



Interoffice Memorandum

December 27, 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 request for the Barbara Izlar Dock Construction Permit
BD-17-10-104

Ms. Barbara Izlar is requesting a waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for Boat Dock Construction Permit BD-17-10-104. The project site is located at 3507 TCU Boulevard, Orlando, Florida 32817, on Lake Irma. The Parcel ID number is 12-22-30-3378-01-680. The subject property is located in District 5.

On October 4, 2017, the Environmental Protection Division (EPD) received an Application to Construct a Dock. Subsequently, on October 16, 2017, EPD received an Application for Waiver to section 15-343(b) for a reduced side setback of 10 feet from the northern property line, in lieu of the 25-foot minimum setback required by Orange County Code. The property currently has an existing dock and boat ramp on the southern side of the property. There is sufficient area along the 85-foot wide shoreline of the Izlar property to construct a dock and meet the required side setbacks. The existing dock is proposed to be removed.

The adjacent northern property at 3513 TCU Boulevard (the affected property) is a pie-shaped lot with approximately 42 feet of shoreline and has an existing "grandfathered" dock. The proposed location of the new dock on the Izlar property is within 10 feet of the adjacent property owners existing dock, reducing their view and shoreline access to a narrow 10-foot wide area.

Notification of the waiver request was sent to the adjacent affected property owner, Ms. Kathryn Cowden, by certified mail on October 25, 2017. On November 16, 2017, EPD received a written objection to the request for waiver to side setback from Ms. Cowden.

Page Two

January 23, 2018 - Consent item

Environmental Protection Commission recommendation for a waiver request for the Barbara Izlar Dock Construction Permit BD-17-10-104

At the December 13, 2017 Environmental Protection Commission (EPC) public hearing, Mr. Hagood (the co-owner) spoke in favor of the request stating the request is due to possible location conflicts of co-locating the boat ramp and dock and his desire to not block his view of the lake. Ms. Cowden (the objector) presented her concerns illustrating that due to her narrow lot, the waiver will place the dock 10 feet off of her dock, blocking access to her shoreline, and eliminating her view of the lake. Discussion by EPC members acknowledged impact to the neighbor's view and noted that Mr. Hagood and Ms. Izlar have sufficient space to meet side setbacks required by code.

During the December 13, 2017 public hearing, the EPC voted unanimously to uphold the recommendation of the Environmental Protection Officer to deny the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback).

ACTION REQUESTED: **Acceptance of recommendation of the Environmental Protection Commission to deny the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for the Barbara Izlar Boat Dock Construction Permit BD-17-10-104. 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

3165 McCrory Place, Suite 200

Orlando, FL 32803-3727

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ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
December 13, 2017

PROJECT NAME: Barbara Izlar Boat Dock
PERMIT APPLICATION NUMBER: BD-17-10-104
LOCATION/ADDRESS: 3507 TCU Boulevard, Orlando, Florida 32817

RECOMMENDATION: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), deny the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for the Barbara Izlar Boat Dock Construction Permit BD-17-10-104.

☒ 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: JP Huels

EPC RECOMMENDATION DATE: 12/13/2017



Interoffice Memorandum

December 1, 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: Barbara Izlar Request for a Waiver for Boat Dock Construction - BD-17-10-104

Reason for Public Hearing

Ms. Barbara Izlar is requesting approval of a waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for a 10-foot side setback for boat dock construction permit BD-17-10-104.

Location of Property/Legal Description

The project site is located at 3507 TCU Boulevard, Orlando, Florida 32817. The Parcel ID number is 12-22-30-3378-01-680. The subject property is located on Lake Irma in District 5.

Background

On October 4, 2017 the Environmental Protection Division (EPD) received an application to construct a dock. Subsequently, on October 16, 2017, EPD received an application for waiver to section 15-343(b) for a reduced side setback of 10 feet, in lieu of the 25 foot minimum setback required by code.

This lakefront property has a shoreline frontage of approximately 85 feet at the Normal High Water Elevation (NHWE) on the southern extent of a curve on Lake Irma. There is an existing small dock and "grandfathered" private boat ramp on the southern side of the property. The boat ramp abuts the southern property line and the boat dock lies on the northern side of the ramp. The existing dock that has been present since at least 1994 (as evidenced from historical aerial photographs) is proposed to be removed with construction of the new proposed dock. The new dock is being proposed on the opposite side of the property from the existing structures. Therefore, when complete, the existing boat ramp and the new boat dock will be on opposite sides of the property.

