

# Persson & Cohen, P.A.

Attorneys and Counselors At Law

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\* 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. 8-14  
Re: Joseph V. Chillura, Manager, 6526 Bayou Hammock, LLC  
Subject Property: 6526 Bayou Hammock, Longboat Key, FL 34228

Dear Ms. Ray:

I have reviewed the application filed by Joseph V. Chillura, Manager, 6526 Bayou Hammock, LLC 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 located at 6526 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

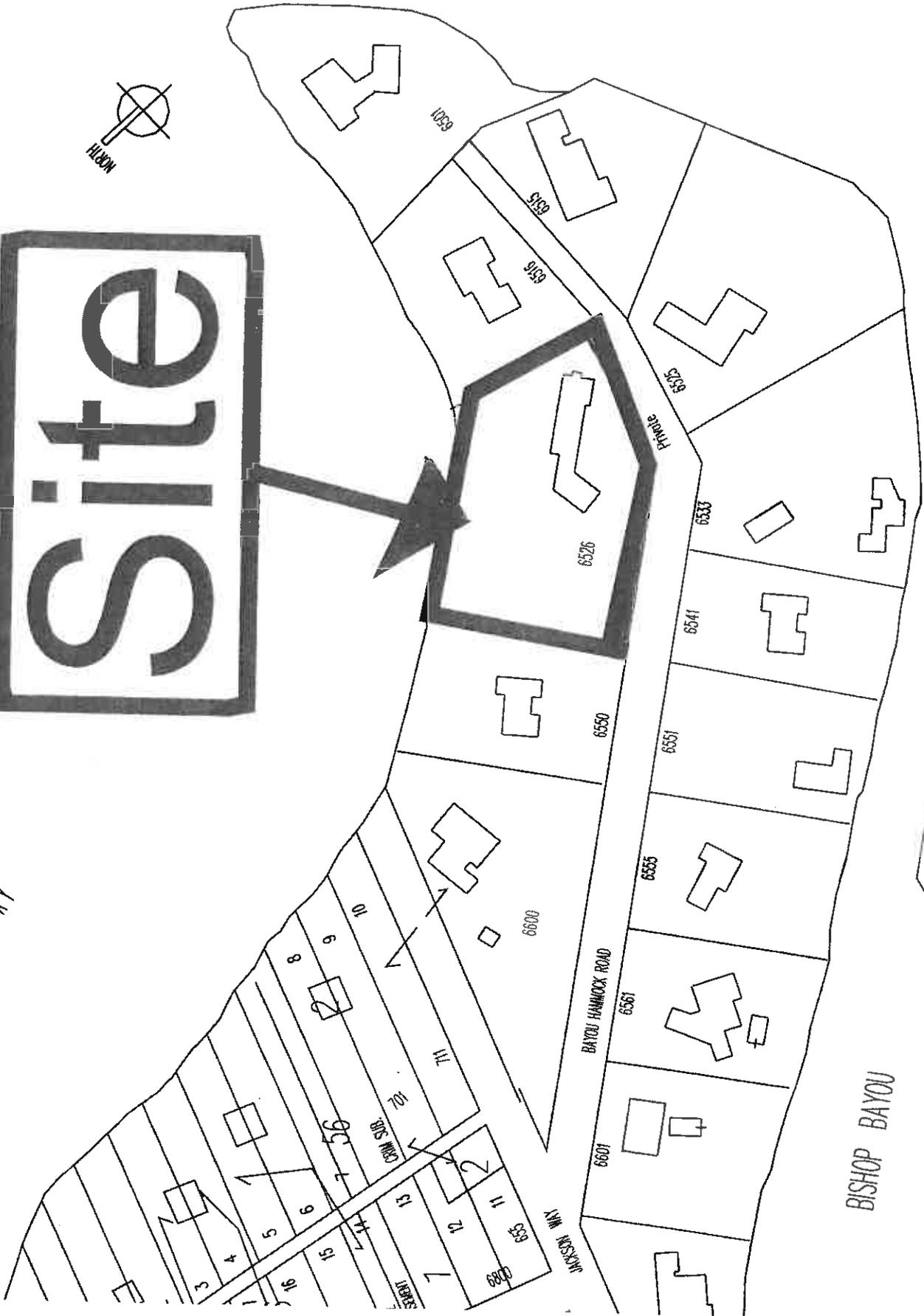
MMP/vlg

cc: Donna Chipman

# Site



SARASOTA BAY



BISHOP BAYOU

## MEMORANDUM

DATE: October 20, 2014

TO: Zoning Board of Adjustment (ZBA)

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

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

SUBJECT: VARIANCE PETITION 08-14

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APPLICANT: Joseph V. Chillura

AGENT: Kristina V. Tignor, P.E.

LOCATION: 6526 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 98 feet from the Mean High Water Line, a variance of 48 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 98 feet, when measured from the MHWL, resulting in a variance request of 48 feet.

Existing dock. The area of the island has several variances for docks. It is a shallow area of the bay with seagrasses.

### **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 two and one half (2.5) feet at the 50-foot projection in the water from the MHWL and a water depth of three and one half (3.5) feet at the proposed 98-foot projection in the water. The survey also shows that seagrass beds are located from 75 to 85 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 6832 Pine Street for a 90-foot dock, 6860 Pine Street for a 90-foot dock, and 6550 Bayou Hammock Drive 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 with a maximum of 25 feet from the edge of the seagrass area. The applicant is requesting a variance of 48 feet, which would place the dock 98 feet from the MHWL, in a location with adequate water depth and outside the seagrass area.
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 8-14 and the variance criteria of Section 158.029(A), staff recommends **APPROVAL** of Variance Petition 8-14, 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 October 6, 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: Joseph V. Chillura, Property Owners  
Kristina V. Tignor, P.E  
Maggie Mooney-Portale, Town Attorney  
Alaina Ray, AICP, Director – Planning, Building & Zoning Department



Planning, Zoning & Building Department (941) 316-1966  
 501 Bay Isles Road  
 Longboat Key, Florida 34228  
 Fax Number: (941) 316-1970  
 Web: http://www.longboatkey.org



**APPLICATION FOR VARIANCE**

Date Filed 10-28-14 Receipt # (\$1000.00 deposit) \_\_\_\_\_ Petition No. 8-14  
 (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) Joseph V. Chillura, Manager of 113 E. Whitney Street  
6526 Bayou Hammock LLC (name) (mailing address)

Tampa, FL 33602 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 is  
98 feet from mean high water line (48 feet further than allowed by  
 (brief description, i.e., to reduce side yard from 20' to 15') Code)

Subject property is located at 6526 Bayou Hammock, 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:

(see attached letter)

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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.

(Signature of Owner)

Joseph V. Chillura

(Please print or type Owner's Name)

Kristina V. Tignor

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.)

Kristina V. Tignor, P.E.

Print or type Agent Name

Mailing address you wish information sent to and telephone number:

WAMERICA Bank

113 E. Whiting St.

Tampa, FL 33602

Phone # (813) 410-4040

Fax # (813) 410-4051

Notarization of <sup>owner's</sup> Agent's Signature:

State of Florida

County of Hillsborough

The foregoing instrument was acknowledged before me this 16 day of September, 2014

by Joseph V. Chillura

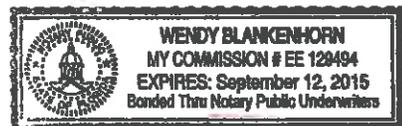
as Manager  
(type of authority)

for Bayou Hammock, LLC  
6520 (name of party acting on behalf of)

Wendy Blankenhorn  
Notary Public

Wendy Blankenhorn  
Name of Notary (print, typed or stamped)

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



**RECEIVED**  
**SEP 22 2014**  
**TOWN OF LONGBOAT KE**  
**Planning, Zoning and Building**

**FOR STAFF USE ONLY**

Application Fee: \$ 1000.00 deposit\* Receipt # P560262  
(Application fee will be deducted from deposit)

Application and Plans Accepted By: BEO Date: 9/23/2014

File Code/Number: pzb.00547

*\*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.

