



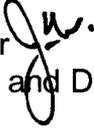
Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 27 2015 NP/KH

AGENDA ITEM

January 5, 2015

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

**CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: January 27, 2015 - Consent Item
Environmental Protection Commission Recommendation
Replacement Dock with Variance to Side-Setbacks — Barnoske
BD-14-04-043

The applicant, Steven Barnoske, is requesting approval of a Variance to Chapter 15, Article IX, Section 15-343(a), side setback distance to construct a dock. The project site is located at 715 East Silver Star Road, Ocoee, on Lake Starke. The parcel ID for the site is 17-22-28-0000-00-034. The subject property is located in Orange County Commission District 2.

On April 16, 2014, the Environmental Protection Division (EPD) received an Application to Construct a Dock, and on June 20, 2014, EPD received an application for Variance, from Robin Lopez of Summertime Deck and Dock, LLC, on behalf of the property owner, Steven Barnoske. The current site plan proposes to replace the existing dock with a new larger dock with a proposed side setback distance of 2'11" and 1'11" to the eastern and western projected property lines, respectively. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

Section 15-343(a) states that on lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks shall have a minimum side setback of ten (10) feet from the projected property line. The properties in this area of Lake Starke vary in width significantly, from as narrow as three (3) feet, to greater than 300 feet. The subject property narrows to approximately 33 feet as it meets the shoreline at the Normal High Water Elevation (NHWE); therefore, a variance to the 10-foot-minimum side setback is required.

Pursuant to Section 15-350(a)(1) Variances, "the applicant(s) shall also describe (1) how strict compliance with the provisions from which the variance is sought would impose a unique and unnecessary hardship on the applicant – the hardship cannot be self-imposed; and (2) the effect of the proposed variance on abutting shoreline property owners."

In response to Section 15-350(a)(1)(1), the contractor stated, "Given the unique converging angles of the property lines, it would be impossible to construct a dock with sufficient water depth for proper mooring of a vessel. The proposed dock provides the applicant with a means to safely moor a vessel without negatively impacting the environment."

In regard to Section 15-350(a)(1)(2), the applicant further stated: "The construction of the proposed dock will have minimal impact on the abutting shoreline owners. The dock will be constructed directly behind the parcel, resulting in a visually correct alignment of the dock behind the respective home."

However, notification of the application for variance pursuant to Section 15-347 resulted in an objection from the adjacent neighbor to the east, Mr. S. Mohammed. Based on this objection, EPD recommended denial of the request to the EPC on the fact that the Applicant was unable to demonstrate that the request for variance would not adversely affect Mr. S. Mohammed. During the December 17, 2014 EPC public hearing, Mr. Mohammed withdrew his objection after realizing the proposed dock did not cross his projected property line and that a fence was to be constructed; therefore, with the withdrawal of the objection, EPD changed its recommendation to approval.

ACTION REQUESTED: Approval of Recommendation of the Environmental Protection Commission for Steven K. Barnoske Boat Dock Permit BD-14-04-043 to Uphold the Environmental Protection Officer's Recommendation for a Variance to Section 15-343(a), Side Setback Distance to Construct a Replacement Dock. District 2

JVW/LC: mg

Attachments



ENVIRONMENTAL PROTECTION DIVISION
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ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

Recommendation regarding request for a variance to side setback from Orange County Code, Chapter 15 for Dock Construction Permit BD-14-04-043; Steven Barnoske, 715 East Silver Star Road on Lake Starke; Parcel ID 17-22-28-0000-00-034.

ACTION TAKEN BY THE ENVIRONMENTAL PROTECTION COMMISSION ("EPC") on the above application was as follows:

REQUEST: The applicant, Steven Barnoske is requesting a variance to Section 15-343(a), side setback distance to construct a replacement dock.

BACKGROUND: On April 16, 2014 the Environmental Protection Division (EPD) received an Application to Construct a Dock, and on June 20, 2014, EPD received an application for Variance, both from Robin Lopez of Summertime Deck and Dock, LLC., on behalf of the property owner, Steven Barnoske. The current site plan proposes to replace the existing dock with a new larger dock with a proposed side setback distance of 2'11" and 1'11" to the eastern and western projected property lines, respectively. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

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RECOMMENDATION: Approval. Based upon the evidence and testimony presented at the EPC December 17, 2014 public hearing, the EPC made a recommendation to approve the variance request to Section 15-343 (a) side setback distance.

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: 12/23/2014

Request for Boat Dock Variance



Request for Variance Boat Dock Application

District # 2

Applicant: Steven Barnoske

Parcel IDs: 17-22-28-0000-00-034

Project Site 

Property Location 

