



Interoffice Memorandum

AGENDA ITEM

September 5, 2018

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

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department *J.V.*

CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405

SUBJECT: October 2, 2018 – Consent Item
Environmental Protection Commission recommendation for a
waiver and variance request for the Bill and Stephanie Krick
Dock Construction Permit BD-18-04-043

Bill and Stephanie Krick are requesting a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), and a variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) for Dock Construction Permit BD-18-04-043. The project site is located at 1560 Waterwitch Drive on Lake Conway. The Parcel ID number is 13-23-29-9068-00-320. The subject property is located in District 3.

On April 8, 2018, the Environmental Protection Division (EPD) received an Application to Construct a Dock for a new boat dock on the subject property that also included an Application for Waiver to Section 15-342(b) (terminal platform size) and an Application for Variance to Section 15-343(a) (side setback distance). The waiver and variance requests are for the applicant's portion of a proposed, shared dock with their neighbors to the west, Randy and Renee Rust (1558 Waterwitch Drive). The Rusts' portion of the dock is being permitted concurrently under a separate permit (BD-18-07-080) and is not included in this application. The applicants and the Rusts have each recorded a Reciprocal Dock Access Easement and Maintenance Agreement to authorize each other to construct, utilize, and maintain the proposed dock. There is currently a dock on the Rusts' property in the approximate location of the proposed dock that will be removed prior to construction.

In regards to the waiver request, Orange County Code allows for a maximum terminal platform size of 520 square feet. The applicants are proposing to construct a terminal platform size of 588 square feet for their portion of the shared dock. The additional shading impacts from a larger than allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method, and the applicants agreed to provide mitigation for the additional shading with a payment of \$580 to the Conservation Trust Fund (CTF).

In regards to the variance request, Orange County Code requires a minimum 10-foot side setback from all portions of the dock. The applicants are proposing to build a dock that has a side setback of six inches from the eastern projected property line and a zero foot setback from the western projected property line.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the proposed waiver and variance applications and required documents. Notifications of the application 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 on April 25, 2018. EPD did not receive any objections to the waiver and variance requests.

During the August 29, 2018 Environmental Protection Commission (EPC) public hearing, the EPC voted to uphold the recommendation of the Environmental Protection Officer (EPO) and approve 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 \$580 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. Additionally, the EPC voted to uphold the recommendation of the EPO and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance).

ACTION REQUESTED: Acceptance of recommendation of the Environmental Protection Commission to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with the condition the applicants pay \$580 to the Conservation Trust Fund and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback distance) for the Bill and Stephanie Krick Dock Construction Permit BD-18-04-043. District 3

JVW/DJ: mg
Attachments



ENVIRONMENTAL PROTECTION DIVISION
David D. Jones, P.E., CEP, Manager
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Orlando, FL 32803
407-836-1400 • Fax 407-836-1499
www.ocfl.net

ENVIRONMENTAL
PROTECTION
COMMISSION

Johnathan Huels
Chairman

Mark Ausley
Vice Chairman

Oscar Anderson

Perry Barnasi

Florian Blackburn

Mark Corbett

Theodore Geltz

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
August 29, 2018

PROJECT NAME: Bill and Stephanie Krick
PERMIT APPLICATION NUMBER: BD-18-04-043
LOCATION/ADDRESS/LAKE: 1560 Waterwitch Drive, Lake Conway

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(b), APPROVE THE REQUEST TO WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(b) (TERMINAL PLATFORM SIZE) WITH THE CONDITION THE APPLICANTS PAY \$580 TO THE CONSERVATION TRUST FUND WITHIN 60 DAYS OF THE DECISION OF THE BOARD OF COUNTY COMMISSIONERS, AND APPROVE THE REQUEST FOR VARIANCE TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-343(a) (SIDE SETBACK DISTANCE) FOR THE BILL AND STEPHANIE KRICK DOCK CONSTRUCTION PERMIT BD-18-04-043.

☒ 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: _____

8/29/18

Dock Construction Application for Waiver and Variance



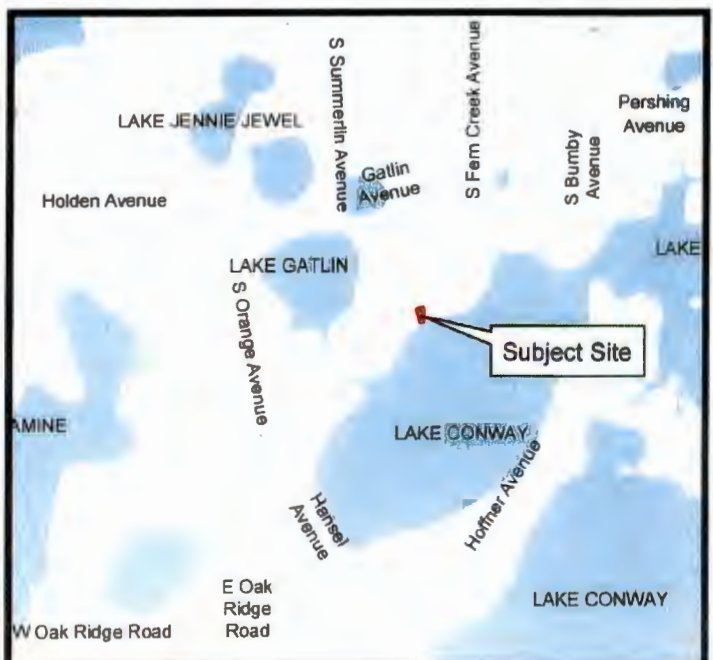
Dock Construction Application for Waiver and Variance BD-18-04-043 District #3

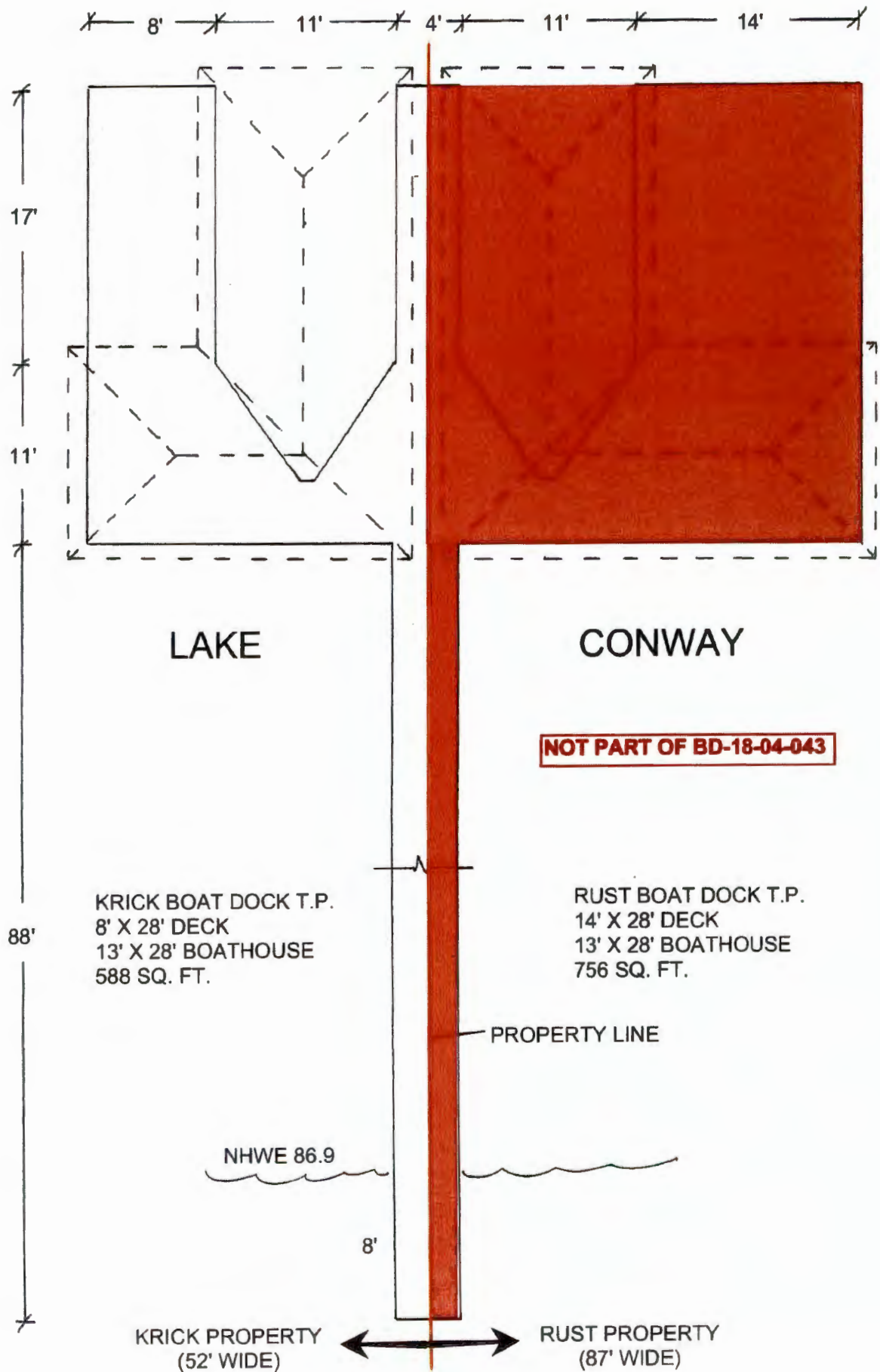
Applicant: Bill & Stephanie Krick
Address: 1560 Waterwitch Drive
Parcel ID: 13-23-29-9068-00-320

