



## Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: November 29, 2016

November 1, 2016

AGENDA ITEM

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: November 29, 2016 - Consent Item  
Environmental Protection Commission Recommendation for a Variance  
Request for the Huff Dock Construction Permit BD-16-07-084

On July 27, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the referenced property. The Applicant proposes to add a covered boathouse to an existing pier; therefore, the entire structure must meet the current Dock Construction Code.

The existing structure is constructed with a floor elevation of 58.29 NGVD (1929); it does not meet the minimum floor elevation of one (1) foot above the Normal High Water Elevation (NHWE). Therefore, in an effort to allow the structure to remain as constructed, and add a covered boat slip, the Applicant provided an application for Variance to Section 15-342(d) on August 23, 2016.

Per the Orange County Lake Index, the NHWE of Lake Georgia is established at 59.50 feet NGVD (1988). Review of historical lake level data for this lake indicates that the NHWE has not been reached since April 1961.

During the August 31, 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 15-342(d) floor elevation.

**ACTION REQUESTED:** Acceptance of the Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation of approval of a Variance to Orange County Code, Chapter 15, Article IX, Section 15-342(d) for the Huff Dock Construction Permit BD-16-07-084, with the condition that the applicant enter into a Hold Harmless and Indemnification Agreement with Orange County for the Dock being constructed below the Normal High Water Elevation. District 5

JVW/LC: mg

Attachments



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

PROJECT NAME: Huff

DOCK CONSTRUCTION PERMIT NUMBER: BD-16-07-084

LOCATION/ADDRESS: 9945 Lake Georgia Drive, Lake Georgia

RECOMMENDATION:

**PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(D) FOR THE HUFF DOCK CONSTRUCTION PERMIT BD-16-07-084 WITH THE CONDITION THAT THE APPLICANT ENTER INTO A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT WITH ORANGE COUNTY FOR THE DOCK BEING CONSTRUCTED BELOW THE NORMAL HIGH WATER ELEVATION.**

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

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Signature of EPC Chairman: \_\_\_\_\_

*David R. Ward*

Date EPC Recommendation Rendered: \_\_\_\_\_

10/26/16



**Interoffice Memorandum  
Community, Environmental and Development Services Department**

October 26, 2016

TO: Environmental Protection Commission

FROM: Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department

SUBJECT: Huff Boat Dock Construction Variance Request

**Reason For Public Hearing**

The applicant, Richard Huff, is requesting a variance from Orange County Code, Chapter 15, Article IX, Section 15-342(d)(floor elevation).

**Location of Property**

The project site is located at 9945 Lake Georgia Drive, Orlando, on Lake Georgia. The Parcel ID is 06-22-31-0000-00-073. The subject property is located in Orange County Commission District 5.

**Public Hearing Notifications**

The applicant, agent, and owners of the shoreline properties situated within 300 feet of the property on which the proposed dock is located were notified of the request for variance on September 8, 2016.

**Staff Findings**

On July 27, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the referenced property. There is an existing unpermitted dock that was built prior to December 19, 1988, and is therefore considered a grandfathered structure; however, the pending application includes the addition of a covered boat house at the end of the existing dock. Therefore, the structure must meet the current Dock Construction Code.

Per the Orange County Lake Index, the Normal High Water Elevation (NHWE) of Lake Georgia is 59.50 feet NGVD (1929)/ 58.41 NAVD (1988) and a review of lake level data indicates that the NHWE has not been reached since April 1961.

The current dock is constructed with a floor elevation of 58.29 feet NGVD (1929); it does not meet the minimum floor elevation of one (1) foot above the NHWE. Therefore, in an effort to allow the structure to remain as constructed and add a covered boat slip, the Applicant provided an application for variance to Section 15-342(d) on August 23, 2016.

Pursuant to Section 15-350(a)(1), Variance...the applicant shall 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; and (2) the effect of the proposed variance on abutting shoreline owners.

To address Section 15-350(a)(1)(1) the applicant has stated that, *"the NHWE is unrealistically high for Lake Georgia. The existing dock is four feet above the water which is two feet below the NHWE. It has never come close to going underwater."* To address Section 15-350(a)(1)(2) the applicant shall describe the effect of the proposed variance on abutting shoreline owners and has stated that, *"the abutting shoreline owners will have an even better view of the lake."* EPD has received no objections to the variance request.

Included as attachments with this staff report are location map, variance request, site plans, and photos.

#### **Enforcement Action**

There currently is no enforcement action for this property.

#### **Staff Recommendation**

Although the Applicant has not clearly demonstrated that the hardship is not self-imposed, he believes there is a unique hardship to accommodate the requirement in the Code to have the floor elevation of the dock no more than one foot above the NHWE. It was determined that this will not negatively impact the environment and there have been no objections to the variance request. Therefore, the recommendation of the Environmental Protection Officer is to approve the request for variance to Section 15-342(d) floor elevation, with the condition that the Applicant enter into a Hold Harmless and Indemnification Agreement with Orange County for building a structure below the NHWE.

<b><u>ACTION REQUESTED</u></b>	<b><u>PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(D) FOR THE HUFF DOCK CONSTRUCTION PERMIT BD-16-07-084 WITH THE CONDITION THAT THE APPLICANT ENTER INTO A HOLD HARMLESS AND INDEMNIFICATION AGREEMENT WITH ORANGE COUNTY FOR THE DOCK BEING CONSTRUCTED BELOW THE NORMAL HIGH WATER ELEVATION.</u></b>
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AK  
AK/NT/ERJ/LC: mg

Attachments



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## 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, Steve Siegfried on behalf of Richard Huff (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15.342 (d) 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 NHWE is unrealistically high for Lake Georgia. The existing dock is 4 feet above the water which is 2 feet below NHWE. It has never come close to going underwater.

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

The abutting shoreline owners will have an even better view of the lake....

### 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.

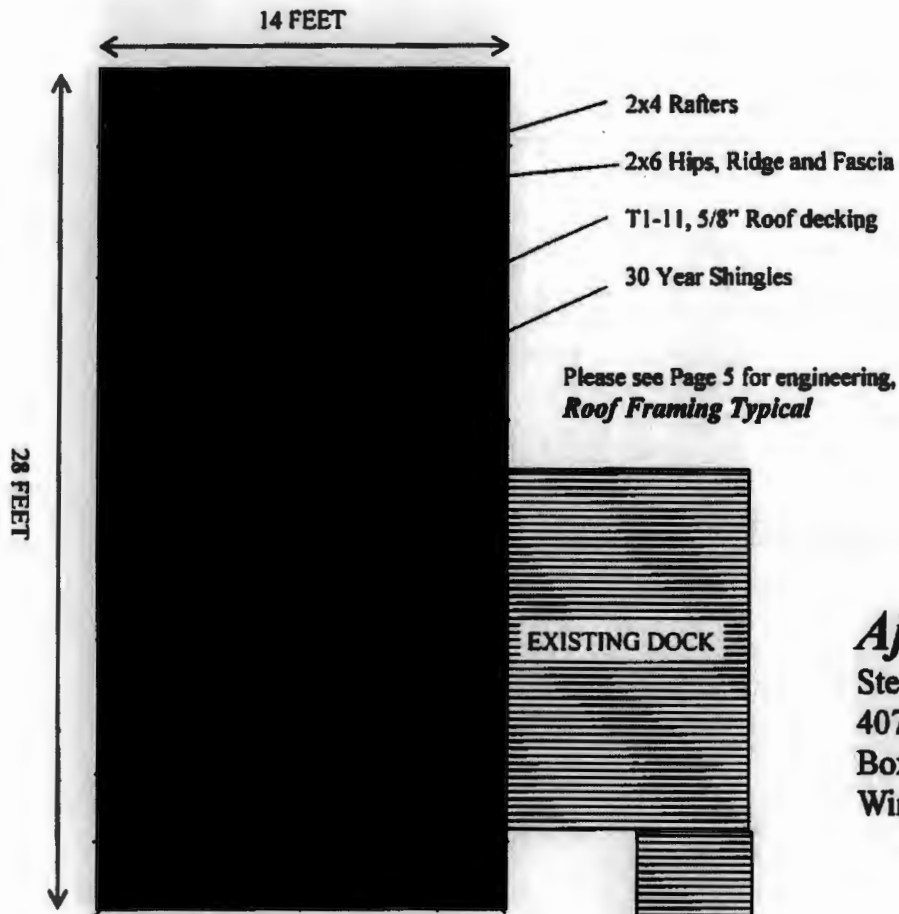
By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, 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: Steve Siegfried/Aja Group Incorporated

