



Interoffice Memorandum

AGENDA ITEM

September 14, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department *JV.*

CONTACT PERSON: **David Jones, P.E., CEP, Manager**
Environmental Protection Division
(407) 836-1406

SUBJECT: October 13, 2020 — Consent Item
Environmental Protection Commission Recommendation
After-the-Fact Waivers and Variance for Dancaescu Dock
Construction Permit BD-19-11-130

The applicant, Mr. Lucian Dancaescu, is requesting approval of a dock construction permit with an after-the-fact waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size); an after-the-fact waiver to Section 15-343(a) (side setback); and an after-the-fact variance to Section 15-342(g) (enclosed dock). The project site is located at 609 Driver Avenue, Winter Park, Florida 32789. The Parcel ID number is 11-22-29-2248-04-071. The subject property is located on Little Lake Fairview in District 5.

On July 30, 2019, the Environmental Protection Division (EPD) conducted an environmental review for Building Permit #B19014354 for a new single-family residence on Little Lake Fairview. EPD reviewed historic aerials of the property and discovered unauthorized alterations had been made to the large boat dock/boat house structure on the shoreline between 2017 and 2019. EPD denied the Building Permit due to the unauthorized dock modifications and requested that the applicant submit an after-the-fact Application for Dock Construction.

On November 12, 2019, EPD received an after-the-fact Application for Dock Construction for the existing dock structure; however, the application was not complete. The applicant did not submit the required survey of the built structure or any of the applications for waivers and variance required to bring the dock into compliance with Orange County Code. On February 10, 2020, EPD received the following three applications for after-the-fact waivers and variance:

1. An after-the-fact waiver to Orange County Code, Article IX, Section 15-342(b) (terminal platform size). The maximum allowed terminal platform size for this lot is 875 square feet. The current terminal platform is 1,679 square feet in size (804 square feet larger than allowed).
2. An after-the-fact waiver to Section 15-343(b) (side setback) in order to keep the dock six feet from the southern projected property line. Per Orange County Code, the dock shall have a minimum side setback of 25 feet from the projected property lines.
3. An after-the-fact variance to Section 15-342(g) (enclosed dock) to keep the previously constructed enclosed boat house. Section 15-342(g) states that enclosed docks are prohibited.

Notifications of the applications for waivers and variance were sent to all shoreline property owners within 300 feet of the property. EPD did not receive any objections. A written letter of approval was received from the northern property owner, Mr. Allen Fielder, who resides at 605 Driver Avenue.

EPD has not initiated a formal enforcement case; however, a \$200 administrative penalty has been assessed for modifications to the dock without a permit. Approval of the requested waivers and variance, and payment of \$200 to the Conservation Trust Fund (CTF) will bring the dock into compliance.

Staff evaluated the requested after-the-fact waivers for compliance with the Code and criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the after-the-fact waiver to Section 15-342(b) (terminal platform size) and approve the waiver to Section 15-343(b) (side setback), based on a finding that the applicant has demonstrated that there will be no effect from the proposed waivers 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 additional shading impacts from the excess terminal platform size will be offset through a mitigation payment of \$1,160 to the CTF.

Staff also evaluated the requested after-the-fact variance to Chapter 15, Article IX, Section 15-342(g) (enclosed docks) for compliance with the Code and criteria for approval. The recommendation of the EPO is to approve the after-the-fact variance to Section 15-342(g) (enclosed dock) based on findings that the hardship was not self-imposed, as the enclosed portion of the dock was constructed decades ago by a previous owner, the applicant has demonstrated that there will be no effect from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2), as no objections have been received, and approval of the variance is not contrary to any other criteria in Section 15-350(a)(1).

The waivers and variance requests were presented at the July 29, 2020 Environmental Protection Commission (EPC) meeting. A motion to approve the after-the-fact waivers and variance failed with a 2:2 tie vote. EPC requested additional information on the changes to the footprint and other modifications to the dock made over the last few

years, and whether those changes were made by the previous owner or the applicant. The item was continued to the August 26, 2020 EPC hearing to allow time to compile the requested information.

On August 26, 2020, EPD presented the after-the-fact waivers and variance requests to the EPC a second time and provided the additional information requested on the history of the dock modifications. Based upon evidence and testimony presented at the August 26, 2020 EPC public hearing, the EPC made findings that the after-the-fact requests for waivers were consistent with Section 15-350(a)(2) and Section 15-350(a)(1), respectively, and voted to accept the findings and recommendation of the EPO and recommended approval of the after-the-fact waiver to Section 15-342(b) (terminal platform size); the after-the-fact waiver to Section 15-343(a) (side setback); and the after-the-fact variance to Section 15-342(g) (enclosed dock).

ACTION REQUESTED:

Accept the findings and recommendations of the Environmental Protection Commission and approve 1) the after-the-fact request for waiver to Section 15-342(b) (terminal platform size) to increase the allowable terminal platform size from 875 square feet to 1,679 square feet with a payment of \$1,160 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; 2) the after-the-fact waiver to Section 15-343(b) (side setback) to reduce the required setback from 25 feet to six feet from the southern projected property line; 3) the after-the-fact request for variance to Section 15-342(g) (enclosed dock) to keep the existing enclosed dock structure; and 4) the requirement of an additional payment of \$200 to the Conservation Trust Fund for unauthorized modifications to the dock within 60 days of the decision of the Board of County Commissioners for the Dancaescu Dock Construction Permit BD-19-11-130. District 5

JVW/DDJ: mg

Attachments

Dock Construction Application for Waiver and Variance



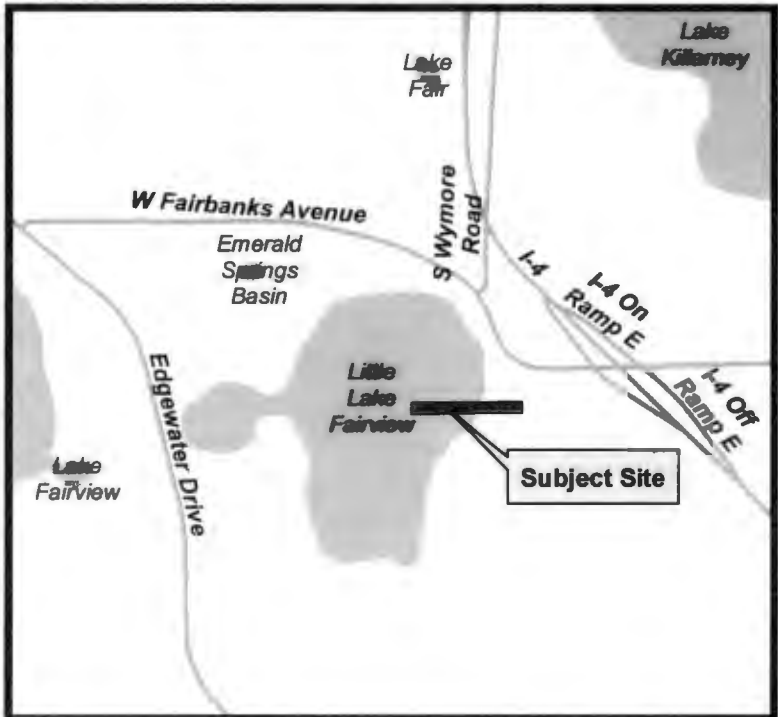
**Dock Construction Application
for Waiver and Variance
District # 5**

Permit No.: BD-19-11-130
Applicant: Lucian Dancaescu
Address: 609 Driver Avenue

Parcel ID: 11-22-29-2248-04-071

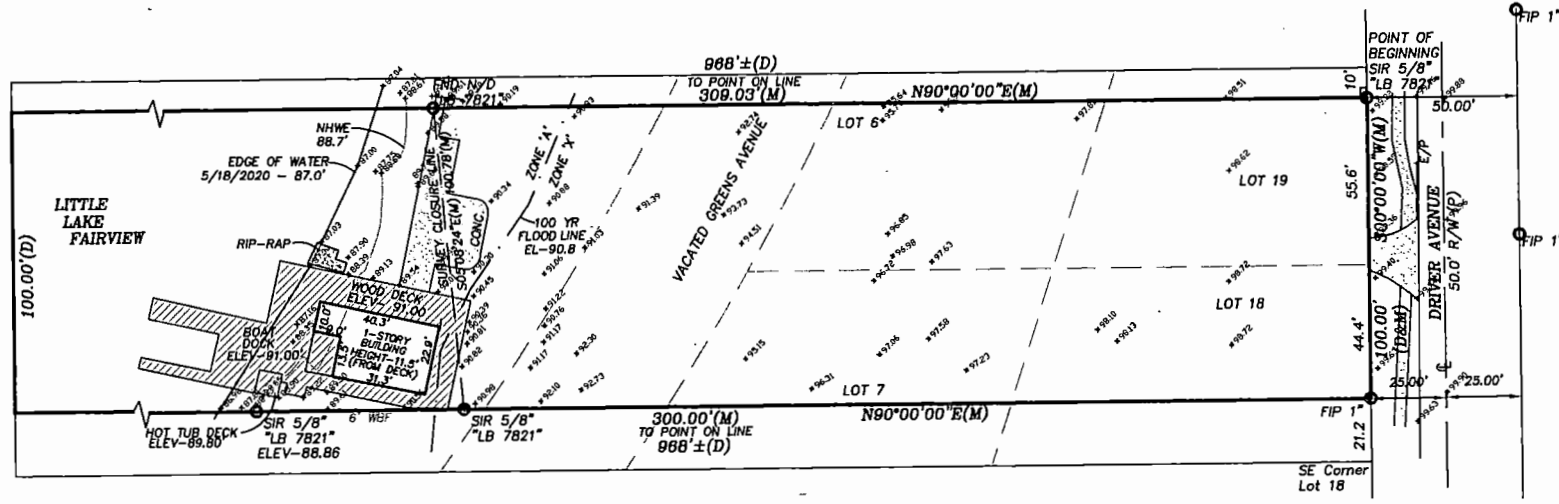
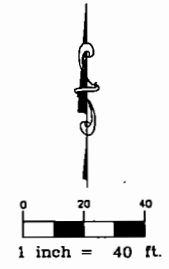
Project Site 

Property Location 





LEGAL DESCRIPTION
 Begin 121.2 feet North of the SE corner of Lot 18, Block D, DUBSDREAD HEIGHTS, as per plat thereof recorded in Plat Book J, Page 115, Public Records of Orange County, Florida, run South 100 feet thence West 866 feet, more or less to a point in Little Lake Fairview situated 76.2 feet North of the Sw corner of Lot 1 STOKES SUBDIVISION, as per plat thereof recorded in Plat Book J, Page 2, Public Records of Orange County, Florida, thence North 100 feet, thence East to Point of Beginning, surveyed from and parallel with the South boundary of said subdivision.



