

BOARD OF ADJUSTMENT CASE # BA- 12-11-13

APPLICANT: Sutherland Crossing Condo Assn

HEARING DATE: 11-7-2013

Decision information and prepping paperwork

**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
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Karen Williams Seel  
Kenneth T. Welch



September 16, 2014

Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

Re: Board of Adjustment Case No. BA-12-11-13  
Parcel No. 02/28/15/88555/000/0000

Dear Applicant:

This is to inform you that the Board of Adjustment has given me the authority to administratively grant the one time, one year extension you are requesting on the above numbered case without a formal hearing.

Therefore, the one-year extension is approved and you will have until November 7, 2015, to begin construction.

Sincerely,

A handwritten signature in black ink that reads "John F. Cueva".

John F. Cueva, Zoning Manager  
Pinellas County Planning & Development Services

cc: William J. Kimpton, Esq.  
John C. Landon, P.E.  
Andrew G. Irick, II

Reference #: BA13-00094



DECISION LETTER ADDENDUM  
BOARD OF ADJUSTMENT CASE

STANDARD TIME LIMITS

The Applicant is hereby notified that all approvals granted by the Board shall be valid for one year, as provided by Section 603.504 of the Zoning Ordinance, and therefore all rights and privileges granted herein shall become void if and in the event the applicants fails to commence the project within one year from the date of this decision. In order to have "commenced construction" all permits or licenses required by the BOA are to be obtained within one year from the date of BOA approval, except that in cases where construction was commenced prior the approval of the Board of Adjustment, permits shall be obtained within 45 days from the date of this decision.

EXTENSION OF TIME LIMITS

All extension requests must be filed approximately one month prior to the expiration date. A one-time, one-year extension may be granted for good cause. The Zoning Administrator may administratively approve extension request for any non-controversial case. All other requests for extension shall be reviewed by the Board during regular public hearing, pursuant to Section 605.505 of the Zoning Ordinance.

VACATING OR ABANDONMENT OF INTENT

All variance or special exceptions granted by the Board of Adjustment shall automatically expire in the event a structure or use of land which is the subject of the variance or special exception has been vacated or abandoned for a period of 90 consecutive days.

APPROVED PLANS

The plan once approved by the Board is a condition of approval and shall not be modified unless approved by the Board at public hearing. Very minor modifications, such as may be required during site plan review, and may be allowed where authorized by the Zoning Administrator. Such minor modifications shall be in keeping with the intent of the original approval by the Board and shall in no way allow a more intense use of the site or create additional impact to surrounding properties. All other requests for modification of the approved plan shall require approval of the Board at a public hearing.

REVOCAION OF APPROVAL

All applicants are notified that the Board may modify or revoke a previously granted variance or special exception for cause. Such modification or revocation may occur when the Board finds the use of the variance or special exception: 1) Is or has become detrimental to the general health, safety or welfare; 2) Does not meet the letter or the intent of the original standards required for such approval; or 3) Does not meet the letter or the intent of the special standards or conditions attached by the Board during the approval.

ADDITIONAL LAW AND REGULATIONS

Please be advised that any approval or conditional approval does not eliminate the necessity of compliance with other local, State or Federal laws and regulations.

*Revised 11/15/02*

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## Swinton, Tammy M

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**From:** Cueva, John  
**Sent:** Friday, September 12, 2014 11:11 AM  
**To:** Swinton, Tammy M  
**Subject:** FW: Decision Letter for Sutherland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tammy, ok for one year extension.

**John Cueva**  
**Zoning Manager**  
**440 Court Street**  
**4th Floor**  
**Clearwater, FL 33756**  
Pinellas County Planning (Strategic Planning & Initiatives)  
(727) 464-3585  
Fax (727) 464-3585  
[jcueva@pinellascounty.org](mailto:jcueva@pinellascounty.org)  
*All government correspondence is subject to the public records law.*

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**From:** Andrew Irick II [mailto:arick1010@aol.com]  
**Sent:** Friday, September 12, 2014 10:56 AM  
**To:** Swinton, Tammy M; Cueva, John  
**Cc:** Bill@Kimptonlaw.com; JOHN  
**Subject:** RE: Decision Letter for Sutherland

Tammy

THANK YOU for the two Decision Letters requested.

Given that the Sutherland letter references a November 7, 2013 date for the BOA action, it is my understanding that the variance approved by the BOA for Sutherland expires on November 6, 2014.

As we are now within 60 days from expiration, please accept this email as a formal request to have the Sutherland variance extended, since the project is not completed.

While William "Bill" Kimpton was the original Applicant and will also be the Applicant for the extension, please show me...Andrew G Irick II...also as Applicant.

Please advise at your earliest possible convenience what the Applicant needs to do to effect this extension...as in, "is there a particular form" to complete &/or sign and submit, &/or a "fee" to pay, &/or anything else, and specifically if a BOA approval of the extension is required.

If BOA approval is required, please schedule us for a date prior to expiration of the variance.

Look forward to your reply.

Andrew Irick



Turtle Beach Variance BA 12-11-13

- The application, prepared by William Kimpton, Esq. requested a variance to allow the following, "Replacement of the now defunct condominium development with a platted subdivision, with a 20' setback from the edge of private street, in lieu of required 25' setback."
- Worksheet and Recommendation uses the "private road" reference

- 
- The application indicated a zoning of RPD 2.5 and RPD 1.0 (which applies to the entire site)
  - The application references a parcel number that covers the entire site.
  - The application references a proposed use of "62 single family homes with amenities"
  - Graphic used in packet includes the entire property with 62 SFR.
  - Graphic used for public notice included the entire site, posted on the subject property.
  - The public notice used language referring to the 62 SFR the 20' setback from the edge of pavement. (No mention of private road)
  - Multiple written public comments acknowledges 62 SFR, as well as properties on Seaview Drive, Seaview Circle, Bayou Land, and Osprey Court.
  - Letter to applicant acknowledging the BOA approval references 62 SFR, no mention of private road
  - Board Reporter log references Mr. Cueva's introduction, discussion of 62 SFR and setback, but no mention of private road
  - Point of clarification during the meeting also references edge of pavement
  - Project <sup>Reporter</sup> ~~engineer~~ makes reference to the application applying to all 62 SFR, to avoid having to come back individual times for 20 – 30 variances.
  - Motion and second is for variance approval with conditions, no mention of "based on staff recommendation". Unanimous

**Sec. 138-120. - Review of board's decisions.**

A party seeking judicial review of a decision of the board of adjustment shall have 30 days from the date of the public hearing which resulted in the approval or denial by the board of adjustment to bring the appropriate legal action. The 30-day time period will commence when the decision was finalized at the public hearing, not when the decision was reduced to writing.

2013 - 57

2019 - 9

**WORKSHEET AND RECOMMENDATION  
BOARD OF ADJUSTMENT HEARING  
BA CASE NUMBER: BA-12-11-13**

**OWNER/ADDRESS:** Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

**REP/ADDRESS:** William J. Kimpton, Esq.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

John C. Landon, P.E.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

**PROPERTY ZONING:** RPD-1.0, Residential Planned Development, 1.0 unit per acre &  
RPD-2.5 Residential Planned Development, 2.5 units per acre

**LAND USE DESIG:** Residential Suburban & Preservation

**TYPE APPLICATION:** Variance

**DATE AND TIME:** November 7, 2013 @ 9:00 A.M.

**CASE DESCRIPTION:** A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

**PARCEL ID NUMBER:** 02/28/15/88555/000/0000

**NOTICES SENT TO:** Sutherland Crossing Condo Assn, Inc., William J. Kimpton, Esq., John C. Landon, P.E. BCC Office & Surrounding Owners (See Attached List)

**DISCLOSURE:** Owner: Ted Haines- Pres. (Existing Contract: Marc Rutenberg)

**BA-12-11-13**

**RECOMMENDATION: CONDITIONAL APPROVAL**

This is a site that was a former time share and is being proposed for redevelopment to single family homes. As part of the redevelopment the previous timeshare site are being redeveloped to minimum lot sizes of 6,000 sq. ft. consistent with typical single family subdivision requirements. The applicant has requested a reduction in the front setback from the edge of private road from 35 ft. to 20 ft., which if approved will allow for many of the homes to be located further away from the environmentally sensitive areas located in the rear of many of the lots. Additionally, as these setbacks will be unique to this development only, staff has no objection as no adverse impact will occur to the adjacent properties which abut this development. Approval of this request should be subject to the following conditions being met:

1. Full site plan review.
2. Side and rear setbacks shall be met.
3. 20 ft. front setback from the edge of pavement shall be required.

**Reference #:BA13-00094**

CHECKLIST AND WORKSHEET  
BOARD OF ADJUSTMENT HEARING  
BA CASE NUMBER: BA-12-11-13

OWNER/ADDRESS: Sutherland Crossing Condo Assn, Inc.  
311 Park Boulevard, #250  
Clearwater, Fl 33759

REP/ADDRESS: William J. Kimpton, Esq.  
605 Palm Boulevard, Suite B  
Dunedin, Florida 34698

John C. Landon, P. E.  
31622 US 19 North  
Palm Harbor, FL 34684

PROPERTY ZONING: RPD-1.0, Residential Planned Development, 1.0 unit per acre &  
RPD-2.5, Residential Planned Development, 2.5 units per acre

LAND USE DESIG: Residential Suburban & Preservation

TYPE APPLICATION: Variance

DATE AND TIME: November 7, 2013 @ 9:00 A.M.

CASE DESCRIPTION: A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

PARCEL ID: 02/28/15/88555/000/0000

NOTICES SENT TO: Sutherland Crossing Condo Assn Inc, William J. Kimpton, Esq., John C. Landon, P.E., BCC Office & Surrounding Owners (See Attached List)

DISCLOSURE: **Owner:** Ted Haines-Pres. (**Existing Contract:** Marc Rutenberg)

**Reference #:**BA13-00094

**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
Janet C. Long  
John Morrone  
Norm Roche  
Karen Williams Seel  
Kenneth T. Welch



December 9, 2013

Sutherland Crossing Condo Assn, Inc.  
311 Park Place Boulevard, #250  
Clearwater, FL 33759

Re: Board of Adjustment Case No. BA-12-11-13  
Parcel No. 02/28/15/88555/000/0000

Dear Applicant:

Please be advised that by action of the Pinellas County Board of Adjustment on November 7, 2013, your request for a variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach was conditionally approved, as follows:

1. Full site plan review.
2. Side and rear setbacks shall be met.
3. 20 ft. front setback from the edge of pavement shall be required.






The applicant is notified that the Decision Letter Addendum (attached) explains standard Board conditions, policies and procedures which are a part of the official decision and conditions regarding your Board of Adjustment case. If you have specific questions, please feel free to contact us.

Sincerely,







The Pinellas County Planning & Development Services Department

cc: William J. Kimpton, Esq.  
John C. Landon, P.E.








Cueva BA-12-11-13	Next case is BA-12-11-13 application of Sutherland Crossing Condo Association, Inc., requesting a variance to allow for the re-development of a subject site with 62 single family homes having 20-foot front setbacks from the edge of the pavement where a 35-foot setbacks from the edge of the pavement are required in an RPD zone. Staff is recommends conditional approval.
 Pierce	Your name and address please.
Bill Kimpton Attorney	My name is Bill Kimpton, attorney, 605 Palm Boulevard, Dunedin.
Pierce	Your name and address please.
Michael Boutzoukas	My name is Michael Boutzoukas, attorney, 311 Park Place Boulevard, Suite 250, Clearwater, FL.
Pierce	Do we have any objectors here for Case no. 6-10-13 (BA-12-11-13). Yes we do. Go ahead and tell us what you are looking for. Sir have a seat until they present their case.
Kimpton	My co-counsel represents the owner, he is just here today, and I am representing the builder who wants to buy the property and build the project.
Pierce	Does the Board have any questions?
 Kimpton	I have some more data.
Pierce	I am lost.
Foley	Okay. You don't have that?
Pierce	I don't have that one.
Burdette	I don't either.
Pierce	Does everybody have this one? [Burdette: I don't] I didn't either, so we are actually looking at 12-11-13 then. Sir you are objecting then to 12-11-13?
 Lorenz Loehner Audience guy	Yes
Burdette	Tell me what it is.
Pierce	Okay Questions from the Board?
Watts	Crystal Beach.
Kimpton	Can I make a short presentation?
Burdette 	I am not sure what it is.
Kimpton	This is an existing timeshare project (Showing picture aerial) that is now closed down that was developed in the early 80s. You can see it here on the picture if you have it there.  It is this right here and this piece coming up here. The goal is to take this existing project that had a valid site plan approved by the County, and retrofit into it some new housing by Mark Rutenberg. It is a little tight, very curvy roads, there is a lot of vegetation, a lot of trees out there. We are trying to preserve the trees. Currently there is nothing in the form of typical driveways, its chips and grass and tight roads. We are trying to make it all work. I think that the concern of this gentlemen here is that he lives in the house that is outside of our subdivision,




	but he travels through our subdivision to get to it. It is tight, we know it. We have filed our 15 sets of drawings with the County staff and we are working with them on all of these issues. I am trying to develop the product. It looks like it could be a very nice project and we are going to try to do it in the style of Crystal Beach as it exists now rather than some deal where we tear out all of the trees and try to conform to the new standards. As far as we know, staff is acceptable to that and we are working with them.  I have John Landon the Engineer who can answer any technical questions. Here is more of what it will look like in the future. You can see it is pretty much adapting the same footprints, except in cases where there had not been units yet, but there were provisions for units but they were not buildable so we moved a few of them around.
 Watts	The need for the reduction in front setback is why?
Kimpton	The idea is that we don't want to push back into the trees and chop out all of the trees, so we are trying to fit the houses where the existing structures are. It is going to be a little tight, so we need to have that space.
 Cueva	Mr. Watts our environmental setback requirements are more stringent these days. Staff is wanting better water quality restriction on this site, which it didn't have when it was initially developed, so that is another reason they are being forced towards the front and why staff is supporting the request.
 Watts	Makes sense.
Burdette	You here today just for the setback, is that what we are here for?
Kimpton	Yeah, just the--
Burdette	Sorry I just got it I need to read this. Okay.
Pierce	Any other questions?
Ester	John, has the plat been approved already?
Kimpton	The site plan was approved in the 80s for this.
Cueva	This was a time condo plat.
Kimpton	It was condo buildings but then they timeshared the buildings--way back.
Ester	So the setbacks are based upon the previous--
Cueva	The previous road, edge of the pavement.
Kimpton	Yes.
Cueva	The roads that have been approved, the setback will be from those roads.
Foley	So in essence there is nothing happening there now—the timeshare deal is done?
Kimpton	No that is all gone. The buildings are still there and we'll be replacing them.
Watts	Oh, ok.
 Pierce	Okay, the objector could come up please. Your name and address please.
 Lorenz Loehner	My name is Lorenz Loehner. I live on 990 Osprey Court, Crystal Beach. I am going through this development for the last ten years. There is only a 20-foot-wide