Signature of Applicant/Agent

Date: 8/22/16

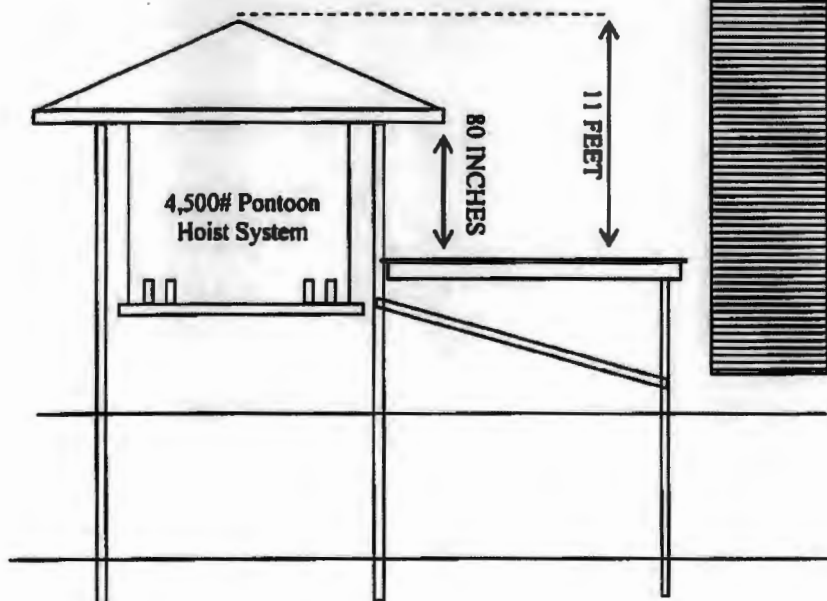
Corporate Title (if applicable): President



## ***Roof Sys-***

## ***Aja Docks***

Steve Siegfried  
407.461.0288  
Box 1291  
Winter Park FL 32790



Dick & Carol Huff  
9945 Lake Georgia Drive  
Orlando FL 32817  
407-951-6092

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# Application to Construct a Dock with a Variance



**Variance Request**  
**15-342(d) floor elevation**

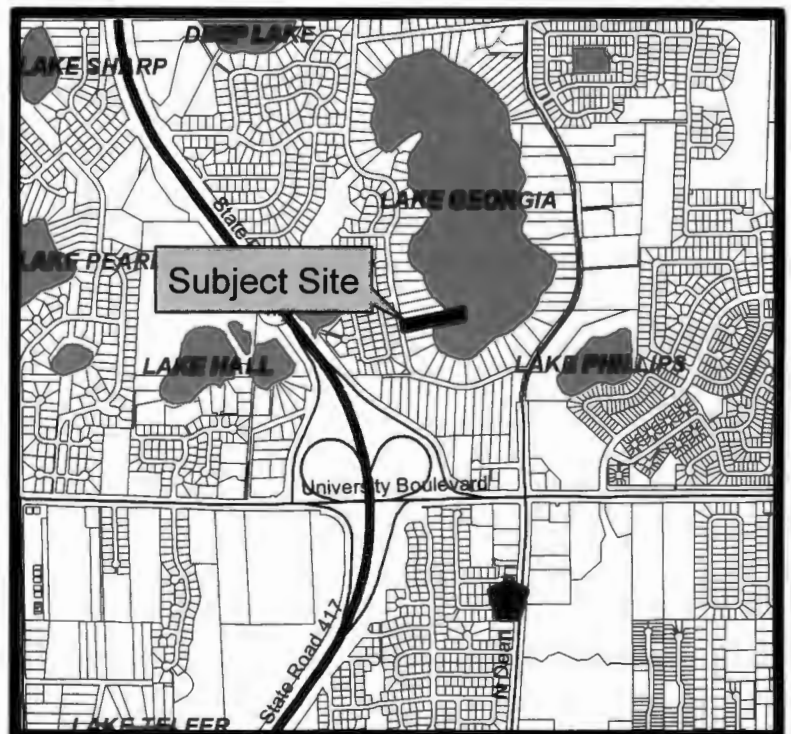
**District # 5**

**Applicant:** Richard Huff

**Parcel ID:** 06-22-31-0000-00-073

**Project Site** 

**Property Location** 



Huff Application to Construct a Dock BD-16-07-084  
9945 Lake Georgia Drive  
Lake Georgia  
Application for Variance to Section 15-342(d)(floor elevation)





Huff Application to Construct a Dock BD-16-07-084  
9945 Lake Georgia Drive  
Lake Georgia  
Application for Variance to Section 15-342(d)(floor elevation)



## Aja Docks

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407.461.0288  
Box 1291  
Winter Park FL 32790

