




Interoffice Memorandum

AGENDA ITEM

June 8, 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: July 11, 2017 - Consent Item
Environmental Protection Commission Recommendation for a Waiver Request
After-the-Fact for the Narut Dock Construction Permit BD-16-04-038

The applicant, Thomas Narut, is requesting an after-the-fact waiver to Section 15-342(b) terminal platform size for Dock Construction Permit BD-16-04-038. The project site is located at 3963 Percival Road, Orlando on Lake Price. The Parcel ID is 12-22-31-0000-00-001. The subject property is located in Orange County Commission District 5.

On April 29, 2016, Dock Construction Permit BD-16-04-038 was issued. Subsequently, on February 3, 2017, the final as-built survey was received and upon review, it was determined that the terminal platform of the dock was 926 square feet, which is 46 square feet greater than allowed by Code. The property owner was notified on March 14, 2017, and the Environmental Protection Division received an Application for waiver after-the-fact to Section 15-342(b) for a larger than allowed terminal platform size.

Notifications of the request for waiver were sent to all shoreline property owners within 300 feet of the shoreline of the subject property. EPD did not receive any objections to the proposed waiver.

During the May 31, 2017 public hearing, the Environmental Protection Commission voted to uphold the recommendation of the Environmental Protection Officer and approve the request for waiver after-the-fact to Section 15-342(b) terminal platform.

ACTION REQUESTED: Acceptance of recommendation of the Environmental Protection Commission to approve the waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b)(terminal platform size), with the condition that the applicant pay a penalty of \$200 and Mitigation of \$675 to the Conservation Trust Fund for the Narut Dock Construction Permit Modification No. BD-16-04-038. District 5

JVW/LC: mg
Attachment



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preisser

Mark Corbett

Mark Ausley

Flormari 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

May 31, 2017

PROJECT NAME: Thomas Narut
PERMIT APPLICATION NUMBER: BD-16-04-038
LOCATION/ADDRESS: 3963 Percival Road, Lake Price

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR AFTER THE FACT WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(B) WITH THE CONDITION THAT THE APPLICANT PAY \$675.00 TO THE CONSERVATION TRUST FUND, FOR THE THOMAS NARUT DOCK CONSTRUCTION PERMIT BD-16-04-038.

☒ 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: _____



May 17, 2017

TO: Environmental Protection Commission

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

SUBJECT: Thomas Narut Request for an After-the-Fact permit modification and waiver to Terminal Platform Size

Reason for Public Hearing

The applicant, Thomas Narut, is requesting an after-the-fact waiver to Section 15-342(b) terminal platform size for Dock Construction Permit BD-16-04-038.

Location of Property/Legal Description

The project site is located at 3963 Percival Road, Orlando on Lake Price. The Parcel ID is 12-22-31-0000-00-001. The subject property is located in Orange County Commission District 5.

Public Notifications

The applicant was notified of the hearing on May 15, 2017.

Staff Findings

On April 29, 2016 Dock Construction Permit BD-16-04-038 was issued. Subsequently, on February 3, 2017, the final as-built survey was received and upon review, it was determined that the terminal platform of the dock was 926 square feet, which is 46 square feet greater than allowed by Code. The property owner was notified and on March 14, 2017, Orange County Environmental Protection Division (EPD) received an Application for Waiver after-the-fact 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.

On March 31, 2017, notifications of the request for waiver were sent to all shoreline property owners within 300 feet of the shoreline to the subject property. EPD has not received any objections to the proposed 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 applicant has approximately 101 feet of shoreline on Lake Price, which by code will allow up to 880 square feet of terminal platform. The applicant has requested approval of a terminal platform of 926 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 "The additional 46 square feet of terminal platform will not negatively impact the environment it will positively impact the environment by providing additional cover/structure for fish, insects, and other native wildlife; thus promoting a healthier ecosystem." The increased shading impacts to the natural resources by the proposed dock was evaluated by staff using 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 \$675.00 to the Conservation Trust Fund (CTF).

To address Section 15-350(a)(2)(2), the applicant has stated "Abutting shorelines will not receive any negative effects. The use of an additional 46 square feet allowed for a completed/professional/functional looking dock thus increasing curb appeal and the home values of surrounding properties."

Included as attachments with this staff report are location map, waiver request, as-built survey, and a dock photo.

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 request for waiver to Section 15-342(b) for the additional terminal platform size with the condition that the applicant pay a penalty of \$200.00 for building the dock larger than approved, and \$675.00 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 A PENALTY OF \$200.00 AND MITIGATION OF \$675.00 TO THE CTF FOR THE NARUT DOCK CONSTRUCTION PERMIT MODIFICATION #BD-16-04-038.

 AK/NY/EPJ/LC: gfdjr/mg

Attachments

After the Fact Waiver Request




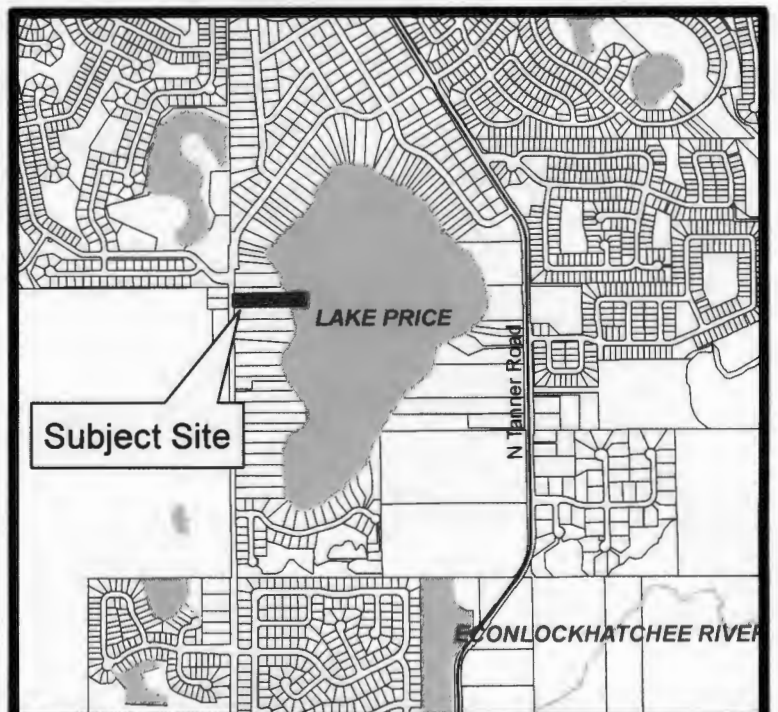
BD-16-04-038

District # 5

Applicant: Thomas Narut
Parcel ID: 12-22-31-0000-00-001

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

I, Thomas Narut on behalf of N/A (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 additional 46sqft. of terminal platform will not negatively impact the environment it will positively impact the environment by providing additional cover/structure for fish, insects, and other native wildlife; thus promoting a healthier ecosystem.

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

Abutting shorelines will not receive any negative affects. The use of an additional 46sqft allowed for a completed/professional/functional looking dock thus increasing curb appeal and the home values of surrounding properties.

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: Thomas Narut

Signature of Applicant/Agent [Signature]

Date: 3/14/2017

Corporate Title (if applicable): _____

Received

MAR 14 2017

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

Narut dock on Lake Price
BD-16-04-038
3963 Percival Road
After-the-Fact Waiver to terminal platform, Section 15-342(b)



Photo taken facing east