



Interoffice Memorandum

AGENDA ITEM

February 4, 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: March 8, 2022 – Consent Item
Environmental Protection Commission Recommendation for
Request for Variance for Alex Perez Dock Construction
Permit BD-21-07-098

The applicant, Alex Perez, is requesting a dock construction permit with approval of a variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback). The project is located at 825 Springwood Drive, Orlando, Florida 32839 on Lake Holden in District 3. The Parcel ID Number is 11-23-29-9592-04-060.

On July 7, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace an existing dock at the subject property. Included with the dock application was an Application for Variance to Section 15-343(a) to reduce the side setback from the projected property line to the east from 10 feet to seven feet.

The existing dock was permitted in 2017 (#BD-17-04-045) and will be removed prior to construction of the new dock. The existing dock was approved with a variance to side setback of 6.87 feet from the western projected property line. The proposed dock will shift away from the western property boundary and be located closer to the eastern property boundary.

Variance Request – Side Setback

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks including designated mooring areas, shall have a minimum side-setback of ten (10) feet from the projected property line." The applicant has a shoreline that measures approximately 62 feet and therefore the dock is required to meet a setback of 10 feet. The applicant is proposing a side setback of seven feet to the eastern projected property line.

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.”

To address Section 15-350(a)(1)(1), the applicant states, “*The lengthening of boatslip and boathouse addition is to accommodate the full length of the boat, preventing safety issues of the boat currently hanging outside of the current boatslip.*”

To address Section 15-350(a)(1)(2), the applicant states, “*A Letter of No Objection was provided by the affected neighbor.*”

On November 17, 2021, EPD received a Letter of No Objection (LONO) from the affected property owner to the east (Trevor Martin at 819 Springwood Drive) stating that he had no objections to the dock construction plans.

Public Noticing

On November 16, 2021, a Notice of Application for Variance was sent to all shoreline property owners within a 300-foot radius of the property. No objections were received.

EPD Staff Evaluation/Recommendation

Staff has evaluated the variance request for compliance with the criteria for approval. The applicant has demonstrated that there will be no adverse effects 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 was received from the affected neighbor to the east. Additionally, the applicant has demonstrated that the hardship is not self-imposed per Section 15-350(a)(1)(1), as this parcel has a narrow shoreline with converging projected property lines making it difficult to meet the required setback. Therefore, the recommendation of the Environmental Protection Officer (EPO) is to approve the request for the variance to Chapter 15, Section 15-343(a) (side setback).

Environmental Protection Commission Public Hearing

EPD presented the variance request to the Environmental Protection Commission (EPC) at their January 26, 2022 meeting. 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 variance request to Section 15-343(a) (side setback) to reduce the side setback from the eastern projected property line from 10 feet to seven feet.

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March 8, 2022 – Consent Item

Environmental Protection Commission Recommendation for Variance Request for Alex
Perez Dock Construction Permit BD-21-07-098

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) to reduce the side setback from the eastern projected property line from 10 feet to seven feet for the Alex Perez Dock Construction Permit BD-21-07-098. District 3

JVW/DDJ: jk

Attachments

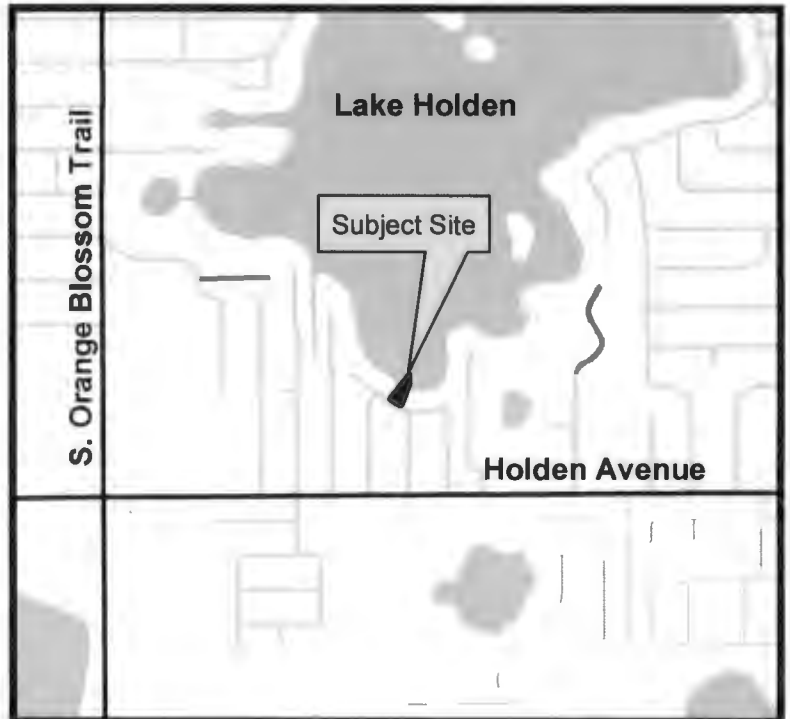
Dock Construction Application for Variance



**Dock Construction Application
for Variance**
BD-21-07-098
District #3

Applicant: Alex Perez
Address: 825 Springwood Drive
Parcel ID: 11-23-29-9592-04-060

Project Site 
Property Location 



AS-BUILT SURVEY

Legal Description:

Lot 6, Block D, HOLDEN PARK, according to the map or plat thereof, as recorded in Plat Book Z, Page 127, of the Public Records of Orange County, Florida.

Certified to/ for the exclusive use of:

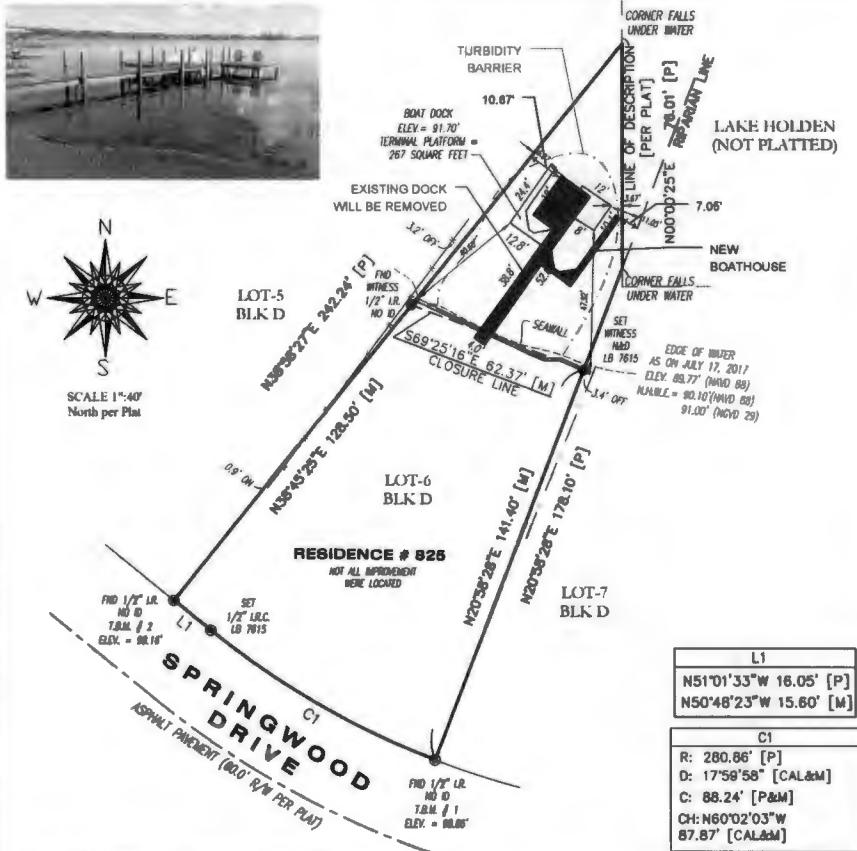
William K. James and Cathy W. James

Flood Insurance Rate Map:

Community Number: 120179 Panel: 0410
SoFits F Flood Insurance Rate Map
Dated September 23, 2009 Flood Zone: "X"
Map ID: 12095C0410F



SCALE 1"=40'
North per Plat



L1	
N51°01'33"W 16.05' [P]	
N50°48'23"W 15.60' [M]	
C1	
R: 280.86' [P]	
D: 17°59'58" [CAL&M]	
C: 88.24' [P&M]	
CH: N60°02'03"W 87.87' [CAL&M]	

Address: 825 Springwood Drive, Orlando, Florida 32839

LEB/ON G/OUN
LAND SURVEYING AND MAPPING CORP.
1730 Winter Woods Blvd Suite 104 Winter Park Florida 32789
Phone: (407) 787-9559 Fax: (407) 517-3384
Website: WWW.LEBONGROUP.COM
LEBON@LEBONGROUP.COM

Legend:

- 6.8 PLAT #1000
- 4.0 PLAT #1000
- ELLIPSE MARK
- WIDE DOUBLE LINE
- 1/2" I.R. NO D
- ADJUST
- COVERED AREA
- CONCRETE

Surveyor's Notes:

- Legal Description provided by Owner.
- The points shown herein were not established for easements or other recorded encumbrances not shown on the Plat.
- Underground utilities or visible obstructions have been located and marked.
- Wall ties are on the face of the wall and are not to be used and to maintain structural integrity.
- The visible encumbrances are noted.
- No identification found of property corners unless otherwise shown.
- Dimensions shown are Plat and Measured unless otherwise shown.
- Survey boundaries are shown.
- This survey depicts here forms a closed geometric figure.
- No underground encumbrances or visible obstructions have been located since first shown.
- This survey is prepared for the exclusive use and benefit of the parties listed herein liability to third parties may not be transferred or assigned.
- This drawing may not be used for electronic transfer.
- This survey does not reflect an extensive ownership.
- Survey corners and building corners are attached monuments to restricted corners, dimensions are as shown.
- Subject to any deduction, restriction, reservation, and/or easement of record not shown on the Plat.
- This Survey is not an ALTA/ACSM Land Title Survey.
- This Survey was prepared without the benefit of a commitment to this drawing.
- For client request, NOT ALL IMPROVEMENTS WERE LOCATED.
- Calculations shown herein are based on benchmark 1142700 with elevation 30.64' (NAVD 83).

Abbreviations:

B	BOUNDARY	P	POINT OF OBSERVATION
C	CORNER	R	RECORD
D	DEED	S	SECTION
E	EASEMENT	T	TERRACE
F	FENCE	U	UTILITY
G	GRASS	V	VEGETATION
H	HIGHWAY	W	WATER
I	IMPROVEMENT	X	CROSSING
J	JUNCTION	Y	YARD
K	KITCHEN	Z	ZONING
L	LAND		
M	MATERIAL		
N	NORTH		
O	OFFICE		
P	POINT		
Q	QUARTER		
R	RECORD		
S	SECTION		
T	TERRACE		
U	UTILITY		
V	VEGETATION		
W	WATER		
X	CROSSING		
Y	YARD		
Z	ZONING		

THIS SURVEY WAS THE PROPERTY OF HECTOR FOR LEBRON AS BEING A MEMBER OF THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 475.01 OF THE FLORIDA STATUTES.

