



Interoffice Memorandum

AGENDA ITEM

November 3, 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 Sarajane and Stephen
Bonck for Dock Construction Permit BD-22-08-157

The applicants, Sarajane and Stephen Bonck, 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 15-343(a) (side setback). The project site is located on Old Lake Pickett Road, Orlando, FL 32820 (Parcel ID Number 09-22-32-0000-00-045) on Lake Pickett in District 5. At this time, there is no home on the site. However, there is an issued Building Safety Division Permit B22010578. Therefore, the property has demonstrated principal use.

On August 29, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the dock application was an Application for Waiver to Section 15-342(b) to authorize a larger than allowed terminal platform of 668 square feet in size. The maximum allowable terminal platform size for this parcel is 320 square feet.

In addition, included with the dock application was an Application for Variance to Section 15-343(a) to reduce the side setback from 10 feet to negative (-) 85 feet from the northern projected property line and negative (-) 33 feet from the eastern projected property line.

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 32 feet at the Normal High Water Elevation (NHWE), which allows for a maximum terminal platform of 320 square feet. The applicants are requesting a terminal platform size of 668 square feet (348 square feet larger than allowed by Code).

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 (Sheila Cichra) states, “*The actual “shoreline” of this parcel is more than twice the length of the NHWE, so there isn’t really much of an additional impact due to a larger terminal platform than legally allowed. The proposed terminal platform is of average size and will be located over open water.*”

To address Section 15-350(a)(2)(2), the applicants’ agent states, “*The proposed structure will not adversely affect the adjacent property owner’s view or navigability.*”

The applicants have agreed to pay \$405 to the Conservation Trust Fund (CTF) as mitigation to offset the shading impacts to Lake Pickett associated with the larger terminal platform size should the waiver request be approved.

Side Setback Variance

Chapter 15, Article IX, Section 15-343(a) of the Code states, “On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks including designated mooring areas, shall have a minimum side-setback of ten (10) feet from the projected property line.” The applicants have a shoreline that measures approximately 32 feet and therefore the dock is required to meet a setback of 10 feet. The applicants are proposing a side setback of negative (-) 85 feet from the northern projected property line and negative (-) 33 feet from the eastern projected property line.

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 states, “*This parcel was platted with a very narrow shoreline, due to the fact that the NHWE crosses the property boundary halfway across the lot. The Eastern property boundary angles severely across the parcel instead of running out into the lake, like most parcels. Without a negative setback waiver, the dock could only be constructed about 10’ long and would be of no use.*”

To address Section 15-350(a)(1)(2), the applicants’ agents states, “*The proposed boat dock poses no navigational hazard or view obstruction for either adjacent property owner. The*

setback on the west is 17' and the adjacent parcel to the east is 400' wide. The west side of that large parcel is unused wetland."

Public Notifications and Letters of Objection

On September 6, 2022, a Notice of Applications for Variance and Waiver was sent to all shoreline property owners within a 300-foot radius of the property.

On September 27, 2022, EPD received an objection from Tim and Donna O'Connor at 17657 Sailfin Drive, which is located across a canal to the west of the project site. The O'Connors state, *"we feel asking to double to the size of the variance is asking a lot. If you are going to change the rules let us all double the size of our docks. Rules are put into place for a reason, lets [sic] leave room on the lake for wildlife, boats, row team and people to enjoy."*

On October 6, 2022, EPD received an objection from Felix Torres at 17651 Sailfin Drive, which is also located across a canal to the west of the project site. Mr. Torres states in part, *"I completely object to the exception requested on this project by the applicants...This dock construction, as suggested, it goes beyond the parameters and regulations created for the equal enjoyment of all the owners surrounding Pickett Lake. Additionally, this proposed construction will affect and obstruct our natural view of the lake as well as impact my rightful enjoyment of my property and affecting its value."*

Enforcement Action

There is no current enforcement action on the subject property.

