

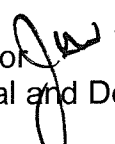


Interoffice Memorandum

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-15-05-052 Robert Kent Howell

The project site is located at 14629 Isleview Drive on Lake Hancock. The Parcel ID No. is 27-23-27-2740-00-160. The subject property is located in Orange County Commission District 1.

On July 11, 2016, the Environmental Protection Division (EPD) received an as-built survey for Dock Construction Permit BD-15-05-052 for the subject property. Upon review, staff discovered that the roof height was at 12.7 feet rather than at 12.0 as the Code requires. On November 18, 2016, EPD received an after-the-fact Application for Variance to roof height.

During the January 25, 2017 public hearing, the Environmental Protection Commission (EPC) voted to approve the after-the-fact request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Robert Kent Howell Dock Construction Permit BD-15-05-052.

ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to approve the after-the-fact request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Robert Kent Howell Dock Construction Permit BD-15-05-052. District 1

JVW/LC: mg
Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preiser

Mark Corbett

Mark Ausley

Peggy Blackburn

ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, CEP, CHMM, Deputy Director

Community, Environmental and Development Services Department

3165 McCoy Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax 407-836-1499

www.ocfl.net

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION

January 25, 2017

PROJECT NAME: Robert Kent Howell

PERMIT APPLICATION NUMBER: BD-15-05-052

LOCATION/ADDRESS: 14629 Islevue Drive

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE AFTER-THE-FACT REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(E) FOR THE ROBERT KENT HOWELL DOCK CONSTRUCTION PERMIT BD-15-05-052.

✓ 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 R. 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
SUBJECT: Robert Kent Howell After-The-Fact Variance Request

Reason For Public Hearing

The applicant, Robert Kent Howell, is requesting an after-the-fact variance to Section 15-342(e) (roof height).

Location of Property/Legal Description

The project site is located at 14629 Isleview Drive, Winter Garden, Florida 34787. The Parcel ID for the site is 27-23-27-2740-00-160. The subject property is located on Lake Hancock in Orange County Commission District 1.

Public Notifications

The applicant was notified of the hearing on January 5, 2017.

Staff Findings

Dock Construction Permit BD-15-05-052 was originally issued on June 12, 2015. On July 11, 2016, the Environmental Protection Division (EPD) received an as-built survey for the completed dock. Upon review of the survey, staff discovered that the roof height was 12.7 feet.

Per Orange County Code, Chapter 15, Article IX, Section 15-342(e), the roof height is required to be no more than twelve (12) feet above the finished floor elevation.

On November 3, 2016, EPD staff sent Mr. Howell a Request for Additional Information (RAI) letter in regards to the as-built survey review. In this letter, staff provided two options to Mr. Howell to bring the dock into compliance; make structural modifications to the existing roof to bring the roof height into compliance or apply for an after-the-fact variance to roof height.

On November 18, 2016, EPD received an after-the-fact application for variance to Section 15-342(e) (roof height).

Notifications for the after-the-fact variance request were sent to all shoreline property owners within 300 feet of the subject property on December 2, 2016.

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."

In regards to 15-350(a)(1)(1), the applicant has stated "that the roof tiles added to the top of the wooden portion of the roof cause the increase in roof height."

In regards to 15-350(a)(1)(2), the applicant has stated that "there will be no impact on adjacent property owners". EPD has not received any objections to the request at this time.

Enforcement Action

There currently is no enforcement action for this property.