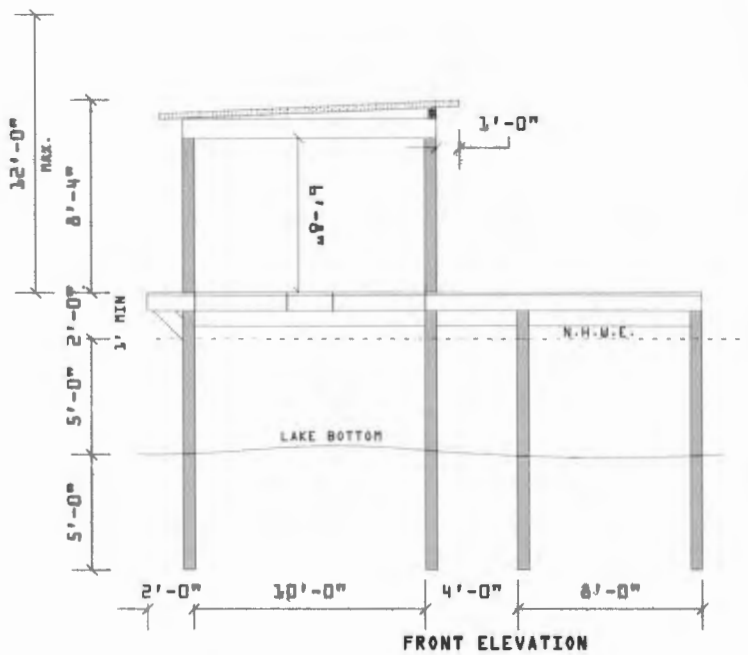
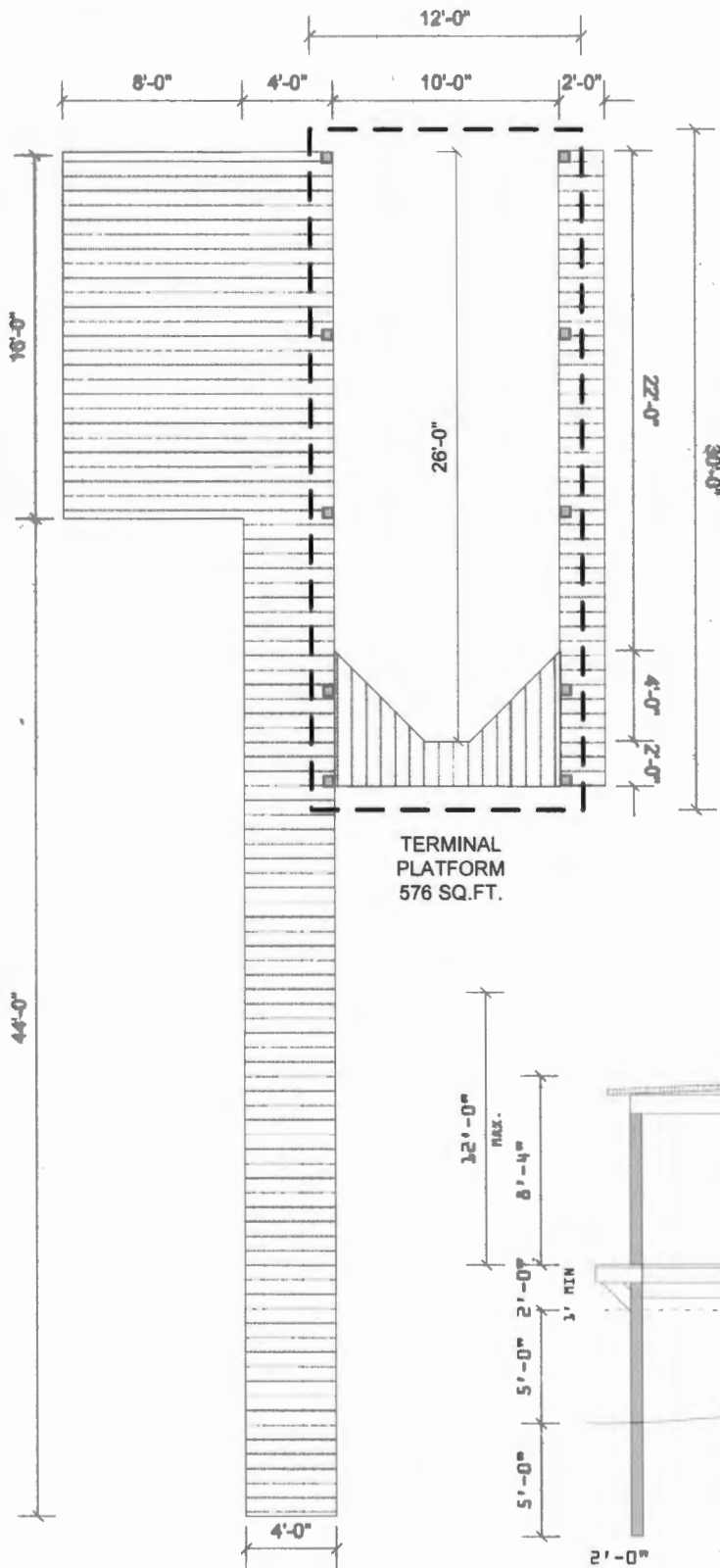
HECTOR FOR LEBRON
LICENSE NUMBER
L.S. 6634
DATE OF PLATING
PROFESSIONAL SURVEYOR NO. 00000000

