

Summary

To: Town Commission
From: Christine Torok, PIO/Deputy Town Clerk
Subject: Variance Request – 402 Oleander Road
Memo Date: 10/14/2014

Summary: The owners of the property located at 402 Oleander Road have requested an after the fact variance that would allow for an emergency standby generator that would encroach into the required secondary front yard 25 foot setback by 17.60 feet, resulting in a 7.4 foot secondary front yard setback (sec 74.84 of Land Development Code).

Previous Commission Action: None

Background/Problem Discussion: The owner is asking for relief from the 25 foot setback requirement for an emergency standby generator. Generator was not installed as permitted.

Alternatives/Options:

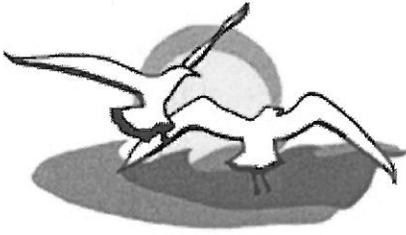
1. Approve the variance.
2. Deny the variance.

Financial Implications:

None

Recommendation: The Planning and Zoning Board recommended denial of the variance by a vote of 5-1 on October 13, 2014 because they do not believe the submittal is consistent with 74-113(f)(3) of the Land Development Code, which allows for installation of generators into the setback provided they are immediately adjacent to the structure they are designed to serve and extend no farther into the setback than necessary to physically accommodate the equipment unit and servicing thereof.

Proposed Motion: I move the Town Commission recommend approval/denial of the variance request.



**TOWN OF BELLEAIR
BUILDING DEPARTMENT**
901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

MEMORANDUM

DATE: September 09,2014

TO: Mayor and Commissioners

FROM: Micah Maxwell, Town Manager

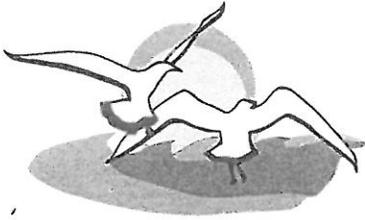
SUBJECT: Request for Variance –Belleair Estates
Parcel No. 28/29/15/06732/012/0020

Property Owner: Shon & Renee Flaharty
402 Oleander Road
Belleair, Florida 33756

The following information is regarding the above referenced variance request.

- I. Existing conditions of land and structure(s):
- A. Zoning designation: R-1 (Single Family Residential)
 - B. Original Construction date:
 - New Construction -2000
 - C. Structural and other improvements to date:
 - 2000- Pool
 - 2000- Fence
 - 2014- Mechanical
 - 2014- Generator
 - D. Existing Easements: None shown on survey
- II. Proposed request:

The applicant is requesting a variance which would allow for the placement of an after the fact emergency standby generator to encroach into the required secondary front yard setback by 17.60 feet, resulting in a 7.4 foot secondary front yard setback.



TOWN OF BELLEAIR BUILDING DEPARTMENT

901 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756
PHONE: (727) 588-3769 Ext. 215 • FAX: (727) 588-3768

September 03, 2014

Dale Jarosz
Power House Pro LLC
4867 Blue Jay Circle
Palm Harbor, FL 34683

RE: Permit no. 1622
Shon Flaherty
402 Oleander Road
Belleair, Florida 33756
Parcel No. 28/29/15/06732/012/0020

Dear Mr. Flaherty

Effective this date of September 3rd, 2014, a "Stop Work" order has been imposed on the above referenced property due to the placement of a standby generator. I have enclosed and highlighted a copy of the town's ordinance's that references the placement of standby generators. Section 74-113(f)(3)

Should you have any questions regarding this matter please feel free to contact me at (727)588-3769 ext 215.

Sec. 74-113. Building setbacks.

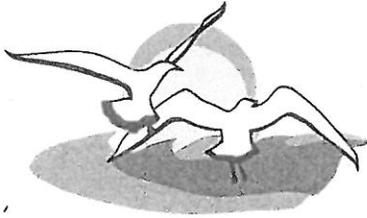
(a)*Side and rear yards.* Minimum setbacks required for side and rear yards (those sides of a building which do not abut a right-of-way), are provided in article II of this chapter. Side and rear yard setbacks are defined in section 66-10

(b)*Distance between buildings.*

(1)The minimum distance between adjacent buildings shall be 15 feet.

(2)Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment or an accessory use, and shall not include roof overhangs (eaves), sills, cornices, chimneys or flues which project no more than two feet into the setback area.

(c)*Front yards.* The minimum distances for front yards are provided in article II of this chapter. Front yard setbacks is defined in section 66-10



TOWN OF BELLEAIR BUILDING DEPARTMENT

901 PONCE DE LEON BOULEVARD, BELLEAIR, FLORIDA 33756
PHONE: (727) 588-3769 Ext. 215 • FAX: (727) 588-3768

(d) *Corner lots and multiple frontage lots.* Corner lots and multiple frontage lots shall be considered to have front yards on all public and vehicular access easement street frontages. Front yard setbacks will apply in each of these cases. Side yard setbacks will apply to all other sides of the lot or parcel.

