



Interoffice Memorandum

January 4, 2019

TO: Mayor Jerry L. Demings
-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 15, 2019 – Public Hearing
William and Debra Stauffer Appeal of the Environmental
Protection Commission Recommendation Regarding a Boat
Dock Variance Request for Roof Height (BD-18-04-046)
-AND-
Stuart and Sue Larsen Appeal of the Environmental
Protection Commission Recommendation Regarding a Boat
Dock Waiver Request for Terminal Platform Size (BD-18-04-
046)

On April 17, 2018, the Environmental Protection Division (EPD) received an Application to Construct a Dock from William and Debra Stauffer. The project site is located at 4790 Lake Carlton Drive on Lake Carlton. The parcel identification number is 18-20-27-0000-00-024. The property is located in District 2. Included with the permit application was an Application for Variance to Section 15-342(e) (roof height) and an Application for Waiver to Section 15-342(b) (terminal platform size). Orange County Code allows for a maximum roof height of 12 feet; the applicants are requesting a roof height of 15 feet. The maximum allowed size of the terminal platform for this lot is 1,000 square feet. The applicants are requesting a terminal platform size of 1,456 square feet.

On September 26, 2018, the Environmental Protection Commission (EPC) made a recommendation to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) and to deny the request for variance to Section 15-342(e) (roof height) for the William and Debra Stauffer boat dock. On September 28, 2018, EPD received an appeal from the neighboring property owners, Stuart and Sue Larsen, of the recommendation of approval of the waiver request for terminal platform size. On October 4, 2018, EPD received an appeal from Mr. and Mrs. Stauffer of the recommendation of denial of the variance request for roof height.

Public Notification

The applicant, agent and appellants were notified on December 27, 2018 of the public hearing before the Board.

Staff Findings

Section 15-350(a)(1) *Variances* states, "A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the 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."

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), 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,*" and "*The additional height will not adversely affect the adjacent property owner's view.*"

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

On May 14, 2018, a Notice of Application for Waiver and Variance was sent via certified mail to the shoreline property owners within a 300-foot radius of the property. The 300-foot radius resulted in only the immediately adjacent neighbors being notified because of the large lot sizes. The letter requested that any objection to the request be received, in writing, by EPD within 35 days of receipt.

On June 1, 2018, EPD received a notarized Letter of No Objection (LONO) from the adjacent property owners to the east, Stuart and Sue Larsen (4788 Lake Carlton Drive). On June 3, 2018, EPD received a LONO from the adjacent property owner to the west, Metro LLC (8925 Sadler Road). Since all property owners within the 300-foot radius had no objection to the variance and waiver requests, a public hearing was scheduled

for June 27, 2018 before the EPC. EPD presented the variance and waiver requests to the EPC and recommended approval. The EPC agreed with the recommendation and voted unanimously to approve the requests for variance and waiver.

After the June 27, 2018 EPC meeting, the Larsens rescinded their previous support and submitted an objection letter to the variance request for roof height. It was received by EPD on July 2, 2018, which is within the 35-day timeframe allowed by Orange County Code for objections. The Larsens objected to the height of the dock due to the impacts it would have on their view of the lake. On August 10, 2018, EPD received a request for rehearing before the EPC from Rebecca Wilson with Lowndes, Drosdick, Doster, Kantor & Reed, who represents the Larsens.

The variance and waiver requests were then scheduled for a rehearing at the August 29, 2018 EPC meeting. At that meeting, the EPC did not have a quorum in order to proceed and the item was continued to the September 26, 2018 EPC meeting.

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 boat dock 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."*

Before the EPC on September 26, 2018, EPD recommended denial of the variance request to Section 15-342(e) (roof height) and denial of the waiver request to Section 15-342(b) (terminal platform size) based on the objections filed by the abutting shoreline property owner. The Stauffers, the Larsens and their agents gave testimony during the meeting and provided additional photographs for the EPC's consideration. After significant discussion, the EPC voted to deny the request for variance to roof height and approve the request for waiver to terminal platform size.

