



Interoffice Memorandum

AGENDA ITEM

April 21, 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: May 24, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Carmel by the Lake, LLC
for Dock Construction Permit BD-21-09-134

The applicant, Carmel by the Lake, LLC, is requesting a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Section 15-342(e) (roof height). The project site is located at 7040 Via Carmel Way, Orlando, FL 32819 on Lake Tibet-Butler in District 1. The Parcel ID Number is 28-23-28-1195-00-110.

On September 22, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. On October 7, 2021, EPD received 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 1,000 square feet to 2,318 square feet, and on October 11, 2021, EPD received an Application for Variance to Section 15-342(e) (roof height) to increase the maximum roof height from 12 to 19.3 feet and an Application for Waiver to Section 15-343(b) (side setback) to reduce the setback from the northern projected property line from 25 feet to zero feet.

On December 29, 2021, EPD received a revised Application for Variance to Section 15-342(e) (roof height) and revised Application for Waiver to Section 15-342(b) (terminal platform) with expanded explanations for the requests.

On January 28, 2022, EPD received revised plans that depicted a reduction in the proposed roof height from 19.3 feet to 15 feet and a revised location of the terminal platform. The revised location of the terminal platform meets the minimum required side setbacks, so the waiver to Section 15-343(b) (side setback) is no longer needed.

Terminal Platform Size Waiver

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 1,000 square feet." The applicant has a shoreline that measures over 1,000 linear feet at the

Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 1,000 square feet. The applicant is requesting to construct a new dock with a terminal platform size of 2,318 square feet (1,318 square feet larger than allowed).

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. Peter Fleck) states, “The homeowner has over 1500 linear feet of shoreline, if he had developed it into 12-13, 125’LF wide lots the possibility to have 12-13 docks of 1000 sq feet would have been a substantially greater impact than what is proposed. This plan also allows most of the property to be naturally vegetated and is significantly less of an impact than smaller lots with individual docks and access corridors. In addition, the homeowner is willing to pay into the mitigation fund.”

To address Section 15-350(a)(2)(2), Mr. Fleck states, “The proposed dock is located on what appears to be a man-made canal/inlet and not on the main part of the lake. This location is isolated and mostly hidden from sight due to a heavily vegetated island in the inlet and distance from any neighboring properties.”

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment in the amount of \$1,524 to the Conservation Trust Fund (CTF).

Roof Height Variance

Chapter 15, Article IX, Section 15-342(e) of the Code states, “The maximum roof height shall be no higher than twelve (12) feet above the floor elevation.” The applicant is requesting a roof height of 15 feet above the floor elevation.

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), Mr. Fleck states, “The Homeowner [sic] has 2 large boats with towers and needs to [sic] additional height to accommodate the towers. He has designated a dock plan for his property that is larger but has less environmental impact than a [sic] multiple docks in a more traditional development. However, the larger dock requires a taller roof. The taller roof does not cause any additional environmental impacts.”

To address Section 15-350(a)(1)(2), Mr. Fleck states, “The proposed dock is located on what appears to be a man-made canal/inlet and not on the main part of the lake. This

location is isolated and mostly hidden from sight due to a heavily vegetated island in the inlet and distance from any neighboring properties. Therefore there should be no impact to abutting shoreline owners.”

Mooring Area - Maximum Water Depth

On February 3, 2022, EPD received a site plan depicting bathymetric measurements taken by the agent, Mr. Fleck, that indicates water depths in the mooring area for the proposed dock will range from six to eight feet. According to Section 15-342(a), “The maximum water depth allowed for mooring areas is five feet, as measured from the NHWE, unless the natural conditions of the water body necessitate a greater water depth to allow reasonable mooring conditions.” The applicant has situated the dock with the proposed terminal platform close to the shoreline. As shown on the site plan, the proposed dock walkway is only 10 feet in length. EPD has determined that the drop in lake bottom elevations in the area of the proposed dock represents a natural condition that necessitates a greater water depth to allow reasonable mooring conditions; therefore, pursuant to Section 15-342(a), a variance to the maximum allowed water depth is not required.

Dock Placement

Due to the proposed size of the dock within a small cove of Lake Tibet-Butler, EPD requested a navigational assessment from the Orange County Sheriff's Office (OCSO). On February 5, 2022, the OCSO responded that they identified no navigational concerns with the current placement of the proposed dock.

Public Notification

On December 10, 2021, Notices of Application for Waiver and Variance were sent to all shoreline property owners within a 300-foot radius. On January 11, 2022, EPD received a comment letter from Mr. Michael Hug at 6126 Ches Court (located across the cove). Mr. Hug indicated that since the time the notice was received he had spoken with Mr. Charles Whittall, as the applicant's representative, who communicated that the dock location was being revised from adjacent to the northern property line, as indicated in the original plans, to further south, and that the height was being reduced from 19.3 feet to 15 feet. Mr. Hug indicated in his letter that if the filings with EPD were amended to reflect the changes communicated by Mr. Whittall, and if the canal entrance to the cove would not be blocked at any time during construction, he did not take exception to the variance or waiver requests. The dock location and height were revised with submittal of the current plans and reflect the changes Mr. Whittall expressed were forthcoming in his conversation with Mr. Hug.

On February 10, 2022, notices were resent to shoreline property owners within a 300-foot radius to reflect the revised plans received on January 28, 2022. Several notices were not delivered by the United States Postal Service (USPS); therefore, EPD requested that the applicant's agent hand deliver all of the notices not delivered by the USPS. This was completed by Mr. Fleck on February 19, 2022; confirmation (photographs) that the notices were delivered was provided to EPD on the same day. Additionally, EPD emailed the notice and revised plans directly to Mr. Hug on February 10, 2022. No objections to the revised plans have been received.

The applicant, agent, and original objector were sent notices on February 23, 2022 to inform them of the Environmental Protection Commission (EPC) meeting on March 30, 2022.

Enforcement Action

On January 11, 2021, EPD issued a Notice of Violation (Enforcement Case No. 20-583012) to the applicant for unauthorized wetland impacts in the area of the proposed boat dock. On August 4, 2021, EPD approved a restoration plan that included the installation of native trees. On January 26, 2022, EPD received a revised restoration plan that depicts the proposed dock and revised locations for the proposed trees away from the dock. On September 20, 2021 the applicant remitted to EPD a penalty payment in the amount of \$7,189.80. The enforcement case is not fully resolved as of the date of this memo, but the applicant is continuing to work with EPD to bring the property into compliance.

EPD Staff Evaluation/Recommendation

Staff 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 final plans 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 \$1,524 to the CTF.

Staff also evaluated the variance request for compliance with the criteria for approval. The recommendation of the EPO is to deny the request for variance to Section 15-342(e) (roof height) based on a finding that the applicant failed to demonstrate that the hardship is not self-imposed pursuant to Section 15-350(a)(1)(1), as it is the applicant's decision to purchase large boats for which a dock that meets the roof height criterion cannot be constructed, and a finding that a dock without a roof could be constructed to moor large boats and still meet the Code.

EPC Public Hearing

EPD presented the waiver and variance requests to the EPC at their March 30, 2022 public meeting. Mr. Charles Whittal (of Carmel by the Lake, LLC) and Mr. Fleck attended on behalf of the applicant. Mr. Fleck is a member of the EPC and submitted documentation prior to the hearing identifying a conflict of interest with the item being heard; therefore, he did not vote on the recommendation.

Chairman Mark Ausley asked for confirmation of the upcoming changes to Article IX regarding the roof height criterion. Mr. Neal Thomas (EPD) replied that the proposed change is to increase the maximum allowable roof height from 12 to 15 feet. Chairman Ausley then asked for confirmation that only a portion of the dock was proposed with a roof height of 15 feet, and Mr. Thomas confirmed by showing the proposed side view/elevation plan slide in the presentation.

Commission member Alan Horn remarked that the applicant could raise the floor elevation three feet, and build a roof that meets the maximum height (12 feet above the floor), which would result in a roof at the same elevation as proposed without need for a variance. Committee member Oscar Anderson commented that this situation is one reason this code criterion is being revised.

Mr. Whittal stated that the property is large and could have been platted into several parcels (the applicant is also the developer of the subdivision), each with their own dock, rather than just the one parcel with this one large dock. He also clarified that the requested roof height is to accommodate a boat with a tower and to dock the boat completely out of the water when not in use.

Chairman Ausley closed the public hearing. He added that he has no issue with the proposed roof height, to which Mr. Anderson agreed. Chairman Ausley also noted that while the proposed structure is large, it is tucked away in the cove and pointed out that the OCSO stated they have no objection to it.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO on the waiver request, and recommended approval of the waiver to Section 15-342(b) (terminal platform size) with the condition that the applicant remit a payment in the amount of \$1,524 to the CTF as mitigation for the additional shading impacts, and to reject the findings and recommendation of the EPO on the variance request, and recommended approval of the variance to Section 15-342(e) (roof height).

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 1,000 to 2,318 square feet with a mitigation payment of \$1,524 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and approval of the request for variance to Section 15-342(e) to increase the maximum roof height from 12 feet to 15 feet for the Carmel by the Lake, LLC Semi-Private Dock Construction Permit BD-21-09-134. District 1

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance

BD-21-09-134

District #1

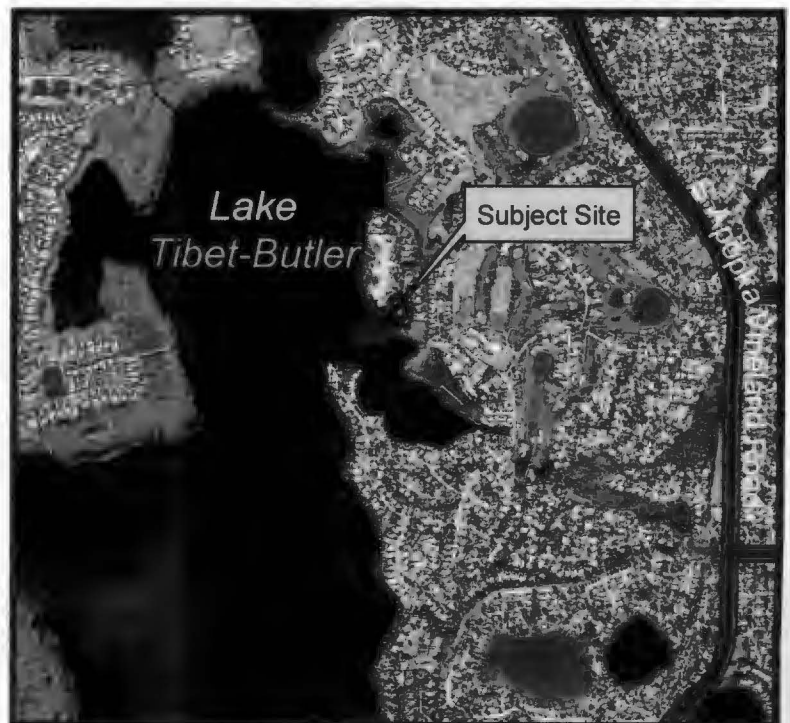
Applicant: Carmel by the Lake LLC

Address: 7040 Via Carmel Way

Parcel ID: 28-23-28-1195-00-110

Project Site 

Property Location 



DOCK PLANS

received
1/28/2022

Whittall Boat Dock

Boat Dock 1 - 7040 Via Carmel Way

Prepared For

Q-ICE Builders

Prepared By

 **THOMPSON ENGINEERING GROUP, INC**

Engineer: Michael Thompson, MSc, P.E. (#47509)

