



Interoffice Memorandum

AGENDA ITEM

November 4, 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 and Variance for David and Jacqueline
Siegel for Dock Construction Permit BD-22-05-108

The applicants, David and Jacqueline Siegel, are requesting a Dock Construction Permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Chapter 15, Article IX, Section 15-342(a) (water depth) in order to construct a new boat dock. The project site is located at 6121 Kirkstone Lane, Windermere, FL 34786 (Parcel ID Number 19-23-28-7391-00-220) on Lake Butler in District 1.

On May 25, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace an existing dock at the subject property. Included with the dock application was an Application for Waiver to Section 15-342(b) (terminal platform) requesting a larger than allowed terminal platform of 2,737 square feet in size (1,737 square feet over the allowed maximum size of 1,000 square feet).

During review of the application, it was noted that the water depth at the end of the terminal platform is 6.5 feet. The new dock is not being proposed any further waterward than the existing dock; however, since this is a new application it must meet the current requirement of a five-foot maximum water depth. An Application for Variance to Section 15-342(a) for the greater than allowed water depth was received on September 7, 2022.

The existing dock was authorized by Permit 04-055 and was reviewed under the prior dock construction ordinance which did not have a terminal platform size restriction. The existing dock has a terminal platform size of 1,551 square feet. Additionally, the prior dock ordinance did not have a requirement for maximum water depth.

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 one thousand (1,000) square feet."

The applicants have a shoreline that measures 1,611 feet at the Normal High Water Elevation (NHWE), which allows for a maximum terminal platform of 1,000 square feet. The applicant is requesting a terminal platform size of 2,737 square feet.

Waiver Criteria

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 residence is one of the largest in the country with 1611’ of shoreline length that combines 5 lots to create the site. The impact could be many times greater if they had not assembled the lots. The dock matches the scale of the house.*”

To address Section 15-350(a)(2)(2), Mr. Fleck states, “*None.*”

The applicants have agreed to pay \$1,975 to the Conservation Trust Fund (CTF) as mitigation to offset the additional shading impacts to Lake Butler associated with the larger terminal platform size, should the waiver request be approved.

Water Depth Variance

Chapter 15, Article IX, Section 15-342(a) of the Code states, “The dock shall extend only to the point where reasonable water depth for vessel mooring is achieved. 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 new dock is not being proposed any further waterward than the existing permitted dock; however, since the dock will need to meet the current Code requirement of five feet, the applicants are requesting a variance for the increased water depth of 6.5 feet.

Section 15-350(a)(1) *Variations* 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.”

Variance Criteria

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), the applicants’ agent, Mr. Fleck, states, “*The dock will not go out any farther than it is now and the existing bottom conditions are somewhat uneven causing uneven depths.*”

To address Section 15-350(a)(1)(2), Mr. Fleck states, “*None.*”

Public Notifications and Letters of Objection

On September 14, 2022, a Notice of Applications for Waiver and Variance was sent via certified mail to all shoreline property owners within a 300-foot radius of the property. EPD did not receive confirmation of delivery for several of the notices. Accordingly, EPD requested that the applicant's agent, Mr. Fleck, hand deliver the remaining notices. On September 20, 2022, Mr. Fleck provided documentation that the notices had been delivered.

On August 19, 2022, EPD received an objection from Ms. Darlene Bitel at 6114 Kirkstone Lane, which is located to the west/southwest and two parcels away from the project site. Mrs. Bitel stated, *"I oppose having a helicopter pad on the boathouse for safety and noise issues."* The original site plan included a depiction of a helicopter pad on the second story of the proposed boat dock. EPD coordinated with the Orange County Zoning Division (OCZD) and inquired whether a helicopter pad could be constructed on a dock in a residential neighborhood. OCZD stated that the property is located within a Planned Development (PD) in which a helicopter pad is not an allowable use. OCZD also stated that they would not be able to build the helicopter pad without amending the PD. EPD informed the applicants' agent about the helicopter pad not being an authorized use and it was removed from the proposed site plans. On September 27, 2022, EPD reached out to Ms. Bitel and let her know that the helicopter pad was not an allowed use and was removed from the site plans. EPD asked Mrs. Bitel if she still had an objection to the dock and she responded, *"Unless you are allowing the exact same waiver to all other docks in the neighborhood, I continue to object. I can see no reason why their property should be any different than the rest of ours on the same street."*

On August 24, 2022, EPD received an objection from Dave Brasch at 12024 Sandy Shores Drive, which is located directly across the cove and to the west of the project site. Mr. Brasch stated, *"I would like to advise your department of my staunch opposition to the above referenced boat dock & helicopter pad. My understanding total square foot of boat dock is limited to 1000 sq. ft. and there is no reason for a boat twice the size allowed by code."*

Enforcement Action

There is no current enforcement action on the subject property.

