



Interoffice Memorandum

AGENDA ITEM

August 11, 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 Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406

SUBJECT: September 22, 2020 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Nisrine Cabani Dock
Construction Permit BD-20-03-041

The applicant, Ms. Nisrine Cabani, is requesting approval of a dock construction permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Section 15-343(a) (side setback). The project site is located at 8615 Sand Lake Shores Drive Orlando, Florida 32836. The Parcel ID number is 03-24-28-0553-01-170. The subject property is located on Big Sand Lake in District 1.

There is an existing dock shared with the neighbor to the north, Ms. Kathleen Weber, located at 8623 Sand Lake Shores Drive, Parcel ID Number 03-24-28-0553-01-160. The existing shared dock was previously permitted under Dock Construction Permit No. 99-225. Portions of the dock lay on the applicant's and the neighbor's lots, across the shared projected property line. The applicant and the neighbor propose to modify the dock, which requires a new permit since the original design and footprint will be changed. Ms. Cabani have recorded an easement agreement with Ms. Weber allowing each owner the right to construct, repair, replace and access the proposed shared dock. The Orange County Attorney's Office has approved the easement agreement as to form. Two separate applications are being processed for each portion of the shared dock on each respective owner's property and are being reviewed concurrently.

The applicant is requesting a waiver to increase the terminal platform size to a total of 731 square feet (211 square feet larger than allowed) and a variance to reduce the side setback from the required ten feet to zero feet from the northern projected property line. The applicant has agreed to provide mitigation for the additional shading with a payment of \$435 to the Conservation Trust Fund (CTF). The applicant's lot is only 52 feet wide at the shoreline. Staff has determined that the width of the lot creates a non-self-imposed hardship to construct a dock that meets the requirements of Article IX.

Notifications of the application for waiver and variance were sent to all shoreline property owners within 300 feet of the property. EPD did not receive any objections to the requests. Staff did, however, receive a Letter of No Objection (LONO) to the requests from Ms. Weber.

The recommendation of the Environmental Protection Officer (EPO) is to approve the waiver and variance requests based on findings that the applicant has demonstrated that there will be no effect from the proposed waiver and variance on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) and Section 15-350(a)(1)(2), respectively, as no objections were received and a LONO was provided. Additionally, any impact to the environment pursuant to Section 15-350(a)(2)(1) will be offset as the applicant has agreed to provide a payment of \$435 to the CTF as mitigation for the additional shading. Finally, the hardship for which the variance is sought is not self-imposed pursuant to Section 15-350(a)(1)(1).

Based upon evidence and testimony presented at the July 29, 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) (terminal platform size) with the condition that the applicant pay \$435 to the CTF in order to offset the negative environmental effects due to shading of the oversized terminal platform and to approve the request for variance to Section 15-343(a) (side setback).

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 allowable terminal platform size from 520 square feet to 731 square feet with a payment of \$435 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and approve the request for variance to Section 15-343(a) to reduce the required setback from 10 feet to zero feet from the common projected property line to the north for the Cabani Dock Construction Permit BD 20-03-041. District 1**

JWW/DDJ: mg

Attachments

Dock Construction Application for Waiver and Variance

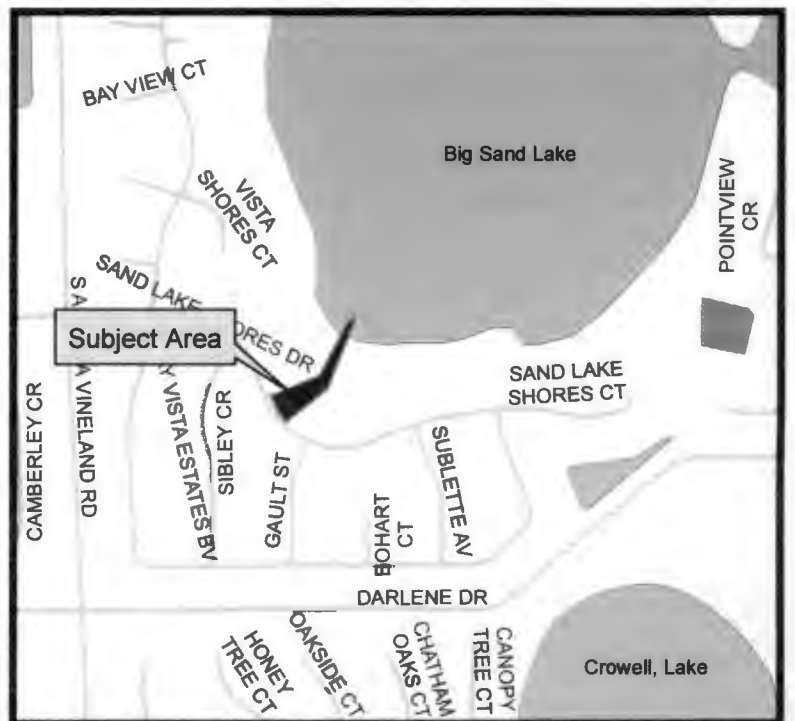


**Dock Construction Application
for Waiver and Variance
Permit No. BD-20-03-041
District # 1**

Applicant: Nisrine Cabani & Haval Aloussi
Address: 8615 Sand Lake Shores Drive
Parcel ID: 03-24-28-0553-01-170

Project Site 

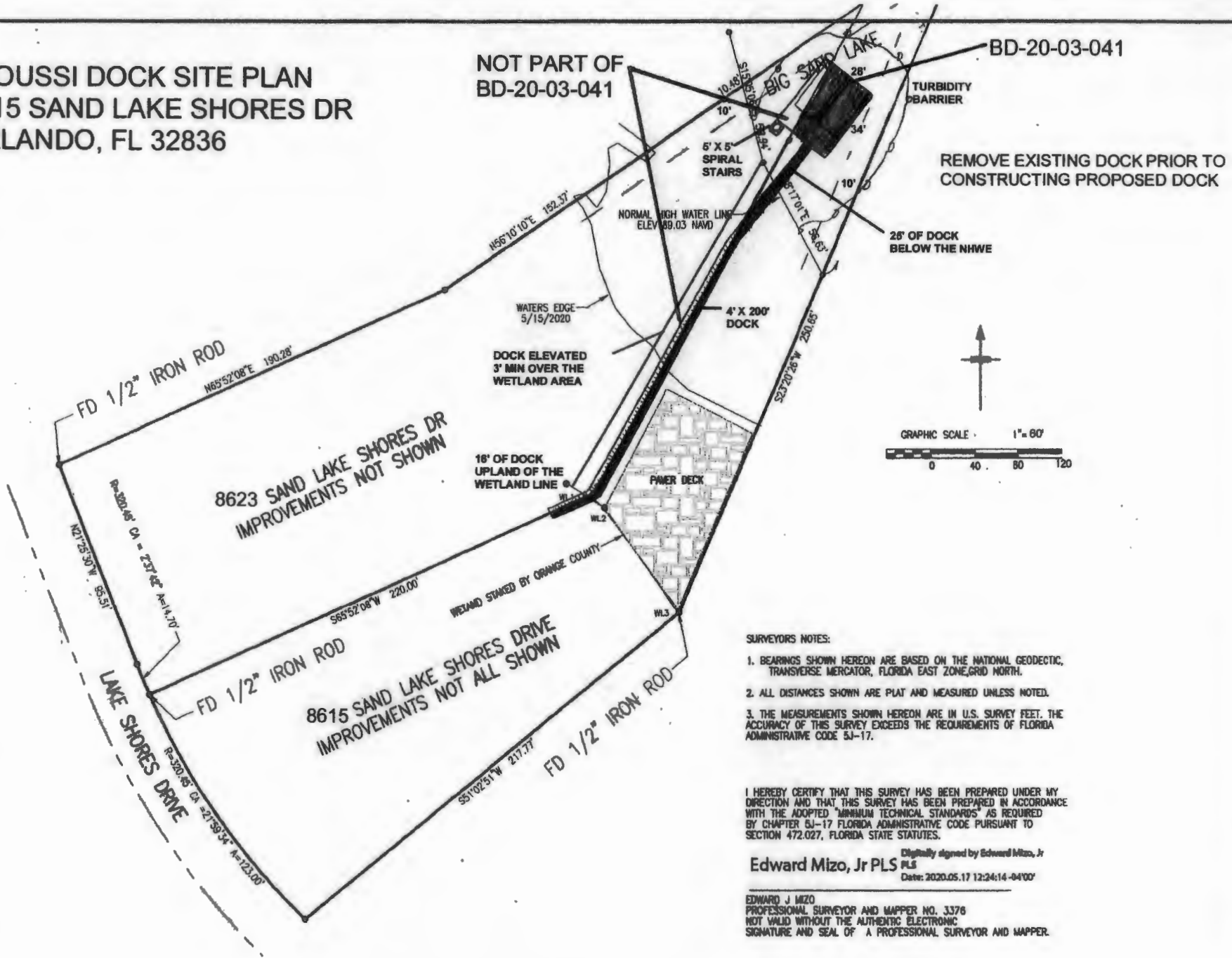
Property Location 



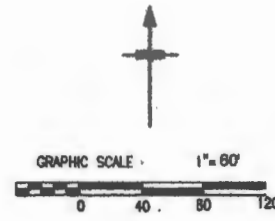
ALOUSI DOCK SITE PLAN
8615 SAND LAKE SHORES DR
ORLANDO, FL 32836

NOT PART OF
 BD-20-03-041

BD-20-03-041



REMOVE EXISTING DOCK PRIOR TO
 CONSTRUCTING PROPOSED DOCK



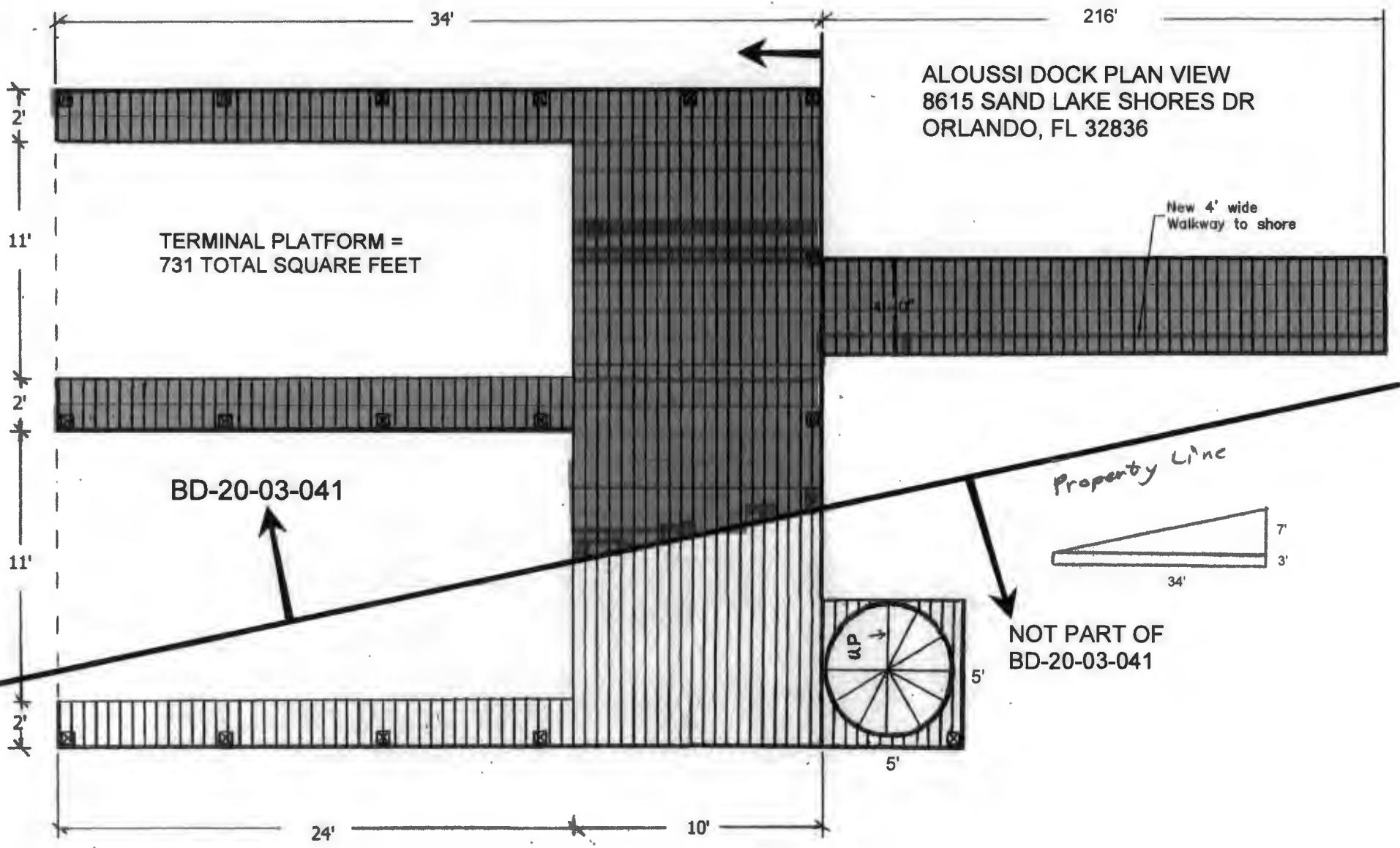
- SURVEYORS NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC TRANSVERSE MERCATOR, FLORIDA EAST ZONE, GRID NORTH.
 2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

