



# PASCO COUNTY, FLORIDA

## OFFICE OF THE COUNTY ATTORNEY

\* Florida Bar Board Certified In City, County and Local Government Law

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Via E-mail and U.S. Regular Mail

August 15, 2011

Lee Wm. Atkinson  
Forizs & Dogali, PA  
4301 Anchor Plaza Parkway, Ste 300  
Tampa, FL 33634

Re: Fow v. Pasco County  
Proposed Settlement

Dear Mr. Atkinson:

The Pasco County Board of County Commissioners at its August 9, 2011 Board meeting reviewed this matter and authorized me to provide the following.

We investigated the 31 properties for which the Fows alleged the County approved a roof. Of the 31 properties, 15 have roofs that were built prior to 2007 when the dock permitting program began; three do not have roofs; six have roofs built without a permit (for these a dock permit was issued but a roof was not included); and for the remaining seven, the County mistakenly issued a dock permit that included a roof. These seven roofs were permitted to be constructed only over boat lifts. None of these seven permits allowed a roof over the entire dock as requested by the Fows. The largest of these permitted roofs covers two side by side boatlifts, and the roof is approximately 576 square feet (s.f.) in size. The attached chart shows the results of our investigation.

The Board rejected your settlement offer; however, the County proposes a counter-offer to allow the Fows to construct, as a legal non-conforming structure, a roof over their existing boatlift, provided that such roof does not exceed 600 s.f. in size. The roof must also meet applicable building code and Dock Ordinance requirements. These requirements would make the Fow's roof consistent with, and similar in size and scope to, the seven roofs permitted by the County since the dock permitting program began. The County takes no position as to the issue of whether this roof is prohibited by the deed restrictions of the community.

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Additionally, however, the Fows still need to address the encroachment of the side use line by the southwest corner of the new dock.

The offer will be available for 30 days from the date of this letter. Please let us know if this counter-offer is acceptable to your client within that time.

Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JDR', with a stylized flourish at the end.

Joseph D. Richards  
Senior Assistant County Attorney

JDR:ls

Attachment: Dock Chart

**FOW  
VESTED RIGHTS DETERMINATION  
INVESTIGATION OF OTHER DOCKS WITH ROOFS**

Tab #	PROPERTY ADDRESS	INVESTIGATION RESULTS
<b>Listed on 2/23/11 Letter from Atkinson</b>		
1.	13737 Victor Avenue, Hudson Beach	No roof on dock. Permit was issued on 9/4/07 for a dock. (no roof at 13731 either)
2.	6424 Yvette Dr., Hudson Beach	Aerial photo shows roof to be in since 2004. Permit, issued 7-11-07, was for a floating dock only. 2004 Aerial
3.	6406 Yvette Dr., Hudson Beach	There are 3 different docks. 2 have roofs. Review of aerials shows smaller one, which is to the far west has been up since 2006. Middle one appears to have been up since 2008. Permit was issued on 7-23-08. Permit shows that we approved a floating dock and deck. The deck is the one in the middle of the aerial. The permit application states that they were to install a dock which would be 24 feet wide and 16 feet out and to replace a floating dock 10x16. The permit does not show a roof. Spoke to Mr. McCulley by phone, he stated roof was installed in 2008 by same contractor. He stated contractor pulled a permit. Aerial 2010?
4.	6407 Yvette Dr., Hudson Beach	No permits found. There is no roof over waterway. There is a roof over land in rear yard which is a Tiki Hut.
5.	6537 Harbor Dr., Hudson Beach	No permits found, aerial photos show dock and roof to be in prior to 2007 when dock ordinance came into effect.
6.	3945 Floramar Terrace, Gulf Harbor	Aerial shows roof to be there since 2004
7.	4135 Floramar Terrace, Gulf Harbor	Per preliminary investigation, roof was installed about 10 years ago and no permit was issued for roof - Still investigating
8.	4129 Floramar Terrace, Gulf Harbor	Aerials show roof to be there since 2004
9.	4429 Floramar Terrace, Gulf Harbor	Aerials show roof which appears to be a canvas top has been up since 2001. Neighbor said roof has been up at least 10 years.
10	4013 Floramar Terrace, Gulf Harbor	Aerial shows roof to be there since 2004
11.	4219 Headsail, Gulf Harbor	Roof was put in between 2004-2005, per aerial photos.
12	5794 West Shore Drive, Gulf Harbor	Aerial photos show roof to be in location in 2001.
<b>Included in 3/3/11 Letter from Atkinson</b>		
13.	4929 Marlin Drive	Roof prior to 2007 - 2005 aerial
14.	4925 Marlin Drive	Roof prior to 2007 - 2005 aerial
15.	13121 Beacon Ct	Roof prior to 2007

**FOW  
VESTED RIGHTS DETERMINATION  
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Tab #	PROPERTY ADDRESS	INVESTIGATION RESULTS
16.	13811 Melanie Avenue	Approved roof over boatlift (15' x ~25')
17.	13621 Veronica Drive	Permits issued for deck and lifts. Suncoast Tiki Huts installed a tiki hut over waterway approx. 3 yrs ago from what property owner says – not permitted
18.	13805 Victor Avenue	Roof 2008. 1 <sup>st</sup> visible in 2009 Aerial – no permit
19.	6622 Leaside Isle	No roof only a floating dock, however, there is a roof at 6623 Leaside that was installed between 2006 and 2007 per the aerials. There is no dock permit for 6623.
20.	6734 Curlew Lane	Approved roof over lift (10' x 32')
21.	13926 Barnard Avenue	Approved permit for dock roof maybe illegal – still investigating (20' x 24') 480 s.f.
22.	13734 San Juan Ave.	Roof prior to 2007
23.	John Casson Ave 33-24-16-008A-00I00-0110- permitted	Roof prior to 2007-has canopy was not on original permit
24.	6631 Leaside Isle	Dock with roof over boat lift (13' x 28'') permitted 8-23-07
25.	13829 Cox Ave.	Approved roof, permit approved 3-30-09 roof over boat lift approx. 13' x 20'
*26.	12813 Fourth Isle	Approved roof (16' x 28') permit approved 1-21-09 (#2 of 5)
	6406 Yvette Dr. (also included in 2/23/11 Ltr)	See #3 above, no permits for roofs
27.	6418 Harbor Dr.	10/08-Permitted deck and boat lift –but not roof
	13811 Melanie Ave (submitted 2x-listed above)	See #16 above
*28.	13934 Darlene Ave.	Approved roof permit approved 1-21-09 roof (27' x 24') over 2 lifts (#1 of 5) 576 s.f.
29.	13336 Carol Dr.	Roof is present, but per aerials roof installed b/t 2007 & 2008. Roof not shown on 2/09 permit plans
30.	12628 Third Isle	Roof prior to 2007
*31.	12632 Fifth Isle	Approved roof (16' x 30') permitted 6/16/09 over existing boat lift. Boat lift & dock built in 7/08 as permitted 480 s.f.
	6424 Yvette Dr. (also included in 2/23/11 Ltr)	See #2 above

Total number of permitted roofs = 7

\*1 of 3 permitted roofs included in Fow vested rights petition.