

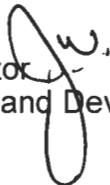


Interoffice Memorandum

AGENDA ITEM

November 16, 2020

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 15, 2020 — Consent Item
Environmental Protection Commission Recommendation for
Request for Variance for North Shore at Lake Hart
Homeowners Association, Inc. Dock Construction Permit
BD-20-07-126

The applicant, North Shore at Lake Hart Homeowners Association, Inc. (HOA), is requesting a boat dock construction permit with approval of a variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-341(a) (principal use). The project site is located at 10398 Mallard Landings Way, Orlando, Florida 32832. The Parcel ID numbers are 16-24-31-5131-16-000 and 16-24-31-5131-17-000. The subject property is located on Lake Hart in District 4.

There is an existing dock on the property that was permitted by the Environmental Protection Division (EPD) in 2002 (Permit #BD 02-148). The applicant is proposing to replace the old dock. The access walkway will remain in the same location and the terminal platform will be enlarged. The modification to the terminal platform requires the structure to meet the current code requirements in Chapter 15, Article IX.

The property is a community tract and does not have an established principal use. As indicated in Chapter 15, Article IX, "At a minimum, a principal use shall be established by the issuance of a building permit for a principal structure." The parcels noted above do not have a principal structure. Review of permit file 02-148 indicates that a variance to Section 15-341(a) (principal use) should have been obtained prior to granting the permit in 2002, but this requirement was not addressed during review of the previous permit.

On July 22, 2020, EPD received an Application to Construct a Dock for the proposed modifications. Included with the application was an Application for Variance to Section 15-341(a) in order to keep the dock with the proposed modifications on the HOA-owned park tract.

Notification of the Applications for Variance was sent to all shoreline property owners within 300 feet. Between August 26, 2020 and September 27, 2020, EPD received a total of six objections and one letter of support for this request. The objections range

from legal issues with the current HOA acting with limited or no authority and requesting the permit without input or approval from residents to concerns over the design of the new dock that could potentially allow access to the dock and community from non-residents.

EPD also received a letter from The Orlando Law Group, which represents the applicant. They stated that it is accurate that the HOA is involved in court action regarding a recent election, but that the current sitting Board of Directors is the current, legal Board of Directors with full legal authority to act for and on behalf of the HOA.

In response to concerns over the proposed dock being accessible to people outside of the community, EPD received revised plans that show the terminal platform will be elevated five feet over the Normal High Water Elevation (NHWE) and will have a railing around the perimeter of the terminal platform and access walkway. According to an as-built survey of the existing dock, the deck is currently elevated two feet over the NHWE. Therefore, the new dock will be higher in elevation and will have a railing around the perimeter, which addresses concerns regarding mooring and access from those outside of the community.

Staff evaluated the variance request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for variance to Section 15-341(a) (principal use) based on a finding that the hardship was not self-imposed, pursuant to Section 15-350(a)(1)(1), as this parcel was intended as a park without a principal structure and there is already an existing permitted dock at this location. Additionally, although objections were received for this project, the applicant has demonstrated the request will not have a negative effect on abutting shoreline owners, pursuant to Section 15-350(a)(1)(2), because most of the objections were not germane to the consideration of whether a dock should be constructed on a parcel without principal use, but mainly related to the legitimacy of the HOA board. The single objection related to unwanted mooring and non-resident access to the community via the dock does not have merit given the height and railings incorporated in the design of the proposed dock modification. The request is also not contrary to any other criteria in Section 15-350(a)(1).

Based upon evidence and testimony presented at the October 28, 2020 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a finding that the request for variance is consistent with Section 15-350(a)(1) and recommended approval of the request for variance to 15-341(a) to allow a dock to be constructed on a parcel without an established principal use.

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Commission and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-341(a) to allow a dock to be constructed on a parcel without an established principal use for the North Shore at Lake Hart Homeowners Association, Inc. Dock Construction Permit BD-20-07-126. District 4**

Dock Construction Application for Variance



Dock Construction Application for Variance

BD-20-07-126

District #4

Applicant: North Shore at Lake Hart
Homeowners Assoc, Inc.

