




Interoffice Memorandum

April 16, 2024

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

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development
Services Department 

CONTACT PERSON: **Renée H. Parker, LEP, Manager, Environmental Protection
Officer, Environmental Protection Division
(407) 836-1420**

SUBJECT: May 21, 2024 — Consent Item
Environmental Protection Commission Recommendation for
Request for Variance for Zellwood Station Co-Op, Inc. for After-
the-Fact Dock Construction Permit BD-23-10-134

The applicant, Zellwood Station Co-Op, Inc. is requesting an After-the-Fact Dock Construction Permit with approval of a variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(a)(8) (floor elevation). The project site is located at 2728 Cayman Circle, Zellwood, FL 32798 (Parcel ID number 25-20-27-9825-00-001) on Lake Grassmere in District 2.

Background

On August 3, 2023, the Environmental Protection Division (EPD) received correspondence from Orange County Neighborhood Services Division that an existing dock had been torn down and reconstructed at the subject property. EPD staff determined that the existing dock was a grandfathered structure that was built prior to December 1988. However, it appeared that more than 50 percent of the dock had been repaired. Section 15-346(c) states, "...Docks constructed on or before December 19, 1988, are allowed to remain as originally constructed. Maintenance activities of unpermitted docks constructed on or before December 19, 1988, do not require a permit under this article, unless repair or replacement occurs to more than fifty (50) percent of the dock." Since more than 50 percent of the dock was repaired, the dock requires a new permit, to be reviewed under the current Code. EPD staff conducted a file review and did not find a permit for the repair of the dock. Accordingly, an EPD Incident was created (23-626764), and on September 19, 2023, a Notice of Non-Compliance letter was sent to the property owner providing the option of either removing the unpermitted dock or submitting an application to construct a dock in an attempt to authorize the structure after-the-fact.

On October 3, 2023, EPD received an after the fact application to construct a dock for the subject parcel. On January 16, 2024, EPD received an as-built survey and an after the fact application for variance for floor elevation of the dock. The applicant provided the as-built survey of the dock to be used as the site plan since it had already been constructed. The applicant is requesting a variance to the Code which requires the floor elevation to be a minimum of one foot over the Normal High Water Elevation (NHWE). The constructed dock is only 0.32 foot over the NHWE.

Floor Elevation Variance

Chapter 15, Article IX, Section 15-342(a)(8) of the Code states, “The floor elevation must be a minimum of one (1) foot above the established control elevation or NHWE.” The NHWE elevation of Lake Grassmere is 113.08’ (NAVD88) and the floor elevation of the dock is 113.4’. The applicant is requesting a variance to allow the dock to remain 0.32’ above the NHWE in lieu of the minimum of one foot required by Code.

Section 15-350(a) Variances states “the applicant must: (1) Identify the sections(s) of this article that the applicant seeks a variance for and the extent of the requested variance; (2) Describe the impact of the requested variance on the surface water and the environment; (3) Explain the effect of the requested variance on any abutting or affected shoreline property owner(s); (4) Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant; and (5) Explain why the hardship is not self-imposed.”

To address Section 15-350(a)(1), the applicant’s Authorized Agent, Ms. Sheila Cichra, submitted an Application for Variance identifying the section of code the applicant seeks a variance for.

To address Section 15-350(a)(2), Ms. Cichra has stated, “there are no aquatic resources under the dock and the NHWE of this lake is not normal, so there is no impact.”

To address Section 15-350(a)(3), Ms. Cichra has stated, “there is no impact.”

To address Section 15-350(a)(4), Ms. Cichra has stated, “the existing deck is approximately 5’ above the average water level of Lake Grassmere. It is already dangerously high. According to minimal OC records, the lake has never even reached the NHWE.”

To address Section 15-350(a)(5), Ms. Cichra has stated, “the project started out as a repair and it was determined later that the entire dock needed to be replaced. Neither the builder nor the property owner had any idea that the old dock was unpermitted and did not meet code.”