4401 Vineland Road, Suite A6

Orlando, Florida 32811

Ph: 407-734-1450

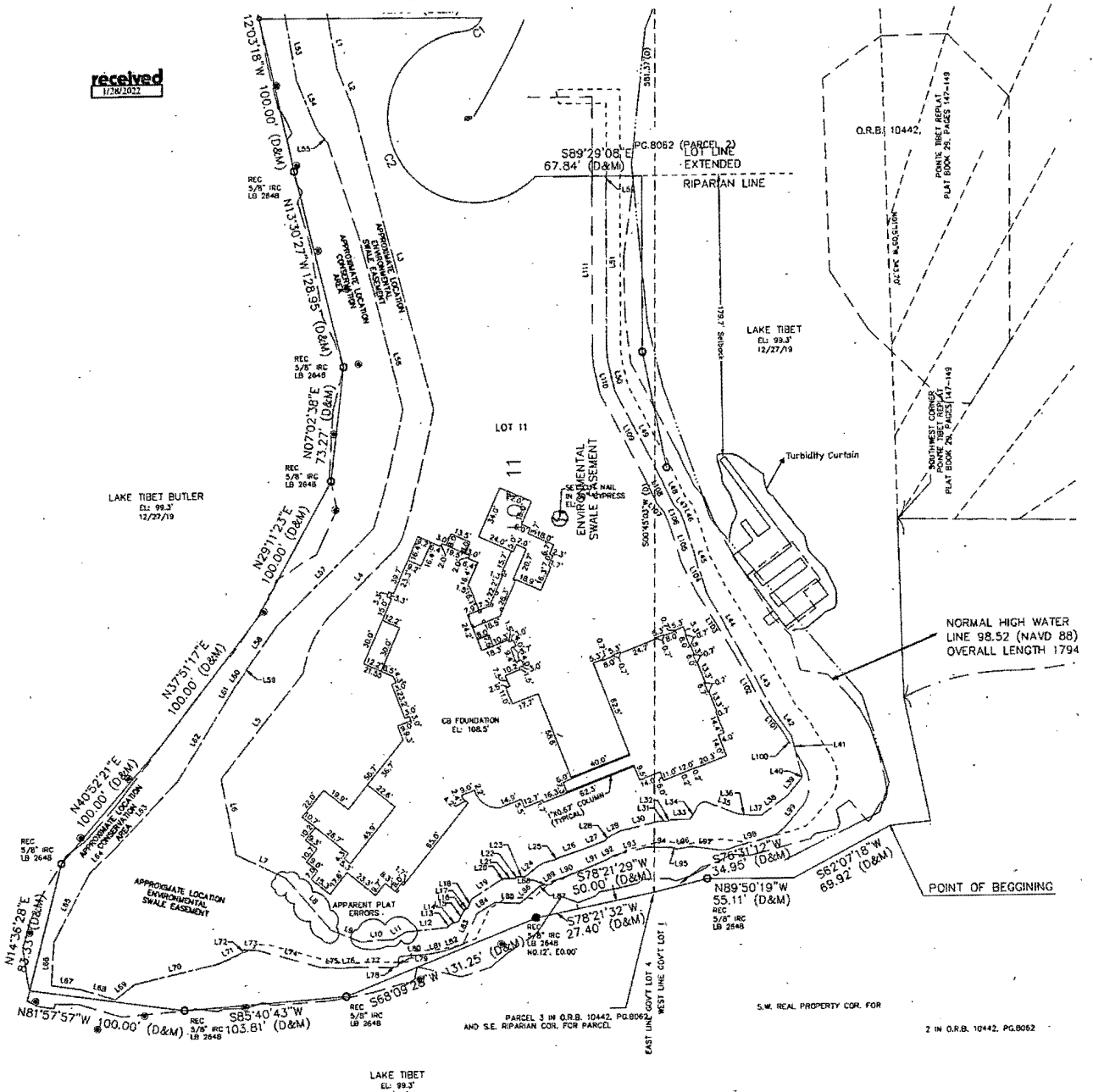
Fax: 407-734-1790

Certificate of Authorization No. 30060

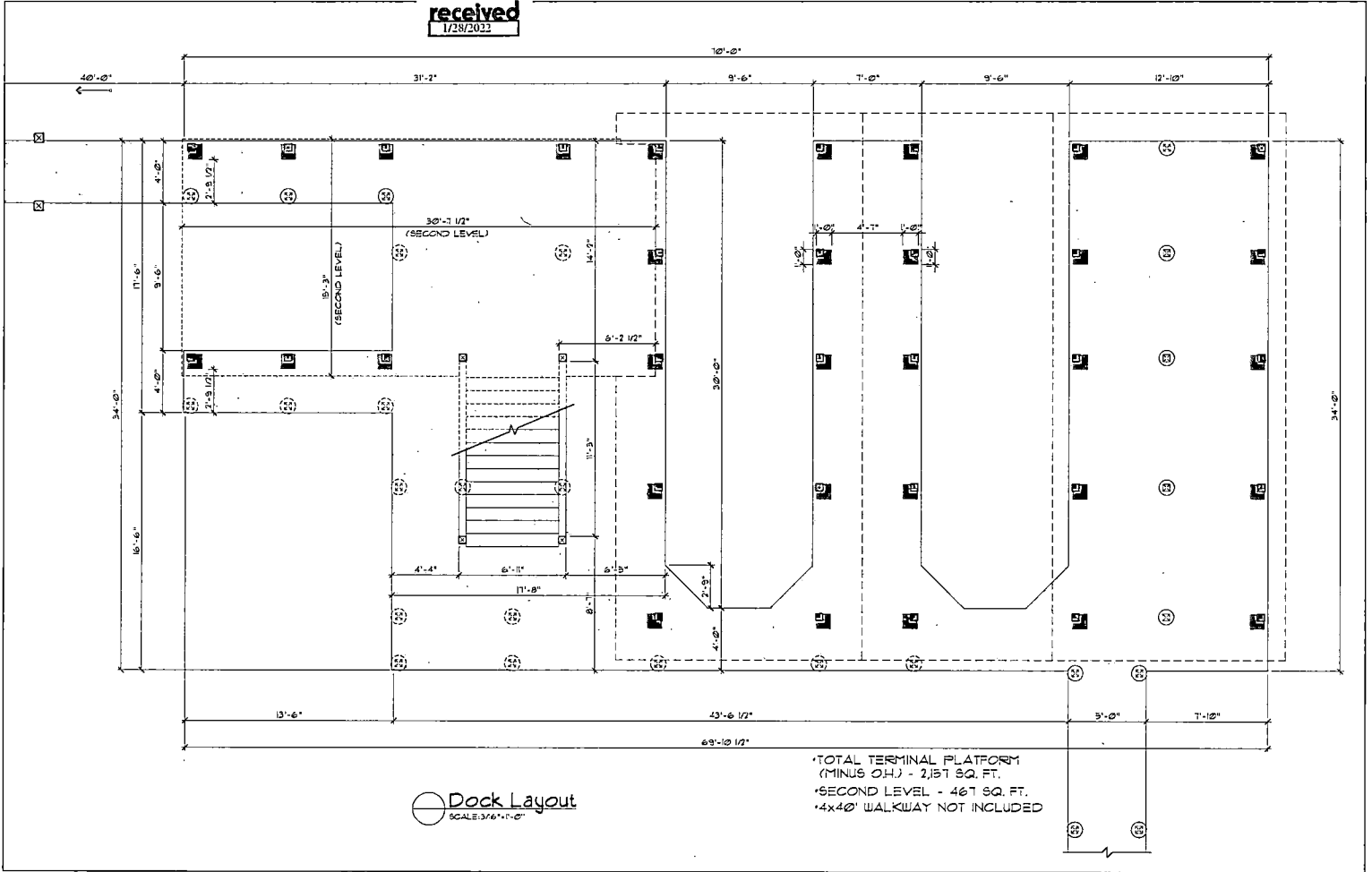
www.tegfl.com

September 20th, 2021

received
1/28/2012



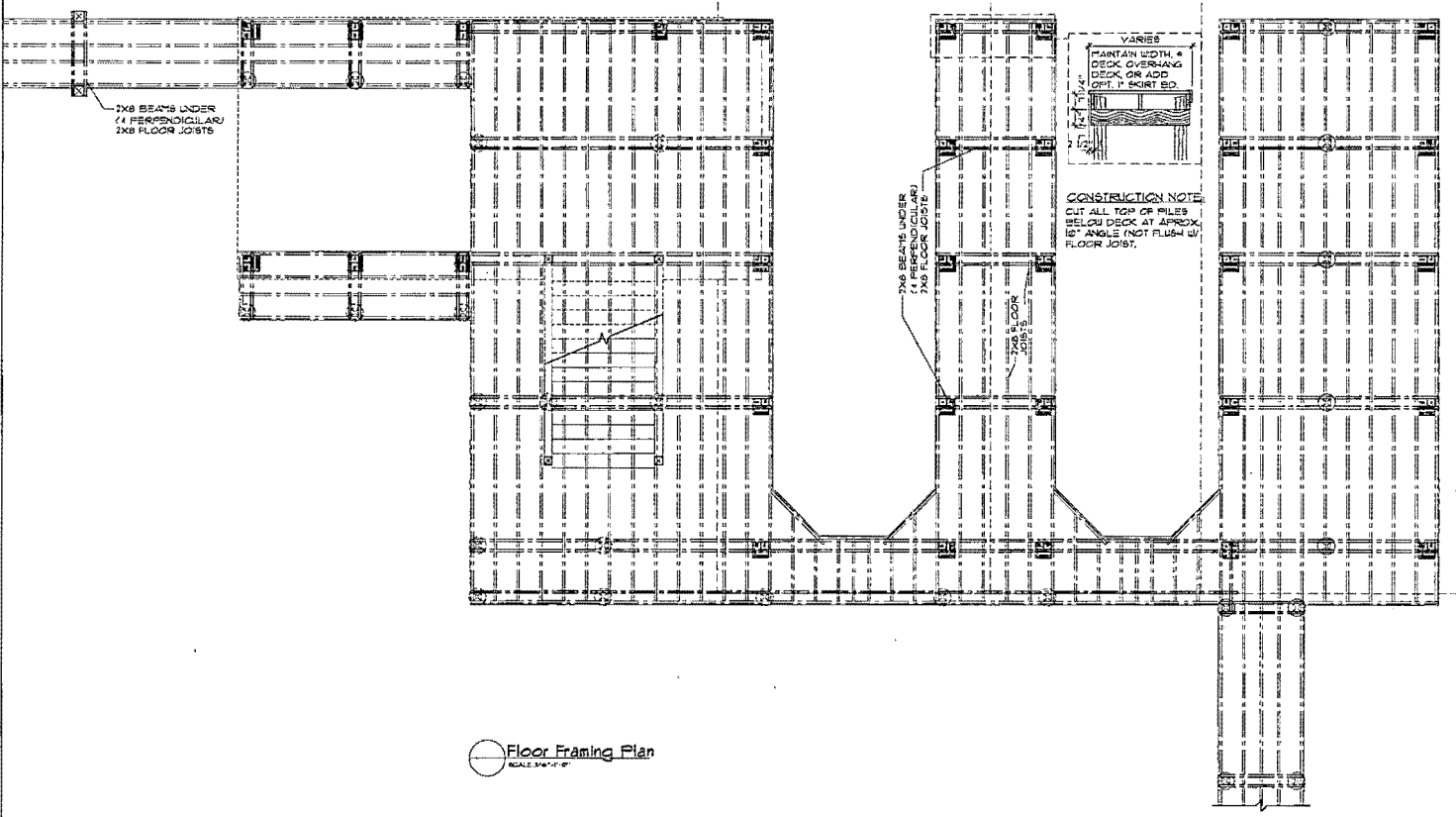
received
1/28/2023



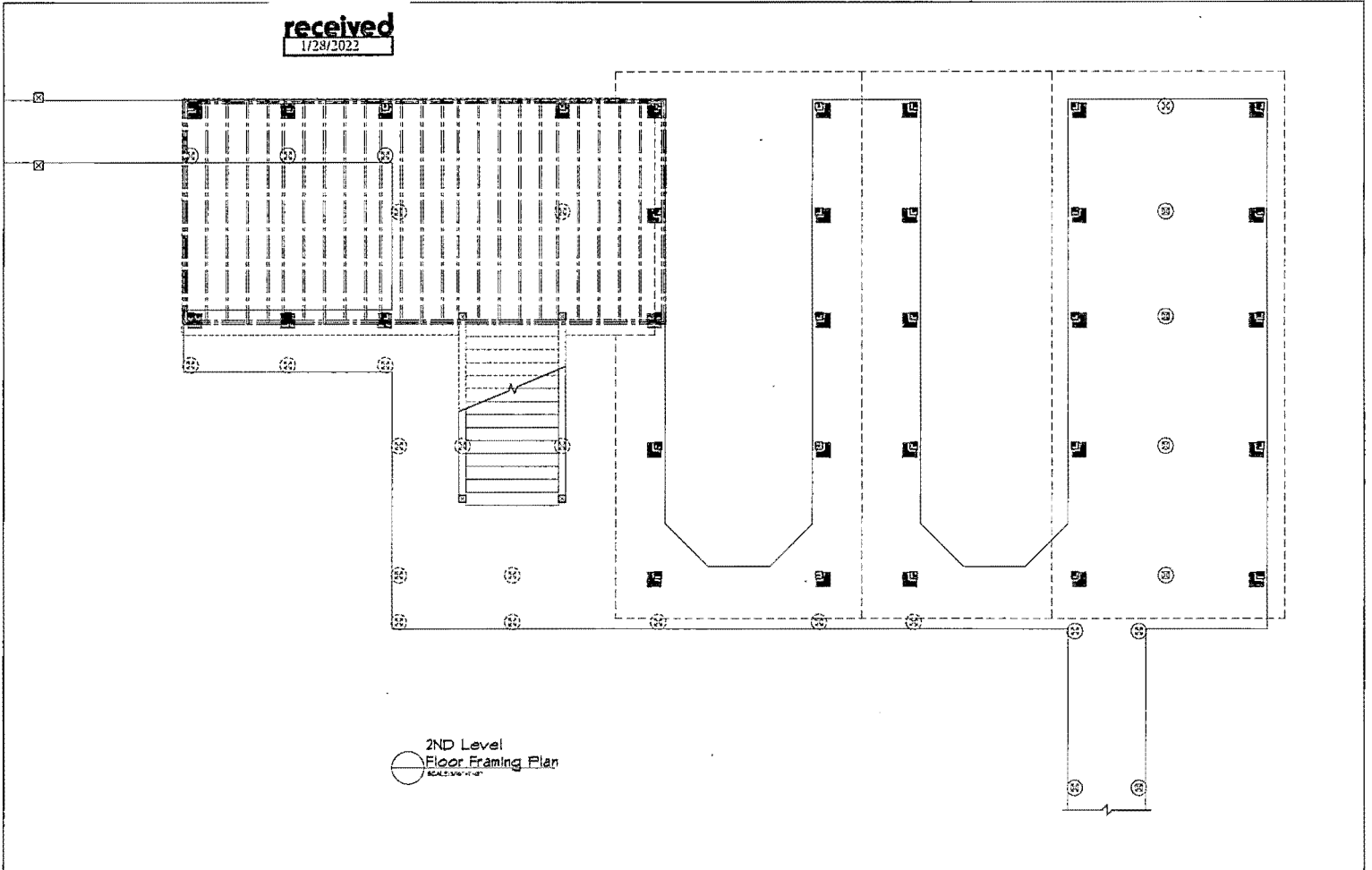
Dock Layout
SCALE: 3/16" = 1'-0"

