

BCC Mtg. Date: November 1, 2016

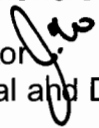


**Interoffice Memorandum**

**AGENDA ITEM**

October 10, 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, CEP, CHMM, Deputy Director  
Community, Environmental and Development  
Services Department  
(407) 836-1405**

SUBJECT: November 1, 2016 - Consent Item  
Environmental Protection Commission Recommendation for a  
Variance Request to Side Setback for a Boat Dock Permit BD-  
16-05-052 for applicant Gabriel Paoli

The project site is located at 2228 Fountain Key Circle. The Parcel ID No. is 01-23-27-9065-00-650. The subject property is located in Orange County Commission District 1.

On May 31, 2016, the Environmental Protection Division (EPD) received an application to construct a dock on the property owned by Mr. Paoli on Lake Luntz. On July 10, 2016, EPD received a revised site plan showing the shoreline length of 51.39 feet at Normal High Water Elevation, and a Request for Variance to Section 15-343(a), (side setback) requesting a zero (0) foot side setback from the property to the north (2222 Fountain Key Circle). A Letter of No Objection to the side setback request has been received from the owners of 2222 Fountain Key Circle.

The Waterford Pointe Homeowners Association (HOA) owns a parcel (PID 01-23-27-9065-10-001) in Lake Luntz (a non-sovereign lake) that is considered lake bottom and is located waterward of 2222 and 2228 Fountain Key Circle. The applicant has entered into an Access Agreement with Waterford Pointe HOA titled "Boat Dock License Agreement" to allow the dock to extend onto the Waterford Pointe HOA property (01-23-27-9065-10-001).

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November 1, 2016 – Consent Item

Environmental Protection Commission Recommendation for Request for Variance –  
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During the September 28, 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 Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback) for the Paoli Dock Construction Permit BD-16-05-052.

**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 15-343(a) (side setback) for the Paoli Dock Construction Permit BD-16-05-052. District 1**

JVW/LC: mg

Attachments



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

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ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
September 28, 2016

PROJECT NAME: Gabriel Paoli

PERMIT APPLICATION NUMBER: BD-16-05-052

LOCATION/ADDRESS: 2228 Fountain Key Circle

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 15-343(A)(SIDE SETBACK) FOR THE PAOLI BOAT DOCK CONSTRUCTION PERMIT #BD-16-05-052.**

☒ 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: \_\_\_\_\_

*9/28/16*



**Interoffice Memorandum**  
**COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES**

September 28, 2016

TO: Environmental Protection Commission

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

SUBJECT: Gabriel Paoli Dock Construction Request for Variance

A handwritten signature in cursive script, appearing to read "L Cunniff", is written over the typed name and title of the sender.

**Reason For Public Hearing**

The applicant, Gabriel J. Paoli is requesting a variance to Section 15-343(a) (side setback) for a boat dock construction permit.

**Location of Property/Legal Description**

The project is located at 2228 Fountain Key Circle in Section 01, Township 23 South, Range 27 East on Lake Luntz. The Parcel ID for the site is 01-23-27-9065-00-650. The subject property is located in Orange County Commission District 1.

**Public Hearing Notifications**

The applicant and agent were notified of the hearing on September 14, 2016.

**Staff Findings**

On May 31, 2016 the Environmental Protection Division (EPD) received an application to construct a boat dock on this lakefront property owned by Mr. Paoli. The property is located on a narrow lobe of Lake Luntz with a shoreline frontage of 51.39 feet at Normal High Water Elevation (NHWE).

The dock will be partially constructed on property that is owned by the Waterford Pointe Home Owners Association (HOA). The applicant has provided a signed access agreement titled "Boat Dock License Agreement" dated August 9, 2016 between the applicant and the Waterford Pointe HOA, Inc. to allow construction and use of a boat dock extending onto the HOA property located waterward of the Paoli property.

On July 10, 2016, EPD received a revised site plan with an Application for Variance to Section 15-343(a) (side setback) for a reduced side setback of zero (0) feet on the northern property line (2222 Fountain Key Circle) in lieu of the required 10 foot setback. Pursuant to Section 15-343(a), "On lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks

including designated mooring areas, shall have a minimum side setback of ten (10) feet from the projected property line." Therefore, a variance is required.

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 "*The shoreline is so narrow that it is impossible to construct even a small dock within the setbacks.*"

To address Section 15-350(a)(1)(2), the applicant has stated "*There is no negative impact to view or navigation for either adjacent property owner. The only truly affected adjacent property owner has signed a letter of no objection.*"

#### **Notification of Request for Variance**

As required by code, notifications of the variance request were sent to all of the shoreline property owners within 300 feet of the property. EPD has not received any objections to date. In addition, the applicant submitted a Letter of No Objection from the affected property owner located immediately north at 2222 Fountain Key Circle.

#### **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, he believes there is a unique hardship due to the way the lot was platted at the time the subdivision was established. 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 Environmental Protection Officer is to approve the request for variance to Orange County Code.

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|--------------------------------|---|
| <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 ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-343(A)(SIDE SETBACK) FOR THE PAOLI BOAT DOCK CONSTRUCTION PERMIT #BD-16-05-052.</u></b> |
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CS/NT/ERJ/LC: mg

Attachments

# Dock Construction Variance Request



## Dock Construction Variance Request

**District # 1**

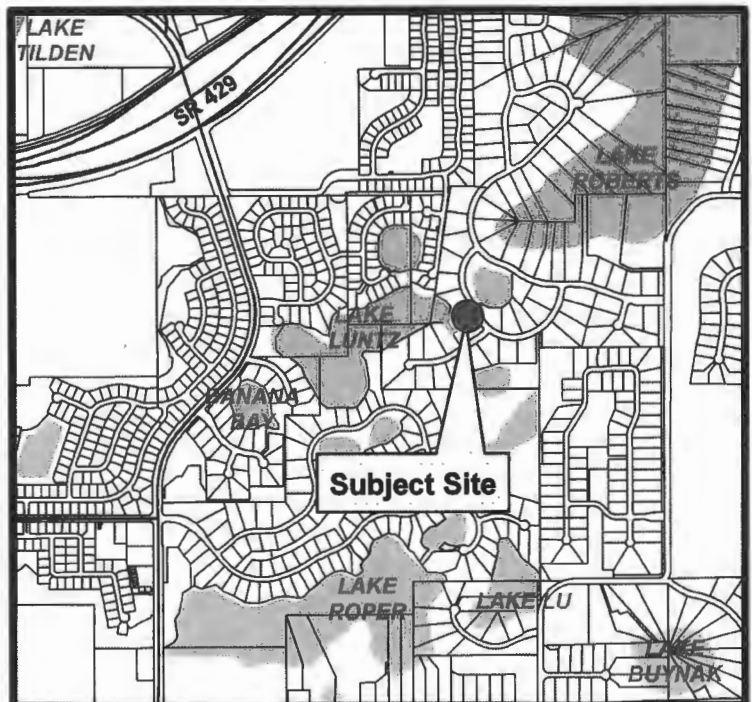
**Applicant:** Gabriel Paoli

**Parcel ID:** 01-23-27-9065-00-650

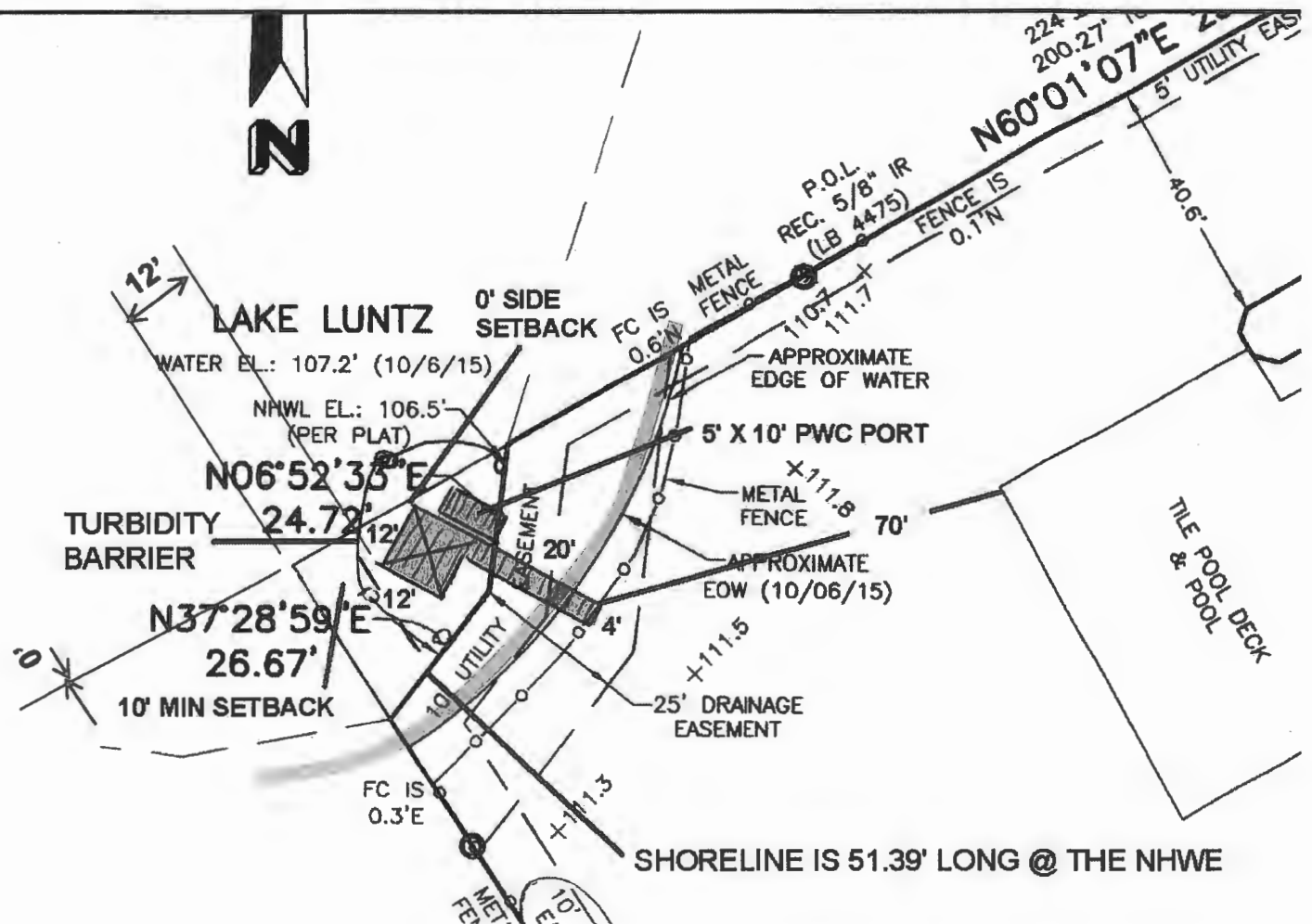
**Project Site**

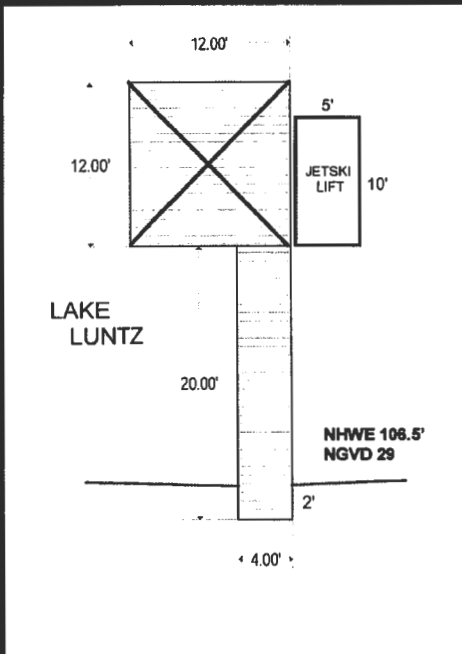


**Property Location**









Plan view

Elevation view

