



Interoffice Memorandum

**AGENDA ITEM**

January 2, 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 D. Jones, P.E., CEP, Manager  
Environmental Protection Division  
(407) 836-1406**

SUBJECT: January 28, 2020 – Consent Item  
Environmental Protection Commission Recommendation for  
Request for Two Waivers for the Scott and Lauren McIver  
Dock Construction Permit BD-19-09-107

Scott and Lauren McIver (applicants) are requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback distance) and a waiver to Section 15-342(b) (terminal platform size). The project site is located at 11521 Waterstone Loop Drive, Windermere, Florida 34786. The Parcel ID number is 24-23-27-9009-00-110. The subject property is located on Lake Butler in District 1.

The applicants are requesting a terminal platform size of 1,255 square feet. The maximum allowed terminal platform size for the subject parcel is 980 square feet. The applicants are also requesting to construct a dock four feet from the adjacent projected property line to the north in lieu of the required 25 feet as required by Code.

Notification of the Application for Waiver to side setback was sent to the abutting shoreline property owner to the north on October 20, 2019. Notification of the Application for Waiver to terminal platform size was sent to all property owners within a 300-foot radius of the property on November 1, 2019. No objections were received.

Staff evaluated the request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for waivers based on a finding that the applicant has demonstrated that there will be no effect from the proposed waivers on 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 in terminal platform size will be offset through mitigation.

Based upon evidence and testimony presented at the December 11, 2019 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 waivers to Section 15-343(b) (side setback distance) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$1,015 to the Conservation Trust Fund as mitigation.

**ACTION REQUESTED:** Make a finding that the waiver requests are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2), and accept the recommendation and findings of the Environmental Protection Commission to approve the request for waivers to Section 15-343(b) to reduce the side setback to four feet from the northern projected property line, and to Section 15-342(b) to increase the allowable terminal platform size by 275 square feet to a total of 1,255 square feet, with the condition that the applicants pay \$1,015 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Scott and Lauren McIver Dock Construction Permit BD-19-09-107. District 1

JWW/DJ: mg

Attachments

# Dock Construction Application for Waivers



**Dock Construction  
Application for Waivers  
BD-19-09-107  
District #1**

**Applicant:** Scott and Lauren McIver  
**Address:** 11521 Waterstone Loop Dr  
**Parcel ID:** 24-23-27-9009-00-110

**Project Site** 

**Property Location** 






## Interoffice Memorandum

December 2, 2019

To: Environmental Protection Commission

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

Subject: **Scott and Lauren McIver Request for Two Waivers for Dock Construction Permit Modification BD-19-09-107**

### **Reason for Public Hearing**

The applicants, Scott and Lauren McIver, are requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback distance) and a waiver to Section 15-342(b) (terminal platform size).

### **Location of Property/Legal Description**

The project site is located at 11521 Waterstone Loop Drive, Windermere, Florida 34786. The Parcel ID number is 24-23-27-9009-00-110. The subject property is located on Lake Butler in District 1.

### **Background**

On February 2, 2018, the Environmental Protection Division (EPD) issued a Dock Construction Permit (BD-17-05-056) for the applicants on the subject property. This permit included a variance for a 14-foot high roof structure in lieu of 12 feet as allowed by Code. The permit also included a waiver to reduce the side setback requirement from 25 feet from the northern property line to 10 feet. The variance and waiver request were heard by the Environmental Protection Commission (EPC) at the December 13, 2017 meeting. The EPC recommended approval of the variance for a 14 foot high roof height. The side setback waiver (for 10' in lieu of the required 25 feet) did not require action by the EPC because a Letter of No Objection was received from the affected property owner and the waiver was approved by the Environmental Protection Officer (EPO). The recommendations of the EPC were accepted by the Board of County Commissioners on January 23, 2018.

