



Interoffice Memorandum

**AGENDA ITEM**

November 2, 2022

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: December 13, 2022 — Consent Item  
Environmental Protection Commission Recommendation for  
Request for Waiver for Kilgore Holdings Trust Dock  
Construction Permit BD-22-08-158

The applicant, Kilgore Holdings Trust, is requesting a Dock Construction Permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform) and a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback) in order to construct a new boat dock. The project site is located at 9300 Kilgore Road, Orlando, FL 32836 (Parcel ID number is 04-24-28-0000-00-031) on Lake Sheen in District 1.

On August 30, 2022, 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 1,000 square feet to 1,445 square feet and an Application for Waiver to Section 15-343(b) (side setback) requesting to decrease the required minimum side setback from 25 feet to 10 feet from the southern projected property line.

**Terminal Platform Size Waiver**

Chapter 15, Article IX, Section 15-342(b) of the Code states, “the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet.” The applicant has a shoreline that measures over 200 linear feet at the Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 1,000 square feet. The applicant is requesting to construct a new dock with a terminal platform size of 1,445 square feet (445 square feet larger than allowed).

**Side Setback Waiver**

Chapter 15, Article IX, Section 15-343(b) of the Code states, “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.”. The applicant has a shoreline that measures over 200 linear feet at the NHWE, allowing for a minimum side setback of 25 feet. The applicant is requesting a side setback of 10 feet from the southern projected property line.

### **Waiver Criteria**

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

To address Section 15-350(a)(2)(1), the applicant’s agent (Ms. Sheila Cichra) states, “*This parcel is more than twice as wide as most parcels, so the impact to the lake will still be less than two docks with terminal platforms of the legal limit. The proposed location does not change the impact to the lake versus constructing at the standard setback.*”

To address Section 15-350(a)(2)(2), Ms. Cichra states, “*The proposed structure will not adversely affect the adjacent property owner’s view or navigability.*”

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 impacts with a payment of \$948 to the Conservation Trust Fund (CTF), if the waiver to Section 15-342(b) is approved.

### **Public Notification**

On September 14, 2022, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius. No objections were received.

The applicant and their agent were sent notices on September 28, 2022 to inform them of the Environmental Protection Commission (EPC) meeting on October 26, 2022.

### **Enforcement Action**

There is no current enforcement action for this property.

### **Butler Chain of Lakes Advisory Board**

In accordance with Section 15-347(e) of the Code, the Windermere Water and Navigation Control District Advisory Board and the Conway Water and Navigation Control District Advisory Board may submit to the environmental protection officer a recommendation to approve or deny applications for docks within their jurisdictions. Recommendations shall be approved by a majority of the advisory board at a public meeting, duly noticed and conducted in accordance with the Florida Sunshine Law, section 286.011, Florida Statutes, as may be transferred or amended from time to time. Advisory board recommendations shall be submitted to the environmental protection officer within thirty-five (35) calendar days of receipt of notice.

Pursuant to Section 15-347(b), EPD sent notice of the waivers to the Windermere Water and Navigation Control District’s Butler Chain of Lakes Advisory Board (BCLAB) on August 31, 2022.

On September 21, 2022 EPD received a signed letter from the BCLAB stating “*The Butler Chain of Lakes Advisory Board at their September 19, 2022 meeting approved a*

*recommendation to oppose this dock application. The basis for this decision is described below. "The Terminal Platform in this application is over the maximum size allowed. Zoning Code Article IX, Section 15-342(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."*

The BCLAB letter does not elaborate on how the request does not meet the waiver criteria in Sections 15-342(b) (terminal platform size) or 15-343(b) (side setback).

### **EPD Staff Evaluation/Recommendation**

Staff evaluated the waiver requests for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer is to approve the request for waivers to Section 15-342(b) (terminal platform size) and 15-343(b) (side setback) based on findings that the applicant has demonstrated there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections were received from the abutting shoreline owners. 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 \$948 to the CTF.

### **EPC Public Hearing**

EPD presented the applicant's waiver requests to the EPC at their October 26, 2022 public meeting. Ms. Cichra was present to represent the applicant and stated that she had obtained a Letter of No Objection (LONO) for the side setback from the previous adjacent property owner, but the property recently sold, and she had not been able to get in contact with the new adjacent property owner to request a LONO.

EPC Vice Chairman Alan Horn remarked that the proposed size of the terminal platform is smaller than the total dock sizes that would result if the subject property (which is over 200 feet wide) were to be split into multiple parcels, resulting in one boat dock for each lot. Mr. Horn also noted the lack of a LONO for the side setback from the current adjacent property owner, and a lack of evidence to justify the need for the proposed setback. Commission members Oscar Anderson and Billy Butterfield agreed with Mr. Horn's statements. In response, Ms. Cichra agreed that the dock could be moved north to meet the minimum 25-foot setback from the southern projected property line.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendations of the EPO for the waiver to terminal platform size, and recommended approval of the waiver to Section 15-342(b) with the condition that the applicant remits a payment in the amount of \$948 to the CTF as mitigation for the additional shading impacts.

In regard to the waiver request to Section 15-343(b) (side setback), the EPC rejected the findings and recommendation of the EPO and modified the recommended side setback from 10 feet to 25 feet from the southern projected property line, which meets the minimum requirements of Section 15-343(b). Subsequent to the EPC hearing, Ms. Cichra provided a revised site plan on October 27, 2022 that depicts the modifications agreed upon during the hearing. Therefore, a waiver to Section 15-343(b) (side setback) is no longer necessary.

**ACTION REQUESTED:**     **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 square feet to 1,445 square feet with a mitigation payment of \$948 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Kilgore Holdings Trust Dock Construction Permit BD-22-08-158. District 1**

JVW/DDJ: jk

Attachments

# Dock Construction Application for Waiver



**Dock Construction  
Application for Waiver  
BD-22-08-158  
District #1**

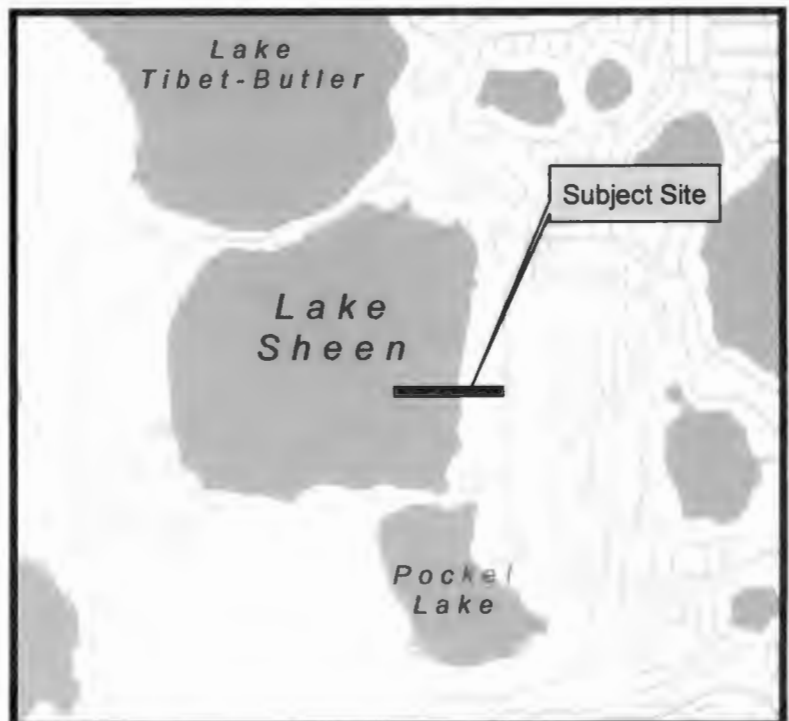
**Applicant:** Kilgore Holdings Trust

**Address:** 9300 Kilgore Road

**Parcel ID:** 04-24-28-0000-00-031

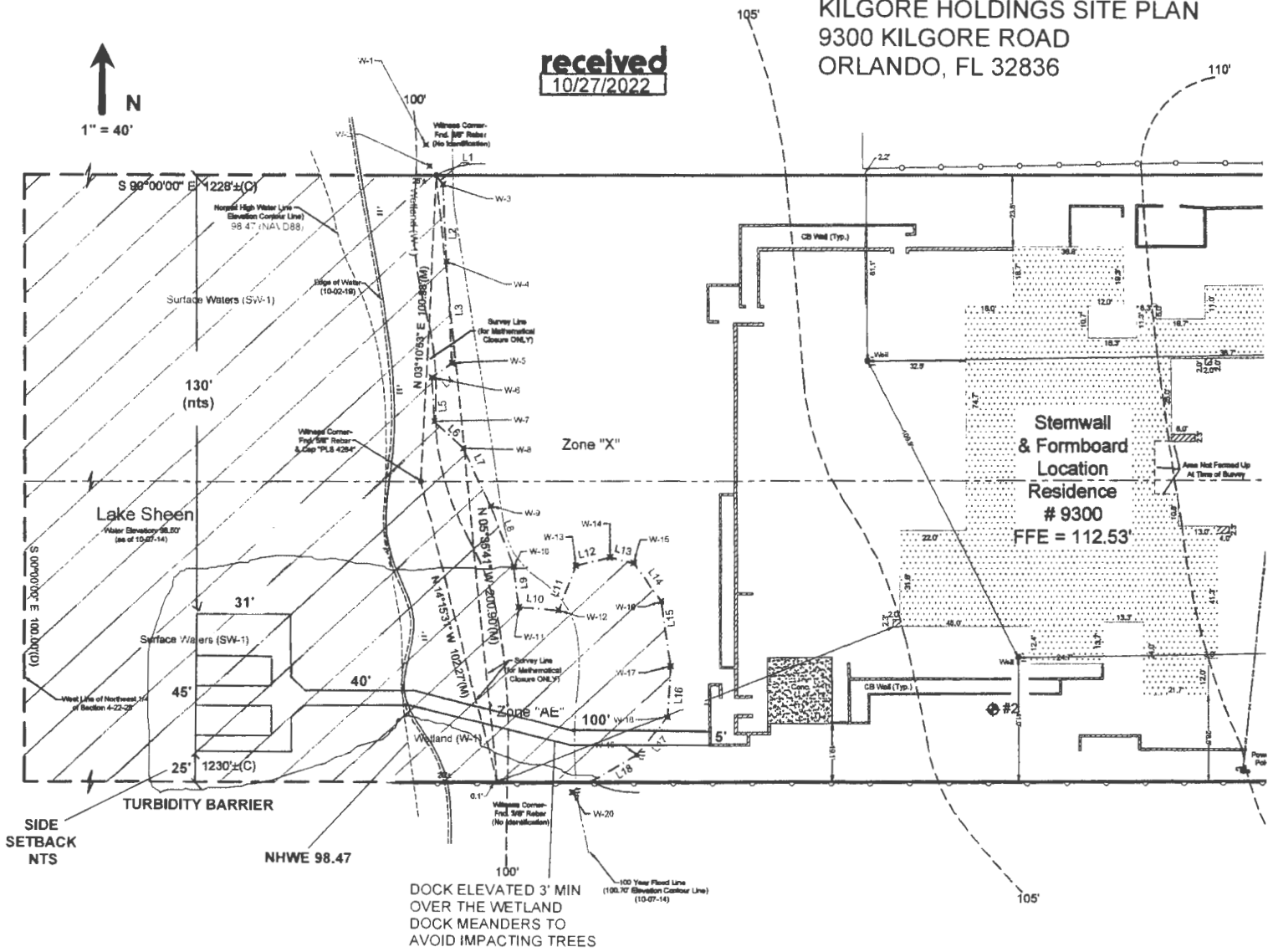
**Project Site** 

**Property Location** 



received  
10/27/2022

KILGORE HOLDINGS SITE PLAN  
9300 KILGORE ROAD  
ORLANDO, FL 32836



DOCK ELEVATED 3' MIN  
OVER THE WETLAND  
DOCK MEANDERS TO  
AVOID IMPACTING TREES

105'



**APPLICATION TO CONSTRUCT A BOAT DOCK  
APPLICATION FOR WAIVER**

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

**Mail or Deliver To:** Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Scott Miller (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:

This parcel is more than twice as wide as most parcels, so the impact to the lake will still be less than two docks with terminal platforms of the legal limit.  
The proposed location does not change the impact to the lake versus constructing at the standard setback.

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 *Sheila Cichra* Date: 07/26/2022  
Corporate Title (if applicable): President, Streamline Permitting, Inc.





Windermere Water and Navigation Board Response to Dock Permit Application

