

222 Driftwood Lane

Largo, FL 33770

October 24, 2019

Clark of the Court

Board Records

315 Court Street, 5<sup>th</sup> Floor

Clearwater, FL 33756

Subject: appeal of Permit #P49848-19

To whom it may concern:

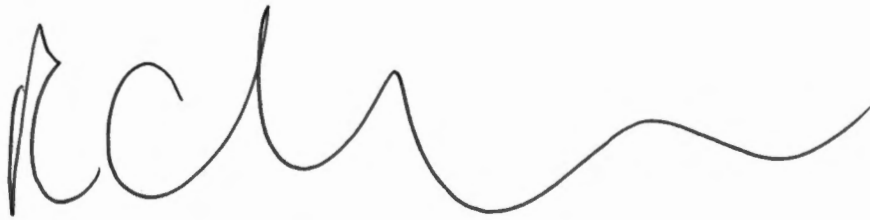
My wife and I are writing to appeal the issuance of Permit #P49848-19, which was issued for the construction of a residential dock at 224 Driftwood Lane, Largo, FL 33770.

Our appeal is based on a number of issues:

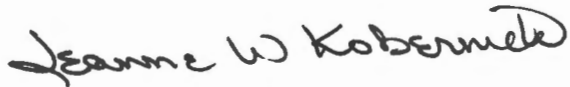
1. Our signature approving the plan and variances was signed because we were presented with deliberately evasive and incomplete information. On or about September 24, 2019 Jyoti Patel (she and her husband own the 224 Driftwood Lane property) came to our home to ask for our signature for the plans for their proposed new dock. There were no variances specified on the document or presented in the course of the conversation. My wife asked multiple times if the proposed dock was in the same location and of a similar footprint to the existing dock. Jyoti Patel never answered the question, carrying on with general conversation. Had we seen the variances to understand the scope of the project, we would never have approved the project. Our neighbor's new dock is intrusive in that it approaches much closer to our property, extends significantly further into the Intracoastal waterway, and has overwhelmingly expanded the square footage of decking present as compared to the previous dock.
2. The scope of the project is not in conformity to adjacent docks in the community. Instead of the four 6' tall (beyond the height of the dock) poles supporting a boat lift as the approximating docks, their dock has eight poles approximately 8' tall. The new dock build in a residential community has the size and appearance of a commercial dock.
3. Due to the length of the dock, the distance it extends into the Intracoastal waterway, and the additional length their boat will extend into the Intracoastal Waterway because the

boat lift is located at the far end of the dock (away from the seawall), the risk to boats travelling slightly outside the channel id greatly increased.

4. Finally, the dimensions of the dock and its length will set a precedent for all those now submitting applications for new docks, if the county's dimensional restrictions are found to be negotiable. The limitation on dock square footage created to limit environmental intrusion on Pinellas County waterways has been compromised.

A handwritten signature in black ink, appearing to read 'RCK', with a long, wavy horizontal stroke extending to the right.

Ronald C. Kobernick

A handwritten signature in black ink, appearing to read 'Jeanne W Kobernick', written in a cursive style.

Jeanne W. Kobernick

(727) 560-3630

October 25, 2019

Fred & Janice Dohring  
226 Driftwood Lane  
Largo, FL 33770

Clerk of the Court

Board Records

315 Court St. 5<sup>th</sup> Floor

Clearwater, FL 33756

Subject: Appeal of Permit #P49848-19 issue to Jyoti Patel of 224 Driftwood Lane, Largo, FL

The purpose of this letter is to request a hearing to appeal the issuance of Permit #P59848-19 which is for construction of a private dock at 224 Driftwood Lane, Largo, FL 33770. Our reasons are as follows:

1. On September 26, 2019 we were asked by our neighbor to sign a Variance Request Form. We asked Jyoti Patel (owner of 224 Driftwood Lane) how much closer the dock will be; she did not know. I told her we needed to know the distance before signing. She came back to our home and told us the new dock would be 4' in our direction. My wife and I, being neighborly, gave her a verbal approval for the 4'. No other variances were requested or mentioned by her. I signed the form, posted my drivers license number on it but did not notarize the form. I held up doing this as there were a few things mentioned that had me uneasy. By not notarizing, my approval was tentative and would give me time to investigate before final notarized approval, which is required.

On October 3<sup>rd</sup> I called the Water & Navigation Division and spoke with Julee Sims and told her that if she has my Variance Request Form to just void it or return it. She responded that the form had been received and the Permit has been issued. I responded "How could you approve the Permit when you do not have a notarized Variance Request Form from us?" Julee responded that the form has been notarized by a Jennifer Parker (GG318692). I told Julee that I did not appear before Jennifer Parker, never met her, never talked to her and never heard the name. I told her a fraud has been committed and this Permit has to be taken back. (Note the notarization date is the day after I signed.) She was surprised by this and told me she would look into it. Unfortunately we were leaving the next day on an 8 day trip. I left her all of my contact numbers but never received a call while we were away. (We have since learned that Jennifer Parker, the Notary, is an employee of Waterline Construction Inc. Waterline Construction is the company that is building the Patel's dock.)

When we returned, on October 12<sup>th</sup> we were shocked to see that construction of the dock was well underway. I immediately called Julee and asked her what happened. After several conversations with her and other staff members it was revealed that they referred the problem up to County legal, specifically to Brendon Mackese who informed them that Mr. Dohring signed

the Variance Request Form, admitted to signing the form, so that is all they need. Based on Brendan's recommendation, they issued the Permit. To my mind Brendon just wrote new notary law and totally disregarded the fraud. He should have recommended a hold be placed on the Permit and requested new Variance Request Forms.

2. We have since learned that the 4' left side distance variance we approved is really 8'5". The Patel's did not reveal this to us.

More significant, the dock was allowed to be built out 52 ½ feet into the intercoastal. This is a violation of Section 58.555 (b) (1) which states that the length of a dock shall not extend from the Seawall further than ½ the width of the property at the waterfront. As their waterfront is 83', their dock could not exceed 41 ½'. The County then approved another 11 feet on top of that. Now, the original dock that they are replacing was only 36' out to the water. So, we are now looking at an increase of over 16' over the original footprint. This was not revealed to us by the Patels.

3. Section 58.554 (4) states that piers cannot be higher than 10' above the mean high water line. The distance from the mean high water line on there drawings, is 4' to the top of their dock. This leaves 6' of height to accommodate the above dock section of the piers. It appears they are in excess of 6 feet above the dock. This was not revealed to us by the Patels.
4. Section 58.555 (b) (2) states that docks cannot be less than 50' from adjacent properties. The distance before (grandfathered in) was 30' and based on the new plan is now 20'7". I agreed to give them 4' (verbally) and the plans show 8' 5". I suspect the difference in the numbers is caused by a change in the angle at the right side. Whatever the reason, the dock is now 9'5" closer to my property line. This was not disclosed by the Patels (Jyoti Patel said 4').
5. It appears the reason for the extra height of the piers is to accommodate a roof. A roof also requires a variance by the County and also by our Home Owners Assoc. Approval has not been obtained from our HOA (at the date of this writing). This was not disclosed to us by the Patels.

We, as citizens of Pinellas County, rely heavily on County Government to keep order and civility, to establish policy and procedure that will accomplish this. We also need Government to come in and correct or punish the citizens that violate, take advantage of, or misinterpret these policies in order to achieve selfish goals. This is a clear case of that.

What do the Dohrings ask of the Commission? We want our lives back where they were. We have lived here for over 20 years and have enjoyed our back yard and its view for all of these years and want 20 more. We had an awesome view of the bridge and the waterway to the north. The Patels took that away. We request the Commission to order the Patels to bring the dock back to the 36' distance, from the seawall, and to force construction to be brought to the original footprint. We gave them a verbal for the 4' to the left side and we will honor that. Everyone told us that you "build and apologize later". As once it is built, you will not have to take it down. This is the reputation that exists and if this is a correct statement, then it is now time to stop it. If this is a precedent it will deter future violations dramatically. This is the case to do it on, we have fraud, we have misrepresentation, we have nondisclosure. Time to get tough. Please.

Respectfully;

Fred Dohring

Janice Dohring  
Janice Dohring

P49848-19 AI-

October 30, 2019

57766

Fred & Janice Dohring

226 Driftwood Lane

Largo, FL 33770

Clerk of the Court

Board Records

315 Court St. 5<sup>th</sup> Floor

Clearwater, FL 33756

Subject: Addendum To Appeal of Permit #P49848-19 issued to Jyoti Patel of 224 Driftwood Lane, Largo, FL

Page 4 of the Permit is Headed "Private Dock" and this form received Water and Navigation approval. The fine print states "The undersigned does not object to the proposed dock and requested variances as drawn in the space provide above." (See Exhibit I attached)

The problem, there are not any "requested variances" drawn in or listed anywhere on this form. There is a drawing of the proposed dock only. But, if you compare this drawing with the drawing of the previously permitted dock on page 8, (See Exhibit II) there are significant differences. These differences or variances are as follows:

- A. The new dock extends out into the intercoastal an additional 16' 5". From 36' to 52' 5". This is an increase of over 45%.
- B. The new dock is now 9' 5" closer to the left side neighbor. It was 30' and is now 20' 7". This is over 31% closer to the left or south side neighbor.
- C. The new dock is now 10' 5" closer to the right side neighbor. It was 29' and is now 18' 7". This is over 36% closer to the right side or north neighbor.
- D. The Piers, as they extend above 10' from the mean high water line, are a variance and should be listed.
- E. There is a roof planned for this new dock. This is also a variance and not listed.

The County apparently approved this form. A copy of this same page was sent to the left side and right side neighbors for signature and approval. Of course, when the neighbors received this from Jyoti Patel and she asked us to sign, it also did not list or have these variances "drawn in". She also did not articulate the variances, she just told the Dohrings that the dock will be 4' closer to us. The neighbors did not have access to and were not provided with the permitted or "grandfathered" dock at this time. I did not see this drawing until I asked for a copy of the permit and from this, I was able to do the math. The Contractor did not make this any easier as the drawing of the proposed dock does not indicate the scale, it depicts 1" = . . . I made a rough calculation and it appears that 1" = 35'. The existing or permitted dock is drawn to a scale of 1" = 10'. With this scale change, the dock that the County

permitted appears much smaller than the original or "grandfathered" dock, while it is significantly larger and more intrusive.

Again, we appeal to the Commission to force this Contractor to bring this dock back to the size that is shown on page 8. We have lived here for over 20 years and the Kopernicks for over 29 years. When they put a large boat on their lift that is positioned at the end the this 52'7" dock, it will be the equivalent of putting a billboard on the water. (The dock is extended out and additional 16' and their boat lift is located on this extension.) The boat will be used several times a month but this "billboard" will be in our face every day. We valued our water, bridge, and Sand Key skyline view, you cannot allow them to take it away, particularly in the way they did it. This Contractor, Waterline Construction, is disrespecting the County as well as the Kopernicks and the Dohrings.

Respectfully;  
  
Fred Dohring

  
Janice Dohring

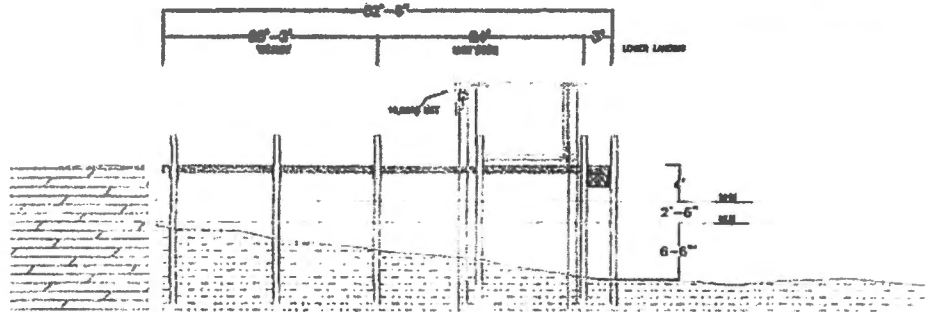
**P49848-19**

PRIVATE DOCK

Application# \_\_\_\_\_

(OFFICIAL USE ONLY)

MHW  
MLW  
BOTTOM



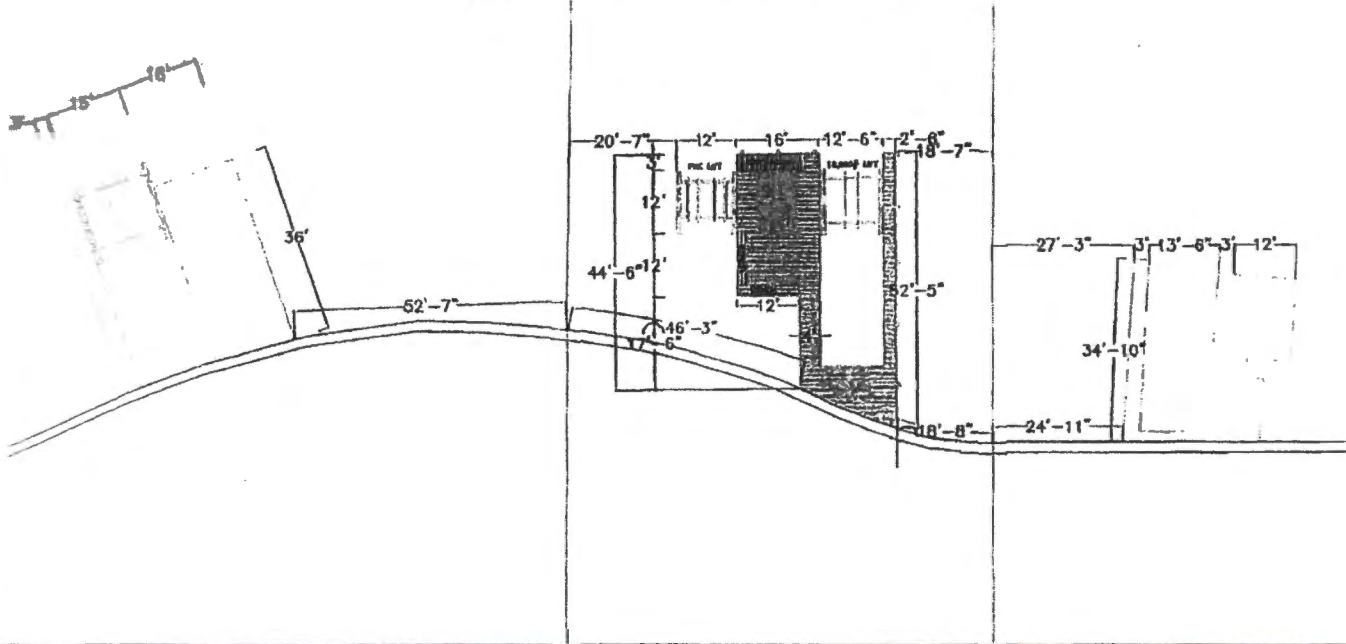
Profile View

ENG. SCALE: 1"=

TOTAL SQUARE FEET	743
NEW SQUARE FEET	291
WATERWAY WIDTH	1000'+
WATERFRONT WIDTH	85.5'



Plan View  
(applicant and adjacent docks)



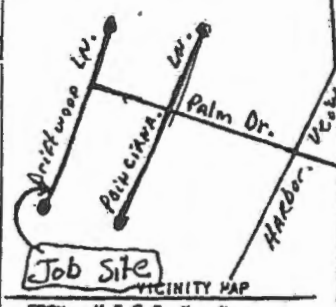
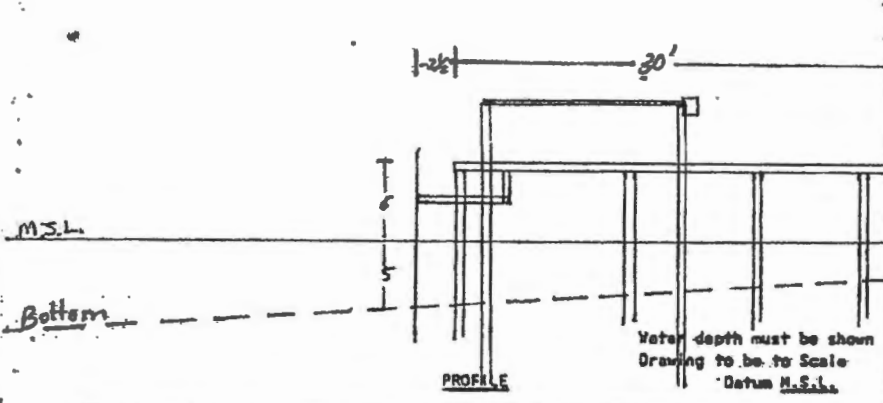
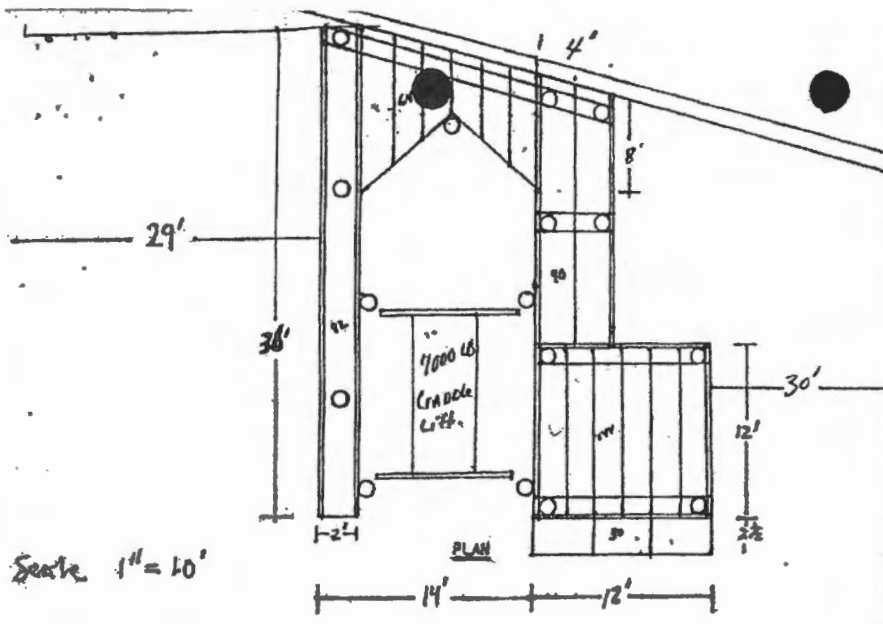
**SHORELINE**