Project Site

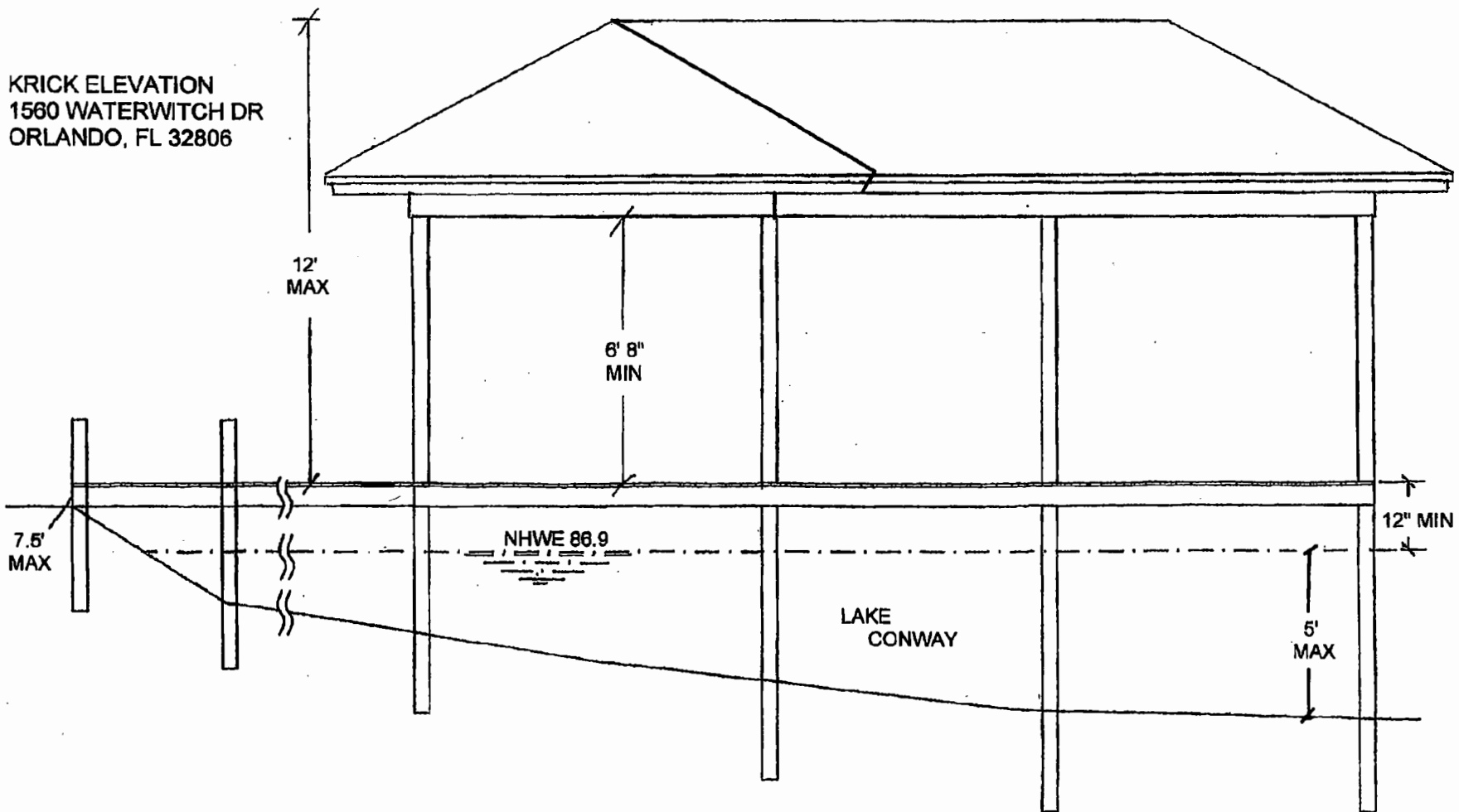


Property Location





KRICK ELEVATION
1560 WATERWITCH DR
ORLANDO, FL 32806

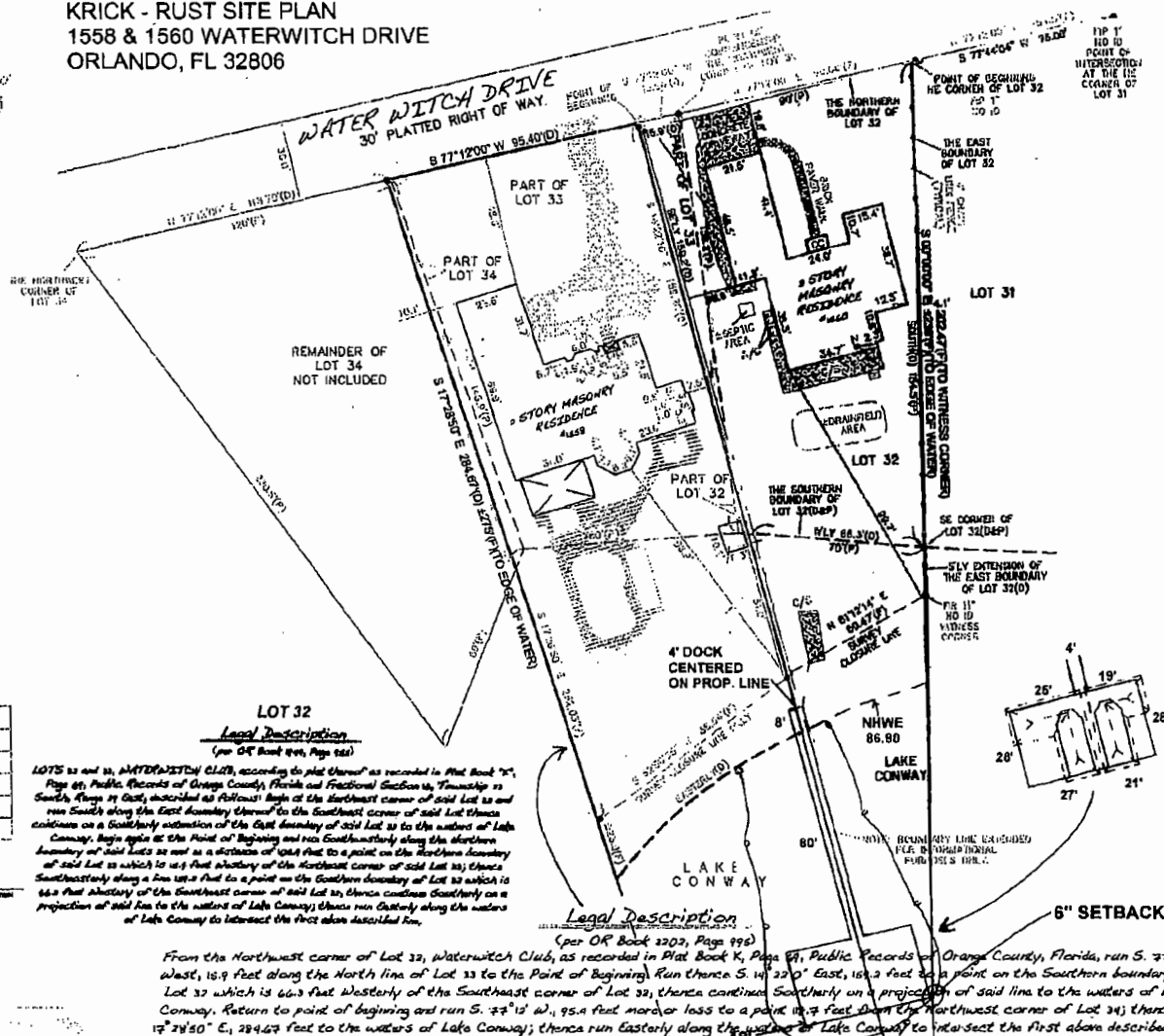




KRICK - RUST SITE PLAN
1558 & 1560 WATERWITCH DRIVE
ORLANDO, FL 32806



1558 Waterwitch Drive
Orlando, FL 32806



JOB #: VLSR14-0411
CLIENT: R
FIELD DATE: 4/10/14
DRAFTER: DJV
APPROVED: JEM
SCALE: 1" = 40'

Copyright 2014
Surveyor's Address: 641 S. Pennsylvania Avenue
641 S. Pennsylvania Avenue
Winter Park, FL 32789
Phone: (407) 556-8474



DETERMINED TO: (AS FURNISHED)
Randy T. Rust
Compass Bank, SACRAMENTO
Rust, Harvey & Associates, P.A.
Fidelity National Title Insurance Company

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE X, AS A 100-YEAR FLOOD PLAIN, PER F.A.M. PANEL NUMBER 100-100-100-100, LAST REVISION DATE 1-1-10, PER MAPSHEET THIS SURVEYOR HAS NO GUARANTEE AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