Staff Recommendation

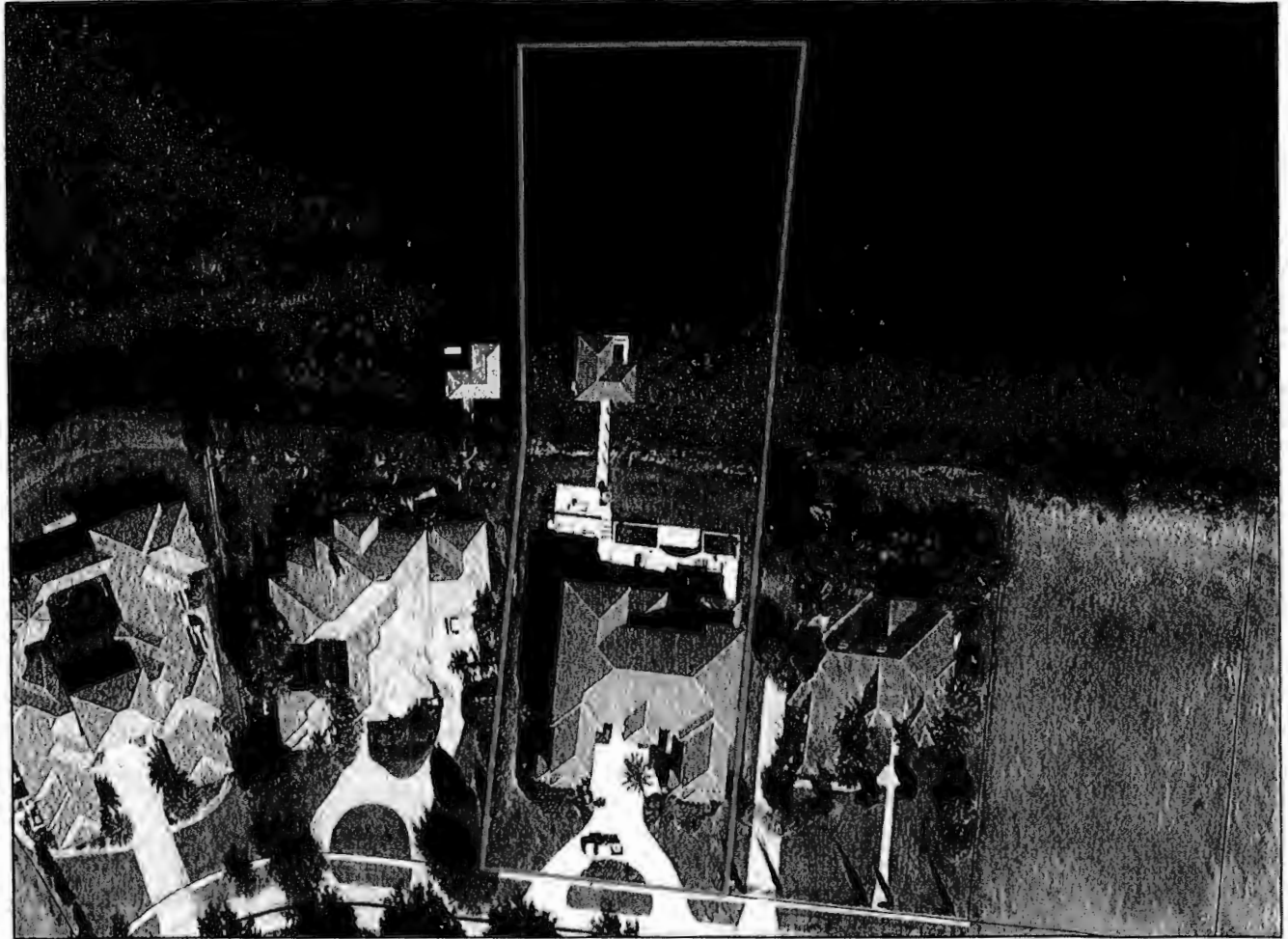
The recommendation of the Environmental Protection Officer (EPO) is to approve the after-the-fact variance request for increased roof height.

<u>ACTION REQUESTED</u>	<u>PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE AFTER-THE-FACT REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(E) FOR THE ROBERT KENT HOWELL DOCK CONSTRUCTION PERMIT BD-15-05-052.</u>
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JS/NT/ERJ/LC: mg

