



**Interoffice Memorandum**

**AGENDA ITEM**

March 15, 2018

**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:** April 10, 2018 – Consent Item  
Environmental Protection Commission Recommendation for  
a Variance and Waiver Request for the Lindsay and Scott  
McCauley Dock Construction Permit BD-17-09-098

Lindsay and Scott McCauley are requesting approval of a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) and a waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 4100 Waterfront Parkway, Orlando, on a canal leading to Lake Conway. The Parcel ID number is 07-23-30-9048-03-090. The subject property is located in District 3.

On September 20, 2017, the Environmental Protection Division (EPD) received an application to construct a roof over an existing boat basin with a companion deck. On October 24, 2017, EPD received an application for Variance to Section 15-343(a) (side setback). The site plan depicts the dock with a side setback of zero feet from both projected property lines. The code requires a minimum side setback of ten feet from the projected property lines. On January 11, 2018, an Application for Waiver to Section 15-342(b) (terminal platform size) was received. The application indicates the proposed terminal platform size will be 470 square feet, which is 60 square feet more than allowed by code.

The shoreline property owners within 300 feet of the subject property were sent notification of the variance and waiver requests by certified mail; no objections were received. Letters of No Objection were received by two neighboring property owners.

Page Two

April 10, 2018 - Consent item

Environmental Protection Commission Recommendation for a Variance and Waiver  
Request for the Lindsay and Scott McCauley Dock Construction Permit BD-17-09-098

Notices of the public hearing were sent by mail to the applicant and contractor on February 14, 2018.

During the February 28, 2018 Environmental Protection Commission (EPC) public hearing, Ms. Sheila Cichra, who appeared on behalf of the contractor (Albert Cichra), stated that the actual size of the dock was 503 square feet, not 470 square feet as indicated on the application. EPC voted unanimously to approve the recommendation of the Environmental Protection Officer to approve the requests for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) and waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with the appropriate amount of mitigation (as calculated by EPD staff) for the McCauley dock permit. After the conclusion of the hearing, EPD confirmed with Mr. Cichra that the terminal platform size is 470 square feet, as stated on the application and depicted on the site plans. EPD staff calculated the appropriate amount of mitigation to address additional shading impacts that should be paid to the Conservation Trust Fund was \$135.

**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 waiver to Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$135 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Lindsay and Scott McCauley Dock Construction Permit BD-17-09-098. District 3**

JVW/DJ: mg

Attachments

# Application for Waiver and Variance



**Request for Boat Dock Variance and Waiver**

**BD-17-09-098**

**District # 3**

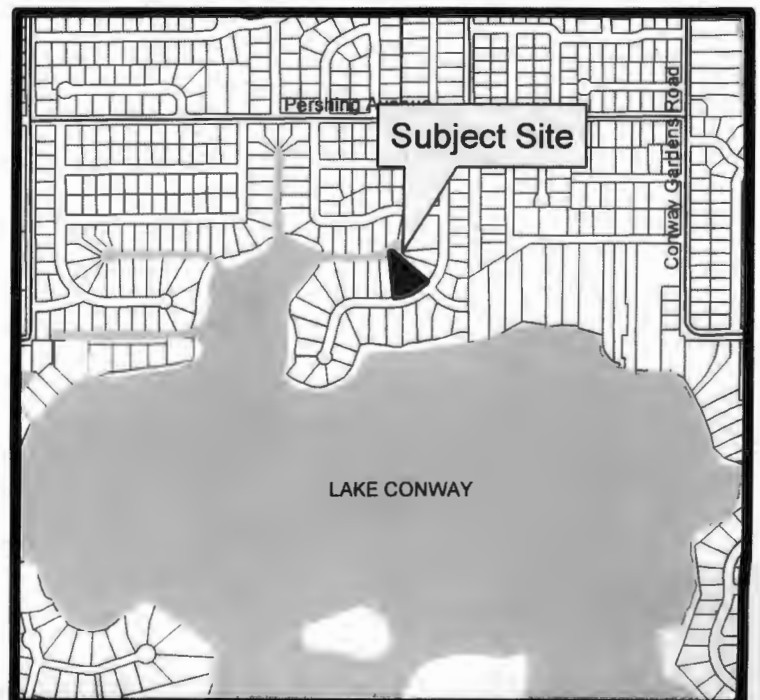
**Applicants:** Lindsay and Scott McCauley

**Address:** 4100 Waterfront Parkway

**Parcel ID:** 07-23-30-9048-03-090

**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  
Deliver To:** Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

I, Heidi Nezu on behalf of Scott McCauley (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 is only 60 sq. ft. over the allowable limit, which is quite low - only 410 sq. ft., since the property shoreline is so narrow. The proposed dock is still well below the average size of docks on this lake.

