



## Interoffice Memorandum

September 11, 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**

AGENDA ITEM

SUBJECT: October 3, 2017 – Consent Item  
Environmental Protection Commission Recommendation for a  
waiver for the Nguyen Boat Dock Construct Permit No. BD-17-04-  
041

On June 9, 2017, the Environmental Protection Division received an Application for Boat Dock Construction Permit No. BD-17-040-041 for property owned by Mr. and Ms. Anh and Long Nguyen. The application included an application for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) for a terminal platform size of 1,058 square feet.

Based on the shoreline length of this property (118 feet) at the Normal High Water Elevation, the maximum terminal platform size for this property is 965 square feet without a waiver to Section 15-342(b). The project site is located at 2208 Whiting Trail, Orlando, Florida 32820 in unincorporated Orange County. The Parcel ID for the site is 10-22-32-4430-00-470. The subject property is located on Lake Pickett in District 5.

Notifications for the waiver were sent to all shoreline property owners within 300 feet of the subject property and no objections were received.

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) with a condition that the applicant pay \$1,044 to the Conservation Trust Fund as mitigation for the additional shading the oversize dock will cause on the natural resources.

**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 the condition that the applicant pay \$1,044 to the Conservation Trust Fund for the Anh and Long Nguyen Boat Dock Permit No. BD-17-04-041. District 5**

JVW/DJ: mg  
Attachments



**August 9, 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:** Anh and Long Nguyen Request for Waiver to Terminal Platform Size

**Reason for Public Hearing**

The applicants, Anh and Long Nguyen, are requesting approval of a waiver to Orange County Code, Chapter 15, Article IX, Section 342(b) for a larger than allowed terminal platform for Boat Dock permit BD-17-04-041.

**Location of Property/Legal Description**

The project site is located at 2208 Whiting Trail, Orlando, Florida 32820. The Parcel ID for the site is 10-22-32-4430-00-470. The subject property is located on Lake Pickett in Orange County Commission District 5.

**Public Notifications**

The applicants and contractor were notified of the hearing date on August 8, 2017.

**Staff Findings**

On April 20, 2017, Environmental Protection Division (EPD) staff received a new Application to Construct a Dock from the contractor, Summertime Deck & Dock for the Nguyen property. Upon notification by staff on May 8, 2017 that the terminal platform proposed exceeds that allowed by County code, on June 9, 2017 the contractor submitted an application for Waiver to terminal platform size. Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed application and required documents.

**Terminal Platform Waiver**

This lot has 118 feet of shoreline; therefore the allowed terminal platform size is 965 square feet. The applicant has proposed a terminal platform size of 1,058 square feet, which is 93 square feet larger than allowed by code.

Pursuant to Section 15-350(a)(2), "the applicant shall also describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners."

In regards to 15-350(a)(2)(1), the contractor has stated "*When a new boat dock is built, it creates a gathering area for fish, birds, turtles, and a vast array of various wildlife that inhabit our lakes, similar to a man-made ocean reef. This added activity seems to help with the control and*

*maintenance of unnatural aquatic plants that populate our lakes, such as hydrilla. Any additional mitigation costs have also been considered for continued environmental research, education, and restoration.*” The impacts of the proposed dock and oversized terminal platform have been evaluated by EPD Staff using the Uniform Mitigation Assessment Method (UMAM). The applicant has agreed to offset the environmental impacts with a contribution of \$1,044.00 to the Conservation Trust Fund (CTF).

In regards to 15-350(a)(2)(2), the applicant states that the *“There doesn’t seem to be any immediate evidence that this waiver, if granted, will impact either of the abutting shoreline owners, as several of the neighboring docks have also been granted waivers to the square footage limitations.”*

Notifications for the waiver request were sent to all shoreline property owners within 300 feet of the subject property on June 23, 2017. EPD has not received any objections to the request at this time.

### **Side Setback Waiver**

The Nguyen’s have also requested a waiver to Section 15-343(b) (side setback) to reduce the required minimum side setback from 25 feet to 12.3 feet from the northern projected property line. They have provided a signed/notarized Letter of No Objection (LONO) from the affected property owner at 2214 Whiting Trail.

Section 15-343(b) states, “on lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line....Waivers from side-setback requirements may be granted by the Environmental Protection Officer (EPO) if a notarized LONO to the waiver is received from the shoreline property owner abutting the applicant’s property line affected by the waiver.”

No action is required by the Environmental Protection Commission for this request as the side setback waiver can be approved by the EPO.

