



# McFrederick-Rice Variance Request

# Water and Navigation Background



## **Article XV Water and Navigation Regulations.**

- **Specifically, Article XV regulates activities for dock and dredge and fill projects.**

**Water and Navigation operates county-wide pursuant to Section 58-506 of the Code and Section 2.04(u) of the County Charter.**

## Section 58-555(a)(5):

- **A dock shall not be designed or constructed to accommodate more than two boats for permanent mooring. No more than one structure shall be located at a private residential site.**

# Governing Codes and Background



## County Code mirrors Florida Administrative Code (F.A.C.) and the Army Corps Programmatic General Permit SAJ-96.

- **F.A.C. 62-330 General Permits - “Shall not accommodate the mooring of more than two vessels either in the water or on a boat lift.”**
- **The county issues programmatic general permits for the Corps under a local operating agreement for SAJ-96.**
  - SAJ-96 mandate private single-family piers not to exceed 2 boat slips.

# Governing Codes and Background



## Section 58-543(m):

- **No roofed structure other than covered boat slips and no vertical walls will be allowed.**

**Section 58-504(e) explains it is the intent of the board to regulate docking facilities to minimize adverse impacts on the natural resources and scenic beauty of the county**

- **County implemented a compromise position, allowing covered slips (water dependent use)**
- **Minimizes obstructed views and protects submerged habitats**

# Variance Request Overview



## Property owners are requesting two variances

- **Section 58-555(a)(5) – more than 2 slips at a single-family property**
- **Section 58-543(m) – roofed structure over a dock (this variance is needed only if the variance to Section 58-555(a)(5) is denied)**

## Sec. 58-539. - Variances

- **(a) The board may review and decide whether to grant variances to all permitting criteria under this article.**

