

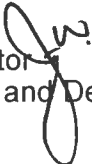



Interoffice Memorandum

AGENDA ITEM

October 29, 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: November 16, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Linda Puchyr Dock
Construction Permit BD-20-11-186

The applicant, Linda Puchyr, is requesting a dock construction permit with a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Chapter 15, Article IX, Section 15-343(a) (side setback) to construct a new boat dock at the subject property. The project site is located at 7025 Billie Court, Winter Garden, FL 34787 (Parcel ID number 28-23-27-9178-03-120). The subject property is on Lake Hancock in District 1.

On November 18, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the application was an Application for Waiver to Section 15-342(b) to increase the allowed terminal platform size from 600 to 999 square feet and an Application for Variance to Section 15-343(a) to reduce the minimum required side setback from 10 feet to one foot from both the northern and southern projected property lines.

On February 5, 2021, a Notice of Application for Waiver and a Notice of Application for Variance were sent to all shoreline property owners within a 300-foot radius of the property. EPD received one letter of objection from Anthony Rifenberg (15562 Avenue of the Arbors), who cited concerns regarding navigation and safety. EPD also received one letter of support from Ray Thoss (15568 Avenue of the Arbors), stating his support for the additional terminal platform size (waiver request).

This item was originally presented at the March 31, 2021 meeting of the Environmental Protection Commission (EPC). The EPC voted to continue the hearing to allow the applicant to revise the site plan to address the objector's concerns and to allow for the Orange County Sheriff's Office (OCSO) to provide a navigational assessment.

On April 22, 2021, EPD received a revised site plan that depicts the location of the terminal platform further north than in the plan presented to the EPC on March 31, 2021. The variance request was revised from one foot setbacks on each side to an eight foot setback

from the southern projected property line and a negative five foot setback across the northern projected property line (meaning it will traverse the northern projected property line by five feet). There is no change in the proposed terminal platform size (waiver request).

On September 13, 2021, the OCSO provided the following comment on the proposed location of the terminal platform: "I did see this site in person and I do not see any navigation safety issues with the current location of the stakes left by the builder."

Waiver Request – Terminal Platform Size

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 (Michael Carpenter) states, "This proposed boathouse is 999 SqFt similar [sic] to many boathouses on this lake but is restricted [sic] by irregular property lines."

To address Section 15-350(a)(2)(2), the applicant's agent states, "The adjacent homeowners have signed LONO's [sic]."

Note: EPD did not receive Letters of No Objection (LONO).

The applicant has agreed to provide mitigation for the additional shading from the oversized terminal platform with a payment of \$572 to the Conservation Trust Fund (CTF). The shading impacts were evaluated by EPD staff using the Uniform Mitigation Assessment Method.

Variance Request – Side Setback

Section 15-350(a)(1) Variances states, "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."

Pursuant to Section 15-350(a)(1), "the applicant shall also describe (1) 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; and (2) the effect of the proposed variance on abutting shoreline owners."

To address Section 15-350(a)(1)(1), the applicant's agent states, "The odd property lines and or extensions thereof create a problem to fit a terminal platform in."

To address Section 15-350(a)(1)(2), the applicant's agent states, "Little or none. We expect to have letters of no objection [sic]."

Note: EPD did not receive Letters of No Objection (LONO).

Public Noticing

On May 7, 2021, revised Notices of Application for Waiver and Application for Variance were sent to all shoreline property owners within a 300-foot radius of the property. Additionally, EPD reached out directly (via email) to the original objector and supporter of the dock. No responses were received.

EPD Staff Evaluation/Recommendation

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 demonstrated that there will be no negative effects from the proposed waiver on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections were received. Additionally, pursuant to Section 15-350(a)(2)(1), negative impacts to the environment due to shading from the excess terminal platform size will be offset through a mitigation payment of \$572 to the CTF.

Staff also evaluated the variance request for compliance with the criteria for approval. Staff determined that it may be possible to reconfigure the proposed dock to not exceed the maximum size requirement per Section 15-342(b), which in turn could also meet the required setbacks of 10 feet. Therefore, the recommendation of the EPO is to deny the request for variance to Section 15-343(a) based on a finding that the hardship caused by attempting to construct an oversized dock on this parcel is self-imposed.

Environmental Protection Commission Public Hearing

EPD presented the waiver and variance requests in a public hearing before the EPC at their September 29, 2021 meeting. Mr. John Bemis (dock contractor) attended for the applicant and presented a LONO signed by the affected neighbor to the south agreeing to the eight foot setback. He also stated that they attempted to obtain a LONO from the neighbor to the north, but was unable to as the property is currently under contract to sell. Mr. Bemis also pointed out that they addressed issues brought up at the March EPC hearing by shifting the proposed location of the dock to the north and staked the new location for a navigational assessment by the OCSO.

Mr. Anthony Rifenberg (the original objector of the dock from the March 2021 EPC hearing) attended and stated his ongoing objection to the dock size and configuration. Mr. Rifenberg indicated that the sizing of the dock made the need for variances to side-setback requirements self-imposed. He indicated that he thought the size of the boat dock was oversized based on the lot size and he was concerned about setting a precedent for 1,000-square foot docks on the channel side of the lake. He suggested that if the portion of the dock designed for tandem jet skis that can be moored side-by-side was designed for the jet skis to be docked one behind the other rather than parallel to each other that the size of the dock could be reduced to avoid the need for side setback variances. Chairman Mark Ausley pointed out that the applicant did move the dock to the north to address concerns regarding accommodating the narrow flag lot to the south and the size of the proposed dock was in line with many other docks that have been permitted. EPC member Mr. Oscar Anderson stated he agreed with the statement that the dock could potentially be reduced in size or reconfigured, and that the hardship was self-imposed. Chairman Ausley asked if it was possible to stack the jet skis in the manner proposed by Mr. Rifenberg and Mr. Bemis replied that it would make the walkway between the boat slips very narrow.

The EPC further discussed their original recommendations at the March 2021 hearing, as compared to the revised plan, as well as the lack of any LONOs or written objections leading up to the second hearing.

Based upon evidence and testimony presented at the hearing, the EPC voted to accept the findings and recommendation of the EPO, and recommended approval of the request for waiver to Section 15-342(b) (terminal platform size) with a payment of \$572 to the CTF, and voted to reject the findings and recommendation of the EPO, and made a finding that the request for variance is consistent with Section 15-350(a)(1) and recommended approval of the request for variance to Section 15-343(a) (side setback). The motion to approve the waiver and variance requests passed with a vote of three in favor of the motion and two against.

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission, approval of the request for waiver to Section 15-342(b) to increase the allowable terminal platform size from 600 square feet to 999 square feet with the condition that the applicant pay \$572 to the Conservation Trust Fund within 60 days of the decision of the Board, and approval of the request for variance to Section 15-343(a) to reduce the side setbacks from 10 feet to negative five feet across the northern projected property line and eight feet from the southern projected property line for the Linda Puchyr Dock Construction Permit BD-20-11-186. District 1

JVW/DDJ: jk

Attachments

Dock Construction Application for Variance and Waiver



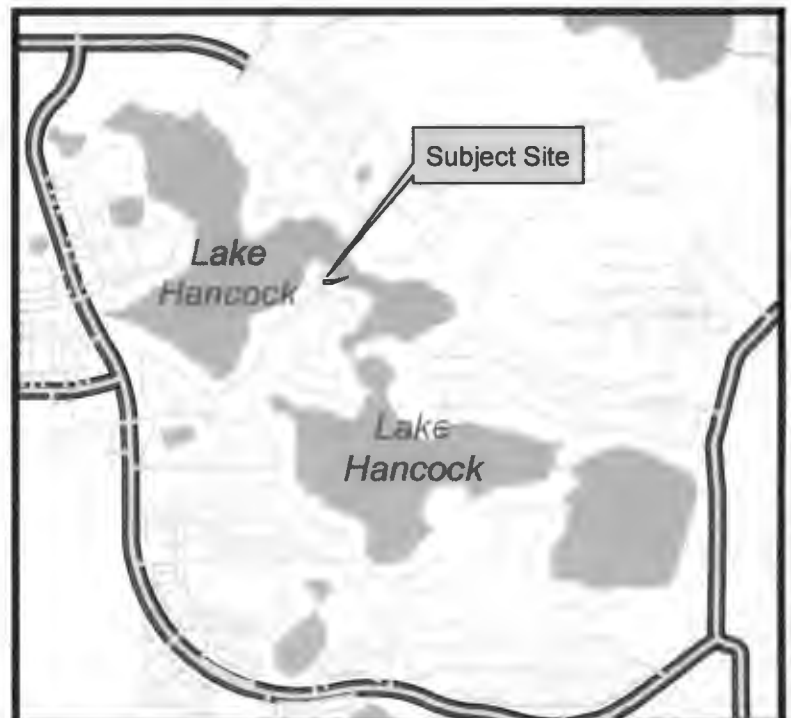
**Dock Construction
Application for
Variance and Waiver
BD-20-11-186
District #1**

Applicant: Linda Puchyr
Address: 7025 Billie Court

Parcel ID: 28-23-27-9178-03-120

Project Site 

Property Location 






Interoffice Memorandum

September 3, 2021

To: Environmental Protection Commission

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

Subject: **Linda Puchyr Request for Waiver and Variance for Dock Construction Permit
BD-20-11-186**

This public hearing was continued from the March 31, 2021 meeting of the Environmental Protection Commission.

Reason for Public Hearing

The applicant, Linda Puchyr, 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 a variance to Chapter 15, Article IX, Section 15-343(a) (side setback).

Location of Property/Legal Description

The project site is located at 7025 Billie Court, Winter Garden, FL 34787. The Parcel ID number is 28-23-27-9178-03-120. The subject property is located on Lake Hancock in District 1.

Background

On November 18, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the application was an Application for Waiver to Section 15-342(b) to increase the allowed terminal platform size from 600 to 999 square feet and an Application for Variance to Section 15-343(a) to reduce the minimum required side setback from 10 feet to one foot from both the northern and southern projected property lines.

On February 5, 2021, a Notice of Application for Waiver and a Notice of Application for Variance were sent to all shoreline property owners within a 300-foot radius of the property. EPD received one letter of objection from Anthony Rifenberg (15562 Avenue of the Arbors), who cited concerns regarding navigation and safety. EPD also received one letter of support from Ray Thoss (15568 Avenue of the Arbors), stating his support for the additional terminal platform size (waiver request). The letters from Mr. Rifenberg and Mr. Thoss are included as attachments to this staff report.

This item was originally presented at the March 31, 2021 meeting of the Environmental Protection Commission (EPC); however, due to the objection and incomplete navigational assessment (the Orange County Sheriff's Office [OCSO] had visited the incorrect parcel when conducting the navigation assessment), the EPC voted to continue the hearing to allow the applicant to revise the site plan and allow for the OCSO to provide an opinion on any navigational concerns.

On April 22, 2021, EPD received a revised site plan that depicts the location of the terminal platform further north than in the plan presented to the EPC on March 31, 2021. The variance

request was revised from one foot setbacks on each side to an eight foot setback from the southern projected property line and a negative five (-5) foot setback across the northern projected property line (meaning it will traverse the northern projected property line by five feet). There is no change in the proposed terminal platform size (waiver request).

Public Notifications

On May 7, 2021, revised Notices of Application for Waiver and Application for Variance were sent to all shoreline property owners within a 300-foot radius of the property. The applicants and agent were sent notices on August 11, 2021 to inform them of the Environmental Protection Commission meeting on September 29, 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 1,000 square feet." The applicant has a shoreline that measures approximately 60.08 linear feet at the Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 600 square feet. The applicant is requesting a terminal platform of 999 square feet (399 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 (Michael Carpenter) states, "*This proposed boathouse is 999 SqFt similar [sic] to many boathouses on this lake but is restricted [sic] by irregular property lines.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The adjacent homeowners have signed LONO's [sic].*"

The applicant has agreed to provide mitigation for the additional shading from the oversized terminal platform with a payment of \$572 to the Conservation Trust Fund (CTF). The shading impacts were evaluated by EPD staff using the Uniform Mitigation Assessment Method (UMAM).

Side Setback Variance

Chapter 15, Article IX, Section 15-343(a) of the Code states, "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks, including designated mooring areas, shall have a minimum side-setback of ten (10) feet from the projected property line." The applicant has a shoreline that measures 60.08 linear feet at the NHWE, requiring a minimum side setback of 10 feet. The applicant is requesting a side setback of negative (-) five feet across the northern projected property line and eight feet from the southern projected property line.

Section 15-350(a)(1) *Variances* states, "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."

Pursuant to Section 15-350(a)(1), “the applicant shall also describe (1) 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; and (2) the effect of the proposed variance on abutting shoreline owners.”

