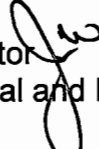


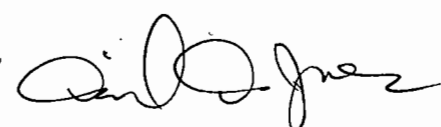


## Interoffice Memorandum

December 19, 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: January 23, 2018 – Consent Item  
Environmental Protection Commission recommendation for a  
variance request for the Scott and Lauren McIver Boat Dock  
Construction Permit BD-17-05-056

Scott and Lauren McIver are requesting approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) to allow for a 14-foot high roof for Boat Dock Construction Permit BD-17-05-056. The project site is located at 11521 Waterstone Loop Drive, Windermere, Florida 34786, on Lake Butler. The Parcel ID number is 24-23-27-9009-00-110. The subject property is located in District 1.

On May 23, 2017, the Environmental Protection Division (EPD) received an application to construct a dock with plans depicting a roof height that exceeded the maximum of 12 feet (above the floor elevation) allowed by Orange County Code. On September 25, 2017, EPD received an Application for Variance (dated June 7, 2017) to allow for a 14-foot high roof for this project.

The shoreline property owners within 300 feet of the subject property were sent notification of the variance request by certified mail on September 28, 2017. On October 26, 2017, EPD received a written objection to the variance request from Mr. Majid Heydari and Ms. Shahi, the owners of the property located two lots north of the subject property at 11533 Waterstone Loop Drive.

Notices of the public hearing were sent by mail to the applicant, agent, contractor, and the objectors on November 22, 2017.

Page Two

January 23, 2018 - Consent item

Environmental Protection Commission Recommendation for a Variance Request for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056

During the December 13, 2017 Environmental Protection Commission (EPC) public hearing, the EPC voted unanimously to overturn the recommendation of the Environmental Protection Officer to deny the request, and recommended approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the McIver dock permit. The objectors were not present at the hearing. The EPC indicated that because a hip roof design will be utilized on the dock, and only the small, pyramid-shaped tip of the roof will exceed the 12-foot maximum allowed by code, the visual impact would be minimal. Additionally, the EPC agreed with the contractor that the greater height was needed to accommodate the dock structure necessary to support a large ski boat and the span of the roof.

**ACTION REQUESTED:**      **Acceptance of recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056. District 1**

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

3165 McCrory Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax 407-836-1499

www.ocfl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
December 13, 2017

PROJECT NAME: Scott and Lauren McIver Boat Dock  
PERMIT APPLICATION NUMBER: BD-17-05-056  
LOCATION/ADDRESS: 11521 Waterstone Loop Dr., Windermere, Florida 34786

RECOMMENDATION: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), deny the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056.

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☒ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS  
MADE THE FOLLOWING 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 15-342(e) (roof height) for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056.

Signature of EPC Chairman: Jonathan Huels

EPC RECOMMENDATION DATE: 12/13/2017



## Interoffice Memorandum

November 28, 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:** Scott and Lauren McIver Request for a Variance for Dock Construction – BD-17-05-056

### **Reason for Public Hearing**

Scott and Lauren McIver are requesting approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) to allow for a 14-foot high roof above the floor elevation for boat dock construction permit BD-17-05-056.

### **Location of Property/Legal Description**

The project site is located at 11521 Waterstone Loop Drive, Windermere, Florida 34786. The Parcel ID number is 24-23-27-9009-00-110. The subject property is located on Lake Butler in District 1.

### **Background**

On May 23, 2017, the Environmental Protection Division (EPD) received an application to construct a dock with a reduced side setback and a roof height that exceeds what is allowed by code. On September 25, 2017, EPD received an Application for Variance (dated June 7, 2017) requesting a variance to roof height for this project. The plans depict the dock with a roof height of 14 feet above the floor elevation.

### **Public Notifications**

The shoreline property owners within 300 feet of the subject property were sent notification of the request for variance by certified mail on September 28, 2017.

Notices of the public hearing were sent by mail to the applicant, agent, contractor, and one objector on November 22, 2017.

### **Roof Height Variance**

Section 15-342(e) states "The maximum roof height shall be no higher than twelve (12) feet above the floor elevation." The elevation roof plan depicts the peak of the roof at 14 feet maximum above the deck; therefore, a variance is required.