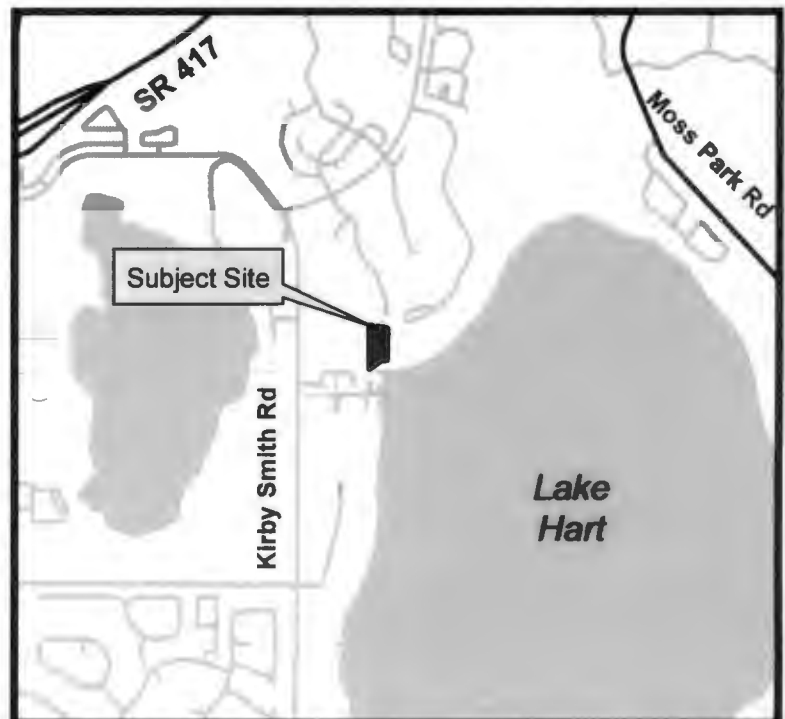
Address: 10398 Mallard Landings Way

Parcel ID: 16-24-31-5131-16-000

16-24-31-5131-17-000

Project Site 

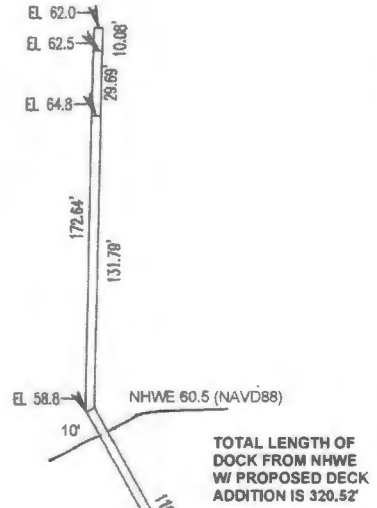
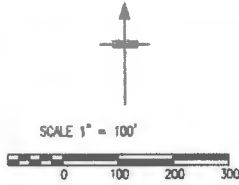
Property Location 



NORTH SHORE AT LAKE HART HOMEOWNER'S ASSOCIATION DOCK SITE PLAN

10398 MALLARD LANDINGS WAY
ORLANDO, FL 32832

TRACTS Q AND P
NORTH SHORE AT LAKE HART
PARCEL 4
PLAT BOOK 47 PAGES 135 THRU 143
ORANGE COUNTY RECORDS



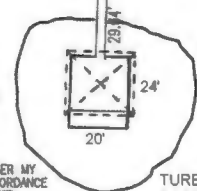
TOTAL LENGTH OF DOCK FROM NHWE W/ PROPOSED DECK ADDITION IS 320.52'

DETAIL SCALE 1" = 50'
OHWE = 60.5 ORANGE COUNTY DATUM
DECK ELEV = 62.5

UPLAND BOARDWALK & DOCK ARE EXISTING - NOT TO BE ALTERED

REMOVE EXISTING TERMINAL PLATFORM & CONSTRUCT A 20' X 24' DECK W/ A 20' X 20' ROOF

MAX ELEVATION OF ROOF 12' ABOVE THE DECK
MIN DECK ELEVATION 65.50



TURBIDITY BARRIER

42" HANDRAIL ON BOTH SIDES OF THE DOCK AND AROUND THE ENTIRE TERMINAL PLATFORM

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 54-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

Edward Mizo, Jr
PLS
(Signature)
Date: 2020.07.05 12:40:02 -04'00'

EDWARD J MIZO
PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

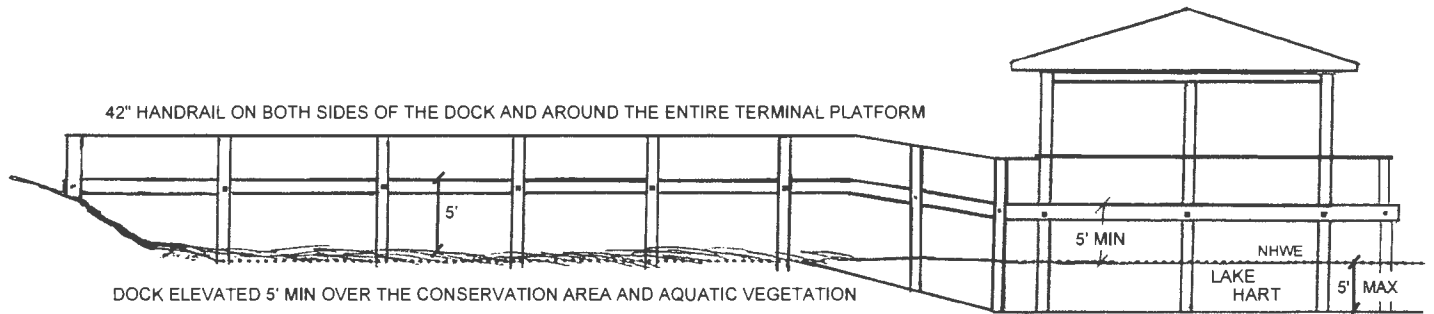
EDWARD MIZO
PROFESSIONAL LAND SURVEYOR
175 AMCONA AVE
DEBARY, FL 32713
321-436-8361

DOCK LOCATION	JULY 2, 2020

NORTH SHORE AT LAKE HART HOMEOWNER'S ASSOCIATION DOCK ELEVATION
10398 MALLARD LANDING WAY, ORLANDO, FL 32832

PEAK OF ROOF 12' MAX ABOVE DECK

42" HANDRAIL ON BOTH SIDES OF THE DOCK AND AROUND THE ENTIRE TERMINAL PLATFORM



DOCK ELEVATED 5' MIN OVER THE CONSERVATION AREA AND AQUATIC VEGETATION