

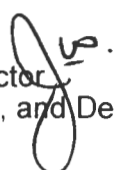



Interoffice Memorandum

AGENDA ITEM

October 6, 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: November 16, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Daniel and Linda O'Keefe Dock
Construction Permit BD-21-03-049

The applicants, Daniel and Linda O'Keefe, are requesting a dock construction permit with waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback) to construct a replacement dock at the subject property. The project site is located at 11068 Bayshore Drive, Windermere, FL 34786 (Parcel ID number 05-23-28-4396-00-020). The subject property is on Lake Down in District 1.

On April 27, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. On June 24, 2021 and June 28, 2021, respectively, EPD received final plans and an Application for Waiver to Section 15-343(b) to reduce the side setback from 25 feet to 11.5 feet from the northern projected property line.

While reviewing the Dock Construction Permit Application and waiver request, EPD determined that the property is out of compliance with Chapter 15, Article VII (Lakeshore Protection Ordinance). In 2011, the applicants were issued permits LSP 11-043 and CAA 11-042 to remove non-native plants from the shoreline with the requirement that the shoreline be replanted with native vegetation. Based on review of historic aerials and the current condition of the shoreline, it appears that the area was cleared of vegetation, but never replanted. Therefore, on July 29, 2021, EPD requested that the applicants submit a restoration plan for the shoreline. On September 8, 2021, EPD received and approved a shoreline restoration plan. The plan includes a timeframe for installation of the plantings to be initiated by September 22, 2021. Staff will continue to coordinate with the applicants to ensure the plan is implemented.

Waiver Request – Side Setback

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 applicants’ agent, Mr. Peter Fleck, states, “The rebuilt dock is being built mostly in the same footprint so it will not have a negative impact on the environment.”

To address Section 15-350(a)(2)(2), Mr. Fleck states, “There will be no additional encroachment to the side setback.”

Public Noticing

On July 9, 2021, a Notice of Application for Waiver (Notice) was sent to the affected adjacent shoreline owner. The adjacent residence is currently under construction, and the letter was returned. Staff were unable to obtain an email or alternate address for the adjacent property owner; therefore, the notice was physically posted on their property on July 21, 2021. No objection was received.

EPD Staff Evaluation/Recommendation

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for waiver to Section 15-343(b) (side setback) based on a finding that the applicants have demonstrated there will be no negative effect on the abutting shoreline owner pursuant to Section 15-350(a)(2)(2), as no objection was received. Additionally, maintaining the new dock in the same location as the existing dock will limit any environmental impact to the area already affected by the existing dock.

Environmental Protection Commission Public Hearing

EPD presented the waiver request in a public hearing before the Environmental Protection Commission (EPC) at their September 29, 2021 meeting. Mr. Peter Fleck attended on behalf of the property owners and expressed difficulty with finding any way to contact the affected neighbor to attempt to obtain a Letter of No Objection.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the request for waiver to Section 15-343(b) (side setback).

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-343(b) to reduce the side setback from 25 feet to 11.5 feet from the northern projected property line for the Daniel and Linda O’Keefe Dock Construction Permit BD-21-03-049. District 1**

JWW/DDJ: jk

Attachments

Dock Construction Application for Waiver



**Dock Construction
Application for Waiver
BD-21-03-049
District #1**

Applicant: Daniel and Linda O'Keefe

Address: 11068 Bayshore Drive

Parcel ID: 05-23-28-4396-00-020

Project Site 

Property Location 



DOCK PLANS

O'KEEFE FAMILY

received
6/24/2021

Prepared For

Q-ICE Builders

Prepared By

 **THOMPSON ENGINEERING GROUP, INC**

Engineer: Michael Thompson, MSc, P.E. (#47509)