**RECEIVED**  
SEP 22 2014  
TOWN OF LONGBOAT KE  
Planning, Zoning and Res



ARCHITECTURE • ENGINEERING • PLANNING

September 16, 2014

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

RE: 6526 Bayou Hammock LLC, Joseph V. Chillura, Manager  
Request for Variance – Town of Longboat Key – Boat Dock

Dear Mr. Schield:

On behalf of 6526 Bayou Hammock LLC, Joseph V. Chillura, Manager, we are herewith submitting an application for a variance for a replacement dock with boat lift at 6526 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 98 feet from the mean high water line. There is an existing dock at the site that projects 53 feet waterward of the mean high water line, so the requested departure is for an additional 45 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 85 feet to 42 feet from the mean high water line. The depths in the current mooring areas are 1.7 to 3.7 feet deep. The existing dock, and any associated adjacent mooring, is located more than fifteen feet from the adjacent riparian lines, which conforms to Town Code.

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.

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.

**(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 lift and the jet skis 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 utilizes the same shoreline access point as the existing, minimizing impacts to the mangroves along the shoreline. There will be no impedance to navigation with the proposed structure, as it is sited appropriately within the center area of the riparian area and far back from the edge of the navigational channel.

The proposed dock ramps up to an elevation of 5 feet above the mean high water line, which will allow for more sunlight to get to the resources than the current dock allows. Also, the proposed dock is smaller than the existing dock, and will allow for less shading impacts than the current situation.

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 long dock to the south.

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 existing dock is 671 square feet in area. The proposed dock is 497 square feet in area, which is the area allowed under the Town Code. The replacement dock, therefore,

conforms with the current code.

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 black ink that reads "Kristina V. Tignor". The signature is written in a cursive style with a prominent flourish at the end of the name.

Kristina V. Tignor, P.E.

Cc: Mr. Joseph V. Chillura, w/attachments

**After Recording Mail To:**

Avenue 365 Lender Services  
401 Plymouth Rd, Ste. 550  
Plymouth Meeting, PA 19462

**This Instrument was Prepared By:**

Todd Faber, Esq.  
9041 South Pecos Road, Suite 3900  
Henderson, Nevada 89074  
PH: 702-736-6400

**SPECIAL WARRANTY DEED**

TITLE OF DOCUMENT

This warranty deed, made the 6<sup>th</sup> day of MAY, 2014, by The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2, whose mailing address is C/O New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing, 55 Beattie Place Suite 110, Greenville, South Carolina 29601, hereinafter called the Grantor, to 6526 Bayou Hammock, LLC, a Florida Limited Liability Company, whose mailing address is 113 E. Whiting Street, Tampa, FL 33602, hereinafter called the Grantee.

The Grantor, for and in consideration of the sum of TWO MILLION TWO HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$2,225,000.00) and other good and valuable considerations to Grantor paid by Grantee, the receipt of which is hereby acknowledged, hereby grants, bargains, sells, and conveys unto the Grantee all that certain land, situate in Manatee County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Assessor's Parcel Number: 7833000008

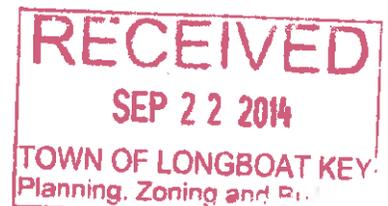
MORE commonly known as: 6526 Bayou Hammock Road, Longboat Key, Florida 34228

Subject to any Restrictions, Conditions, Covenants, Rights, Rights of Way, and easements now of record, if any.

And the Grantor does hereby specially warrant the title to said land, and will defend the same against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever; so that neither Grantor nor Grantor's heirs, administrators, executors, successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

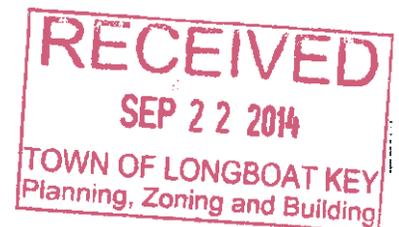
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.



o "Grantor covenants that it is seized and possessed of the said land and has a right to convey it, and warrants the title against the lawful claims of all persons claiming by, through, and under it, but not further otherwise."

o "The Following reservations from and exceptions to this conveyance and the warranty of title made herein shall apply:

- i. All easements, rights-of-way and prescriptive rights whether of record or not, pertaining to any portion(s) of the herein described property (hereinafter, the "Property")
- ii. All valid oil, gas and mineral rights, interest or leases, royalty reservations, mineral interest and transfers of interest of any character, in the oil, gas or minerals of record in any county in which any portion of the Property is located
- iii. All restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances and other items of record in any county in which any portion of the Property is located, pertaining to any portion(s) of the Property, but only to the extent that same are still in effect
- iv. All presently recorded instruments (other than liens and conveyances by, through or under the Grantor) that affect the Property and any portions(s) thereof
- v. Ad valorem taxes, fees and assessments, if any, for the current year and all prior and subsequent years, the payment of which Grantee assumes (at the time of transfer of title), and all subsequent assessments for this and all prior years due to change(s) in land usage (including, but not limited to, the absence of improvements, if any, on the Property), ownership, or both, the payment of which Grantee assumes
- vi. Any conditions that would be revealed by a physical inspection and survey of the Property."



In witness whereof, the said Grantor has signed and sealed these presents the day and year first above written.

When the context requires, singular nouns and pronouns include the plural.

The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2 by New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing, attorney in fact:

BY: [Signature]  
Signature  
Michael Keaton, Exec Vice President  
Printed Name & Title

Signed, sealed and delivered in the presence of:

(CORPORATE SEAL)

Witness Signature: [Signature]  
Witness Name (Print): Wendy M Armonait's

Witness Signature: [Signature]  
Witness Name (Print): John - Conner

STATE OF SC )  
COUNTY OF Greenville ) SS

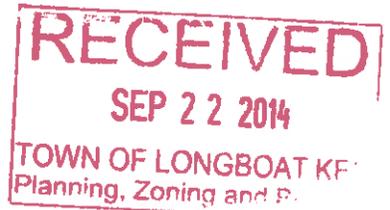
The foregoing instrument was acknowledged before me this 6 day of MAY, 20 14, by Michael Keaton (name of officer or agent) as EXEC VP (title of officer or agent) of New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing, attorney in fact for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2 (name of corporation acknowledging), a Delaware (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced DL (type of identification) as identification.

NOTARY STAMP/SEAL



MARY PORTO  
Notary Public, State of South Carolina  
My Commission Expires 2/1/2024

Mary Porto  
NOTARY PUBLIC  
MARY PORTO  
PRINTED NAME OF NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_



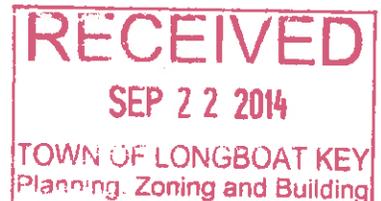
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

TRACT ONE:

BEGIN AT ORIGINAL GOVERNMENT M.C. CORNER FOR SECTIONS 15 AND 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST, IN MANATEE COUNTY, FLORIDA, THENCE EASTERLY ALONG THE NORTH LINE OF THE SAID SECTION 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST 1330.5 FEET TO A POINT; THENCE 37°00' RIGHT OF SAID LINE OF SECTION 22, 450 FEET SOUTHEASTERLY TO POINT "A"; THENCE CONTINUING ON THE SAME LINE 40 FEET TO A POINT; THENCE 02°45' RIGHT OF THE PROJECTED LINE 110 FEET TO POINT "B"; THENCE CONTINUING ALONG THE SAME LINE 224 FEET TO A POINT; THENCE 39° 30' LEFT 39.1 FEET TO AN IRON PIPE FOR POINT OF BEGINNING; THENCE ALONG THE SAME LINE 140.9 FEET NORTHEASTERLY TO AN IRON PIPE, THENCE 90°00' LEFT 25 FEET NORTHERLY TO AN IRON PIPE, (SAID PIPE BEING SET AT THE SE CORNER OF THE PROPERTY HERETOFORE CONVEYED TO BESSIE C. COLVIN AS RECORDED IN DEED BOOK 257, PAGE 289, MANATEE COUNTY, FLORIDA, RECORDS), THENCE 90° 00' LEFT, RUN 171.2 FEET SOUTHWESTERLY TO A POINT, (SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE PROPERTY HERETOFORE CONVEYED TO BESSIE C. COLVIN, RECORDED IN DEED BOOK 257, PAGE 289, MANATEE COUNTY, FLORIDA RECORDS), THENCE 140°30' LEFT, RUN 39.1 FEET TO POINT OF BEGINNING; THE ABOVE DESCRIBED PROPERTY LYING IN A PORTION OF FRACTIONAL SECTIONS 22 AND 23, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

TRACT TWO:

BEGIN AT ORIGINAL GOVERNMENT M.C. CORNER FOR SECTIONS 15 AND 22, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SEC. 22, TWP. 35 S., RANGE 16 E., 1330.5 FEET TO A POINT; THENCE 37° 00' RIGHT OF SAID LINE OF SECTION 22, 450 FEET SOUTHEASTERLY TO POINT "A"; THENCE CONTINUING ON THE SAME LINE 40 FEET TO A POINT; THENCE 02° 45' RIGHT OF THE PROJECTED LINE 110 FEET TO POINT "B"; THENCE CONTINUING ALONG THE SAME LINE 224 FEET TO A POINT; THENCE 39° 30' LEFT OF SAME LINE 180 FEET NORTHEASTERLY TO A POINT; THENCE 90° 00' LEFT 25 FEET NORTHERLY TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE SAME LINE NORTHERLY 165 FEET MORE OR LESS, TO SHORES OF SARASOTA BAY; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE SHORELINE OF SARASOTA BAY, 240 FEET, MORE OR LESS, TO A POINT WHICH IS 250 FEET, MORE OR LESS, NORTHEASTERLY AT 90° 00' FROM THE ABOVE MENTIONED POINT "B"; THENCE IN A SOUTHWESTERLY DIRECTION AND ON A LINE 90° 00' NORTHEASTERLY FROM THE ABOVE MENTIONED POINT "B", 225 FEET, MORE OR LESS, TO A POINT, SAID POINT IS 25 FEET NORTHEASTERLY FROM POINT "B"; THENCE 90° 00' 215 FEET, MORE OR LESS. SOUTHEASTERLY TO A POINT; THENCE 39° 30' LEFT 170 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; THE ABOVE DESCRIBED PROPERTY LYING IN A PORTION OF FRACTIONAL SECTIONS 22 AND 23, TOWNSHIP 35 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.



Dear Manatee County Clerk of the Circuit Court

RE: SPECIAL WARRANTY DEED

FROM: The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2

TO: 6526 Bayou Hammock, LLC, a Florida Limited Liability Company

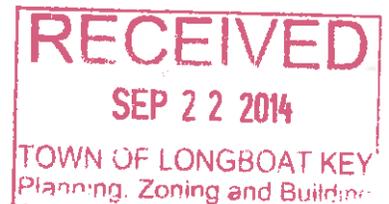
ASSESSOR'S PARCEL NUMBER: 7833000008

PROPERTY TYPE:

RESIDENTIAL	COMMERCIAL	INDUSTRIAL	AGRICULTURAL	INSTITUTIONAL/ MISCELLANEOUS	GOVERNMENT	VACANT	ACREAGE	TIME- SHARE
XXXX								

CONSIDERATION: TWO MILLION TWO HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$2,225,000.00)

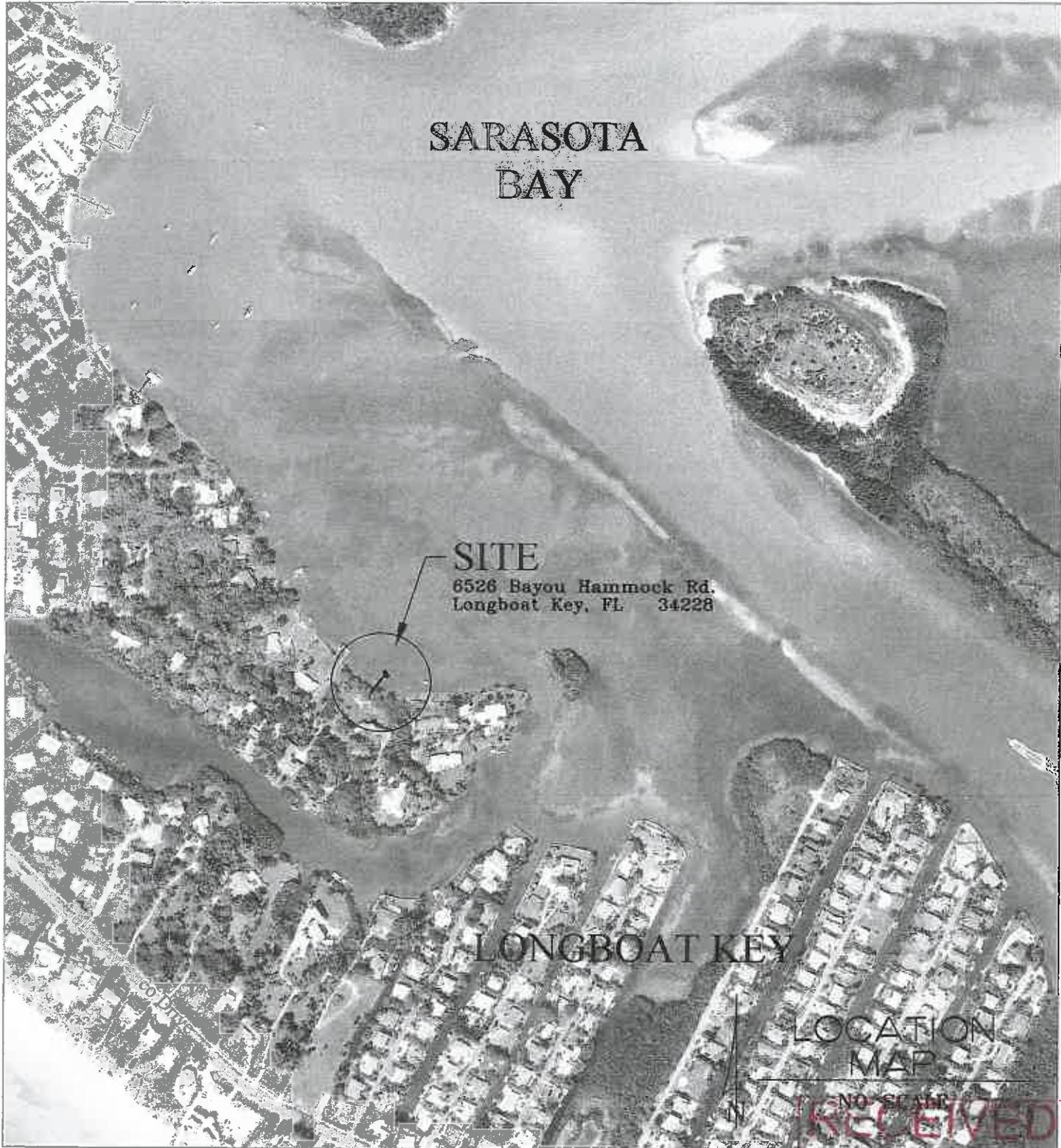
DOCUMENTARY STAMP TAX: \$15,575.00



Departure Request:

The requested departure is for an overall waterward projection of 98 feet from the mean high water line. The existing overall waterward projection of the dock currently on site is 53 feet waterward of the mean high water line, so the requested departure is for an additional 45 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.



SARASOTA  
BAY

**SITE**  
6526 Bayou Hammock Rd.  
Longboat Key, FL 34228

LONGBOAT KEY

LOCATION  
MAP

NO SCALE

RECEIVED  
SEP 22 2014  
Sept. 1, 2014  
TOWN OF LONGBOAT KEY  
Revised  
Planning, Zoning and Building