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 section 15-350(a)(1)(1), the contractor for the owner has stated, *"With the newer style ski boat and jet skis over the past few years they have been getting larger and heavier for older engineered boathouses. We use a 4,000lb boat cradle for the older ski boat and now having to use a 7,500lb boat cradle for the newer style ski boat. This is causing all of the roof beams to be engineered for the additional weight."*

To address section 15-350(a)(1)(2), the contractor has stated, *"We have paid close attention of the placement of the roof structure. We would place the roof structure behind the existing cypress trees. The owner would like to do a hip roof so this will allow all four sides of the roof structure to be a hip roof which would be 4.7 sq. ft. above the allowable 12 ft. height."*

Pursuant to Section 15-347(a), notices of the variance request were sent to the neighboring shoreline property owners within 300 feet.

On October 26, 2017, EPD received a written objection to the request for variance to roof height from Mr. Majid Heydari and Ms. Shahi, the owners of the property located two lots north of the subject property at 11533 Waterstone Loop Drive. The objector's state: *"As this dock will be obstructing our view of the lake, we'd like it to remain at maximum of 12 feet above floor elevation."*

#### **Side Setback Waiver**

On September 25, 2017, EPD also received an Application for Waiver (dated June 7, 2017) for waiver to side setback. The contractor also provided a notarized Letter of No Objection (LONO) dated September 22, 2017. The LONO is from Mr. Merk, the adjacent property owner to the north at 11527 Waterstone Loop Drive. In accordance with section 15-343(b) the Environmental Protection Officer (EPO) may grant a waiver to side setback when a notarized LONO from the adjacent affected property owner is received.

Therefore, no action is requested from the Environmental Protection Commission on the request for waiver to side setback and the EPO will grant the request for waiver to side setback to allow a 10 foot side setback on the northern property line.

#### **Enforcement Action**

There are no prior or pending enforcement actions for this property.

#### **Staff Recommendation**

The recommendation of the EPO is to deny the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056.

**ACTION REQUESTED:** Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), deny the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Scott and Lauren McIver Boat Dock Construction Permit BD-17-05-056.

CRS/NT/ERJ/DJ: mg

Attachments

# Request for Boat Dock Variance



## Request for Boat Dock Variance

**BD-17-05-056**

**District #1**

**Applicant:** Scott & Lauren McIver

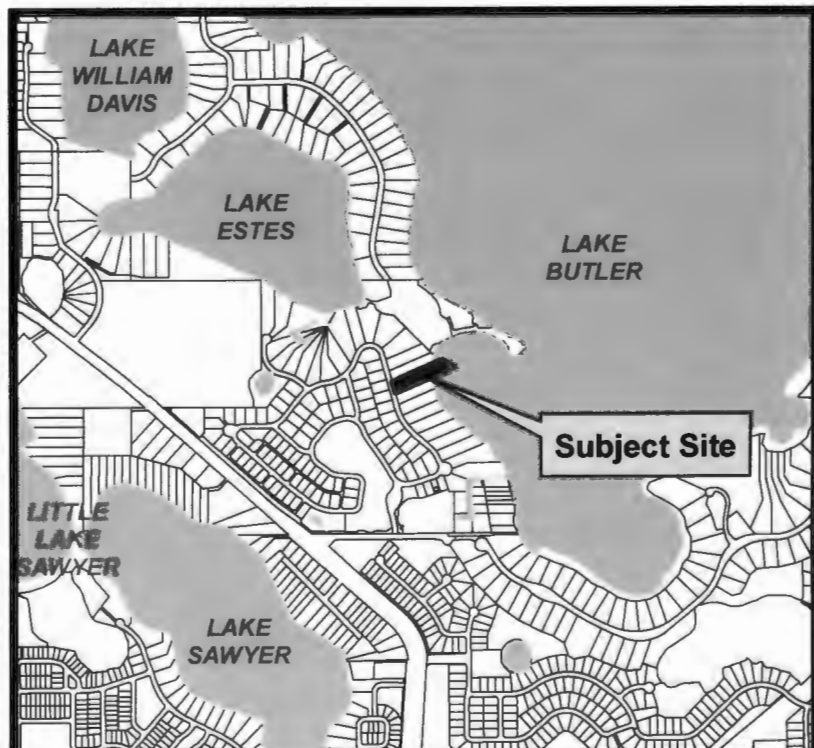
**Address:** 11521 Waterstone Loop Dr.

