



Interoffice Memorandum

AGENDA ITEM

October 10, 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: November 13, 2018 – Consent Item
Environmental Protection Commission Recommendation for a
Waiver Request for the Jeffrey and Kathleen Burt Dock
Construction Permit BD-18-03-037

Jeffrey and Kathleen Burt are requesting approval of a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 9124 Mid Pines Court on Lake Tibet. The Parcel ID number is 21-23-28-0560-05-030. The subject property is located in District 1.

On March 28, 2018, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the replacement of an existing "grandfathered" dock on the subject property. During review of the application, staff determined that the size and design of the terminal platform were proposed for modification, and therefore the grandfathering provisions were forfeit. A waiver to terminal platform size is required for the replacement dock to meet current Orange County Code. The shoreline on the subject parcel allows for a terminal platform of 925 square feet and the proposed terminal platform is 969 square feet. On June 14, 2018, EPD received an Application for Waiver in order to permit the additional terminal platform size. The applicants have agreed to provide mitigation for the additional shading associated with the larger-than-allowed terminal platform with a payment of \$1,595 to the Conservation Trust Fund.

Pursuant to Orange County Code, Chapter 15, Article IX, EPD staff evaluated the proposed waiver application and required documents.

During the September 26, 2018 Environmental Protection Commission (EPC) meeting, the EPC voted to uphold the recommendation of the Environmental Protection Officer and approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

Page Two

November 13, 2018 - Consent Item

Environmental Protection Commission Recommendation for a Waiver Request for the Jeffrey and Kathleen Burt Dock Construction Permit BD-18-03-037

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 that the applicant pay \$1,595 to the Conservation Trust Fund within 60 days of the decision of the Board for the Jeffrey and Kathleen Burt Dock Construction Permit BD-18-03-037. District 1**

JVW/DJ: mg
Attachments



ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

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Orlando, FL 32803

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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
September 26, 2018

PROJECT NAME: Jeffrey and Kathleen Burt
PERMIT APPLICATION NUMBER: BD-18-03-037
LOCATION/ADDRESS/LAKE: 9124 Mid Pines Court, Lake Tibet

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 \$1,595 TO THE CONSERVATION TRUST FUND WITHIN 60 DAYS OF THE DECISION OF THE BOARD OF COUNTY COMMISSIONERS FOR THE JEFFREY AND KATHLEEN BURT DOCK CONSTRUCTION PERMIT BD-18-03-037.



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: _____


[Handwritten Signature]
9/26/18



Interoffice Memorandum

September 12, 2018

To: Environmental Protection Commission

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

Subject: Jeffrey and Kathleen Burt Request for Waiver for Dock Construction Permit BD-18-03-037

Reason for Public Hearing

Jeffrey and Kathleen Burt are requesting approval of a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

Location of Property/Legal Description

The project site is located at 9124 Mid Pines Court, Orlando, Florida 32819. The Parcel ID number is 21-23-28-0560-05-030. The subject property is located on Lake Tibet. The project is located in District 1.

Public Notifications

On August 8, 2018, a Notice of Application for Waiver was sent to all shoreline property owners within a 300-foot radius of the property.

The applicants and agent were sent notices on September 4, 2018 to inform them of the Environmental Protection Commission meeting on September 26, 2018.

Terminal Platform Size Waiver

There is an existing "grandfathered" dock on the property on which the applicants propose to repair the existing access walkway and enlarge the terminal platform. By modifying the footprint and design of the dock, the grandfathering provisions are forfeited and the dock must be compliant with current Orange County Code (Code). Chapter 15, Article IX, Section 15-342(b) of the Code 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." The applicant has a shoreline that measures approximately 110 linear feet at the Normal High Water Elevation, allowing for a terminal platform of 925 square feet. The request is to enlarge the dock with a terminal platform size of 969 square feet, which is 44 square feet larger-than-allowed by Code.