### **Enforcement Action**

There currently is no enforcement action for this property.

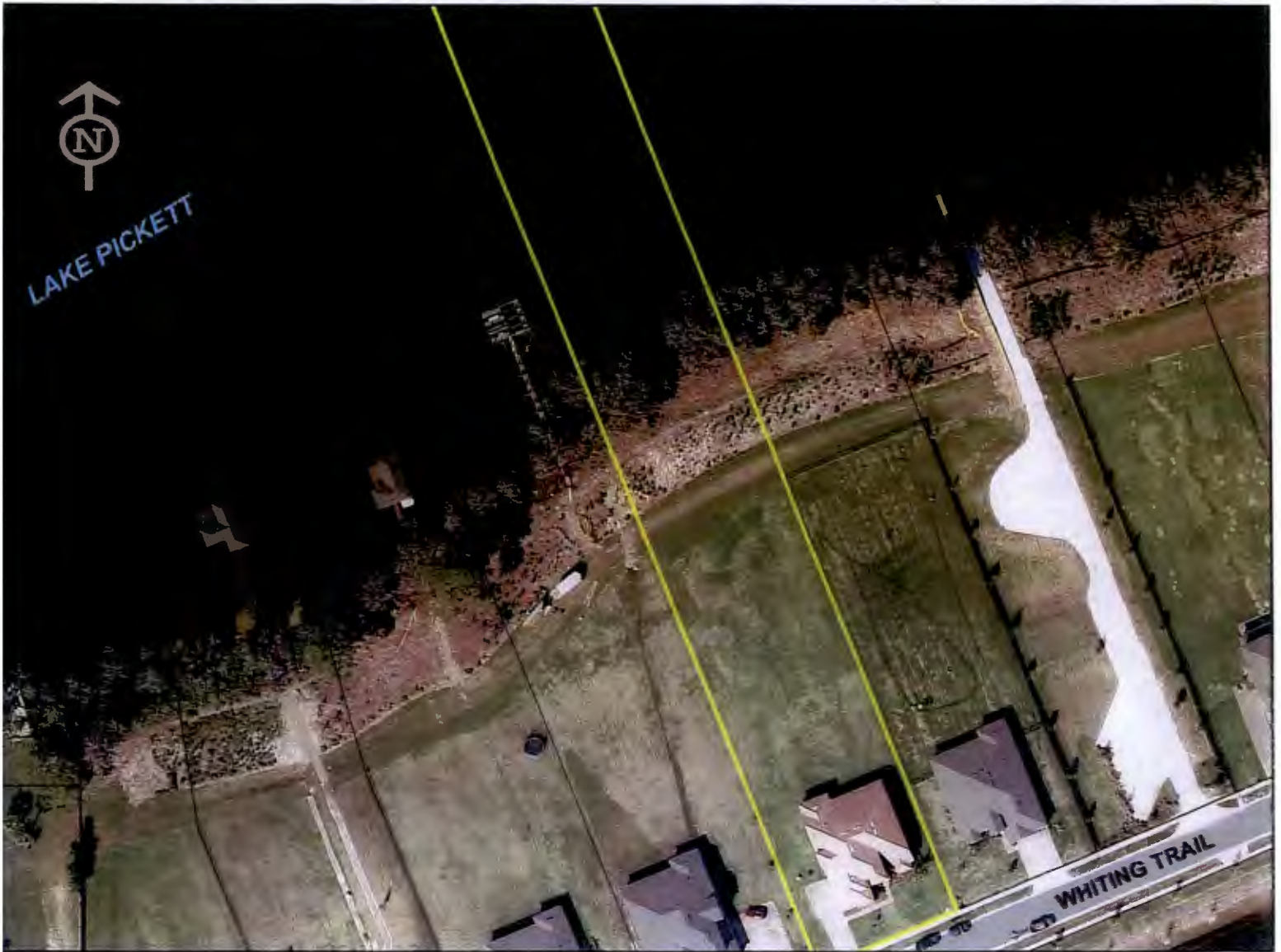
### **Staff Recommendation**

The recommendation of the EPO is to approve the request for waiver to Section 15-342(b) (terminal platform size), with the condition that the applicant pay \$1,044.00 to the CTF as mitigation for 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), WITH THE CONDITION THAT THE APPLICANT PAY \$1,044.00 TO THE CONSERVATION TRUST FUND, FOR THE ANH AND LONG NGUYEN BOAT DOCK PERMIT BD-17-04-041.**