PROPERTY ADDRESS:
 609 DRIVER AVENUE
 WINTER PARK, FLORIDA 32789

SURVEYOR'S NOTES:

1. BASIS OF BEARING - THE WESTERLY LINE OF DRIVE AVENUE, AS BEING N00°00'00"E, AN ASSUMED BEARING.
2. DATE OF FIELD SURVEY, MAY 30, 2016; UPDATED DOCK 11/20/18; REPLY TO COMMENTS 10/31/19; UPDATE DOCK ELEVATION, EDGE OF WATER 5/18/2020
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. SURVEY FILE NUMBER: 16-06-030
7. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 12095C0235F, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL FLOOD CHANCE FLOODPLAIN, AND FLOOD ZONE "A", DEFINED AS AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATION DETERMINED.
8. THE LEGAL DESCRIPTION WAS TAKEN FROM THE LAST DEED OF RECORDED RECORDED IN OFFICIAL RECORDS BOOK 9824, PAGE 8893 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
9. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), AND MORE SPECIFICALLY TO ORANGE COUNTY BENCHMARK 5845001, AN "X" ON THE NORTHWEST BOLT OF A FIRE HYDRANT 041-264, 3.35 METERS EAST OF CL OF DRIVER AND 2.43 METERS NORTH OF CL OF OGLESBY, HAVING AN ELEVATION OF 101.483 FEET.
10. ACCORDING TO THE ORANGE COUNTY WATER ATLAS, THE NORMAL HIGH WATER ELEVATION (NHWE) FOR LITTLE LAKE FAIRVIEW IS 88.7 FEET AND THE FEMA 100 YEAR FLOOD ELEVATION IS 90.8 FEET, AS DEPICTED ON THIS SURVEY.

LEGEND & ABBREVIATIONS

FIR	= FOUND IRON ROD
SIR	= SET IRON ROD
N/D	= NAIL & DISK
PSM	= PROFESSIONAL SURVEYOR & MAPPER
R/W	= RIGHT OF WAY
E/P	= EDGE OF PAVEMENT
CONC	= CONCRETE
COV	= COVERED
A/C	= AIR CONDITIONER
NHWE	= NORMAL HIGH WATER ELEVATION
WBF	= WOOD BOARD FENCE
HWF	= HOE WIRE FENCE
LB	= LICENSED BUSINESS
(D)	= DEED DIMENSION
(M)	= FIELD MEASURED
CL	= CENTERLINE
WM	= WATER METER

BOUNDARY SURVEY CERTIFIED TO:
 Total Title Solutions
 Clay Wooten
 Boyd Management, LLC,
 Old Republic National Title Insurance Company

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 427.027 FLORIDA STATUTES.

This form has been electronically signed and sealed by Paul M. Hoffmeier, PSM on Date/Time Stamp shown using a digital signature. Professionalism of this document are not considered signed and sealed until the signature map is verified on my electronic desktop.

Paul M. Hoffmeier
 PAUL M. HOFFMEIER, P.S.M./LS#6852
 H&H SURVEY CONSULTANTS, LLC LB 7821

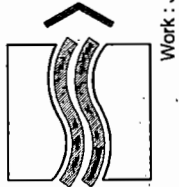
AS BUILT
 ACCESSORY STRUCTURE
 PLAN
 JULIETA AND LUCIAN
 DANCAESCU
 609 DRIVER AVENUE
 WINTER PARK FL 32789
 PROJECT

DATE:	
MARCH 20, 2020	
REVISIONS	

GENERAL PLAN
 DRAWING 1

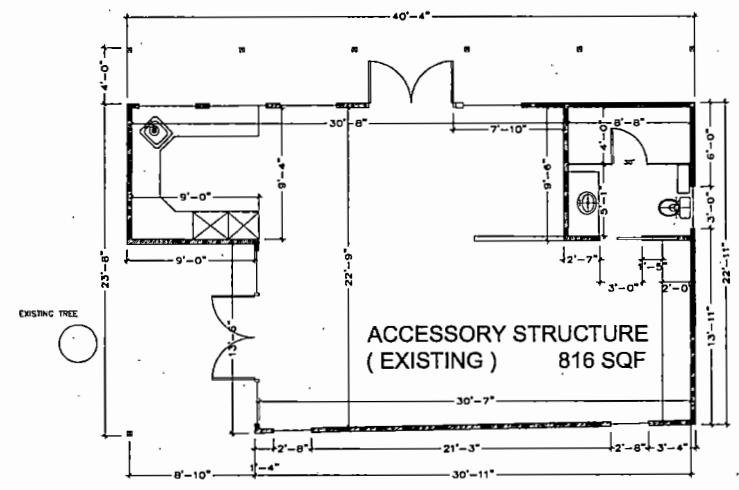
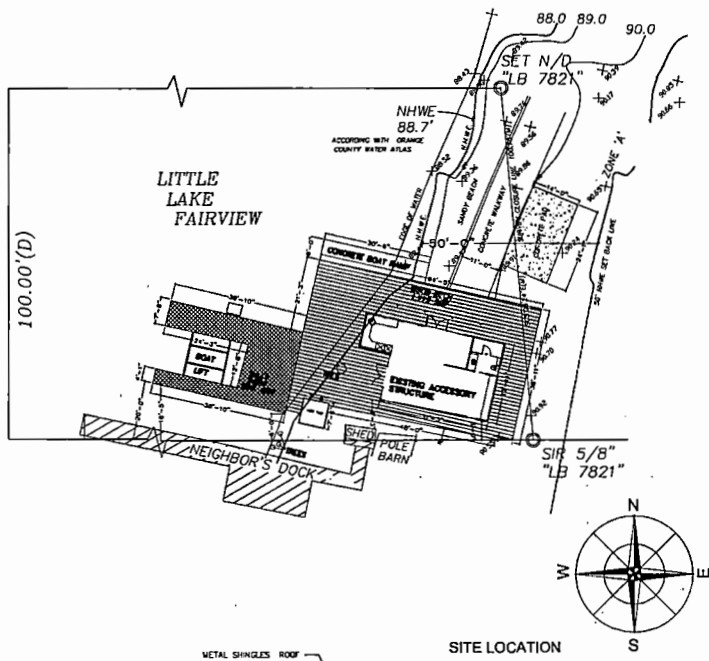
Owner's Declaration
 I, the owner, agree and warrant that all designs and details in this set are in accordance with the Owner's expectations and have been performed by the designer under the Owner's direction.
 Designer authorizes the designer or contractor to modify, add, or subtract elements or details from the plans when comments are issued by the city/county official reviewers, inspectors, and/or for technical or technical reasons.
 All copyrights for ideas, drawings and design reserved.
 NOTES

SCALE AS NOTED
 DATE

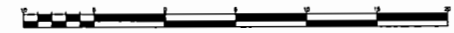
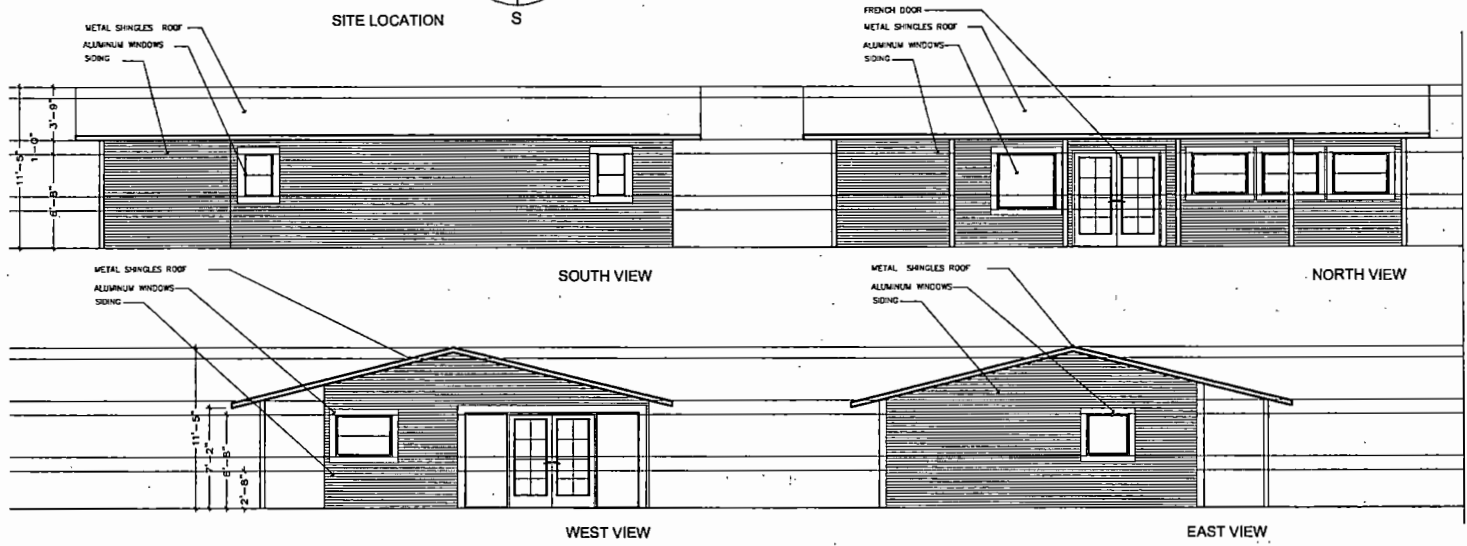


Silver Sea Inc.
HOMES
 1150 DOUGLAS AV.
 SUITE 350 (OFFICE)
 Altamonte Springs, FL 32714
 (407) 467-3317

WILLIAM F. STUHRKE, PH.D., P.E.
 STATE OF FLORIDA
 LIC# PE 22150
 12215 REBECCA'S RUN DR.
 WINTER GARDEN, FL 34787
 Phone: 407-654-8733



FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"




Work: JULIETA AND LUCIAN DANCAESCU 609 DRIVER AVENUE, WINTER PARK FL. 32789



Interoffice Memorandum

August 21, 2020

To: Environmental Protection Commission

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

Subject: **Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit BD-19-11-130**

****This item was presented at the July 29, 2020 Environmental Protection Commission (EPC) meeting. A motion to approve the after-the-fact waivers and variance failed with a 2:2 tie vote. EPC Members Blackburn and Anderson requested additional information on the changes to the footprint and other modifications to the dock made over the last few years, and whether those changes were made by the previous owner or the applicant. The item was continued to the August 26, 2020 EPC hearing to allow time to compile the requested information.*

Reason for Public Hearing

The applicant, Mr. Lucian Dancaescu, is requesting after-the-fact approval of a Dock Construction Permit with a waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size); a waiver to Section 15-343(a) (side setback); and a variance to Section 15-342(g) (enclosed docks).

Location of Property/Legal Description

The project site is located at 609 Driver Avenue, Winter Park, Florida 32789. The Parcel ID number is 11-22-29-2248-04-071. The subject property is located on Little Lake Fairview in District 5.

Background

On July 30, 2019, the Environmental Protection Division (EPD) conducted an environmental review for Building Permit #B19014354 for a new single-family residence on Little Lake Fairview. EPD reviewed historic aerials of the property and discovered unauthorized alterations had been made to the large boat dock/boat house structure on the shoreline between 2017 and 2019. EPD denied the Building Permit due to the unauthorized dock modifications and requested that the applicant submit an after-the-fact Application for Dock Construction.

On November 12, 2019, EPD received an after-the-fact Application for Dock Construction for the existing dock structure; however, the application was not complete. The applicant did not submit the required survey of the built structure or any of the applications for waivers and variances required to bring the dock into compliance with Orange County Code. On February 10, 2020, EPD received the following six applications for after-the-fact waivers or variances:

1. An after-the-fact waiver to Orange County Code, Article IX, Section 15-342(b) (terminal platform size). The maximum allowed terminal platform size for this lot is 875 square feet. The current terminal platform is 1,679 square feet in size (804 square feet larger than allowed).

2. An after-the-fact waiver to Section 15-343(a) (side setback) in order to keep the dock six feet from the southern projected property line. Per Orange County Code, the dock shall have a minimum side setback of 25 feet from the projected property lines.
3. An after-the-fact variance to Section 15-342(g) (enclosed dock) to keep the previously constructed enclosed boat house.
4. An after-the-fact variance to Section 15-342(d) (floor elevation above Normal High Water Elevation (NHWE)) to keep a section of the boat dock underneath a hot tub that did not appear to meet the minimum elevation of one-foot over the NHWE. The applicant has since that time submitted a survey that indicates the hot tub area does meet the required minimum elevation. Accordingly, the applicant is no longer requesting an after-the-fact variance to Section 15-342(d).
5. An after-the-fact variance to Section 15-342(f) (living quarters) to keep the dock as previously constructed. On November 21, 2019, the Orange County Zoning Division notified EPD that the applicant has agreed to complete required modifications to the boathouse so that it will no longer be considered as living quarters. The applicant has obtained permits to remove a 220-volt outlet and cabinets from the interior of the boat house. Accordingly, the applicant is no longer requesting an after-the-fact variance to Section 15-342(f).
6. An after-the-fact variance to Section 15-343(c) (storage locker). The maximum allowed storage locker is 65 cubic feet. The existing storage locker measures 91 cubic feet. On March 3, 2020, the applicant notified EPD that they have removed the storage locker, which EPD subsequently verified. Accordingly, the applicant is no longer requesting the after-the-fact variance to Section 15-343(c).

Public Notifications

On April 6, 2020, a Notice of Application for after-the-fact waiver and variance were sent to all shoreline property owners within a 300-foot radius of the property. The applicant was sent a notice on August 14, 2020 to inform him of the EPC meeting on August 26, 2020.

After-the-Fact Waiver to 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 applicant has a shoreline that measures approximately 100 linear feet at the NHWE, allowing for a maximum terminal platform size of approximately 875 square feet. Portions of the boathouse structure extend upland of the NHWE. EPD calculated the terminal platform size of the boat dock structure as only that portion of the dock below the NHWE. The applicant is requesting an after-the-fact waiver to keep the current terminal platform size of 1,679 square feet (804 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 states, "*The original terminal platform, when these structures were built in the 1960s was 3,362 sq. ft. The top deck boards were replaced and the overall square footage was decreased when the structure over the water and pilings no longer needed were removed. As this dock has not fundamentally changed allowing the waiver would not negatively impact the environment.*"

Page Three

August 26, 2020 Environmental Protection Commission

**Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit
BD-19-11-130**

To address Section 15-350(a)(2)(2), the applicant states, *“The removal of the enclosed boat house improved the sight line for the abutting owners. The existing structure as it exists now would not effect [sic] the abutting shoreline owners at all.”*

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 \$1,160 to the Conservation Trust Fund (CTF).

After-the-Fact Waiver to Side Setback

Chapter 15, Article IX, Section 15-343(b) of the Code states, “On lots or parcels having a shoreline frontage seventy-five (75) feet or greater, docks shall have a minimum side-setback of twenty-five (25) feet from the projected property line...” The applicant has a shoreline that measures approximately 100 linear feet at the NHWE, requiring a minimum side setback of 25 feet. The applicant is requesting an after-the-fact variance to keep the side setback at six feet from the southern projected property line.

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 states, *“This deck has been in place since the early 1960s. Immediately adjacent to, and through the existing deck are 4 mature cypress trees (more than 1’ in diameter) and an old oak tree (more than 3’ in diameter). The root systems of these trees are intertwined with the piling and support system for the existing dock. Removal and moving the existing dock would be extremely detrimental to the existing eco system whereas, allowing the dock to remain where it has always existed will create no negative impact on the environment.”*

To address Section 15-350(a)(2)(2), the applicant states, *“The deck has been in this location since the 1960s and was in this location when the abutting owner purchased their property. To move, or remove the dock would almost certainly kill the beautiful, mature cypress trees along the property line. Allowing the dock to remain as built would have no effect on the abutting shoreline owners.”*

After-the-Fact Variance for an Enclosed Dock

Chapter 15, Article IX, Section 15-342(g) of the Code states, “Enclosed docks are prohibited.” The applicant is requesting an after-the-fact variance to keep the existing enclosed dock.

Section 15-350(a)(1) *Variances* states, “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.”

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.”

Page Four

August 26, 2020 Environmental Protection Commission

**Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit
BD-19-11-130**

To address Section 15-350(a)(1)(1), the applicant states, *“This structure was built in the early 60s and its footprint has not been modified. In addition, an additional enclosed dock which was built at the same time above the water, has been removed and the footprint of the enclosed structure has been decreased by more than half (almost 1,000sq ft).”*

To address Section 15-350(a)(1)(2), the applicant states, *“The structure has been in place as [sic] enclosed dock since the 60’s. The abutting owners [sic] sight line was increased by the removal of a section of the enclosed dock. The remaining enclosure does not impede line of site [sic] for abutting shoreline owners.”*

After-the-Fact Variance to the Floor Elevation above the NHWE

Chapter 15, Article IX, Section 15-342(d) of the Code states, “The floor elevation shall be a minimum of one (1) foot above the established control elevation or NHWE.” Based on direction from staff, the applicant submitted a request for an after-the-fact variance to keep the portion of the boat dock in the area of the hot tub as constructed at what appeared to be an elevation that did not meet the required minimum of one-foot above the NHWE. However, on July 23, 2020 during phone correspondence with the applicant’s daughter, Ms. Olga Bennett, it was noted that the latest survey provided by the applicant identified the elevation of the hot tub deck at 89.8 feet, which is 1.1 feet above the NHWE. Therefore, an after-the-fact variance to Section 15-342(d) is no longer needed and a decision from the EPC is not required.

After-the-Fact Variance for Living Quarters

Chapter 15, Article IX, Section 15-342(f) of the Code states, “There shall be no fish-cleaning stations, wet bars, living quarters, or other similar facilities over wetlands or other surface waters or on the dock.” The applicant has agreed to complete required modifications to the boathouse, as outlined by the Orange County Zoning Department, so that it no longer meets the definition of living quarters. The applicant has pulled permits to remove a 220-volt outlet and cabinets from the interior of the boat house. Therefore, an after-the-fact variance to Section 15-342(f) is no longer needed and a decision from the EPC is not required.

After-the-Fact Variance for Storage Locker Size

Chapter 15, Article IX, Section 15-343(c) of the Code states, “Storage lockers shall be limited to a cumulative maximum of sixty-five (65) cubic feet.” On March 3, 2020, the applicant notified EPD that they have removed the storage locker completely; therefore, an after-the-fact variance to Section 15-343(c) is no longer needed and a decision from the EPC is not required.

Objections

To date, EPD has not received any objections to the waiver and variance requests. On April 21, 2020, EPD received a written letter of approval from the neighbor to the north, Mr. R. Allen Fielder who resides at 605 Driver Avenue.

Enforcement Action

EPD has not initiated a formal enforcement case; however, a \$200 administrative penalty has been assessed for modifying the dock without a permit. Approval of the requested waivers and variances and payment of \$200 to the CTF will bring the dock into compliance.

Summary of Findings

Waiver or Variance / Type	Allowed / Required by Code	Applicant Request	Comments	Staff Recommendation
Waiver / Terminal Platform Size (square feet)	875	1,679	No objections received; The applicant has agreed to provide mitigation for the additional shading impacts.	Approve
Waiver / Side-Setback Distance (feet)	25-foot minimum from projected property line	6-feet from southern projected property line	No objection from the affected neighbor.	Approve
Variance / Enclosed Dock	Prohibited	Keep existing	No objections received; The hardship is not self-imposed as the enclosed portion of the dock was constructed by previous owner.	Approve

Additional Information

At the July 29, 2020 meeting, EPC members Blackburn and Anderson requested additional information, including the history of the dock, changes to the footprint and other modifications to the dock made over the last few years, and whether those changes were made by the previous owner or the applicant. The subject boat dock has been in existence since the 1960s. Modifications have been made over the years by previous owners including changes in the design and footprint. Accordingly, the subject dock no longer has grandfathered status due to the modifications. Additionally, the applicant acquired the property in 2016 and completed several modifications to the dock between 2016 and 2020. The modifications include additional changes to the footprint and replacement of portions of the dock below the water surface. The modifications made by the applicant were completed without authorization from EPD.

Staff Recommendation

Staff has evaluated the requested after-the-fact waivers for compliance with the Code and criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the after-the-fact waiver to Section 15-342(b) (terminal platform size) and approve the waiver to Section 15-343(b) (side setback) based on a finding that the applicant has demonstrated that there will be no effect from the

proposed waivers on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received and a LONO from the northern neighbor was received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to the excess terminal platform size will be offset through a mitigation payment of \$1,160 to the CTF.

Staff also evaluated the requested after-the-fact variance to Chapter 15, Article IX, Section 15-342(g) (enclosed docks) for compliance with the Code and criteria for approval. The recommendation of the EPO is to approve the after-the-fact variance to Section 15-342 (g) (enclosed dock) based on findings that the hardship is not self-imposed, as the enclosed portion of the dock was constructed decades ago by a previous owner, the applicant has demonstrated that there will be no effect from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2) as no objections have been received and a LONO from the northern neighbor was received, and is not contrary to any other criteria in Section 15-350(a)(1).

ACTION REQUESTED: Accept the findings and recommendations of the Environmental Protection Officer, and make findings that:

1) the after-the-fact requests for waivers are consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) (terminal platform size) to increase the allowable terminal platform size from 875 square feet to 1,679 square feet with a payment of \$1,160 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the waiver to Section 15-343(a) (side setback) to reduce the required setback from 25 feet to six feet from the southern projected property line; and

2) the after-the-fact request for variance to Section 15-342(g) (enclosed docks) is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-342(g) to keep the existing enclosed dock structure; and,

3) the applicant shall make an additional payment of \$200 to the Conservation Trust Fund for unauthorized modifications to the dock within 60 days of the decision of the Board of County Commissioners for the Dancaescu Dock Construction Permit BD-19-11-130. District 5

TT/NT/TMH/ERJ/DJ: mg

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance District # 5

Permit No.: BD-19-11-130

Applicant: Lucian Dancaescu

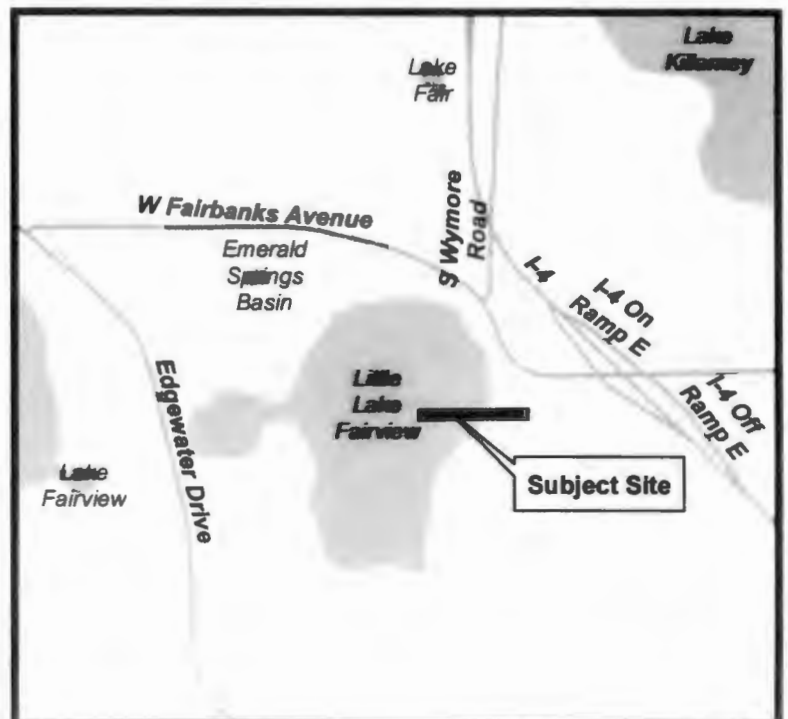
Address: 609 Driver Avenue

Parcel ID: 11-22-29-2248-04-071

Project Site

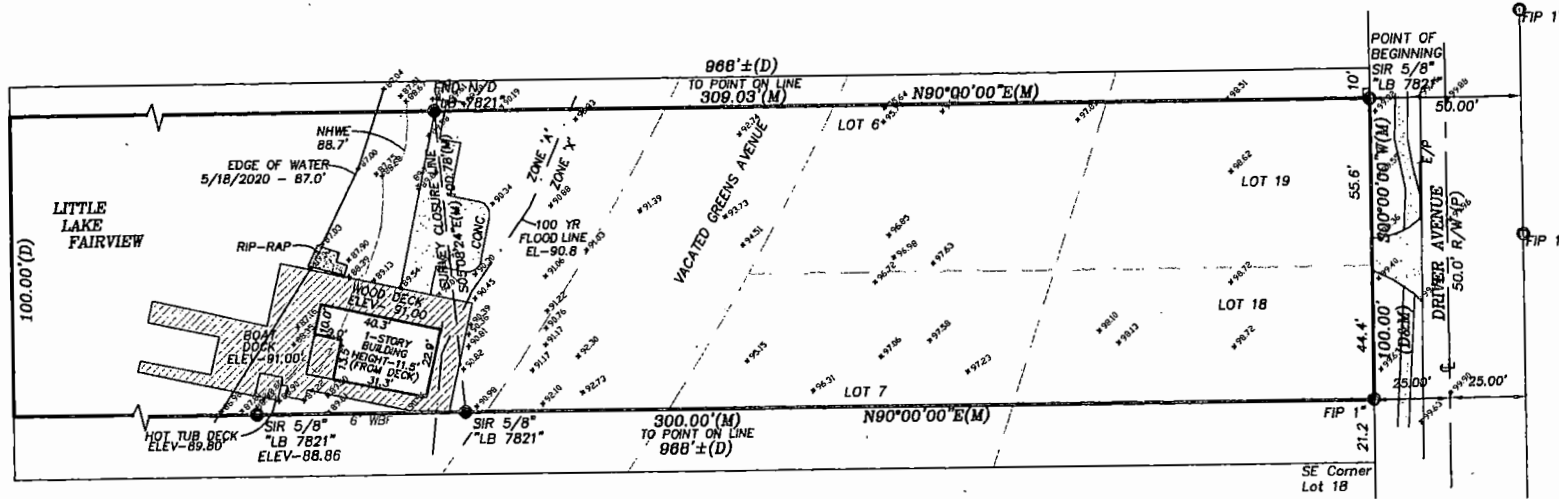
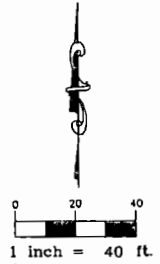


Property Location





LEGAL DESCRIPTION
 Begin 121.2 feet North of the SE corner of Lot 18, Block D, DUBSDREAD HEIGHTS, as per plat thereof recorded in Plat Book J, Page 115, Public Records of Orange County, Florida, run South 100 feet thence West 968 feet, more or less to a point in Little Lake Fairview situated 76.2 feet North of the Sw corner of Lot 1 STOKES SUBDIVISION, as per plat thereof recorded in Plat Book J, Page 2, Public Records of Orange County, Florida, thence North 100 feet, thence East to Point of Beginning, surveyed from and parallel with the South boundary of said subdivision.



PROPERTY ADDRESS:
 609 DRIVER AVENUE
 WINTER PARK, FLORIDA 32789

SURVEYOR'S NOTES:

1. BASIS OF BEARING - THE WESTERLY LINE OF DRIVE AVENUE, AS BEING N00°00'00"E, AN ASSUMED BEARING
2. DATE OF FIELD SURVEY: MAY 30, 2016; UPDATED DOCK 11/20/18; REPLY TO COMMENTS 10/31/19; UPDATE DOCK ELEVATION, EDGE OF WATER 5/18/2020
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. SURVEY FILE NUMBER: 16-08-030
7. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 12095C0235F, EFFECTIVE DATE SEPTEMBER 25, 2009, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL FLOOD CHANCE FLOODPLAIN, AND FLOOD ZONE "A", DEFINED AS AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATION DETERMINED.
8. THE LEGAL DESCRIPTION WAS TAKEN FROM THE LAST DEED OF RECORDED RECORDED IN OFFICIAL RECORDS BOOK 9824, PAGE 8893 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
9. ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), AND MORE SPECIFICALLY TO ORANGE COUNTY BENCHMARK SB45001, AN "X" ON THE NORTHWEST BOLT OF A FIRE HYDRANT 041-264, 3.35 METERS EAST OF CL OF DRIVER AND 2.43 METERS NORTH OF CL OF OGLESBY, HAVING AN ELEVATION OF 101.483 FEET.
10. ACCORDING TO THE ORANGE COUNTY WATER ATLAS, THE NORMAL HIGH WATER ELEVATION (NHWE) FOR LITTLE LAKE FAIRVIEW IS 88.7 FEET AND THE FEMA 100 YEAR FLOOD ELEVATION IS 90.8 FEET, AS DEPICTED ON THIS SURVEY.

LEGEND & ABBREVIATIONS

- FIR = FOUND IRON ROD
- SIR = SET IRON ROD
- N/D = NAIL & DISK
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- H/W = RIGHT OF WAY
- E/P = EDGE OF PAVEMENT
- CONC = CONCRETE
- COV = COVERED
- A/C = AIR CONDITIONER
- NHWE = NORMAL HIGH WATER ELEVATION
- WBF = WOOD BOARD FENCE
- HWF = HOOD WIRE FENCE
- LB = LICENSED BUSINESS
- (D) = DEED DIMENSION
- (M) = FIELD MEASURED
- CL = CENTERLINE
- WM = WATER METER

BOUNDARY SURVEY CERTIFIED TO:

Total Title Solutions
 Clay Wooten
 Boyd Management, LLC,
 Old Republic National Title Insurance Company

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 427.027 FLORIDA STATUTES.

This item has been electronically signed and sealed by Faun M. Hoffmeier, PSM on June 13, 2020. Stamped showing a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic journal.

FAUN M. HOFFMEIER, P.S.M./L.S. 8552
 H&H SURVEY CONSULTANTS, LLC LB 7821

AS BUILT
 ACCESSORY STRUCTURE
 PLAN
 JULIETA AND LUCIAN
 DANCAESCU
 609 DRIVER AVENUE
 WINTER PARK FL 32789
 PROJECT

DATE:	
MARCH 20, 2020	
REVISIONS	

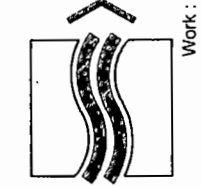
GENERAL PLAN:
 DRAWING: **1**

Owner's Disclaimer
 Owner agrees and warrants that all design and details in this set are in accordance with the Owner's expectations and have been performed by the Designer under the Owner's direction.
 Owner authorizes the Designer or contractor to modify, add, or substitute elements or details from the plans when circumstances are dictated by the city/county official reviewers, inspectors, or other for aesthetic or technical reasons. All copyrights for files, drawings and design become the property of the Designer.

NOTES

SCALE AS NOTED

DATED

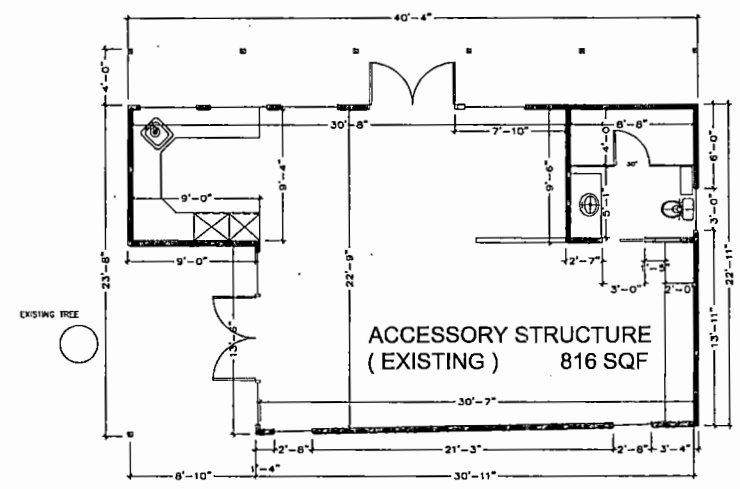
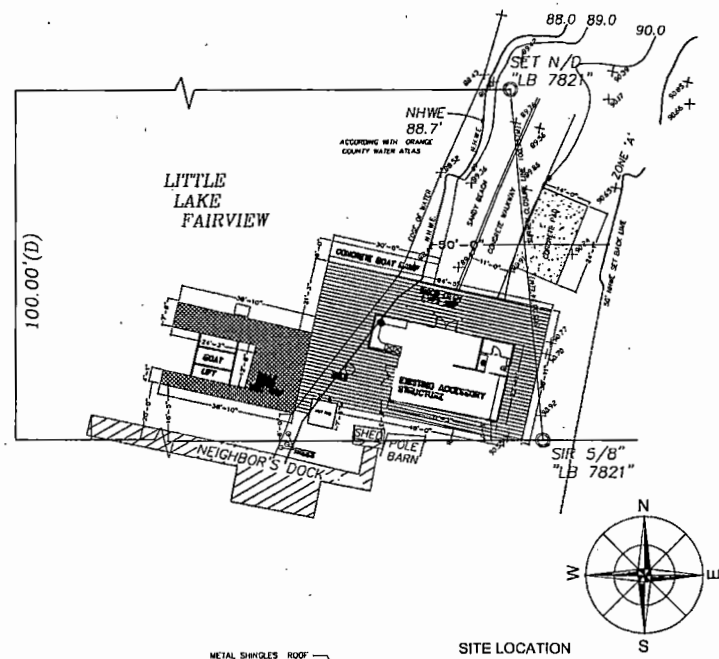


**Silver Sea Inc.
 HOMES**
 1150 DOUGLAS AV.
 SUITE 350 (OFFICE)
 Altamonte Springs, FL 32714
 (407) 487-3317

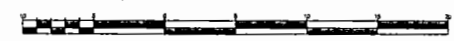
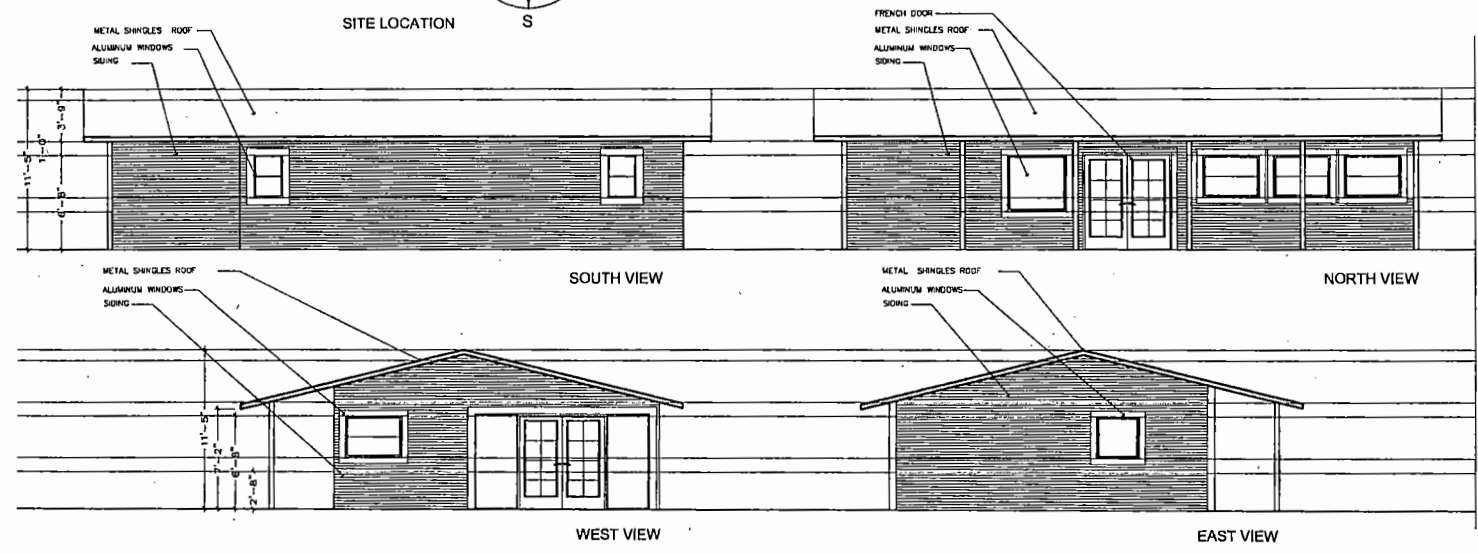
WILLIAM F. STUHRKE, P.H.D., P.E.
 STATE OF FLORIDA
 LIC# FE 22150
 12215 REBECCA'S RUN DR.
 WINTER GARDEN, FL 34787
 Phone: 407-654-8733

PAGES

Work : JULIETA AND LUCIAN DANCAESCU 609 DRIVER AVENUE , WINTER PARK FL. 32789



FIRST FLOOR PLAN
 SCALE : 1"=1/4"






Interoffice Memorandum

August 21, 2020

To: Environmental Protection Commission

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

Subject: Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit BD-19-11-130

****This item was presented at the July 29, 2020 Environmental Protection Commission (EPC) meeting. A motion to approve the after-the-fact waivers and variance failed with a 2:2 tie vote. EPC Members Blackburn and Anderson requested additional information on the changes to the footprint and other modifications to the dock made over the last few years, and whether those changes were made by the previous owner or the applicant. The item was continued to the August 26, 2020 EPC hearing to allow time to compile the requested information.*

Reason for Public Hearing

The applicant, Mr. Lucian Dancaescu, is requesting after-the-fact approval of a Dock Construction Permit with a waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size); a waiver to Section 15-343(a) (side setback); and a variance to Section 15-342(g) (enclosed docks).

Location of Property/Legal Description

The project site is located at 609 Driver Avenue, Winter Park, Florida 32789. The Parcel ID number is 11-22-29-2248-04-071. The subject property is located on Little Lake Fairview in District 5.

Background

On July 30, 2019, the Environmental Protection Division (EPD) conducted an environmental review for Building Permit #B19014354 for a new single-family residence on Little Lake Fairview. EPD reviewed historic aerials of the property and discovered unauthorized alterations had been made to the large boat dock/boat house structure on the shoreline between 2017 and 2019. EPD denied the Building Permit due to the unauthorized dock modifications and requested that the applicant submit an after-the-fact Application for Dock Construction.

On November 12, 2019, EPD received an after-the-fact Application for Dock Construction for the existing dock structure; however, the application was not complete. The applicant did not submit the required survey of the built structure or any of the applications for waivers and variances required to bring the dock into compliance with Orange County Code. On February 10, 2020, EPD received the following six applications for after-the-fact waivers or variances:

1. An after-the-fact waiver to Orange County Code, Article IX, Section 15-342(b) (terminal platform size). The maximum allowed terminal platform size for this lot is 875 square feet. The current terminal platform is 1,679 square feet in size (804 square feet larger than allowed).

2. An after-the-fact waiver to Section 15-343(a) (side setback) in order to keep the dock six feet from the southern projected property line. Per Orange County Code, the dock shall have a minimum side setback of 25 feet from the projected property lines.
3. An after-the-fact variance to Section 15-342(g) (enclosed dock) to keep the previously constructed enclosed boat house.
4. An after-the-fact variance to Section 15-342(d) (floor elevation above Normal High Water Elevation (NHWE)) to keep a section of the boat dock underneath a hot tub that did not appear to meet the minimum elevation of one-foot over the NHWE. The applicant has since that time submitted a survey that indicates the hot tub area does meet the required minimum elevation. Accordingly, the applicant is no longer requesting an after-the-fact variance to Section 15-342(d).
5. An after-the-fact variance to Section 15-342(f) (living quarters) to keep the dock as previously constructed. On November 21, 2019, the Orange County Zoning Division notified EPD that the applicant has agreed to complete required modifications to the boathouse so that it will no longer be considered as living quarters. The applicant has obtained permits to remove a 220-volt outlet and cabinets from the interior of the boat house. Accordingly, the applicant is no longer requesting an after-the-fact variance to Section 15-342(f).
6. An after-the-fact variance to Section 15-343(c) (storage locker). The maximum allowed storage locker is 65 cubic feet. The existing storage locker measures 91 cubic feet. On March 3, 2020, the applicant notified EPD that they have removed the storage locker, which EPD subsequently verified. Accordingly, the applicant is no longer requesting the after-the-fact variance to Section 15-343(c).

Public Notifications

On April 6, 2020, a Notice of Application for after-the-fact waiver and variance were sent to all shoreline property owners within a 300-foot radius of the property. The applicant was sent a notice on August 14, 2020 to inform him of the EPC meeting on August 26, 2020.

After-the-Fact Waiver to 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 applicant has a shoreline that measures approximately 100 linear feet at the NHWE, allowing for a maximum terminal platform size of approximately 875 square feet. Portions of the boathouse structure extend upland of the NHWE. EPD calculated the terminal platform size of the boat dock structure as only that portion of the dock below the NHWE. The applicant is requesting an after-the-fact waiver to keep the current terminal platform size of 1,679 square feet (804 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 states, "*The original terminal platform, when these structures were built in the 1960s was 3,362 sq. ft. The top deck boards were replaced and the overall square footage was decreased when the structure over the water and pilings no longer needed were removed. As this dock has not fundamentally changed allowing the waiver would not negatively impact the environment.*"

Page Three

August 26, 2020 Environmental Protection Commission

**Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit
BD-19-11-130**

To address Section 15-350(a)(2)(2), the applicant states, *"The removal of the enclosed boat house improved the sight line for the abutting owners. The existing structure as it exists now would not effect [sic] the abutting shoreline owners at all."*

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 \$1,160 to the Conservation Trust Fund (CTF).

After-the-Fact Waiver to Side Setback

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage seventy-five (75) feet or greater, docks shall have a minimum side-setback of twenty-five (25) feet from the projected property line..." The applicant has a shoreline that measures approximately 100 linear feet at the NHWE, requiring a minimum side setback of 25 feet. The applicant is requesting an after-the-fact variance to keep the side setback at six feet from the southern projected property line.

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 states, *"This deck has been in place since the early 1960s. Immediately adjacent to, and through the existing deck are 4 mature cypress trees (more than 1' in diameter) and an old oak tree (more than 3' in diameter). The root systems of these trees are intertwined with the piling and support system for the existing dock. Removal and moving the existing dock would be extremely detrimental to the existing eco system whereas, allowing the dock to remain where it has always existed will create no negative impact on the environment."*

To address Section 15-350(a)(2)(2), the applicant states, *"The deck has been in this location since the 1960s and was in this location when the abutting owner purchased their property. To move, or remove the dock would almost certainly kill the beautiful, mature cypress trees along the property line. Allowing the dock to remain as built would have no effect on the abutting shoreline owners."*

After-the-Fact Variance for an Enclosed Dock

Chapter 15, Article IX, Section 15-342(g) of the Code states, "Enclosed docks are prohibited." The applicant is requesting an after-the-fact variance to keep the existing enclosed dock.

Section 15-350(a)(1) *Variations* states, "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."

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."

Page Four

August 26, 2020 Environmental Protection Commission

**Lucian Dancaescu Request for After-the-Fact Waivers and Variance for Dock Construction Permit
BD-19-11-130**

To address Section 15-350(a)(1)(1), the applicant states, *"This structure was built in the early 60s and its footprint has not been modified. In addition, an additional enclosed dock which was built at the same time above the water, has been removed and the footprint of the enclosed structure has been decreased by more than half (almost 1,000sq ft.)."*

To address Section 15-350(a)(1)(2), the applicant states, *"The structure has been in place as [sic] enclosed dock since the 60's. The abutting owners [sic] sight line was increased by the removal of a section of the enclosed dock. The remaining enclosure does not impede line of site [sic] for abutting shoreline owners."*

After-the-Fact Variance to the Floor Elevation above the NHWE

Chapter 15, Article IX, Section 15-342(d) of the Code states, "The floor elevation shall be a minimum of one (1) foot above the established control elevation or NHWE." Based on direction from staff, the applicant submitted a request for an after-the-fact variance to keep the portion of the boat dock in the area of the hot tub as constructed at what appeared to be an elevation that did not meet the required minimum of one-foot above the NHWE. However, on July 23, 2020 during phone correspondence with the applicant's daughter, Ms. Olga Bennett, it was noted that the latest survey provided by the applicant identified the elevation of the hot tub deck at 89.8 feet, which is 1.1 feet above the NHWE. Therefore, an after-the-fact variance to Section 15-342(d) is no longer needed and a decision from the EPC is not required.

After-the-Fact Variance for Living Quarters

Chapter 15, Article IX, Section 15-342(f) of the Code states, "There shall be no fish-cleaning stations, wet bars, living quarters, or other similar facilities over wetlands or other surface waters or on the dock." The applicant has agreed to complete required modifications to the boathouse, as outlined by the Orange County Zoning Department, so that it no longer meets the definition of living quarters. The applicant has pulled permits to remove a 220-volt outlet and cabinets from the interior of the boat house. Therefore, an after-the-fact variance to Section 15-342(f) is no longer needed and a decision from the EPC is not required.

After-the-Fact Variance for Storage Locker Size

Chapter 15, Article IX, Section 15-343(c) of the Code states, "Storage lockers shall be limited to a cumulative maximum of sixty-five (65) cubic feet." On March 3, 2020, the applicant notified EPD that they have removed the storage locker completely; therefore, an after-the-fact variance to Section 15-343(c) is no longer needed and a decision from the EPC is not required.

Objections

To date, EPD has not received any objections to the waiver and variance requests. On April 21, 2020, EPD received a written letter of approval from the neighbor to the north, Mr. R. Allen Fielder who resides at 605 Driver Avenue.

Enforcement Action

EPD has not initiated a formal enforcement case; however, a \$200 administrative penalty has been assessed for modifying the dock without a permit. Approval of the requested waivers and variances and payment of \$200 to the CTF will bring the dock into compliance.

Summary of Findings

Waiver or Variance / Type	Allowed / Required by Code	Applicant Request	Comments	Staff Recommendation
Waiver / Terminal Platform Size (square feet)	875	1,679	No objections received; The applicant has agreed to provide mitigation for the additional shading impacts.	Approve
Waiver / Side-Setback Distance (feet)	25-foot minimum from projected property line	6-feet from southern projected property line	No objection from the affected neighbor.	Approve
Variance / Enclosed Dock	Prohibited	Keep existing	No objections received; The hardship is not self-imposed as the enclosed portion of the dock was constructed by previous owner.	Approve

Additional Information

At the July 29, 2020 meeting, EPC members Blackburn and Anderson requested additional information, including the history of the dock, changes to the footprint and other modifications to the dock made over the last few years, and whether those changes were made by the previous owner or the applicant. The subject boat dock has been in existence since the 1960s. Modifications have been made over the years by previous owners including changes in the design and footprint. Accordingly, the subject dock no longer has grandfathered status due to the modifications. Additionally, the applicant acquired the property in 2016 and completed several modifications to the dock between 2016 and 2020. The modifications include additional changes to the footprint and replacement of portions of the dock below the water surface. The modifications made by the applicant were completed without authorization from EPD.

Staff Recommendation

Staff has evaluated the requested after-the-fact waivers for compliance with the Code and criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the after-the-fact waiver to Section 15-342(b) (terminal platform size) and approve the waiver to Section 15-343(b) (side setback) based on a finding that the applicant has demonstrated that there will be no effect from the

proposed waivers on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received and a LONO from the northern neighbor was received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to the excess terminal platform size will be offset through a mitigation payment of \$1,160 to the CTF.

Staff also evaluated the requested after-the-fact variance to Chapter 15, Article IX, Section 15-342(g) (enclosed docks) for compliance with the Code and criteria for approval. The recommendation of the EPO is to approve the after-the-fact variance to Section 15-342 (g) (enclosed dock) based on findings that the hardship is not self-imposed, as the enclosed portion of the dock was constructed decades ago by a previous owner, the applicant has demonstrated that there will be no effect from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2) as no objections have been received and a LONO from the northern neighbor was received, and is not contrary to any other criteria in Section 15-350(a)(1).

ACTION REQUESTED: Accept the findings and recommendations of the Environmental Protection Officer, and make findings that:

1) the after-the-fact requests for waivers are consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) (terminal platform size) to increase the allowable terminal platform size from 875 square feet to 1,679 square feet with a payment of \$1,160 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the waiver to Section 15-343(a) (side setback) to reduce the required setback from 25 feet to six feet from the southern projected property line; and

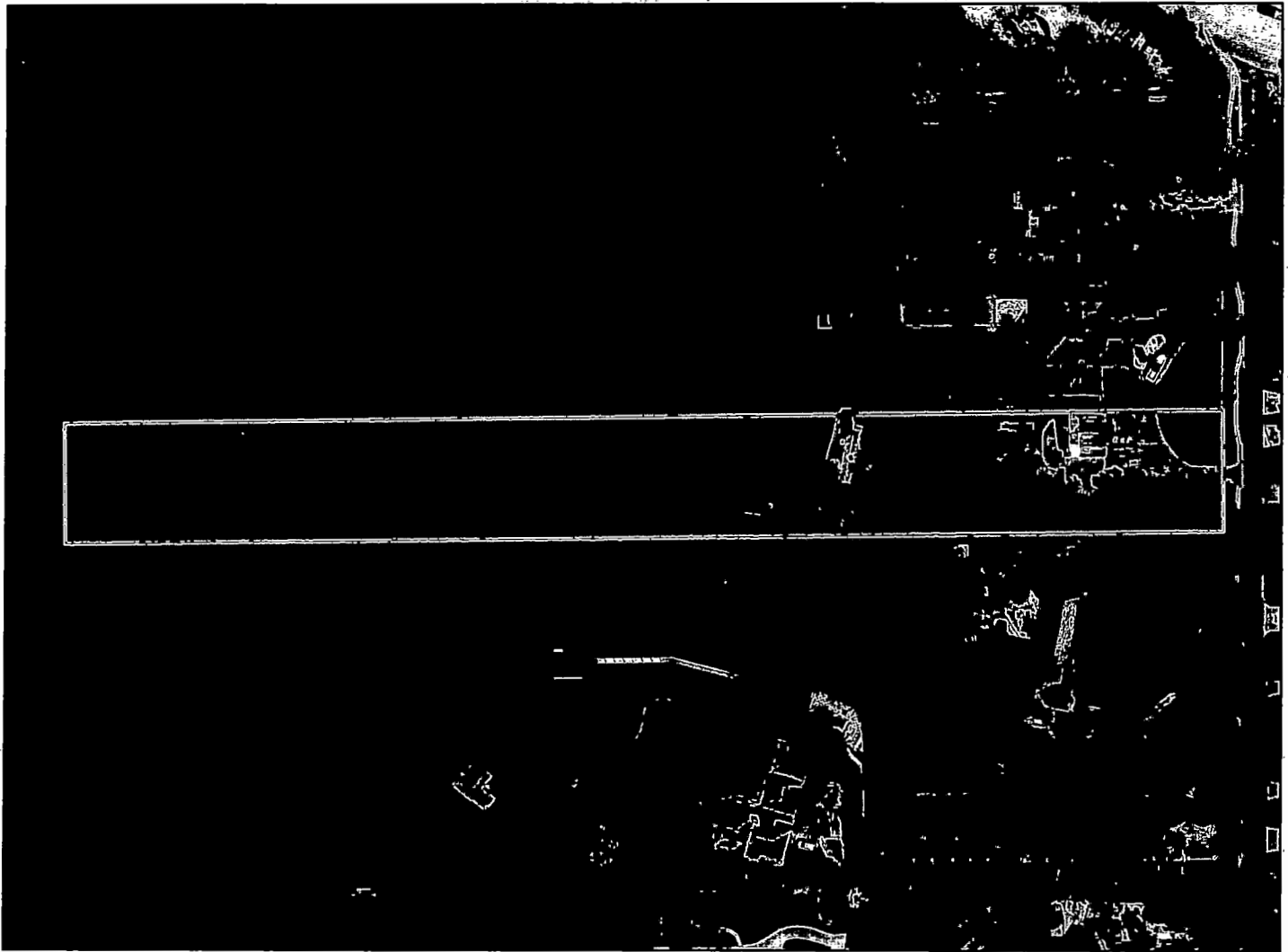
2) the after-the-fact request for variance to Section 15-342(g) (enclosed docks) is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-342(g) to keep the existing enclosed dock structure; and,

3) the applicant shall make an additional payment of \$200 to the Conservation Trust Fund for unauthorized modifications to the dock within 60 days of the decision of the Board of County Commissioners for the Dancaescu Dock Construction Permit BD-19-11-130. District 5

TT/NT/TMH/ERJ/DJ: mg

Attachments

Dock Construction Application for Waiver and Variance



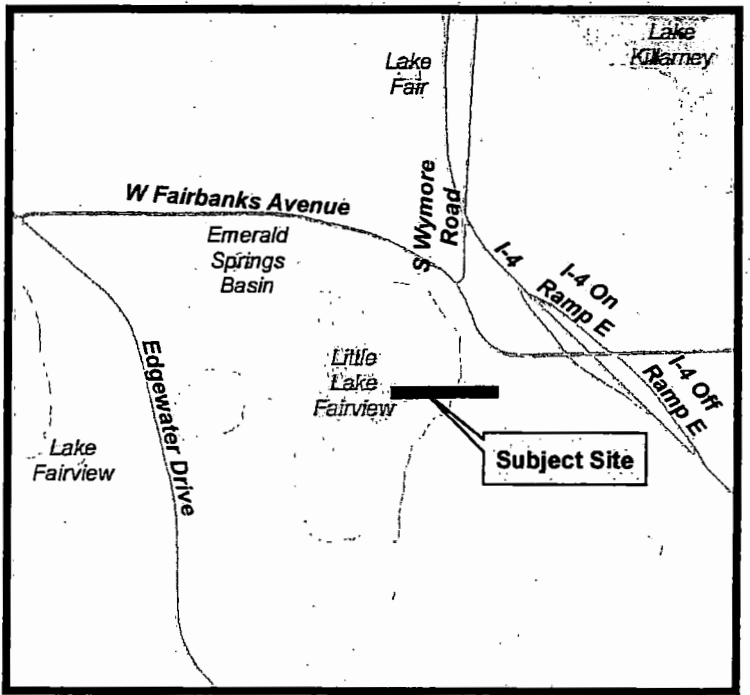
**Dock Construction Application
for Waiver and Variance
District # 5**

Permit No.: BD-19-11-130
Applicant: Lucian Dancaescu
Address: 609 Driver Avenue

Parcel ID: 11-22-29-2248-04-071

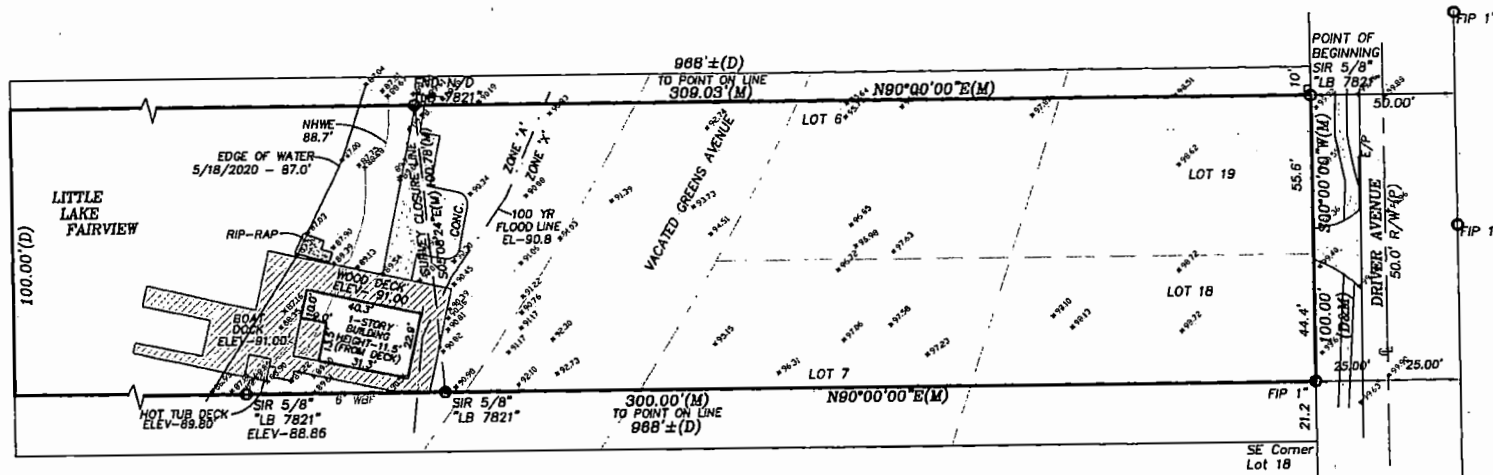
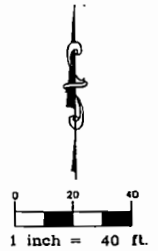
Project Site 

Property Location 





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PROPERTY ADDRESS:
 609 DRIVER AVENUE
 WINTER PARK, FLORIDA 32789

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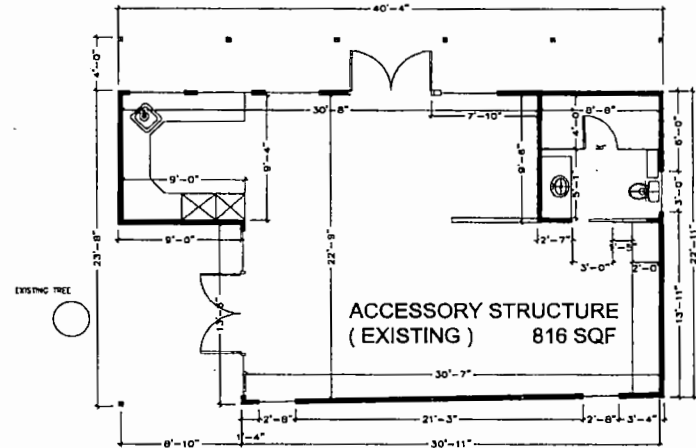
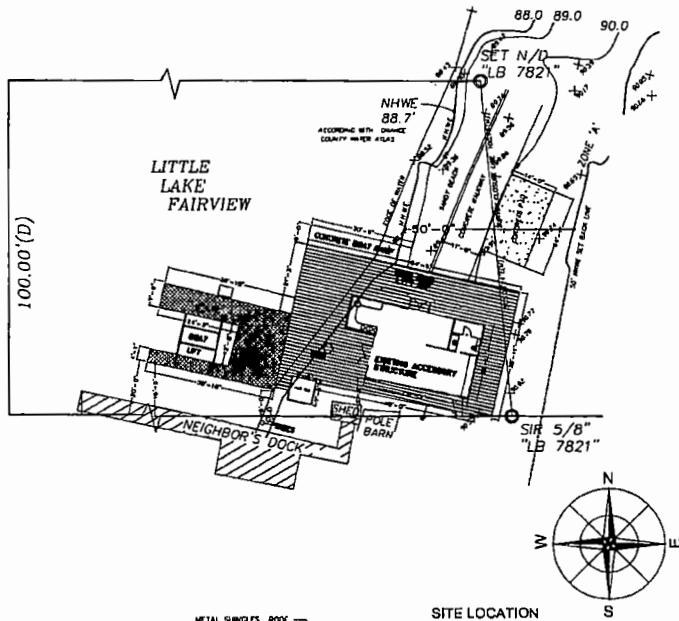
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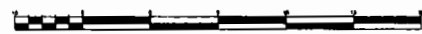
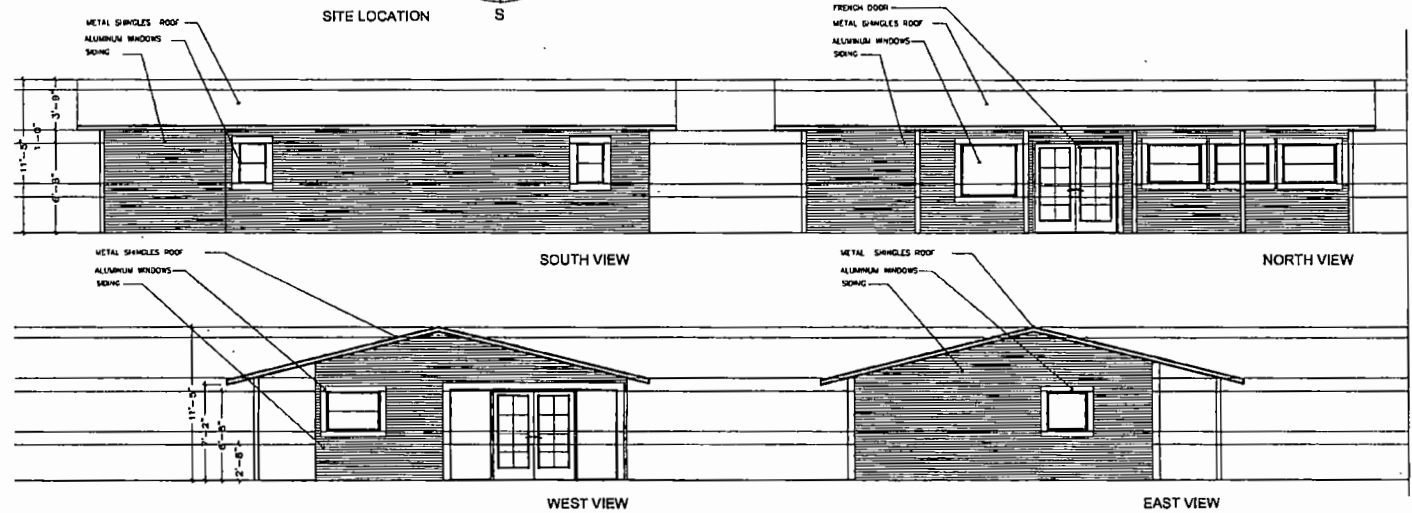
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NHWE	= NORMAL HIGH WATER ELEVATION
WB	= WOOD BOARD FENCE
WHF	= WOOD FRAME FENCE
LB	= LICENSED BUSINESS
(D)	= DEED DIMENSION
(M)	= FIELD MEASURED
CL	= CENTERLINE
WM	= WATER METER

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 427.027 FLORIDA STATUTES.