	<p>road. I pass this road every day. Now my objection is, if there is a 20-foot setback and they put homes on that people have no room to park in the driveway. Usually, one family homes the consist of two adults and two grown-up children. Most people have three cars. Maybe four. So where do they park the cars on a 20-foot setback? Obviously on the street and they are going to build homes on both sides of that 20-foot street. That is really a hassle for emergency vehicles if cars park and sit on that street there is no way an emergency vehicle can pass through. The garbage truck can't pass through. I can't even pass through with my own car. I have go through there every day. Also, when people even if they have garages, a lot of people use garages for storage, because these are not really large homes. So where do they park? On the street. And if we park one foot from the curb there is even less space. So that is a potential hazard if this project is permitted. If there is a 35 foot setback, people can park their cars on their own plot, in their own driveway. I even checked into this project and the parking should not be permitted on that street, on Osprey, Seaview Circle and there are two.</p>
Foley	Sir you may want to put the drawing where it says place document here.
Pierce	Face up.
Loehner	That is my property there is a 90 feet entrance and it is also 20-foot wide. If the owners park their cars there, I can't even go through on both sides. Parking cannot be permitted there, and on the ___ line there is another line, these are private properties here.
Watts	How wide did you say Seaview was? How wide is the street?
Loehner	20 feet
Pierce	Any other questions of the objector? Anything else sir?
Loehner	Last if they the existing time share homes now, some are setback 50 feet now, some are 35, some are 50 feet. Why—it's not necessary to bring them all the way in front and create this potential hazard.
Pierce	All right thank you. Do we have any other objectors here for this case? John I do have a question. The variance is that entirely within the development or is it also on the outside perimeter?
Cueva	Just for this development only.
Pierce	Just totally self-contained in this development.
Cueva	Self-contained.
Pierce	If the applicant could come back up.
Kimpton	According to the engineer the street is actually 24 feet, and we are sensitized to the issue, and we don't plan to have every home using this, but we don't know how the homes are going to lay out yet. We know that some of them—this wouldn't be relevant at all, but in some of them it is definitely going to be relevant and we



	didn't want to have to come back here on a case by case basis for 62 homes or maybe the 20 or 30 that need it. But we are also sensitized that it is a problem. We want to have a salable product here at the end of the day and everyone of these houses will have full size garage for two cars and available parking in the driveway. But, even still, people come to visit, it is a problem we have to sort out and we are very sensitized to it and we will sort it out with staff.
 Watts	How big of houses are they in general?
Kimpton	Market study at this point (showing picture). They are not going to be able to be the—if you saw in the background. These houses back here will never be able to be the size that those are, there just isn't enough room.
Foley	Will they be required to be elevated?
Kimpton	Yes and some of parking underneath of course. And some of them we will move the—the house may be out there further but the garage may have to push back. We are going to have to design everyone of these. We are sensitive to his needs, we are sensitive to all those homes that go through our community, so we are going to take care of it, we are just at the early stages here and staff is also sensitized to it.
 Foley	Can you show us on your visual there where the objectors house is? Can you see that on there? I can see it on the drawing, but--
Cueva	It should be in this area right here.
Kimpton	I am not sure which house it is. There is a few back there.
Watts	So the only way he can get out is down that street, right?
Kimpton	Yes right. There is some here and a couple over here.
 Burdette	But it is 24 feet?
Landon	Yeah. let me give you some more details. This is a Google Earth shot of it. He is right about the 20 feet of asphalt and 2 feet of curb on each side. That is pretty much a standard County road and it was back in 1983. I think, when this thing got approved.  John Cueva was right. The main reason we are doing this, we are doing a water quality betterment plan, which is going to eat up about 15 feet in the backyards of these homes and so we are really trying to make that up and we don't need a setback every single lot, and we don't intend to do that. Where we need them is where we have really tight curves and we have jurisdictional areas coming in those curves. These lots are going to change so rather than come in and ask for specific lots, we thought we would ask for a blanket. Our intent is not to move up 20 feet each single lot. That would be pretty tacky. On the parking requirements, we are required one and half spaces for every unit.  I think that you can see-- you know what they did before they had a parking area under the unit we have room for one more, so we would have at least two. And where the units are further back, of course, we have some more. So I think the concern is everything up front. that is not our intent. We are trying to react to the betterment plan and move back a



	little.
Watts	Is there room for two cars underneath them?
Landon	The unit has not been designed yet. I don't know the answer to that.
Kimpton	That is the goal.
Landon	Yeah. We could probably do that. I think that is something--
Watts	That would help ease up if you had two kids and 14 dogs and--
Landon	We don't want cars on the road.
Foley	They figure these [Boutzoukas: sure] especially if they elevate there should be a lot of space underneath. Like Mike colleague, I ask sometimes because I am curious. How long was this project going before it went? Do you even know? How long was it sitting kind of vacant?
 Boutzoukas	Michael Boutzoukas again. Southernland Crossing was formed in 1983, as a timeshare project. It is a condominium with a interval ownership overlay to it. It was originally platted for 62 units and the plat still remains in place. It was only built-out with 35 structures, sales were kind of lack-luster and when the economy tanked in 2007, delinquencies went through the roof and it became economically unfeasible to continue. So, we, as of February this past year, there was a vote done to terminate the timeshare and condominium. They ceased operations at the end of March and we have been in contract discussions with Mr. Ruttenburg since that time, executed a contract and we are just in support of that. So it has been apprized that the owners love it, and many have come down here and become residents of the area, but it is one of those situations where it just wasn't feasible to continue in the timeshare, and I think he has a great concept for (1) to make this a single family. It is not your typical condo timeshare where you have a high rise or a multi-family unit of any kind. These are all single family units on a condo plat, so the unit is the footprint of the building for each particular unit and each one of those is 50 weeks. So, it lends itself well to be single family, just that the structures are dated and they have to start from scratch.
Watts	Seems like this would have a less intense use with traffic and everything else than the timeshare would.
Boutzoukas	I would certainly agree. Less intense use and much more practical use I would say in terms of where it is located and what is out there in the Crystal Beach area.
Pierce	Any other questions from the Board? Do we have a motion?
Foley	Move to approve BA12-11-13 for conditional approval.
Doran	2 <sup>nd</sup>
Motion Carries- Pierce	We have a motion to approve the application by Mr. Foley, a second by Mr. Doran, any further discussion? All in favor say aye [aye.] All opposed? Motion carries, you have your variance.

**NOTICES AND MAILING LABELS**

CORRESPONDENCE RECEIVED

**Swinton, Tammy M**

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**Subject:** FW: [BULK] SUTHERLAND CROSSING/SETBACK VARIANCE

**Importance:** Low

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**From:** DAN BRUERD [<mailto:danmarina@live.com>]  
**Sent:** Wednesday, November 06, 2013 6:29 PM  
**To:** Cueva, John  
**Cc:** JOHN Landon EMAIL  
**Subject:** [BULK] SUTHERLAND CROSSING/SETBACK VARIANCE  
**Importance:** Low

DEAR MR. CUEVA:

I OWN A HOME IMMEDIATELY NORTH OF AND ADJACENT TO THIS ABANDONED TIMESHARE PROPERTY AND I WOULD LIKE TO EXPRESS MY SUPPORT OF THE REDEVELOPMENT OF THIS PROPERTY TO A SINGLE FAMILY SUBDIVISION. I ALSO SUPPORT THE SETBACK VARIANCE THEY HAVE REQUESTED.

I BELIEVE THAT THIS REDEVELOPMENT WILL BE GREAT FOR THE LOCAL ECONOMY AND WILL INCREASE PROPERTY VALUES IN CRYSTAL BEACH.

IF YOU HAVE ANY QUESTION, PLEASE CALL ME.

SINCERELY,

DANIEL BRUERD  
386 SANCTUARY DR.  
CRYSTAL BEACH, FL. 34681

SEASIDE SANCTUARY SUBDIVISION

727-512-0457

**Swinton, Tammy M**

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**From:** Zoning  
**Subject:** FW: Case No. BA-12-11-13

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**From:** Steven S [<mailto:ssoso983@gmail.com>]  
**Sent:** Wednesday, October 23, 2013 4:35 PM  
**To:** Zoning  
**Subject:** Case No. BA-12-11-13

Pinellas County Planning Department, Zoning Div.

Development Review Services Division

440 Court St. 4<sup>th</sup> Fl.

Clearwater, Florida 33756

Re: Case No. BA-12-11-13

To whom it May concern;

Unfortunately, I will not be able to attend the hearing on the above matter but I do want to express my strong opposition to the requested setback variance. My opposition is based on two factors: access by emergency vehicles and the impact on the current and future residents of Bayou Lane and Seaview Court.

By approving the 20 ft. setback the Board is assuring that cars will be parked on Seaview Circle since driveways will be too short to accommodate the two plus cars owned by most families. Seaview Circle is only 20 ft. wide so every car parked on the street would turn into a traffic obstacle. Furthermore, if a second car is parked on the opposite side of the street in proximity to the first car, Seaview Circle would be blocked. Emergency vehicles would be obstructed as would the vehicles of the residents of Bayou Lane and Seaview Court. The Seaview Circle "obstacle course" could prove especially dangerous to children playing in the street.

Banning parking on Seaview Circle might be a solution. But I fear the residents of Bayou Lane and Seaview Court would then be inundated with parked cars from the new houses likely resulting in

numerous calls to the Pinellas County Sheriff's office. Designated off-street parking areas for excess family vehicles as well as visitors would be a better solution.

My final concern is about the experience of driving along Seaview Circle with possible 35 foot high houses placed on both sides of the street—with the variance they will be only 60 feet apart (two 20 ft. easements, plus the 20 ft. wide street).

I appreciate your consideration of my concerns.

Sincerely,

Steven Soso

P.O. Box 338

983 Bayou Ln.

Crystal Beach, FL 34681

**Subject:** FW: Sutherland Crossing setback change hearing scheduled 7 Nov 2013 - Wisniewski view re setback changes

-----Original Message-----

From: Michael Wisniewski [<mailto:rbwiz@aol.com>]

Sent: Tuesday, November 05, 2013 10:43 PM

To: Zoning

Subject: Sutherland Crossing setback change hearing scheduled 7 Nov 2013 - Wisniewski view re setback changes

To whom it may concern,

We are the owners of lot 3 on Osprey Court of the Osprey Point HOA - the southern tip of the of an area contiguous to the now defunct Sutherland Crossing Resort. We are unable to attend the 7 November hearing. Please consider our support and concerns for this development effort and its proposed attendant changes to setback regulations.

We are pleased a company of Rutenberg's reputation will develop this very nice parcel. We understand there are at least 10 lots of the 62 lots being considered that are too shallow for a 35 foot setback, with the remaining 50 lots being roughly as deep if not deeper than the lots currently owned by our HOA members where the 35 foot setback has been applied during construction of our homes. We support changing the 35 foot setback to 20 foot with a couple of caveats.

- 1) The 20' setback change apply only to those lots deemed to too shallow to construct an averaged-size (~2500 sqft) house on the lot
- 2) Community prohibits on-street parking with some exceptions (contractors working on house, moving, entertaining guests, etc.)

Above caveats are driven by concerns regarding community aesthetics, minimal visible area for habitat restoration, and safe navigation of emergency vehicles

Respectfully,  
Mike and Rhonda Wisniewski  
Lot 3 Osprey Point HOA  
813-210-1667/695-4422

*From: Mr. Lorenz F. Lochner  
P. O. Box 905 , at 990 Osprey Court,  
Crystal Beach, FL. 34681*

*Date: November 1st, 2013*

Submitted for review and rejection of variance case No.BA-12-11-13

To the Pinellas County Board of adjustments,  
310 Court Street  
Clearwater, FL 33756



Dear board of adjustment,

**RE. Variance for 62 1Fam. Homes to be built on both sides of a 20 ft wide street named: Sea view Dr. Sea view Circle ,Bayou Lane and Osprey Court. Having A 20 FT SET BACK from the street ,where there is 35 ft. required.**

**If permitted, major potential adverse conditions and hazards will exist as follows.**

- A) To the environment and existing wild live. Many trees and bushes would have to be cut down..Thus damaging the habitat of many species of wild life in the area..
- B) Street parking can not and should not be permitted on a 20 ft wide street only. Emergency vehicles, trucks even passenger car can will not be able to pass trough freely or even not at all when 2 cars are parked at opposite.

Thank you in advance for your consideration in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lorenz F. Lochner".

*Member of Osprey Point home owners association, Crystal Beach, FL. 34681*



## **STAFF CORRESPONDENCE**

**BOARD OF COUNTY  
COMMISSIONERS**

Charlie Justice  
Susan Latvala  
Janet C. Long  
John Morroni  
Norm Roche  
Karen Williams Seel  
Kenneth T. Welch



**Re: Case No. BA-12-11-13  
Sutherland Crossing Condo Assn, Inc., Applicant  
William J. Kimpton, Esq., Representative**

Dear Property Owner:

October 17, 2013

**THIS IS AN IMPORTANT NOTICE ABOUT UPCOMING PUBLIC HEARINGS REGARDING THE USE OF LAND.** It is being provided to you since you are either the owner or representative of the owner of the subject property, OR you own land in the vicinity of the subject property. **THE ACTIONS RESULTING FROM THESE HEARINGS MAY HAVE SIGNIFICANT IMPACT ON YOUR PROPERTY AND NEIGHBORHOOD.**

**PLEASE REVIEW THIS INFORMATION CAREFULLY!! IF YOU HAVE ANY QUESTIONS REGARDING THIS IMPORTANT MATTER, PLEASE CALL OUR OFFICE AT (727) 464-5047 OR VISIT US AT THE ADDRESS LISTED BELOW. WE WILL BE HAPPY TO PROVIDE YOU WITH AVAILABLE INFORMATION.**

**Case Description:** A variance to allow for the redevelopment of the subject site with 62 single family homes having 20 ft. front setbacks from the edge of pavement where 35 ft. setbacks from the edge of pavement are required in an RPD zoning district for the property containing approximately 35 acres located at the southern terminus of Seaview Drive, Crystal Beach.

**What this proposal means to you:** If approved, this proposal would allow 20 ft. front setbacks from the edge of pavement for the redevelopment of the site with single family homes.

Please be advised that the Pinellas County Board of Adjustment will hold a hearing regarding this matter on **November 7, 2013 at 9:00 A.M. Hearings are held in the County Commission Assembly Room located on the 5<sup>th</sup> floor of the County Court House located at 315 Court Street in Clearwater, Florida.** You are invited to attend this hearing and to express your views on this matter. Written correspondence may be directed to the Pinellas County Planning Department, Zoning Division located in the Development Review Services Department, 440 Court Street 4<sup>th</sup> fl, Clearwater, Florida 33756, or you may fax/email us at (727) 453-3256/ [zoning@pinellascounty.org](mailto:zoning@pinellascounty.org).

Failure by the applicant or an authorized representative of the applicant to appear at the scheduled public hearings may result in an automatic denial of the request.

