



Interoffice Memorandum

AGENDA ITEM

February 5, 2021

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: March 23, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Dock Construction Permit BD-20-07-
119.

The applicants, Khurram and Manijeh Sheik, are requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform). The project site is located at 5819 Emerington Crescent, Orlando, FL 32819, which has a Parcel ID number of 21-23-28-2463-00-200. The subject property is located adjacent to Lake Chase in District 1.

There is an existing permitted boat dock on the property (Permit Nos. 07-021 and 10-006) that has been in place since 2008. On July 7, 2020, the Environmental Protection Division (EPD) received a new Application to Construct a Dock in order to authorize proposed modifications to the existing dock. Included with the application was an Application for Waiver to Section 15-342(b) to authorize a larger-than-allowed terminal platform totaling 1,098 square feet in size. The maximum allowable terminal platform size for this parcel is 808 square feet.

The applicants have also requested a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback) to reduce the required minimum side setbacks from 25 feet to zero feet on the southern projected property line and 8.4 feet on the northern projected property line. The affected neighbors submitted Letters of No Objection (LONOs), and pursuant to Section 15-343(b), the Environmental Protection Officer (EPO) has approved the side setback waiver requests. No action is required by the Board on the side-setback waiver request.

Notification of the waiver request for terminal platform size was sent to all shoreline property owners within a 300-foot radius of the property. On October 14, 2020, EPD received a letter of objection signed by "the residents of 5855 Emerington Crescent." According to the Orange County Property Appraiser's website, Mr. George J. Haidukewych is listed as the owner of 5855 Emerington Crescent. The letter states that he objects to the request for a platform size of 1,098 square feet on Lake Chase. However, no rationale was provided in the letter of objection.

Staff 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 would be offset through a proposed mitigation payment of \$737 to the Conservation Trust Fund (CTF). However, the recommendation of the EPO was to deny the waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicants did not demonstrate that the request would not have a negative effect on the neighboring shoreline owners pursuant to Section 15-350(a)(2)(2), since an objection was received.

EPD presented the waiver application to the Environmental Protection Commission (EPC) at their January 27, 2021 meeting. The EPC discussed whether or not the applicants would be adding to the existing dock or rebuilding the dock. EPD staff confirmed for the EPC that the applicants were adding to the existing dock. The applicant's agent (Ms. Sheila Cichra) spoke on behalf of the applicant stating that the objector was almost out of the noticing area and is located on a different lake than the applicant. The Chairman asked if the objector was present. It was confirmed that he was not present and EPD had not received any further communication from the objector. The Chairman noted that LONOs had been received from the adjacent property owners and impacts to the environment would be covered by the mitigation payment to the CTF. Based upon evidence and testimony presented at the public hearing, the EPC voted unanimously to overturn the findings and the recommendation of the EPO, and recommended approval of the request for waiver to Section 15-342(b) to allow an increase in the terminal platform size from 808 square feet to 1,098 square feet with the condition that the applicant make a payment of \$737 to the CTF as mitigation to offset shading impacts to Lake Chase within 60 days of the decision of the Board.

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 terminal platform size from 808 square feet to 1,098 square feet with the condition that the applicant make a payment of \$737 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Khurram and Manijeh Sheik Dock Construction Permit BD-20-07-119. District 1.**

JVW/DDJ: mg

Attachments

Dock Construction Application for Waiver

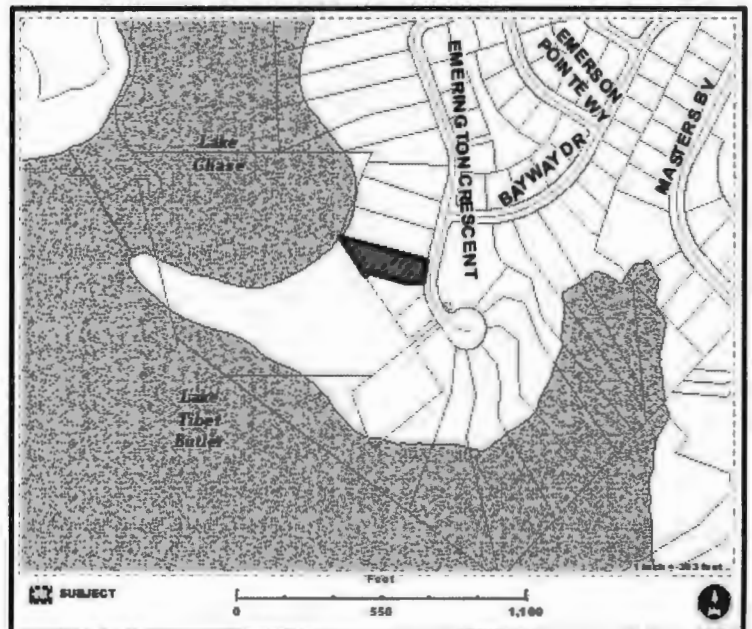


Dock Construction Application for Waiver
BD-20-07-119
District #1

Applicants: Khurram and Manijeh Sheik
Address: 5819 Emerington Crescent
Parcel ID No.: 21-23-28-2463-00-200

Project Site 

Property Location 





ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

3165 McCrosy Place, Suite 200
Orlando, FL 32803
407-836-1400 • Fax 407-836-1499
www.ocfl.net

**ENVIRONMENTAL
PROTECTION
COMMISSION**

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Flornari Blackburn

Billy Butterfield

Mark Corbett

Elaine Imbruglia

Vacancy - Regulated
Business or
Municipality

**ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
January 27, 2021**

APPLICANTS: Khurram and Manijeh Sheik

PERMIT APPLICATION NUMBER: BD-20-07-119

LOCATION/ADDRESS: 5819 Emerington Crescent

RECOMMENDATION: **Accept the finding 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 808 square feet to 1098 square feet for the Khurram and Manijeh Sheik Dock Construction Permit BD-20-07-119. District 1**

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED.

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

Overturn the recommendation of the Environmental Protection Officer and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum terminal platform size from 808 square feet to 1,098 square feet with a mitigation payment of \$737 to the Conservation Trust Fund (CTF) to offset shading impacts to Lake Chase for the Khurram and Manijeh Sheik Dock Construction Permit BD-20-07-119. District 1

Signature of EPC Chairman: _____

Mark Ausley 1-27-21

DATE EPC RECOMMENDATION RENDERED: _____


01-27-2021



Interoffice Memorandum

January 8, 2021

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division 

Subject: **Khurram and Manijeh Sheik Request for a Waiver for Dock Construction Permit BD-20-07-119**

Reason for Public Hearing

The applicants, Khurram and Manijeh Sheik, are requesting a boat dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

Location of Property/Legal Description

The project site is located at 5819 Emerington Crescent, Orlando, FL 32819. The Parcel ID number is 21-23-28-2463-00-200. The subject property is located adjacent to Lake Chase in District 1.

Background

There is an existing permitted boat dock on the property (Permit Nos. 07-021 and 10-006) that has been in place since 2008. On July 7, 2020, the applicants submitted a new Application to Construct a Dock in order to authorize proposed modifications to the existing dock. Included with the application was an Application for Waiver to Section 15-342(b) to authorize a larger-than-allowed terminal platform totaling 1,098 square feet in size. The maximum allowable terminal platform size for this parcel is 808 square feet.

The applicants have also requested a waiver to Chapter 15, Article IX, Section 15-343(b) (side setback) to reduce the required minimum side setbacks from 25 feet to zero feet on the southern projected property line and 8.4 feet on the northern projected property line. The affected neighbors have submitted Letters of No Objection (LONOs), and pursuant to Section 15-343(b), the EPO can approve the side setback waiver request. No action is required by the Environmental Protection Commission (EPC) on this item.

Public Notifications

On August 27, 2020, a Notice of Application for Waiver was sent to the affected adjacent shoreline owners within 300 feet of the subject property. The applicants, their agent (Ms. Sheila Cichra) and objectors were sent notices on January 8, 2021 to inform them of the Environmental Protection Commission meeting on January 27, 2021.

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 86.68 feet at the Normal High Water Elevation (NHWE), which allows for a maximum terminal platform of 808 square feet. The applicants are requesting a terminal platform size of 1,098 square feet. 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, Ms. Sheila Cichra, states, “*The additional terminal platform square footage will be located over open water, so there will not be any impact to aquatic vegetation. The proposed terminal platform is only 290 square feet over the allowed limit. The proximity to the projected property boundary has no impact – negative or positive – to the environment.*”

To address Section 15-350(a)(2)(2), Ms. Cichra states, “*The proposed structure will not adversely affect the adjacent property owner’s view or navigability. LONOs from both neighbors are forthcoming.*” EPD has since received LONOs from the two neighbors on either side of the applicants.

The applicants have agreed to pay \$737 to the Conservation Trust Fund (CTF) to offset the shading impacts to Lake Chase associated with the larger terminal platform size should the waiver request be approved.

Objections

On October 14, 2020, EPD staff received a letter of objection signed by “the residents of 5855 Emerington Crescent.” According to the Orange County Property Appraiser’s website, Mr. George J. Haidukewych is listed as the owner of 5855 Emerington Crescent. The letter states that he objects to the request for a platform size of 1,098 square feet on Lake Chase.

Enforcement Action

There is no current enforcement action for this property.

Staff 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 \$737 to the CTF. However, the recommendation of the Environmental Protection Officer is to deny the waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicants have not demonstrated the request will not have a negative effect on the neighboring shoreline owners pursuant to Section 15-350(a)(2)(2), as an objection has been received.

ACTION REQUESTED: Accept the finding 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 808 square feet to 1,098 square feet for the Khurram and Manijeh Sheik Dock Construction Permit BD-20-07-119. District 1

RB/NT/TMH/ERJ/DJ: mg

Attachments

Dock Construction Application for Waiver

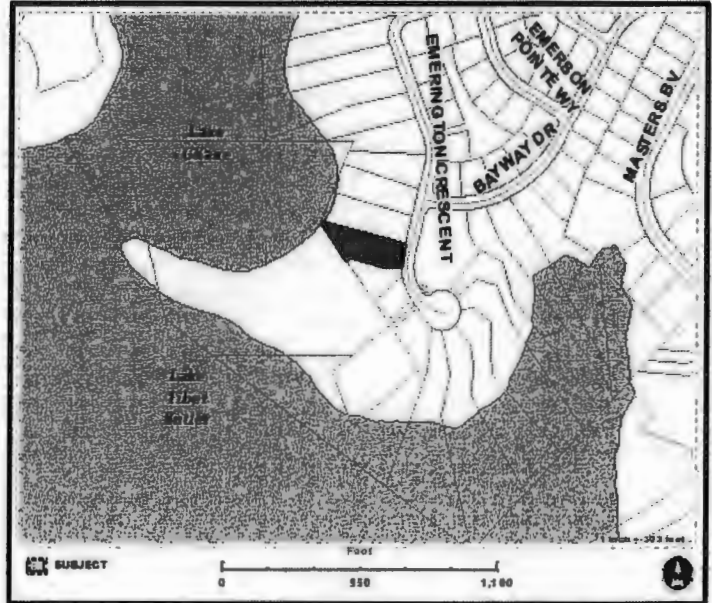


Dock Construction Application for Waiver
BD-20-07-119
District #1

Applicants: Khurram and Manijeh Sheik
Address: 5819 Emerington Crescent
Parcel ID No.: 21-23-28-2463-00-200

Project Site 

Property Location 





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 Khurram Sheik (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 additional terminal platform square footage will be located over open water, so there will not be any impact to aquatic vegetation. The proposed terminal platform is only 290 square feet over the allowed limit. The proximity to the projected property boundary has no impact - negative or positive - to the environment.

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. LONOs from both neighbors are forthcoming.

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 [Signature] Date: 07/08/2020
Corporate Title (if applicable): President, Streamline Permitting, Inc.



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver."

I, David Selleri, a legal property owner of property located at 5813 Emerington Cres (Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 07/06/2020, for the property located at 5819 Emerington Cres, and have no objections.

The dock construction plans include a side setback waiver request of 8.4 feet, in lieu of the minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner)

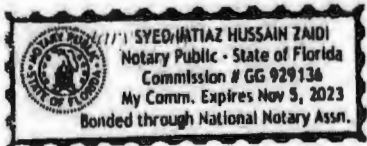
7-11-2020 (Date)

(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 11th day of 2020, by IMTIAZ H. ZAIDI.



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification X

Type of Identification Produced Drivers license



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver."

I, Justin M Wetherill, a legal property owner of property located at 5835 Emerington Cres, have reviewed the dock construction plans dated 07/06/2020, for the property located at 5819 Emerington Cres, and have no objections.

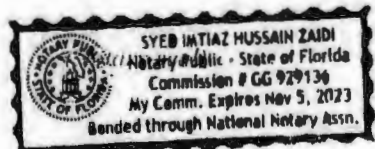
The dock construction plans include a side setback waiver request of 0 feet, in lieu of the minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner) Justin M Wetherill (Date) 7/11/20 (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 11 day of 2020, by Justin M. Wetherill.



(Signature of Notary Public - State of Florida) Syed Intiaz Hussain Zaidi

Personally Known OR Produced Identification [checked]

Type of Identification Produced DRIVER'S LICENSE

October 12, 2020

To Whom It May Concern:

Regarding the Notice of Application for Variance/Waiver Project Number
BD-20-07-119

Applicant: Sheik Manijeh at 5819 Emerington Cres LLC

Parcel ID: 21-23-28-2463-00-200

Lake Name: Chase

We object to the request for a platform size of 1,098 square feet on Lake
Chase.

Please let us know if you need further information as we reject this request.

Sincerely,
Residents of
5855 Emerington Crescent

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Bell".

RECEIVED
OCT 14 2020 PM 12:12