(e) *Waterfront lots.* All buildings, including guest cottages and servants' quarters, shall be set back a minimum of 20 feet from the mean high-water mark or the seawall as pertinent.

(f) *Exceptions.*

(1) Sills, eaves, cornices, chimneys or flues may project no more than two feet into a setback area.

(2) An open, unroofed porch, patio, stairwell or paved terrace may project no more than ten feet into a required front yard setback. (See section 74-286 for other setback requirements.)

(3) Ready-made, mass produced: open air stairwell, air conditioning unit, propane pad, oil tank, pool pumps, standby power generator systems and other mechanical equipment necessary and generally accepted for the operations of a modern habitable structure and its appurtenances may extend into the rear yard and side yard setback area, provided they are immediately adjacent to the structure they are designed to serve and extend no farther into the setback than necessary to physically accommodate the equipment unit and the servicing thereof.

(g) *No required variance.* Provided that all of the conditions of subsection 74-114(f)(3) are satisfied for installation of standby power generator equipment for a residential property that encroaches into the minimum building setbacks, henceforth, the permitting of such installation shall not require the grant of a variance to the town's minimum building setbacks.

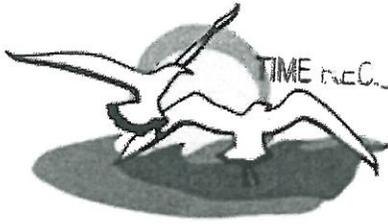
Thanking you in advance for your anticipated cooperation.

Sincerely,

Gregg Lauda
Building & Zoning

RECEIVED
BELLAIR BLDG

08 2014



TOWN OF BELLEAIR

901 Ponce de Leon Blvd.
Belleair, Florida 33756-1096
Phone: (727) 588-3769 ext. 215
Fax: (727) 588-3768

RECEIVED
BELLAIR BLDG. DEPT.

VARIANCE

SEP 08 2014

TIME REC. _____ DATE 9/8/2014

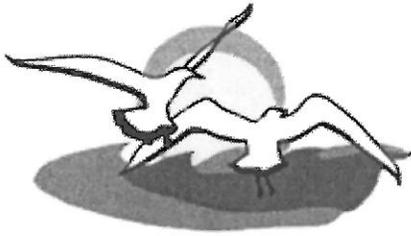
To the Town Commission of the Town of Belleair, Florida

1. The undersigned, Renee Flahrty, owner of Lot 2 & parts of Lots 1 + 3 Block 12, Subdivision Belleair Estates, property Commission of the Town of Belleair for a variance on the above-described property.
2. The property is presently zoned R1.
3. The present land use on the property is Single family Home
4. The decision involves Article 74 Section 113 of the Belleair Land Development Code.
5. The Commissions power arises under Article V, Section 66.253 of the Belleair Land Development Code.
6. The Relief prayed by the applicant is: for the generator to be closer to the property line.
7. The Justification for the request is (requests for the variances must demonstrate the practical difficulty or unnecessary hardship which justifies the variance): Based on current codes and manufactures UL Listing the generator would be in the center of the side yard. All other locations on the property were covered with oak tree root systems.
8. Attached is a non-refundable fee to defray expenses incurred by the Town of Belleair in processing this application. (** Note: All costs incurred by the Town of Belleair, above and beyond the variance application fee, will be the responsibility of the applicant regardless of approval or denial of the request**)
9. I am aware that this request will be voided should I or my representative fail to appear at the public hearings scheduled to consider this request.
10. I am aware that any variance that may be granted will automatically expire twelve months after approval by the Town Commission unless a building permit is produced from the Town with respect to the improvements contemplated by this application for variance within said twelve month period unless the construction of said improvements is promptly commenced pursuant to the building permit and diligently pursued to completion thereafter.

FEE: \$300.00

Paid: 300.00
9-8-14

Renee Flahrty
Owner
402 Oleander Rd Belleair FL 33756
Address
727-492-7717
Telephone Number



TOWN OF BELLEAIR
 901 Ponce de Leon Blvd.
 Belleair, Florida 33756-1096
 Phone: (727) 588-3769 ext. 215
 Fax: (727) 588-3768

VARIANCE APPLICATION CHECK OFF SHEET

Application shall be **fully completed** and must include the following information:

OWNERS NAME Shon Flaharty & Renee Flaharty
 OWNERS MAILING ADDRESS 402 Oleander Rd. Belleair FL 33756
 PROPERTY ADDRESS 402 Oleander Rd Belleair FL 33756
 PHONE NUMBER 727-492-7717
 REPRESENTATIVE NAME AND ADDRESS (if any) Mark Costis with
GenerX Generators 111 B Dunbar Ave Oldsmar FL 34671
 PHONE NUMBER 727-365-1498
 DATE OF ORIGINAL CONSTRUCTION 6/13/14
 IMPERVIOUS COVER N/A
 FLOOD ZONE AND ELEVATION X

REQUIRED INFORMATION:

<u>REQUIRED</u>	<u>RECEIVED</u>	PROVIDE (18) COPIES EACH.
<u>X</u>		PLANS/SPECS/PRODUCT BROCHURE ✓
<u>X</u>		PHOTOS OF AREA (straight/right angle/left angle) ✓
<u>X</u>		SURVEY W/ SETBACKS SHOWN
<u>X</u>		SITE PLAN W/ SETBACKS SHOWN ✓ same

REVIEWED BY: ZONING PUB.WK FIRE BLDG. MRG.