*TOTAL TERMINAL PLATFORM
(MINUS O.H.) - 2,187 SQ. FT.
*SECOND LEVEL - 467 SQ. FT.
*4x40' WALKWAY NOT INCLUDED

received
1/28/2022



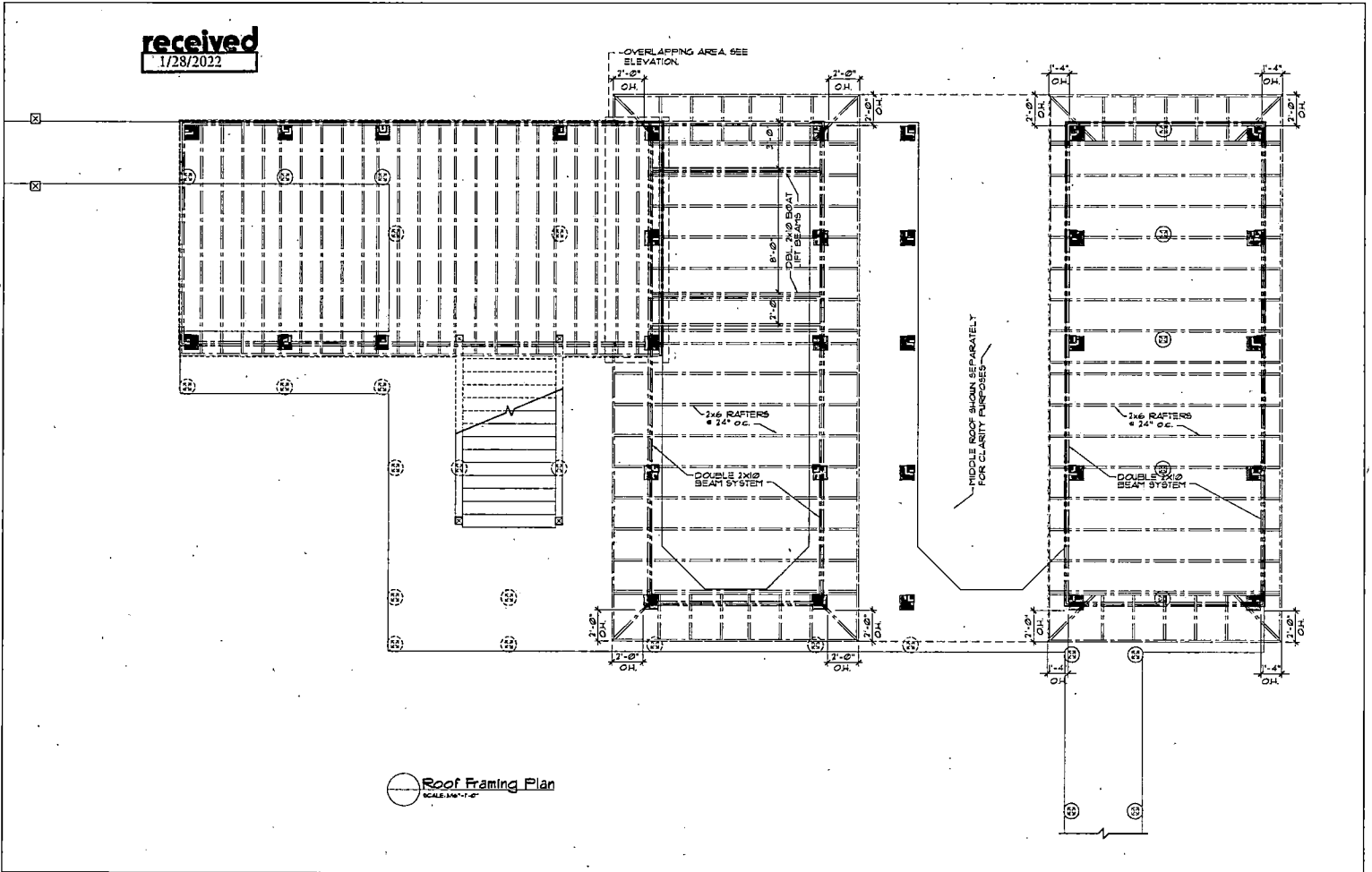
received
1/28/2022



2ND Level
Floor Framing Plan
SCALE: 1/8" = 1'-0"

received
1/28/2022

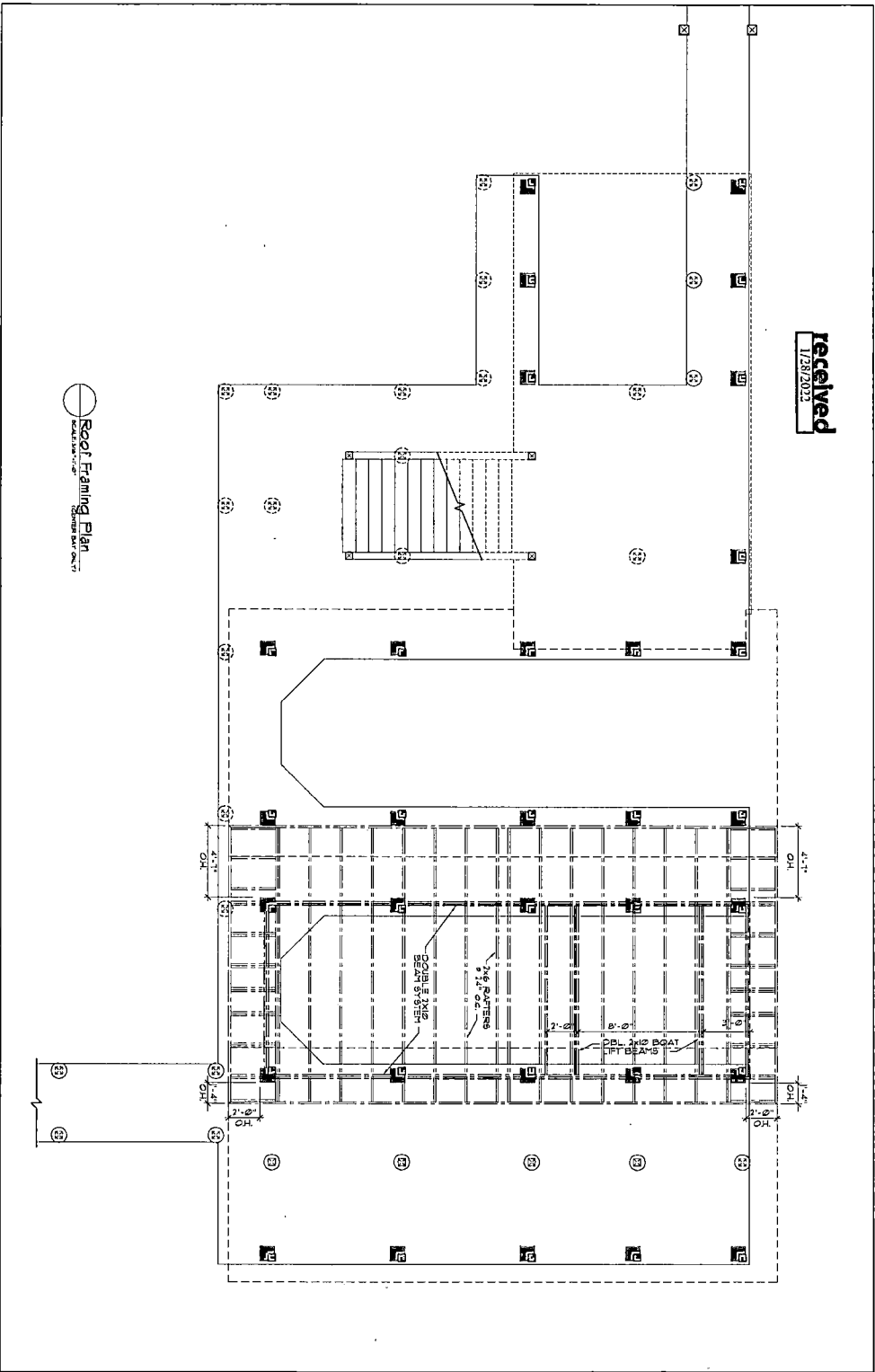
-OVERLAPPING AREA SEE
ELEVATION



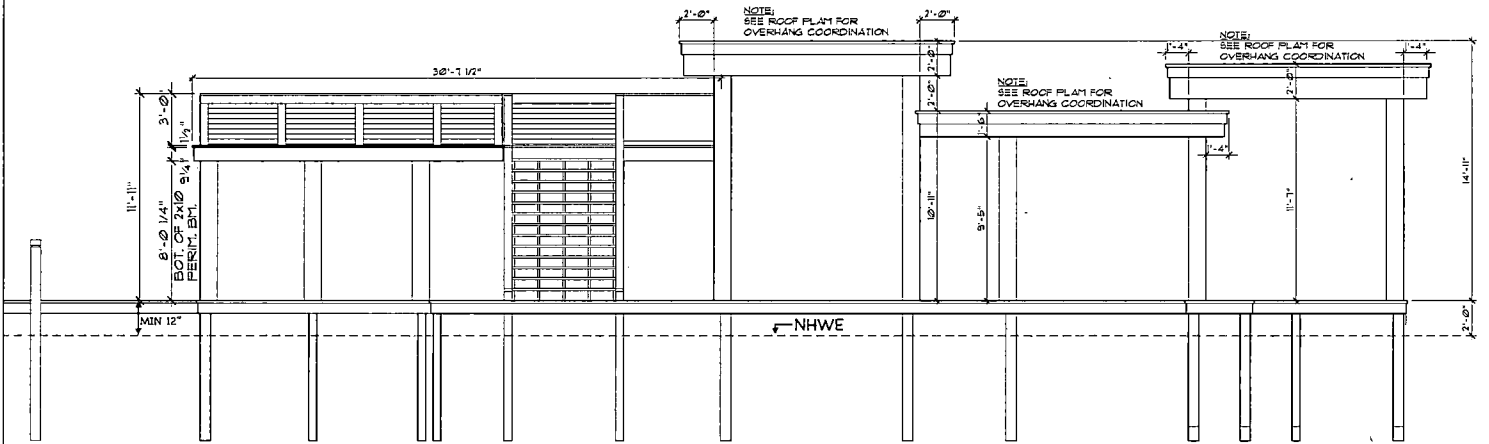
Roof Framing Plan
SCALE 1/4" = 1'-0"

