

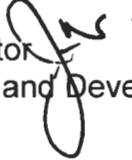


Interoffice Memorandum

AGENDA ITEM

August 9, 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) 836-1405**

SUBJECT: September 10, 2019 — Consent Item
Environmental Protection Commission Recommendation for an
After-the-Fact Waiver Request for the Ricardo Cardenas Dock
Construction Permit BD-19-05-041

Ricardo Cardenas is requesting approval of an after-the-fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 1467 Kelso Boulevard, Windermere, Florida 34786. The Parcel ID number is 13-23-27-4110-00-240. The subject property is located on Lake Butler in District 1.

On July 20, 2017, the Environmental Protection Division (EPD) issued a permit (BD-17-06-073) to construct a dock at the subject property. On May 10, 2019, EPD received an as-built survey that indicated the dock was built 22.2 feet from the southern property line in lieu of the required and permitted 25 feet. Included with the as-built survey submittal was an Application for Waiver (after-the-fact) for a reduced side setback.

On May 29, 2019, EPD sent a Notice of Application for Waiver to the affected property owner. The notice was returned unclaimed to EPD on June 20, 2019. The Notice of Application was then posted on the front door of the residence at 1473 Kelso Boulevard, Windermere, FL 34786, on June 28, 2019. EPD has received no objections or comments from the affected property owner.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the waiver request and other required documents. At the July 31, 2019 public hearing before the Environmental Protection Commission (EPC), the recommendation of the Environmental Protection Officer (EPO) was to approve the after-the-fact waiver to Section 15-343(b) (side setback). The EPC voted to uphold the recommendation of the EPO and recommended approval of the after-the-fact waiver to Section 15-343(b) (side setback).

ACTION REQUESTED: Acceptance of recommendation of the Environmental Protection Commission to approve the request for an after-the-fact waiver to Section 15-343(b) (side setback) for the Ricardo Cardenas Dock Construction Permit BD-19-05-041. District 1

JVW/DDJ: mg

Attachments



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
 July 31, 2019

Johnathan Huels
 Chairman

Mark Ausley
 Vice Chairman

Oscar Anderson

Perry Barnas

Norman Blackburn

Mark Corbett

Theodore Geltz

PROJECT NAME: Ricardo Cardenas
 PERMIT APPLICATION NUMBER: BD-19-05-041
 LOCATION/ADDRESS/LAKE: 1467 Kelso Boulevard, Lake Butler

RECOMMENDATION:

Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), approve the request for an After-the-Fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback) for the Cardenas Dock Construction Permit BD-19-05-041, District 1.