**Applicant:**  
6526 Bayou Hammock LLC  
113 E. Whitney St.  
Tampa, FL 33602

*Kristina V. Tignor*

9/18/14

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

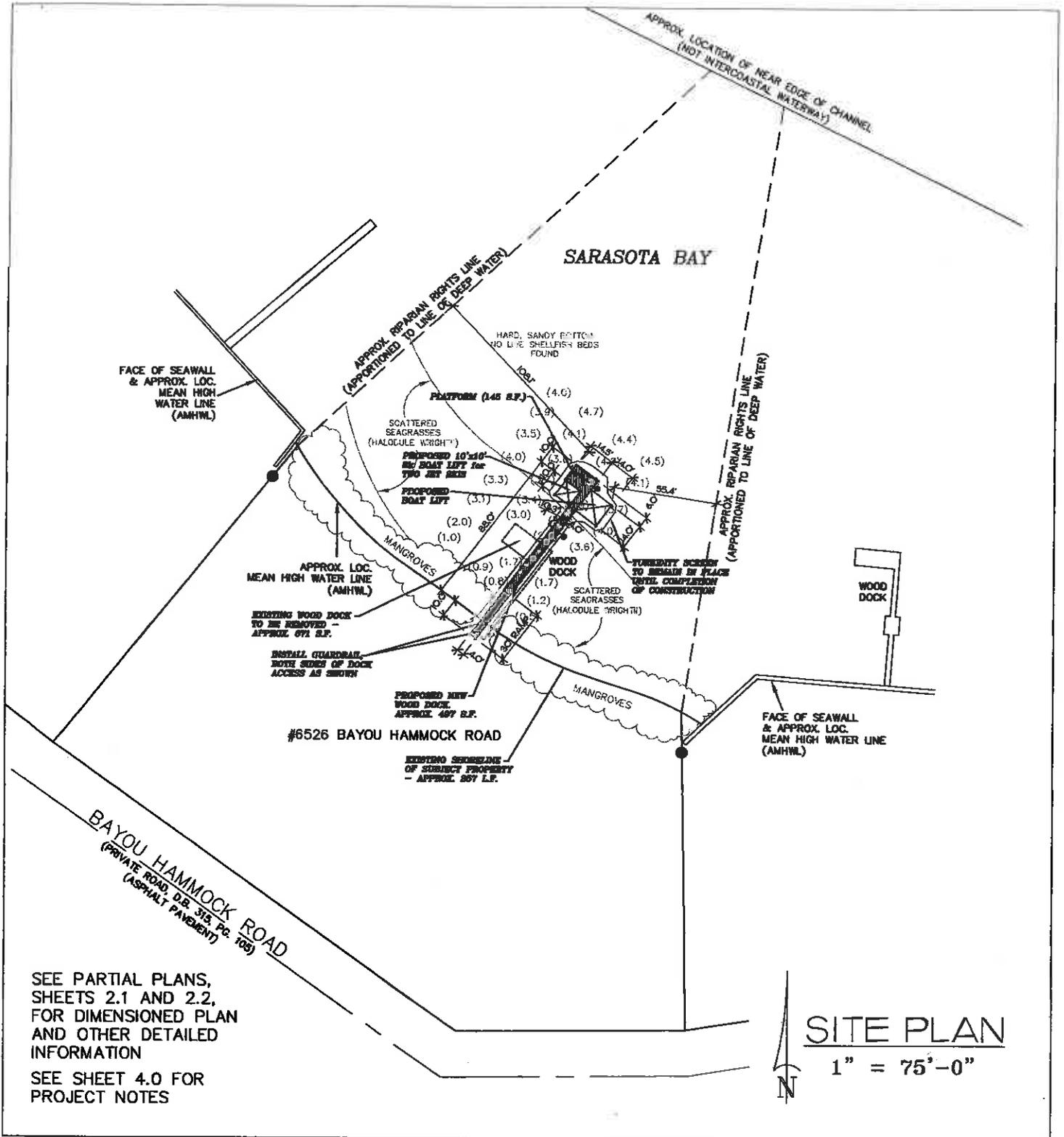
DATE

1.0  
SHEET NO.



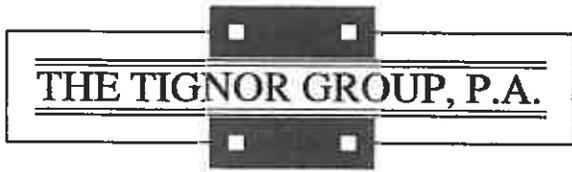
THE TIGNOR GROUP, P.A.

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



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"



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1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
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Tampa, FL 33602

Sept. 1, 2014  
Revised:  
Sept. 3, 2014  
Oct. 23, 2014

*Kristina V. Tignor*

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

10/27/14

DATE

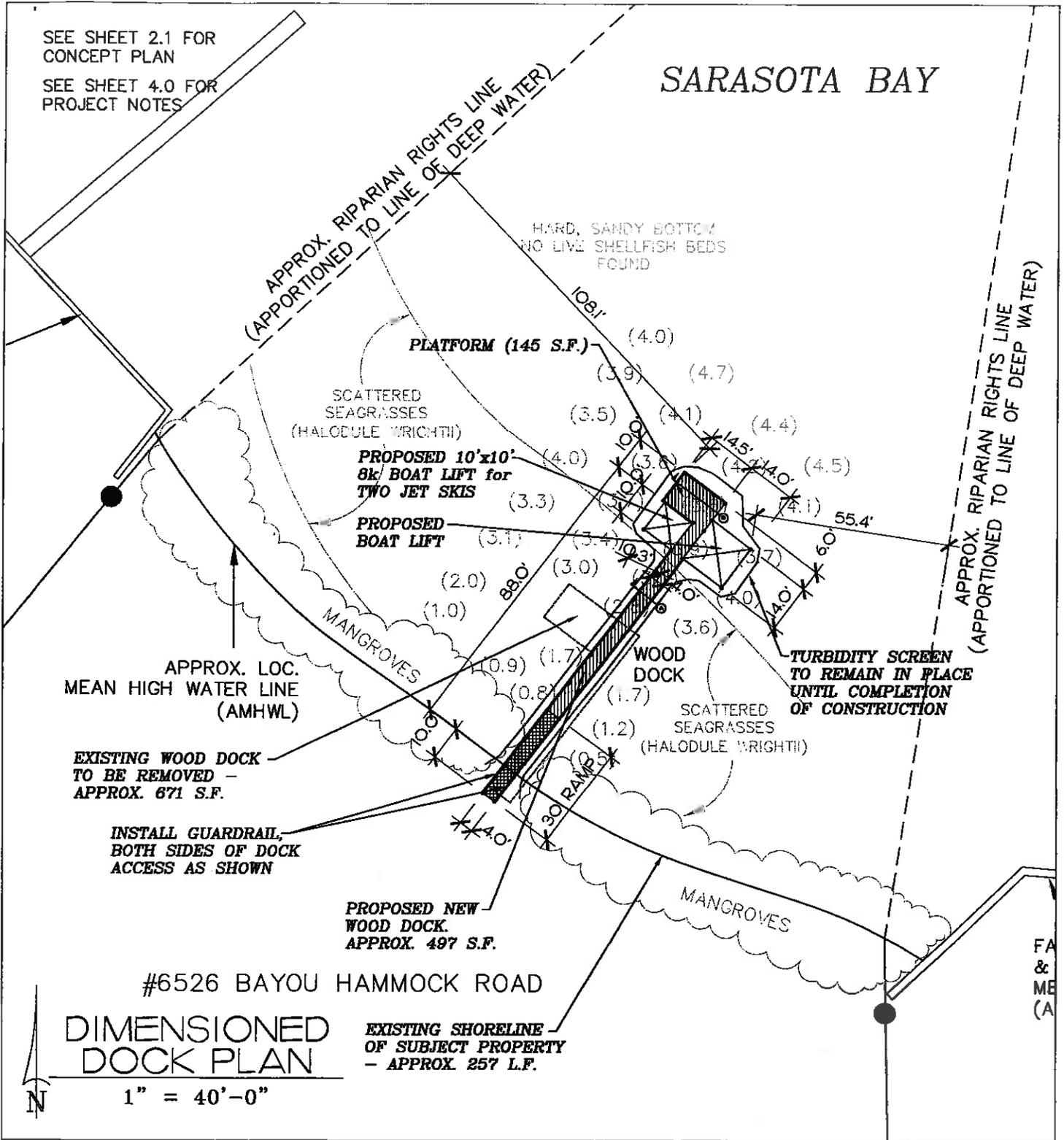
**2.0**

SHEET NO.