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 Authorized Agent states, "*No change, there is an existing dock that will be replaced.*" To address 15-350(a)(2)(2), the Authorized Agent states, "*None, they have given LONO letters.*"

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by Environmental Protection Division staff using the Uniform Mitigation Assessment Method, and the applicants agreed to provide mitigation for the additional shading with a payment of \$1,595 to the Conservation Trust Fund (CTF).

Side Setback Waiver

Additionally, the applicants have requested a waiver to Section 15-343(b), side setback, in order to keep the existing dock structure's negative side setback of -67 feet from the northern projected property line. EPD has received a signed, notarized Letter of No Objection from the affected property owner to the north. No action is required by the Environmental Protection Commission for this waiver because it can be approved administratively by the Environmental Protection Officer (EPO) pursuant to section 15-343(b).

Enforcement Action

There is no current enforcement action for this property.

Staff Recommendation

The recommendation of the EPO is to approve the waiver to Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$1,595 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 waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$1,595 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Jeffrey and Kathleen Burt Dock Construction Permit BD-18-03-037.

SG/~~NK~~/TMH/ERJ/DJ: mg

Attachments

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-18-03-037

District #1

Applicant: Jeff and Kathleen Burt

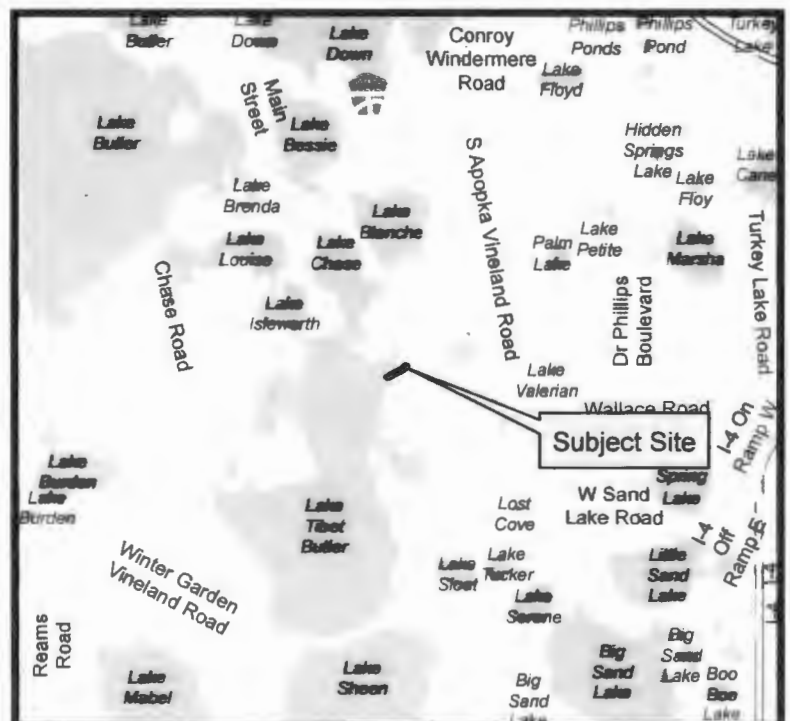
Address: 9124 Mid Pines Ct.

Parcel ID: 21-23-28-0560-05-030

Project Site



Property Location



BOUNDARY AND TOPOGRAPHIC SURVEY

9134 MID PINES COURT, ORLANDO, FL 32819

LOCAL DESCRIPTION:

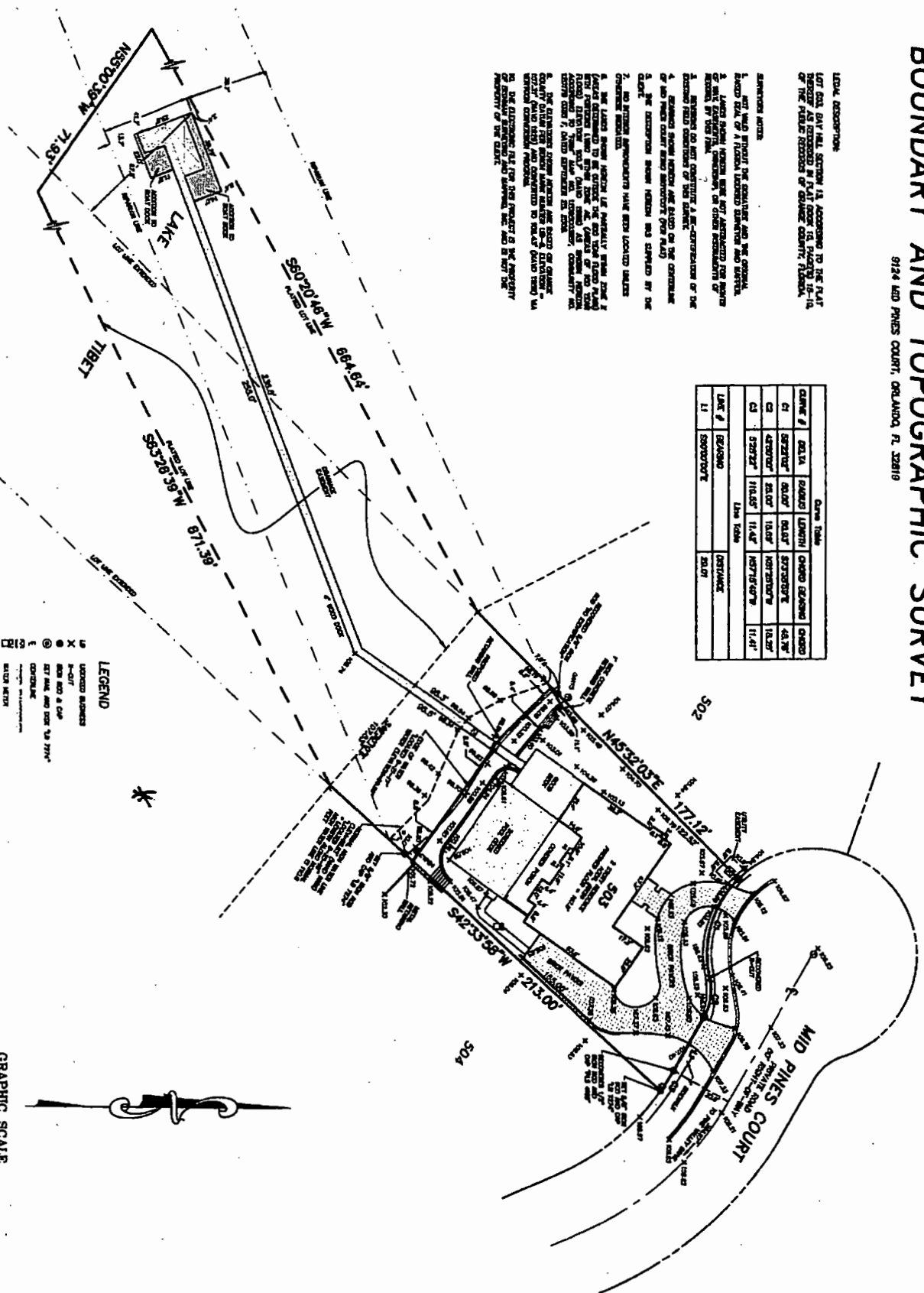
LOT 225, SUBDIVISION 1A, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 13, PAGE 15-16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

REFERENCE NOTES:

1. THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANT, AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
2. THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANT, AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
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9. THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANT, AND THE RESULTS WERE CHECKED BY THE SURVEYOR.
10. THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANT, AND THE RESULTS WERE CHECKED BY THE SURVEYOR.