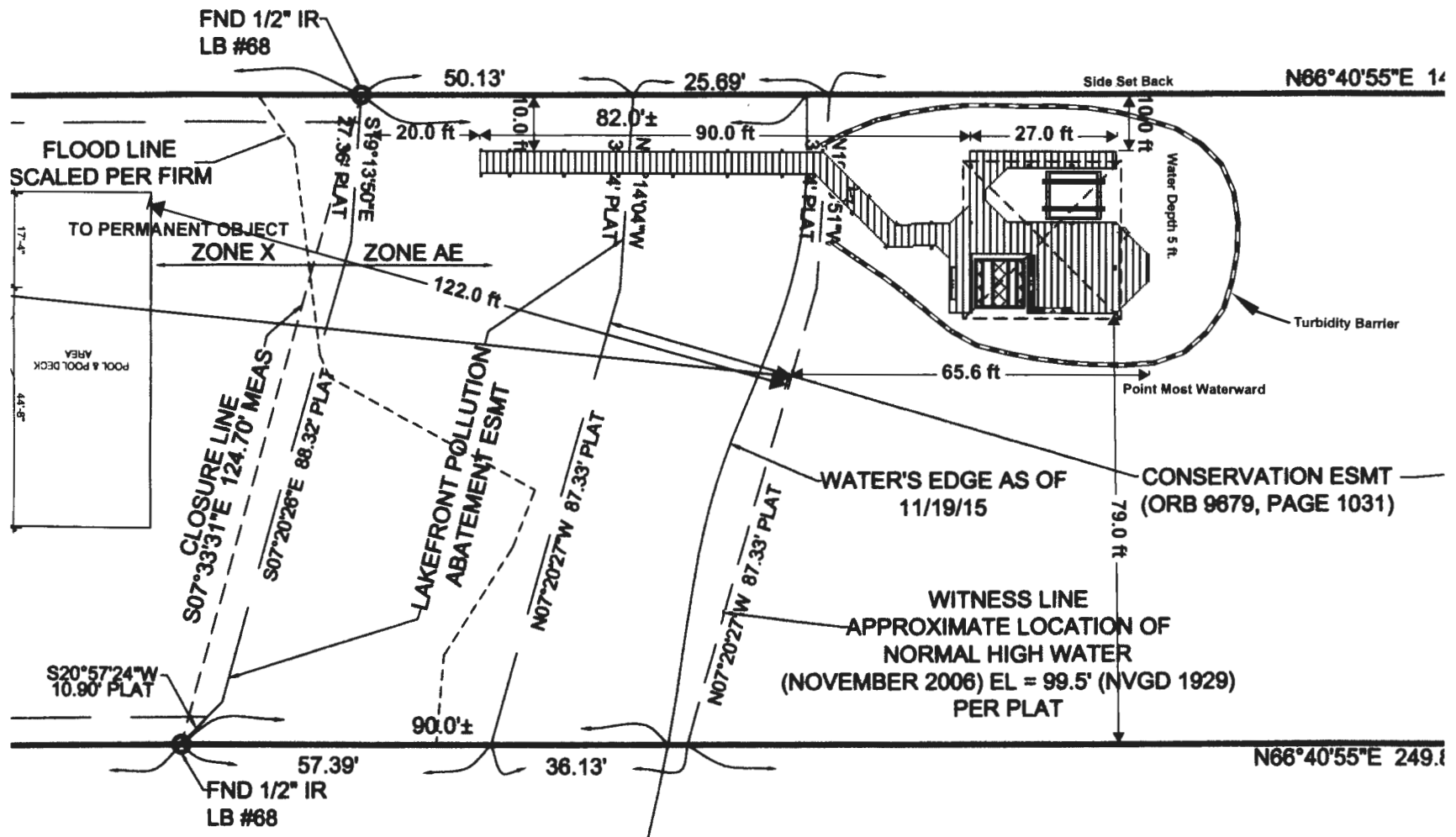
**Parcel ID:** 24-23-27-9009-00-110

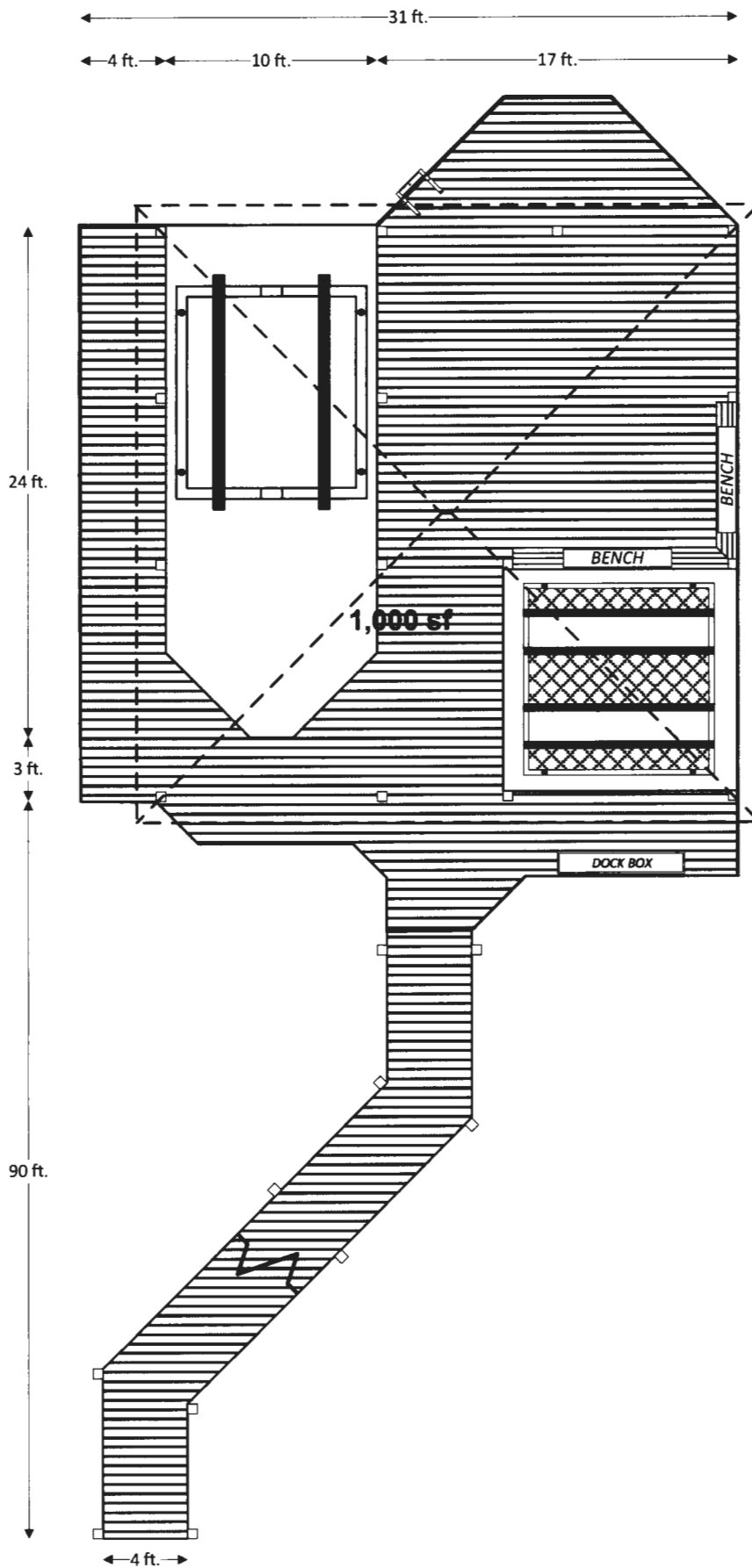
**Project Site**



**Property Location**