Butler Chain of Lakes Advisory Board

Pursuant to Section 15-347(b), EPD sent notice of the application to the Windermere Water and Navigation Control District Advisory Board, which is also known as the Butler Chain of Lakes Advisory Board (BCLAB).

In accordance with 15-347(e), "The Windermere Water and Navigation Control District Advisory Board...may submit to the environmental protection officer a recommendation to approve or deny applications for docks within their jurisdictions. Recommendations shall be approved by a majority of the advisory board at a public meeting, duly noticed and conducted in accordance with the Florida Sunshine Law, section 286.011, Florida Statutes, as may be transferred or amended from time to time. Advisory board recommendations shall be submitted to the environmental protection officer within thirty-five (35) calendar days of receipt of notice."

On August 16, 2022, EPD received a signed letter from the BCLAB stating “The Butler Chain of Lakes Advisory Board at their August 15, 2022 meeting approved a recommendation to oppose this dock application. The basis for this decision is described below. 1. The Terminal Platform in this application is almost 3 times the maximum size allowed. Zoning Code Article IX, Section 15-342(b) “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 one thousand (1,000) square feet.” 2. The terminal platform of the existing dock which was permitted in 2004 is over 50% above the maximum square footage. We do not recommend any further enlargement. 3. The usage illustrated in the in the [sic] application as a helicopter landing area is not water-dependent. Zoning code Article IX, Sec. 15-342(a), last sentence, ‘Under no circumstances shall a permit for construction of a dock be utilized to construct any facilities to be used for residential purposes or other non-water dependent activities.’”

The BCLAB letter does not elaborate on how the request does not meet the waiver criteria in Section 15-350(a)(2).

EPD Staff Evaluation/Recommendation

Staff has evaluated the waiver request for compliance with the criteria for approval. Pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts from the excess terminal platform size could be offset through a proposed mitigation payment of \$1,975 to the CTF. However, since objections have been received related to the terminal platform size, the applicants have not demonstrated that there will be no negative affect on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2). Therefore, the recommendation of the Environmental Protection Officer (EPO) is to deny the waiver request to Section 15-342(b) (terminal platform size).

Staff has evaluated the variance request for compliance with the criteria for approval. Pursuant to Section 15-350(a)(1)(1), the hardship is not self-imposed since the existing dock was permitted in the same location and the new dock is not proposed any further out into the lake. Additionally, pursuant to Section 15-350(a)(1)(2), the objectors did not specifically object to the requested variance for increased water depth so the applicant has demonstrated that there will be no negative affect on the abutting shoreline owners for this request. Therefore, the EPO recommends approval of the variance request to Section 15-342(a) (water depth).

Environmental Protection Commission (EPC) Public Hearing

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

EPD presented the waiver and variance request in a public hearing before the EPC at their October 26, 2022 meeting. Mr. Fleck acknowledged that it is a big ask for a big boat dock, but he indicated that with 1,611 feet of shoreline, the five platted lots could have been eligible for 5,000 square feet of boat dock terminal platform size combined had the lots not been aggregated into one very large parcel. He further noted that it is a big house with a big shoreline and the applicants want an architectural structure for the dock that is consistent with both. In addition, he stated that he had reviewed the terminal platform waiver applications submitted between 2017 and 2021 and noted that the waivers were approved

100 percent of the time if mitigation was provided. Mr. Fleck also indicated that he is not even sure the objectors can see the boat dock from their properties, so he questioned the validity of the objections. He also stated that the new boat dock would not go out any further into the lake than the existing boat dock, noting that cypress trees are in the way.

EPC Chairman Mark Ausley reiterated that this is a very large dock, but mentioned that this parcel is made up of five large lakefront lots and that the justification for a larger terminal platform based on lots that had been assembled has been used in the past. He also noted that the proposed dock would not go out further into the lake than the existing dock and that the height of the current dock is more than 12 feet. Vice Chairman Horn stated that the impact is smaller than five separate docks. Chairman Ausley mentioned the environmental impacts can be offset through the mitigation payment. EPC Member Oscar Anderson stated that he would have no problem with the big terminal platform based on the shoreline length even though the dock could have a smaller footprint.