Attachments

After-the-Fact Dock Construction Variance Request



After-the-Fact Dock Construction Variance Request

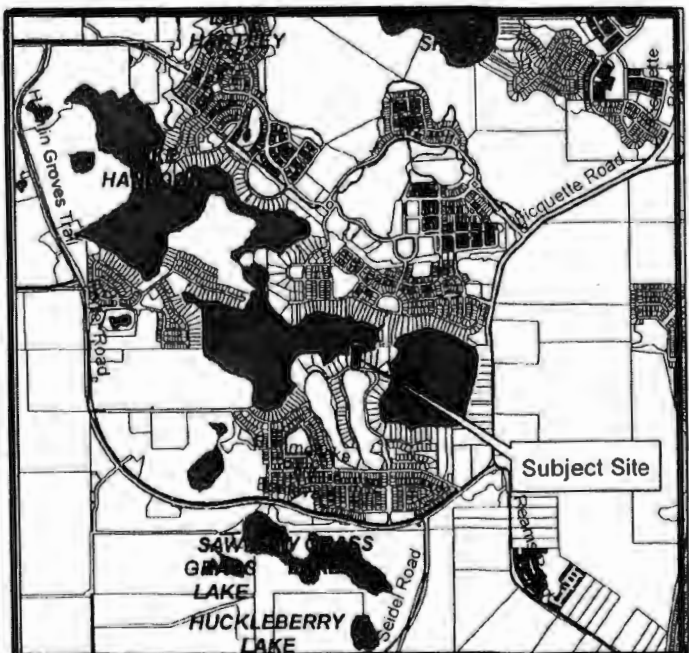
District #1

Applicant: Robert Kent Howell

Parcel IDs: 27-23-27-2740-00-160

Project Site 

Property Location 

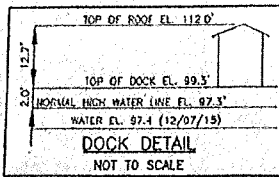


BOUNDARY SURVEY

FOR
KENT HOWELL

DESCRIPTION:

LOT 16, ISLES OF LAKE HANCOCK PHASE II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 48, PAGES 6-11, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



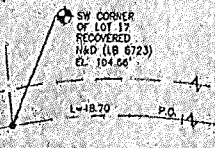
CERTIFIED TO:

ROBERT KENT HOWELL
GIVENA CHOCOLIN HOWELL
UNITED SOUTHERN BANK
NORTH AMERICAN TITLE COMPANY
CHICAGO TITLE INSURANCE COMPANY
SPACE COAST CREDIT UNION

THAT THIS SURVEY WAS PERFORMED IN THE FIELD ON THE DATE(S) SHOWN HEREON.

LEGEND

A/C CONCRETE AIR CONDITIONER PAD
CBW CONCRETE BLOCK WALL
COL COLUMN
CONC. CONCRETE
COVD COVERED
CS CONCRETE STOOP
EL ELEVATION
EDW EDGE OF WATER
ID IDENTIFICATION
IP IRON PIPE
IR IRON ROD
L LENGTH
LB LICENSED BUSINESS
N&D NAIL AND DSK
N&V NATIONAL GEODETIC VERTICAL DATUM
N&W NORMAL HIGH WATER LINE
O.R.B. OFFICIAL RECORDS BOOK
P.O.L. POINT OF CURVATURE
P.O.N. POINT ON LINE
R/W RIGHT-OF-WAY
TOD TOP OF DOCK
BENCH MARK
CABLE TELEVISION RISER
ELECTRIC JUNCTION BOX
LIGHT POLE
TRANSFORMER
WELL
CENTERLINE
SPOT ELEVATION



LINE	BEARING	LENGTH
L1	S86°39'55"E	69.99'
L2	S85°14'23"E	60.11'
L3	S88°39'59"E	69.48'
L4	S85°14'23"E	60.62'
L5	N86°48'05"W	70.04'
L6	N87°09'51"W	60.16'

SURVEYOR'S REPORT:

- The lands as shown herein lie within Section 27, Township 23 S., Range 27 E., Orange County, Florida.
- This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
- Underground improvements or underground foundations have not been located except as noted.
- This survey does not reflect or determine ownership.
- All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
- No title data has been provided to this surveyor unless otherwise noted.
- Bearings shown herein are assumed relative to the Northernly right-of-way line of Isleyview Drive; said bearing being N83°52'15"W.
- According to the Federal Insurance Role Map, this property lies in Zones "A2" and "X", Community Pool number: 1209500380 F. Dated: 6/25/2009.
- Elevations shown herein are based on Orange County benchmarks relative to NGVD 29.

REVISIONS

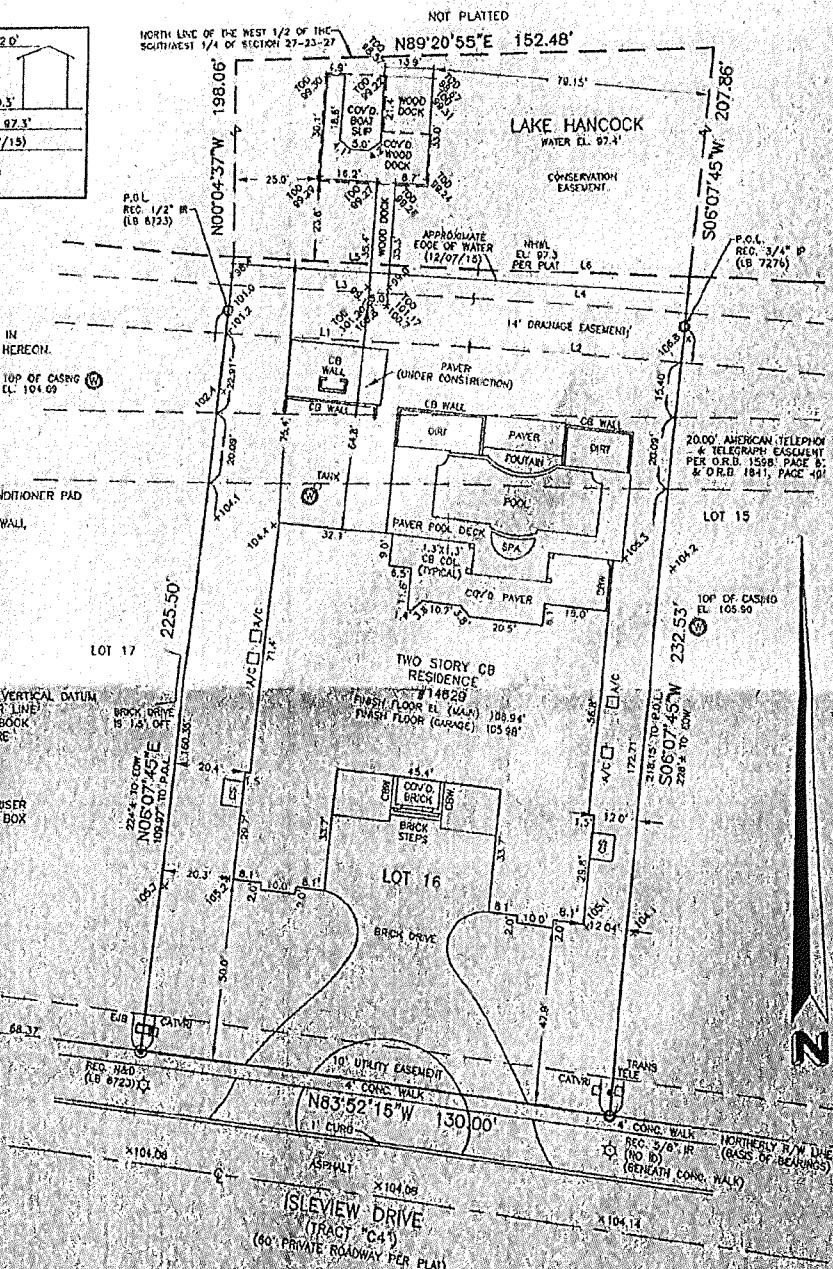
Rev. Final Date: 12/07/16
Rev. Foundation Date: 02/05/15
Rev. House, Stake Out Date: 12/12/14
Rev. Stake Proposed Wall & Finish Floor El. Date: 11/22/13

HLSM, LLC
Heinrich-Luke-Swaggerty-Mohr
Professional Surveyors & Mappers
Licensed Business No. 7278
704 Big Tree Drive, Suite 108
Longwood, Florida 32750
P. (407) 647-7346
F. (407) 982-7188
Survey@HLSM.US

Job No. E-708
Field Date: 4/17/2013
Drawn By: ADA
Field By: WKP
Scale: 1"=30'

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 349, F.S. THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE SURVEYOR'S ROLLER SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

William F. Mohr
William F. Mohr
Professional Surveyor & Mapper
Florida Registration #5625





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 Robert Kent Howell on behalf of _____ (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section _____ 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):

Not enough room to safely raise boat out of the water.
Roof files are are what exceeded the heights.

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

None

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: Robert Kent Howell
Signature of Applicant/Agent: [Signature] Date: 1/18/16
Corporate Title (if applicable): _____

OCFDP NOV182015 4110

