



Interoffice Memorandum

AGENDA ITEM

February 12, 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: March 23, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for After-the-Fact Variance for Daniel and Suzanne
Burquist Dock Construction Permit BD-18-06-070.

The applicants, Daniel and Suzanne Burquist, are requesting approval of an after-the-fact dock permit modification and variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(e) (roof height). The project site is located at 6350 Sedona Leaf Court, Windermere, FL 34786. The Parcel ID number is 22-23-27-1527-00-200. The subject property is located on a canal off of Lake Speer in District 1.

On July 27, 2018, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-18-06-070 to construct a boat dock at the subject property. On January 13, 2020, EPD received the as-built survey of the dock. Upon review of the survey, EPD discovered that the roof height did not meet the 12-foot maximum height above the floor elevation. According to the as-built survey, the constructed roof height is 13.24 feet above the floor elevation. On October 15, 2020, EPD received an after-the-fact Application for Variance to Section 15-342(e) to attempt to authorize the dock to remain as constructed with the elevated roof height.

Notification of the after-the-fact variance request was sent to all shoreline property owners within a 300-foot radius of the property. No objections were received.

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, "I hired Florida Dock and Boat Lifts to design the dock, handle permitting and build the structure. After completion of the as-built survey, it was brought to my attention that the height was taller than 12 ft and thus did not meet County code requirements. I immediately began trying to contact the builder to correct the issues but after numerous phone calls and emails over the last few months, they are completely non-responsive."

To address Section 15-350(a)(1)(2), the applicants stated, "I don't believe this to have any effect on near-by owners. My dock has been completed for almost two years and no one

has ever complained. I actually receive continuous compliments for this dock being the best looking dock on the canal.”

Staff evaluated the after-the-fact variance request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) was to approve the request for the after-the-fact variance to Section 15-342(e) (roof height) based on a finding that 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, that the request is not contrary to the public interest, that granting of the variance would not be contrary to the intent and purpose of this article and that there is no environmental harm associated with the request.

EPD presented the variance request to the Environmental Protection Commission (EPC) at their January 27, 2021 meeting. The EPC voted to accept the findings and recommendation of the Environmental Protection Officer, and made a finding that the after-the-fact variance request is consistent with Section 15-350(a)(1), and recommended approval of the after-the-fact variance to Section 15-342(e) to increase the allowable roof height from 12 feet to 13.24 feet with the condition that the applicant pay an administrative penalty of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board.

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) to increase the allowable roof height from 12 feet to 13.24 feet with the condition that the applicant pay an administrative penalty of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Daniel and Suzanne Burquist Dock Construction Permit BD-18-06-070. District 1

JVW/DDJ: mg
Attachments

Dock Construction Application for After-the-Fact Variance



**Dock Construction Application
for After-the-Fact Variance
BD-18-06-070
District #1**

**Applicants: Daniel and Suzanne Burquist
Address: 6350 Sedona Leaf Court
Parcel ID: 22-23-27-1527-00-200**

Project Site 
Property Location 



Boundary Survey

Legal Description:

LOT 20, EDEN ISLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 9 THROUGH 18, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Disclaimer:

By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X, AE. This Property was found in Orange County, community number 120179, dated 9/25/2009.