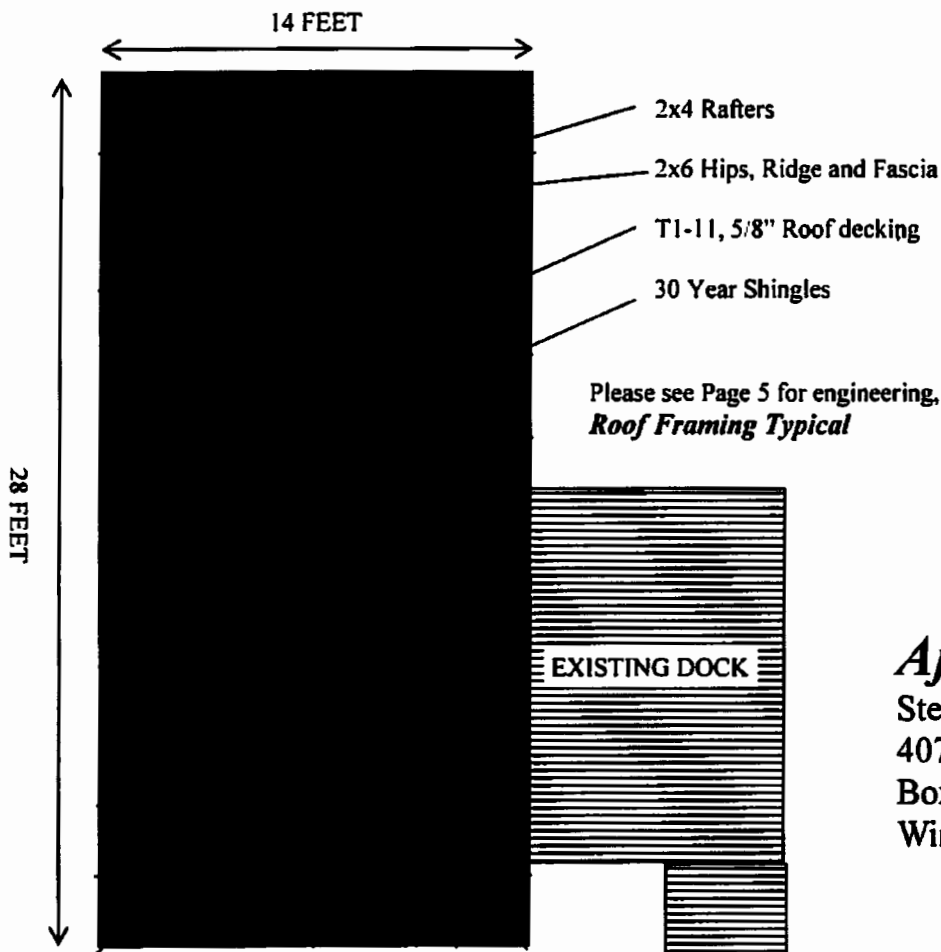
Dick & Carol Huff  
9945 Lake Georgia Drive  
Orlando FL 32817  
407-951-6092



MICHAEL A.  
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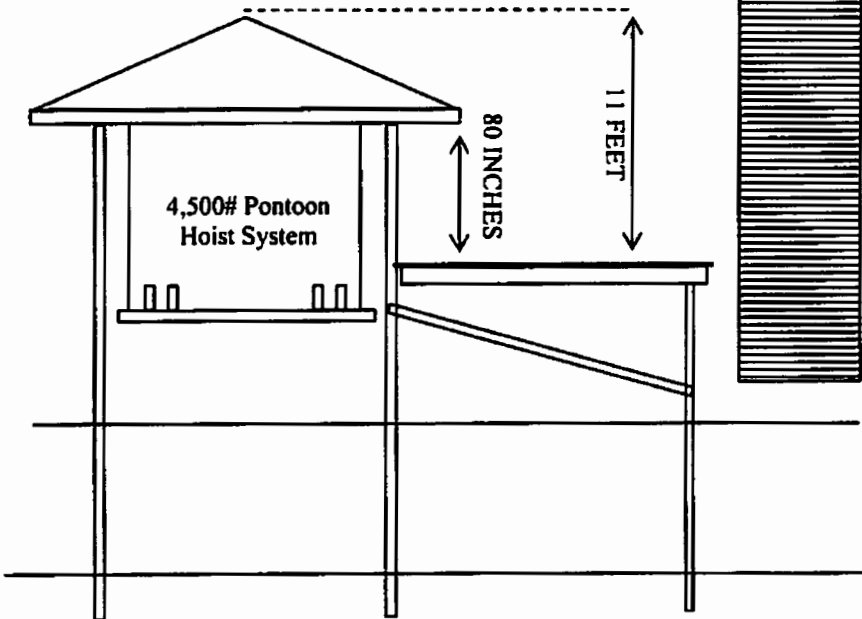


## ***Roof Sys-***

## ***Aja Docks***

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