Based upon evidence and testimony presented at the hearing, the EPC voted four to one to reject the findings and recommendation of the EPO, 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 terminal platform size from 1,000 square feet to 2,737 square feet with a mitigation payment of \$1,975 to the Conservation Trust Fund within 60 days of the decision of the Board, and accept the finding and recommendation of the EPO 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 15-342(a) to increase the maximum water depth from five feet to 6.5 feet.

ACTION REQUESTED: Acceptance of the findings and recommendations 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 terminal platform size from 1,000 square feet to 2,737 square feet with a mitigation payment of \$1,975 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 15-342(a) to increase the maximum water depth from five feet to 6.5 feet for the David and Jacqueline Siegel Dock Construction Permit BD-22-05-108. District 1.

JVW/DDJ: jk

Attachments

Application for Dock Construction Waiver and Variance



Application for Dock Construction Waiver and Variance

BD-22-05-108

District #1

Applicants: David and Jacqueline Siegel

Addresses: 6121 Kirkstone Lane

Parcel ID: 19-23-28-7391-00-220

Project Site 

Property Location 



AS BUILT SURVEY

of
BOAT DOCK AT 6121 KIRKSTONE LANE
 LOTS 22 THRU 26, RESERVE AT LAKE BUTLER SOUND, AS
 RECORDED IN PLAT BOOK 45, PAGE 120 OF THE PUBLIC
 RECORDS OF ORANGE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

SCALE:
 1" = 20'

LAKE ELEVATION = 100.4
 DOCK ELEVATION = 103.0
 NHWL ELEVATION = 99.5 (NGVD29)
 98.48 (NAVD88)

LINE TABLE

L01	S81° 29' 07"E	61.18'
L02	N51° 39' 54"E	270.00'
L03	S08° 49' 53"E	122.09'
L04	N00° 52' 27"W	470.45'
L05	N51° 39' 54"E	284.91'
L06	N00° 56' 33"W	399.63'
L07	N25° 11' 02"E	491.66'
L08	N00° 56' 33"W	63.69'
L09	N13° 08' 34"W	343.26'
L10	N65° 36' 07"W	405.12'

DOCK
 DETAIL

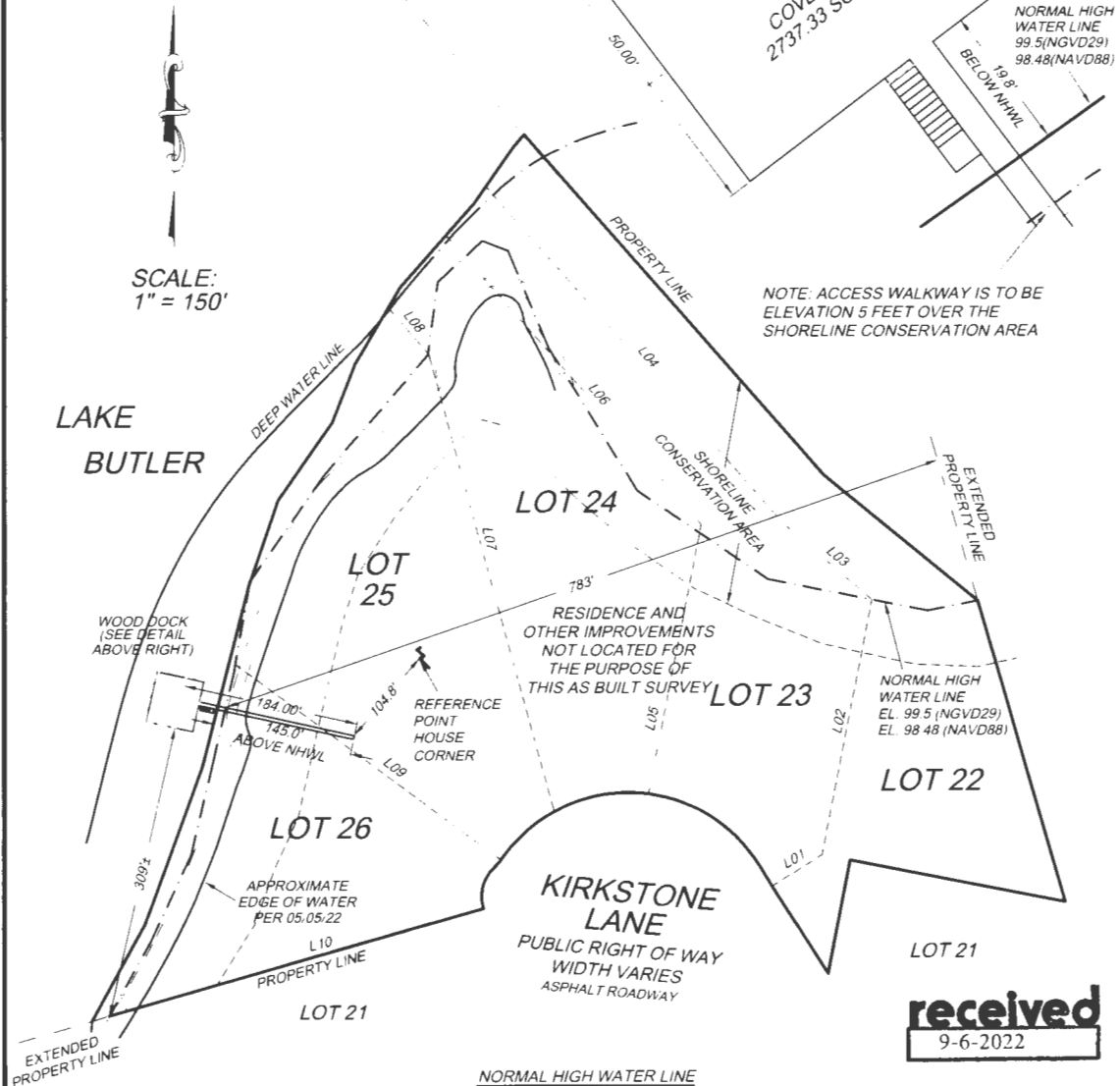
WATER DEPTH AT
 END OF DOCK = 6.5'