Basis of Bearing:
Bearings shown herein are based on the NORTHERLY Right-of-Way Line of SPRINGWOOD DRIVE, being N60°02'03"W. Calculated from Plat.

THE FLOOD DATA PROVIDED IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE LOCAL F.E.M.A. AGENCY SHOULD BE CONTACTED FOR VERIFICATION.

DATE: July 16, 2017
HECTOR FOR LEBRON PSM 76934
ROSE RAUE NEGRON PSM 10690
Florida Professional Surveyor and Mapper
NOT VALID WITHOUT AN UNREVOKED ELECTRONIC SIGNATURE AND NO PRINTED SIGNATURE, SEAL, AND/OR THE MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SIGNED COPY OF A FLORIDA-CERTIFIED SURVEYOR AND MAPPING ENGINEER.

SURVEY NO:	2017-1065	SHEET NO.:	
FILED DATE:	07/17/2017		
REVIEWED BY:	H.L.A.		
SURVEYED BY:	J.P.		
DRAWN BY:	F.M.		



DESIGNED FOR:
 Alex Perez

LOCATION:
 825 Springwood Drive
 Orlando, FL 32839

Copyright
 United States Copyright Office
 NO. 062621.014 MRC
 SCALE: 1/8" = 1' 0"





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 Alex Perez 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 15-343(a) 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):

The lengthening of boatslip and boathouse addition is to accommodate the full length of the boat, preventing safety issues of the boat currently hanging outside of current boatslip.

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

A Letter of No Objection was provided by the affected neighbor.

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: Alex Perez
Signature of Applicant/Agent: [Signature] Date: 12/20/2021
Corporate Title (if applicable):



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) 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. 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."

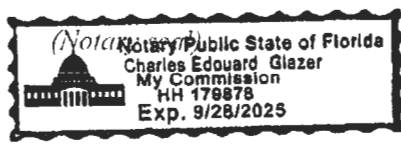
I, Trevor Martin, a legal property owner of property located at 819 Springwood Dr, have reviewed the dock construction plans dated 11/11/21, for the property located at 825 SPRINGWOOD DR, and have no objections.

The dock construction plans include a side setback waiver request of _____ feet, in lieu of the minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner) 11/16/21 (Date) Trevor A Martin (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT: STATE OF FLORIDA COUNTY OF Orange

The foregoing instrument was acknowledged before me this 16th day of 2021 by Trevor A Martin



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification X

Type of Identification Produced Florida Driver's License



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

Florman Blackburn

Billy Butterfield

Peter Fleck

Richard Horn

Elaine Imbruglia

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
January 26, 2022

Applicant: Alex Perez

Permit Application Number: BD-21-07-098

Address: 825 Springwood Drive, Orlando, FL 32839

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-343(a) to reduce the side setback from the eastern projected property line from 10 feet to seven feet for the Alex Perez Dock Construction Permit BD-21-07-098. District 3

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: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 1-26-22