




## 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 Cuniff, 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 Construction Permit BD-15-10-112 Chaddah

The applicant, Mahesh Chaddah, is requesting approval of an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a)(side setback). The project site is located at 8215 Via Rosa, Orlando on Little Sand Lake, in Orange County Commission District 1.

On October 20, 2015, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-15-10-112. The dock was designed and permitted to meet all provisions of Chapter 15, Article IX. Per Condition number 13 of the permit, a final as built was provided to EPD. Upon review of the survey, it was noted that twenty-seven (27) feet of the beginning of the access walkway is 3.2 feet from the southern projected property line instead of the required 10 feet.

On October 3, 2016, a Non-Compliance Letter was sent to the property owners requesting that they rebuild a portion of the dock so that it meets Code or apply for an After-the-Fact Variance to allow the structure to remain as built. On October 24, 2016, EPD received an application for an After-the-Fact Variance to Section 15-343(a). A letter of objection was received but subsequently rescinded on January 20, 2017. Therefore, the recommendation of the Environmental Protection Officer (EPO) changed from a recommendation of denial to approval.

During the January 25, 2017 public hearing, EPD was provided an objection letter from a resident of Vizcaya (Mr. Sergio Divine) who attended. After consideration of the objection letter, the location of Mr. Divine's residence to the subject site, the dock

Page Two

February 21, 2017 - Consent Item

Environmental Protection Commission Recommendation

Boat Dock Construction Permit BD-15-10-112 Chaddah

code review criteria, the Environmental Protection Commission voted to uphold the recommendation of the EPO and approve the request for variance to Section 15-343(a)(side setback).

**ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation of approval of the after-the-fact request for variance from Chapter 15, Article IX, Section 15-343(a)(side setback) for the Chaddah Dock Construction Permit BD-15-10-112. District 1**

JVW/LC: mg

Attachments



ENVIRONMENTAL  
PROTECTION  
COMMISSION

David Ward  
*Chairman*

Jonathan Huels  
*Vice Chairman*

Sally Atwell

Alex Preisser

Florman Blackburn

Mark Corbett

Mark Au le

ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, CEP, CHMM, Deputy Director

Community, Environmental and Development Services Department

3165 McCreey Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax 407-836-1499

www.oetl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION

PROJECT NAME: Chaddah

PERMIT APPLICATION NUMBER: BD-15-10-112

LOCATION/ADDRESS: 8215 Via Rosa

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 CHADDAH DOCK CONSTRUCTION PERMIT BD-15-10-112.

☒ 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**

**\*\*Revised Staff Report\*\***

January 23, 2017

**TO:** Environmental Protection Commission  
**FROM:** Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
**SUBJECT:** Chaddah After-the-Fact Dock Variance Request

**Reason For Public Hearing**

The applicant, Mahesh Chaddah, is requesting approval of an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a)(side setback).

**Location of Property**

The project site is located at 8215 Via Rosa, Orlando on Little Sand Lake. The Parcel ID No. is 34-23-28-5670-00-090. The subject property is located in Orange County Commission District 1.

**Public Notifications**

The applicant, agent, and objector were notified of the hearing on January 9, 2017.

**Staff Findings**

On October 20, 2015, the Orange County Environmental Protection Division (EPD) issued Dock Construction Permit BD-15-10-112. The dock was designed and permitted to meet all provisions of Chapter 15, Article IX.

Per Condition No. 13 of the permit, a final as-built survey was provided to EPD. Upon review of the as-built survey it was noted that twenty-seven (27) feet of the beginning of the access walkway is 3.2' from the southern projected property line instead of the required minimum side setback of ten (10) feet.

Section 15-343(a) states that "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 feet from the projected property line.

On October 3, 2016, a Non-Compliance Letter was sent to the property owners requesting that they rebuild a portion of the dock so that it meets Code or apply for an after-the-fact Variance to allow the structure to remain as built. On October 24, 2016, EPD received an application for an after-the-fact variance to Section 15-343(a).

On November 11, 2016, notification of the variance request was sent to all shoreline property owners within 300 feet of the property.

On November 7, 2016, the affected neighbor to the south provided a letter to EPD stating that he has no objection to the location of the dock and is in support of allowing the dock to remain as constructed. However, on December 14, 2016, EPD received a letter of objection from the adjacent neighbor to the north. Although the dock exceeds the required side setback on the northern side (with a distance of 16.4') the letter of objection received from the husband of the legal property owner Sara Kanaan, states that he is opposed to the variance due to 1) possible future environmental violations, 2) possible setback violations affecting our property, 3) repeated violations committed by contractor, 4) possible further legal action.

On January 20, 2017, EPD received a letter from Russel El Hamarnah, the husband of the legal property owner to the north, rescinding his original objection. He stated that 'upon further review of the facts surrounding the situation regarding the request for variance for the Chaddah boat dock, I would like to respectfully rescind the previous letter of objection that I signed. I personally have no issue with the location of the dock and feel that it does not obstruct my view in any way.'

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 15-350 (a)(1)(1), the agent has stated that *"in order to have the dock walkway line up with the existing paver path from the house, the dock walkway would have to be built 3.2' from the property line. The pavers lead to a gate that allows access to the waterfront, the walkway width of the dock can only be accessed at this point"*.

To address 15-350 (a)(1)(2), the agent has stated that *"the dock walkway location being built 3.2' from the property line decreases the distance of the walkway from the property line"*.

### **Enforcement Action**

A Non-Compliance Letter has been sent to the property owners. Approval of the variance will resolve any enforcement action. Denial of the variance request will require the Applicant to rebuild the portion of the access walkway of the dock that is less than ten (10) feet from the property line to meet the minimum side setback.