LINE #	BEARING	LENGTH	CHORD BEARING	CHORD LENGTH
1	S89°00'00"W	71.83'	S89°00'00"W	71.83'
2	S89°00'00"W	71.83'	S89°00'00"W	71.83'
3	S89°00'00"W	71.83'	S89°00'00"W	71.83'
4	S89°00'00"W	71.83'	S89°00'00"W	71.83'
5	S89°00'00"W	71.83'	S89°00'00"W	71.83'
6	S89°00'00"W	71.83'	S89°00'00"W	71.83'
7	S89°00'00"W	71.83'	S89°00'00"W	71.83'
8	S89°00'00"W	71.83'	S89°00'00"W	71.83'
9	S89°00'00"W	71.83'	S89°00'00"W	71.83'
10	S89°00'00"W	71.83'	S89°00'00"W	71.83'

- LEGEND**
- 1. LOCKED BOUNDARY
 - 2. UNLOCKED BOUNDARY
 - 3. 1/4" = 1' SCALE
 - 4. 1/4" = 1' SCALE
 - 5. 1/4" = 1' SCALE
 - 6. 1/4" = 1' SCALE
 - 7. 1/4" = 1' SCALE
 - 8. 1/4" = 1' SCALE
 - 9. 1/4" = 1' SCALE
 - 10. 1/4" = 1' SCALE



JOB NO.: 16092.001

SURVEY DATE: 7-31-2017
 FIELD BY: J. CONRAD
 FIELD BOOK: 16092.001
 PAGES: 44/44-15
 FIELD FILE: 1609201.MPJ
 DRAWING FILE: 16092-.DWG

REVISIONS:

9-22-2017
 9-01-2018

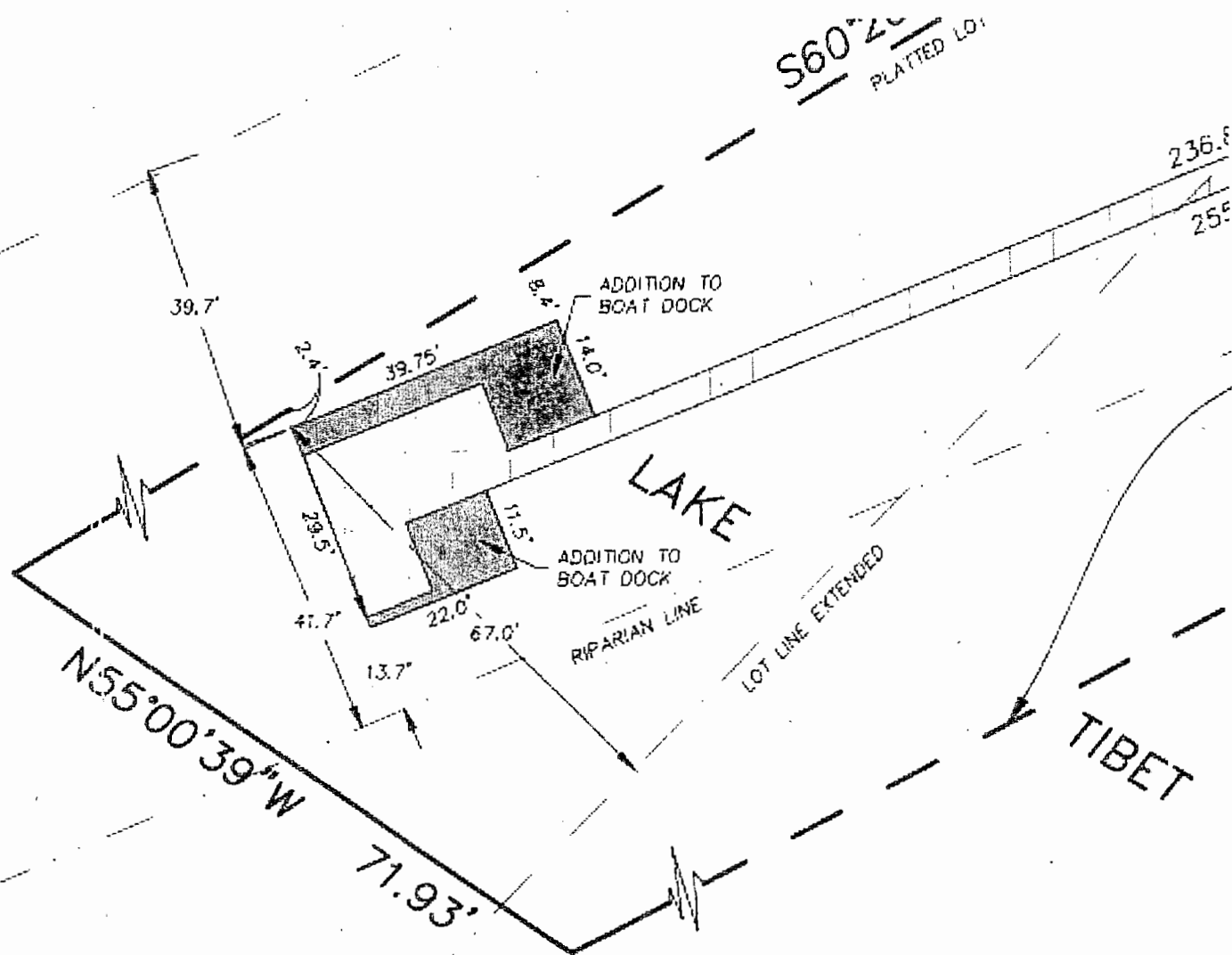
ADDED ADDITIONAL TOPOGRAPHIC DATA
 ADDED EXTENDED SIDE LINES

