



Interoffice Memorandum

AGENDA ITEM

October 19, 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 D. Jones, P.E., CEP, Manager**
Environmental Protection Division
(407) 836-1406

SUBJECT: November 17, 2020 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Charles and Maria Leo
Dock Construction Permit BD-20-07-118

The applicants, Charles and Maria Leo, are requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and approval of a variance to Section 15-343(a) (side setback distance). The project site is located at 112 Laken Lane, Orlando, Florida 32804. The Parcel ID number is 10-22-29-5116-00-073. The subject property is located on Lake Fairview in District 2.

On July 6, 2020, the Environmental Protection Division received an Application to Construct a Dock on the subject property. Included with the application was an Application for Waiver to Section 15-342(b) in order to increase the allowable terminal platform size from 600 to 732 square feet and an Application for Variance to 15-343(a) to reduce the side setbacks to four and three feet for the southern and northern projected property lines, respectively.

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

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (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 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 \$370 to the Conservation Trust Fund (CTF).

Staff also evaluated the variance request for compliance with the criteria for approval. The recommendation of the EPO is to approve the request for variance to Section 15-343(a) based on a finding that the hardship caused by the shape of the parcel is not self-imposed pursuant to Section 15-350(a)(1)(1), and on a finding that the applicant has demonstrated that there will be no adverse effects from the proposed variance on the abutting shoreline owners pursuant to Section 15-350(a)(1)(2), as no objections were received. Additionally, the request is not contrary to any other criteria in Section 15-350(a)(1).

Based upon evidence and testimony presented at the September 30, 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 request for waiver to Section 15-342(b) to allow an increase in terminal platform size from 600 to 732 square feet with the condition that the applicant pay \$370 to the CTF as mitigation within 60 days of the decision of the Board, and to approve the request for variance to Section 15-343(a) to allow side setbacks of four and three feet from the southern and northern projected property lines, respectively.

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Commission, and approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 600 to 732 square feet with the payment of \$370 to the Conservation Trust Fund within 60 days of the decision of the Board, and approve the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to four and three feet for the southern and northern projected property lines, respectively, for the Charles and Maria Leo Dock Construction Permit BD-20-07-118. District 2**

JVW/DDJ: mg

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance

BD-20-07-118

District #2

Applicant: Charles and Maria Leo

Address: 112 Laken Lane

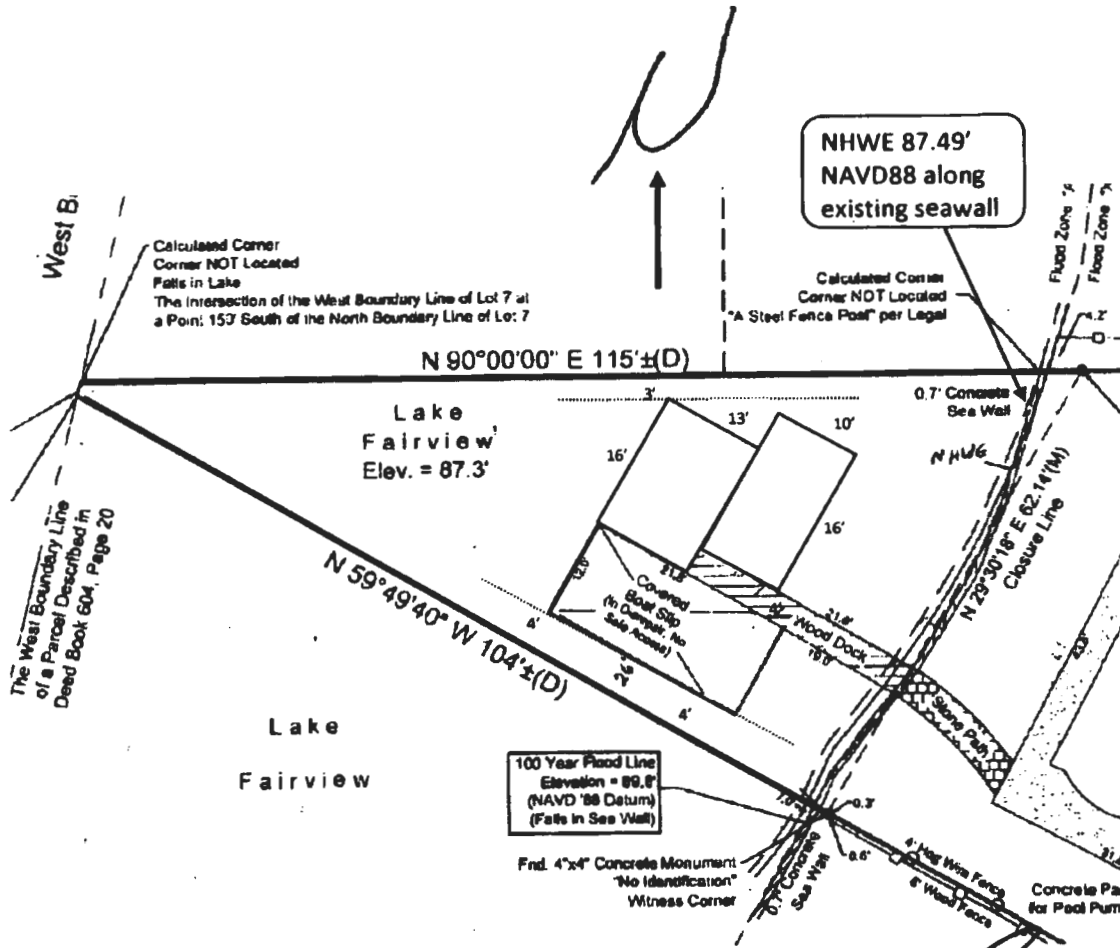
Parcel ID: 10-22-29-5116-00-073

Project Site 

Property Location 



received
7/13/2020



- Dock floor will be a minimum of 1' above the NHWE
- Roof height will be no higher than 12' above the floor
- Depth at end of dock not to exceed 5' below the NHWE
- Enclosed portion of dock will be removed; no enclosed dock proposed
- Turbidity curtain will be used

12' x 26' Bathouse
16' x 13' Deck
4' x 13' Dock
10' x 16' floating dock

732 ft²

Approved

[Handwritten Signature] 7/13/2020



ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager

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

ENVIRONMENTAL
PROTECTION
COMMISSION

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
September 30, 2020

Jonathan Huch
Chairman

PROJECT NAME: Charles and Maria Leo

Mark Aunley
Vice Chairman

PERMIT APPLICATION NUMBER: BD-20-07-118

Chris Anderson

LOCATION ADDRESS: 112 Laken Lane, Orlando

Norman Blackburn

Billy Butterfield

Mark Corbett

RECOMMENDATION: Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the waiver and variance requests are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and Section 15-350(a)(1), respectively, and recommend approval of the request for waiver to 15-342(b) to increase the maximum allowable terminal platform size from 600 to 732 square feet with the payment of \$370 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to four and three feet for the southern and northern projected property lines, respectively, for the Charles and Maria Leo Dock Construction Permit BD-20-07-118. District 2

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 *Jonathan Huch*

DATE EPC RECOMMENDATION RENDERED: 9/30/20