### **Staff Recommendation**

The recommendation of the Environmental Protection Officer (EPO) is to approve the request for variance to side setback due to fact that even though the applicant was unable to demonstrate the dock will not have a negative environmental impact, the adjacent neighbors do not object to the location of the dock.

### **ACTION REQUESTED**

**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 CHADDAH DOCK CONSTRUCTION PERMIT BD-15-10-112.**



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

January 10, 2017

**TO:** Environmental Protection Commission  
**FROM:** Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
**SUBJECT:** Chaddah After-the-Fact Dock Variance Request

**Reason For Public Hearing**

The applicant, Mahesh Chaddah, is requesting approval of an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a)(side setback).

**Location of Property**

The project site is located at 8215 Via Rosa, Orlando on Little Sand Lake. The Parcel ID No. is 34-23-28-5670-00-090. The subject property is located in Orange County Commission District 1.

**Public Notifications**

The applicant, agent, and objectors were notified of the hearing on January 9, 2017.

**Staff Findings**

On October 20, 2015, the Orange County Environmental Protection Division (EPD) issued Dock Construction Permit BD-15-10-112. The dock was designed and permitted to meet all provisions of Chapter 15, Article IX.

Per Condition No. 13 of the permit, a final as-built survey was provided to EPD. Upon review of the as-built survey it was noted that twenty-seven (27) feet of the beginning of the access walkway is 3.2' from the southern projected property line instead of the required minimum side setback of ten (10) feet.

Section 15-343(a) states that "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 feet from the projected property line.

On October 3, 2016, a Non-Compliance Letter was sent to the property owners requesting that they rebuild a portion of the dock so that it meets Code or apply for an after-the-fact Variance to allow the structure to remain as built. On October 24, 2016, EPD received an application for an after-the-fact variance to Section 15-343(a).

On November 11, 2016, notification of the variance request was sent to all shoreline property owners within 300 feet of the property.

On November 7, 2016, the affected neighbor to the south provided a letter to EPD stating that he has no objection to the location of the dock and is in support of allowing the dock to remain as constructed. However on December 14, 2016, EPD received a letter of objection from the adjacent neighbor to the north. Although the dock exceeds the required side setback on the northern side (with a distance of 16.4') the letter of objection received from the husband of the legal property owner Sara Kanaan, states that he is opposed to the variance due to 1) possible future environmental violations, 2) possible setback violations affecting our property, 3) repeated violations committed by contractor, 4) possible further legal action.

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 15-350 (a)(1)(1), the agent has stated that *"in order to have the dock walkway line up with the existing paver path from the house, the dock walkway would have to be built 3.2' from the property line. The pavers lead to a gate that allows access to the waterfront, the walkway width of the dock can only be accessed at this point"*.

To address 15-350 (a)(1)(2), the agent has stated that *"the dock walkway location being built 3.2' from the property line decreases the distance of the walkway from the property line"*.

#### **Enforcement Action**


A Non-Compliance Letter has been sent to the property owners. Approval of the variance will resolve any enforcement action. Denial of the variance request will require the Applicant to rebuild the portion of the access walkway of the dock that is less than ten (10) feet from the property line to meet the minimum side setback.

#### **Staff Recommendation**

The recommendation of the Environmental Protection Officer (EPO) is to deny the request for variance to side setback due to failure to demonstrate the dock will not have a negative impact on the abutting shoreline owners.