PROPOSED
 COVERED
 WOOD DOCK
 COVERED AREA =
 2737.33 SQUARE FEET

NORMAL HIGH
 WATER LINE
 99.5(NGVD29)
 98.48(NAVD88)

SCALE:
 1" = 150'

NOTE: ACCESS WALKWAY IS TO BE
 ELEVATION 5 FEET OVER THE
 SHORELINE CONSERVATION AREA



Surveyors Notes

1. The bearings shown hereon are based upon the North line of Lot 14, Block C, having an assumed bearing of S 45°00'00" E.
2. Only above-ground evidence of existing utilities is shown hereon.
3. Not valid without the signature and the original raised seal of the Professional Surveyor and Mapper.
4. The elevations shown hereon are based upon Orange County Benchmark C-1399-002, having an elevation of 113.773' NAVD88.

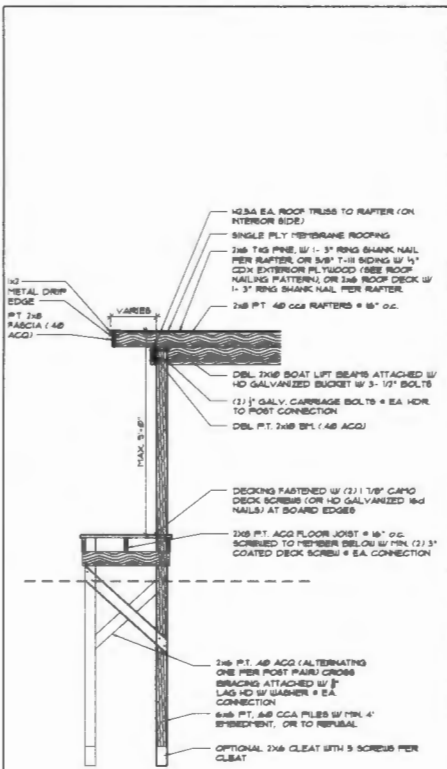
NORMAL HIGH WATER LINE
 LENGTHS BY LOT

LOT 22 - 112.11'
 LOT 23 - 377.34'
 LOT 24 - 348.42'
 LOT 25 - 381.13'
 LOT 26 - 392.47'
 TOTAL SHORELINE
 LENGTH = 1611.47'

