

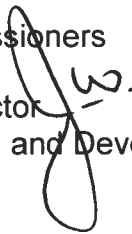


Interoffice Memorandum

AGENDA ITEM

November 4, 2020

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: November 17, 2020 — Consent Item
Environmental Protection Commission Recommendation
Variance and Waiver Requests for the David Lippert and
Mary Claire Chiozza Dock Construction Permit BD-20-05-
077

The applicants, David Lippert and Mary Claire Chiozza, are requesting a boat dock construction permit with approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-342(d) (floor elevation) and a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 9953 Lake Georgia Drive, Orlando, Florida 32817. The Parcel ID number is 06-22-31-0000-00-054. The subject property is located adjacent to Lake Georgia in District 5.

On May 8, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. Included with the application was an Application for Variance to Chapter 15, Article IX, Section 15-342(d) to reduce the floor elevation to 0.9 feet below the Normal High Water Elevation (NHWE), and an Application for Waiver to Chapter 15, Article IX, Section 15-343(b) to reduce the side setback to 13 feet from the southern projected property line.

Notifications of the applications for variance and waiver were sent to all shoreline property owners within 300 feet of the property. On July 6, 2020, EPD received a written letter of objection from the adjacent neighbor to the south, Mr. William B. Carlson, who resides at 9955 Lake Georgia Drive. Mr. Carlson objects to both to the variance to Section 15-342(d) (floor elevation) and the waiver to Section 15-343(b) (side setback). Mr. Carlson's objection is primarily that the proposed dock will further impede his view of the lake.

Mr. Carlson states, "The requested variance would obstruct the view on the left-hand side of the property as you are facing the lake. There is already a code violation on the right side of the property, a dock with a zero setback from the property line. I feel that the requested variances would further impede the view of the lake."

The dock that Mr. Carlson refers to in his objection is located at 9967 Lake Georgia Drive, two lots east of the Lippert/Chiozza property, and is “grandfathered” and exempt from the current version of the Code as long as it remains in the original footprint and design.

On July 27, 2020, EPD received two letters of support from the adjacent neighbors to the north, Ms. Judy Skrobol (9949 Lake Georgia Drive) and Mr. Richard Huff (9945 Lake Georgia Drive).

There is no current enforcement action for this property.

Staff evaluated the variance and waiver requests for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to deny the request for variance to Section 15-342(d) (floor elevation) and to deny the request for waiver to Section 15-343(b) (side setback) based on a finding that the applicants have not demonstrated that there will be no negative effect on the abutting shoreline owner pursuant to Section 15-350(a)(1)(2) and Section 15-350(a)(2)(2), as an objection was received.

The variance and waiver requests were presented at the September 30, 2020 Environmental Protection Commission (EPC) meeting. Based upon evidence and testimony presented at the September 30, 2020 EPC public hearing, the EPC made a finding that the variance request is consistent with Orange County Code, Chapter 15, Article IX, Sections 15-350(a)(1) and voted to overturn the recommendation of the EPO and recommend approval of the request for variance to Section 15-342(d) to reduce the required floor elevation from one foot above the NHWE to 0.9-foot below the NHWE. This was based primarily on water level data presented at the hearing that demonstrated that Lake Georgia has not reached the NHWE since 1961.

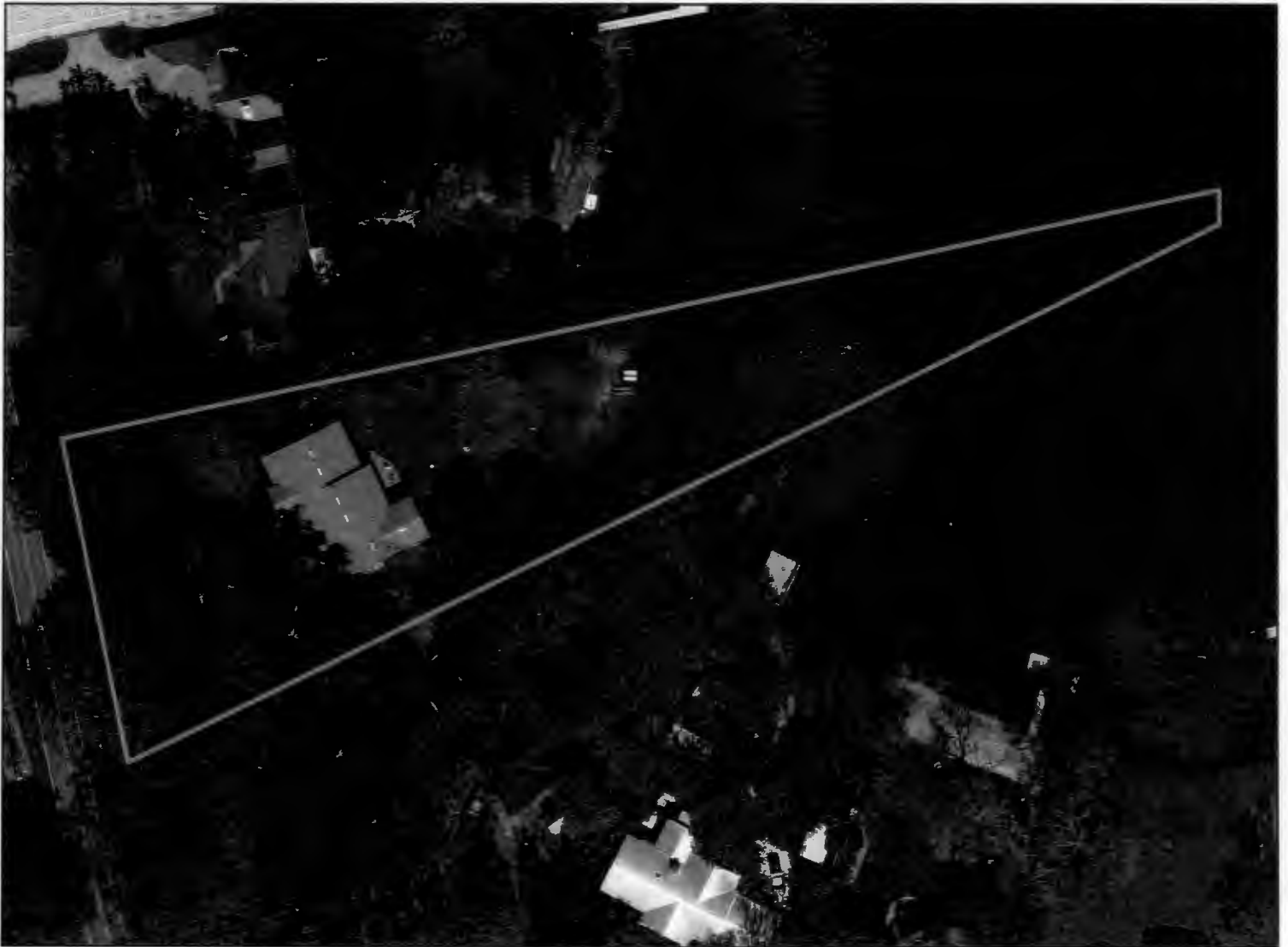
The EPC did agree with the EPO’s recommendation on the waiver request and made a finding that the waiver request is not consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and they voted to recommend denial of the request for waiver to Section 15-343(b) to reduce the side setback from 25 feet to 13 feet from the southern projected property line. The EPC thought that the dock could be moved to the center of the property and meet the minimum setback to avoid conflict with the neighbor.

ACTION REQUESTED: Accept the findings and recommendations of the Environmental Protection Commission and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(d) to reduce the required floor elevation from one foot above to 0.9-foot below the Normal High Water Elevation and deny the request for waiver to Section 15-343(b) to reduce the side setback from 25 feet to 13 feet from the southern projected property line for the David Lippert and Mary Claire Chiozza Dock Construction Permit BD-20-05-077. District 5

