

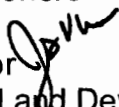


Interoffice Memorandum

AGENDA ITEM

February 24, 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: March 21, 2017 – Consent Item
Environmental Protection Commission Recommendation for
a Waiver Request to Terminal Platform Size for Boat Dock
Permit BD-16-11-112 for Luiz Roberto Peroba Barbosa

The project site is located at 12138 Montalcino Circle on Lake Burden. The Parcel ID No. is 25-23-27-1213-00-100 in Orange County Commission District 1.

On November 22, 2016, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. Subsequently on December 6, 2017, EPD received an Application for Waiver to Section 15-342(b) for a larger than allowed terminal platform size.

During the February 22, 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 \$754 to the Conservation Trust Fund (CTF) for the Barbosa Dock Construction Permit BD-16-11-112.

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 \$754 to the Conservation Trust Fund for the Barbosa Dock Construction Permit BD-16-11-112. District 1**

JVW/LC: mg
Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preisser

Mark Corbett

Mark Ausley

Florman Blackburn

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

February 22, 2017

PROJECT NAME: Luis Roberto Peroba Barbosa
PERMIT APPLICATION NUMBER: BD-16-11-112
LOCATION/ADDRESS: 12138 Montalcino Circle, Windermere

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) WITH THE CONDITION THAT THE APPLICANT PAY \$754.00 TO THE CONSERVATION TRUST FUND, FOR THE LUIZ ROBERTO PEROBA BARBOSA DOCK CONSTRUCTION PERMIT BD-16-11-112.

☒ 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: _____

2/22/17



Interoffice Memorandum

February 9, 2017

TO: Environmental Protection Commission

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

SUBJECT: Luiz Roberto/Peroba Barbosa Boat Dock Request for Waiver for Terminal Platform Size

Reason For Public Hearing

The applicant, Luiz Roberto Peroba Barbosa, is requesting a waiver to Section 15-342(b) terminal platform size for a Boat Dock Permit, BD-16-11-112.

Location of Property/Legal Description

The project site is located at 12138 Montalcino Circle, Windermere on Lake Burden. The Parcel ID is 25-23-27-1213-00-100. The subject property is located in Orange County Commission District 1.

Public Notifications

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

Staff Findings

On November 22, 2016 an Application to Construct a Dock was received by the Environmental Protection Division (EPD) for the subject property. Subsequently, on December 6, 2017, EPD received an Application for Waiver to Section 15-342(b) for a larger than allowed terminal platform size. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

Notifications of the request for waiver were sent to all shoreline property owners within 300 feet of the shoreline to the subject property on January 5, 2017. EPD has not received any objections to the proposed waiver.

Terminal Platform Waiver Request

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 applicant has approximately 75 feet of shoreline on Lake Burden, which by code will allow up to 750 square feet of terminal platform. The applicant has requested approval of a terminal platform of 840 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 applicant has stated that "*Home owners are planning on re-planting aquatic plants along the shore. Also the area where construction will take place doesn't currently have much growth occurring. As well as contributing to the UMAM.*"

To address Section 15-350(a)(2)(2), the applicant has stated "*This waiver will have very little effect on any abutting owners.*"

The increased shading impacts to the natural resources by the proposed dock was evaluated by staff 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 payment of \$754.00 to the Conservation Trust Fund (CTF).

Included as attachments with this staff report are location map, waiver request, 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 approve the request for waiver to Section 15-342(b) for the additional terminal platform size with the condition that the applicant pay \$754.00 to the CTF as mitigation for the adverse impacts to the environment associated with the larger than allowed terminal platform size.

<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), WITH THE CONDITION THAT THE APPLICANT PAY \$754.00 TO THE CONSERVATION TRUST FUND FOR THE BARBOSA BOAT DOCK PERMIT #BD-16-11-112.</u>
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CRS/NK/ERJ/LC: gdjr/mg

