



Interoffice Memorandum

AGENDA ITEM

January 30, 2017

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: February 21, 2017 - Consent Item
Environmental Protection Commission Recommendation
Boat Dock Permit BD-16-10-096 Janine and Christopher Seppi

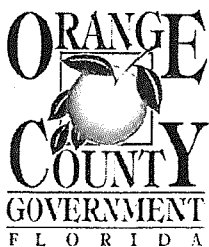
The project site is located at 14198 Bridgewater Crossings Boulevard on Lake Speer. The Parcel ID No. is 15-23-27-1540-00-930 in Orange County Commission District 1.

On September 29, 2016, the Environmental Protection Division (EPD) received an after-the-fact 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.

During the January 25, 2017 public hearing, the Environmental Protection Commission voted 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 \$522 to the Conservation Trust Fund and approve the request for variance to Section 15-343(a) (side setback) for the Seppi Dock Construction Permit BD-16-10-096. The applicant was assessed a \$200 penalty for doing the unauthorized work. The penalty will be placed in the Conservation Trust Fund.

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 \$522 to the Conservation Trust Fund and approve the request for variance to Section 15-343(a) (side setback) for the Seppi Dock Construction Permit BD-16-10-096. District 1

JVW/LC: mg
Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preiser

Mark Corbett

Mark Ausley

Norman Blackburn

ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, CEP, CHMM, Deputy Director

Community, Environmental and Development Services Department

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ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION January 25, 2017

PROJECT NAME: Janine and Christopher Seppi
PERMIT APPLICATION NUMBER: BD-16-10-096
LOCATION/ADDRESS: 14198 Bridgewater Crossings Boulevard

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) AND APPROVE THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE SEPPi AFTER-THE-FACT BOAT DOCK CONSTRUCTION PERMIT BD-16-10-096.

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:

David Ward

DATE EPC RECOMMENDATION RENDERED:

1/25/17



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

January 6, 2017

TO: Environmental Protection Commission

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

SUBJECT: Janine and Christopher Seppi Boat Dock Waiver and Variance Requests

Reason For Public Hearing

The applicants, Janine and Christopher Seppi, are requesting an after-the-fact waiver to Section 15-342(b) (terminal platform size) and after-the-fact variance to Section 15-343(a) (side setback).

Location of Property/Legal Description

The project site is located at 14198 Bridgewater Crossings Boulevard on Lake Speer. The Parcel ID is 15-23-27-1540-00-930. The subject property is located in Orange County Commission District 1.

Public Notifications

The applicant and agent were notified of the hearing on January 10, 2017.

Staff Findings

On March 14, 2016, Environmental Protection Division (EPD) staff was notified of an unpermitted addition to a dock located at 14198 Bridgewater Crossings Boulevard. On March 15, 2016, an EPD inspector visited the site and documented the unpermitted floating addition to the dock. EPD spoke with Mrs. Seppi and explained that a permit was required for the modification to her dock which was originally permitted in 2008 (08-029). EPD also explained that a waiver to terminal platform size and variance to side setback would also be required in order to keep the addition.

On September 29, 2016, EPD received an application for the dock along with applications for waiver and variance in order to permit the dock after the fact. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

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."

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The applicants have approximately sixty nine (69) feet of shoreline; therefore, the allowed terminal platform size for the subject lot is 690 square feet. The applicants are requesting a terminal platform size of 797 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 addition to the terminal platform will be constructed over open water, so there will not be any impact to wetland vegetation. The proposed terminal platform is only 107 square feet over the allowed limit..."

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 \$522.00 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 sixty-nine (69) linear feet of shoreline so the required setback from the projected property lines is ten (10) feet. The applicants are requesting a side setback distance of 0.49 feet to the northwest projected property line and three (3) feet to the southeast 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 "these parcels were platted with very narrow shorelines, because this area is on a cove. It is very difficult to construct even an average sized boathouse within the property boundaries."

To address Section 15-350(a)(1)(2), the applicants have stated that, "due to the angle of the property lines and the similarity of all of the lots in this area, there is no navigational hazard or view obstruction."

Notification of the waiver and variance requests was sent to the shoreline property owners within 300 feet of the subject parcel. No objections were received by EPD.

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

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Variance Requests

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Enforcement Action

There is currently an open enforcement case for this property. Issuance of the after-the-fact dock permit along with a \$200.00 penalty will resolve the enforcement case.

Staff Recommendation

The recommendation of the Environmental Protection Officer (EPO) is to approve the request for after-the-fact waiver and after-the-fact variance.

