Interoffice Memorandum

APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

BCC Mtg. Date: October 4, 2016

AGENDA ITEM

September 9, 2016

TO:

Mayor Teresa Jacobs

-AND-

Board of County Commissioners

FROM:

Jon V. Weiss, P.E., Director

Community, Environmental and Development

Services Department

CONTACT PERSON:

Lori Cunniff, Manager

Environmental Protection Division (407) 836-1406

SUBJECT:

October 4, 2016 - Consent Item

Environmental Protection Commission Recommendation for a Variance Request for the Santini Dock Construction Permit BD-

16-06-061

On October 27, 2015, the Orange County Environmental Protection Division (EPD) issued an After-the-Fact Dock Construction Permit (BD-14-02-009) for property owned by Celia Santini, located at 820 Rosemere Circle, on Lake Rose. This permit authorized the construction of a 5.2 foot wide finger dock with a terminal platform size of 411 square feet. This included a side setback variance due to the dock's location being 2.8 feet from the adjacent property to the north (824 Rosemere Circle).

On June 16, 2016, EPD received an application to modify Dock Construction Permit BD-14-02-009 that included an Application for Variance. The applicant proposes to add a boat house to the south side of the terminal end of the existing finger pier. A variance to Section 15-342(c) is required in an effort to allow the existing walkway to remain in its current configuration with a width of 5.2 feet, instead of the five foot maximum width allowed by Code.

During the August 31, 2016 public hearing, the Environmental Protection Commission (EPC) voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for variance to Section 15-342(c)(walkway width).

ACTION REQUESTED:

Acceptance of Recommendation of the Environmental Protection Commission to approve the request for Variance to Orange County Code, Chapter 15, Article IX, Section 15-342(c), walkway width for the Santini Dock Construction Permit BD-16-06-061. District 1

JVW/LC: mg

Attachments



ENVIRONMENTAL PROTECTION COMMISSION

David Ward Chairman

Jonathan Huels Vice Chairman

Sally Arwell

Mex Preisser

Glenn Dunkelberger

Mark Corbett

Mark Ausley

ENVIRONMENTAL PROTECTION DIVISION Lori Cunniff, CEP, CHMM, Deputy Director Community, Environmental and Development Services Department

3165 McCrory Place, Suite 200 Orlando, FL 32803-3727 407-836-1400 • Fax 407-836-1499 www.ocfl.net

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION

PROJECT NAME: Santini - 820 Rosemere Circle

PERMIT APPLICATION NUMBER: BD-16-06-061

LOCATION/ADDRESS: 820 Rosemere Circle, Orlando

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(C) WALKWAY WIDTH FOR THE SANTINI DOCK CONSTRUCTION PERMIT # BD-16-06-061.

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:	wil R. Ward
DATE EPO RECOMMENDATION REN	NDERED: 8/3/1/6



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR **VARIANCE**

	(Pursuant to Orange County Code, Chapter 13, Article 1X, Section 13-350(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 ch	eck for \$409.00 payable to The Board of County Commissioners
	Cichra on behalf of Celia Santini (if applicable) pursuant to Orange County Code icle IX, Section 15-350(a)(1) am requesting a variance to section 342 (c) of the Orange County Dock rdinance.
	strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary applicant (the hardship cannot be self-imposed):
	n existing dock that has a 2.8' setback and is 5' 2" wide that we want to re-use. That would nvironmentally sound than tearing it out and rebuilding.
2. Describe the	effect of the proposed variance on abutting shoreline owners:
There	will be no negative impact to navigation or view.
	pplicant: ntal protection officer, environmental protection commission and the Board of County Commissioners may require mation necessary to carry out the purposes of this article.
public interest; on the permit ap	ication may receive an approval or approval with conditions when such variance: (1) would not be contrary to the (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship oplicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the ose of this article.
identified above information con application and issued pursuant commencement	submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance a according to the supporting data and other incidental information filed with this application. I am familiar with the tained in this application, and represent that such information is true, complete, and accurate. I understand this is an not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to of construction. I understand that knowingly making any false statements or representation in this application is a tions 15-341 & 15-342, Orange County Code.
Name of App	licant: Sheila Cichra
Signature of A	Applicant/Agent Date: 08/26/2016
Corporate Tit	le (if applicable): President, Streamline Permitting, Inc.

Application to Construct a Dock with a Variance



Variance Request 15-342(c) walkway width

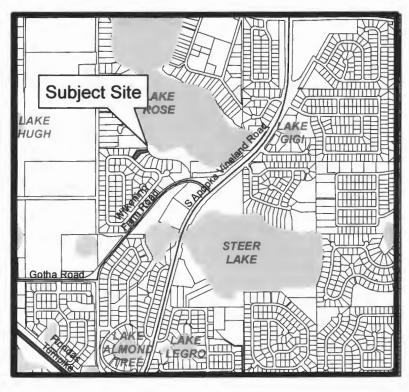
District #1

Applicant: Celia Santini

Parcel ID: 34-22-28-4726-00-560

Project Site

Property Location





Interoffice Memorandum COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT

August 31, 2016

TO:

Environmental Protection Commission

FROM:

Lori Cunniff, CEP, CHMM, Deputy Director Community, Environmental and Development Services Department

SUBJECT:

Celia Santini Dock Construction Variance Request

Reason For Public Hearing

The applicant, Celia Santini, is requesting approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-342(c) walkway width.

Location of Property/Legal Description

The project site is located at 820 Rosemere Circle in Orlando on Lake Rose. The parcel ID for the site is 34-22-28-4726-00-560. Attachment A is a location map. The subject property is located in Orange County Commission District 1.

Public Hearing Notifications

The applicant, agent, and owners of the shoreline properties situated within 300 feet of the property on which the proposed dock is located were notified of the request for variances on June 21, 2016.

Staff Findings

On October 27, 2015, an After-the-Fact Dock Construction Permit (BD-14-02-009) issued to Ms. Santini authorized the construction of 5.2 foot wide finger pier dock with a terminal platform size of 411 square feet. This included a side setback variance due to the dock's location being only 2.8 feet from the adjacent property to the north (824 Rosemere Circle).

On June 16, 2016, EPD received an application to modify Dock Construction Permit BD-14-02-The applicant proposes to add a boat house to the south side of the terminal end of the existing finger pier. A variance to Section 15-342(c) is required in an effort to allow the existing walkway to remain in its current configuration with a width of 5.2 feet, instead of the 5.0-foot maximum width allowed by Code. EPD received an Application for Variance on August 4, 2016.

Pursuant to Section 15-350(a)(1), Variances, "the applicant shall describe (1) 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 stated that "the property [line] pies dramatically making it very difficult to construct even the smallest boat dock within the required setbacks. There is an existing dock that has a 2.8' setback and is 5.2' wide that we want to reuse. That would be more environmentally sound than tearing it out and rebuilding."

To address Section 15-350(a)(1)(2) the applicant shall describe the effect of the proposed variance on abutting shoreline owners and has stated that "there will be no negative impact to navigation or view. The affected adjacent property owner has signed a letter of no objection."

Enforcement Action

There currently is no enforcement action for this property.

Staff Recommendation

Although the Applicant has not clearly demonstrated that the hardship is not self-imposed, she believes there is a unique hardship to have to remove and rebuild the existing access walkway. It was determined that this will not negatively impact the environment and there have been no objections to the variance request. Therefore the recommendation of the EPO is to approve the request for variance to Orange County Code.

ACTION REQUESTED

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(C) WALKWAY WIDTH FOR THE SANTINI DOCK CONSTRUCTION PERMIT # BD-16-06-061.

AK/NT/ERJ/LC:gfdjr

