



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 waiver and variance request for the Ruben and Monique Santos Dock Construction Permit BD-17-05-050

**ND** 

Ruben and Monique Santos are requesting a waiver to Section 15-342(b) terminal platform size, and a variance to Section 15-343(a) (side setback distance) for Dock Construction Permit BD-17-05-050. The project site is located at 5012 Sawyer Cove Way on Little Lake Sawyer. The Parcel ID number is 24-23-27-7825-00-050. The subject property is located in District 1.

On May 9, 2017, the Environmental Protection Division (EPD) received an Application to Construct a Dock for construction of a new boat dock on the subject property. Upon review of the application, EPD informed the applicant and agent that they would need to apply for a waiver for a larger-than-allowed terminal platform, and a variance for a reduced side setback from the adjacent projected property line. On August 9, 2017, EPD received an Application for Waiver and an Application for Variance.

The allowed terminal platform size for this property is 499.8 square feet. The applicant is proposing to build a terminal platform that is 813.3 square feet. The additional shading impacts from a larger-than-allowed terminal platform have been evaluated by EPD staff using the Uniform Mitigation Assessment Method, and the applicant has agreed to provide mitigation for the additional shading with a payment of \$870 to the Conservation Trust Fund (CTF).

For the subject property, Orange County Code requires a 10-foot side setback from all portions of the dock. The applicants are proposing to build a dock that traverses the adjacent property line to the northwest (Jeffrey Cadwell at 5006 Sawyer Cove Way) by 23 feet. The applicants have provided EPD with a copy of a recorded access easement between themselves and Mr. Cadwell. This agreement authorizes the applicants to construct and maintain a dock on a portion of Mr. Cadwell's parcel.

Page Two January 23, 2018 - Consent item

Environmental Protection Commission recommendation for a waiver and variance request for the Ruben and Monigue Santos Dock Construction Permit BD-17-05-050

Notifications of the waiver and variance requests were sent to all shoreline property owners within 300 feet of the subject property. EPD did not receive any objections.

During the December 13, 2017 Environmental Protection Commission (EPC) public hearing, the EPC voted to uphold the recommendation of the Environmental Protection Officer and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) and the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), with the condition that the applicants pay \$870 to the CTF as mitigation within 60 days of the decision of the Board of County Commissioners.

## 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 15-343(a) (side setback distance) and the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), with the condition that the applicants pay \$870 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ruben and Monique Santos Dock Construction Permit BD-17-05-050. District 1

JVW/DJ: mg Attachments



## November 27, 2017

To: Environmental Protection Commission

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

Subject: Ruben and Monique Santos Request for a Waiver and Variance for Dock Construction ---- BD-17-05-050

## Reason for Public Hearing

Ruben and Monique Santos are requesting approval of a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Section 15-343(a) (side setback distance).

### Location of Property/Legal Description

The project site is located at 5012 Sawyer Cove Way. The Parcel ID number is 24-23-27-7825-00-050. The subject property is located on Little Lake Sawyer in District 1. —

### Background

On May 9, 2017, the Environmental Protection Division (EPD) received an Application to Construct a Dock for Ruben and Monique Santos. Upon review of the application, EPD informed the applicant that they would need to revise the site plan or submit a waiver application for larger than allowed terminal platform size and a variance application for a reduced side setback from the projected property line.

Subsequently, on August 9, 2017, EPD received an Application for Waiver to Section 15-342(b) and an Application for Variance to Section 15-343(a). Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff has evaluated the proposed waiver and variance applications and required documents.

### **Public Notifications**

On September 26, 2017, notifications of the applications for waiver to terminal platform size and variance to side setback distance were sent to all shoreline property owners within 300 feet of the subject property.

The applicant and agent were notified of the December 13, 2017 Environmental Protection Commission meeting on November 28, 2017.

## **Terminal Platform Waiver**

Section 15-342(b) states "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of one thousand (1,000) square feet."

December 13, 2017 Environmental Protection Commission Santos Request for a Waiver and Variance - BD-17-05-050 Page 2

The allowed terminal platform size for a property with 49.98 linear feet of shoreline is 499.80 square feet. The applicant is proposing to build a terminal platform that is 813.30 square feet.

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 applicant states, "Due to the tapering nature of the lot at the lakefront, the allotted terminal platform size would not be adequate to construct a boat dock. We are requesting a waiver to allow a larger terminal platform. We will take precautions to leave native plant species in place and will apply for a lakefront clearing permit which will include a re-planting schedule for any effected areas."

The additional shading impacts from a larger than allowed terminal platform was evaluated by EPD staff using the Uniform Mitigation Assessment Method, and the applicant has agreed to provide mitigation for the additional shading with a payment of \$870 to the Conservation Trust Fund (CTF).

To address Section 15-350(a)(2)(2) the applicant states, "The requested waiver would allow a larger dock to be built on the subject lot. The neighbor to the northwest side has granted an access easement and is on board with the variance and proposed dock layout."

No objections to the proposed waiver have been received by EPD.

#### Side Setback Variance

Section 15-343(a) states, "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 subject property requires a 10-foot side setback from all portions of the dock. The applicant is proposing to build a dock that traverses the adjacent property line to the northwest (Jeffrey Cadwell at 5006 Sawyer Cove Way) by 23 feet. The applicants have provided EPD with a copy of a recorded access easement between themselves and Jeffrey Cadwell. This agreement authorizes the Santoses to construct and maintain a dock on a portion of Mr. Cadwell's parcel.

Pursuant to Section 15-350(a)(1), "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 applicant states, "We are requesting a variance on the side setback for the dock as the tapering lot shape in the submerged portion of the lot would not allow construction of a dock within the normal setbacks."

To address Section 15-350(a)(1)(2), the applicant states, "The requested variance would allow the dock to be built closer to the neighboring lot than if there was no waiver. The neighbor on the side requiring the variance has granted an access easement and is on board with the variance and proposed dock layout."

No objections to the proposed variance have been received by EPD.

December 13, 2017 Environmental Protection Commission Santos Request for a Waiver and Variance - BD-17-05-050 Page 3

#### **Enforcement Actions**

There has been no enforcement action associated with the subject property.

#### Staff Recommendation

The recommendation of the Environmental Protection Officer is to approve the waiver to 15-342(b) (terminal platform size) and the variance to 15-343(a) (side setback distance), with the condition the applicant pay \$870 to the CTF as mitigation for the additional shading impacts of the larger than allowed terminal platform within 60 days of the decision of the Board of County Commissioners.

ACTION REQUESTED: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), approve the request for a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) and approve the request for a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), with the condition that the applicant pay \$870 to the Conservation Trust Fund as mitigation for shading impacts caused by the additional terminal platform size within 60 days of the decision of the Board of County Commissioners for the Ruben and Monique Santos Dock Construction Permit BD-17-05-050.

JS/NT/ERJ/DJ: mg

Attachments

# **Request for Boat Dock Waiver and Variance**

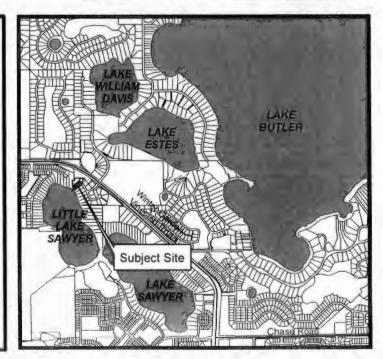


Request for Boat Dock Waiver and Variance BD-17-05-050 District #1

Applicant: Ruben and Monique Santos Address: 5012 Sawyer Cove Way Parcel ID: 24-23-27-7825-00-050

**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 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 Cameron Bradford on behalf of Ruben & Monique Sentos (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 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):

We are requesting a variance on the side setback for the dock as the tapering lot shape in the submerged portion of the lot would not allow construction of a dock within the normal setbacks.

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

The requested variance would allow the dock to be built closer to the neighboring lot than if there was no waiver. The neighbor on the side requiring the variance has granted an access easement and is on board with the variance and proposed dock layoul.

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: Cameron Bradford - agent for Ruben & Monique Santos

Signature of Applicant/Agent		Date:	9-15-17
Corporate Title (if applicable):	Owner - Bella Building Group LLC		

Rev. 09-01-2015

DCEPD SEP 152017PM4:17



# 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 <u>Cameron Bradford</u> on behalf of <u>Ruben & Monique Santos</u> (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: <u>15-342(b)</u>, 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:

Due to the tapering nature of the lot at the lakefront, the allotted terminal platform size would not be adequate to construct a boat dock. We are requesting a waiver to allow a larger terminal platform. We will take precautions to leave native plant species in place and will apply for a lakefront clearing permit which will include a re-planting schedule for any effected areas.

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

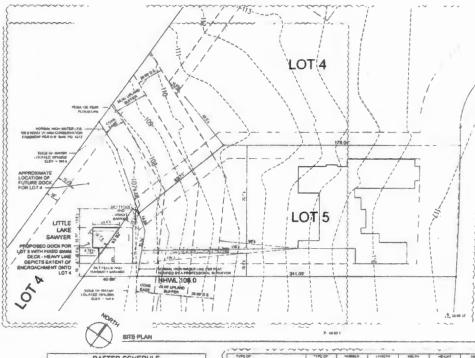
northwest The requested waiver would allow a larger dock to be built on the subject lot. The neighbor to the South side has granted an access easement and is on board with the variance and proposed dock layout. The other side has a strip on community land with nestructures so no conflict exists there.