EPD Staff Evaluation/Recommendation

Staff has evaluated the waiver and variance requests 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 \$405 to the CTF. Additionally, the applicants have demonstrated that the projected property lines for this parcel would impose a unique and unnecessary hardship that was not self-imposed in order to comply with the required setbacks. However, 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) and Section 15-350(a)(1)(2), as objections have been received. Therefore, the recommendation of the Environmental Protection Officer (EPO) is to deny the request for waiver to Section 15-342(b) (terminal platform size) and deny the request for variance to Section 15-343(a) (side setback).

Environmental Protection Commission (EPC) Public Hearing

EPD presented the waiver and variance request in a public hearing before the EPC at their October 26, 2022 meeting. Sheila Cichra spoke in favor of the request as the authorized agent for the applicants. Ms. Cichra explained that the location of the NHWE along the rear of the property results in projected property lines that a side setback of 10 feet would be unable to meet. Vice Chairman Alan Horn said based on aerial photographs it appears the property has additional shoreline. He asked what the shoreline length would be if the NHWE extended across the entire property. Sheila Cichra stated it measures approximately 67 feet. Member Oscar Anderson asked what size of dock they would be allowed if the NHWE extended along the 67 feet of property. EPD staff answered that 67

feet of shoreline would allow for a size of 670 square feet. Sheila Cichra also mentioned they designed the dock further to the east to allow additional room for the adjacent property to the west to construct a dock.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously 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 recommended approval of the request for waiver to Section 15-342(b) to increase the maximum terminal platform size from 320 square feet to 668 square feet with a mitigation payment of \$405 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and reject 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 15-343(a) to reduce the side setback from the northern projected property line from 10 feet to negative (-) 85 feet and reduce the setback from the eastern projected property line from 10 feet to negative (-) 33 feet.

ACTION REQUESTED: Acceptance of the findings and recommendations of the Environmental Protection Commission and approval of the request for waiver to Section 15-342(b) to increase the maximum terminal platform size from 320 square feet to 668 square feet with a mitigation payment of \$405 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 15-343(a) to reduce the side setback from the northern projected property line from 10 feet to negative (-) 85 feet and reduce the setback from the eastern projected property line from 10 feet to negative (-) 33 feet for the Sarajane and Stephen Bonck Dock Construction Permit BD-22-08-157. District 5.

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance

BD-22-08-157

District #5

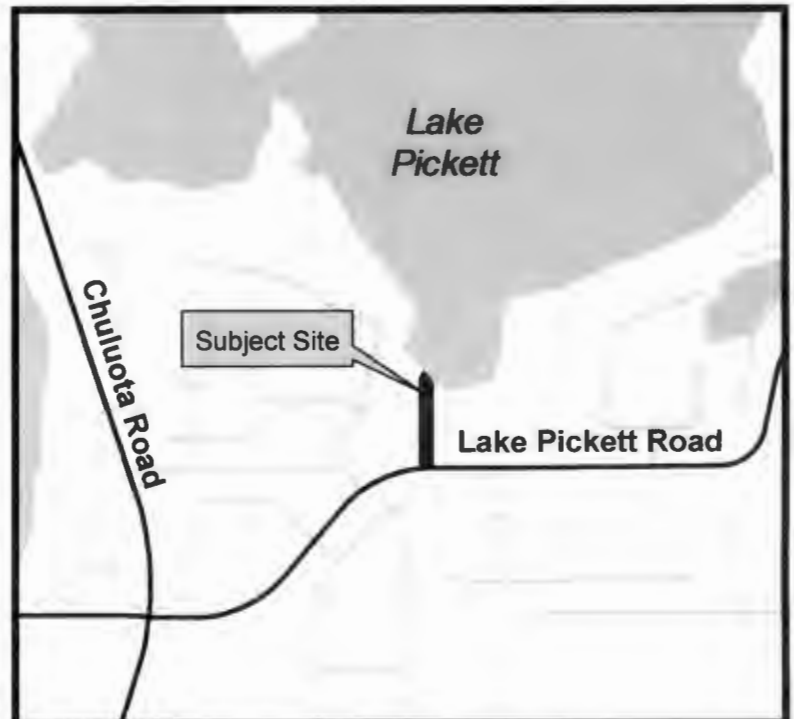
Applicants: Sarajane and Stephen Bonck

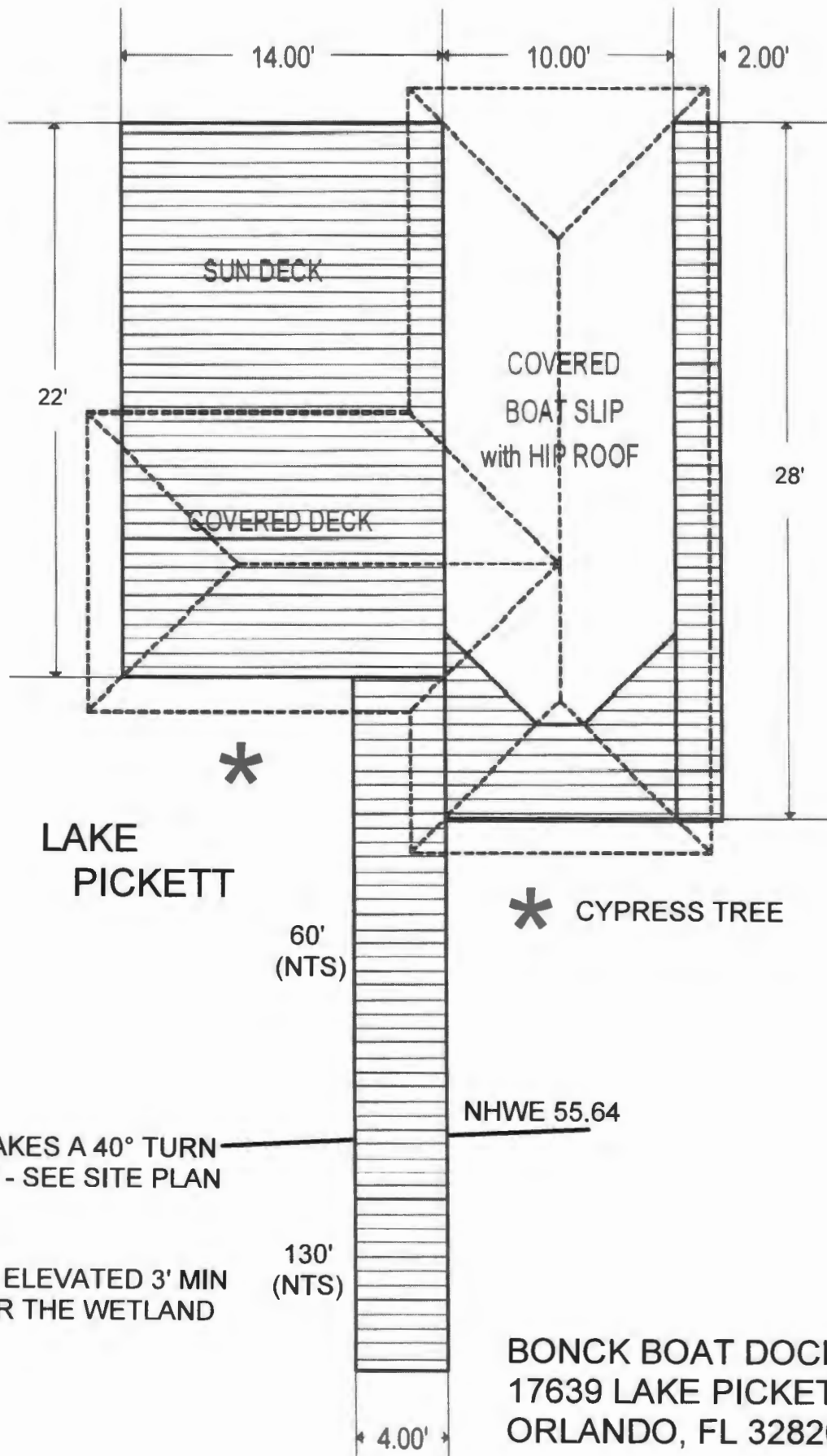
Addresses: Old Lake Pickett Road

Parcel ID: 09-22-32-0000-00-045

Project Site 

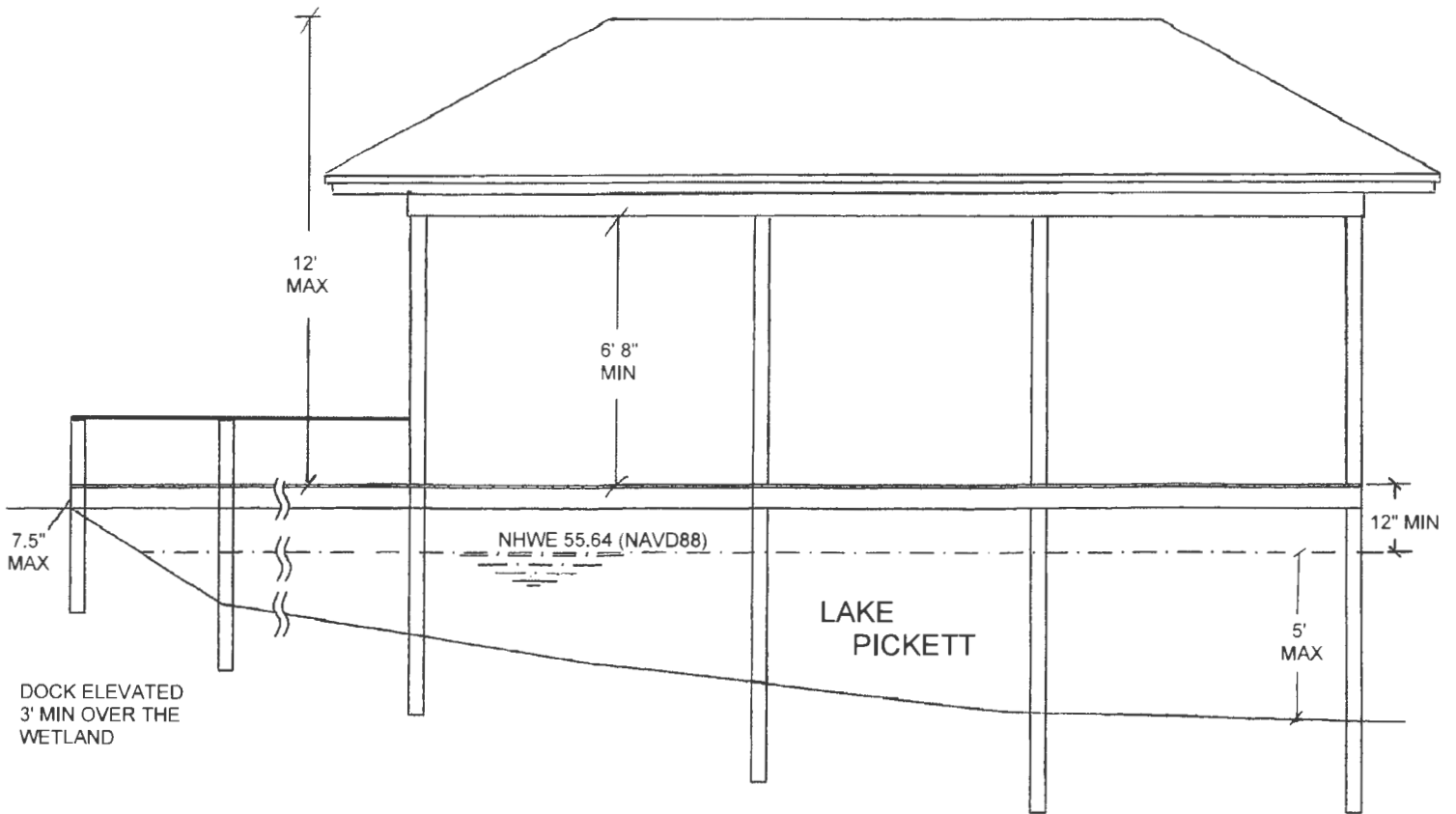
Property Location 





BONCK BOAT DOCK PLAN VIEW
 17639 LAKE PICKETT ROAD
 ORLANDO, FL 32820

BONCK BOAT DOCK ELEVATION
17639 LAKE PICKETT ROAD
ORLANDO, FL 32820





**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
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Stephen Bonck (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 actual "shoreline" of this parcel is more than twice the length of the NHWE, so there isn't really much of an additional impact due to a larger terminal platform than legally allowed. The proposed terminal platform is of average size and will be located over open water.

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

