



Interoffice Memorandum

AGENDA ITEM

November 5, 2019

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

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

CONTACT PERSON: David Jones, P.E., CEP, Manager  
Environmental Protection Division  
(407) 836-1406

SUBJECT: December 3, 2019 — Consent Item  
Environmental Protection Commission Recommendation for  
Request for Waiver (partial after-the-fact) for Todd Weiden;  
Dock Construction Permit BD-19-08-086

Todd Weiden (applicant) is requesting approval of a waiver (partial after-the-fact) to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 14326 United Colonies Drive, Winter Garden, Florida 34787. The Parcel ID number is 28-23-27-9163-02-900. The subject property is located on Lake Hancock in District 1.

A boat dock construction permit (#BD-18-06-067) was previously issued for this property on July 19, 2018. During review of the as-built survey, it was determined that the terminal platform had been constructed 4.84 square feet larger than the maximum allowable size of 900 square feet. The Environmental Protection Division (EPD) did not pursue enforcement at the time of the as-built survey review due to the minimal environmental harm caused by the minor overage.

On August 15, 2019, EPD received a new Application to Construct a Dock at the subject property. Included with the application was an after-the-fact waiver request to increase the terminal platform size to a total of 929 square feet in order to install two (2) jet-ski lifts totaling 24 square feet, and to authorize the 4.84 square feet overage from the original dock construction.

Notifications of the application for waiver were sent to all shoreline property owners within 300 feet of the property. An objection related to the western side setback was received from the adjacent neighbors to the west, Chris and Tricia Parker. However, the issue was resolved with a revised plan subsequently submitted by the applicant and the Parkers withdrew their objection.

Staff evaluated the request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the waiver, based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-

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December 3, 2019 – Consent Item

Environmental Protection Commission Recommendation for Request for Waiver for Todd Weiden; Dock Construction Permit BD-19-08-086

350(a)(2)(2) as the Parkers have rescinded their objection and no other objections to the waiver were received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts will be offset through mitigation.

Based upon evidence and testimony presented at the October 30, 2019 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a recommendation to approve the request for waiver, with the condition that the applicant pay \$609 to the Conservation Trust Fund in order to offset the negative environmental effects due to shading.

**ACTION REQUESTED:**            **Make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and accept the recommendation and finding of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) to increase the terminal platform size by 29 square feet to a total of 929 square feet with the condition that the applicant pay \$609 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Todd Weiden Dock Construction Permit BD 19-08-086. District 1**


AW/NT/TMH/ERJ/DJ: mg

Attachments



Interoffice Memorandum

October 15, 2019

**To:** Environmental Protection Commission  
**From:** David D. Jones, P.E., CEP, Manager Environmental Protection Division   
**Subject:** Todd Weiden Request for Waiver (Partial After-the-Fact) for Dock Construction Permit BD-19-08-086

**Reason for Public Hearing**

The applicant, Todd Weiden, is requesting approval of a waiver (partial after-the-fact) to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

**Location of Property/Legal Description**

The project site is located at 14326 United Colonies Drive, Winter Garden, Florida 34787. The Parcel ID number is 28-23-27-9163-02-900. The subject property is located on Lake Hancock in District 1.

**Background**

A boat dock construction permit (#BD-18-06-067) was previously issued for this property on July 19, 2018. During review of the as-built survey, it was determined that the terminal platform had been constructed 4.84 square feet larger than the maximum allowable size of 900 square feet. Additionally, the jet-ski lift shown on the approved plans had not yet been installed, and upon installation the terminal platform would be further over the allowed size. The Environmental Protection Division (EPD) did not pursue enforcement at the time of the as-built survey review due to the minimal environmental harm caused by the minor overage. However, Mr. Weiden and his agent were informed that a new boat dock construction application and application for waiver to terminal platform size would be required if the originally proposed jet-ski lift was to be installed at a later date.

On August 15, 2019, EPD received a new Application to Construct a Dock at the subject property.

Included with the application was an after-the-fact waiver request to Section 15-342(b) to increase the terminal platform size to a total of 929 square feet, in order to install two (2) jet-ski lifts totaling 24 square feet and to authorize the 4.84 square feet overage from the original dock construction.

