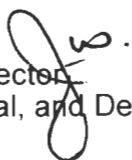





Interoffice Memorandum

AGENDA ITEM

August 8, 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: September 13, 2022 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Luciano Medeiros Silva and Tatiana
Almeida Souza for Dock Construction Permit BD-22-05-098

The applicants, Luciano Medeiros Silva and Tatiana Almeida Souza, are requesting a Dock Construction Permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform) in order to construct a new boat dock. The project site is located at 7404 Alpine Butterfly Lane, Orlando, FL 32819 (Parcel ID Number 35-23-28-7841-00-590) on Big Sand Lake in District 1.

On May 17, 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) (terminal platform size) requesting to increase the terminal platform size from the maximum allowed 582 square feet to 795 square feet.

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 58.19 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 582 square feet. The applicants are requesting to construct a new dock with a terminal platform size of 795 square feet (213 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

aquatic vegetation. The proposed terminal platform is only 195 square feet over the allowed limit."

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 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 provide mitigation for the additional shading impacts with a payment of \$500 to the Conservation Trust Fund (CTF) if the waiver is approved.

Public Notification

On June 8, 2022, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius. No objections were received.

The applicants and their agent were sent notices on June 27, 2022 to inform them of the Environmental Protection Commission (EPC) meeting on July 27, 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 was to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant demonstrated there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections were 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 \$500 to the CTF.

EPC Public Hearing

EPD presented the applicants' waiver request to the EPC at their July 27, 2022 public meeting. Ms. Cichra was present to represent the applicants.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept 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 \$500 to the CTF as mitigation for the additional shading impacts.

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 582 square feet to 795 square feet with a mitigation payment of \$500 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Luciano Medeiros Silva and Tatiana Almeida Souza Dock Construction Permit BD-22-05-098. District 1**

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver

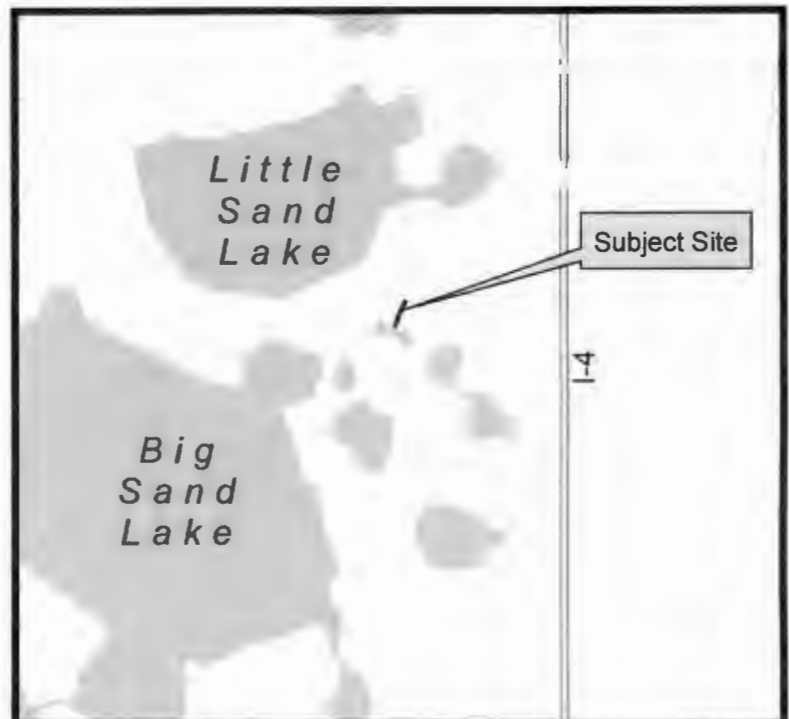


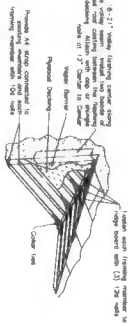
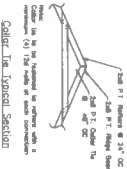
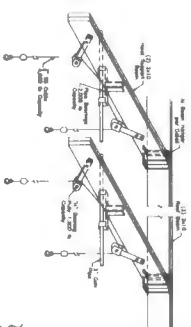
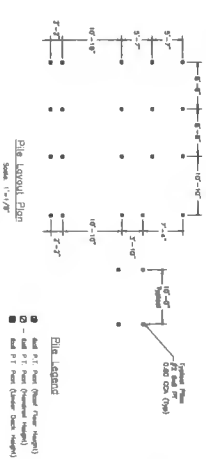
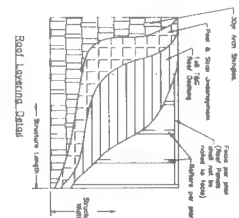
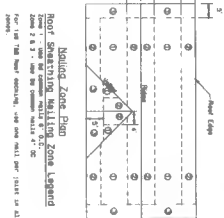
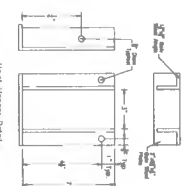
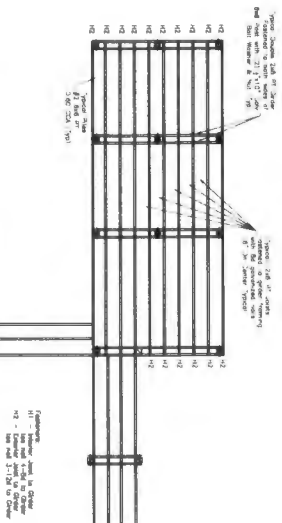
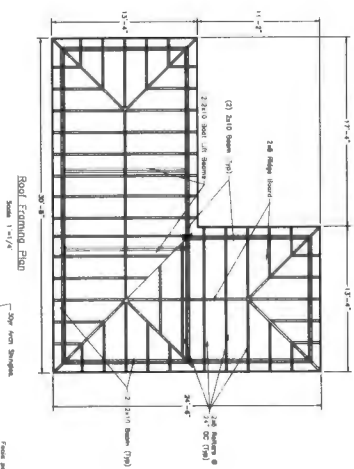
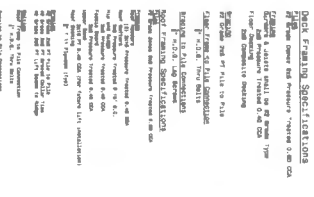
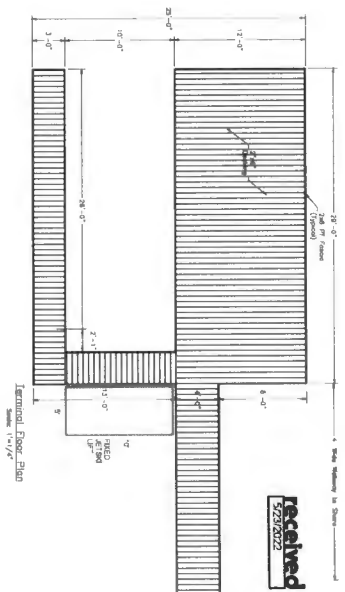
**Dock Construction
Application for Waiver
BD-22-05-098
District #1**

Applicant: Luciano Medeiros Silva and
Tatiana Almeida Souza
Address: 7404 Alpine Butterfly Lane
Parcel ID: 35-23-28-7841-00-590

Project Site 

Property Location 







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 Orange County Environmental Protection Division
Deliver To: 800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of Luciano Silva (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 aquatic vegetation. The proposed terminal platform is only 195 square feet over the allowed limit.

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: 05/16/2022

Corporate Title (if applicable): President, Streamline Permitting, Inc.





ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

R. Alan Horn
Vice Chairman

Florian Blackburn

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Oscar Anderson

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
July 27, 2022

Applicants: Luciano Medeiros Silva and Tatiana Almeida Souza

Permit Application Number: BD-22-05-098

Location/Address: 7404 Alpine Butterfly Lane, Orlando, FL 32819

RECOMMENDATION: Accept the findings and recommendation 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 582 square feet to 795 square feet with a mitigation payment of \$500 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Luciano Medeiros Silva and Tatiana Almeida Souza Dock Construction Permit BD-22-05-098. District 1

☒ 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:

DATE EPC RECOMMENDATION RENDERED:

7/27/2022