



## Interoffice Memorandum

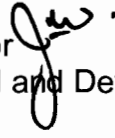
APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

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 Cuniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development  
Services Department  
(407) 836-1405**

SUBJECT: October 4, 2016 - Consent Item  
Environmental Protection Commission Recommendation for a  
Variance Request to Roof Height for a previously issued Boat  
Dock Permit BD-16-02-021 for applicant Weylin Sing

The project site is located at 7860 Ficquette Road on Lake Hancock. The Parcel ID No. is 27-23-27-4452-00-122. The subject property is located in Orange County Commission District 1.

On May 5, 2016, the Environmental Protection Division (EPD) issued Boat Dock Permit BD-16-02-021 for the Sing property on the southeastern shoreline of Lake Hancock. The previously issued boat dock permit included an Administrative Waiver to Section 15-343(b) for side setback.

On May 25, 2016, EPD received an application to modify the issued boat dock permit to allow for a taller roof. The applicant has submitted a Request for Variance to Section 15-342(e), requesting a roof height of 16 feet above the floor elevation. No other aspect of the previously issued boat dock permit has been proposed for change.

During the August 31, 2016 public hearing, the Environmental Protection Commission voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Sing Dock Construction Permit BD-16-02-021.

**ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to uphold the Recommendation of the Environmental Protection Officer to approve the request for Variance to Section 15-342(e) (Roof Height) for the Sing Dock Construction Permit BD-16-02-021. District 1**

JVW/LC: mg  
Attachments



## APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

**Mail or** Orange County Environmental Protection Division  
**Deliver To:** 3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
(407) 836-1400, Fax (407) 836-1499

**\*\*Enclose a check for \$409.00 payable to The Board of County Commissioners\*\***

I Weylin Sing on behalf of Weylin Sing (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342 (e) of the Orange County Dock Construction Ordinance.

1. Describe 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):  
Increase maximum roof height of boat dock to 16 feet to accomodate the installation of custom boat lift to be able to elevate boat propeller above the water line to level of deck and allow installation of customized overhead boat cover system.
2. Describe the effect of the proposed variance on abutting shoreline owners:  
Elevating roof height on our corner parcel should not impact abutting shoreline owners.  
Undeveloped wetlands exist on the adjacent south parcel.

### Notice to the Applicant:

The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.

By signing and submitting this application form, I am applying for a variance to 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: Weylin Sing

Signature of Applicant/Agent 

Date: 03/22/16

Corporate Title (if applicable): \_\_\_\_\_

# Dock Construction Variance Request



## Dock Construction Variance Request

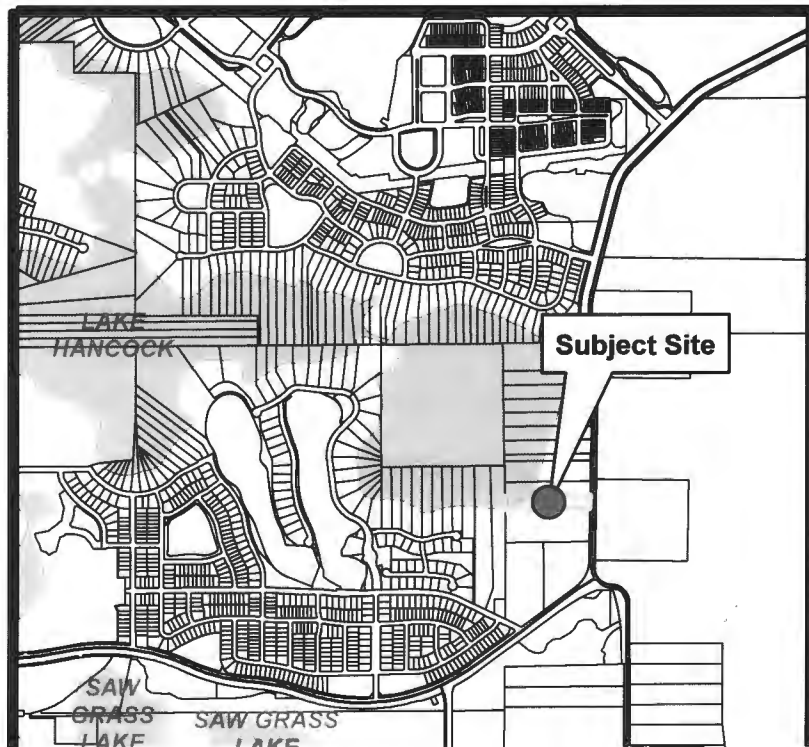
**District # 1**

**Applicant:** Weylin Sing

**Parcel IDs:** 27-23-27-4452-00-122

**Project Site**

**Property Location** ●





ENVIRONMENTAL  
PROTECTION  
COMMISSION

David Ward  
*Chairman*

Jonathan Huels  
*Vice Chairman*

Sally Atwell

Alex 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  
August 31, 2016

PROJECT NAME: Weylin Sing  
PERMIT APPLICATION NUMBER: Modification to BD-16-02-021  
LOCATION/ADDRESS: 7860 Ficquette Road

RECOMMENDATION:

**PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(b), APPROVE THE REQUEST FOR VARIANCE TO SECTION 15-342(e) (ROOF HEIGHT) FOR THE SING BOAT DOCK MODIFICATION PERMIT# BD-16-02-021.**

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☐ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

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Signature of EPC Chairman:

*David R. Ward*

EPC RECOMMENDATION DATE:

*8/31/16*



**Interoffice Memorandum  
COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT**

August 31, 2016

TO: Environmental Protection Commission

FROM: Lori Cunniff, CEP, CHMM, Deputy Director *L. Cunniff*  
Community, Environmental and Development Services Department

SUBJECT: Weylin Sing Dock Construction Variance Request

**Reason For Public Hearing**

The applicant, Weylin Sing, is requesting a variance to Section 15-342(e) (roof height) for a previously issued Boat Dock Permit.

**Location of Property/Legal Description**

The project site is located 7860 Ficquette Road on Lake Hancock. The Parcel ID is 27-23-27-4452-00-122. The subject property is located in Orange County Commission District 1.

**Public Hearing Notifications**

The applicant and agent were notified of the hearing on August 5, 2016.

**Staff Findings**

On May 5, 2016 the Environmental Protection Division (EPD) issued Boat Dock Permit BD-16-02-021 for the Sing property on the southeastern shoreline of Lake Hancock. The previously issued boat dock permit included an Administrative Waiver to Section 15-343(b) for side setback.

On May 25, 2016 EPD received an application to modify the issued boat dock permit to allow for a taller roof. The applicant has submitted a Request for Variance to Section 15-342(e), requesting a roof height of 16 feet above the floor elevation. No other aspect of the previously issued boat dock permit has been proposed for change.

**Roof Height Variance**

Section 15-342(e) states, "The maximum roof height shall be no higher than twelve (12) feet above the floor elevation." The current plan is for the dock roof height to be 16 feet above the deck to accommodate a custom boat cover that is installed on a track system located under the roof above the boat. This system requires the boat be elevated to the level of the deck to facilitate covering and also requires a two foot clearance above the top of the boat for the track.

Pursuant to Section 15-350(a)(1), Variances, "the applicant shall also 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 has stated that *"Increase maximum roof height of boat dock to 16 feet to accommodate the installation of custom boat lift to be able to elevate boat propeller above the water line to level of deck and allow installation of customized overhead boat cover system."*

To address Section 15-350(a)(1)(2), the applicant has stated that *"Elevating roof height on our corner parcel should not impact abutting shoreline owners. Undeveloped wetlands exist on the adjacent south parcel."*

Pursuant to Section 15-347(a), notices of the variance request for the roof height were sent to the neighboring shoreline property owners within 300 feet. No objections have been received to date.

Included as attachments with this staff report are location map, variance request, site plans, and photos.

#### **Enforcement Action**

Enforcement Case 16-451847 for unauthorized fill in wetlands is associated with this property. The fill was identified at the time of permitting for the original dock. The owners were quick to acknowledge the impact and restore the shoreline through fill removal and plantings. The restoration has recently been completed, but will require a follow-up inspection for verification of survival of the plantings.

#### **Staff Recommendation**

Although the Applicant has not clearly demonstrated that the hardship is not self-imposed, he believes there is a unique hardship to accommodate the custom boat cover system relative to the size of his boat. 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.

<b><u>ACTION REQUESTED</u></b>	<b><u>PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(b), APPROVE THE REQUEST FOR VARIANCE TO SECTION 15-342(e) (ROOF HEIGHT) FOR THE SING BOAT DOCK MODIFICATION PERMIT# BD-16-02-021.</u></b>
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CRS/NT/ERJ/LC:



# Proposed Modification