The adjacent affected property (3513 TCU Boulevard owned by Kathryn Cowden) on the northern side of Ms. Izlar's property is irregularly (pie) shaped and only has an estimated 42-feet of shoreline at the NHWE (with an existing boat dock). EPD was unable to locate any permit for this dock; however, review of aerial photographs show it was present in the 1987 aerial photograph; even before the home was built. This predates the Orange County Dock Construction Ordinance (Chapter 15, Article IX) that was adopted in December 1988; therefore, the dock is grandfathered.

Ms. Izlar's proposed new boat dock (with only a 10-foot side setback from the northern property line) will place the dock within 10-feet of the Cowden's grandfathered dock. Ms. Izlar's lot has sufficient shoreline to meet the side setback. Maintaining the co-location of the existing private boat ramp and a

new boat dock in generally the same location as the existing dock is EPD staff's preferred location to minimize impacts to the environment and to minimize the impacts to the adjacent northern property owner's shoreline access. This alternate location was proposed by staff to Ms. Izlar's agent (Albert Cichra Builders), but was rejected.

Public Notifications

The adjacent affected shoreline property owner at 3513 TCU Boulevard was sent notification of the request for waiver by certified mail on October 25, 2017.

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

Side Setback Waiver

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, unless such requirement is reduced by an appropriate waiver."

Pursuant to Section 15-350(a)(2), Waivers, "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."

To address Section 15-350(a)(2)(1), the agent for the owner has stated, "*The proposed dock will replace an existing dock. There is little to no shoreline vegetation.*" (Please note that the existing dock referenced is on the opposite side of the property).

To address Section 15-350(a)(2)(2), the contractor has stated, "*The request for waiver is to reduce the EPD requirement of 25' to 10'. The proposed location will place the dock 10' from the neighboring dock. The activity deck is on the opposite side.*"

On November 16, 2017, EPD received an objection from the adjacent affected property owner, Ms. Kathryn Cowden, located at 3513 TCU Boulevard. She states in her letter:

"This would drastically impair my view and use of my lakefront, because my lot is a triangle shape rather than the shape all the other lots in this plat that are designed with parallel side lot lines. Thus, a dock at even the 25-foot setback would be right in back of my property and I would look out from my living and family room directly onto their dock; as well, they would have a view directly into my home rather than into theirs."

She adds: "*There current dock, which they state they intend to replace, is on the southern side of their lakefront and provides an access directly from their drivethru garage and an existing paved driveway to the lake, as well as does not interfere with either side neighbor's use and access to the lake. I would much prefer they re-build their new dock in the same location as the existing one, as it would not present a problem to either neighbor.*"

Enforcement Action

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

Staff Recommendation

The recommendation of the Environmental Protection Officer is to deny the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for the Barbara Izlar Boat Dock Construction Permit BD-17-10-104. Ms. Izlar owns sufficient shoreline to move the dock position to the south and meet the minimum side setbacks from both adjacent properties.

ACTION REQUESTED: Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), deny the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for the Barbara Izlar Boat Dock Construction Permit BD-17-10-104.