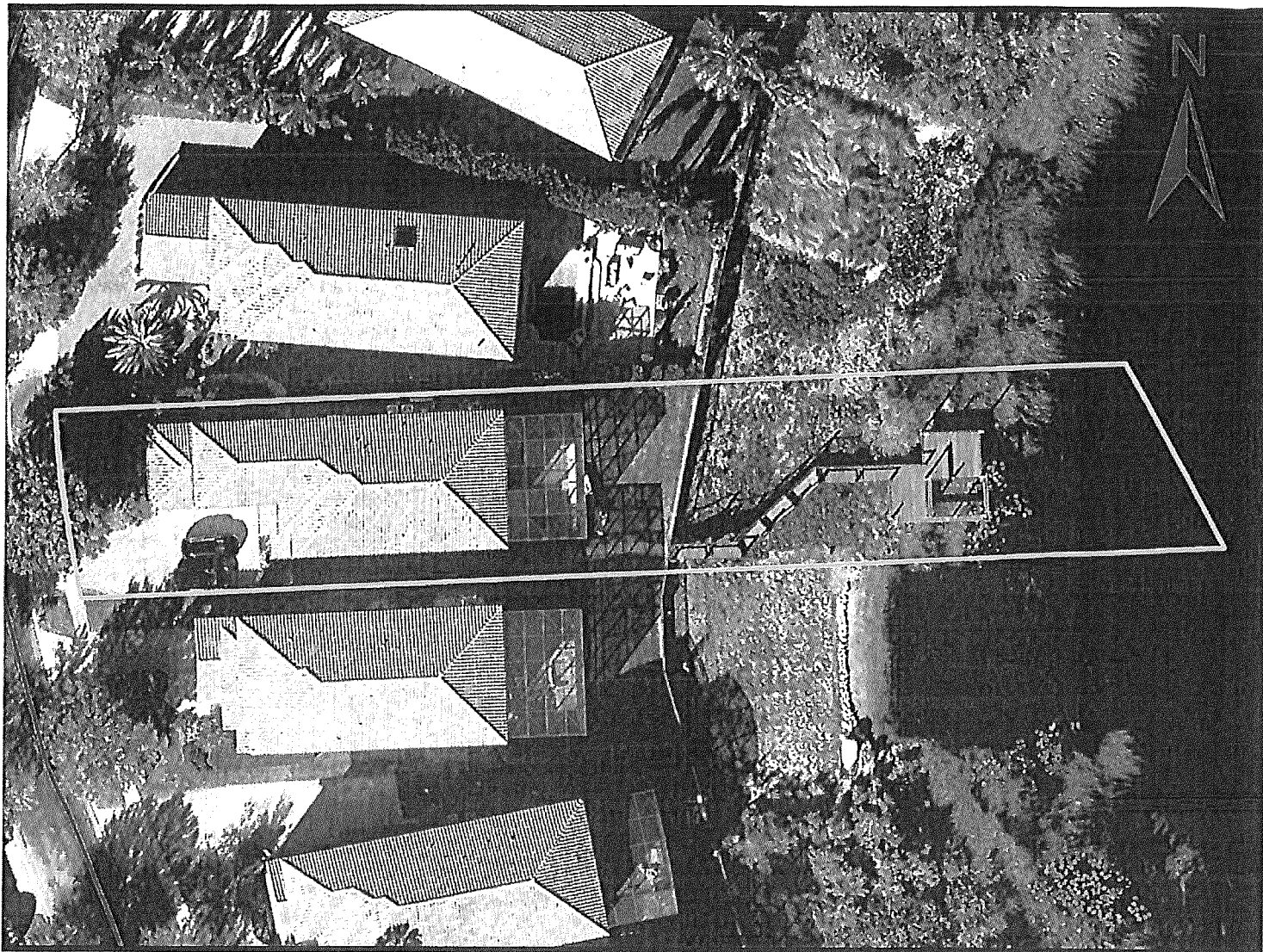
#### **ACTION REQUESTED**

**PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), DENY THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-343(A) (SIDE SETBACK) FOR THE CHADDAH DOCK CONSTRUCTION PERMIT BD-15-10-112.**

  
AK/NT/ERJ/LC: gfdjr/mg

Attachments

# After-the-Fact Variance Request




## After-the-Fact Variance Request

District #1

Applicant: Mahesh Chaddah

Parcel ID: 34-23-28-5670-00-090

Project Site 

Property Location 







OCEPD OCT242016PH1:54

## 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 Robin Lopez on behalf of Mahesh Chaddah (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343(b) 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):

In order to have the dock walkway line up with the existing paver path from the house, the dock walkway would have to be built 3.2' from the property line. The pavers lead to a gate that allows access to the water front, the walk way of the dock can only be accessed at this point.

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

The dock walkway location being built 3.2' from property line decreases the distance of the walkway from the property line.

### 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: Robin Lopez

Signature of Applicant/Agent R. Lopez

Date: 10/18/16

Corporate Title (if applicable): Owner, Summertime Deck and Dock

Received

MAR 15 2016

Orange County  
Environmental Protection Division

# AS BUILT SURVEY

of  
BOAT DOCK AT 8215 VIA ROSA, LOT 9, MIRABELLA AT VIZCAYA PHASE THREE, AS RECORDED IN PLAT BOOK 52,  
PAGES 32 - 35 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
NOT A BOUNDARY SURVEY

SCALE:  
1" = 30'

⑦  
R = 325.00'  
Δ = 9°12'24"  
L = 52.22'  
CB = S 07°03'22" E

TRACT 1  
VIA ROSA  
50' PLATTED PRIVATE RIGHT OF WAY  
ASPHALT ROADWAY

POINT OF REVERSE  
CURVATURE  
FOUND NAIL &  
DISK - NOT LEGIBLE

POINT OF  
CURVATURE  
FOUND NAIL &  
DISK - NOT LEGIBLE

R = 350.00'  
Δ = 14°02'21"  
L = 85.75'  
CB = S 18°40'44" E

R = 425.00'  
Δ = 15°34'05"  
L = 115.48'  
CB = N 17°54'32" W

N 87°32'50" E

S 87°32'50" W

LOT 8

LOT 9

LOT 10

RESIDENCE AND  
OTHER IMPROVEMENTS  
NOT LOCATED FOR  
THE PURPOSE OF  
THIS AS BUILT SURVEY

REFERENCE POINT  
HOUSE CORNER

NORMAL HIGH  
WATER LINE 95.5  
PER PLAT

CONSERVATION  
EASEMENT

51.9' OF  
DOCK ABOVE  
NNWL

WALK IS  
3' 0" HIGH  
IN THIS  
AREA

APPROXIMATE  
EDGE OF WATER  
PER 11/25/15

296.59'

0.6' OF  
DOCK BELOW  
NNWL

16.1'

24.8'

23.5'

10.7'

318.03'

LAKE ELEVATION = 94.5  
DOCK ELEVATION = 98.9  
TOP OF POST  
ELEVATION = 108.8  
NNWL ELEVATION = 95.5  
SHADED AREA = 402 S.F.

LITTLE  
SAND  
LAKE

## Surveyors Notes

1. The bearings shown hereon are based upon the north line of Lot 9, having a bearing of N 87°32'50" E per plat.
2. Only above-ground evidence of existing utilities is shown hereon.
3. Not valid without the signature and the original raised seal of the Professional Surveyor and Mapper.
4. The elevations shown hereon are based upon Orange County Benchmark L162001, having an elevation of 100.05' NAVD83.
5. Additions and deletions to survey map, sketches, or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
6. This survey is certified to and prepared for the sole and exclusive benefit of the entities and / or individuals listed and shall not be relied on by any other entities or individuals.
7. All field measurements taken for this survey were made with Robotic Total Station and/or steel tape. Accuracy: Suburban: Linear: 1 foot in 7,500 feet.

Certified to:  
Summertime Deck & Dock

HARTLEY SURVEYING, INC

203 TIGER LILY COURT  
ALTA MONTE SPRINGS, FL 32714  
407-383-0978, 407-783-0415 (FAX)  
LB 97197

Jeff E. Hartley  
JEFF E. HARTLEY, PSN 15115  
FIELD DATE: 11/25/15

Chaddah Dock  
Dock Construction Permit BD-15-10-112  
Location: 8215 Via Rosa  
Little Sand Lake  
District 1



Received

December 12, 2016

DEC 14 2016

Lori Cunniff - Deputy Director  
Community, Environmental and Development Services Department  
Orange County Environmental Protection Agency

Orange County  
Environmental Protection Division

*Objection to Waiver  
from Abutting Neighbor*

Dear Ms. Cunniff:

This communication is to object to the variance requested by the owner of 8215 Via Rosa, under permit BD15-10-112.

My wife owns the abutting lakefront property to the north of the petitioner, and this letter serves as our objection to the requested waiver based on the following:

- Possible future Environmental Violations
- Possible setback violations affecting our property
- Repeated violations committed by constructor
- Possible violation of Mirabella at Vizcaya HOA Governing Documents
- Possible further legal action

Houses in Mirabella are very close to each other. If the variance is granted to the excising setback violation, then it would create a precedence for rules infractions/ and possible allowances of after the fact waivers.

In the future in the event we decide to build a dock, we intend to follow all the rules and regulations.

It would be very unfortunate and upsetting if the other abutting property to us builds a dock with a similar setback violation as the petitioner. This would drastically affect our sight as that property slopes southwards into our view of the lake.

If this variance is accepted, what will it stop future violations from being allowed after the fact/after a variance approval?

Additionally, the builder of the existing violating dock, Robin Lopez owner of Summer Time Deck and Docks, has a lengthy record of EPD violations in Orange County.

Be reminded that this is the builder that built the Vizcaya Master elevated deck without permits and in violation of setbacks, as well as many other structures/docks subject to violations in our community.

Granting a waiver to the petitioner may promote the builder to build other docks with setback violation as well as other building and environmental violations, as it appears the builder knows, and may abuse in purpose, the way out of repeated violations, causing much aggravation and trouble to others.

Additionally, it appears that the structure was built in violation of Mirabella HOA governing documents which require boat dock structures to be 10 feet from the surveyed property.

If EPD grants a waiver, it may cause the HOA to seek all available remedies allowed to get the violating unit to comply. Hence it would be very helpful to the community for EPD to deny the waiver requested and demand the owner to rectify the walkway to meet setbacks.

Rectifying the walkway and the fence gate seem to be a simple solution. I am sympathetic towards our neighbors.

It is very unfortunate that our neighbors may have fallen victim of a problematic company, Summertime Deck and Docks, and I hope that the builder compensates them accordingly for his company's created violation and problems.

We look forward a satisfactory resolution to this matter, which is the relocation of our neighbor's dock's walkway to meet setbacks requirements.

Thanks for your attention.

Sincerely,

Rassel El Hamamah  
8209 Via Rosa  
Orlando, FL 32836

**Abutting property on North boundary 8161 Via Rosa – if in the future owner builds a dock with setbacks violations, it may impact our view**

January 17, 2017

Received

JAN 20 2017

Orange County Environmental Protection Division  
c/o Almee Krivan  
3165 McCrory Place, Suite 200  
Orlando, FL 32806

Orange County  
Environmental Protection Division

RE: Variance Request for BD-15-10-112

Ms. Krivan,

Upon further review of the facts surrounding the situation regarding the request for variance for the Chaddah boat dock, I would like to respectfully rescind the previous letter of object that I signed.

I was falsely led to believe that the Mirabella Homeowners' Association had an issue with the dock located at 8215 Via Rosa. Upon clarification that the HOA has no issue with Mr. Chaddah's dock, there is no objection on my behalf.

I personally have no issue with the location of the dock and feel that it does not obstruct my view in any way.

Please let me know should you have any additional concerns regarding my decision to rescind the objection dated December 12, 2016.

Sincerely,  
Rassel El Hamarnah  
8209 Via Rosa  
Orlando, FL 32836

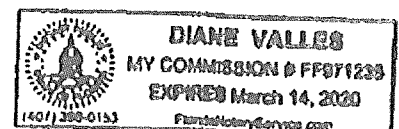
Rassel El Hamarnah  
Signature

Jan 19, 2017  
Date

D. Valles  
Signature of Notary

January 19, 2017  
Date

State of Florida  
County of Osceola  
On this 19 day of January, 2017  
before me personally appeared  
Seal Rassel El Hamarnah  
to me known to be the person who executed the  
foregoing instrument, and acknowledged that he  
executed the same as his free act and deed.  
SEAL (signed) D. Valles  
NOTARY PUBLIC



January 24, 2017

Elizabeth R. Johnson, CEP, PWS  
Environmental Programs Administrator  
Environmental Protection Division  
Orange County Government  
Via Email: [Liz.Johnson@ocfl.net](mailto:Liz.Johnson@ocfl.net)

Re: Application No: BD-15-10-112  
Applicant: Mahesh Chaddah and Akanksha Gulati  
Subject Site Address: 8215 Via Rosa  
OBJECTION TO AFTER-THE-FACT VARIANCE

Dear Ms. Johnson,

Please accept this letter of objection to the After-The-Fact Variance, submitted as a citizen of Orange County residing at 8226 Livorno Dr. in the Vizcaya development.