On September 27, 2019, EPD received an Application to Construct a Dock in order to add an additional boat slip to the previously permitted dock. The proposed addition will cause the terminal platform to be over the maximum size allowed by Code which requires a waiver. Additionally, the additional boat slip proposed on the north side of the dock will require a new waiver for side setback. On October 14, 2019, EPD received an Application for Waiver to further reduce the side setback from 10 feet to 4 feet. On October 25, 2019, EPD received an Application for Waiver to authorize the dock modification with a proposed terminal platform size of 1,255 square feet. The roof height of the proposed addition will be less than 12 feet and will not require a variance.

### **Public Notifications**

In accordance with Chapter 15, Article IX, Section 15-347(a) of the Code, on October 20, 2019 a Notice of Application (NOA) for waiver to side setback was sent to the abutting shoreline property owner to the north. On November 1, 2019, a NOA for waiver to terminal platform size was sent to all shoreline property owners within a 300-foot radius of the property.

### **Side Setback Waiver**

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage seventy-five (75) feet or greater, docks shall have a minimum side-setback of twenty-five (25) feet from the projected property line..." The applicant has a shoreline that measures approximately 121 linear feet at the Normal High Water Elevation (NHWE), requiring a minimum side setback of 25 feet. The applicant is requesting a side setback of 4 feet from the northern projected property line.

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 (Sandy Teague) states, "*I do not believe it would negatively impact the environment. There is [sic] existing dock along the shorelines now with plenty of vegetation growing.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*I do not think it would effect [sic] the abutting shoreline owner the lots are very wide and are perpendicular to the shoreline.*"

### **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 1,000 square feet." The applicant has a shoreline that measures approximately 121 linear feet at the NHWE, allowing for a maximum terminal platform size of 980 square feet. The applicant is requesting a terminal platform of approximately 1,255 square feet (275 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 proposed DECK AREA is only 86.2 sq.ft. that will be shading the water on the north side of the existing dock which is already shading the water by the existing dock.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The lots are over 100 ft. wide and are perpendicular to the shoreline so I do not believe it would affect the abutting shoreline owners because the lots are so wide.*"

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 \$1,015 to the Conservation Trust Fund (CTF).

**Objections**

EPD has received no objections to the request.

**Enforcement Action**

There is no current enforcement action for this property.

**Staff Recommendation**

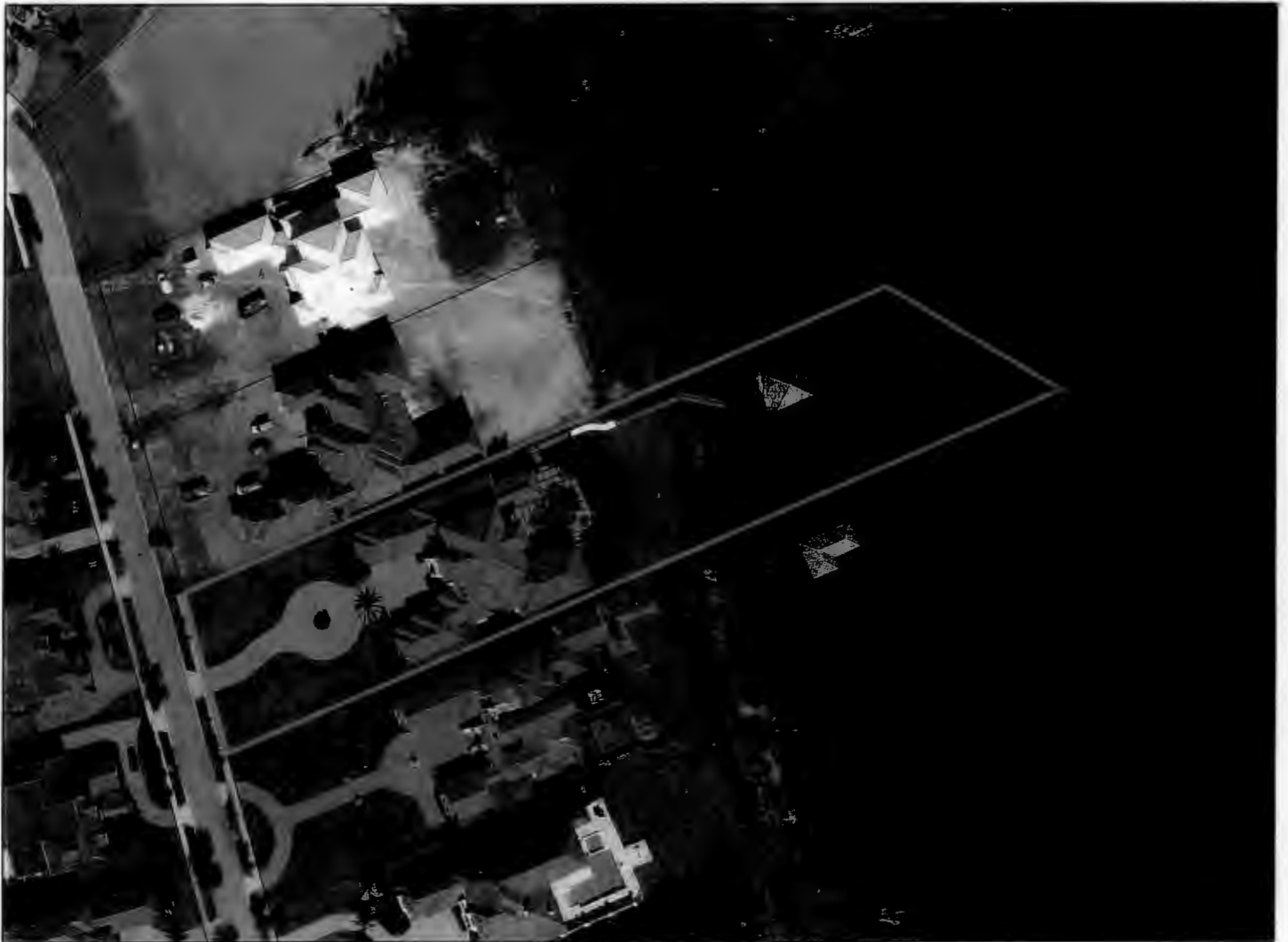
Staff has evaluated the requested waivers for compliance with the criteria for approval. The recommendation of the EPO is to approve the waiver to Section 15-343(b) (side setback) and approve the waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver on 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 from additional shading due to the excess in terminal platform size will be offset through the payment of \$1,015 to the CTF as mitigation.

**ACTION REQUESTED:** Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver requests are consistent with Section 15-350(a)(2), and recommend approval of the request for waiver to Section 15-343(b) to reduce the side setback to four feet from the northern projected property line, and recommend approval of the waiver to Section 15-342(b) to increase the allowable terminal platform size by 275 square feet to a total of 1,255 square feet with the condition that the applicant pay \$1,015 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Scott and Lauren McIver Dock Construction Permit Modification BD-19-09-107. District 1.

JR/NT/TMH/ERJ/DDJ: mg

Attachments

# Dock Construction Application for Waivers



**Dock Construction  
Application for Waivers  
BD-19-09-107  
District #1**

**Applicant:** Scott and Lauren McIver  
**Address:** 11521 Waterstone Loop Dr  
**Parcel ID:** 24-23-27-9009-00-110

**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
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Sandy Teague on behalf of Scott & Lauren Mciver (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:

I do not believe it would negatively impact the environment.
There is existing dock along the shorelines now with plenty of vegetation growing.

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

I do not think it would effect the abutting shoreline owner the lots are very wide and are perpendicular to the shoreline.

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: Scott & Lauren Mciver
Signature of Applicant/Agent [Signature] Date: 9/3/19
Corporate Title (if applicable):





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
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Sandy Teague on behalf of Scott & Lauren Mciver (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 proposed addition DECK AREA is only 86.2 sq. ft. that will be shading the water on the north side of the existing dock which is already shading the water by the existing dock.

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

The lots are over 100 ft. wide and are perpendicular to the shoreline so I do not believe it would affect the abutting shoreline owners because the lots are so wide.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

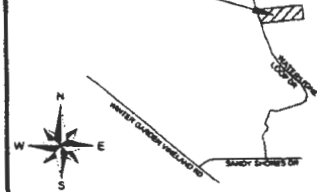
By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained 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: Scott & Lauren Mciver
Signature of Applicant/Agent [Signature] Date: 10/14/19
Corporate Title (if applicable):

# PLAT OF SURVEY

VICINITY MAP (NOT TO SCALE)

SITE

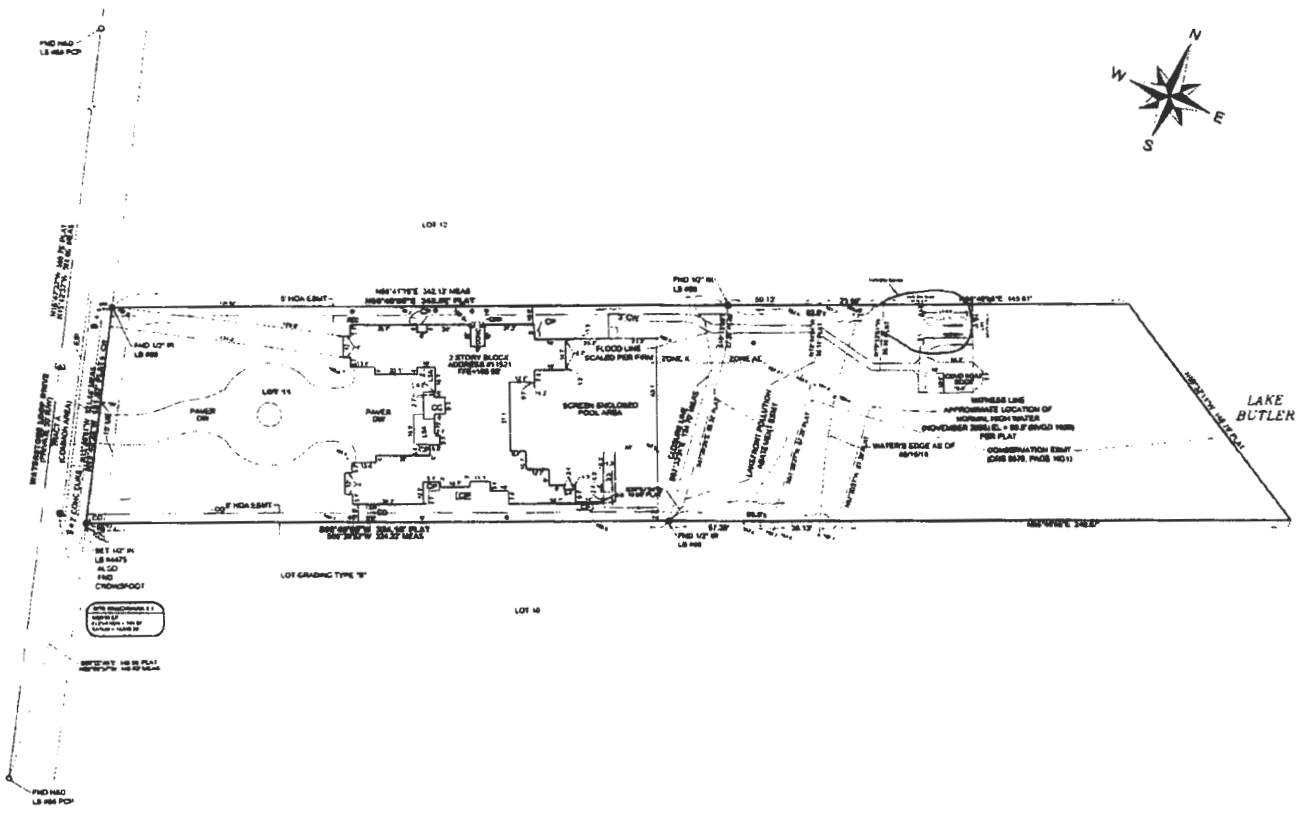


## LEGAL DESCRIPTION

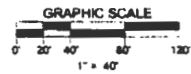
LOT 11, WITH REFERENCE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGES 121 THROUGH 124, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

## NOTES

1. BOUNDARY SURVEY IS BASED ON THE ADJUSTED CENTERLINE OF INTERSECTION LOOP DRIVE, SHOWN HEREON IN THIS PLAT.
2. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY THE CLIENT OR CLIENT'S REPRESENTATIVE.
3. THIS SURVEY WAS MADE ON THE GROUND. THE UNDERGROUND UTILITIES SHOWN HEREON ARE LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES REPRESENTED AS SUCH UTILITIES IN THIS AREA, BEYOND AS SHOWN ON ADJACENT PLATS, THE SURVEYOR HAS NOT BEEN ADVISED THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATIONS INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. THIS SURVEY OF LOT 11 IS ZONE "T" & "M", BASED ON FLOOD HAZARD ANALYSIS MAP NO. 020000001, ORANGE COUNTY, FLORIDA, ORANGE COUNTY, FLORIDA, APPROVED SEPTEMBER 25, 2009.