Digitally signed by Edward Mizo, Jr
Edward Mizo, Jr PLS
 Date: 2020.05.17 12:24:14 -04'00'

EDWARD J MIZO
 PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
 NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC
 SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

MAY 14, 2020
 LOCATE WETLAND FLAGS & MHRL
 SPECIAL PURPOSE SURVEY
 EDWARD MIZO
 PROFESSIONAL LAND SURVEYOR



ALOUSSI DOCK PLAN VIEW
 8615 SAND LAKE SHORES DR
 ORLANDO, FL 32836

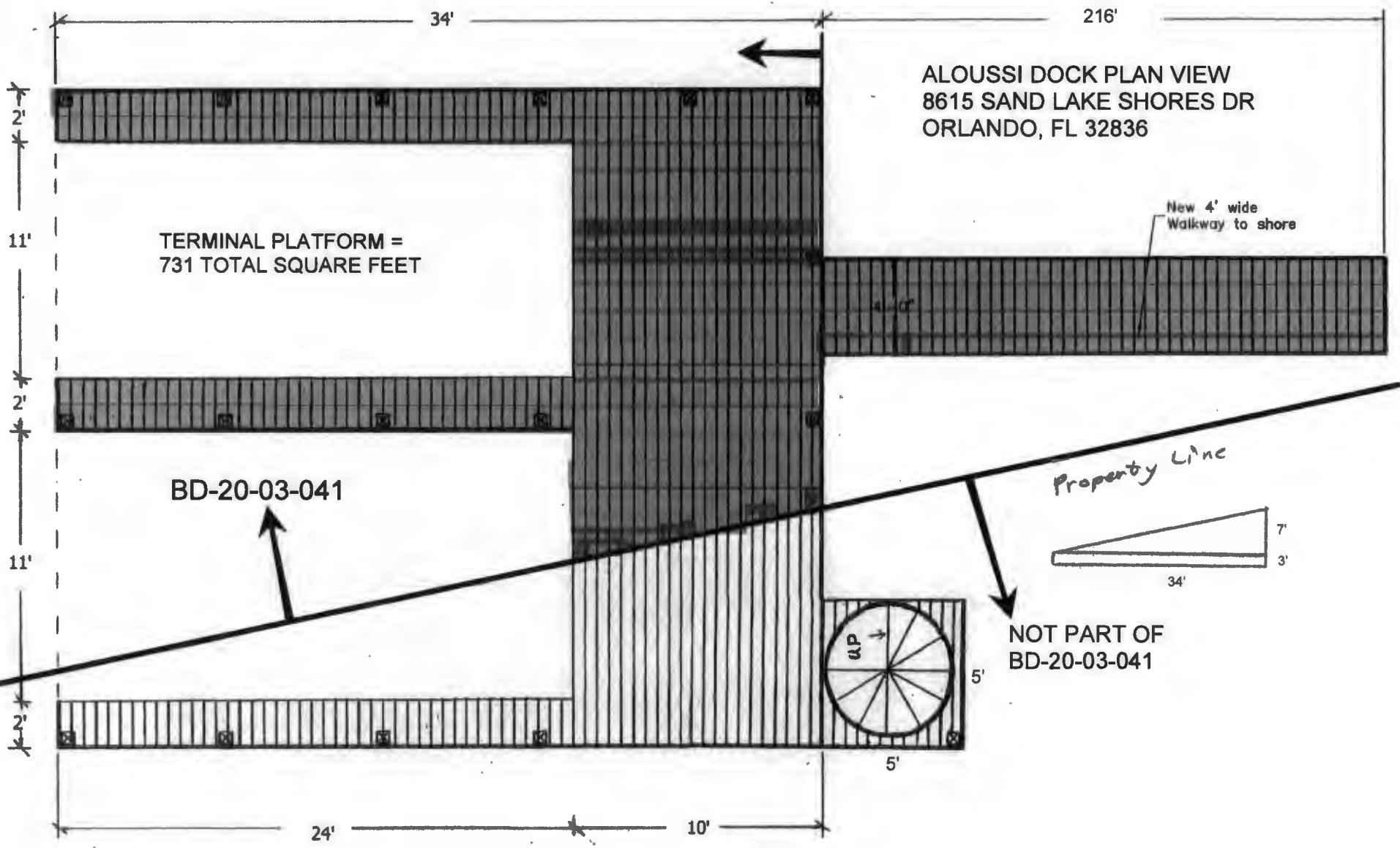
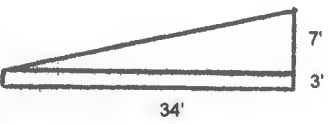
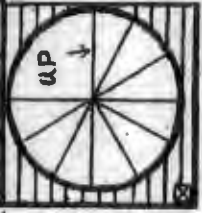
TERMINAL PLATFORM =
 731 TOTAL SQUARE FEET

New 4' wide
 Walkway to shore

BD-20-03-041

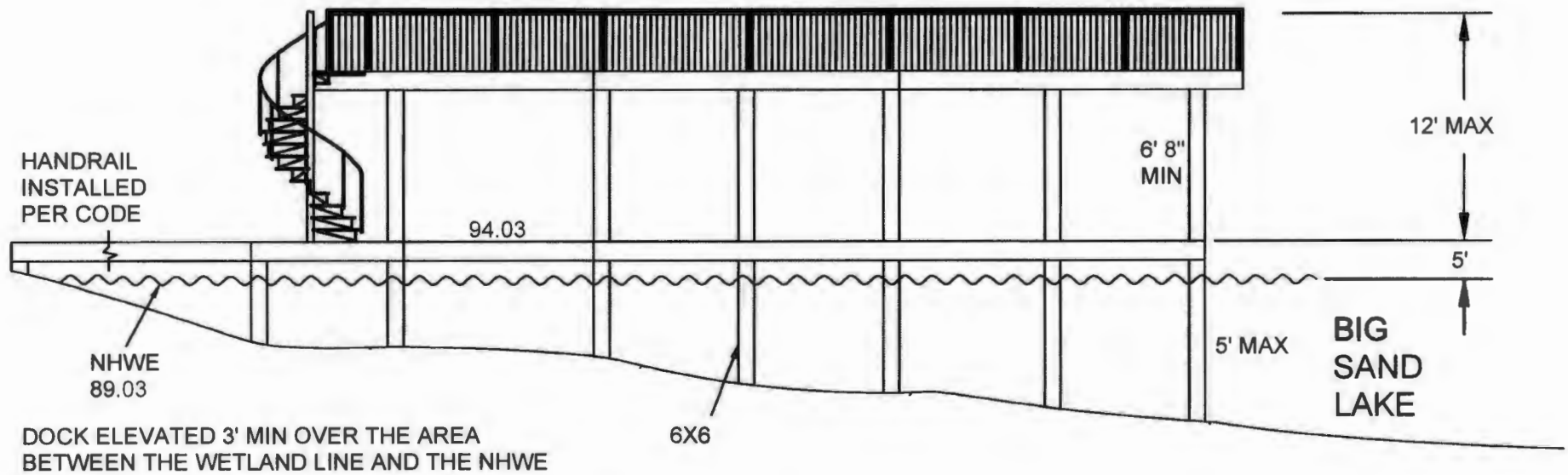
Property Line

NOT PART OF
 BD-20-03-041



received
6/17/20

Aloussi - Weber Shared Boat Dock Elevation - 8615 & 8623 Sand Lake Shores Drive, Orlando



DOCK ELEVATED 3' MIN OVER THE AREA
BETWEEN THE WETLAND LINE AND THE NHWE

THERE WILL NOT BE ANY STORAGE BOXES ON THE TERMINAL PLATFORM