

**From:** [Mackesey, Brendan](mailto:colelaw@tampabay.rr.com)  
**To:** [colelaw@tampabay.rr.com](mailto:colelaw@tampabay.rr.com)  
**Subject:** FW: Update re Donovan Dock Issues  
**Date:** Friday, April 28, 2023 3:50:13 PM  
**Attachments:** [BCC\\_WaterNavPermit\\_2\\_20230428\\_121006.pdf](#)  
[WND-20-00231REV Approved Plan with Conditions.pdf](#)  
[Revised Form Variance page.pdf](#)  
[090822 Permit App.pdf](#)

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Happy Friday Ed,

Earlier today, Staff issued the attached permit (WND-20-00231REV Approved Plan with Conditions). As you know, Dr. Donovan applied for this permit on September 8, 2022 (see attached 090822 Permit App). However, I do want to bring to your attention that this application was revised yesterday (see attached Revised Form\_Variance page); also note that the plans reflected in the approved permit differ slightly than those reflected in the application (note that the east lift pilings have been brought flush with the head of the dock).

Technically, the permit is a revision to the permit that was issued on May 18, 2021 following the May 5, 2021 BOA Hearing, which reflected the BOA-approved variances for both the dock length and boatlift setback. This explains the attachment “BCC\_WaterNavPermit\_2\_20230428\_121006” that I understand to have been auto-generated by the County’s Accela Software. Of course, the revision was required in light of your client’s appeal filed on June 4, 2021 challenging the boatlift setback variance, and the Circuit Court’s ruling issued on August 2, 2022 granting your client’s appeal.

I want to reiterate my appreciation for your patience and professionalism throughout this process, which I know has been stressful for your client. As noted in my e-mail below, the decision to issue this permit was not made lightly; it was made after careful consideration of the issues at play. I fully recognize that you (and your client) disagree with the decision to issue the permit and may wish to appeal. To that end, if you would like to discuss next steps in the appeals process, I will make myself available at your leisure next week to discuss – just let me know a good time for you.

Have a great weekend

**Brendan Mackesey**  
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**From:** Mackesey, Brendan  
**Sent:** Monday, April 10, 2023 9:37 AM  
**To:** colelaw@tampabay.rr.com  
**Subject:** Update re Donovan Dock Issues

Hi Ed,

I hope that you enjoyed a great Easter Wknd. Just want to give you a quick update on this matter: I expect that Staffs' position on the various issues here will be finalized by the end of this month (April). As whatever action Staff takes will almost certainly be appealed or challenged by either the Donovans or the Myrbacks, Staff and I are ensuring that the issues receive careful scrutiny and that supervisors are briefed as appropriate.

I personally thank you and the Myrbacks for your patience.

**Brendan Mackesey**

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