



Interoffice Memorandum

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: November 29, 2016

AGENDA ITEM

November 1, 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: November 29, 2016 - Consent Item
Environmental Protection Commission Recommendation for a
Waiver Request to Terminal Platform Size and a Variance
Request to Side Setback for Boat Dock Permit BD-16-07-072 for
applicants Darryl and Abigail Hoffman.

The project site is located at 21 Killarney Drive on Lake Killarney. The Parcel ID No. is 02-22-29-2996-01-240. The subject property is located in Orange County Commission District 5.

On July 5, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. Included with the submittal was an Application for Waiver to terminal platform size and an Application for Variance to side setback distance. On August 30, 2016, EPD received a written objection from Michael Reeves, the adjacent property owner to the east at 20 Killarney Drive.

During the October 26, 2016 public hearing, the Environmental Protection Commission voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with a condition that the applicant pay \$435 to the Conservation Trust Fund (CTF) and voted to overturn the recommendation of the EPO and approve the request for variance to Section 15-343(a) (side setback) for the Hoffman Dock Construction Permit BD-16-07-072.

ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with a condition that the applicant pay \$435 to the Conservation Trust Fund and approve the request for variance to Section 15-343(a) (side setback) for the Hoffman Dock Construction Permit BD-16-07-072. District 5

JVW/LC: mg

Attachments



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

ENVIRONMENTAL
PROTECTION
COMMISSION

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
October 26, 2016

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Arwell

Alex Preisser

Glenn Dunkelberger

Mark Corbett

Mark Ausley

PROJECT NAME: Darryl and Abigail Hoffman Dock
PERMIT APPLICATION NUMBER: BD-16-07-072
LOCATION/ADDRESS: 21 Killarney Drive

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(b), DENY THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(b) (TERMINAL PLATFORM SIZE) AND DENY THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE HOFFMAN BOAT DOCK CONSTRUCTION PERMIT BD-16-07-072.

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☒ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:
Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with the condition the applicant pay \$435.00 to the Conservation Trust Fund; and approve the Request for Variance to Section 15-343(a) (side setback distance) for the Hoffman Boat Dock Construction Permit BD-16-07-072.

Signature of EPC Chairman: _____

David R. Ward

DATE EPC RECOMMENDATION RENDERED: _____

10/26/16

Dock Variance and Waiver Request



Dock Variance and Waiver Request

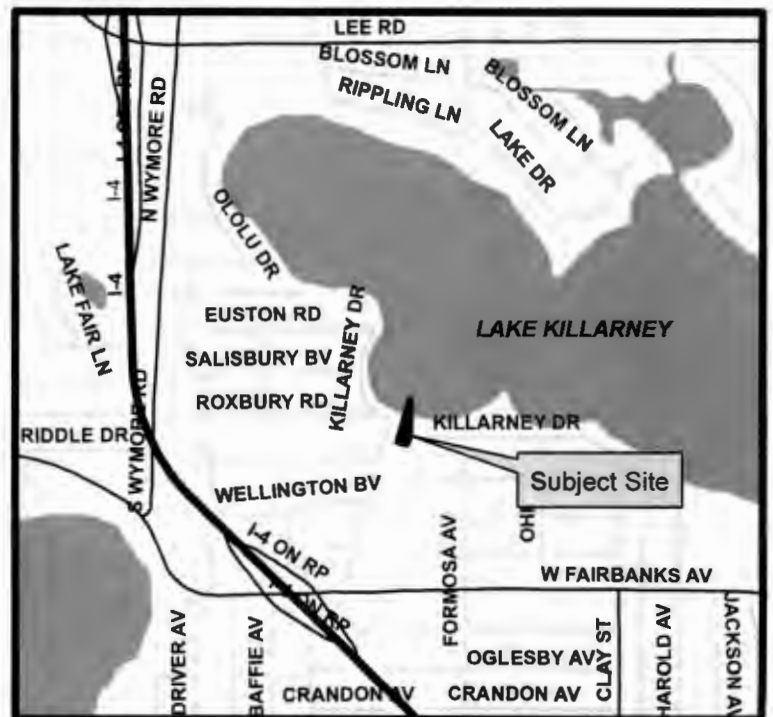
District #5

Applicant: Darryl and Abigail Hoffman

Parcel ID: 02-22-29-2996-01-240

Project Site 

Property Location 





**Interoffice Memorandum
Community, Environmental and Development Services Department**

October 26, 2016

TO: Environmental Protection Commission

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

SUBJECT: Darryl and Abigail Hoffman Boat Dock Waiver and Variance Requests

Reason For Public Hearing

The applicants, Darryl and Abigail Hoffman, are requesting a waiver to Section 15-342(b) (terminal platform size) and a variance to Section 15-343(a) (side setback).

Location of Property/Legal Description

The project site is located at 21 Killarney Drive on Lake Killarney. The Parcel ID is 02-22-29-2996-01-240. The subject property is located in Orange County Commission District 5.

Public Hearing Notifications

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

Staff Findings

On July 5, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

Included in the application package was an Application for Waiver to Section 15-342(b) (terminal platform size) and an Application for Variance to Section 15-343(a) (side setback distance).

The applicant proposes to construct a dock that will have a 7.5' mooring depth at Normal High Water Elevation. Chapter 15, Article IX, Section 15-342, Conditions for issuance of dock construction permits states:

- (a) The dock shall extend only to the point where reasonable water depth for vessel mooring is achieved. The maximum water depth allowed for mooring areas is five feet, as measured from the Normal High Water Elevation (NHWE), unless the natural conditions of the water body necessitate a greater water depth to allow reasonable mooring conditions. The dock shall not adversely affect the rights of other persons and property owners' use of, and access to, the water body.....".

In this case, the bathymetry of the lake indicates that there is a sharp increase in water depth several feet from the shoreline. Additionally, there is a large stand of cypress knees along the seawall that render saving.

The dock does not protrude out farther than adjacent docks and does not create a navigational hazard or adversely affect the rights of other persons and property owners' use of, and access to, the water body. Therefore, EPD has no objections to the proposed mooring depth and a variance is not required.

Notification of the Application for Waiver to Section 15-342(b) (terminal platform size) and Application for Variance to Section 15-343(a) (side setback distance) were sent to all shoreline property owners within 300 feet of the subject property by certified mail on July 26, 2016.

Terminal Platform Waiver

Section 15-342(b) 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 one thousand (1,000) square feet."

The applicants have approximately thirty-seven (37) feet of shoreline; therefore, the allowed terminal platform size for the subject lot is 370 square feet. The applicants are requesting a terminal platform size of 560 square feet.

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 15-350(a)(2)(1), the applicants have stated "the lot is so narrow at the NHWE that the terminal platform size determined by code would barely allow for a boathouse alone. We are requesting the additional square footage to allow for a very narrow deck beside the boathouse."

In accordance with EPD procedures, the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM). The environmental impact associated with the larger terminal platform size can be offset with a payment of \$435.00 to the Conservation Trust Fund (CTF).

To address Section 15-350(a)(2)(2), the applicants have stated, "the proposed structure will not adversely affect the adjacent property owner's view or navigability."

Side Setback Variance

Section 15-343(a) states, "on lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks shall have a minimum side setback of ten (10) feet from the projected property line." The subject property has thirty-seven (37) linear feet of shoreline so the required setback from the projected property lines is ten (10) feet. The applicants are requesting a setback distance of five (5) feet to each adjacent projected property line.

Pursuant to Section 15-350(a)(1), "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 applicants have stated that "the lot pies dramatically, so that even a below standard sized boathouse does not fit within the setbacks."

To address Section 15-350(a)(1)(2), the applicants have stated that "the proposed boathouse does not negatively impact the view or navigation for either adjacent property owner."

Objection

On August 30, 2016, EPD received a written objection from Michael Reeves, the adjacent property owner to the east at 20 Killarney Drive. Mr. Reeves objects to the proposed size of the structure, the encroachment of the structure into the 10-foot setback and location of the proposed dock because it will impair his view of the southwest corner of the lake. Mr. Reeves also mentions his concern that if approved, this could lead to future approvals of oversized boat docks and setback variances along the southern edge of Lake Killarney.

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

Enforcement Action

There currently is no enforcement action for this property.

Staff Recommendation

The recommendation of the Environmental Protection Officer (EPO) is to deny the request for waiver and variance based on the failure of the applicant to demonstrate that the waiver and variance requests will not have a negative impact on the adjacent property.

<u>ACTION REQUESTED</u>	<u>PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(b), DENY THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(b) (TERMINAL PLATFORM SIZE) AND DENY THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE HOFFMAN BOAT DOCK CONSTRUCTION PERMIT BD-16-07-072.</u>
--------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

JR/NT/ERJ/LC: mg

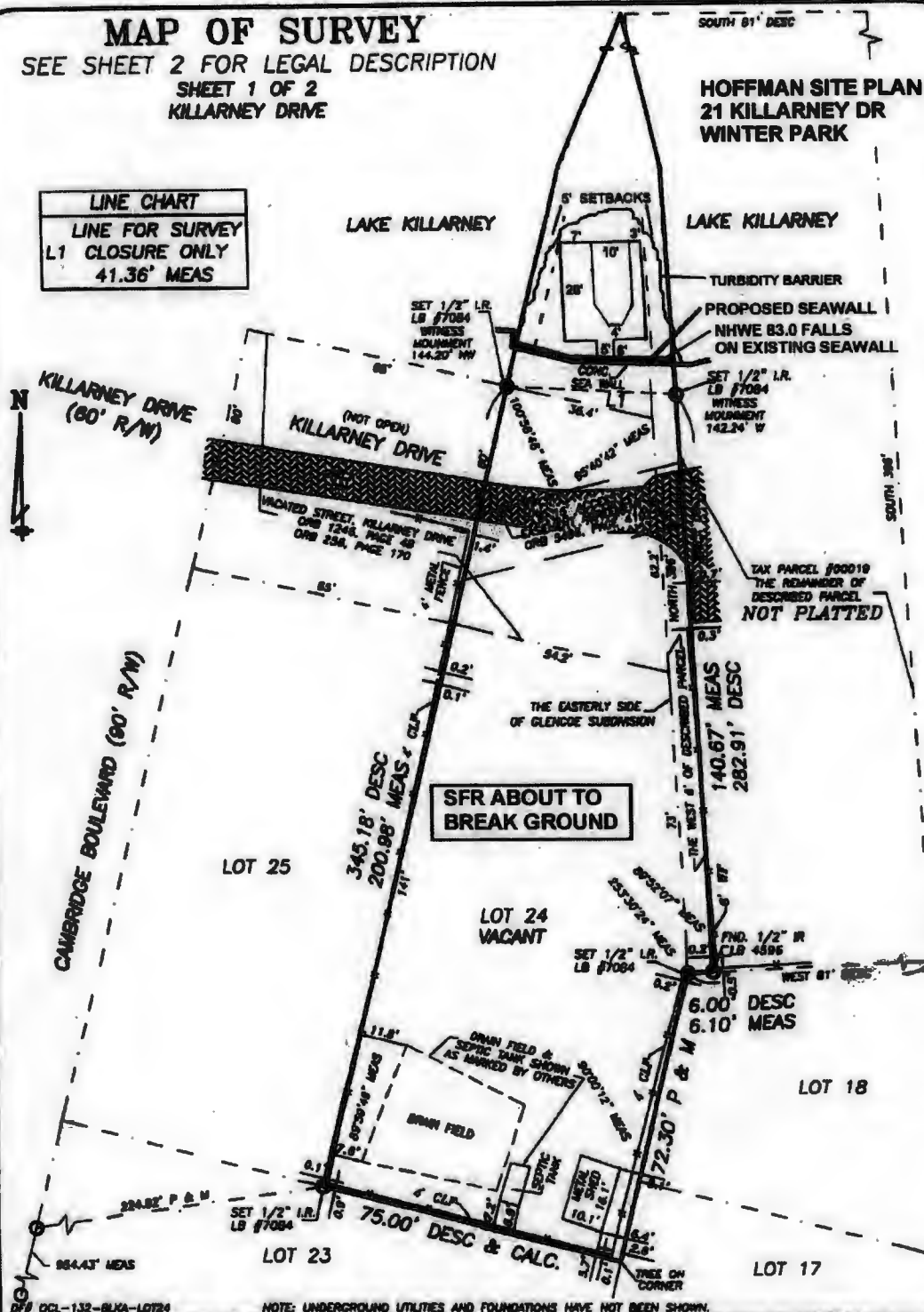
Attachments

MAP OF SURVEY

SEE SHEET 2 FOR LEGAL DESCRIPTION
SHEET 1 OF 2
KILLARNEY DRIVE

HOFFMAN SITE PLAN
21 KILLARNEY DR
WINTER PARK

LINE CHART
LINE FOR SURVEY
L1 CLOSURE ONLY
41.36' MEAS



BY OCL-132-BLKA-L0124

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: SAMUEL JAMES ARTERBURN.

FIELD DATE: APRIL 2, 2015

SCALE: 1"=30' DRAWN BY: APZAR
BEARING STRUCTURE BASED ON THE EAST RIGHT
OF WAY LINE OF CAMBRIDGE BOULEVARD.

THIS LOT IS IN FLOOD ZONE XA2E, BASED ON FLOOD INSURANCE RATE MAP, NO.120178 Q225 F, ORANGE COUNTY, FLORIDA.

LEGEND	
BC - BACK OF CURB	IR - IRON ROD
CALC - CALCULATED	L - ARC LENGTH
CL - CENTERLINE	LB - LICENSE BUSINESS
CLT - CENTRAL ANGLE	MEAS - MEASURED
CONC - CONCRETE	ME - MEAL SHED
CONC - CONCRETE BLOCK WALL	MAD - MAIL & CUB
CONC - CONCRETE ALUMINUM	MS - MEASUREMENT
CONC - CONCRETE PAD	ONE - OVERHEAD ELECTRICAL
CONC - CONCRETE WALKWAY	CL - ON LINE
CONC - COVERED	POB - POINT OF BEGINNING
DESC - DESCRIPTION	POC - POINT OF COMMENCEMENT
DR - DRAINAGE	PC - POINT OF CURVATURE
DR - DRAINAGE EASEMENT	PP - POWER POLE
DR - EASEMENT	PAM - PLAT & MEASURED
E/P - EDGE OF PAVEMENT	R - RADIAL
FTE - FINISHED FLOOR ELEVATION	R/W - RIGHT OF WAY
FO - FOUND	TYP - TYPICAL
IR - IRON PIPE	UE - UTILITY EASEMENT
	UB - UTILITY BOX
	WF - WOOD FENCE
	W - GUY WIRE ANCHOR

REVISIONS:

M.A.P.
Land Surveying, Inc.

4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 886 4557
FAX 407 877 5776

E-Mail
Maplandsurvey@cfll.net.com

LB #7084

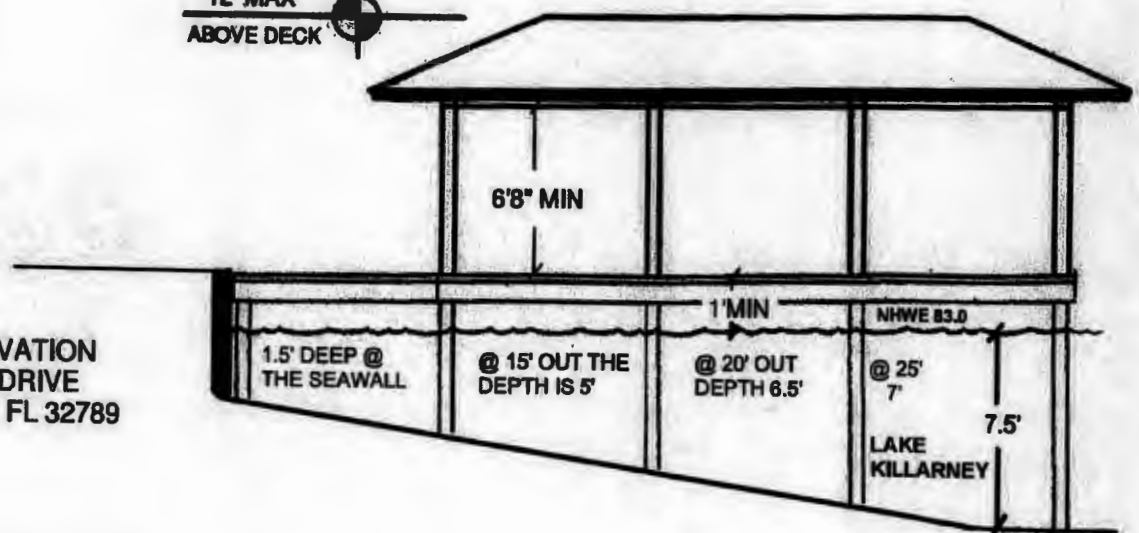
Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
BASED SEAL, OR THE ELECTRONIC SIGNATURE AND SEAL
OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

12' MAX
ABOVE DECK



HOFFMAN ELEVATION
21 KILLARNEY DRIVE
WINTER PARK, FL 32789



Michael Reeves
20 Killarney Drive
Winter Park, FL 32789

August 30, 2016

Elizabeth "Liz" R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando Florida 32803

RE: Application No. BD-16-07-072
Hoffman Residence
21 Killarney Drive

Dear Liz:

Per Jason Root's letter received August 4th 2016, I am writing to notify the EPD of my objection to the proposed boat dock at 21 Killarney Drive (BD-16-07-072).

I am opposed to the dock for the following reasons:

- Terminal platform size
- Setback encroachment
- Proposed placement of the dock relative to my property
- Negatively affects my view of the lake

The lot does have a limited "pie" shape of the riparian rights, however the owner was aware of this, and the associated restrictions when the lot was purchased. The proposed terminal platform size is more than necessary for adequate ingress or egress to a boat, and the terminal mooring depth is greater than the allowed five feet (I am aware there may be an exception due to drop off of the lake depth, however the proposed dock is still 28' out into the lake).

I am also opposed to the encroachment of the 10' setback and the location of the proposed dock on the property as it negatively impairs my view of the southwest corner of the lake. From my front porch, looking left less than 30 degrees would no longer be a lake view, but rather a boat dock. Also, the proposed location of the dock on the property is situated such that from the owner's proposed house, the majority of the dock would be tucked behind two large cypress trees so as not to impair the owners' view of the lake from the proposed home to be built.

Finally, I am also concerned that if approved, this could lead to future approvals of oversized boat docks and setback variances along the southern edge of Lake Killarney. There is a noticeable difference to the southern shoreline, vs the docks on the western edge of Lake Killarney (Ololu, LotaFun) where they are very close together and detract from the natural beauty of the lake.

Sincerely,
Michael Reeves