



Interoffice Memorandum

AGENDA ITEM

November 5, 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 Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406

SUBJECT: December 3, 2019 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Delaney Park Mortgage and
Investments, LLC; Dock Construction Permit BD-19-08-076

Delaney Park Mortgage and Investments, LLC (applicant) is requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 408 Jennie Jewel Drive, Orlando, Florida 32806. The parcel identification number is 12-23-29-4000-06-020. The subject property is located on Lake Jennie Jewel in District 3.

The maximum allowed terminal platform size for this parcel is 500 square feet. The applicant is requesting a terminal platform size of 640 square feet. Notifications of the application for waiver were sent to all shoreline property owners within 300 feet of the property. No objections were received.

Staff evaluated the request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the waiver, based on a finding that the applicant has demonstrated there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts related to the excess terminal platform size will be offset through mitigation.

Based upon evidence and testimony presented at the October 30, 2019 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a recommendation to approve the request for waiver, with the condition that the applicant pay \$493 to the Conservation Trust Fund in order to offset the negative environmental effects due to shading.

ACTION REQUESTED:

Make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and accept the recommendation and findings of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) to increase the terminal platform size by 140 square feet to a total of 640 square feet with the condition that the applicant pay \$493 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Delaney Park Investments, LLC Dock Construction Permit BD 19-08-076. District 3

AW/NT/TMH/ERJ/DJ: mg

Attachments

Boat Dock Construction Application for Waiver



Dock Construction Application for Waiver
BD-19-08-076
District #3

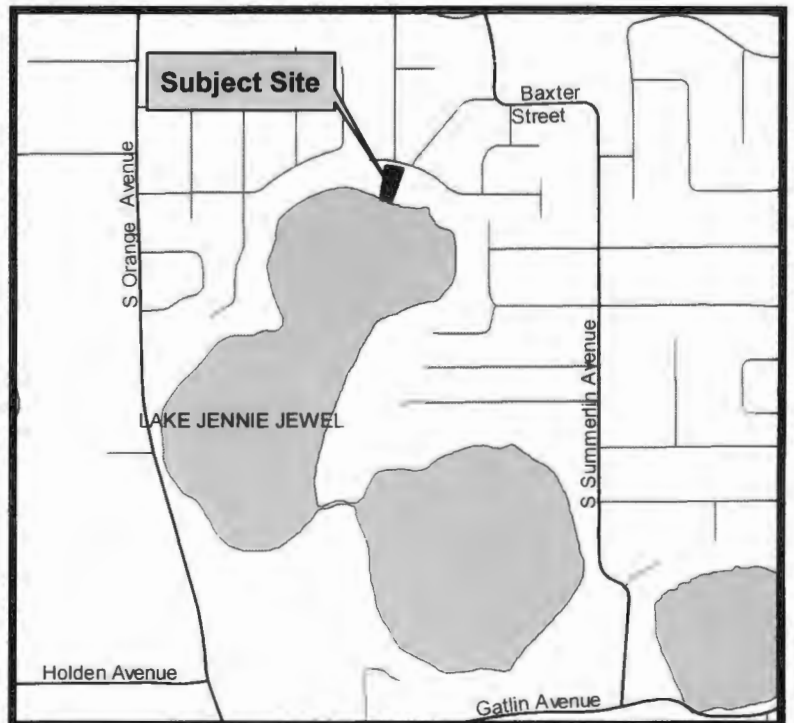
Applicant:
Delaney Park Mortgage and Investments, LLC

Address: 408 Jennie Jewel Drive

Parcel ID: 12-23-29-4000-06-020

Project Site 

Property Location 





Interoffice Memorandum

October 24, 2019

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division 

Subject: **Delaney Park Mortgage and Investments, LLC Request for Waiver for Dock Construction Permit BD-19-08-076**

Reason for Public Hearing

The applicant, Delaney Park Mortgage and Investments, LLC is requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

Location of Property/Legal Description

The project site is located at 408 Jennie Jewel Drive, Orlando, Florida 32806. The parcel identification number is 12-23-29-4000-06-020. The subject property is located on Lake Jennie Jewel in District 3.