The proposed structure will not adversely affect the adjacent property owner's view or navigability.

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: Sheila Cichra
Signature of Applicant/Agent *Sheila Cichra* Date: 08/26/2022
Corporate Title (if applicable): President, Streamline Permitting, Inc.



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, 800 Mercy Drive, Suite 4, Orlando, Florida 32808, (407) 836-1400, Fax (407) 836-1499

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

I Sheila Cichra on behalf of Stephen Bonck (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):

This parcel was platted with a very narrow shoreline, due to the fact that the NHWE crosses the property boundary halfway across the lot. The Eastern property boundary angles severely across the parcel instead of running out into the lake, like most parcels. Without a negative setback waiver, the dock could only be constructed about 10' long and would be of no use.

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

The proposed boat dock poses no navigational hazard or view obstruction for either adjacent property owner. The setback on the West is 17' and the adjacent parcel to the East is 400' wide. The West side of that large parcel is unused wetland.

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: Sheila Cichra
Signature of Applicant/Agent: [Signature] Date: 08/27/2022
Corporate Title (if applicable): President, Streamline Permitting, Inc.



RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION

2022 SEP 27 PM 4:19

September 23, 2023

Orange County Environmental
3165 McCray Place #200
Orlando, FL 32803

Re variance/waiver #09-22-320000-00-045

To whom it may concern,

We feel asking to double the size of variance is asking a lot. If you are going to change the rules let us all double the size of our docks. Rules are put into place for a reason lets leave room on the lake for wildlife, boats & row team and people to enjoy.

Regards,

Jim & Donna O'Connor - BA-22-08-157
17657 Sailfin Drive



Notice of Application for Variance/Waiver

Commission District #5
Emily Bonilla, Commissioner

Project Manager:
Jason Root
Email: Jason.Root@ocfl.net
Phone #: (407) 836-1518

Environmental Protection Division:
(407) 836-1400

Planning, Environmental & Development Services / EPD

Project Information

Project Number: BD-22-08-157

Applicants: Sarajane and Stephen Bonck

Parcel ID: 09-22-32-0000-00-045

Location: Old Lake Pickett Rd
Orlando FL 32820

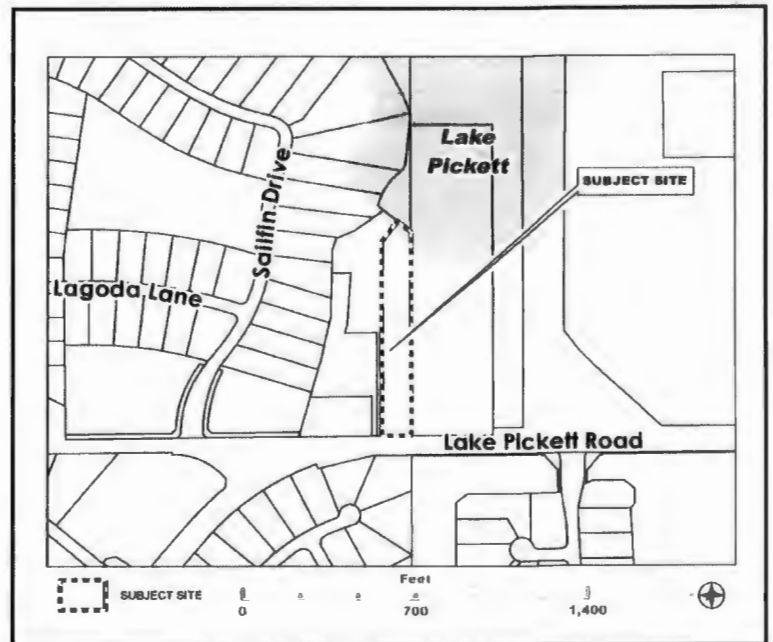
Lake Name: Pickett

Request

The applicants, Stephen and Sarajane Bonck, are requesting a boat dock construction permit with a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback). The required setback is 10 feet and the applicants are requesting setbacks of negative (-) 85 feet and negative (-) 33 feet.

Additionally, the applicants are requesting a waiver to Section 15-342(b) (terminal platform size). The allowable terminal platform size for this parcel is 320 square feet and the applicants are requesting 668 square feet.

Subject Property Location Map



The plans can be viewed here:

https://fasttrack.ocfl.net/OnlineServices/Permit_Environmental.aspx or by contacting the project manager

Any objections must be in writing and must be received the Orange County Environmental Protection Division located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 days of receipt of this notice. If you have any questions regarding the public hearing, contact me at (407) 836-1400.

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

OCFL ATLAS (www.OCFL.net/atlas)
(Downloadable on Google Play and Itunes)

Android

Apple



10/4/2022

To: Orange County Government

Project Number: BD-22-08-157

Parcel ID: 09-22-32-0000-00-045

Location: Old Lake Pickett Rd

Orlando, FL, 32820

RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION

2022 OCT -6 PM 1:07

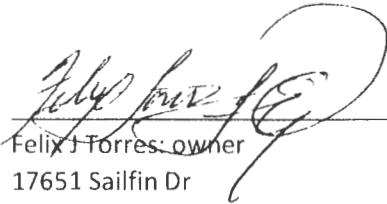
To whom it may concern:

I, Felix J Torres owner of the property located at:
17651 Sailfin Dr
Orlando, FL, 32820

Being affected by the above-mentioned project, I completely object to the exception requested on this project by the applicants: Sarajane and Stephen Bonck. This dock construction, as suggested, it goes beyond the parameters and regulations created for the equal enjoyment of all the owners surrounding Pickett Lake. Additionally, this proposed construction will affect and obstruct our natural view of the lake as well as impact my rightful enjoyment of my property and affecting its value.

Every owner has the right to enjoy, within regulation, their lake property without affecting their neighbors.

For the record, I state my objection to the proposed construction and exception request.



Felix J Torres: owner
17651 Sailfin Dr
Orlando, FL, 32820



ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager
 3165 McCrocy Place, Suite 200
 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

Florman Blackburn

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Oscar Anderson

Applicants: Sarajane and Stephen Bonck

Permit Application Number: BD-22-08-157

Location/Address: Old Lake Pickett Road, Orlando, FL 32820/Parcel ID 09-22-32-0000-00-045.

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 320 square feet to 668 square feet; and

Accept the finding and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is not consistent with Section 15-350(a)(1) and recommend denial of the request for variance to 15-343(a) to reduce the side setback from the northern projected property line from 10 feet to negative (-) 85 feet and reduce the setback from the eastern projected property line from 10 feet to negative (-) 33 feet for the Sarajane and Stephen Bonck Dock Construction Permit BD-22-08-157. District 5

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 320 square feet to 668 square feet with a mitigation payment of \$405 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Reject 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 15-343(a) to reduce the side setback from the northern projected property line from 10 feet to negative (-) 85 feet and reduce the setback from the eastern projected property line from 10 feet to negative (-) 33 feet for the Sarajane and Stephen Bonck Dock Construction Permit BD-22-08-157. District 5

Signature of EPC Chairman:

DATE EPC RECOMMENDATION RENDERED:

10-26-22