

# Persson & Cohen, P.A.

Attorneys and Counselors At Law

David P. Persson  
Andrew H. Cohen  
Kelly M. Fernandez  
Maggie D. Mooney-Portale\*  
R. David Jackson

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Facsimile (941) 306-4832  
Email: [mmooney@swflgovlaw.com](mailto:mmooney@swflgovlaw.com)

\* Board Certified City, County and Local Government Law

*Reply to: Lakewood Ranch*

September 30, 2014

Ms. Alaina Ray  
Zoning Board of Adjustment  
Town of Longboat Key  
501 Bay Isles Road  
Longboat Key, FL 34228

Re: Application for Variance -- Petition No. 7-14  
Re: Michael and Michelle Morris  
Subject Property: 6600 Bayou Hammock Road, Longboat Key, FL 34228

Dear Ms. Ray:

I have reviewed the application filed by Michael and Michelle Morris seeking a variance in accordance with the Town Code Section 158.026(F)(4) of the Longboat Key Zoning Ordinance on the above referenced subject property which is located at 6600 Bayou Hammock Road, Longboat Key, FL 34228.

It is my opinion that the Zoning Board of Adjustment has jurisdiction pursuant to Town Code Section 158.026(F)(4) to consider this request. Kindly forward this opinion to the Members of the Zoning Board of Adjustment.

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Lakewood Ranch  
6853 Energy Court  
Lakewood Ranch, Florida 34240

Venice  
217 Nassau Street S.  
Venice, Florida 34285

Ms. Alaina Ray  
September 30, 2014  
Page Two

This letter is an opinion of jurisdiction and is not intended to address the merits of the application. Should you have any questions, please contact me.

Respectfully,

  
Maggie Mooney-Portale

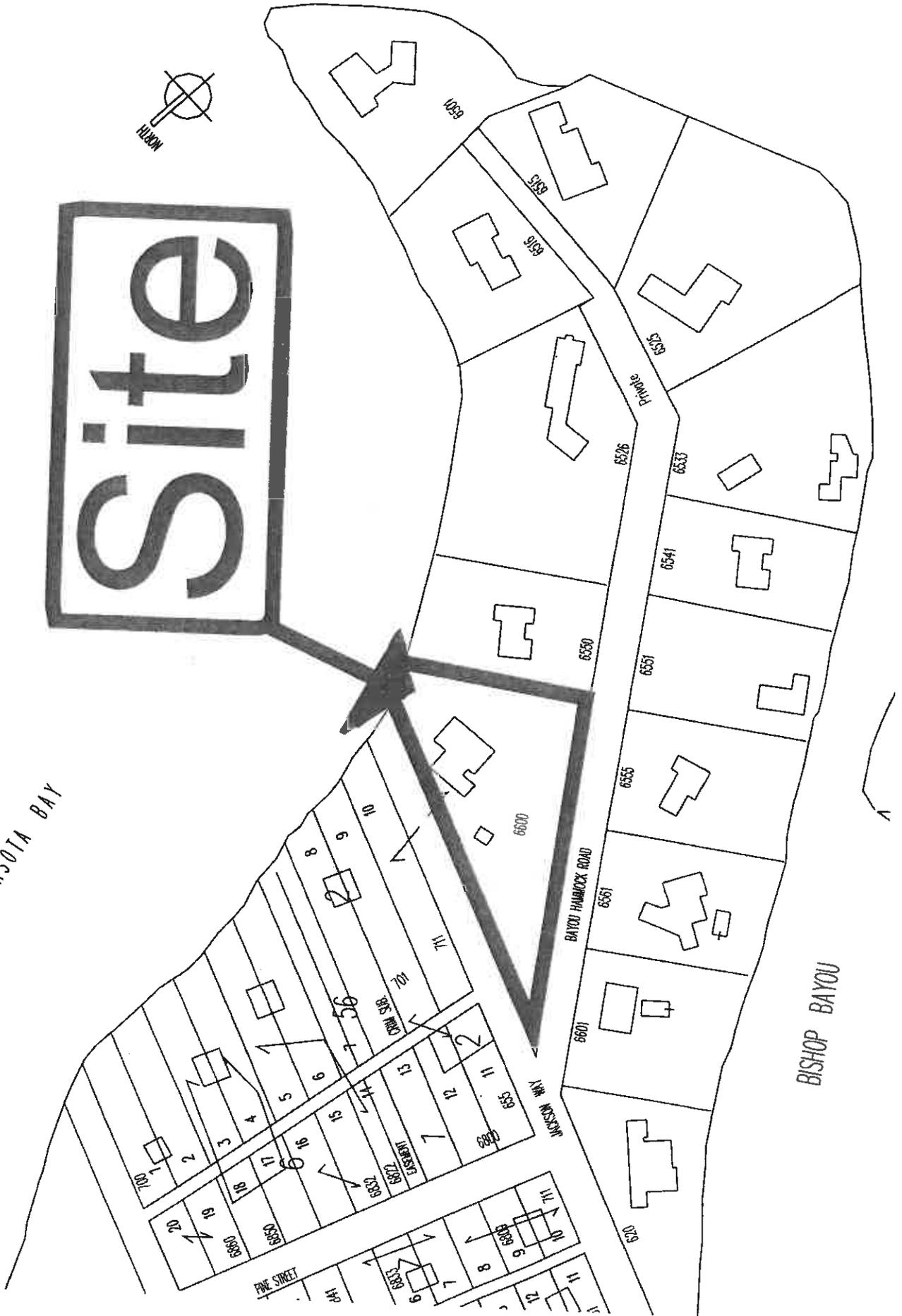
MMP/vlg

cc: Donna Chipman



**Site**

SARASOTA BAY



## MEMORANDUM

DATE: October 23, 2014

TO: Zoning Board of Adjustment (ZBA)

FROM: Steve Schield, AICP, ASLA, CFM, Planner  
Planning, Zoning and Building Department

THROUGH: Alaina Ray, AICP, Director  
Planning, Zoning and Building Department

SUBJECT: VARIANCE PETITION 07-14

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APPLICANT: Michael & Michelle Morris

AGENT: Kristina V. Tignor, P.E.

LOCATION: 6600 Bayou Hammock Road  
Longboat Key, Florida 34228

ZONING DISTRICT: R-1SF (Single-Family Low Density Estate Residential)

REQUEST: The applicants are requesting a variance from Section 158.155(A)(4)(b) of the Town Zoning Code to construct a replacement dock and boat lift that extends 100 feet from the Mean High Water Line, a variance of 50 feet.

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### **STAFF BACKGROUND AND SUMMARY**

The subject property is a bay front lot located at the north end of the Town in the Village area (see location map).

The applicant is seeking a variance to allow construction of a replacement dock and boat lift, exceeding the maximum length of 50 feet, when measured from the Mean High Water Line (MHWL). The proposed dock, boat lift and mooring pilings have a combined length of 100 feet, when measured from the MHWL, resulting in a variance request of 50 feet. At the property, there is an existing dock extending 24 feet waterward of the MHWL. Thus, the applicants are requesting an additional 76 feet waterward of the MHWL.

This area of the island has shallow waters and seagrass beds. In January 2014, the property located at 6550 Bayou Hammock Road, which neighbors the subject property on the right, received Variance #1-14 granting 52 feet to construct a dock 102 feet

waterward of the MHWL. As part of the conditions of the variance, the ZBA directed the applicants to post signage indicating "No Docking" or "No Mooring" on the replacement dock.

### **VARIANCE AUTHORITY PURSUANT TO SECTION 158.155(A)(4)(b)**

Pursuant to Town Code Section 158.155(A)(4)(b), the distance a dock or boatlift may extend from the MHWL is as follow:

*"For properties abutting Sarasota Bay, a dock, boat lift, piling or pile-mounted davit shall project into the water no more than 50-feet, measuring from the mean high water line."*

### **STAFF ASSESSMENT**

Staff reviewed the requested variance for the proposed dock and boatlift. The following is an assessment of the proposed variance petition.

#### **Assessment of Existing Conditions**

The applicant has provided evidence of a lack of adequate water depth and the existence of protected seagrass within the projected dock area allowed by code (see attached hydrographic survey). The hydrographic survey shows a water depth of four (4) feet at the 50-foot projection in the water from the MHWL and a water depth of five (5) feet at the proposed 100-foot projection in the water. The survey also shows that seagrass beds are located from 90 to 105 feet from the MHWL. The applicant provided a survey showing nearby dock structures demonstrating that the proposed dock and boat lift would not create an impediment to navigation and does not interfere with the riparian rights of other property owners.

#### **Compliance with Comprehensive Plan**

Granting the minimum variance necessary for the reasonable use of the property is consistent with the policies set forth in the Comprehensive Plan.

#### **Coastal Construction Standards**

The proposed dock and boat lift are within the jurisdiction of the Town of Longboat Key, as well as the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers. Prior to the issuance of a local building permit for the structures, approval for the modified design must be granted from the above-mentioned state and federal agencies.

### Variance Criteria

As per Town Code Section 158.029, the Zoning Board of Adjustment may authorize a variance from the Town's zoning regulations if such variance is not contrary to the public interest, and if compliance with the Town Codes would result in an unnecessary and undue hardship. In making such a determination to grant a variance, the Board must make specific findings of fact that each of the criteria set forth below has been met. To facilitate the Board's review and consideration of the subject variance petition, Staff has provided an assessment of each of the seven (7) criteria:

### RECOMMENDED FINDINGS OF FACT

1. The variance **is** in fact a variance as set forth within Town Code Section 158.029 and within the jurisdiction of the Board (reference: Town Attorney's memo attached).
2. The special conditions and circumstances **do not** result from the actions of the applicant. The shallow nature of the bay and the location of seagrass were not caused by any action of the applicants.
3. Special conditions and circumstances **do** exist which are peculiar to the land, structure, or building and which are not applicable to other lands, structures, or buildings in the same zoning district. The shallow nature of the bay and the location of seagrass are unique to this part of the bay.
4. Granting the variance requested **will not** confer on the applicant special privilege that is denied by Town Code Section 158.029 to other lands, buildings or structures in the same zoning district. Variances have been granted in the past to nearby properties for similar reasons to achieve adequate water depth and protect seagrass. Variances were granted to 6550 Bayou Hammock Road for a 102-foot dock.
5. Literal interpretation of the provision of this Chapter **would** deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Town Code Section 158.029 and **would** result in unnecessary and undue hardship on the applicant. The shallow nature of the bay and the location of seagrass creates a hardship on the applicant by limiting the ability to moor a boat, without sustaining damage to the vessel and/or seagrass areas.
6. The variance, if granted, **would** be the minimum variance that will make possible the reasonable use of the land, building or structure. Staff has assessed that the dock and boat lift have been designed to represent a minimum variance request. The applicant is requesting a variance of 50 feet, which would place the dock 100 feet from the MHWL, in a location with adequate water depth for a mooring area that gets the boat propeller out of the seagrass limits.
7. The granting of the variance **would be** in harmony with the general intent and purpose of Town Code Section 158.029.

