



Interoffice Memorandum

September 11, 2017

AGENDA ITEM

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: October 3, 2017 – Consent Item
Environmental Protection Commission Recommendation for a
waiver and a variance for the Cole Boat Dock Construction Permit
#BD-17-06-065

On June 8, 2017, the Environmental Protection Division (EPD) received an Application for Waiver to Section 15-342(b) for a larger than allowed terminal platform size and an Application for Variance to Section 15-343(a) for a reduced side setback for Boat Dock Construction Permit #BD-17-06-065 for property owned by Mr. Glen Cole. The project site is located at 15604 Avenue of the Arbors, Winter Garden, Florida 34787. The Parcel ID is 21-23-27-8132-10-030. The subject property is located on Lake Hancock in District 1.

Notifications of the requests for waiver and variance were sent to all shoreline property owners within 300 feet of the shoreline of the subject property. EPD did not receive any objections to either request at this time. The applicant has also submitted a Letter of No Objection from the most affected party located at 15598 Avenue of the Arbors.

During the August 30, 2017 Environmental Protection Commission (EPC) public hearing, the EPC voted to unanimously uphold the recommendation of the Environmental Protection Officer to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and approve the request for variance to Chapter 15, Article IX, Section 15-343(a) (side setback), with a condition that the applicant pay \$681 to the Orange County Conservation Trust Fund (CTF) as mitigation. The applicant paid the mitigation fee to the CTF prior to the hearing.

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) and to approve the request for variance to Chapter 15, Article IX, Section 15-343(a) (side setback) with the condition that the applicant pay \$681 to the Orange County Conservation Trust Fund for the Cole Dock Construction Permit #BD-17-06-065. District 1**

JVW/DJ: mg
Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

Jonathan Huels
Chairman

Mark Ausley
Vice Chairman

Sally Atwell

Flornari Blackburn

Mark Corbett

Oscar Anderson

David Ward

ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

Environmental Protection Division

3165 McCrory Place, Suite 200

Orlando, FL 32803-3727

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ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
August 30, 2017

PROJECT NAME: Cole Boat Dock
PERMIT APPLICATION NUMBER: BD-17-06-065
LOCATION/ADDRESS: 15604 Avenue of the Arbors, Winter Garden, FL 34787

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) (Terminal Platform Size), and Approve The Request For Variance to Chapter 15, Article IX, Section 15-343(a) Side Setback, with a condition that the applicant pay \$681.00 to the Conservation Trust Fund for the Cole Dock Construction Permit #BD-17-06-065.

☒ 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: _____

8/30/17



August 8, 2017

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division

A handwritten signature in black ink, appearing to read "David D. Jones".

Subject: Glen Cole Request for a Boat Dock Waiver and a Variance

Reason for Public Hearing

The applicant, Glen Cole, is requesting approval of a waiver to Section 15-342(b) for a larger than allowed terminal platform and a variance to Section 15-343(a) for a reduction to the minimum required side setback (BD-17-06-065).

Location of Property/Legal Description

The project site is located at 15604 Avenue of the Arbors, Winter Garden, Florida 34787. The Parcel ID is 21-23-27-8132-10-030. The subject property is located on Lake Hancock in Orange County Commission District 1.

Public Notifications

The applicant was notified of the hearing date on August 2, 2017.

Staff Findings

On June 8, 2017, the Environmental Protection Division (EPD) received an Application for Waiver to Section 15-342(b) for a larger than allowed terminal platform size and an Application for Variance to Section 15-343(a) for a reduced side setback. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

On June 26, 2017, notifications of the request for waiver and variance were sent to all shoreline property owners within 300 feet of the shoreline to the subject property. EPD has received no objections to either request at this time. The applicant has also submitted a Letter of No Objection (LONO) from the affected party located at 15598 Avenue of the Arbors.

Terminal Platform Size 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 49 linear feet of shoreline on Lake Hancock, which by code will allow up to 490 square feet of terminal platform. The applicant has requested approval of a terminal platform of 759 square feet. This is an increase of 269 square feet over what is allowed by code.