# Variance Criteria

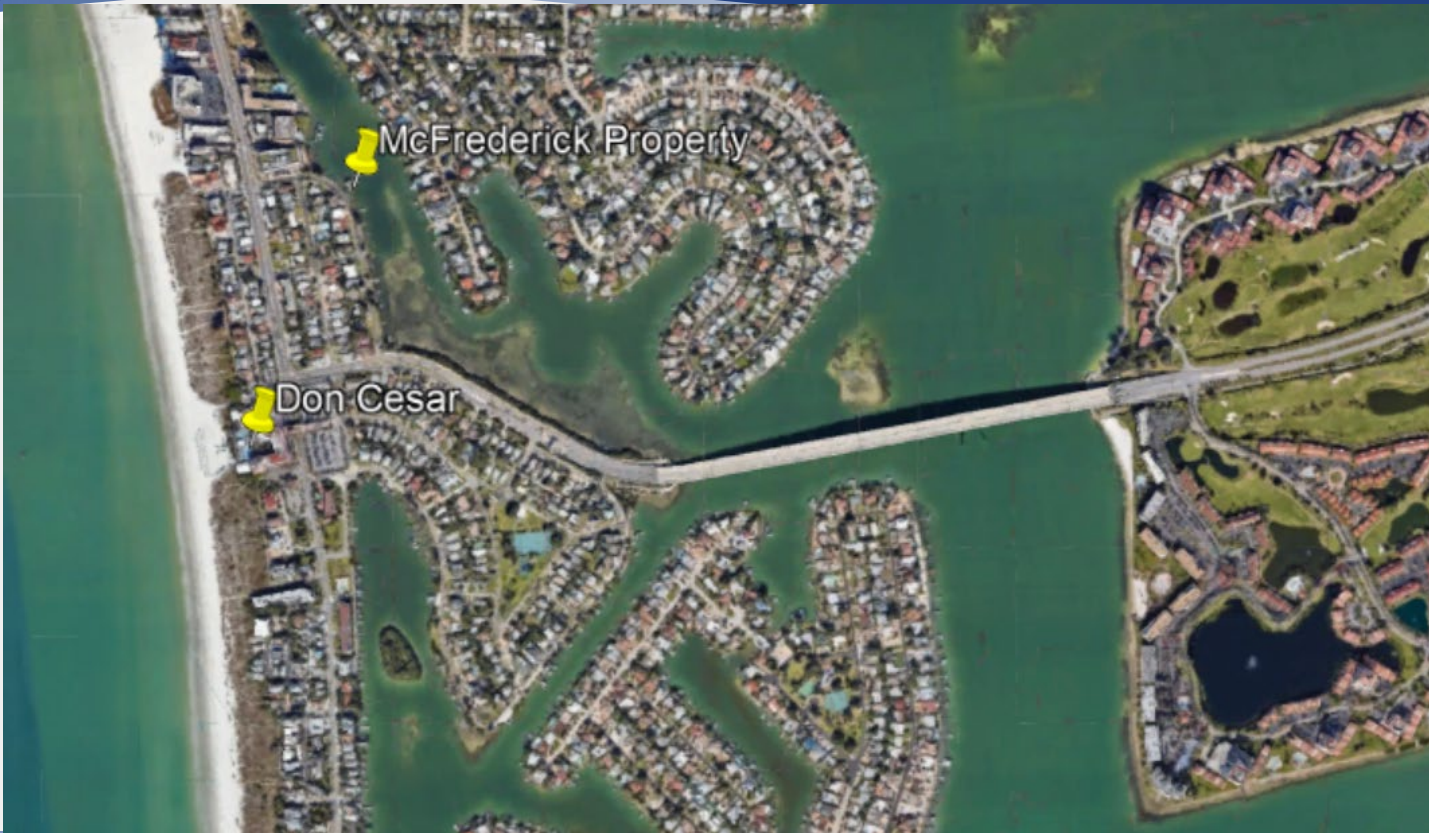


Pursuant to Section 58-539(c), in deciding whether to grant a variance...a positive finding of fact to all the criteria in section 138-231 is required.