### **STAFF RECOMMENDATION**

Based on the above assessment of Variance Petition 7-14 and the variance criteria of Section 158.029(A), staff recommends **APPROVAL** of Variance Petition 7-14, subject to the following conditions of approval:

1. The applicant shall apply for a building permit, through the Town of Longboat Key Planning, Zoning and Building Department. The plans submitted shall be in accordance with the proposed design submitted to the Town on September 11, 2014, as described in Staff's report.
2. The applicant shall install railings on the sides of the walkway portion of the dock to within 30 feet of the end of the dock in order to discourage docking within the seagrass areas.
3. The applicant shall apply for and receive approval from all applicable state and federal agencies for the proposed structures over water, prior to applying for a building permit. Photocopies of any final permits, as-built plans, engineer's certification, etc., required by the subject agencies, shall be submitted to the Town.

### **ATTACHMENTS**

Attached, please find a copy of the variance petition and support documentation upon which the Staff assessment has been based. If you should have any questions, or desire any additional information, please do not hesitate to contact the Planning, Zoning & Building Department.

xc: Michael & Michelle Morris, Property Owners  
Kristina V. Tignor, P.E  
Maggie Mooney-Portale, Town Attorney  
Alaina Ray, AICP, Director – Planning, Building & Zoning Department



Planning, Zoning & Building Department  
 501 Bay Isles Road  
 Longboat Key, Florida 34228  
 Fax Number: (941) 316-1970  
 Web: <http://www.longboatkey.org>

(941) 316-1966

**APPLICATION FOR VARIANCE**

Date Filed \_\_\_\_\_ Receipt # (\$1000.00 deposit) \_\_\_\_\_ Petition No. \_\_\_\_\_  
 (Application fee of \$450 will be deducted from deposit)

**THE APPLICANT IS REQUIRED TO SUBMIT SEVENTEEN (17) (ORIGINAL PLUS SIXTEEN (16) COPIES) INDIVIDUAL, COLLATED SETS OF THIS APPLICATION, SUPPORTING PLANS AND DOCUMENTS.**

(I) (We) Michael & Michelle Morris of 1300 North State Parkway 1201  
 (name) (mailing address)  
Chicago, IL 60610 request a Variance from Section (s) 158.155(A)(4)(b)

of the Town of Longboat Key Zoning Ordinance to construct a replacement dock that  
extends further waterward than 50' from mean high water line  
 (brief description, i.e., to reduce side yard from 20' to 15')

Subject property is located at 6600 Bayou Hammock Road, Longboat Key, FL 34228  
 (street number location)

The legal description is as follows: \_\_\_\_\_  
 (Lot(s)) (Block) (Subdivision or Plat)  
 or (see Exhibit A attached)  
 (if otherwise legally described)

LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN A DISTANCE OF 500 FT. FROM THE OUTSIDE EDGES OF THE PROPERTY INVOLVED WILL BE PROVIDED BY THE TOWN.

(I) (WE) believe that the Zoning Board of Adjustment should grant this Variance pursuant to Section 158.029 of the Town Code because all of the following criteria are factually supported in this petition:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 158 to other lands, buildings, or structures in the same zoning district.
- (4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 158 and would work unnecessary and undue hardship on the applicant.



- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The grant of the variance will be in harmony with the general intent and purpose of Chapter 158, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

STATE SEPARATELY HOW EACH OF THE ABOVE SIX (6) CRITERIA ARE FACTUALLY PRESENT IN YOUR VARIANCE REQUEST:

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(ATTACH EXTRA SHEET, IF NECESSARY)

(I) (WE) understand that this Petition becomes a part of the permanent records of the Zoning Board of Adjustment. (I) (WE) hereby certify that the above statements and the statements or showings made in any paper or plans submitted herein are true to the best of (my) (our) knowledge and belief.

*Michelle A. Morris*  
\_\_\_\_\_  
(Signature of Owner)

mmichelle a. MORRIS  
\_\_\_\_\_  
(Please print or type Owner's Name)

MICHAEL L. MORRIS  
\_\_\_\_\_  
Mailing address you wish information sent to and telephone number:

Michelle & Michael Morris  
1300 N. State Pkwy # 1201  
Chicago, IL 60610  
Phone # (312) 202-0105 (H)  
Fax # 312 202-0125

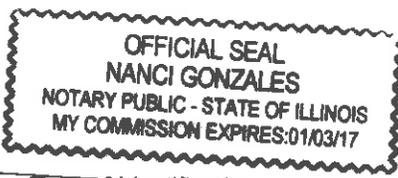
\_\_\_\_\_  
The Owner has hereby designated the above signed person to act as his agent in regard to this Petition. (To be executed when Owner designates another to act on his behalf.)

\_\_\_\_\_  
Print or type Agent Name

<sup>Done</sup>  
**Notarization of Agent's Signature:**  
State of ILLINOIS  
County of COOK

The foregoing instrument was acknowledged before me this 7th day of August, 2014  
by Michelle Morris and Michael Morris  
as Notary Public for \_\_\_\_\_  
(type of authority) (name of party acting on behalf of)

*Nancy Gonzales*  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Name of Notary (print, typed or stamped)

Personally know  OR produced identification  Type of Identification \_\_\_\_\_

**FOR STAFF USE ONLY**

Application Fee: \$ 1000.00 deposit\* \_\_\_\_\_ Receipt # \_\_\_\_\_

(Application fee will be deducted from deposit)

Application and Plans Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

File Code/Number: \_\_\_\_\_

*\*Deposit required at time of formal submission*

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.



ARCHITECTURE • ENGINEERING • PLANNING

September 9, 2014

Mr. Steve Schield  
Planning Department  
Town of Longboat Key  
501 Bay Isle Road  
Longboat Key, Florida 34228

RE: Michael and Michelle Morris – 6600 Bayou Hammock Road  
Request for Variance – Town of Longboat Key – Boat Dock

Dear Mr. Schield:

On behalf of Michael and Michelle Morris, we are herewith submitting an application for a variance for a replacement dock with boat lift at 6600 Bayou Hammock Road. Attached, please find the original and 16 copies of the following information: a completed, signed application form; legal description; departure request page; engineered plans (signed and sealed); a special purpose survey showing shoreline conditions and bathymetric information (signed and sealed); and the state and federal approval document. We are also enclosing the requisite application fee of \$1000.

The requested departure is for an overall waterward projection of 100 feet from the mean high water line. There is an existing dock at the site that projects 24 feet waterward of the mean high water line, so the requested departure is for an additional 76 feet from the mean high water line.

The existing single-family dock is in an area of shallow water and seagrass beds. As shown on the special-purpose survey, there is seagrass along the entire property frontage, extending from 90 feet to 105 feet from the mean high water line. The depths in the current mooring areas are 2.7 to 4 feet deep. Also, the existing dock is located within fifteen feet of the northern riparian line, which is not conforming to state criteria.

The following information is tendered in support of the application to provide a replacement dock which will be an improvement upon the existing dock situation.

**(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

The existing shoreline consists of seagrass beds that extend along the entire frontage. These seagrass limits extend from the mean high water line 90 feet (at the extreme northern frontage) to more than 105 feet near the southern frontage. Likewise, the water depths along the frontage are shallow, with the contours replicating the seagrass limits as one would expect to find since shallow water allows sunlight to help seagrasses grow. The 2-foot depth contour is located about 18 feet off the extreme northern property corner to more than 25 feet from the mean high water line near the southern frontage of the property. Note that this 2-foot depth is as measured to an average tide; low tides or low-low tides, as experienced in the winter months, would allow for even less than 2 feet of water depth at the location of the 2-foot average tide contour.

The shallow off-shore water depths and wide seagrass beds along the applicant's property are unique to his property and not necessarily present at other properties within the same zoning district.

**(2) The special conditions and circumstances do not result from the actions of the applicant.**

The existing conditions, shallow water depths and the presence of seagrass beds, are not the result of actions of the applicant.

**(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 158 to other lands, building, or structures in same zoning district.**

There have been several variances for docks in the Town of Longboat Key that have been granted due to shallow off-shore water depths and/or the presence of seagrass beds. There are two variances that we are aware of in the area:

(1) Petition #6-96, KLL Company allowed for dock structure departures under the same code criteria (Chapter 158.155) as the subject petition. This variance was for 7100 Longboat Drive.

(2) Petition #1-14, Edward and Terry Kolodzieski allowed for dock structure departures under the same code criteria (Chapter 158.155) as the subject petition. This variance was for 6550 Bayou Hammock Road, the adjacent parcel to the south.

**(4) Literal interpretation of the provisions of Chapter 158 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 158 and would work unnecessary and undue hardship on the applicant.**

The applicant's shoreline conditions are not compatible with current regulations and codes. Designing a boat dock that would provide adequate water depths for two vessels,

mooring outside of seagrass beds, and meet setback and size/projection criteria is impossible at this location.

The applicant would like to moor a boat in adequate water depths. Also, the environmental agencies discourage mooring within seagrass beds. In order to be compatible with boating needs and sensitive to the environment, the applicant needs to have a dock and mooring areas that are in a different location than the present situation or in a different location than the code would allow. The proposed dock and slip areas are designed to current state-of-the-art standards and meet all current Department of Environmental Protection (DEP) and Army Corps of Engineers (ACOE) permitting regulations. In addition, the existing dock is not located far enough away from the northern riparian line, so the relocated dock would bring the dock into conformance with state and Town regulations.

**(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

The proposed variance is for one departure from the Town Code. All other provisions of the Code will be met. The design of the dock is such that the mooring area gets the boat propeller out of the seagrass limits. There is no other way to minimize the overall proposed length of the dock for a boat and provide ingress-egress outside the seagrass beds without requiring the length that is provided in the proposal.

**(6) The grant of the variance will be in harmony with the general intent and purpose of Chapter 158, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed structure will provide a strong structure that will withstand storms better than the existing dock. The location of the proposed dock and mooring areas are further from the public right-of-way to the north, so it actually provides a safer distance from the adjacent northern property and will open up views and use of the northern property for the public.

Other variances for dock departures from the code have been allowed in the area, and there are some long docks north of the property and a longer dock to the south.

The dock length will not impede navigation for other boaters as the dock is still set back adequately from the off-shore channel.

Improving the ability of seagrass to grow unimpeded without boat shading and eliminating the need to navigate through the seagrass beds to get to a mooring space could be described as providing better harmony with the environment. Normally, seagrass can grow well in waters of 2 to 3 feet deep, but the viability depends on conditions such as sunlight, turbidity, bottom conditions, currents, water temperature, and boat traffic. Sea grasses provide a necessary element to the food chain for sea life and, in general, provide opportunities for habitat and vegetation proliferation. Seagrasses release chemicals that help improve air and water quality.

The departures requested will result in an equal or better dock and slip area than would result from strict compliance with the code.

I hope that the information provided is sufficient for a hearing on the matter at the next available date. If you have any questions about the submitted information, please call. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Kristina V. Tignor". The signature is written in black ink and includes a long, sweeping horizontal flourish at the end.

Kristina V. Tignor, P.E.

Cc: Mr. and Mrs. Michael Morris, w/attachments

**Departure Request:**

The requested departure is for an overall waterward projection of 100 feet from the mean high water line. The existing overall waterward projection of the dock currently on site is 24 feet waterward of the mean high water line, so the requested departure is for an additional 76 feet from the mean high water line.

Section 158.155(A)(4)(b) allows docks/structures to extend no more than 50 feet from the mean high water line.

**Legal Description (Exhibit A)**

35<sup>50</sup> P

9520<sup>00</sup> DS

3

Prepared By and  
When Recorded Return to:

# SHUMAKER.

Shumaker, Loop & Kendrick, LLP  
P.O. Box 49948  
Sarasota, FL 34230-6948  
Phone: (941) 364-2765  
Attention: Juan C. Villaveces, Esq.

## WARRANTY DEED

This Warranty Deed is made by Scott L. Chapin and Dale D. Holton, Individually and as Trustees of the Samuel D. Chapin Trust u/a dated October 27, 2000, as amended and restated April 30, 2009, and Jeffrey Scott Chapin and Dale D. Holton, Individually and as Trustees of the Barbara J. Chapin Trust u/a dated October 27, 2000, as amended and restated April 30, 2009 ("Grantor") to Michael L. Morris and Michelle G. Morris, husband and wife, as tenants by the entirety, whose post office address is 1300 North State Parkway, #1201, Chicago, IL 60610 ("Grantee").

Grantor, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys to Grantee the following described real property in Manatee County, Florida:

Begin at original Government Meander corner for Sections 15 and 22, Township 35 South, Range 16 East, Manatee County, Florida; thence Easterly along the North line of said Section 22, 1536.21 feet for a point of beginning; thence Southerly and perpendicular to said Section line, 115.75 feet to a point on the Northeasterly line of a 50 foot private road; thence with an angle of 54 degrees 10' to left, run Southeasterly along said road, 217.65 feet; thence with an angle of 90 degrees 00' to left, run Northeasterly, 236.2 feet, more or less, to waters of Sarasota Bay; thence Northwesterly along the waters of said Bay, 68.3 feet, more or less, to a point on the North line of said Section 22, Township 35 South, Range 16 East; thence Westerly along said Section line, 269.4 feet, more or less, to the point of beginning.

The Property Appraiser's Parcel Identification Number for the above described real property is 7832100007.

Subject to valid easements, reservations and restrictions of record, governmental regulations and real property taxes for the current year.

Grantor does hereby certify that Grantor the above-described property does not now and has never in the past constituted Grantor's homestead.

M13107 - 156551 UF

RETURN TO: SHUMAKER, LOOP & KENDRICK, LLP

Grantor hereby covenants with Grantee that Grantor is lawfully seized of the property in fee simple; that Grantor has good, right and lawful authority to sell and convey the property; that Grantor hereby fully warrants the title to the property and will defend the title against the lawful claims of all persons whomsoever; and that the property is free of all encumbrances not set forth herein.

Executed on the 30<sup>th</sup> day of January, 2013.

WITNESSES:

Cindy Wingate  
Print Name: CINDY WINGATE

Scott L. Chapin  
Scott L. Chapin, Individually and as Trustee as aforesaid  
Address: 6008 7<sup>th</sup> Ave West  
Bradenton, FL 34209

Judy Newhouse  
Print Name: Judy Newhouse

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, 2013, by Scott L. Chapin, Individually and as Trustee as aforesaid.

Jasmin Nieves  
Notary Public  
Print Name: Jasmin Nieves  
My Commission Expires: 5/22/16

Personally Known  (OR) Produced Identification   
Type of identification produced FLID



WITNESSES:

Cindy Wingate  
Print Name: CINDY WINGATE

Judy Newhouse  
Print Name: JUDY NEWHOUSE

Dale D. Holton  
Dale D. Holton, Individually and as Trustee  
as aforesaid  
Address: 2828 Prestwick Drive  
Lakeland, FL 33803

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, 2013,  
by Dale D. Holton, Individually and as Trustee as aforesaid.

Jasmin Nieves  
Notary Public  
Print Name: Jasmin Nieves  
My Commission Expires: 5/22/16

Personally Known  (OR) Produced Identification   
Type of identification produced FD



WITNESSES:

Cindy Wingate  
Print Name: CINDY WINGATE

Judy Newhouse  
Print Name: Judy Newhouse

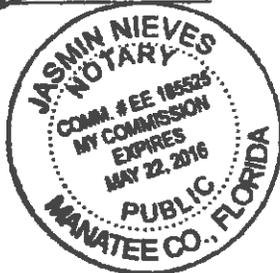
Jeffrey Scott Chapin, Individually and as Trustee as aforesaid  
Address: 15107 3<sup>rd</sup> Drive East  
Bradenton, FL 34212

STATE OF FLORIDA  
COUNTY OF Manatee

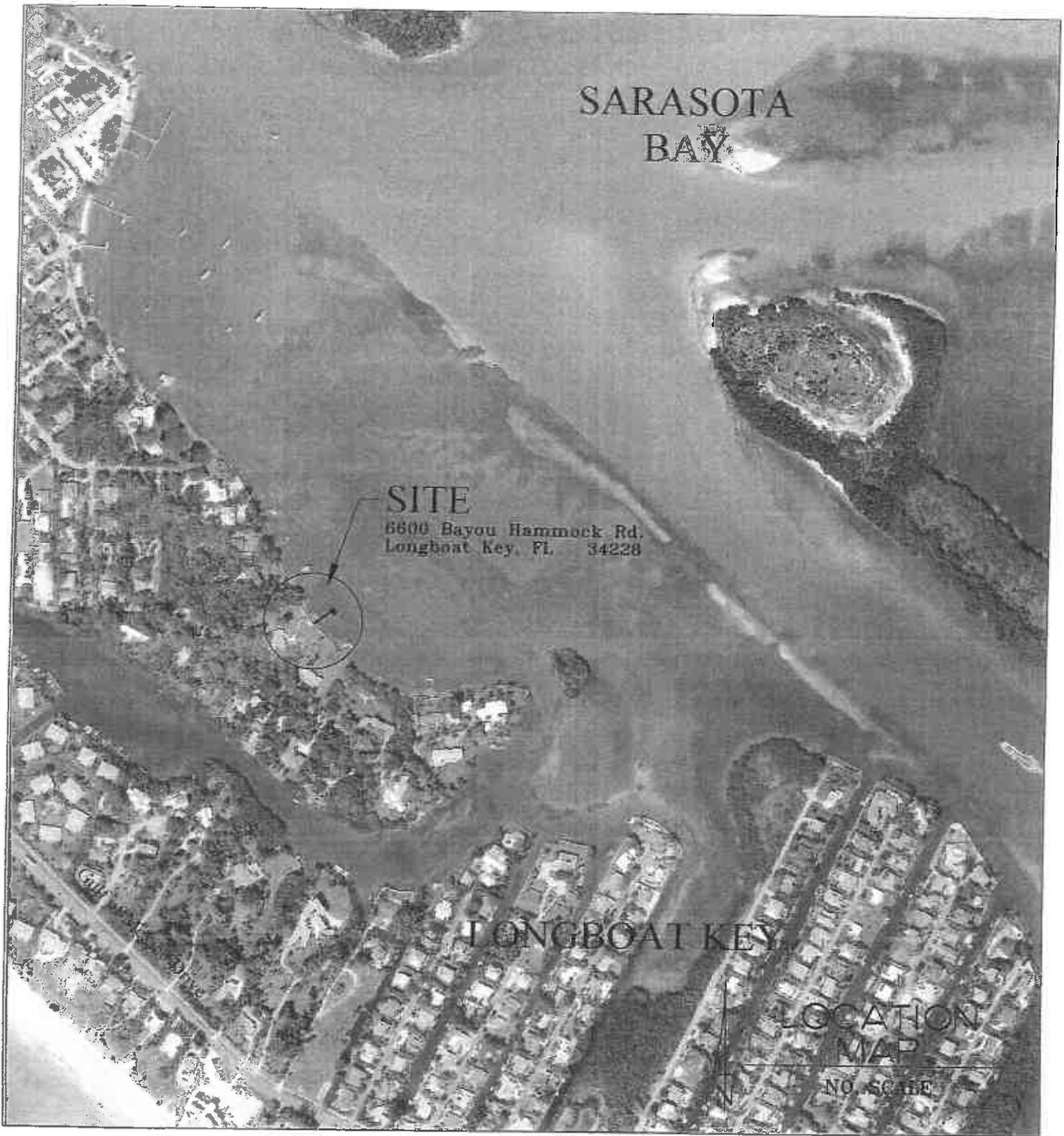
The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, 2013, by Jeffrey Scott Chapin, Individually and as Trustee as aforesaid.

Jasmin Nieves  
Notary Public  
Print Name: Jasmin Nieves  
My Commission Expires: 5/22/16

Personally Known  (OR) Produced Identification   
Type of identification produced FD



**Site Plan (last revision date 8/26/14)**



**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

1055 South Tamiami Trail, Suite 110-B  
 Sarasota, Florida 34236  
 (941) 365-6476 Fax: (941) 365-0819

**Applicant:**

**Mr. & Mrs. Michael Morris**  
 1300 North State Parkway 1201  
 Chicago, IL 60610

July 30, 2014  
 Revised:

*Kristina V. Tignor*

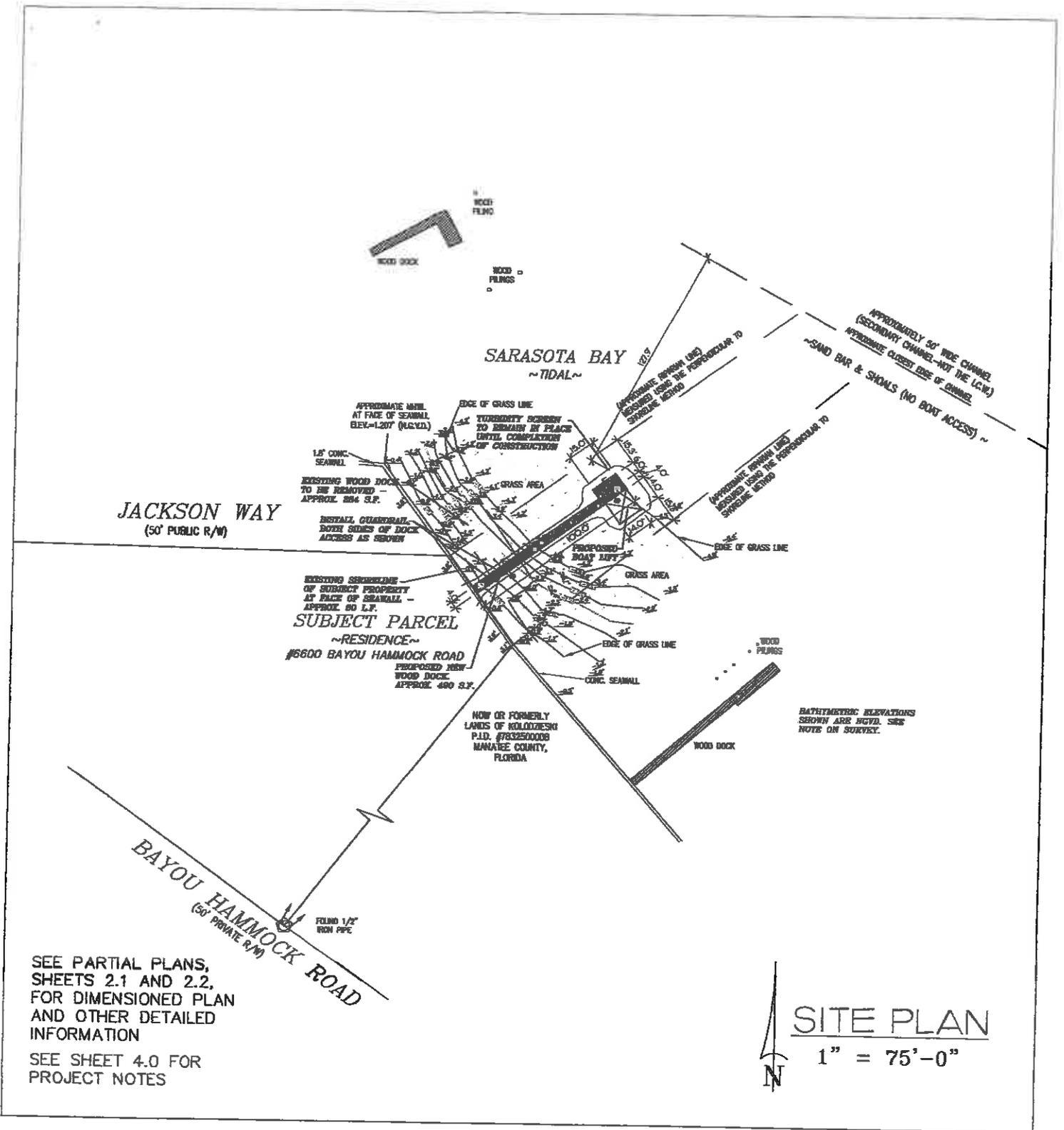
KRISTINA V. TIGNOR, P.E.  
 FL. REG. NO. 41239

9/9/14

DATE

**1.0**

SHEET NO.



JACKSON WAY  
(50' PUBLIC R/W)

**SUBJECT PARCEL**

~RESIDENCE~

#6600 BAYOU HAMMOCK ROAD

PROPOSED NEW WOOD DOCK APPROX. 400 S.F.

NOW OR FORMERLY LANDS OF KOLODZESKI P.I.D. #783250008 MANATEE COUNTY, FLORIDA

BAYOU HAMMOCK ROAD  
(50' PRIVATE R/W)

SEE PARTIAL PLANS, SHEETS 2.1 AND 2.2, FOR DIMENSIONED PLAN AND OTHER DETAILED INFORMATION

SEE SHEET 4.0 FOR PROJECT NOTES

**SITE PLAN**

1" = 75'-0"



ARCHITECTURE • ENGINEERING • PLANNING

1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

**Applicant:**

Mr. & Mrs. Michael Morris  
1300 North State Parkway 1201  
Chicago, IL 60610

July 30, 2014

Revised:

*Kristina V. Tignor*

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

9/19/14

DATE

**2.0**

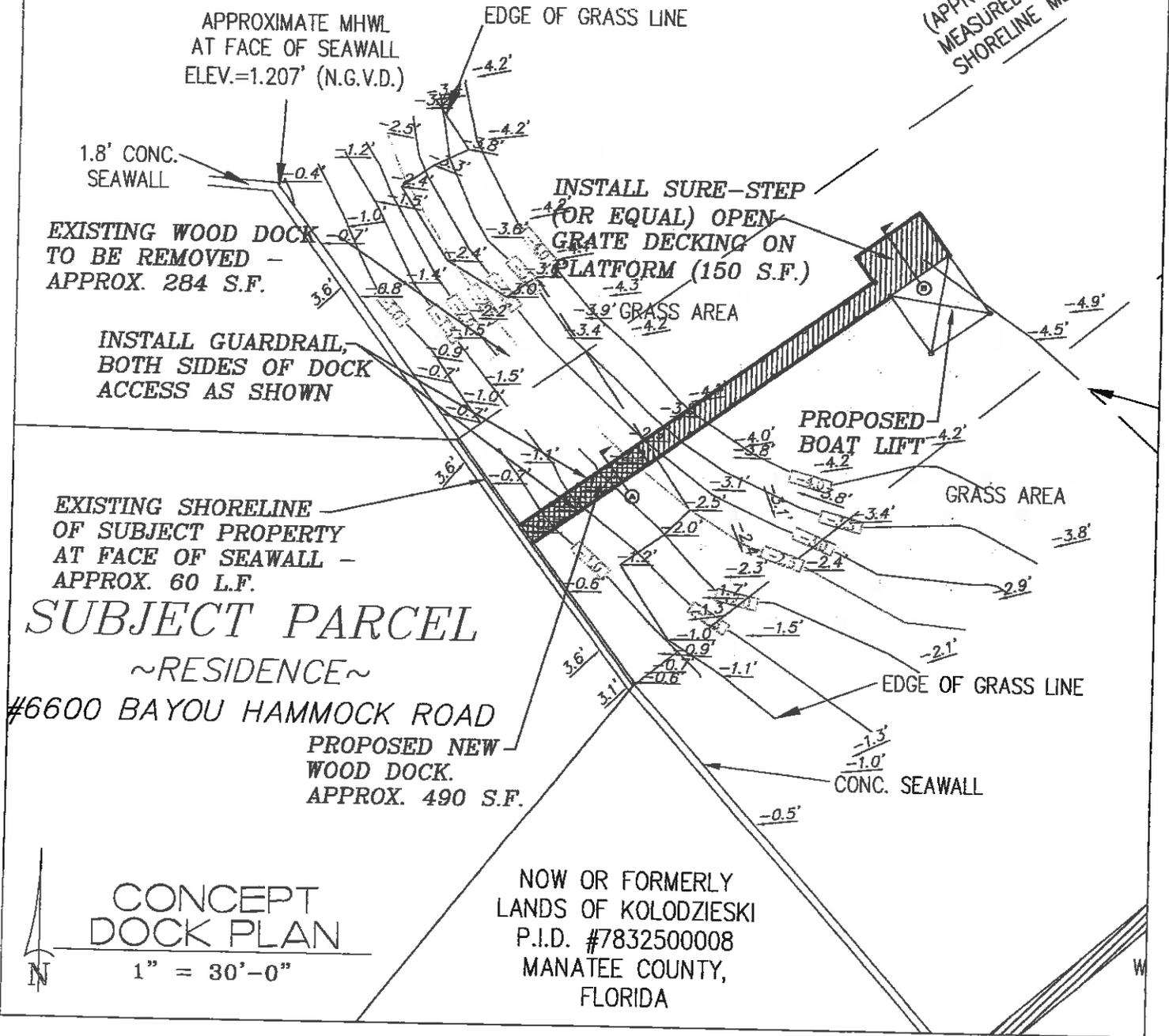
SHEET NO.

