




Interoffice Memorandum

AGENDA ITEM

February 4, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406**

SUBJECT: March 10, 2020 — Consent Item
Environmental Protection Commission Recommendation for
After-the-Fact Requests for Waiver and Variance for
Stephen Kaczmarek; Dock Construction Permit BD-18-11-
113

The applicant, Stephen Kaczmarek, is requesting approval of an after-the-fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and approval of an after-the-fact variance to Chapter 15, Article IX, Section 15-343(a) (side setback). The project site is located at 7639 Green Mountain Way, Winter Garden, Florida 34787. The Parcel ID number is 28-23-27-8318-11-200. The subject property is located on Lake Hancock in District 1.

Dock Construction Permit BD-18-11-113 was issued to the applicant on December 10, 2018. The as-built survey of the dock indicated that the terminal platform size was larger than what was approved in the permit and the southern side setback was less than what was permitted. In order to allow the dock to remain as constructed, the applicant is requesting a terminal platform size of 742.4 square feet. The maximum allowed terminal platform size for the subject parcel is 705.4 square feet. The applicant is also requesting a southern side setback of 9.3 feet in lieu of 10 feet as required by Code.

Notification of the after-the-fact Application for Waiver and the after-the-fact Application for Variance was sent to all property owners within a 300-foot radius of the property. No objections were received.

Staff evaluated the request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the after-the-fact requests for waiver and variance based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver or variance on abutting shoreline owners pursuant to Sections 15-350(a)(1)(2) and 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 in terminal

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platform size will be offset through mitigation. Furthermore, the reduction in the side setback from the southern projected property line is minor (less than one foot).

Based upon evidence and testimony presented at the January 29, 2020 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a recommendation to approve the after-the-fact request for waiver to Section 15-342(b) (terminal platform size) and the after-the-fact request for variance to Section 15-343(a) (side setback), with the condition that the applicant pay \$493 to the Conservation Trust Fund as mitigation.

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Commission and approve the after-the-fact request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the allowable terminal platform size by 37 square feet to 742.4 square feet with the condition that the applicant pay \$493 to the Conservation Trust Fund within 60 days of the decision of the Board, and approve the after-the-fact request for variance to Section 15-343(a) to reduce the side setback from the southern projected property line from 10 feet to 9.3 feet for the Stephen Kaczmarek Dock Construction Permit BD-18-11-113. District 1**

