

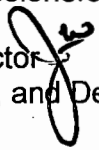



Interoffice Memorandum

AGENDA ITEM

April 4, 2019

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) 836-1405

SUBJECT: May 7, 2019 — Consent Item
Environmental Protection Commission Recommendation for
Requests for After-the-Fact Variances for Rick and Cosette
Arnold; Dock Construction Permit BD-18-05-058

Rick and Cosette Arnold are requesting approval of variances to Orange County Code, Chapter 15, Article IX, Section 15-343(c) (storage locker size) and Section 15-342(c) (access walkway width) in order to keep a boat dock in its current configuration, which was constructed (and subsequently modified) without any permits. The project site is located at 9001 Spence Court. The Parcel ID number is 27-22-28-8211-00-050. The subject property is located on Lake Rose in District 1.

In January 2018, Environmental Protection Division (EPD) staff became aware of an unpermitted boat dock on the subject property after a complaint was received regarding the size and location of the dock. EPD sent the property owners a Notice of Violation for unauthorized dock construction on January 31, 2018.

On May 2, 2018, EPD received an after-the-fact Application to Construct a Dock from the applicants. However, staff could not fully process the application until December 2018, after the applicants obtained title to the lands where the dock was located.

Upon review of the application and as-built survey, it was determined that variances to Section 15-343(c) (storage locker size) and Section 15-342(c) (access walkway width) would be required to keep the dock in its current configuration. On August 24, 2018 and January 25, 2019, respectively, EPD received the required applications.

Section 15-343(c) states "Storage lockers shall be limited to a cumulative maximum of 65 cubic feet." The applicants are requesting a storage locker size of approximately 219 cubic feet.

Section 15-342(c) states "Access walkways shall be limited to a five-foot width." The applicants are requesting an access walkway of 9.2' for a distance of approximately eight feet, adjacent to the storage locker.

Page Two

May 7, 2019 – Consent Item

Environmental Protection Commission Recommendation for After-The-Fact Variance Requests for Rick and Cosette Arnold; Dock Construction Permit BD-18-05-058

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the proposed variance applications and other required documents. Notifications for the variance requests were sent to all shoreline property owners within 300 feet of the property on February 6, 2019. No objections were received by EPD.

Based upon evidence and testimony presented at the March 27, 2019 Environmental Protection Commission (EPC) public hearing, the EPC voted to uphold the recommendation of the Environmental Protection Officer and deny the requests for variances to Sections 15-342(c) (access walkway width) and 15-343(c) (storage locker size) due to the inability of the applicant to demonstrate that the hardship was not self-imposed.

Unless the EPC decision is reversed, the storage locker and access walkway will both need to be modified to meet Orange County Code. In addition, a reduced penalty of \$2,500 has been assessed for the unauthorized dock construction, but has yet to be paid. Payment of the penalty is required, regardless of the outcome of the decision of the Board. Once modifications to the storage locker and access walkway have been made, a new as-built survey will be required to demonstrate compliance with Orange County Code. If the EPC recommendation is upheld, the required modifications to the dock and payment of the penalty must be completed within 60 days of the decision of the Board.

ACTION REQUESTED: **Acceptance of the recommendation of the Environmental Protection Commission to deny the requests for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(c) (access walkway width) and Section 15-343(c) (storage locker size) for the Arnold Dock Construction Permit BD 18-05-058. District 1**

JVW/DJ: mg

Attachments

After-the-Fact Boat Dock Permit Request



After-the-Fact Boat Dock Permit Application Request District #1

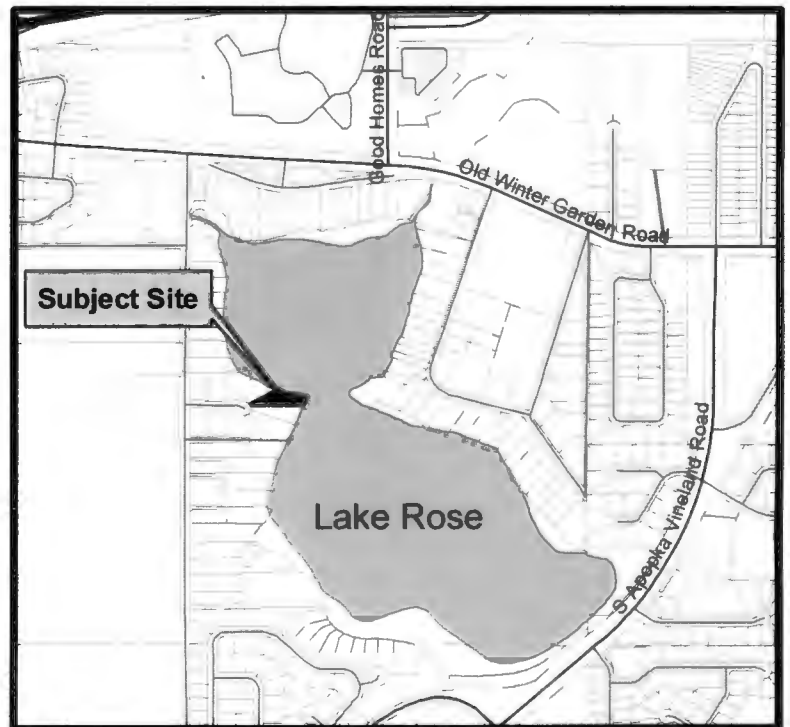
Applicant: Rick Arnold

Parcel ID: 27-22-28-8211-00-050

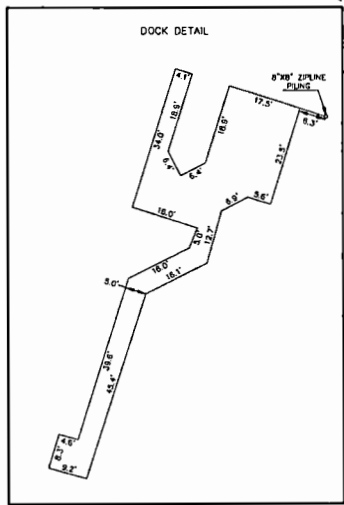
Permit No.: BD-18-05-058

Project Site 

Property Location 







SPENCE COURT

R = 44.00'
 Δ = 28°37'56"
 L = 21.99'
 CB = S35°39'37"E
 CH = 21.76'

LOT 4

LOT 5

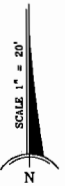
LOT 6

LAKE ROSE
 WATER ELEVATION = 79.75 (04/13/2018)

BOUNDARY SURVEY

DESCRIPTION: LOT 5, SPENCE'S POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 92, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY:

BEGIN AT THE NORTHWEST CORNER OF LOT 6, SPENCE'S POINT, AS RECORDED IN PLAT BOOK 19, PAGE 92, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 89 DEGREES 51 MINUTES 39 SECONDS EAST, ALONG THE NORTH LOT LINE 25.00 FEET; THENCE S 0 DEGREES 08 MINUTES 21 SECONDS WEST 7.00 FEET; THENCE N 89 DEGREES 51 MINUTES 39 SECONDS W 22.90 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 44.00 FEET; THENCE FROM A TANGENT BEARING OF N 11 DEGREES 48 MINUTES 54 SECONDS W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE 7.32 FEET THROUGH A CENTRAL ANGLE OF 9 DEGREES 31 MINUTES 37 SECONDS TO THE POINT OF BEGINNING.



GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft

NOTES:
 - BEARINGS BASED ON THE NORTH RIGHT OF WAY LINE OF SPENCE COURT AS BEING S89°51'39"E.
 - NO UNDERGROUND UTILITIES, UNDERGROUND FOUNDATIONS, OR UNDERGROUND SIGN BASES WERE LOCATED.
 - ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK "C1408021" ELEVATIONS = 114.884 N.A.V.D. 1988 DATUM.
 - BUILDING LOCATION BASED ON PREVIOUS SURVEY PREPARED BY OTHERS.

James R. Shannon
 Digitally signed
 Shannon
 Date: 2019.02.12
 11:34:21 -05'00'

JAMES R. SHANNON, P.L.S., #4571
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING, INC.
 498 NORTH S.R. 434 - SUITE 2045
 ALTA MONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 04/18/2018
 FIELD BY: JRS-TY SCALE: 1" = 20'
 FILE NUMBER: 1819-0022-1015



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

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

I Rick Arnold on behalf of N/A (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342(e) 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 variance is for the first 8' of the walk, the balance of the walk is all compliant.

This area was built wider to accommodate the swing door on the ski locker and being able to pass with it open. The only hardship would be making it un-useable

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: Rick Arnold

Signature of Applicant/Agent

Date: 1-24-19

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

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

I Rick Arnold on behalf of NA (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343C 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): Aside from the impact of augmenting an existing structure, The Volume measurement allowed for storage doesnt come close to allowing for Ski Vests and Skis to be kept. Having a large family may be considered self imposed but, also as a competitive water skier keeping gear safe is important. 2. Describe the effect of the proposed variance on abutting shoreline owners: There is no impact, This structure has been in place for years and never met with a legitimate complaint, This structures sole purpose is to keep gear from being stolen and ruined by exposure

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.

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Name of Applicant: Rick Arnold Signature of Applicant/Agent [Signature] Date: 8/24/18 Corporate Title (if applicable):