4401 Vineland Road, Suite 46

Orlando, Florida 32811

Ph: 407-529-3306

Fax: 407-529-3306

Certificate of Authorization No. 30060

www.thompsoneng.com

MARCH 29, 2021

LOT 3

received
6/24/2021

RECOVERED 1/2" IRC NO ID
NORTH .25', EAST .04'
OF PROPERTY CORNER

TURBIDITY
CURTAIN

x 95.7

x 94.5

x 97.9

x 97.7

x 97.9

x 96.1

x 99.6

50' NORMAL
HIGH WATER LINE
REAR BUILDING
SETBACK

APPROXIMATE
EDGE OF WATER
ELEVATION=99.7
10/2/2020

x 96.5

30'

11'-6"

x 97.8

x 97.4

x 98.1

x 96.9 SAND BEACH
AREA

TOP OF
WALL=100.5'

W 76.1'
S 16° 28' 36" W

LAKE DOCK

Existing Dock

NEW
Proposed
Dock

26'

32'-5 1/2"

NORMAL HIGH
WATER LINE
ELEVATION=98.5'

WOOD RETAINING WALL

x 95.9

x 99.5

x 97.7

98.5

RECOVERED 1/2" IRC NO ID

x 95.2

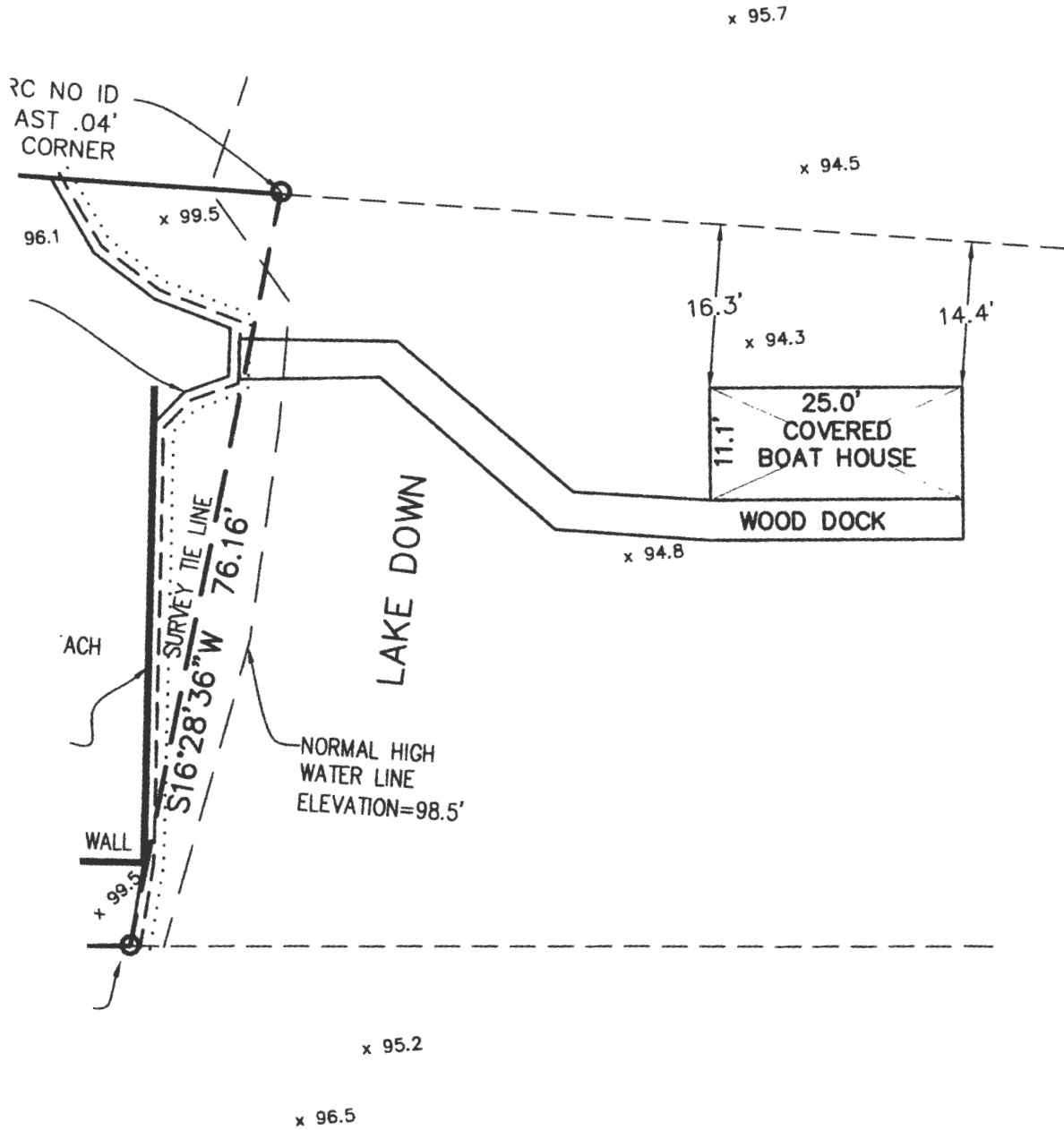
x 96.5

LOT 1

JS:

5723"

