



Interoffice Memorandum

AGENDA ITEM

April 21, 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: May 24, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Charles Stockwell for Dock Construction
Permit BD-21-06-081

The applicant, Charles Stockwell, is requesting a Dock Construction Permit with waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 11127 Bridge House Road, Windermere, FL 34786 on Lake Butler in District 1 (Parcel ID Number 19-23-28-7391-00-200).

On June 10, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock on the subject property. During review of the application, it was determined that a waiver to Section 15-343(b) (side setback) is necessary to construct the proposed boat dock. There is a significant distance (approximately 600 feet) from the applicant's shoreline to adequate mooring depth and multiple lots with irregular configurations in the immediate area, including the applicant's property. The access walkway for the dock will cross through a heavily vegetated cove area of the lake and over the projected property lines of six properties due to these circumstances. EPD confirmed with the Florida Department of Environmental Protection that the sovereignty submerged lands (SSL) designation applies below the Normal High Water Elevation (NHWE) of the subject property.

On September 21, 2021, an Application for Waiver to Section 15-343(b) (side setback) was received by EPD. The applicant is requesting to construct a boat dock with a negative side setback of approximately two feet from the western projected property line of the subject property. In addition, the dock is proposed to cross over the following neighboring lots by the distances indicated: Lot 22 (PID No.: 19-23-28-7391-00-220), approximately 457 feet; Lot 21 (PID No.: 19-23-28-7391-00-210), approximately 457 feet; Lot 19 (PID No.: 19-23-28-7391-00-190), approximately 12 feet; Lot 18 (PID No.: 19-23-28-7391-00-180), approximately 15 feet; Lot 17 (PID No.: 19-23-28-7391-00-170), approximately 256 feet; and Lot 16 (PID No.: 19-23-28-7391-00-160), approximately 204 feet.

Due to the irregular shape of the subject parcel and the six other neighboring parcels with irregular projected property lines, and the NHWE and SSL designation of this

vegetated cove on Lake Butler, it is not possible for the applicant to meet the required minimum 25-foot setback.

Side Setback Waiver

Chapter 15, Article IX, Section 15-343(b) of the Code 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. All other waivers to the minimum side-setback requirement shall be granted in accordance with the provisions of section 15-350.” The applicant was unable to obtain notarized letters of no objection; therefore, the waiver request must follow the process outlined in Section 15-350.

The applicant has a shoreline that measures approximately 100 linear feet at the NHWE, requiring a minimum setback distance of 25 feet from projected property lines for all portions of the dock. The applicant is requesting to construct a dock with a negative side setback distance of approximately two feet from the western projected property line of the subject property. In addition, the dock will cross over six other adjacent parcels as depicted on Figure 1: Approximate Distances Over Projected Property Lines.

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, Mr. Robin Lopez, states, *“Approval of this waiver would have no environmental impact. The unique circumstances around the location of the lot requires approvals from seven (7) property owners to gain approval for setback encroachments. Nothing of environmental impacts is proposed as a part of this waiver.”*

To address Section 15-350(a)(2)(2), Mr. Lopez states, *“The abutting neighbors will see minimal impact. This waiver allows for construction of a dock that mimics the path taken by neighboring docks, adding uniformity and completeness to the shoreline.”*

Public Noticing

EPD sent a Notice of Application for Waiver (NOA) letter to all six of the affected properties on October 18, 2021 via certified mail. Two of the NOA letters (Sridhar and Suneeta Pinnamaneni located at 11121 Bridge House Road (Lot 19) and Steven and Janessa Seigel located at 11103 Bridge House Road (Lot 16)), were not deliverable by the United States Postal Service; therefore, on December 10, 2021, EPD staff posted the notice on these properties. The timeline to respond to the hand-delivered NOA letters with any objections expired January 10, 2022. No objections were received.

The applicant and agent were sent notices on March 16, 2022 to inform them of the Environmental Protection Commission (EPC) meeting on March 30, 2022.

Enforcement Action

There was an enforcement case associated with the subject property (Incident No. 20-581701) concerning the unauthorized clearing of shoreline vegetation within a conservation area. The area has regrown and an administrative penalty was paid by the owner. The enforcement case has been closed.

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 15-343(b) (side setback distance) based on a finding that the applicant has 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 related to a reduction of the side setback requirement are not anticipated.

EPC Public Hearing

EPD presented the waiver request to the Environmental Protection Commission (EPC) at their March 30, 2022 public meeting. The EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the waiver to Section 15-343(b) (side setback).

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-343(b) to allow a negative side setback distance of 1.961 feet from the western projected property line for the Charles Stockwell Dock Construction Permit BD-21-06-081. District 1**

JVW/DDJ: jk

Attachments

Request for Boat Dock Waiver for Side Setbacks



Request for Boat Dock Waiver for Side Setbacks

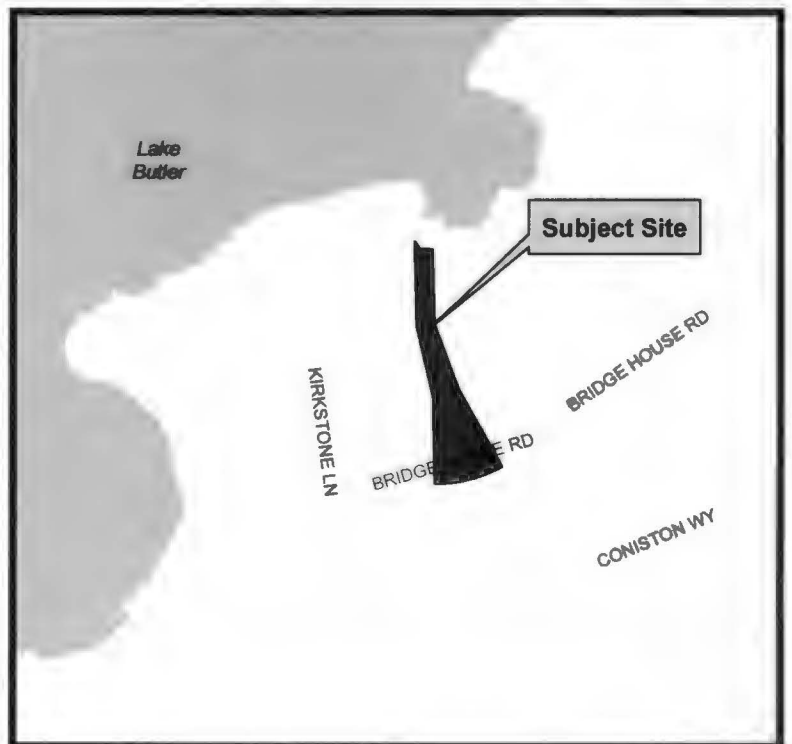
District # 1

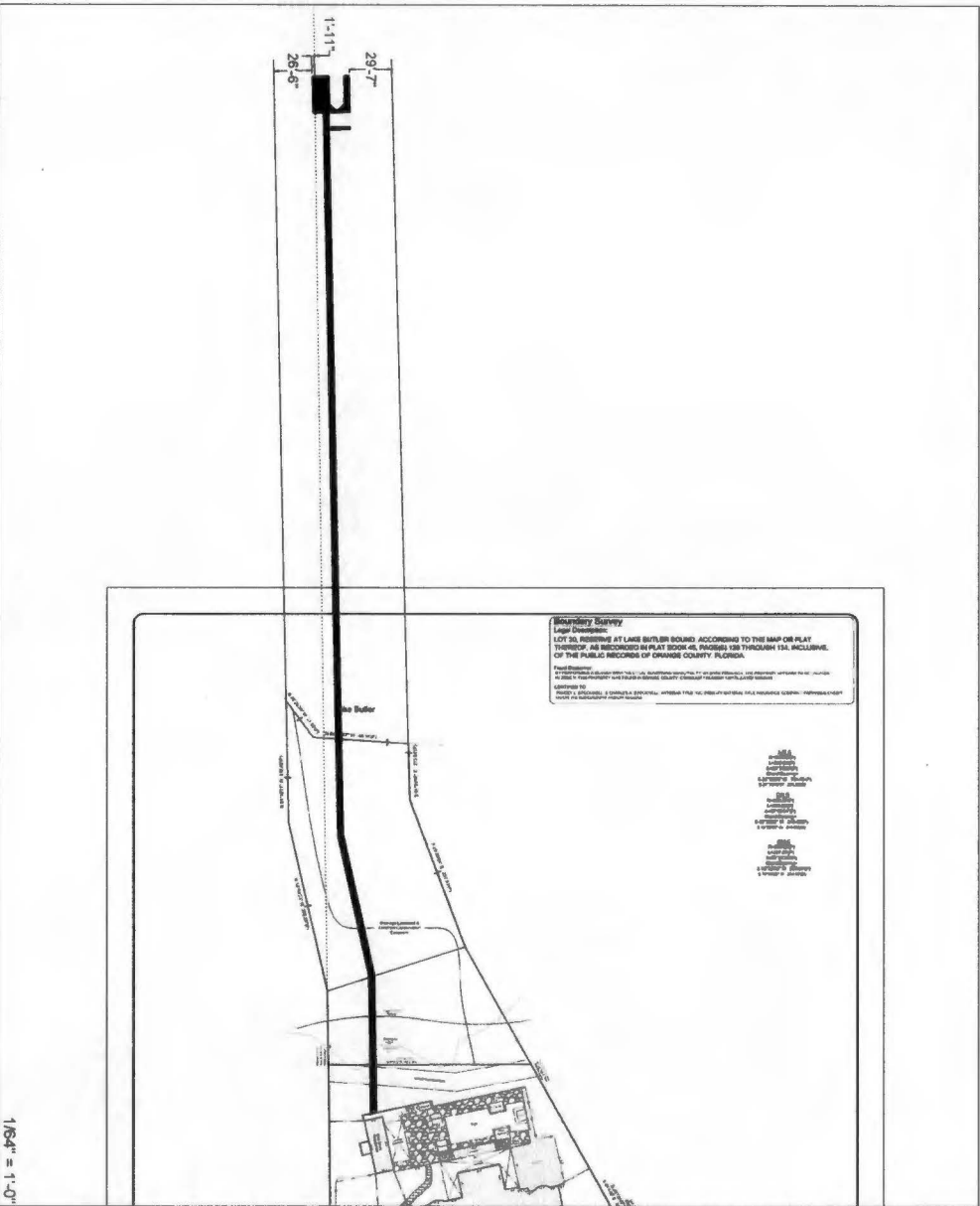
Permit No.: BD-21-06-081

Applicant: Charles Stockwell
Address: 11127 Bridge House Road
Parcel ID: 19-23-28-7391-00-200

Project Site: 

Property Location: 





Boundary Survey
 Major Description:
 LOT 20, RESIDING AT LAKE SEYLER BOUND ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, PAGES 158 THROUGH 161, INCLUSIVE, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

11127 BRIDGE HOUSE RD
 WINDERMERE, FL 34786
 11127 BRIDGE HOUSE RD
 WINDERMERE, FL 34786
 11127 BRIDGE HOUSE RD
 WINDERMERE, FL 34786

NOT A CONTRACT DOCUMENT
 THIS CONTRACT IS SUBJECT TO THE MASTER AGREEMENT FOR THE CONTRACT DOCUMENTS, AND CONTRACTORS AND SUBCONTRACTORS SHALL BE REQUIRED TO PROVIDE TO THE CONTRACTOR A COPY OF THE MASTER AGREEMENT TO BE KEPT ON THE PROJECT SITE AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE MASTER AGREEMENT FROM THE CONTRACTOR'S OFFICE.

1.1 THE CONTRACTOR SHALL CONDUCT THE SURVEY AND RECORD THE SURVEY TO THE SATISFACTION OF THE CONTRACTOR AND THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.2 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.3 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.4 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.5 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.6 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.7 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.8 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.9 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

1.10 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

SO

Stockwell Dock
 11127 Bridge House Rd.
 Windermere, FL 34786

Prepared for

 Stockwell Dock and Docks, LLC
 2600 Lakeside Drive
 Orlando, FL 32817
 (407) 855-0300
www.stockwelldocks.com

08009 - 2021 Jennifer Taylor, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any publication of these documents and specifications in any newspaper, magazine, journal, book, or other printed or electronic medium, in whole or in part, without the express written consent of the author is prohibited. The use of these drawings and documents in any other project, in whole or in part, without the express written consent of the author is prohibited. The use of these drawings and documents in any other project, in whole or in part, without the express written consent of the author is prohibited.

Approximate distances over projected property lines

- Approximate path of dock (in red)
- Platted property lines (in green)
- Projected property lines (in yellow)

Negative setback distance 1 foot 11 inches over Western projected property line

203.1 +/- Feet
Lot 16

255.7 +/- Feet
Lot 17

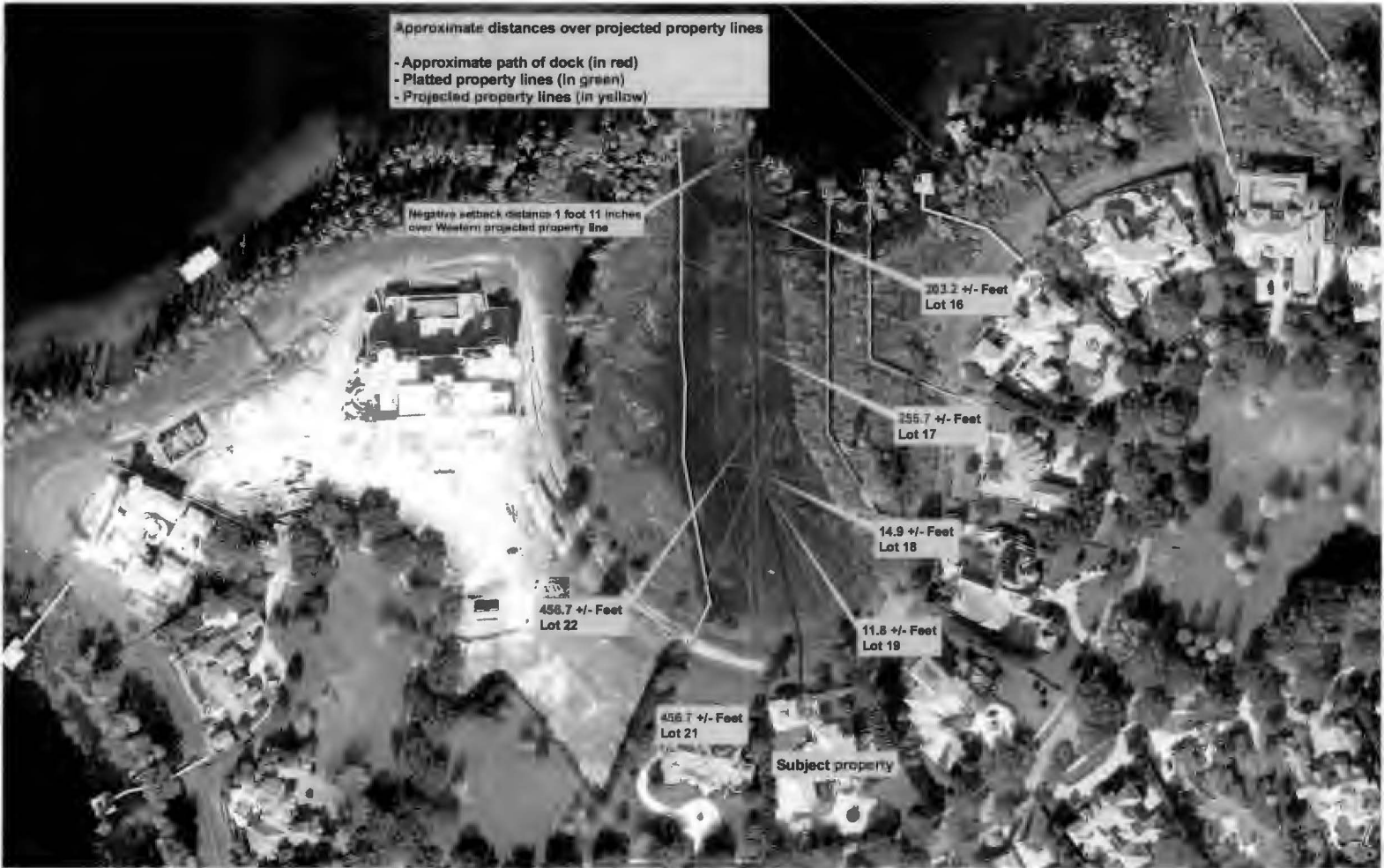
14.9 +/- Feet
Lot 18

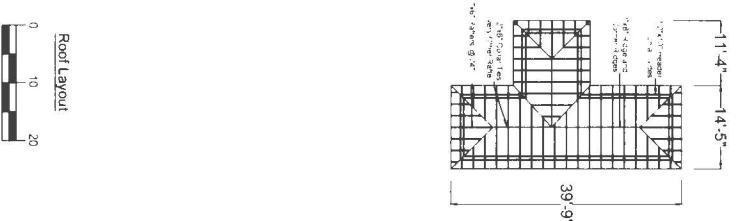
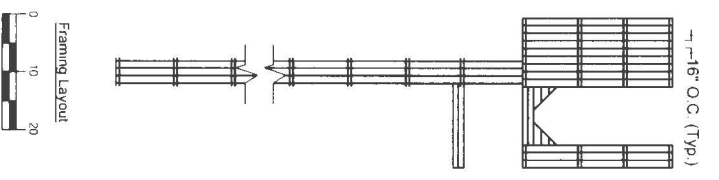
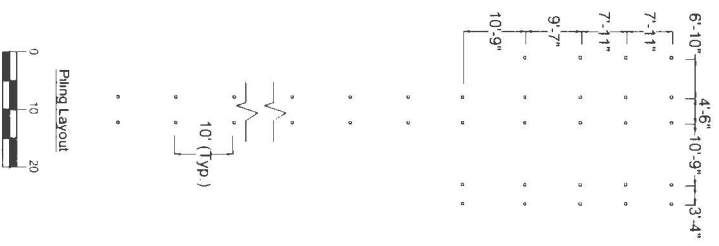
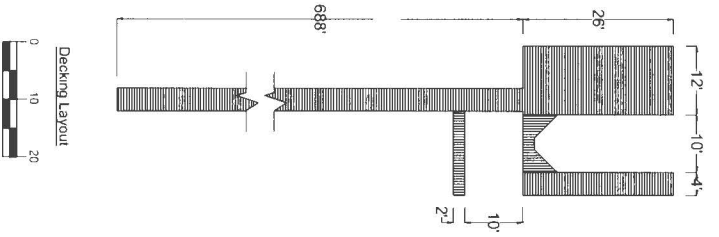
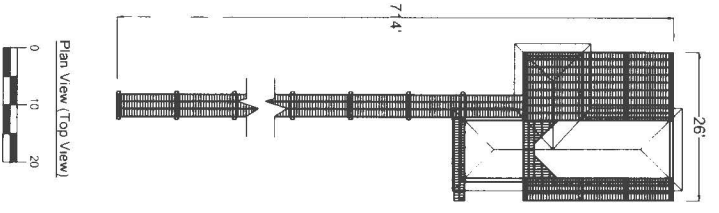
11.8 +/- Feet
Lot 19

456.7 +/- Feet
Lot 22

456.7 +/- Feet
Lot 21

Subject property





1/16" = 1'-0"


S1

Project:
SDD-2021-01

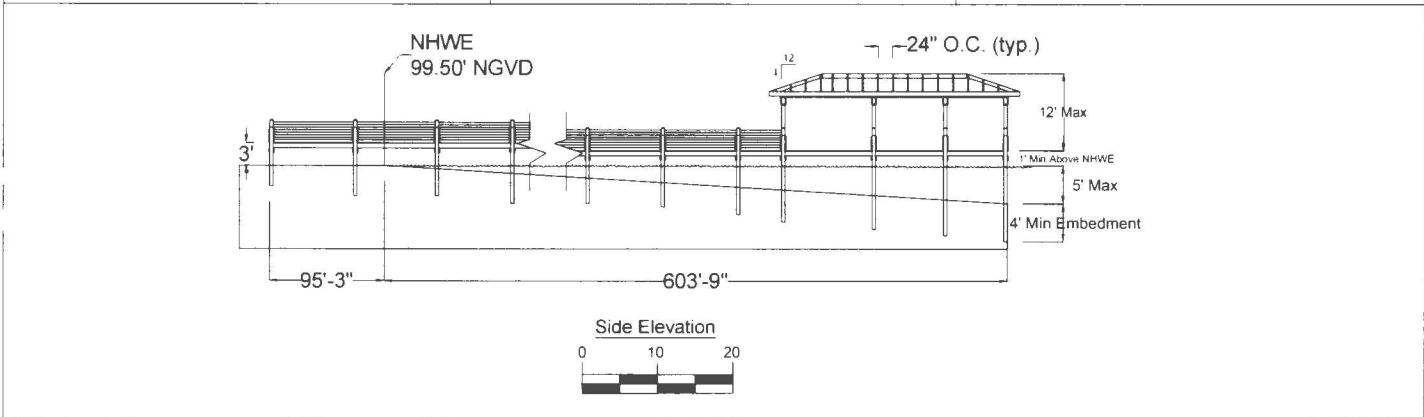
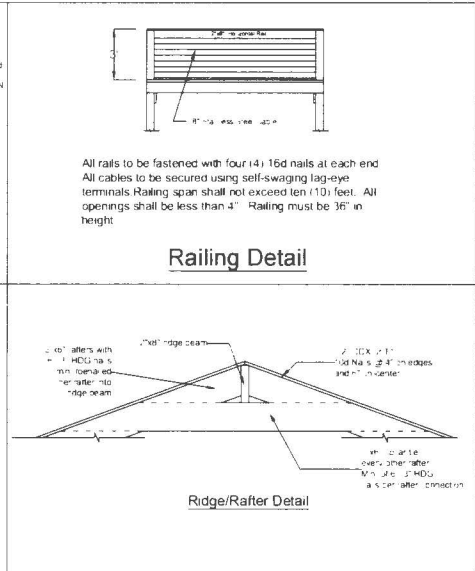
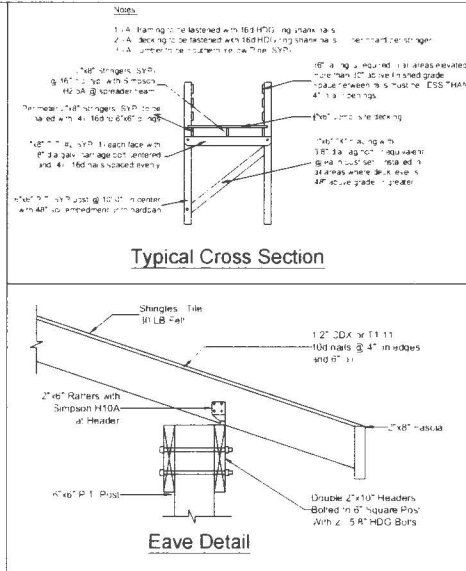
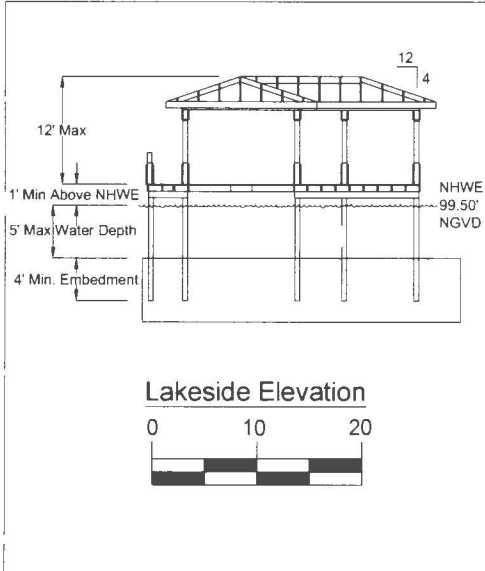
Stockwell Dock
11127 Bridge House Rd
Windermere, FL 34786

Jennifer Taliga, P.E.

1100
107
104
103
102
101
100
99
98
97
96
95
94
93
92
91
90
89
88
87
86
85
84
83
82
81
80
79
78
77
76
75
74
73
72
71
70
69
68
67
66
65
64
63
62
61
60
59
58
57
56
55
54
53
52
51
50
49
48
47
46
45
44
43
42
41
40
39
38
37
36
35
34
33
32
31
30
29
28
27
26
25
24
23
22
21
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1



Prepared for
Stockwell Dock
11127 Bridge House Rd
Windermere, FL 34786
www.stockwelldock.com



Project: SDD-2021-61

S2

Stockwell Dock
11127 Bridge House Rd
Windermere, FL 34786

Jennifer Taylor, P.E.
1000 N. US Highway 1
P.O. Box 71
Windermere, FL 34786
(813) 895-5511

Project No. SDD-2021-61
Date: 10/15/2021

Stockwell Dock
11127 Bridge House Rd
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 Robin Lopez on behalf of Charles Stockwell (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:

Approval of this waiver would have no environmental impact. The unique circumstances around the location of the lot require approvals from seven (7) property owners to gain approval for setback encroachments. Nothing of environmental impact is proposed as a part of this waiver.

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

The abutting neighbors will see minimal impact. This waiver allows for construction of a dock that mimics the path taken by neighboring docks, adding uniformity and completeness to the shoreline.

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: Charles Stockwell
Signature of Applicant/Agent *Robin Lopez* Date: 9/21/21
Corporate Title (if applicable): _____



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

**ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
March 30, 2022**

ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Florman Blackburn

Billy Butterfield

Peter Fleck

R. Alan Horn

Elaine Imbruglia

Applicant: Charles Stockwell

Permit Application Number: BD-21-06-081

Location/Address: 11127 Bridge House Road, Windermere, FL 34786

RECOMMENDATION: Accept the findings 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 15-343(b) to allow a negative side setback distance of 1.961 feet from the western projected property line for the Charles Stockwell Dock Construction Permit BD-21-06-081. District 1

- EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED
- EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED

Signature of EPC Chairman: _____

Mark Ausley

DATE EPC RECOMMENDATION RENDERED: _____

3/30/22