Background

On August 12, 2019, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the application was a waiver request to Section 15-342(b) to increase the terminal platform size to a total of 640 square feet and a variance request to Section 15-343(a) to reduce the side setback from the eastern projected property line to 7.5 feet.

On October 21, 2019, EPD received a revised site plan that depicts the dock at the minimum side setback distance of 10 feet from both projected property lines. Therefore, the variance request to Section 15-343(a) to reduce the side setback is no longer necessary.

Terminal Platform Size Waiver

Chapter 15, Article IX, Section 15-342(b) of the Code states, "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet." The applicant has a shoreline that measures approximately 50 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 500 square feet. The applicant is requesting a terminal platform of approximately 640 square feet (140 square feet larger than allowed).

Pursuant to Section 15-350(a)(2), "the applicant shall describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners."

To address Section 15-350(a)(2)(1), the applicant's agent states, "*The terminal platform will be constructed over open water, so there will minimal impact to the wetland vegetation. The proposed terminal platform is only 140 square feet over the allowed limit.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The proposed structure will not adversely affect the adjacent property owner's view or navigability, as the additional square footage is negligible.*"

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$493 to the Conservation Trust Fund.

Public Notifications

On August 15, 2019, Notices of Application for Waiver and Variance were sent to all property owners within a 300-foot radius of the property. The applicant and agent were sent notices on October 1, 2019 to inform them of the Environmental Protection Commission meeting on October 30, 2019.

Objections

On September 19, 2019 EPD received a written objection to the reduced side setback from the affected neighbors to the east, Andy and Kimberly Hawkins, who reside at 414 Jennie Jewel Drive. In their objection letter, the Hawkinses state, "We are opposed to granting a waiver/variance from the side-setback as we feel the docks will be too close for enjoyment of either owner."

Subsequent to receipt of the objection, the site plan was revised to meet the minimum side-setback of 10 feet required by Code. The Hawkinses indicated that they did not have any objection to the larger-than-allowed terminal platform size as long as the side setback was not reduced.

Enforcement Action

There is no current enforcement action for this property.

Staff Recommendation

Staff has evaluated the requested waiver for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer is to approve the waiver to Section 15-342(b) (terminal platform size), based on a finding that the applicant has demonstrated there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2). Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts related to the excess terminal platform size will be offset through mitigation.

ACTION REQUESTED: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendations of the Environmental Protection Officer and make a finding that the waiver request is consistent with Section 15-350(a)(2), and recommend approval of the request for waiver to Section 15-342(b) to increase the allowable terminal platform size by 140 square feet to a total of 640 square feet with the condition that the applicant pay \$493 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Delaney Park Mortgage and Investments, LLC Dock Construction Permit BD-19-08-076. District 3.

AW/NT/TMH/ERJ/DJ: mg

Attachments



**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
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Roy Kobert (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:

The terminal platform will be constructed over open water, so there will minimal impact to the wetland vegetation. The proposed terminal platform is only 140 square feet over the allowed limit.

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

The proposed structure will not adversely affect the adjacent property owner's view or navigability, as the additional square footage is negligible.