SEE SHEET 2.1 FOR  
CONCEPT PLAN  
SEE SHEET 4.0 FOR  
PROJECT NOTES

# SARASOTA BAY



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

**Applicant:**

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Sept. 1, 2014  
Revised:  
Sept. 3, 2014  
Oct. 23, 2014

*Kristina V. Tignor* 10/27/14

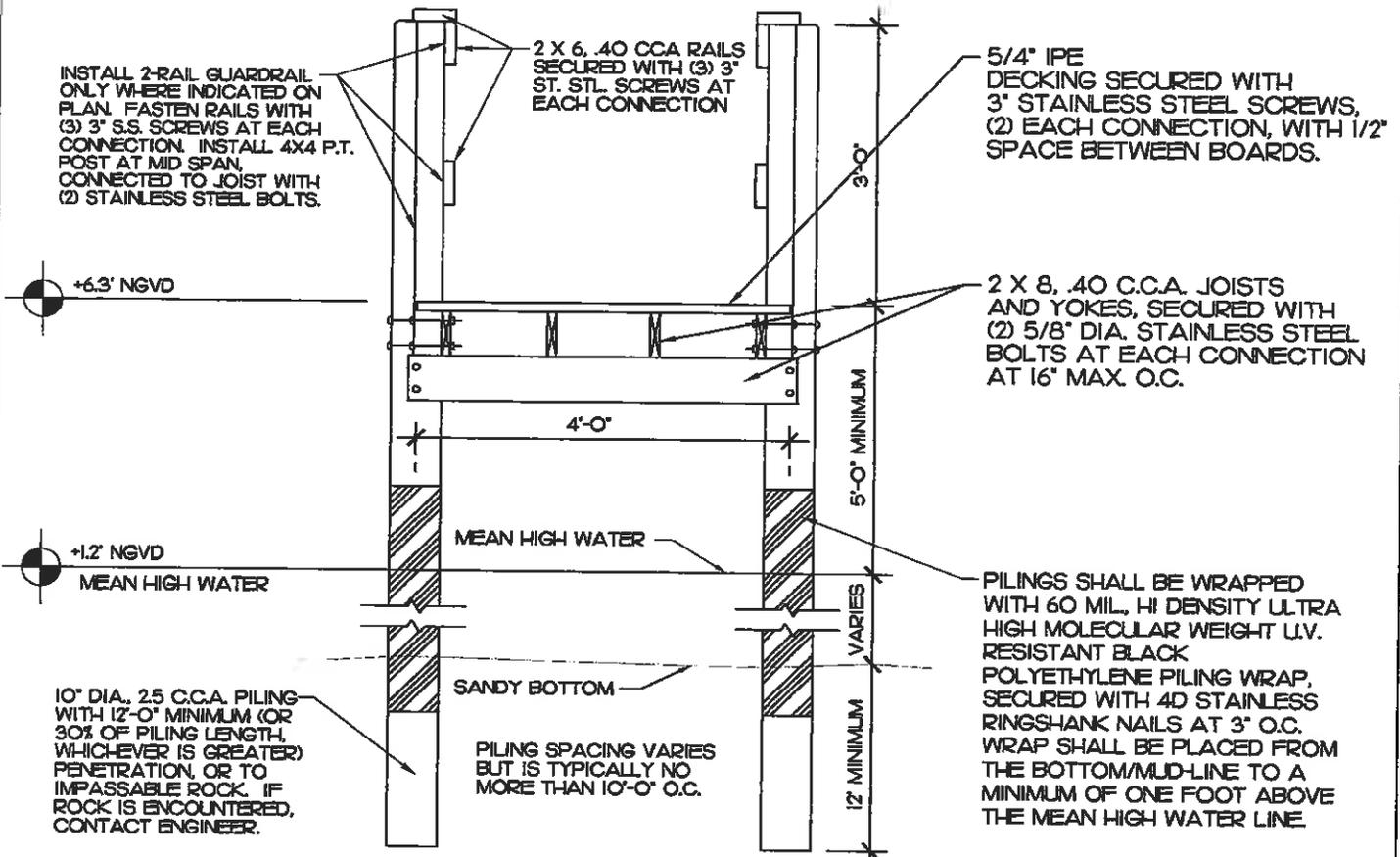
KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

DATE

**2.2**

SHEET NO.

SEE SHEET 4.0 FOR  
PROJECT NOTES



DIMENSIONED CROSS SECTION 'A'

1/2" = 1'-0"

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SEP 22 2014  
TOWN OF LONGBOAT KEY  
Planning, Zoning and Building



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

Applicant:

6526 Bayou Hammock LLC  
113 E. Whitney St.  
Tampa, FL 33602

Sept. 1, 2014

Revised:

*Kristina V. Tignor*

9/18/14

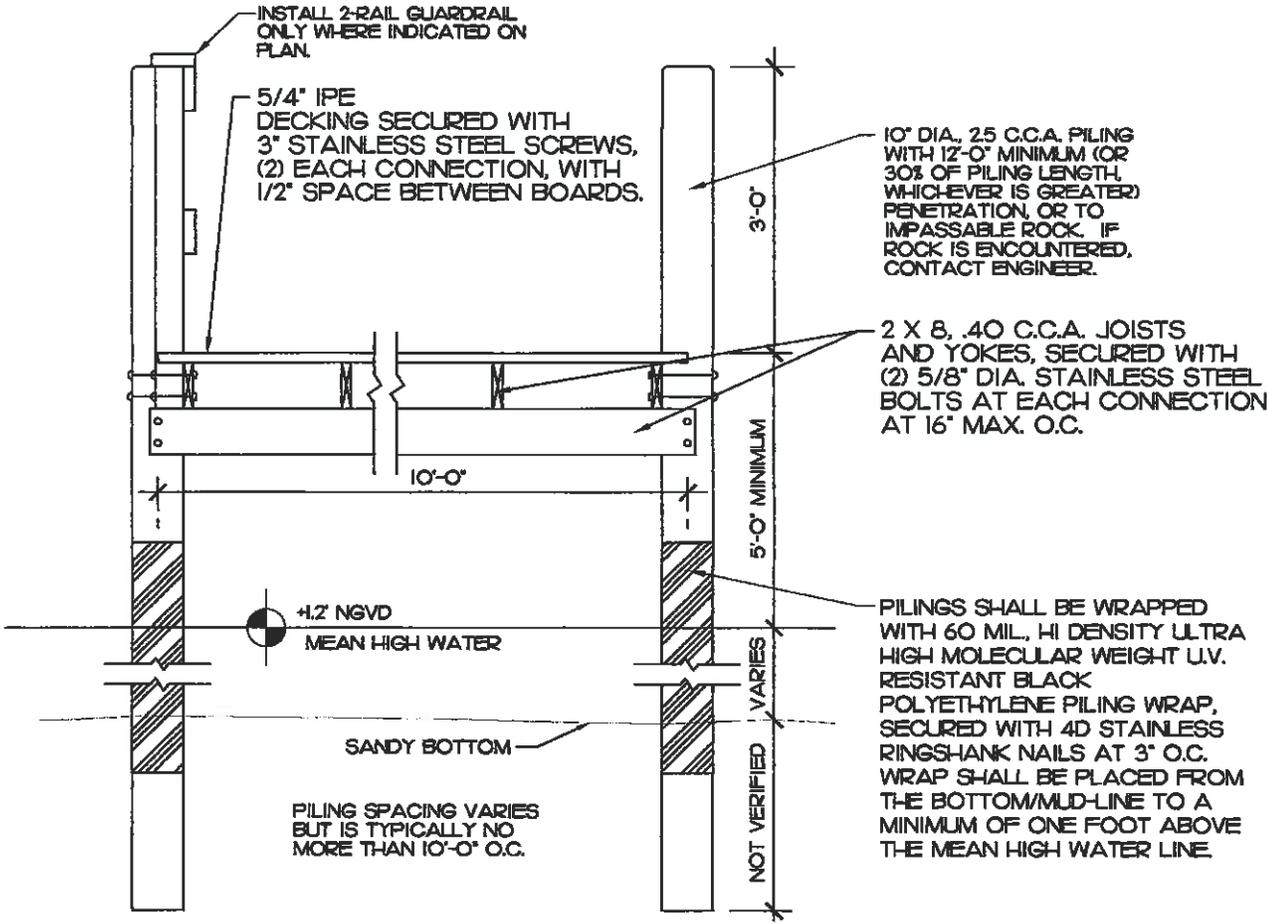
KRISTINA V. TIGNOR, P.E.  
FL. REG. NO. 41238

DATE

3.1

SHEET NO.

SEE SHEET 4.0 FOR PROJECT NOTES



DIMENSIONED CROSS SECTION 'B'

1/2" = 1'-0"

**RECEIVED**  
**SEP 22 2014**  
**TOWN OF LONGBOAT KEY**  
 Planning, Zoning and Building

**Applicant:**  
 6526 Bayou Hammock LLC  
 113 E. Whitney St.  
 Tampa, FL 33602

Sept. 1, 2014  
 Revised:

*Kristina V. Tignor*

9/18/14

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

DATE

3.2

SHEET NO.



**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

NOTES:

1. DATUM = NGVD  
MHW = +1.219'± NGVD  
MLW = +0.1'± NGVD
2. SURVEY INFORMATION PROVIDED BY JIM AMBERGER  
LAND SURVEYING, LLC, DATED 8/18/14
3. DOCK AREA:  
EXISTING TO BE REMOVED – 671 S.F.  
PROPOSED NEW – 497 S.F.
4. WATER DEPTHS ARE NGVD

**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

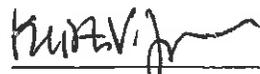
**Applicant:**

6526 Bayou Hammock LLC  
113 E. Whitney St.  
Tampa, FL 33602

Sept. 1, 2014

Revised:

Oct. 23, 2014



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

10/27/14

DATE

4.0

SHEET NO.

