



Interoffice Memorandum

AGENDA ITEM

December 28, 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: February 8, 2022 – Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Peter Melley Dock Construction
Permit BD-21-08-119

The applicant, Peter Melley, is requesting a dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and Section 15-343(b) (side setback). The project is located at 11421 Tindall Road, Orlando, Florida 32832 on Lake Hart in District 4. The Parcel ID Number is 28-24-31-0000-00-016.

On August 23, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace the existing dock on the subject property. Included with the application was an Application for Waiver to Section 15-342(b) (terminal platform size) and an Application for Waiver to Section 15-343(b) (side setback). The applicant is requesting to increase the maximum allowed terminal platform size of 1,000 square feet to 1,230 square feet. The applicant is also requesting a five-foot setback from the eastern projected property line in lieu of the required 25-foot setback. The existing dock was authorized with a five-foot side setback from the eastern projected property line pursuant to previously issued Dock Construction Permit No. BD-17-03-023.

Waiver Request – Terminal Platform Size

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 1,000 square feet." The applicant has a shoreline that measures approximately 175 linear feet at the Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 1,000 square feet. The applicant is requesting a terminal platform of 1,230 square feet (230 square feet larger than allowed).

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 applicant's agent states, *“The reduced setback is being requested in order to add onto an existing dock, in lieu of tearing the dock down and starting over, which would cause a larger impact to the environment. The parcel is quite large - 175' wide - so the additional 230 square feet is of minimal impact. Also, the proposed additions will be constructed over open water, so there won't be any impact to existing wetland vegetation.”*

To address Section 15-350(a)(2)(2), the applicant's agent states, *“The proposed structure will not adversely affect the adjacent property owner's view or navigability. The setback has been 5' for many years and we are not proposing to increase that encroachment. The proposed additions will be installed on the shore side and the opposite side of the existing boathouse. The adjacent parcel has dense trees and vegetation, so the additions will barely be noticeable.”*

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$508 to the Conservation Trust Fund (CTF).

Waiver Request – Side Setback Waiver

Chapter 15, Article IX, Section 15-343(b) of the Code states, “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.” The applicant has a shoreline that measures approximately 175 linear feet at the NHWE, requiring a minimum side setback of 25 feet. The applicant is requesting a side setback of five feet from the eastern projected property line in order to construct the replacement dock in the same location. A Letter of No Objection was received from the affected property owner, Eagle Creek Development Corporation (Parcel ID No. 33-24-31-2298-03-002), on September 17, 2021. Pursuant to Section 15-343(b), the side setback waiver can be approved by the Environmental Protection Officer (EPO) and no action is required by the Environmental Protection Commission (EPC) or by the Board on this item.

Public Noticing

On September 17, 2021, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. Most certified letters were received by October 1, 2021; however, three letters addressed to the properties located at Kirby Smith Road (Parcel ID No. 28-24-31-0000-00-015), Kirby Smith Road (Parcel ID No. 28-24-31-0000-00-018), and 11343 Tindall Road (Parcel ID No. 28-24-31-0000-00-027) were not deliverable.

EPD requested the Authorized Agent (agent), Ms. Sheila Cichra, to print the notices, post them on all three parcels and provide EPD a photo of the notices for verification on

October 20, 2021. Photo-documentation of the postings was received by EPD on November 8, 2021. The applicant and agent were sent notices of the EPC public hearing on November 9, 2021.

EPD Staff Evaluation/Recommendation

Staff has evaluated the waiver request for compliance with the criteria for approval. The recommendation of the EPO is to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant has demonstrated that there will be no negative effect on the abutting shoreline owners pursuant to Section 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 terminal platform size will be offset through a mitigation payment of \$508 to the CTF.

Environmental Protection Commission Public Hearing

EPD presented the waiver request to the EPC at their December 9, 2021 meeting. Ms. Cichra attended on behalf of the property owner. Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the waiver request to Section 15-342(b) with a payment of \$508 to the CTF to offset the negative effects to the environment due to shading impacts from the excess terminal platform size.