5. ACCORDING TO FLORIDA STATUTES, CHAPTER 71, A LAND SURVEYOR SHALL NOT ACCEPT HIS OR HER DUTY TO MAKE PLATS OR EXISTING RECORDS UNLESS HE IS NOT LICENSED TO PRACTICE OR HE HAS HIS PROFESSIONAL LIABILITY INSURANCE, NEITHER SHALL HE BE ABLE TO CARRY AN INSURANCE POLICY COMPLIANCE, INTERPRETATION OF EXISTING RECORDS OR THE REPRESENTATION OF HIS OWN RECORDS.
6. THIS SURVEY IS VALID ONLY FOR THE PURPOSES TO WHICH IT IS CERTIFIED.
7. THIS SURVEY ENJOYS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.
8. ELEVATIONS SHOWN ON THIS SURVEY ARE FROM GRADING PLAN FOR INTERSECTION, WHICH IS:
9. THE WATER BOUNDARIES SHOWN HEREON ARE SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LOCATION OF THE LINE OF TIDE.



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CERTIFIED TO:  
BRIERHILL HOMES, INC.  
SCOTT A. MCIVER LAUREN B. MCIVER

BOUNDARY SURVEY DATE: 8/15/18  
per 5A-17.061(3)(b)3 Florida Administrative Code

DATE	JOB #	REVISION	BY
8/15/18	4943	PRIM. SURVEY	PMW
8/28/17	4720	SECONDARY SURVEY	YBS

### BOUNDARY SURVEY

SCALE: 1" = 40'	GPS: GDA-121 (LTM)	OR: 5828
FIELD DATE: 10/20/17	COORDIN. RT. 7	
PREPARED FOR: BRIERHILL HOMES, INC.		
LOCATION: 11871 WATERSHED LOOP DRIVE	RECORDED HERE: 08/15/2018	
ORANGE COUNTY, FLORIDA	DATE RECORDED: 08/15/2018	