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

There is no negative impact to view or navigation on abutting shoreline owners.  
As evidenced by the attached LONO's.

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: Heidi Nezu

Signature of Applicant/Agent: Heidi Nezu

Date: 1/11/18

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



## APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

**Mail or Deliver To:** Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

**\*\*Enclose a check for \$409.00 payable to The Board of County Commissioners\*\***

I, Renea Anderson on behalf of Scott McCauley (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343(a) 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):

The proposed boathouse will be added / replacing an existing dock already encroaching on the setbacks.

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

The abutting shoreline owners have signed a letter of no objection to the proposed plan.  
The homeowner is removing an old, dilapidated boathouse that is an eyesore.

### 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: Renea Anderson

Signature of Applicant/Agent Renea DeYoung Anderson Date: 10/4/2017

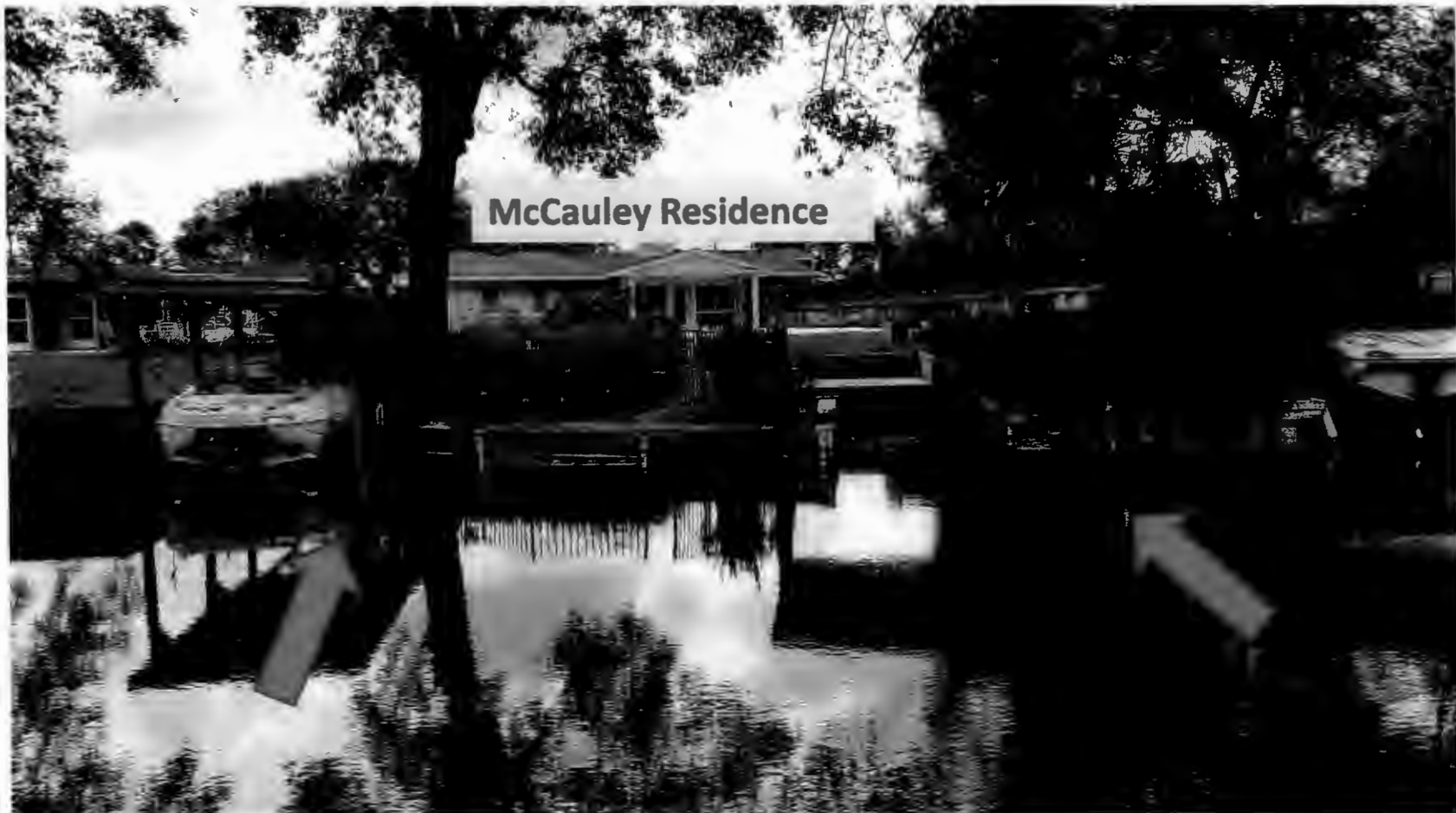
Corporate Title (if applicable): \_\_\_\_\_