Received
1/31/2022

Root Framing Plan
1/31/2022

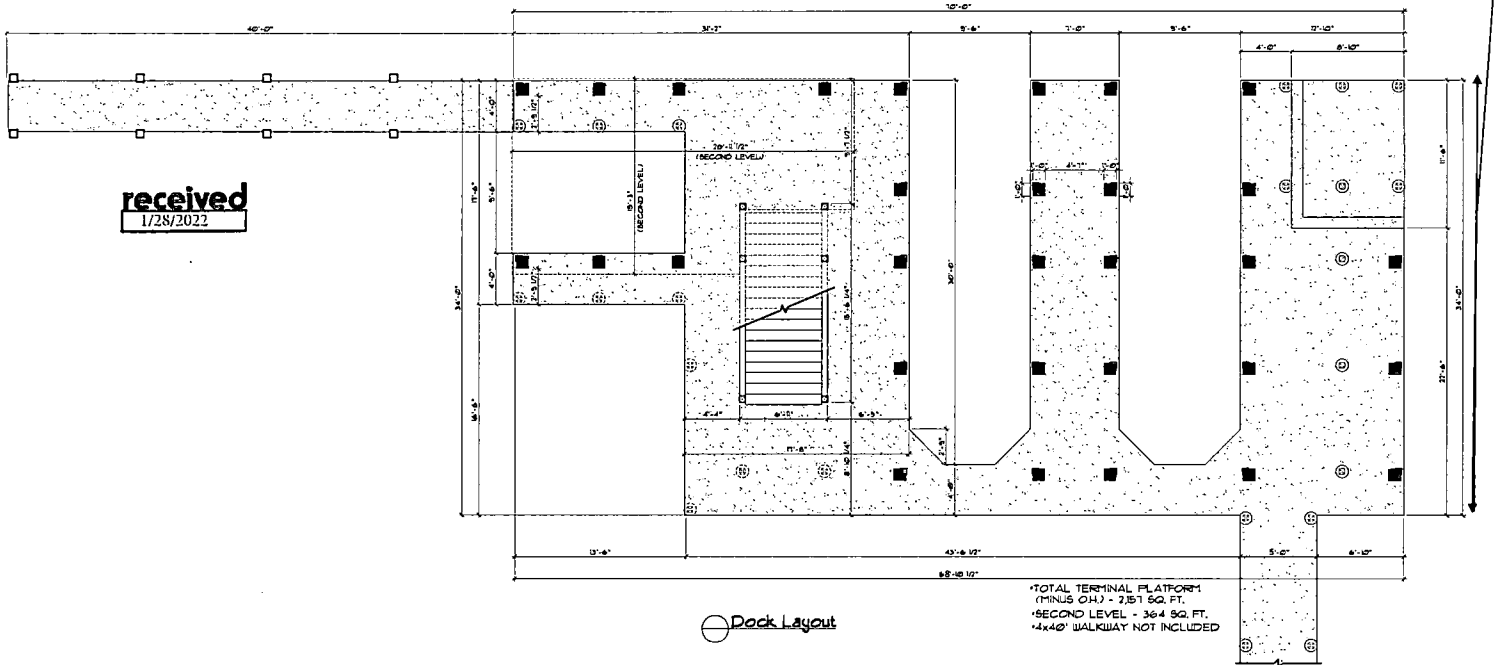


received
1/28/2022



Rear Elevation
KALDWELL

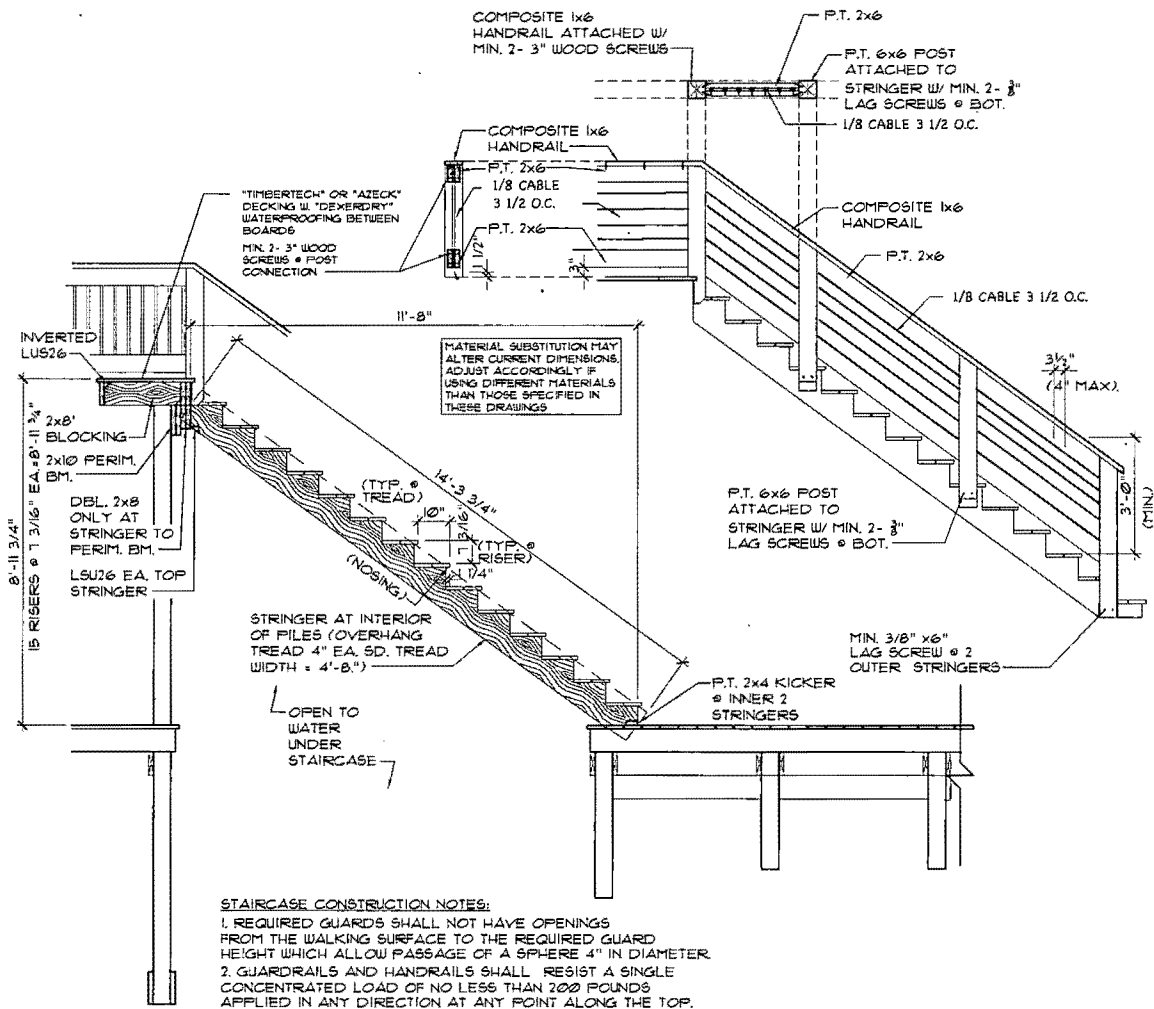
Water Depth is 8'-10"
Water Depth Drops Fast



received
1/28/2022

⊙ Dock Layout

*TOTAL TERMINAL PLATFORM
(MINUS OH.) - 2,571 SQ. FT.
*SECOND LEVEL - 364 SQ. FT.
*4x40' WALKWAY NOT INCLUDED



Stair & Railing Details
SCALE: NOT TO SCALE

1x2
METAL DRIP EDGE

DBL P.T. 2x6 FASCIA
(.40 ACQ)

BUILT IN PLACE
SOFFIT, 2x4'S @ 24" o.c.
(ATTACHED TO EA.
RAFTER, 5-10d NAILS)

CEMENTITIOUS BOARD,
PROTECTED PLYWOOD, OR
1x PROTECTED WOOD. IF
USING STUCCO, PROVIDE
3x6 RAFTERS @ 3' o.c.

INDICATES POTENTIAL
ADJACENT ROOF SYSTEM

VARIES

VARIES

MAX. 12'-0"

H2.5A EA. ROOF TRUSS TO RAFTER (ON
INTERIOR SIDE)

SINGLE PLY MEMBRANE ROOFING

2x6 T&G PINE, W/ 1- 3" RING SHANK NAIL
PER RAFTER, OR 5/8" T-III SIDING W/ 1/2"
CDX EXTERIOR PLYWOOD (SEE ROOF
NAILING PATTERN), OR 2x6 ROOF DECK W/
1- 3" RING SHANK NAIL PER RAFTER.

2X6 P.T. .40 cca RAFTERS @ 24" o.c. (IF
USING STUCCO FINISH @ SOFFIT, PROVIDE
3x6 RAFTERS @ 3' o.c.)

DBL. 2X10 BOAT LIFT BEAMS ATTACHED W/
HD GALVANIZED BUCKET W/ 3- 1/2" BOLTS

(2) 1/2" GALV. CARRIAGE BOLTS @ EA. HDR.
TO POST CONNECTION

DBL P.T. 2x10 BM. (.40 ACQ)

DECKING FASTENED W/ (2) 1 7/8" CAMO
DECK SCREWS (OR HD GALVANIZED 16d
NAILS) AT BOARD EDGES

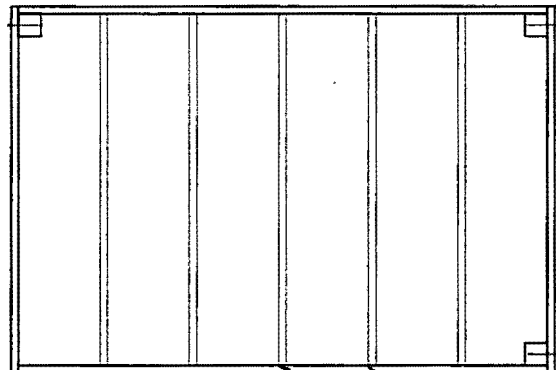
2X8 P.T. ACQ FLOOR JOIST @ 16" o.c.
SCREWED TO MEMBER BELOW W/ MIN. (2) 3"
COATED DECK SCREW @ EA. CONNECTION

2x6 P.T. .40 ACQ (ALTERNATING
ONE PER POST PAIR) CROSS
BRACING ATTACHED W/ 3/8"
LAG HD W/ WASHER @ EA.
CONNECTION

6x6 P.T., 60 CCA PILES W/ MIN. 4'
EMBEDMENT, OR TO REFUSAL

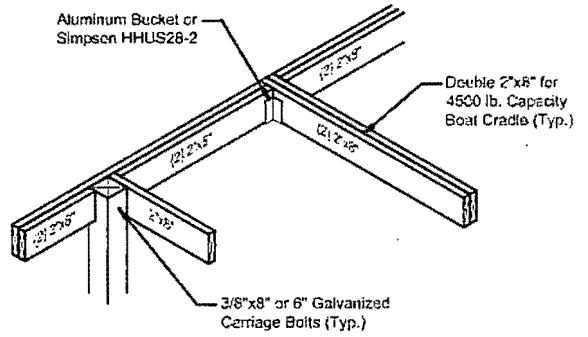
OPTIONAL 2X6 CLEAT WITH 5 SCREWS PER
CLEAT

○ Typical Load Path Section
SCALE: N.T.S.

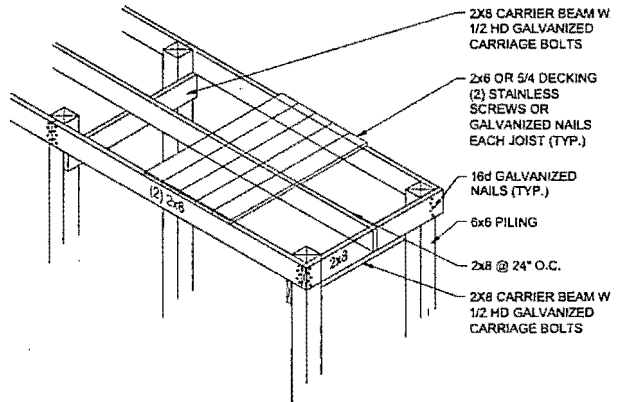


- 2"x8" @ 24" O.C.
Secured w/ (5) 16d
Galvanized Nails (Typ.)
- 3/8"x8" or 6" Galvanized
Carriage Bolts (Typ.)
- 4"x6" Piling (typ.)