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 Authorized Agent has stated that *"The proposed dock will still be under the maximum allowable square footage of 1000 sq. ft. and in comparable size to neighboring docks along Lake Hancock shoreline. Given the unique shape of this particular parcel, the homeowner's are exposed to a unique hardship that limits them to build a reasonably sized dock."*

The increased shading has been evaluated by staff using Uniform Mitigation Assessment Method (UMAM) and if the waiver is approved, the applicant has agreed to offset the environmental impacts associated with the larger terminal platform size with a payment of \$681.00 to the Conservation Trust Fund (CTF).

To address Section 15-350(a)(2)(2), the applicant has stated *"There doesn't seem to be any immediate evidence that this waiver, if granted, will impact either of the abutting shoreline owners. A Letter of No Objection has been provided by the neighbor in which the dock will impact the greatest."*

Side Setback Variance

Section 15-343(a) states that on lots or parcels having a shoreline frontage of less than 75 feet, docks, including designated mooring areas, shall have a minimum side-setback of 10 feet from the projected property line.

Due to the shoreline length of only 49 linear feet, the required minimum side setback is 10 feet from both projected property lines. Due to the very narrow project area created by the projected property lines, the applicant is requesting approval of a side setback of negative seventeen (-17) feet from the adjacent southern projected property line. The dock will meet the setback requirement from the northern projected property line.

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 Authorized Agent has stated that *"The unique shape of the owners' parcel property lines dramatically limits the area in which they can build a dock of any reasonable size and creates an unnecessary hardship that limits their ability to reasonably use the lake and shoreline."*

To address 15-350(a)(1)(2), the agent has stated that *"If this variance is granted, the dock will encroach beyond the projected property lines of the abutting shoreline owner to the south. A letter of No Objection from the affected neighbor has been notarized and submitted for approval."*

Enforcement Action

There currently is no enforcement action for this property.

Staff Recommendation

The recommendation of the Environmental Protection Officer is to approve the request for waiver to Section 15-342(b) for the additional terminal platform size with the condition the Applicant make a donation of \$681.00 to the CTF for the additional shading impacts, and approve the request for variance to Section 15-343(a) for a reduced side setback of -17 feet from the southern 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 WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(B) (TERMINAL PLATFORM SIZE), AND APPROVE THE REQUEST FOR VARIANCE TO CHAPTER 15, ARTICLE IX, SECTION 15-343(A) SIDE SETBACK, WITH A CONDITION THAT THE APPLICANT PAY \$681.00 TO THE CONSERVATION TRUST FUND FOR THE COLE DOCK CONSTRUCTION PERMIT #BD-17-06-065.</u>
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 ERJ/DJ: mg

Attachments

Application for Boat Dock Waiver and Variance



BD-17-06-065

District # 1

Applicant: Glen Cole

Parcel IDs: 21-23-27-8132-10-030

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
800 Mercy Drive, Suite 4
Orlando, Florida 32808
(407) 836-1400, Fax (407) 836-1499

I Matt Langbehn on behalf of June and Glen Cole (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:

If this waiver to the square footage limitation is granted, the proposed dock will still be under the maximum allowable square footage of 1000 sq. ft. and in comparable size to neighboring docks along Lake Hancock's shoreline. Given the unique shape of this particular parcel, the homeowner's are exposed to a unique hardship that limits them to build a reasonably sized dock.

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

There doesn't seem to be any immediate evidence that this waiver, if granted, will impact either of the abutting shoreline owners. A Letter of No Objection has been provided by the neighbor in which the dock will impact the greatest.

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: Matt Langbehn

Signature of Applicant/Agent 

Date: 6/2/17

Corporate Title (if applicable): _____



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 Matt Langbehn on behalf of June and Glen Cole (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 unique shape of the owners' parcel property lines dramatically limits the area in which they can build a dock of any reasonable size and creates a unnecessary hardship that limits they're ability to reasonably use the lake and shoreline.

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

If this variance is granted, the dock will encroach beyond the projected property lines of the abutting shoreline owner to the south. A Letter of No Objection from the effected neighbor has been notarized and submitted for approval.

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: Matt Langbehn

Signature of Applicant/Agent 

Date: 06/2/17

Corporate Title (if applicable): _____



**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, David Z. and Theri M. King, residing at 15398 Avenue of the Berbow, on
(Affected Adjacent Property Owner Name) Winter Garden (Address) FL 34787

Lake Wanona, have reviewed my adjacent property owner's proposed
(Name of Lake)
boat dock construction plan and have no objection to the project.

[Signature]
(Signature)
David King Theri M. King
(Print Name)

7/6/17
(Date)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6th day of July 2017, by

[Signature]

(NOTARY SEAL)

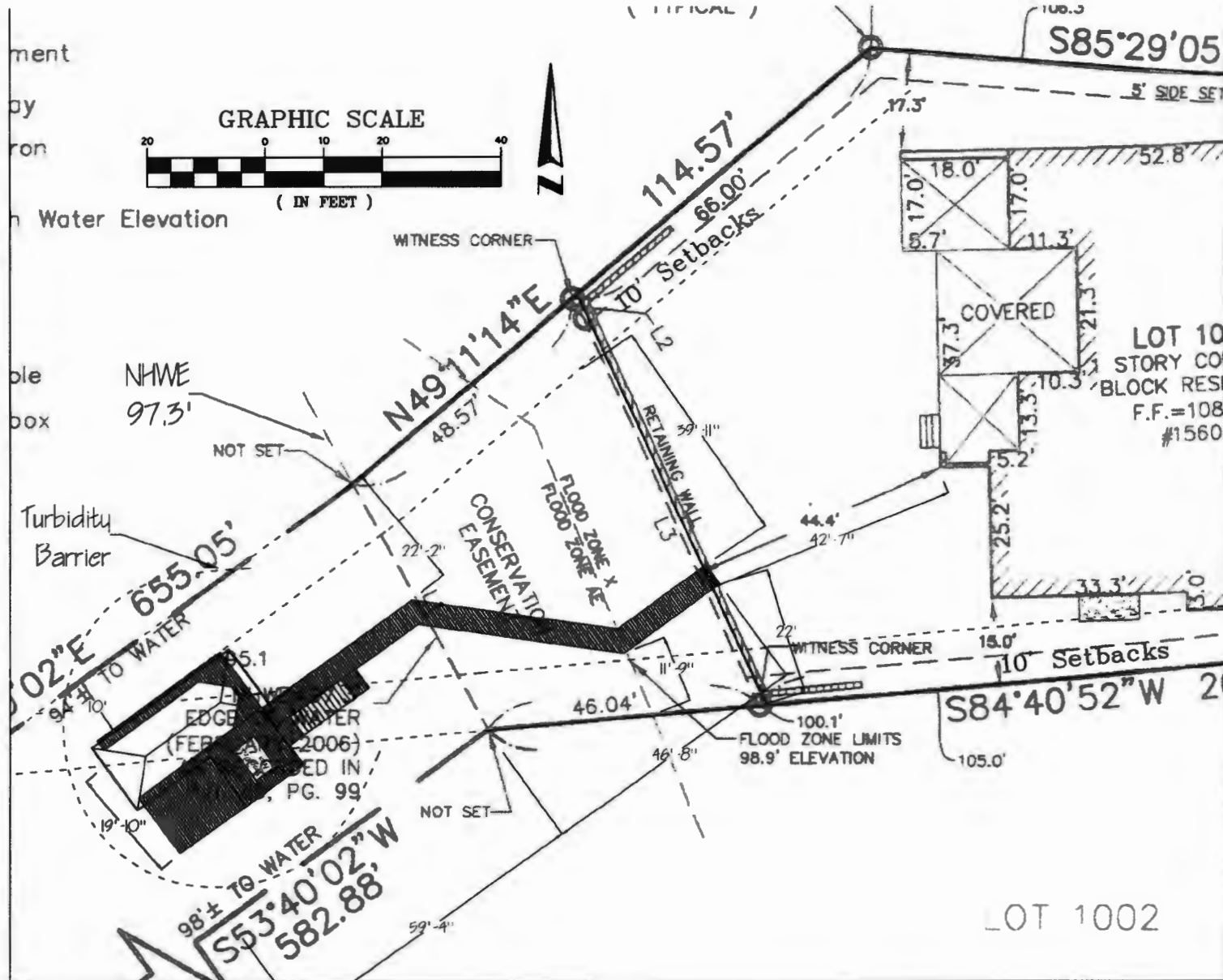


Amy Smith
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG088060
Expires 3/22/2021

(Signature of Notary Public - State of Florida)

Personally Known ☒ OR Produced Identification _____

Type of Identification Produced _____



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 JENNIFER TELIGA AT (351)862-7503.

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

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

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

101.5 CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PRACTICES, INCLUDING TECHNIQUES, PROCEDURES, SHOWING, AND THE SEQUENCE OF CONSTRUCTION. CONTRACTOR SHOULD NOTIFY JENNIFER 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 CONSIDERED WITH SOUND ENGINEERING AND STANDARD CONSTRUCTION PRACTICE.

102.1 2014 FLORIDA BUILDING CODE - RESIDENTIAL.

102.2 2012 AND MANUAL OF STEEL CONSTRUCTION - 13TH EDITION