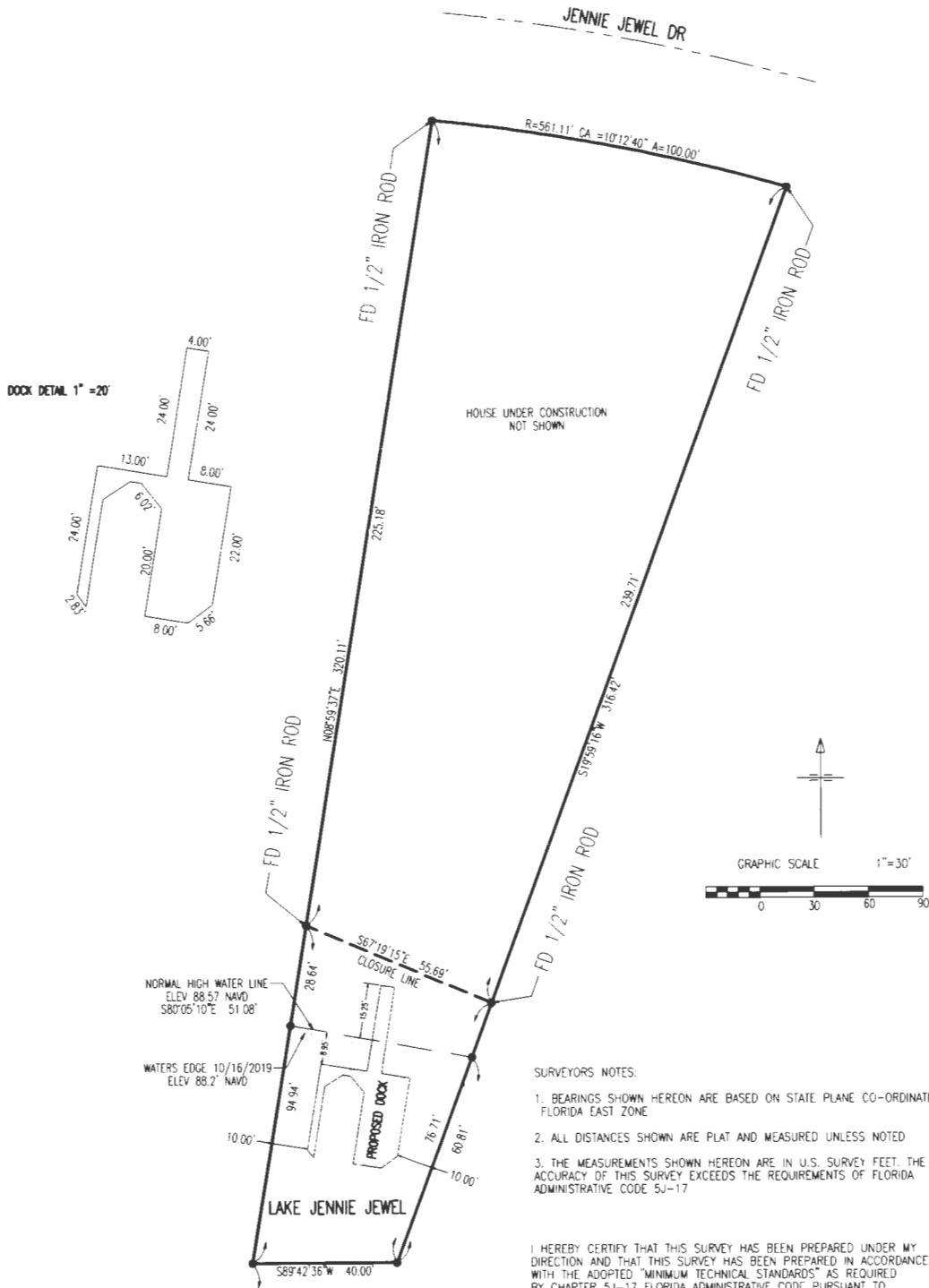
The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

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: Sheila Cichra
Signature of Applicant/Agent *Sheila Cichra* Date: 09/19/2019
Corporate Title (if applicable): President, Streamline Permitting, Inc.

PLOT PLAN

LOT 2, BLOCK F, ACCORDING TO THE PLAT THEREOF, AS RECORDED
IN PLAT BOOK V, PAGE 106, OF THE PUBLIC RECORDS OF ORANGE
COUNTY FLORIDA



SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE CO-ORDINATES FLORIDA EAST ZONE
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 5J-17

