



Interoffice Memorandum

September 11, 2017

AGENDA ITEM

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JW.*
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 an after-the-fact waiver request to terminal platform size for the Benjamin Snively after-the-fact Dock Construction Permit BD-17-03-027

Mr. Benjamin Snively is requesting an after-the-fact waiver to Section 15-342(b) terminal platform size for the after-the-fact Dock Construction Permit BD-17-03-027. The project site is located at 4716 Faust Court, on Lake Pearl (East). The Parcel ID number is 01-22-30-9077-08-050. The subject property is located in District 5.

On March 15, 2017, the Environmental Protection Division (EPD) received an after-the-fact Application to Construct a Dock from the applicant after EPD discovered an unauthorized addition to a previously permitted dock. The as-built survey submitted indicated that the existing terminal platform size was larger than allowed by Orange County Code. The terminal platform size of the dock is currently 1,238.66 square feet, which is 288.66 square feet greater than the 950 square feet allowed by Code. Mr. Snively has paid an administrative penalty of \$800 for the unauthorized addition.

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

During the August 30, 2017 Environmental Protection Commission (EPC) public hearing, the EPC voted to uphold the recommendation of the Environmental Protection Officer and approve the after-the-fact request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) for a larger than allowed terminal platform size, with the condition that the applicant pay \$1,392 to the Orange County Conservation Trust Fund as mitigation.

ACTION REQUESTED: Acceptance of recommendation of the Environmental Protection Commission to approve the after-the-fact 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 \$1,392 to the Orange County Conservation Trust Fund for the Benjamin Snively after-the-fact Dock Construction Permit BD-17-03-027. District 5

JVW/DJ: mg

Attachments



ENVIRONMENTAL
PROTECTION
COMMISSION

Jonathan Huels
Chairman

Mark Ausley
Vice Chairman

Sally Atwell

Flormari Blackburn

Mark Corbett

Oscar Anderson

David Ward

ENVIRONMENTAL PROTECTION DIVISION

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

Environmental Protection Division

3165 McCroby Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax 407-836-1499

www.ocfl.net

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
August 30, 2017

PROJECT NAME: Snively Boat Dock
PERMIT APPLICATION NUMBER: BD-17-03-027
LOCATION/ADDRESS: 4716 Faust Court, Orlando, FL 32817

RECOMMENDATION: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), approve the request for an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b), with the condition that the applicant pay \$1,392.00 to the Conservation Trust Fund, for the Benjamin Snively after-the-fact Dock Construction Permit BD-17-03-027.

☒ 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 11, 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", written over the printed name and title.

Subject: Benjamin Snively Request for an After-the-Fact Boat Dock Waiver

Reason for Public Hearing

The applicant, Benjamin Snively, is requesting approval of an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) for a larger than allowed terminal platform (BD-17-03-027).

Location of Property/Legal Description

The project site is located at 4716 Faust Court, Orlando, Florida 32817. The Parcel ID for the site is 01-22-30-9077-08-050. The subject property is located on Lake Pearl (West) in Orange County Commission District 5.

Public Notifications

The applicant was notified of the hearing date on August 11, 2017.

Project History

On April 10, 2013, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-13-02-016 to Ben and Marie Snively. This permit allowed a maximum terminal platform size of 950 square feet. On April 22, 2014, EPD approved the as-built survey for the completed structure and closed the permit file.

On January 20, 2017, EPD received a complaint from a neighbor stating that the dock was being expanded without a permit. EPD verified that indeed some alterations to the dock had been completed without a permit and an enforcement case (#17-476332) was initiated. Mr. Snively was directed to have a new as-built survey completed and to apply for a new Dock Construction Permit, in an attempt to keep the existing structure. Mr. Snively has paid an administrative penalty of \$800.00 for the unauthorized construction.

Staff Findings

On March 15, 2017, EPD received a new (after-the-fact) Application to Construct a Dock from Mr. Snively. The as-built survey indicates that the existing terminal platform size was larger than allowed by Orange County Code.

Subsequently, on June 1, 2017, EPD received an after-the-fact Application for Waiver to Section 15-342(b) (terminal platform size).

Terminal Platform Size Waiver

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed waiver application and required documents. The applicant has 115 feet of shoreline; therefore, the allowed terminal platform size is 950 square feet. The applicant is requesting a terminal platform size of 1,238.66 square feet.

Notifications for the waiver request were sent to all shoreline property owners within 300 feet of the subject property on August 11, 2017.

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 applicant stated "*The addition platform size does not impact the conservation area or shoreline. No impact to vegetation and wildlife in the area.*" Furthermore, the impact of the proposed dock was evaluated by EPD 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 contribution of \$1,392.00 to the Conservation Trust Fund (CTF).

In regards to 15-350(a)(2)(2), the applicant states that the "*New platform size is 16.7 feet from neighbor on west side. Neighbor has no objections and signed a 'No Objection to Boat Dock' form.*" EPD has not received any objections to the request at this time.

