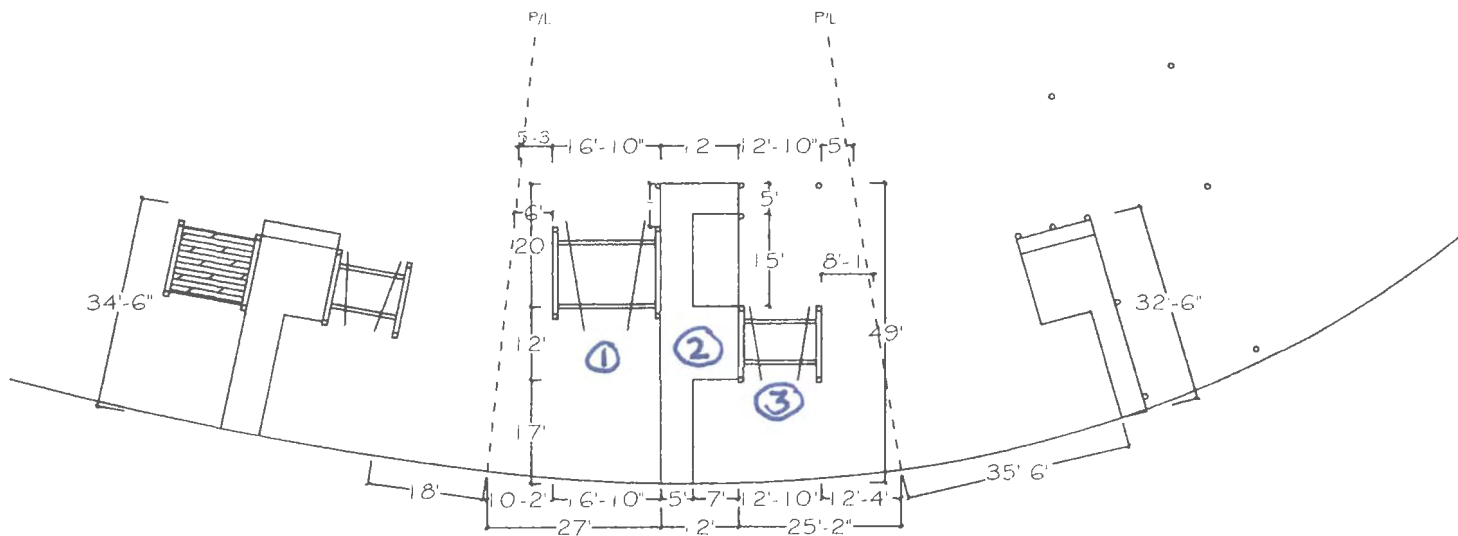
ENG. SCALE: 1" = 30'



Plan View
(applicant and adjacent docks)

TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

469'
0'
OVER 400'
64.4'



1. Proposed 24,000 # Neptune Boat Lift
2. Existing Dock
3. Existing 7,000 # Neptune Boat Lift





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)