



Colburn Appeal of WND-22-00252

Governing Codes and Background



Section 58-536(b):

“Any person, including the state, aggrieved by the county’s findings of fact and determination under this article may, within 30 days of such findings and determination, petition for a hearing, stating in such petition the grounds upon which the county has erred in its findings and wherein such person is aggrieved by such findings. The board may, in its discretion, grant or deny such hearing.”

Petition and Notice Requirements



Per Section 58-536(b):

The Petition for Hearing was brought before the Board on October 17, 2023. The petition was approved and a public hearing date of December 12, 2023, was set.

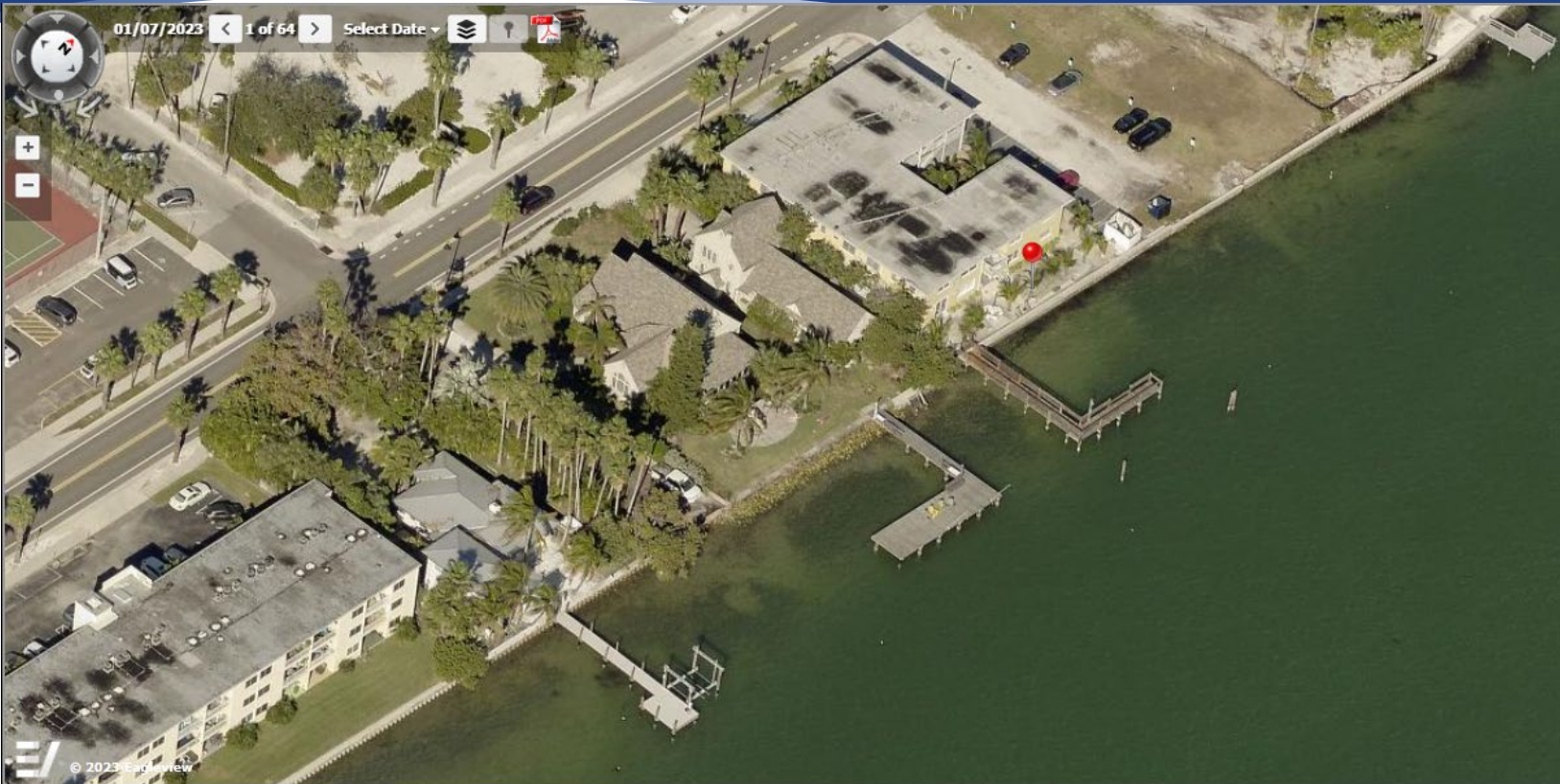
Section 58-535(a):

A Public Hearing Notice was sent to all property owners within 500 feet of the subject property; as well as the applicant, appellant, and any appropriate representatives.

Property Location



1605 Pass-a-Grille Way, St. Pete Beach



Appeal Overview



58-505 – Interpretation; conflicting provisions

- Interpreting and applying the provisions of the article in regard to other rules, regulations, easements, covenants or agreements.
- **Appellant Comment: Pinellas County regulations should control if more restrictive.**
- **Staff Comment: This section does not discuss the relationship between county and municipal jurisdiction. This is laid out in other sections of the code.**

58-530 – Permit required; review of applications; 58-531 – Criteria for approval of permits; 58-553 – Permitting criteria for docks

- All reference the nine findings of fact criteria per 58-530(b)(1 through 9).
- **Appellant Comment: No documentation found in the record showing the criteria were considered.**
- **Staff Comment: The application is considered “providing data and testimony” for these criteria and is evaluated during the review process. Additional information is requested if needed to complete the evaluation of the application.**

Appeal Overview



58-533 – Criteria for issuance

- **Subsection (c): Habitats having a high degree of ecological value.**
- **Appellant Comment: No documentation found in the record showing the proposed project was “specifically reviewed for adverse impacts...”**
- **Staff Comment: A thorough field inspection was performed. No environmental resources will be affected, and no habitats listed in this section are present. The field report was uploaded into the record associated with this project.**

58-535 – Notice of public hearing

- **Public hearing notice requirements.**
- **Appellant Comment: Water and Navigation should have scheduled a public hearing for the work proposed in the application.**
- **Staff Comment: This section does not apply for this application - no public hearing is required prior to permit issuance.**

Appeal Overview



58-543 – Dock permit requirements and restrictions

- **Subsection (e): Adverse impacts on natural resources with the installation of boat lifts.**
- **Subsection (f): Adequate water depth at the slip and to open water.**
- **Subsection (h)(1): Adequate water depth for commercial and multiuse private structures.**
- **Subsection (h)(2): Expansion of existing facilities.**
- **Subsection (h)(3): Adequate flushing exists.**
- **Subsection (h)(10): Consistent with special requirements for developing in Aquatic Preserves and Outstanding Florida Waters.**
- **Subsection (i): No expansion in areas critical to the survival of the West Indian Manatee.**
- **Appellant Comment: No documentation was found in the record showing the proposed project was reviewed for impact on natural resources and the West Indian Manatee.**
- **Staff Comment: A thorough field inspection was performed to ensure the project was consistent with the code. No environmental resources are being impacted by this project. The field report was uploaded into the record associated with this project. This area is not considered critical to the survival of the West Indian Manatee.**

Appeal Overview



58-549 – Application information

- **Subsection (b): Consistency with the county or municipal comprehensive plan, as applicable.**
- **Subsection (e): Statement outlining intended use of project facility.**
- **Appellant Comment: No documentation was found in the record showing the proposed project was consistent with either the county comprehensive plan or municipal comprehensive plan. Also, no statement outlining the “intended use” of the project facility.**
- **Staff Comment: The subject property is located within the City of St. Pete Beach; therefore, adherence to the municipal comprehensive plan is best completed by the City of St. Pete Beach during their review. The dock application is the basic use statement regarding the intended use of the project facility, i.e. to moor a specified number of vessels.**

Appeal Overview



58-550 – Private dock application information

- **Subsection (b): Municipal approval.**
- **Subsection (c): Neighbor signatures, where required.**
- **Subsection (d): Adequate water depth at the slip and to navigable waters.**
- **Subsection (e)(2): A detailed statement describing the upland land use and activities.**
- **Subsection (e)(3): Satisfactory evidence of title or extent of interest of the applicant.**
- **Subsection (e)(4): Copy of FDEP permit application, where applicable.**
- **Subsection (e)(5): An affidavit attesting to the dates any existing structures were built, where applicable.**
- **Appellant Comment: Municipal approval was not provided upon initial application submittal. There is no detailed statement describing upland land use and activities. Satisfactory evidence of interest of the applicant to the riparian land ownership or submerged ownership was not submitted.**
- **Staff Comment: While municipal approval was not submitted initially, the information was requested and received prior to beginning review of the application. Upland land use and activity is reviewed by the municipality during their review process. The permit was issued to the correct entity/person and there are no changes needed.**

Appeal Overview



58-551 – Multiuse private dock application information

- **Subsection (1): All information required under 58-550.**
- **Subsection (3): Adequate flushing exists.**
- **Subsection (4)(a): A statement describing how the project affects the waters of the county.**
- **Appellant Comment: No documentation found in the record “attesting to the fact that adequate flushing exists and that the project will not cause stagnation or water quality degradation.” Most survey documents uploaded into the record do not appear to be signed and sealed by a licensed engineer.**
- **Staff Comment: If there is reasonable cause for concern related to tidal flushing, additional information will be requested. The subject property is located on Pass-a-Grille Channel which has no risk of stagnated water as there is more than adequate tidal flushing. There was a procedural regarding an engineer seal on the site plan for the boat lifts; however, that was rectified and did not materially affect the issuance of the permit and did not have had an impact on construction of the dock.**

Appeal Overview



58-555 – Design criteria for private docks

- **Subsection (a)(1): All criteria contained in section 58-554 (Minimum construction specifications for all dock construction).**
- **Subsection (a)(5): No more than two boats for permanent mooring. No more than one dock per private residential site.**
- **Staff Comment: For Subsection (a)(1), the project is required to meet the minimum construction standards. For Subsection (a)(5), this section only applies to single family residential docks, not multiuse docks.**

58-556 – Design criteria for commercial and multiuse private docks

- **Subsection (a)(1): All criteria in 58-555(a)(1), (2), (3), (4), (7) and (8) shall apply to commercial and multiuse private docks.**
- **Appellant Comment: Multiuse docks are required to adhere to the section of code which states only two boats for permanent mooring.**
- **Staff Comment: As stated, multiuse docks are not required to adhere to the restriction to have no more than two boats for permanent mooring.**

Staff Recommendation



Staff recommends:

Uphold the issuance of Multiuse Dock Construction Permit WND-22-00252 as issued to Rostam Holding LLC for the subject property located at 1605 Pass-a-Grille Way, St. Pete Beach



Questions