JWW/DDJ: mg

Attachments

Dock Construction Application for Variance and Waiver

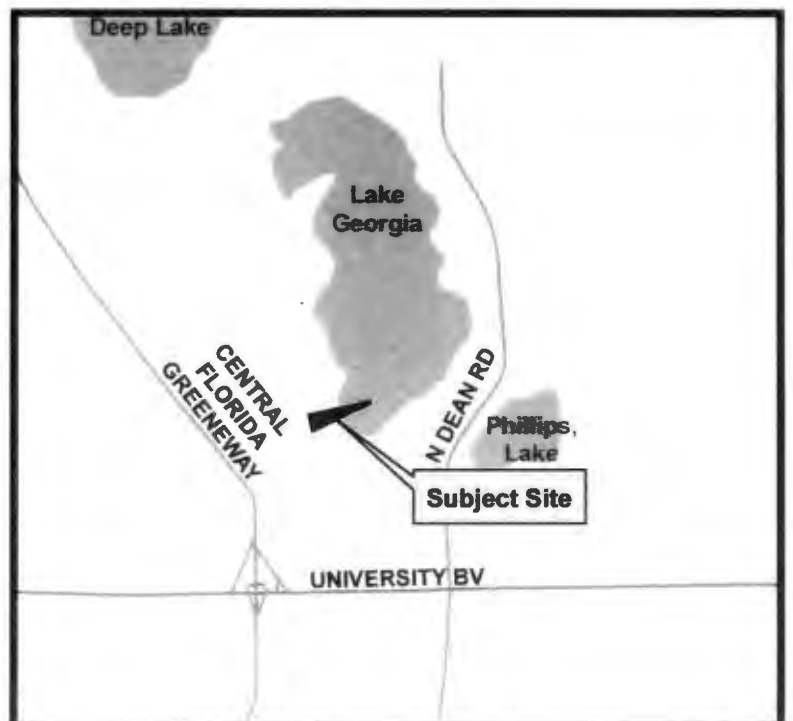


**Dock Construction Application
for Variance and Waiver
District # 5
Permit No.: BD-20-05-077
Applicants: David Lippert &
Claire Chiozza
Address: 9953 Lake Georgia Drive**

Parcel No.: 06-22-31-0000-00-054

Project Site 

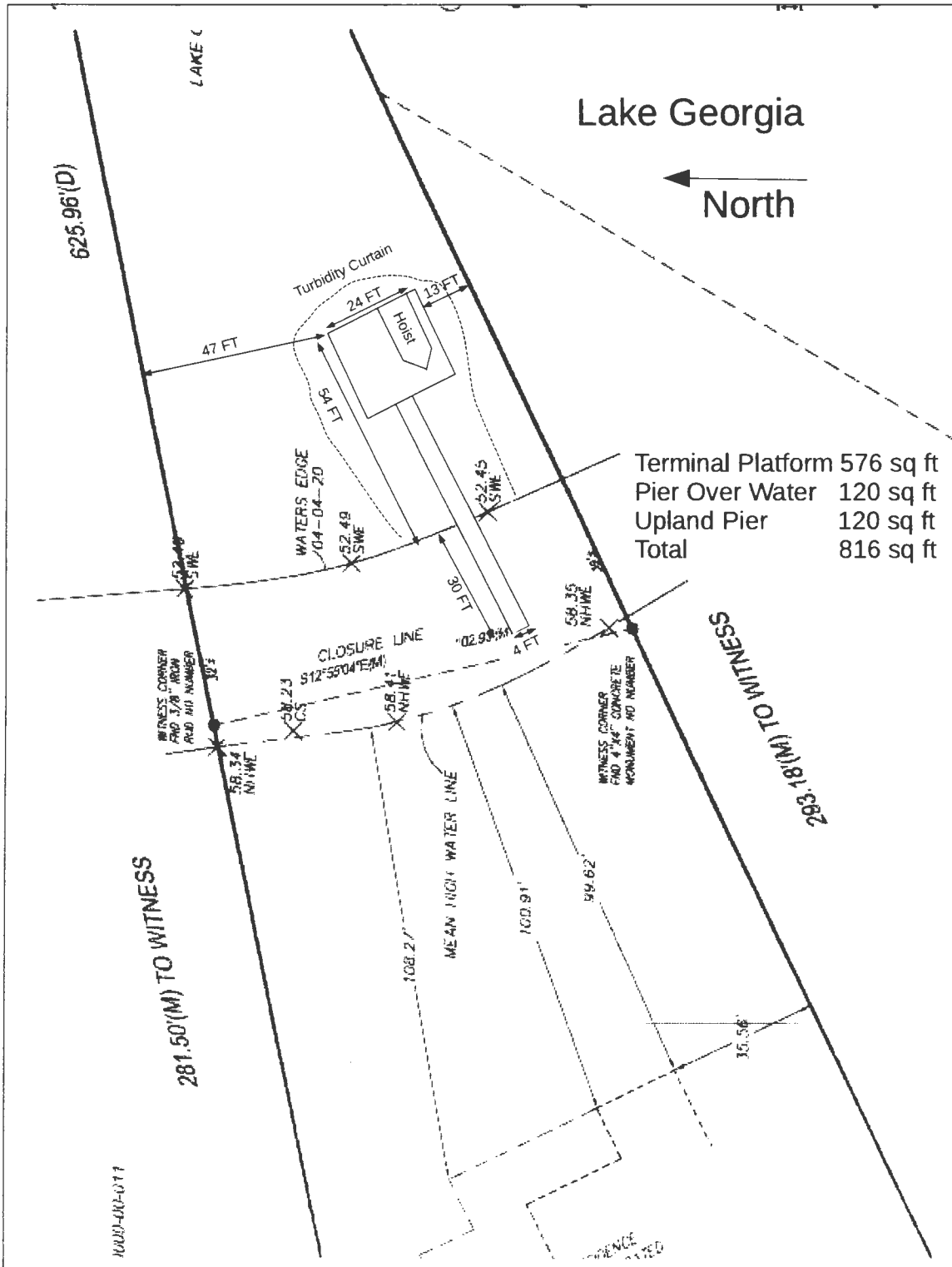
Property Location 



Aja Group Inc.

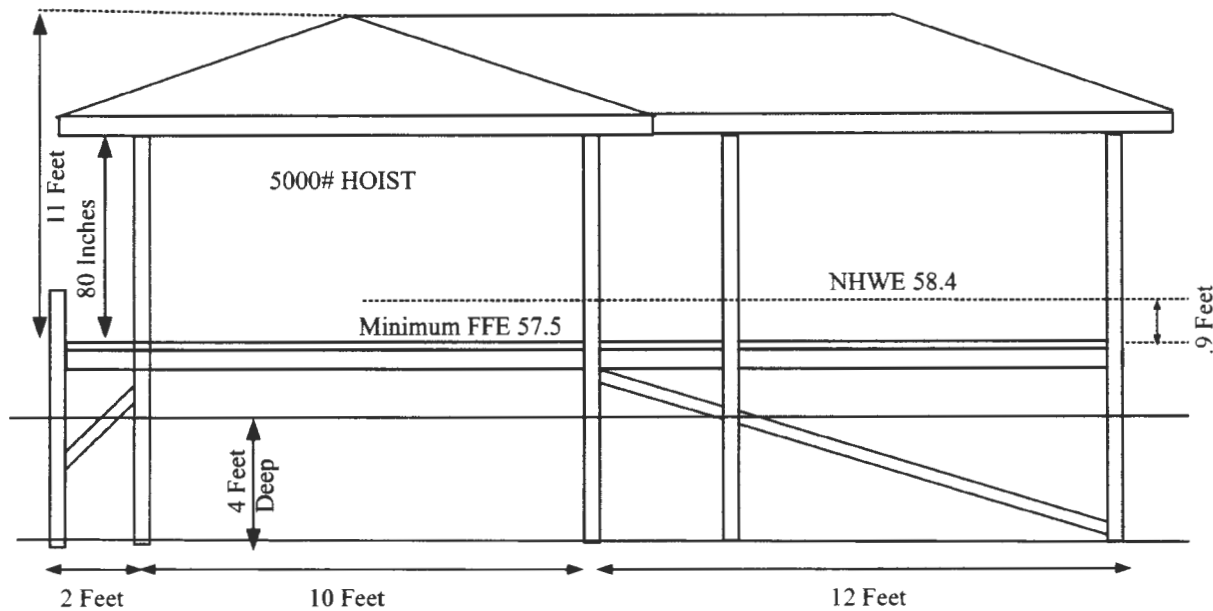
Steve Siegfried
 407.461.0288
 PO Box 1291
 Winter Park FL 32790

Dave Lippert &
 Mary Claire Chiozza
 9953 Lake Georgia Drive
 Orlando FL 32817



Aja Group Inc.
Steve Siegfried
407.461.0288
PO Box 1291
Winter Park FL 32790

**Dave Lippert &
Mary Claire Chiozza**
9953 Lake Georgia Drive
Orlando FL 32817



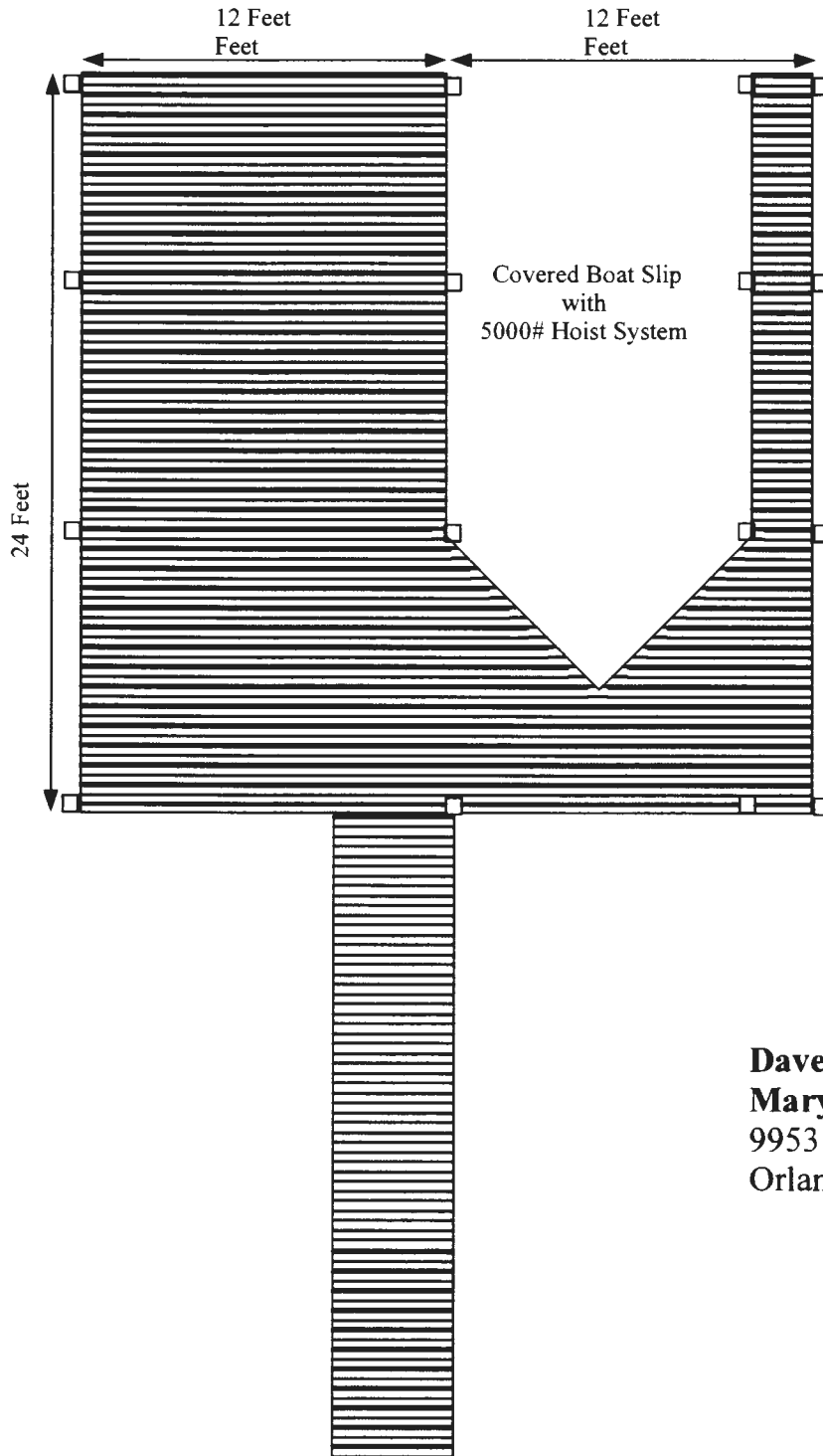
Aja Group Inc.