SEE SHEET 2.0 FOR  
OVERALL SITE PLAN  
SEE SHEETS 2.2 FOR  
DIMENSIONED SITE  
PLAN  
SEE SHEET 4.0 FOR  
PROJECT NOTES

# SARASOTA BAY

~ TIDAL ~

(APPROXIMATE RIPARIAN LINE)  
MEASURED USING THE PERPENDICULAR  
SHORELINE METHOD



ARCHITECTURE • ENGINEERING • PLANNING  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

**Applicant:**

Mr. & Mrs. Michael Morris  
1300 North State Parkway 1201  
Chicago, IL 60610

July 30, 2014  
Revised:  
Aug. 26, 2014

*Kristina V. Tignor*

9/9/14

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

DATE

**2.1**  
SHEET NO.

SEE SHEET 2.1 FOR  
CONCEPT PLAN

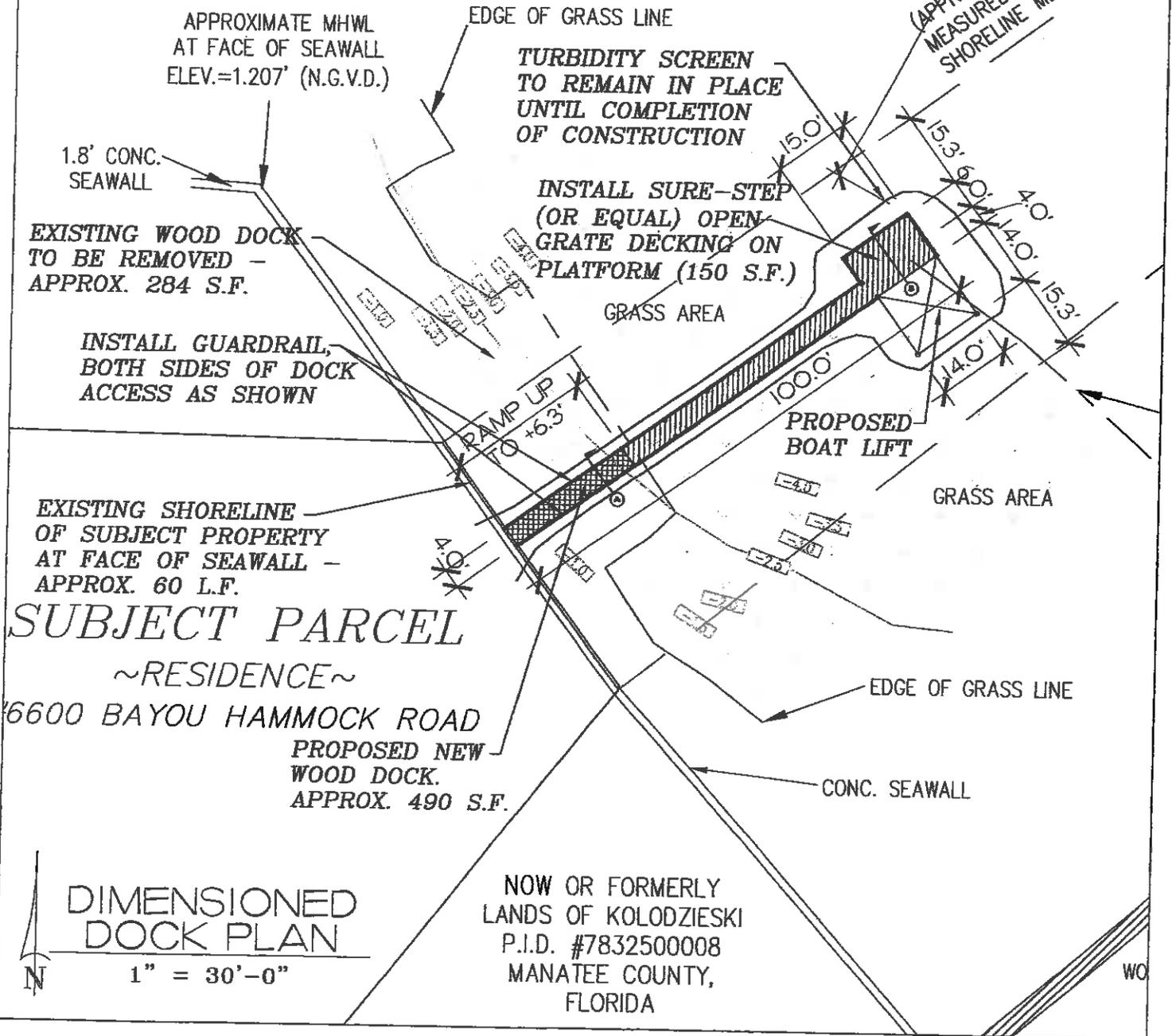
SEE SHEET 4.0 FOR  
PROJECT NOTES

BATHYMETRY AND SEAGRASS  
HATCH TURNED OFF, THIS  
SHEET, FOR CLARITY

# SARASOTA BAY

~TIDAL~

127.9  
(APPROXIMATE RIPARIAN LINE)  
MEASURED USING THE PERPEND  
SHORELINE METHOD



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 Sarasota, Florida 34236  
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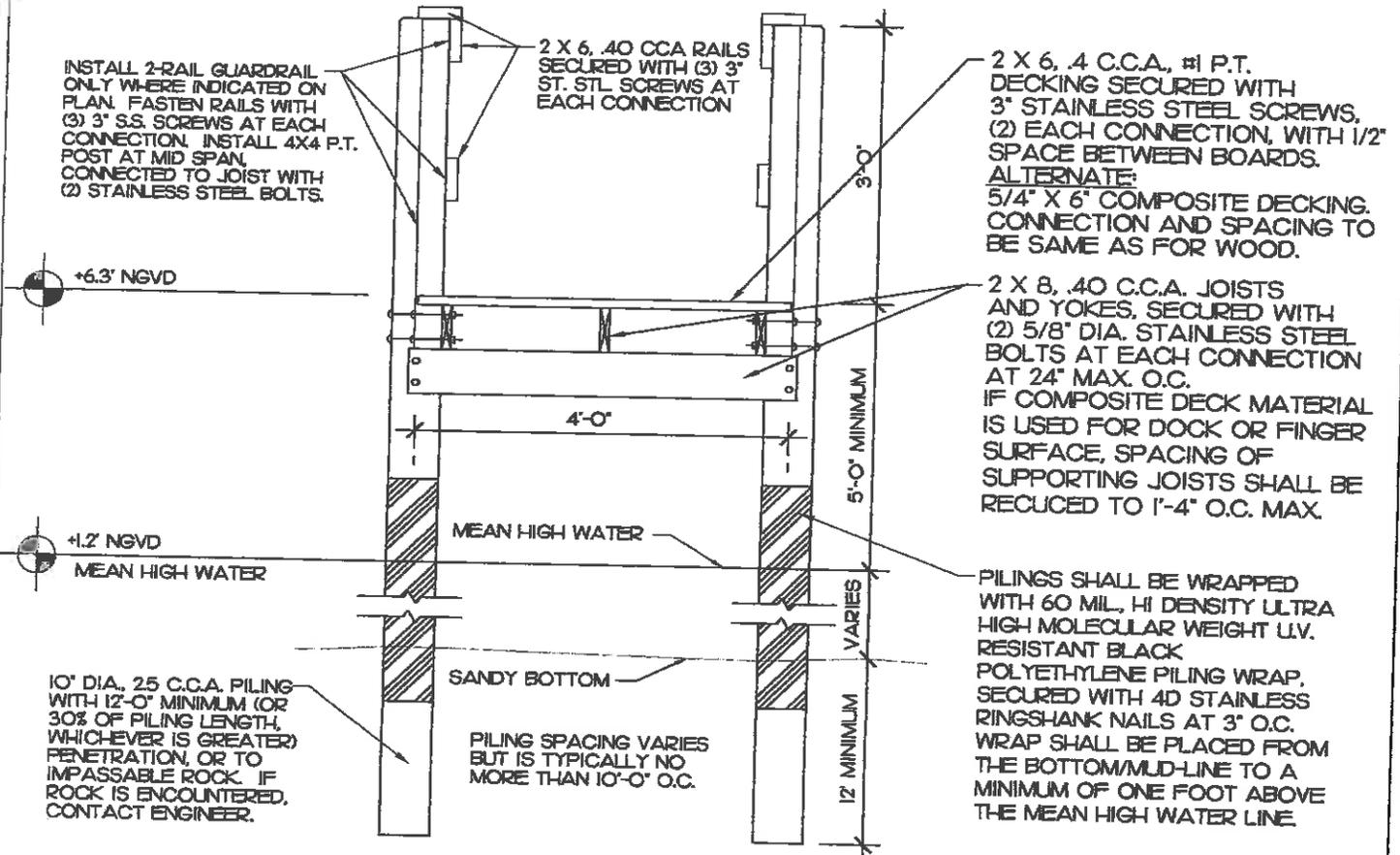
**Applicant:**  
 Mr. & Mrs. Michael Morris  
 1300 North State Parkway 1201  
 Chicago, IL 60610

July 30, 2014  
 Revised:  
 Aug. 26, 2014

*Kristina V. Tignor* 9/9/14  
 KRISTINA V. TIGNOR, P.E. DATE  
 FL. REG. NO. 41238

**2.2**  
 SHEET NO.

SEE SHEET 4.0 FOR  
PROJECT NOTES



DIMENSIONED  
CROSS SECTION 'A'

1/2" = 1'-0"



Applicant:

Mr. & Mrs. Michael Morris  
1300 North State Parkway 1201  
Chicago, IL 60610

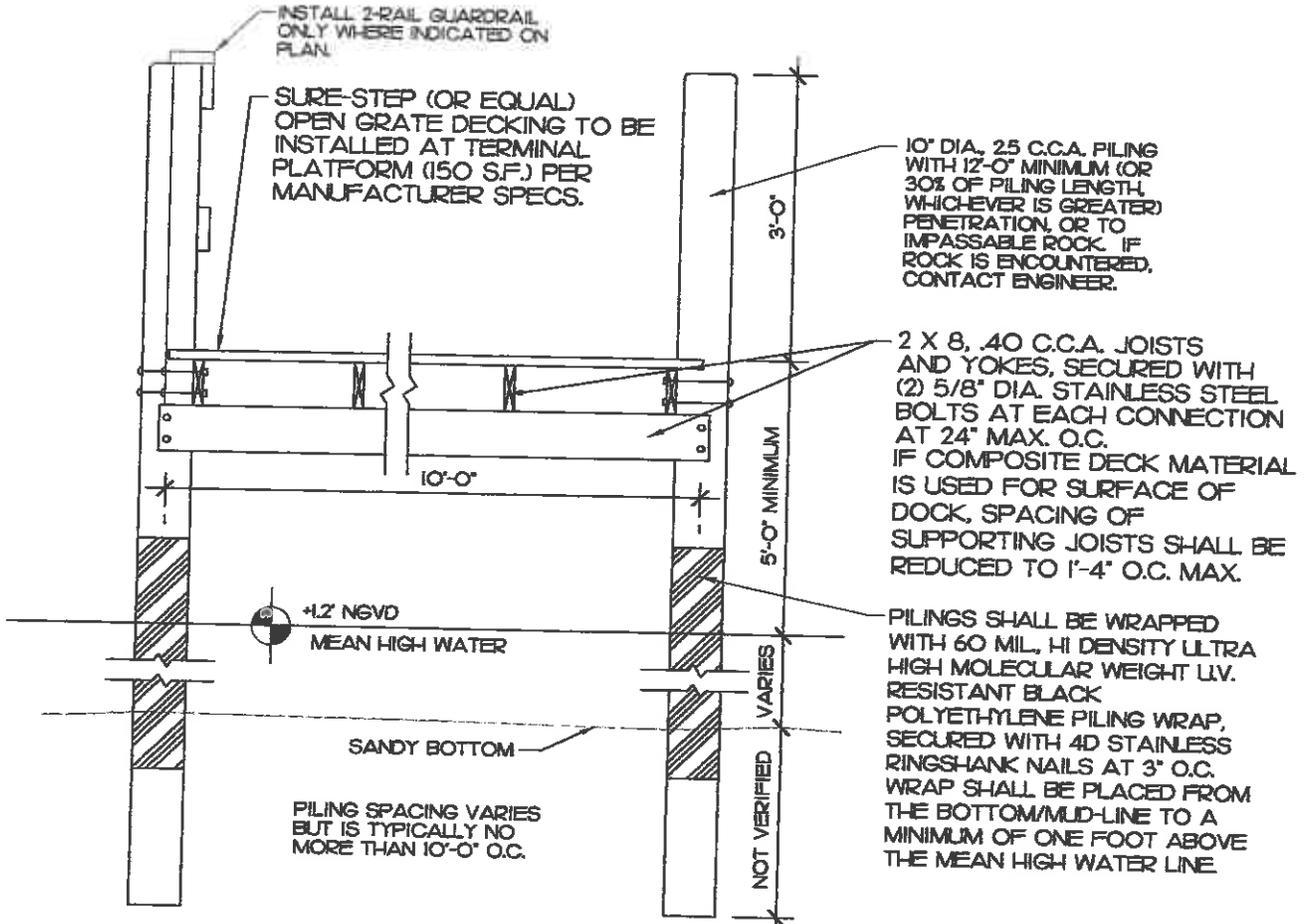
July 30, 2014  
Revised:  
Aug. 26, 2014