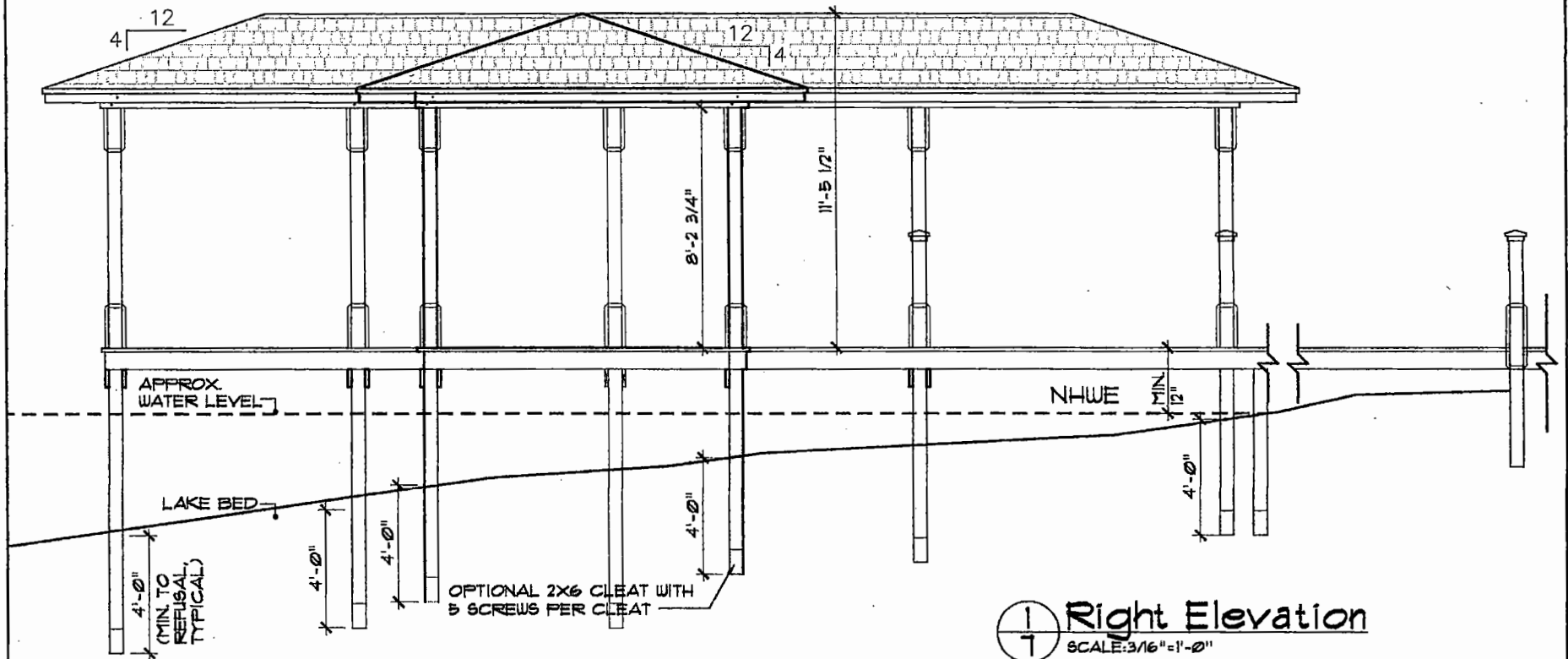
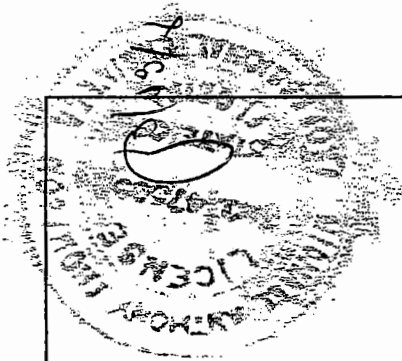
ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668