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PO Box 1291

Winter Park FL 32790



**Dave Lippert &
Mary Claire Chiozza**
9953 Lake Georgia Drive
Orlando FL 32817

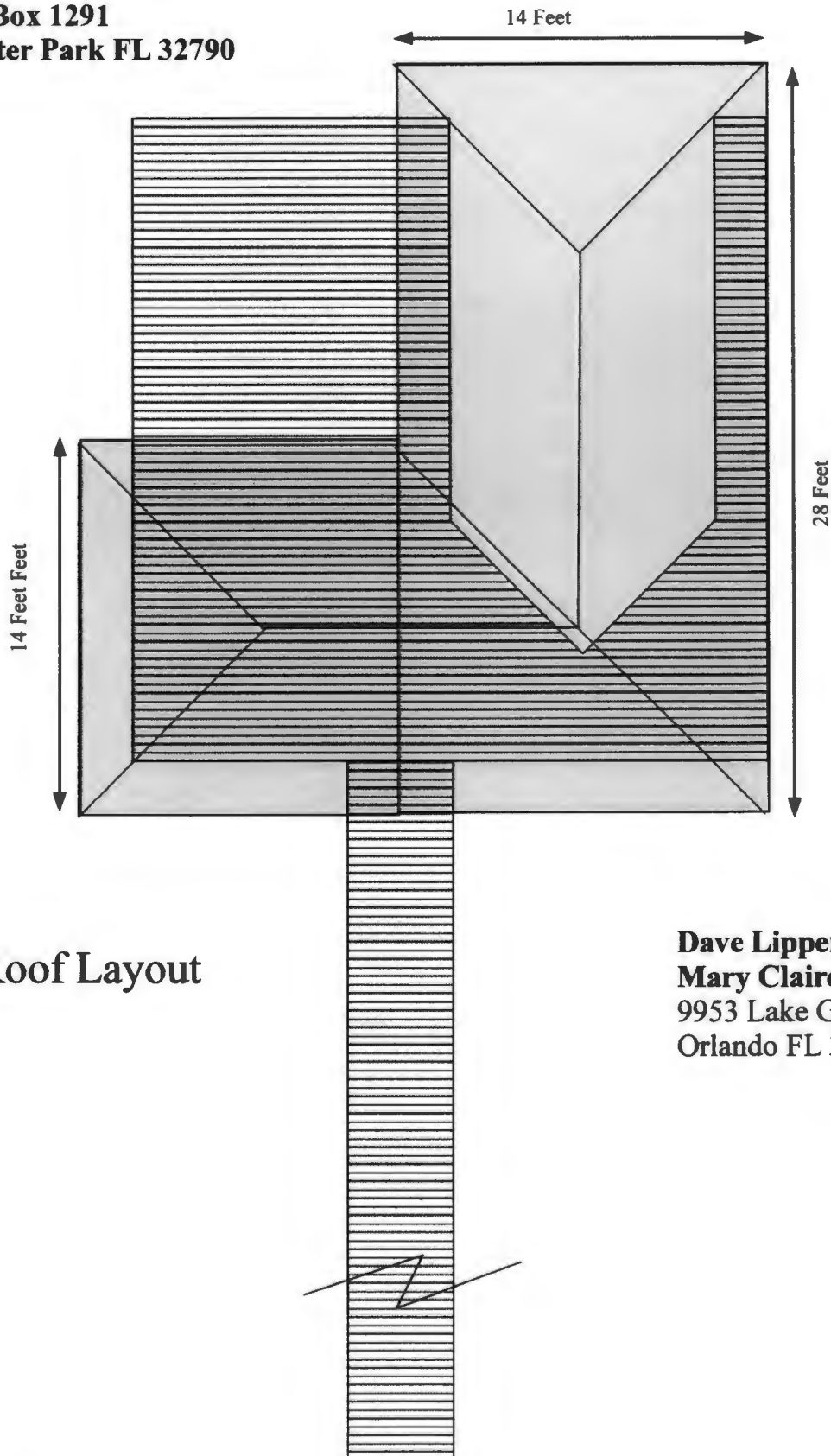
Aja Group Inc.