There is currently an open enforcement case (#18-516971) for the Stauffer property due to initiation of dock construction prior to obtaining a permit from Orange County. After receiving the Notice of Violation, Mrs. Stauffer explained that they received their Florida Department of Environmental Protection permit and thought they had what they needed to start construction. She has stated that all construction activity has stopped until they receive their Orange County permit. EPD assessed a penalty of \$999.00 for the violation which has been paid. Issuance of a Dock Construction Permit will resolve the enforcement case.

ACTIONS REQUESTED: To affirm, reverse, or modify the decision of the Environmental Protection Commission to recommend denial of the variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the William and Debra Stauffer Boat Dock Construction Permit BD-18-04-046. District 2

-AND-

To affirm, reverse, or modify the decision of the Environmental Protection Commission to recommend approval of the waiver to Section 15-342(b) (terminal platform size) for the William and Debra Stauffer Boat Dock Construction Permit BD-18-04-046. District 2

JVW/DDJ: mg

Attachments

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

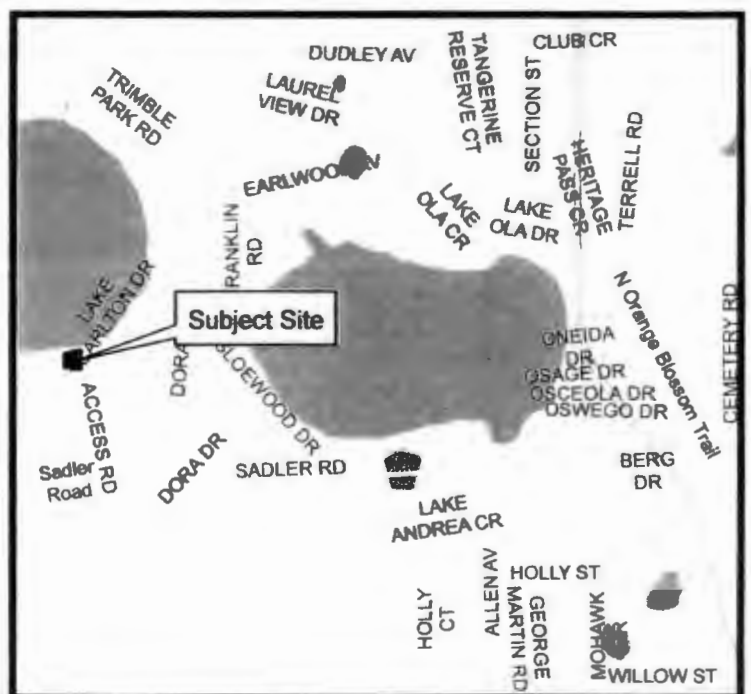
Address: 4790 Lake Carlton Drive

Parcel ID: 18-20-27-0000-00-024

Project Site



Property Location





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 Jason.root@ocfl.net
Orange County Environmental Protection Division
3165 McCrory Pl #200
Orlando, FL 32803

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.

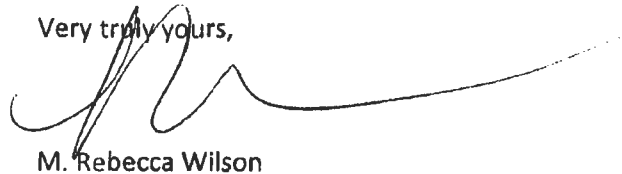


Jason Root
September 28, 2018
Page 2

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,

A handwritten signature in black ink, appearing to read 'M. Rebecca Wilson', with a long horizontal flourish extending to the right.

M. Rebecca Wilson

MRW/RJ

Date: October 4, 2018
To: Jason Root
From: Sheila Cichra for William and Debra Stauffer
4790 Lake Carlton Drive, Mount Dora, FL 32757
(407) 448-5338
Re: BD-18-04-046

On September 26th, the EPC denied our variance to roof height.

Please allow this email to serve as our appeal of that decision.

We believe that the EPC made that decision based solely on the opinion of the adjacent property owner that his view would be *negatively* impacted. That is very much a matter of opinion, but the way that the variance criteria is written, only the *opinion* matters to the EPC, not the validity of that opinion.

The proposed dock is 16' farther away from the property line than is required by code. Also, the elevation of the Larsen's main house is such that someone standing on the Larsen's pool deck looks down onto the top of the boathouse roof, instead of *through* the boathouse. The adjacent property owner's view would not be any more negatively impacted with the roof at 15' than it would be, if the boathouse roof was built at code - 12' above the deck.