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 to 1,230 square feet with a mitigation payment of \$508 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Peter Melley Dock Construction Permit BD-21-08-119. District 4

JVW/DDJ: jk
Attachments

Request for Boat Dock Waiver for Terminal Platform Size and Side Setback



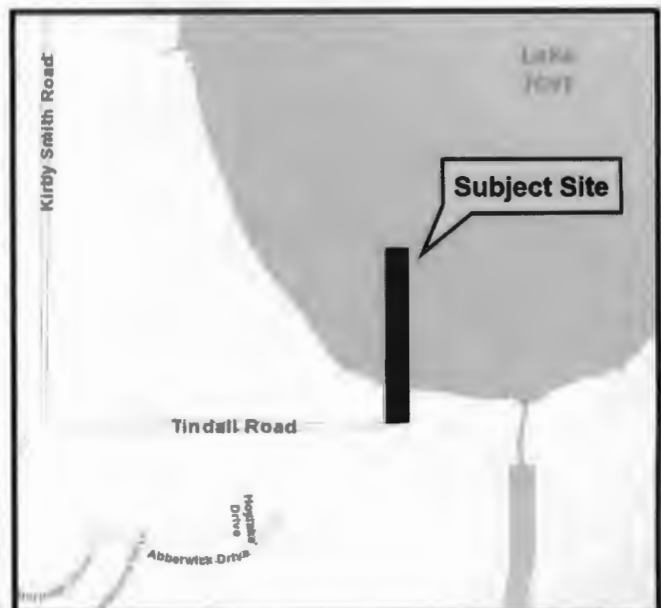
Request for Boat Dock Waiver for Terminal Platform Size and Side Setback

Permit No.: BD-21-08-119
District #4

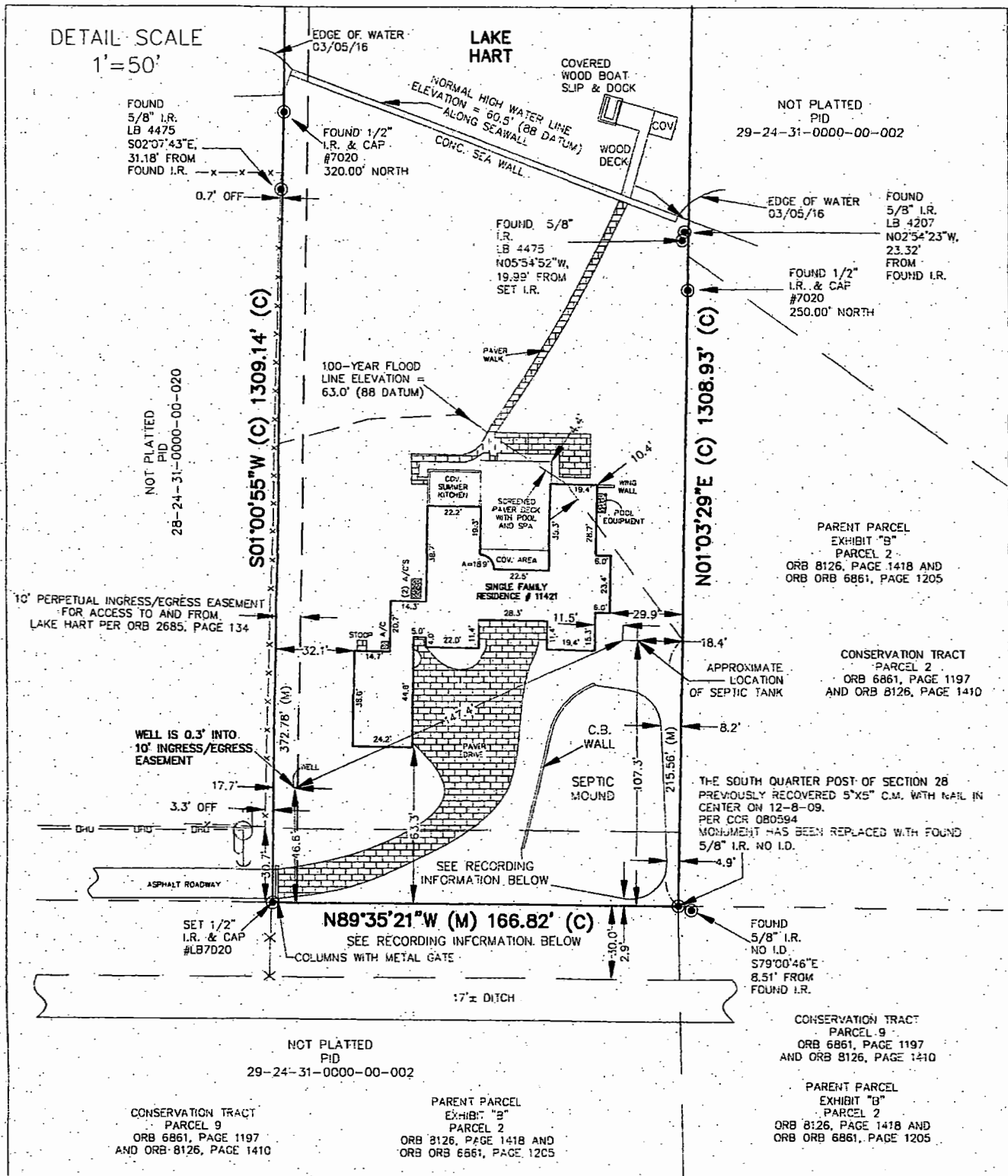
Applicants: Peter Melley
Address: 11421 Tindall Road
Parcel ID No.: 28-24-31-0000-00-016

Project Site ☐

Property Location ☐



BOUNDARY SURVEY



NOT PLATTED
GOVERNMENT
LOT 2

↑_N

received
8/23/2021

FOUND
5/8" I.R.
LB 4475
S02°07'±3"E.
31.18' FROM
FOUND I.R.

NOI PLATED
PID
28-24-31 0000-00-020

10' PERPETUAL INGRESS/EGRESS EASEMENT
FOR ACCESS TO AND FROM —
LAKE HART PER ORB 2685, PAGE 134

WELL IS 0.3' INTO
10' INGRESS/EGRESS
EASEMENT

3.3' OFF

CHU ~~UFG~~ ~~SHU~~

ASPHALT ROADWAY

SET 1/2" /
I.R. & CAP
#187020

EDGE OF WATER
03-05-16

**LAKE
HART**

(NAVD88)

CO:G. SEA WA:

**ADD 8' X 20' FLOATING DECK
& 10' X 28' FIXED DECK TO THE
EXISTING 19' X 30' BOATHOUSE
(2) 5' X 10' JETSKI LIFTS &
(1) 10' X 12' SAILBOAT LIFT**

N02°54'23"W.
23.32'
FROM
FOURTH R.

FOUND 1 1/2"
I.R. & CAP
#7020
250.00' NORTH

100-YEAR FLOOD
LINE ELEVATION =
63.0' (88 DATUM)

FOUND 5.8"
R.
E 14-5
N05°54'52"W.
19.93' FROM
SET R.

PARENT PARCEL
EXHIBIT "B"
PARCEL 2

ORB 8126, PAGE 1418 AND
ORB ORB 6861, PAGE 1205

CONSERVATION TRACT
PARCEL 2
ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1410

THE SOUTH QUARTER POST OF SECTION 28
PREVIOUSLY RECOVERED 5"x5" C.M. WITH I.A.L. IN
CENTER ON 12-8-09.
PER CCH 080594
MONUMENT WAS BEEN REPLACED WITH FOUR
5/8" I.R. NO I.D.

FOUND
5/8" I.R.
NO I.D
579'00'46"
8.51' FROM
FOUND I.R.

CONSERVATION TRACT
PARCEL 9
ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1-10