Notifications

Pursuant to Section 15-347(a), “The environmental protection officer will send notice of receipt of an application for variance under the provisions of this article by certified mail to the owners of shoreline properties situated within three hundred (300) feet of the property that the proposed dock is to be located on.” For this case there is only one other property owner on Lake Grassmere. The Notice of Application for Variance was sent to that property owner on January 30, 2024, and it was received on February 2, 2024. No objections have been received from the adjacent property owner.

On February 26, 2024, the applicant and agent were sent notices to inform them of the Environmental Protection Commission (EPC) meeting held for this case on March 27, 2024.

Enforcement Action

There is currently an open enforcement case (23-626764) for this property related to the unpermitted boat dock and a fountain that had been placed within the lake. The fountain

has since been removed and issuance of the Dock Construction Permit will satisfy the requirements set forth in the enforcement case.

Additionally, Section 15-353(d) states, "Any person determined to have violated section 15-324 for failure to obtain a permit prior to constructing a dock or modifying an existing dock such that a variance or waiver would be required, may be subject to an additional administrative penalty in the amount of one dollar (\$1.00) per square foot of the entire structure." Therefore, an administrative penalty of \$377.96 was assessed for failure to obtain a permit. The applicant remitted the administrative penalty on February 22, 2024.

Staff Recommendation

Section 15-350(c) Variance criteria states, "A variance application may receive an approval or an approval with conditions if granting the variance: (1) Would not negatively impact the surface water or the environment or if there is a negative impact, sufficient mitigation is proposed pursuant to paragraph 15-350(d), if appropriate; (2) Would not be contrary to the public interest; (3) Where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant; (4) Where the environmental protection officer has determined that the hardship is not self-imposed on the applicant; and (5) Would not be contrary to the intent and purpose of this article".

Staff has evaluated the variance request for compliance with the criteria for approval. Notwithstanding the height issue, the dock has been replaced in the same configuration as the prior grandfathered dock structure and therefore EPD agrees that it would not negatively impact the surface water. EPD agrees that complying with the floor elevation requirement would impose a unique hardship on the applicant, which is not self-imposed, since the NHWE of Lake Grassmere is not representative of the typical water levels. Based on biological indicators, the lake level appears on average to be several feet below the NHWE. Based on the Lake Informational Sheet for Lake Grassmere, the water level data taken from 1971 through 1973, which are the only water level readings on record with the County, also show that the NHWE was not reached during this timeframe, averaging between 1+ to 3+ feet below the NHWE. Therefore, the recommendation of the Environmental Protection Officer (EPO) is to approve the request for variance to Section 15-342(a)(8) (floor elevation) with the condition that the applicant enter into a Hold Harmless Agreement for the floor elevation not meeting the minimum requirement per Code.

EPC Public Hearing

EPD presented the variance request in a public hearing before the EPC at their March 27, 2024 meeting. Sheila Cichra acting as the authorized agent for Zellwood Station Co-Op, Inc., provided information in support of the request. Vice-Chairman Fleck mentioned that since the dock is constructed so high off the ground, fall protection measures should be in place on the dock. Sheila Cichra agreed to provide fall protection railings.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and made a finding that the request for variance was consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(c) and recommended approval of the request for variance to Section 15-342(a)(8) to reduce the minimum floor height from one foot above the NHWE to 0.32-foot, with the condition that the applicant enter into a Hold Harmless Agreement with Orange County and that the dock must meet fall protection requirements that meet the Florida Building Code.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(a)(8) to reduce the minimum floor height from one foot above the Normal High Water Elevation to 0.32-foot, with the condition that the applicant enter into a Hold Harmless Agreement with Orange County and that the dock must meet fall protection requirements that meet the Florida Building Code for the Zellwood Station Co-Op, Inc. After-the-Fact Dock Construction Permit BD-23-10-134. District 2.**