Persons are advised that if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings and for such purpose they may need to ensure that a verbatim record of the proceedings is made.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. FT HARRISON AVE., SUITE 500, CLEARWATER, FL 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

PLEASE ADDRESS REPLY TO:

310 Court Street

Clearwater, Florida 33756

Phone: (727) 464-8200

Fax: (727) 464-8201

Website: [www.pinellascounty.org](http://www.pinellascounty.org)

Sincerely,

PINELLAS COUNTY STRATEGIC PLANNING & INITIATIVES DEPARTMENT



7008 0150 0001 5684 1378

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*Oct 18 2016*

Sent To: BA-12-11-13  
 SUTHERLAND CROSSING CONDO ASSN  
 Street, Apt. or PO Box: 311 PARK BOULEVARD, #250  
 City, State: CLEARWATER, FL 33759

PS Form 3800, August 2006 See Reverse for Instructions

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<b>Total I</b>	

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*Oct 18 2016*

Sent To: BA-12-11-13  
 WILLIAM J. KIMPTON, ESQ.  
 Street, Apt. or PO Box: 605 PALM BOULEVARD, SUITE B  
 City, State: DUNEDIN, FL 34698

PS Form 3800, August 2006 See Reverse for Instructions

7008 0150 0001 5684 1392

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Restricted Delivery Fee (Endorsement Required)	
<b>Total Pos</b>	

Postmark Here

*Oct 18 2016*

Sent To: BA-12-11-13  
 JOHN C. LANDON, P. E.  
 Street, Apt. or PO Box: 31622 US 19 NORTH  
 City, State: PALM HARBOR, FL 34684

PS Form 3800, August 2006 See Reverse for Instructions

BA-12-11-13  
BELESIS, MIHAIL  
PO BOX 974  
CRYSTAL BEACH FL 34681-0974

BROWN, STUART R  
BROWN, WENDY J  
PO BOX 873  
CRYSTAL BEACH FL 34681-0873

BRUERD, DANIEL L  
BRUERD, JULIE M  
123 ORANGE ST S  
PALM HARBOR FL 34683-5232

CLEARWATER MARINE AQUARIUM INC  
249 WINDWARD PASSAGE  
CLEARWATER FL 33767-2244

CORACE, PAUL H  
CORACE, MARY E  
PO BOX 353  
CRYSTAL BEACH FL 34681-0353

DOSS, NABIL  
DOSS, SAMIA  
PO BOX 1040  
CRYSTAL BEACH FL 34681-1040

ERC HOMES LLC  
2738 FALKENBURG RD S  
RIVERVIEW FL 33578-2561

FISCHER, LOUISE F  
1455 WILLOW BROOK DR  
PALM HARBOR FL 34683-2140

FL INT IMP FUND TRE  
C/O DEPT NATURAL RESOURCES DOUGLAS  
BLDG 3900 COMMO  
NWEALTH BLVD  
TALLAHASSEE FL 32399-6575

FONG, HOE CO  
1802 WEATHERSTONE DR  
SAFETY HARBOR FL 34695-5516

FULLER, LOWELL D  
FULLER, LORI A  
PO BOX 1045  
CRYSTAL BEACH FL 34681-1045

HOE FONG CO  
1802 WEATHERSTONE DR  
SAFETY HARBOR FL 34695-5516

HOUSER, J BRADLEY  
HOUSER, CHRISTINE A  
PO BOX 555  
CRYSTAL BEACH FL 34681-0555

KOZIEL, NORA  
PO BOX 341  
CRYSTAL BEACH FL 34681-0341

LOCHNER, LORENZ F  
LOCHNER, LUZ C  
PO BOX 905  
CRYSTAL BEACH FL 34681-0905

LUCAS, ORSON BENJAMIN  
LUCAS, DONNA ROTH  
PO BOX 696  
CRYSTAL BEACH FL 34681-0696

MARTH, THOMAS  
MARTH, PAMELA  
PO BOX 375  
CRYSTAL BEACH FL 34681-0375

MC COY, CLAUDE M  
MC COY, ANGELA K  
PO BOX 1305  
CRYSTAL BEACH FL 34681-1305

MC DANIEL, MARGEE H  
301 ELDRIDGE ST  
CLEARWATER FL 33755-3804

MURPHY, JAMES D  
FELICETTI-MURPHY, ELIZABETH  
3505 SHORELINE CIR  
PALM HARBOR FL 34684-1727

MURPHY, JOSEPH  
MURPHY, SHARON  
PO BOX 638  
CRYSTAL BEACH FL 34681-0638

NOTHUM, J GLENN  
NOTHUM, DEBORAH A  
PO BOX 1065  
CRYSTAL BEACH FL 34681-1065

OSPREY POINT HOMEOWNERS INC  
PO BOX 938  
CRYSTAL BCH FL 34681-0938

PINELLAS COUNTY  
ATTN: GEN SERV / LAKE C

REILLY, KENNETH J  
REILLY, JILL A  
PO BOX 360  
CRYSTAL BEACH FL 34681-0360

RISTOFF, DAVID R  
RISTOFF, DARLA S  
PO BOX 849  
CRYSTAL BEACH FL 34681-0849

SCHNETZER, ASHLEY  
BROTHERLY, ANDREA L GDN  
2858 RAMPART CIR  
CLEARWATER FL 33761-1327

SKOLNICK, MARK  
SKOLNICK, TAMMY  
PO BOX 821  
CRYSTAL BEACH FL 34681-0821

SOSO-GRIMSHAW LIVING TRUST  
SOSO, STEVEN Z TRE  
PO BOX 338  
CRYSTAL BEACH FL 34681-0338

SPILKER, WAYNE O  
SPILKER, CHRISTINE S  
PO BOX 1154  
CRYSTAL BEACH FL 34681-1154

BA-12-11-13  
STORK, MICHAEL A  
STORK, SARAH A  
PO BOX 57  
CRYSTAL BEACH FL 34681-0057

SUTHERLAND CROSSING CONDO ASSN INC  
PO BOX 883  
CRYSTAL BEACH FL 34681-0883

TERRY, JAMES E  
TERRY, SUSAN M  
2356 CURLEW RD  
PALM HARBOR FL 34683-6828

TONKING, CORDELIA  
TONKING, STEVEN J  
184 SANCTUARY TRCE  
CRYSTAL BEACH FL 34681

TREMBLAY, PETER  
TREMBLAY, DEBORAH M  
356 WESTWINDS DR  
PALM HARBOR FL 34683-1043

VANCE, TIMOTHY B  
VANCE, DIANE  
PO BOX 1193  
CRYSTAL BEACH FL 34681-1193

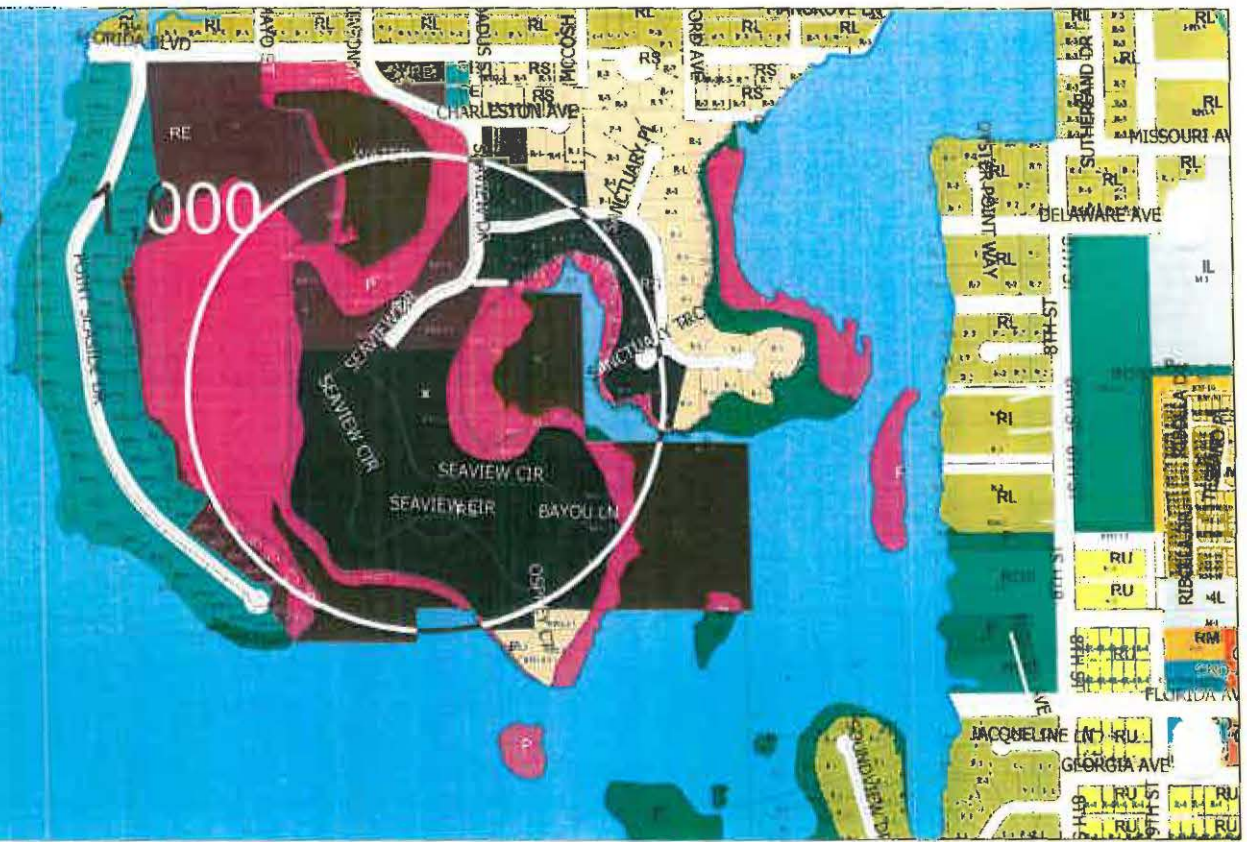
WATTS, WILLIAM J  
WATTS, RUTH A  
PO BOX 613  
CRYSTAL BEACH FL 34681-0613

37



BA-12-11-13

1,000



## APPLICATION AND EXHIBITS

Filing Deadline: \_\_\_\_\_

Filing Fees: \_\_\_\_\_

Variance: \_\_\_\_\_

Special Exception: \_\_\_\_\_

Date of hearing (if filed before above date): \_\_\_\_\_

**PINELLAS COUNTY BOARD OF ADJUSTMENT  
APPLICATION FOR PUBLIC HEARING**

FILE # BA 12-11-13 PARCEL # 02-28-15-8855-000-0000

After the fact structure YES  NO  Bldg Sign Off: \_\_\_\_\_ Date \_\_\_\_\_

Approved: Structure can/does meet code \_\_\_\_\_ Denied: Engineering/Improvements Req'd \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

**NOTICE TO APPLICANT**

This application, with all supplemental data and information, must be completed in ink or typewritten, in accordance with the attached information sheet, and in accordance with the specific instructions set forth in this application and returned to the Department of Building & Development Review Services, 440 Court Street, 3<sup>rd</sup> Floor, Clearwater, FL 33756, before the same can be processed. The time, place and date of all public hearings are available at the office of BDRS. **The applicant, or his authorized representative, must be present at any public hearing. Failure to appear shall be sufficient cause to deny the request, due to lack of evidence.** All applications must be signed by the present owner of the property.

1. Owner: Sutherland Crossing Condominium Association, Inc., Trustee  
Mailing Address: 311 Park Place Boulevard, #250 City: Clearwater  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: FL Zip Code: 33759 Telephone No: (727) 510-0458  
Daytime Phone: \_\_\_\_\_ Fax No. \_\_\_\_\_ Email: mboutzoukas@becker-poliakoff.com

2. Representatives Name: William J. Kimpton, Esq.  
Mailing Address: 605 Palm Boulevard, Suite B City: Dunedin  
State: FL Zip Code: 34698 Telephone No: (727) 733-7500  
Daytime Phone: \_\_\_\_\_ Fax No. (727) 733-711 Email: bill@kimptonlaw.com



2A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a part to such, as well as anyone who may have a beneficial interest in the property which would be affected by any ruling in their application  
Owner is Trustee of a terminated time share project known as Sutherland Crossings

Specify interest held: \_\_\_\_\_

2B. Is there an existing contract for sale on subject property? Yes

If so, list names of all parties to the contract including all partners, corporate officers, and members of any trust Marc Rutenberg

Is contract conditional or absolute? Conditional

2C. Are there any options to purchase subject property? No

If so, list names of all parties to option including all partners, corporate officers, and members of any trust?

3. Hearing requested to consider: A  Variance or B  Special Exception  
To allow the following: Replacement of the now defunct condominium development with a  
platted subdivision, with a 20' setback from edge of pavement of private street, in lieu of required  
25' setback.

4. Location of Subject Property: 962 Seaview Circle, Crystal Beach, Florida 34681  
(Street Address)

5. Legal Description of Subject Property:

See Attached Exhibit "A"

6. Lot Size: 60' x 100'

7. Present Zoning Classification: RPD 2.5/RPD 1.0

Present Land Use Plan Designation: Low density residential

8. Present structures and improvements on the property: Existing outdated wood frame structures  
and amenities will be demolished and replaced with current single family structures.

9. Proposed use of property will be: 62 single family residential homes with amenities

10. (I)(We) believe that the Board of Adjustment should grant this application because: (include grounds or reasons with respect to law and fact for granting the appeal, special exception or variance). For aid in filling out this section see the information sheet supplied to you with this form. If you are applying for a zoning variance or special exception, see Pinellas County Land Development Regulations, 138-113 (This section is very important since the applicant must demonstrate to the Board through a showing of substantial and competent evidence that relevant criteria has been met to warrant approval.)

Replacement of antiquated time share project undertaken in condominium format  
will be replaced by an identical number of residential structures, generally  
located in the identical configuration, and will apply County standards, with  
minor variances requested.

11. Has any previous application or appeal been filed in connection with this property within the last two years?

(Yes)  (No)

If so, briefly state the nature of the application or appeal?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

- (A) Plot plan, drawn to scale showing all existing and proposed structures, use of each, dimension, spacing between structures, setbacks from all property lines, property dimensions, abutting streets and other public easements, clearly delineated off-street parking spaces and North point. (Applications for variance from the minimum construction elevation will require submission of a survey indicating the existing elevation on the property and an interior layout of proposed or existing construction.) If the plan is larger than 11" X 17", twelve copies will be required. Plot plans not containing adequate information cannot be considered by the Board.
- (B) Excavation or filling. If excavation or filling of land is involved, applicant must comply with Article II, Div. 7 of the Pinellas County Land Development Regulations.
- (C) Signs. If the application is in regard to a sign, the size, location and elevation of the proposed sign must be shown. Also see Article VII, Div. 3 of the Pinellas County Land Development Regulations.
- (D) Adult Use Variance (see Ordinance 90-65).
- (E) Concurrency Variance of Appeal (see Ordinance 89-69. Subject to annual amendment of the Concurrency Test Statement).

13. Date Property Acquired: Contract pending

14. Does applicant own any property contiguous to the subject property? (Yes)  (No)   
If so, give complete legal description of contiguous property:

15. If this request is for a variance from the minimum lot/parcel area requirements, please answer the following questions?

- (A) Was this land obtained from anyone who owns land contiguous to this parcel? (Yes)  (No)
- (B) Is contiguous land available for acquisition, and if so, have you made a diligent effort to acquire additional land so as to meet the minimum lot size required by zoning? (Yes)  (No)

In seeking a minimum lot/parcel size variance, you will be required to demonstrate and document to the Board of Adjustment that your purchase of the lot/parcel did not create the non-conforming lot size and that you are unable to acquire additional land to meet the minimum area requirements.

16. Have you been notified of a violation from?

Pinellas County Building? No Violation Number N/A

Pinellas County Environmental Management? No Violation Number N/A

Other? No Violation Number N/A

If there is no violation, what prompted you to file this application?