CERTIFICATE OF AUTHORIZATION LB 7274
 32 W. PLANT STREET Phone No. 407.905.8877
 WINTER GARDEN, FL 34797 Fax No. 407.905.8875

SECTION 21
 TOWNSHIP 23 SOUTH
 RANGE 28 EAST
 SHEET 1 OF 1

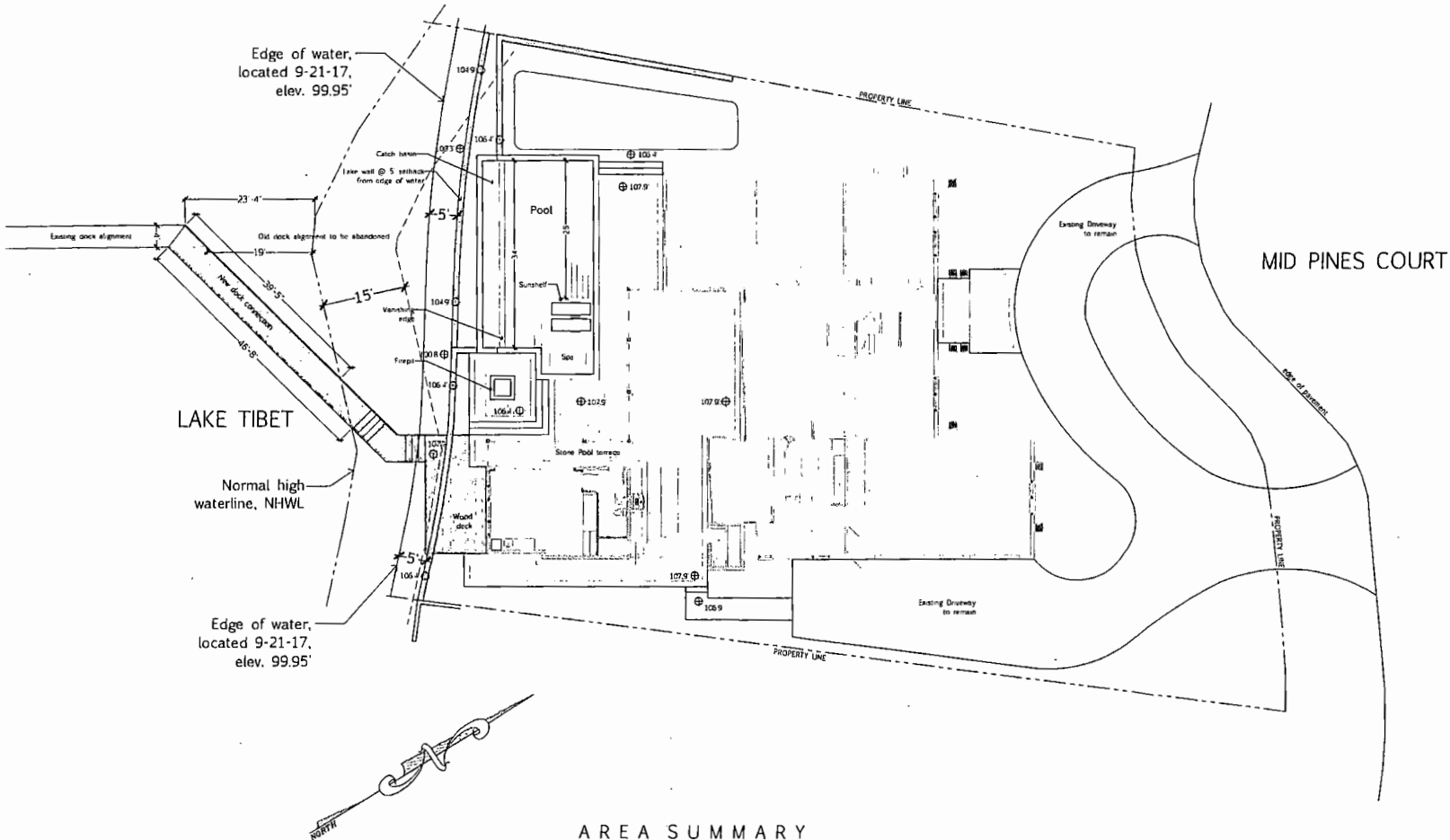




seal

THOMPSON ENGINEERING
GROUP (TEG)
MICHAEL THOMPSON, P.E.
FL # 47503
5200 VINELAND ROAD
SUITE 250
ORLANDO, FL 32811
Ph. (407) 529-3300

revised access walkway



AREA SUMMARY

TOTAL LOT AREA	100%	16,134 SQ FT
DRIVEWAY, WALKS, AND WALLS		2,976 SQ FT
POOL AND POOL DECK		1,584 SQ FT
AREA 1ST FLOOR		4,876 SQ FT
<hr/>		
TOTAL IMPERVIOUS	58.4%	9,436 SQ FT
TOTAL PERVIOUS	41.6%	6,698 SQ FT

**REDMON
DESIGN
COMPANY, PA**
Landscape Architecture

402-242-2000
Fax 402-242-2004



92 S Lakewood Circle
Maitland, FL
32751

Revisions	
Date	By
8/15/18	RG
9/24/18	RG

The Burt Residence
Preliminary Landscape Plan
9124 Mid Pines Court, Orlando, FL

08/14/2018
Date

1/4" = 1' or
Scale

S. Sridhar
Designed By

S. Sridhar
Drawn By

Sheet
LA-1

FOR FIRST NAME IS REASON GIVEN FOR, BY
BUT REMAINS IS PROTECTED BY COPYRIGHT OF
THE UNITED STATES, NOT PART OF THE PUBLIC
IN THE DOCUMENT, NO NEED CERTAINLY
WITH, BUT IS CONSIDERED TRANSMISSION
THAT IN CHANGING USE FOR NOT SUBJECT
THROUGH THE UNITED STATES COURTS OF A
LAWYER, ADVISORY.







**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.

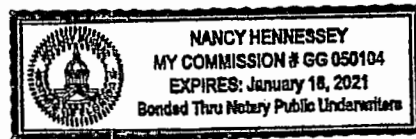
I, Eric Schepps, residing at 9130 Mid Pines Ct., on
(Affected Adjacent Property Owner Name) (Address)

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

[Signature]
(Signature)
ERIC SCHEPPS
(Print Name)

May 31, 2018
(Date)

ACKNOWLEDGEMENT:



STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 31st day of May, 2018 at, by
ERIC Schepps

(NOTARY SEAL)

[Signature]
(Signature of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification X

Type of Identification Produced FL DL license Exp. 08/11/2021



**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 Peter Fleck on behalf of Jeff Burt (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:

No Change, there is an existing dock that will be replaced

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

None, they have given LONO Letters

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: Jeff Burt
Signature of Applicant/Agent Peter Fleck Date: 6-13-18
Corporate Title (if applicable): _____