NT/ERJ/DJ: mg

Attachments

Request for Boat Dock Waiver



Request for Boat Dock Waiver

BD-17-10-104

District #5

Applicant: Barbara Izlar

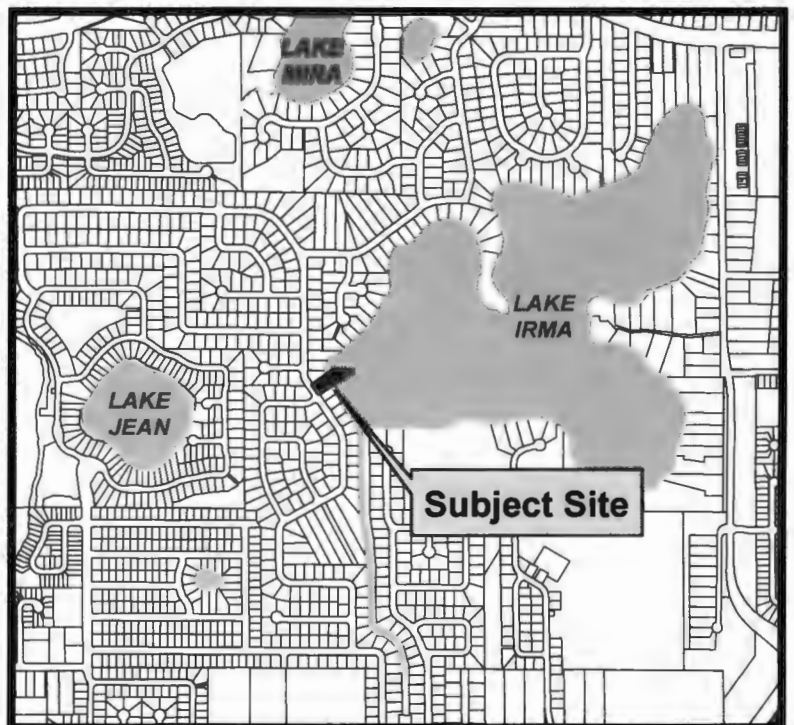
Address: 3507 TCU Boulevard

Parcel ID: 12-22-30-3378-01-680

Project Site



Property Location





**Izlar - Existing Conditions - Looking toward the lake
from the northern property line**



**Izlar - Existing Conditions - Looking toward the lake
from the southern property line**

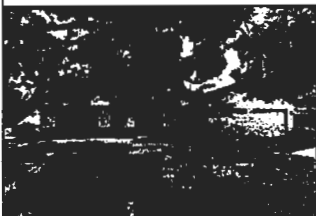
NOTES

1. THIS BOUNDARY SURVEY WAS PREPARED FROM TITLE OR OTHER INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS RECORDED OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY. PROPERTIES ARE SUBJECT TO ALL COVENANTS, RESTRICTIONS, EASEMENTS AND SETBACKS OF RECORD.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. SEPTIC IF SHOWN IS +.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON OR USED BY ANY OTHER ENTITY. SURVEYS ARE NOT TRANSFERABLE.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES. BOUNDARY BEARINGS AND DISTANCES ARE SHOWN AS PLATTED UNLESS DENOTED AS MEASURED.
5. BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE "XIAE" RESIDENCE IN ZONE "X" PER F.I.R.M. MAP PANEL NO. 12095C 0260 F DATED 08-25-09.
7. BUILDING LINES SHOWN, REPRESENT BUILDING WALLS, EAVES, IF ANY, NOT LOCATED OR SHOWN.



SCALE 1" = 40'

PROPERTY ADDRESS: 3507 T.C.U. BOULEVARD



DESCRIPTION:
LOT 168, HARBOR EAST UNIT TWO, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGES 93,
OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



**Boundary
And
Mapping
Associates, Inc.**

109 WEST ORANGE STREET
ALTA MONTE SPRINGS, FL.
32714
PH. (407) 698-1155

LAND
SURVEYORS
LB 4565

CERTIFIED TO:
BARBARA S IZLAR AND THOMAS A HAGOOD, JR.,
BOTH UNMARRIED
PENTAGON FEDERAL CREDIT UNION
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
REAL ESTATE CLOSING SOLUTIONS, LLC

LEGEND

REC - RECOVERED
I.P. - IRON PIPE
L.C. - ELEGIBLE CAP P
C.M. - CONCRETE MONUMENT
RB - REBAR
RAD - RADIAL
N.R. - NOT RADIAL
M.D. - NAIL & DISC
(P) - PER PLAT
(M) - AS MEASURED
(D) - PER DESCRIPTION
O.L.BE - ON LINE
P.C. - POINT OF CURVATURE
P.T. - POINT OF TANGENCY
R.W. - RIGHT-OF-WAY

CONCRETE

PRC - POINT OF REVERSE CURVE
R.P. - RADIUS POINT
R - RADIUS
L - LENGTH OF ARC
S.E. - SIDEWALK EASEMENT
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
L.E. - LANDSCAPE EASEMENT
P.E. - POOL EQUIPMENT
P.H. - POWER POLE
C.B.M. - CHAIN LINK / WIRE FENCE
W.F. - WOODEN FENCE
V.F. - VINYL FENCE
A.F. - ALUMINUM FENCE

PAVERS / BRICK

This is a digitally signed and sealed drawing of a boundary survey performed under the direction of the undersigned. Survey is authorized on or about the date of the survey shown hereon and certified only to those persons and/or entities listed hereon. The boundary survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 54-110, F.S. pursuant to sections 472-027 Florida Statutes.