Discussions with County staff and Buyer's professional representatives have determined that a residential platted subdivision, as opposed to a replacement condominium development, would provide for beneficial County involvement, including maximization of a water quality betterment plan, proper distance from rear yard jurisdictional areas, while keeping created residential lots at minimum RPD sizes.

CERTIFICATION

I hereby certify that I am the owner and record title holder or trustee of the property described herein; that I have read and understand the contents of this application, and that this application, together with all supplemental data and information is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; that the burden is on the undersigned to provide substantial and competent evidence to show that relevant criteria is met prior to any approval being granted; and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property.

I further understand that any misrepresentation of the facts contained herein may render action on this request by Pinellas County to be null and void.

The issuance of a Flood Variance to construct a structure below the base flood level will result in an increase in insurance coverage premiums as well as increase risk to life and property. This information is provided to insure your awareness of the potential cost factors involved prior to your investment of time and money. It is suggested you contact your insurance agent to determine the effects a variance to the flood elevation requirements might have on flood insurance premiums.

*Ted Haines*  
Signature of Owner or Trustee  
\*(See note below)

Date: 9/24/2013

STATE OF FLORIDA; COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 27th day of September,

20 13 by Ted Haines, as President who is known to me or has produced

drivers license as identification and who did (did not) take an oath.

*Sherry Scharnhorst*  
Notary Public  
(seal)

\*Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.



SHERRY SCHARNHORST  
My Commission Expires  
August 13, 2016  
St. Charles County  
Commission #12533161

BOARD OF ADJUSTMENT APPLICATION

FOR OFFICE USE ONLY

BA No. 12-13-13

Date of hearing: 11-7-13 Atlas Page Number: 75

Nature of hearing: VIA

General Description of hearing: APPRX <sup>35</sup> acres located  
at the southern terminus of Seaview Dr,  
Crystal Beach

Hurricane Evacuation Zone: A

To Permit: A VARIANCE TO ALLOW FOR THE REDEVELOPMENT  
OF THE SITE HAVING 20 FT. FRONT S/B'S  
FROM THE EDGE OF PAVEMENT WHERE 35 FT. S/B'S  
FROM THE EDGE OF PAVEMENT ARE REQ. IN AN RPD

*Zoning District*

CHECK LIST

All items on application completed unless not applicable (N/A)

Signature of current owner - notarized

If corporation - Sealed

If not the owner - a written notarized authorization from the owner is to be included in the application.

Filing Fee

Plot Plan

Scale on plan and North Point

Lot Dimensions

Setbacks

Street Names

Existing and proposed uses

Signs (size, location & elevation) if applicable

Off-street parking (if applicable)

Elevation survey for flood zone variance

Fills/Excavations (if applicable)

Engineered plans approved by Engineering & Environmental Management

HOA: Yes  No

Airport: Yes  No

Wellhead: Yes  No

*POINT SENSITIVE + SENSITIVE SANCTUARY*

PURSUANT TO CONDOMINIUM BOOK 069, PAGE 100  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A REPLAY OF SEASIDE ASSEMBLY SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGES 31 AND 32 LYING IN THE NORTHWEST ¼ OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE SOUTH 00°33'42" EAST, ALONG THE WEST LINE OF THE NORTHWEST ¼ OF SAID SECTION 2, FOR 360.07 FEET TO THE POINT OF BEGINNING; SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FLORIDA BOULEVARD, A 80.00 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 89°36'57" EAST, ALONG SAID RIGHT-OF-WAY LINE FOR 770.34 FEET; THENCE SOUTH 00°01'17" EAST, FOR 190.00 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY 42.01 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2025.00 FEET, A CENTRAL ANGLE OF 00°51'07" AND A CHORD AND CHORD BEARING OF 42.01 FEET, SOUTH 69°10'32" EAST TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 206.45 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 69°34'49" AND A CHORD AND CHORD BEARING OF 193.99 FEET, SOUTH 34°48'42" EAST TO THE POINT OF TANGENCY; THENCE SOUTH 00°01'17" EAST, FOR 441.26 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY 137.41 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 180.00 FEET A CENTRAL ANGLE OF 43°44'15" AND A CHORD AND CHORD BEARING OF 134.10 FEET, SOUTH 21°50'52" WEST; THENCE SOUTH 00°01'17" EAST, FOR 10.88 FEET; THENCE SOUTH 89°36'25" EAST, FOR 150.00 FEET; THENCE SOUTH 00°33'00" EAST, FOR 25.00 FEET; THENCE SOUTH 54°37'43" WEST, FOR 79.44 FEET; THENCE SOUTH 41°54'22" WEST, FOR 177.75 FEET; THENCE SOUTH 12°44'39" WEST, FOR 128.54 FEET; THENCE SOUTH 02°37'16" EAST, FOR 181.85 FEET; THENCE NORTH 48°45'00" WEST, FOR 440.66 FEET; THENCE NORTH 43°45'00" WEST, FOR 255.00 FEET; THENCE NORTH 08°56'13" EAST, FOR 146.34 FEET; THENCE SOUTH 55°19'23" EAST, FOR 83.66 FEET; THENCE NORTH 64°09'02" EAST, FOR 100.00 FEET; THENCE NORTH 59°43'23" EAST, FOR 100.00 FEET; THENCE NORTH 49°58'59" EAST, FOR 95.00 FEET; THENCE NORTH 26°41'39" EAST, FOR 62.37 FEET; THENCE NORTH 07°32'46" EAST, FOR 24.21 FEET; THENCE NORTH 10°31'43" EAST, FOR 112.09 FEET; THENCE NORTH 02°00'23" EAST, FOR 126.12 FEET; THENCE NORTH 33°07'39" WEST, FOR 182.63 FEET; THENCE NORTH 86°29'52" WEST, FOR 118.53 FEET; THENCE NORTH 75°10'16" WEST, FOR 170.49 FEET; THENCE SOUTH 87°37'42" WEST, FOR 340.72 FEET; THENCE NORTH 00°33'42" WEST, FOR 130.00 FEET TO THE POINT OF BEGINNING.

