



## Interoffice Memorandum

## AGENDA ITEM

November 8, 2021

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

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

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

SUBJECT: December 14, 2021 — Consent Item  
Environmental Protection Commission Recommendation for  
Request for After-the-Fact Variance for James and Lisa  
Ackerman Dock Construction Permit BD-20-05-075-MOD

The applicants, James and Lisa Ackerman, are requesting a modification to a previously issued Dock Construction Permit (BD-20-02-075) with an after-the-fact variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(d) (floor elevation). The project site is located at 9877 Lake Georgia Drive, Orlando, FL 32817. The Parcel ID Number is 06-22-31-4444-00-140. The subject property is on Lake Georgia in District 5.

On May 5, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace an old, grandfathered dock at the subject property. The applicants proposed to build a new dock with a slightly larger terminal platform. Subsequently, Dock Construction Permit #BD-20-05-075 was issued on June 1, 2020 with an administrative waiver to Section 15-343(b) to authorize a side setback distance of 14.5 feet from the southern projected property line in order to construct the replacement dock in the same general footprint as the old dock. A Letter of No Objection (LONO) was obtained from the affected neighbor to the south (Douglas Ackerman at 9881 Lake Georgia Drive).

On May 6, 2021, EPD received an as-built survey of the completed dock and determined that the side setback from the southern projected property line is actually 8.53 feet (not 14.5 feet as originally permitted) and the floor elevation of the dock is 0.86 feet below the Normal High Water Elevation (NHWE) (1.86 feet below the minimum floor elevation). The applicants were informed via email on June 28, 2021 that they would need to either reconstruct the dock per the approved plans or apply for an after-the-fact waiver to Section 15-343(b) to authorize the setback and an after-the-fact variance to Section 15-342(d) to authorize the existing floor elevation.

On July 12, 2021, EPD received a revised LONO from the adjacent affected property owner to the south indicating he has no objection to the 8.53-foot setback. Therefore, pursuant to Section 15-343(b), the side setback waiver can be approved by the Environmental Protection Officer (EPO) and no further action is required by the Environmental Protection Commission (EPC) or the Board on this item.

EPD sent a letter to the applicants on August 26, 2021 reiterating the remaining steps required to bring the dock into compliance with Section 15-342(d) (floor elevation), which included an administrative penalty in the amount of \$799 for deviation from the approved plans. On September 2, 2021, the applicants submitted an after-the-fact Application for Variance to 15-342(d) along with the required variance fee.

### **After-the-Fact Variance Request – Floor Elevation**

Chapter 15, Article IX, Section 15-342(d) of the Code states, “The floor elevation shall be a minimum of one (1) foot above the established control elevation or NHWE.” The NHWE for Lake Georgia is 58.41’ (NAVD88) and the floor elevation of the dock is 57.55’ (NAVD88), which is 0.86 feet below the NHWE. The applicant is requesting a variance to keep the dock floor elevation as constructed.

Section 15-350(a)(1) states “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.”

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 stated, “*The dock was already built by the prior owner to the elevation it is. I only replaced rotted wood and put a partial roof over it. In addition, I think if the dock was raised to the level required, it would violate another code that stipulates the dock cannot be higher than a certain elevation from the water surface, which it would be.*”

To address Section 15-350(a)(1)(2), the applicants stated, “*No effect on abutting shoreline owners.*”

Based on information provided by Orange County Public Works, lake elevations on Lake Georgia have not reached the NHWE since September of 1964. The highest recorded elevation of the lake was 60.34’ NAVD88 (1.93’ above the NHWE), recorded in October of 1959. The most recently recorded elevation of the lake was 52.36’ NAVD88 (6.05’ below the NHWE) on August 4, 2021.

### **Public Noticing**

On September 15, 2021, a Notice of Application for After-the-Fact Variance was sent to all shoreline property owners within a 300-foot radius of the property. No objections were received by EPD.

### **Enforcement Action**

Due to the failure to construct the dock according to the permitted plans, EPD initiated Enforcement Case No. 21-596755 and, as previously stated, assessed a \$799 administrative penalty, which remains outstanding. Either an approval of the variance, or

reconstruction of the dock to meet Code, and payment of the penalty will bring the property into compliance.

