



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-0090A      **Version:** 1

**Type:** Zoning / Land Use and Related Item      **Status:** Held

**File created:** 1/12/2022      **In control:** Board of County Commissioners

**On agenda:** 3/8/2022      **Final action:**

**Title:** Variance request from Kelly Lee McFrederick and Jack Rice to County Code for docking facilities at 3612 East Maritana Drive, St. Pete Beach. (Quasi-Judicial)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Variance Request, 2. Project Location Map, 3. McFrederick\_Rice Variance Hearing BCC Presentation, 4. Maritana -- County Staff Response, 5. Historic Designation Application to City, 6. April 2018 E-Mail re Use of Original Structure, 7. Letter in support, 8. Voicemail in support

Date	Ver.	Action By	Action	Result
3/8/2022	1	Board of County Commissioners	continued	Pass

### **Subject:**

Variance request from Kelly Lee McFrederick and Jack Rice to County Code for docking facilities at 3612 East Maritana Drive, St. Pete Beach. (Quasi-Judicial)

### **Recommended Action:**

Recommend the denial of the requested variance from Kelly Lee McFrederick and Jack Rice (property owners) for docking facilities at 3612 East Maritana Drive, St. Pete Beach.

- Property owners applied for a dock permit to add to existing docking facilities at the subject address.
- County Staff inspected the facility and found several non-conforming items on the property.
- Previous owners created the non-conforming situation in 2018 when they failed to remove the tie poles as required by permit P48100-18.
- Current property owners are requesting a Variance to County Code Section 58-555(a)(5) (dock may accommodate no more than two vessels for permanent mooring).
- A Variance to County Code Section 58-543(m) (no roofed structure other than covered boat slips) may be needed if the variance to 58-555(a)(5) is denied.
- In the event a Variance to Section 58-543(m) is needed, staff recommends approval with the condition that the owners comply with Section 58-544 (Dock Repair and Reconstruction) in the future.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other natural resources.

**Summary:**

The Owners request a Variance to Code Section 58-555(a)(5) to keep the docking facilities at the Property in their current condition. The docking facilities feature three boat slips; a variance to Section 58-555(a)(5) is required to keep more than two slips.

Two of these slips are roofed. Section 58-543(m) permits roofs over slips, but bars them otherwise. Accordingly, if the variance to Section 58-555(a)(5) is granted, the roofing covering all of the slips may remain. If the variance to Section 58-555(a)(5) is denied, then a variance to 58-543(m) is required to keep the roofing over any slips that are eliminated.

The Board is authorized to hear this Variance Request under Section 58-539(a) of the Code.

**Background Information:**

Around 1940 and prior to County dock permitting, a boat dock which included a roof over the structure was constructed on the subject property. The roof originally covered one slip (First Slip) as well as the decking. Permits for repairs and minor modifications were first authorized by the County in 1988 and again in 1991.

In 2013, a previous owner submitted a County dock permit application to install six tie poles south of the First Slip. The permit application was approved, and the second slip was installed (Second Slip).

In 2018, the prior owner submitted a permit application to install a roofed boatlift to the north of the First Slip. The drawing in the application did not show the Second Slip (six tie poles south of the original structure) - a violation of Section 58-550(e)(7)b.5 of the Code (all existing structures must be shown on the permit drawing). More importantly, because the Second Slip was not shown on the drawing, County Staff reasonably assumed that the Second Slip either had been or was being removed. The permit application was approved as depicted, and the roofed boatlift was installed, creating a Third Slip. If the drawing in the application had shown all three slips, County Staff would have denied the permit application, as it is inconsistent with County Code Section 58-555(a)(5); docks may accommodate no more than two vessels for permanent mooring.

In May 2021, Ms. McFrederick and Mr. Rice, the current property owners, submitted a permit application for a floating dock to the east of the First Slip. As part of the application review process, County Staff inspected the Property and discovered the discrepancies described in the paragraph above. County Staff engaged the property owners and proposed several alternatives to reduce the number of slips. However, none of the County's alternatives were accepted. The property owners retained counsel to negotiate resolution of this matter and ultimately filed this Variance Request.

In November 2021, the City of St. Pete Beach approved an application submitted by the owners to designate the original structure, which includes the First Slip, as a historic structure.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works  
Brendan Mackesey, Assistant County Attorney

**Partners:**

City of St. Pete Beach

**Attachments:**

Variance Request

County Response (to be provided)

Location Map