



**ANALYSIS**

**Location and Existing Conditions:**

The 0.257-acre upland property consists of one parcel located on the east side of Harbor Island approximately 650 feet north of Harbor Passage. The property features 80 feet of frontage along Harbor Island to the west and along the waterfront to the east. The upland development is under construction through two building permits, for the detached dwelling BCP2023-050876, issued on August 14, 2023, and BCP2023-100551, for the pool and deck, issued on January 2, 2024. The subject property is located within the Low Medium Density Residential (LMDR) District, the Island Estates Neighborhood Conservation Overlay District (IENCOD) and within the Residential Urban (RU) future land use designation. The submerged portion of land upon which the proposed dock will be located has a future land use designation of Preservation (P) District. The immediate vicinity is characterized primarily by single-family, detached dwellings located to the north, south and west, with most of the properties featuring a dock. Staff reviewed 25 area properties with docks with 19 properties or 75% which meet the current code and 6 properties (24%) pre-date 1999, when the current CDC was adopted.

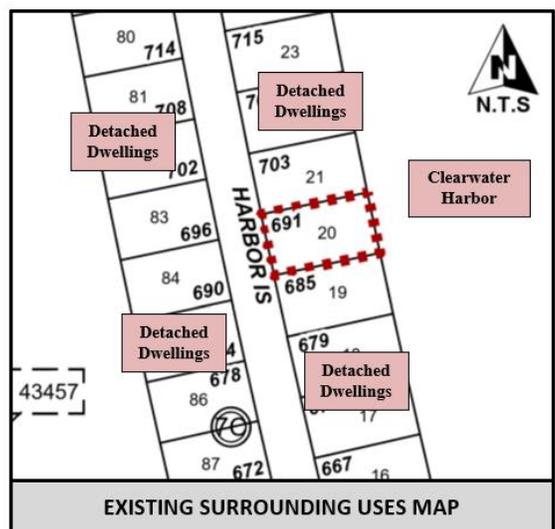
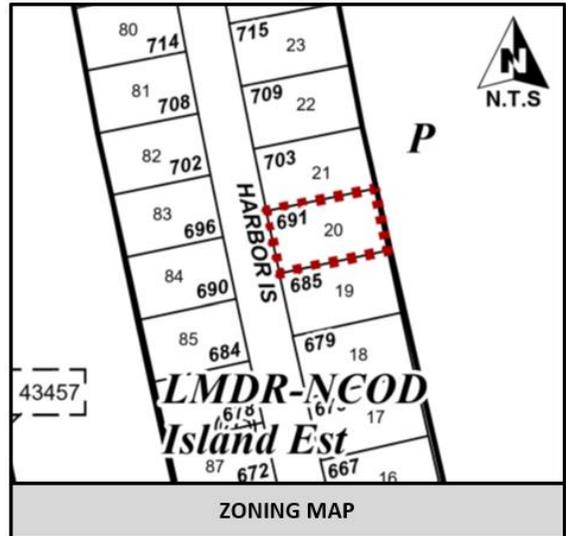
Pinellas County Water & Navigation reviews and approves all dock and marina permits within Pinellas County. However, each jurisdiction reviews proposed dock and marina projects for consistency with the local jurisdictional codified ordinances prior to submittal with the county.

**Code Compliance Analysis:**

There are no active Code Compliance cases for the subject property.