Therefore, we believe that pursuant to Article IX Section 15.350(a)(1), the effect of the proposed variance on the abutting shoreline owner is negligible and should not be grounds for denial of the variance.

In the last ten years, 12 roof height variance applications have been brought before the Board. Seven of which were after the fact. All of those variances, ranging from 6" to 6.8', were approved.

We believe that the BCC will see that the adjacent property owner is not *actually* negatively impacted, reverse the EPC's decision and approve this variance.

Thank you.





ENVIRONMENTAL
PROTECTION
COMMISSION

Jonathan Huebs
Chairman

Mark Ausley
Vice Chairman

Oscar Anderson

Perry Barnes

Norman Blackburn

Mark Corbett

Theodore Geltz

ENVIRONMENTAL PROTECTION DIVISION

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

3165 McGroary Place, Suite 200
Orlando, FL 32803-3727
407-836-1400 • Fax 407-836-1499
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

Signature of EPC Chairman:

vice

Mark Ausley

EPC Recommendation Date:

9/26/18



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



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, 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: [Signature] Date: 04/17/2018
Corporate Title (if applicable): President, Streamline Permitting, Inc.



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

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

Mail or Orange County Environmental Protection Division
Deliver To: 3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

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

I Sheila Cichra on behalf of Debra Stauffer (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15 - 342 (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 boathouse roof is larger than normal, so in order to obtain the roof pitch required for tile, the height must be increased.

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

The additional height will not adversely affect the adjacent property owner's view. As evidenced by the attached letters of no objection.

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: Sheila Cichra

Signature of Applicant/Agent [Signature]

Date: 04/17/2018

Corporate Title (if applicable): President, Streamline Permitting, Inc.

O.C. ENVIRONMENTAL
PROTECTION DIVISION

2018 JUL -2 AM 8:58

Stuart C. and C. Sue Larsen
757 S.E. 17th Street, Suite 270
Ft Lauderdale, FL 33316
954 328 6553
Stuart.Larsen@fraseryachts.com

June 29, 2018
FEDERAL EXPRESS
Mr. Jason Root
Orange County EPD
3165 McCrory Place, Suite 200
Orlando, FL 32803

Re: Variance Application # BD-18-04-046 at 4790 Lake Carlton Drive

Dear Mr. Root

I write in reference to your letter of May 14, 2018, received May 30, requesting objections to the requested variance.

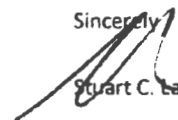
Firstly, I would like to point out that when we signed the Letter of No Objection (LONO) we had no idea as to the details of or location of the structure since we were not supplied any surveys or drawings but signed in good faith. Furthermore, we still have not been supplied any drawings and those on your website do not reflect any elevation drawing so it is impossible for us to judge the impact of the structure height on our view line, except to say that it will be significantly impacted at anything nearing 14 feet.

We take serious issue with the mis-statement of facts portrayed in the application for variance filed by Sheila Cichra. Firstly, we have never been consulted about the additional height not adversely affecting adjacent property owners view, and as mentioned already the LONO had no drawings. So, we have been blindsided and her statements are not true representations. I also do not understand why the height of the structure roof affects the pitch and therefore the need for tile. Why can't the roof structure be lowered to something reasonable and receive tile or something else? This appears to be a self-imposed hardship as described in Para 1 of the application?

While we have zero objection to the building of a dock, by some descriptions in the application this has now "morphed" into a boathouse and we take issue with the false statements in the application as to our view not being impacted. Because of the impact on our view, we hereby formally object to the request for variance but remain happy to work out a solution with the applicants so our view reflects what we purchased.

Thank you for your consideration.

Sincerely,


Stuart C. Larsen


C. Sue Larsen

From: Wilson, Rebecca [mailto:rebecca.wilson@lowndes-law.com]
Sent: Thursday, September 06, 2018 2:38 PM
To: Root, Jason
Cc: Stuart.Larsen@FraserYachts.com; Thomas, Neal
Subject: RE: Stauffer Dock - Environmental Protection Commission Meeting

Jason,

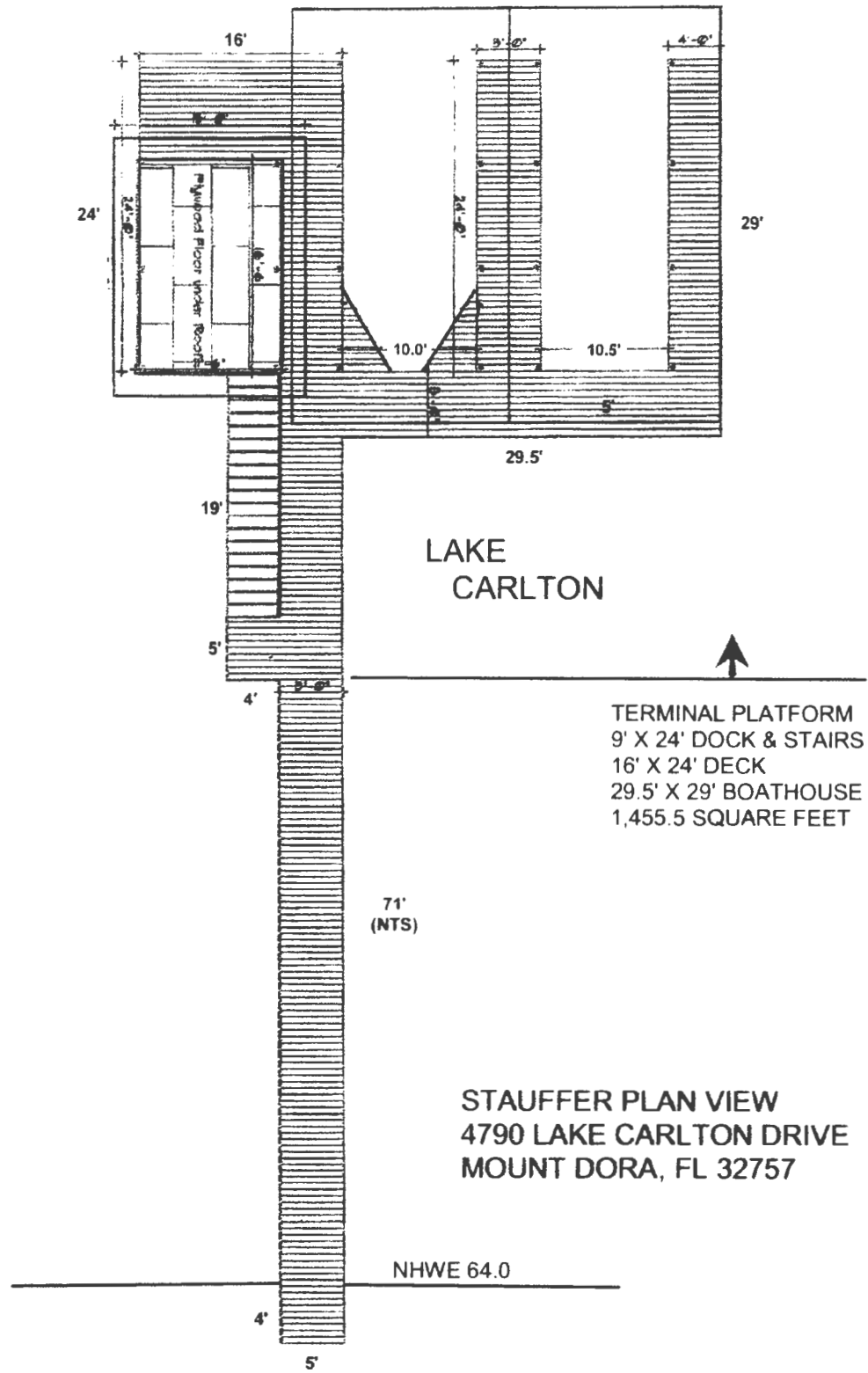
My client, Mr. Larsen, is attempting to limit his objections as much as possible. When the un-permitted dock first appeared, the most concerning element was the height of the boatdock roof. Accordingly our objection was just to the roof height. As we have further examined the plans and the structure, 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.

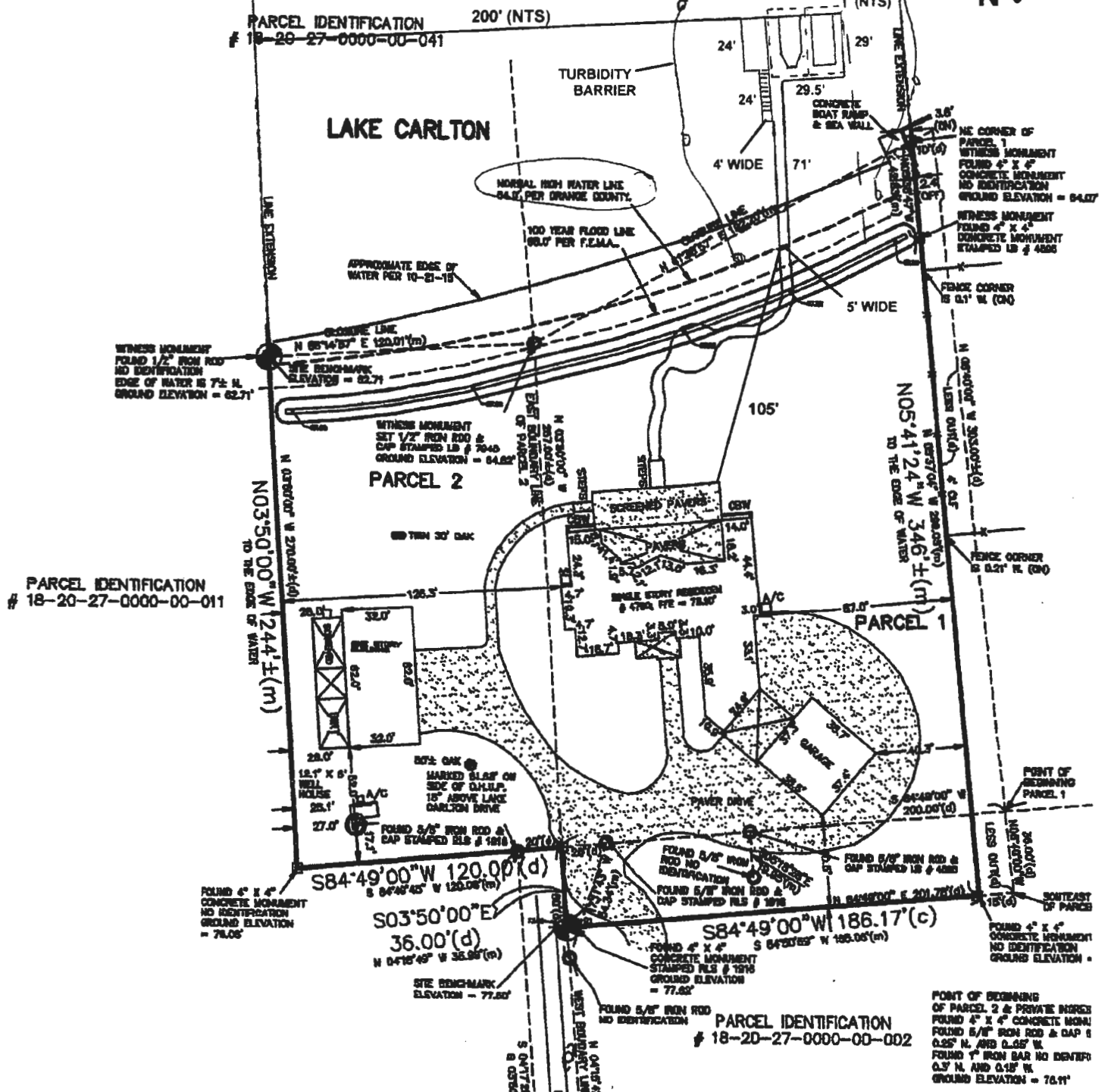
Please let me know if you need any additional information.

M. Rebecca Wilson
Shareholder
D: 407.418.6250 | P: 407.843.4600
[Email](#) | [Website](#) | [Bio](#) | [vCard](#)



LOCAL ROOTS. BROAD REACH. SM





STAUFFER ELEVATION
4790 LAKE CARLTON DRIVE
MOUNT DORA, FL 32757

TOP OF GABLE ROOF & RAILING 15' MAX ABOVE DECK