### **EPD Staff Evaluation/Recommendation**

Staff evaluated the after-the-fact variance request for compliance with the criteria for approval. The applicants have demonstrated that there will be no adverse effects from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2), as no objections were received. However, the applicants have not demonstrated that the hardship is not self-imposed per Section 15-350(a)(1)(1), as a dock could be built that meets Code. Therefore, the recommendation of the EPO is to deny the request for the after-the-fact variance to Chapter 15, Section 15-342(d) (floor elevation).

### **Environmental Protection Commission Public Hearing**

EPD presented the after-the-fact waiver request to the EPC at their October 27, 2021 public meeting. Mr. James Ackerman (applicant) was present and spoke on his behalf. He stated that he purchased the property in 2002 with the dock existing at the current elevation—with this permit he only increased the size and added a roof, and explained that he performed the work himself. He also pointed out that all the docks around the lake are at a similar elevation as his. Regarding the side setback, he stated there was an error on his original survey, which was the reason for the incorrect original side setback requested.

Chairman Mark Ausley agreed that it appears that the applicant has maintained the previously existing dock elevation and noted the history of dock elevation issues on Lake Georgia, to which Commission Member Billy Butterfield agreed. Chairman Ausley also stated that since there has been an ongoing issue with the NHWE on Lake Georgia, it may benefit all if it were reevaluated.

Commission Member Elaine Imbruglia and Mr. Butterfield stated that the assessed penalty amount might be unnecessary and excessive based on the work completed. Mr. Neal Thomas from EPD noted that the penalty amount was calculated in accordance with EPD's penalty matrix and would have taken into consideration that the applicants did not follow the approved plans. Commission Member Peter Fleck pointed out that to raise the dock would mean a complete replacement of the entire dock, rather than the simple terminal platform addition that was authorized and constructed as part of the original permit. Commission Member Flormari Blackburn pointed out that since the applicants performed the work themselves, they likely lacked the expertise to ensure the floor elevation met the minimum requirement. Mr. Butterfield stated that EPC has approved lower dock elevations in the past and that approval of this request will not harm the environment, to which Chairman Ausley agreed.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to reject the findings and recommendation of the EPO, and recommended approval of the request for after-the-fact variance to Section 15-342(d) (floor elevation) with a payment of an administrative penalty of \$799 to the Conservation Trust Fund and the condition that the applicants enter into a Hold Harmless and Indemnification Agreement.

**ACTION REQUESTED:**      **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for after-the-fact variance to Section 15-342(d) to reduce the required floor elevation from one foot above to 0.86-foot below the Normal High Water Elevation with the payment of an administrative penalty of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and with the condition that the applicants enter into a Hold Harmless and Indemnification Agreement with Orange County for the James and Lisa Ackerman Dock Construction Permit BD-20-05-075-MOD. District 5**