TW/RHP: rt

Attachments

Application for After-the-Fact Dock Construction Permit



**After-the-Fact Dock
Construction Permit
BD-23-10-134
District #2**

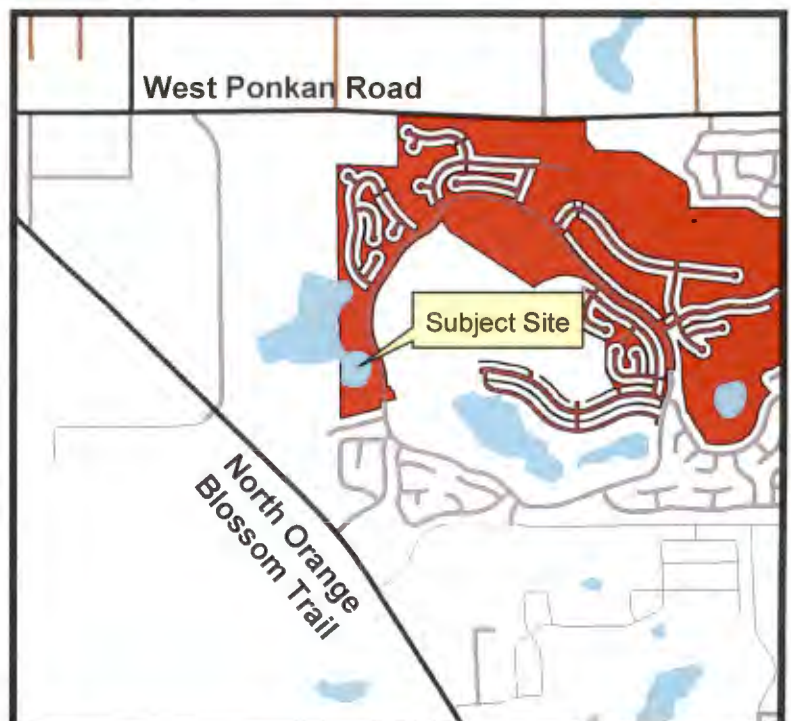
Applicant: Zellwood Station Co-Op, Inc.

Addresses: 2728 Cayman Circle

Parcel ID: 25-20-27-9825-00-001

Project Site 

Property Location 





ENVIRONMENTAL PROTECTION DIVISION
Renée H. Parker, LEP, Manager
 3165 McCrory Place, Suite 200
 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

ENVIRONMENTAL
 PROTECTION
 COMMISSION

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 March 27, 2024**

Alan Horn -
 Chairman

Peter Fleck - Vice
 Chairman

Shan Atkins

Billy Butterfield

Kelly Eger-Smith

Karin Leissing

Vacant

At Large Representative

Agricultural Interests

Applicants: Zellwood Station Co-Op Inc.

Permit Application Number: BD-23-10-134

Location/Address: 2728 Cayman Circle, Zellwood

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(c) and recommend approval of the request for variance to Section 15-342(a)(8) to reduce the minimum floor height from one foot above the Normal High Water Elevation to 0.32-foot, with the condition that the applicant enter into a Hold Harmless Agreement with Orange County for the Zellwood Station Co-Op, Inc. After-the-Fact Dock Construction Permit BD-23-10-134. District

2

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

*the falling must meets the dock must meet
 Fall protection requirements that
 meet the Florida Building Code.*

Signature of EPC Chairman: *Richard Allen H.*

DATE EPC RECOMMENDATION RENDERED: 3/27/2024



APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR VARIANCE

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

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

Mail or Deliver To: Orange County Environmental Protection Division
WetlandPermitting@ocfl.net
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1402

I Sheila Cichra on behalf of Zellwood Station (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a-d) am requesting a variance to the Orange County Dock Construction Ordinance for the property located at 2728 Cayman Circle.

1. Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance:
15-342 (a) (8) - requesting a variance to allow part of the dock to remain .32' above NHWE in lieu of the required 1'.

2. Describe the impact of the requested variance on the surface water and the environment:
There are no aquatic resources under the dock and the NHWE of this lake is not normal, so there is no impact.