### LOCATION

11521 Waterstone Loop Dr  
Windermere, FL 34786

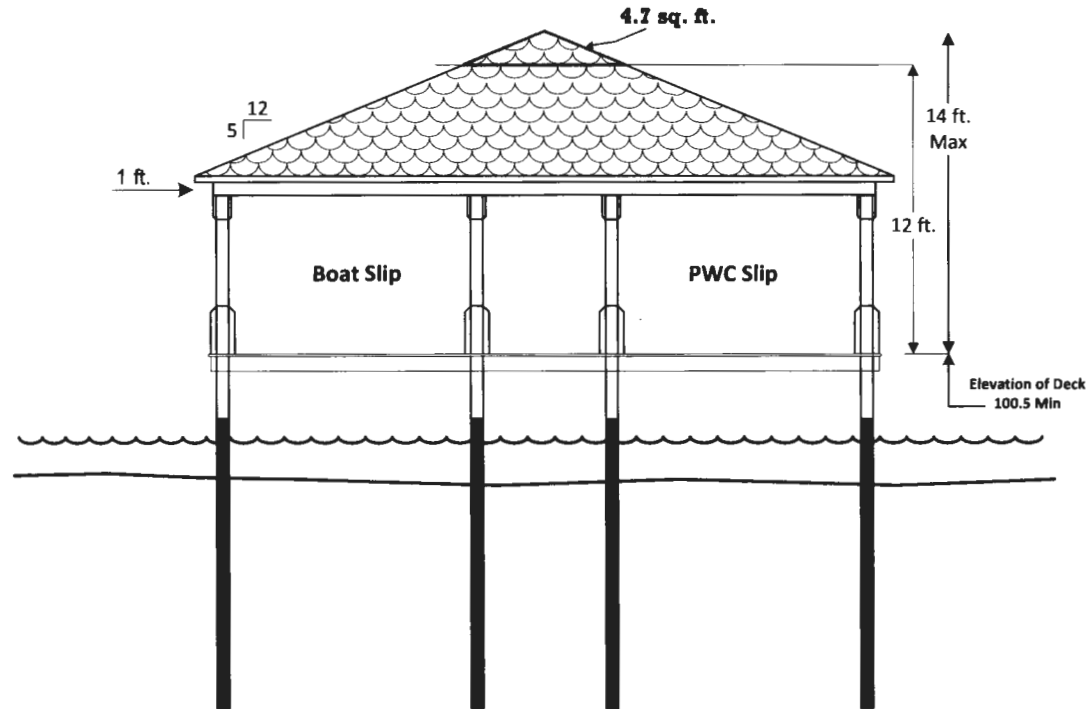
**DESIGNED FOR**  
**Scott & Lauren Mciver**  
**Floor Plan**