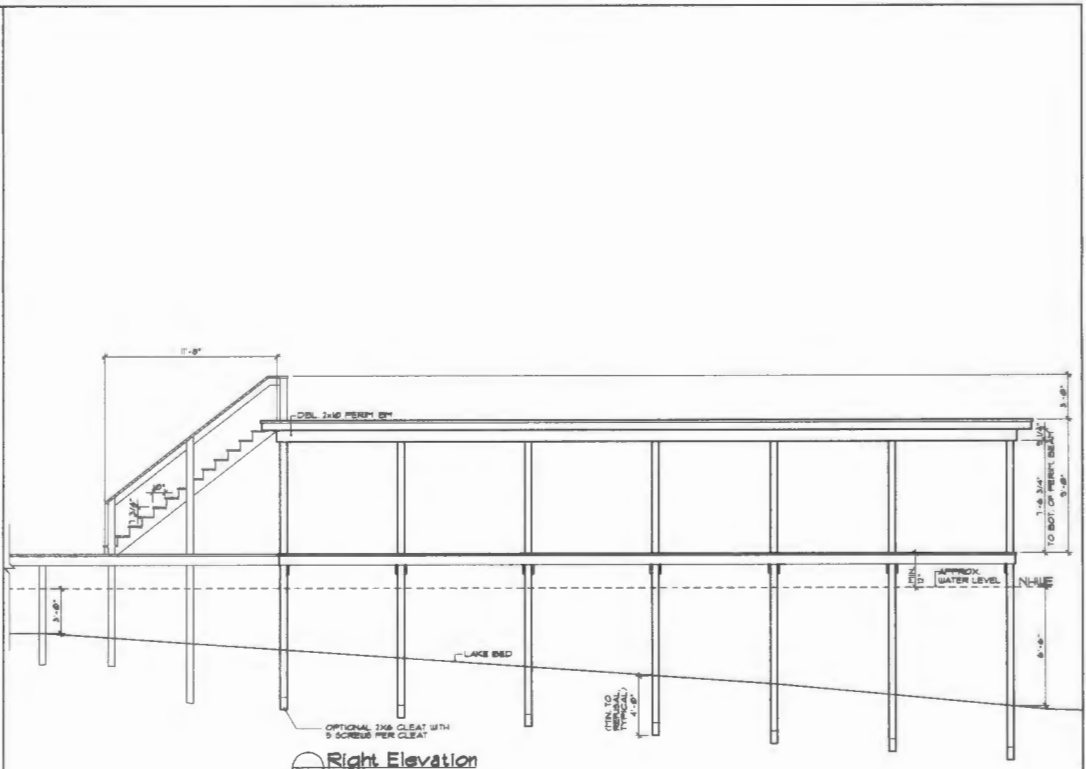
HARTLEY SURVEYING, INC

283 TIGER LILY COURT
 ALTAMONTE SPRINGS, FL 32714
 407-383-6978 407-798-9415 (FAX)
 LB #7197

Jeff L. Hartley
 JEFF L. HARTLEY, PSM #116
 FIELD DATE: 05/05/22



Typical Load Path Section
 ACQUENTA



Right Elevation
 SCALE 1/4" = 1'-0"

received
 9-28-2022



**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 David Siegel (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 residence is one of the largest in the country with 1611' of shoreline length that combines 5 Lots to create the site. The impact could be many times greater if they had not assembled the lots. The dock matches the scale of the house.

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): _____



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Orange County Environmental Protection Division
Deliver To: 3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

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

I Peter Fleck on behalf of David Siegel (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to Section 15-342(a) (water depth) 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):

The dock will not go out any farther than it is now and the existing bottom conditions are somewhat uneven causing uneven depths

2. Describe the effect of the proposed variance on abutting shoreline owners: None

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: David Siegel
Signature of Applicant/Agent [Signature] Date: 9/6/2022
Corporate Title (if applicable):

From: [Darlene Bitel](#)
To: [Root, Jason](#)
Cc: [Johnson, Liz](#); [Hull, Tim M](#)
Subject: Re: Siegel Dock Application BD-22-05-108
Date: Tuesday, September 27, 2022 1:18:10 PM
Attachments: [NOA for Variance and Waiver - Siegel.pdf](#)

Hi Jason,

Thank you for your message. Unless you are allowing the exact same waiver to all other docks in the neighborhood, I continue to object. I can see no reason why their property should be any different than the rest of ours on the same street.

Thank you for the opportunity to voice my concern.

Darlene Bitel
6114 Kirkstone Lane
Windermere

Darlene Bitel
407-230-3312

On Sep 27, 2022, at 12:18 PM, Jason.Root@ocfl.net wrote:

Good afternoon Ms. Bitel,
You had previously sent in an objection to the proposed dock for Mr. and Mrs. Siegel at 6121 Kirkstone Lane. Your email stated:

“Hello, My name is Darlene Bitel and I live across the street from Siegel residence at 6114 Kirkstone Lane. I oppose having a helicopter pad on the boathouse for safety and noise issues.”

