



**Interoffice Memorandum**

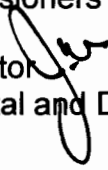
APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS


BCC Mtg. Date: September 13, 2016

**AGENDA ITEM**

September 13, 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  
Waiver and Variance Requests for a Dock for Bridget and  
Michael Day

On May 28, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock located at 14192 Bridgewater Crossings Boulevard within the Eden's Hammock Subdivision property. The Parcel ID for the site is 15-23-27-1540-00-920. The subject property is located on Lake Speer in Orange County Commission District 1.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the proposed application and required documents. The Applicants are requesting to construct a private boat dock with a terminal platform that exceeds the maximum size allowable under Section 15-342(b) and a side setback less than the allowable under Section 15-343(a), and submitted applications for a waiver and variance, respectively, with their application package.

Notifications for the waiver and variance were sent to all shoreline property owners within 300 feet of the subject property by certified mail on June 7, 2016. EPD did not receive any objections to the proposed boat dock. A Letter of No Objection signed by the adjacent property owner at 14198 Bridgewater Crossings Boulevard was submitted by the applicants with their application.

### Terminal Platform Size - Waiver

Section 15-342(b) states that the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet.

The applicants have approximately 36 linear feet of shoreline; therefore, the allowed terminal platform size for the subject property is 362 square feet. The applicants are requesting a terminal platform size of 504 square feet.

Pursuant to Section 15-350(a)(2), “the applicant shall describe (1) how this waiver would not negatively impact the environment; and (2) the effect of the proposed waiver on abutting shoreline owners.”

To address 15-350(a)(2)(1) the applicants have stated that “The terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 164 square feet over the allowed limit.” EPD has not received any objections to the terminal platform size waiver request.

To address Section 15-350(a)(2)(2), the applicants have stated “The proposed structure will not adversely affect the adjacent property owner’s view or navigability.” Furthermore, the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM) and the applicant has agreed to offset the environmental impact associated with the larger terminal platform size with a payment of \$1,305 to the Conservation Trust Fund (CTF).

### Side Setback – Variance

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 is approximately 36 linear feet at the Normal High Water Elevation, the required side setback distance for this dock from the projected property lines is ten (10) feet. The applicants are requesting a variance to Section 15-343(a) for the proposed structure be two (2) feet from the adjacent properties to the east and west.

Pursuant to Section 15-350(a)(1), “the applicant shall also 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.”

To address Section 15-350(a)(1)(1) the applicants have stated that “These parcels were platted with very narrow shorelines because this area is on a cove and they were trying to maximize the number of waterfront lots. This parcel is only 35 feet wide in the water. The proposed boathouse is quite a bit smaller than the average boathouse – only 22 feet wide. The possible setbacks are about 6.5 feet, but we are asking for 2 foot setbacks due to the extremely complicated task of building in a precise location 300 feet from land.”

Page Three

September 13, 2016 – Consent Item

Environmental Protection Commission Recommendation for Waiver and Variance Requests for a Dock for Bridget and Michael Day

To address Section 15-350(a)(1)(2) the applicants have stated that “Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction.”

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 waiver to Section 15-342(b) (terminal platform size), with the condition the Applicant pay \$1,305 to the CTF as mitigation for the additional shading impacts, and approve the request for variance to Section 15-343(a) (side setback).

**ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a) (side setback) for Day Dock Construction Permit BD-16-05-048, with the payment of \$1,305 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1**

JWW/LC: mg

Attachments

# Dock Construction Permit Waiver and Variance Request

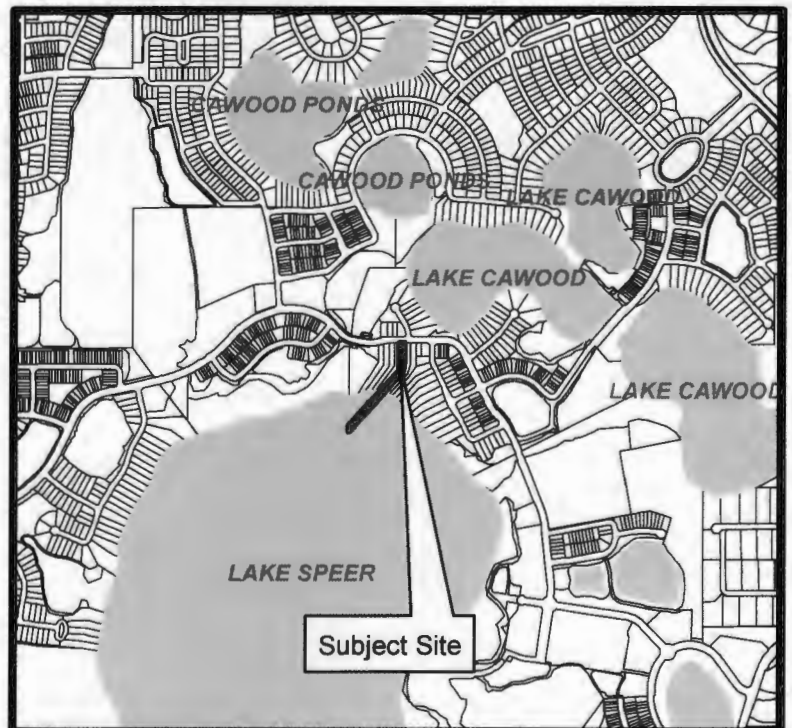


## Dock Construction Permit Waiver and Variance Request District #1

**Applicant:** Bridget and Michael Day  
**Parcel IDs:** 15-23-27-1540-00-920

**Project Site**

**Property Location** ●





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

ENVIRONMENTAL  
 PROTECTION  
 COMMISSION

**ORANGE COUNTY  
 ENVIRONMENTAL PROTECTION COMMISSION  
 July 27, 2016**

David Ward  
 Chairman

Jonathan Huels  
 Vice Chairman

Sally Atwell

Alex Preisser

Glenn Dunkelberger

Mark Corbett

Mark Ausley

PROJECT NAME: Bridget and Michael Day BD  
 PERMIT APPLICATION NUMBER: BD-16-05-048  
 LOCATION/ADDRESS: 14192 Bridgewater Crossings Boulevard

**RECOMMENDATION:**

**PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(b) (TERMINAL PLATFORM SIZE) WITH THE CONDITION THAT THE APPLICANT PAY \$1,305.00 TO THE CONSERVATION TRUST FUND (CTF) AND APPROVE THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE DAY BOAT DOCK CONSTRUCTION PERMIT BD-16-05-048.**

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

EPC RECOMMENDATION DATE: 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  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

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

I Sheila Cichra on behalf of Bridget Day (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):

These parcels were platted with very narrow shorelines, because this area is on a cove and they were trying to maximize the number of waterfront lots. This parcel is only 35' wide in the water. The proposed boathouse is quite a bit smaller than the average boathouse - only 22' wide. The possible setbacks are about 6.5', but we are asking for 2' setbacks due to the extremely complicated task of building in a precise location 300' from land.

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

Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction.

**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: Sheila Cichra  
Signature of Applicant/Agent:  Date: 05/27/2016  
Corporate Title (if applicable): President, Streamline Permitting, Inc.



**APPLICATION TO CONSTRUCT A BOAT DOCK  
APPLICATION FOR WAIVER**

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

**Mail or Deliver To:** Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Bridget Day (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following: 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

1. Describe how this waiver would not negatively impact the environment:

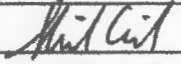
The terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 164 square feet over the allowed limit.

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

The proposed structure will not adversely affect the adjacent property owner's view or navigability.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

By signing and submitting this application form, I am applying for a waiver to the Section indicated of 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: Sheila Cichra  
Signature of Applicant/Agent  Date: 05/27/2016  
Corporate Title (if applicable): President, Streamline Permitting, Inc.