ET

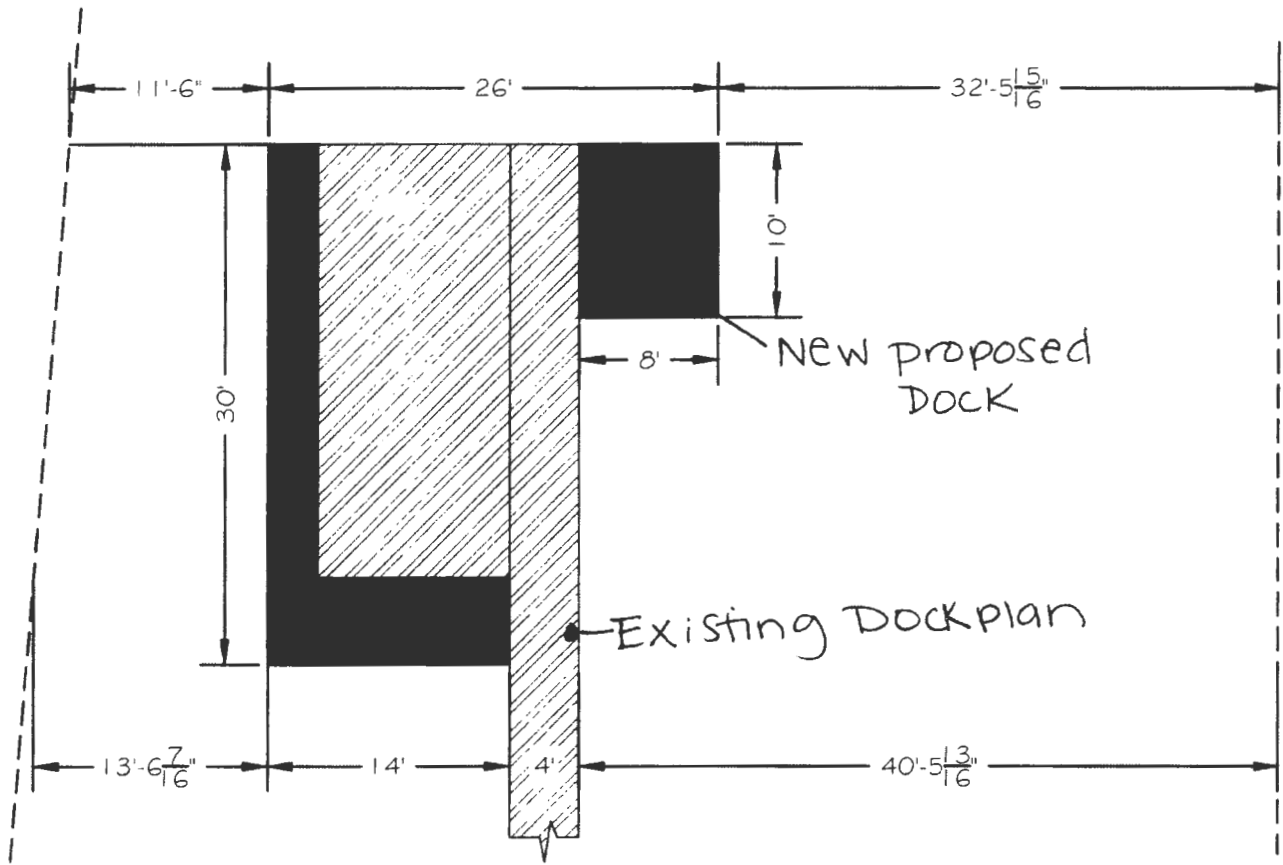


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6/24/2021

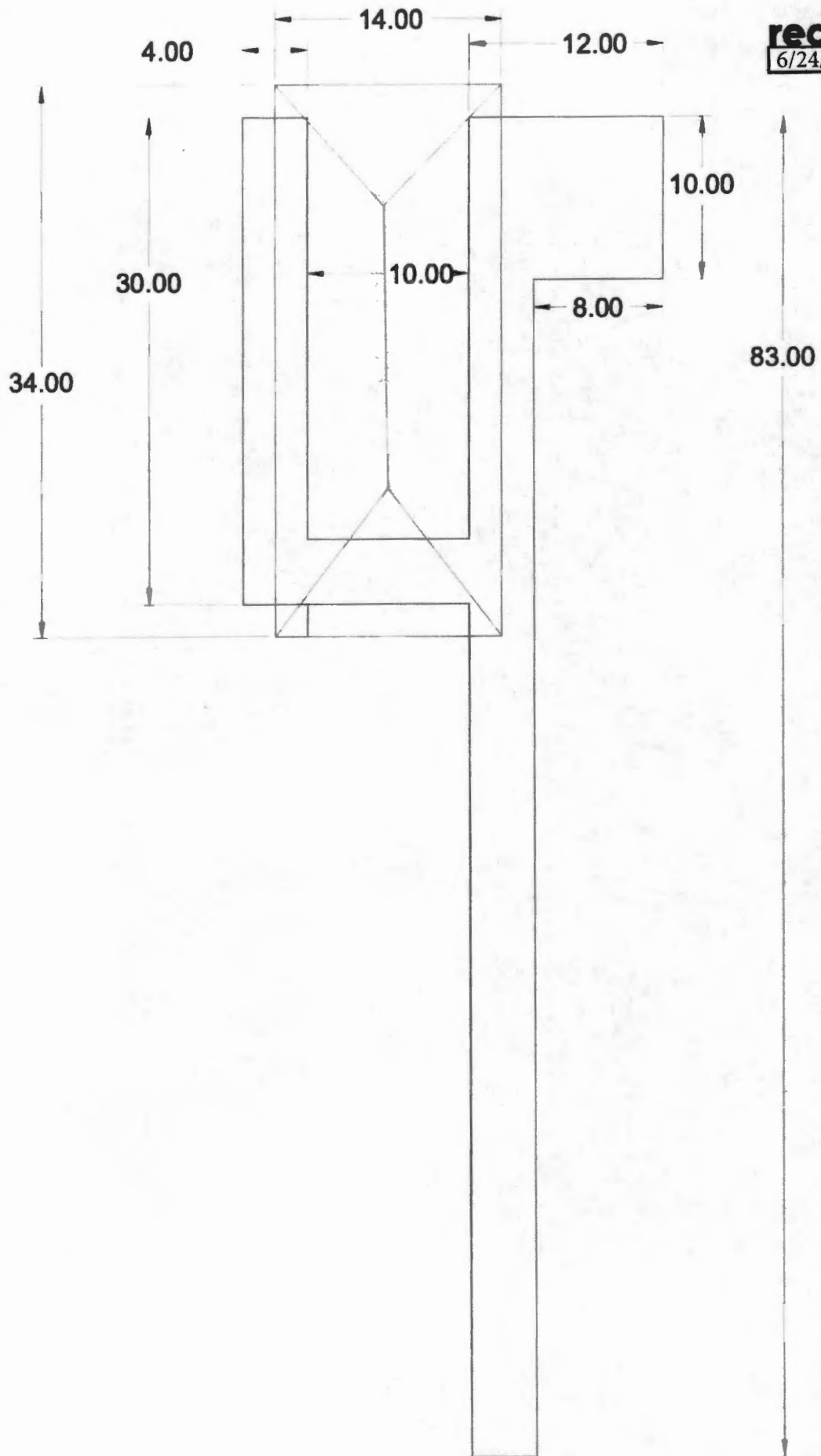
Existing Dock Plan

O'KEEFE

received
6/24/2021

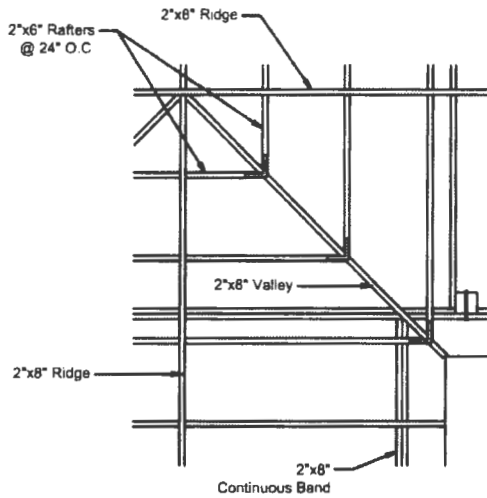


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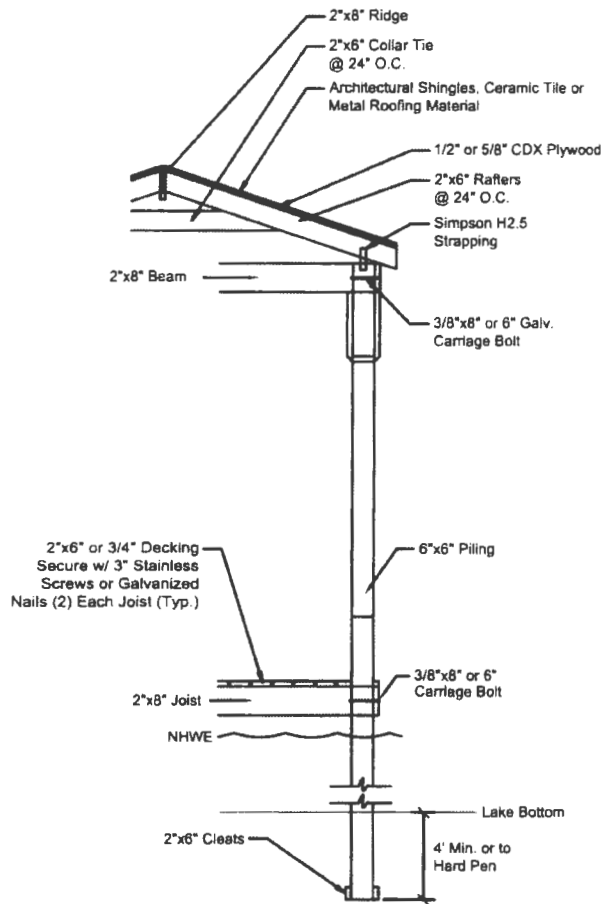
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6/24/2021



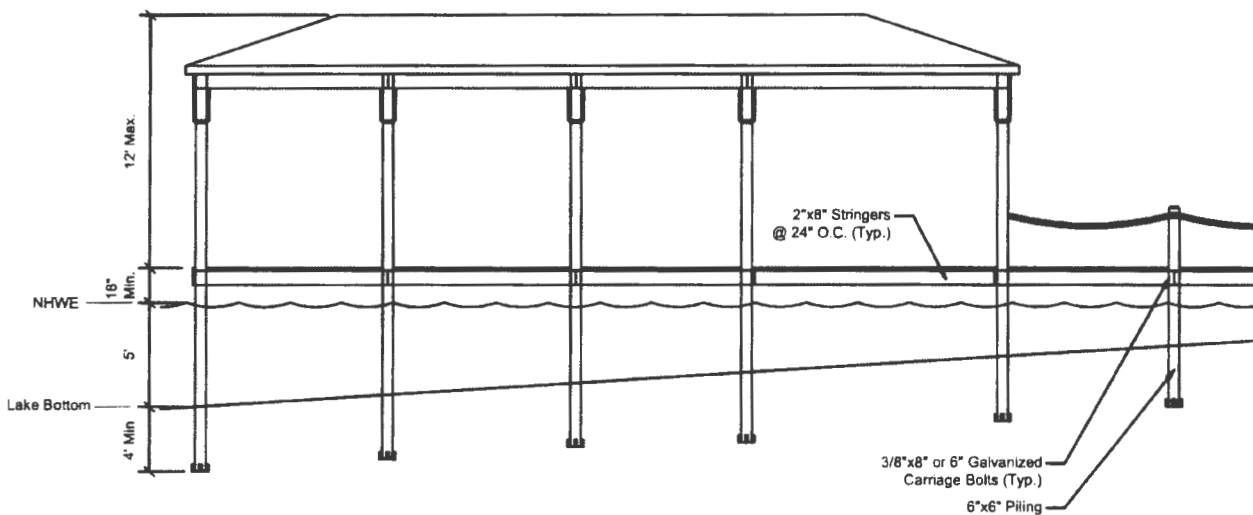
TYPICAL VALLEY FRAMING

SCALE: 1/4" = 1'-0"



TYPICAL SECTION

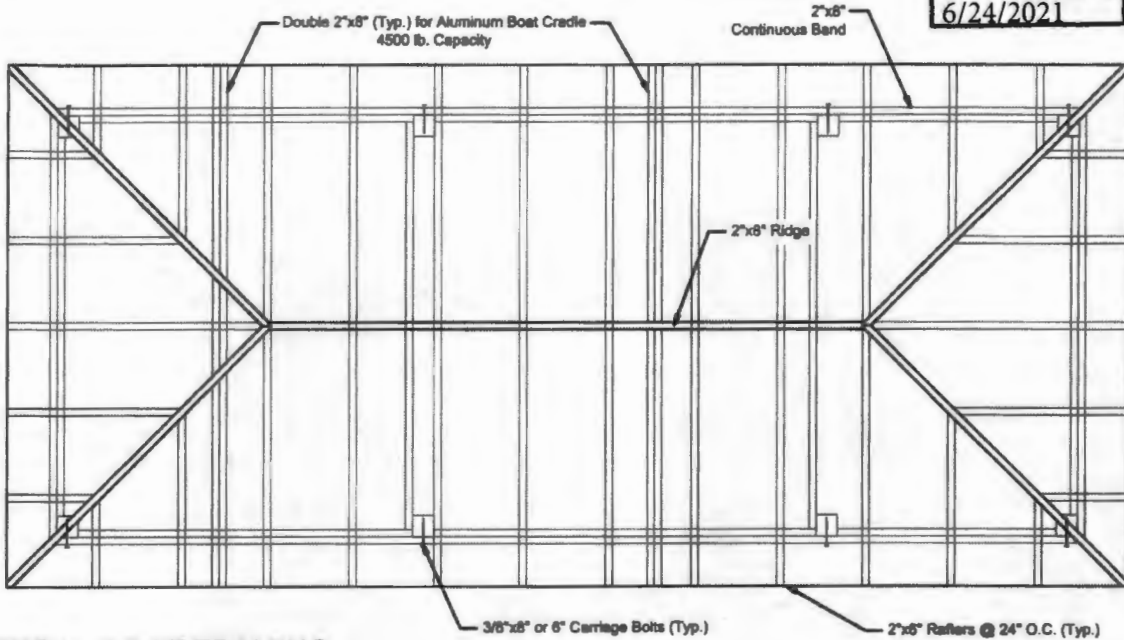
SCALE: 1/4" = 1'-0"



TYPICAL SIDE ELEVATION

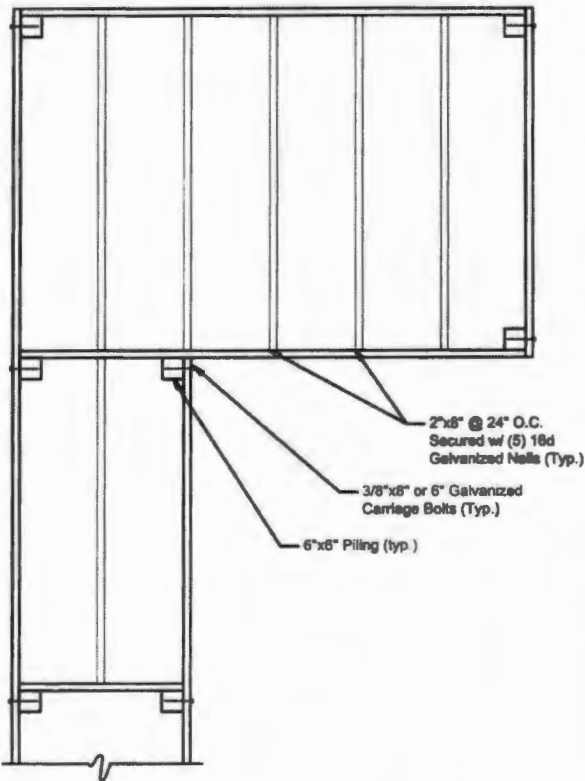
SCALE: 1/8" = 1'-0"

received
6/24/2021



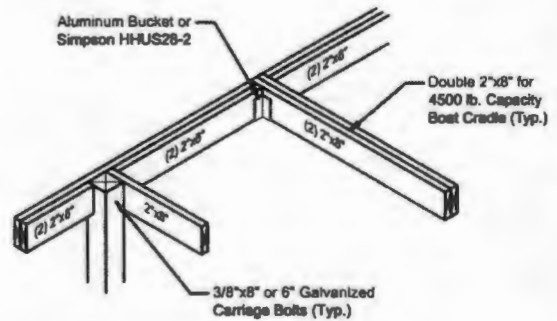
TYPICAL ROOF FRAMING

SCALE: 1/4" = 1'-0"



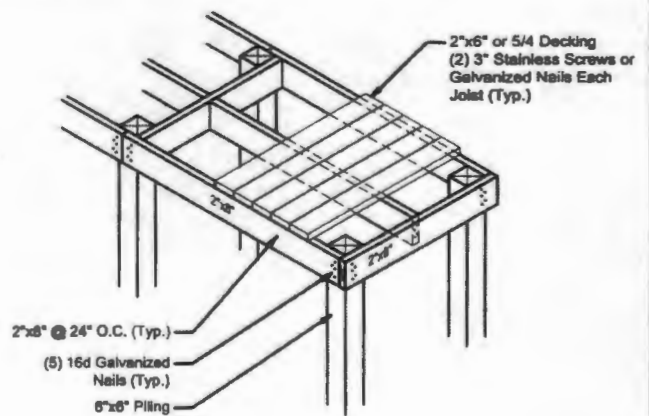
TYPICAL DECK & DOCK FRAMING

SCALE: 1/4" = 1'-0"



ROOF BEAMS & BOAT CRADLE

SCALE: N.T.S.



DOCK FRAMING

SCALE: N.T.S.

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2020

The Aluminum Association, latest edition

ASCE 7-16

Galvanized Bolts:

All bolts shall be galvanized by ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition

All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Design Loads:

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 60 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf

Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36. (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes

Aluminum Weld IAW AWS D1.2 (latest edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen, 250 degrees min.

Welds shall be full penetration welds at all points of contact

Screws: Use 2#8 Screws per T&G to secure to roof trusses.



Bio-Tech Consulting Inc.
Environmental and Permitting Services

info@bio-techconsulting.com
www.bio-techconsulting.com

September 7, 2021

Nicole Salvatico
Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803

Proj: 11068 Bayshore Drive - Orange County, Florida
Section 6, Township 23 South, Range 28 East
(BTC File #358-12)
Re: Restoration Plan

Dear Ms. Salvatico:

In response to your August 26, 2021 email regarding BD-21-03-049, the applicant has provided the following restoration plan for the shoreline. The areas depicted on the attached exhibit will be planted on two (2) foot centers with water-lilies (*Nymphaea odorata*), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), canna (*Canna flaccida*), and giant bulrush (*Schoenoplectus californicus*). Approximately 205 plants will be planted. The actual planting area may vary depending on water levels at the time of planting. Planting will begin within 2 weeks of EPD's approval of the plan.

If you have any questions, comments, or require any additional information do not hesitate to contact our office at (407) 894-5969 or at larry@bio-techconsulting.com. Thank you.

Regards,


Larry Medlin
Project Manager

attachment

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

**Aquatic & Land
Management Operations**
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

Orlando Vero Beach Jacksonville Tampa Key West

Legend



OKeefe Lot Site

30-foot_access_corridor



Planting_Areas (0.02 acres)

Plantings:

50 pickerelweed (*Pontederia cordata*)

50 arrowhead (*Sagittaria lancifolia*)

50 canna (*Canna flaccida*)

50 water-lilies (*Nymphaea odorata*)

5 giant bulrush (*Schoenoplectus californicus*)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

11068 Bayshore Drive
Orange County, Florida
Figure
Planting Map



20
Feet
Project #: 358-12
Produced By: LPM
Date: 9/7/2021



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

received
5/28/2021

I Peter Fleck on behalf of Daniel and Linda Okeefe (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 rebuilt dock is being built mostly in the same footprint so it will not have a negative impact on the environment.

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

There will be no additional encroachment to the side setback.

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: Peter Fleck; Q-Ice Builders

Signature of Applicant/Agent [Handwritten Signature]

Date: 06/28/2021

Corporate Title (if applicable):



ENVIRONMENTAL PROTECTION DIVISION

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

3165 McCrory Place, Suite 200
Orlando, FL 32803
407 836 1400 • Fax 407 836-1499
www.ocfl.net

ENVIRONMENTAL PROTECTION COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Norman Blackburn

Billy Butterfield

Mark Corbett

Elaine Imbruglia

Vacancy - Regulated
Business or Manufacture

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION
September 29, 2021

Project Name: Daniel and Linda O'Keefe

Permit Application Number: BD-21-03-049

Location/Address: 11068 Bayshore Drive, Windermere

RECOMMENDATION: Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to 15-343(b) to reduce the side setback from 25 feet to 11.5 feet from the northern projected property line for the Daniel and Linda O'Keefe Dock Construction Permit BD-21-03-049, District 1

[check] EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

[Blank lines for recommendation text]

Signature of EPC Chairman: [Handwritten Signature: Mark Ausley]

DATE EPC RECOMMENDATION RENDERED: [Handwritten Date: 9-29-21]