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: Car	neron Bradford - Agent for	Ruben & Monique Santos			_
Signature of Applicant/Ager	t	1	Date:	9-15-17	
Corporate Title (if applicabl	e): Owner Bella Buildi	ing Group LLC			

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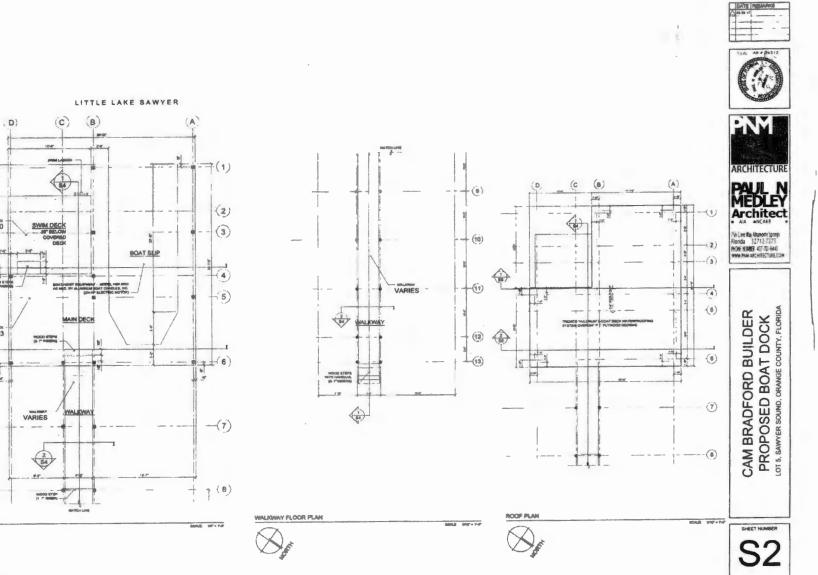


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> PROPOSED BOAT DOCK LOT 5, SAWVER SOUND, ORANGE COUNTY, FLORIDA CAM BRADFORD BUILDER

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NOTE: SEE STRUCTURAL PLANS FOR MATERIALS CALL-OUTS

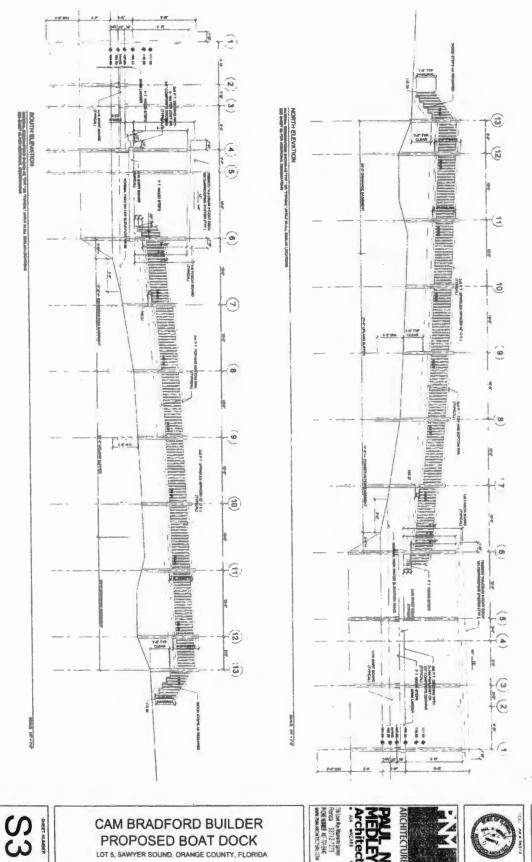
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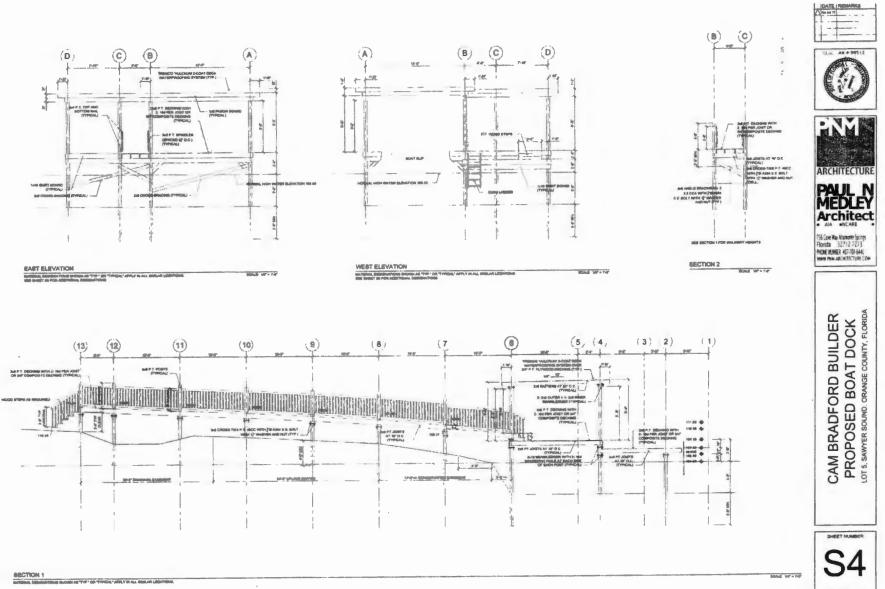
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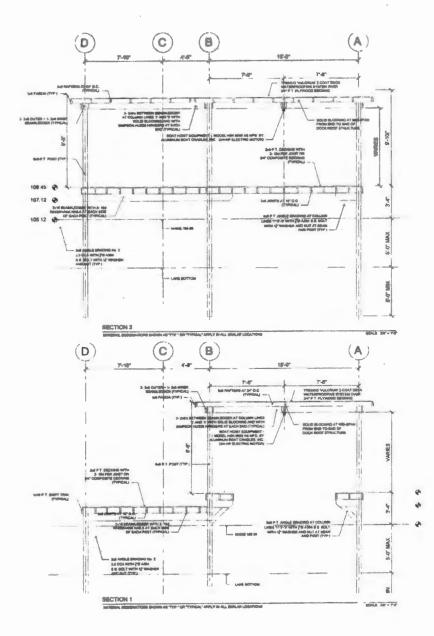
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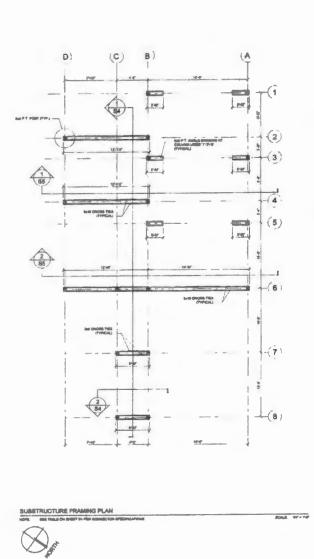