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: _____

EPC Recommendation Date: _____

7/31/19

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-19-05-041

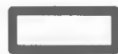
District #1

Applicant: Ricardo Cardenas

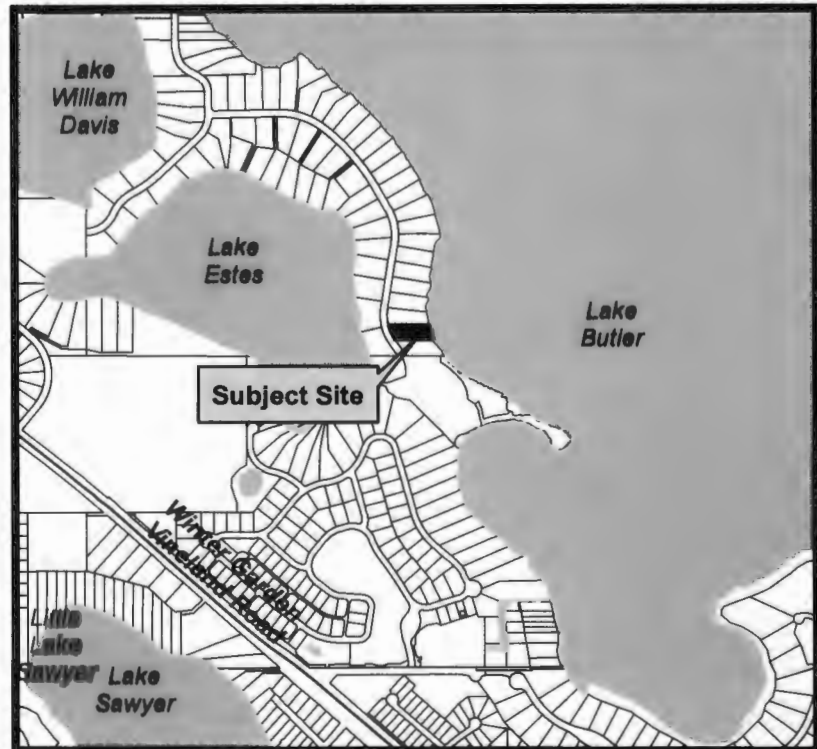
Address: 1467 Kelso Boulevard

Parcel ID: 13-23-27-4110-00-240

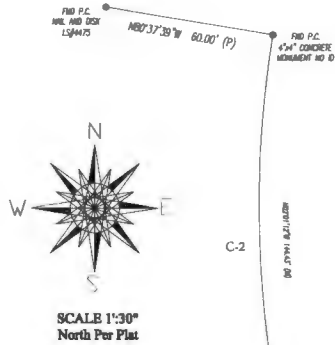
Project Site



Property Location



AS BUILT SURVEY

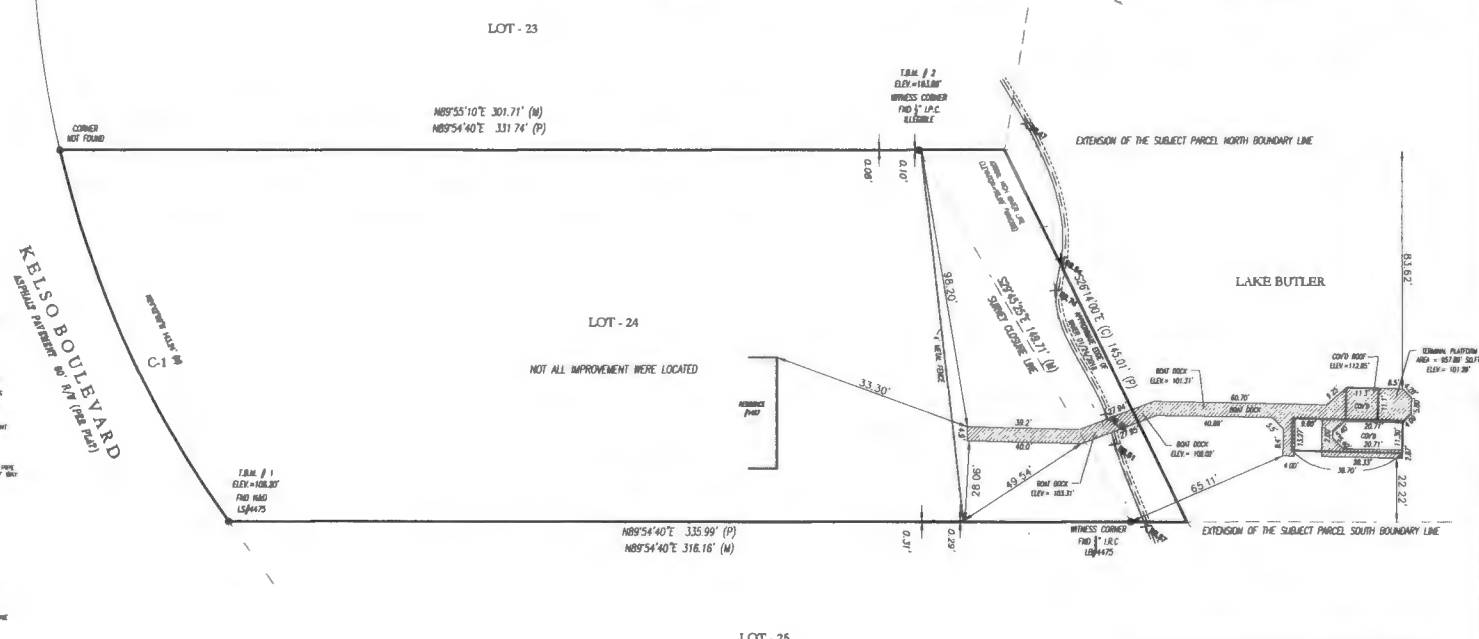


CURVE C-1
 $\Delta=22^{\circ}35'14''$ (P)
 $R=365.58'$ (C)
 $L=144.12'$ (P)
 $CB=524^{\circ}42'23''E$ 143.19' (C)
 $CB=524^{\circ}42'23''E$ 143.24' (M)

CURVE C-2
 $\Delta=22^{\circ}47'07''$ (P)
 $R=365.58'$ (C)
 $L=145.38'$ (P)
 $CB=502^{\circ}01'12''E$ 144.43' (C)(M)

- SURVEYOR NOTES:**
1. Legal Description provided by others.
 2. The lands shown hereon were not obstructed for easements or other recorded encumbrances not shown on the Plat.
 3. Underground portions of footings, foundations or other improvements were not located.
 4. Well lines are to the face of the wall and are not to be used used to reconstruct boundary lines.
 5. Dirty dilute encroachments located.
 6. No identification found on property corners unless otherwise shown.
 7. Dimensions shown are Plat and Measured unless otherwise shown.
 8. Fence ownership not determined.
 9. This survey depicted here forms a closed geometric figure.
 10. No underground improvements or visible obstructions have been located other than shown.
 11. This survey is prepared for the exclusive use and benefit of the parties listed hereon liability to third parties may not be transferred or assigned.
 12. Notice this drawing may not be scale due to electronic transfer.
 13. This survey does not reflect or determine ownership.
 14. Fenced corner and building corners are witness monuments to obstructed corner, dimensions are as shown.
 15. Subject to any objection, limitations, restrictions, reservations, and/or easement of record no examination of Title made by Surveyor.
 16. This is not a Boundary Survey.
 17. Not all improvements were located.
 18. Benchmark Used #5129055 Dwarden 119 811 NAYD88, Orange County Vertical.

Legal Description:
 Lot 24, KELSO ON LAKE BUTLER, according to the Plat thereof, as recorded in Plat Book 5, Page 48, Public Records of Orange County, Florida.



Legend:

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| <ul style="list-style-type: none"> 1/8" - SECTION OF BUNK 1/4" - SECTION OF CURB 1/2" - SECTION OF DRIVE 3/4" - SECTION OF DRIVE 1" - SECTION OF DRIVE 1 1/2" - SECTION OF DRIVE 2" - SECTION OF DRIVE 3" - SECTION OF DRIVE 4" - SECTION OF DRIVE 6" - SECTION OF DRIVE 8" - SECTION OF DRIVE 12" - SECTION OF DRIVE 18" - SECTION OF DRIVE 24" - SECTION OF DRIVE 36" - SECTION OF DRIVE 48" - SECTION OF DRIVE 72" - SECTION OF DRIVE 108" - SECTION OF DRIVE 144" - SECTION OF DRIVE 180" - SECTION OF DRIVE 216" - SECTION OF DRIVE 252" - SECTION OF DRIVE 288" - SECTION OF DRIVE 324" - SECTION OF DRIVE 360" - SECTION OF DRIVE 432" - SECTION OF DRIVE 504" - SECTION OF DRIVE 576" - SECTION OF DRIVE 648" - SECTION OF DRIVE 720" - SECTION OF DRIVE 792" - SECTION OF DRIVE 864" - SECTION OF DRIVE 936" - SECTION OF DRIVE 1008" - SECTION OF DRIVE 1080" - SECTION OF DRIVE 1152" - SECTION OF DRIVE 1224" - SECTION OF DRIVE 1296" - SECTION OF DRIVE 1368" - SECTION OF DRIVE 1440" - SECTION OF DRIVE 1512" - SECTION OF DRIVE 1584" - 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**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 Richard Cardenas (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 wetland vegetation is consistent along the shoreline. Locating the boathouse in one place vs. another does not change the environmental impact.

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 adjacent boathouse extends out well past Mr Cardenas' terminal platform. The adjacent property owner had agreed to sign a setback waiver, but never followed through and then the house changed hands. It is currently in a trust and we have been having trouble reaching the new owner.

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  Date: 05/10/2019
Corporate Title (if applicable): President, Streamline Permitting, Inc.