*Kristina V. Tignor* 9/9/14  
KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238 DATE

3.1  
SHEET NO.

ARCHITECTURE • ENGINEERING • PLANNING  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

SEE SHEET 4.0 FOR  
PROJECT NOTES



DIMENSIONED  
CROSS SECTION 'B'

1/2" = 1'-0"

**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

Applicant:

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Chicago, IL 60610

July 30, 2014

Revised:

Aug. 26, 2014

*Kristina V. Tignor*

KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

9/9/14

DATE

3.2

SHEET NO.

NOTES:

1. DATUM = NGVD  
MHW = +1.207'± NGVD  
MLW = -0.103'± NGVD
2. SURVEY INFORMATION PROVIDED BY STRAYER  
SURVEYING AND MAPPING, INC., DATED 6/11/14
3. DOCK AREA:  
EXISTING TO BE REMOVED - 284 S.F.  
PROPOSED NEW - 490 S.F.
4. WATER DEPTHS, REPRESENTED BY  
CONTOURS, ARE NGVD

**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING

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Applicant:

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Chicago, IL 60610

July 30, 2014  
Revised:



KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

9/9/14

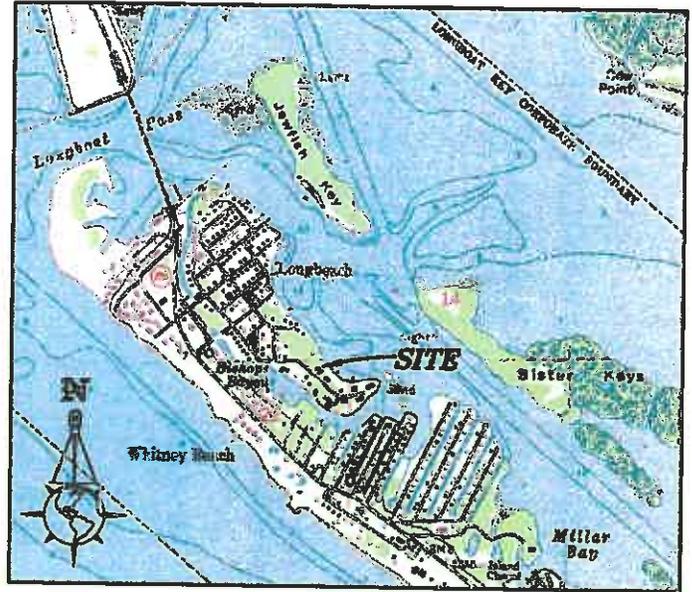
DATE

**4.0**  
SHEET NO.

**Special Purpose Survey (dated 6/11/14)**

# LEGEND

- ⊗ = NAIL & DISK (I.D. NOTED)
- ⊗ = 5/8" IRON ROD FOUND (I.D. NOTED)
- ⊗ = 1/2" IRON PIPE FOUND (NO I.D.)
- ▼ = SURVEY NAIL
- T.B.M. = TEMPORARY BENCHMARK SET
- D.N.R. = DEPARTMENT NATURAL RESOURCES
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
- M.H.W.L. = MEAN HIGH WATER LINE
- M.L.W. = MEAN LOW WATER
- O.R.B. = OFFICIAL RECORDS BOOK
- O.R.I. = OFFICIAL RECORDS INSTRUMENT
- PG. = PAGE
- 2.00 = EXISTING ELEVATIONS
- (TYP.) = TYPICAL
- CONC. = CONCRETE
- (D) = DEEDED DIMENSION
- (M) = MEASURED DIMENSION
- (C) = CALCULATED DIMENSION



**VICINITY MAP**  
NOT TO SCALE

## SHEET 1 OF 3

- SHEET 1 - SURVEYORS NOTES
- SHEET 2 - SURVEY DETAIL
- SHEET 3 - DOCK AND SEAWALL DETAILS

### SURVEYORS NOTES:

1. THIS MAP REPRESENTS A HYDROGRAPHIC SURVEY.
2. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULT OF A SURVEY PERFORMED ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.
3. TIDAL DATA 1983-2001 EPOCH WAS OBTAINED FROM THE LABINS WEBSITE, TIDE INTERPOLATION POINT #395 WAS EXTENDED TO THIS SITE.
4. THIS SURVEY WAS MADE WITH THE BENEFIT OF A PREVIOUS MEAN HIGH WATER LINE SURVEY PREPARED BY MSB SURVEYING, INC., JOB #140202
5. ELEVATIONS SHOWN HEREON ARE BASED ON A MANATEE COUNTY BENCHMARK, ELEVATION= 4.576' (N.G.V.D. 1929).
6. MEAN HIGH WATER = 1.21' (N.G.V.D. 1929)  
MEAN LOW WATER = -0.1' (N.G.V.D. 1929)
7. ELEVATIONS SHOWN HEREON ARE REPRESENTED IN N.G.V.D. 1929 VERTICAL DATUM
8. TO CONVERT ELEVATIONS FROM N.G.V.D. 1929 VERTICAL DATUM TO N.A.V.D. 1988, SUBTRACT -1.0'
9. THE APPROXIMATE MEAN HIGH WATER LINE AS SHOWN ON THIS PLAT IS NOT A TIDAL PROPERTY BOUNDARY, WAS NOT LOCATED IN ACCORDANCE WITH PROCEDURES SPECIFIED IN THE "COASTAL MAPPING ACT OF 1974" (CHAPTER 177, PART II OF THE FLORIDA STATUTES), AND THE "RULES OF THE DEPARTMENT OF NATURAL RESOURCES" (CHAPTER 16-3 OF THE FLORIDA ADMINISTRATIVE CODE) AND IS NOT TO BE USED AS, REPRESENTED TO BE, OR BE ADMISSIBLE AS A TIDAL PROPERTY LINE BEFORE ANY ADMINISTRATIVE BODY OR COURT OF LAW. THE APPROXIMATE MEAN HIGH WATER LINE HAS BEEN USED DUE TO IT BEING INCIDENTAL TO THE PURPOSE TO WHICH THIS PLAT HAS BEEN PREPARED.
10. BEARINGS SHOWN HEREON REFER TO AN ASSUMED MERIDIAN. THE NORTHEASTERLY RIGHT OF WAY LINE OF BAYOU HAMMOCK ROAD, BEING N.54°10'00"W.
11. VEGETATION TYPES INDICATED WERE IDENTIFIED TO THE BEST OF ABILITY OF STRAYER SURVEYING & MAPPING. HOWEVER, A PROFESSIONAL ENVIRONMENTAL ENGINEER SHOULD BE CONSULTED FOR EXACT VEGETATION IDENTIFICATION.
12. SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.
13. SURVEY IS INVALID UNLESS ALL PAGES (1 - 3) ARE PRESENT.

### HYDROGRAPHIC SURVEY OF:

A PORTION OF SARASOTA BAY LYING IN SECTION 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST AND BEING ADJACENT TO THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2456, PAGE 646, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

#### PREPARED FOR:

MICHAEL L. MORRIS & MICHELLE G. MORRIS

#### REVISION:

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYS" SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

#### DATE OF FIELD SURVEY

06/11/2014

FIELD BOOK: 613

PAGE: 70

CHECKED BY: R.B.S.

DRAWN BY: R.S.S.

FILE #: 14-05-98

STRAYER SURVEYING & MAPPING, INC.  
LICENSED SURVEYOR BUSINESS NO. 6639

*Robert B. Strayer, Jr.*  
ROBERT B. STRAYER, JR.  
FLORIDA SURVEYOR & MAPPER REG'N NO. 5027

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

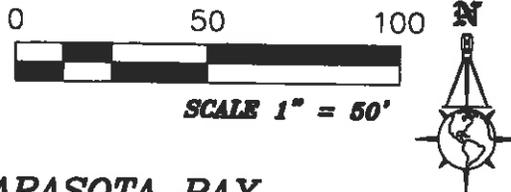


742 Shamrock Boulevard  
Venice, Florida 34293  
(941) 496-9488  
(941) 824-4900  
Fax (941) 497-6186

www.strayersurveying.com

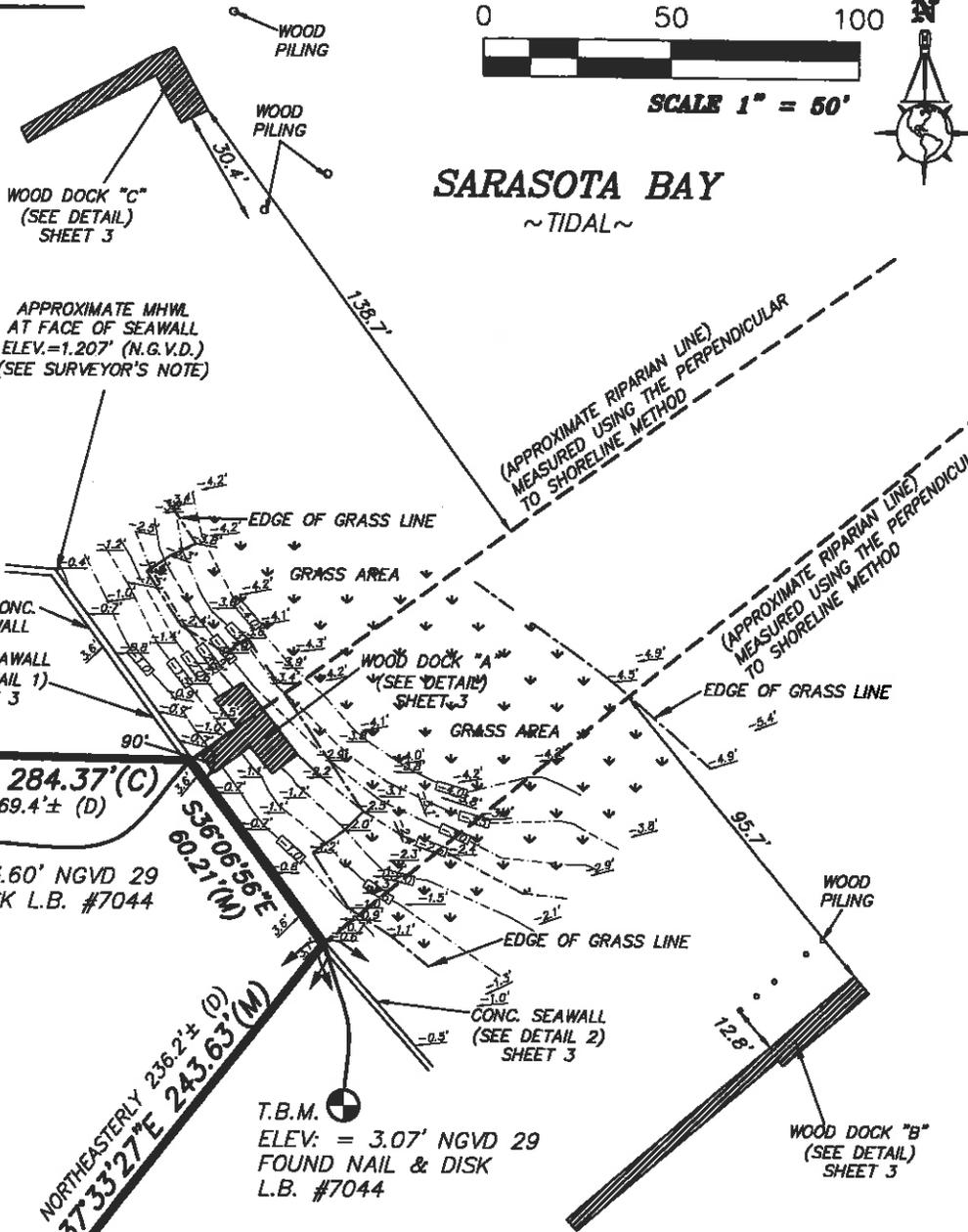
# LEGEND

- ⊗ = NAIL & DISK (I.D. NOTED)
- ⊗ = 5/8" IRON ROD FOUND (I.D. NOTED)
- ⊗ = 1/2" IRON PIPE FOUND (NO I.D.)
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- (D) = DEEDED DIMENSION
- (M) = MEASURED DIMENSION
- (C) = CALCULATED DIMENSION



## SARASOTA BAY

~TIDAL~



### JACKSON WAY

(50' PUBLIC R/W)

NORTH LINE SECTION 22, TOWNSHIP  
35 SOUTH, RANGE 16 EAST

S88°59'24"E 284.37'(C)  
WESTERLY 269.4'± (D)

T.B.M.   
ELEV. = 3.60' NGVD 29  
FOUND DISK L.B. #7044

### SUBJECT PARCEL

~RESIDENCE~

#6550 BAYOU HAMMOCK ROAD  
P.I.D. #783210007

N37°33'27"E 243.63'(M)  
N36°06'56"E 60.21'(M)  
NORTHEASTERLY 236.2'± (D)

T.B.M.   
ELEV. = 3.07' NGVD 29  
FOUND NAIL & DISK  
L.B. #7044

SEAWALL NOTE:  
THERE IS APPROXIMATELY  
60 LINEAR FEET OF  
SEAWALL LOCATED WITH  
IN THE SUBJECT PARCEL

NOW OR FORMERLY LANDS OF  
KOLODZIESKI  
P.I.D. #783250008  
MANATEE COUNTY, FLORIDA

### BAYOU HAMMOCK ROAD

(50' PRIVATE R/W)

FOUND 1/2"  
IRON PIPE

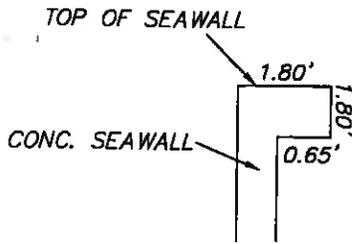


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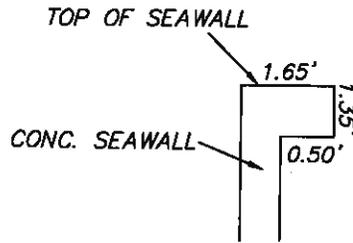
### SHEET 2 OF 3

- SHEET 1 - SURVEYORS NOTES
- SHEET 2 - SURVEY DETAIL
- SHEET 3 - DOCK AND SEAWALL DETAILS



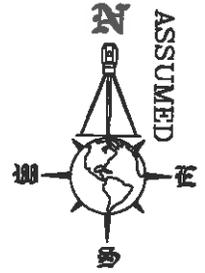
REFER TO SHEET 1  
FOR ELEVATIONS AT BOTTOM  
AND TOP OF SEAWALL

SEAWALL DETAIL 1  
N.T.S.

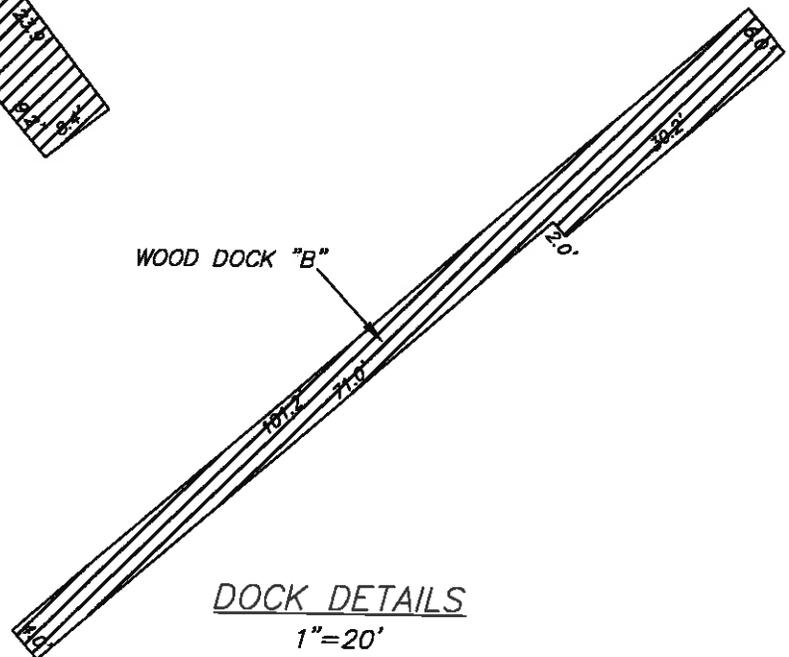
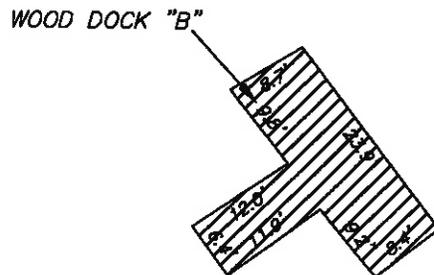
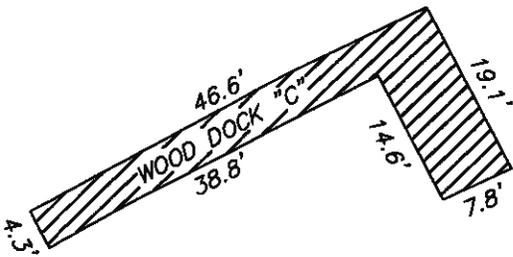


REFER TO SHEET 1  
FOR ELEVATIONS AT BOTTOM  
AND TOP OF SEAWALL

SEAWALL DETAIL 2  
N.T.S.



SCALE 1" = 20'



DOCK DETAILS  
1"=20'

**FDEP/Corps Approval**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTHWEST DISTRICT OFFICE  
13051 NORTH TELECOM PARKWAY  
TEMPLE TERRACE, FLORIDA 33637-0926

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

September 10, 2014

Michael Morris  
C/o: Kristina Tignor  
The Tignor Group  
1055 S Tamiami Trail Ste 110B  
Sarasota, FL 34236-9119  
[KTignor@TheTignorGroup.com](mailto:KTignor@TheTignorGroup.com)

File No.: 41-0328276-001  
Manatee County

Dear Mr. Morris:

On July 30, 2014, we received your request for verification of exemption to perform the following activities:

To remove the existing 284-square-foot dock and construct a new 490-square-foot dock with a boatlift in Sarasota Bay, a Class II Outstanding Florida Waterbody. The project is located at 6600 Bayou Hammock Rd, Longboat Key, Section 22, Township 35 South, Range 16 East, in Manatee County.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

**Your project qualifies for all three.** However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

**1. Regulatory Review – Verified**

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Chapter 62-330.051(5)(a), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

## **2. Proprietary Review - Granted**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity may be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b) and Section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

### **General Conditions for State-Owned Submerged Land Authorizations:**

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

### 3. Federal Review - SPGP Approved

Your proposed activity as outlined on your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project." A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### *Additional Information*

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

#### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

#### Judicial Review

Any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Amanda Tucker via email at [Amanda.C.Tucker@dep.state.fl.us](mailto:Amanda.C.Tucker@dep.state.fl.us) or at by phone at 813-470-5942.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Sincerely,



Mark Langford  
Environmental Consultant  
Permitting and Waste Cleanup Program  
Southwest District

ML/act

Enclosures:  
Project drawings  
Ch. 62-330.051(5)(a), F.A.C.  
Attachment "A" For Discretionary Publication

cc:  
U.S. Army Corps of Engineers, [TampaReg@usace.army.mil](mailto:TampaReg@usace.army.mil)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on 09-10-14, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Clerk: Cynthia Williams

Date: Sept. 10, 2014

**62-330.051 Exempt Activities.**

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under Section 403.813(1)(b), F.S.;

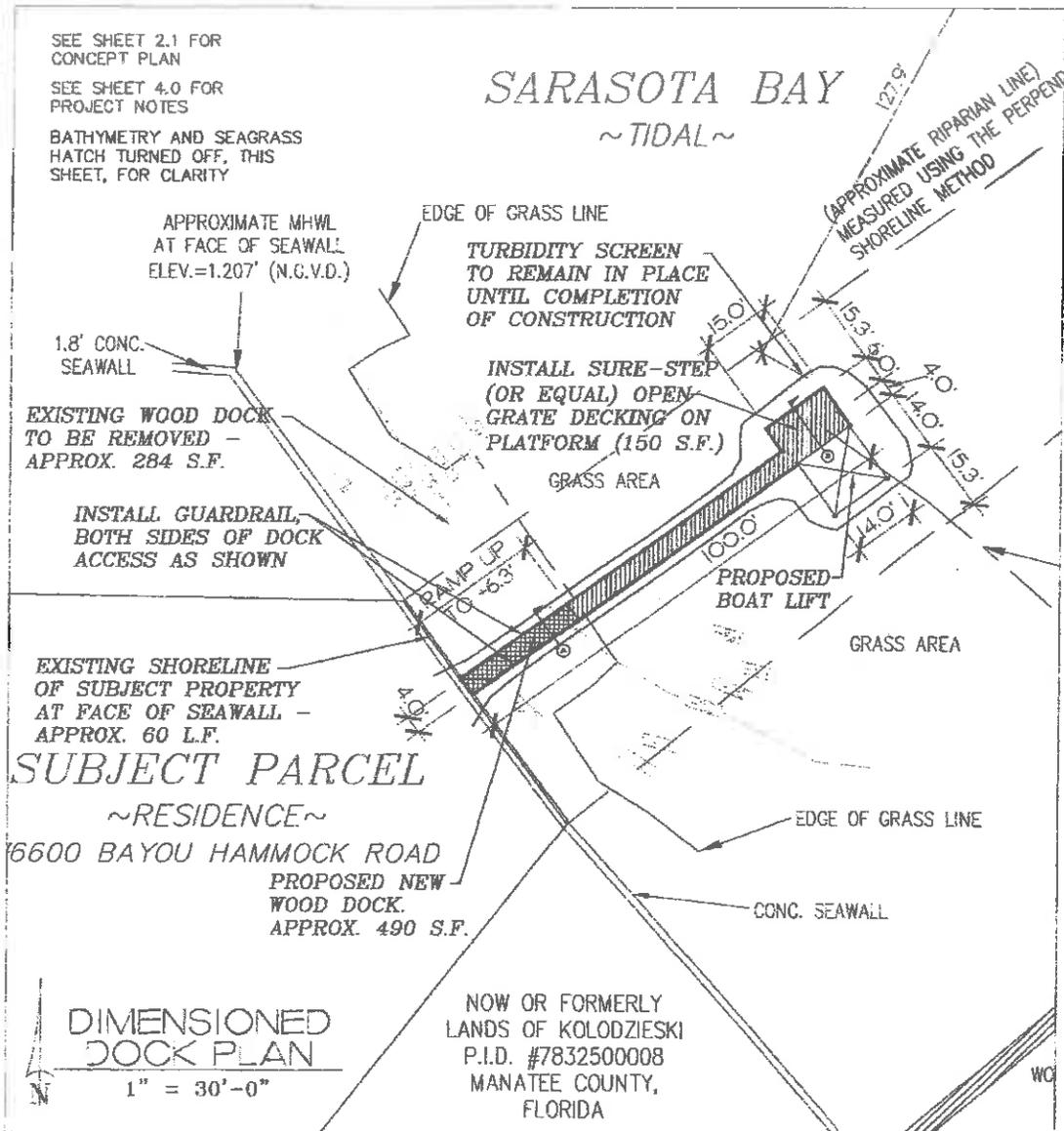
**403.813 Permits issued at district centers; exceptions.—**

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



ARCHITECTURE ◊ ENGINEERING ◊ PLANNING  
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Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-0819

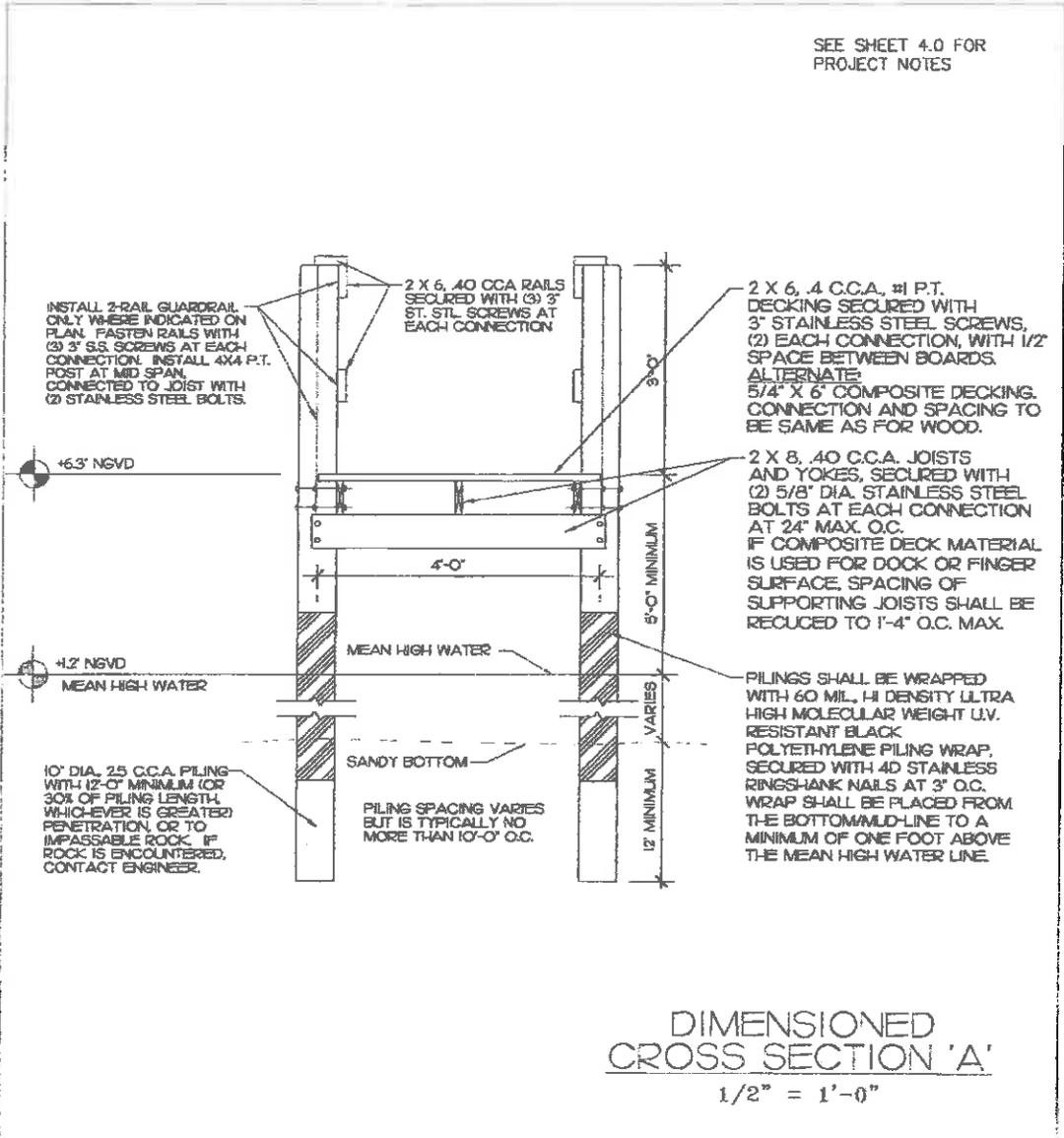
**Applicant:**  
Mr. & Mrs. Michael Morris  
1300 North State Parkway 1201  
Chicago, IL 60610

July 30, 2014  
Revised:  
Aug. 26, 2014

KRISTINA V. TIGNOR, P.E. DATE  
FL. REG. NO. 4238

**2.2**  
SHEET NO.

SEE SHEET 4.0 FOR  
PROJECT NOTES



ARCHITECTURE • ENGINEERING • PLANNING

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July 30, 2014  
Revised:  
Aug. 26, 2014

KRISTINA V. TIGNOR, P.E. DATE  
FL. REG. NO. 41238

**3.1**  
SHEET NO.

ATTACHMENT "A" FOR DISCRETIONARY PUBLICATION OF NOTICE OF DETERMINATION  
OF QUALIFICATION FOR AN EXEMPTION

In the Matter of an Application  
for a Determination of Qualification  
for an Exemption by:

Michael Morris  
c/o Kristina Tignor  
The Tignor Group  
1055 S Tamiami Trail Ste 110B  
Sarasota, FL 34236-9119

File No.: 41-0328276-001; County: Manatee

The Department of Environmental Protection gives notice that it has received a request for authorization to remove the existing 284-square-foot dock and construct a new 490-square-foot dock with a boatlift in Sarasota Bay, a Class II Outstanding Florida Waterbody. The project is located at 6600 Bayou Hammock Rd, Longboat Key, Section 22, Township 35 South, Range 16 East, in Manatee County. The Department has determined that the project qualifies for an exemption established under 62-330.051(5)(a), F.A.C.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), F.A.C., petitions for an administrative hearing must be filed within 21 days of publication of the notice or receipt of written notice, whichever occurs first. Under rule 62-110.106(4) of the F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C.

Under sections 120.569(2) (c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department's Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.