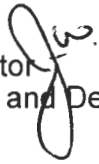




May 19, 2022

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: June 21, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Maria Richardson Dock Construction
Permit BD-21-07-104

The applicant, Maria Richardson, is requesting a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 7460 John Hancock Drive, Winter Garden, FL 34787 (Parcel ID number 28-23-27-9178-03-150) on Lake Hancock in District 1.

On July 16, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock. During review of the application, staff identified that a waiver to terminal platform size along with various other documentation was needed to complete the application. EPD received a revised site plan and an Application for Waiver to Section 15-342(b) to authorize a larger than allowed terminal platform on October 6, 2021 and December 1, 2021, respectively.

Waiver Request – Terminal Platform Size

Chapter 15, Article IX, Section 15-342(b) of the Code states, “The maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of one thousand (1,000) square feet.”

The applicant has a shoreline that measures 59.04 feet at the Normal High Water Elevation, which allows for a maximum terminal platform of 590 square feet. The applicant is requesting a terminal platform size of 624 square feet.

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, Mr. Michael Carpenter, states, “The additional shaded area will be offset by a mitigation fee.”

To address Section 15-350(a)(2)(2), Mr. Carpenter states, “None.” The applicant has agreed to pay \$351.25 to the Conservation Trust Fund (CTF) as mitigation to offset the additional shading impacts to Lake Hancock associated with the larger terminal platform size should the waiver request be approved.

Public Noticing

On February 14, 2022, a Notice of Application for Waiver was sent to all shoreline property owners within a 300-foot radius of the property. The applicant and her agent were sent notices on April 11, 2022 to inform them of the Environmental Protection Commission (EPC) meeting on April 27, 2022.

Enforcement Action

There is currently an open enforcement case (EPD Incident 21-599572) for unauthorized clearing of the shoreline. EPD has notified the owner via a Notice of Non-Compliance. The applicant is working with staff to bring the property into compliance with Code.

Navigation Assessment

Due to the proposed size of the dock, EPD requested a navigational assessment from the Orange County Sheriff's Office (OCSO). On February 6, 2022, the OCSO responded that they identified no navigational concerns regarding the placement of the proposed dock.

EPD Staff Evaluation/Recommendation

Staff has evaluated the waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the 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 to the plans have been received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts from the excess terminal platform size will be offset through a mitigation payment of \$351.25 to the CTF.

Environmental Protection Commission Public Hearing

EPD presented the variance request to the EPC at their April 27, 2022 public meeting. Ms. Sheila Cichra attended on behalf of the applicant. The EPC discussed the request for waiver to terminal platform size. Chairman Mark Ausley pointed out that the applicant's request is the same terminal platform size increase as the Klawinski dock considered just prior Ms. Richardson's request during the same meeting. Commission member Oscar Anderson asked if the applicant's request for an increase in terminal platform size would require a waiver under the proposed revisions to the Code. Mr. Neal Thomas from EPD responded that the requested size would meet Code under the proposed Code revisions. Chairman Ausley closed the public hearing.

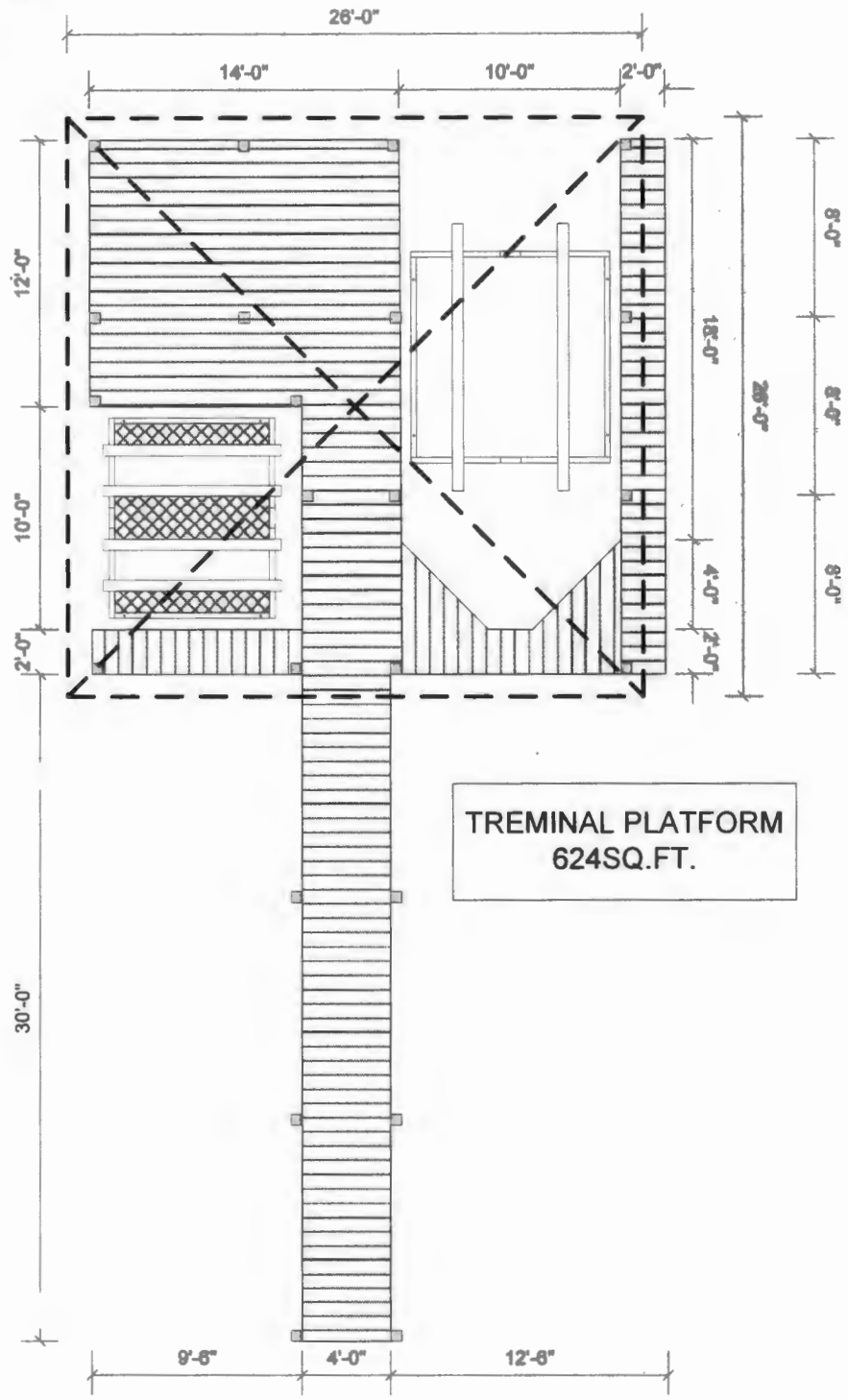
Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 590 square feet to 624 square feet with a mitigation payment of \$351.25 to the CTF within 60 days of the decision of the Board.

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 590 square feet to 624 square feet with a mitigation payment of \$351.25 to the Conservation Trust Fund within 60 days of the decision of the Board for the Maria Richardson Dock Construction Permit BD-21-07-104. District 1**

JVW/DDJ: jk

Attachments

received
7/16/21



TREMINAL PLATFORM
624SQ.FT.

DESIGNED FOR:
Marie Richardson

LOCATION:
7460 John Hancock Drive
Winter Garden, FL 34787

Request for Boat Dock Waiver for Terminal Platform Size



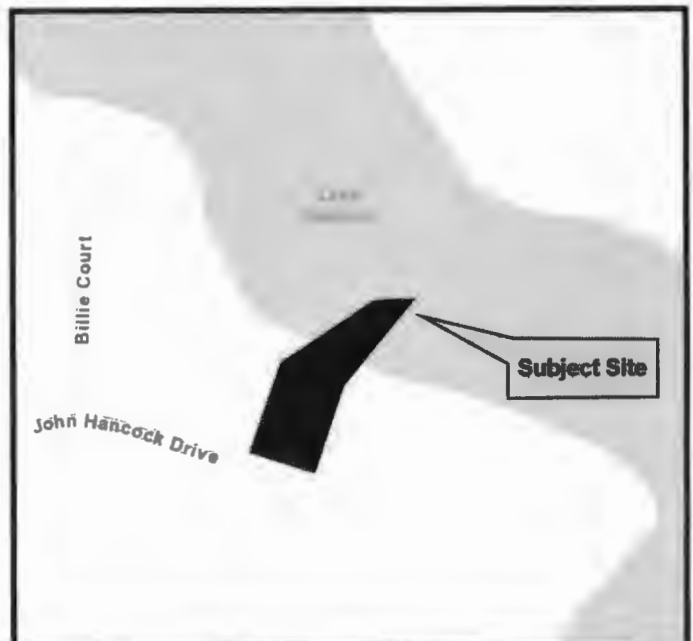
Request for Boat Dock Waiver for Terminal Platform Size

Permit No.: BD-21-07-104
District #1

Applicant: Maria Richardson
Address: 7460 John Hancock Drive
Parcel ID No.: 28-23-27-9178-03-150

Project Site 

Property Location 



Herr & Associates, Inc.

Land Surveyors

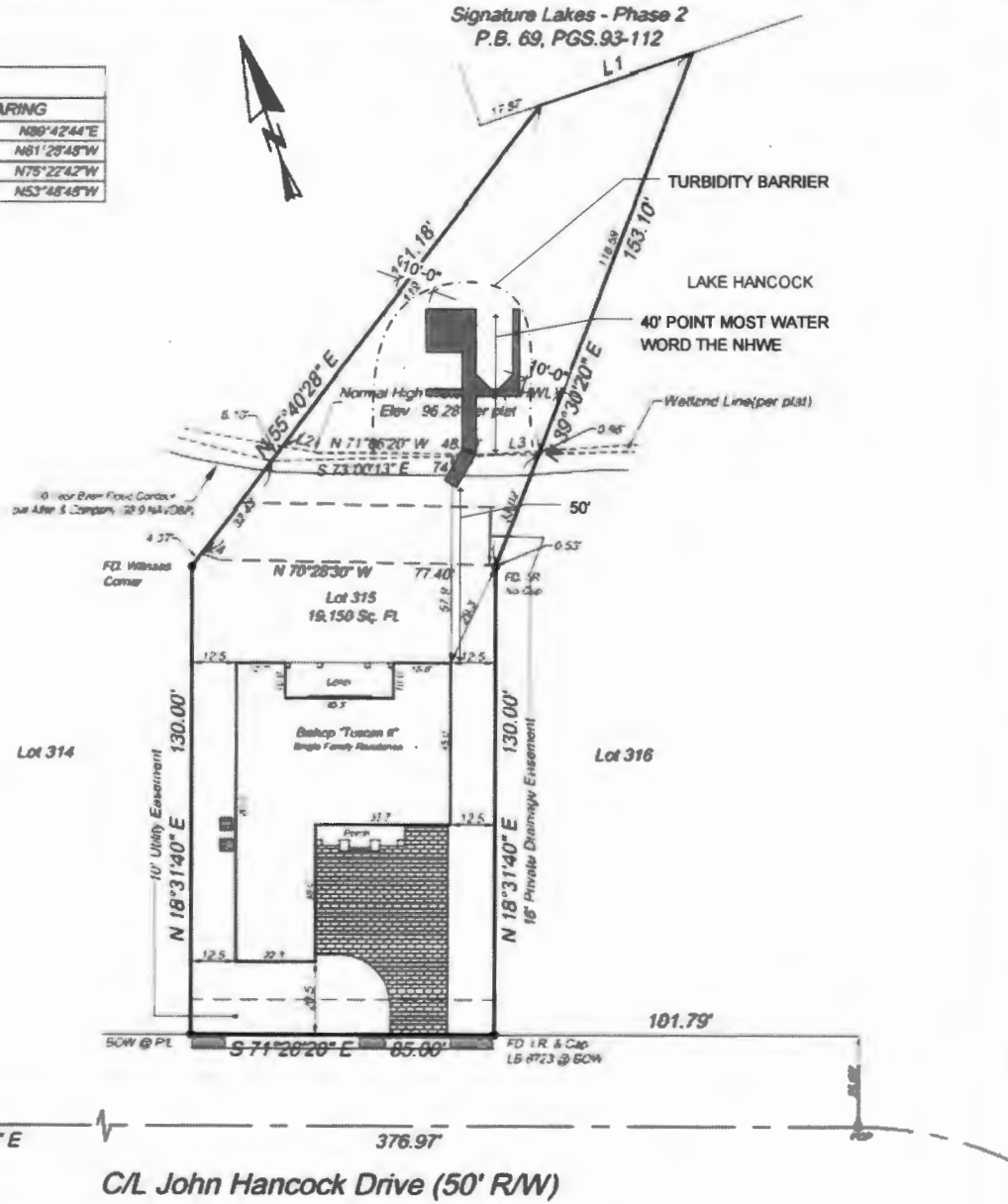
769 Douglas Avenue, Altamonte Springs, Florida 32714 • (407)788-8808

Member of the Florida Surveying and Mapping Society and the American Congress on Surveying and Mapping

received

10/6/21

NGTH	BEARING
44.88	N80°42'44"E
10.14	N61°29'48"W
13.20	N75°22'42"W
5.41	N53°48'48"W



HANCOCK ESTATES PHASE 4,
as recorded in plat book 93 at page(s) 148 - 155
of Duval County, Florida.

Parcel shown hereon lies within flood zone "AE"
as shown on Flood Insurance Rate Map community panel number
17009.

Survey is performed by graphic plotting onto Flood Insurance Rate
Map. There has been no field surveying performed by this firm to
verify this is the professional opinion of Herr & Associates, Inc.
The final determination as to the requirement of Flood
insurance is no responsibility for actual flooding conditions.

Address: 7480 John Hancock Drive

SETBACKS Estate District
(Per plans provided by client)
Front: 20' Front Porch: 10'
Side: 5' Rear: 50' NHWL

BEARING BASE. Bearings shown hereon are referenced to the Northerly
boundary of the recorded plat of West Lake Hancock Estates Phase 4
as being N 89°42'25" E.

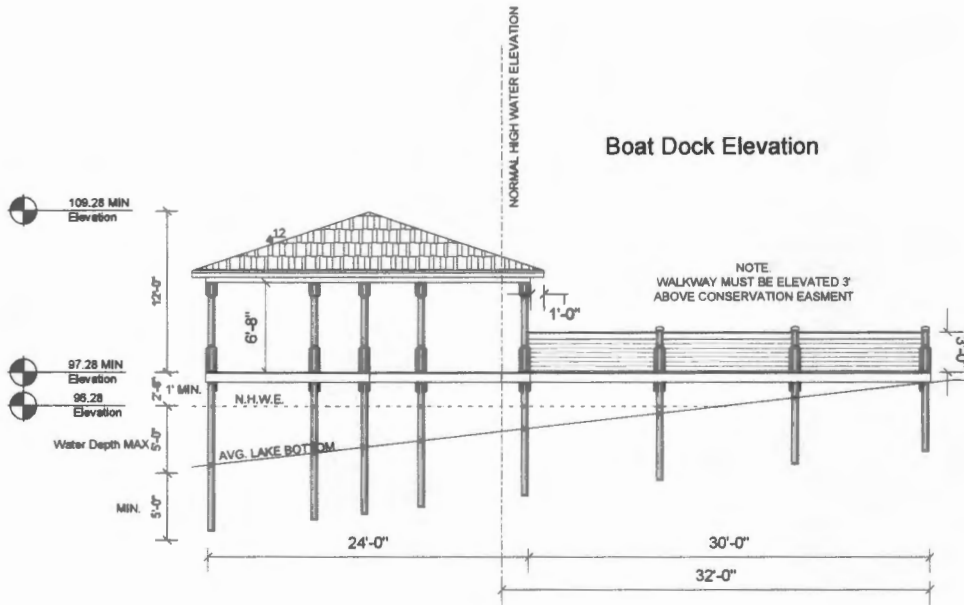
1 Purpose Topographic survey performed in the field on 06-26-19.
2 All utility installations, underground improvements or
sewer lines, if any, were located.
3 All exterior unfinished foundation surfaces or formboard,
if any, are obtained from approved construction plans provided by
client, and are shown only to depict the proposed or actual
construction to the assumed temporary benchmark shown hereon
subject to all easements, restrictions, and rights of
third parties noted or not on this document. No search of the public records has

been made hereon as is furnished by the client.
The client and their agents are to be held responsible for the accuracy of the information

Legend			
◆	Temporary Benchmark (Assumed or Surp)	OS	Offset
BOV	Back of sidewalk	O.R.B	Offset Person's Best
CL	Centerline	PB	Plot Book
∠	Control Or (Delta) Angle	PC	Point of Curvature
∠	Calculated	PCC	Point of Compound Curvature
CB	Chord Bearing	P.C.P	Permanent Control Point
CD	Chord	PG	Plat
C.M.	Concrete Monument	P.R.M	Permanent Reference Monument
EL. or ELEV	Elevation (Proposed)	PL	Plat
FINAL EL.	Elevation (Revised)	P.O.B	Point of Beginning
FD	Flood	P.O.C	Point of Commencement
FD R. Elev	Flood Rear Elevation	P.I	Point of Intersection
		P.P.C	Point of Previous Curvature
		PT	Point of Tangency

received
7/16/21

Boat Dock Elevation





received
12/1/21

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

I Michael R Carpenter on behalf of Maria Richardson (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 additional shaded area will be offset by a mitigation fee

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

None

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: Maria Richardson

Signature of Applicant/Agent

Date: 12/01/2021

Corporate Title (if applicable): _____



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

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
April 27, 2022

ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Florman Blackburn

Billy Butterfield

Peter Fleck

R. Alan Horn

Maime Imbrugua

Applicant: Maria Richardson

Permit Application Number: BD-21-07-104

Location/Address: 7460 John Hancock Drive, Winter Garden, FL 34787

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 590 square feet to 624 square feet with a mitigation payment of \$351.25 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Maria Richardson Dock Construction Permit BD-21-07-104. District I

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

Reject the findings recommendation of the Environmental Protection Officer, and make a finding that the request for waiver is not consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend denial of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 590 square feet to 624 square feet with a mitigation payment of \$351.25 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Maria Richardson Dock Construction Permit BD-21-07-104. District I

Signature of EPC Chairman: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 4-27-22