This plan has been electronically signed and sealed by:
 Faun M. Hoffmeier, P.S.M. (LS) 6552
 H&H SURVEY CONSULTANTS, LLC (LB) 7821



FIRST FLOOR PLAN
SCALE: 1"=1/4"



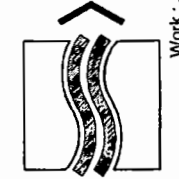
AS BUILT
ACCESSORY STRUCTURE
PLAN
JULIETA AND LUCIAN
DANCAESCU
609 DRIVER AVENUE
WINTER PARK FL 32789
PROJECT

DATE:	
MARCH 20, 2020	
REVISIONS	

GENERAL PLAN
DRAWING 1

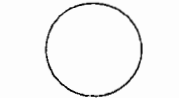
Owner's Declaration
Owner agrees and consents that all designs and details in this set are in accordance with the Owner's specifications and have been prepared by the designer under the Owner's direction.
Owner authorizes the designer or contractor to modify, add or subtract elements or details from the set to whom comments is a result of the city's or official's requirements, inspectors prior to aesthetics or technical reasons. All copyrights for plans, drawings and design remain.

NOTES
SCALE AS NOTED
DATED



Silver Sea Inc.
HOMES
1150 DOUGLAS AV.
SUITE 350 (OFFICE)
Altamonte Springs, FL, 32714
(407) 467-3317

WILLIAM F. STUHRKE, PH.D., P.E.
STATE OF FLORIDA
LIC# PE 22150
12215 REBECCA'S RUN DR.
WINTER GARDEN, FL 34787
Phone#07-654-6733



PAGES

Work : JULIETA AND LUCIAN DANCAESCU 609 DRIVER AVENUE , WINTER PARK FL. 32789



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 LUCIAN DANCAESCU on behalf of 609 DRIVER AVE (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:

See attached

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

See attached

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: LUCIAN DANCAESCU
Signature of Applicant/Agent [Signature] Date: 2-5-2020
Corporate Title (if applicable): [Signature]

SECTION 15, ARTICLE IX, SECTION 15-342(b) – Dock Square Footage

(b) 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 one thousand (1,000) square feet.

1. Describe how this waiver would not negatively impact the environment:
The original terminal platform, when these structures were built in the 1960s was 3,362 sq ft. The top deck boards were replaced and the overall square footage was decreased when the structure over the water and pilings no longer needed were removed. As this dock has not fundamentally changed, allowing the waiver would not negatively impact the environment.
2. Describe the effect of the proposed waiver on abutting shoreline owners:
The removal of the enclosed boat house improved the sight line for the abutting owners. The existing structure as it exists now would not effect the abutting shoreline owners at all.

SECTION 15, ARTICLE IX, SECTION 15-343(b) – Side Setback

(b) On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. Certain lots or parcels may be able to meet the minimum setback distance at the shoreline, however, when the projected property lines converge due to an irregular lot shape, a proposed dock may not meet the minimum setback distance at some point along the projected property line. At the point where the distance between the projected property lines is equal to or less than seventy-five (75) feet, the minimum setback shall be ten feet. Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver. All other waivers to the minimum side-setback requirement shall be granted in accordance with the provisions of section 15-350.

1. Describe how this waiver would not negatively impact the environment:
This deck has been in place since the early 1960s. Immediately adjacent to, and through the existing deck are 4 mature cypress trees (more than 1' in diameter) and an old oak tree (more than 3' in diameter). The root systems of these trees are intertwined with the piling and support system for the existing dock. Removal and moving the existing dock would be extremely detrimental to the existing eco system whereas, allowing the dock to remain where it has always existed will create no negative impact on the environment.
2. Describe the effect of the proposed waiver on abutting shoreline owners:
The deck has been in this location since the 1960's and was in this location when the abutting owner purchased their property. To move, or remove the dock would almost certainly kill the beautiful, mature cypress trees along the property line. Allowing the dock to remain as built would have no effect on the abutting shoreline owners.



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 LUCIAN DANCAESCU on behalf of (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 342(d),(f),(g) 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):

SEE ATTACHED

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

SEE ATTACHED

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: LUCIAN DANCAESCU Signature of Applicant/Agent Date: 2-5-2020 Corporate Title (if applicable):

Orange County Variance Application

SECTION 15, ARTICLE IX, SECTION 15-342(f) – Living Quarters

(f) There shall be no fish-cleaning stations, wet bars, living quarters, or other similar facilities over wetlands or other surface waters or on the dock.

1. *Describe how this waiver would not negatively impact the environment:*
This structure was built in the early 60s and its footprint has not been modified.
2. *Describe the effect of the proposed waiver on abutting shoreline owners:*
The structure has been in place as living quarters since the 60s. There would be no effect on abutting shoreline owners.

SECTION 15, ARTICLE IX, SECTION 15-342(g) – enclosed dock

(g) Enclosed docks are prohibited.

1. *Describe how this waiver would not negatively impact the environment:*
This structure was built in the early 60s and its footprint has not been modified. In addition, an additional enclosed dock which was built at the same time above the water, has been removed and the footprint of the enclosed structure has been decreased by more than half (almost 1,000 sq ft).
2. *Describe the effect of the proposed waiver on abutting shoreline owners:*
The structure has been in place as enclosed dock since the 60's. The abutting owners sight line was increased by the removal of a section of the enclosed dock. The remaining enclosure does not impede line of site for abutting shoreline owners.

SECTION 15, ARTICLE IX, SECTION 15-342(d) – floor elevation (hottub)

(d) The floor elevation shall be a minimum of one (1) foot above the established control elevation or NHWE.

1. *Describe how this waiver would not negatively impact the environment:*
The section of dock that is 8.5" above NHWE was put in place to preserve the Cypress Knees rather than removing the Cypress Knees and placing the hottub on the ground. The lower deck is not connected to the main dock and is simply in place to protect the environment and tree roots.
2. *Describe the effect of the proposed waiver on abutting shoreline owners:*
The section of dock that is 8.5" above NHWE does not effect abutting shoreline owners.

TO: Orange County EPD

REF: Notice of Application for Variance/Waver Project BD-19-11-130 Mr. Dancaescu

From R. Allen Fiedler

I live next door to Mr. Dancaescu and have lived at 605 Driver Ave. since 1989

For 25 plus years until Mr. Dancaescu purchased the property, there was a even larger structure with all solid sides not only on land, but extending well out into the lake. It was so dilapidated that portions fell into the lake creating boating hazards. The structure was an obstruction to view due to its solid sides, 8 foot high over the water off shore. Not so now with only pylons over the water.

As to the side set back, the existing 6 foot setback has existed since the original dock was built in the 50's. All the docks on the lake except new ones are near the side boundaries allowing for more view and use of shoreline.

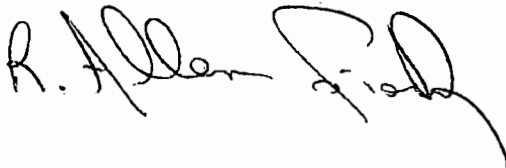
As for the elevation, in the 30 years I have lived on the lake, water levels have never gone over the structure level including during many hurricanes.

Several years ago the structure was rented out as living quarters for the care taker of the property and once lived in by a relative of the previous owner. It is my understanding that it will not be used as a rental but for the personal use of the owners and their occasional guests.

My wife and I were thrilled with the improvements made and have no objections to the structure as it is.

Thank you for your consideration:

R. Allen Fiedler

A handwritten signature in black ink that reads "R. Allen Fiedler". The signature is written in a cursive style with a large, sweeping flourish at the end.







ENVIRONMENTAL PROTECTION DIVISION
 David D. Jones, P.E., CEP, Manager
 3165 Mettman Place, Suite 200
 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

ENVIRONMENTAL
 PROTECTION
 COMMISSION

ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 August 26, 2020

Jonathan Huels
 Chairman

Mark Ausley
 Vice Chairman

Oscar Anderson

Florian Blackburn

Billy Butterfield

Mark Corbett

Vacancy - Regulated
 Business or
 Municipality

APPLICANT NAME: Lucian Dancaescu
 PERMIT APPLICATION NUMBER: BD-19-11-130
 LOCATION/ADDRESS: 609 Driver Avenue, Winter Park

RECOMMENDATION: 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 findings that: 1) the after-the-fact requests for waivers are consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) (terminal platform size) to increase the allowable terminal platform size from 875 square feet to 1,679 square feet with a payment of \$1,160 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the waiver to Section 15-343(a) (side setback) to reduce the required setback from 25 feet to six feet from the southern projected property line; 2) the after-the-fact request for variance to Section 15-342(g) (enclosed docks) is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-342(g) to keep the existing enclosed dock structure; 3) the after-the-fact request for variance to Section 15-342(d) (floor elevation above NHWE) is not consistent with Section 15-350(a)(1) and recommend denial of the request for variance to Section 15-342(d) to keep the existing floor elevation of the deck at the hot tub area and require removal or reconstruction of the hot tub platform to meet the minimum floor elevation within 90 days of the decision by the Board of County Commissioners for the Dancaescu Dock Construction Permit BD-19-11-130. District 5.

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: [Signature]

DATE EPC RECOMMENDATION RENDERED: 8/26/20