

Board of County Commissioners

**After-the-Fact Private Boat Ramp Permit
Application**

BR-17-07-001

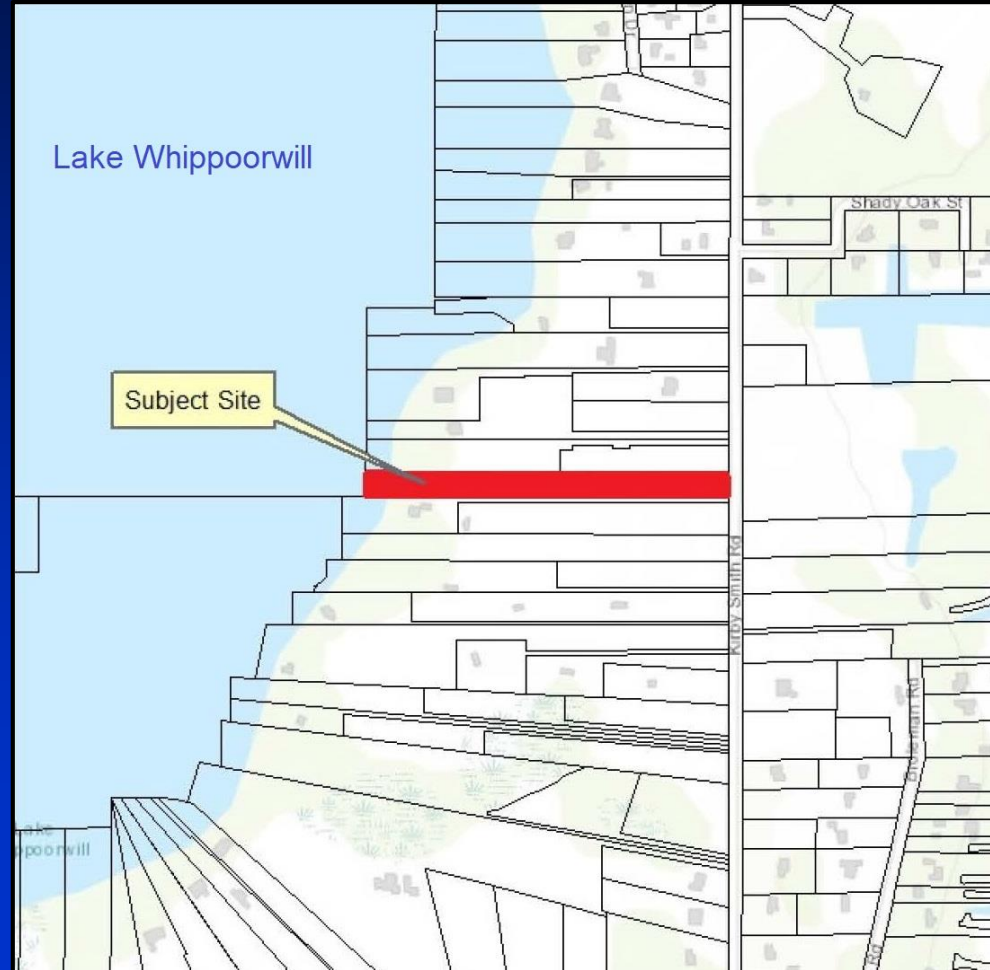
Applicant: Bubba E. Shaffer Family Trust

April 11, 2022



Location Map

12488 Kirby Smith Road, Orlando, FL



Parcel ID No. 20-24-31-0000-00-039



Aerial Photo

12488 Kirby Smith Road, Orlando, FL



Parcel ID No. 20-24-31-0000-00-039



Aerial Photo

12488 Kirby Smith Road, Orlando, FL



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Existing Conditions





Background

- **May 8, 2017:** EPD staff observed the boat ramp at the subject property during aquatic plant management activities on Lake Whippoorwill.
- The ramp appears to have been constructed sometime in 2003 and was being resurfaced in 2017 when staff observed the activity.
- No permits for the structure were found during a records search.
- **May 11, 2017:** EPD issued a Notice of Violation (NOV) to the owner of the property at the time and required that either they submit an after-the-fact Boat Ramp (BR) permit application to attempt to obtain authorization for the structure or remove it entirely.
- **July 19, 2017:** EPD received the after-the-fact BR permit application.
- **August 9, 2017:** EPD sent a Request for Additional Information.
- **April 2018 – February 2023:** EPD and the applicant had numerous correspondences; the property changed in ownership and the owner's agent changed; additional revised site plans and federal and state permitting determinations were received.

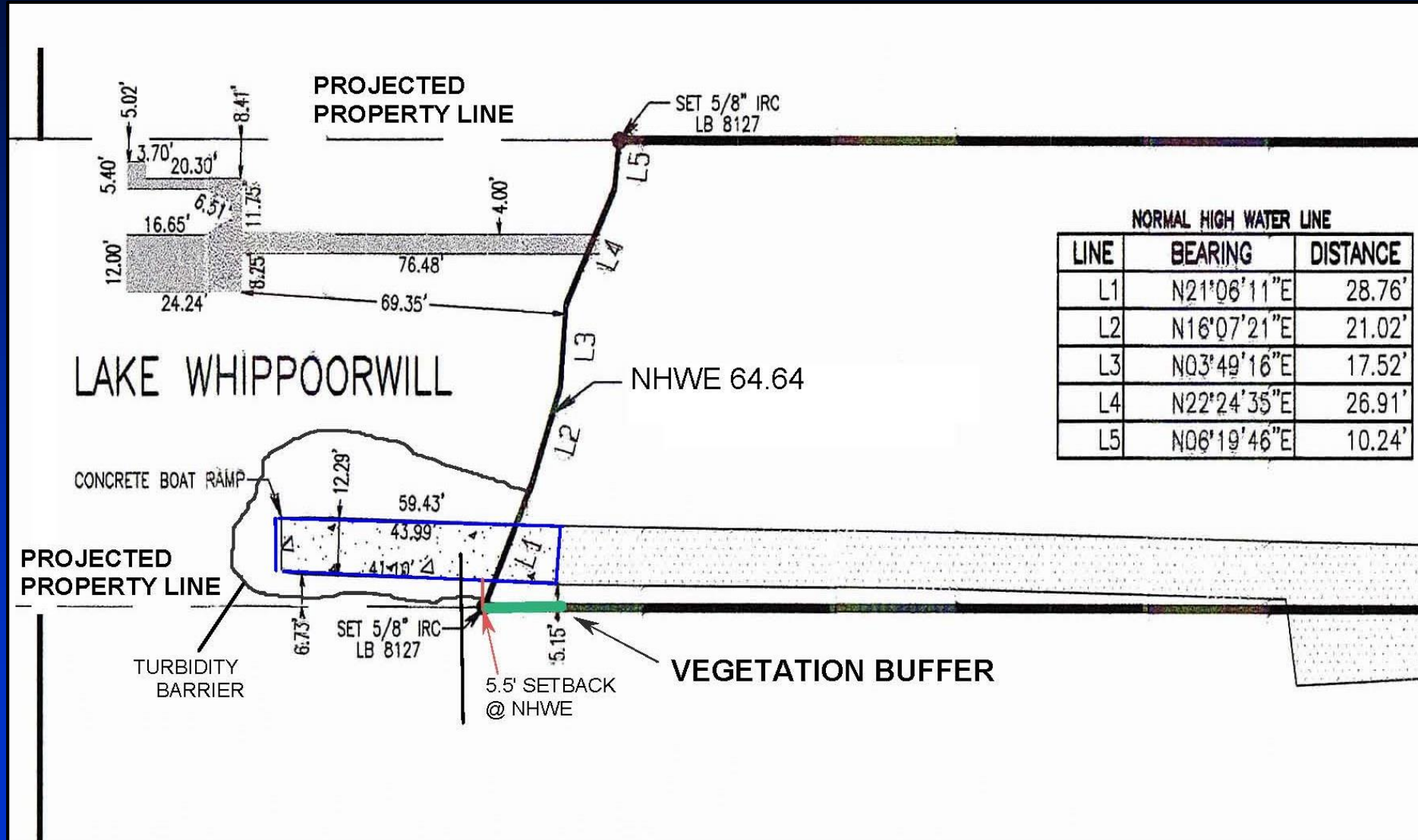


Enforcement

- EPD initiated formal enforcement action (Incident No. 17-485309) and issued an NOV to the property owner at the time, Carl Shaffer, on May 11, 2017 for the construction and resurfacing of the unauthorized boat ramp.
- Subsequent to the issuance of the NOV, the property was purchased by the applicant on August 1, 2017.
- EPD assessed a penalty of \$800.
- The applicant paid the penalty on May 30, 2018.
- Approval of the boat ramp permit application will bring the property into compliance with Orange County Code, Chapter 15, Article XV.



Site Plan





Variance Request

- **Orange County Code, Chapter 15, Article XV, Section 15-605(b)(11) states, “No portion of any boat ramp or any type of boat ramp facility shall be closer than twenty-five (25) feet from the projected property line of abutting shoreline owners.”**
- **The existing boat ramp is 5.5 feet from the southern projected property line, adjacent to the property located at 12500 Kirby Smith Road, owned by Mr. Lucas Vasconcelos and Ms. Viviane Ruiz Barreto.**
- **The applicant is requesting a variance to allow the existing ramp to remain at 5.5 feet from the southern projected property line.**
- **The applicant has provided a notarized Letter of No Objection from Mr. Vasconcelos, stating that he has no objection to the reduced setback of 5.5 feet.**



Considerations

- **Project reviewed in accordance with Chapter 15, Article XV and the review criteria and conditions of issuance therein.**
- **The applicant has planted a landscape buffer and received a Letter of No Objection from the affected property owner to the south for the reduced side setback distance.**
- **There are several other private boat ramps on other properties on Lake Whippoorwill. There are no public boat ramps.**
- **All upland property owners within a 500-foot radius of the subject parcel were notified of the public hearing in accordance with Chapter 15, Article XV, Section 15-605(d)(2). No objections have been received.**



Finding

- EPD staff has evaluated the boat ramp application and site plans in accordance with the review criteria and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article XV and recommends approval of the after-the-fact Private Boat Ramp Permit and the requested variance.



Action Requested

- **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of after-the-fact Private Boat Ramp Permit BR-17-07-001 with the associated variance to Orange County Code, Chapter 15, Article XV, Section 15-605(b)(11) to allow the existing ramp to remain at 5.5 in lieu of 25 feet from the southern projected property line, for the Bubba E. Shaffer Family Trust, subject to the conditions listed in the staff report. District 4**