



Interoffice Memorandum

AGENDA ITEM

December 20, 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: February 8, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Kenneth and Adrienne Fuhr Dock
Construction Permit BD-21-08-118

The applicants, Kenneth and Adrienne Fuhr, are requesting a dock construction permit with 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 7651 Green Mountain Way, Winter Garden, FL 34787 (Parcel ID number 28-23-27-8318-11-180). The subject property is on Lake Hancock in District 1.

On August 23, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. Included with the application was an Application for Waiver to Section 15-342(b) (terminal platform size) requesting to increase the terminal platform size from the maximum allowed by Code of 640 square feet to 816 square feet.

Waiver Request – Terminal Platform Size

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 applicants have a shoreline that measures approximately 64 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 640 square feet. The applicants are requesting to construct a dock with a terminal platform size of 816 square feet (176 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 applicants' agent, Ms. Sheila Cichra, states, "The terminal platform will be constructed over open water, so there will not be any impact to

wetland vegetation. The proposed terminal platform is only 176 square feet over the allowed limit and similar in size to the adjacent docks."

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

The applicants have agreed to make a mitigation payment of \$198 to the Conservation Trust Fund (CTF) to offset the additional shading impacts to Lake Hancock associated with the larger terminal platform size should the waiver request be approved.

Public Noticing

On September 10, 2021, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. Delivery could not be confirmed for any of the certified letters that were mailed. On October 6, 2021, EPD requested that the applicants' agent print the notices, post them on the front doors of the shoreline owners in the 300-foot radius, and provide EPD photos of the notices for verification. EPD received photo-documentation of the postings on October 27, 2021. No objections have been received.

Enforcement Action

On December 6, 2019, EPD received a complaint regarding an unauthorized dock being constructed on the subject lot by the previous owners. Accordingly, EPD initiated an enforcement case for the unauthorized dock (#19-560343) and a Notice of Violation dated December 16, 2019 was sent via certified mail to the previous owners. In order to resolve the enforcement actions, the dock was removed. In addition, a penalty of \$3,999 was assessed, which was paid by the previous owners in May 2021. The property is currently in compliance.

EPD Staff Evaluation

Staff has 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 15-342(b) (terminal platform size) based on a finding that the applicants have demonstrated there will be no negative effects on the 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 from the excess terminal platform size will be offset through a mitigation payment of \$198 to the CTF.

Environmental Protection Commission Public Hearing

EPD presented the waiver request in a public hearing before the EPC at their December 9, 2021 meeting. 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 15-342(b) (terminal platform size) with a mitigation payment of \$198 to the CTF.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 640 to 816 square feet with a mitigation payment of \$198 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Kenneth and Adrienne Fuhr Dock Construction Permit BD-21-08-118. District 1**

JVW/DDJ: jk

Attachments

Request for Boat Dock Waiver for Terminal Platform Size



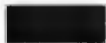
Request for Boat Dock Waiver for Terminal Platform Size Permit No. BD-21-08-118 District 1

Applicants: Kenneth and Adrienne Fuhr,

Address: 7651 Green Mountain Way,
Winter Garden, FL 34787

Parcel ID No. 28-23-27-8318-11-180

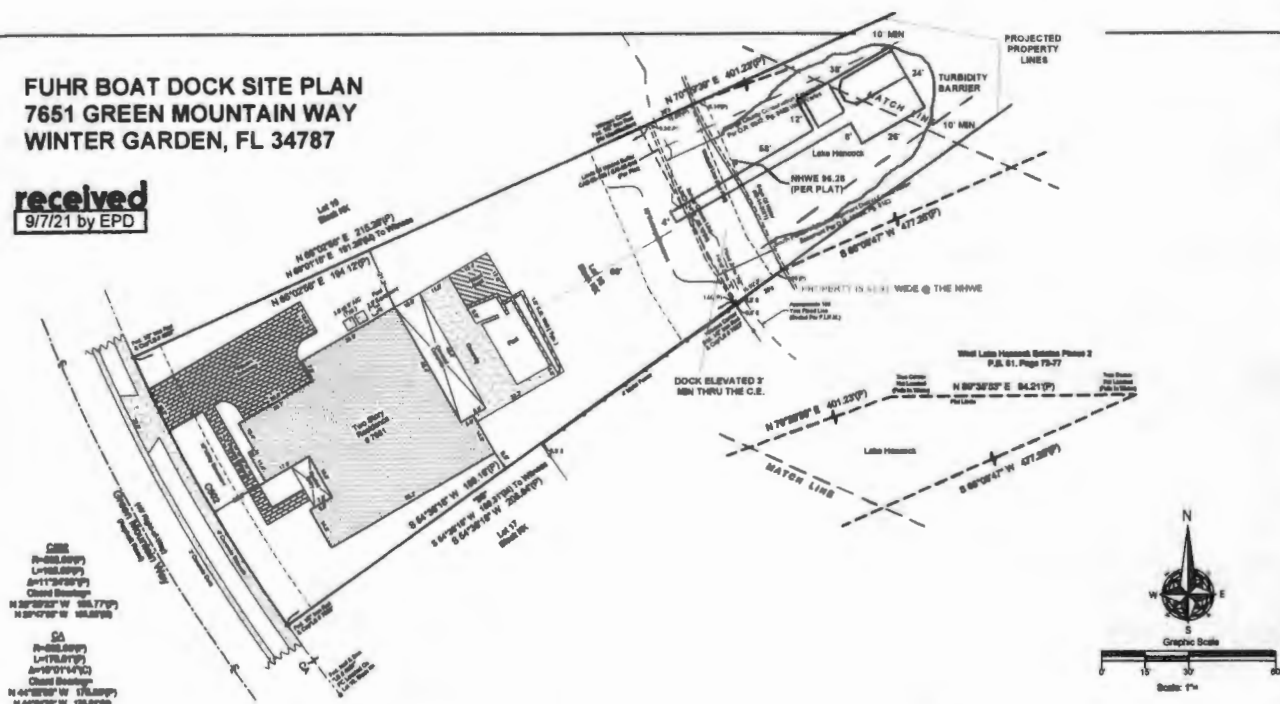
Project Site



Property Location



received
9/7/21 by EPD



Legal Description:
LOT 15, BLOCK KK, SUMMERLAKE PD PHASE 3A, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE(S) 97 THROUGH 102, INCLUSIVE, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Read Information:
 Read the text below. Then, write the main idea of the text in the space provided.

CERTIFIED TO:
KENNETH J. FUHR & ADRIANNE KATHLEEN FUHR; ARTISAN TITLE, INC.; FIDELITY
NATIONAL TITLE INSURANCE COMPANY; BANK OF AMERICA, N.A.



Field Date: 5/14/2021	Date Completed: 05/19/21
Drawn By: G.S.	File Number: 15-09028

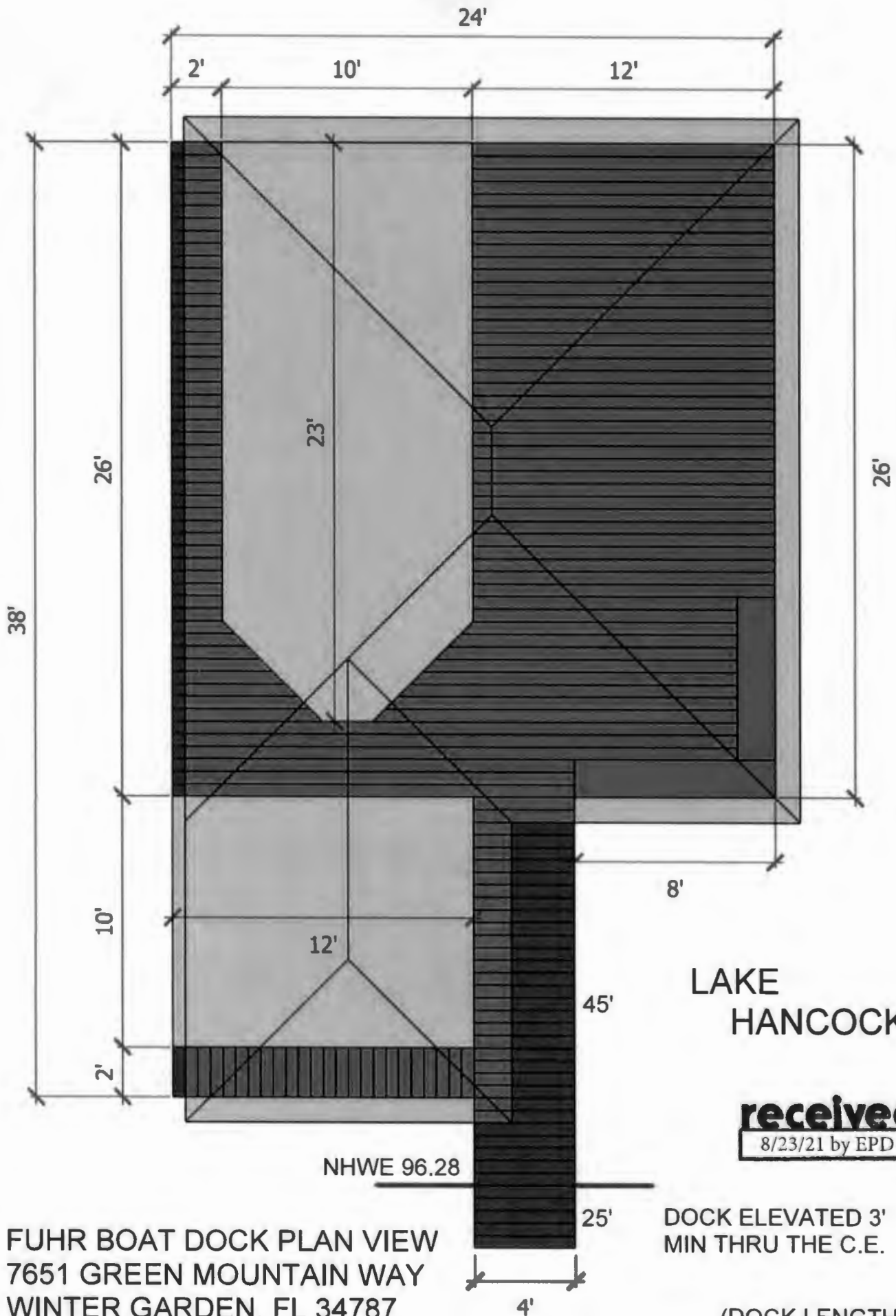
[illegible][illegible]

I hereby certify that the boundary, location of the above described property is true and correct to the best of my knowledge and belief as recently ascertained under my signature as the State Surveyor, created on 1/1/1988, located in the State of Florida in accordance with Chapter 34-17, Statutes Florida.

XXXXXXXXXXXX

Patrick K. Ireland, President, 10000
The Survey Building, Suite 200, 10000
The Survey Building, Suite 200, 10000

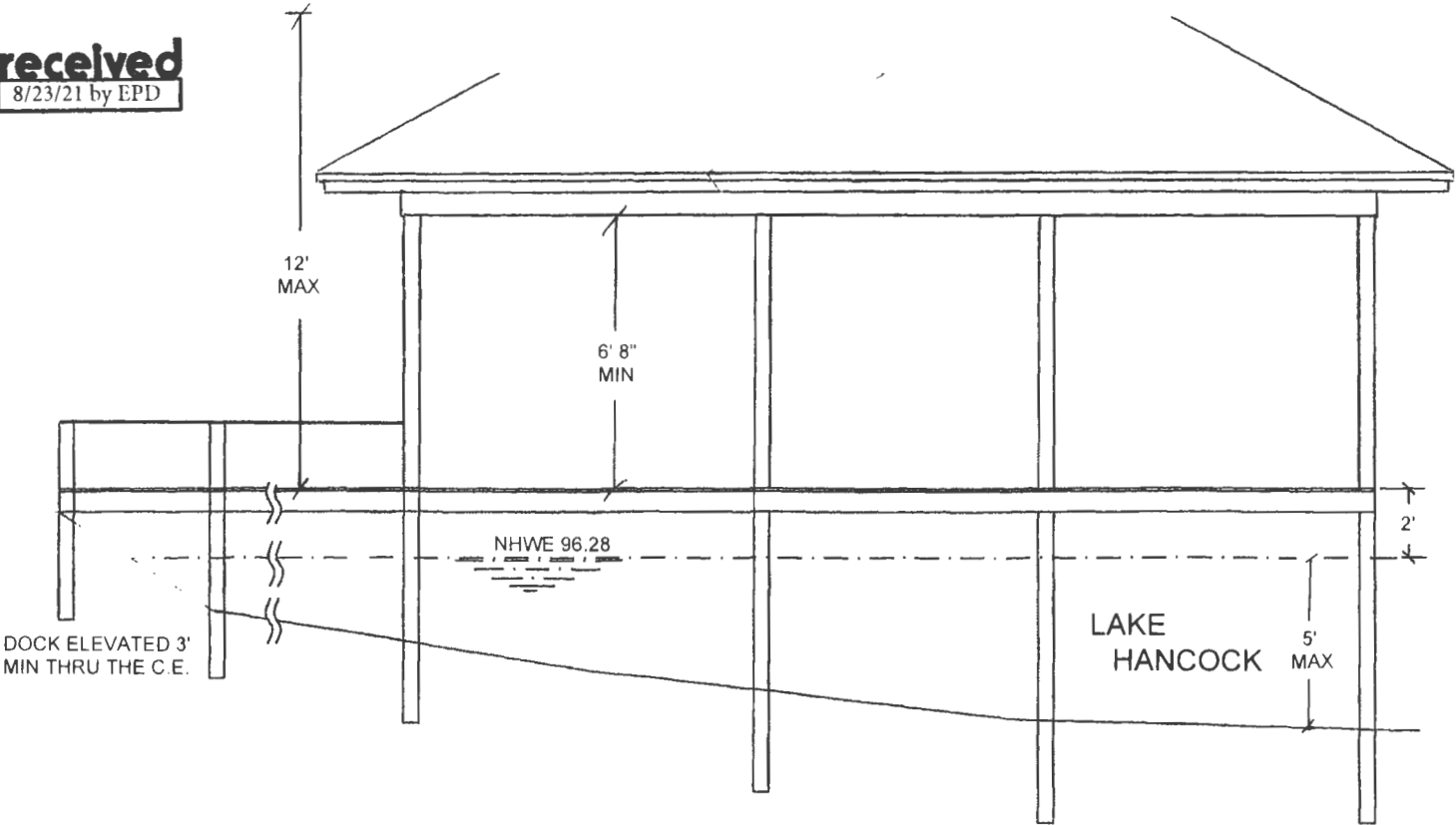
800 Gannery Circle | Suite 102A
Lake Mary, Florida 32746
www.lakeandlarrysurveying.com
Office-407.678.3366 Fax-407.320.8166



FUHR BOAT DOCK PLAN VIEW
7651 GREEN MOUNTAIN WAY
WINTER GARDEN, FL 34787

FUHR ELEVATION
7651 GREEN MOUNTAIN WAY
WINTER GARDEN, FL 34787

received
8/23/21 by EPD





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

received
8/23/2021

I Sheila Cichra on behalf of Ken Fuhr (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 not be any impact to wetland vegetation. The proposed terminal platform is only 176 square feet over the allowed limit and similar in size to the adjacent docks.

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.

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  Date: 08/22/2021

Corporate Title (if applicable): President, Streamline Permitting, Inc.



ENVIRONMENTAL PROTECTION DIVISION

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PROTECTION
COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Florian Blackburn

Billy Butterfield

Mark Corbett

Peter Flock

Elaine Imbruglia

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
December 9, 2021

Applicants: Kenneth and Adrienne Fuhr

Permit Application Number: BD-21-08-118

Location/Address: 7651 Green Mountain Way, Winter Garden, FL 34787

RECOMMENDATION: Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 640 square feet to 816 square feet with a payment of \$198 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Kenneth and Adrienne Fuhr Dock Construction Permit BD-21-08-118. 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

DATE EPC RECOMMENDATION RENDERED: 12-9-21

