



Interoffice Memorandum

AGENDA ITEM

August 10, 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: **David D. Jones, P.E., CEP, Manager**
Environmental Protection Division
(407) 836-1405

SUBJECT: August 22, 2017 - Consent Item
Environmental Protection Commission Recommendation
for a Variance Request for the Bradford Dock
Construction Permit BD-17-04-042

On April 26, 2017, the Environmental Protection Division received an Application to Construct a Dock for property owned by Emmett and Lori Bradford. The application included an Application for Variance to Section 15-343(a) (side setback) and a signed, notarized Letter of No Objection from the affected northern adjacent property owner for the reduced side setback. The project site is located at 5331 West Lake Butler Road on Lake Butler in Windermere. The Parcel ID for the site is 13-23-27-8392-00-120. The subject property is located in District 1. Notifications for the variance were sent to all shoreline property owners within 300 feet of the subject property, and no objections were received.

The subject property has a shoreline length of approximately 70 feet, as measured at the Normal High Water Elevation (NHWE). Orange County Code states that for any shoreline length less than 75 feet at the NHWE, the minimum side setback shall be 10 feet. The applicant has requested approval to construct a dock with a side setback of one foot from the projected property line to the north.

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August 22, 2017 - Consent Item

Environmental Protection Commission Recommendation for a Variance Request for the
Bradford Dock Construction Permit BD-17-04-042

The Environmental Protection Commission voted to uphold the recommendation of the
Environmental Protection Officer and approved 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
request for variance to Orange County Code, Chapter
15, Article IX, Section 15-343(a), for the Bradford Dock
Construction Permit BD-17-04-042. District 1

JVW/LC: mg

Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

Jonathan Huels
Chairman

Mark Ausley
Vice Chairman

Sally Atwell

Flormari Blackburn

Mark Corbett

Alex Preisser

David Ward

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
June 28, 2017

PROJECT NAME: Bradford Boat Dock
PERMIT APPLICATION NUMBER: BD-17-04-042
LOCATION/ADDRESS: 5331 West Lake Butler Road, Windermere, FL 34786

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 BRADFORD BOAT DOCK CONSTRUCTION PERMIT BD-17-04-042.

☒ 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:

EPC RECOMMENDATION DATE:

6/28/17



Interoffice Memorandum

June 6, 2017

TO: Environmental Protection Commission

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

SUBJECT: Emmett and Lori Bradford Variance Request

A handwritten signature in black ink, appearing to read "L. Cuniff", is written over the "FROM:" line of the memorandum.

Reason for Public Hearing

The applicants, Emmett and Lori Bradford, are requesting a variance to Section 15-343(a) (side set-back). The applicants are requesting a side setback distance of one (1) foot from the north projected property line.

Location of Property/Legal Description

The project site is located at 5331 West Lake Butler Road on Lake Butler. The Parcel ID for the site is 13-23-27-8392-00-120. The subject property is located in Orange County Commission District 1.

Public Hearing Notifications

The applicant and agent were notified of the hearing on May 31, 2017.

Staff Findings

In August 2006, the Environmental Protection Division (EPD) issued Permit BD 06-093 to the Bradford's in order to authorize them to construct a standalone shore station. The Bradford's now wish to construct a dock to replace the one that was destroyed in the hurricanes of 2004.

On April 26, 2017, EPD received an Application to Construct a Dock for the subject property. The proposal includes moving the existing permitted shore station adjacent to and part of the proposed dock. An Application for Variance to Section 15-343(a) (side setback) was also included that requests a 1 foot side set back from the property located at 5323 West Lake Butler Road. A signed, notarized Letter of No Objection (LONO) from the Authorized Agent of the affected, adjacent property owner located at 5323 West Lake Butler Road was also submitted with the application.

Section 15-343(a) "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 shoreline length of the subject property is approximately 70 feet; therefore the required side setback from the projected property lines is 10 feet.

Notifications for the variance were sent to all shoreline property owners within 300 feet of the subject property on May 1, 2017. EPD has not received any objections.

Pursuant to Section 15-350(a)(1), "the applicant shall 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 applicant has stated that *"The proposed dock is to be re-constructed in the same location as the old dock (which was destroyed in a hurricane) These lots are quite narrow and placing the dock near the property line is the only way to keep it somewhat out of view and leave an open area along the shoreline where people can play in the lake."*

To address Section 15-350(a)(1)(2), the applicants have stated *"The proposed structure will not adversely affect the adjacent property owner's view or navigability, as evidenced by the attached letter of no objection."*

Enforcement Action

There has been no enforcement action on this property.