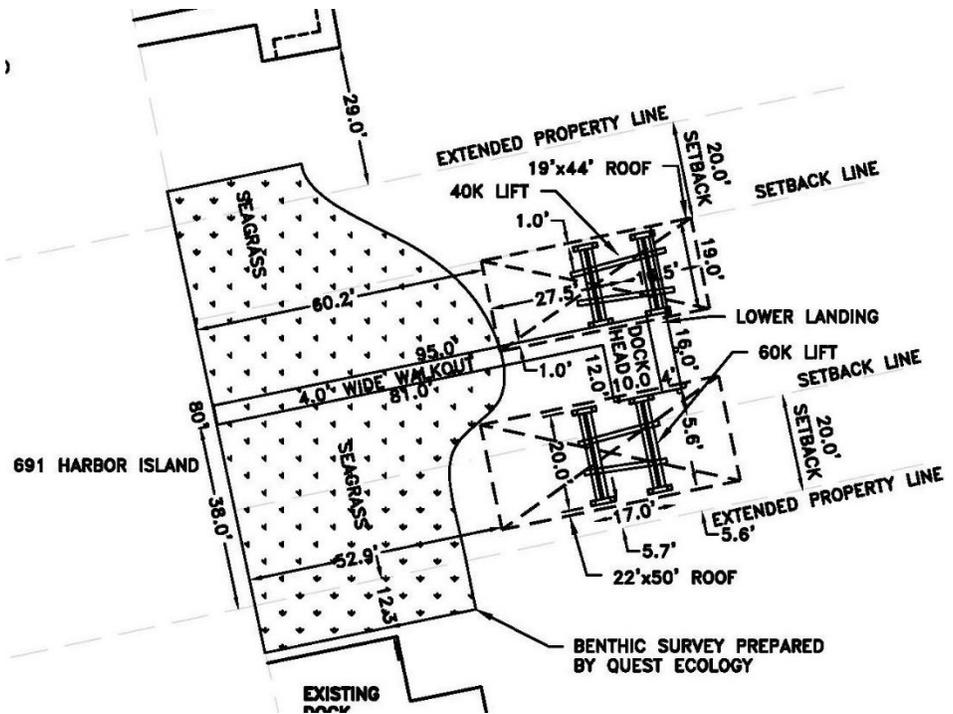
**Development Proposal:**

The current request is for a 548-square foot dock, 95-feet in length and consisting of a 4-foot by 81-foot walkout to a 14-foot by 16-foot dock head with two covered boatlifts. Flexibility is requested to allow a maximum dock length of 95 feet and a 5.6-foot boatlift setback along the south property line. The remainder of the proposed dock complies with all requirements for a dock serving a single-family dwelling consistent with CDC Section 3-601.C.1.a., c.-f. as follows: a. the setbacks of the dock walkout, north and south, each will be 38 feet where 26 feet is the minimum required and the boatlift setback to the north of 20 feet and 5.6 feet to the south where 10 feet is the minimum required; c. the proposed maximum dock width is 16 feet where 28 feet is the maximum width permitted; d. the covered



boatlifts will be constructed with the permanent roof deck materials; e. one dock structure with two slips for the single-family dwelling, and, f. the maximum width of catwalks does not apply.

The CDC Section 3-601.C.1.b provides that docks serving single- or two-family dwellings may include a length of half the width of the property at the waterline. With a width of 80 feet at the waterline, a maximum dock length is 40 feet. The maximum length may be increased by another 50 percent up to a maximum of 60 feet as part of a Level One Flexible Standard Development request consistent with CDC Section 3-601.C.1.g.ii).



A benthic survey was submitted showing that there are existing environmentally sensitive seagrass beds extending approximately 60 feet from the seawall. The siting of the proposed open grate walkout, the dock head and the covered boatlifts are proposed outside of the seagrass footprint which has necessitated a Level Two Flexible Development request for a 5.6-foot south boatlift setback and a 95-foot length. As previously mentioned, the remainder of the proposed project complies with the other dock performance standards.

**ANALYSIS**

**Community Development Code Section 3-601.C.1.g.iii) – Deviations**

The following analysis section of this report will reference this information to demonstrate how the request is consistent with the review criteria and support the request.

**iii) Deviations for dock length in excess of that which is permitted in Section 3-601.C.1.g.ii. may be approved through a Level Two (flexible development) approval process only under the following conditions:**

- a) A dock of lesser length poses a threat to the marine environment, natural resources, wetlands habitats or water quality; and,**

The proposed project has been designed to avoid the existing seagrass beds while also meeting the dock requirements serving a single-family dwelling. Since the seagrass beds extend beyond the width of the waterfront property and 60 feet out from the seawall, there are dock siting challenges. To mitigate these constraints, the walkout has been limited to four feet, constructed with an open grate design which allows the maximum amount of sunlight to penetrate through to the seagrass beds. Since the length of the main walkout needs to extend 60 feet to permit the siting of the covered boatlifts outside of the seagrass bed areas, the proposed 95-foot dock length to the eastern edge of the dock head is requested since a dock of lesser length would be a threat to the marine environment.

**(b) A literal enforcement of the provisions of this section would result in extreme hardship due to the unique nature of the project and the applicant's property; and,**

The literal enforcement of this section would require the dock and the boatlifts to be sited over the seagrass beds, which would not be permitted, thus rendering the waterfront property being useless for dock development. Both adjacent property owners have provided notarized letters of no objection to the proposed dock, which would permit the request to be administratively approved if the maximum length was less than 60 feet. As a benthic survey is not a typical due diligence item, the hardship is that unbeknownst to the property owner there were seagrass beds present at the time of purchase. A reduction to the dock length would result in the boatlifts completely blocking all sunlight to the seagrass beds.

**(c) The deviation sought to be granted is the minimum deviation that will make possible the reasonable use of the applicant's property; and,**

The requested deviation of a 95-foot-long dock is the minimum deviation which will make possible the reasonable use of the waterfront property for dock development. The maximum dock length without the requested deviations would be 60 feet which would place the dock head and the covered boatlifts directly over the seagrass beds.

**(d) The granting of the requested deviation will be in harmony with the general intent and purpose of this section and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.**

The proposed deviation would help preserve and protect the natural resources adjacent to the subject property and will assist in maintaining the quality of the surrounding waters. The Harbormaster has reviewed the proposed dock and determined that it will not impede navigation of the waterway. Further, the benthic survey prepared by Quest ecology, dated June 13, 2024, indicate that the dock head and boatlifts must be situated beyond 60 feet from the seawall to avoid negative impacts to the seagrass beds.

**Community Development Code Section 3-914. General Applicability Standards**

The proposal supports the General Applicability standards of this Code as follows.

GENERAL APPLICABILITY STANDARDS	FINDINGS
Section 914.A.1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.	The area is developed predominantly as detached single-family residential dwellings, and most waterfront properties have accessory docking facilities. The proposed slips are for use by the residents of the dwelling and no commercial vessels will use the dock. Staff reviewed 26 area properties with docks and found that 20 docks or 77% have Pinellas County permits the remaining 23% or 6 docks pre-date the current code. The existing docks immediately to the north and south of the project site were constructed 14 years and 30 years ago, respectively. It is very likely that the seagrass beds did not exist when the adjacent docks were developed. The proposed dock meets the required dimensional standards, except for the requested dock length and boatlift setback deviations, as well as the meeting the intent of the code through the preservation of the seagrass beds.
Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and buildings or significantly impair the value thereof.	The project will not hinder or discourage development and use of adjacent land and buildings as the surrounding properties are currently developed.
Section 3-914.A.3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood.	The proposed project is not expected to adversely affect the health or safety of persons residing or working in the neighborhood. The proposed dock will not be for use by the general public and there will be no fueling, and no service repairs allowed to occur on the dock.
Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.	The proposed project is for use only by the resident owner and/or a guest and will not be rented or leased to the public; therefore, there will not be any traffic generated by this request.
Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.	The application includes the notarized letters of no objections from each adjacent property owner and the Harbormaster has determined that no navigational impacts will be created by the proposal which supports the request.
Section 3-914.A.6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts on adjacent properties.	The 2-slip dock will be used for a single-family detached dwelling and the use of the slips is limited to the upland residents and their guests. No tie poles are proposed. The size of the vessels will be recreational in nature; and there will be no charter vessels, marine repairs, fueling, or pump-out systems.