Special Purpose Survey (dated 8/18/14)

**RECEIVED**  
SEP 22 2014  
TOWN OF LONGBOAT KEY  
Planning, Zoning and Building





0 60'  
Scale: 1"=60'

APPROX. LOCATION OF NEAR EDGE OF CHANNEL  
(NOT INTERCOASTAL WATERWAY)

APPROX. RIPARIAN RIGHTS LINE  
(APPORTIONED TO LINE OF DEEP WATER)

APPROX. RIPARIAN RIGHTS LINE  
(APPORTIONED TO LINE OF DEEP WATER)

### SARASOTA BAY

HARD, SANDY BOTTOM  
NO LIVE SHELLFISH BEDS FOUND

FACE OF SEAWALL & APPROX. LOC. MEAN HIGH WATER LINE (AMHWL)

5/8" I.R. W/CAP PLS#4780

APPROX. LOC. MEAN HIGH WATER LINE (AMHWL)

FACE OF SEAWALL & APPROX. LOC. MEAN HIGH WATER LINE (AMHWL)

5/8" I.R. W/CAP LB#7044

#6526 BAYOU HAMMOCK ROAD

5/8" I.R. (NO #)

BAYOU HAMMOCK ROAD  
(PRIVATE ROAD, D.B. 315, PG. 105)  
(ASPHALT PAVEMENT)

SCATTERED SEAGRASSES (HALODULE WRIGHTII)

SCATTERED SEAGRASSES (HALODULE WRIGHTII)

MANGROVES

MANGROVES

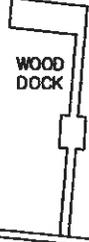
WOOD DOCK

102'

60'±

75'±

73'



#### LEGEND:

- L.F. LINEAL FEET
- (1.1) SPOT ELEVATION SHOWN AS WATER DEPTH RELATIVE TO MLW
-  BENCHMARK, ELEVATION SHOWN IN NGVD 1929 DATUM

**RECEIVED**  
SEP 22 2014  
TOWN OF LONGBOAT KEY  
Planning, Zoning and Building

© 2014 Jim Amberger Land Surveying, LLC

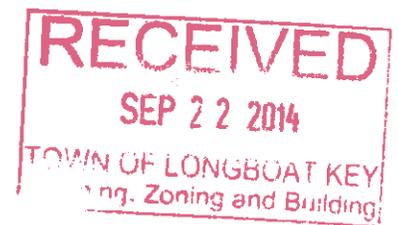
**MAP OF SURVEY**  
NOT VALID WITHOUT REPORT OF SURVEY  
**HYDROGRAPHIC SURVEY**  
OF SUBMERGED LANDS ADJACENT TO  
**6526 BAYOU HAMMOCK ROAD,**  
TOWN OF LONGBOAT KEY,  
MANATEE COUNTY, FLORIDA

**JIM AMBERGER**  
LAND SURVEYING, LLC  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 Fax (941) 955-6322  
Surveying & Mapping Business Authorization #LB7649

**SHEET 2 OF 2**  
REV. 8/18/2014

DATE: 7/15/14  
JOB # 2014205  
DWG# B-14205  
DRAWN BY: JBA

FDEP/Army 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 16, 2014

6526 Bayou Hammock, LLC  
c/o Kristina Tignor  
The Tignor Group  
1055 South Tamiami Trail, Suite 110B  
Sarasota, Florida 34236-9119  
[KTignor@TheTignorGroup.com](mailto:KTignor@TheTignorGroup.com)

File No.: 41-0329128-001  
Manatee County

Dear Ms. Tignor:

On September 4, 2014, we received your request for verification of exemption to perform the following activities:

Replace an existing docking structure with a 500-square-foot dock and install two associated boat lifts, within Sarasota Bay, a Class III Outstanding Florida Waterbody. The project is located at 6526 Bayou Hammock Road, Longboat Key, Section 22, Township 35 South, Range 16 East, 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)(b), 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 appears to 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.

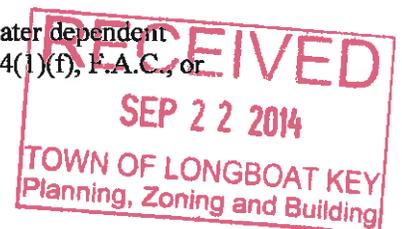
(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(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.

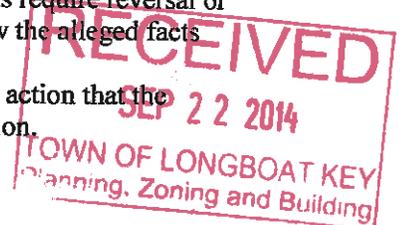
#### **NOTICE OF RIGHTS**

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.

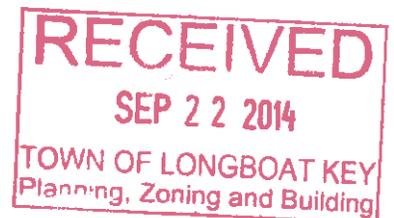
FLAWAC Review

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.

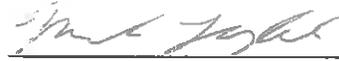
Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Anthony Pidala via email at [anthony.pidala@dep.state.fl.us](mailto:anthony.pidala@dep.state.fl.us) or at by phone at 813-470-5777.



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/ap

Enclosures:  
Project drawings  
Ch. 62-330.051(5), F.A.C.  
Section 403.813(1)(b), F.S.  
General Conditions for Federal Authorization for SPGP IV-R1  
Standard Manatee Construction Conditions for In-water Work  
Sea Turtle and Smalltooth Sawfish Construction Conditions  
Attachment "A" For Discretionary Publication

cc:  
Joseph Chillura, [JChillura@usameribank.com](mailto:JChillura@usameribank.com)

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 September 16, 2014, to the above listed persons.