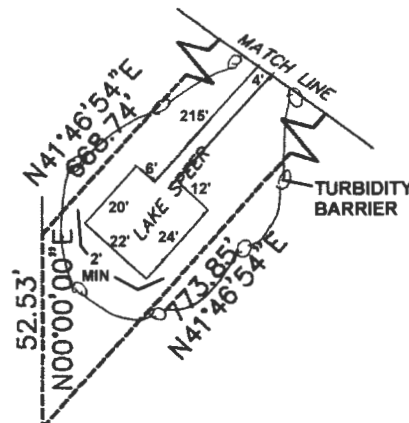
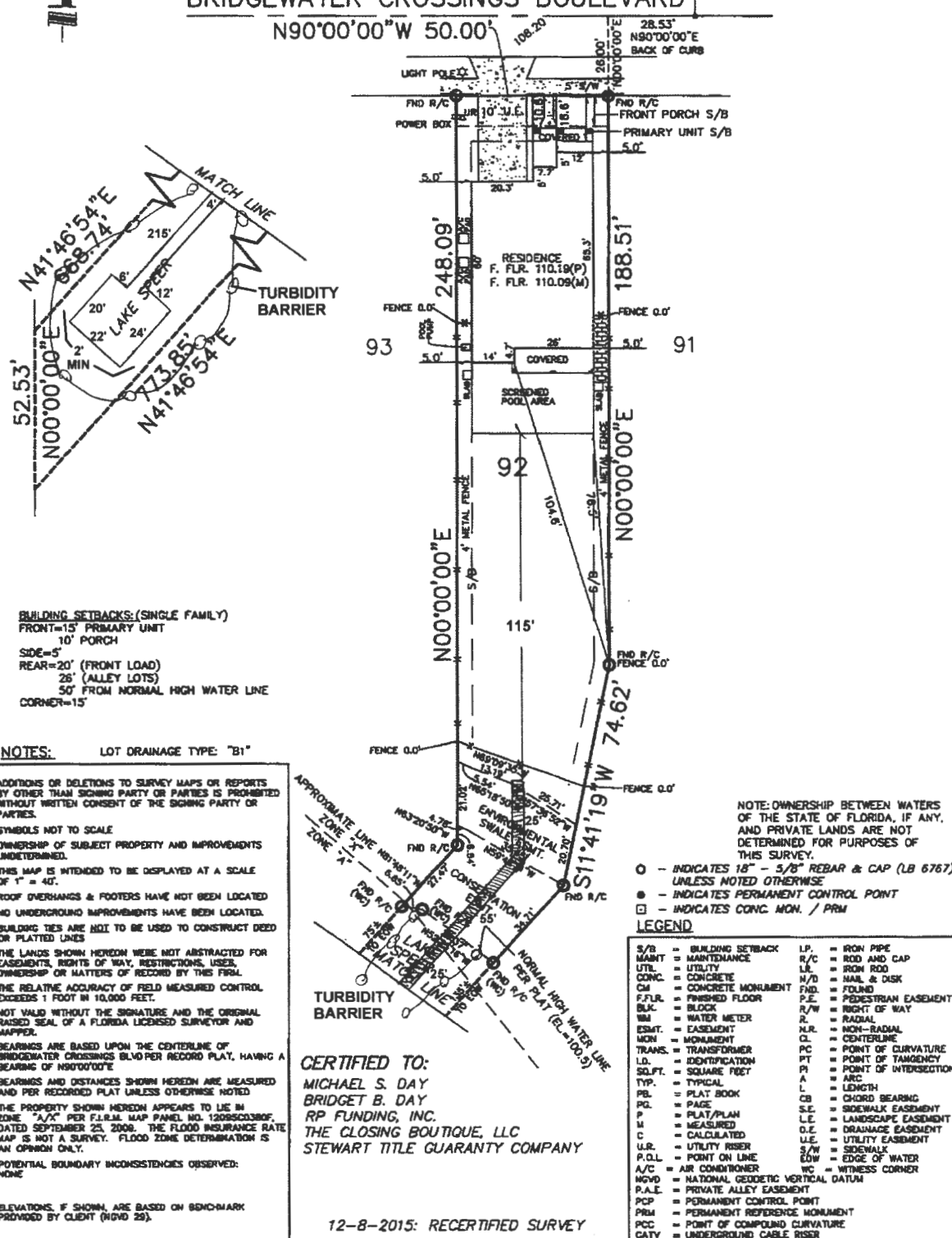


# LOT 92 EDEN'S HAMMOCK

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 62 ON  
PAGES 134 THROUGH 143 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

## BRIDGEWATER CROSSINGS BOULEVARD

N90°00'00"W 50.00'



**BUILDING SETBACKS: (SINGLE FAMILY)**  
 FRONT=15' PRIMARY UNIT  
 10' PORCH  
 SIDE=5'  
 REAR=20' (FRONT LOAD)  
 26' (ALLEY LOTS)  
 50' FROM NORMAL HIGH WATER LINE  
 CORNER=15'

**NOTES:** LOT DRAINAGE TYPE: "B1"

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

SYMBOLS NOT TO SCALE  
 OWNERSHIP OF SUBJECT PROPERTY AND IMPROVEMENTS UNDETERMINED.

THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 40'.

ROOF OVERHANGS & FOOTERS HAVE NOT BEEN LOCATED  
 NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.  
 BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES

THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES, OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.

THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL EXCEEDS 1 FOOT IN 10,000 FEET.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

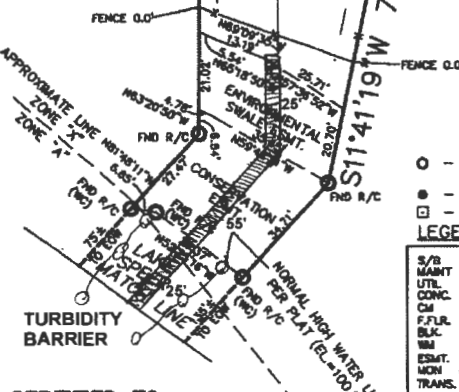
BEARINGS ARE BASED UPON THE CENTERLINE OF BRIDGEWATER CROSSINGS BLVD PER RECORD PLAT, HAVING A BEARING OF N90°00'00"E

BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND PER RECORDED PLAT UNLESS OTHERWISE NOTED

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE "A/X" PER F.L.R.M. MAP PANEL NO. 1208SC0380F, DATED SEPTEMBER 23, 2008. THE FLOOD INSURANCE RATE MAP IS NOT A SURVEY. FLOOD ZONE DETERMINATION IS AN OPINION ONLY.

POTENTIAL BOUNDARY INCONSISTENCIES OBSERVED:  
 NONE

ELEVATIONS, IF SHOWN, ARE BASED ON BENCH-MARK PROVIDED BY CLIENT (NGVD 29).



**CERTIFIED TO:**  
 MICHAEL S. DAY  
 BRIDGET B. DAY  
 RP FUNDING, INC.  
 THE CLOSING BOUTIQUE, LLC  
 STEWART TITLE GUARANTY COMPANY

12-8-2015: RECERTIFIED SURVEY

NOTE: OWNERSHIP BETWEEN WATERS OF THE STATE OF FLORIDA, IF ANY, AND PRIVATE LANDS ARE NOT DETERMINED FOR PURPOSES OF THIS SURVEY.

○ - INDICATES 18" - 5/8" REBAR & CAP (LB 676) UNLESS NOTED OTHERWISE  
 ● - INDICATES PERMANENT CONTROL POINT  
 □ - INDICATES CONC. MON. / PRM

**LEGEND**

S/B = BUILDING SETBACK	I.P. = IRON PIPE
MAINT = MAINTENANCE	R/C = ROD AND CAP
UTL = UTILITY	L.R. = IRON ROD
CONC. = CONCRETE	N/D = NAIL & DISK
CM = CONCRETE MONUMENT	FND. = FOUND
F.F.L.R. = FINISHED FLOOR	P.E. = PEDESTRIAN EASEMENT
BLK. = BLOCK	R/W = RIGHT OF WAY
WM = WATER METER	R. = RADIAL
ESMT. = EASEMENT	N.R. = NON-RADIAL
MON. = MONUMENT	CL. = CENTERLINE
TRANS. = TRANSFORMER	PC = POINT OF CURVATURE
I.D. = IDENTIFICATION	PT = POINT OF TANGENCY
SQ.FT. = SQUARE FOOT	PI = POINT OF INTERSECTION
TYP. = TYPICAL	A = ARC
PB. = PLAT BOOK	L. = LENGTH
PG. = PAGE	CB = CHORD BEARING
P. = PLAT/PLAN	S.E. = SIDEWALK EASEMENT
M. = MEASURED	L.E. = LANDSCAPE EASEMENT
C. = CALCULATED	D.E. = DRAINAGE EASEMENT
U.R. = UTILITY RISER	L.E. = UTILITY EASEMENT
P.O.L. = POINT ON LINE	S/W = SIDEWALK
A/C = AIR CONDITIONER	EDW = EDGE OF WATER
NGVD = NATIONAL GEODETIC VERTICAL DATUM	WC = WITNESS CORNER
P.A.E. = PRIVATE ALLEY EASEMENT	
PCP = PERMANENT CONTROL POINT	
PRM = PERMANENT REFERENCE MONUMENT	
PCC = POINT OF COMPOUND CURVATURE	
CATV = UNDERGROUND CABLE RISER	

I CERTIFY THAT THIS MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

CERTIFIED FOR: ASSOCIATED LAND SURVEYING & MAPPING, INC.