PROPOSED BOAT DOCK LOT 5, SAWYER SOUND. ORANGE COUNTY, FLORIDA





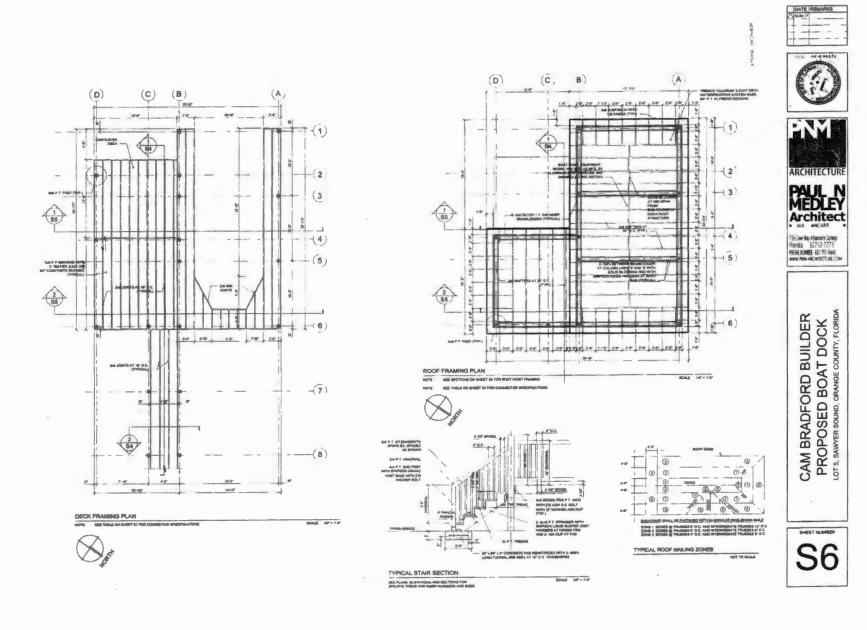






EAGE CALL

SHEET MUMBER









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.nct

#### ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION December 13, 2017

Santos Boat Dock

PROJECT NAME:

PERMIT APPLICATION NUMBER: BD-17-05-050

LOCATION/ADDRESS:

5012 Sawyer Cove Way, Windermere, Florida 34786

RECOMMENDATION: <u>Pursuant to Orange County Code, Chapter 15, Article IX,</u> Section 15-350(b), approve the request for a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) and approve the request for a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), with the condition that the applicant pay \$870 to the Conservation Trust Fund as mitigation for shading impacts caused by the additional terminal platform size within 60 days of the decision of the Board of County Commissioners for the Ruben and Monique Santos Dock Construction Permit BD-17-05-050.

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: 12/13/2017