Steve Siegfried

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PO Box 1291

Winter Park FL 32790



Roof Layout

**Dave Lippert &
Mary Claire Chiozza**
9953 Lake Georgia Drive
Orlando FL 32817



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 Steve Siegfried on behalf of D Lippert & M Chiozza (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 for lake Georgia is outdated and dramatically higher than necessary currently almost 6 feet, making the dock almost unusable if build off the water to code.

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

There will be no effect to abutting neighbors.

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

Signature of Applicant/Agent 

Date: 5/7/20

Corporate Title (if applicable): President, Aja Group Incorporated



**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 Steve Siegfried on behalf of David Lippert (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:

We are requesting a waiver from Section 15-345(a).

**Locating the dock within 13 feet of the south property line
will have no additional environmental impact.**

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

There will be no measurable effect to the abutting shoreline owners.

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: Steve Siegfried Aja Group Inc.

Signature of Applicant/Agent 

Date: 4/29/20

Corporate Title (if applicable): President

Letter of Objection

To: Taina Torres

OCFPO JUL52020#8:462

Orange County District #5 – Project Number BD-20-05-077

From: William B. Carlson

CC: Jason Root

Hello Taina,

I object to variances requested that will affect the property at 9955 Lake Georgia Drive, Orlando FL. I have included a copy of the request for reference. The requested variance would obstruct the view on the left-hand side of the property as you are facing the lake. There is already a code violation on the right side of the property, a dock with a zero setback from the property line (picture included). I feel the requested variances would further impede the view of the lake. To be clear I have stated my objections to each of the requests below.

I object to #1. Please use the county code. The High-Water Elevation is currently measured from our property.

1. A Variance to Chapter 15, Article IX, Section 15- 342(d) (floor elevation above NHWE). The proposed dock is requested to be less than one foot above the Normal High-Water Elevation (NHWE) of Lake Georgia. Per Orange County Code, the minimum floor elevation above the NHWE should be one foot.

I object to #2. Please use the county code.

2. A Waiver to Orange County Code Chapter 15, Article IX, Section 15-343(b) (side setback). The proposed structure is requested to be 10 feet from the adjacent property to the south. Per Orange County Code, the minimum side setback distance for the subject parcel should be 25 feet.

Once again, I object to the requested variances due to the reasons stated above. Thank you for your consideration and if you have any questions or concerns please feel free to contact me.

William Carlson

wcarlson@cascade-env.com

9955 Lake Georgia Drive

Orlando FL. 33578

9955 Lake Georgia Drive

Home: 407-657-4090 Mobile: W 813-731-5916 or P 407-446-6281

OCEPD JUL 27 2020 PM 12:2

Judy Skrobol
9949 Lake Georgia Drive
Orlando, FL 32817
July 23, 2020

Ms. Torres
Project Manager
Orange County
Environmental Protection Division
3165 McCrory Place
Suite 200
Orlando, FL 32803

Dear Ms. Torres:

I am the next-door neighbor of David Lippert and Mary Chiozza who reside at 9953 Lake Georgia Dr.
I have no objection to them building the proposed dock as described in the submitted paperwork.

Sincerely,

A handwritten signature in cursive script that reads "Judy Skrobol".

Judy Skrobol

Project Number BD-20-05-077

OCEPD JUL 27 2020 PM 12:2

Richard Huff
9945 Lake Georgia Drive
Orlando, FL 32817
July 23, 2020

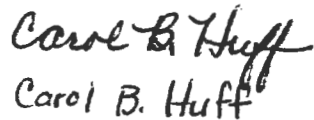
Ms. Torres
Project Manager
Orange County
Environmental Protection Division
3165 McCrory Place
Suite 200
Orlando, FL 32803

Dear Ms. Torres:

I am a neighbor of David Lippert and Mary Chiozza. I have seen the plans for their requested dock at 9953 Lake Georgia, and I have no objection to the dock being built as described in the submitted paperwork.

Sincerely,


Richard Huff


Carol B. Huff

Project # BD-20-05-077