Staff Recommendation

The recommendation of the Environmental Protection Officer (EPO) is to approve the request for variance to Section 15-343(a) (side setback) to allow for the construction of a private boat dock with a setback of one (1) foot from the northern projected property line.

<u>ACTION REQUESTED</u>	<u>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 BRADFORD BOAT DOCK CONSTRUCTION PERMIT BD-17-04-042.</u>
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SG/~~NR~~ERJ/LC: mg

Attachments

Application to Construct a Dock



Application to Construct a Dock

District # 1

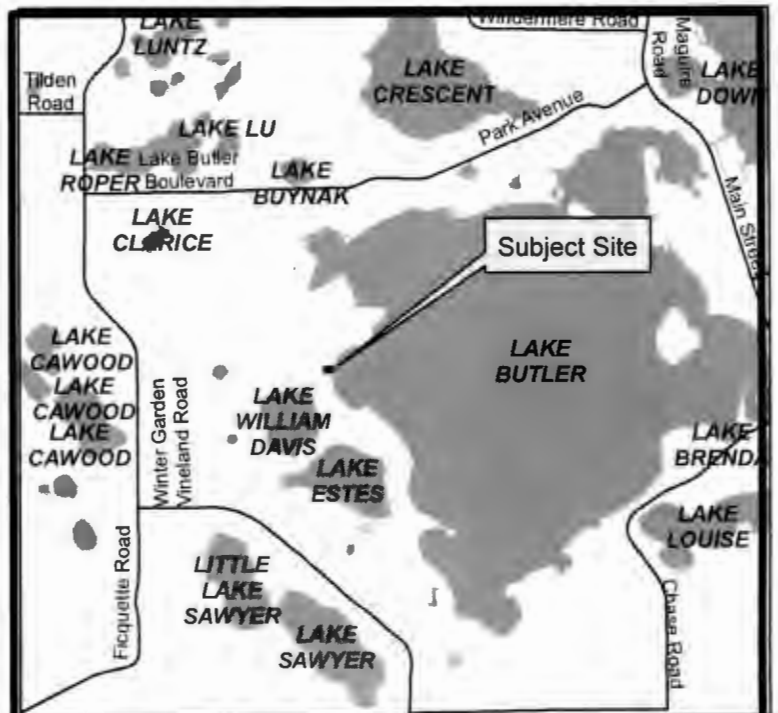
Applicant: Emmett and Lori Bradford

Parcel ID: 13-23-27-8392-00-120

Project Site



Property Location





APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Deliver To: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

****Enclose a check for \$409.00 payable to The Board of County Commissioners****

I Sheila Cichra on behalf of Emmett and Lori Bradford (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 (a) 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):

The proposed dock is to be re-constructed in the same location as the old dock (which was destroyed in a hurricane). These lots are quite narrow and placing the dock near the property line is the only way to keep it somewhat out of view and leave an open area along the shoreline where people can play in the lake.

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

The proposed structure will not adversely affect the adjacent property owner's view or navigability, as evidenced by the attached letter of no objection.

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: Sheila Cichra

Signature of Applicant/Agent: 

Date: 04/23/2017

Corporate Title (if applicable): President, Streamline Permitting, Inc.





**AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF
NO OBJECTION TO BOAT DOCK**

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Ann D. Cross, residing at 5323 West Lake Butler Road, on
(Affected Adjacent Property Owner Name) (Address)

Lake Butler, have reviewed my adjacent property owner's proposed
(Name of Lake)
boat dock construction plan and have no objection to the project, which will have a 0' side setback.

Ann D. Cross
(Signature)

4-6-17
(Date)

ANN D. CROSS
(Print Name)

ACKNOWLEDGEMENT:

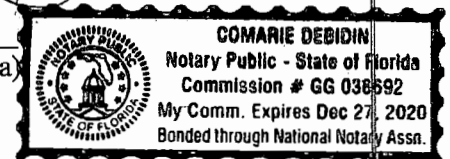
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 06th day of April 2017, by

Ann Duppenthaler Cross

(NOTARY SEAL)

(Signature of Notary Public – State of Florida)



Personally Known OR Produced Identification

Type of Identification Produced FLDL