The access walkway was constructed with a side setback of 3.2' from the southern property line, in lieu of the required minim 10-foot side setback required per OC Code Article IX Dock Construction, section 15-343 (a), and Mirabella at Vizcaya HOA CC&R Article Six, Section 6.24 (c) which states "All structures must be 10 feet from surveyed property lines . . ." (*see attached*)

It appears the applicant has failed to demonstrate that the strict compliance with setbacks would impose a unique and unnecessary hardship on the applicant, furthermore it clearly appears the hardship was self-imposed by Robin Lopez dock builder/applicant, condition which appears not being met and required to obtain a variance per code.

The strict compliance to the setbacks would require about 27 feet of the access walkway to be moved about 7 feet to the north to meet setbacks, the area is unobstructed and accessible, the builder may rectify the access walkway at no cost to owner; additionally, the gate to access the dock walkway would need to be moved, which a gate company may easily do.

There is a path on the rear lawn of the property which may be moved or extended to meet the access walkway entrance, however such modification appears to be cosmetically and not an unnecessary hardship on the applicant, as required to obtain a variance.

The variance requested is the result of the dock builder building the structure in violation of setbacks, which clearly appears to be a self-imposed hardship.

The effect of the proposed variance on abutting shoreline owners was summarized in Staff Report indicating abutting neighbor to the north objecting on December 14, 2016 indicating 1)



possible future violations, 2) possible setbacks violation affecting their property, 3) repeated violations committed by contractor, 4) possible further legal action.

Subsequently, EPD received on January 20, 2017 a letter from abutting north neighbor rescinding his objection indicating the Mirabella HOA has no issue with the violating dock. The abutting neighbor may be misinformed as Mirabella at Vizcaya HOA is currently reviewing this matter, and the HOA may retain counsel to make the right determination as indicated today by Mirabella at Vizcaya HOA representative.

Note that current, or future, abutting shoreline owners may claim being impacted by the current setback violation and/or other future violations which may be detrimental to the public, Association, neighbors.

Orange County EPD is currently investigating another apparent violation of setbacks in another dock recently built by Robin Lopez in the same subdivision (8325 Via Rosa, case # 17-476575).

The submitted plans indicate a straight walkway, contrary to the as-built survey which shows a crooked walkway, and the as-built survey failed to indicate all setbacks (*see attached*).

The variance requested by Robin Lopez, owner of Summertime Deck and Dock, appears to be contrary to the intent and purpose of Orange County Code Chapter 15 which is to regulate dock construction; the county ordinance may not be intended to aid "repeat violators" to use and abuse after-the-fact variances.

Additionally, granting the variance may be against the public interest, as many citizens express support in the protection of the lakes, as well as the protection of consumers against contractors that repeatedly violate the law creating problems to homeowners.

Orange County Official records show a lengthy history of Robin Lopez's violations: obtaining multiple after-the-facts waiver, building structures without permits, building structures differently to originally permitted, and regrettably getting neighbors into avoidable conflicts with others.

In summary, this objection is to the After-The-Fact Variance requested given the applicants self-created hardship, possible effect on current/future abutting properties owners, and the possibility for this variance to be against the public's interest.

I pray for the Environmental Protection Commission to deny the request for variance of setbacks.

Thanks for the attention to this matter.

Sincerely,

Sergio Divine, M.S.



This instrument prepared by and  
should be returned to:

Harry W. Carls, Esquire  
TAYLOR & CARLS, P.A.  
850 Concourse Parkway South  
Suite 105  
Maitland, Florida 32751  
(407) 660-1040

INSTR 20050466057  
OR BK 08070 PG 1190 PGS=2  
MARTHA O. HAYNIE, COMPTROLLER  
ORANGE COUNTY, FL  
07/14/2005 12:27:03 PM  
REC FEE 10.50

**CERTIFICATE OF FIRST AMENDMENT  
TO THE DECLARATION OF COVENANTS  
AND RESTRICTIONS FOR  
MIRABELLA AT VIZCAYA PHASE III**

**THIS IS TO CERTIFY THAT** the following language amending Article SIX, Section 6.24 constitutes the First Amendment to the Declaration of Covenants and Restrictions for Mirabella at Vizcaya Phase III ("Declaration") which was originally recorded in Official Records (O.R.) Book 6653, Page 4882, of the Public Records of Orange County, Florida. This First Amendment was duly and properly adopted on November 17, 2004, pursuant to the provisions of Article 9, Section 9.5 of the Declaration which requires approval by not less than two-thirds (2/3) vote of the membership.

Article SIX, Section 6.24 is hereby amended to read as follows:

Section 6.24 Boat Docks. ~~No boat docks shall be permitted. Owners shall be prohibited from constructing any boat docks, mooring posts, floating docks or other structures along the shore of any lake or pond.~~

Section 6.24 Boat Docks. Boat docks & boat hoists shall be permitted subject to the following conditions:

- a) All governmental permits must be obtained if required.
- b) Each lot is limited to one dock & one boat hoist.
- c) All structures must be 10 feet from surveyed property lines & shall not extend into another homeowner's zoned or riparian property lines.
- d) Material, components & construction must be aesthetic in appearance as determined by the Architectural Review Board. ARB approval is required. All docks must be made of wood materials. No aluminum docks are allowed.
- e) The structure must be maintained to sustain its original appearance.
- f) The HOA & ARB maintains the right to demand removal or improvement of any structure not in compliance with this covenant 6.24.

