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March 22, 2023

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Via Email - bmackesey@co.pinellas.fl.us
and U.S. Mail

RE: 3612 E. Maritana Drive
St. Pete Beach

Dear Mr. Mackesey:

Our office has been working with Pinellas County since the summer of 2021 to resolve the alleged Code violation of Section 58-555(A)(5) (the provision of Pinellas County Code that prohibits a dock from being designed or constructed to accommodate more than two boats for permanent mooring).

For the sake of brevity, I will not detail the extensive history regarding the dock at 3612 E. Maritana Drive and all the historical permits that were previously issued by Pinellas County for such dock. That history (with supporting documents) was detailed in my November 23, 2021 correspondence to the Pinellas County Board of Commissioners in conjunction with a dock Variance Request pertaining to 3612 E. Maritana Drive. After the November 23, 2021 correspondence was sent to the Board of County Commissioners, and the Variance Application submitted, my clients and staff continued to work to try to find a solution. Staff proposed my clients deck in the area under the historic boathouse, thereby eliminating that area from being used as a boat slip, which my clients agreed to do. Unfortunately, FDEP was not supportive of the additional decking, and would not authorize such area to be decked in under the historic roof. Once again, my clients and County staff came together to try and resolve the issue. My clients agreed to place a board across the entrance of the

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historic boathouse, thereby blocking access to any vessels and eliminating any potential for such boathouse to be utilized as an area for permanent mooring. Based upon conversations with your office, it appeared that staff was receptive to the idea of blocking the access to the historic boathouse. My clients engaged their contractor to once again update the permit plans to show a 2" x 6" pressure treated board, attached with 3" stainless steel 3/8" lag bolts (two on each end). Staff requested additional information about the placement of the board. My client is proposing to place the board so that it is even/level with the current decking/platform.

On March 7th, you communicated with my office that staff was not satisfied that a single 2" x 6" board would adequately inhibit vessel access, and was requesting that three boards each spaced a minimum of 6" apart be installed.

My client is not in agreement to placing more than one board across the access points to the historic boathouse. A boat cannot pass through one board any easier than it can pass through three boards. This is a historic boathouse, which has been designated as a local historical landmark by the City of St. Pete Beach, and only the very minimum alterations or additions can and should be made to the historic boathouse. Adding three boards, spaced a minimum of 6" apart, would visually change the entire look of the historic boathouse from the water. It would also be an eyesore for my clients and their neighbors. One board blocking the access would be sufficient to prevent the mooring of any boats in the historic boathouse, while also preserving the look and character of the historic structure.

In the event that County staff is not agreeable with allowing the single board to block access to the historic boathouse, my client would respectfully request that you renew its Variance Application previously submitted in November of 2021. I am confident that the Board of County Commissioners will be able to make a quick decision as to whether one 2" x 6" board blocking their access to this historic boathouse is sufficient to eliminate its use as a boat slip.

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Please advise whether the County will accept a single board across the access points to the historic boathouse, or whether a Variance Hearing will be set before the Board of County Commissioners.

Very truly yours,



Lauren C. Rubenstein

cc: Mr. Jack Rice
Ms. Kelly Lee McFrederick

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