



## Interoffice Memorandum

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

BCC Mtg. Date: November 29, 2016

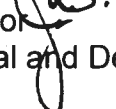
## AGENDA ITEM

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 Cunniff, 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 for the Brantley Dock Construction Permit BD-  
16-07-077

On July 13, 2016, the Orange County Environmental Protection Division (EPD) received an Application to Construct a Dock for property owned by Keith Brantley, located at 2202 Whiting Trail, on Lake Pickett. The dock permit application also included an Application for Waiver to Section 15-342(b) (terminal platform size).

The applicant has approximately 125 linear feet of shoreline; therefore, the maximum terminal platform size allowed by Code is 1,000 square feet. The applicant is requesting to construct a boat dock with a terminal platform size of 1,352 square feet. EPD received no objections to the waiver request, and the Applicant has agreed to offset the environmental impact associated with the larger terminal platform with a contribution of \$1,160 to the Conservation Trust Fund (CTF).

During the October 26, 2016 public hearing, the Environmental Protection Commission (EPC) voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve the request for waiver to Section 15-342(b) (terminal platform size), with the condition that the applicant pay \$1,160 to the CTF.

**ACTION REQUESTED:** Acceptance of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's Recommendation of Approval of the request for Waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b), with the condition the applicant pay \$1,160 to the Conservation Trust Fund for the Brantley Dock Construction Permit BD-16-07-077. District 5

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  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
October 26, 2016

PROJECT NAME: Keith Brantley Boat Dock  
PERMIT APPLICATION NUMBER: BD-16-07-077  
LOCATION/ADDRESS: 2202 Whiting Trail, Orlando, FL 32820

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 THAT THE APPLICANT PAY \$1,160.00 TO THE CONSERVATION TRUST FUND.**

☒ 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:

*10/26/16*



**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

SUBJECT: Keith Brantley Private Dock Waiver Request

A handwritten signature in black ink, appearing to read "L. Cunniff", is written over the "FROM:" line of the memorandum.

**Reason For Public Hearing**

The applicant, Keith Brantley, is requesting a waiver to Section 15-342(b) (terminal platform size).

**Location of Property/Legal Description**

The project site is located at 2202 Whiting Trail within the Lake Pickett Reserve Subdivision on Lake Pickett. The Parcel ID for the site is 10-22-32-4430-00-460. The subject property is located in Orange County Commission District 5.

**Public Hearing Notifications**

The applicant and agent were notified of the hearing on September 23, 2016.

**Staff Findings**

On July 13, 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, Environmental Protection Division (EPD) staff has evaluated the proposed application and required documents.

Subsequently, on July 22, 2016, EPD received Applications for Waiver to Section 15-342(b) (terminal platform size) and Section 15-343(b) (side setback distance).

Notifications for the waivers were sent to all shoreline property owners within 300 feet of the subject property on August 16, 2016. Written comments were received from Mario and Debra Castro at 2190 Whiting Trail (2 parcels southeast of 2202 Whiting Trail) on August 23, 2016, stating that they had no objection to the proposed dock. EPD has not received any objections to the proposed waivers.

**Terminal Platform Waiver**

Section 15-342 (b) states that the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet.

The applicants have approximately 125 linear feet of shoreline; therefore, the allowed terminal platform size for the subject property is 1,000 square feet. The applicants are requesting a terminal platform size of 1,352 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 that *"The environmental impact associated with the proposed dock is shade to the submerged aquatic vegetation. The vegetation is consistent along the shoreline of the lake. The applicant will build the dock out far enough so as not to impact the vegetation along the shoreline. The boat dock provides shade to fish and wildlife species that utilize the open water system."* EPD has not received any objections to the terminal platform size waiver request.

To address Section 15-350(a)(2)(2), the applicants have stated *"The boat house is designed so the activity deck is on the opposite side of the adjacent neighbor. The extra slip for the boathouse is also designed without a catwalk on the adjacent neighbor's side. This should minimize the effect on the abutting, adjacent shoreline owner."* Furthermore, the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM) and the applicant has agreed to offset the environmental impact associated with the larger terminal platform size with a contribution of \$1,160.00 to the Conservation Trust Fund (CTF).

#### **Side Setback Waiver**

Pursuant to Section 15-343(b), "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." Therefore, since this property is approximately 125 linear feet at the Normal High Water Elevation (NHWE), the required side setback distance for this dock from the projected property lines is twenty-five (25) feet. The applicant is requesting for the proposed structure be ten (10) feet from the eastern adjacent property at 2196 Whiting Trail.

Notice of the proposed waiver request was sent to the affected property owner (Pulte Homes) at 2208 Whiting Trail on August 16, 2016. No objection has been received to date. No action is required by the Environmental Protection Commission (EPC) for this issue because the side setback waiver can be approved by the Environmental Protection Officer (EPO).

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

#### **Enforcement Action**

There has been no enforcement action on this property.

October 26, 2016

Environmental Protection Commission - Brantley Boat Dock Staff Report

Page 3

**Staff Recommendation**

The recommendation of the Environmental Protection Officer (EPO) is to approve the request for waiver to Section 15-343(b) for the additional terminal platform size with the condition that the applicant pay \$1,160.00 to the CTF as mitigation for the adverse impacts to the environment associated with the larger than allowed terminal platform size.

**ACTION REQUESTED**

**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 THAT THE APPLICANT PAY \$1,160.00 TO THE CTF, FOR THE BRANTLEY BOAT DOCK CONSTRUCTION PERMIT BD-16-07-077.**

SG/NT/ERJ/LC: mg

Attachments

# Application to Construct a Dock



## Application to Construct a Dock

### District # 5

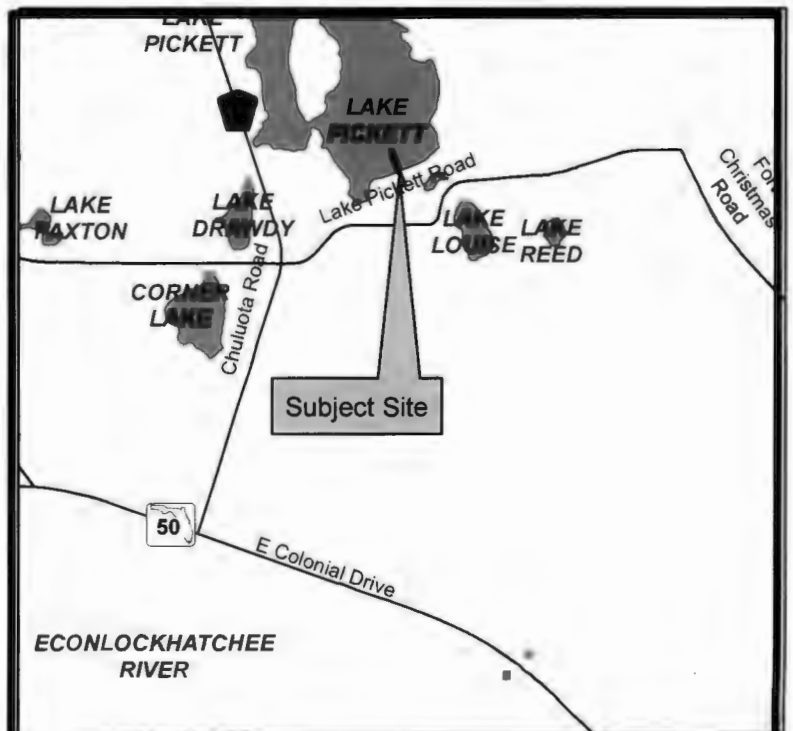
**Applicant:** Keith Brantley

**Parcel ID:** 10-22-32-4430-00-460

**Project Site**

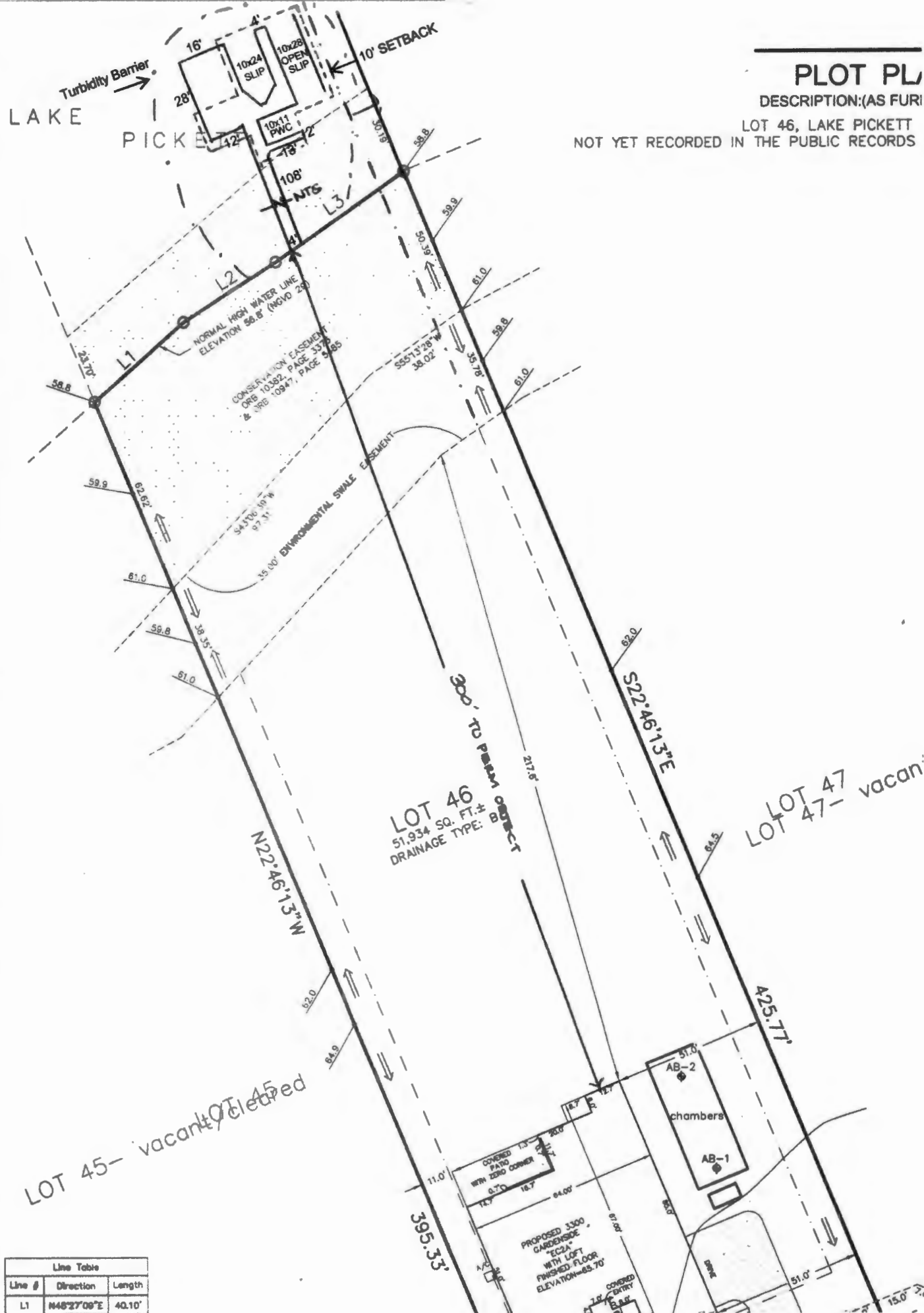


**Property Location**

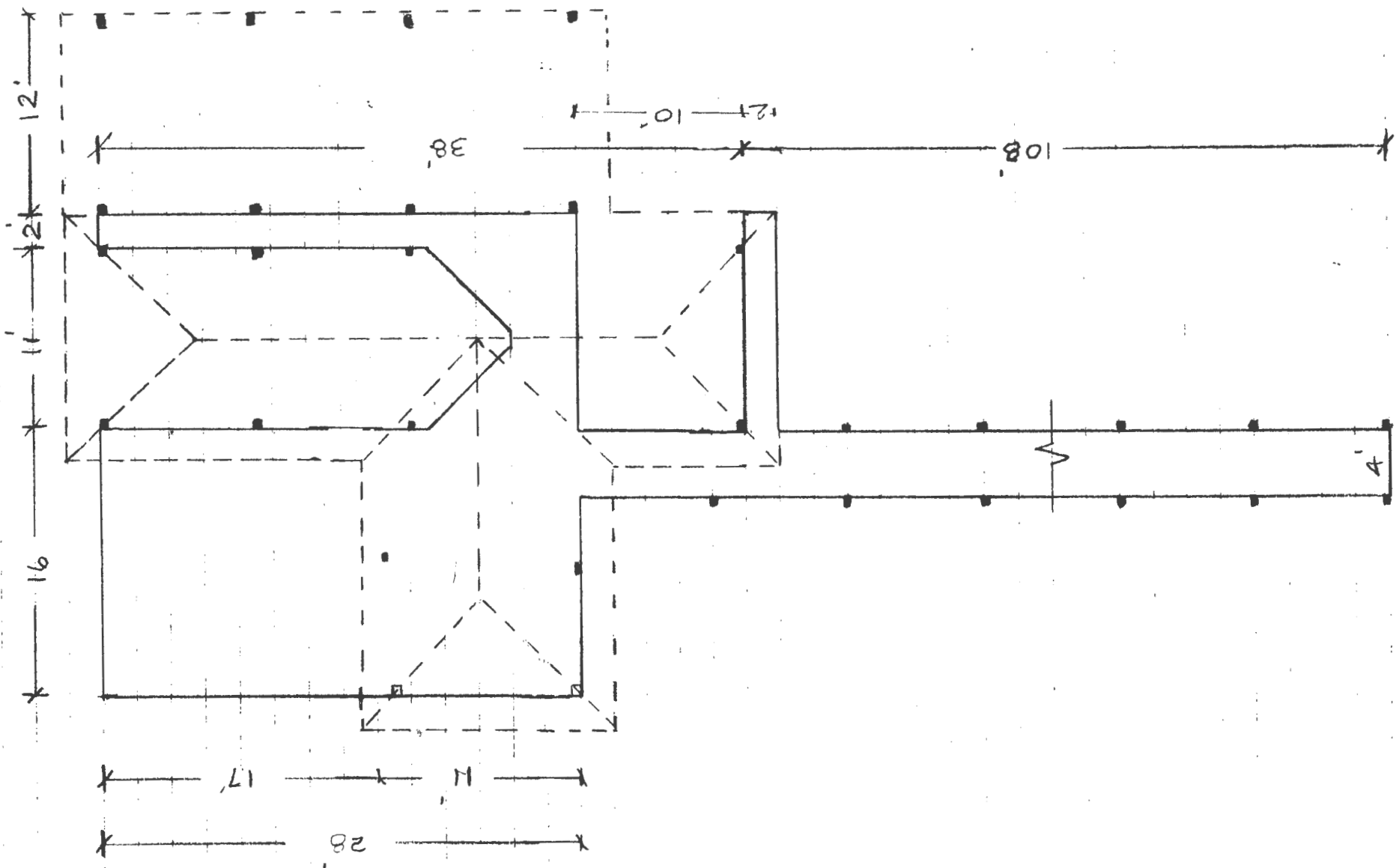


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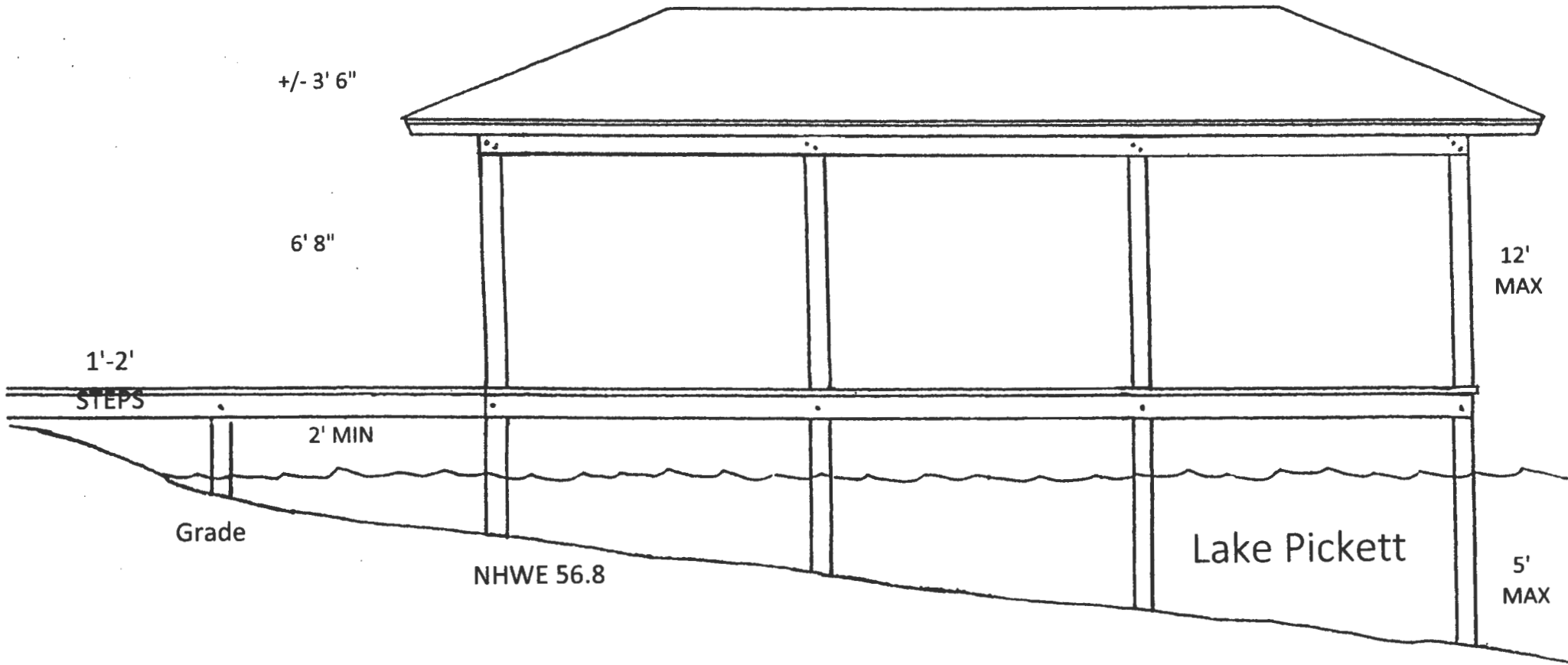
NOT YET RECORDED IN THE PUBLIC RECORDS



Line Table		
Line #	Direction	Length
L1	N45°27'09"E	40.10'















## 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:** 3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
(407) 836-1400, Fax (407) 836-1499

I Renea Anderson on behalf of Keith Brantley (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 environmental impact associated with the proposed dock is shade to the submerged aquatic vegetation. The vegetation is consistent along the shoreline of the lake. The applicant will build the dock out far enough so not to impact the vegetation along the shoreline. The boat dock provides shade to fish and wildlife species that utilize the open water system.

2. Describe the effect of the proposed waiver on abutting shoreline owners:

A letter of no objection has been provided by the adjacent property owner.

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: Renea Anderson  
Signature of Applicant/Agent Renea Delyoung Anderson Date: 07/22/2016  
Corporate Title (if applicable): \_\_\_\_\_



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## APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

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(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

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1. Describe how this waiver would not negatively impact the environment:

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2. Describe the effect of the proposed waiver on abutting shoreline owners:

The boathouse is designed so the activity deck is on the opposite side of the adjacent neighbor. The extra slip for the boathouse is also designed without a catwalk on the adjacent neighbor's side. This should minimize the effect on the abutting, adjacent shoreline owner.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

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Name of Applicant: Renea Anderson

Signature of Applicant/Agent Renea DeYoung Anderson Date: 07/22/2016

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

**From:** Debbie Castro  
**To:** Given, Sarah A; Mario Castro; keith.brantley@marfas.com  
**Subject:** Keith Brantley dock application #BD-16-07-077  
**Date:** Tuesday, August 23, 2016 6:04:28 PM

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Sarah,

We have no objections to the proposed dock plans submitted to you by the Brantley's. We wanted to notify you, with the hope that, other neighbors would also do the same, so that they may have the opportunity to start sooner than the 35 day objection period.

Mario and Debra Castro  
2190 Whiting Trail  
Orlando, FL 32820





ENVIRONMENTAL PROTECTION DIVISION  
Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
3165 McCrory Place, Suite 200  
Orlando, FL 32803  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

September 23, 2016

Keith Brantley  
2202 Whiting Trail  
Orlando, Florida 32820  
Email: [keith.brantley@marfas.com](mailto:keith.brantley@marfas.com)

### **NOTICE OF PUBLIC HEARING**

The Environmental Protection Commission will conduct a public hearing on **October 26, 2016, 8:30 a.m.**, or as soon thereafter as possible, at the Environmental Protection Division offices located at 3165 McCrory Place, Suite 200, Orlando, Florida, 32803, to consider:

A request by Keith Brantley for a waiver to Orange County Code Section 15-342(b) (terminal platform size) from the maximum allowed 1,000 square feet to 1,352 square feet. The project is located at 2202 Whiting Trail, Orlando, on Lake Pickett in Orange County Commission District #5.

**The applicant and/or agent are required to attend this meeting. All other interested parties are invited to attend and be heard. If you have any questions regarding the public hearing, contact me at (407) 836-1400.**

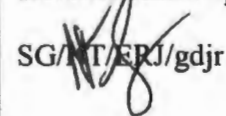
Any person wishing to appeal any decision made by the Environmental Protection Commission at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, that person should contact the Environmental Protection Division at (407) 836-1400.

Para más información, favor de comunicarse con la División de Protección del Medio Ambiente al número de telefono (407) 836-1400.

Sincerely,

  
Sarah A. Given  
Environmental Specialist II

SG/MT/EPJ/gdjr  






ENVIRONMENTAL PROTECTION DIVISION  
Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
3165 McCrory Place, Suite 200  
Orlando, FL 32803  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

September 23, 2016

Renea Cichra  
Albert Cichra Builders, Inc.  
13936 Marine Drive  
Orlando, FL 32832  
Email: [cichra@bellsouth.net](mailto:cichra@bellsouth.net)

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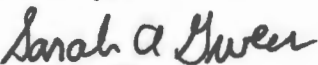
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Sincerely,

  
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Environmental Specialist II

SG/NT/ERA/gdjr  