JVW/DDJ: jk  
Attachments

# Dock Construction Application for After-the-Fact Variance



## Dock Construction Application for After-the-Fact Variance BD-20-05-075-MOD District #5

**Applicant:** James and Lisa Ackerman

**Address:** 9877 Lake Georgia Drive

**Parcel ID:** 06-22-31-4444-00-140

**Project Site** 

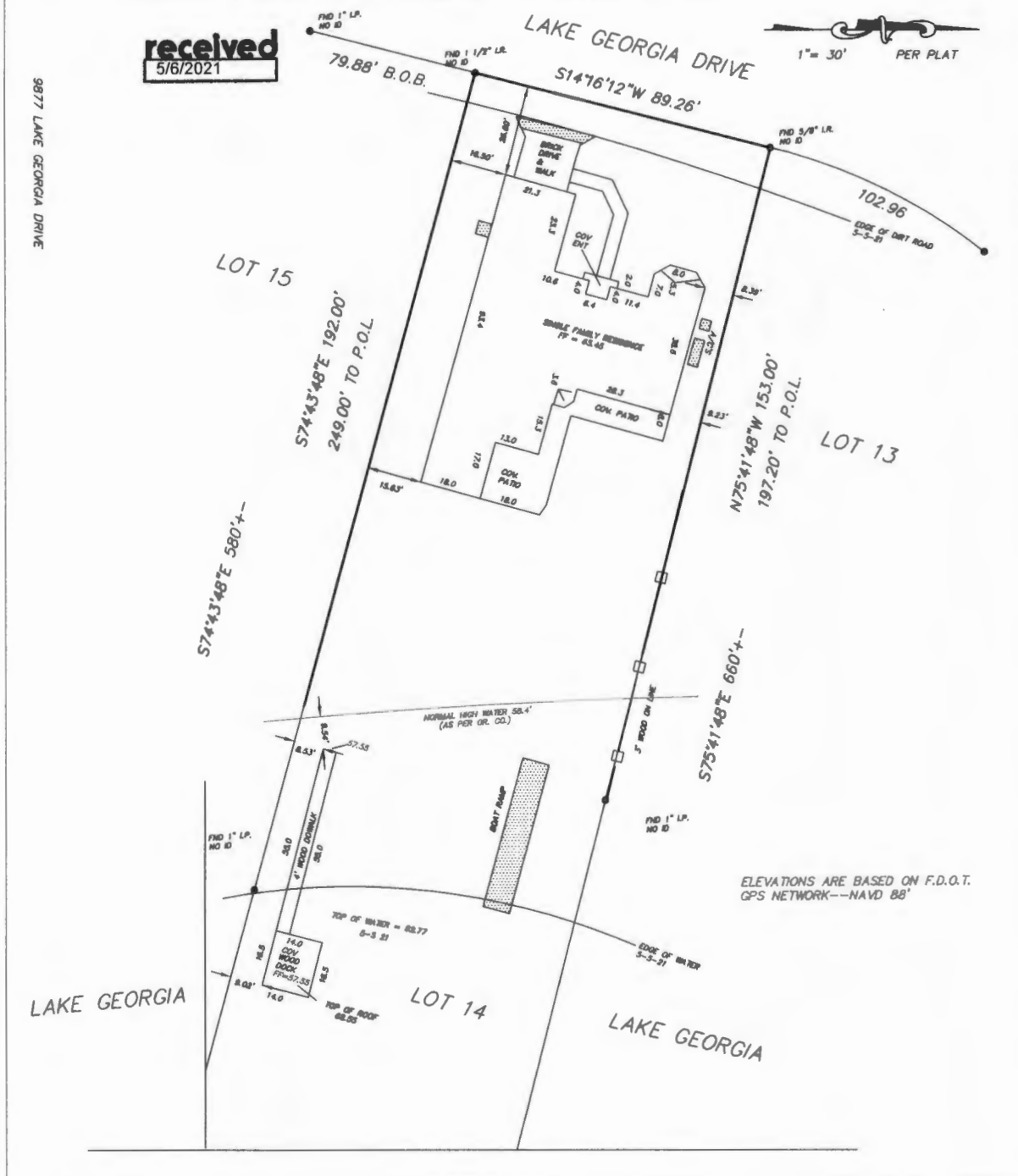
**Property Location** 



# BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 14, LAKE GEORGIA SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 'S', PAGE 65, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'AE', AREA OF 100 YEAR FLOODING, WITH A BASE FLOOD ELEVATION OF 80.9', WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0280 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.



## LEGEND

1. FOUND CONCRETE MONUMENT  
 2. FOUND PROPERTY CORNER  
 3. SET PROPERTY CORNER  
 4. PERMANENT CONTROL POINT  
 5. DELTA  
 6. AIR CONDITIONER  
 7. B.L. BLOCK  
 8. BASIS OF BEARING  
 9. BEARING  
 10. CABLE TELEVISION BOX  
 11. CHORD  
 12. CHAIN LINK FENCE  
 13. C.M. CONCRETE MONUMENT

DocuSigned by:

1. MEASURED  
 2. N/D  
 3. NAIL & DISC  
 4. NORTH  
 5. POINT OF CURVATURE  
 6. P.C.  
 7. P.T.  
 8. POINT OF TANGENCY  
 9. P.O.B.  
 10. POINT OF BEGINNING  
 11. P.O.C.  
 12. POINT OF COMMENCEMENT  
 13. P.L.  
 14. PLAT  
 15. PLAT ON LINE  
 16. RADIUS / RADIAL  
 17. S  
 18. SOUTH  
 19. SANITARY

## NOTES

1. BEARINGS ARE BASED ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
3. ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED.
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL.
6. THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN.
7. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
8. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY DOES NOT EXCEED THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 427.027, FLORIDA STATUTES.

DocuSigned by:

5/5/2021

CHARLES R. DEFOOR, P.L.S. 4189

DATE

PREPARED FOR:

JAMES E. & LISA V. ACKERMAN

PREPARED BY:

CHARLES ROB DEFOOR  
PROFESSIONAL LAND SURVEYOR

P.O. BOX 1472, GENEVA, FLORIDA, 32732 407-880-8811

LOT SURVEY DATE:

FOUNDATION DATE:

FINAL SURVEY DATE: 4-30-21

DRAWN DATE: 4-30-21

SCALE: 1" = 30'

PAGE 1 OF 1

REVISION DATE:



## Environmental Protection Division

# DOCK CONSTRUCTION PERMIT

**Permit No.:** BD-20-05-075

**Date Issued:** June 1, 2020

**Date Expires:** June 1, 2021

### **A Permit Authorizing:**

The construction of a dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the plans dated as received by EPD on May 20, 2020. EPD staff have evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article IX.

This permit includes an approved administrative waiver to Section 15-343(b) to allow a side setback distance of 14.5 feet from the southern adjacent property line. A letter of no objection (LONO) was received from the affected adjacent property owner.

This permit is issued pursuant to Orange County Code, Chapter 15, Article IX, Dock Construction of Orange County and is subject to the permit conditions provided on the following pages:

### **Activity Location:**

9877 Lake Georgia Dr., Orlando, FL 32817

Parcel ID No.: 06-22-31-4444-00-140

Lake Georgia

Orange County Commission District: 5

### **Permittee / Authorized Entity:**

James Edward and Lisa V. Ackerman

9877 Lake Georgia Drive

Orlando, FL 32817

E-mail: [sfnole@startmail.com](mailto:sfnole@startmail.com)

Orange County Environmental Protection Division  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
407-836-1400/ Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)



**As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.**

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 15 calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the 'Construction Plans' submitted by James Ackerman, received by EPD on May 20, 2020. Construction shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within one year from the date of issuance of the permit. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 58.41 ft. (NAVD 88) above mean sea level for Lake Georgia. Maximum height of the roof shall be no higher than 12 feet above the floor elevation.
5. The existing boat dock that is in disrepair will be removed prior to construction of the new dock. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained during demolition.
6. The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction in order to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock, and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock.
7. The dock must be constructed within the access corridor according to Chapter 15, Article VII. No access corridor is allowed through any conservation area and/or easement.
8. The structure and its use shall not significantly impede navigability in the waterbody.
9. There shall be no dredging or filling associated with construction of the structure(s) authorized herein, other than that required for installation of structural pilings.
10. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, Jet Ski platforms) has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but not limited to, a floating platform) is proposed, the permittee or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.



11. All excess lumber, scrap wood, trash, garbage, or other similar material shall be removed from the project area and/or surface waters immediately.
12. The permit holder and/or designated agent must submit a notice of completion to EPD within 30 days of completion of the construction or repair of the permitted structure so that a compliance check may be performed by EPD staff. The permit holder and/or designated agent must provide as-built drawings on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall consist of an aerial view and a side view of the dock structure as well as any other information required to demonstrate compliance with the permit. The following items must be included on the survey:
  - a. North arrow;
  - b. Name of water body;
  - c. Reference point;
  - d. Setback distance from all portions of the boat dock;
  - e. NHWE;
  - f. Floor elevation (measured from the NHWE);
  - g. Roof elevation (measured from the top of the floor to the top of the roof);
  - h. Length of dock below the NHWE;
  - i. Access walkway width;
  - j. Conservation easements, wetlands, buffers, berm and swale/drainage easements;
  - k. Floor elevation of the dock through easements, wetlands or buffers;
  - l. Complete dimensions of the terminal platform.
13. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for approval. For further information, please contact the OCZD at (407) 836-5525.
14. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
15. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a 'Construction Notice' indicating the actual start date and expected completion date.
16. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