7  
MR CONTAINING 11.47 ACRES MORE OR LESS.

EXHIBIT A



PURSUANT TO CONDOMINIUM BOOK 069, PAGE 099  
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OF LAND IN THE WEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE POINT OF BEGINNING, COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, THENCE NORTH 89°35'53" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 484.72 FEET TO THE MEAN HIGH WATER LINE BEING ELEVATION 1.21 FEET (USC&GS DATUM, 1929) AS SURVEYED JULY 23, 1974, ALSO BEING THE BOUNDARY OF SUBMERGED LANDS RECORDED AND CONVEYED AS PARCEL "B"; THENCE ALONG SAID MEAN HIGH WATER LINE TEN (10) CALLS: NORTH 43°38'14" WEST, 64.35 FEET; NORTH 58°35'21" WEST, 116.29 FEET; NORTH 76°05'06" WEST, 98.48 FEET; NORTH 78°43'40" WEST, 115.00 FEET; NORTH 89°59'41" WEST, 102.02 FEET; SOUTH 87°03'26" WEST, 114.08 FEET; NORTH 28°34'31" WEST, 149.42 FEET; NORTH 43°43'05" WEST, 193.00 FEET; NORTH 06°21'06" WEST, 93.95 FEET; NORTH 06°05'27" WEST, 107.02 FEET, TO A POINT OF INTERSECTION WITH PARCEL "B-1" OF PINELLAS COUNTY'S DESCRIPTION OF LANDS ZONED "AQUATIC LANDS", THENCE RUNNING LANDWARD OF PARCEL "B" SEVEN (7) CALLS ALONG SAID LINE OF PARCEL "B-1": NORTH 28°00'13" EAST, 84.18 FEET; NORTH 520.00 FEET; EAST 120.00 FEET; NORTH 120.00 FEET; WEST 120.00 FEET; NORTH 115.00 FEET; NORTH 14°55'53" EAST, 77.62 FEET; THENCE LEAVING PARCEL "B-1" NORTH 87°27'36" EAST, A DISTANCE OF 156.69 FEET, TO A POINT ON THE APPROXIMATE TOP OF BANK OF A LAKE; THENCE SOUTH 39°37'47" EAST ALONG SAID TOP OF BANK, A DISTANCE OF 91.41 FEET; THENCE SOUTH 08°56'13" WEST, A DISTANCE OF 146.34 FEET; THENCE SOUTH 43°45'00" EAST, A DISTANCE OF 255.00 FEET; THENCE SOUTH 48°45'00" EAST, A DISTANCE OF 440.66 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF A BAYOU, ALSO BEING THE BOUNDARY OF SUBMERGED LANDS RECORDED AND CONVEYED AS PARCEL "D", SAID LINE BEING THE LIMITS OF SUTHERLAND BAY (TIDAL FLATS) AS SURVEYED JULY 23, 1974, WHICH MEAN HIGH WATER (MHW) LINE BEING ELEVATION 1.21 FEET (USC&GS DATUM, 1929) AS RECORDED IN SAID PARCEL "D", THENCE ALONG SAID MHW LINE FOUR (4) CALLS: SOUTH 02°37'16" EAST, 25.51 FEET; SOUTH 33°44'21" EAST, 170.39 FEET; NORTH 62°36'14" EAST, 292.76 FEET; NORTH 84°56'24" EAST, 157.96 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, THENCE ALONG SAID EAST LINE SOUTH 00°30'31" EAST, A DISTANCE OF 824.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

# Development Review Services

440 Court Street, Clearwater, FL 33756 727 464-3888

RECEIPT NUMBER: 161403    DATE: 10/01/2013    TIME: 12:37 PM    BY: LAK

Rec From: WILLIAM KIMPTON PA

The Amount of: \$375.00

Payment Method	Description	Amount
check	3049	375.00

Permit #: BA13-00094 VAR

Description	Paid
Variance	375.00



## GRAPHICS

Submitted for review and consideration:  
 To Pinellas County Planning Board, 310 Court Street, Clearwater, Fl. 33756

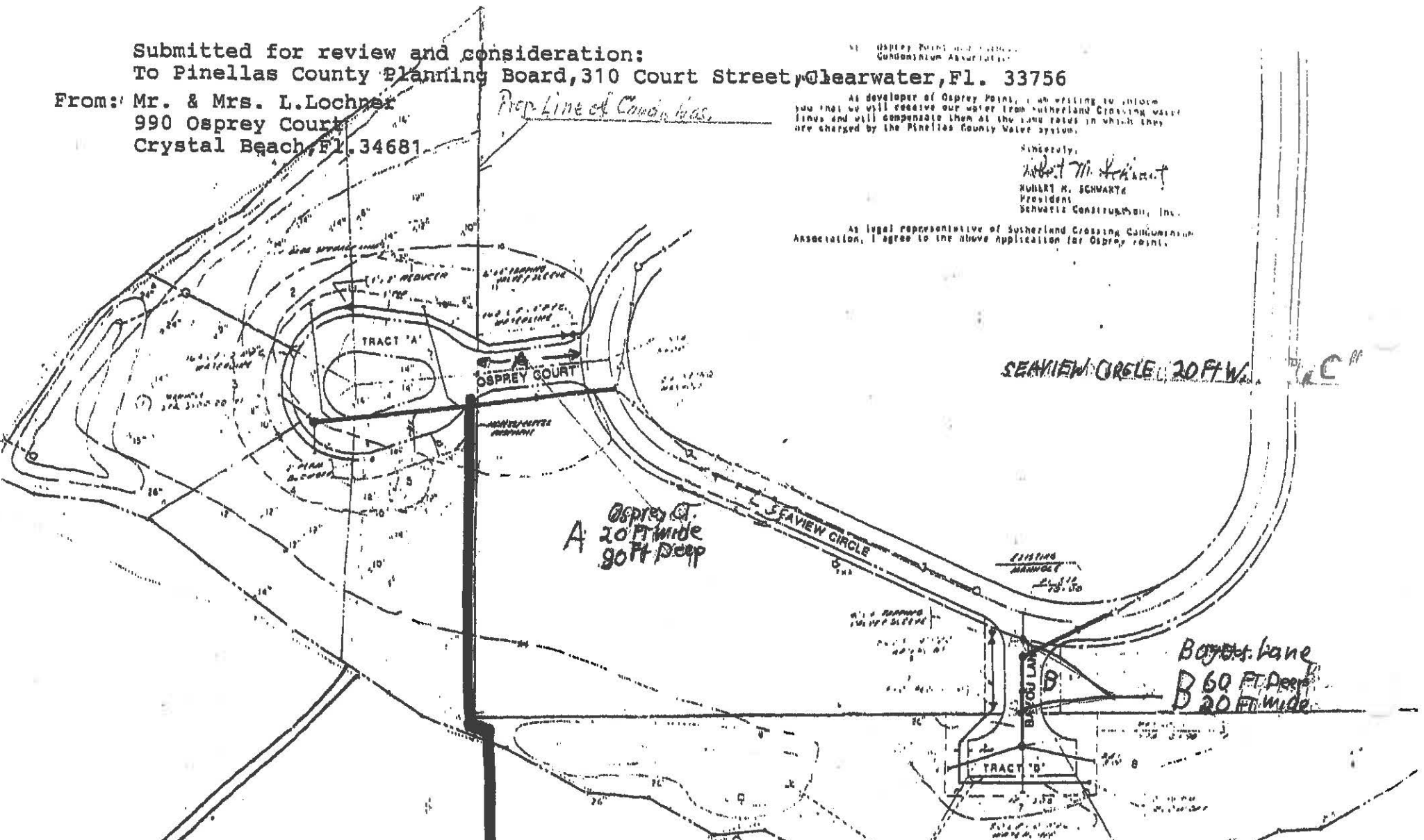
From: Mr. & Mrs. L. Lochner  
 990 Osprey Court  
 Crystal Beach, Fl. 34681

*Prop Line of Condo. Has.*

As developer of Osprey Point, I am writing to inform you that we will receive our water from Sutherland Crossing water lines and will compensate them at the same rates in which they are charged by the Pinellas County Water System.

Sincerely,  
*Robert M. Schwartz*  
 ROBERT M. SCHWARTZ  
 President  
 Schwartz Construction, Inc.

As legal representative of Sutherland Crossing Condominium Association, I agree to the above application for Osprey Point.



SEAVIEW CIRCLE 20 FT W.

*A 20 FT wide  
90 FT Deep*

*Bayonet Lane  
B 60 FT Deep  
20 FT wide*

LEGEND	
PROPOSED	EXISTING
	N/A
	N/A
	N/A

Re.: Variance of 62 one fam. homes having 20 ft. set back where is a 35 ft. set back required on an EXISTING 20ft wide street. If permitted major adverse condition will exist.  
 1) Inviereental: many trees will ave to be cut down. Thus damadging the habitate of the existing wild live...







SCALE 1 : 9,684



BA 12-11-13





10.04.2013 13:33

10.04.2013 13:30







Pinellas County Planning Department

# NOTICE OF PROPOSED Land Use Action

FOR INFORMATION CALL

## (727) 464-5047

EMAIL: [zoning@pinellascounty.org](mailto:zoning@pinellascounty.org)

The document on the sign shows a map of a property with a red outline, surrounded by text. The text appears to be a zoning ordinance or a notice of proposed land use action, detailing the specific regulations and actions being proposed for the area shown on the map.

10.04.2013 13:30