



**Interoffice Memorandum**

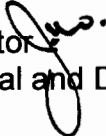
APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: September 13, 2016

**AGENDA ITEM**

August 3, 2016

**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:** September 13, 2016—Consent Item  
Environmental Protection Commission Recommendation for  
an After-the-Fact Variance request for the Shoultz Dock  
Construction Permit

On March 19, 2015, Orange County Environmental Protection Division (EPD) issued Dock Construction Permit BD-15-03-025 for property owned by Scott and Courtney Shoultz, located at 13864 Caywood Pond Drive, on Caywood Pond.

Specific Condition # 12 of the permit required that within 30 days of completion of dock construction, a final as-built survey be provided to EPD. Accordingly, on March 21, 2016, EPD received an as-built survey which indicated that the dock was constructed 6.9 feet from the projected property line rather than the approved 10 foot side setback.

After contacting the permittee and discussing the available options, on May 9, 2016, EPD received an application for an after-the-fact variance to Section 15-343(a) (side setback) in an attempt to allow the dock to remain in its current location. Notification for the variance request was sent to all shoreline property owners within 300 feet of the subject property by certified mail on May 23, 2016.

Section 15-343(a) states "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." Therefore, since this property has less than 75 linear feet of shoreline at the NHWE, the dock was required to be located a minimum of ten (10) feet from the projected property line.

Pursuant to Section 15-350(a)(1), Variances, "the applicant shall describe (1) how strict compliance with the provisions from which a 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 owners."

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request for the Shultz Dock Construction Permit

To address Section 15-350(a)(1)(1) the applicant stated that, “the property line takes a turn just past the shoreline and this turn was overlooked during construction”.

To address Section 15-350(a)(1)(2) the applicant stated “that the dock does not interfere with the view for the neighbor and should not have any impact”.

EPD has received no objections to the variance request.

During the July 27, 2016 public hearing, the Environmental Protection Commission (EPC) voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for variance to Section 15-343(a)(side setback).

**ACTION REQUESTED: Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Shultz After-the-Fact Dock Construction Permit BD-15-03-025. District 1**

JVW/LC: mg

Attachments

# After-the-Fact Variance Request



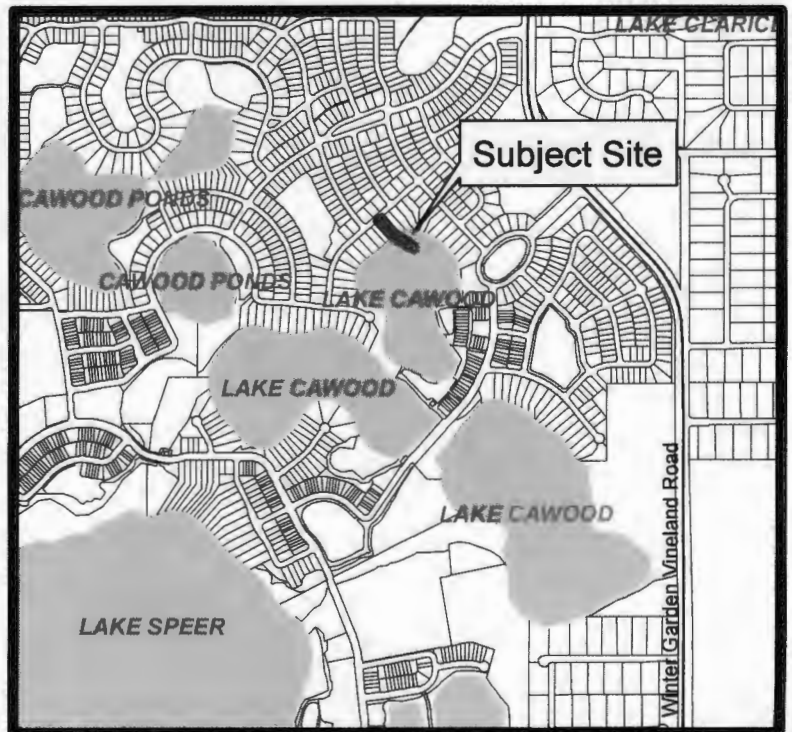
## After-the-Fact Variance Request

District #1

Applicants: Scott & Courtney Shultz  
Parcel ID: 10-23-27-8389-01-170

Project Site

Property Location





ENVIRONMENTAL  
PROTECTION  
COMMISSION

David Ward  
*Chairman*

Jonathan Huels  
*Vice Chairman*

Sally Atwell

Alex Preisser

Glenn Dunkelberger

Mark Corbett

Mark Ausley

ENVIRONMENTAL PROTECTION DIVISION  
Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
3165 McCrory Place, Suite 200  
Orlando, FL 32803-3727  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
July 27, 2016

PROJECT NAME: Shoultz - 13864 Caywood Pond Drive

PERMIT APPLICATION NUMBER: BD-15-03-025

LOCATION/ADDRESS: 13864 Caywood Pond Dr., Windermere

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(A), APPROVE THE REQUEST FOR AFTER THE FACT VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-343(A) FOR THE SHOULTZ DOCK CONSTRUCTION PERMIT # BD-15-03-025.

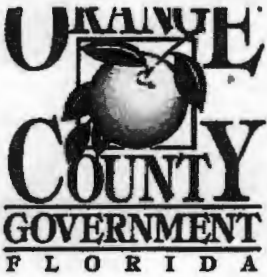
EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of EPC Chairman: David R. Ward

DATE EPC RECOMMENDATION RENDERED: 7/27/2016



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Deliver To: Orange County Environmental Protection Division 3165 McCrory Place, Suite 200 Orlando, Florida 32803 (407) 836-1400, Fax (407) 836-1499

\*\*Enclose a check for \$409.00 payable to The Board of County Commissioners\*\*

I R Scott Shultz on behalf of Myself (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 a of the Orange County Dock Construction Ordinance.

