

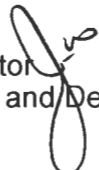



Interoffice Memorandum

AGENDA ITEM

November 1, 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: December 13, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Jason Roland and Anita Yeung-Roland
Dock Construction Permit BD-22-07-139

The applicants, Jason Roland and Anita Yeung-Roland, are requesting a dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 1 1st Court, Windermere, FL 34786 (Parcel ID Number is 17-23-28-9336-04-582) on Wauseon Bay in District 1.

On July 13, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock to modify an existing boat dock at the subject property. Included with the application was a request to reduce the side setback distance. On September 1, 2022, in response to EPD's Request for Additional Information, a completed Application for Waiver to Section 15-343(b) was received. The request is to reduce the side setback distance from the northern projected property line from 25 feet to 10 feet.

Waiver Request – Side Setback

Chapter 15, Article IX, Section 15-343(b) of the Code 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." The applicants have a shoreline that measures approximately 90.4 feet at the Normal High Water Elevation (NHWE), allowing for a minimum side setback of 25 feet. The applicants are requesting a side setback of 10 feet from the northern projected 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 applicants' agent, Mr. Jonathan Geiger, states, "This waiver is for a 10' setback. This setback will be in accordance with the change in the Orange County Environmental Dock setback requirements set to take effect in 2023."

To address Section 15-350(a)(2)(2), the applicants' agent states, "*The waiver will be for a 10' setback from the abutting shoreline owner. This setback distance has already been approved by the Town of Windermere via their variance process.*"

Public Notification

On September 9, 2022, a Notice of Application for Waiver was sent to the affected adjacent property owner. Delivery of the certified letter was confirmed on September 12, 2022. On October 17, 2022, EPD received correspondence from Mr. John Mark Ramsey, owner of 3 1st Ct., the adjacent property to the north. In his correspondence, Mr. Ramsey indicated he would "*request the portion of the new dock that is in the water be moved to the south.*" However, Mr. Ramsey also indicated that if the current request would not require a variance under the new dock code (effective January 1, 2023) that he is "*not raising any opposition to the County variance request.*" Under the new code, the minimum side setback for the applicants' lot will be 10 feet. On September 28, 2022, the applicants and agent were sent notices to inform them of the October 26, 2022 Environmental Protection Commission (EPC) meeting and on October 18, 2022, Mr. Ramsey was sent a notice to inform him of the October 26, 2022 EPC meeting.

Objections

No objections have been received.

EPD Staff Evaluation

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 15-343(b) (side setback). The applicants have demonstrated that there will be no negative affect on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections have been received. Furthermore, pursuant to Section 15-350(a)(2)(1), the applicants have demonstrated there will be no negative effects to the environment as the reduced setbacks will not have any increased effects on submerged or emergent resources.

Environmental Protection Commission Public Hearing

EPD presented the waiver request in a public hearing before the EPC at their October 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 request for waiver to Section 15-343(b) (side setback).

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 15-343(b) to allow a side setback distance of 10 feet from the northern projected property line in lieu of the required 25 feet for the Jason Roland and Anita Yeung-Roland Dock Construction Permit BD-22-07-139. District 1.**

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-22-07-139

District #1

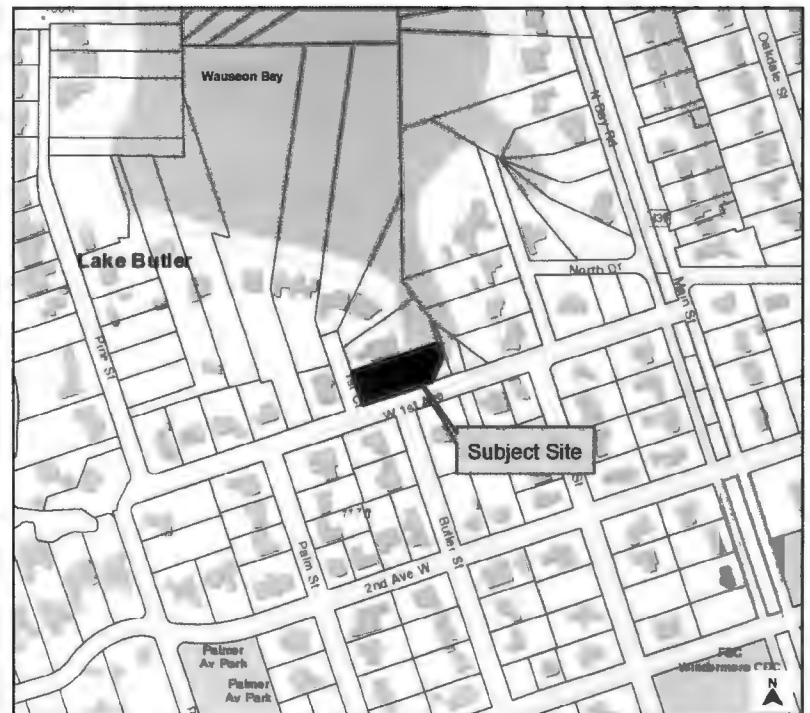
Applicants: Jason Roland and Anita Yeung-Roland

Address: 1 1st Ct., Windermere, FL 34786

Parcel ID: 17-23-28-9336-04-582

Project Site 

Property Location 





**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 Jonathan Geiger on behalf of Jason Roland (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), 5-343(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:

This waiver is for a 10' setback. This setback will be in accordance with the change in Orange County Environmental Dock setback requirements set to take effect in 2023.

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

The waiver will be for a 10' setback from the abutting shoreline owner. This setback distance has already been approved by the Town of Windermere via their variance process.

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: Jonathan Geiger

Signature of Applicant/Agent  Date: 9/1/22

Corporate Title (if applicable): _____







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ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
 October 26, 2022

ENVIRONMENTAL
 PROTECTION
 COMMISSION

Mark Ausley
 Chairman

R. Alan Horn
 Vice Chairman

Flormari Blackburn

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Oscar Anderson

Applicants: Jason Roland and Anita Yeung-Roland

Permit Application Number: BD-22-07-139

Location/Address: 1 1st Court, Windermere, FL 34786

RECOMMENDATION: Accept the findings 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 15-343(b) to allow a side setback distance of 10 feet from the northern projected property line in lieu of the required 25 feet for the Jason Roland and Anita Yeung-Roland Dock Construction Permit BD-22-07-139. 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: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 10-26-22