EPD checked with the Zoning Division and the helicopter pad would not be an allowable use. The helicopter has been removed from the site plans. Since your objection came in before the Notice for Variance and Waiver letters were sent out I wanted to check in to see if you objected to the requested variance for increased water depth or the waiver for the increased terminal platform size. I wanted to be clear if your objection was only to the helicopter pad or if you objected to the variance and waiver requests.

Let me know if you have any questions. Thank you and be safe this week during the storm.

Thanks,

Jason Root
Environmental Team Leader

Orange County Environmental Protection Division
Environmental Permitting and Compliance
3165 McCrory Place, Suite 200
Orlando, Florida 32803
office: 407-836-1518
cell: 321-239-4470
fax: 407-836-1499
email: Jason.Root@ocfl.net
web: www.ocfl.net/epd
Applicant's Handbook: <http://www.ocfl.net/wetlandpermithandbook>



Over the past two years, Orange County EPD has been working on revising Chapter 15, Article IX (Dock Construction Ordinance). EPD is currently scheduled to present the proposed changes to the Board of County Commissioners (BCC) on **August 30, 2022** with an effective date of January 1, 2023.

Please be advised that any pending dock applications that include either an Application for Variance and/or an Application for Waiver may not have sufficient processing time in order to obtain approval prior to the effective date of the new ordinance due to current code requirements for noticing of variance and waivers, USPS notice delivery failures, potential objections or appeals, and required public hearings with the Environmental Protection Commission and the BCC. An exception would be an Application for Waiver for a reduced side setback that includes a Letter of No Objection (LONO) from the affected property owner which would not require a public hearing and can be staff approved. **Any applications that are not completed by December 31, 2022 will be subject to the criteria of the new code.**

If you have any questions, feel free to reach out to us at wetlandpermitting@ocfl.net. Be sure to include your permit application number with your request.

PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

From: [Dave Brasch](#)
To: [Wetland Permitting](#)
Subject: Boat Dock App-6121 Kirkstone Ln - David Siegel - 2737 sq ft platform, helicopter landing top deck
Date: Wednesday, August 24, 2022 7:38:28 PM

Wetland permitting,

I would like to advise your department of my staunch opposition to the above referenced boat dock & helicopter pad.

My understanding total square foot of boat dock is limited to 1000 sq. ft. and there is no reason for a boat twice the size allowed by code.

Living across the cove on Sandy Shores Drive also placing a helicopter pad on the waterfront risks damage Lake Butler and noise disruption for those of us living near the subject property.

Thank-you

Dave Brasch
12024 Sandy Shores Drive.





Butler Chain of Lakes Advisory Board Response to Dock Permit Application

Address: 6121 Kirkstone Lane, Windermere, FL 34786

Application No: BD-22-05-108

Recommendation: Deny

The Butler Chain of Lakes Advisory Board at their August 15, 2022 meeting approved a recommendation to oppose this dock application. The basis for this decision is described below.

1. The Terminal Platform in this application is almost 3 times the maximum size allowed.
Zoning code Article IX, Sec. 15-342(b)
"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 one thousand (1,000) square feet."
2. The terminal platform of the existing dock which was permitted in 2004 is over 50% above the maximum square footage. We do not recommend any further enlargement
3. The usage illustrated in the in the application as a helicopter landing area is not water-dependent.
Zoning code Article IX, Sec. 15-342(a), last sentence, "Under no circumstances shall a permit for construction of a dock be utilized to construct any facilities to be used for residential purposes or other non-water dependent activities."

Respectfully,



Ijaz Ahmed, Chairman Butler Chain of Lakes Advisory Board

8/16/2022

Date



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

Mark Ausley
Chairman

R. Alan Horn
Vice Chairman

Florian Blackburn

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Oscar Anderson

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION

October 26, 2022

Applicants: David and Jacqueline Siegel

Permit Application Number: BD-22-05-108

Location/Address: 6121 Kirkstone Lane, Windermere, FL 34786

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for waiver is not consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend denial of the request for waiver to Section 15-342(b) to increase the maximum terminal platform size from 1,000 square feet to 2,737 square feet; and

Accept the finding 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 15-342(a) to increase the maximum water depth from five feet to 6.5 feet for the David and Jacqueline Siegel Dock Construction Permit BD-22-05-108. District 1

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Reject 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 terminal platform size from 1,000 square feet to 2,737 square feet with a mitigation payment of \$1,975 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Accept the finding 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 15-342(a) to increase the maximum water depth from five feet to 6.5 feet for the David and Jacqueline Siegel Dock Construction Permit BD-22-05-108. District 1

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: 10-26-22