To address Section 15-350(a)(1)(1), the applicant’s agent states, “*The odd property lines and or extensions thereof create a problem to fit a terminal platform in.*”

To address Section 15-350(a)(1)(2), the applicant’s agent states, “*Little or none. We expect to have letters of no bojection [sic].*”

Public Input

On May 7, 2021, EPD sent revised Notices of Application for Waiver and Application for Variance for the revised dock plans. Due to a lack of information on the United States Postal Service delivery tracking website, EPD was unable to confirm whether approximately half of the notices were received. Accordingly, those notices for which delivery were unconfirmed, were also posted onsite at each neighbor’s residence or (if present) hand delivered by the applicant’s agent. The agent provided documentation to EPD that the noticing was completed. Additionally, EPD reached out to the original objector and the original supporter of the first dock plan via email. No responses to the notices have been received.

EPD received notarized Letters of No Objection (LONO) from each adjacent shoreline property owner (Taylor Morrison of Florida, Inc. at 7019 Billie Court, and Eric Stuart Young at 7031 Billie Court) in regards to the original proposed plans. However, no LONOs have been received regarding the revised plans and new proposed location of the terminal platform.

At the time of drafting this staff report, the OCSO had not yet completed a navigational assessment; however, they are anticipated to complete this task prior to the September 29, 2021 EPC hearing and the assessment will be presented during the hearing.

Enforcement Action

There is no current enforcement action for this property.

Staff Recommendations

Staff has 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 that there will be no negative effects from the proposed waiver 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 impacts to the environment due to shading impacts from the excess terminal platform size will be offset through a mitigation payment of \$572 to the CTF.

Staff has also evaluated the variance request for compliance with the criteria for approval. Staff has determined that it may be possible to reconfigure the proposed dock to not exceed the maximum size requirement per Section 15-342(b), which in turn could also meet the required setbacks of 10 feet. Therefore, the recommendation of the EPO is to deny the request for variance to Section 15-343(a) based on a finding that the hardship caused by attempting to construct an oversized dock on this parcel is self-imposed.

ACTIONS REQUESTED: **Acceptance of the finding and recommendation 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 600 to 999 square feet with a payment of \$572 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and**

Acceptance of the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to negative (-) five feet across the northern projected property line and eight feet from the southern projected property line for the Linda Puchyr Dock Construction Permit BD-20-11-186. District I