Rooney W. Jackson
ROONEY W. JACKSON, PSM 6281

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

ORDERED BY:



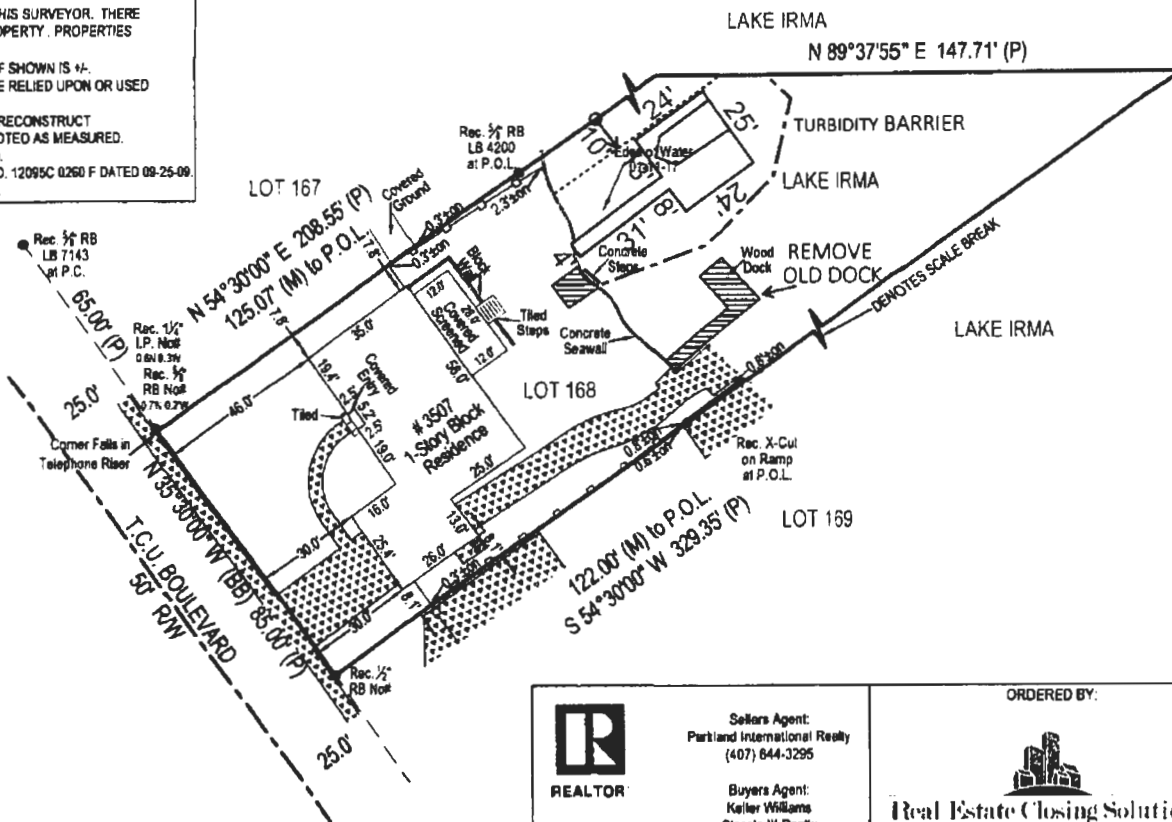
Real Estate Closing Solutions

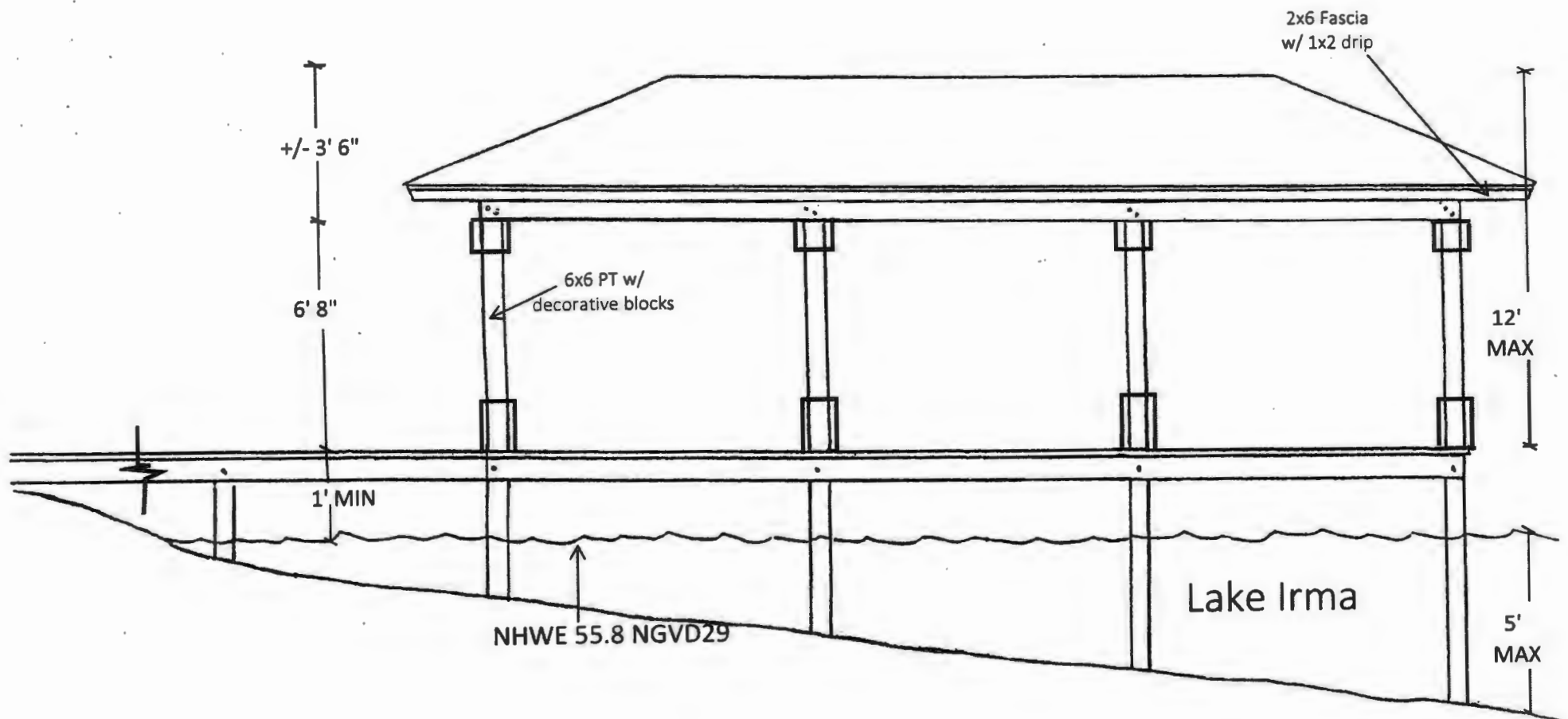


REALTOR

Sellers Agent:
Portland International Realty
(407) 644-3295

Buyers Agent:
Keller Williams
Classic III Realty





IZLAR
3507 TCU Blvd

OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks	6	Lot Number
	Florida Turnpike		Public Roads		Brick Road		Agriculture		Lakes and Rivers		Parcel Number
	Interstate 4		Gated Roads		Block Line		Commercial/Institutional/Governmental/Institutional/Misc		Building	3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Hydro		Block Number	111.9	Parcel Dimension





**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 Renea Anderson on behalf of Barbara Izlar (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:

The proposed dock will replace an existing dock. There is little to no shoreline vegetation.

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

The request for waiver is to reduce the EPD
requirement of 25' to 10' . The proposed location will place the dock 10' from the neighboring dock.
The activity deck is on the opposite side.

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: Renea DeYoung Anderson
Signature of Applicant/Agent Renea Anderson Date: 10/16/2017
Corporate Title (if applicable): _____

November 16, 2017

To: Carolyn Schultz, Orange County Environmental Protection Division

3165 McCrory Place, Suite 200, Orlando, FL 32803-3727

RE: Waiver of application for side setback, **Application BD-17-10-104, Barbara S Izlar, 3507 TCU Blvd.**
Lake Irma, Orange County Commission District: 5