CS/NT/ER/DJ:mg  
Attachments

# Dock Construction Waiver Request



## Dock Construction Waiver Request

### District #5

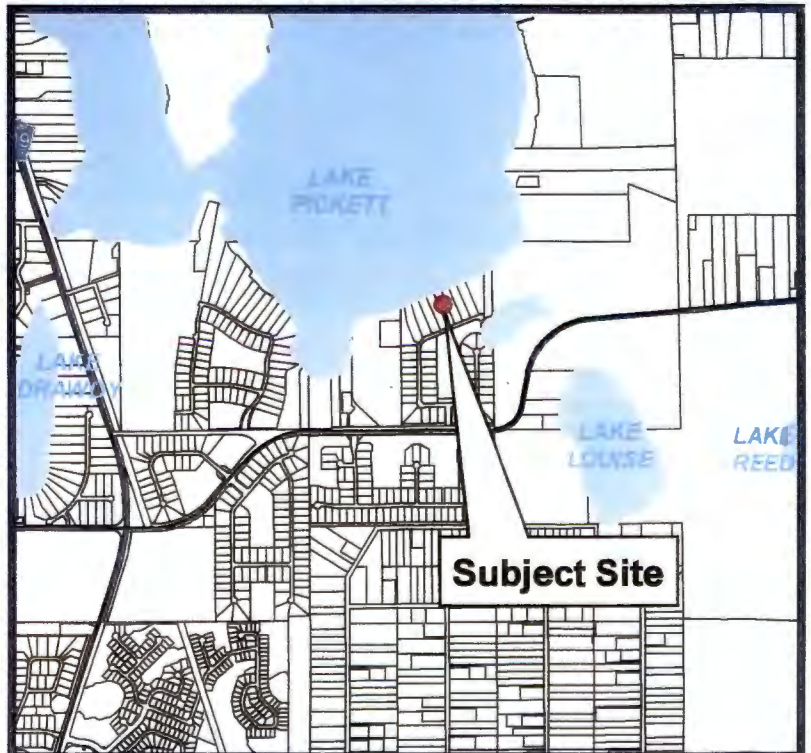
**Applicant:** Anh & Long Nguyen

**Parcel IDs:** 10-22-32-4430-00-470

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

I Matt Langbehn on behalf of Anna and Long Nguyen (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:

When a new boat dock is built, it creates a gathering area for fish, birds, turtles, and a vast array of various wildlife that inhabit our lakes, similar to a man-made ocean reef. This added activity seems to help with the control and maintenance of unnatural aquatic plants that populate our lakes, such as hydrilla. Any additional mitigation costs have also been considered for continued environmental research, education, and restoration.

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, as several of the neighboring docks have also been granted waivers to the square footage limitations.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