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

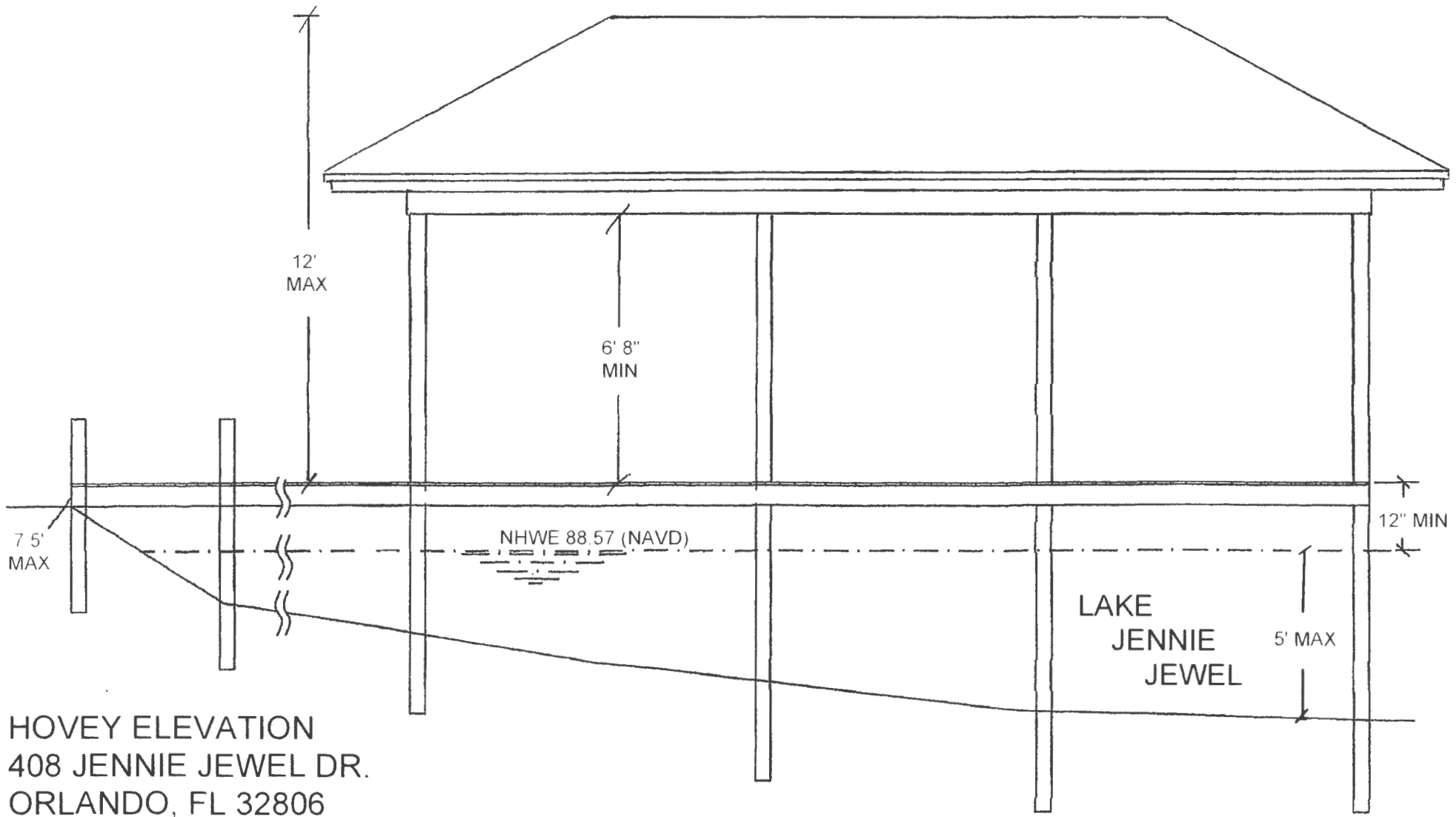
Edward Mizo, Jr
PLS

Digitally signed by Edward Mizo, Jr PLS
Date: 2019.10.21 20:21:53 -0400



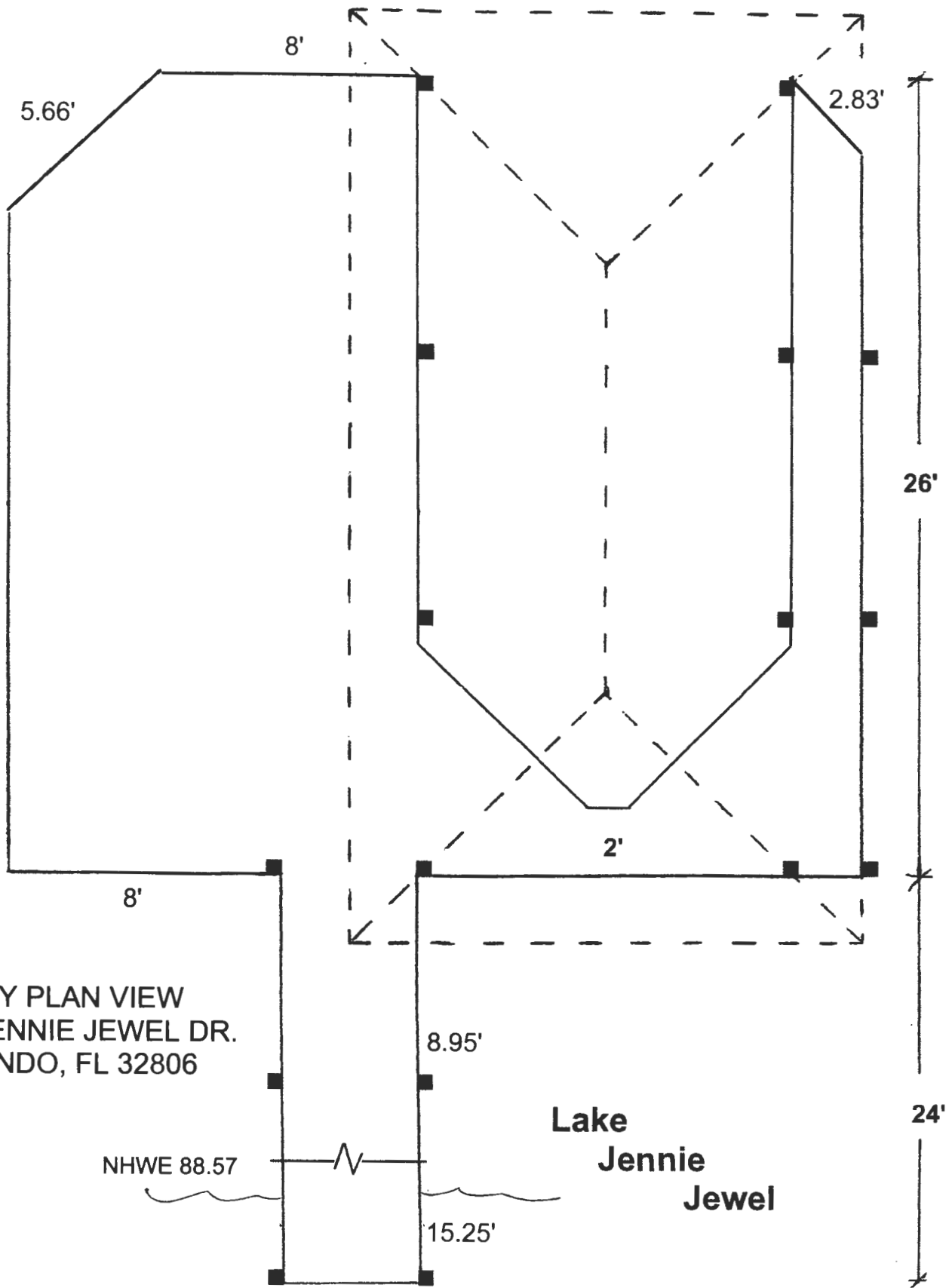
EDWARD J. MIZO
PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER

<p>EDWARD MIZO PLS PROFESSIONAL LAND SURVEYOR 2625 LEGACY VILLAS DRIVE MAITLAND, FL 32751 (321) 436-9391</p>	<p>PLOT PLAN 408 JENNIE JEWEL DRIVE PROPOSED DOCK LOCATION</p>	<p>PLOT PLAN</p>	<p>10-17-2019</p>
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HOVEY ELEVATION
 408 JENNIE JEWEL DR.
 ORLANDO, FL 32806

8' 4' 11' 2'



HOVEY PLAN VIEW
408 JENNIE JEWEL DR.
ORLANDO, FL 32806