Side Setback Waiver

EPD also received an after-the-fact Application for Waiver to Section 15-343(b) (side setback). Per Code, the required side setback distance for the subject property is twenty-five (25) feet from each adjacent property line; then ten (10) feet once the width between adjacent property lines becomes less than seventy-five (75) feet.

The existing structure is 16.7 feet from the adjacent property owner to the west. 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 Letter Of No Objection (LONO) to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver."

On June 1, 2017, EPD received a LONO from Charles K. Hippler, the affected neighbor, who owns the property at 4722 Faust Court, in Orlando. No action is required by the Environmental Protection Commission (EPC) for this issue because the side setback waiver can be approved by the EPO.

Staff Recommendation

The recommendation of the EPO is to approve the after-the-fact request for waiver to Section 15-342(b) (terminal platform size), with the condition that the applicant pay \$1,392.00 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 AN AFTER-THE-FACT WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(B), WITH THE CONDITION THAT THE APPLICANT PAY \$1,392.00 TO THE CONSERVATION TRUST FUND, FOR THE BENJAMIN SNIVELY AFTER-THE-FACT DOCK CONSTRUCTION PERMIT BD-17-03-027.

JS/NT/ERJ/DJ: mg

Attachments

Application for Boat Dock Waiver



Application for Boat Dock Waiver

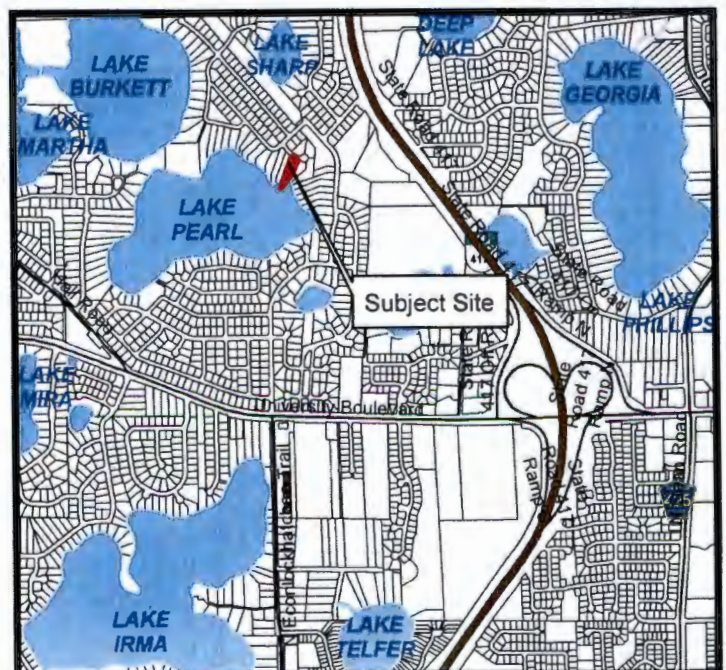
District #5

Applicant: Benjamin Snively
Parcel ID: 01-22-30-9077-08-050

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 BENJAMIN D SNIVELY on behalf of MYSELF (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:

- ADDITION PLATFORM SIZE DOES NOT IMPACT THE CONSERVATION AREA OR SHORELINE
- NO IMPACT TO VEGETATION AND WILDLIFE IN AREA

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

- NEW PLATFORM SIZE IS 16.7 FEET FROM NEIGHBOR ON WEST SIDE
- NEIGHBOR HAS NO OBJECTIONS AND SIGNED A 'NO OBJECTION TO BOAT DOCK' FORM

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: BENJAMIN D SNIVELY

Signature of Applicant/Agent *Ben D S* Date: 5/30/2017

Corporate Title (if applicable): _____

AS-BUILT SURVEY

Legal Description:

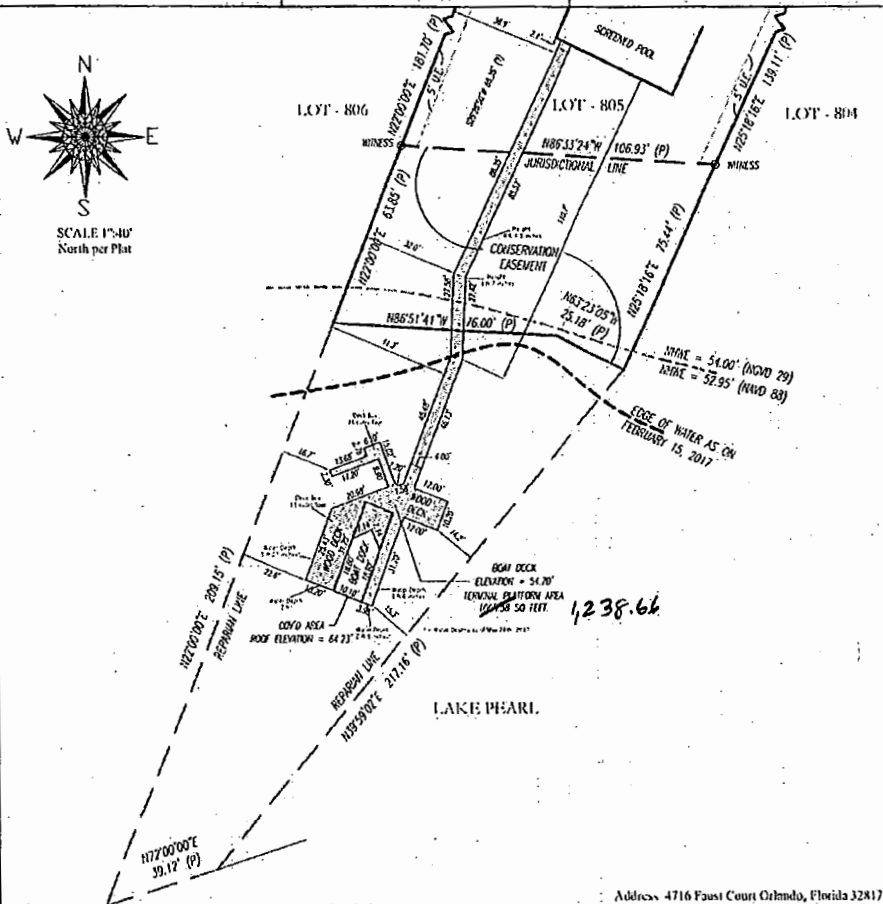
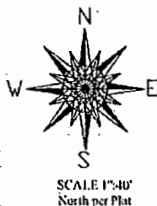
Lot 805, WATERMILL SECTION EIGHT,
according to the map or plat thereof, as
recorded in Plat Book 25, Page 145, of the
Public Records of Orange County Florida

Certified to/ for the exclusive use of:

Ben Snively

Flood Insurance Rate Map:

Community Number: 120189 Panel: 0260
 Suffix F Flood Insurance Rate Map
 Dated , September 25, 2009 Flood Zone: " X / AE "
 Map ID: 12095C0260F



Address 4716 Faust Court Orlando, Florida 32817



1 PR/00 6/01P

LAND SURVEYING AND MAPPING CORP.
 6 Kinder Woods Blvd Suite 1000, Kinder Park, Florida 32792
 Phone (407) 781-9329 Fax (407) 517-4393
 Website: WWW.LHPCORP.COM
 Email: info@lhpncorp.com



Legend:

- 6' OF WOOD IE
- 4' OF WOOD IE
- TELEPHONE IE
- WOOD FENCE
- 1/2" IN IE
- WOOD DOCK
- COASTED AREA
- SANDSTONE

Abbreviations:

- [illegible]

- | | |
|------|------------------------------|
| P.C. | POINT OF CLAYTON |
| I/C | IRON ROOF AND CAP |
| C/F | CHALK LINE FENCE |
| C/F | CHALK LINE FENCE |
| C/F | CONCRETE WALL MOUNT |
| C/F | CONCRETE WALL MOUNT |
| P/B | POINT OF BROWING |
| P/B | POINT OF BROWING |
| P/B | PERMANENT REFERENCE MONUMENT |
| C/B | CONCRETE BLOCK |
| UT | UTILITY CEMENT |
- THESE BEING THE "STANDARD OF PRACTICE" AS REQUIRED BY THE PROFESSIONAL SURVEYORS AND ENGINEERS BOARD OF THE STATE OF TEXAS.

THIS SURVEY MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED
BY THE NATIONAL BOARD OF PROFESSIONAL SURVEYORS AND MEASURERS, INCORPORATED
IN ALABAMA STATUTES.

Basis of Bearing:

Hearings shown herein are based on the NORTHERLY line of Lot 225, being S 64° 41' 44" E, per P61

THE FLOOD DATA PROVIDED IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE LOCAL F.E.M.A. AGENCY SHOULD BE CONTACTED FOR VERIFICATION.

THE CLERK LIBRON, PSM #6641 JUNE RAIL MIGNON, PSM #6641
Florida Professional Surveyor and Mapper Florida Professional Surveyor and Mapper

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED
ELECTRONIC SEAL ANALYSIS THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF
THE OFFICIAL BUNDLED SET OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Surveyor's Notes:

- [illegible]

This Survey is intended for mortgage or refinancing purposes only. Exclusively for this use by those to whom it is certified. This Survey is not to be used for construction, permitting, design, or any other use without the written consent of LEBRON GROUP SURVEYING AND MAPPING CORP. PHOTOCOPIING FORBIDDEN.

SURVEY NO. 2017-077
FIELD NO. 0216-022

REINFORCEMENT NO. 20547

REVIEWED BY:
SUBMITTED BY:

SHEET NO.:

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