NS/NT/TMH/ERJ/DJ: erj

Attachments

Dock Construction Application for Variance and Waiver



**Dock Construction
Application for
Variance and Waiver
BD-20-11-186**

District #1

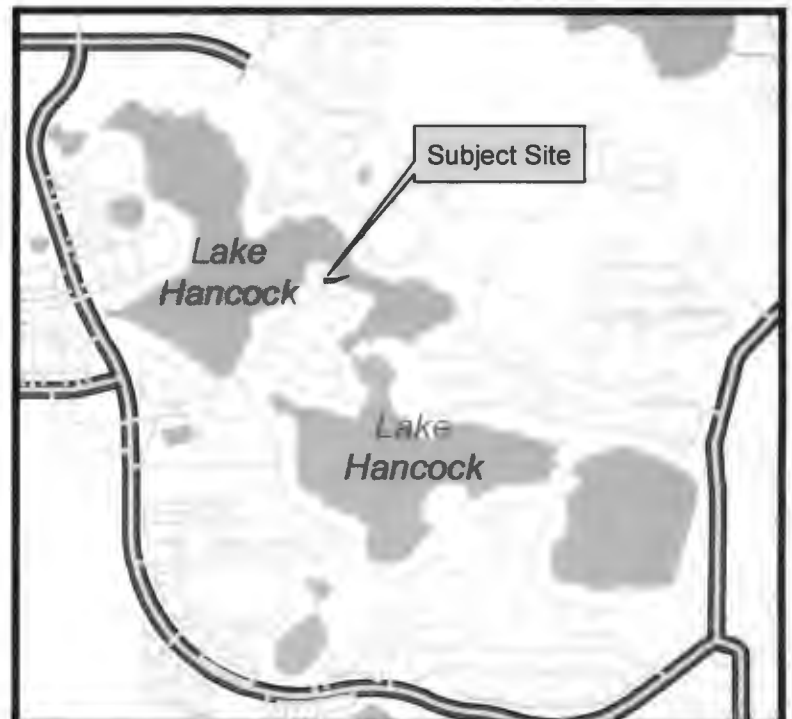
Applicant: Linda Puchyr

Address: 7025 Billie Court

Parcel ID: 28-23-27-9178-03-120

Project Site 

Property Location 

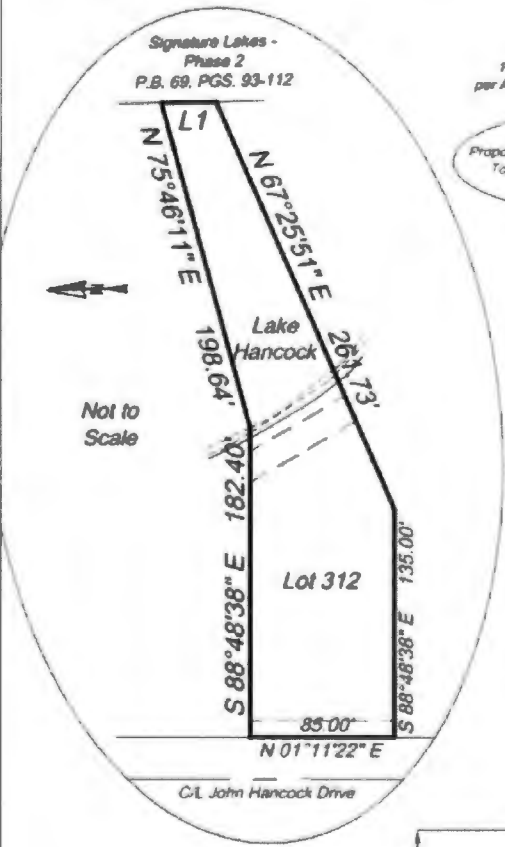
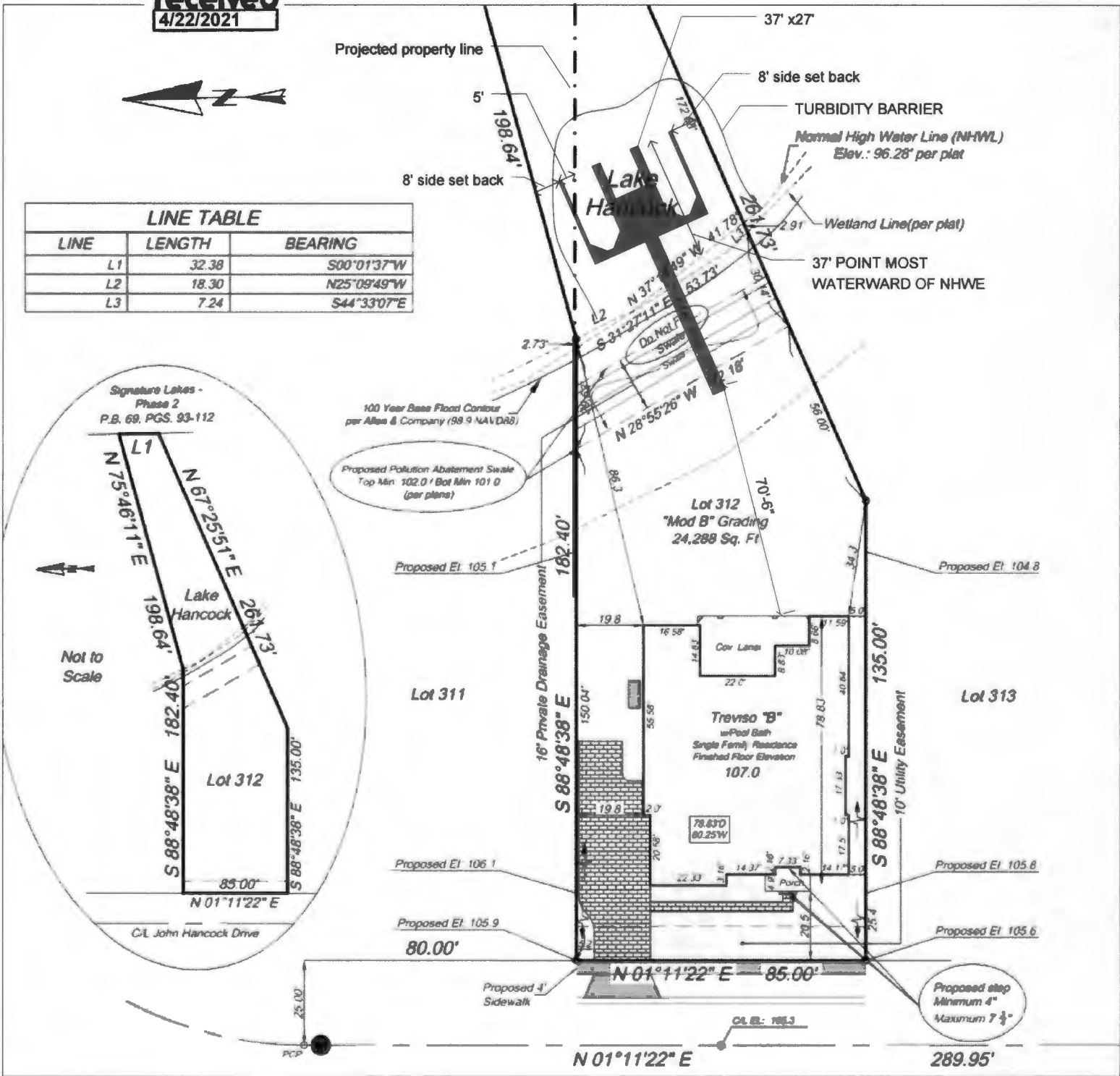


04/01/2021

received
4/22/2021

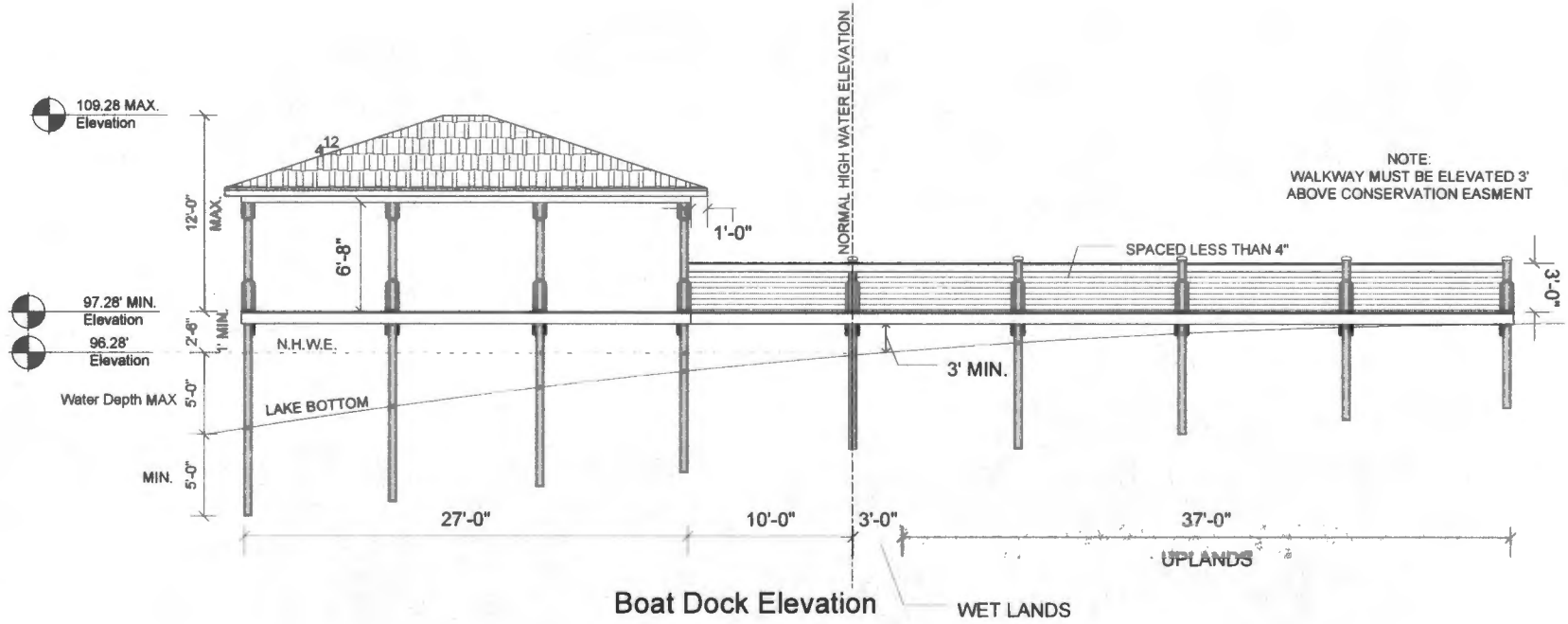


LINE TABLE		
LINE	LENGTH	BEARING
L1	32.38	S00°01'37"W
L2	18.30	N25°09'49"W
L3	7.24	S44°33'07"E



LOCATION:
7025 Billie Court
Winter Garden, FL 34787

received
1/29/2020



LOCATION:
7025 Billie Court
Winter Garden, FL 34787



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 Michael R Carpenter on behalf of Linda S Puchyr (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:

This proposed boathouse is 999 SqFt similar to many boathouses on this lake but is reistricted by irregular property lines

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

The adjacent homeowners have signed LONO's

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: Linda S Puchyr
Signature of Applicant/Agent [Signature] Date: 01/14/2021
Corporate Title (if applicable):



received
1/29/2021

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 Michael R Carpenter on behalf of Linda S Puchyr (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342(a) 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):

The odd property lines and or extensions thereof create a problem to fit a terminal platform in

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

Little or none. We expect to have letters of no bojection

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: Linda S Puchyr

Signature of Applicant/Agent

Date: 01/14/2021

Corporate Title (if applicable):






Interoffice Memorandum

March 5, 2021

To: Environmental Protection Commission

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

Subject: **Linda Puchyr Request for Waiver and Variance for Dock Construction Permit BD-20-11-186**

Reason for Public Hearing

The applicant, Linda Puchyr, 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 a variance to Chapter 15, Article IX, Section 15-343(a) (side setback).

Location of Property/Legal Description

The project site is located at 7025 Billie Court, Winter Garden, FL 34787. The Parcel ID number is 28-23-27-9178-03-120. The subject property is located on Lake Hancock in District 1.

Background

On November 18, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. Included with the application was an Application for Waiver to Section 15-342(b) to increase the allowed terminal platform size from 600 to 999 square feet and an Application for Variance to Section 15-343(a) to reduce the minimum required side setback from 10 feet to one foot from both the northern and southern projected property lines.

Public Notifications

On February 5, 2021, Notices of Application for Waiver and Application for Variance were sent to all shoreline property owners within a 300-foot radius of the property. The applicants and agent were sent notices on March 4, 2021 to inform them of the Environmental Protection Commission meeting on March 31, 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 1,000 square feet." The applicants have a shoreline that measures approximately 60.08 linear feet at the Normal High Water Elevation (NHWE), allowing for a maximum terminal platform size of 600 square feet. The applicants are requesting a terminal platform of 999 square feet (399 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 (Michael Carpenter) states, "This proposed boathouse is 999 SqFt similar [sic] to many boathouses on this lake but is restricted [sic] by irregular property lines."

To address Section 15-350(a)(2)(2), the applicant's agent states, "The adjacent homeowners have signed LONO's [sic]."

The applicant has agreed to provide mitigation for the additional shading from the oversized terminal platform with a payment of \$572 to the Conservation Trust Fund (CTF). The shading impacts were evaluated by EPD staff using the Uniform Mitigation Assessment Method (UMAM).

Side Setback Variance

Chapter 15, Article IX, Section 15-343(a) of the Code states, "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks, including designated mooring areas, shall have a minimum side-setback of ten (10) feet from the projected property line." The applicants have a shoreline that measures 60.08 linear feet at the NHWE, requiring a minimum side setback of 10 feet. The applicants are requesting a side setback of one foot from the northern and southern projected property lines (a reduction of nine feet from the required 10-foot minimum required setbacks on each side).

Section 15-350(a)(1) *Variations* states, "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."

Pursuant to Section 15-350(a)(1), "the applicant shall also describe (1) 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; and (2) the effect of the proposed variance on abutting shoreline owners."

To address Section 15-350(a)(1)(1), the applicant's agent states, "The odd property lines and or extensions thereof create a problem to fit a terminal platform in."

To address Section 15-350(a)(1)(2), the applicant's agent states, "Little or none. We expect to have letters of no objection [sic]."

Public Input

The applicant submitted notarized Letters of No Objection (LONO) from each adjacent shoreline property owner (Taylor Morrison of Florida Inc. at 7019 Billie Court and Eric Stuart Young at 7031 Billie Court). The LONOs were submitted to address the reduced side setback; however, since this is a variance application, EPD cannot utilize the letters to authorize the variance to side setback, as in the case of a waiver application for side setback pursuant to Section 15-343(b).

On February 9, 2021, EPD received a letter of support from Ray Thoss, the property owner at 15568 Avenue of the Arbors. His letter stated his support for the additional terminal platform size (waiver request).

On March 2, 2021, EPD received a letter of objection from Anthony Rifenberg, the property owner at 15562 Avenue of the Arbors. His letter stated his objection to both the additional terminal platform size (waiver request) and reduced side setback (variance request), and cited navigational and safety concerns as the reasons.

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. The recommendation of the Environmental Protection Officer (EPO) is to deny the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant has failed to demonstrate that there will be no negative effects from the proposed waiver on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as a neighboring property owner has submitted an objection to the request. However, pursuant to Section 15-350(a)(2)(1), should the Environmental Protection Commission recommend approval of the waiver, the applicant has agreed to provide mitigation for the anticipated negative impacts to the environment due to shading caused by the terminal platform with a mitigation payment of \$572 to the CTF.

Staff has also evaluated the variance request for compliance with the criteria for approval. Pursuant to Section 15-350(a)(1)(2), the applicant has failed to demonstrate that there will be no adverse effects from the proposed variance on the abutting shoreline owners, as a neighboring shoreline owner has submitted an objection to the request. Staff has also determined that it may be possible to reconfigure the proposed dock and/or construct a dock within the allowable size per Section 15-342(b) while still maintaining the required setbacks of 10 feet. Therefore, the recommendation of the EPO is to deny the request for variance to Section 15-343(a) based on a finding that the hardship caused by attempting to fit the oversized dock between the projected property lines on this parcel is self-imposed, and on a finding that the applicant has failed to demonstrate there will be no adverse effects on abutting shoreline owners.