**RECOMMENDATION**

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting of September 5, 2024. The Planning and Development Department, having reviewed all materials submitted by the applicant and the requirements of the Community Development Code, recommends the following findings of facts and conclusions of law.

**Recommended Findings of Fact**

1. The 0.257-acre, one parcel subject property is located on the east side of Harbor Island approximately 650 feet north of Harbor Passage and features 80 feet of waterfront property along the east side.
2. The subject property is located within the Low Medium High Density Residential (LMHDR) District of the Island Estates Neighborhood Conservation Overlay District (IENCOD) and the consistent Residential Urban (RU) Future Land Use category.

3. The current request is for a 548-square foot dock, 95-feet in length and consisting of a 4-foot by 81-foot walkout to a 14-foot by 16-foot dock head with two covered boatlifts.
4. Quest Ecology Inc. performed a benthic resource survey on June 4, 2024, where it was found that seagrass beds extend 60 feet from the seawall into the waterway as detailed in Figure 2 – Benthic Resources.
5. CDC Section 3-601.A, requires that, *“No dock may be constructed, added to, or structurally altered without first obtaining approval by the city and a permit from the Pinellas County Water and Navigation Control Authority.”*
6. CDC Section 3-601.C.1.b, provides that the maximum dock length is 25 percent of the width of the waterway or half of the width of the property measured at the waterfront property line, whichever is less, up to a maximum of 250 feet, which would permit a maximum dock length of 40 feet but would disturb the seagrass beds.
7. CDC Section 3-601.C.1.g.i), permits the community development coordinator to grant deviations from the requirements of this section as a Level One, Minimum Standard, review process provided that signed and notarized statements of no objection are submitted from adjacent waterfront property owners, as well as signed and notarized statements on the Pinellas County Water and Navigation Control Authority permit application and the applicant has provided this documentation.
8. CDC Section 3-601.C.1.g.ii., provides that no dock shall be allowed to deviate from the length requirements specified in Section 3-601.C.1.b. by more than an additional 50 percent of the allowable length or project into the navigable portion of the waterway by more than 25 percent of such waterway, whichever length is less, which would permit a maximum dock length of 60 feet but would disturb the seagrass beds.
9. CDC Section 3-601.C.1.g.iii.(a-d), provides deviations for dock length in excess of that which is permitted in Section 3-601.C.1.g.ii. above may be approved through a Level Two (flexible development) approval process.
10. The proposed dock length of 95 feet is required to allow boat access to the two-slip dock without impacting the environmentally sensitive seagrass beds which extend 60 feet from the seawall into the waterway impacting the waterfront property consistent with CDC Section 3-601.C.1.g.iii(a-d).
11. The proposed boatlift setback of 5.6 feet from the south property line to the boatlift along the southern side of the dock where a minimum setback of 10 feet is required consistent with CDC Section 3-601.C.1.a.
12. CDC Section 3-601.C.1.g.iii), requires that the requested deviation of the dock length at 95 feet and the reduced setback of 5.6 feet to boatlift, necessitates a review through the Level Two, Flexible Development review process.
13. The remainder of the proposed dock complies with all requirements for a dock serving a single-family dwelling consistent with CDC Section 3-601.C.1.a., c.-f. as previously detailed within this report.
14. There are no active Code Compliance cases for the subject property.

### **Recommended Conclusions of Law**

1. The development proposal is consistent with the uses and density permitted for the Residential Urban (RU) Future Land Use category in the city’s Comprehensive Plan.
2. The development proposal is consistent with the conditions for a Deviation to a dock serving single-family dwelling pursuant to CDC Sections 3-601.C.1.g.iii).
3. The development proposal is consistent with the General Standards for Level One and Two Approvals pursuant to CDC Section 3-914.A.
4. The application is consistent with the requirement for the submittal of substantial competent evidence pursuant to CDC Section 4-206.D.4.