Attachments

Boat Dock Application for Waiver



Boat Dock Waiver Application Terminal Platform Size

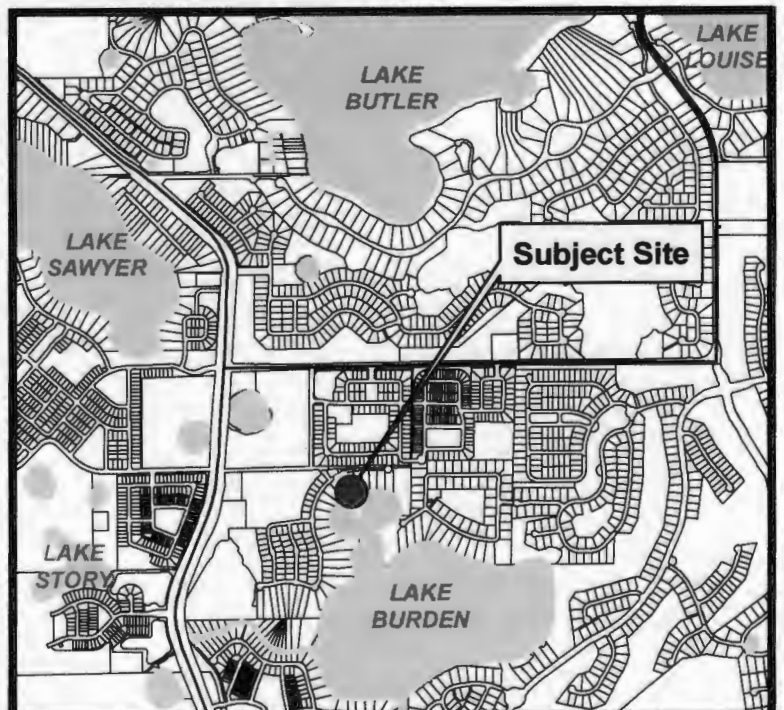
District # 1

Applicant: Luis Roberto Perona Barbosa

Parcel ID: 25-23-27-1213-00-100

Project Site

Property Location





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 Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Cameron June on behalf of Luciana Massis P. Barbosa (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:

Home owners are planning on re planting aquatic plants along the shore. Also the area where construction will take place doesn't currently have much growth occurring. As well as contributing to the (UNAM).

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

This waiver will have very little effect on any abutting owners.

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: Luciana Massis P. Barbosa

Signature of Applicant/Agent Cameron June

Date: 12-2-16

Corporate Title (if applicable): _____

- ☐ The NHWE as established by the county and field verified by a professional surveyor.
- ☐ The location of any conservation easement areas and wetlands within twenty feet from any portion of the dock.
- ☐ A description of vegetation types identified occurring within twenty feet from any portion of the dock.
- ☐ The location of any lifts, hoists, mooring pilings and mooring areas.
- ☐ A mitigation plan offsetting adverse impacts to the conservation easement areas or wetlands (if applicable).
- ☐ A description of sedimentation and erosion control measures used during construction and/or repair of the dock.
- ☐ Depict and label the projected property lines
- ☐ AGENT AUTHORIZATION FORM

PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

I either own the property described in this application or I have legal authority to allow access to the property and I consent to any site visit on the property by agents or personnel from Orange County, Florida necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Cameron June

[Signature]

12-2-16

Typed/Printed Name

Signature

Date

Corporate Title (if applicable)

By signing and submitting this application form, I am applying for the permit 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, water management district or local permit prior to commencement of construction. I understand that Orange County will make no representation as to the proposed dock's impact on navigability or safety. For that reason, I understand that it may be advisable for me to consult with an expert in navigability and safety issues. I agree, or I agree on behalf of my corporation, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity; 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.