Executed at Orlando (city), Orange County, Florida, on this the 5<sup>th</sup> day of July, 2005.

Signed and delivered  
in the presence of:

Monte Morrow  
Signature of Witness  
Monte Morrow  
Print Name

**MIRABELLA AT VIZCAYA HOMEOWNERS  
ASSOCIATION, INC.**, a Florida corporation

By: [Signature]  
Print Name: Brian McDonald  
President

Elsie A. Hodges  
Signature of Witness

Elsie A. Hodges  
Print Name

Monte Morrow  
Signature of Witness

Monte Morrow  
Name

Elsie A. Hodges  
Signature of Witness

Elsie A. Hodges  
Print Name

Address: 8125 Via Rosa  
Orlando, FL 32836

Attest: [Signature]

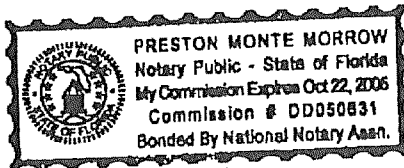
Print Name: Linda C. McDonald Print  
Secretary

Address: 8125 Via Rosa  
Orlando, FL 32836

STATE OF FLORIDA  
COUNTY OF ORANGE

THE FOREGOING INSTRUMENT was acknowledged before me this 5 day of JULY, 2005, by BRIAN McDONALD and LINDA McDONALD who ☐ are personally known to me to be the President and Secretary, respectively, of MIRABELLA AT VIZCAYA HOMEOWNERS ASSOCIATION, INC. or ☒ have produced FL DL (type of identification) as identification. They acknowledged executing this document in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation.

WITNESS my hand in the County and State last aforesaid on this 5 day of JULY, 2005.

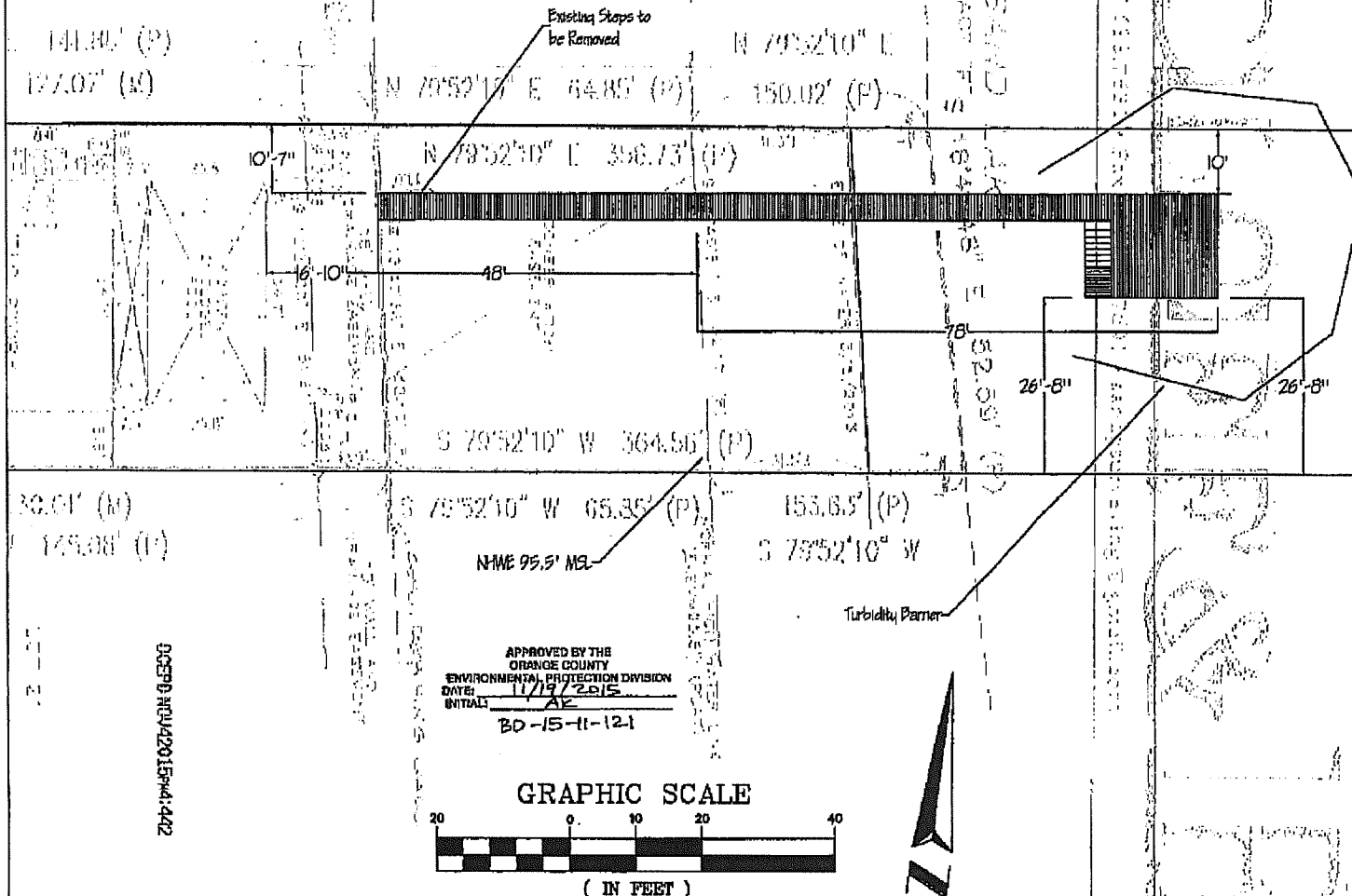


Preston Monte Morrow  
Notary Public-State of Florida  
Print Name: Preston Monte Morrow  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Mav001 cert1

Minimum Side Setbacks - (L) 10' & (R) 10'  
 Maximum Unsheltered Platform Area - 520 sq. ft.  
 Maximum Water Depth - 5 feet  
 Maximum Roof Height above floor - 12 feet  
 Minimum Deck Height above the NTHB - 1 foot  
 Minimum Deck Height above Conv. Area - 1.3 feet  
 Maximum width of walkway - 5 feet

"In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board."



