

Summary and Analysis of Issues Raised by Appellant

(WND-21-01528/Arnold)

- **Mr. Arnold states the City of St. Petersburg has approved his dock request in the currently proposed location.** The application is required, per Pinellas County Code, to be approved by the municipality in which the parcel is located. The City reviewed the proposed plan for various zoning criteria, such as length and side setback distance. The city does not review for environmental impacts as this is delegated by the state to Pinellas County. Pinellas County Water and Navigation reviewed this application for both environmental and navigational impacts. As stated in the staff report, the proposed project is inconsistent with multiple sections of Chapter 58, Article XV (Water and Navigation Regulations). More specifically, the proposed project would result in the removal of approximately 330 square feet of mature mangroves. Whenever possible environmental impacts are required to be avoided or minimized to the extent practicable. In this case, there is an area on the southern end of the property that is devoid of mature mangroves and in which environmental impacts could be avoided.
- **Mr. Arnold states that he believes many variances have been granted for far greater mangrove reduction than what he is asking for in his application.** Mr. Arnold did not provide any supporting documentation related to this claim. Water and Navigation Staff conduct site assessments for applications proposing potential impacts to environmental resources for dock construction. When assessing these sites, Staff ascertains whether impacts can be completely avoided, and if not, how said impacts can be minimized. During the site assessment, Staff looked for areas where mangroves are less mature, the diameter-at-breast height is as small as possible, and the density of mangroves is the least amount possible. Staff identified an area on the southern end of the parcel that is devoid of mature mangroves and in which environmental impacts could be avoided and still provide the Appellant his dock structure.
- **Mr. Arnold states he is concerned about the possibility of trespassing, vandalism or theft due to the fact the parcel which has water access is not in a “protected, fenced backyard.”** While staff acknowledges his concern in regard to these issues, this property is not unique in configuration or design when compared to other properties throughout the County. Mr. Arnold has applied for a mangrove trimming permit, on hold until this issue is resolved, which will ultimately allow him to reduce mangrove heights over time and create a windowed view in multiple areas. There are also other avenues to monitor the property, such as cameras, which can ensure security. It is Staff’s determination that approving Mr. Arnold’s request to impact mature mangroves versus avoiding/minimizing impacts would not prevent possible trespassing, vandalism or theft.
- **Mr. Arnold states he wants to be able to see his boats for safety reasons.** The mangroves along the shoreline are at least 22 feet in height, with some

being closer to 30 feet in height. The trimming of said mangroves along the entire shoreline is a separate matter to be determined by review of the mangrove trimming application. The existing dock application deals only with the location of the proposed structure and how it will impact the mangroves in the location that it is ultimately permitted. No matter the location of the walkway to the main structure, the dock will be “behind mangroves.”

- **Mr. Arnold states there are “mangrove buds” in the area County Staff is requiring the proposed dock to be located.** Staff recognizes there are small mangrove seedlings along the shoreline (see pictures staff has provided). As previously stated, staff assesses a site and determines where impacts can be avoided or minimized. The impacts to small mangrove seedlings compared to mature mangrove trees which are at least 22 feet in height is consistent with code requirements and historical policy.
- **Mr. Arnold is concerned about the cost added to one of the alternative design paths Staff proposed.** While Staff acknowledges this aspect of any project, financial hardship is not a factor when determining if the scope of a project meets the nine Findings of Fact pursuant to Section 58-530(b).