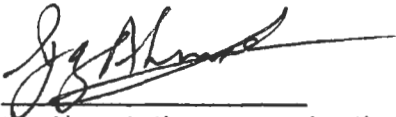
Address: 9300 Kilgore Rd, Orlando, FL  
Application No: BD-22-08-158  
Recommendation: Deny

**received**  
9/21/2022

The Butler Chain of Lakes Advisory Board at their September 19, 2022 meeting approved a recommendation to oppose this dock application. The basis for this decision is described below.

1. The Terminal Platform in this application is over the maximum size allowed.  
Zoning code Article IX, Sec. 15-342(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."

Respectfully,



Ijaz Ahmed, Chairman Butler Chain of Lakes Advisory Board

9/19/2022

Date



**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

**ORANGE COUNTY  
 ENVIRONMENTAL PROTECTION COMMISSION  
 October 26, 2022**

Mark Ausley  
 Chairman

Applicants: Kilgore Holdings Trust

R. Alan Horn  
 Vice Chairman

Permit Application Number: BD-22-08-158

Flormari Blackburn

Location/Address: 9300 Kilgore Road, Orlando, FL 32836

Billy Butterfield

Peter Fleck

**RECOMMENDATION:**

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for waivers are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-343(b) to reduce the side setback from 25 to 10 feet from the southern projected property line and approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 square feet to 1,445 square feet with a mitigation payment of \$948 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Kilgore Holdings Trust Dock Construction Permit BD-22-08-158. District 1

Elaine Imbruglia

Oscar Anderson

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for waiver 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 1,000 square feet to 1,445 square feet with a mitigation payment of \$948 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Kilgore Holdings Trust Dock Construction Permit BD-22-08-158. District 1

The EPC modified the waiver request to Section 15-343(b) from 10 to 25 feet, which meets the requirements of Section 15-343(b) and removes the need for a waiver.

Signature of EPC Chairman: \_\_\_\_\_

DATE EPC RECOMMENDATION RENDERED: \_\_\_\_\_

10-26-22