McCauley Request for a Variance and Waiver for Dock Construction Permit BD-17-09-098

Address: 4100 Waterfront Parkway

Canal leading to Lake Conway

District 3



Wooden stakes with yellow flagging represent the corners of the proposed dock



**AFFECTED ADJACENT PROPERTY OWNER  
NOTARIZED STATEMENT OF  
NO OBJECTION TO BOAT DOCK**

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Dawn Douglas, residing at 4106 Waterfront Parkway, on  
(Affected Adjacent Property Owner Name) (Address)

Lake Conway, have reviewed my adjacent property owner's proposed  
(Name of Lake)  
boat dock construction plan and have no objection to the project.

Douglas  
(Signature)

10-10-17  
(Date)

DAWN DOUGLAS  
(Print Name)

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 10 day of OCTOBER <sup>2017</sup> 01, by

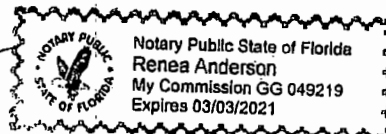
Dawn Douglas

(NOTARY SEAL)

Renea  
(Signature of Notary Public – State of Florida)

Personally Known        OR Produced Identification ✓

Type of Identification Produced FL ██████████ ██████████ ██████████





**AFFECTED ADJACENT PROPERTY OWNER  
NOTARIZED STATEMENT OF  
NO OBJECTION TO BOAT DOCK**

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Laura and/or Edward Fluker, residing at 4034 Waterfront Parkway, on  
(Affected Adjacent Property Owner Name) (Address)

Lake Conway, have reviewed my adjacent property owner's proposed  
(Name of Lake)  
boat dock construction plan and have no objection to the project. Request to reduce side setback from 25' to 10' <sup>10' to 0'</sup> ~~25' to 10'~~ <sup>25'</sup>

Edward Fluker  
(Signature)

10/10/2017  
(Date)

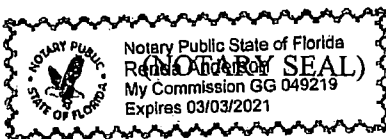
Edward Fluker  
(Print Name)

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 10 day of OCTOBER <sup>2017</sup> ~~2017~~, by

Edward Fluker



Russa Arden  
(Signature of Notary Public – State of Florida)

Personally Known        OR Produced Identification       

Type of Identification Produced

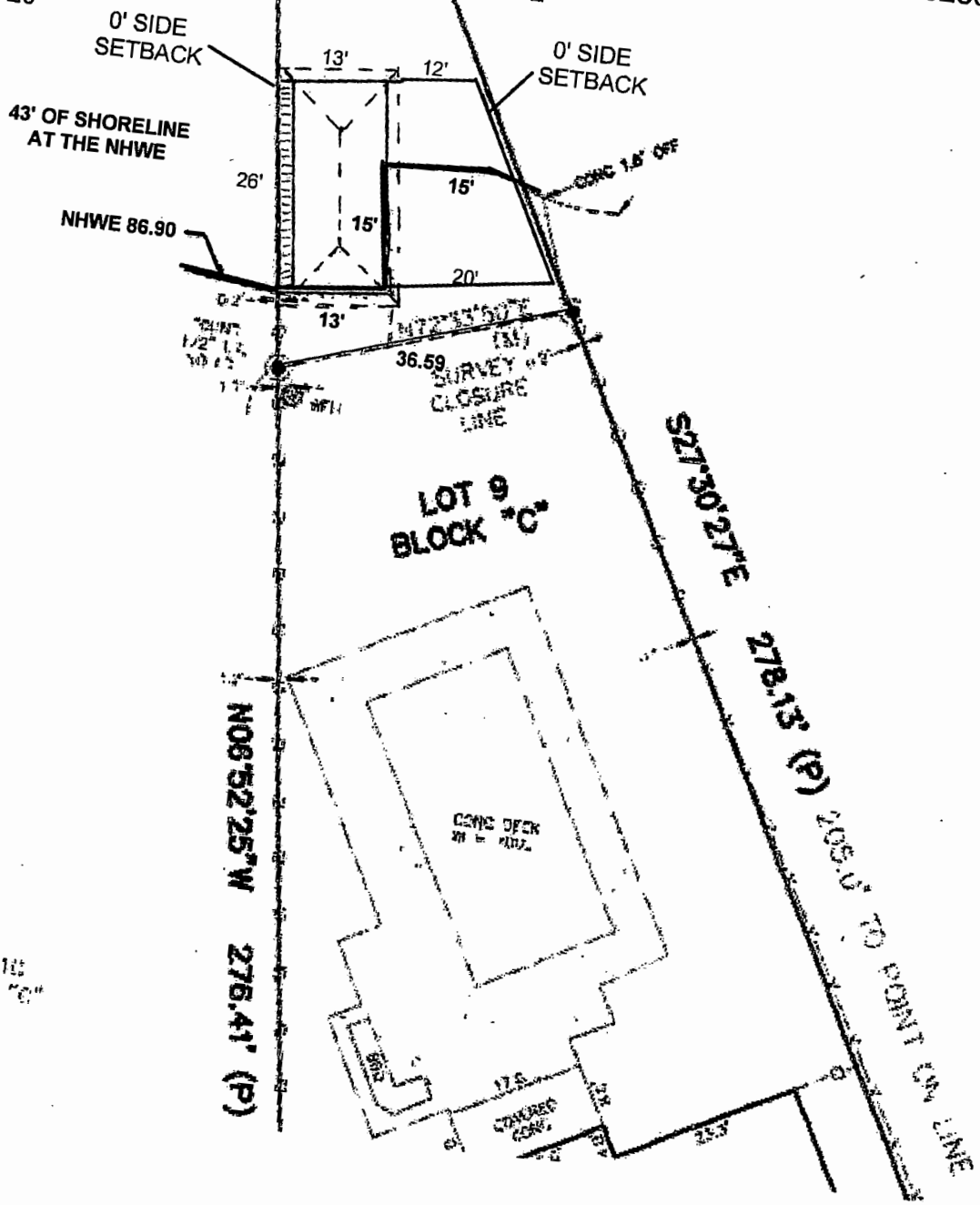


N  
1" = 20'

BD-17-09-098

MCCAULEY SITE PLAN  
4100 WATERFRONT PARKWAY  
ORLANDO, FL 32806

LAKE CONWAY





ENVIRONMENTAL  
PROTECTION  
COMMISSION

Jonathan Huels  
Chairman

Mark Ausley  
Vice Chairman

Perry Bamasi

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  
FEBRUARY 28, 2018

PROJECT NAME: Lindsay and Scott McCauley Boat Dock

PERMIT APPLICATION NUMBER: BD-17-09-098

LOCATION/ADDRESS: 4100 Waterfront Parkway, Orlando

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 15-343(a) (side setback distance) and request for waiver to Chapter 15, Article IX, Section 15-342(b), terminal platform size for the Lindsay and Scott McCauley Boat Dock Construction Permit BD-17-09-098.

*with the condition for Applicant pay the appropriate amount of mitigation (TBD by EPC)*

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED *and amended*

☐ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

---

---

---

---

---

Signature of EPC Chairman: *Jonathan Huels*

EPC Recommendation Date: *2/28/18*