## Section 138-231.a

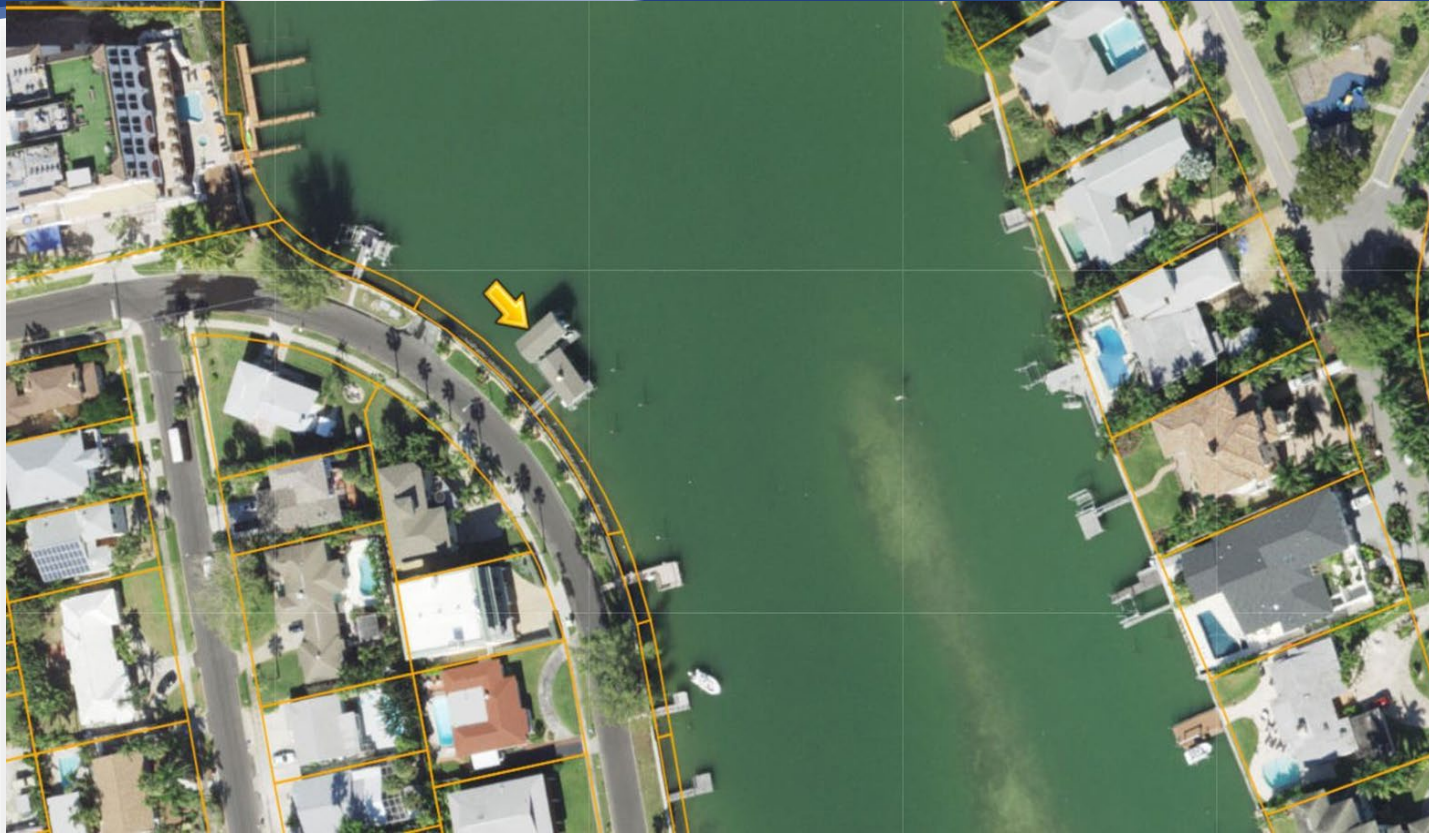
- (a) **Special conditions**
- (b) **Unnecessary hardship**
- (c) **Minimum code deviation necessary**
- (d) **Consistency with the land development code**
- (e) **Consideration of rezoning**
- (f) **Consistency with Comprehensive Plan**
- (g) **Detriment to public welfare**
- (h) **Circumvent Board approval**

# Property Location

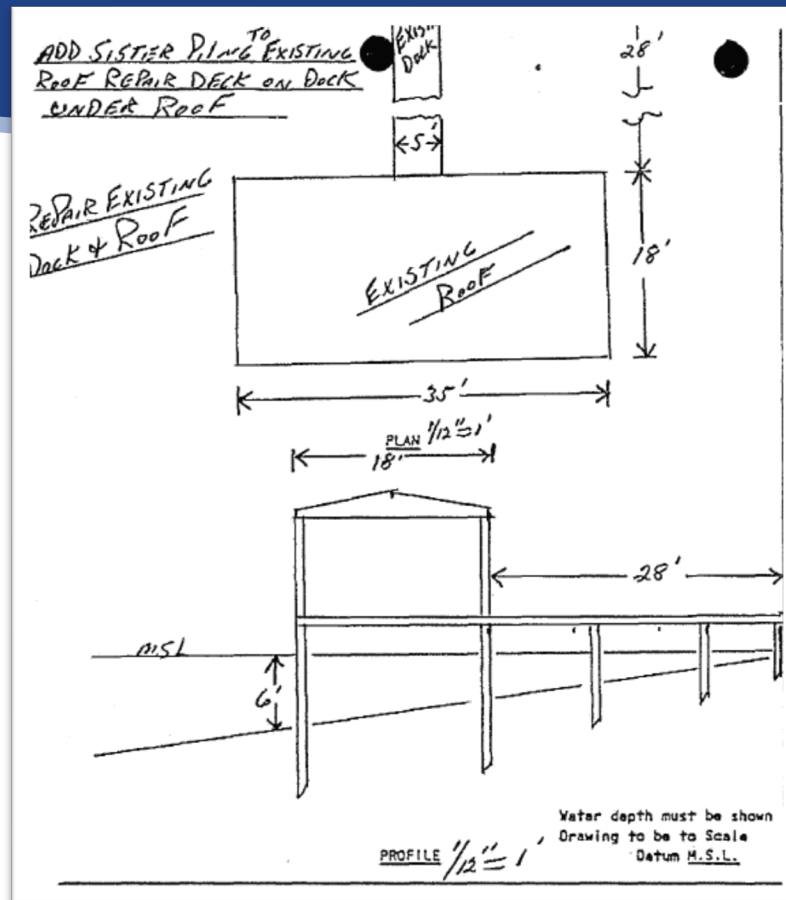




# 3612 E. Maritana Drive, St Pete Beach

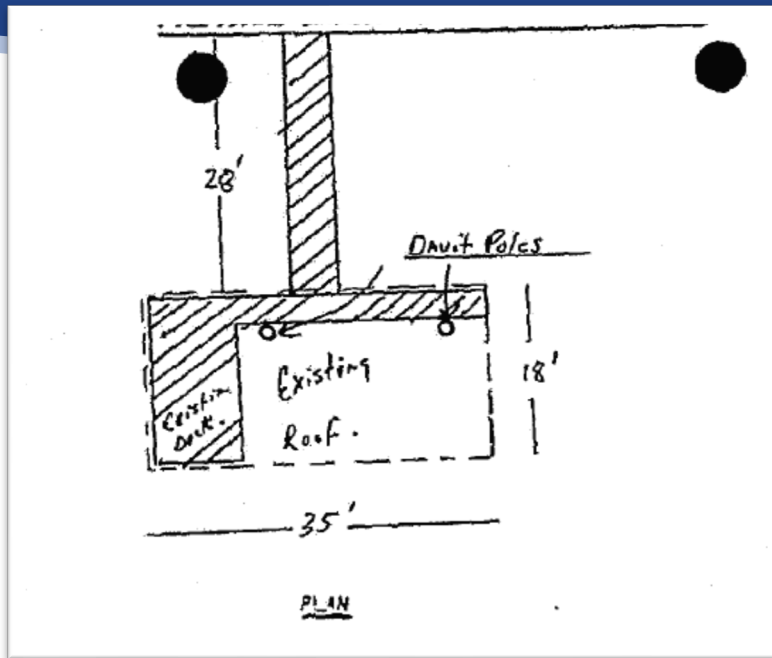


# Dock Permit – P15817-88



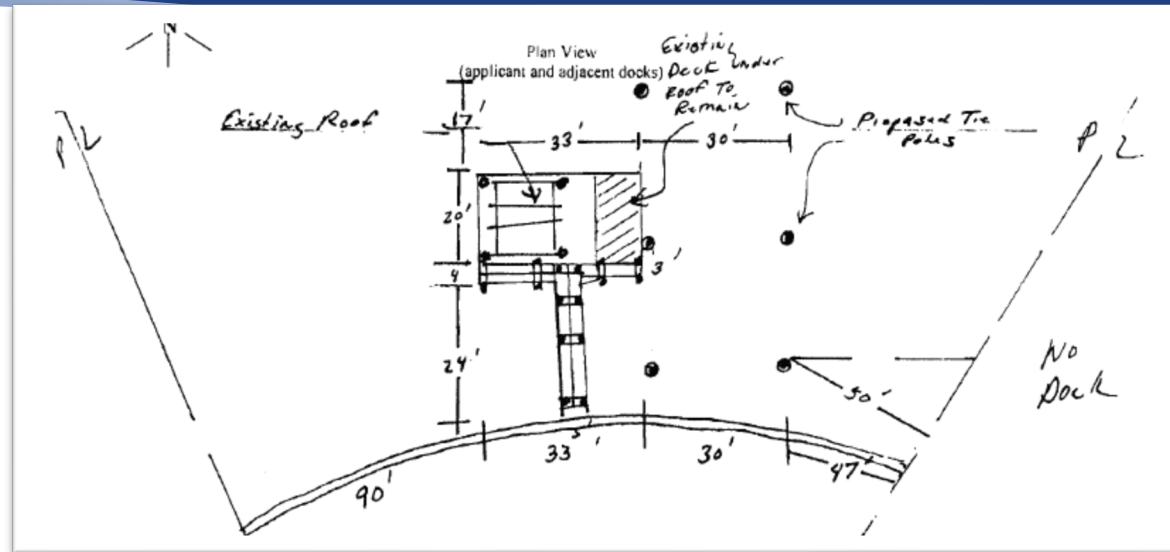
- First Dock Repair Permit
- One slip, one roof

## Dock Permit – P18653-91



- Original slip and roof remain
- Two davits added to existing slip

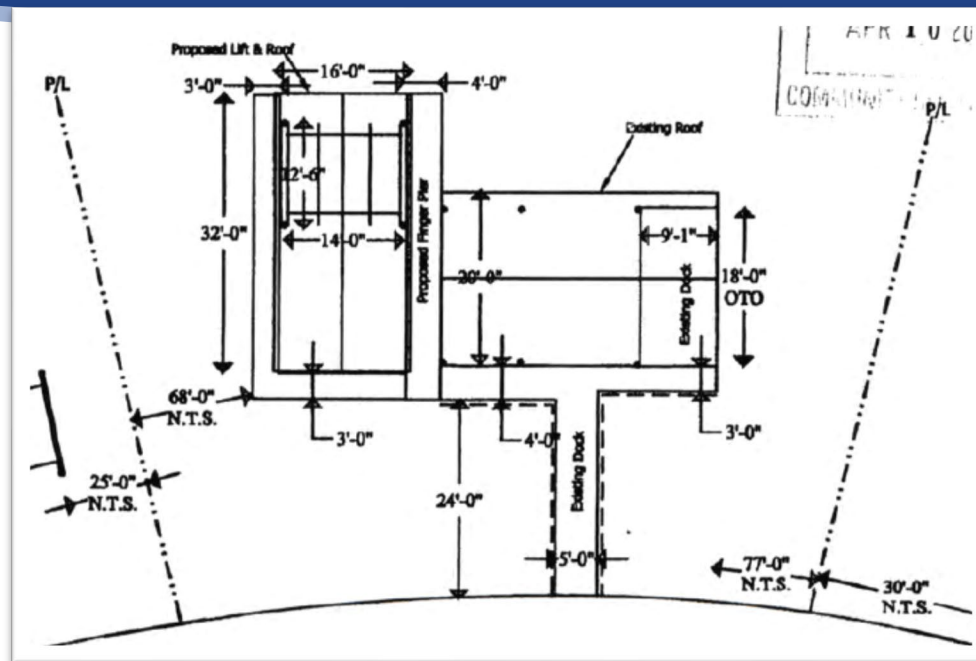
# Dock Permit – P43094-13REV



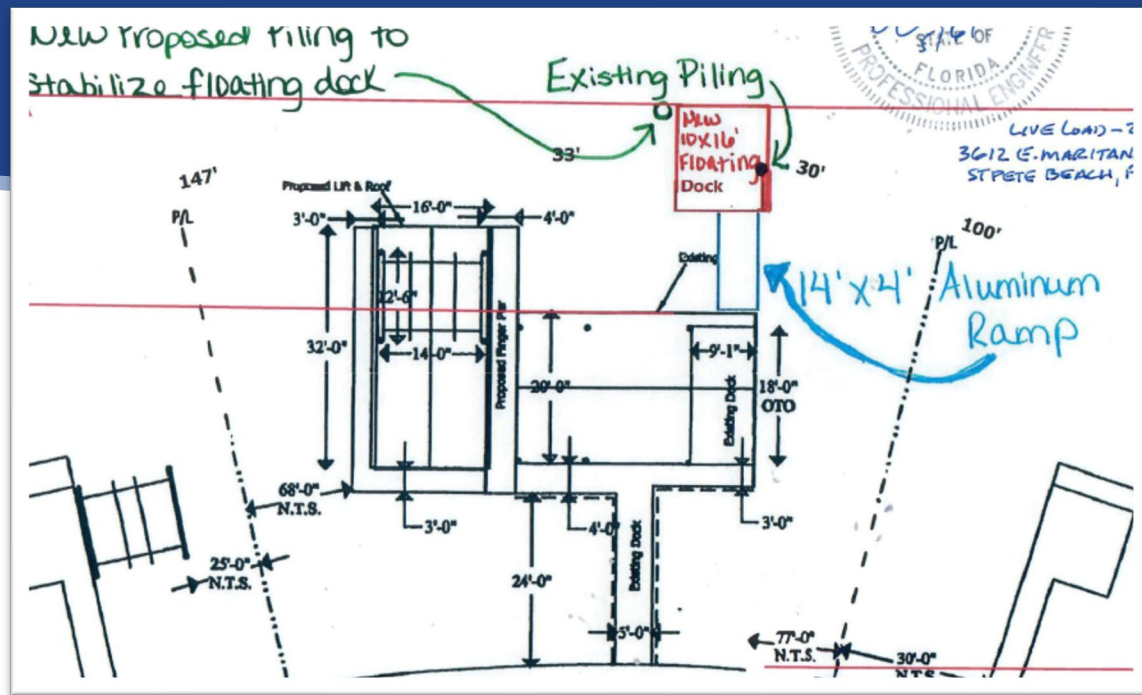
- Original slip and roof remain
- Boat lift added to existing slip
- Davits removed
- Six tie poles added to right side for new wet slip

## Dock Permit – P48100-18

- Original slip and roof remain
- New slip with lift and roof constructed on left side of original structure
- *Tie poles for wet slip no longer appear on plan\*\**



# Dock Permit Application – WND-21-00540



- Original slip and roof remain
- New slip with lift and roof constructed on left side of original structure remains
- Tie poles for wet slip do not appear on plan\*\*
- New 56 square foot aluminum ramp and 160 square foot floating dock (unpermitted).

## Staff proposed alternatives to resolve this matter:

- **Construct a railing around the original boat slip to prevent its use as a boat slip**
- **Relocate the tie poles for the existing wet slip in front of the original boat slip**
- **Deck in the original boat slip to prevent its use as a boat slip**

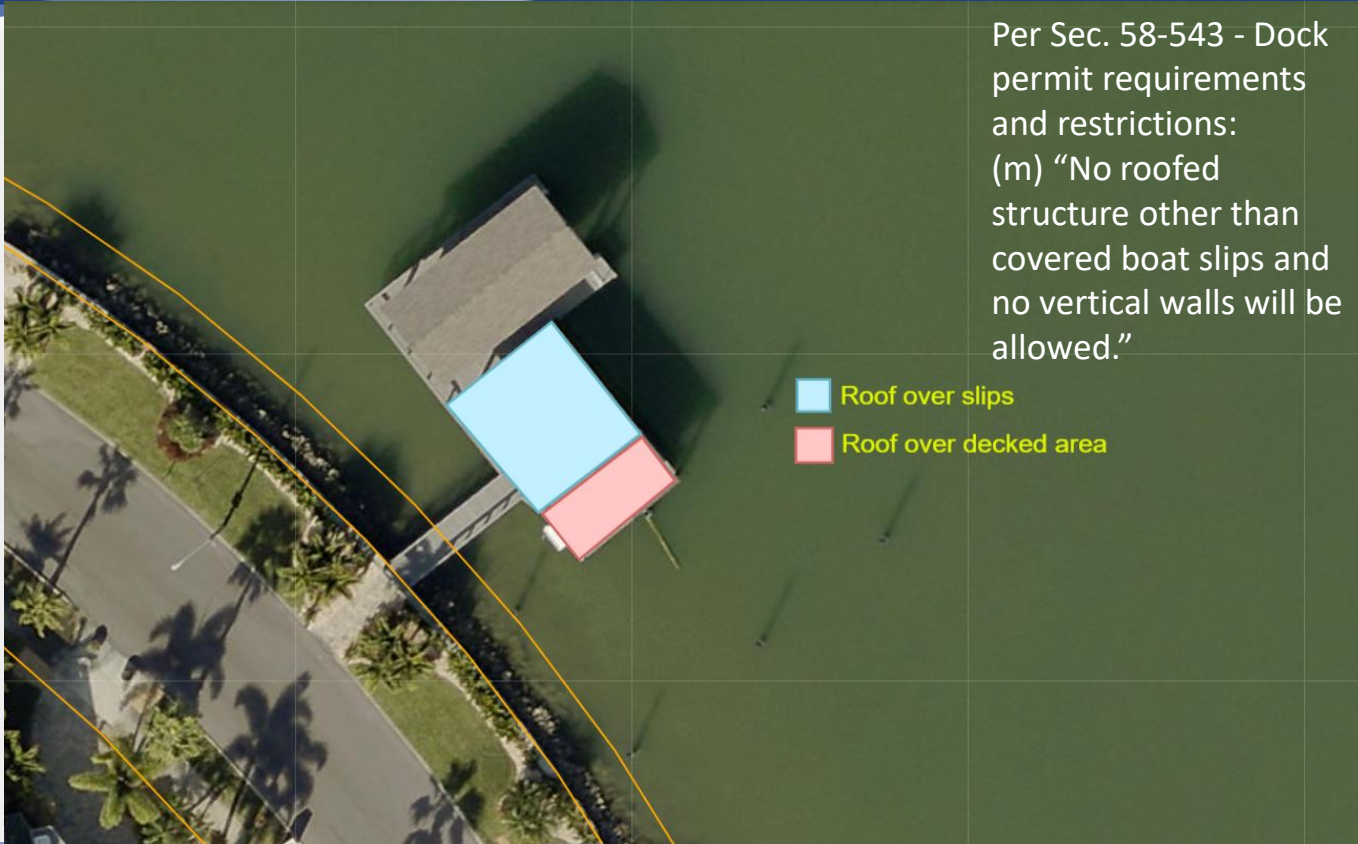
# Variance Request 1



Per Section 58-555(a) –  
Design Criteria for Private  
Docks:  
(5) A dock shall not be  
designed or constructed to  
accommodate more than  
two boats for permanent  
mooring.



# Variance Request 2



# Variance Criteria

**In deciding whether to grant a variance...a positive finding of fact to all the criteria in section 138-231 is required.**

## **Section 138-231.a**

- (a) Special conditions**
- (b) Unnecessary hardship**
- (c) Minimum code deviation necessary**
- (d) Consistency with the land development code*
- (e) Consideration of rezoning*
- (f) Consistency with Comprehensive Plan*
- (g) Detriment to public welfare*
- (h) Circumvent Board approval*

# Variance Review



**Items a through c are applicable and a positive finding cannot be made.**

- **Section 138-231.a(a) *Special conditions*. “That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.”**
- **Section 138-231a.(b) *Unnecessary hardship*. “That literal interpretation of the provisions of this Code would deprive or make it practically difficult for the applicant to achieve the same proportion of development potential commonly enjoyed by other properties in the same zoning district under the terms of this chapter. The hardship shall not be self-imposed.”**
- **Section 138-231.a(c) *Minimum code deviation necessary*. “That the granting of the request is the minimum code deviation that will make possible the reasonable use of the land, building, or structure.**

## Staff recommends:

- **Denial of variance request to Section 58-555(a)(5) – dock may accommodate no more than two vessels for permanent mooring**
- **Approval of variance request to Section 58-543(m) – no roofed structure other than covered boat slips**
  - *However,* • **In the event a Variance to Section 58-543(m) is needed, staff recommends approval on the condition that the owners comply with Section 58-544 (Dock Repair and Reconstruction) in the future.**



# Questions



2014



2020