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
Municipality Approval		Water and Navigation Approval	

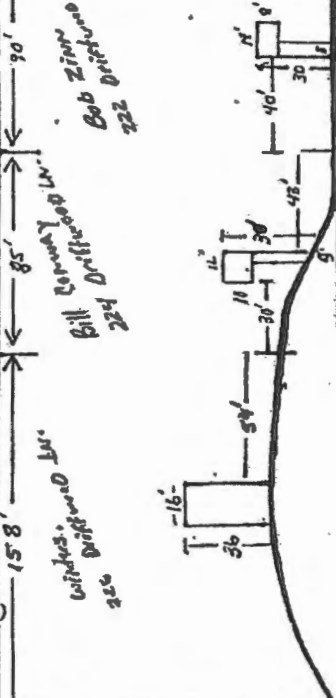
**APPROVED**  
PINELLAS COUNTY  
WATER AND NAVIGATION

*J. Sims* 09/30/2014



Job Site  
VICINITY MAP  
FROM: U.S.G.S. Map No.:  
PROPERTY INFORMATION  
LEGAL DESCRIPTION  
LOT 56 BLOCK 2  
SUBDIVISION Harbor Bluffs  
Section 5  
PLATBOOK PAGE  
SEC. 31 TWP. 29 RGE. 15

Waterway Width: OVER 500'  
Waterfront Width: 85'



ORIGINAL SIGNATURE WITH NOTARY REQUIRED ON ALL VARIANCE APPLICATIONS

LEFT PROPERTY OWNER <i>George C. Feaster</i> SIGNATURE (Name) 226 Driftwood ADDRESS	RIGHT PROPERTY OWNER <i>Bob Zinn</i> SIGNATURE (Name) 222 Driftwood Lane ADDRESS
---	--

Sought to and subscribed before me this 28th day of January, 1990 NOTARY PUBLIC: <i>Shirley T. Walter</i> (My Commission expires:)	Sworn to and subscribed before me this 16th day of Feb., 1990 NOTARY PUBLIC: <i>Lula S. Hagg</i> (My Commission expires:)
---	--

Notary Public, State of Florida at Large  
My Commission Expires Oct. 23, 1991

Notary Public, State of Florida at Large  
My Commission Expires May 28, 1993

PROVIDE A SKETCH, TO SCALE OF PROPERTY AND ADJACENT DOCKS

CONTRACTOR:  
Name DeBavio Marine Const.  
Address PO Box 46995, St Pete Bch 33726  
Materials:  
Piling 2.5 LCA Saltwater  
Stringers Double #1 2x8 Pl.  
Decking 2x6 Pl. #1

DOCK TO BE CONSTRUCTED IN COMPLIANCE WITH "RULES AND REGULATIONS" ADOPTED BY PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY, MOST RECENT REVISION  
DECK AREA = 180 sq. ft.  
ADDITIONAL INFORMATION TO BE ATTACHED, AS REQUIRED.

V/N CLERK  
PINELLAS COUNTY  
Water & Navigation Control Authority  
PERMIT NO. 17281-90  
FEDERAL/STATE PERMITS  
MAY BE REQUIRED FOR  
THIS PROJECT.

MUNICIPAL APPROVAL  
APPROVED  
Subject to Florida Southern Building Code and Harbor Bluffs Covenants.  
Date: 3/7/90  
Harbor Bluffs Owner's Ass'n, Inc.  
By *Walter J. B... 3/7/90*  
Accepted - Date  
By

PINELLAS COUNTY ENGINEERING DEPT. USE ONLY  
PLAN APPROVAL  
*Alfordley*  
SIGNED  
DATE 3/29/90  
APPROVED  
PUBLIC WORKS & UTILITIES  
*FORNBERN E. JORDAN*  
DIRECTOR