**Public Notifications**

In accordance with Orange County Code, Chapter 15, Article IX, Section 15-347(a), on August 29, 2019 a Notice of Application (NOA) for Waiver was sent to all property owners within a 300-foot radius of the property. On September 18, 2018, EPD staff posted a NOA at the adjacent property of 14338 United Colonies Drive, because the NOA sent via certified mail was unable to be delivered.

The applicant and agent were sent notices to inform them of the Environmental Protection Commission meeting on October 30, 2019 in accordance with the requirements of Orange County Code, Chapter 15, Article IX.

### **After-the-Fact Terminal Platform Size Waiver**

Chapter 15, Article IX, Section 15-342(b) of the Code states, “the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet.” The applicant has a shoreline that measures approximately 105 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 900 square feet. The applicant is requesting a terminal platform of approximately 929 square feet (29 square feet larger than allowed).

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 Section 15-350(a)(2)(1), the applicant’s agent (Peter Fleck) states, “*Minor additional impact that we are willing to contribute to a mitigation fund.*”
- To address Section 15-350(a)(2)(2), the applicant’s agent states, “*No impact, does not affect side setbacks.*”

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$609 to the Conservation Trust Fund.

### **Objection**

On September 27, 2019 EPD received a written letter of objection from the adjacent neighbors to the west, Chris and Tricia Parker, who reside at 14338 United Colonies Drive. In their objection letter, the Parkers state, “...At this time we would like to deny the request. Our neighbor has not in any way reached out to us to explain the expansion request. His dock is already nearly blocking our entire view of the lake and we do not wish to give up any more...”

On October 9, 2019, the Parkers withdrew their objection, after receiving clarification from the applicant on what is being proposed. Mr. Parker states, “Based on the clarifications you’ve shared, I am fine with the request as outlined...”

### **Enforcement Action**

There is no current formal enforcement action for this property.

### **Staff Recommendation**

Staff has evaluated the requested waiver for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer is to approve the waiver to Section 15-342(b) (terminal platform size), based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as the Parkers have rescinded their objection and no other objections were received by

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October 30, 2019 Environmental Protection Commission

Todd Weiden Request for Waiver (Partial After-the-Fact) for Dock Construction Permit BD-19-08-086

EPD. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts related to the excess terminal platform size will be offset through mitigation.

**ACTION REQUESTED:** Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver request is consistent with Section 15-350(a)(2), and recommend approval of the request for waiver to Section 15-342(b) to increase the allowable terminal platform size by 29 square feet to a total of 929 square feet with the condition that the applicant pay \$609 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Todd Weiden Dock Construction Permit BD-19-08-086. District 1.

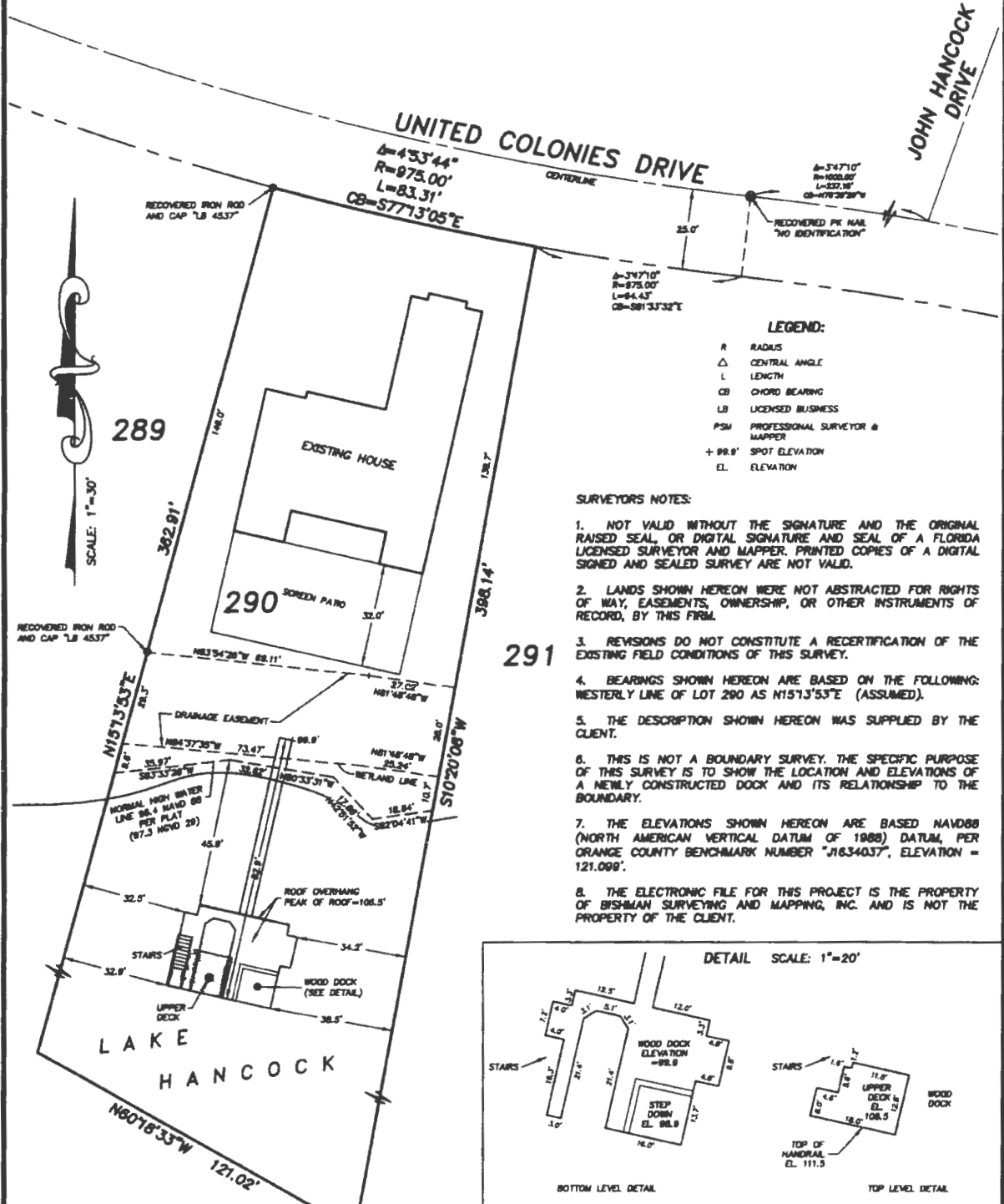
AW/NT/TMH/DDJ: mg

Attachments

# SPECIFIC PURPOSE SURVEY

**DESCRIPTION**

LOT 290, WEST LAKE HANCOCK ESTATES PHASE 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGES 34 THROUGH 37, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

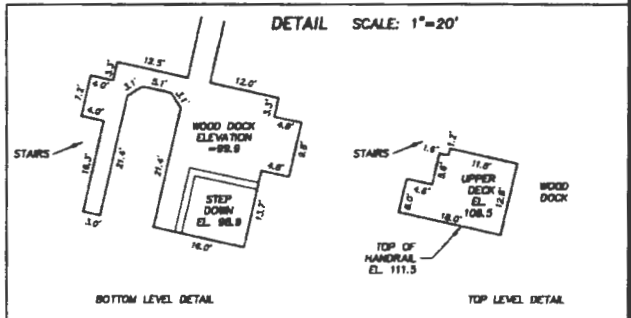


**LEGEND:**

- R RADIUS
- △ CENTRAL ANGLE
- L LENGTH
- CB CHORD BEARING
- LB LICENSED BUSINESS
- PSM PROFESSIONAL SURVEYOR & MAPPER
- + 99.8' SPOT ELEVATION
- EL ELEVATION

**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. PRINTED COPIES OF A DIGITAL SIGNED AND SEALED SURVEY ARE NOT VALID.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. REVISIONS DO NOT CONSTITUTE A RECERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: WESTERLY LINE OF LOT 290 AS N151°53'E (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. THIS IS NOT A BOUNDARY SURVEY. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION AND ELEVATIONS OF A NEWLY CONSTRUCTED DOCK AND ITS RELATIONSHIP TO THE BOUNDARY.
7. THE ELEVATIONS SHOWN HEREON ARE BASED NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988) DATUM, PER ORANGE COUNTY BENCHMARK NUMBER "J1634037", ELEVATION = 121.098'.
8. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.



