



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 Bruce and Jennifer Paster Dock
Construction Permit BD-22-05-091

The applicants, Bruce and Jennifer Paster, are requesting a dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 4320 Summer Lane, Orlando, FL 32804 (Parcel ID Number 10-22-29-3480-00-080) on Lake Fairview in District 2.

On May 2, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock to reconstruct an existing dock at the subject property. Included with the application was an Application for Waiver to Section 15-343(b) to reduce the side setback distance from the southern projected property line from 25 feet to 16.54 feet. The side setback of the existing dock is 16.54 feet from the southern projected property line.

Waiver Request – Side Setback

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." The applicants have a shoreline that measures approximately 95.2 feet at the Normal High Water Elevation, allowing for a minimum side setback of 25 feet. The applicants are requesting a side setback of 16.54 feet to replace the dock in the same location.

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 reduced setback will allow us to rebuild in the same location as the existing dock, which results in less of an impact to the lake than starting over."

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.*"

Public Notification

On June 1, 2022, a Notice of Application for Waiver was sent to the affected adjacent property owner, Mr. Thomas F. Neal. To date, EPD has received no correspondence from Mr. Neal. The applicants and agent were sent notices on July 12, 2022 to inform them of the July 27, 2022 Environmental Protection Commission (EPC) meeting.

Objections

No objections to the request have been received.

EPD Staff Evaluation

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). The applicants have demonstrated that there will be no negative affect on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections have been received. Furthermore, pursuant to Section 15-350(a)(2)(1) the applicants have demonstrated there will be no negative effects to the environment as the proposed dock will be constructed in the same location as the existing dock, thereby avoiding any new shading impacts.

Environmental Protection Commission Public Hearing

EPD presented the waiver request in a public hearing before the EPC at their July 27, 2022 meeting. 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 request for 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 Orange County Code, Chapter 15, Article IX, Section 15-343(b) to allow a side setback distance of 16.54 feet in lieu of the required 25 feet from the southern projected property line for the Bruce and Jennifer Paster Dock Construction Permit BD-22-05-091. District 2**

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-22-05-091

District #2

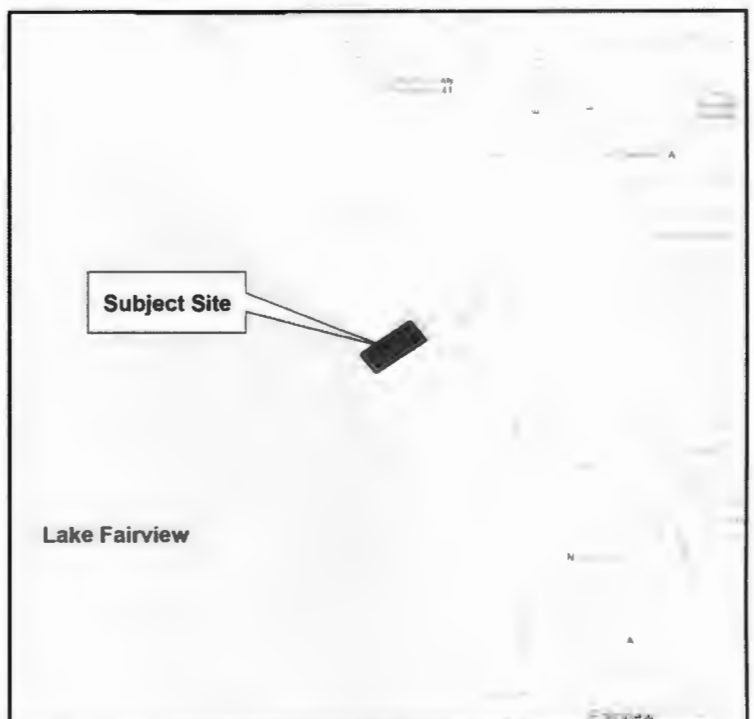
Applicants: Bruce and Jennifer
Paster

Address: 4320 Summer Lane
Orlando, FL

Parcel ID: 10-22-29-3480-00-080

Project Site 

Property Location 



PASTER BOAT DOCK SITE PLAN

Legal Description

Lot 8 and the Northerly 14.22 feet of Lot 9 and the Southeasterly 3.67 feet of Lot 7, HENDERSON SHORES, according to the plat thereof, as recorded in Plat Book S, Page(s) 91, of the Public Records of Orange County, FL.

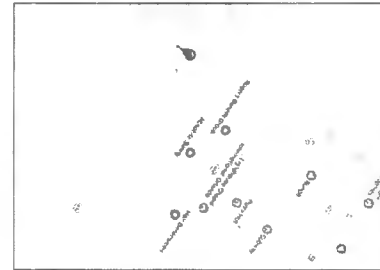
Community number: 120179 Panel: 0235

Suffix: G F.I.R.M. Date: 9 25 2009 Flood Zone: X & AE
Date of field work: 3 8 2017 Completion Date: 3 9 2017

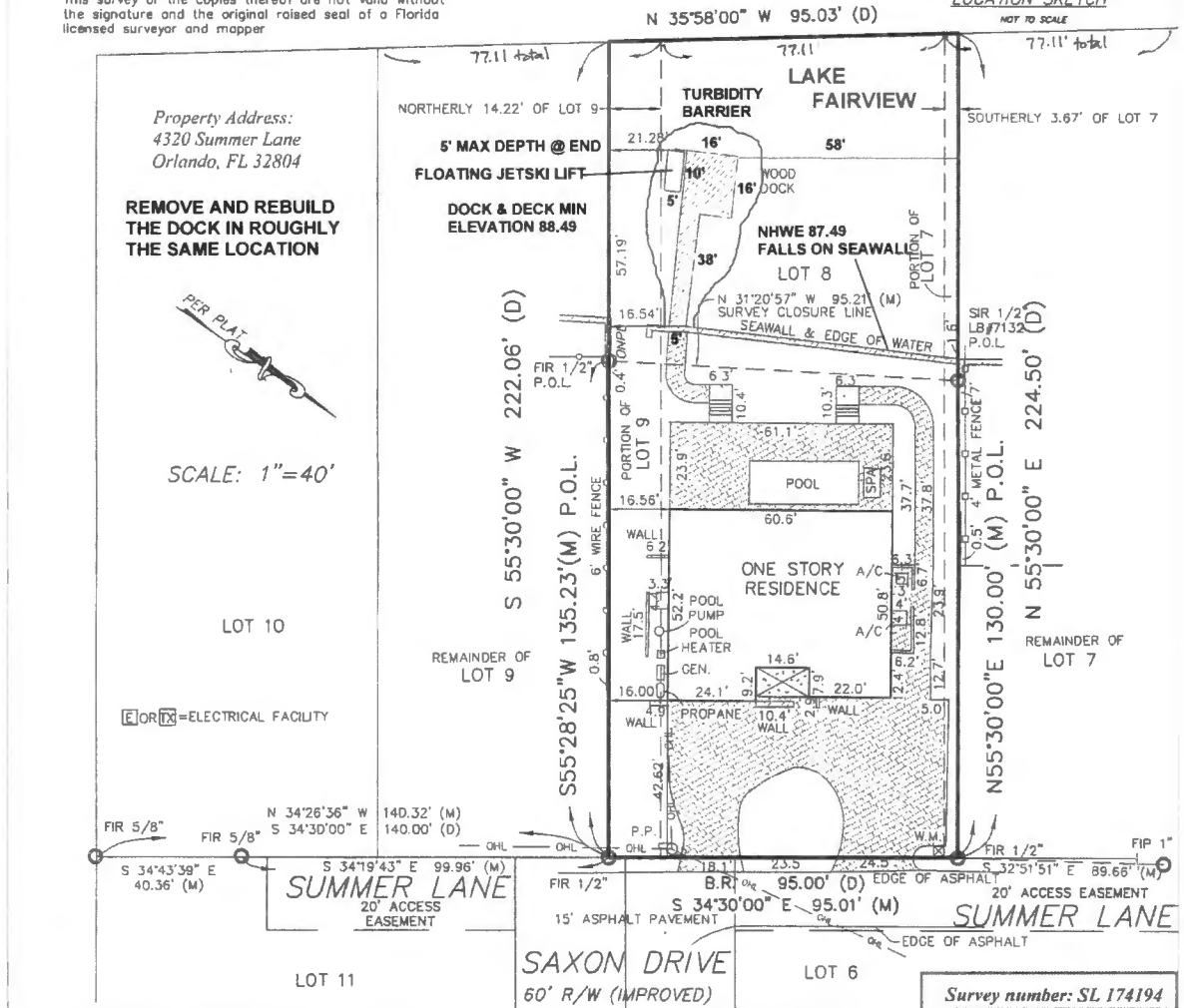
Certified to:

Bruce Paster; Jennifer L. Paster; Dominion Title Company, Chicago
Title Insurance Company: SunTrust Mortgage, Inc., its successors
and or assigns

This survey or the copies thereof are not valid without
the signature and the original raised seal of a Florida
licensed surveyor and mapper



LOCATION SKETCH





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 Bruce Paster (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 reduced setback will allow us to rebuild in the same location as the existing dock, which results in less of an impact to the lake than starting over.

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: 04/30/2022
Corporate Title (if applicable): President, Streamline Permitting, Inc.







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COMMISSION

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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: Bruce and Jennifer Paster

Permit Application Number: BD-22-05-091

Location/Address: 4320 Summer Lane, Orlando, FL 32804

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 15-343(b) to allow a side setback distance of 16.54 feet in lieu of the required 25 feet from the southern projected property line for the Bruce and Jennifer Paster Dock Construction Permit BD-22-05-091. District 2

☒ 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