

PROTECT LAKE FRONT VALUE OF SMALL HOME OWNER PROPERTIES

Alex G Perez & 141+ Change.org Supports

THREE MAJOR PROPOSED CODE UPDATES

- Three major proposed changes to Orange County Chapter 15, Article IX
 - 15-342(b): Larger maximum terminal platform size (1,500 square feet instead of 1,000 square feet with mitigation). We agree
 - 15-342(e): Allow for greater roof height (15 feet instead of 12 feet) .We agree
 - 15-343(b): Remove the 25 feet side setback on properties with shorefront greater than 75 feet. We do not agree

THE GOAL FOR ORDINANCE UPDATE

- The goal of proposed ordinance update is to eliminate paperwork and time the EPD & BCC spend processing and hearing these requests, driving cost savings to OCFL

WHY 15-343(B) IS IMPORTANT

Allowing larger terminal platforms and roof height compliments current trend of larger boats

Docks can now become the size of small homes (1500 sq/ft max) for lots

Code 15-343(b) helps protect adjacent property value by providing space between lots

Lakefront property owners with small pieing lots can now possibly have their property value decreased by allowing massive docks to exist extremely close

Keeping distance between large lots and small lots is essential to maintain property value and water access / water usage

Large lot owners should be able to build these larger docks, but utilize their abundant shore frontage to properly place their dock

This change could affect up to 25 homes on Lake Holden and 45 homes on Lake Jessamine (Data from Orange County Property Appraisals)

The data tells a clear story for a logical solution

THE DATA (LAST 5 YEARS 2021-2017)

Within the last 5 years, 2021 to 2017, 786 docks were permitted

15-342(b): 49+ waivers were applied for with 100% approved by EPD

The proposed ordinance change agrees with the data

Terminal platform size has a minimum effect of adjacent property owners if sec 15-343(b) is maintained

15-342(e): 7+ variance were applied for with 100% approved by EPD & BCC

The proposed ordinance change agrees with the data

Roof height is also a less drastic effect to adjacent property owners if sec 15-343(b) is maintained

15-343(b): 80+ waivers with a LONO were applied for. Of which did not require any additional processing or EPD/BCC hearing. Thus, not affecting the goal of the proposed ordinance change

This data point should not be considered to update the ordinance of 15-343(b) as it does not affect EPD/BCC processing

15-343(b): 17 waivers without LONO, were applied for with 82% approved by EPD & BCC

The proposed ordinance change of reduced side setback does not agree with the data. Side setbacks are unique based on the lot size, lot shape and water access.

Of the 14 approved waivers without LONO, 60% were normal waivers with no special case or objection by adjacent owners

Of the 14 approved waivers without LONO, 25% of the approved were unique cases with special lot shapes and water access issues

Of the 17 total waivers without LONO, 18% were denied due to the applicant having sufficient lot size to place dock at the required setback

PROPOSAL

- Terminal platform size waivers and roof height variances are non-contested changes that will benefit everyone and decrease EPD & BCC processing / review time
 - Side setbacks are a more dynamic circumstance which requires case-by-case review
 - Of the 15-343(b) setback waivers that were approved with unique cases, special lot shapes, and water access issues, EPD approved the waivers with an historical setback of around 18 feet
 - Getting a LONO is a simple process, which doesn't involve EPD & BCC. 80% of all requests fell within this criteria
-
- Based on historical trends of EPD & BCC approvals for 15-343(b) setback waivers without a LONO, I propose to update sec 15-343(b) from 25 feet to 18 feet. A waiver would still be needed to request less setback for 15-343(b) from 18 feet.
 - This 18 foot setback benefits both large and small lot owners, allowing large lot owners to take advantage of the larger terminal platform, but protecting adjacent neighbor's property value by providing a logical setback

BD PERMIT DATA

	2022	2021	2020	2019	2018	2017	2016	5 year average (21-17)
BD Permits Submitted	18	115	121	78	61	83	79	458
15-342(b) Waivers (Terminal platform sq ft)		13	12	10	9	5	5	49
% of total		11%	10%	13%	15%	6%	6%	11%
15-342(b) Approved		13	12	10	9	5	5	49
% approved		100%	100%	100%	100%	100%	100%	100%
15-342(e) Waivers (Roof height)		1	0	3	2	1	0	7
% of total		1%	0%	4%	3%	1%	0%	2%
15-342(b) Approved		1	0	3	2	1	0	7
% approved		100%	100%	100%	100%	100%	100%	100%
15-343(b) Waivers (25ft SideSetBack)		2	4	6	1	4	0	17
% of total		2%	3%	8%	2%	5%	0%	4%
15-343(b) waivers approved		2	2	6	1	3		14
% approved		2%	2%	8%	2%	4%	0%	82%
15-343(b) waiver approved normal case (no objection)		2	1	4	1	2		10
% approved		2%	1%	5%	2%	2%	0%	59%
15-343(b) waiver approved special case (repalce current dock, not normal water access, etc)			1	2		1		4
% approved		0%	1%	3%	0%	1%	0%	24%
15-343(b) waiver denied		0	2	0	0	1		3
% denied		0%	2%	0%	0%	1%	0%	18%

15-342(B) DATA

Year	Permit #	Accepted?
2021	BD-21-08-118	yes
2021	BD-21-09-125	yes
2021	BD-21-08-119	yes
2021	BD-21-06-087	yes
2021	BD-21-06-086	yes
2021	BD-21-04-064	yes
2021	BD-21-04-065	yes
2021	BD-21-03-052	yes
2021	BD-21-03-033	yes
2021	BD-21-01-010	yes
2021	BD-21-02-019	yes
2021	BD-21-01-000	yes
2021	BD-21-01-009	yes
2020	BD-20-11-186	yes
2020	BD-20-08-143	yes
2020	BD-20-07-119	yes
2020	BD-20-03-049	yes
2020	BD-20-02-029	yes
2020	BD-20-05-088	yes
2020	BD-20-07-118	yes
2020	BD-20-06-104	yes
2020	BD-20-03-041	yes
2020	BD-20-01-008	yes
2020	BD-20-01-008	yes

Year	Permit #	Accepted?
2020	BD-20-04-059	yes
2019	BD-19-11-130	yes
2019	BD-19-12-135	yes
2019	BD-19-11-129	yes
2019	BD-19-09-107	yes
2019	BD-19-08-086	yes
2019	BD-19-08-076	yes
2019	BD-19-04-033	yes
2019	BD-19-04-036	yes
2019	BD-19-05-044	yes
2019	BD-19-05-045	yes
2018	BD-18-11-113	yes
2018	BD-18-08-092	yes
2018	BD-18-11-112	yes
2018	BD-18-07-076	yes
2018	BD-18-03-037	yes
2018	BD-18-04-043	yes
2018	BD-18-02-023	yes
2018	BD-18-02-022	yes
2018	BD-18-02-021	yes
2017	BD-17-09-098	yes
2017	BD-17-05-050	yes
2017	BD-17-03-027	yes
2017	BD-17-04-041	yes
2017	BD-17-06-065	yes
2016	BD-16-06-067	yes
2016	BD-16-04-038	yes
2016	BD-16-11-112	yes
2016	BD-16-10-096	yes
2016	BD-16-09-092	yes
2015	BD-15-11-126	yes
2015	BD-15-05-072	yes
2015	BD-15-05-072	yes
2015	BD-15-03-028	yes

15-342(E) DATA

2021	BD-21-02-019	yes
2019	BD-19-11-132	yes
2019	BD-19-08-082	yes
2019	BD-19-05-053	yes
2018	BD-18-06-070	yes
2018	BD-18-10-105	yes
2017	BD-17-05-056	yes
2015	BD-15-05-052	yes

15-343(B) DATA

Year	Permit #	Side-set-back	Accepted?	LONO?	Objection?	Notes
	2021BD-21-03-049		11.5 Yes	No	No	No neighbor, house under construction
	2021BD-21-03-033		18.6 Yes	No	No	No objection
	2020BD-20-12-205		.82 No	No	Yes	Objection from neighbor
	2020BD-20-08-139		7.3 Yes	No	No	No objection
						The EPC thought that the dock could be moved to the center of the property and meet the minimum setback to avoid conflict with the neighbor. On July 6, 2020, EPD received a written letter of objection from the adjacent neighbor to the south, Mr. William B. Carlson, who resides at 9955 Lake Georgia Drive. Mr. Carlson objects to both to the variance to Section 15-342(d) (floor elevation) and the waiver to Section 15-343(b) (side setback). Mr. Carlson's objection is primarily that the proposed dock will further impede his view of the lake.
	2020BD-20-05-077		13 No	No	Yes	
	2020BD-20-05-083		10.1 Yes	No	No	No objection. Build in same location as old dock
	2019BD-19-10-121-MOD		8.6 Yes	No	No	No objection. Build in same location as old dock
	2019BD-19-11-130		6 Yes	No	No	After the fact dock built
	2019BD-19-09-107.		4 Yes	No	No	No objection
	2019BD-19-04-033		16 Yes	No	No	No objection
	2019BD-19-04-036		11 Yes	No	No	Dock built in 2000, after the fact waivers, not new build
	2019BD-19-05-041		22.2 Yes	No	No	Dock built in 2017, after the fact waivers, no objections
	2018BD-18-08-092		1.93 Yes	No	Yes	Objections not to 15-343, objections to terminal size
	2017BD-17-08-083		24.01 Yes	No	Yes	Dock built in 2016. After the fact waiver for setback of only 0.99ft
	2017BD-17-10-114		69 Yes	No	Yes	Strange water access
						Discussion by EPC members acknowledged impact to the neighbor's view and noted that Mr. Hagood and Ms. Izlar have sufficient space to meet side setbacks required by code.
	2017BD-17-10-104		10 No	No	Yes	
	2017BD-17-02-012		18 Yes	No	Yes	Back and forth with neighbors, EPD agreed to 18ft
						Dock built in 2015, after the fact waiver. They objected to the after-the-fact waiver request due to the affected lake view, decreased property value, and an alleged history of the applicant ignoring HOA rules and regulations
	2015BD-15-08-098		18.34 No	No	Yes	