3. Explain the effect of the requested variance on any abutting or affected shoreline property owner(s):
There is no impact.

4. Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant:
The existing deck is approximately 5' above the average water level of Lake Grassmere. It is already dangerously high. According to the minimal OC records, the lake has never even reached the NHWE.

5. Explain why the hardship is not self-imposed:
The project started out as a repair and it was determined later that the entire dock needed to be replaced. Neither the builder nor the property owner had any idea that the old dock was unpermitted and did not meet code.

Notice to the Applicant:
The Environmental Protection Officer, the Environmental Protection Commission, or the Board may require the applicant to provide additional information necessary to carry out the purposes of this section pursuant to 15-350(c):
A variance application may receive an approval or an approval with conditions if granting the variance: (1) would not negatively impact the surface water or the environment or if there is a negative impact, sufficient mitigation is proposed pursuant to paragraph 15-350(d), if appropriate; (2) would not be contrary to the public interest; (3) where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant; (4) where the environmental protection officer has determined that the hardship is not self-imposed on the applicant; and (5) 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 representations in this application may be a violation of Article IX, Dock Construction Ordinance.

Name of Applicant: Sheila Cichra
Signature of Applicant/Agent [Signature] Date: 1/16/2024
Corporate Title (if applicable):

**SPECIFIC PURPOSE SURVEY
FOR
ZELLWOOD STATION**

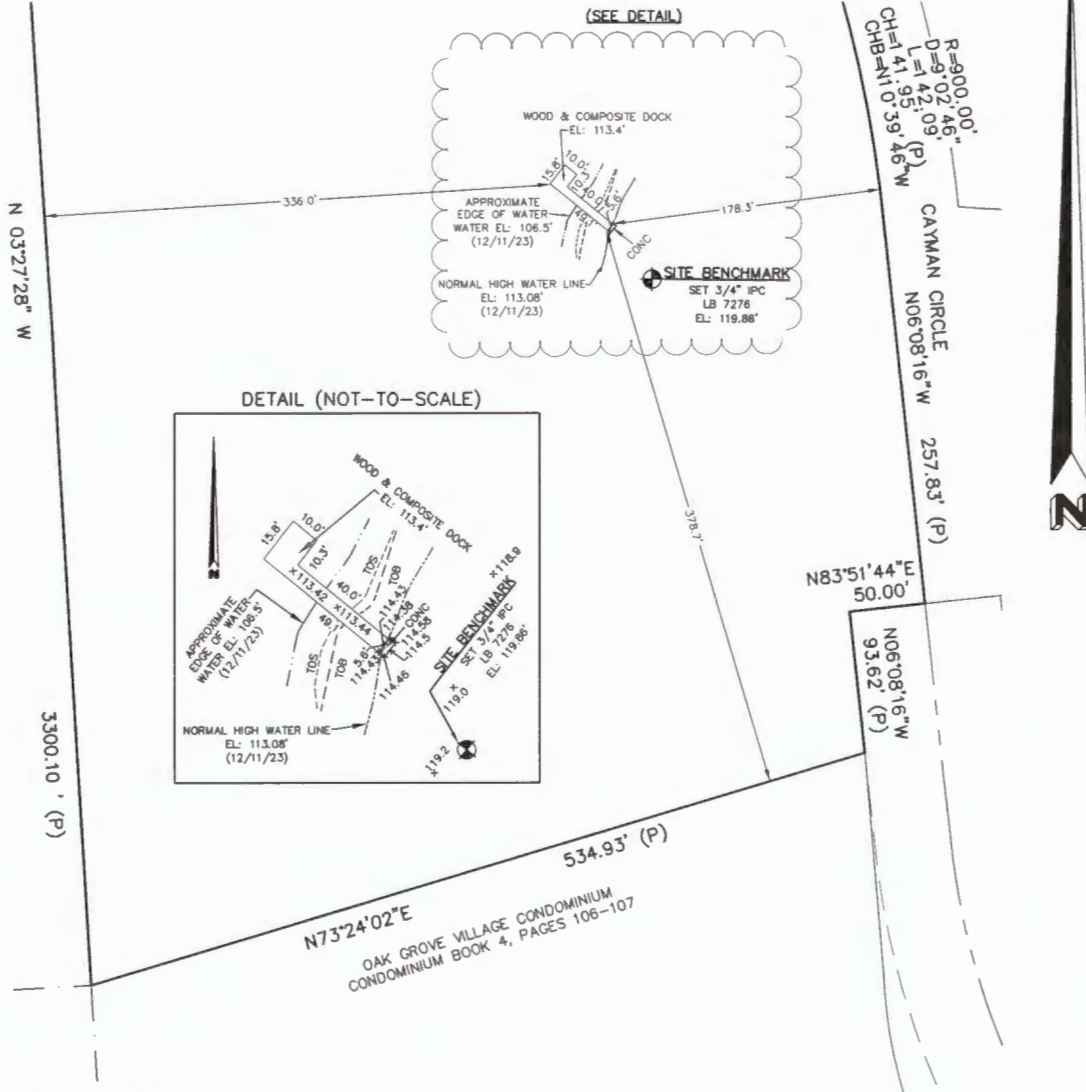
received
1-16-2024

DESCRIPTION: (FOR INFORMATIONAL PURPOSES ONLY)

A PORTION OF LAND LYING WITHIN PARCEL IDENTIFICATION NUMBER: 25-20-27-9825-00-001
PROPERTY ADDRESS: 2728 CAYMAN CIRCLE, ZELLWOOD, FL, 32798

LEGEND:

EL ELEVATION
IPC IRON PIPE AND CAP
LB LICENSED BUSINESS
P PLAT
TOB TOP OF BANK
TOS TOE OF SLOPE
X000.00 SPOT ELEVATION



DETAIL (NOT-TO-SCALE)



SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 25, Township 20 South., Range 27 East., Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. Underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to this surveyor unless otherwise noted.
7. Bearings shown hereon are assumed relative to the East line of the Southwest 1/4 of Section 26, Township 20 South, Range 27 East; Said bearing being N03°27'28\"W per Plat.
8. According to the Federal Insurance Rate Map, this property lies in Zones "A" and "X", Community Panel number 12095C0125 H, Dated: 9/24/2021.
9. Elevations shown hereon are based on Orange County benchmark point 011024, having a elevation of 145.35 feet, relative to the North American Vertical Datum 1988 (NAVD 88).
10. The specific purpose of this survey is to show the location of the dock as shown hereon with ties to the nearest property limits and provide elevation data of the immediate area.

REVISIONS

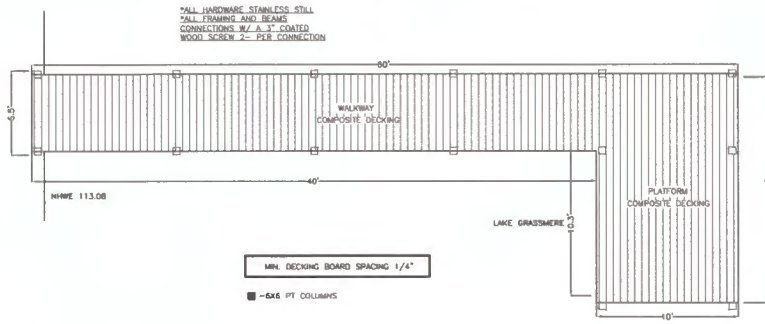
Rev. _____	Date: _____
Rev. _____	Date: _____
Rev. _____	Date: _____
Rev. ADD NHWL	Date: 1/16/24

HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
Licensed Business No. 7276
302 Live Oaks Boulevard
Casselberry, Florida 32707
P. (407) 847-7346
Survey@HLSM.US