TYPICAL DECK & DOCK FRAMING
SCALE: 1/4" = 1'-0"



ROOF BEAMS & BOAT CRADLE
SCALE: N.T.S.



DOCK FRAMING
N.T.S.

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2020

The Aluminum Association, latest edition

ASCE 7-16

Galvanized Bolts:

All bolts shall be galvanized be ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition

All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Design Loads:

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 60 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf

Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes

Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

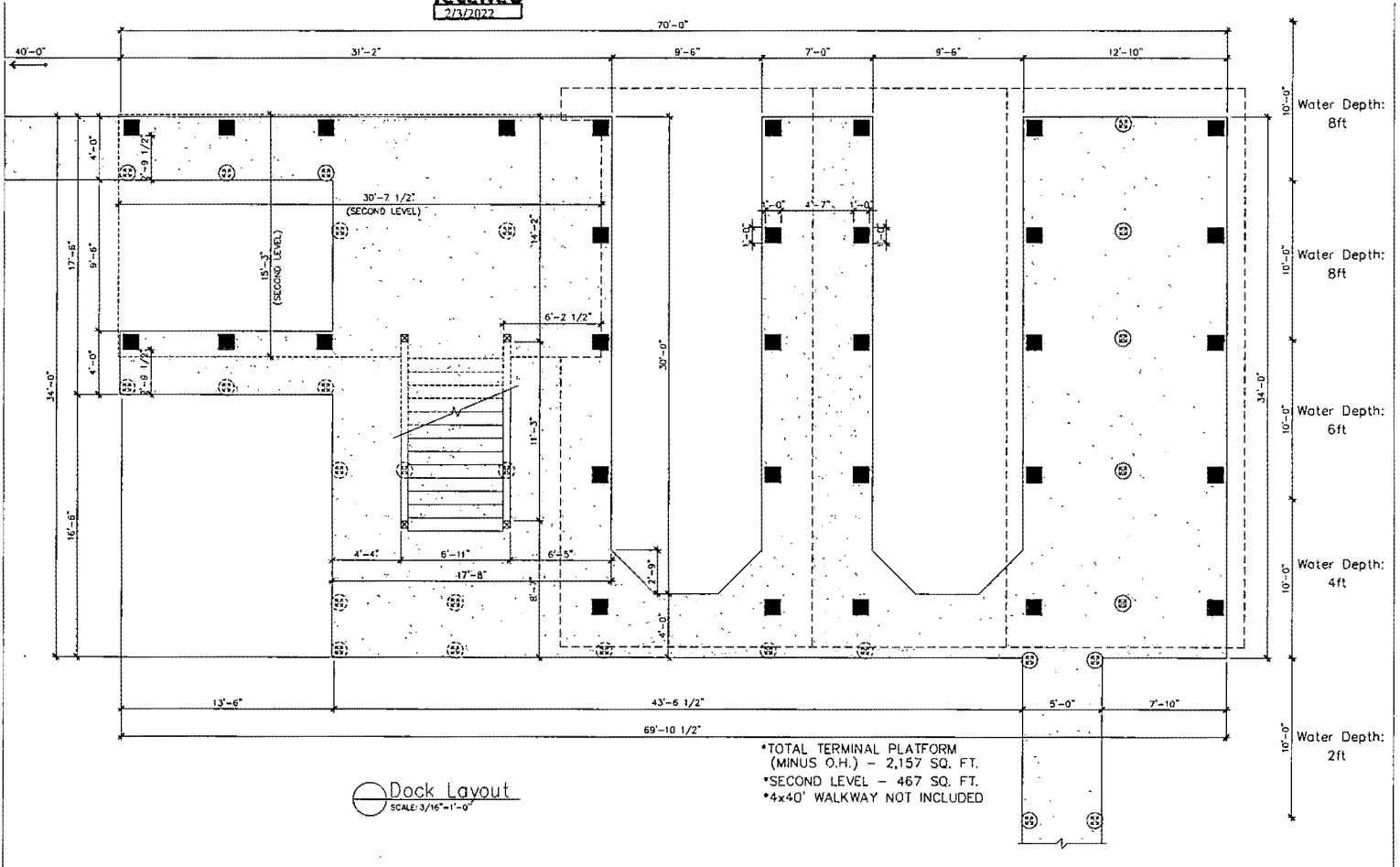
Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen, 250 degrees min.

Welds shall be full penetration welds at all points of contact

Screws: Use 3-6d Nails or 2- 3" deck screws per T&G to secure to roof trusses.

received
2/3/2022



Dock Layout
SCALE: 3/16"=1'-0"

*TOTAL TERMINAL PLATFORM
(MINUS O.H.) - 2,157 SQ. FT.
*SECOND LEVEL - 467 SQ. FT.
*4x40' WALKWAY NOT INCLUDED

Legend

Trees To Be Planted

 Cypress (28)

 Other Native Tree Species (11)

 Boat Dock 1

Wetland Restoration 0.26-acre

 Wetlands To Be Enhanced, 0.16 acre

 Wetlands Remaining (Mowing allowed), 0.14 acre

received
1/26/2022



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Carmel Parcel 28-23-28-1195-00-110

Orange County, Florida

Figure 2

Lakeshore Restoration Plan

100

 Feet

Project #: 209-06

Produced By: SAS

Date: 1/26/2022






Interoffice Memorandum

March 14, 2022

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division 

Subject: **Carmel by the Lake LLC Request for a Waiver and Variance for Dock Construction Permit BD-21-09-134**

Reason for Public Hearing

The applicant, Carmel by the Lake LLC, is requesting a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Section 15-342(e) (roof height).

Location of Property/Legal Description

The project site is located at 7040 Via Carmel Way, Orlando, FL 32819. The Parcel ID number is 28-23-28-1195-00-110. The subject property is located on Lake Tibet-Butler in District 1.

Background

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Terminal Platform Size Waiver Request

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(NHWE), allowing for a maximum terminal platform size of 1,000 square feet. The applicant is requesting to construct a new dock with a terminal platform size of 2,318 square feet (1,318 square feet larger than allowed).

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The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$1,524 to the Conservation Trust Fund (CTF).

Roof Height Variance Request

Chapter 15, Article IX, Section 15-342(e) of the Code states, "The maximum roof height shall be no higher than twelve (12) feet above the floor elevation." The applicant is requesting a roof height of 15 feet above the floor elevation.

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), Mr. Fleck states, "The Homeowner [sic] has 2 large boats with towers and needs to [sic] additional height to accommodate the towers. He has designated a dock plan for his property that is larger but has less environmental impact than a [sic] multiple docks in a more traditional development. However, the larger dock requires a taller roof. The taller roof does not cause any additional environmental impacts."

To address Section 15-350(a)(1)(2), Mr. Fleck states, "The proposed dock is located on what appears to be a man-made canal/inlet and not on the main part of the lake. This location is isolated

and mostly hidden from sight due to a heavily vegetated island in the inlet and distance from any neighboring properties. Therefore there should be no impact to abutting shoreline owners.”

Mooring Area - Maximum Water Depth

On February 3, 2022, EPD received a site plan depicting bathymetric measurements taken by the agent, Mr. Fleck, that indicates water depths in the mooring area for the proposed dock will range from six to eight feet. According to Section 15-342(a), “The maximum water depth allowed for mooring areas is five feet, as measured from the NHWE, unless the natural conditions of the water body necessitate a greater water depth to allow reasonable mooring conditions.” The applicant has situated the dock with the proposed terminal platform close to the shoreline. As shown on the site plan, the proposed dock walkway is only 10 feet in length. EPD has determined that the drop in lake bottom elevations in the area of the proposed dock represents a natural condition that necessitates a greater water depth to allow reasonable mooring conditions; therefore, pursuant to Section 15-342(a), a variance to the maximum allowed water depth is not required.

Public Notifications

On December 10, 2021, Notices of Application for Waiver and Variance were sent to all shoreline property owners within a 300-foot radius. On January 11, 2022, EPD received a comment letter from Mr. Michael Hug at 6126 Ches Court (located across the cove). Mr. Hug indicated that since the time the notice was received he had spoken with Mr. Charles Whittall, as the applicant’s representative, who communicated that the dock location was being revised from adjacent to the northern property line, as indicated in the original plans, to further south, and that the height was being reduced from 19.3 feet to 15 feet. Mr. Hug indicated in his letter that if the filings with EPD were amended to reflect the changes communicated by Mr. Whittall, and if the canal entrance to the cove would not be blocked at any time during construction, he did not take exception to the variance or waiver requests. The dock location and height were revised with submittal of the current plans and reflect the changes Mr. Whittall expressed were forthcoming in his conversation with Mr. Hug.

On February 10, 2022, notices were resent to shoreline property owners within a 300-foot radius to reflect the revised plans received on January 28, 2022. Several notices were not delivered by the United States Postal Service (USPS); therefore, EPD requested that the applicant’s agent hand deliver all of the notices not delivered by the USPS. This was completed by Mr. Fleck on February 19, 2022; confirmation (photographs) that the notices were delivered was provided to EPD on the same day. Additionally, EPD emailed the notice and revised plans directly to Mr. Hug on February 10, 2022. No objections to the revised plans have been received.

The applicant, agent, and original objector were sent notices on February 23, 2022 to inform them of the EPC meeting on March 30, 2022.

Enforcement Action

On January 11, 2021, EPD issued a Notice of Violation (Enforcement Case No. 20-583012) to the applicant for unauthorized wetland impacts in the area of the proposed boat dock. On August 4, 2021, EPD approved a restoration plan that included the installation of native trees. On January 26, 2022, EPD received a revised restoration plan that depicts the proposed dock and revised locations for the proposed trees away from the dock. On September 20, 2021 the applicant remitted to EPD a penalty payment in the amount of \$7,189.80. The enforcement case is not fully resolved

as of this date of this staff report, but the applicant is continuing to work with EPD to bring the property into compliance.

Navigational Assessment

Due to the proposed size of the dock within a small cove of Lake Tibet-Butler, EPD requested a navigational assessment from the Orange County Sheriff's Office (OCSO). On February 5, 2022, the OCSO responded that they identified no navigational concerns with the current placement of the proposed dock.

Staff 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 current 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 \$1,524 to the CTF.

Staff has also evaluated the variance request for compliance with the criteria for approval. The recommendation of the EPO is to deny the request for variance to Section 15-342(e) (roof height) based on a finding that the applicant has failed to demonstrate that the hardship is not self-imposed pursuant to Section 15-350(a)(1)(1), as it is the applicant's decision to purchase large boats for which a dock that meets the roof height criterion cannot be constructed, and a finding that a dock without a roof could be constructed to moor large boats and still meet the Code.