102.3 ACI BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE - ACI 318-08

102.4 AMERICAN WOOD COUNCIL - NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION - 2008 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 FOOT UNLESS NOTED OTHERWISE. IF ANY PERMANENT MATERIALS EXCEED THESE LOADS, JENNIFER TELIGA SHALL BE CONTACTED TO REVISE THE STRUCTURAL DESIGN AND CONSTRUCTION DOCUMENTS.

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

103.2 LIVE LOADS:
DECK - 40 PSF WIND SPEED - 140 MPH
EXPOSURE - D
INTERNAL PRESSURE COEFFICIENT - 0.0
(COMPLETELY OPEN)
BUILDING TYPE - I - RISK FACTOR 1.0

104. STRUCTURAL LUMBER FRAMING (DIMENSIONAL LUMBER)

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

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

104.3 ALL FASTENERS TO BE HOT DIPPED GALVANIZED (HOG) OR STAINLESS STEEL.

104.4 ALL DECKING SHALL BE SOUTHERN YELLOW PINE (SPY) #2 OR BETTER OR WOOD/PLASTIC COMPOSITE COMPLYING WITH ASTM1130.

104.5 LIVE LOADS:
RAILROADS AND HANDRAILS - 200 PSF
RAILROADS 80-PEL COMPONENTS - 50 PSF
STAIRS - 40 PSF

104.7.1 HANDRAILS
HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE ON EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS

104.7.2 ILLUMINATION
ALL STAIRS SHALL BE PROVIDED WITH ILLUMINATION IN ACCORDANCE WITH SECTION 1000.8



JENNIFER L. TELIGA, P.E.
13354 Drive Hollow Lane
Clearmont, FL 34711
P.E. #64681
(351) 868-7503
(351) 868-7503

Cole Dock
15604 Avenue of The Arbor
Winter Garden, FL 34717

10008 - 2014 Jennifer Teliga, P.E. The use of these drawings and documents shall be restricted to the original project for which they were prepared. Any publication of these documents for any other project without the written consent of Jennifer Teliga, P.E. is prohibited. The use of these drawings and documents in any other project without the written consent of Jennifer Teliga, P.E. is prohibited. Jennifer Teliga, P.E. retains all federal, state, and common law rights.

Project:
SDD-2017-2

SC