1. Describe how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant (the hardship cannot be self-imposed):

the property line takes a turn toward the shore line & this was overlooked during construction. the error was unintentional

2. Describe the effect of the proposed variance on abutting shoreline owners:

the dock does not interfere w neighbors view at all & should not have any impact.

Notice to the Applicant:

The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.

By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: R. Scott Shultz Signature of Applicant/Agent: [Signature] Date: 5/6/16 Corporate Title (if applicable):

# DOCK AS-BUILT SURVEY

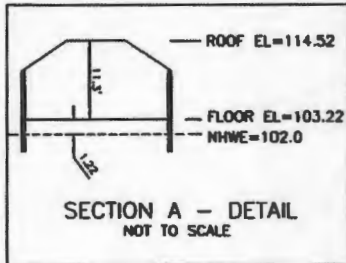
DESCRIPTION:

LOT 117, SUMMERPORT PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGES 1 THROUGH 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**Received**

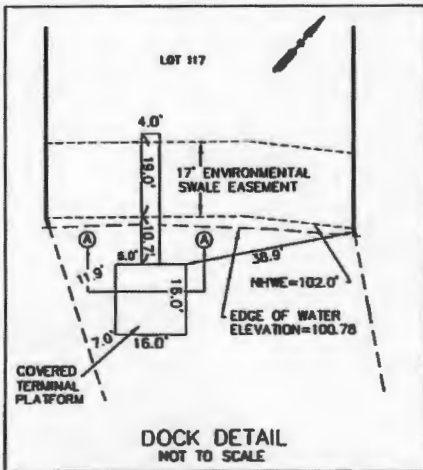
MAR 21 2016

**Orange County  
Environmental Protection Division**



**TERMINAL PLATFORM**

SQUARE FEET=256  
FLOOR EL=103.22  
ROOF EL=114.52



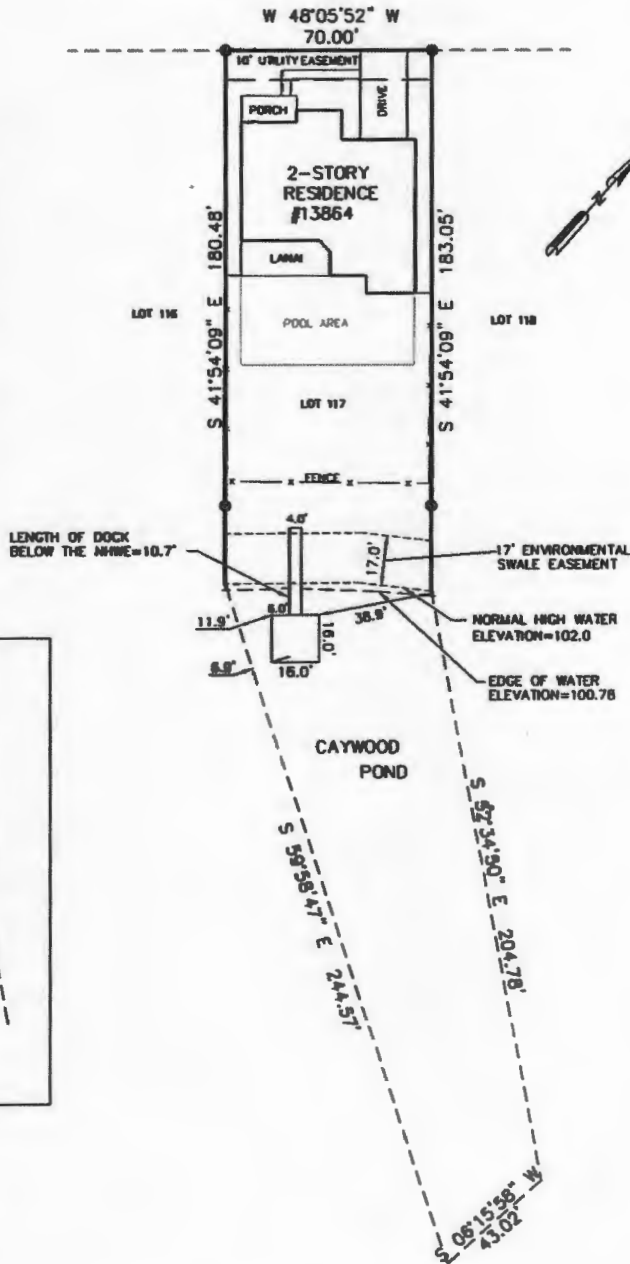
**LEGEND:**

- EL=ELEVATION
- NHWE=NORMAL HIGH WATER ELEVATION
- =FOUND 1/2" IRON ROD NO#

**SURVEYOR'S NOTES:**

1. ELEVATIONS ARE BASED ON NVD29 DATUM.
2. BEARING SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF CAYWOOD POND DRIVE AS BEING S48°05'52"W PER PLAT.
3. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CAYWOOD POND DRIVE  
50' RIGHT OF WAY  
CENTERLINE



DATE: 6-20-15	SCALE: 1" = 50'	CAL. BY: SEB	DRAWN BY: SMO	JOB NO. 115060
Date	Revisions	<b>ATLANTIC SURVEYING</b> 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 656-4437		
		STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA		