



Interoffice Memorandum

AGENDA ITEM

November 5, 2019

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

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

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

SUBJECT: December 3, 2019 – Consent Item
Environmental Protection Commission Recommendation for
Request for Two Waivers for the Ross Astrup Dock
Construction Permit BD-19-04-033

Ross Astrup (applicant) is requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback distance). The project site is located at 17 Oakdale Street, Windermere, Florida 34786. The Parcel ID number is 08-23-28-1948-02-120. The subject property is located on Lake Down in District 1.

The applicant is requesting a terminal platform size of 1,000 square feet. The maximum allowed terminal platform size for the subject parcel is 882 square feet. The applicant is also requesting to construct a dock 16 feet from the adjacent property line to the north. The minimum side setback distance from the projected property lines for the subject parcel is 25 feet.

Notification of the Application for Waiver to side setback was sent to the abutting shoreline property owner to the north on May 22, 2019. Notification of the Application for Waiver to terminal platform size was sent to all property owners within a 300-foot radius of the property on August 9, 2019. No objections were received.

Staff evaluated the request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for waivers 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. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts from the excess in terminal platform size will be offset through mitigation.

Based upon evidence and testimony presented at the October 30, 2019 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a recommendation to approve the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund as mitigation.

ACTION REQUESTED: Make a finding that the waiver requests are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and accept the recommendation and findings of the Environmental Protection Commission to approve the request for waivers to Section 15-343(b) (side setback distance) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ross Astrup Dock Construction Permit BD-19-04-033. District 1

JVW/DJ: mg

Attachments

Dock Construction Applications for Waiver



Dock Construction Applications for Waiver District #1

Permit No.: BD-19-04-033

Applicant: Ross Astrup

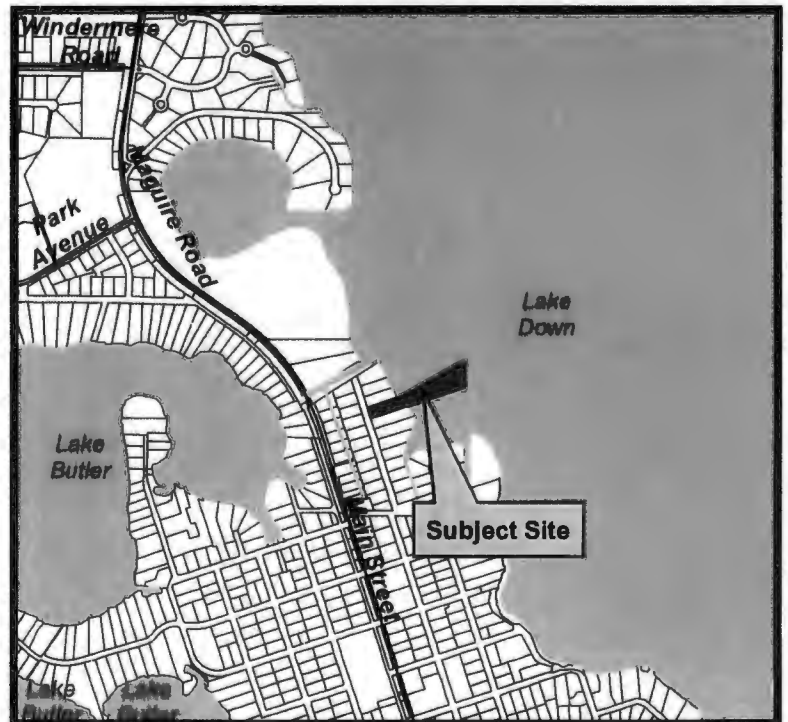
Address: 17 Oakdale Street

Parcel ID: 08-23-28-1948-02-120

Project Site



Property Location






Interoffice Memorandum

October 15, 2019

To: Environmental Protection Commission

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

Subject: **Ross Astrup Request for Waiver for Dock Construction Permit BD-19-04-033**

Reason for Public Hearing

The applicant, Ross Astrup, is requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback distance).

Location of Property/Legal Description

The project site is located at 17 Oakdale Street, Windermere, Florida 34786. The Parcel ID number is 08-23-28-1948-02-120. The subject property is located on Lake Down in District 1.