AW/JR/TMH/ERJ/DJ: mg

Attachments

After-the-Fact Boat Dock Construction Applications for Waiver and Variance



**After-the-Fact Dock Construction
Applications for Waiver and Variance
BD-18-11-113
District #1**

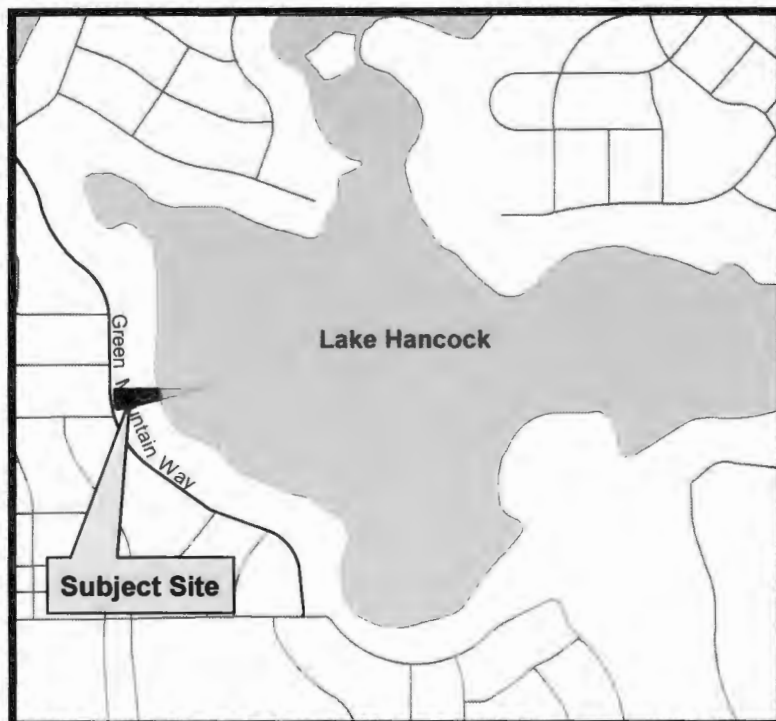
Applicants: Stephen Kaczmarek

Address: 7639 Green Mountain Way

Parcel ID: 28-23-28-0535-02-010

Project Site 

Property Location 





ENVIRONMENTAL PROTECTION DIVISION
 David D. Jones, P.E., CEP, Manager
 3165 McCroby Place, Suite 200
 Orlando, FL 32803
 407 836 1400 • Fax 407 836 1499
 www.ocfl.net

ENVIRONMENTAL
 PROTECTION
 COMMISSION

ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 January 29, 2020

Jonathan Huels
 Chairman

PROJECT NAME: Stephen Kaczmarek

Mark Ausley
 Vice Chairman

PERMIT APPLICATION NUMBER: BD-18-11-113

Oscar Anderson

ADDRESS/LAKE: 7639 Green Mountain Way/Lake Hancock

Perry Barnas

RECOMMENDATION:

Floman Blackburn

Mark Corbett

Billy Butterfield

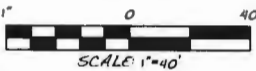
Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendations of the Environmental Protection Officer and make a finding that the after-the-fact request for waiver is consistent with Section 15-350(a)(2), and recommend approval of the after-the-fact request for waiver to Section 15-342(b) to increase the allowable terminal platform size by 37 square feet to 742.4 square feet with the condition that the applicant pay \$493 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and make a finding that the after-the-fact request for variance is consistent with Section 15-350(a)(1) and recommend approval of the after-the-fact request for variance to Section 15-343(a) to reduce the side setback from 10 feet to 9.3 feet for the Stephen Kaczmarek Dock Construction Permit BD-18-11-113. 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:  _____

EPC Recommendation Date: 1/29/20



LEGEND		
CC = Covered Concrete	Pg = Pige	OR Book = Official Record Book
ID = Identification	EB = Electric Box	SR = Set "S" Iron Rod & Cap LB#7788
LB = Licensed Business	WM = Water Meter	CSP = Covered Brick Pavers
FP = Found Iron Pipe	LP = Light Pole	FCM = Found Concrete Monument
FIR = Found Iron Rod	TR = Telephone Rise	FN&D = Found Nail & Disk
C/S = Concrete Slab	TR = Transformer	SM&D = Set Nail & Disk LB#7788
D = Central Angle	PE = Pool Equipment	IN = Natural Gas Line Marker
L = Arc Length	R = Radius	◆ = Gas Tank
OFFS = Offsets	ONS = Onsite	⊙ = Unknown Tree (Diameter as Noted)
CWD = Covered Wood Dock		
CBS = Covered Boat Slip		

Boundary Survey



7630 Green Mountain Way
Winter Garden, FL 34787

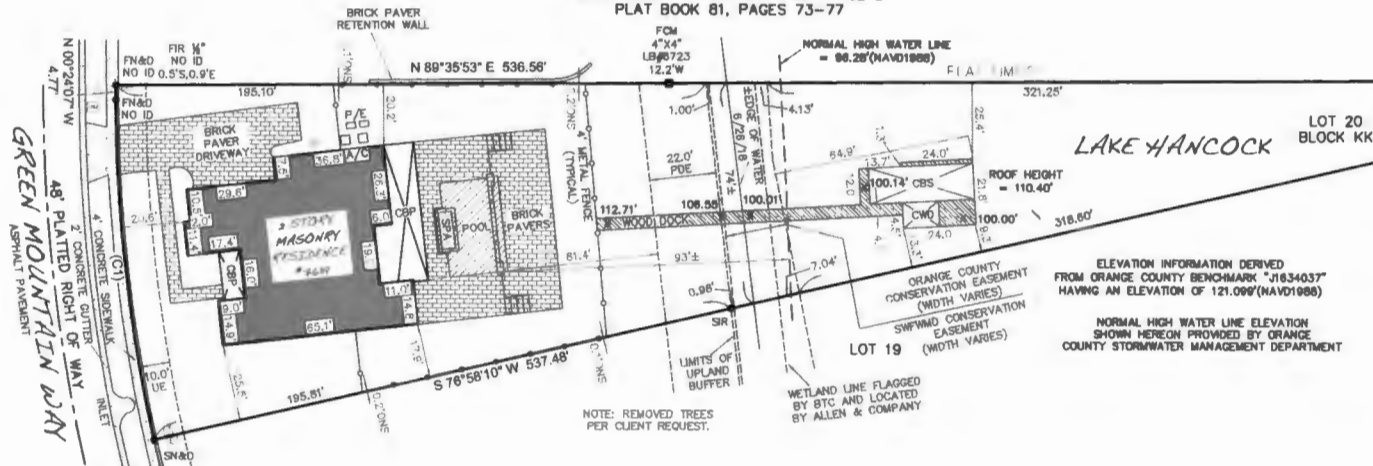
CERTIFIED TO: (AS FURNISHED)
Stephen J Kaczmarek and Glori A Kaczmarek
First American Title Insurance Company
Celebration Title Group