<u>ACTION REQUESTED</u>	<u>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) AND APPROVE THE REQUEST FOR A VARIANCE TO SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE SEPPI AFTER-THE-FACT BOAT DOCK CONSTRUCTION PERMIT BD-16-10-096.</u>
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JR/NT/ERJ/LC: mg

Attachments

Dock Variance and Waiver Request



Dock Variance and Waiver Request

District #1

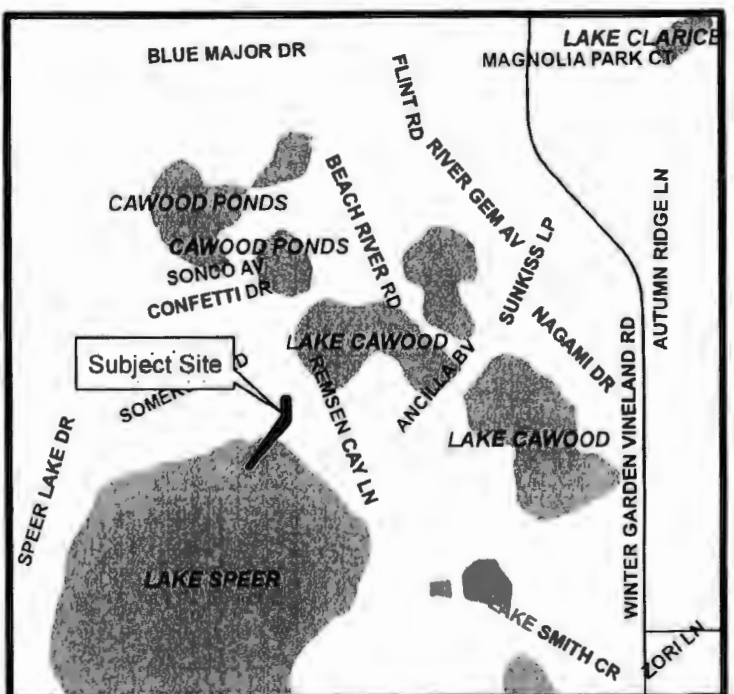
Applicant: Janine and Christopher Seppi

Parcel ID: 15-23-27-1540-00-930

Project Site



Property Location



Plan View



PROPOSED ↑
EXISTING ↓

Lake Speer

Calculations
Env. Swale Esmt Walkway - 4' x 22' = 88 sq. ft.
Conservation Esmt. Walkway - 4' x 36' = 144 sq. ft.
Terminal Walkway (Over Wetlands) 4' x 260' = 1040 sq. ft.
Terminal Walkway (Over Open Water) 4' x 36' = 144 sq. ft.
Terminal Platform - 24' x 26' + 5' x 14.5' + 3' x 9' + 6' x 12'

Total Linear Shoreline at OHWE/NIWE - 68.97

Total sq. ft. of terminal platform proposed 797

SEPPI BOATHOUSE

Address 14198 Bridgewater Crossings Blvd

TURBIDITY BARRIER

12'

FLOATING DOCK

6'

RAMP

9.5'

26'

Water Depth 5'

3'

24'

36'

Terminal Walkway Elevated 3'

5'

10.5'

Edge of Lake / Vegetation

260'

Terminal Walkway Elevated 5'

Non-Navigable Wetland

OHWE/NIWE 100.5'

36'

Conservation Esmt

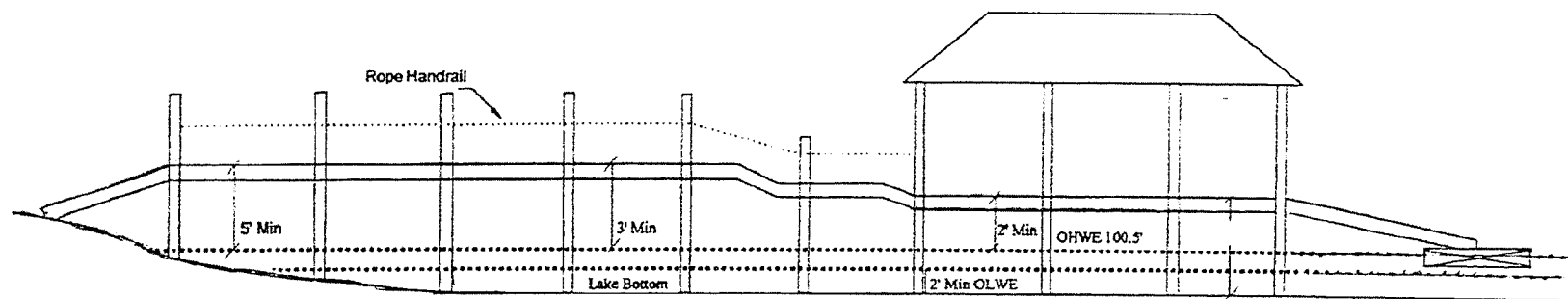
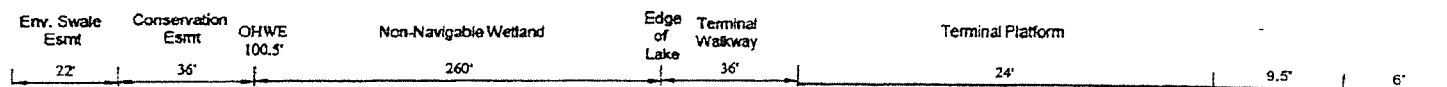
22'

Environmental Swale Esmt

4'

Boat Dock Elevation

SEPPi RESIDENCE - 14138 BRIDGEWATER CROSSINGS BLVD, WINDERMERE



SEPPi SITE PLAN
14198 BRIDGEWATER CROSSING BLVD
WINDERMERE, FL 34786