*(Signature)*

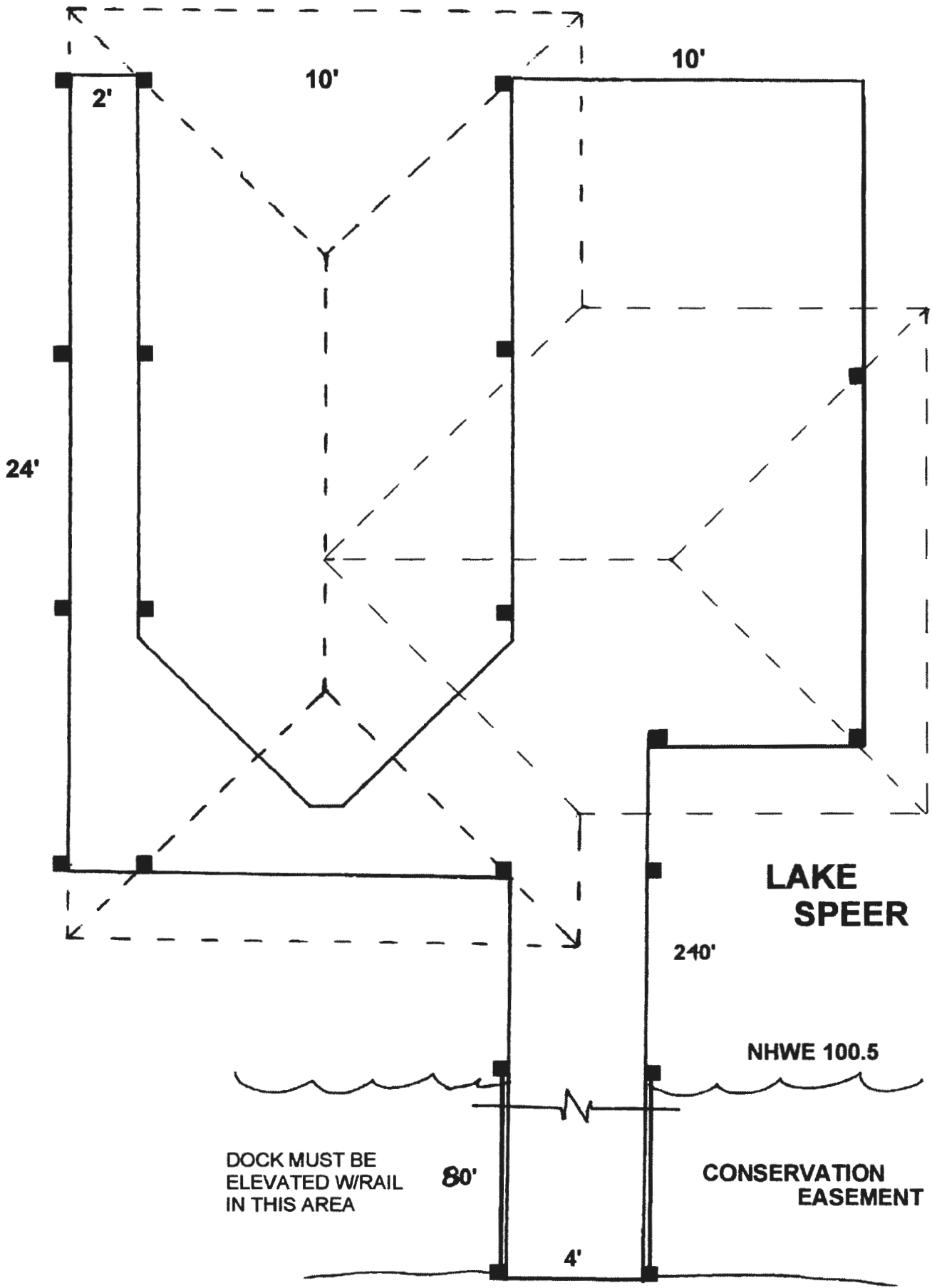
DAVID M. MODEROTT, CERTIFICATE No. 4779  
 JACK D. REED JR., CERTIFICATE No. 5737  
 FLORIDA REGISTERED SURVEYOR AND MAPPER

PREPARED FOR  
**Ryland Homes**

PREPARED BY  
**Associated Land Surveying & Mapping, Inc.**

101 WYMORE ROAD, SUITE 110  
 ALTAMONTE SPRINGS, FLORIDA 32714  
 PHONE: (407) 869-5002-FAX: (407) 869-8393  
 Certificate of Authorization Number: LB 6767 EMAIL: [clsm@clsm.net](mailto:clsm@clsm.net)

BOUNDARY SURVEY	5-22-2007
FORM/GAARD LOCATION	6-4-2007
FOUNDATION	6-18-2007
FINAL BOUNDARY SURVEY	8-27-2007
SCALE: 1" = 40'	JOB NO. 05035



DAY ELEVATION  
14192 BRIDGEWATER CROSSING BLVD  
WINDERMERE, FL 34786

