



November 2, 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 James and Marva Harris Dock
Construction Permit BD-22-03-054

The applicants, James and Marva Harris are requesting a dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 7454 John Hancock Drive, Winter Garden, FL 34787 (Parcel ID Number 28-23-27-9178-03-160) on Lake Hancock in District 1.

On March 11, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. On May 27, 2022, in response to EPD's Request for Additional Information, an Application for Waiver was received by EPD to increase the terminal platform size from 727 square feet to 973 square feet.

Waiver Request – Terminal Platform Size

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 applicants have a shoreline that measures approximately 72.7 feet at the Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 727 square feet. The applicants are requesting a terminal platform size of 973 square feet (246 square feet larger than normally allowed by Code).

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. Peter Fleck, states, "The impact is minimal and the Harris' are willing to pay into the mitigation fund to offset any impacts."

To address Section 15-350(a)(2)(2), the applicants' agent states, "NONE."

Public Notification

On September 1, 2022, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. Delivery could not be confirmed for some of the certified letters that were mailed; therefore, on September 13, 2022, EPD staff posted the remainder of the notices on the front doors of the shoreline owners within a 300-foot radius of the subject property and took photographs documenting each of those postings. On September 28, 2022, the applicants and agent were sent notices to inform them of the October 26, 2022 Environmental Protection Commission (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 15-342(b) (terminal platform size) based on a finding that the applicants have demonstrated that there will be no negative effect on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections 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 by a mitigation payment of \$550 to the Conservation Trust Fund.

Environmental Protection Commission Public Hearing

EPC Member Peter Fleck declared a conflict and completed Form 8B and was present to represent the applicant.

Based upon evidence and testimony presented at the hearing, the remaining members of EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the request for waiver to Section 15-342(b) (terminal platform size).

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 727 to 973 square feet with a mitigation payment of \$550 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the James and Marva Harris Dock Construction Permit BD-22-03-054. District 1

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-22-03-054

District #1

Applicants: James and Marva Harris

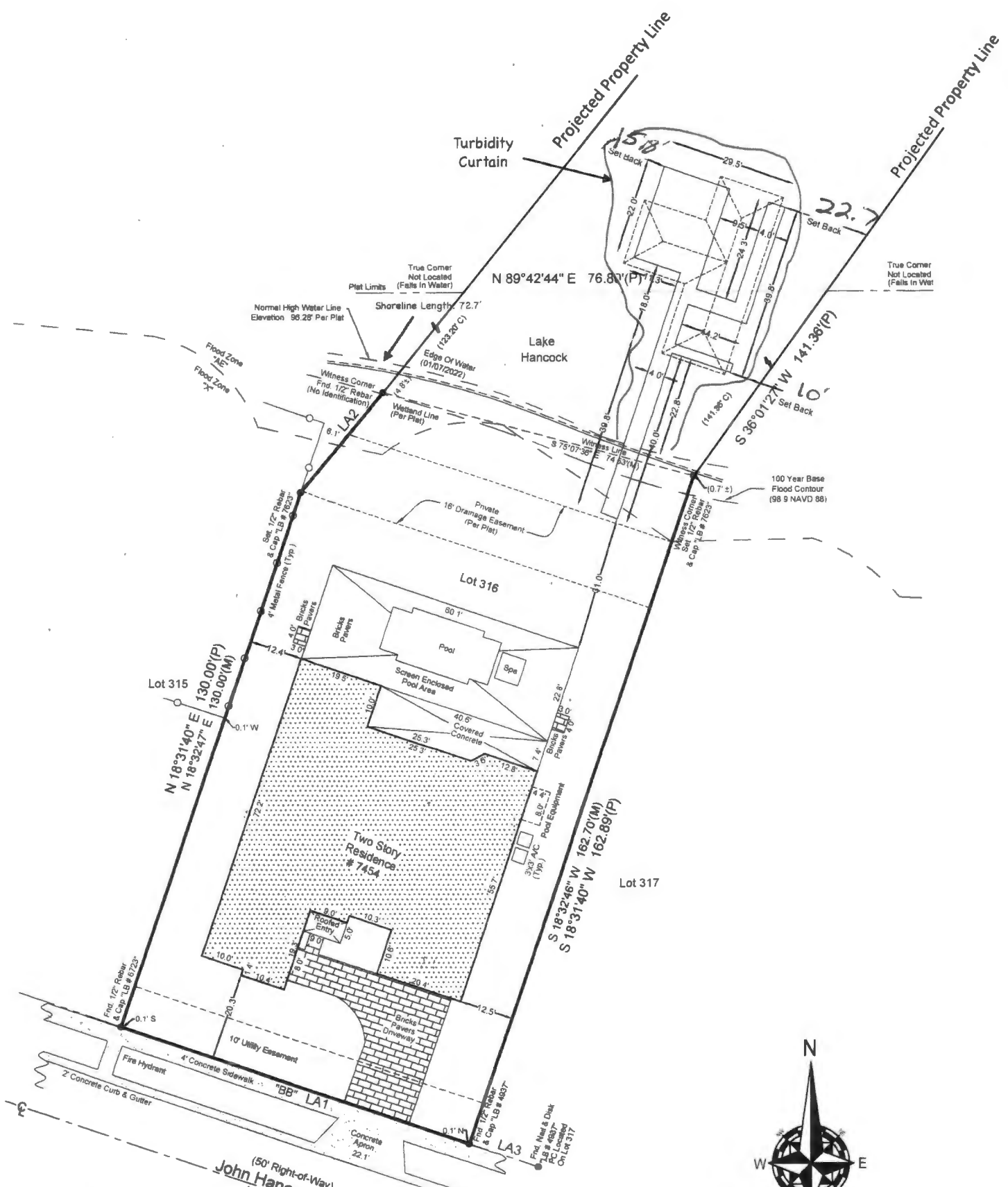
Address: 7454 John Hancock Drive, Winter Garden, FL

Parcel ID: 28-23-27-9178-03-160

Project Site 

Project Location 





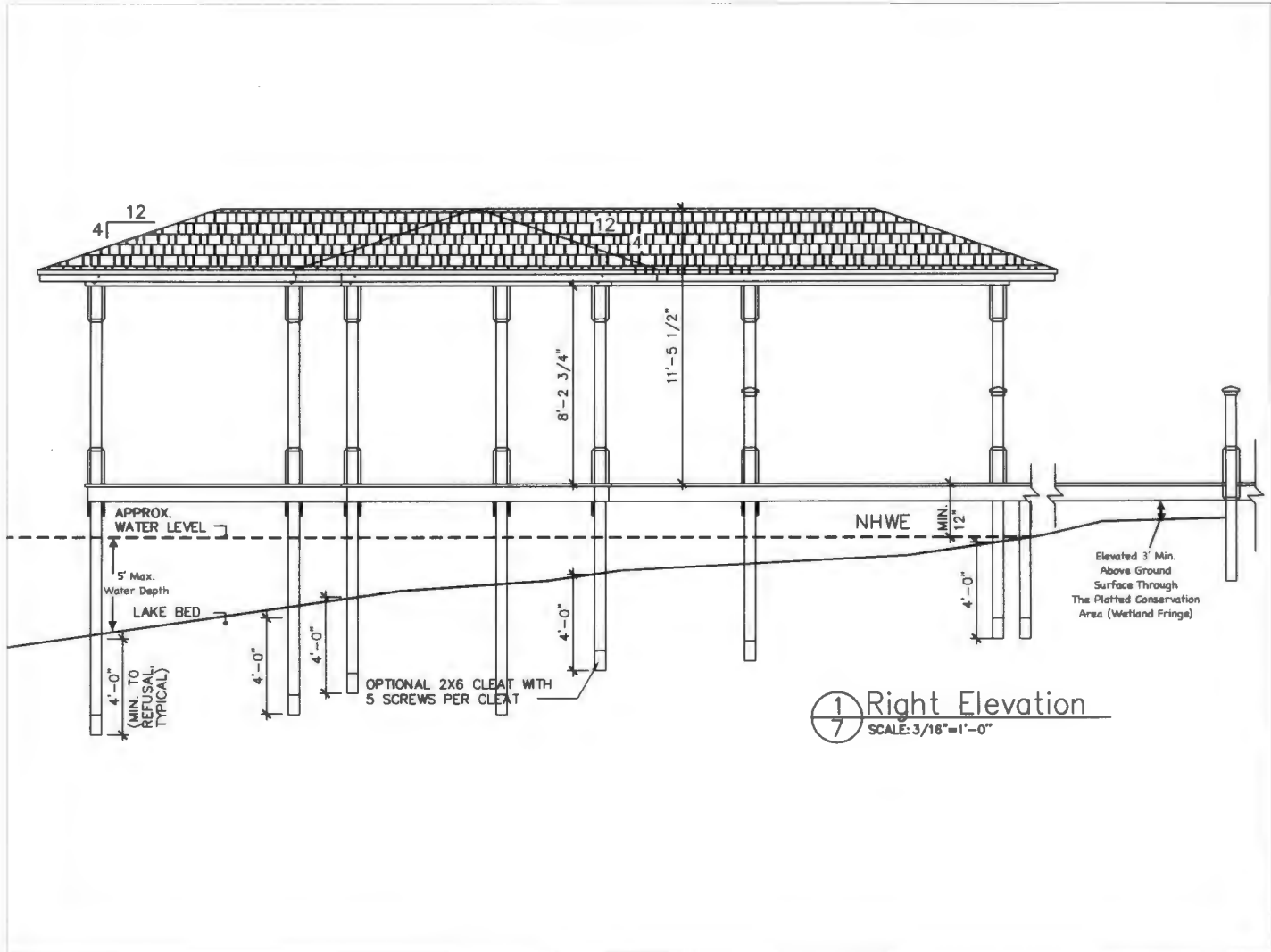
LA1
 N 71°28'20" W 85.00'(P)
 N 71°28'20" W 85.10'(M)

LA2
 N 39°30'20" E 153.10'(P)
 S 9°32'21" E 29.94'(M) To Witness

LA3
 N 71°28'20" W 16.79'(P)
 N 71°15'37" W 16.73'(M)



Scale: 1"=30'



1
7 Right Elevation
SCALE: 3/16"=1'-0"



**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

I Peter Fleck on behalf of James Harris (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:

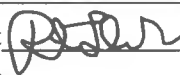
The impact is minimal and the Harris's is willing to pay into the mitigation fund to offset any impacts.

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

NONE.

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  Date: 5.25.22
Corporate Title (if applicable): _____







ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager
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 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 October 26, 2022**

ENVIRONMENTAL
 PROTECTION
 COMMISSION

Mark Ausley
 Chairman

R. Alan Horn
 Vice Chairman

Flornari Blackburn

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Oscar Anderson

Applicants: James and Marva Harris

Permit Application Number: BD-22-03-054

Location/Address: 7454 John Hancock Drive, Winter Garden, FL 34787

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 15-342(b) to increase the maximum allowable terminal platform size from 727 to 973 square feet with a mitigation payment of \$550 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the James and Marva Harris Dock Construction Permit BD-22-03-054. 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