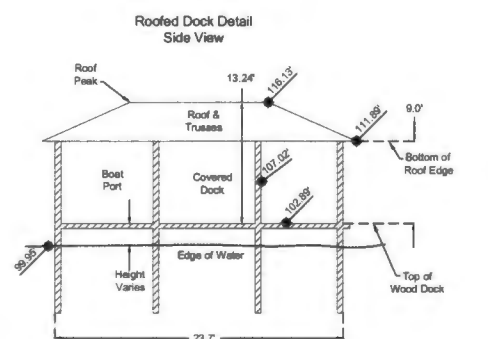
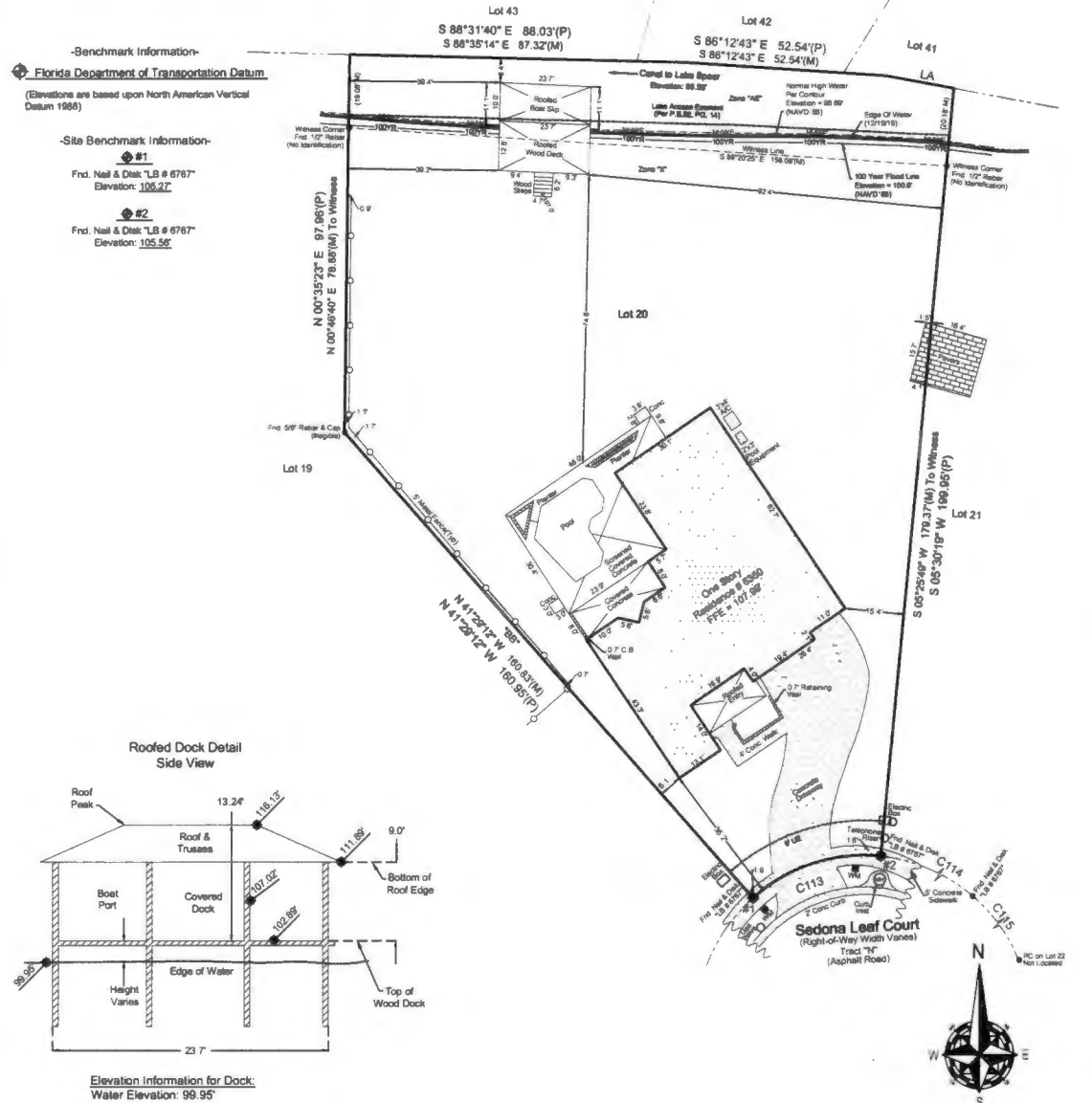
CERTIFIED TO:
DANIEL BURQUIST