ACTION REQUESTED: **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 1,000 to 2,318 square feet with a mitigation payment of \$1,524 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and**

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to Section 15-342(e) to increase the maximum roof height from 12 feet to 15 feet for the Carmel by the Lake, LLC Dock Construction Permit BD-21-09-134. District 1

NS/NT/TMH/ERJ/DJ: erj

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance

BD-21-09-134

District #1

Applicant: Carmel by the Lake LLC

Address: 7040 Via Carmel Way

Parcel ID: 28-23-28-1195-00-110

Project Site 

Property Location 



DOCK PLANS

received
1/28/2022

Whittall Boat Dock

Boat Dock 1 - 7040 Via Carmel Way

Prepared For

Q-ICE Builders

Prepared By

 **THOMPSON ENGINEERING GROUP, INC**

Engineer: Michael Thompson, MSc, P.E. (#47509)

4401 Vineland Road, Suite A6

Orlando, Florida 32811

Ph: 407-734-1450

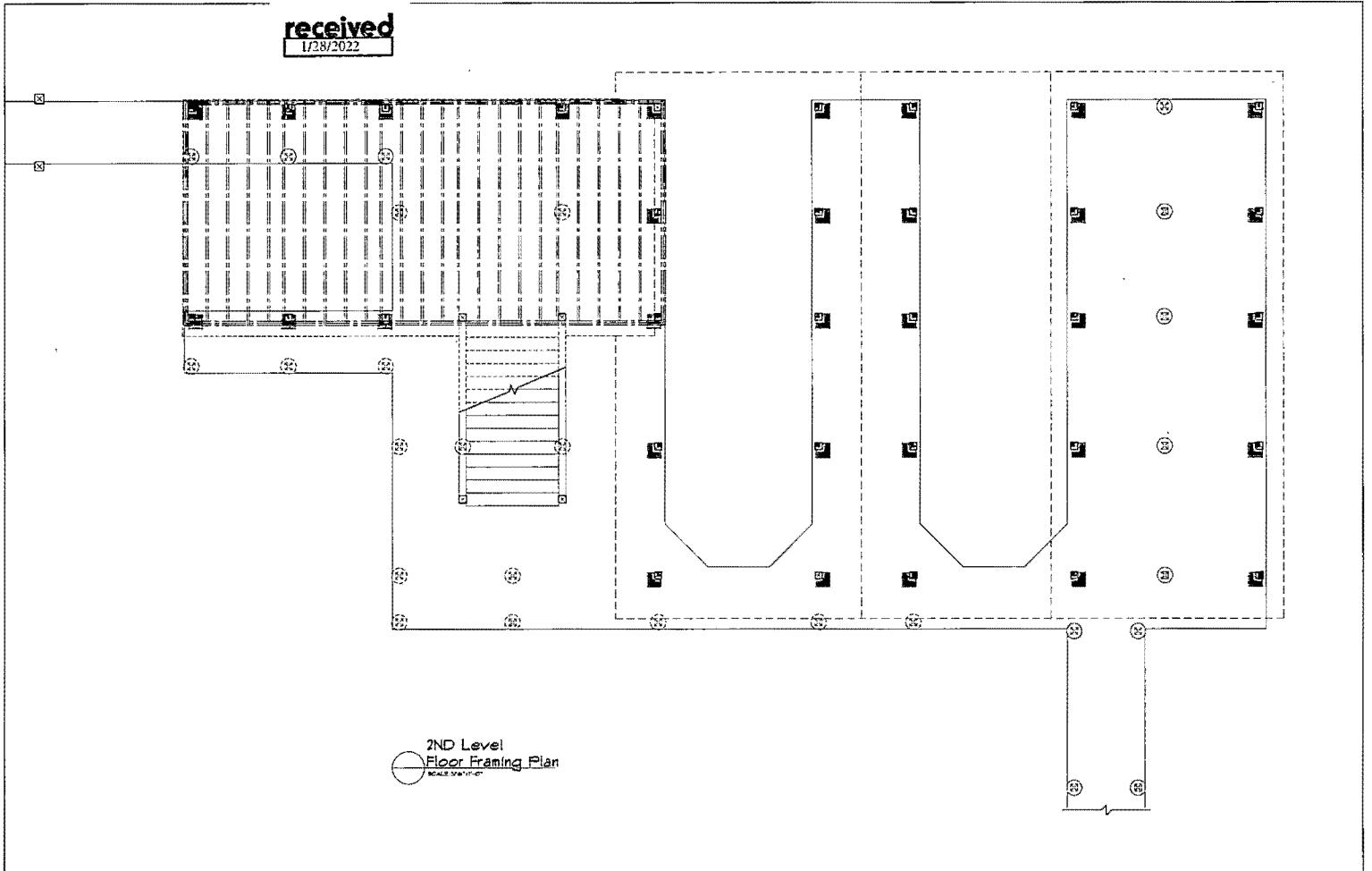
Fax: 407-734-1790

Certificate of Authorization No. 30060

www.tegfl.com

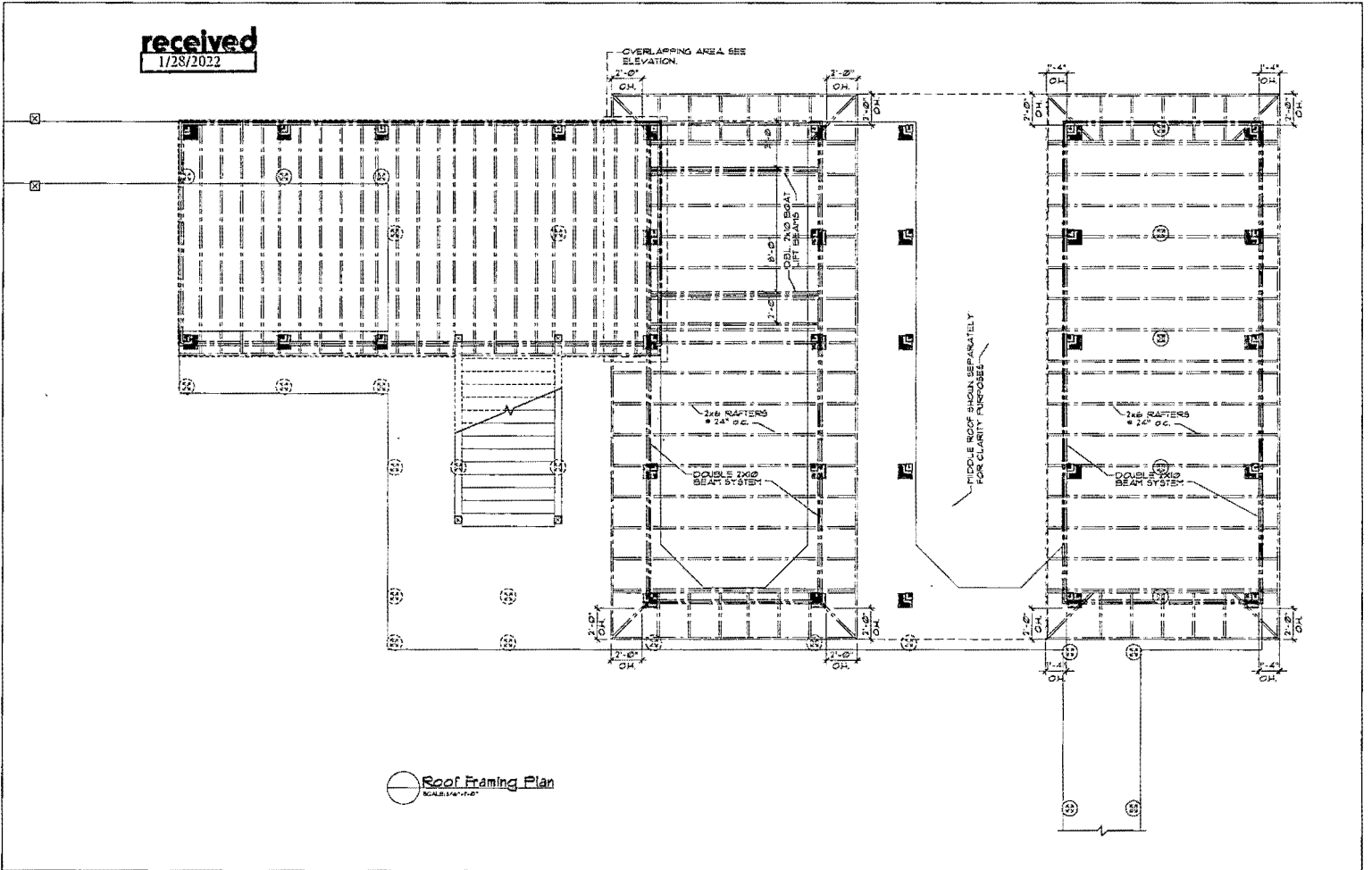
September 20th, 2021

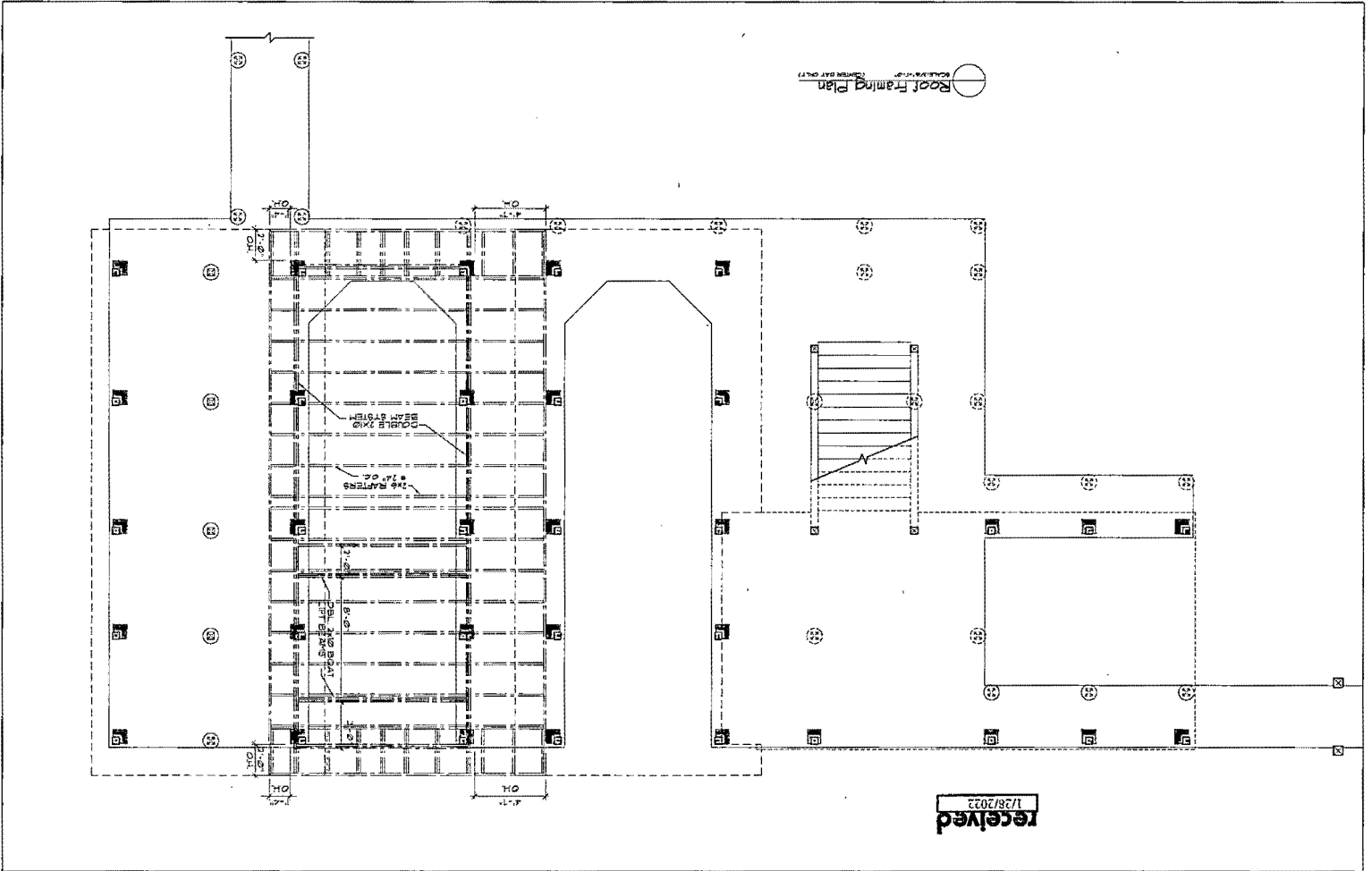
received
1/28/2022



2ND Level
Floor Framing Plan
SCALE: 3/8"=1'-0"