# 101. GENERAL NOTES

101.1 DETAILS SHOWN ON PLANS MAY BE FOR TYPICAL CONDITIONS. FOR CONDITIONS NOT SHOWN, PROVIDE DETAILS OF A SIMILAR NATURE OR IF NOT CERTAIN HOW TO PROCEED, CONTACT STEPHEN TELIGA AT (321)662-7503.

101.2 DIMENSIONS SHOWN ON THESE PLANS SHALL BE VERIFIED BY THE CONTRACTOR OR BUILDER PRIOR TO CONSTRUCTION. THESE PLANS MAY NOT BE DRAWN TO SCALE. SCALING OF DRAWINGS IS STRONGLY DISCOURAGED.

101.3 THE CONTRACTOR SHALL COORDINATE ALL NEW WORK WITH EXISTING CONDITIONS AND SHALL REPORT ANY DISCREPANCY TO STEPHEN TELIGA IMMEDIATELY AND BEFORE PROCEEDING WITH WORK.

101.4 OBTAIN APPROVAL OF STEPHEN TELIGA FOR ALL STRUCTURAL MODIFICATIONS OR SUBSTITUTIONS.

101.5 CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PRACTICES, INCLUDING TECHNIQUES, PROCEDURES, SCHEDULING, AND THE SEQUENCE OF CONSTRUCTION. CONTRACTOR SHOULD NOTIFY STEPHEN TELIGA IF A CONFLICT ARISES DUE TO VARIATIONS OR OTHER PROBLEMS WITH THE CONSTRUCTION DOCUMENTS.

# 102. APPLICABLE CODES AND STANDARDS

CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THESE STRUCTURAL SPECIFICATIONS AND THE REQUIREMENTS CONTAINED IN THE FOLLOWING CODES AND STANDARDS. WHEN A DIFFERENCE EXISTS BETWEEN THESE SPECIFICATIONS AND ANY OTHER GOVERNING CODE, THE MORE STRINGENT SHALL CONTROL. ANY OTHER ITEMS NOT COVERED THEREIN SHALL BE COMMENSURATE WITH SOUND ENGINEERING AND STANDARD CONSTRUCTION PRACTICE.

102.1 2014 FLORIDA BUILDING CODE -

102.2 2015 MANUAL OF STEEL CONSTRUCTION - 13TH EDITION

102.3 ACI BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE - ACI 308-R

102.4 AMERICAN WOOD COUNCIL - NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION - 2005 EDITION

102.5 ASCE 7-10 MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES

# 103. DESIGN LOADS

THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADS. DESIGN LOADS INDICATED ARE IN POUNDS PER SQUARE INCH UNLESS NOTED OTHERWISE. IF ANY PERMANENT MATERIALS EXCEED THESE LOADS, STEPHEN TELIGA SHALL BE CONTACTED TO REVISE THE STRUCTURAL DESIGN AND CONSTRUCTION DOCUMENTS.

103.1 DEAD LOADS: WEIGHT OF STRUCTURE AND ALL FINISHES PERMANENTLY ATTACHED.  
 DECK - 10 PSF ROOF - 10 PSF - BOTTOM CHORD

103.2 LIVE LOADS:  
 DECK - 40 PSF WIND SPEED - 140 MPH  
 EXPOSURE - B  
 INTERNAL PRESSURE COEFFICIENT - 0.0  
 BUILDING TYPE I - RISK FACTOR 1.0

# 301. STRUCTURAL LUMBER FRAMING (DIMENSIONAL LUMBER)

301.1 UNLESS NOTED OTHERWISE, ALL STRUCTURAL LUMBER SHALL BE SOUTHERN YELLOW PINE (SYP) #2 OR BETTER

301.2 STRUCTURAL LUMBER EXPOSED TO WEATHER SHALL BE PRESSURE TREATED OR MANUALLY SEALED AT TIME OF CONSTRUCTION.

301.3 ALL FASTENERS TO BE HOT DIPPED GALVANIZED (HDG) OR STAINLESS STEEL.

STEPHEN TELIGA, P.E.  
 11 084 S. 10th Avenue, Suite 101  
 Orlando, FL 32811  
 (407) 543-6031  
 www.teligaengineering.com

11 084 S. 10th Avenue, Suite 101  
 Orlando, FL 32811  
 (407) 543-6031  
 (321) 662-7503