DATE SENT: _____

DATE RETURNED: _____

Install 35kw generator with 2- 200 AMP load shedding Transfer switches

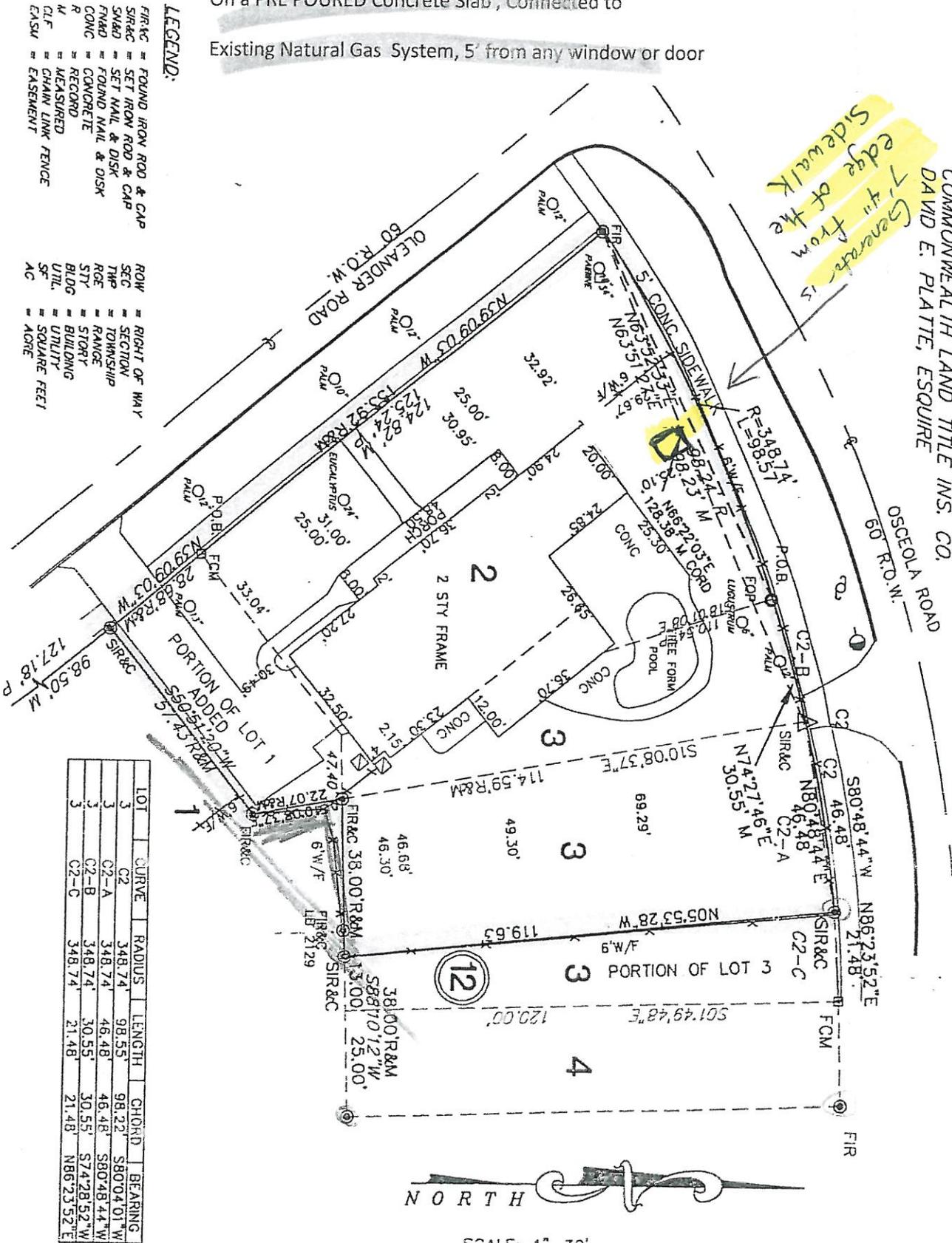
On a PRE POURED Concrete Slab, Connected to Existing Natural Gas System, 5' from any window or door

CERTIFIED TO:

SHON E. & RENEE A. FLAHERTY
MERRILL LYNCH CREDIT CORP.
COMMONWEALTH LAND TITLE INS. CO.
DAVID E. PLATTE, ESQUIRE

SEC. 29, TWP. 29S, RGE. 15E

Generator is 7'4" from edge of the sidewalk



LEGEND:

- FR&C = FOUND IRON ROD & CAP
- SIR&C = SET IRON ROD & CAP
- FN&D = FOUND NAIL & DISK
- CONC = CONCRETE
- R = RECORD
- M = MEASURED
- CLF = CHAIN LINK FENCE
- EASM = EASEMENT
- ROW = RIGHT OF WAY
- SEC = SECTION
- TWP = TOWNSHIP
- RGE = RANGE
- STY = STORY
- BLDG = BUILDING
- UTIL. = UTILITY
- SF = SQUARE FEET
- AC = ACRE

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING
3	C2	348.74	98.55	98.22	S80°04'01"W
3	C2-A	348.74	46.48	46.48	S80°48'44"W
3	C2-B	348.74	30.55	30.55	S74°28'52"W
3	C2-C	348.74	21.48	21.48	N86°23'52"E

LEGAL DESCRIPTION:
LOT 2, BLOCK 12, BELLEAIR ESTATES ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGES 9 TO 23
INCLUSIVE OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA TOGETHER WITH THE FOLLOWING TWO PARCELS:
LOT 3, BLOCK 12, LESS THE FOLLOWING PORTION, SAID BELLEAIR ESTATES:



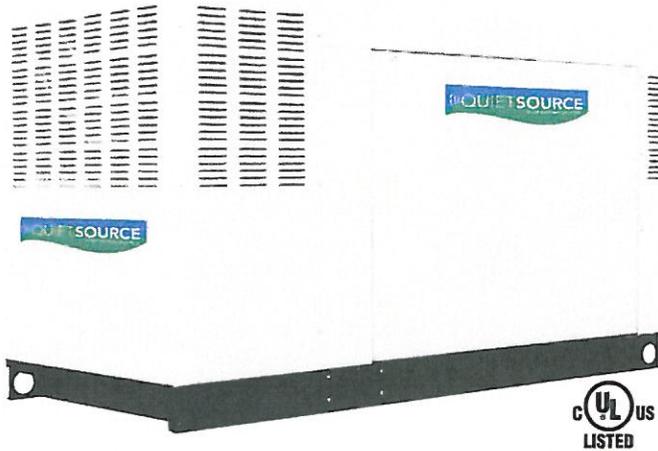


Standby Power Rating

35 kW 60 Hz

Liquid Cooled
Gas Engine
Generator Sets

Model Number: 05420 (Gray - Aluminum)



Whisper-Test™

Low Speed Exercise
60 dB(A) at 23 feet

GENERAC 4.2L ENGINE

Naturally Aspirated
Gaseous Fueled

UL 2200 Listed

Transfer Switches sold separately

STANDARD EQUIPMENT

- All input connections in one single area
- High coolant temperature shutdown
- Low oil pressure shutdown
- Low coolant level automatic shutdown
- Overspeed automatic shutdown
- Crank timer
- Exercise timer
- Oil drain extension
- Cool flow radiator
- Closed coolant recovery system
- UV/Ozone resistant hoses
- Watertight state of the art electrical connectors
- Mainline circuit breaker
- Battery charge alternator
- 2 Amp static battery charger
- Battery cables
- Battery rack
- Fan and belt guards
- Isochronous governor

FEATURES

- Innovative design and fully prototype tested
- UL 2200 Listed
- Solid state frequency compensated voltage regulator
- Dynamic and static battery charger
- Sound attenuated acoustically designed enclosure
- *Whisper-Test™* feature for low noise level exercise
- Acoustically designed engine cooling system
- High flow low noise factory engineered exhaust system
- State of the art digital control system with R-Series digital control panel
- Watertight electrical connectors
- Rodent proof construction
- High efficiency, low distortion Generac designed alternator
- Vibration isolated from mounting base
- Matching Generac transfer switches engineered and tested to work as a system
- All components easily accessible for maintenance
- Electrostatically applied powder paint





GENERATOR SPECIFICATIONS

TYPE	Synchronous
ROTOR INSULATION	Class H
STATOR INSULATION	Class H
TOTAL HARMONIC DISTORTION	<5%
TELEPHONE INTERFERENCE FACTOR (TIF)	<50
ALTERNATOR OUTPUT LEADS 3 PHASE	4 wire
BEARINGS	Sealed Ball
COUPLING	Flexible Disc
LOAD CAPACITY (STANDBY RATING)	35 kW
EXCITATION SYSTEM	Direct

NOTE: Generator rating and performance in accordance with ISO8528-5, BS5514, SAE J1349, ISO3046, and DIN6271 standards.