received
1/28/2022

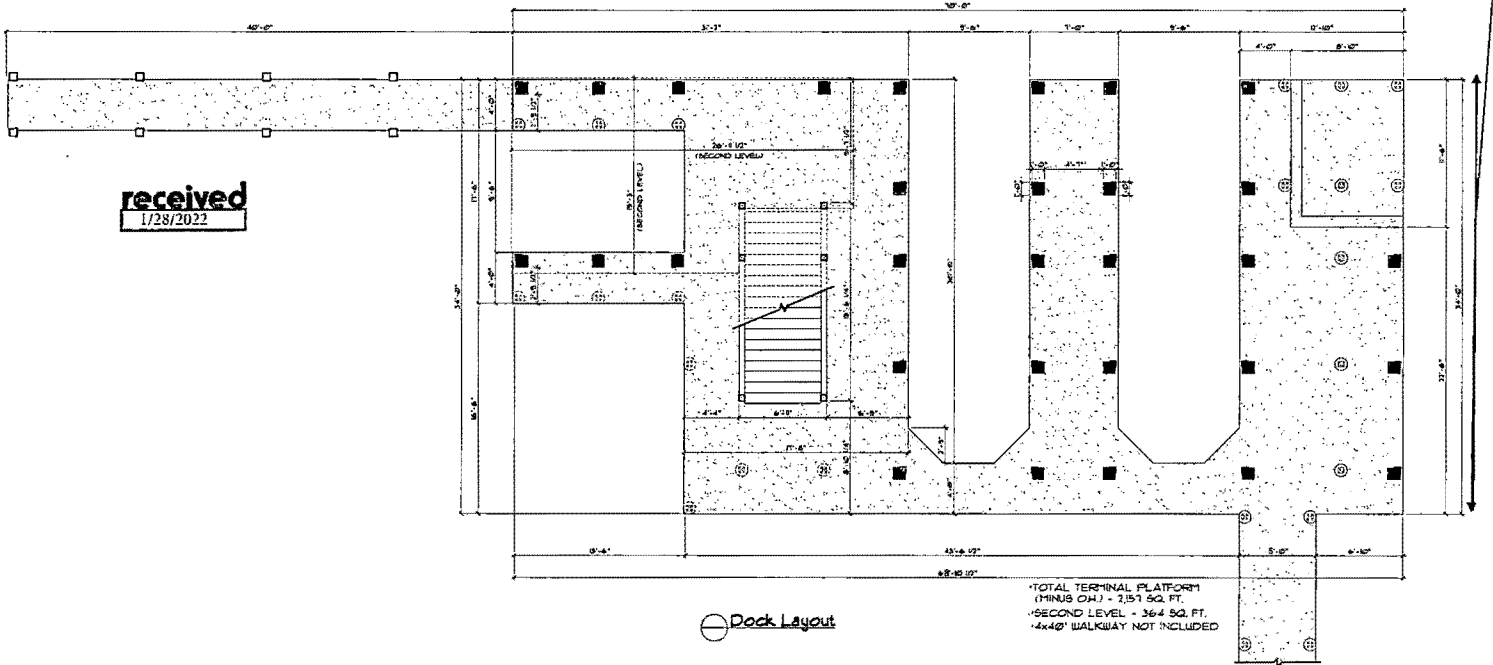


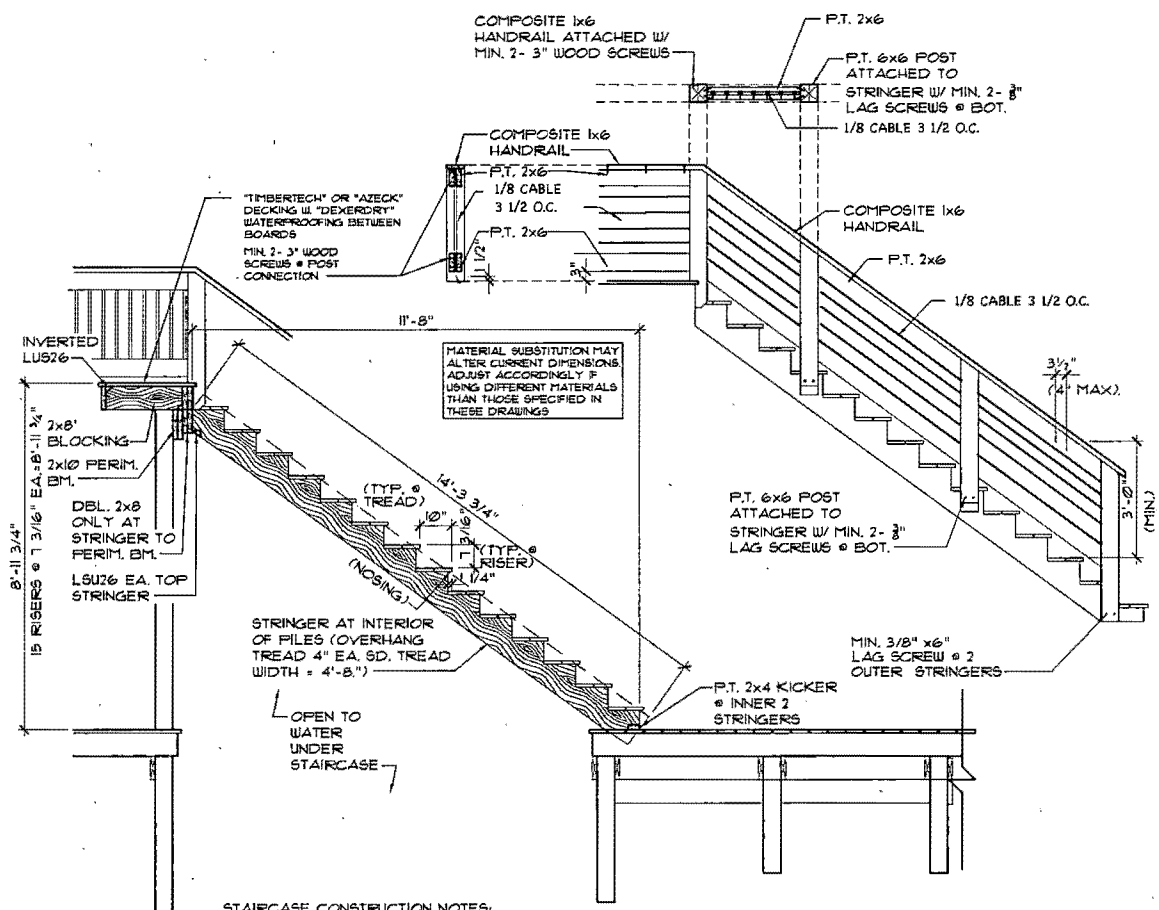


Roof Framing Plan
SCALE: 1/8\"/>

received
1/28/2022

Water Depth is 8'-10"
Water Depth Drops Fast

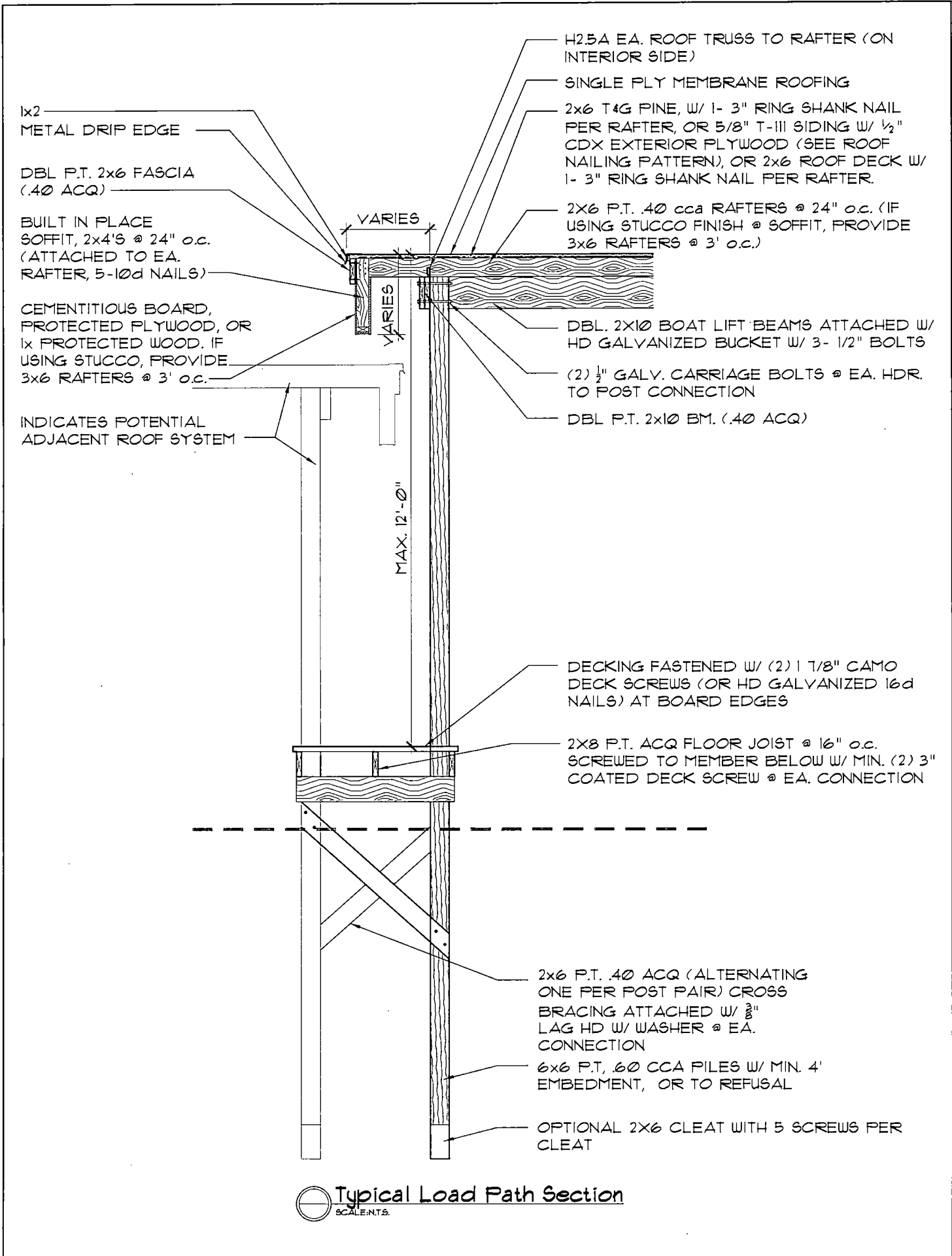




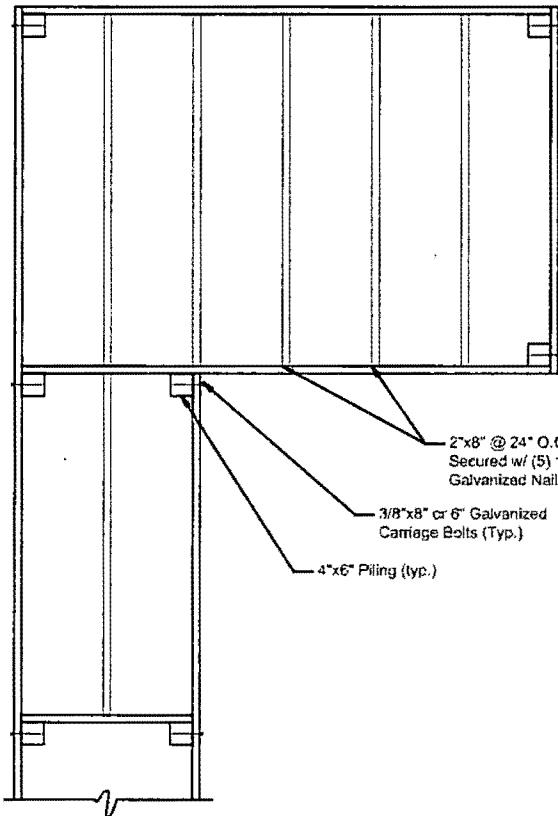
STAIRCASE CONSTRUCTION NOTES:

1. REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4" IN DIAMETER.
2. GUARDRAILS AND HANDRAILS SHALL RESIST A SINGLE CONCENTRATED LOAD OF NO LESS THAN 200 POUNDS APPLIED IN ANY DIRECTION AT ANY POINT ALONG THE TOP.

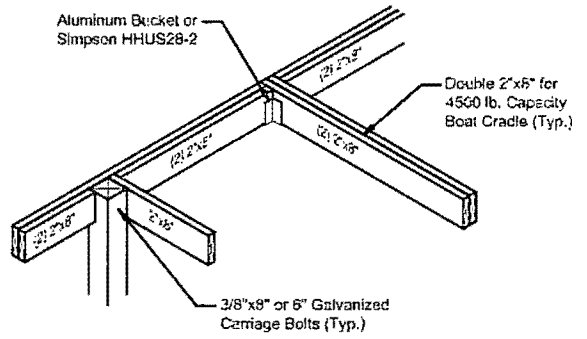
Stair & Railing Details
SCALE NOT TO SCALE



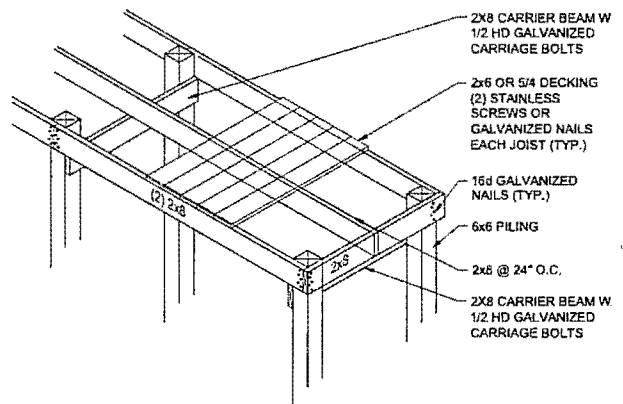
⊙ Typical Load Path Section
SCALE: N.T.S.