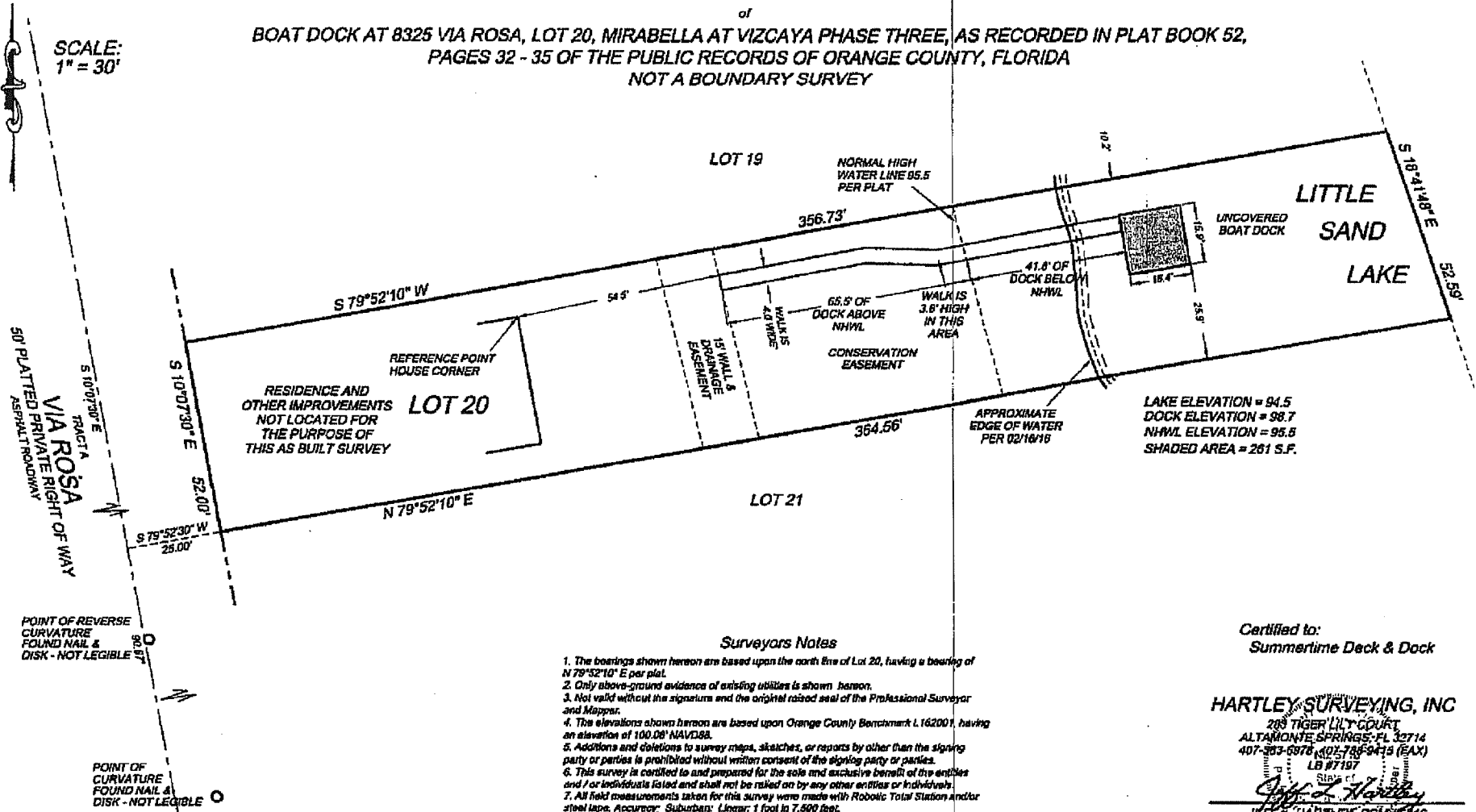
Maddi Dock  
 8925 Via Rosa  
 Orlando, FL 32836

DOSEP01 NC01A2015P04:442  
 Project: SDD-2015-58  
 SO

# AS BUILT SURVEY

of  
BOAT DOCK AT 8325 VIA ROSA, LOT 20, MIRABELLA AT VIZCAYA PHASE THREE, AS RECORDED IN PLAT BOOK 52,  
PAGES 32 - 35 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA  
NOT A BOUNDARY SURVEY

SCALE:  
1" = 30'



## Surveyors Notes

1. The bearings shown hereon are based upon the north line of Lot 20, having a bearing of N 79°52'10" E per plat.
2. Only above-ground evidence of existing utilities is shown hereon.
3. Not valid without the signature and the original raised seal of the Professional Surveyor and Mapper.
4. The elevations shown hereon are based upon Orange County Benchmark L 162001, having an elevation of 100.06' NAVD88.
5. Additions and deletions to survey maps, sketches, or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
6. This survey is certified to and prepared for the sole and exclusive benefit of the entities and / or individuals listed and shall not be relied on by any other entities or individuals.
7. All field measurements taken for this survey were made with Robotic Total Station and/or steel tape. Accuracy: Suburban: Linear: 1 foot in 7,500 feet.

Certified to:  
Summertime Deck & Dock

HARTLEY SURVEYING, INC.

288 TIGER LILY COURT  
ALTAMONTE SPRINGS, FL 32714  
407-303-6978, 407-786-9413 (FAX)  
LB #7197

JEFF E. HARTLEY, BSM, FLS  
FIELD DATE: 02/25/16

# OCPA Web Map

Florida  
turnpike

Interstate 4

Toll Road

Major Roads

Public Roads

Gated Roads

Road Under Construction

Proposed Road

Brick Road

Rail Road

Proposed SunRail

Block Line

Lot Line

Residential

Agriculture

Commercial/Institutional

Governmental/Institutional/Misc

Commercial/Industrial/Vacant Land

Agricultural/Citrus

Hydro

Waste Land

County Boundary

Parks

Golf Course

Lakes and Rivers

Building

Hospital



Objection received  
January 24, 2017

8215 Via Rosa



This map is for reference only and is not a survey.