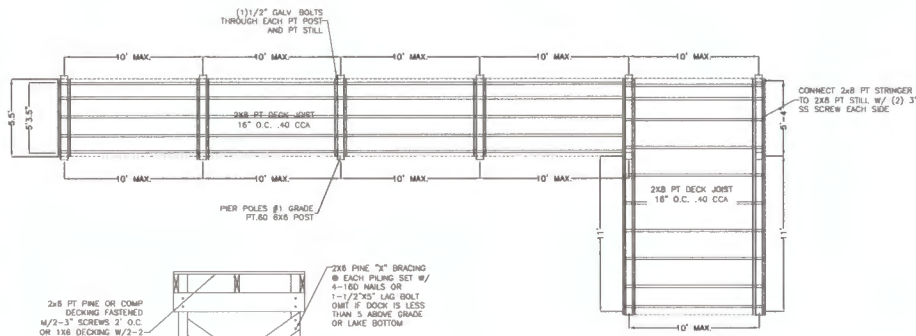
Job No: N-528
Field Date: 12/11/23
Drawn By: JUR
Field By: ME/RF
Scale: 1"=80'

SHEET 1 OF 1
THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
William F. Menard
William F. Menard, P.E., S.
Professional Surveyor & Mapper
Florida Registration #5625

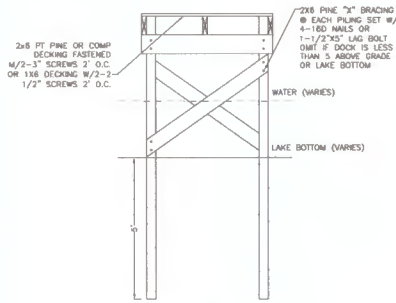
Drawing name: 2:\Projects\4200 Secure Levings\32--200 2728 Cayman Circle\CAD\Zellwood Station Base.dwg, D1, Apr 26, 2024, 1:20pm by Yusa



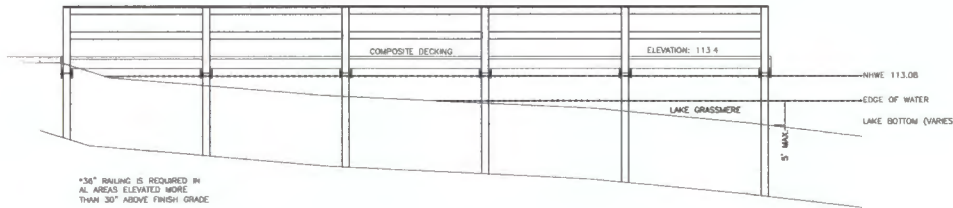
PLAN VIEW
SCALE = 1/4"=1'



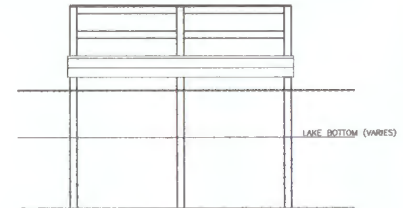
DOCK JOIST PLAN
SCALE = 1/4"=1'



"X" BRACING DETAIL
SCALE = 1/2"=1'



SIDE ELEVATION
SCALE = 1/4"=1'



FRONT ELEVATION
SCALE = 1/4"=1'

ENGINEERS NOTES

ENGINEER'S REVIEW AND APPROVAL OF TRUSS INFORMATION AND LINTEL INFORMATION IS BASED UPON THE INFORMATION CONTAINED HEREIN. SHOULD THE OWNER OR CONTRACTOR CHANGE TRUSS COMPANES OR LINTEL COMPANES, FURTHER REVIEW BY THE BUILDING ENGINEER IS REQUIRED.

DESIGN STATEMENT

THIS PROJECT WAS DESIGNED TO MEET OR EXCEED REQUIREMENTS OF THE FLORIDA BUILDING CODE (FBC) AND ALL APPLICABLE LOCAL ORDINANCES. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PROJECT INFORMATION AND HAS FOUND IT TO BE SUFFICIENT FOR THE PURPOSES OF THIS DESIGN STATEMENT. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE PROJECT INFORMATION AND HAS FOUND IT TO BE SUFFICIENT FOR THE PURPOSES OF THIS DESIGN STATEMENT.

GENERAL ROOF LOADING

	SMALL ROOF (PSF)	METAL ROOF (PSF)	HEAVY ROOF (PSF)	DECK (PSF)
TOP CHORD/LL	20	20	20	20
BOTTOM CHORD/LL	0	0	0	0
TOTAL (PSF)	20	20	20	20

GENERAL FLOOR LOADING

	DECK (PSF)	COMMENTS
TOP CHORD/LL	40 (DECK)	
BOTTOM CHORD/LL	0 (DECK)	
TOTAL (PSF)	40 (DECK)	

GENERAL LIVE LOAD

	DECK (PSF)	COMMENTS
BUILDING OVERHEADS	0 (DECK)	
DECK (PSF)	0 (DECK)	
TOTAL (PSF)	0 (DECK)	

- GENERAL:**
- OWNER/BUILDER/CONTRACTOR TO VERIFY ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION.
 - ALL WORK SHALL CONFORM TO FLORIDA BUILDING CODE.
 - EXISTING TO BE REMOVED SHALL BE REMOVED IN ACCORDANCE WITH FLORIDA BUILDING CODE (SECTION 905.10).
 - OWNER/BUILDER/CONTRACTOR SHALL PROVIDE ALL NECESSARY MATERIALS TO PROTECT STRUCTURES AND ALL PERSONS DURING CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING STRUCTURES AND UTILITIES.
 - OWNER/BUILDER/CONTRACTOR SHALL COORDINATE ARCHITECTURAL, MECHANICAL AND ELECTRICAL WORKERS FOR WORKING HOURS AND SUPPORTS OR ANY OTHER ITEMS WHICH AFFECT THE STRUCTURAL, MECHANICAL, ELECTRICAL OR OTHER SYSTEMS.
 - EXTERIOR SIDE OF CHANGING PLATFORM (STOPS) SHALL COMPLY WITH THE APPLICATION REQUIREMENTS OF ASTM C 838.
- STRUCTURAL LUMBER:**
- USE PINE LUMBER FOR BRACING.
 - MINIMUM LUMBER SIZE SHALL BE 2x6 FOR ALL BRACING.
 - ALL STRUCTURAL LUMBER SHALL BE SOUTHERN YELLOW PINE #1 OR #2.
 - ANY BRACE BRACKET SHALL BE 2x6 OR 2x8 LUMBER WITH NO LESS THAN ONE INTERMEDIATE BRACING SPACES NO MORE THAN 7'7" SPACING.
 - ALL LUMBER BEARING SHALL HAVE DOUBLE SOUTHERN YELLOW PINE #1 OR #2 PLATE PLACED ON BATTERY SHALL BE SOUTHERN YELLOW PINE #1 OR #2.
 - ALL OTHER BEARING LUMBER SHALL BE NO. 2 SOUTHERN YELLOW PINE #1 OR #2. ALL BRACING SHALL BE BASED ON UNIFORM STRESS FOR WELDED AND JOINTS.

Digitally signed by Chad S Linn Date: 2024.01.26 13:51:44 -05'00'

received
2-22-24

Dock Renovation for 2728 Cayman Cir. Zellwood, FL 32798

AREA SUMMARY
EXISTING BY OF THE EXISTING DOCK TO REMAIN AS IS. RENOVATION AND REPAIR LIKE FOR LIKE ONLY.

SHEET INDEX
CONTRACTUAL DRAWINGS: 0.1

 LINN ENGINEERING P.O. BOX 14824 DELAND, FL 32814 (407) 321-1111 chad@linnengineering.com	DESIGNER: CHAD S. LINN, P.E. FLORIDA REGISTRATION NUMBER 57524	SCALE: S.A.	REVISIONS NO. DATE BY	DRAWN BY: YUSA CHECKED BY: YUSA	PROJECT NO. 4200-23-1200	SHEET NUMBER 0.1	FLORIDA ORANGE COUNTY

