



Interoffice Memorandum

AGENDA ITEM

November 3, 2022

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: December 13, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Luis and Julie Fernandez
for Dock Construction Permit BD-22-07-130

The applicants, Luis and Julie Fernandez, are requesting a Dock Construction Permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform) and a variance to Chapter 15, Article IX, Section 15-343(a) (side setback) in order to construct a new boat dock. The project site is located at 14180 Bridgewater Crossings Boulevard, Windermere, FL 34786 (Parcel ID number 15-23-27-1540-00-900) on Lake Speer in District 1.

On July 6, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock for 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 354 to 551 square feet and an Application for Variance to Section 15-343(a) to reduce the minimum required side setback from 10 feet to five feet from the western projected property line.

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 35.41 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 354 square feet. The applicants are requesting to construct a new dock with a terminal platform size of 551 square feet (197 square feet larger than allowed).

Waiver Criteria

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 (Ms. Sheila Cichra) 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 197 square feet over the allowed limit and similar in size to the adjacent docks."*

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

The shading impacts were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading impacts from the oversized terminal platform with a payment of \$315 to the Conservation Trust Fund (CTF) if the waiver is approved.

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 35.41 linear feet at the NHWE, requiring a minimum side setback of 10 feet. The applicant is requesting a side setback of five feet from the western 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."

Variance Criteria

Pursuant to Section 15-350(a)(1), "the applicant shall also describe (l) 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 (Sheila Cichra) states, *"These parcels were platted with very narrow shorelines. It is difficult to construct even a below average sized boathouse within the required setbacks. The proposed boat slip is standard sized, but the proposed deck is very narrow to reduce the required deviation from the code."*

To address Section 15-350(a)(1)(2), the applicant's agent states, *"Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction."*

Public Notification, Objection, and Letter of No Objection

On August 5, 2022, 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. Due to United States Postal Service certified mail delivery issues, EPD was unable to confirm whether two of the notices were received. Accordingly, those notices for which delivery was unconfirmed were also posted onsite at each neighbor's residence or (if

present) hand delivered by Ms. Cichra, who provided documentation to EPD that the noticing was completed on September 13, 2022.

On August 23, 2022, EPD received one letter of objection to both the terminal platform size waiver and the side setback variance. The objectors, Richard and Amy Lerner (5522 Remsen Cay Lane and 5516 Remsen Cay Lane) stated *"We have reviewed the request for a variance for the above project and would like to voice our objections to the allowance of a larger dock platform and a reduction of side setback to 5 ft from 10 ft. The size and placement of docks as allowed by the rules helps maintain the character of the lake and would be in keeping with the adjacent docks, ours included. The lake itself is not that massive so the scale as allowed, we feel is quite appropriate. We are the owners of 5522 Remsen Cay Lane and 5516 Remsen Cay Lane (via RemCay LLC). Please let me know if this is sufficient to voice objection or if there are additional steps to take. Thank you very much."*

On September 22, 2022, EPD received a notarized Letter of No Objection from the adjacent shoreline property owners affected by the reduced side setback (Luis and Julie Fernandez at 14186 Bridgewater Crossings Blvd.) in regards to the proposed plans. Note the owners of the adjacent property are the same individuals that own the property for which this dock permit is requested.

On September 28, 2022, the applicants, their agent, and objectors (Richard and Amy Lerner) were sent notices to inform them of the Environmental Protection Commission meeting on October 26, 2022.

Enforcement Action

There is no current enforcement action for this property.

EPD Staff Evaluation/Recommendation

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) was to deny the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicants failed to demonstrate there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as an objection was received.

Staff also evaluated the variance request for compliance with the criteria for approval. The recommendation of the EPO was to deny the request for variance to Section 15-343(a) (side setback) based on a finding that the applicants failed to demonstrate that there will be no adverse effects from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2), as an objection was received.

Environmental Protection Commission (EPC) Public Hearing

EPD presented the applicants' waiver and variance request to the EPC at their October 26, 2022 public meeting. Sheila Cichra spoke on behalf of the applicants and stated that the objectors' dock application received both a side setback and terminal platform size waiver, and that similar dock sizes have been approved for neighboring lots. Chairman Mark Ausley stated that the dock was similar to what they have seen and approved in this area. Vice Chairman Alan Horn stated that the only reason for the side setback variance is because they are asking for a bigger dock.

Based upon evidence and testimony presented at the hearing, the EPC voted 4-3 to reject the findings and recommendations of the EPO, and recommended approval of the waiver to Section 15-342(b) (terminal platform size) with the condition that the applicants remit a payment in the amount of \$315 to the CTF as mitigation for the additional shading impacts, and recommended approval of the variance to Section 15-343(a) (side setback) to reduce the side setback from ten to five feet from the western projected property line.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 354 square feet to 551 square feet with a mitigation payment of \$315 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and approval of the request for variance to Section 15-343(a) to reduce the side setback from 10 to 5 feet from the western projected property line for the Luis and Julie Fernandez Dock Construction Permit BD-22-07-130. District 1**

JVW/DDJ: jk

Attachments

Dock Construction Application for Variance and Waiver



Dock Construction Application for Variance and Waiver

BD-22-07-130

District #1

Applicants: Luis and Julie Fernandez

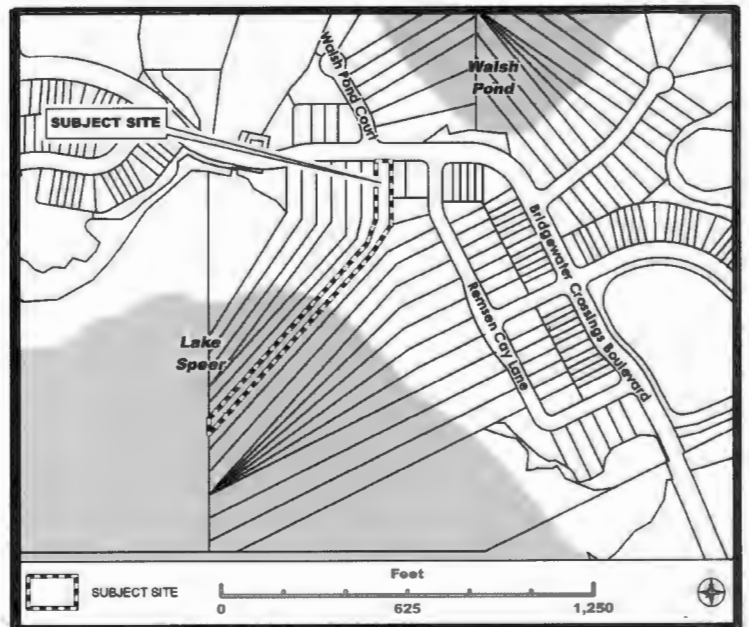
Address: 14180 Bridgewater
Crossings Blvd.

Parcel ID: 15-23-27-1540-00-900

Project Site



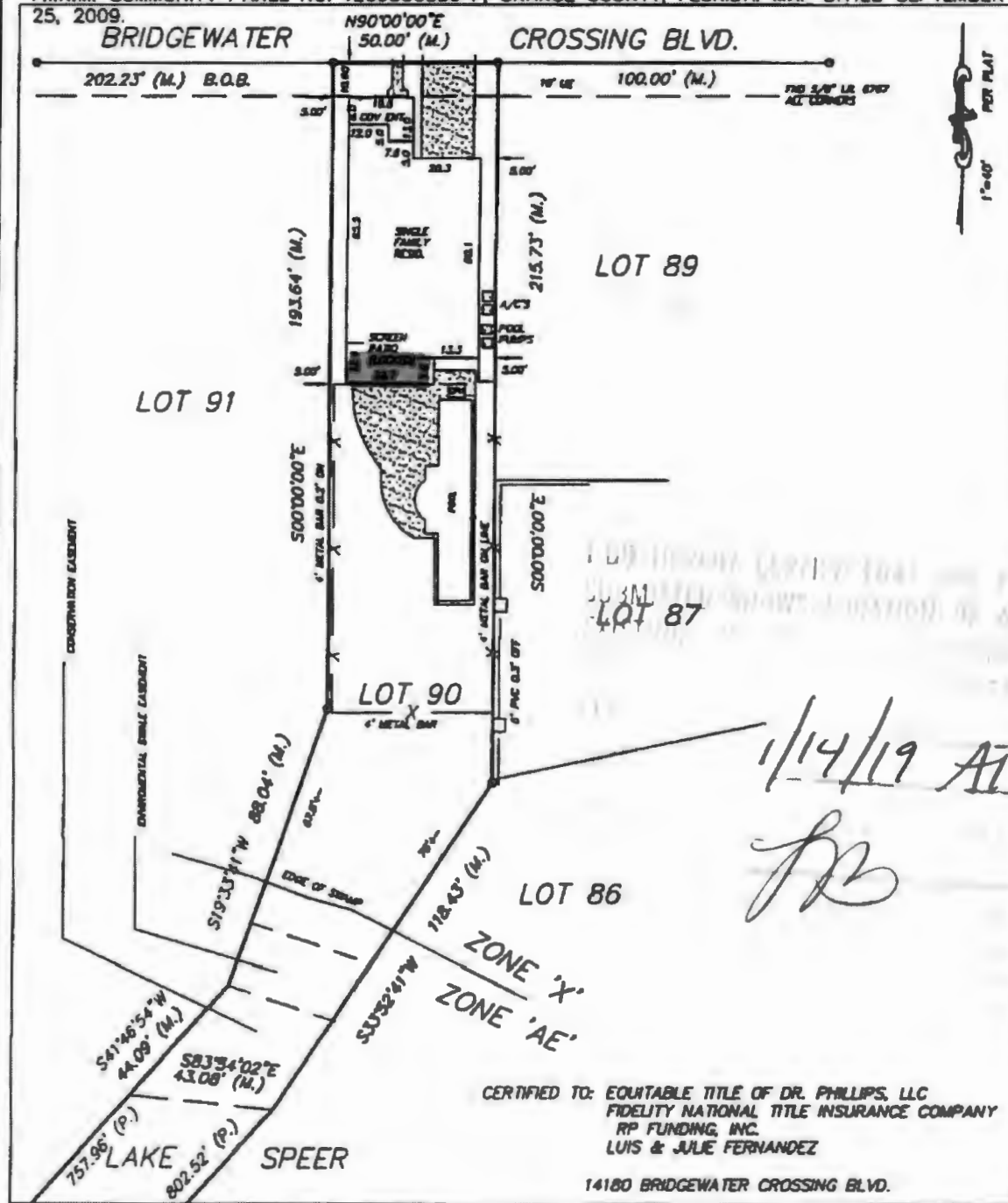
Property Location



BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 90, EDEN'S HAMMOCK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 134-143, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095C0380 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.



CERTIFIED TO: EQUITABLE TITLE OF DR. PHILLIPS, LLC
 FIDELITY NATIONAL TITLE INSURANCE COMPANY
 RP FUNDING, INC.
 LUIS & JULIE FERNANDEZ
 14180 BRIDGEWATER CROSSING BLVD.

LEGEND

■ FOUND CONCRETE MONUMENT	C EAST	R RADIUS / RADIAL
○ FOUND PROPERTY CORNER	ENT. ENCLOSURE	S SOUTH
○ SET PROPERTY CORNER	EASEMENT	SANITARY
○ PERMANENT CONTROL POINT	ENT. FOUND	SEWER
△ DELTA	ENT. IRON PIPE	SIDEWALK
△ AIR CONDITIONER	ENT. IRON ROD	TANK/STAIR
BLK. BLOCK	L. LENGTH	TEL. TELEPHONE NUMBER BOX
B.S.B. BASES OF BEARING	M. MEASURED	TYP. TYPICAL
B.S. BEARING	N. NORTH	U.E. UTILITY EASEMENT
CATV CABLE TELEVISION BOX	N/D. NAIL & DISC	U.S.B. UTILITY RESET BOX
CHD. CHORD	P.C. POINT OF CURVATURE	W. WEST
C.L.F. CHAIN LINK FENCE	P.C.P. PERMANENT CONTROL POINT	W.F. WOOD FENCE
C.M. CONCRETE MONUMENT	P.T. POINT OF TANGENCY	W.M. WATER METER
CONC. CONCRETE	P.S.B. POINT OF BEGINNING	
CON. CONCRETE	P.S.E. POINT OF BEGINNING	
CON. CONCRETE	P.O.C. POINT OF COMMENCEMENT	
D. DESCRIBED	P.O.L. POINT ON LINE	
D.E. DRAINAGE EASEMENT	P. PLAT	

NOTES

1. BEARINGS ARE BASED ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
3. ROOF EAVESHADES AND POSTERS HAVE NOT BEEN LOCATED.
4. NO EASEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL.
6. THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN.
7. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
8. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 54-17.050 THRU 54-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.06, §72.027, FLORIDA STATUTES.

PREPARED FOR:
 LUIS & JULIE FERNANDEZ

PREPARED BY:
CHARLES ROB DEFOOR
 PROFESSIONAL LAND SURVEYOR

P.O. BOX 1763, APOPHIA FLORIDA 32703 (407) 880-8811 427 HOWELL TREE

LOD SIGNATURE
 FOUNDATION DATE

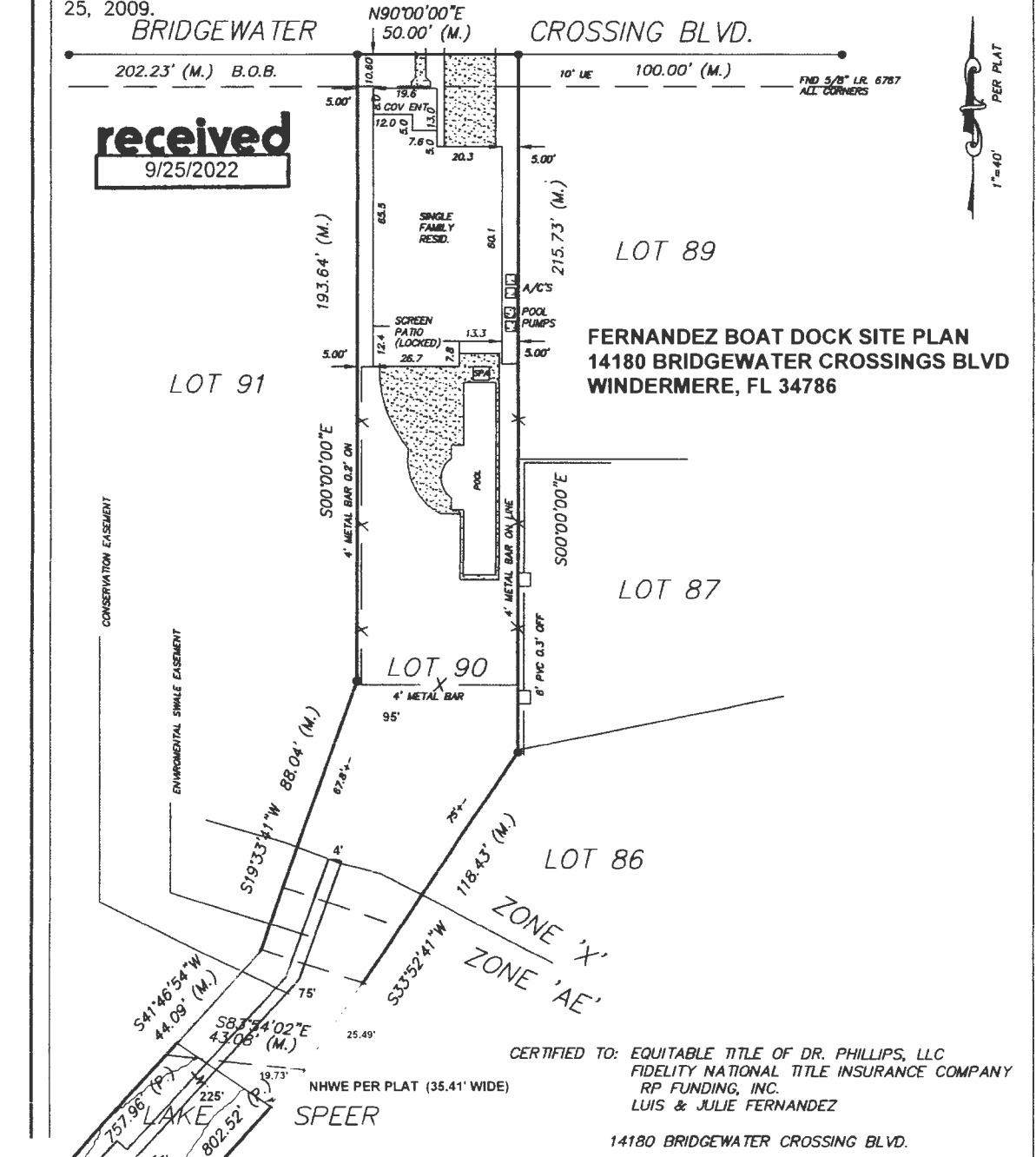
DATE: 1-14-19

PAGE 1 OF 1

REVISION DATE:

LEGAL DESCRIPTION: LOT 90, EDEN'S HAMMOCK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 134-143, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12095CQ380 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.



CERTIFIED TO: EQUITABLE TITLE OF DR. PHILLIPS, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY
RP FUNDING, INC.
LUIS & JULIE FERNANDEZ

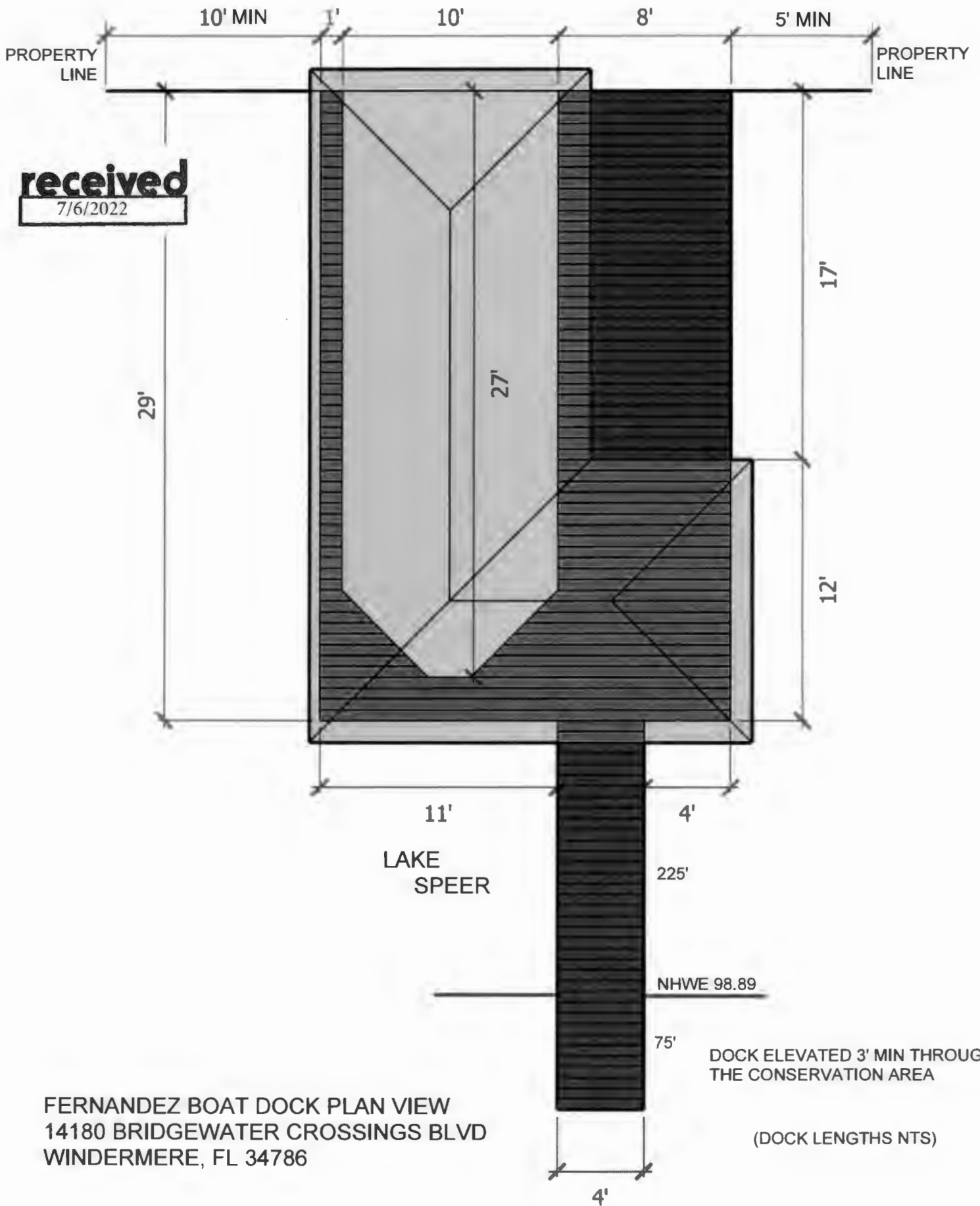
14180 BRIDGEWATER CROSSING BLVD.

NOTES

- | | | | |
|--------|---------------------|----|---|
| R | RADIUS / RADIAL | 1. | BEARINGS ARE BASED ON RECORD PLAT. |
| S | SOUTH | 2. | THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT. |
| SAN. | SANITARY | 3. | ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED. |
| SCR. | SCREEN | 4. | NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN. |
| S.W. | SIDEWALK | 5. | THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL. |
| T | TANGENT | 6. | THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN. |
| TEL. | TELEPHONE RISER BOX | 7. | THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD. |
| TYP. | TYPICAL | 8. | THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. |
| U.E. | UTILITY EASEMENT | 9. | ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE. |
| U.R.B. | UTILITY RISER BOX | | |
| W | WEST | | |
| W.F. | WOOD FENCE | | |
| W.M. | WATER METER | | |

PROJECTED PROPERTY LINES

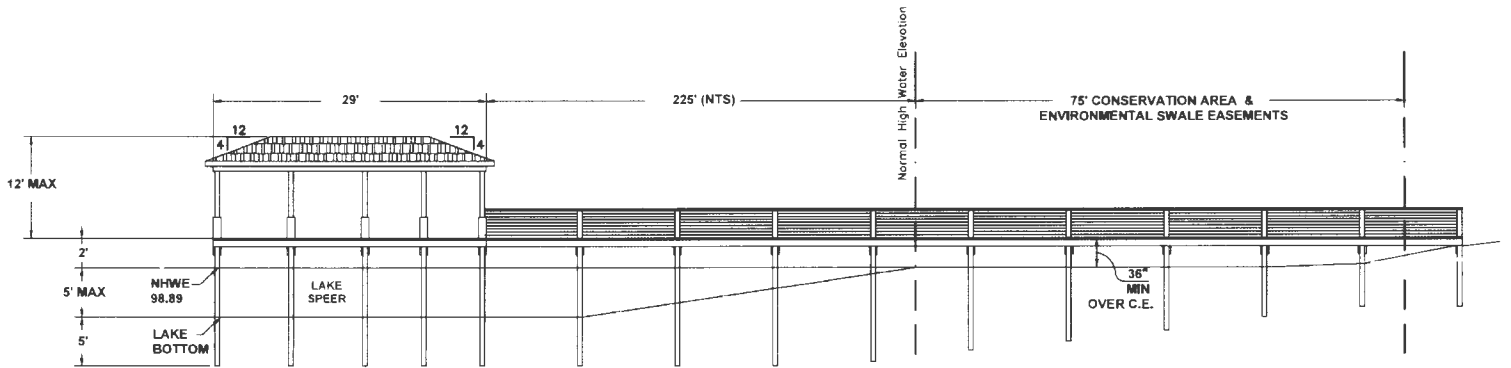
CHARLES R. DEFOOR, P.L.S. 4189	PREPARED FOR: LUIS & JULIE FERNANDEZ	LOT SURVEY DATE:
	PREPARED BY: CHARLES ROB DEFOOR PROFESSIONAL LAND SURVEYOR	FOUNDATION DATE:
DATE	P.O. BOX 1783, APOPKA FLORIDA 32703 (407) 880-9811 427 KNOLL TREE	FINAL SURVEY DATE: 6-5-15
		DRAWN DATE: 6-5-15
		SCALE: 1" = 40'
		PAGE 1 OF 1
		REVISION DATE:



FERNANDEZ BOAT DOCK PLAN VIEW
 14180 BRIDGEWATER CROSSINGS BLVD
 WINDERMERE, FL 34786

received
7/6/2022

FERNANDEZ ELEVATION - 14180 BRIDGEWATER CROSSINGS BLVD, WINDERMERE, FL 34786





**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 Luis Fernandez (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 197 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 *Sheila Cichra* Date: 06/30/2022
Corporate Title (if applicable): President, Streamline Permitting, Inc.



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

Enclose a check for \$409.00 payable to The Board of County Commissioners

I Sheila Cichra on behalf of Luis Fernandez (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 (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):

These parcels were platted with very narrow shorelines. It is difficult to construct even a below average sized boathouse within the required setbacks. The proposed boat slip is standard sized, but the proposed deck is very narrow to reduce the required deviation from the code.

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

Due to the angled property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction.

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: Sheila Cichra
Signature of Applicant/Agent: [Handwritten Signature] Date: 06/30/2022
Corporate Title (if applicable): President, Streamline Permitting, Inc.

From: [Amy Lerner](#)
To: [Dragiev, Caroline M](#)
Subject: Variance project BD-22-07-130
Date: Tuesday, August 23, 2022 3:55:36 PM

Dear Ms. Dragiev,

We have reviewed the request for a variance for the above project and would like to voice our objections to the allowance of a larger dock platform and a reduction of side setback to 5 ft from 10 ft. The size and placement of docks as allowed by the rules helps maintain the character of the lake and would be in keeping with the adjacent docks, ours included. The lake itself is not that massive so the scale as allowed, we feel is quite appropriate. We are the owners of 5522 Remsen Cay Lane and 5516 Remsen Cay Lane (via RemCay LLC). Please let me know if this is sufficient to voice objection or if there are additional steps to take. Thank you very much.

Sincerely

Richard and Amy Lerner



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, Luis or Julie Fernandez, a legal property owner of property located at 14186 Bridgewater Crossings Blvd. (Adjacent Property Owner Name) (Address) have reviewed the dock construction plans dated 06/16/2022, for the property located at 14180 Bridgewater Crossings Blvd, and have no objections.

The dock construction plans include a side setback waiver request of 5 feet, in lieu of the minimum 10' feet required by Code. (For lots under 75' wide).

(Signature - Adjacent Affected Property Owner)

8-16-2022 (Date)

Luis Fernandez (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 16th day of August 20 22, by Mary Pflanz, NAME OF NOTARY



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced





ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager
 3165 McCroxy Place, Suite 200
 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

ENVIRONMENTAL
 PROTECTION
 COMMISSION

**ORANGE COUNTY
 ENVIRONMENTAL PROTECTION COMMISSION
 October 26, 2022**

Mark Ausley
 Chairman

Applicants: Luis and Julie Fernandez

R. Alan Horn
 Vice Chairman

Permit Application Number: BD-22-07-130

Flormazi Blackburn

Location/Address: 14180 Bridgewater Crossings Blvd., Windermere, FL 34786

Billy Butterfield

RECOMMENDATION:

Peter Fleck

Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver 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 354 to 551 square feet; and,

Elaine Imbruglia

Accept the findings and recommendations 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 Section 15-343(a) (side setback) to reduce the side setback from 10 to 5 feet from the western projected property line for the Luis and Julie Fernandez Dock Construction Permit BD-22-07-130. District 1

Oscar Anderson

EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Reject the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver 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 354 to 551 square feet with a mitigation payment of \$315 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and,

Reject the findings of the Environmental Protection Officer, and make a finding that the request for variance is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-343(a) (side setback) to reduce the side setback from 10 to 5 feet from the western projected property line for the Luis and Julie Fernandez Dock Construction Permit BD-22-07-130. District 1

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: _____

10-26-22