VOLTAGE REGULATOR

TYPE	Electronic
SENSING	Single Phase
REGULATION	± 1%
FEATURES	V/F Adjustable Adjustable Voltage and Gain LED Indicators

GENERATOR FEATURES

- Revolving field heavy duty generator
- Directly connected to the engine
- Operating temperature rise 120 °C above a 25 °C ambient
- Insulation is Class H rated at 150 °C rise
- All models are fully prototyped tested

CONTROL PANEL FEATURES

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> SEVEN LED INDICATOR LIGHTS <ul style="list-style-type: none"> •System ready •Low fuel pressure •Low battery •Low oil pressure •High coolant temp/low coolant temp •Overspeed •Overcrank <input type="checkbox"/> INTERNAL FUNCTIONS: <ul style="list-style-type: none"> •3 position switch (auto, off and manual) •2 wire start for any transfer switch •Communicates with the Generac RTS transfer switch •Built-in 7 day exerciser •Selectable engine speed at exercise •Governor controller is built into the master control board •Temperature range -40 °C to 70 °C | <ul style="list-style-type: none"> <input type="checkbox"/> ADDITIONAL FUNCTIONS <ul style="list-style-type: none"> •Utility sensing •Delay on utility failure for engine start •Engine warm-up before transfer •Delay to retransfer to utility •Engine cooldown timer •Exerciser not set |
|--|---|

ENGINE SPECIFICATIONS

MAKE	Generac
MODEL	V-6
CYLINDERS	6
DISPLACEMENT	4.2 Liter
BORE	3.81
STROKE	3.8
COMPRESSION RATIO	9.4:1
INTAKE AIR SYSTEM	Naturally Aspirated
VALVE SEATS	Precision ground and hardened
LIFTER TYPE	Roller, Hydraulic

GOVERNOR SPECIFICATIONS

TYPE	Electronic
FREQUENCY REGULATION	Isochronous
STEADY STATE REGULATION	± 0.25
ADJUSTMENTS FOR:	
Speed	Yes
Droop	Yes

ENGINE LUBRICATION SYSTEM

OIL PUMP	Gear
OIL FILTER	Full flow spin-on cartridge
CRANKCASE CAPACITY	5 Quarts

ENGINE COOLING SYSTEM

TYPE	Pressurized Closed
WATER PUMP FLOW	10.8 gal/min
FAN SPEED	1300
FAN DIAMETER	22 inches
FAN MODE	Puller

FUEL SYSTEM

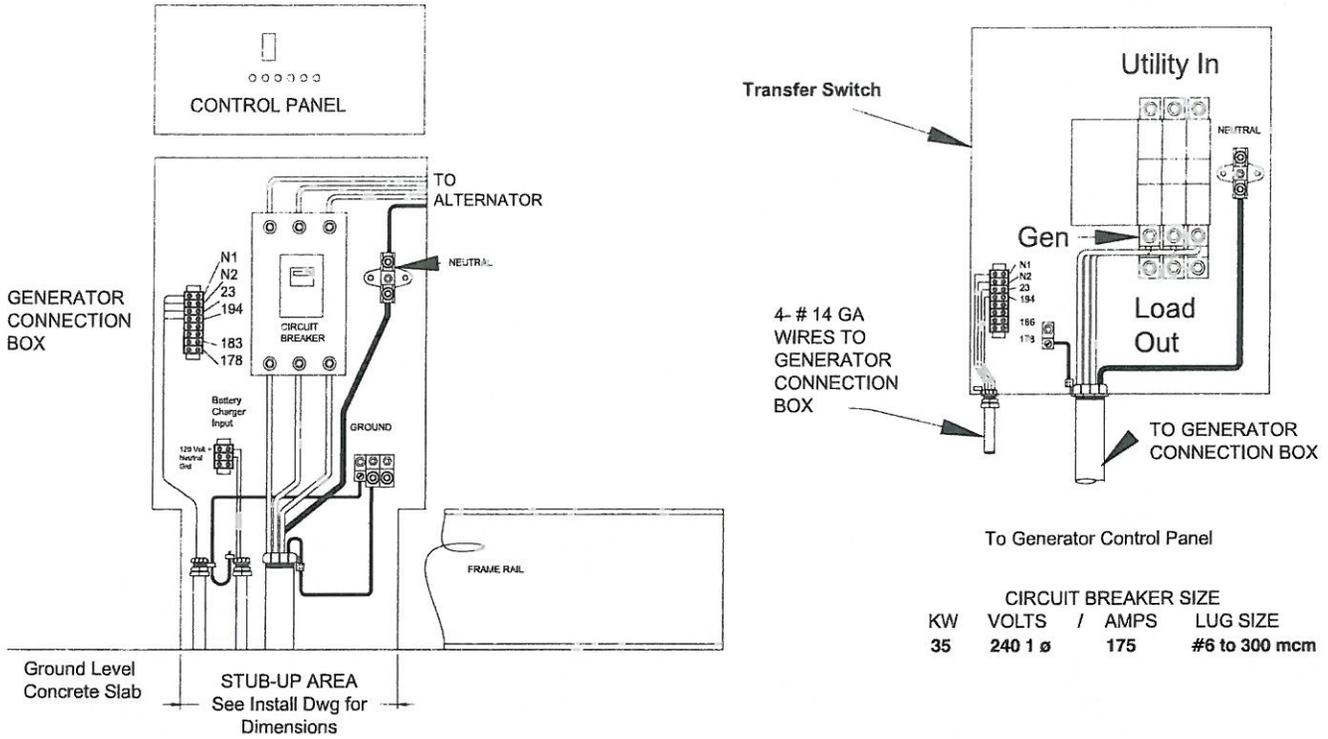
FUEL TYPE	Natural gas, propane vapor
CARBURETOR	Down Draft
SECONDARY FUEL REGULATOR	Standard
FUEL SHUT OFF SOLENOID	Standard
OPERATING FUEL PRESSURE	5" - 14" H ₂ O

ELECTRICAL SYSTEM

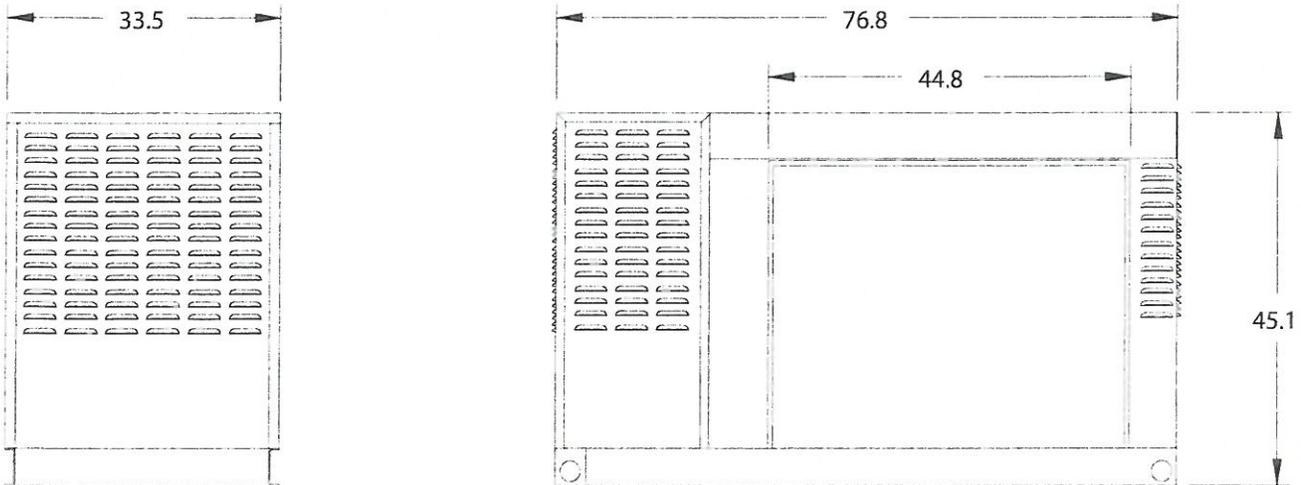
BATTERY CHARGE ALTERNATOR	12V 30 Amp
STATIC BATTERY CHARGER	2 Amp
RECOMMENDED BATTERY	Group 26, 525CCA
SYSTEM VOLTAGE	12 Volts

INTERCONNECTIONS

Standby 35 kW



INSTALLATION LAYOUT



UNIT WEIGHT: Aluminum 1683 lbs.

GENERAC POWER SYSTEMS, INC. • P.O. BOX 297 • WHITEWATER, WI 53190

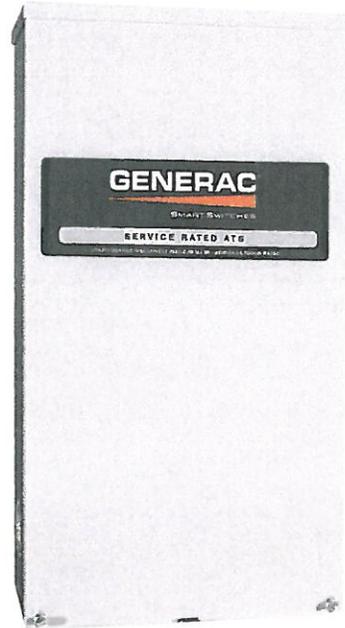
WEBSITE: www.guardiangenerators.com



GENERAC NEXUS SMART TRANSFER SWITCHES

With Digital Load Management Technology

100 - 400 Amps, Single Phase



DESCRIPTION

Generac Nexus Smart Switches are designed to operate with the Nexus™ controller used on air-cooled generators and the control used on liquid-cooled QT series gaseous generators from 22 kW through 60 kW. The Smart Switch will operate only with the Nexus or Generac R200 controller. The 100, 200 and 400 amp open transition switches are available in single phase in both service rated and non-service rated configurations.

STANDARD FEATURES

All Smart Switches are housed in an aluminum NEMA/UL Type 3R enclosure, with electrostatically applied and baked powder paint. The Heavy Duty Generac Contactor is a UL recognized device, designed for years of service. The control at the generator handles all the timing, sensing and exercising functions.

DLM TECHNOLOGY

Through the use of Digital Load Management technology (DLM), each of these switches has the capability to truly manage two air conditioning loads with no additional hardware. When used in tandem with the individual DLM modules, up to four more additional loads can be intelligently managed individually.

GENERAC®

FUNCTIONS

All Timing and sensing functions originate in the generator controller

Utility voltage drop-out	< 60%
Timer to generator start	15 seconds
Engine warm up delay	5 seconds
Standby voltage sensor	90%
Utility voltage pickup	> 80%
Re-transfer time delay	15 seconds
Engine cool-down timer	60 seconds
Exerciser	15 minutes every 7 days

The transfer switch can be operated manually without power applied.

SPECIFICATIONS

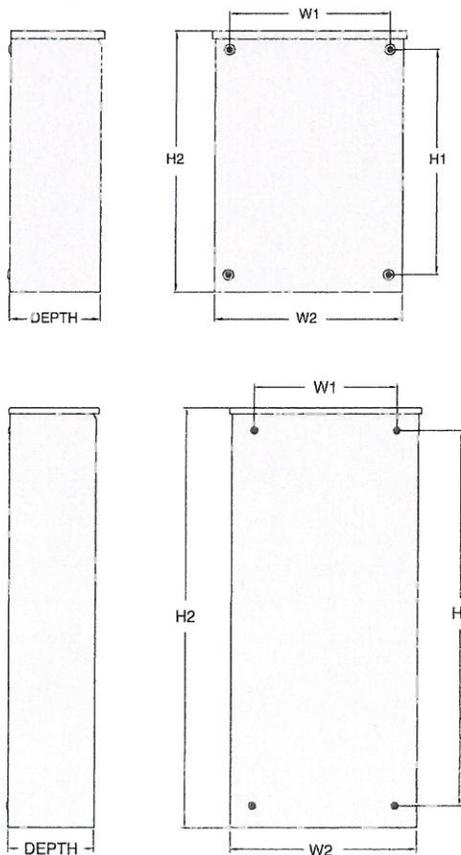
Model	RTSX100A3	RTSD100A3	RTSX200A3	RTSD200A3	RTSX400A3	RTSD400A3
Amps	100	100	200	200	400	400
Voltage	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø	120/240, 1Ø
Load Transition Type (Automatic)	Open Transition	Open Transition Service Rated	Open Transition	Open Transition Service Rated	Open Transition	Open Transition Service Rated
Enclosure Type	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R	NEMA 3R
Withstand Rating (Amps)	10,000	10,000	10,000	22,000	18,000	22,000
Lug Range	2/0 - #14		400 MCM - #4		600 MCM - #4 or 2-250 MCM	
Unit Weight – lbs. kilos	20 9.07	22.5 9.97	20 9.07	39 17.69	133 60.32	140 63.50

EXTERNAL DIMENSIONS

	100 Amps 120/240, 1Ø Open Transition					100 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	17.24	20	12.5	14.6	7.09	17.24	20	12.5	14.6	7.09
mm	438.0	508.4	318.0	372.0	180.0	438.0	508.4	318.0	372.0	180.0

	200 Amps 120/240, 1Ø Open Transition					200 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	17.24	20	12.5	14.6	7.09	27.24	30.0	11.4	13.5	7.09
mm	438.0	508.4	318.0	372.0	180.0	692.0	762.4	289.0	343.0	180.0

	400 Amps 120/240, 1Ø Open Transition					400 Amps 120/240, 1Ø Open Transition Service Rated				
	Height		Width		Depth	Height		Width		Depth
	H1	H2	W1	W2		H1	H2	W1	W2	
Inches	42.91	48.0	16.69	21.82	10.06	42.91	48.0	16.69	21.82	10.06
mm	1090.0	1219.3	424.0	554.3	255.5	1090.0	1219.3	424.0	554.3	255.5



NOTICE OF PUBLIC HEARING

Notice is hereby given that Public Hearing will be held by the Town Commission of the Town of Belleair, Florida, on request for a variance to allow for placement of emergency standby generator to encroach into the secondary front yard setback for property located at 402 Oleander Rd., Belleair, Florida and is more particularly described as:

**28-29-15-06732-012-0020 BELLEAIR ESTATES BLK 12, LOT 2 &
PART OF LOTS 1 & 3 recorded in OR Book 16242, Page 1705,
Public Records of Pinellas County, Florida.**

The Planning and Zoning Board will meet on this matter on **MONDAY, OCT 13, 2014 at 5:30 P.M.** at the Belleair Town Hall, 901 Ponce de Leon Blvd., Belleair, Florida.

Said hearing will be held on **TUESDAY, OCT 21, 2014 at 6:30 P.M.**, at the Belleair Town Hall, 901 Ponce de Leon Boulevard, Belleair, Florida. Additional information may be obtained from the Town Clerk's office. All parties interested are invited to attend and be heard.

Persons are advised that if they decide to appeal any decision made at these hearings, they will need records of these proceedings and for such purposes they may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act persons needing special accommodations to participate in this proceeding should contact the Town Clerk's Office at 901 Ponce de Leon Blvd., Belleair, Florida 33756 or call (727) 588-3769 x214 or Fax (727) 588-3767, not later than seven (7) days prior to the proceeding.

This matter is subject to Quasi-Judicial rules of procedures.

D. Carlen
Town Clerk
Town of Belleair



Donna Carlen <dcarlen@townofbelleair.net>

Re: Flaharty vaariance

Micah Maxwell <mmaxwell@townofbelleair.net>

Tue, Oct 7, 2014 at 10:22 AM

To: Shon Flaharty <SFlaharty@flahartyllc.com>

Cc: mark@fixmygen.com, Donna Carlen <dcarlen@townofbelleair.net>, Jp Murphy <jmurphy@townofbelleair.net>

Understood. Thank you.

On Oct 7, 2014 10:12 AM, "Shon Flaharty" <SFlaharty@flahartyllc.com> wrote:

Micah,

Good morning. Here is a letter from my neighbor (Daniel Hartshorne) on our behalf. As I said, I will be out of town on the 13th and unable to attend this meeting. Mark from GenereX will be there on my behalf. Please feel free to call me if I can be of any assistance in this matter.

Best Regards

Shon E. Flaharty | CFP, CFM, AIF

Chief Executive Officer



Office: 727-252-1050

Fax: 727-474-3823

Toll Free: 888-783-7775

311 Park Place Boulevard • Suite 150
Clearwater, FL 33759

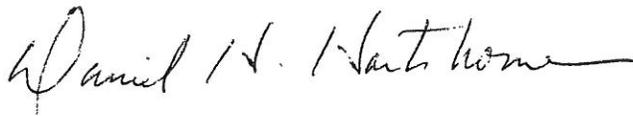
website | vCard | bio | map | email  

The information contained in this email message is being transmitted to and is intended for the use of only the individual(s) named or it is addressed. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copying of this message is strictly prohibited. If you have this message in error, please immediately delete.

10/5/14

To whom it may concern,

I live directly across the street from Mr. Flaharty and I have no problem with the location of their generator.

A handwritten signature in black ink that reads "Daniel H. Hartshorne". The signature is written in a cursive style with a long horizontal flourish at the end.

Daniel H. Hartshorne

511 Osceola Rd.

Belleair, Florida 33756

LABOR & EMPLOYMENT
CIVIL RIGHTS
GOVERNMENT LAW
OSHA/FEMLA/FLSA/EEO

ROBERT G. WALKER, P.A.
ATTORNEY AT LAW
1421 COURT STREET, STE. F
CLEARWATER, FLORIDA 33756-6147
TELEPHONE (727) 442-8683
FAX (727) 441-1895
E-MAIL: WALKERLAWS@AOL.COM

CIVIL, ADMIN., APPEALS
ADA-ADEA-FMLA-FLSA-TITLE VII
DISCRIMINATION-RETALIATION
COND & HOMEOWNER ASSN.LAW

Town of Belleair, FL
Attn: Town Clerk Dee Carlen
901 Ponce de Leon Blvd.
Belleair, FL 33756

October 9, 2014

Re: variance request at 402 Oleander)

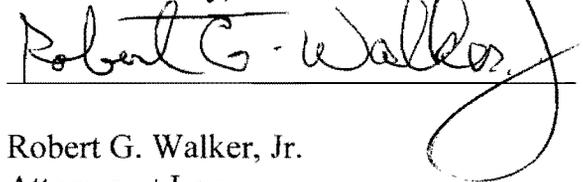
To City Clerk and Interested Officials:

Please regard this as an inquiry and not a protest or complaint. At least not yet. Like other residents in my immediate area at 601 Ponce de Leon Blvd, two houses away from the address of the occupant seeking the Town's variance to depart from the Town Code in some respect not made entirely (or even roughly) clear, the resident, owner or occupant of the single family resident at 402 Oleander sought a variance, special exception or other departure from the requirements of the Towns ordinance(s) with regard to either a emergency generator or other electrified system that I cannot further describe. Although I went by Town Hall to examine the paperwork, it was too extensive for me to review more thoroughly. I went straight to the only thing that I thought would affect me (living only two houses away), the application and technical details.

The primary concern was noise, and I noted that the exterior machine would emanate 65 dbs at normal operating mode. I do not have a decibel meter, nor am I schooled or knowledgeable as to what that means. I do know where hearing loss is possible or probable in audio terms, as I know from prior military service. Anything around 90db is harmful and around 120 db hearing loss is going to exact permanent hearing loss for most people.

The bottom line is that a citizen violated an ordinance, installed a noise-producing device and placed it in a disallowed location two houses from my own. I always am concerned that a contractor deviates from the law, and more so when a citizen disregards the law for his own benefit, without the approval of affected neighbors. Even though we don't know the impact on us, I find flaunting the law egregious.

Yours sincerely,



Robert G. Walker, Jr.
Attorney at Law

Client (via email)

RGW/