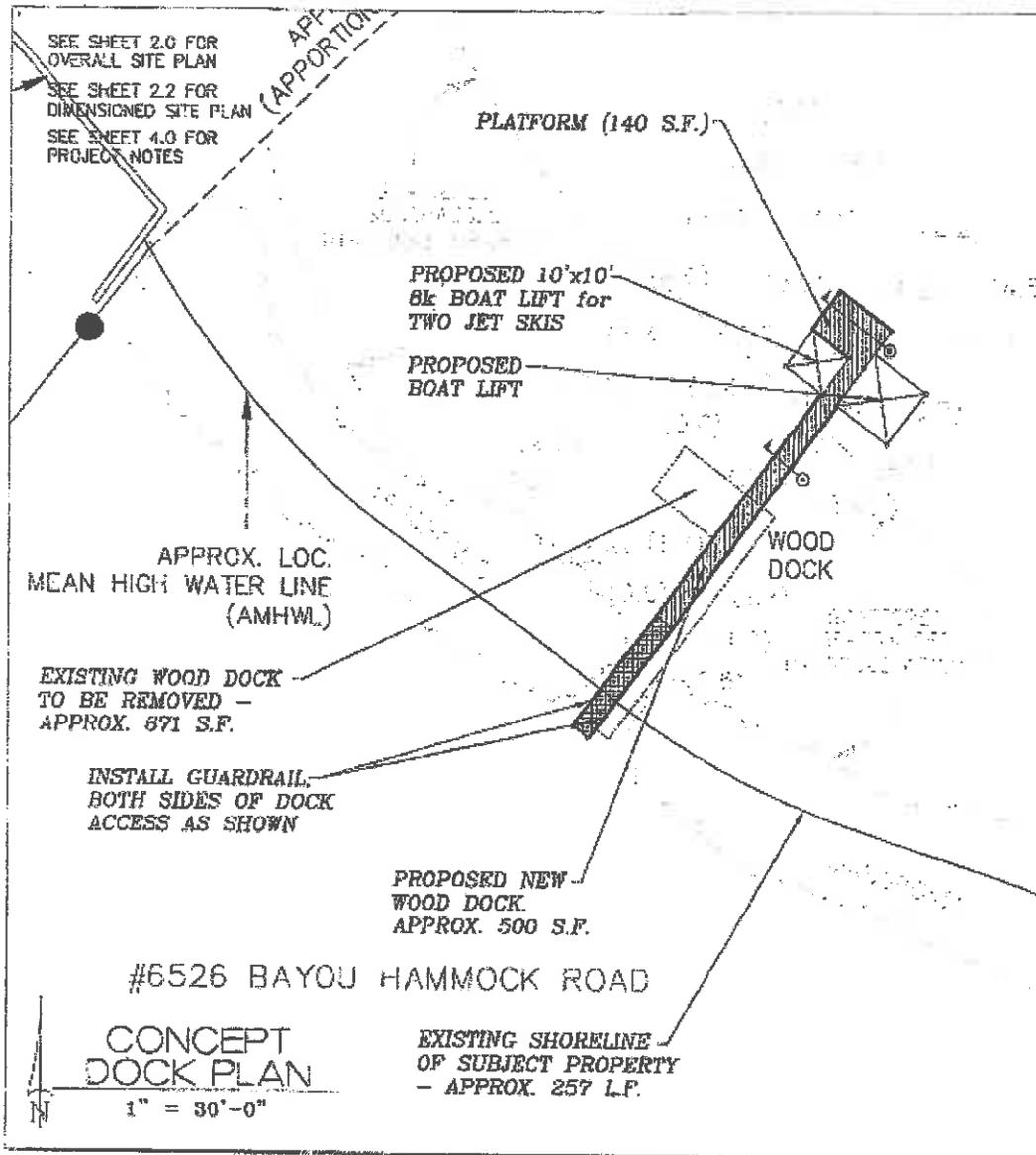
FILING AND ACKNOWLEDGMENT

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

Clerk Cynthia Gracison Date September 16, 2014





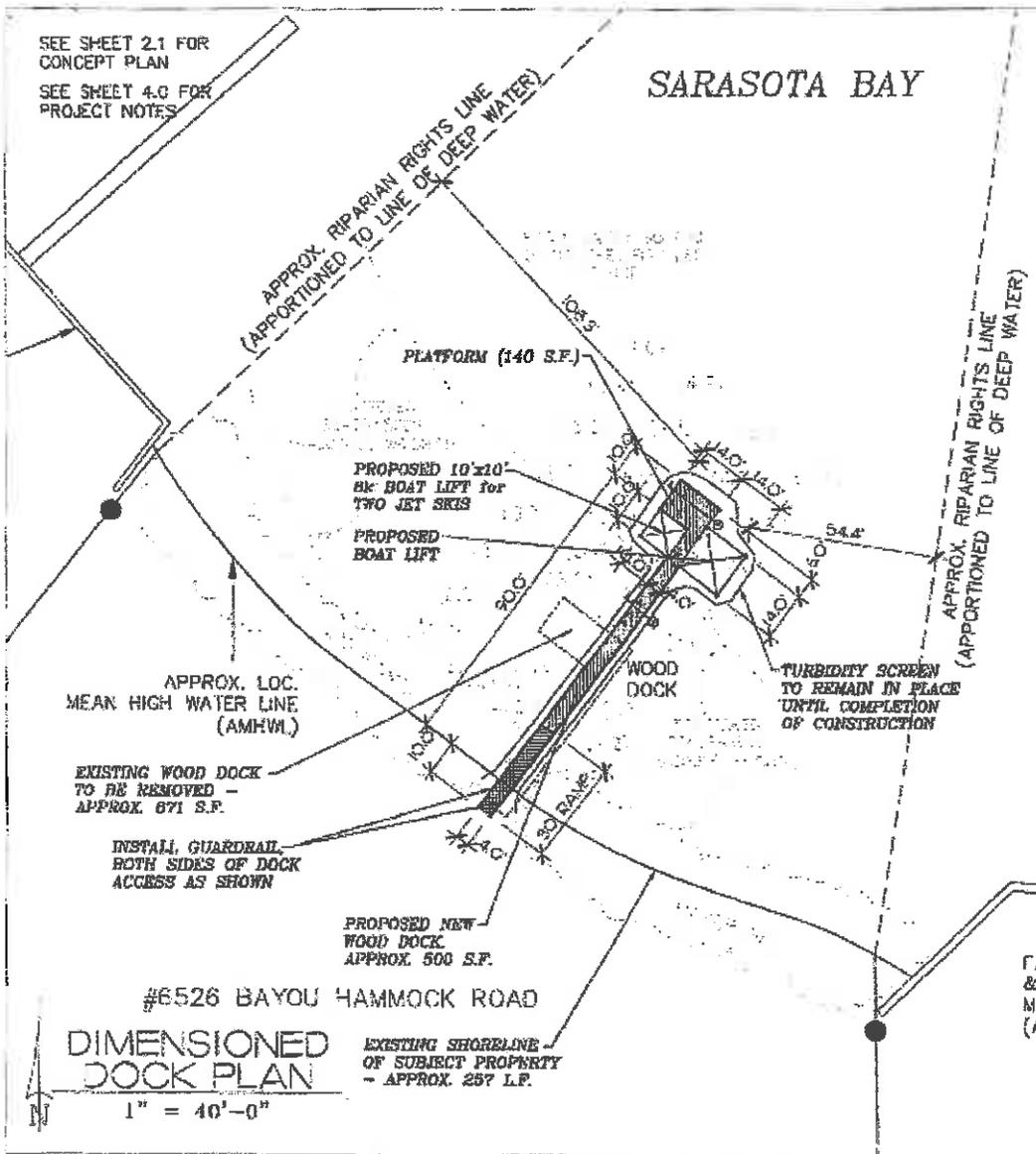


**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING  
 1855 South Tropicana Trail, Suite 110-B  
 Sarasota, Florida 34236  
 (941) 365-6476 Fax: (941) 365-0819

<b>Applicant:</b> 8526 Bayou Hammock LLC 113 E. Whitney St. Tampa, FL 33602	Sept. 1, 2014 Revised: Sept. 3, 2014
 KRISTINA V. TIGNOR, P.E. FL. REG. NO. 41238	9/3/14 DATE
	2.1 SHEET NO.





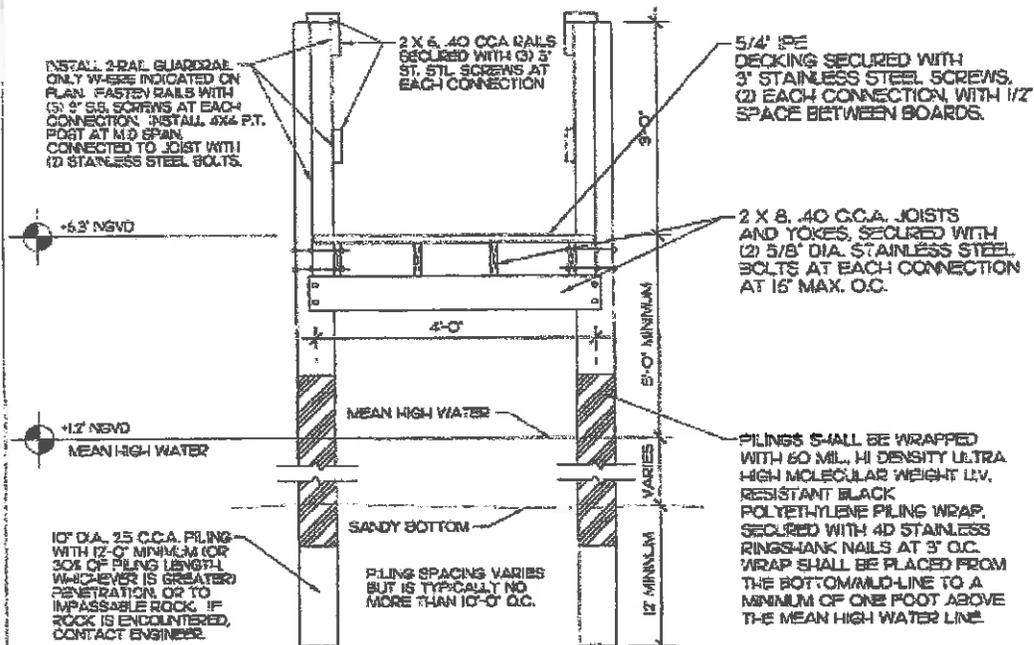
**THE TIGNOR GROUP, P.A.**

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

<b>Applicant:</b>	Sept. 1, 2014
6526 Bayou Hammock LLC	Revised:
113 E. Whitney St.	Sept. 3, 2014
Tampa, FL 33602	
<i>Kristina V. Tignor</i>	9/3/14
KRISTINA V. TIGNOR, P.E.	DATE
FL. REG. NO. 4238	2.2
	SHEET NO.