To Carolyn Schultz:

I hereby OBJECT to the waiver for side setback for the proposed boat dock allowing a 10-foot setback from the northern property line in lieu of the 25-foot side setback required by code for a boat dock.

This would drastically impair my view and use of my lakefront, because my lot is a triangle shape rather than the shape **all the other lots in this plat** that are designed with parallel side lot lines. Thus, a dock at even the 25-foot setback would be right in back of my property and I would look out from my living and family room directly onto their dock; as well, they would have a view directly into my home rather than into theirs.

Their current dock, which they state they intend to replace, is on the southern side of their lakefront and provides an access directly from their drivethru garage and an existing paved driveway to the lake, as well as does not interfere with either side neighbor's use and access to the lake. I would much prefer they re-build their new dock in the same location as the existing one, as it would not present a problem to either neighbor.

It is a shame that Orange County allowed this plat to be approved with one single lot that is the triangular shape of mine and causes such restriction to my lakefront use. A dock on the southern side of the lot next door (Izlar's) as it has been for many years provides no restriction of access or usability of my lakefront lot, which was apparently an oversight by Orange County when the plat was approved. It would also make for a more neighborly situation if the new dock were on the existing southern side of their lot.

Respectfully,

Kathryn Cowden, 3513 TCU Blvd., Orlando, FL 32817

kcowden@cfl.rr.com

407-230-7473