JOB NUMBER:	18095.001
SURVEY DATE:	3-22-2019
FIELD BY:	T. COMARD
FIELD BOOK:	1902
PAGES:	18
FIELD FILE:	18095TC.MIF
DRAWING FILE:	18095-1.DWG

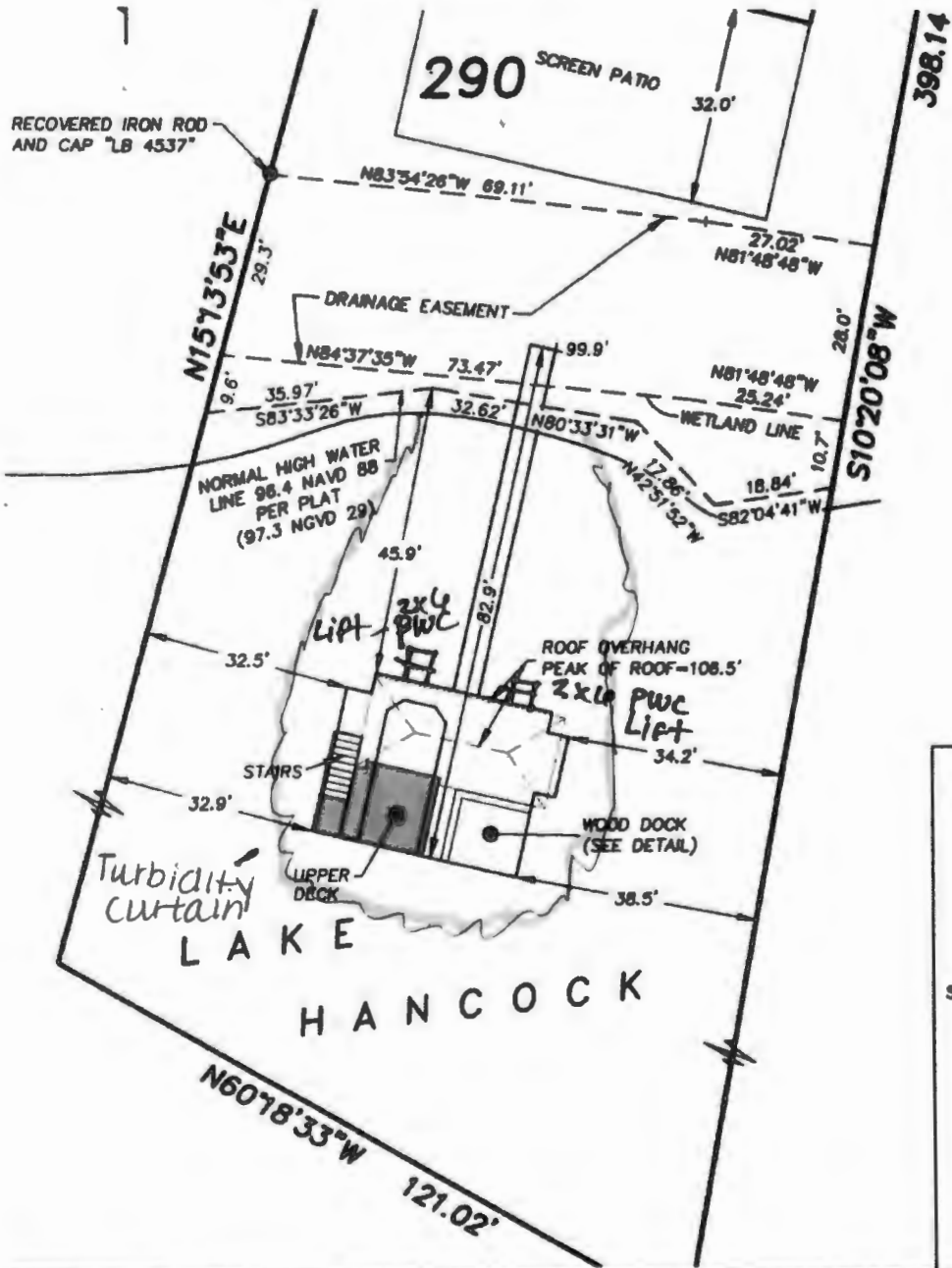
Digitally signed by Donald W. Bishman  
 Date: 2019.08.07 16:08:04 -04'00'

DONALD W. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 4218

**BISHMAN**  
 Surveying · Mapping, Inc.

CERTIFICATE OF AUTHORIZATION LB 7274

32 W. PLANT STREET Phone No. 407.905.8877  
 WINTER GARDEN, FL 34787 Fax No. 407.905.8875



2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.

3. REVISIONS DO NOT CONSTITUTE A RECERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.

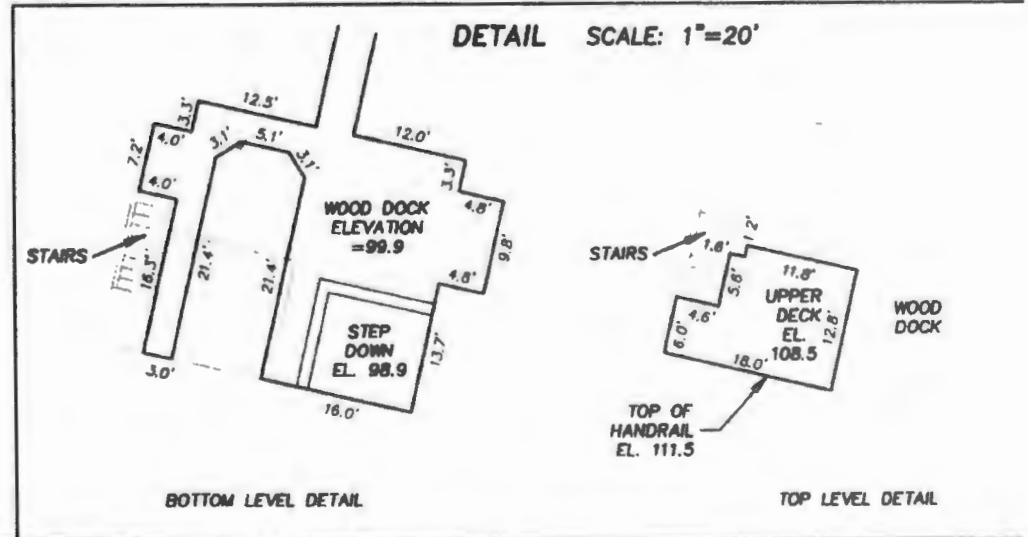
4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING:  
 WESTERLY LINE OF LOT 290 AS N157°3'53"E (ASSUMED).

5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.

6. THIS IS NOT A BOUNDARY SURVEY. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION AND ELEVATIONS OF A NEWLY CONSTRUCTED DOCK AND ITS RELATIONSHIP TO THE BOUNDARY.

7. THE ELEVATIONS SHOWN HEREON ARE BASED NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988) DATUM, PER ORANGE COUNTY BENCHMARK NUMBER "J1634037", ELEVATION = 121.099'.

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JOB NUMBER: 18095.001

SURVEY DATE: 3-22-2019  
 FIELD BY: T. CONARD



Digitally signed by Donald W. Bishman  
 Date: 2019.03.07





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
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Peter Fleck on behalf of Todd Weiden (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:

Minor additional impact that we are willing to contribute to a Mitigation Fund

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

No Impact, does not affect side setbacks

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

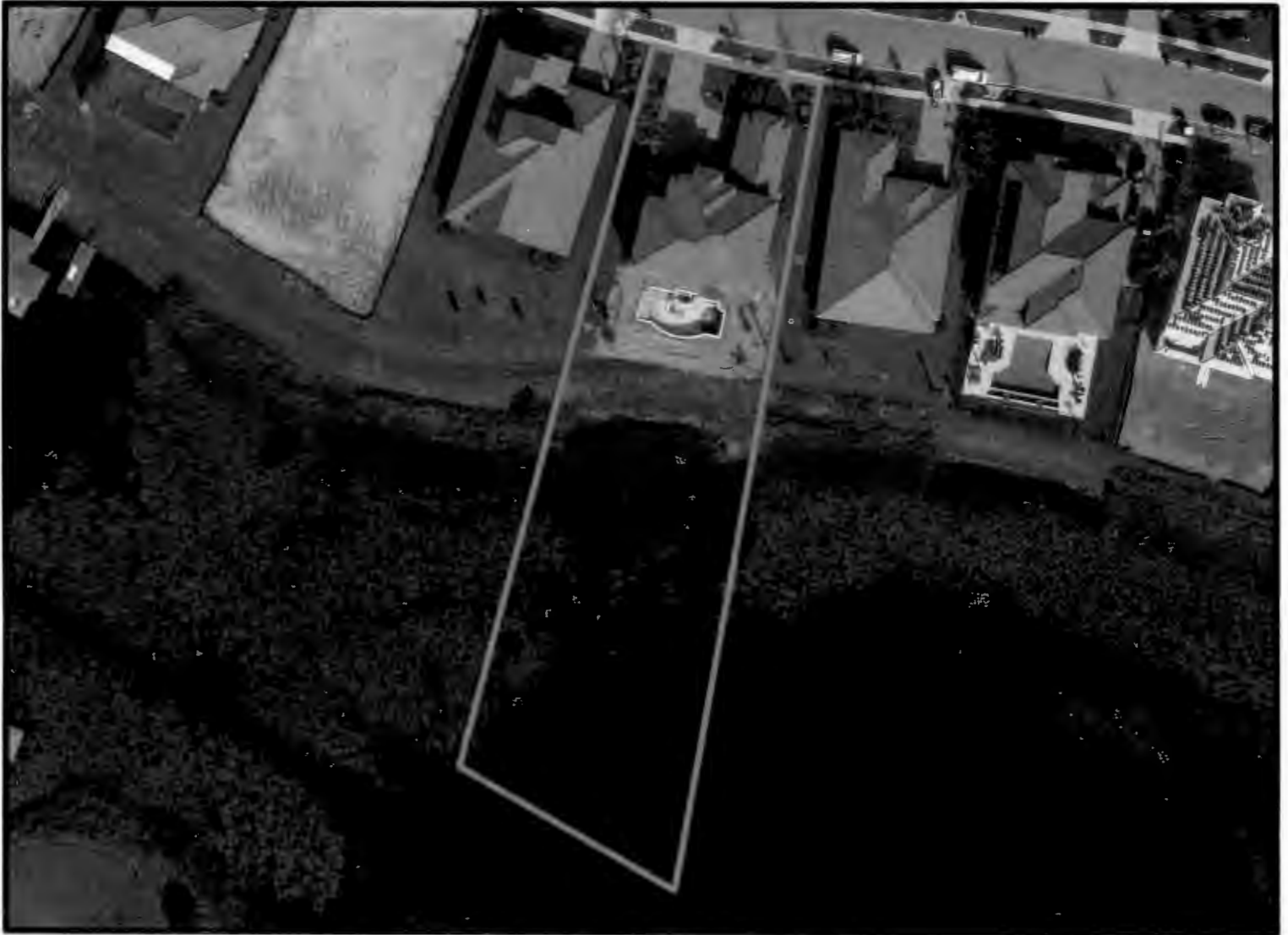
By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained 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: Peter Fleck
Signature of Applicant/Agent: Peter Fleck Date: 8-12-19
Corporate Title (if applicable): Owner, Q-Ice Builders





# Partial After-the-Fact Boat Dock Construction Application for Waiver



**Partial After-the-Fact  
Boat Dock Waiver Application  
Terminal Platform Size  
BD-19-08-086  
District #1**

**Applicant: Todd Weiden**

**Address: 14326 United Colonies Drive**

**Parcel ID: 28-23-27-9163-02-900**

**Project Site** 

**Property Location** 

