

Summary and Analysis of Issues Raised by Appellants

(P49848-19/Patel)

- **The appellants believe that they did not receive accurate or sufficient verbal information from the applicant.** This is a matter between the neighbors as the County can only act on written information submitted with the application which included the appropriate signatures of no objection from both neighbors on the variance request form and on the dock plan itself. If they did not fully understand the scope of the project, it was incumbent upon them to do so before signing as both the County and the applicant took actions based upon these signatures. The County was not notified of their concerns until after the permit had been issued and dock construction had begun. See attachment labelled "*Pinellas County Code Excerpts*" for length and setback criteria for private docks.
- **The appellants believe that the size of the dock is not in conformance with other docks in the area.** The subject dock is not exceptionally long or close to either neighbor when compared to others in the County and in the immediate vicinity, and it does not "look" out of the norm for a private dock. There are many docks and tie poles in the immediate area that project between 45 and 90 feet into the water. For example, one of the appellant's docks is approximately 46 feet in length, and the subject dock is only 6.5 feet longer than this. See attachment labelled "*Aerial Photograph – Similar Projections*" for a visual analysis of this concern.
- **The appellants believe that the lift poles are too tall.** There are no restrictions in the Code on the height of dock or lift poles which often are left taller to accommodate roofs or the lift itself. The Code only limits the height of tie piling (generally used to moor vessels in wet slips) to ten feet above Mean High Water, and this project has no tie poles. As a result, there is no violation of the Code with regard to the height of the lift poles. See attachment labelled "*Pinellas County Code Excerpts*" for this criteria.
- **The appellants believe that the dock is a risk to navigation.** Staff finds there to be no navigational concerns with the dock which is consistent with other docks in the area regarding proximity to the Intracoastal Waterway. There is plenty of room for safe navigation in this area. See attachment labelled "*Aerial Photograph – Intracoastal Waterway*" for a visual analysis of this issue.
- **Mr. Dohring claims that a notary was not present when he signed the variance request form.** The form was notarized when submitted to the County and included Mr. Dohring's driver's license number. If the method by which the contractor and notary handled this is a concern of Mr. Dohring, he should not have signed at the time. Mr. Dohring can file a complaint with the State notary board if he believes the notary acted improperly. The only substantive issue before the County is whether the neighbors actually signed, and both parties confirmed that they signed.

- **Mr. Dohring claims that he never saw the dock plan.** His signature is on the dock plan submitted with the application.
- **Mr. Dohring believes the dock differs significantly from the previous dock and therefore concludes it is in violation of the Code.** He states that the differences in dimensions between the old and new docks should be the basis for any variance determination and that a setback of 50 feet should be required. Both of these are incorrect (see attached code excerpts for the correct length and setback criteria). Additionally, he claims there are inaccuracies in the previous permit (from 1990) with respect to the scale of the drawing. The new dock was reviewed on its own merits and staff's decision to approve it was not based on any aspect of the previous structure or old permits. If the dimensions of the old dock and information on any old permits for this site were important to Mr. Dohring, he should have fully vetted those concerns before signing.
- **Mr. Dohring claims that the applicant ultimately wants a roof.** This may be true; however, it was not included on the current application and therefore would require separate approval in the future where it would have to stand on its own merits. If a future proposed roof over the boat slip requires any variances, it would necessitate new signatures from the neighbors.
- **Mr. Dohring claims that the project has not received approval from his Homeowners Association (HOA).** This is a separate issue that would have to be addressed by the HOA. It is not within the County's purview.
- **Mr. Kobernick states that the dock will set a precedent for other docks.** For example, he states that the size of this dock compromises the environment. There are indeed policies and procedures that provide for protection of the environment (such as size limitations on docks over seagrasses or through mangroves); however, staff did not identify environmental concerns at this site with respect to this dock. All dock applications must stand on their own merits and conditions vary from site to site. Staff does not believe that this project creates any negative precedent.