Copyright 2017 SAT  
All Rights Reserved  
SCALE: 1/8" = 1' 0"





## Boathouse Roof West Side



### **LOCATION**

11521 Waterstone Loop Dr  
Windermere, FL 34786

**DESIGNED FOR**  
**Scott & Lauren Mciver**  
Elevation Roof Plan

Copyright 2017 SAT  
All Rights Reserved  
SCALE: NTS





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

**\*\*Enclose a check for \$397.00 payable to The Board of County Commissioners\*\***

I Sandy Teague on behalf of Scott & Lauren Mciver (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342 (e) 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):

With the newer style ski boat and jet skis over the past few years they have been getting larger and heavier for older engineered boathouses. We use a 4,000lb boat cradle for the older ski boat and now having to use a 7,500lb boat cradle for the newer style ski boat. This is causing all of the roof beams to be engineered for the additional weight.

Due to the structural engineer the roof structure will require larger trusses, roof beams, hip beams and boat lift beams.

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

We have paid close attention of the placement of the roof structure. We would place the roof structure behind the existing cypress trees.

The owner would like to do a hip roof so this will allow all four sides of the roof structure to be a hip roof which would be 4.7 sq. ft. above the allowable 12 ft. height.

### 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: Scott & Lauren Mciver

Signature of Applicant/Agent  Date: 6/7/17

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



ENVIRONMENTAL PROTECTION DIVISION  
David D. Jones, P.E., CEP, Manager  
Community, Environmental and Development Services Department  
3165 McCrory Place, Suite 200  
Orlando, FL 32803  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

September 28, 2017

**CERTIFIED MAIL: 91 7199 9991 7037 4246 1756**

HEYDARI MAJID  
SHAHI FARNAZ AKBAR  
14282 CREEKBED CIR  
WINTER GARDEN, FL. 34787

**NOTICE OF APPLICATION  
FOR VARIANCE**

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that an application to construct a dock has been received for the following property:

**Applicant: McIver, Scott Andrew**  
**Subject Site Address: 11521 Waterstone Loop Drive**  
**Application No.: BD-17-05-056**  
**Lake Name: Butler, Orange County Commission District: 1**

The applicant, Scott Andrew McIver, is requesting a variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) to allow a 14-foot roof height (above the floor elevation). Orange County Code allows for a maximum roof height of 12-feet above the floor elevation.

Any objections must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within thirty-five (35) calendar days of receipt of this notice.

All permits and permit applications are public documents that are available for examination by citizens. You are welcomed to view any of these records during regular business hours at EPD. It may be convenient to call in advance to arrange an appointment. A copy of the rules and regulations governing the application to construct a dock can be obtained from the Clerk to the Board of the County Commissioners or the EPD website located at [www.OCEPD.org](http://www.OCEPD.org).

If you should have any questions concerning this review, please contact me at (407) 836-1546.

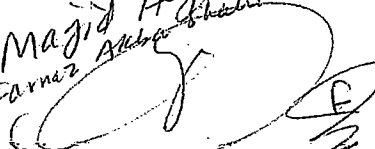
Sincerely,

  
Carolyn Schultz  
Senior Environmental Specialist

CRS/NA/ER/DJ: gfdjr

C: Sandy Teague, Extreme Marine – [Sandy@pettemp.com](mailto:Sandy@pettemp.com)

10-24-17  
As this dock will be obstructing our view of the lake, we'd like it to remain at maximum of 12 feet above floor elevation.  
Thank you

Majid Heydari  
Farnaz Akbari  


2017 OCT 26 PM 11:11  
RECEIVED  
ENVIRONMENTAL  
PROTECTION DIVISION