



ZON-21-11_Received 04_28_22

Johnson, Krista

From: Swinton, Tammy M
Sent: Thursday, May 19, 2022 10:21 AM
To: BCC Agenda Comments
Cc: Bailey, Glenn
Subject: FW: Additional Correspondence Received for May 24th BCC (BCC ID #22-0704A)

Please see below additional correspondence received from the applicant for the May 24th BCC meeting:

BCC Agenda ID #22-0704A – William J. & Joan Kimpton

Tammy Swinton
Pinellas County Planning & Zoning
(727) 464-3583
tswinton@pinellascounty.org

From: William J. Kimpton <bill@kimptonlaw.com>
Sent: Wednesday, May 18, 2022 7:22 PM
To: Bailey, Glenn <gbailey@co.pinellas.fl.us>
Subject: RE: Additional Correspondence Received for May 24th BCC (BCC ID #22-0704A)

CAUTION: *This message has originated from outside of the organization. **Do not** click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.*

Thanks for the contact;

My wife and I would like to proceed with the scheduled hearing. A couple of thoughts:

- 1) Before proceeding with our request to allow another home , pursuant to a lot split, I met with Dunedin officials . they agreed that they would Annex our property, but following Annexation they indicated that I would need to apply for a Variance , due to the lack of Street frontage, which they now mention in their letter. I asked..."What if you do not grant this variance ? ". Their answer was that I would not be allowed to de-annex, and that every time I wished to do anything with the property I would first have to pay their fees and go through the variance process. I thought I would be better off in the County.
- 2) When I filed the Re-zoning Application in the County , I met strong resistance from several adjoining neighbors who experience flooding during the sometimes torrential rains. There are essentially 3 homes that suffer this flooding. To investigate the problem I called on Dunedin Officials who were gracious and met with me on site. They explained that years ago, prior Dunedin building officials had allowed a homebuilder to fill the remaining land adjoining my property , and the property adjoining one of the homeowners who suffers the flooding. The Builder then filled the "outfall land" and built a home on it, eliminating the positive outfall The result was that he had converted my lower lot into a non-engineered dry pond. It's dry for most of the year , however with Hurricane or extensive rains the Pond fills and eventually drains through the yards of 2 homes on Neigel, and the one I mentioned on Brady. In the 5 or 6 hearings to date, it has become clear that there is no

simple solution. The visiting Dunedin Officials explained that they regretted that the city had allowed the problem to occur, and that the City had tried Grading the yards of the 2 homes on Neigel, but that nothing had worked. They also explained that they could not find a solution on my site, as..."water doesn't run up hill". Ergo, there was no solution by simply installing a pipe. As I have some experience in development, I suggested a small structure with a pipe and a pump. The officials explained that the City would not agree to anything that might require maintenance. I showed them the 1800 sq ft site where an additional home could be built, and they indicated that the site could easily attenuate the additional drainage and that it would not add to the existing situations complained about by the Dunedin Residents.

- 3) At the recent hearing, County Officials were questioned carefully by the Board Members about potential drainage issues if a second home were developed on the 2 acre site, and the county official made it very clear that it would not be an issue. As before, he noted that ..."the existing out fall was closed off, and when torrential rains fill the dry Pond, which is a large area, it will eventually overflow, as designed unintentionally by the Dunedin Building Department some time in the past." He indicated that the additional home would make no difference at all. Hearing that the board approved the request now before the BOCC.
- 4) Lastly, at these hearings, each time, I have invited the complaining parties to meet with me to develop a solution, as if there isn't something done, their homes will always Flood, even if my application is denied. I have discussed solutions with an Engineer. He indicated that what is needed is a structure with a pump that will collect water into a pipe and discharge it to Neigel or Brady Roads. It will require some construction of the structure, some Pipe, electricity and a Drainage easement across one of the affected properties. I have requested meetings to discuss this, but the response has been that the affected parties have not replied and at least one of these homeowners has indicated that they are not interested in paying for anything. Instead they have now turned to Dunedin as concerned citizens, and Dunedin has, in turn, requested you delay our hearing.

I am a fan of Dunedin. It's a nice City, but :

- A) They created the drainage problem, and now they cannot fix it.
- B) They could have annexed our property, but refused to assure us that we would be able to reasonable enjoy it without endless Variance procedures
- C) Now they complain to you about our lack of street frontage (the same Variance Problem just mentioned).
- D) I have offered to contribute to a build a drainage solution for a problem that we didn't create, and the affected people who are being flooded have decline to meet with me.

Bill Kimpton

William J. Kimpton
bill@kimptonlaw.com
WILLIAM J. KIMPTON, PA
605 Palm Boulevard, Suite B
Dunedin, FL 34698
Telephone: (727) 733-7500
FAX: (727) 733-7511

BEWARE OF CYBER FRAUD – before wiring any funds, call us to confirm the instructions – and by very ware of any request to change wire instructions you have already received.

CONFIDENTIALITY NOTE: This electronic message contains information from the law firm of William J. Kimpton, PA that may be legally privileged and confidential and was intended for the use of the individual or entity to whom it was addressed. If the reader of this message is not the intended recipient, please be aware that any dissemination or distribution of this communication or its contents (including any attachments) to other than the intended recipient is

strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and delete the original message.