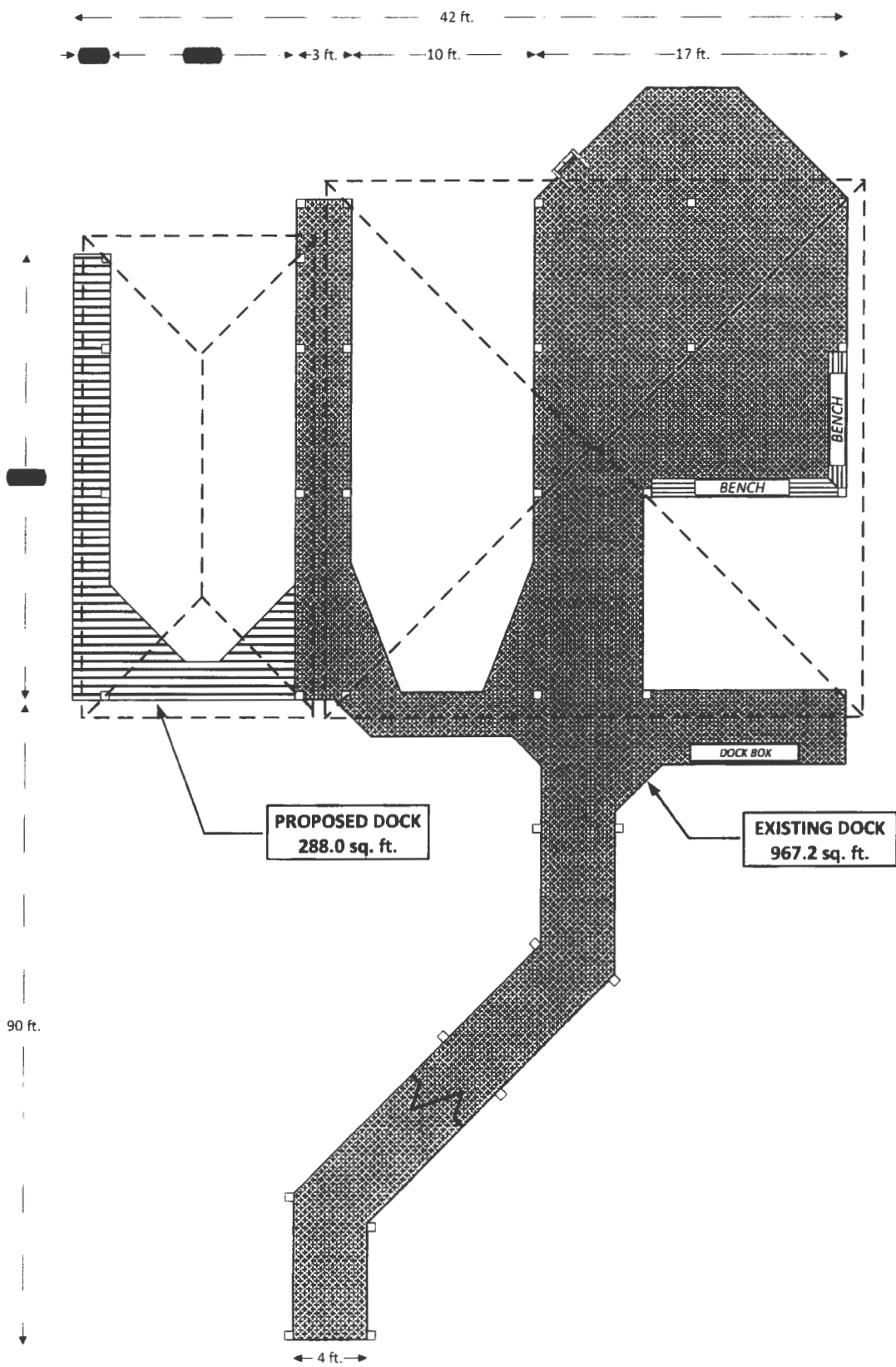


ACCURIGHT SURVEYS OF ORLANDO INC. LA 4475  
2012 E. Pottersum Street, Orlando, Florida 32803  
www.AccurightSurveys.net  
ACCURIGHTSURVEYS.NET  
PHONE: (407) 894-0114