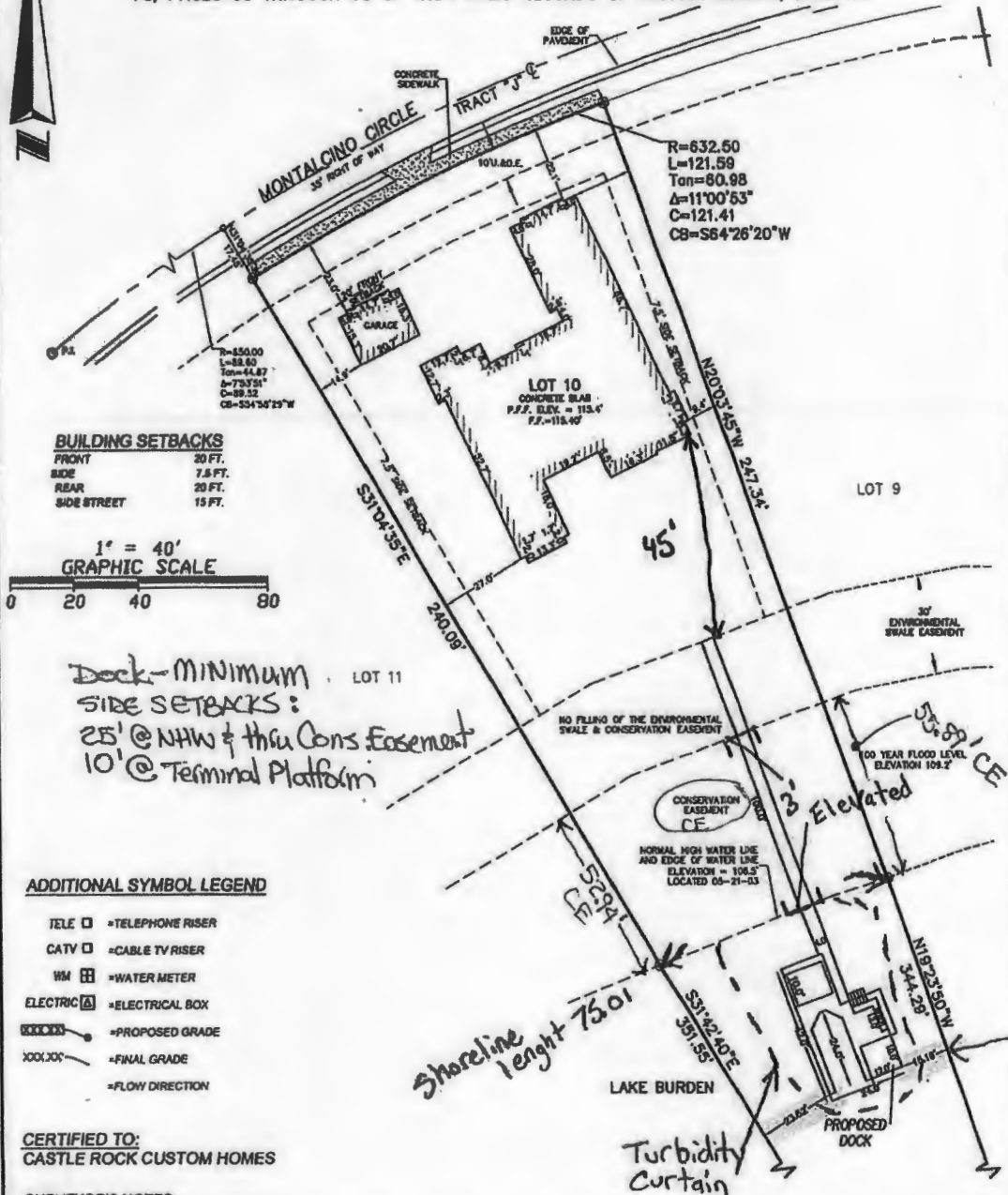
Typed/Printed Name of Applicant Luciana Massis P Barbosa

Signature of Applicant/Agent [Signature] Date 12-2-16

Corporate Title (if applicable)

PLOT PLAN

OF
LOT 10 CASA DEL LAGO -- REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK
75, PAGES 60 THROUGH 69 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



16 E. Plant Street
Winter Garden, Florida 34787 (407) 654-5355

LEGEND

A/C = AIR CONDITIONER
R/W = RIGHT OF WAY
CONC = CONCRETE
E = CENTERLINE
(M) = MEASURED
REC = RECOVERED
Δ = CENTRAL ANGLE
R = RADIUS/L = ARC LENGTH

P.I. = POINT OF INTERSECTION
P.T. = POINT OF TANGENCY
P.C. = POINT OF CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.R.C. = POINT OF REVERSE CURVATURE
PCP = PERMANENT CONTROL POINT
PRM = PERMANENT RECORDED MONUMENT
P.F.F. = PROPOSED FINISH FLOOR ELEV
F.F.E. = FINISH FLOOR ELEVATION

⊙ = SET 1/2" IRON ROD & CAP, #LB 6723
○ = RECOVERED IRON ROD & CAP
■ = SET CONCRETE MONUMENT, #LB 6723
□ = RECOVERED CONCRETE MONUMENT
U.E. = UTILITY EASEMENT
P.A.O.E. = PRIVATE ACCESS & DRAINAGE EASEMENT
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
PSM = PROFESSIONAL SURVEYOR & MAPPER

JOB NO. 20150113

DATE 7-16-15

SCALE 1" = 40 FEET

FIELD BY: N/A

CALCULATED BY: JLR

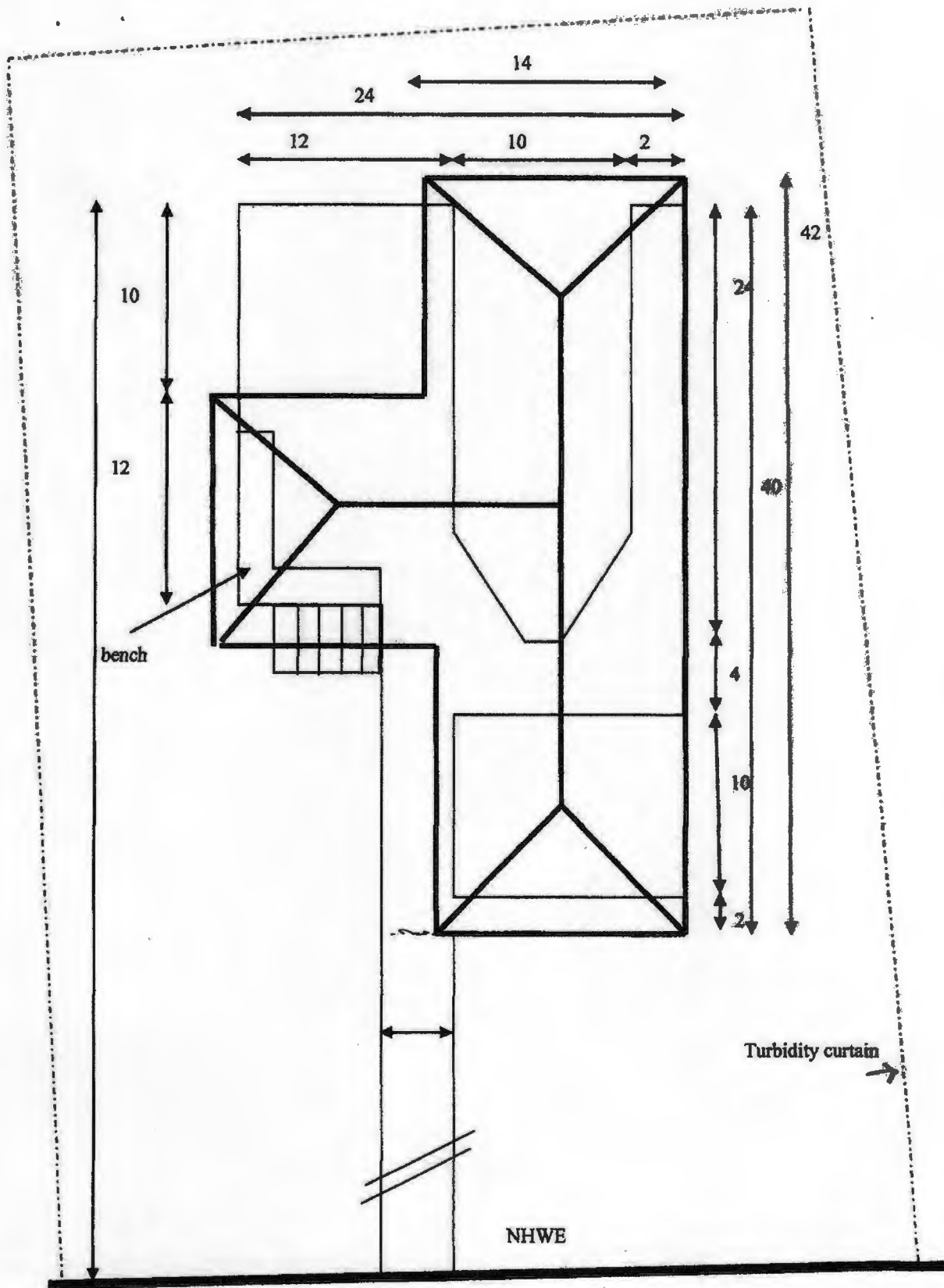
DRAWN BY: ML

CHECKED BY: DM

REVISED: N/A

FOR THE LICENSED BUSINESS #6723 BY:

James L. Rickman, P.S.M. #5633



DCEPD NOV22015PM3:572