CIRCULAR 230 DISCLOSURE: To comply with recently released Treasury department regulations, you are hereby informed that, unless expressly stated otherwise, nothing contained in this communication (including any attachments) was intended or written to be used, can be used, or may be relied upon by anyone, for the purpose of: (i) avoiding penalties that may be imposed under the Internal Revenue Code of 1986 as amended, or other applicable tax law; or (ii) promoting, marketing, or recommending any Federal tax transaction(s) or other matter.

From: Bailey, Glenn <gbailey@co.pinellas.fl.us>
Sent: Wednesday, May 18, 2022 5:01 PM
To: William J. Kimpton <bill@kimptonlaw.com>
Subject: FW: Additional Correspondence Received for May 24th BCC (BCC ID #22-0704A)

Mr. Kimpton,

Please see the attached correspondence from Dunedin regarding your zoning case. If possible, please let us know your decision regarding the continuance request by 9:00 AM tomorrow morning. The Board will cover the upcoming May 24th agenda at their work session tomorrow morning, which starts at 9:30. You may attend or watch via Zoom but there will not be an opportunity for the public to speak.

Thank you,

Glenn Bailey, AICP
Zoning Manager
Pinellas County Housing & Community Development
(727) 464-5640
gbailey@pinellascounty.org

All government correspondence is subject to the public records law.

Please visit Pinellas County Access Portal for applying for planning/zoning applications, online property and permit information, records search and many more by visiting: www.pinellascounty.org/access-portal

To schedule a Pre-Application Meeting "Pre-App" please complete the form on the link: <http://www.pinellascounty.org/forms/site-plan-preapp.htm>

PLEASE BE ADVISED DUE TO COUNTY'S RESPONSE TO COVID 19. THERE IS A LONGER RESPONSE TIME TO EMAILS AND CALLS DUE TO LIMITED STAFFING. WE APPRECIATE YOUR PATIENCE.

(tell us how we are doing!) www.pinellascounty.org/surveys/plan

From: Swinton, Tammy M <tswinton@co.pinellas.fl.us>
Sent: Wednesday, May 18, 2022 3:52 PM
To: Bailey, Glenn <gbailey@co.pinellas.fl.us>
Subject: FW: Additional Correspondence Received for May 24th BCC (BCC ID #22-0704A)

fyi

Tammy Swinton
Pinellas County Planning & Zoning
(727) 464-3583
tswinton@pinellascounty.org

From: Zoning, Planning
Sent: Wednesday, May 11, 2022 8:16 AM
To: BCC Agenda Comments <bccagendacomment@co.pinellas.fl.us>
Subject: Additional Correspondence Received for May 24th BCC (BCC ID #22-0704A)

Please see the attached additional correspondence for the May 24th BCC meeting:

BCC Agenda ID #22-0704A – William J. & Joan Kimpton

Tammy Swinton
Pinellas County Planning & Zoning
(727) 464-3583
tswinton@pinellascounty.org

Please visit Pinellas County Access Portal for applying for planning/zoning applications, online property and permit information, records search and many more by visiting: www.pinellascounty.org/access-portal

To schedule a Pre-Application Meeting “Pre-App” please complete the form on the link: <http://www.pinellascounty.org/forms/site-plan-preapp.htm>

PLEASE BE ADVISED DUE TO COUNTY’S RESPONSE TO COVID 19. THERE IS A LONGER RESPONSE TIME TO EMAILS AND CALLS DUE TO LIMITED STAFFING. WE APPRECIATE YOUR PATIENCE.

(tell us how we are doing!) www.pinellascounty.org/surveys/plan

From: Kinney, George <GKinney@DunedinFL.Net>
Sent: Tuesday, May 10, 2022 4:29 PM
To: Zoning, Planning <zoning@co.pinellas.fl.us>
Cc: Smith, Donna <DSmith@DunedinFL.Net>; pstanek@dunedinfl.net
Subject: 1645 Chaplene Court

CAUTION: *This message has originated from outside of the organization. **Do not** click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.*

Good Afternoon,

In anticipation of the pending May 24, 2022 County Commission meeting, please find the attached regarding Case No. ZON 21-11, 1645 Chaplene Court. A hard copy has been placed in the mail.

Thank you,

GEORGE KINNEY, AICP
Director of Community Development
City of Dunedin

Office: 727.298.3199

Email: gkinney@DunedinFL.net

Web: www.dunedinfl.net



Home of Honeymoon Island

PUBLIC RECORDS NOTICE: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Pursuant to FLORIDA STATUTE 119.12, public record requests to inspect or copy public records may be made to the city's custodian of public records, City Clerk Rebecca Schlichter, 1415 Pinehurst Road, Suite D, Dunedin, Florida 34698, or email: rschlichter@dunedinfl.net, or phone (727) 298-3034 or facsimile (727) 298-3505. Pursuant to Florida Statute 119.12, if you wish to assert that you were denied access to inspect or copy a public record, you must provide a written notice to the city's custodian of records, identifying it as a public records request, at least five business days before filing a civil action. The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed. The contact information for the city's custodian of public records is posted in the city's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the city's website.