PARENT PARCEL
EXHIBIT "B"
PARCEL 2
ORB 8126, PAGE 1418 AND
ORB ORB 6861, PAGE 1205

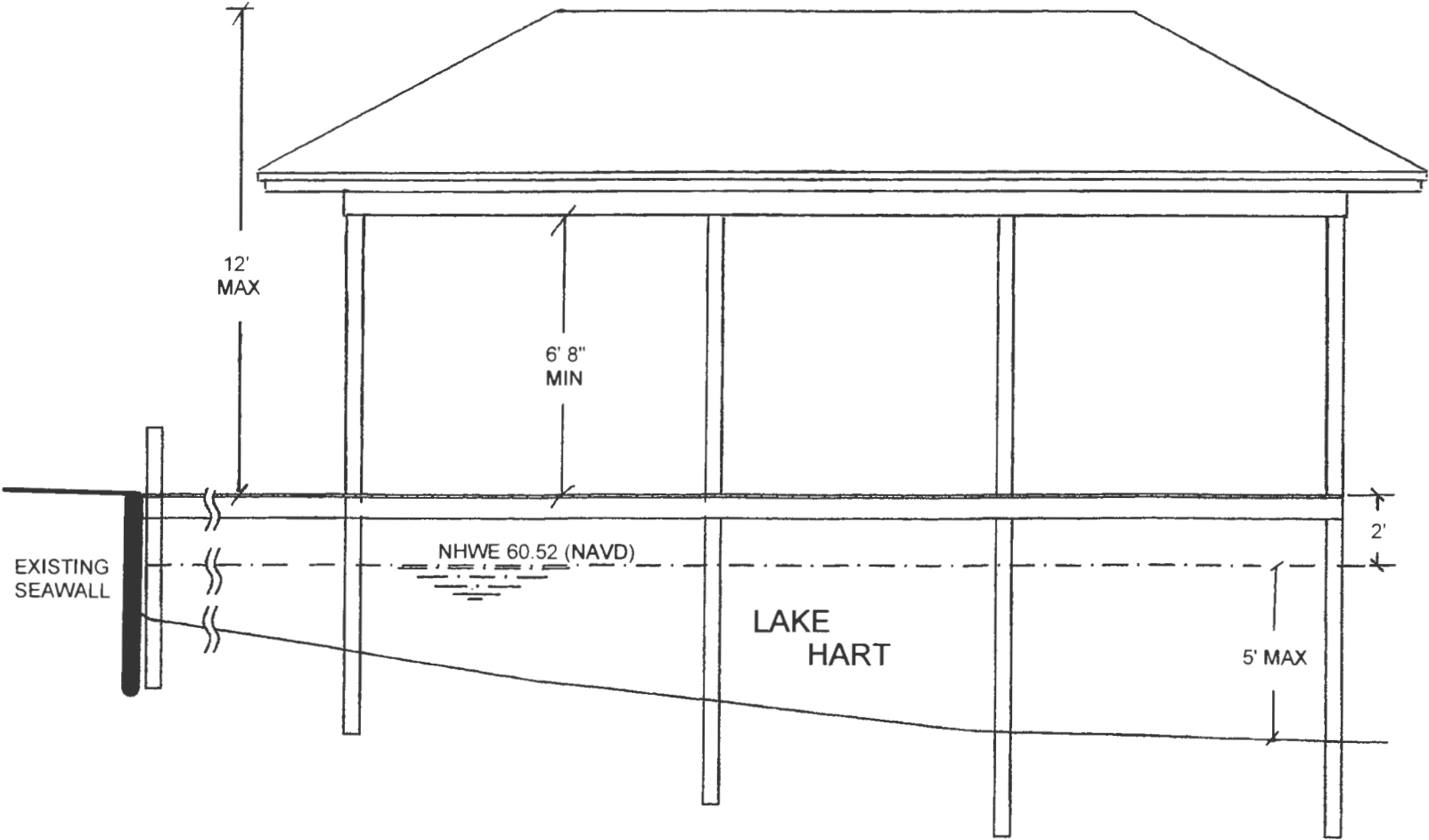
CONSERVATION TRACT
PARCEL 9
ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1410

PARENT PARCEL
E1-87 "B"
PARCEL 2
ORB 8126, PAGE 1418 AND
ORB ORS 6861, PAGE 1205

MELLEY BOAT DOCK SITE PLAN
11421 TINDALL ROAD
ORLANDO, FL 32832

MELLEY BOAT DOCK ELEVATION
11421 TINDALL ROAD
ORLANDO, FL 32832

received
8/23/2021



received
8/23/2021



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

I Sheila Cichra on behalf of Peter Melley (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 reduced setback is being requested in order to add onto an existing dock, in lieu of tearing the dock down and starting over, which would cause a larger impact to the environment.

The parcel is quite large - 175' wide - so the additional 230 square feet is of minimal impact. Also, the proposed additions will be constructed over open water, so there won't be any impact to existing wetland vegetation.

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 setback has been 5' for many years and we are not proposing to increase that encroachment.

The proposed additions will be installed on the shore side and the opposite side of the existing boathouse. The adjacent parcel has dense trees and vegetation, so the additions will barely be noticeable.

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  Date: 08/22/2021

Corporate Title (if applicable): President, Streamline Permitting, Inc.

received

9/17/2021



**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, Eagle Creek Development Corp., a legal property owner of property located at Tindall Road
(Adjacent Property Owner Name) (33-24-31-2298-03-002)

have reviewed the dock construction plans dated 07/17/21, for the property located at

11421 Tindall Road and have no objections.

The dock construction plans include a side setback waiver request of 75 feet, in lieu of the minimum 25 feet required by Code. MO 9/17/21

EAGLE CREEK DEVELOPMENT CORP.

By: [Signature]
(Signature - Adjacent Affected Property Owner)

9-16-2021
(Date)

M. SCOTT STEARNS, AS ASST. SECRETARY
(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 16th day of September 20 21, by M. Scott Stearns, Asst. Secretary for Eagle Creek Development Corp. By means of physical presence



MICHELLE RAE TURNER DILLON
Commission # HH 127491
Expires July 13, 2025
Bonded Thru Budget Notary Services

[Signature]
(Signature of Notary Public - State of Florida)

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

DETAIL SCALE
1" = 50'



FOUND
5/8" I.R.
LB 4475
S02°07'43"E
31.18' FROM
FOUND I.R.

EDGE OF WATER
03 05 18

LAKE
HART

NHWE 60.52
(NAVD88)

FOUND 1/2"
R. & CAP
#7020
320.00' NORTH

5' TURBIDITY BARRIER

ADD 8' X 20' FLOATING DECK
& 10' X 28' FIXED DECK TO THE
EXISTING 19' X 30' BOATHOUSE
(2) 5' X 10' JETSKI LIFTS &
(1) 10' X 12' SAILBOAT LIFT

NOT PLATTED
PID
28-24-31-0000-00-020

S01°00'55"W (C) 1309.14' (C)

100-YEAR FLOOD
LINE ELEVATION =
63.0' (BB DATUM)

FOUND 5/8"
R. & CAP
#7020
1105°54'52"W
3.95' FROM
SET R

N02°54'23"W
23.32'
FROM
FOUND R

FOUND 1/2"
R. & CAP
#7020
250.00' 1.037"

N01°03'29"E (C) 1308.93' (C)

PARENT PARCEL
EXHIBIT "B"
PARCEL 2
ORB 8126, PAGE 1418 AND
ORB ORB 6861, PAGE 1205

CONSERVATION TRACT
PARCEL 2
ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1410

APPROXIMATE
LOCATION
OF SECTION 28

THE SOUTH QUARTER POST OF SECTION 28
PREVIOUSLY RECORDED 575' ON N. H. A. L. I.
CENTER ON 12-8-09
PER ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1410

WELL IS 0.3' INTO
10' INGRESS/EGRESS
EASEMENT

3.3' OFF

ASPHALT ROADWAY

SET 1/2"
I.R. & CAP
#LB7020

N89°35'21"W (M) 166.82' (C)

SEE RECORDING INFORMATION BELOW

NOT PLATTED
PID
29-24-31-0000-00-002

CONSERVATION TRACT
PARCEL 9
ORB 6861, PAGE 1197
AND ORB 8126, PAGE 1410

PARENT PARCEL
EXHIBIT "B"
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PARENT PARCEL
EXHIBIT "B"
PARCEL 2
ORB 8126, PAGE 1418 AND
ORB ORB 6861, PAGE 1205

MELLEY BOAT DOCK SITE PLAN
11421 TINDALL ROAD
ORLANDO, FL 32832

SITE PLAN DRAWN BY: SHEILA CICHRA 07/17/2021

ACCEPTED BY: _____

DATE: _____



ENVIRONMENTAL PROTECTION DIVISION

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

3165 McCrary 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

Mortimer Blackburn

Billy Butterfield

Mark Corbett

Peter Fleck

Glenn Imbruglia

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION December 9, 2021

Applicants: Peter Melley

Permit Application Number: BD-21-08-119

Location/Address: 11421 Tindall Road, Orlando, Florida 32832

RECOMMENDATION:

Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the waiver request 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 allowable terminal platform size from 1000 square feet to 1230 square feet with a mitigation payment of \$508 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Peter Melley Dock Construction Permit BD-21-08-119. District 4.

P 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: _____

Mark Ausley

DATE EPC RECOMMENDATION RENDERED: _____

12-9-21