TYPICAL DECK & DOCK FRAMING
SCALE: 1/4" = 1'-0"



ROOF BEAMS & BOAT CRADLE
SCALE: N.T.S.



DOCK FRAMING
N.T.S.

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2020

The Aluminum Association, latest edition

ASCE 7-16

Galvanized Bolts:

All bolts shall be galvanized be ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition
All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Design Loads:

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 60 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf

Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes

Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen, 250 degrees min.


Welds shall be full penetration welds at all points of contact

Screws: Use 3-6d Nails or 2- 3" deck screws per T&G to secure to roof trusses.

Legend


Trees To Be Planted


 Cypress (28)

 Other Native Tree Species (11)

 Boat Dock 1

Wetland Restoration 0.26-acre

 Wetlands To Be Enhanced, 0.16 acre

 Wetlands Remaining (Mowing allowed), 0.14 acre

received
1/26/2022



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Carmel Parcel 28-23-28-1195-00-110

Orange County, Florida

Figure 2

Lakeshore Restoration Plan

100

 Feet

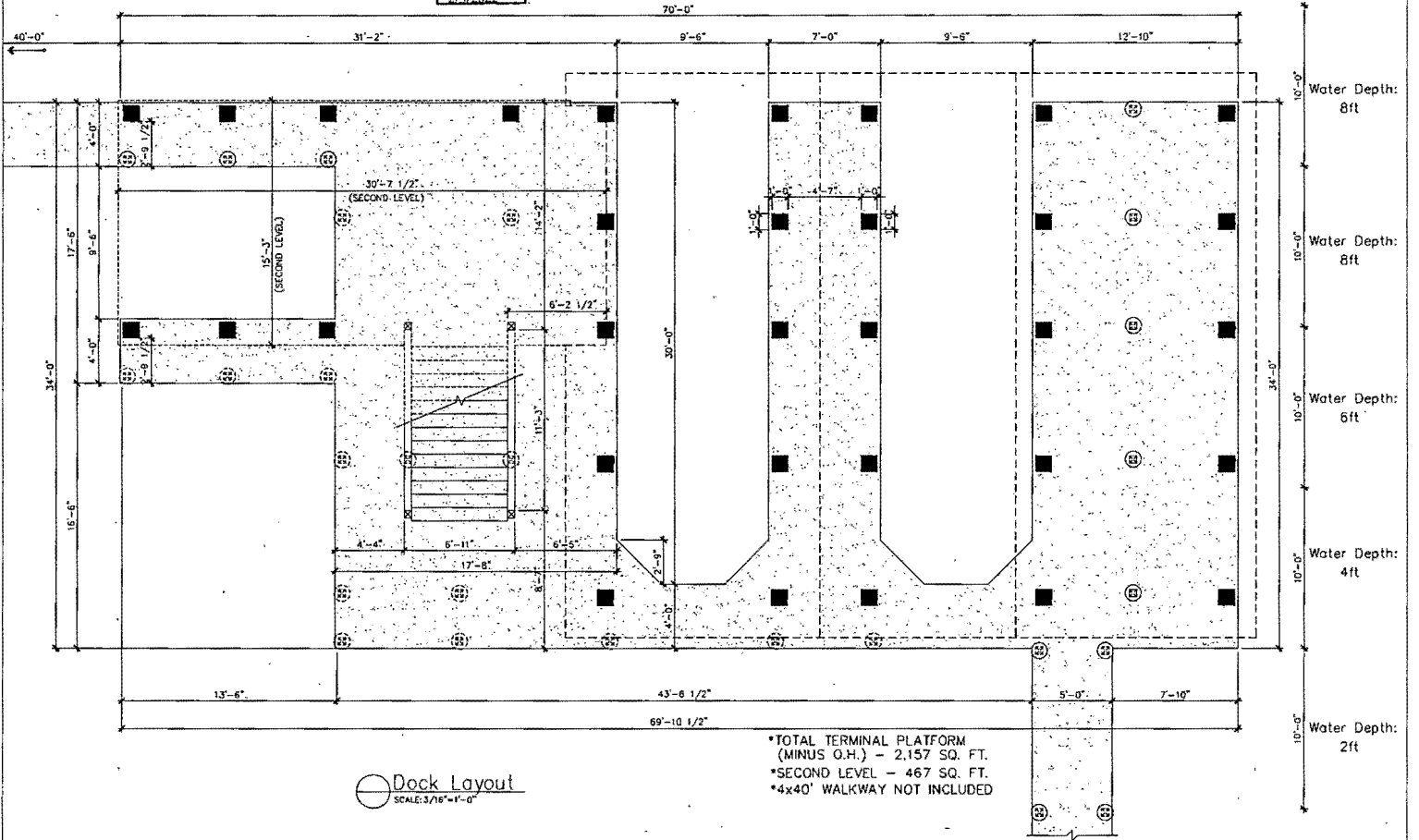
Project #: 209-06

Produced By: SAS

Date: 1/26/2022



received
2/3/2022



Dock Layout
SCALE: 3/16" = 1'-0"

*TOTAL TERMINAL PLATFORM
(MINUS O.H.) - 2,157 SQ. FT.
*SECOND LEVEL - 467 SQ. FT.
*4x40' WALKWAY NOT INCLUDED



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
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

received
12/29/2021

I, Pete Fleck on behalf of Chuck Whittal (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:

See attached sheet

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

See attached sheet

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: Peter Fleck
Signature of Applicant/Agent: [Signature] Date: 12-28-21
Corporate Title (if applicable):

- 1) The homeowner has over 1500 LF of shoreline, if he had developed it into 12-13, 125'LF wide lots the possibility to have 12-13 docks of 1000 sq feet would have been a substantially greater impact than what is proposed. This plan also allows most of the property to be naturally vegetated and is significantly less of an impact than smaller lots with individual docks and access corridors. In addition, the homeowner is willing to pay into the mitigation fund.
- 2) The proposed dock is located on what appears to be a man-made canal/inlet and not on the main part of the lake. This location is isolated and mostly hidden from sight due to a heavily vegetated island in the inlet and distance from any neighboring properties.



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

received 12/29/2021

Enclose a check for \$409.00 payable to The Board of County Commissioners

I Peter Fleck on behalf of Chuck Whittal (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342(e) 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):

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

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: Peter Fleck
Signature of Applicant/Agent: [Signature] Date: 12-28-21
Corporate Title (if applicable):

- 1) The Homeowner has 2 large boats with towers and needs to additional height to accommodate the towers. He has designed a dock plan for his property that is larger but has less of an environmental impact than a multiple docks in a more traditional development. However, the larger dock requires a taller roof. The taller roof does not cause any additional environmental impacts.

- 2) The proposed dock is located on what appears to be a man-made canal/inlet and not on the main part of the lake. This location is isolated and mostly hidden from sight due to a heavily vegetated island in the inlet and distance from any neighboring properties. Therefore there should be no impact to abutting shoreline owners.

January 11, 2022

Nicole Salvatico
Orange County Environmental Protection Division
3165 McCrory Place, Suite 2000
Orlando, Florida 32803

To whom it may concern:

In regard to Project Number BD-21-09-134 and the related Notice of Application for Variance/Waiver, I have the following comments.

Since the notice was received, I have had multiple conversations/communications with Mr. Charles Whittall as representative for the applicant, Carmel by the Lake LLC. Mr. Whittall has communicated the following matters during the course of our communications:

1. The dock being built is not going to abut the northern end of the property line as was originally shown in the documents filed with the county which I have included as Exhibit A. Rather, the dock will be further south based on a document Mr. Whittall provided to me and more in the area noted by the red circle on Exhibit B as opposed to the northern end of the lot.
2. The applicant will be reducing the height waiver requested from 19.3 feet to 15 feet.
3. The canal leading from the cove on which the dock is being built to the Butler Chain of Lakes will not be blocked during the construction period of the dock.

If the filings with the Orange County Environmental Protection Division are amended to reflect items 1. and 2. above and if item 3. is factually correct, I take no exception to the Variance/Waiver request. If such items are not amended, I would appreciate the opportunity to further respond.

I can be reached at 407-399-8483 if you have any questions regarding this letter.

Sincerely,


Michael A. Hug

Copy: Mr. Charles Whittall

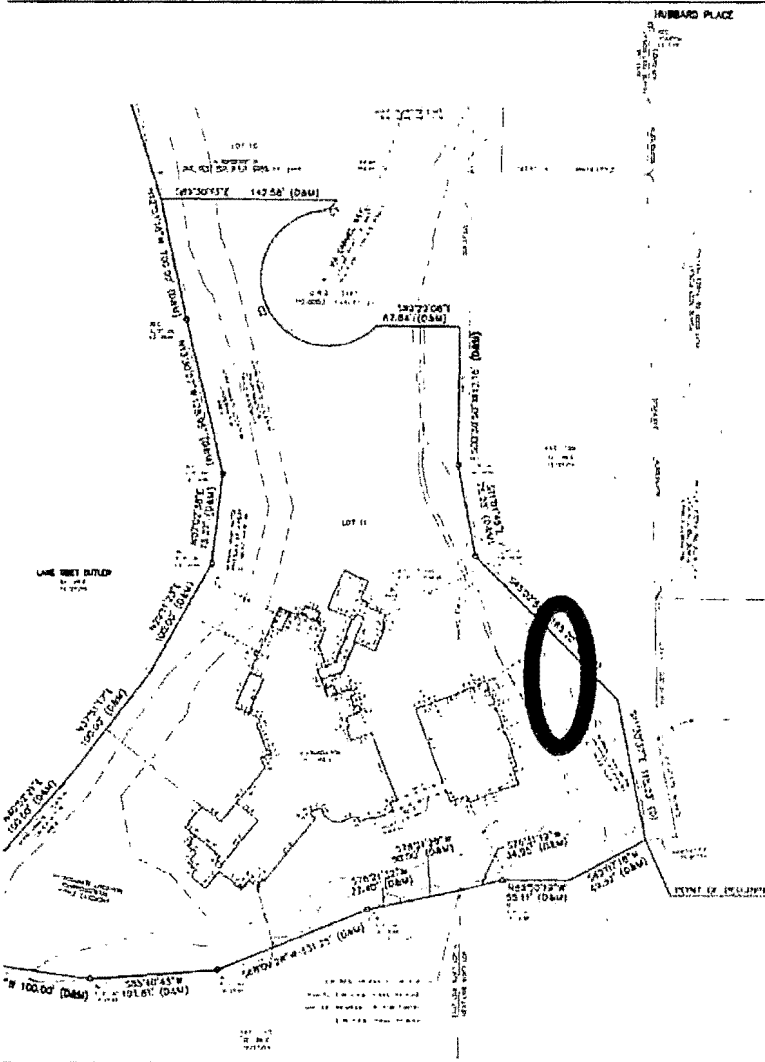
Exhibit B

1:56



Done

24 of 24







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
March 30, 2022

ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Florman Blackburn

Billy Butterfield

Peter Fleck

R. Alan Horn

Elaine Imbruglia

Applicant: Carmel by the Lake, LLC

Permit Application Number: BD-21-09-134

Location/Address: 7040 Via Carmel Way, Orlando, FL 32819

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 1,000 to 2,318 square feet with a mitigation payment of \$1,524 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to Section 15-342(e) to increase the maximum roof height from 12 feet to 15 feet for the Carmel by the Lake, LLC Dock Construction Permit BD-21-09-134. District 1

- EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED
EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING 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 1,000 to 2,318 square feet with a mitigation payment of \$1,524 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Reject 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 15-342(e) to increase the maximum roof height from 12 feet to 15 feet for the Carmel by the Lake, LLC Dock Construction Permit BD-21-09-134. District 1

Signature of EPC Chairman:

Handwritten signature of Mark Ausley

DATE EPC RECOMMENDATION RENDERED:

Handwritten date 3/30/22