

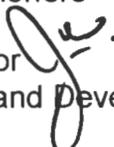


Interoffice Memorandum

AGENDA ITEM

August 9, 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 D. Jones, P.E., CEP, Manager** 
Environmental Protection Division
(407) 836-1405

SUBJECT: September 10, 2019 — Consent Item
Environmental Protection Commission Recommendation for a
Variance Request for the Lee and Suzanne Cottrell Dock
Construction Permit BD-19-04-034

Lee and Suzanne Cottrell are requesting approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance). The project site is located at 10291 Atwater Bay Drive, Winter Garden, Florida 34787. The Parcel ID number is 07-24-27-7502-02-560. The subject property is located on Hickory Nut Lake in District 1.

On April 24, 2019, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the application was an Application for Variance to Section 15-343(a) (side setback) to construct a dock that crosses over the northern projected property line by 35.82 feet and crosses over the southeastern projected property line by 71.97 feet. The applicant has a shoreline that measures approximately 69 linear feet at the Normal High Water Elevation, requiring a minimum side setback of 10 feet.

On May 16, 2019, EPD sent Notices of Application for Variance to all shoreline property owners within a 300-foot radius of the property. Two notices were returned to EPD as unclaimed. The two returned notices were then posted at the respective addresses on June 28, 2019. No responses were received. As an additional precautionary measure, DR Horton, the affected property to the east, was again notified via email on July 12, 2019 with no response.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the variance request and other required documents. Staff determined that the criteria in Section 15-350 for approval of a variance had been met. At the July 31, 2019 public hearing before the Environmental Protection Commission (EPC), the recommendation of the Environmental Protection Officer (EPO) was to approve the variance to Section 15-343(a) (side setback) due to the unusual configuration of the property lines, the shallow water depth within the required setbacks and the lack of objection from the affected neighboring property owner. EPC voted to uphold the recommendation of the EPO and recommended approval of the variance to Section 15-343(a) (side setback).

Page Two

September 10, 2019 – Consent Item

Environmental Protection Commission Recommendation for a variance request for the Lee and Suzanne Cottrell Dock Construction Permit BD-19-04-034

ACTION REQUESTED: Acceptance of recommendation of the Environmental Protection Commission to approve the variance to Section 15-343(a) (side setback) for the Lee and Suzanne Cottrell Dock Construction Permit BD-19-04-034. District 1

JVW/DDJ: mg

Attachments

Dock Construction Application for Variance

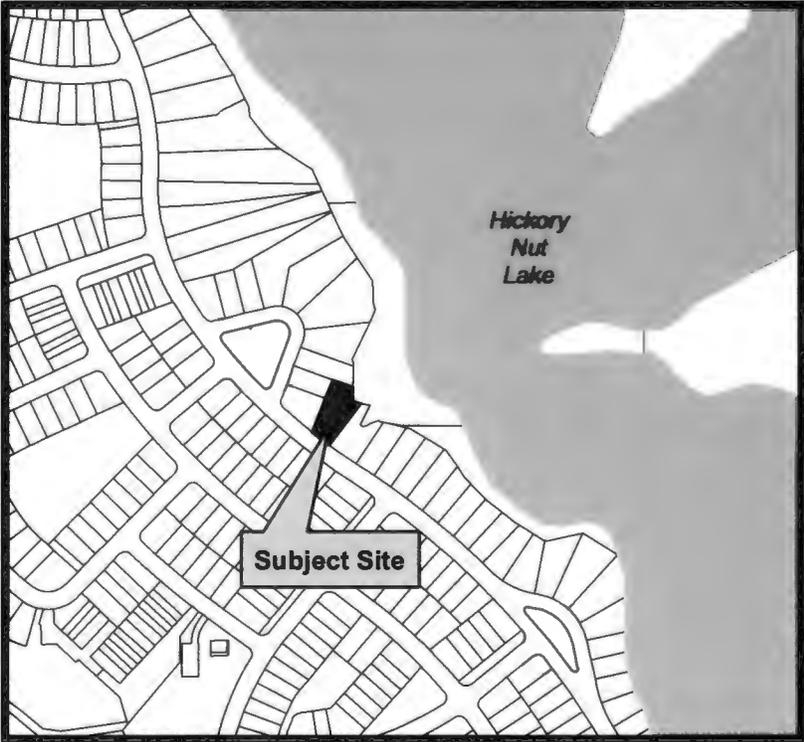


**Dock Construction Application
for Variance**
BD-19-04-034
District #1

Applicant: Lee & Suzanne Cottrell
Address: 10291 Atwater Bay Drive
Parcel ID: 07-24-27-7502-02-560