C113
R= 44.00'(P)
L= 36.08'(P)
Δ= 46°59'31"(P)
Chord Bearing=
S 72°00'34" W 35.08'(P)
S 72°00'40" W 35.04'(M)

C114
R= 44.00'(P)
L= 42.98'(P)
Δ= 55°58'00"(P)
Chord Bearing=
S 56°30'40" E 41.29'(P)
S 55°30'05" E 41.65'(M)

C115
R= 44.00'(P)
L= 47.22'(P)
Δ= 61°29'40"(P)
Chord Bearing=
S 02°13'10" E 44.99'(P)
S 03°29'25" E 44.99'(M)

LA
S 79°21'14" E 18.01'(P)
S 79°21'14" E 18.01'(M)



Elevation Information for Dock:
Water Elevation: 99.95'
Electrical Outlet: 107.02'
Finished Floor Elevation of Roofed Dock: 102.89'
Top Elevation of Roof: 116.13'
Bottom Elevation of Roof: 111.89'
Lowest Elevation of Dock: 102.88'
Highest Elevation of Dock: 102.89'

Revision: Revised Dock Information - 01/13/20 - BMJ

Field Date: 12/19/19	Date Completed: 12/27/19
Drawn By: SP	File Number: IS-68335
Legend: C - Calculated CB - Centerline CM - Concrete Monument Conc. - Concrete D - Detention DE - Drainage Easement F.E.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation Fnd - Found L - Length (Arc) M - Measured M&D - Nail & Disk N.R. - Non-Record ORB - Office Records Book P - Plat P.B. - Plat Book WF - Wood Fence PC - Point of Curvature Pg - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Power Pole PRM - Permanent Reference Monument PT - Point of Tangency R - Radius REC - Rebar & Cap Rec - Recovered RFS - Roofed Set - Set 1/2" Rebar & Rebar Cap "LB 7622" Typ - Typical UE - Utility Easement WM - Water Meter Δ - Delta (Central Angle) CL - Chain Link Fence	

-Notes-
 ->Survey is Based upon the Legal Description Supplied by Client.
 ->Adjacent Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hitches.
 ->Subject to any Easements and/or Restrictions of Record
 ->Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB"
 ->Building Ties are to be used to reconstruct Property Lines
 ->Fence Ownership is NOT determined
 ->Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
 ->Septic Tanks and/or Drained/Locals are appropriate and MUST be verified by appropriate Utility Location Companies.
 ->Use of This Survey for Purpose other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to give ANY Rights or Benefits to Anyone Other than those Certified.
 ->Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.
 Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

I hereby Certify that this Boundary 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 of Practice for Land Surveying in the State of Florida in accordance with Chapter 55-17.002 Florida Administrative Codes, Pursuant to Section 475.027 Florida Statutes.

Patrick K. Ireland
 Patrick K. Ireland, P.S. 6637, L.B. 7623
 This Survey is intended ONLY for the use of Said Certified Parties. The Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
 800 Currency Circle, Suite 1020
 Lake Mary, Florida 32746
 www.irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165





ENVIRONMENTAL PROTECTION DIVISION

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www.ocfl.net

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

ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Norman Blackburn

Billy Butterfield

Mark Corbett

Elaine Imbruglia

Vacancy - Regulated
Business or
Municipality

PROJECT NAME: Daniel and Suzanne Burquist Boat Dock

PERMIT APPLICATION NUMBER: BD-18-06-070

LOCATION/ADDRESS: 6350 Sedona Leaf Court, Windermere

RECOMMENDATION: Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the after-the-fact variance request is consistent with Section 15-350(a)(1), and recommend approval of the after-the-fact variance to Section 15-342(e) to increase the allowable roof height from 12 feet to 13.24 feet with the condition that the applicant pay an administrative penalty of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, for the Burquist Dock Construction Permit BD-18-06-070. 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: *Mark Ausley* 1-27-21

DATE EPC RECOMMENDATION RENDERED: 1-27-2021