ACTION REQUESTED: **Acceptance of the finding and recommendation of the Environmental Protection Officer, and make a finding that the waiver request is inconsistent 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 allowable terminal platform size from 600 to 999 square feet; and**

Acceptance of the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to one foot from the northern and southern projected property lines for the Linda Puchyr Dock Construction Permit BD-20-11-186. District 1

NS/NT/TMH/ERJ/DJ: mg

Attachments

Dock Construction Application for Variance and Waiver



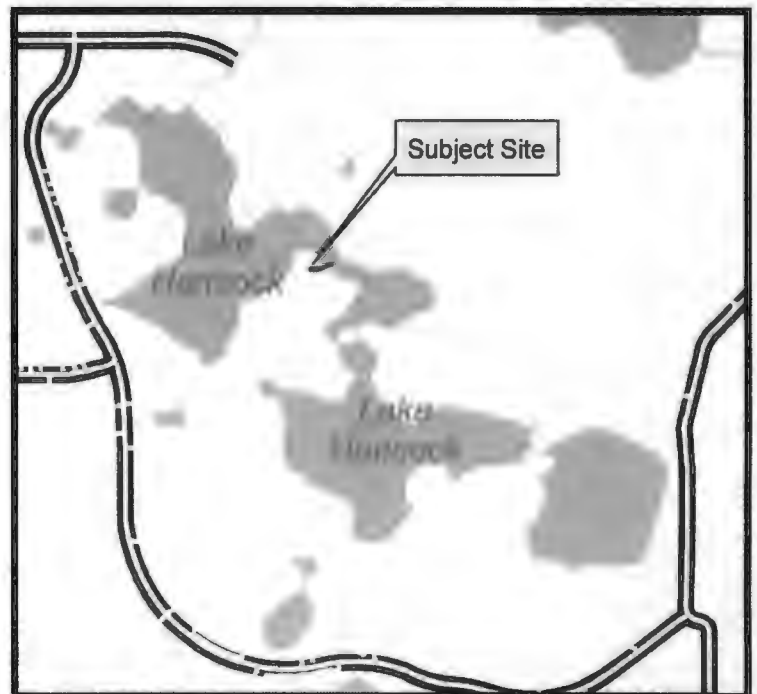
**Dock Construction
Application for
Variance and Waiver
BD-20-11-186
District #1**

Applicant: Linda Puchyr
Address: 7025 Billie Court

Parcel ID: 28-23-27-9178-03-120

Project Site 

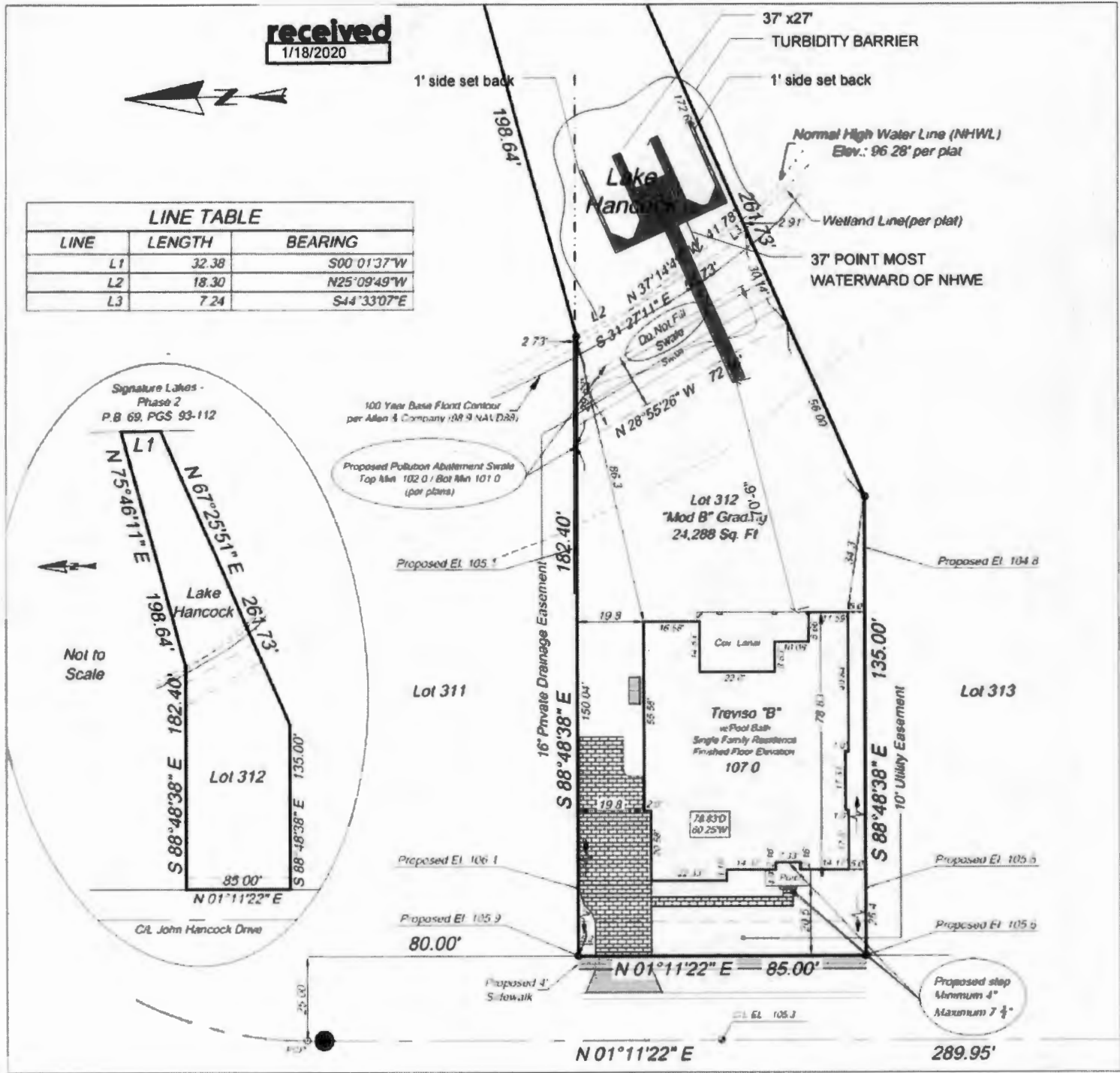
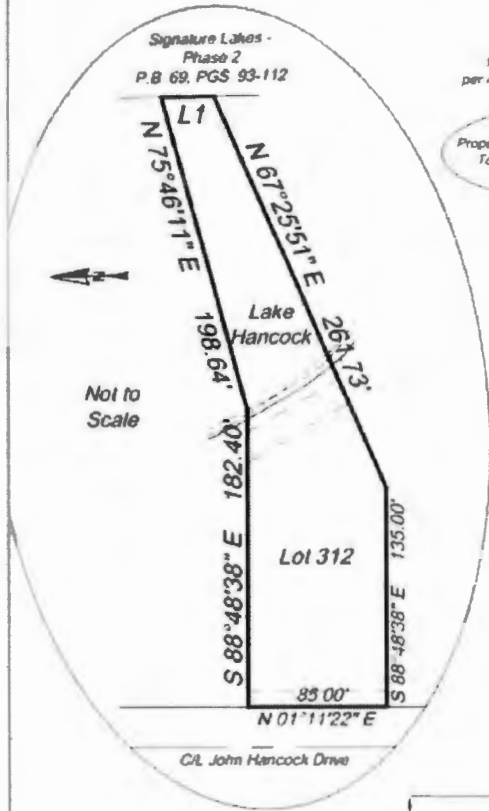
Property Location 



received
1/18/2020

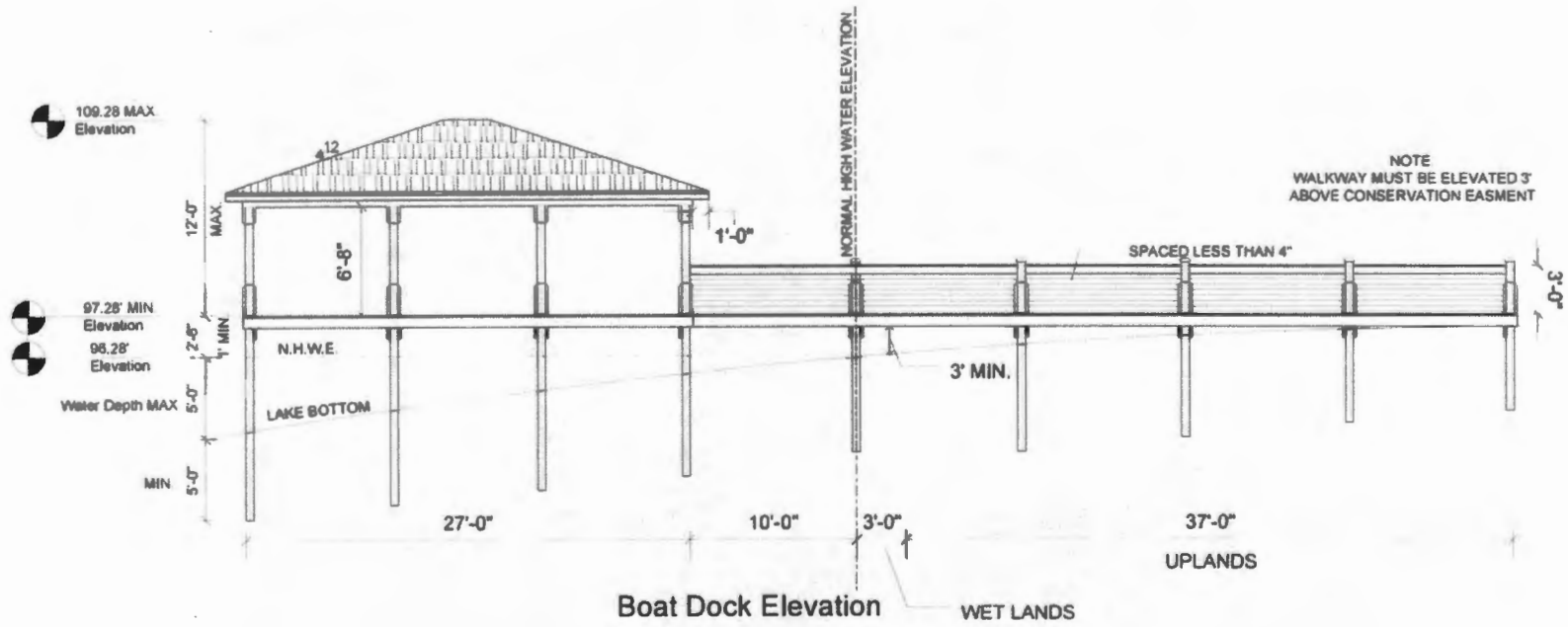


LINE TABLE		
LINE	LENGTH	BEARING
L1	32.38	S00°01'37"W
L2	18.30	N25°09'49"W
L3	7.24	S44°33'07"E



Proposed step
Minimum 4"
Maximum 7 1/4"

received
1/29/2020



LOCATION:
7025 Billie Court
Winter Garden, FL 34787



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

I Michael R Carpenter on behalf of Linda S Puchyr (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:

This proposed boathouse is 999 SqFt similar to many boathouses on this lake but is reatricted by irregular property lines

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

The adjacent homeowners have signed LONO's

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: Linda S Puchyr

Signature of Applicant/Agent

Date: 01/14/2021

Corporate Title (if applicable): _____



received
1/29/2021

APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR
VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Orange County Environmental Protection Division
Deliver To: 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 Michael R Carpenter on behalf of Linda S Puchyr (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342(a) 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):

The odd property lines and or extensions thereof create a problem to fit a terminal platform in

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

Little or none. We expect to have letters of no objection

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: Linda S Puchyr

Signature of Applicant/Agent

Date: 01/14/2021

Corporate Title (if applicable): _____



received
1/29/2021

**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, Eric Stuart Young, a legal property owner of property located at 7031 Billie Court,
(Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 09/02/2020, for the property located at
7025 Billie Court, and have no objections.

The dock construction plans include a side setback waiver request of 1 feet, in lieu of the minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner)

(Date)

Eric Stuart Young
(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 ERIC STUART YOUNG



Deborah Doda
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG354771
Expires 7/15/2023

(Signature of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification

Type of Identification Produced FLORIDA 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, Taylor Morrison of Florida Inc, a legal property owner of property located at 7019 Billie Court,
(Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 09/02/2020, for the property located at
7025 Billie Court, and have no objections.

The dock construction plans include a side setback waiver request of 1 feet, in lieu of the
minimum 25 feet required by Code.

(Signature - Adjacent Affected Property Owner)

(Date)

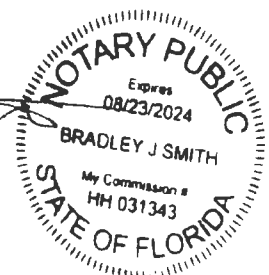
(Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 11th day of 2020 by MIKE MANSFIELD

(Signature of Notary Public, State of Florida)



Personally Known OR Produced Identification

Type of Identification Produced _____

Salvatico, Nicole L

From: Ray Thoss <raythoss@gmail.com>
Sent: Tuesday, February 9, 2021 6:42 AM
To: Salvatico, Nicole L
Subject: Project Number BD-20-11-186

Nicole,

I live across the lake channel from the subject property. I have no issue whatsoever and fully support their request for a waiver to build a dock up to 999 sq ft.

If you have any questions, feel free to contact me.

--

Ray Thoss
15568 Avenue Of The Arbors, Winter Garden, FL 34787
407-697-6265

Dear Orange County,

I am opposed to the Variance/Waiver request for the BD-20-21-186 dock project as designed. This dock is way too big and sets a very bad precedent of dock size for future docks to be built along Billie Court and John Hancock Drive that will crowd the Lake Hancock channel.

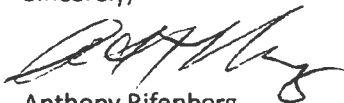
There are no nautical navigational signs or speed zones in this channel; so there is no enforcement of vessel speeds. It is very clear from the plans that 4 vessels (2 boats + 2 Personal Watercraft) will be kept in this dock. Much of the vessel traffic on this lake is Personal Watercraft (PWCs) that travel at high speed through the channel. This dock will be located on an obstructed curve when navigating the channel in a south east direction. There are already docks built on the north side and plant growth in the lake channel. The placement of such a large dock with 4 vessels loading and unloading while other vessels are traveling at unregulated speeds on a hidden curve significantly increases the risk of vessel collision or personal injury.

I understand that the applicant's lot is an awkward shape/size and that a variance would be necessary for a dock; but a dock that 166% bigger than code and 10 times the set back is excessive and should not be allowed.

I also understand that having lakefront property and enjoying the lake is the reason why we all purchased these homes. Therefore, I suggest the applicant consider a dock that is more within the specs for this lot; around the 600 square foot size where a minimal variance is necessary.

If Orange County is going to allow this oversized dock on a hidden curve as planned then the applicant should be responsible for the financing of appropriate water navigational speed signage throughout the channel that is approved, zoned, placed, and enforced by Orange County before a serious vessel accident occurs.

Sincerely,



Anthony Rifenberg
15562 Avenue of the Arbors
Winter Garden, FL 34787

2021 MAR -2 PM 12:41

TELEPHONE

1



Notice of Application for Variance/Waiver

Commission District #1
Nicole H. Wilson, Commissioner

Project Manager:
Nicole Salvatico
Email: Nicole.Salvatico@ocfl.net
Phone #: 407-836-1494

Environmental Protection Division:
(407) 836-1400

Planning, Environmental & Development Services / EPD

Project Information

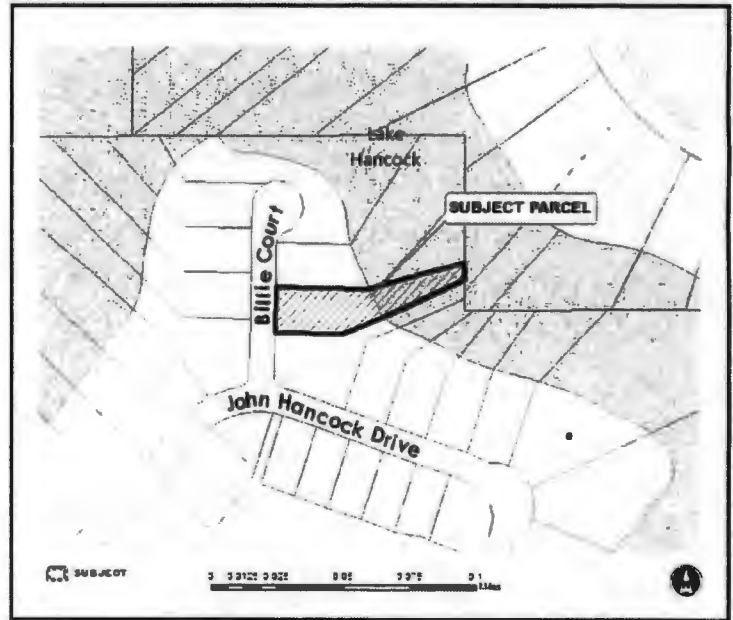
- Project Number:** BD-20-11-186
- Project Name:** Puchyr - 7025 Billie Court
- Applicant:** Linda Puchyr
- Parcel ID:** 28-23-27-9178-03-120
- Location:** 7025 Billie Ct, Winter Garden FL 34787
- Lake Name:** Hancock

Request

The applicant, Linda Puchyr, is requesting a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a), in order to authorize a side setback of one foot from both the northern and southern projected property lines. Per Orange County Code, the minimum side setback from the projected property lines for this lot is 10 feet.

The applicant is also requesting a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b), in order to construct a terminal platform that is approximately 999 square feet. The maximum allowed terminal platform size for this lot per Orange County Code is 600 square feet.

Subject Property Location Map



The plans can be viewed here:

https://fasttrack.ocfl.net/OnlineServices/Permit_Environmental.aspx or by contacting the project manager

Any objections must be in writing and must be received the Orange County Environmental Protection Division located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 days of receipt of this notice. If you have any questions regarding the public hearing, contact me at (407) 836-1400.

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

OCFL ATLAS (www.OCFL.net/atlas)
(Downloadable on Google Play and Itunes)

Android

Apple







ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager
 3165 McCrory 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

Florman Blackburn

Billy Butterfield

Mark Corbett

Elaine Imbruglia

Vacancy Regulated
 Business or
 Municipalities

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 September 29, 2021**

Project Name: Linda Puchyr

Permit Application Number: BD-20-11-186

Location/Address: 7025 Billie Court, Winter Garden

RECOMMENDATION: Acceptance of the finding and recommendation 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 600 to 999 square feet with a payment of \$572 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Acceptance of the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to negative (-) five feet across the northern projected property line and eight feet from the southern projected property line for the Linda Puchyr Dock Construction Permit BD-20-11-186. District 1

EPC AGREES WITH THE ACTIONS REQUESTED. AS PRESENTED

EPC DISAGREES WITH THE ACTION(S) REQUESTED. AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

stated above with actions were approved by EPC

Signature of EPC Chairman: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 9-29-21