Project Site 

Property Location 





ENVIRONMENTAL PROTECTION DIVISION

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

3165 McCrory Place, Suite 200
Orlando, FL 32803
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ENVIRONMENTAL
PROTECTION
COMMISSION

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
July 31, 2019

Johnathan Huels
Chairman

Mark Ausley
Vice Chairman

Oscar Anderson

Perry Barnas

Norman Blackburn

Mark Corbett

Theodore Geltz

PROJECT NAME: Lee and Suzanne Cottrell
PERMIT APPLICATION NUMBER: BD-19-04-034
LOCATION/ADDRESS/LAKE: 10291 Atwater Bay Drive, Hickory Nut Lake

RECOMMENDATION:

Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), approve the variance to Section 15-343(a) (side setback) for the Cottrell Construction Permit BD-19-04-034. District 1.

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: *Johnathan Huels*

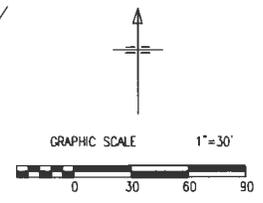
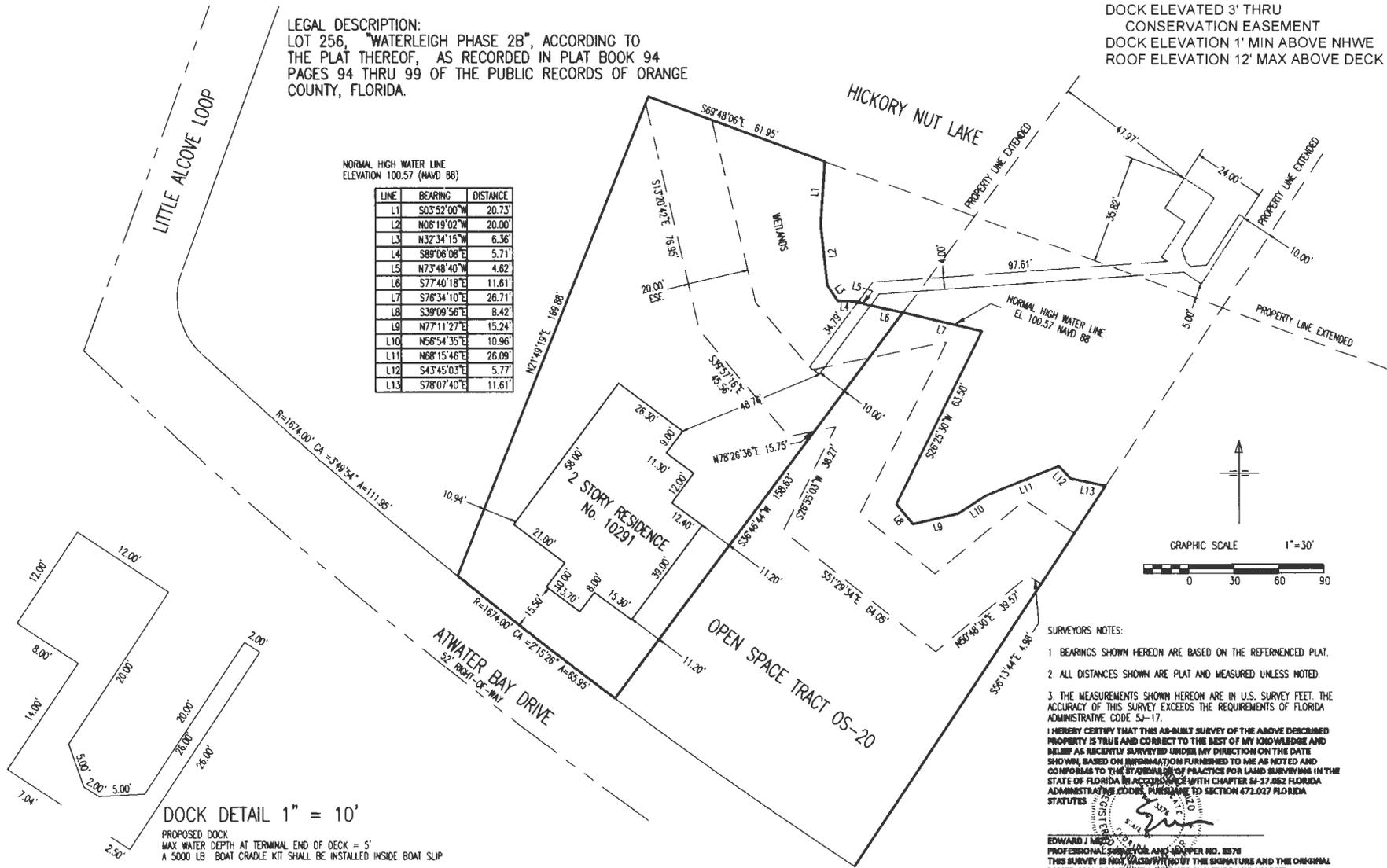
EPC Recommendation Date: 7/31/19

LEGAL DESCRIPTION:
 LOT 256, "WATERLEIGH PHASE 2B", ACCORDING TO
 THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 94
 PAGES 94 THRU 99 OF THE PUBLIC RECORDS OF ORANGE
 COUNTY, FLORIDA.

DOCK ELEVATED 3' THRU
 CONSERVATION EASEMENT
 DOCK ELEVATION 1' MIN ABOVE NHWE
 ROOF ELEVATION 12' MAX ABOVE DECK

NORMAL HIGH WATER LINE
 ELEVATION 100.57 (NAVD 88)

LINE	BEARING	DISTANCE
L1	S03°52'00"W	20.73'
L2	N06°19'02"W	20.00'
L3	N37°34'15"W	6.36'
L4	S89°06'08"E	5.71'
L5	N73°48'40"W	4.62'
L6	S77°40'18"E	11.61'
L7	S78°34'10"E	26.71'
L8	S39°09'56"E	8.42'
L9	N77°11'27"E	15.24'
L10	N56°54'35"E	10.96'
L11	N68°15'46"E	26.09'
L12	S43°45'03"E	5.77'
L13	S78°07'40"E	11.61'



SURVEYORS NOTES:
 1. BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT.
 2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5A-17.
 I HEREBY CERTIFY THAT THIS AS-BUILT SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION ON THE DATE SHOWN, BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE STANDARD PRACTICES FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 5A-17.002 FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.007 FLORIDA STATUTES.

EDWARD J. MIZO
 PROFESSIONAL SURVEYOR, ANY MAPPER NO. 8378
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE	JUNE 6, 2019
TITLE	LOT PLAN
PROJECT	10291 ATWATER BAY DRIVE ORLANDO, FLORIDA SECTION 7, TOWNSHIP 24 SOUTH, RANGE 27 EAST
DRAWN BY	EDWARD MIZO PLS PROFESSIONAL LAND SURVEYOR
CHECKED BY	2825 LEGACY VILLAS DRIVE MAITLAND, FL 32751 SUITE 200(327) 436-9391



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 3165 McCrory Place, Suite 200 Orlando, Florida 32803 (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 Lee Cottrell (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): This parcel pies so dramatically, that the projected property lines converge, well before reaching an adequate depth for boat dock construction. The owner was led to believe that there wouldn't be any problem building a dock. 2. Describe the effect of the proposed variance on abutting shoreline owners: The proposed boat dock location was carefully chosen to minimize the impact to the adjacent property owners. Most of the impact would be to subdivision Tract OS-20 and the builder has preliminarily agreed not to object.

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 [Signature] Date: April 21, 2019 Corporate Title (if applicable): President, Streamline Permitting, Inc.