FLOOD ZONE:
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "AE & X" AREAS DETERMINED TO BE INSIDE & OUTSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 120950309F, LAST REVISION DATE 9/25/09. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
SIDEWALK CROSS PROPERTY LINE.
OWNERSHIP OF WALL & FENCES HAS NOT BEEN DETERMINED.

BASIS OF BEARING:
BEARINGS ARE BASED ON THE NORTH LINE OF LOT 20, BLOCK KK WHICH HAS A BEARING OF N 89°35'53" E PER PLAT.

WEST LAKE HANCOCK ESTATES PHASE 2 PLAT BOOK 81, PAGES 73-77



CURVE 1(C1)
L=113.81'
R=532.00'
D=12°14'07"

NOTE: REMOVED TREES PER CLIENT REQUEST.
WETLAND LINE FLAGGED BY BTC AND LOCATED BY ALLEN & COMPANY

ELEVATION INFORMATION DERIVED FROM ORANGE COUNTY BENCHMARK "J1634037" HAVING AN ELEVATION OF 121.069' (NAVD1988)
NORMAL HIGH WATER LINE ELEVATION SHOWN HEREON PROVIDED BY ORANGE COUNTY STORMWATER MANAGEMENT DEPARTMENT

Legal Description

(Document #204056792)

Lot 20, Block KK, Summerlake PD Phase 2A, according to the map or plat thereof, as recorded in Plat Book 81, Page 77, of the Public Records of Orange County, Florida.



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

JOB #:	VLSR18-2796
CLIENT #:	
FIELD DATE:	6/26/18
CREW:	2600
DRAFTER:	DF
APPROVED:	JEW
SCALE:	1" = 40'

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

NO 6979
STATE OF FLORIDA

Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #8573
DATED: 6/27/18

DATE	REVISION	DATE	REVISION
10/4/19	Detail Dock	10/9/19	Revise Elevation



**APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER**

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

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

OCEPD NOV42019AM10:19

I Stephen Kaczmarek on behalf of _____ (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 terminal platform is over open water so there is negligible impact to the wetland vegetation. The requested waiver is for 42.4 square feet. No additional pilings are needed so contact with the water is the same.

2. Describe the effect of the proposed waiver on abutting shoreline owners:
The structure will not adversely affect the adjacent property owner's view or navigability since the additional square footage is negligible.

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: Stephen Kaczmarek

Signature of Applicant/Agent *Stephen Kaczmarek*

Date: 10/25/2019

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

OCEPD NOV42019AM10:19

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

I Stephen Kaczmarek on behalf of (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343(a) 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):
Our projected property line results in a tight pie shape on the lake and we need an extra 0.7 feet to fit a dock terminal platform that provides safe and efficient access to the boat slip.

2. Describe the effect of the proposed variance on abutting shoreline owners:
The requested variance is less than the width of this piece of paper and will have a negligible effect on our neighbors. A LONO is attached to this request.

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: Stephen Kaczmarek

Signature of Applicant/Agent [Handwritten Signature]

Date: 10/25/2019

Corporate Title (if applicable):