**RECEIVED**  
SEP 22 2014  
TOWN OF LONGBOAT KEY  
Planning, Zoning and Building

SEE SHEET 4.0 FOR  
PROJECT NOTES



DIMENSIONED  
CROSS SECTION 'A'  
1/2" = 1'-0"



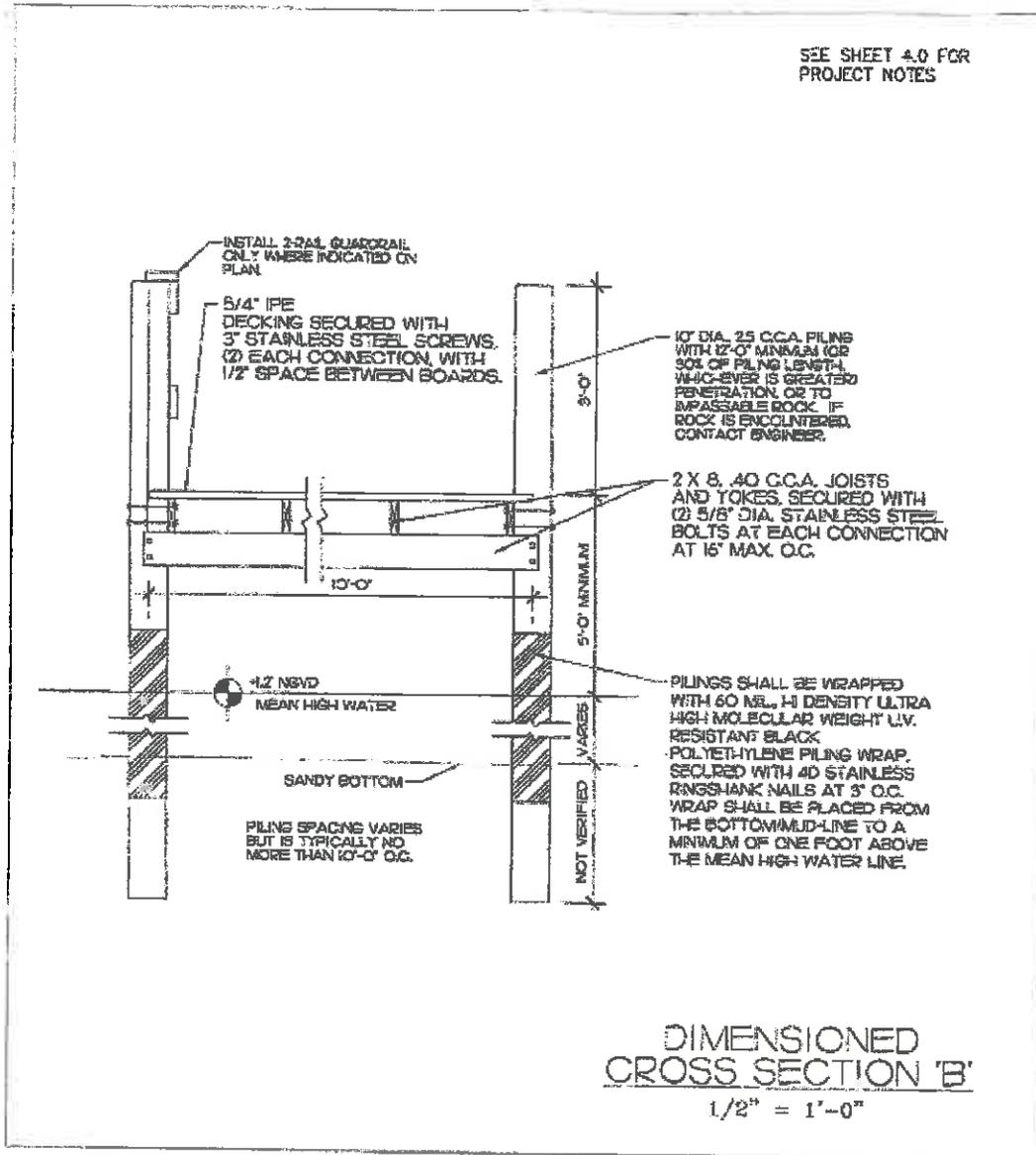
**THE TIGNOR GROUP, P.A.**

ARCHITECTURE • ENGINEERING • PLANNING  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6476 Fax: (941) 365-6819

Applicant:	Sept. 1, 2014
6525 Bayou Hammock LLC	Revised:
113 E. Whitney St.	
Tampa, FL 33602	
<i>Kristina V. Tignor</i>	9/3/14
KRISTINA V. TIGNOR, P.E.	3.1
FL. REG. NO. 41238	DAE
	SHEET NO.

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SEP 22 2014  
VIN OF LONG... KEY  
... Z...

SEE SHEET A.0 FOR  
PROJECT NOTES



ARCHITECTURE • ENGINEERING • PLANNING  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, Florida 34236  
(941) 365-6176 Fax: (941) 362-0819

**Applicant:**  
6526 Bayou Hammock LLC  
113 E. Whitney St.  
Tampa, FL 33602

Sept. 1, 2014  
Revised:

*Kristina V. Tignor* 9/3/14 3.2  
KRISTINA V. TIGNOR, P.E. DATE SHEET NO.  
FL REG. NO. 41238



**Ch. 62-330.051(5), F.A.C. –**

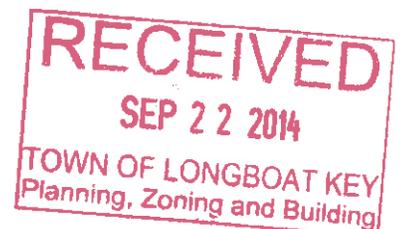
(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum 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.

**Section 403.813(1)(b), F.S.**

(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:

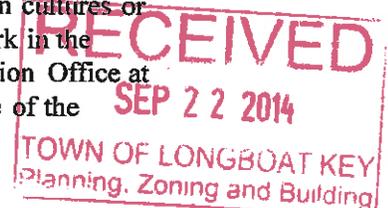
1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed 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.



SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV- RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the



discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

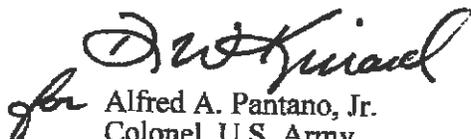
In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

7. No work shall be authorized under the SPGP IV-R1 which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-R1 which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-R1 must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002." (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*
9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>*



10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm>) for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.
15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Alfred A. Pantano, Jr.  
Colonel, U.S. Army  
District Engineer

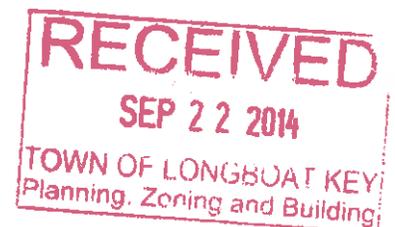


## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see [MyFWC.com/manatee](http://MyFWC.com/manatee)). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.



**CAUTION: MANATEE HABITAT**

**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

**RECEIVED**  
SEP 22 2014  
TOWN OF LONGBOAT KE  
Planning, Zoning and Build



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

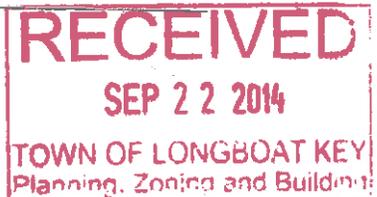
### SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

Office: Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



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:

6526 Bayou Hammock, LLC  
c/o Kristina Tignor  
The Tignor Group  
1055 South Tamiami Trail, Suite 110B  
Sarasota, Florida 34236-9119

DEP File No.: 41-0329128-001; County: Manatee

The Department of Environmental Protection gives notice that it has received a request for authorization to replace an existing docking structure with a 500-square-foot dock and install two associated boat lifts, within Sarasota Bay, a Class III Outstanding Florida Waterbody. The project is located at 6526 Bayou Hammock Road, Longboat Key, Section 22, Township 35 South, Range 16 East, Manatee County. The Department has determined that the project qualifies for an exemption established under 62-330.051(5)(b), F.A.C.

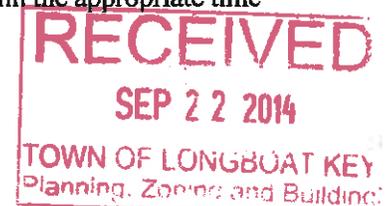
A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General 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.

