



Interoffice Memorandum

12-03-18A11:45 RCVD

November 26, 2018

12-03-18P1 35 RCVD

TO: Katie Smith, Manager  
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development

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

**STAFF PERSON:** Elizabeth R. Johnson, CEP, Assistant Manager  
**PHONE #:** Environmental Protection Division  
407-836-1511

**SUBJECT:** Request for Public Hearing on January 15, 2019, at 2:00 p.m., for the Appeal of the Environmental Protection Commission recommendation of approval of a request for waiver to terminal platform size for the William and Debra Stauffer dock permit application (BD-18-04-046), for property located at 4790 Lake Carlton Drive, on Lake Carlton; Parcel ID No. 18-20-27-0000-00-024; District 2

**NOTE:** Schedule this public hearing concurrently with the Appeal from William and Debra Stauffer

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Appellants: Stuart and Sue Larsen.

Type of Hearing: Appeal of the Environmental Protection Commission (EPC) recommendation of approval of a request for waiver to terminal platform size for dock permit application #BD-18-04-046.

Hearing required by  
Florida Statute # or Code: Chapter 15, Article IX, Section 15-349(b).

Advertising requirements: None.

Advertising timeframes: N/A.

Notification Requirements: The appellants, and applicants and their agent, will be notified at least seven days prior to public hearing by the Environmental Protection Division (EPD).

LEGISLATIVE FILE # 19-002

January 15,  
2019 @ 2pm

November 26, 2018

Request for Public Hearing—Stuart and Sue Larsen Appeal of the Environmental Protection  
Commission Recommendation (Stauffer, #BD-18-04-046)

Page 2

Lake Advisory Board  
to be notified:

N/A.

Municipality or other  
Public Agency to be  
notified:

Florida Department of Environmental Protection –  
DEP\_CD@dep.state.fl.us.

Estimated time required  
For public hearing:

2 minutes.

Hearing Controversial:

No.

District #:

2.

Materials being submitted as backup for public hearing request:

1. Boat Dock Waiver Application
2. Site Plan
3. Location Map
4. EPC Staff Report
5. EPC Recommendation Letter
6. Letter of Appeal from Stuart and Sue Larsen

Special Instructions to Clerk:

1. Once the Board of County Commissioners makes a decision on the Appeal, please submit the decision letter to Michelle Gonzalez of EPD. EPD will issue the decision to the appellant.

JR/NT/TMH/ERJ/DJ: mg

Attachments

c: Chris Testerman, Assistant County Administrator  
Jon V. Weiss, P.E., Director, Community, Environmental and Development Services  
Joel D. Prinsell, Deputy County Attorney



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## APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

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(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

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

I Sheila Cichra on behalf of Debra Stauffer (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:

This lot is about three times as wide as most lakefront parcels. The impact of one oversized terminal platform is less than three regular boat docks would be.

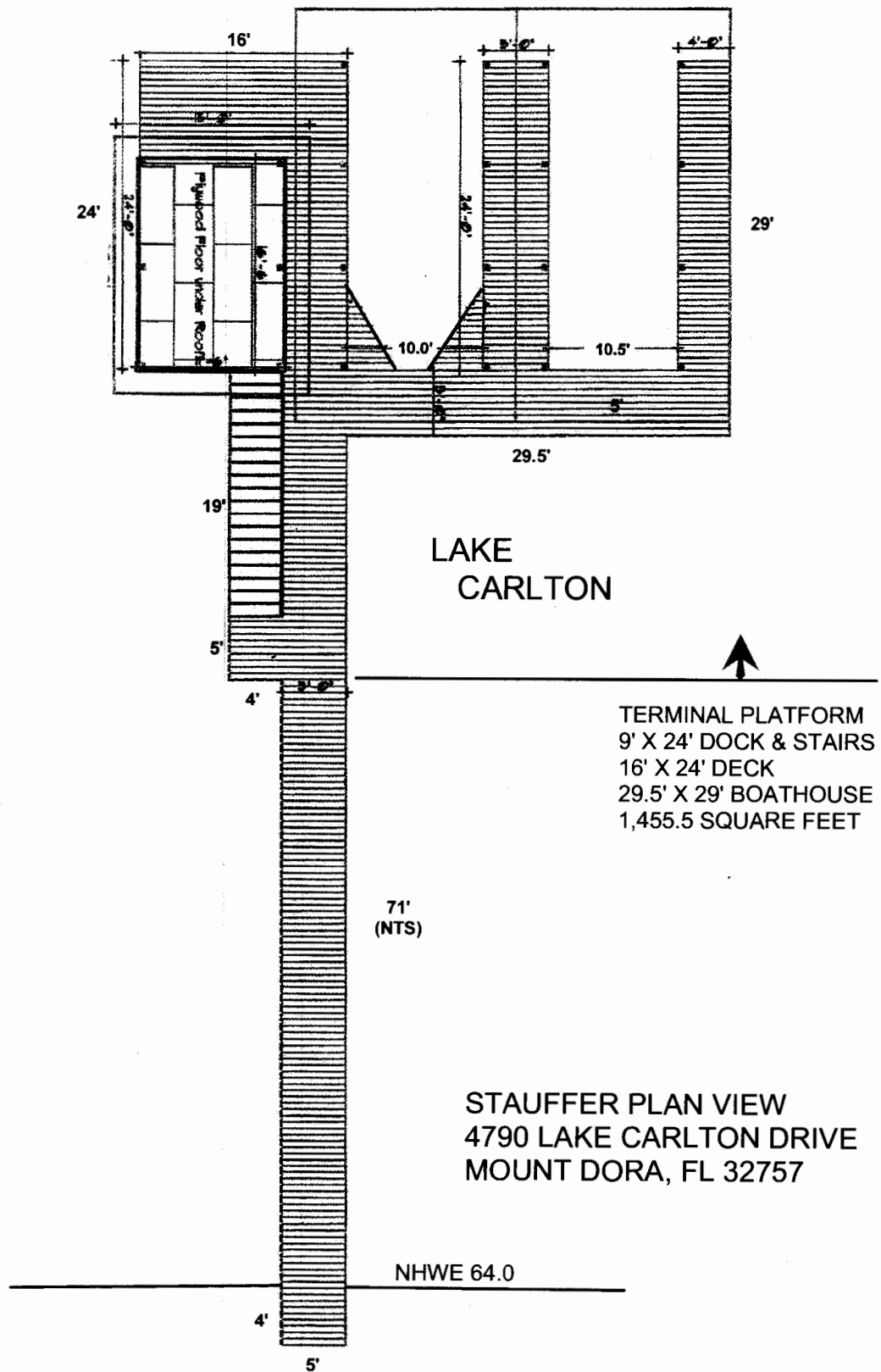
2. Describe the effect of the proposed waiver on abutting shoreline owners:

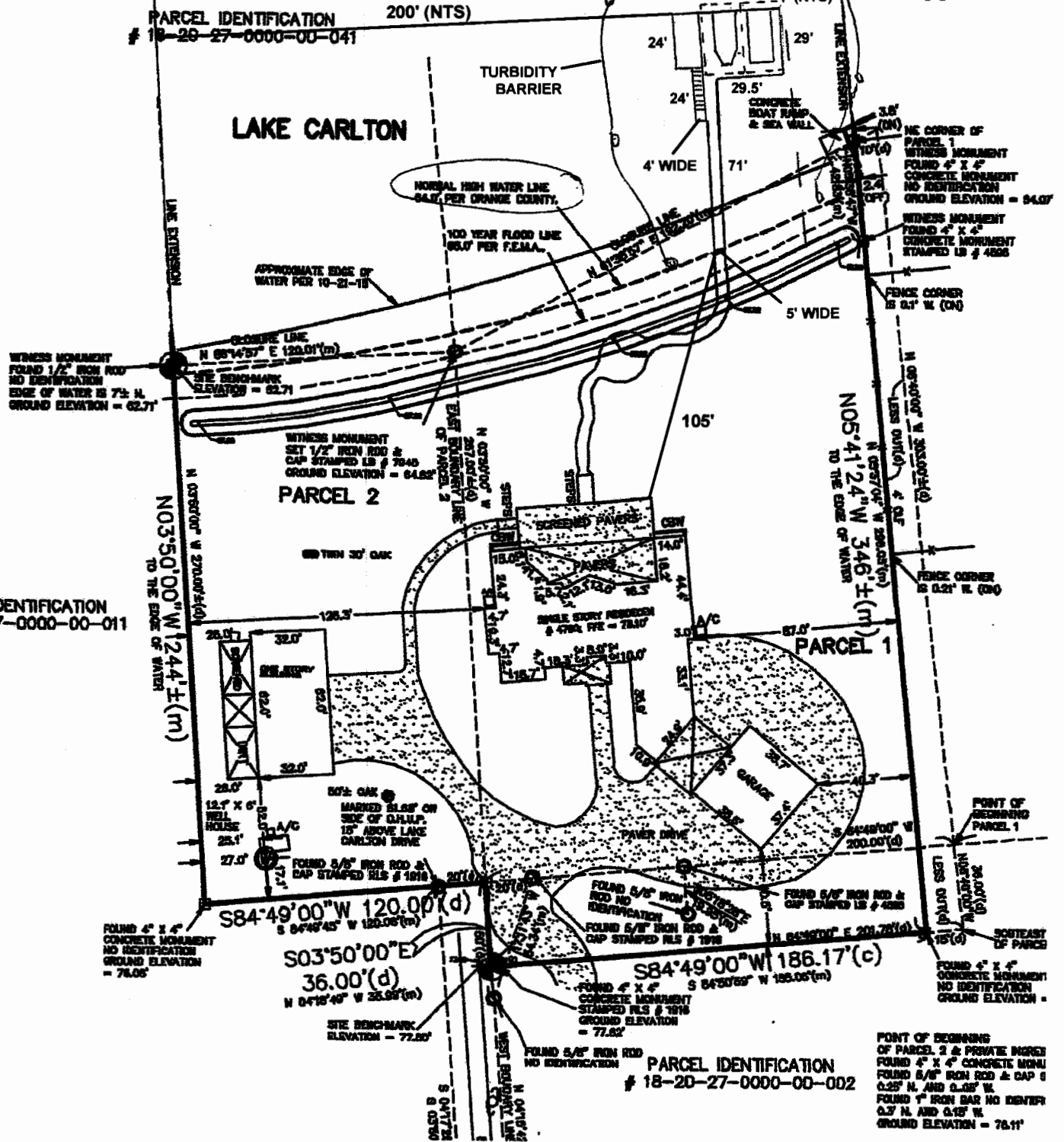
The proposed structure will not adversely affect the adjacent property owner's view or navigability.

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.

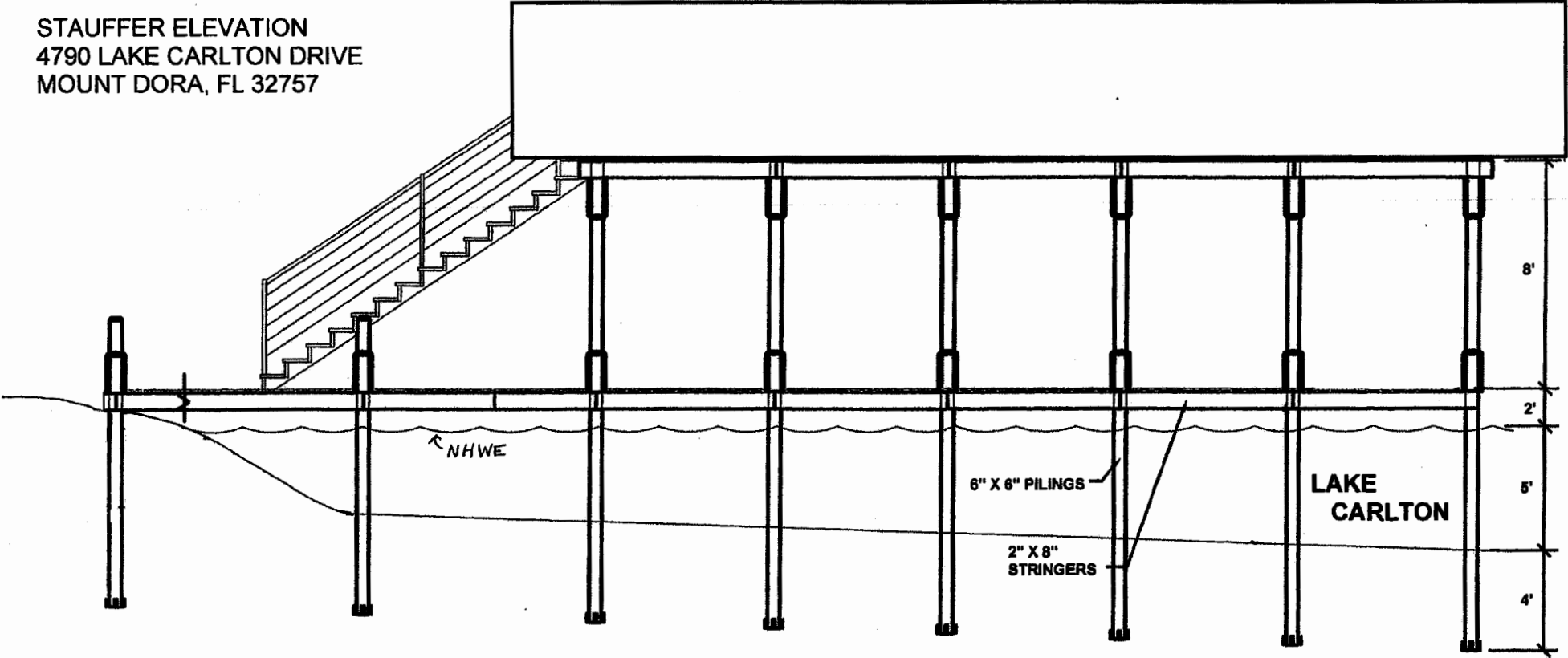
Name of Applicant: Sheila Cichra  
Signature of Applicant/Agent *Sheila Cichra* Date: 04/17/2018  
Corporate Title (if applicable): President, Streamline Permitting, Inc.





STAUFFER ELEVATION  
4790 LAKE CARLTON DRIVE  
MOUNT DORA, FL 32757

TOP OF GABLE ROOF & RAILING 15' MAX ABOVE DECK



# Dock Construction Application for Waiver and Variance



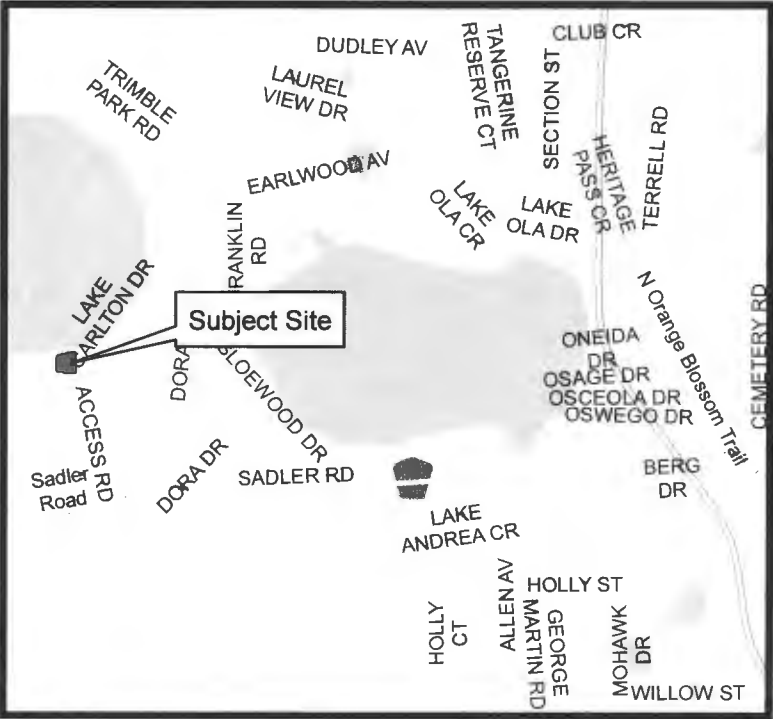
**Dock Construction Application  
for Waiver and Variance  
BD-18-04-046  
District #2**

**Applicant:** William and Debra Stauffer  
**Address:** 4790 Lake Carlton Drive  
**Parcel ID:** 18-20-27-0000-00-024

**Project Site**



**Property Location**

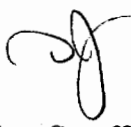




## Interoffice Memorandum

September 13, 2018

**To:** Environmental Protection Commission

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

**Subject:** Re-hearing of the William and Debra Stauffer Request for Waiver and Variance for Dock Construction Permit BD-18-04-046

This item was originally heard at the June 27, 2018 meeting of the Environmental Protection Commission (EPC). This item was continued at the August 29, 2018 meeting of the EPC due to a lack of quorum.

### Reason for Public Hearing

The applicants, William and Debra Stauffer, are requesting approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and a variance to Section 15-342(e) (roof height).

### Location of Property/Legal Description

The project site is located at 4790 Lake Carlton Drive. The Parcel ID number is 18-20-27-0000-00-024. The subject property is located on Lake Carlton in District 2.

### Public Notifications

On May 14, 2018, a Notice of Application for Waiver and Application for Variance was sent to the shoreline property owners within a 300-foot radius of the property. The 300-foot radius resulted in only the adjacent neighbors being notified because of the large property lines. The applicants also supplied a Letter of No Objection (LONO) from each of those neighbors, including the neighbors to the east, Stuart and Sue Larsen. However, after the June 27, 2018 EPC meeting, the Larsens rescinded their previous support and submitted an objection letter, received by the Environmental Protection Division (EPD) on July 2, 2018, which is within the 35-day timeframe allowed by Code for objections. On August 10, 2018, EPD received a request for rehearing from Rebecca Wilson with Lowndes, Drosdick, Doster, Kantor & Reed, who represents the Larsens.

The applicants and their agent, and the objectors and their attorney were sent notices of the rehearing on September 4, 2018 to inform them of the EPC meeting on September 26, 2018.

### Terminal Platform Size 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." The applicants have a shoreline that measures 297 feet, allowing for a terminal platform of 1,000 square feet. The applicants are proposing a dock with a terminal platform size of 1,456 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, *"The lot is about three times as wide as most lakefront parcels. The impact of one oversized terminal platform is less than three regular boat docks would be."* The additional shading impacts from a larger than allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method, and the applicant agreed to provide mitigation for the additional shading with a payment of \$1,102 to the Conservation Trust Fund (CTF).

To address 15-350(a)(2)(2), the applicant states, *"The proposed structure will not adversely affect the adjacent property owner's view or navigability."*

### **Roof Height Variance**

Section 15-342(e) states, "The maximum roof height shall be no higher than twelve (12) feet above the floor elevation." The applicants are requesting a roof height of 15 feet above the floor elevation.

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, *"The boathouse roof is larger than normal, so in order to obtain the roof pitch required for tile, the height must be increased."*

To address Section 15-350(a)(1)(2), the applicant states, *"The additional height will not adversely affect the adjacent property owner's view."*

The objection letter from the Larsens, received by EPD on July 2, 2018, stated they signed the LONO in good faith, but they were not supplied drawings of the proposed dock. They object to the height of the dock due to the impacts it will have on their view of the lake.

On September 6, 2018, EPD received an untimely objection (not within the 35-day objection timeframe) to the terminal platform waiver. Rebecca Wilson stated, *"When the un-permitted dock first appeared, the most concerning element was the height of the boatdock roof. Accordingly our objection was just to the roof height. As we have further examined the plans and the structure, we have come to understand that not only is the first floor platform larger than allowed by code but that there is a second platform the floor of which will be 12' high. The proposed deck is much larger than any others on the lake and the elevated deck will have furniture and other things which will further hinder the views of my client. Our concern is also about the precedent set, if the Board allows this dock to be larger than code, they will be setting precedent for others. We are aware of no 'hardship' which isn't self-imposed that requires this larger dock. In addition, we may be less inclined to object to the size of the dock and the second story platform, if it was positioned in the middle of the Stauffer's lot instead so close to the Larsen lot line. I could not tell from the plans how close the dock is being proposed but the Stauffer's have about 200' of frontage where they could place this dock instead of as close as possible to the Larsens."*

### **Enforcement Action**

There is currently an enforcement case on the Stauffer property for beginning construction of the dock prior to obtaining a permit. The Stauffers were issued a Notice of Violation, including a penalty, instructing them to stop work on the dock until a permit is issued. The construction on the dock has stopped and the penalty was paid. Issuance of a Dock Construction Permit will resolve the enforcement case.

**Staff Recommendation**

The recommendation of the Environmental Protection Officer is to deny the waiver request to Section 15-342(b) (terminal platform size) based on the failure of the applicant to meet Section 15-350(a)(2)(2); and deny the variance request to Section 15-342(e) (roof height) based on the failure of the applicant to meet Section 15-350(a)(1)(2).

**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 15-342(b) (terminal platform size) and deny the request for variance to Section 15-342(e) (roof height), for the Stauffer Dock Construction Permit BD-18-04-046.

JR/NT/ERJ/TH/DJ:gfdjr/mg

Attachments



ENVIRONMENTAL  
PROTECTION  
COMMISSION

Jonathan Huels  
Chairman

Mark Ausley  
Vice Chairman

Oscar Anderson

Perry Bamas

Florian Blackburn

Mark Corbett

Theodore Geltz

ENVIRONMENTAL PROTECTION DIVISION

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

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Orlando, FL 32803-3727

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www.ocfl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION  
September 26, 2018

PROJECT NAME: William and Debra Stauffer  
PERMIT APPLICATION NUMBER: BD-18-04-046  
LOCATION/ADDRESS/LAKE: 4790 Lake Carlton Drive, Lake Carlton

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 15-342(b) (TERMINAL PLATFORM SIZE) AND DENY THE REQUEST FOR VARIANCE TO SECTION 15-342(e) (ROOF HEIGHT), FOR THE STAUFFER DOCK CONSTRUCTION PERMIT BD-18-04-046.**

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

Pursuant to Orange County Code, Ch. 15, Art. IX, Section 15-350(b), Approve the request for waiver to OC Code, Ch. 15, Article IX, Sect 15-342(b) and deny the request for variance to Sect. 15-342(e), for BD-18-04-046

Vice  
Signature of EPC Chairman: Mark Ausley  
EPC Recommendation Date: 9/26/18



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com  
215 North Eola Drive, Orlando, Florida 32801-2028  
T: 407-418-6250 | F: 407-843-4444  
MAIN NUMBER: 407-843-4600



September 28, 2018

**SENT VIA EMAIL**

Jason Root, Environmental Team Lead  
Orange County Environmental Protection Division  
3165 McCrory Pl #200  
Orlando, FL 32803

Jason.root@ocfl.net

**Re: Appeal of EPC Approval of Terminal Platform Waiver (BD 18-04-046)**

Dear Jason:

As you know this firm represents Stuart and Sue Larsen ("The Larsens") in the above referenced matter. William and Debra Stauffer (the "Applicant") submitted a request for a waiver to the terminal platform maximum square footage (the "Waiver") and a variance to the maximum roof height (the "Variance") for a proposed dock (the "Dock") at 4790 Lake Carlton Drive, Mt Dora FL 32757 (the "Subject Property"). The Environmental Protection Commission (the "EPC") denied the Variance and approved the Waiver. This letter shall evidence The Larsens' appeal of the EPC's approval of the Waiver.

**BACKGROUND**

Pursuant to Article IX Section 15.342(b) of the Orange County Code of Ordinances (the "Code") dock terminal platforms shall not exceed a maximum square footage of 1,000 square feet ("platform size"). Applicant made a request for a waiver in order to build the Dock on the Subject Property.

Pursuant to Article IX Section 15.350(a)(2), in order to be eligible for a waiver to platform size, the Applicant must describe how (1) the waiver will not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners. Applicant has failed to meet this burden. The large size of the Dock will obstruct The Larsens' view of the lake.

On September 13, 2018, the Environmental Protection Officer (the "EPO"), made a recommendation to deny the Waiver. EPO's recommendation was based on Applicant's failure to meet their burden as required by the Code. Specifically, Applicant failed to describe how the Waiver would affect abutting shoreline owners.




Jason Root  
September 28, 2018  
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On September 26, 2018, the EPC approved the Waiver, despite the EPO's recommendation to deny the Waiver.

Because the Applicant has failed to meet their burden as required by the Code, The Larsens, pursuant to Article IX Section 15.349(b) of the Code, are requesting that the Board of County Commissioners reverse the EPC's approval of the Waiver.

Very truly yours,



M. Rebecca Wilson

MRW/RJ