ENCROACHMENTS ARE WITHIN SUBJECT PROPERTY. FENCES AND DOCK CROSS PROPERTY LINE. COMPLETION OF FENCES NOT DETERMINED.
(BASIS OF BEARING)
BEARINGS ARE BASED ON THE SOUTHEAST RIGHT-OF-WAY OF WATERWITCH DRIVE WHICH HAS A BEARING OF S 17°10'00" W PER DEED.

LEGEND
OR Book = Official Record Book Pg = Page
CB = Covered Bldg FMO = Found Mail & Disk
ID = Identification DUE = Driveway & Utility Easement
LB = Licensed Business U = Electric Gas
FIP = Found Iron Pipe W = Water Meter
FIB = Found Iron Box L = Light Pole
C/S = Concrete Slab T = Telephone Blk
D = Central Angle R = Transformer
L = Air Line P/E = Pool Equipment
R = Radius S = Cable TV Rider
SEP = Screen Enclosed Patio
P = Power Pole P = Post Dimension
ch = Crawford Utilities C = Calculated Dimension
S = Sanitary Manhole D = Dashed Dimension
I = Inlet F = Field Dimension

NOTES
1. Underlayment utility installations, underground improvements, boundaries, and/or other underground structures were not located by the survey.
2. The purpose of this survey is for use in establishing the boundaries and interests and should not be used for construction purposes.
3. Actions or omissions in this survey by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
4. The property shown herein is subject to all recorded encumbrances, easements, and reservations which may be shown or noted on the record plat and which the public records also show the subject property located. This survey only depicts survey-related information such as measurements and setbacks but does not show a record plat or have been furnished to the County.
5. Existing title and boundaries for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

Vision Land Service, LLC
641 S. Pennsylvania Avenue
Winter Park, FL 32789
Phone: (407) 556-8474
LB 7788

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NO. 12345
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE UNITED FLORIDA LICENSED SURVEYOR AND MAPPER
DATE: 4/10/14 REVISION: DATE: REVISION: