



Interoffice Memorandum

AGENDA ITEM

December 28, 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: February 8, 2022 – Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Gautam and Tarulata Desai Dock
Construction Permit BD-21-09-125

The applicants, Gautam and Tarulata Desai, are 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). The subject property is located at 8122 Firenze Boulevard, Orlando, Florida 32836. The Parcel ID number is 34-23-28-8880-04-140. The subject property is on Big Sand Lake in District 1.

On September 9, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock to replace an existing permitted dock (Permit No. 09-077) on the subject property. Included with the application was an Application for Waiver to Section 15-342(b) (terminal platform size) to increase the terminal platform size from the maximum allowed 570 square feet to 676 square feet. The existing dock will be removed so that the new dock may be placed in the same location along the shoreline.

Waiver Request – Terminal Platform Size

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 57 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 570 square feet. The applicants are requesting a terminal platform of 676 square feet (106 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 applicants' agent states, "*The terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 108.5 square feet over the allowed limit and similar in size to the adjacent docks.*"

To address Section 15-350(a)(2)(2), the applicants' agent states, "*The proposed structure will not adversely affect the adjacent property owner's view or navigability.*"

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicants have agreed to make a payment of \$489 to the Conservation Trust Fund (CTF) as mitigation for the oversize terminal platform.

Public Noticing

On September 27, 2021, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. Most of the certified notices were received by October 1, 2021; however, three letters for the adjacent properties at 8138 Firenze Blvd. (Parcel ID No. 34-23-28-8880-04-100), 8126 Firenze Blvd. (Parcel ID No. 34-23-28-8880-04-130) and 8044 Firenze Blvd. (Parcel ID No. 34-23-28-8880-04-200) were not deliverable. On October 20, 2021, EPD requested the Authorized Agent (agent), Ms. Sheila Cichra, to print the notices, post them on the front door of the three properties and provide EPD a photo of the posted notices for verification. Photo-documentation of the postings was received by EPD on November 5, 2021. The applicants and agent were sent notices of the Environmental Protection Commission (EPC) meeting on November 8, 2021.

EPD Staff Evaluation/Recommendation

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 applicants have demonstrated that 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 \$489 to the CTF.

Environmental Protection Commission Public Hearing

EPD presented the waiver request to the EPC at their December 9, 2021 meeting. Ms. Cichra attended on behalf of the property owners. Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the waiver request with a payment of \$489 to the CTF to offset the negative effects to the environment due to shading impacts from the excess terminal platform size.

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February 8, 2022 – Consent Item

Environmental Protection Commission Recommendation for Request for Waiver for
Gautam and Tarulata Desai Dock Construction Permit BD-21-09-125

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 570 square feet to 676 square feet with a mitigation payment of \$489 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Gautam and Tarulata Desai Dock Construction Permit BD-21-09-125. District 1

JVW/DDJ: jk
Attachments

Request for Boat Dock Waiver for Terminal Platform Size



Request for Boat Dock Waiver for Terminal Platform Size

Permit No.: BD-21-09-125

District #1

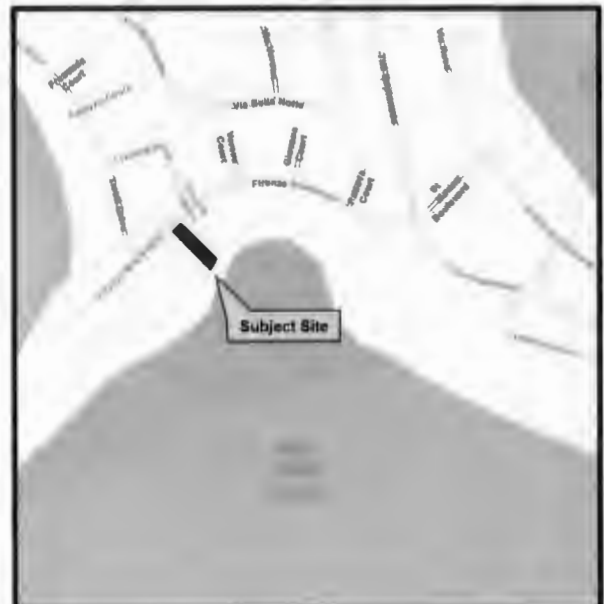
Applicants: Gautam and Tarulata Desai

Address: 8122 Firenze Blvd

Parcel ID No.: 34-23-28-8880-04-140

Project Site 

Property Location 

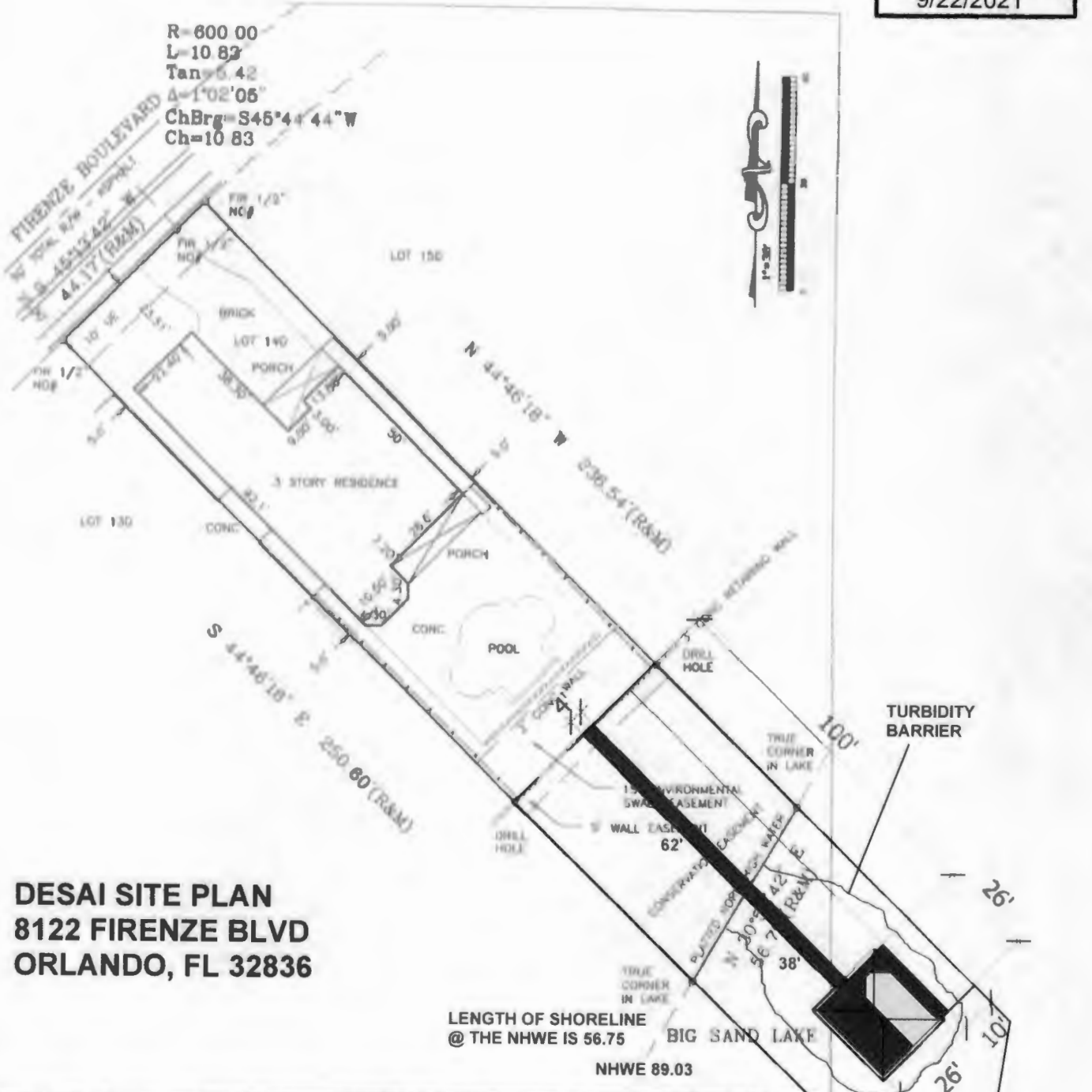


received

9/22/2021

R=600.00
L=10.83
Tan=5.42
Δ=1°02'06"
ChBrg=S45°44'44"W
Ch=10.83

FIRENZE BOULEVARD
W 50' R/W - 87'6"
S 8° 45'12" 42" W
44.17 (R&M)



DESAI SITE PLAN
8122 FIRENZE BLVD
ORLANDO, FL 32836

LENGTH OF SHORELINE
@ THE NHWE IS 56.75

NHWE 89.03

<p>1. ALL LOTS SHALL BEET COVERED BY...</p> <p>2. THE SURVEYOR HAS REVIEWED THE...</p> <p>3. THE SURVEYOR HAS REVIEWED THE...</p> <p>4. THE SURVEYOR HAS REVIEWED THE...</p> <p>5. THE SURVEYOR HAS REVIEWED THE...</p> <p>6. THE SURVEYOR HAS REVIEWED THE...</p> <p>7. THE SURVEYOR HAS REVIEWED THE...</p> <p>8. THE SURVEYOR HAS REVIEWED THE...</p> <p>9. THE SURVEYOR HAS REVIEWED THE...</p> <p>10. THE SURVEYOR HAS REVIEWED THE...</p>	<p>11. THE SURVEYOR HAS REVIEWED THE...</p> <p>12. THE SURVEYOR HAS REVIEWED THE...</p> <p>13. THE SURVEYOR HAS REVIEWED THE...</p> <p>14. THE SURVEYOR HAS REVIEWED THE...</p> <p>15. THE SURVEYOR HAS REVIEWED THE...</p> <p>16. THE SURVEYOR HAS REVIEWED THE...</p> <p>17. THE SURVEYOR HAS REVIEWED THE...</p> <p>18. THE SURVEYOR HAS REVIEWED THE...</p> <p>19. THE SURVEYOR HAS REVIEWED THE...</p> <p>20. THE SURVEYOR HAS REVIEWED THE...</p>	<p>21. THE SURVEYOR HAS REVIEWED THE...</p> <p>22. THE SURVEYOR HAS REVIEWED THE...</p> <p>23. THE SURVEYOR HAS REVIEWED THE...</p> <p>24. THE SURVEYOR HAS REVIEWED THE...</p> <p>25. THE SURVEYOR HAS REVIEWED THE...</p> <p>26. THE SURVEYOR HAS REVIEWED THE...</p> <p>27. THE SURVEYOR HAS REVIEWED THE...</p> <p>28. THE SURVEYOR HAS REVIEWED THE...</p> <p>29. THE SURVEYOR HAS REVIEWED THE...</p> <p>30. THE SURVEYOR HAS REVIEWED THE...</p>	<p>FLOOD INFORMATION</p> <p>FLOOD ZONE: 1</p> <p>COMMUNITY NO: 130118</p> <p>PANEL NO: 0401</p> <p>DATE OF FIRM: 12/8/00</p> <p>DATE OF SURVEY: 5/8/09</p> <p>SURVEY NO: 2054008</p>
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ADDRESS: 8122 FIRENZE BOULEVARD, ORLANDO, FLORIDA

LEGAL DESCRIPTION: LOT 140, BLOCK 8, VIZCAYA PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 83, PAGE 83, TRIM 04, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CLOSING SERVICES BY: ORLANDO TITLE & ABSTRACT, 407 629 7804

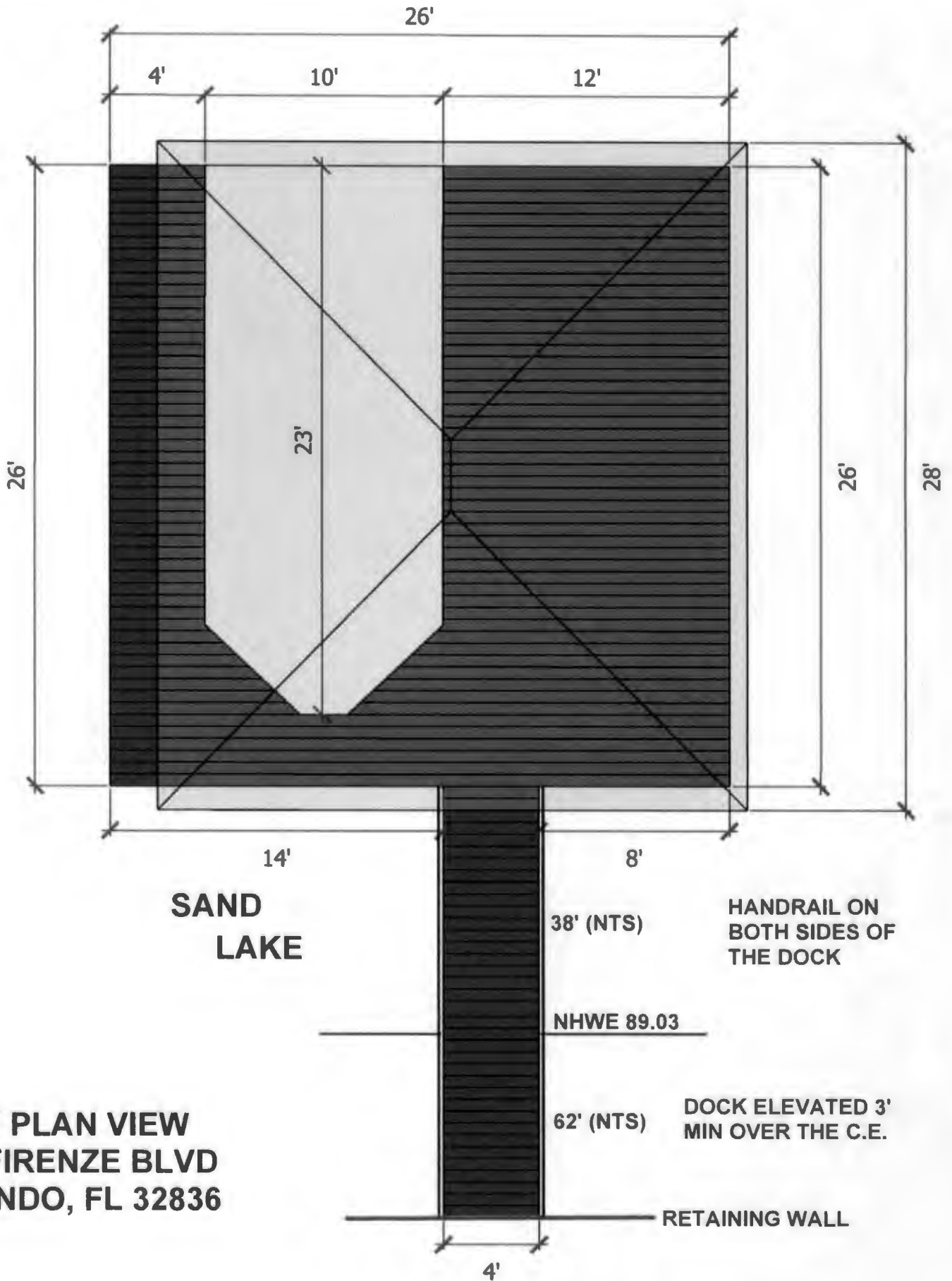
BEALE SMITH
PROFESSIONAL SURVEYOR
202 BIGHT AVENUE, SUITE 104, LOWMEADOW, FLORIDA 32750
PHONE: 407-331-5377 FAX: 407-331-6188

PROJECTED PROPERTY LINES

TURBIDITY BARRIER

BIG SAND LAKE

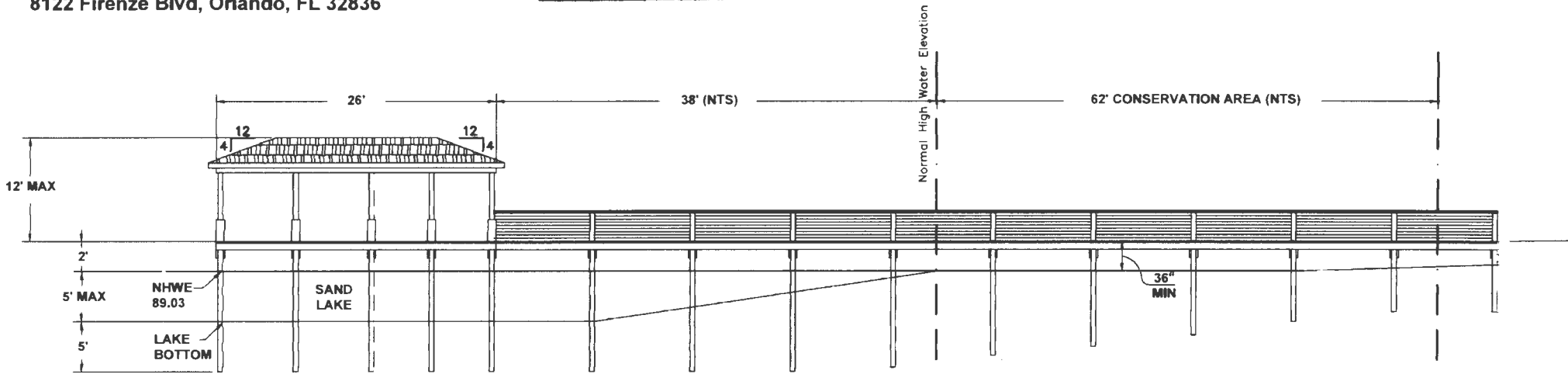
received
9/22/2021



DESAI PLAN VIEW
8122 FIRENZE BLVD
ORLANDO, FL 32836

Desai Boat Dock Elevation
8122 Firenze Blvd, Orlando, FL 32836

received
9/22/2021





**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
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Gautam Desai (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 terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 108.5 square feet over the allowed limit and similar in size to the adjacent docks.

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

The proposed structure will not adversely affect the adjacent property owner's view or navigability.

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: Sheila Cichra
Signature of Applicant/Agent:  Date: 09/08/2021
Corporate Title (if applicable): President, Streamline Permitting, Inc.



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

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 December 9, 2021**

Mark Ausley
 Chairman

Applicants: Gautam and Tarulata Desai

Oscar Anderson
 Vice Chairman

Permit Application Number: BD-21-09-125

Norman Blackburn

Location/Address: 8122 Firenze Boulevard, Orlando, Florida 32836

Billy Butterfield

RECOMMENDATION: **Accept the findings and recommendations 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 570 square feet to 676 square feet with a mitigation payment of \$489 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Gautam and Tarulata Desai Dock Construction Permit BD-21-09-125. District 1.**

Mark Corbett

Peter Fleck

Blaine Imbruglia

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: Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 12-9-21