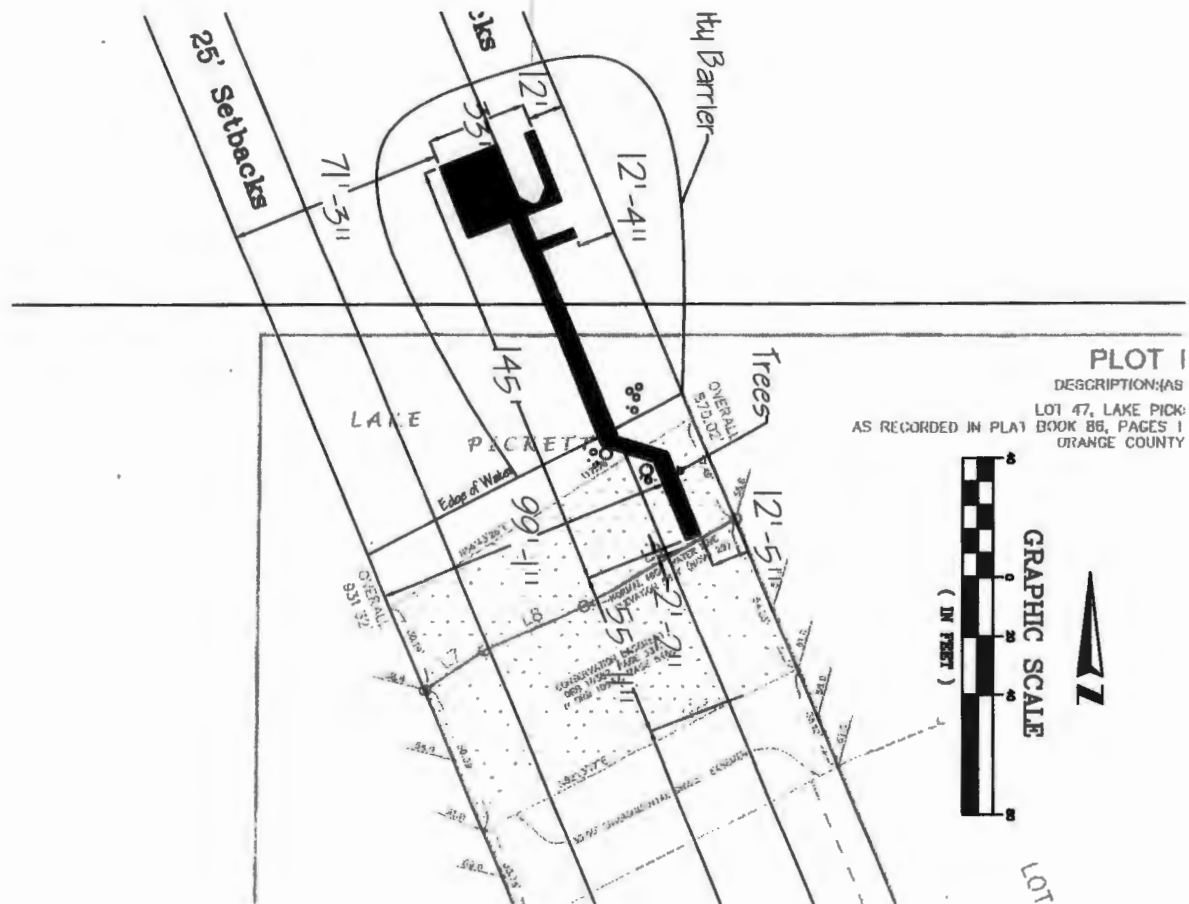
By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained 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.

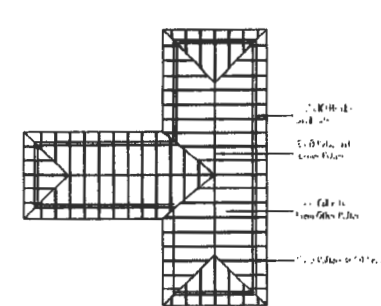
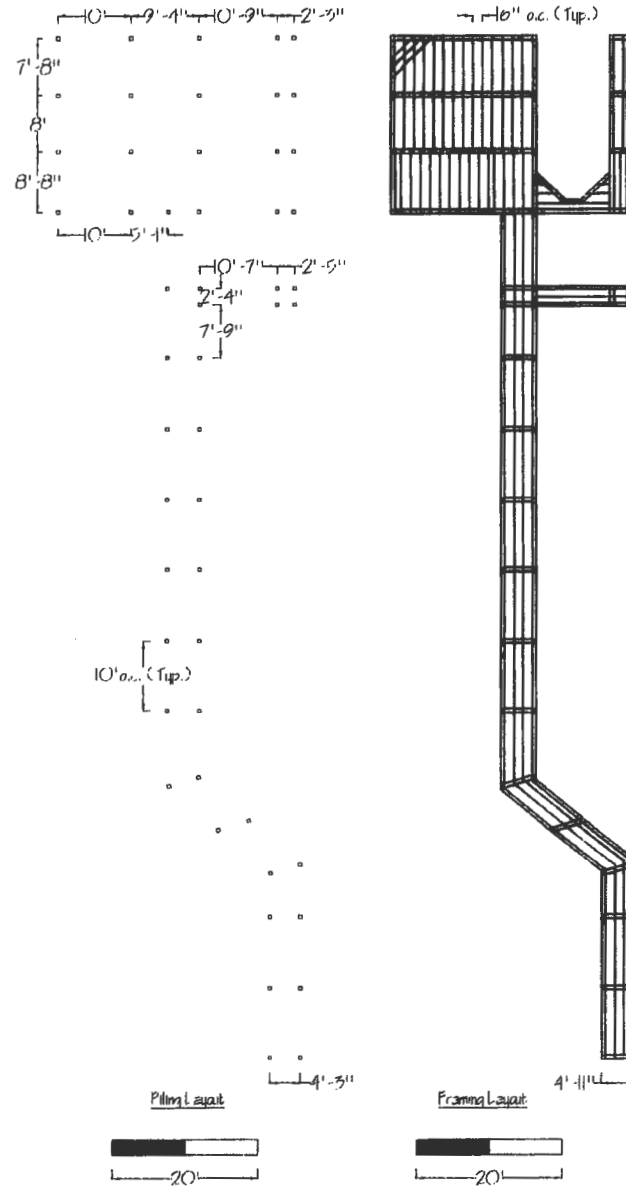
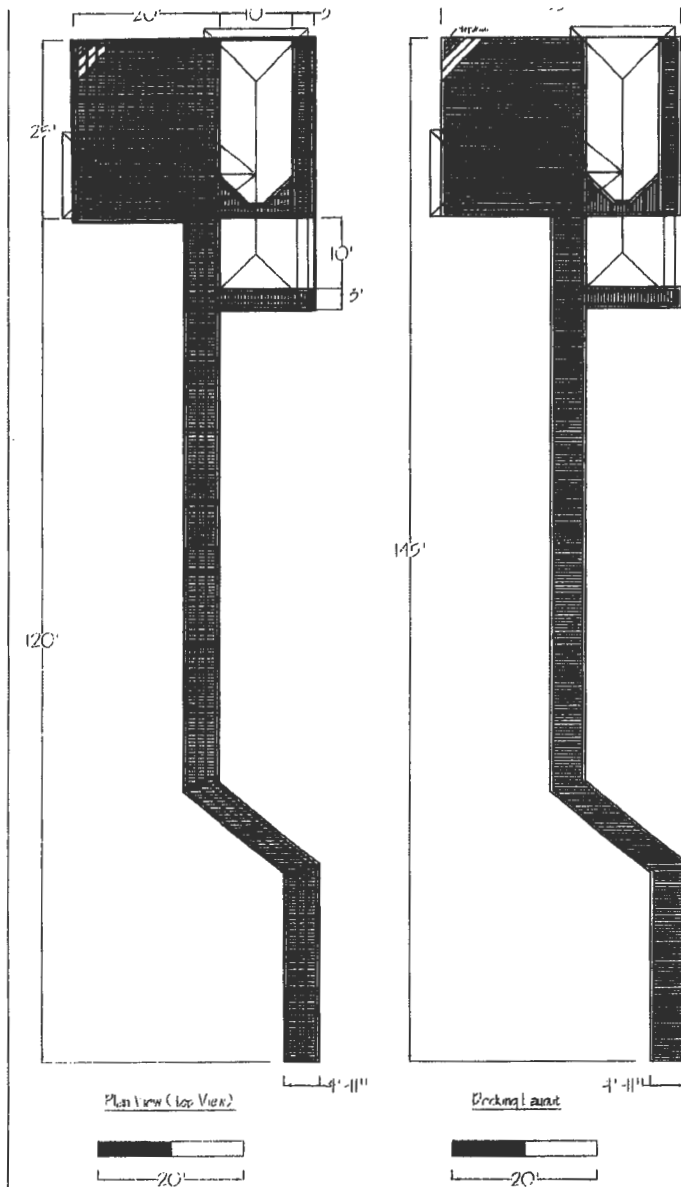
Name of Applicant: Matt Langbehn

Signature of Applicant/Agent 

Date: 6/8/17

Corporate Title (if applicable): \_\_\_\_\_





**Calculated at 1058 sq ft**

TERMINAL PLATFORM SIZE: 991 Sq. Ft. (including Boat Slip)
TERMINAL PLATFORM PERIMETER: 142 Ft.
OVERALL WALKWAY LENGTH: 120 Ft.
LENGTH OF DOCK FROM NW-WE: 147 Ft.
DISTANCE OF DOCK FROM CLOSEST EXISTING DOCK: 1530 Ft.
ROOF SIZE AT HEADERS: 937 Sq. Ft.

Prepared for:  
**STARK & STARK**  
 11854 Briar Harbor Lane  
 Clearwater, FL 34711  
 (813) 938-1111  
 (813) 938-1111

Submitted To:  
**Stark & Stark, P.E.**  
 11854 Briar Harbor Lane  
 Clearwater, FL 34711  
 (813) 938-1111  
 (813) 938-1111

**Nguyen Dock**  
 2208 Whiting Rd.  
 Clearwater, FL 34711  
 (813) 938-1111

Project:  
 SDD-2017-C

**S1**

**NGUYEN BD-17-04-041**



Looking across shoreline in approximate location of proposed dock



Looking across environmental swale at Conservation Easement and shoreline