Based on the above recommended findings of fact and conclusions of law, the Planning and Development Department, **APPROVAL** of application FLD2024-07017, is subject to the following conditions:

**Conditions of Approval:**

*General/Miscellaneous Conditions*

1. An application for a building permit be submitted no later than December 17, 2025, unless time extensions are granted pursuant to CDC Section 4-407.
2. A written narrative is submitted which fully clarifies how each condition of approval is met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of Planning and Development (Development Review) Staff.
3. The dock shall be designed, located, and constructed as approved by the Community Development Board.
4. All applicable state or federal permits shall be obtained for the subject project prior to the commencement of development as defined under Fla. Stat. § 380.04.
5. The subject slips shall not be rented, leased, or sold to the general public and shall be for the sole benefit of the upland resident.

Prepared by Planning & Development Department:



Melissa Hauck-Baker, AICP  
Planner III

ATTACHMENTS: Resume, Photographs

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## PROFESSIONAL EXPERIENCE

- **Senior Planner, Development Review Division**

City of Clearwater, FL

July 2013 – Present

Provide professional urban planning services to citizens, City Officials and businesses regarding Land Development Review procedures and legal requirements of the Community Development Code for the City. Assist in the day to day planning and zoning operations as well as long range planning initiatives, interdepartmental cooperation and assistance. Conduct plan reviews, site investigations, report preparation, meeting attendance and presentation of findings as relating to proposed development projects and required regulatory review procedures.

- **Professional Planner Consultant**

City of Clearwater, FL

March 2010 to June 2013

Provide consulting services to clients as requested for various residential and commercial scale projects as relating to the necessary zoning and planning review processes required by the specific governing entity. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with applicant, various municipal staff and related professional consultants.

- **Senior Associate**

January 2005 to March 2010

- **Project Manager**

KEPG, LLC, Atlantic City, NJ

April 2001 to January 2005

Oversee consulting services provided to municipal clients in the area of zoning, planning, master planning and redevelopment planning. Review all proposed projects before any required municipal board, authority and commission as well as any additional jurisdictional requirement of other local, state and federal entities. Provide professional guidance regarding planning and zoning concepts, zoning ordinance development, urban design issues, master plans, and redevelopment plans as outlined within the New Jersey Municipal Land Use Law. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with firm staff, various municipal staff and related consultants to effectuate an efficient and thorough review process.

- **Zoning Administrator**

June 1998 to April 2001

- **City Planner**

November 1994 to May 1998

- **Historic Preservation Specialist**

City of Reading, PA

September 1993 to October 1994

Staff liaison and administrator to the Zoning Hearing Board, Planning Commission, Historic Architectural Review Board, Reading Redevelopment Authority and Fine Arts Board. Enforcement, interpretation and regulatory cooperation of the following ordinances; subdivision, land development, historic preservation, redevelopment and zoning. Provide assistance with downtown, neighborhood, comprehensive master plan, parks, recreation, and public property planning. Conduct site inspections, process violations, and pursue cases through the court system. Assist with review of proposed development projects in conjunction with planning, engineering, and building code staff as well as with the preparation of the Comprehensive Master Plan. Generate graphics for various presentations as required by the department.

## EDUCATION

Bachelor of Landscape Architecture, Magna Cum Laude, State University of New York, Syracuse, 1993

## LICENSES AND ASSOCIATION MEMBERSHIPS

American Institute of Certified Planners #023351 (2009 to Present) American Planning Association (2001 to Present)

Florida Chapter (2013 to Present) New Jersey Chapter (2001 to 2012)

Licensed New Jersey Professional Planner #33LJ00609500 (2009 to Present)



**Looking E at the project site towards the seawall.**



**Looking at Clearwater Harbor towards the mainland, along the seawall.**



**Looking NE towards the existing dock at 703 Harbor Island.**



**Looking SE towards the existing dock at 685 Harbor Island.**



**Looking E at the project site when lot was vacant.**



**Detached dwelling under construction.**

**691 Harbor Island  
FLD2024-07017**