Background

On April 18, 2019, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. EPD reviewed the permit application and determined that the boat dock plans would either need to be revised or a waiver to Section 15-342(b) (terminal platform size) and a waiver to Section 15-343(b) (side setback) would be required.

An Application for Waiver to Section 15-342(b) (terminal platform size) to construct a dock with a requested terminal platform size of 1,000 square feet was submitted on July 30, 2019. The maximum allowed terminal platform size for this lot is 882 square feet.

An Application for Waiver to Section 15-343(b) (side setback) to construct a dock 16 feet from the adjacent property line to the north was also submitted on July 30, 2019. Per Code, the minimum side setback distance from the projected property lines for the subject parcel is 25 feet.

Public Notifications

In accordance with Chapter 15, Article IX, Section 15-347(a) of the Code, on May 22, 2019 a Notice of Application (NOA) for waiver to side setback was sent to the abutting shoreline property owner to the north. On August 9, 2019 a Notice of Application (NOA) for waiver to terminal platform size was sent to all property owners within a 300-foot radius of the property.

Side Setback Waiver

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 101 linear feet at the Normal High Water Elevation (NHWE), requiring a minimum side setback of 25 feet. The applicant is requesting a side setback of 16 feet from the northern 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's agent (Peter Fleck) states, "*The existing dock is already located where the requested variance [sic] is being requested for. There will be no negative impact.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The dock is replacing the existing dock in the same location.*"

Terminal Platform Size Waiver

Chapter 15, Article IX, Section 15-342(b) of the Code states, "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet." The applicant has a shoreline that measures approximately 101 linear feet at the NHWE, allowing for a maximum terminal platform size of 882 square feet. The applicant is requesting a terminal platform of approximately 1,000 square feet (118 square feet larger than allowed).

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

To address Section 15-350(a)(2)(1), the applicant's agent (Peter Fleck) states, "*The existing dock is already located where the requested variance [sic] is being requested for. There will be no negative impact.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The dock is replacing the existing dock in the same location.*"

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 \$725 to the Conservation Trust Fund.

Objections

EPD has received no objections to the request.

Enforcement Action

There is no current enforcement action for this property.

Staff Recommendation

Staff has evaluated the requested waivers for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer is to approve the waiver to Section 15-343(b) (side setback) and approve the waiver to Section 15-342(b) (terminal platform size), based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received. Additionally, pursuant to Section 15-350(a)(2)(1) negative effects to the environment due to the excess in terminal platform size will be offset through mitigation.

ACTION REQUESTED: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver requests are consistent with Section 15-350(a)(2), and recommend approval of the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ross Astrup Dock Construction Permit BD-19-04-033. District 1.

TT/NT/TMH/LJ/DDJ: mg

Attachments



APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER

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

Mail or Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Peter Fleck on behalf of Ross Astum (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 existing dock is already located where the requested variance is being requested for there will be no negative impact

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

The dock is replacing the existing dock in the same location

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

By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Peter Fleck
Signature of Applicant/Agent: [Signature] Date: 7/24/19
Corporate Title (if applicable): D-tee Builders



DOCK PLANS

Astrup's Boat Dock

17 Oakdale St.

Prepared For

Q-ICE Builders

Prepared By

 **THOMPSON ENGINEERING GROUP, INC**

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

4401 Vineland Road, Suite 46

Orlando, Florida 32811

Ph: 407-529-3306

Fax: 407-529-3306

Certificate of Authorization No. 30060

www.thompsoneng.com

March, 2019

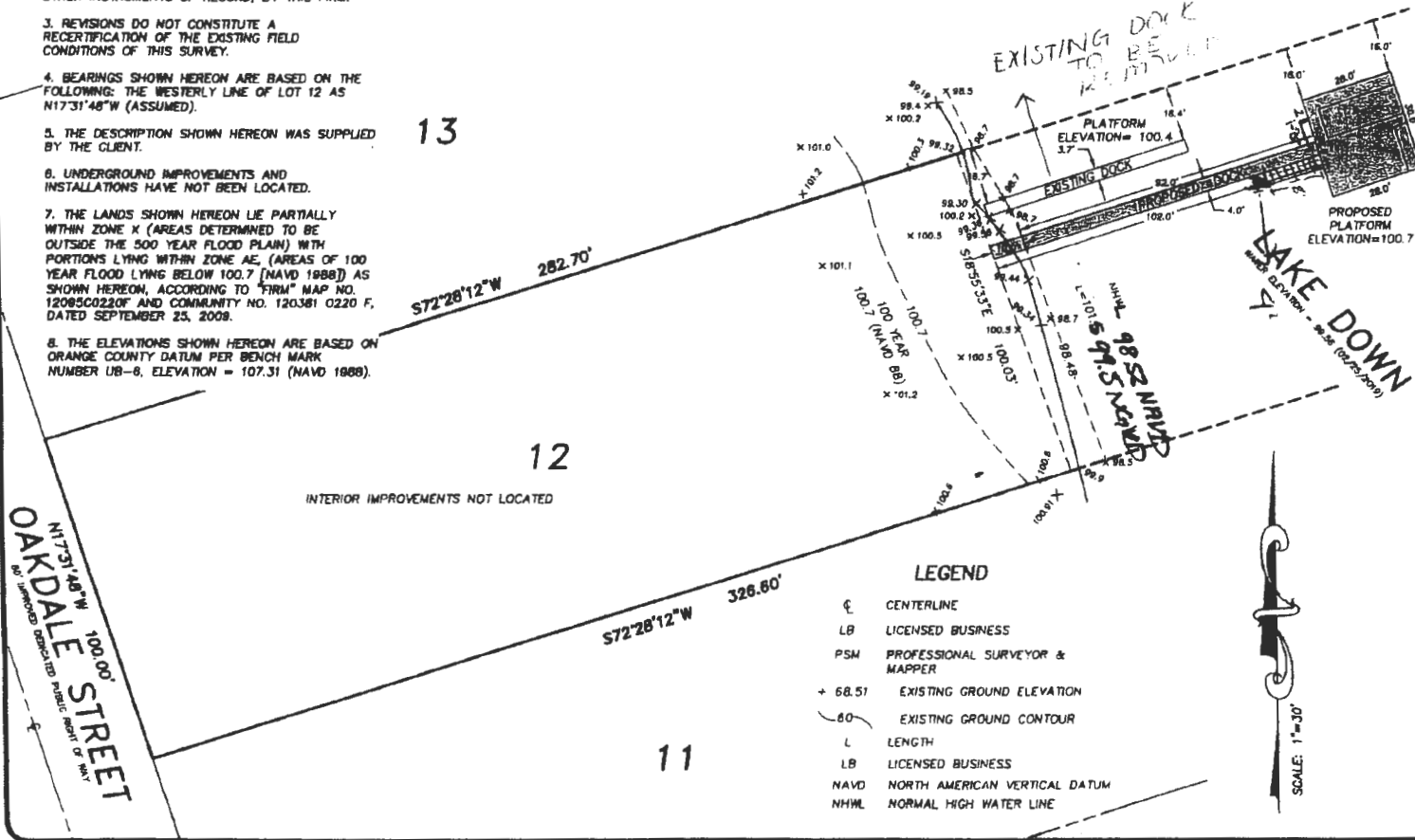
SPECIFIC PURPOSE SURVEY

SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. REVISIONS DO NOT CONSTITUTE A RECERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: THE WESTERLY LINE OF LOT 12 AS N17°31'48"W (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
7. THE LANDS SHOWN HEREON LIE PARTIALLY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) WITH PORTIONS LYING WITHIN ZONE AE, (AREAS OF 100 YEAR FLOOD LYING BELOW 100.7 (NAVD 1988)) AS SHOWN HEREON, ACCORDING TO "FIRM" MAP NO. 1209SC0220F AND COMMUNITY NO. 120381 0220 F, DATED SEPTEMBER 23, 2008.
8. THE ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY DATUM PER BENCH MARK NUMBER UB-8, ELEVATION = 107.31 (NAVD 1988).

DESCRIPTION

LOT 12, BLOCK "B", DAVIS SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK S, PAGE 123, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



BISHMAN
Surveying & Mapping, inc.

CERTIFICATE OF AUTHORIZATION LB 7274
32 W. PLANT STREET
WINNER GARDEN, FL 34787
Phone No. 407.903.8877
Fax No. 407.903.8875

FLORIDA REGISTRATION NO. 4218
[Signature]
DONALD W. BISHMAN, P.S.M.

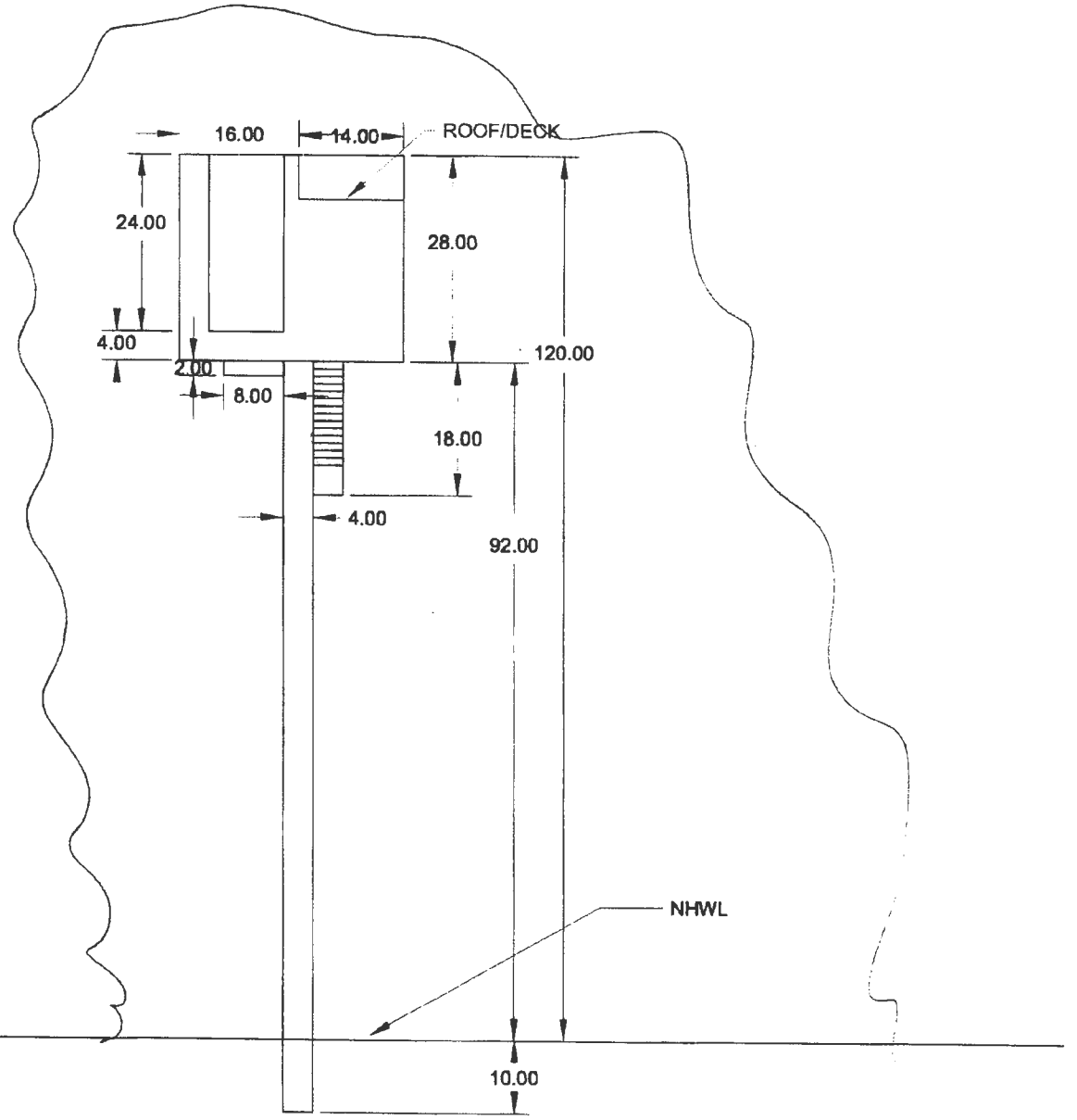
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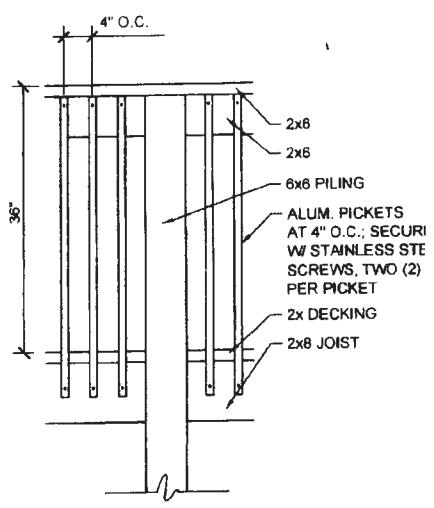
SURVEY DATE:	02/25/2019
FIELD BY:	T. DONARD
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PAGES:	02
FIELD FILE:	19026.000
DRAWING FILE:	19026.DWG

Received
9/30/19 T.T.

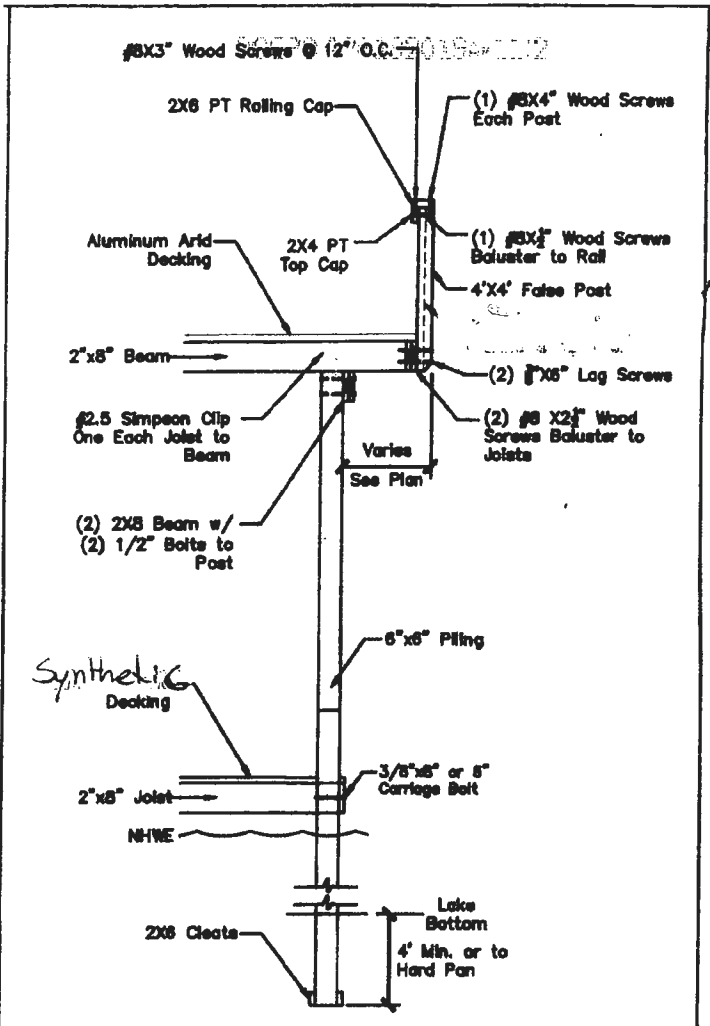
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Turbidity
curtain →

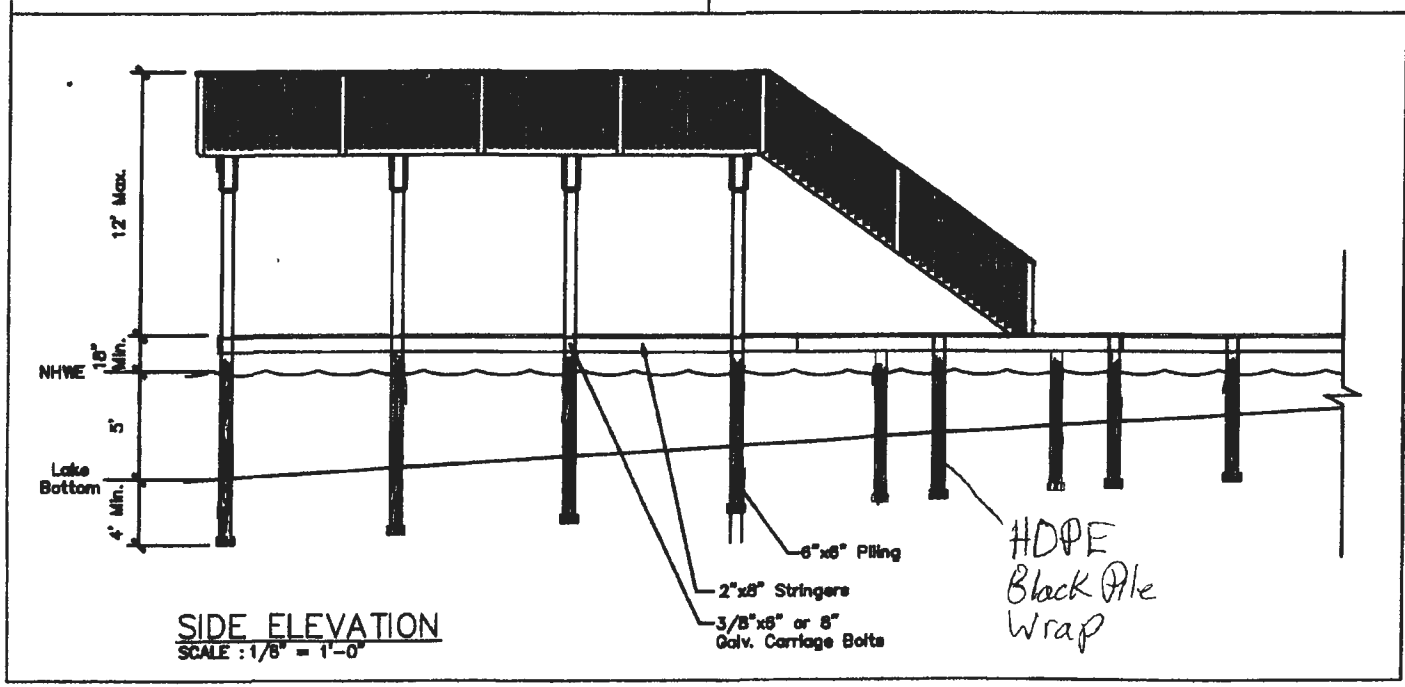




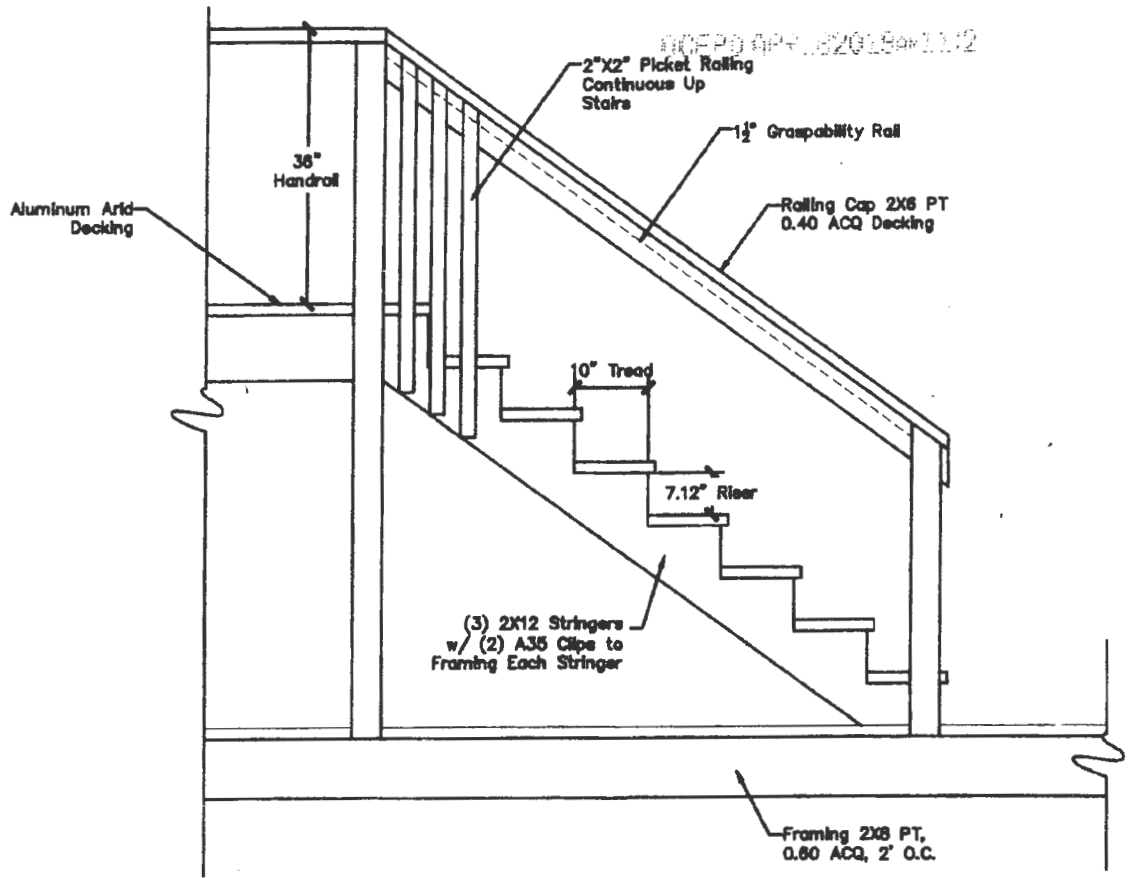
GUARDRAIL DETAIL
1/2" = 1'-0"



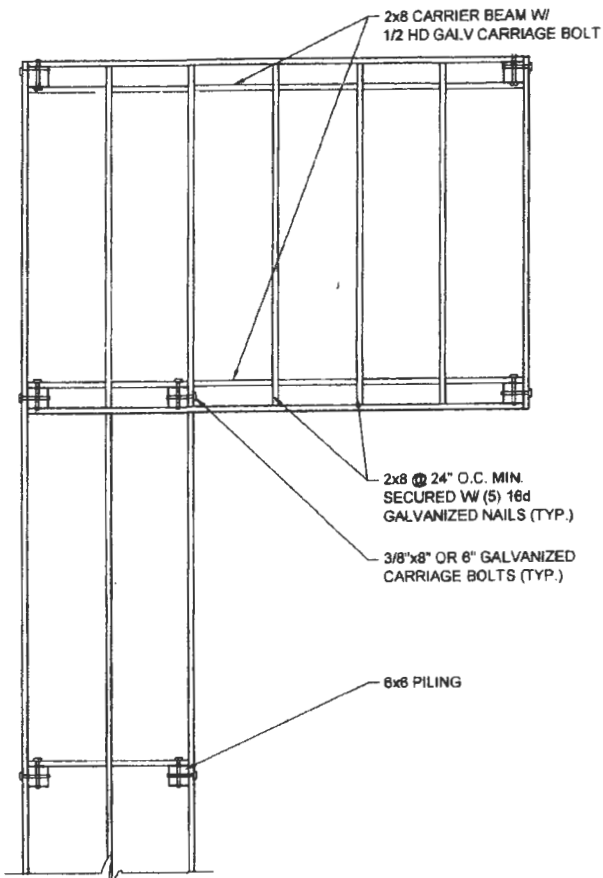
TYPICAL SECTION
SCALE : 1/4" = 1'-0"



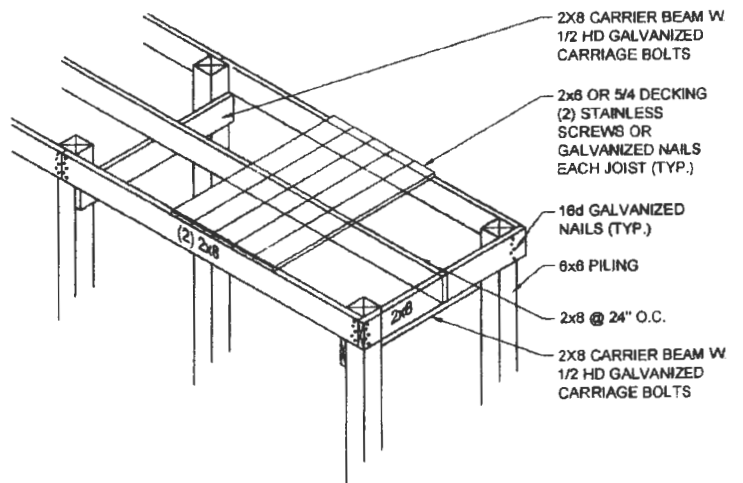
SIDE ELEVATION
SCALE : 1/8" = 1'-0"



STAIR SIDE VIEW DETAIL
SCALE: 1/2" = 1'-0"



TYPICAL DECK & DOCK FRAMING



DOCK FRAMING