



Interoffice Memorandum

AGENDA ITEM

October 8, 2021

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

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

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

SUBJECT: November 16, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Anne and Mark Allen Dock Construction
Permit BD-21-03-052

The applicants, Anne and Mark Allen, are requesting a dock construction permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) in order to replace an existing boat dock. The project site is located at 920 Main Street, Windermere, FL 34786. The Parcel ID is 17-23-28-9336-00-750 and the subject property is on Lake Butler in District 1.

On March 31, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. The application included an Application for Waiver to Section 15-342(b) (terminal platform size) requesting to increase the terminal platform size from the maximum allowed by Code of 775 square feet to 1,359 square feet.

On March 31, 2021, EPD also received an Application for Waiver to Section 15-343(b) (side setback) to seek authorization for the existing side setback of 10 feet from the southern projected property line to remain. A notarized Letter of No Objection was received from the affected neighbors (Molly Rose and Robert Fleming – 928 Main Street); therefore, pursuant to Section 15-343(b), the side setback waiver can be approved by the Environmental Protection Officer (EPO) and no action is required by the Environmental Protection Commission (EPC) or the Board on this item.

Waiver Request – Terminal Platform Size

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

To address Section 15-350(a)(2)(1), the applicants’ agent states, “*Applicant is requesting to rebuild existing boat dock with modifications that will make the dock slightly larger than the original. Given the current location of the dock, there doesn’t appear to be any additional, negative impact to the environment beyond what may or may not have occurred during the original build. The homeowner has agreed to pay any mitigation fee that may be imposed.*”

To address Section 15-350(a)(2)(2), the applicants' agent states, *"If approved, this waiver will grant the applicant a 10' setback from the abutting property line as shown. This is consistent with the location of the existing boat dock. A Letter of No Objection (LONO) from the effected shoreline owners has been provided."*

The applicants have agreed to make a mitigation payment of \$875 to the Conservation Trust Fund (CTF) to offset the additional shading impacts to Lake Butler associated with the larger terminal platform size should the waiver request be approved.

Public Noticing

On July 14, 2021, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. No objections were received.

Enforcement Action

During a site visit conducted during the review of the boat dock application, EPD staff observed the presence of two recreational platforms below the Normal High Water Elevation (NHWE) and a fence located within the shoreline wetland and extending below the NHWE. Accordingly, EPD initiated an enforcement case for the unauthorized structures and the fence (Case #21-589791) and a Notice of Violation was included as part of a Request for Additional Information that was sent to the applicants on April 26, 2021. In order to resolve the enforcement actions, the recreational structures and fence were removed. In addition, a penalty of \$1,500 was assessed which was paid by the applicants on August 10, 2021. The property is currently in compliance.

EPD Staff Evaluation

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the EPO was to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicants have demonstrated there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections were received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts from the excess terminal platform size will be offset through a mitigation payment of \$875 to the CTF.

Environmental Protection Commission Public Hearing

EPD presented the waiver request in a public hearing before the EPC at their September 29, 2021 meeting. Chairman Mark Ausley asked if the size of the existing structure was 775 square feet or if that is what they are allowed. EPD staff stated that 775 square feet is what is allowed by Code and that the current dock is around 700 square feet. Mr. Mark Allen (applicant) and his agent, Mr. Robin Lopez, stated that the new dock would not extend any further into the lake and not be any wider than the existing dock. EPC members Mr. Billy Butterfield and Mr. Oscar Anderson both commented that the proposed increase in terminal platform size was on the backside of the dock towards the house.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the request for waiver to Section 15-342(b) (terminal platform size) with a mitigation payment of \$875 to the CTF.

Page 3

November 16, 2021 – Consent Item

Environmental Protection Commission Recommendation for Request for Waiver for Anne and Mark Allen Dock Construction Permit BD-21-03-052

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Commission, and approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 775 square feet to 1,359 square feet with a payment of \$875 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anne and Mark Allen Dock Construction Permit BD-21-03-052. District 1

JVW/DDJ: jk
Attachments

Boat Dock Construction Application for Waiver



Lake Butler

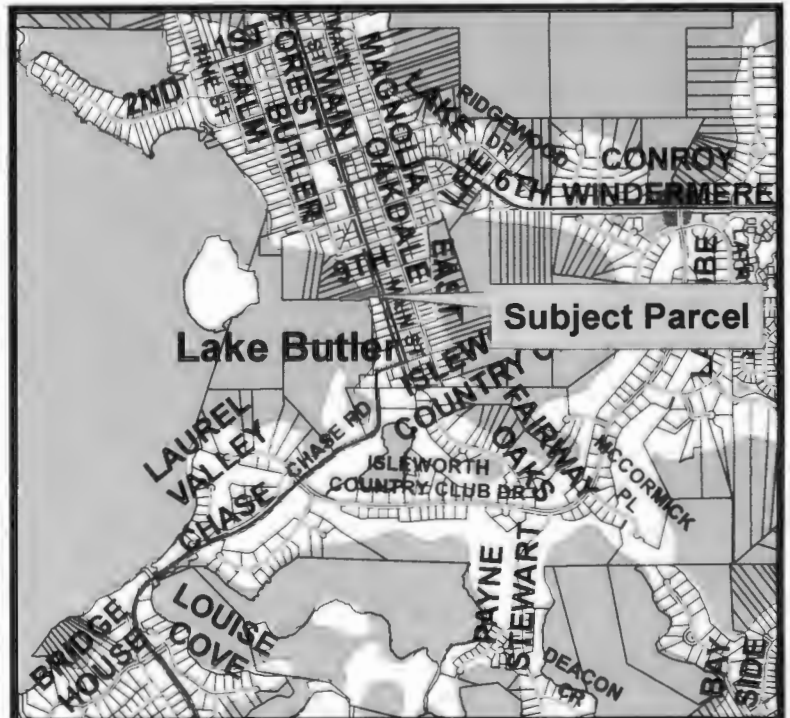
**Boat Dock Construction
Application for Waiver
Permit No. BD-21-03-052
District # 1**

**Applicant: Anne and Mark Allen.
Address: 920 Main Street
Parcel IDs:17-23-28-9336-00-750**

Project Site

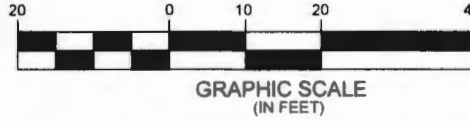


Property Location



received

6/9/21



LAKE BUTLER

LOT 76

S 79° 46' 06" 147.28'(M) TO N

Existing zip line platforms to be removed prior to dock construction

Cypress Tree

Normal High Water Elev. 98.5'

Zip Line Platform & Cable

Water Elev. 99.3'±

Turbidity Barrier

Proposed New Boat Dock; Existing Dock to be Removed

Approximate Plastic Tiles

Approximate 100 Year Flood Elev. 100.7'

Cypress Tree Cluster; NO CYPRESS TREES WILL BE REMOVED

Existing Walkway to be Removed

LOT 75

LAKE BUTLER

8.5'± To N W W E

REC.I.P NO # 12" POL 2'-9"

N 79° 46' 0"

- 101.1 GENERAL NOTES
- 101.1 DETAILS SHOWN ON PLANS MAY BE FOR TYPICAL CONDITIONS. FOR CONDITIONS NOT SHOWN, PROVIDE DETAILS OF A SIMILAR NATURE, OR IF NOT CERTAIN HOW TO PROCEED, CONTACT THE ENGINEER OF RECORD.
- 101.2 DIMENSIONS SHOWN ON THESE PLANS SHALL BE VERIFIED BY THE CONTRACTOR OR BUILDER PRIOR TO CONSTRUCTION. THESE PLANS MAY NOT BE DRAWN TO SCALE. SCALING OF DRAWINGS IS STRONGLY DISCOURAGED.
- 101.3 THE CONTRACTOR SHALL COORDINATE ALL NEW WORK WITH EXISTING CONDITIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER OF RECORD IMMEDIATELY AND BEFORE PROCEEDING WITH WORK.
- 101.4 OBTAIN APPROVAL FROM THE ENGINEER OF RECORD FOR ALL STRUCTURAL MODIFICATIONS OR SUBSTITUTIONS.
- 101.5 CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PRACTICES, INCLUDING TECHNIQUE PROCEDURES, SHORING, AND THE SEQUENCE OF CONSTRUCTION. CONTRACTOR SHOULD NOTIFY THE ENGINEER OF RECORD IN A WRITTEN MANNER OF ANY VARIATIONS OR OTHER PROBLEMS WITH THE CONSTRUCTION DOCUMENTS.

102. APPLICABLE CODES AND STANDARDS
- CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THESE STRUCTURAL SPECIFICATIONS AND THE REQUIREMENTS CONTAINED IN THE FOLLOWING CODES AND STANDARDS, WHEN A DIFFERENCE EXISTS BETWEEN THESE SPECIFICATIONS AND ANY OTHER GOVERNING CODE, THE MORE STRINGENT SHALL CONTROL. ANY OTHER ITEMS NOT COVERED THEREIN SHALL BE COMMENSURATE WITH SOUND ENGINEERING AND STANDARD CONSTRUCTION PRACTICE.
- 102.1 2020 FLORIDA BUILDING CODE - RESIDENTIAL
- 102.2 ABC MANUAL OF STEEL CONSTRUCTION - 13TH EDITION
- 102.3 ACI BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE - ACI 318-08
- 102.4 AMERICAN WOOD COUNCIL - NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION - 2008 EDITION
- 102.5 ASCE 7-10 MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES

103. DESIGN LOADS
- THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADS. DESIGN LOADS INDICATED ARE IN POUNDS PER SQUARE INCH UNLESS NOTED OTHERWISE. IF ANY PERMANENT MATERIALS EXCEED THESE LOADS, THE ENGINEER OF RECORD SHALL BE CONTACTED TO REVISE THE STRUCTURAL DESIGN AND CONSTRUCTION DOCUMENTS.
- 103.1 DEAD LOADS: WEIGHT OF STRUCTURE AND ALL THEREIN PERMANENTLY ATTACHED
DECK - 18 PSF ROOF - 10 PSF BOTTOM CHORD
- 103.2 LIVE LOADS
DECK - 40 PSF
WIND SPEED - 140 MPH
EXPOSURE - D
INTERNAL PRESSURE COEFFICIENT - 0.0 (COMPLETELY OPEN)
BUILDING TYPE 1 - RISK FACTOR 1.0
QUADRANTS AND HANDRAILS - 200 PSF
QUADRANTS IN-FILL COMPONENTS - 50 PSF
STAIRS - 40 PSF

104. STRUCTURAL LUMBER FRAMING (DIMENSIONAL LUMBER)
- 104.1 UNLESS NOTED OTHERWISE, ALL STRUCTURAL LUMBER SHALL BE SOUTHERN YELLOW PINE (SYP) #2 OR BETTER.
- 104.2 STRUCTURAL LUMBER EXPOSED TO WEATHER SHALL BE PRESURE TREATED OR MANUALLY SEALED AT TIME OF CONSTRUCTION.
- 104.3 ALL FASTENERS TO BE HOT DIPPED GALVANIZED (HDG) OR STAINLESS STEEL.
- 104.4 ALL DECKING SHALL BE SOUTHERN YELLOW PINE (SYP) #2 OR BETTER OR WOOD/PLASTIC COMPOSITE CONFORMING WITH ASTM D7032.
- 104.5 HANDRAILS
HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE ON EACH CONTIGUOUS RUN OF TREADS OR FLESH-T WITH FOUR OR MORE RISERS.
- 104.6 ILLUMINATION
ALL STAIRS SHALL BE PROVIDED WITH ILLUMINATION IN ACCORDANCE WITH SECTION R302.7.



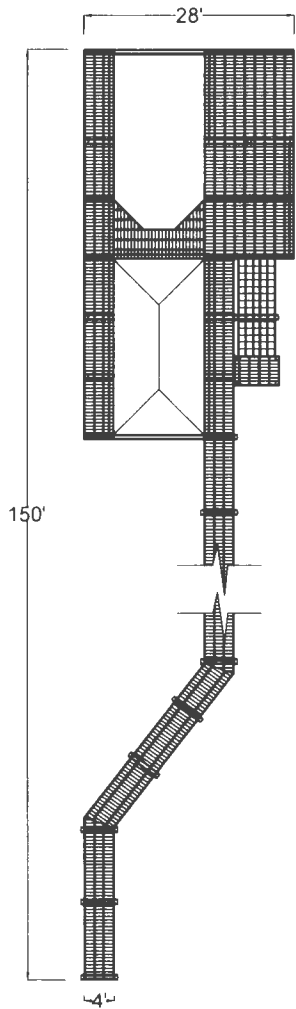
Jennifer Tulligan, P.E.
15162 St. Clair St.
Clearmont, FL 34711
P.E. #15162
(351) 952-7933

Allen Dock
920 Main Street
Windermere, Florida 34786

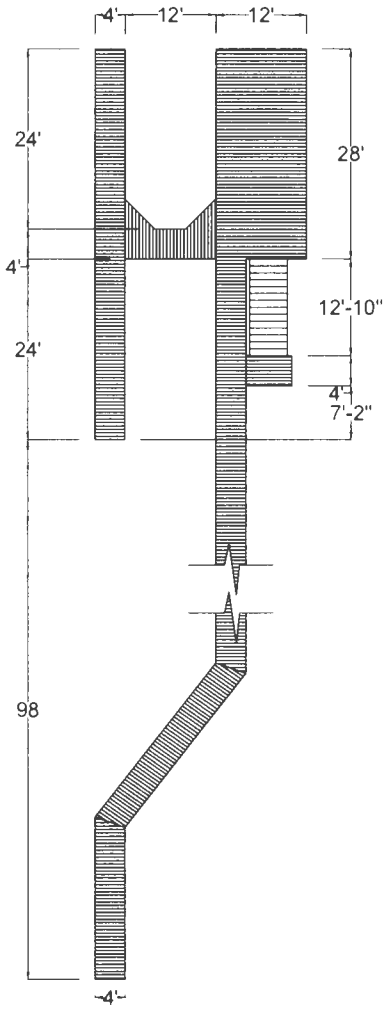
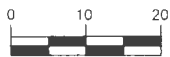
©2020 - 2021 Jennifer Tulligan, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any publication of these documents and specifications is expressly limited to such project. Name, reproduction or publication by any method, in whole or in part, of these drawings and specifications is prohibited. Jennifer Tulligan, P.E. shall be held, liable and cannot lose copyright protection. (7 U.S.C. 101 et seq.)

Project:
SDD-2020-11

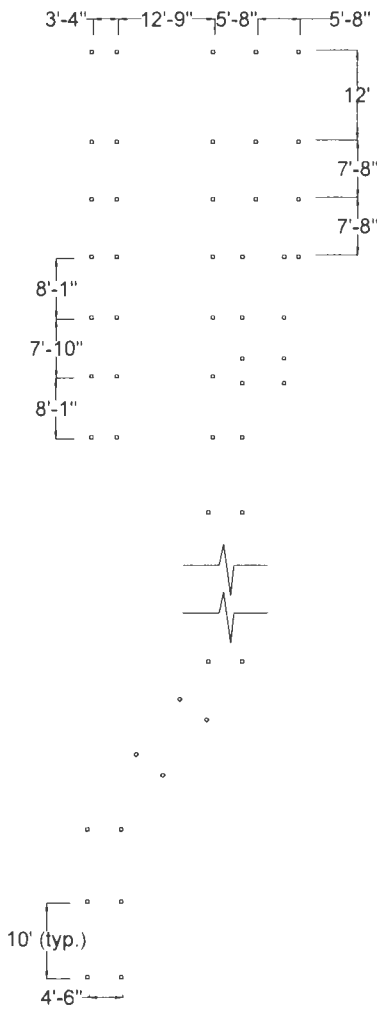
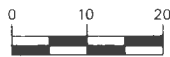
SO



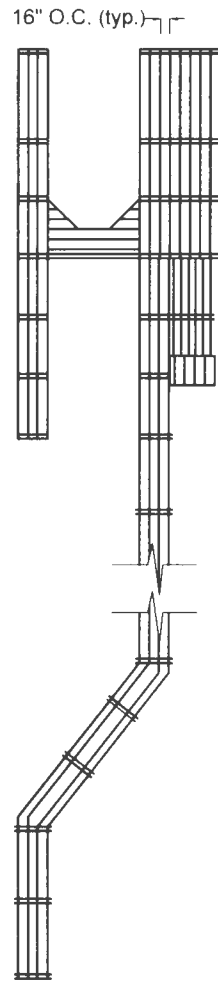
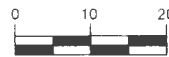
Plan View (Top View)



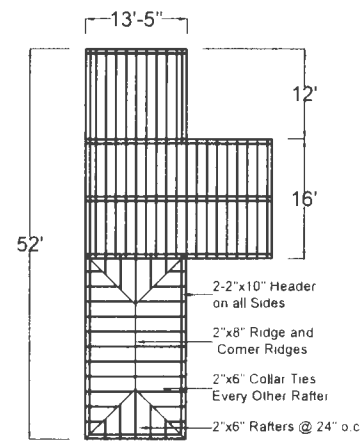
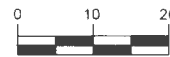
Decking Layout



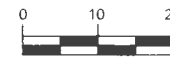
Piling Layout



Framing Layout



Roof Layout



TERMINAL PLATFORM AREA 1359 Sq. Ft.
 TERMINAL PLATFORM + WALKWAY AREA 1751 Sq. Ft.

received
 6/9/21

1/16" = 1'-0"



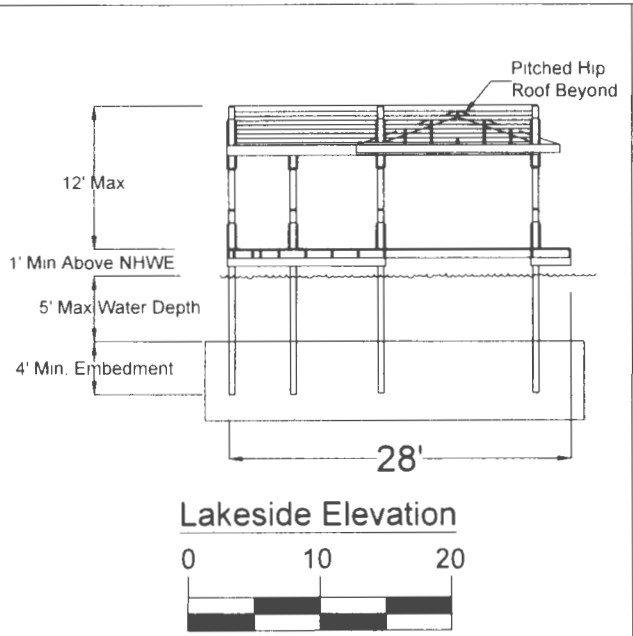
Prepared for
Allen Dock
 920 Main Street
 Windermere, Florida 34786

16165 St Clair St
 Clermont, FL 34711
 P.E. License
 12746

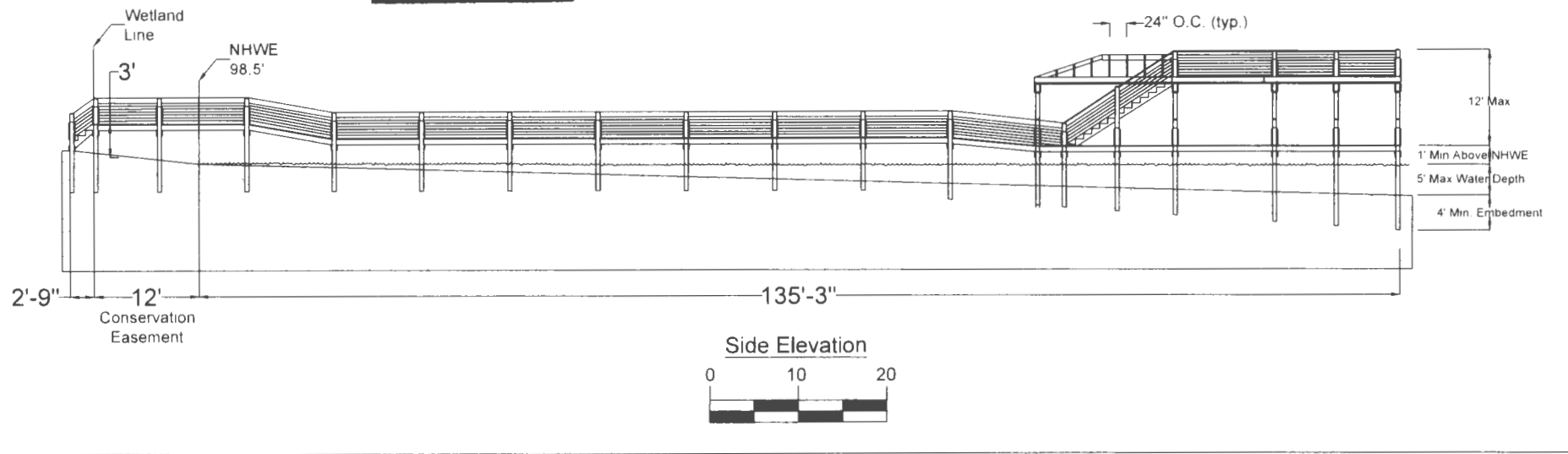
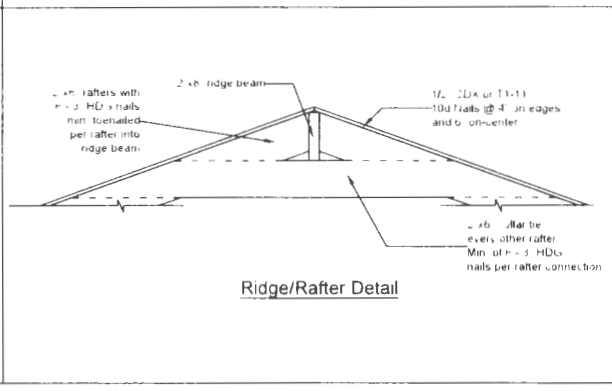
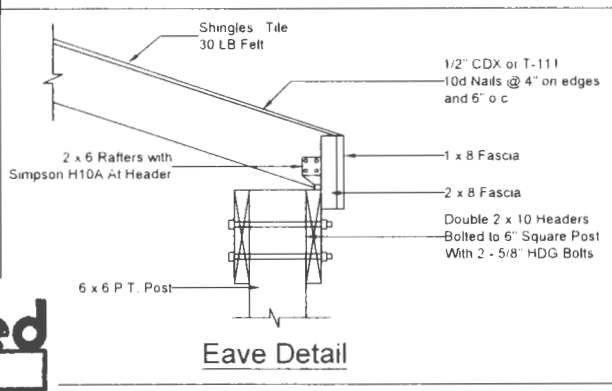
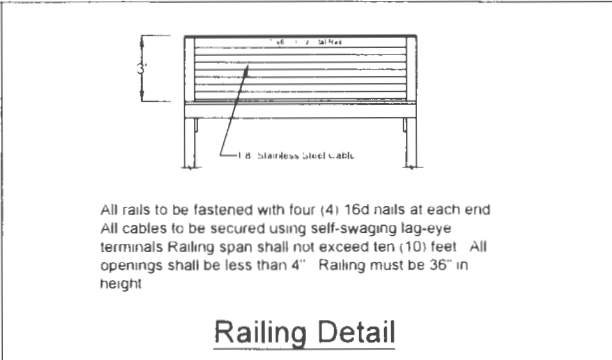
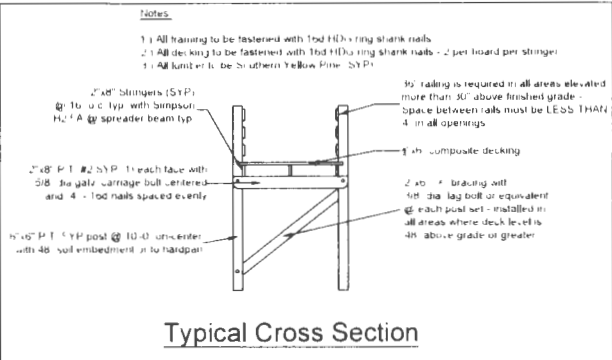
©2020 - 2021 Jennifer Teliga, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any publication or reproduction in any form without the written consent of the engineer is prohibited. The title of these drawings and documents remains with Jennifer Teliga, P.E. Jennifer Teliga, P.E. retains all federal, state and common law copyright in these drawings. 11/15/11, 10/14/14

Project
SDD-2020-11

S1



received
6/9/21



Prepared for
Allen Dock
920 Main Street
Windermere, Florida 34786

Prepared by
Jennifer Teliga, P.E.
14166 St. Clair St.
Tampa, FL 34647
P.E. #2427
311.682.7500

6/20/2020: Jennifer Teliga, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any publication of these documents and specifications is expressly limited to such project. Future reproduction or publication by any method in whole or in part of these drawings and documents is prohibited. Title of these drawings and documents shall be retained by the engineer. All drawings and documents shall be held in strict confidence and subject to copyright protection. © J. Teliga, P.E. 10/18/19

Project
SDD-2020-11

S2



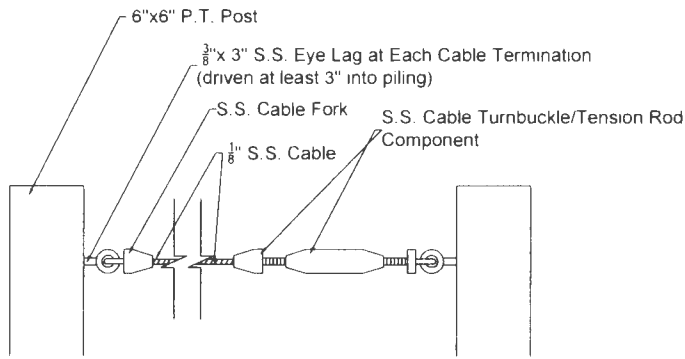
Prepared by:
Jennifer Talga, P.E.

Allen Dock
920 Main Street
Windermere, Florida 34786

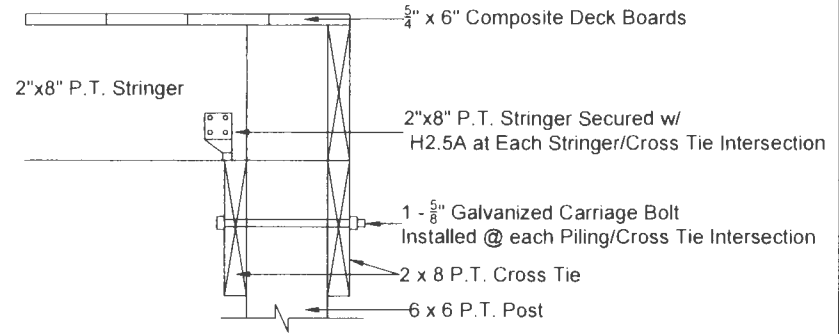
6/10/21 Jennifer Talga, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any reproduction or use of these documents and specifications is prohibited without the written consent of Jennifer Talga, P.E. All drawings and documents remain the property of Jennifer Talga, P.E. and copyright protection is hereby asserted.

Project
SDD-2020-11

S2



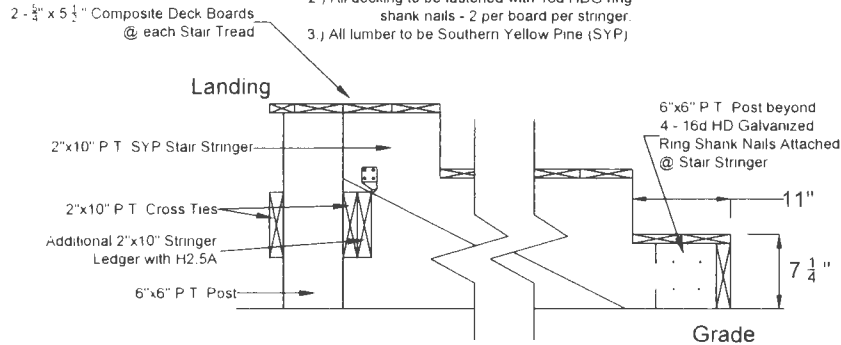
Railing Detail II



2nd Level Framing Detail

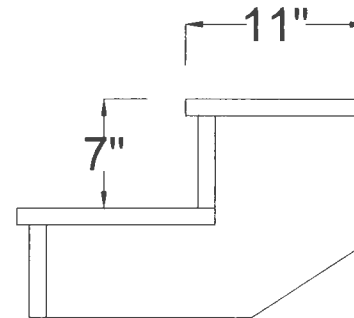
Notes

- 1.) All framing to be fastened with 16d HDG ring shank nails
- 2.) All decking to be fastened with 16d HDG ring shank nails - 2 per board per stringer.
- 3.) All lumber to be Southern Yellow Pine (SYP)



Stair Section Detail

* Framing materials and fasteners to be consistent with Typical Cross Section I and Framing Detail I *



Stair Detail

received
6/9/21



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

ENVIRONMENTAL
 PROTECTION
 COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Norman Blackburn

Billy Butterfield

Mark Corbett

Blaine Imbruglia

Vacancy - Regulated
 Business or
 Municipality

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 September 29, 2021**

Project Name: Anne and Mark Allen

Permit Application Number: BD-21-03-052

Location/Address: 920 Main Street, Windermere, FL 34786

RECOMMENDATION: Acceptance of the finding and recommendation of the Environmental Protection Officer, and make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 775 to 1359 square feet with a payment of \$875 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anne and Mark Allen Dock Construction Permit BD-21-03-052. District 1

EPC AGREES WITH THE ACTIONS REQUESTED, AS PRESENTED

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

Signature of EPC Chairman: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 9-29-21