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ARNALD E. SMITH, P.E.M. 5787  
11111 E. US HWY 1  
ORLANDO, FLORIDA 32837  
PHONE: (407) 894-0114

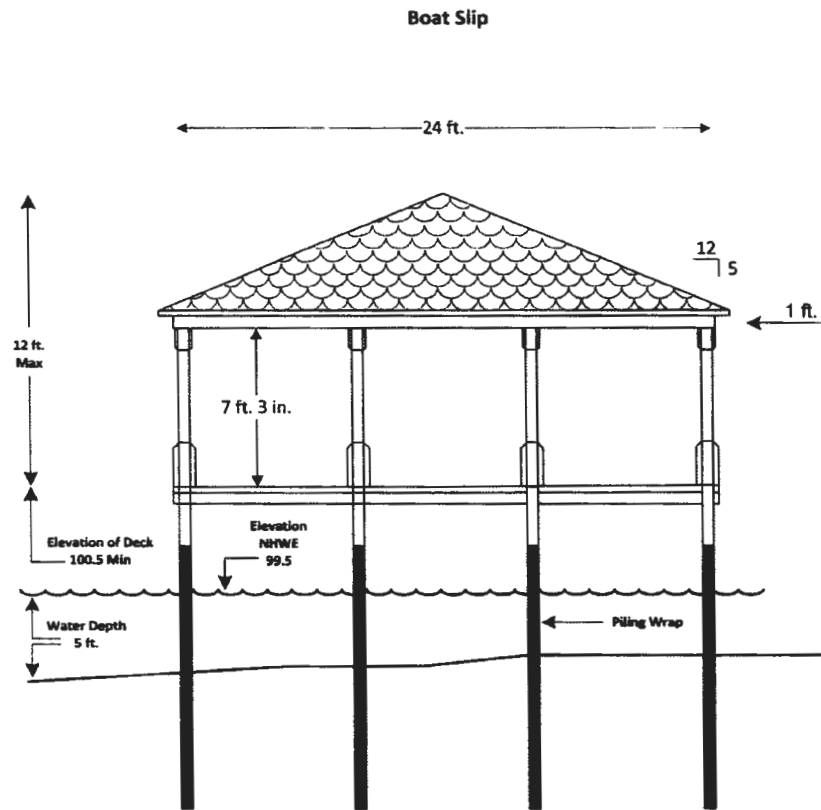
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**LOCATION**  
 11521 Waterstone Loop Dr  
 Windermere, FL 34786

**DESIGNED FOR**  
 Scott & Lauren Mciver  
 Boat Slip Plan  
 9/26/19

Copyright 2019 SAT ©  
 All Rights Reserved  
 SCALE: 1/8" = 1' 0"



**LOCATION**

11521 Waterstone Loop Dr  
Windermere, FL 34786

**DESIGNED FOR**  
**Scott & Lauren Mciver**  
Elevation Floor Plan

Copyright 2019 SAT  
All Rights Reserved  
SCALE: NTS



4 ft. MIN.  
SIDE SET  
BACK

6.1 ft.

2 ft. +/-

10 ft.

30 ft.

79 ft.

25 ft. MIN.  
SIDE SET  
BACK



Water Depth  
94.5

24 ft.

Turbidity Barrier

27 ft. +/-  
Or to Achieve 94.5 EL

CONSERVATION  
EASEMENT

33.0 ft.

30.0 ft.

20.0 ft.

Floor Elevation Min 12"  
Above NHWE

Roof Elevation Max 14'  
Above Deck

99.5

Level  
Elevation

NORMAL HIGH WATER LINE

50' BERM AND SWALE  
EASEMENT

65.6 ft. +/-

POINT MOST  
WATERWARD

435.4 ft.

TO PERMANENT STRUCTURE

### LOCATION

11521 Waterstone Loop Dr  
Windermere, FL 34786

### DESIGNED FOR

Scott & Lauren Mciver  
Site Plan

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SCALE: 3/32" = 1' 0"