General Conditions:

17. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

18. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
19. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
20. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
21. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
22. The permittee is hereby advised that Section 253.77, Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
23. Should any other regulatory agency require changes to the property or permitted activities, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
24. EPD staff shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
25. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

26. EPD staff, with proper identification, shall have permission to enter the site to inspect the dock for conformity with the plans and specifications approved by the permit.
27. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
28. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
29. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
30. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
31. Dock structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
32. Pursuant to Section 125.022, FS, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
33. Pursuant to Section 125.022, FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

If you should have any questions concerning this review, please contact Nicole Salvatico at 407-836-1494 or [Nicole.Salvatico@ocfl.net](mailto:Nicole.Salvatico@ocfl.net).

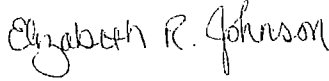
Project Manager:



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Nicole Salvatico, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



For

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David D. Jones, P.E., CEP, Environmental Protection Officer

NS/MT/TH/ERJ/DJ: gfdjr

Enclosures: Construction Notice  
Approved Plans

C: Marc von Canal – St. Johns River Water Management District – [mvoncana@sjrwmd.com](mailto:mvoncana@sjrwmd.com)



# Construction Notice

---

Approximate Starting Date: \_\_\_\_\_

Approximate Completion Date: \_\_\_\_\_

Permit Number/Name: **BD-20-05-075, Ackerman - 9877 Lake Georgia Drive**

Remarks:

Agent/Consultant/Permittee: \_\_\_\_\_

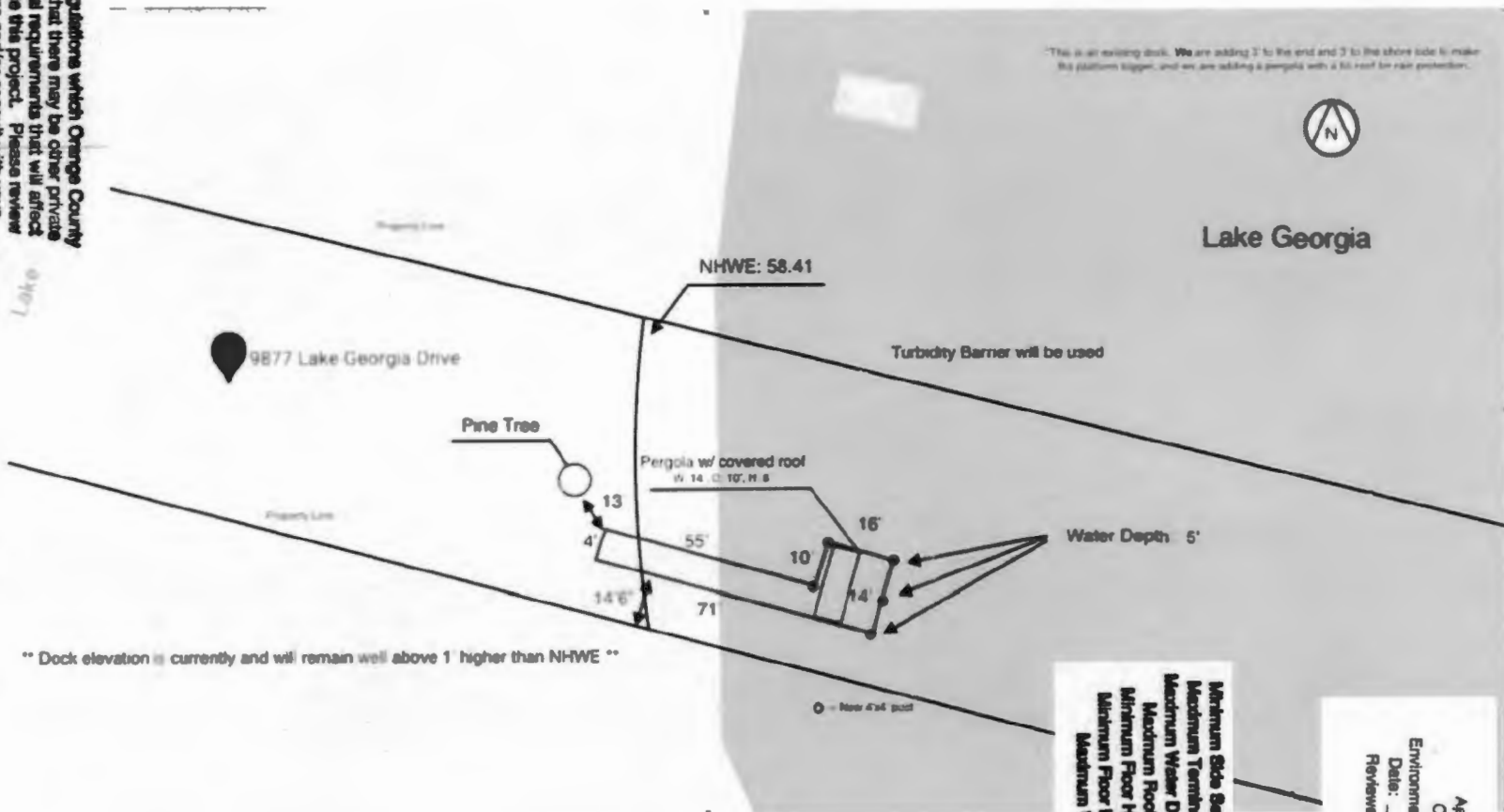
Date: \_\_\_\_\_

Complete and Return to:

By Email: Nicole.Salvatico@oclf.net  
By Fax: 407-836-1499, Attn: Nicole Salvatico  
By Mail: Orange County Environmental Protection Division  
3165 McCroly Place, Suite 200  
Orlando, FL 32803

**received**  
5/20/2020

In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board.



Approved By The  
Orange County  
Environmental Protection Division  
Date: 5/27/2020  
Reviewer: N. Salvatore

**Waiver Approved**

North South

Minimum Side S setbacks 11.25' 8.00' 14.5'

Maximum Terminal Platform Size 825sq ft

Maximum Water Depth at Terminal Platform 8 feet

Maximum Roof Height Above Floor 12 feet

Minimum Floor Height Above the NHWE 1 foot

Minimum Floor Height Above Wetlands 3 feet

Maximum Width of Walkway 5 feet



**ENVIRONMENTAL PROTECTION DIVISION**

**David D. Jones, P.E., CEP, Manager**

3165 McCroxy Place, Suite 200

Orlando, FL 32803

407-836-1400 • Fax 407-836-1499

www.ocfl.net

ENVIRONMENTAL  
PROTECTION  
COMMISSION

Mark Ausley  
Chairman

Oscar Anderson  
Vice Chairman

Norman Blackburn

Billy Butterfield

Mark Corbett

Peter Fleck

Elaine Imbruglia

**ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
October 27, 2021**

Applicants: James and Lisa Ackerman

Permit Application Number: BD-20-05-075-MOD

Location/Address: 9877 Lake Georgia Drive, Orlando

**RECOMMENDATION:** Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for after-the-fact variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for after-the-fact variance to 15-342(d), and require the dock to be reconstructed to meet the minimum floor height elevation requirement of one foot above the NHWE within 60 days of the decision of the Board of County Commissioners for the James and Lisa Ackerman Dock Construction Permit BD-20-05-075-MOD. District 5

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED (ABOVE)

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

Reject the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for after-the-fact variance is consistent with Section 15-350(a)(1) and recommend approval of the request for after-the-fact variance to 15-342(d) to reduce the required floor elevation from one foot above to 0.86-foot below the Normal High Water Elevation with the payment of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners and with the condition that the applicants enter into a Hold Harmless and Indemnification Agreement with Orange County for the James and Lisa Ackerman Dock Construction Permit BD-20-05-075-MOD. District 5

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

*Mark Ausley*

DATE EPC RECOMMENDATION RENDERED: \_\_\_\_\_

10-27-21

*Serving our community by conserving, protecting, and enhancing the environment for current and future generations.*