



Interoffice Memorandum

AGENDA ITEM

August 18, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406

SUBJECT: September 28, 2021 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver and Variance for Steven and Sara
Kachelmeyer Dock Construction Permit BD-20-08-143

The applicants, Steven and Sara Kachelmeyer, are requesting a dock construction permit with 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(c) (access walkway height). The project site is located at 12128 McKinnon Road, Windermere, Florida 34786 (Parcel ID number 01-23-27-0000-00-026). The subject property is located on Lake Crescent in District 1.

On August 25, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. The applicants' are requesting to construct a new dock in the same location of an existing dock on the property. The existing dock will be removed prior to construction of the new dock. Included with the application was a request for waiver to increase the allowable terminal platform size and a request for variance to reduce the height of the access walkway over a wetland.

Waiver Request – Terminal Platform Size

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 1,000 square feet." The applicants have a shoreline that measures approximately 107 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 910 square feet. The applicants are requesting a terminal platform size of 1,000 square feet (90 square feet larger than allowed).

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 Section 15-350(a)(2)(1), the applicants' agent, Peter Fleck, states, "The dock will be located in the location of the existing dilapidated dock. There will be no additional impact."

To address Section 15-350(a)(2)(2), the applicants' agent states, "*None.*"

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicants have agreed to provide mitigation for the additional shading with a payment of \$675 to the Conservation Trust Fund (CTF).

Variance Request – Access Walkway Height

Section 15-342(c) of the Code states, "Access walkways traversing any wetland shall be elevated a minimum of three (3) feet above the ground surface." The applicants' property contains a wetland that the proposed dock will traverse. The applicants are requesting to elevate the access walkway 30 inches over the wetland area in lieu of the required 36 inches minimum height above the ground surface.

Section 15-350(a)(1) *Variances* states, in part, "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."

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 applicants' agent states, "*The applicant wants to keep below 36" so he does not have to add a railing to the walkway. If the walkway was 30" above grade there is no need for the railing. The railing is not wanted because it will block the view and add cost.*"

To address Section 15-350(a)(1)(2), the applicants' agent states, "*None.*"

Public Noticing

On May 18, 2021, Notices of Application for Waiver and Variance were sent to all shoreline property owners within a 300-foot radius of the property. No objections have been received.

EPD Staff Evaluation/Recommendation

EPD evaluated the waiver and variance requests for compliance with the criteria for approval in Code and based upon the criteria in 15-350, the recommendation of the Environmental Protection Officer (EPO) was to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant had demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections have been received, and pursuant to Section 15-350(a)(2)(1), negative effects to the environment from additional shading due to the excess in terminal platform size will be offset through the payment of \$675 to the CTF as mitigation.

However, the recommendation of the EPO was to deny the request for variance to Section 15-342(c) (access walkway height) based on a finding that the applicant had not demonstrated that the request would impose a unique and unnecessary hardship that is not self-imposed pursuant to Section 15-350(a)(1)(1).

Environmental Protection Commission Public Hearing

EPD presented the waiver and variance requests in a public hearing before the Environmental Protection Commissioner (EPC) at their August 4, 2021 meeting. Based upon evidence and testimony presented at the hearing, the EPC voted to accept the findings and recommendations of the EPO by a unanimous vote of four to zero, and recommended approval of the request for waiver to Section 15-342(b) (terminal platform size) with a mitigation payment of \$675 to the CTF within 60 days of the decision of the Board, and recommended denial of the request for variance to Section 15-342(c) (access walkway height).

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Section 15-342(b) to increase the allowable terminal platform size from 910 square feet to 1,000 square feet with the condition that the applicants pay \$675 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and denial of the request for variance to Section 15-342(c) to reduce the required minimum access walkway height from 36 inches to 30 inches over wetlands for the Steven and Sara Kachelmeyer Dock Construction Permit BD-20-08-143. District 1

JVW/DDJ: jk

Attachments

Dock Construction Application for Waiver and Variance



Dock Construction Application for Waiver and Variance

BD-20-08-143

District #1

Applicants: Steven and Sara Kachelmeyer

Address: 12128 McKinnon Rd

Parcel ID No.: 01-23-27-0000-00-026

Project Site 

Property Location 



DOCK PLANS

Kachelmeyer Boat Dock

Prepared For

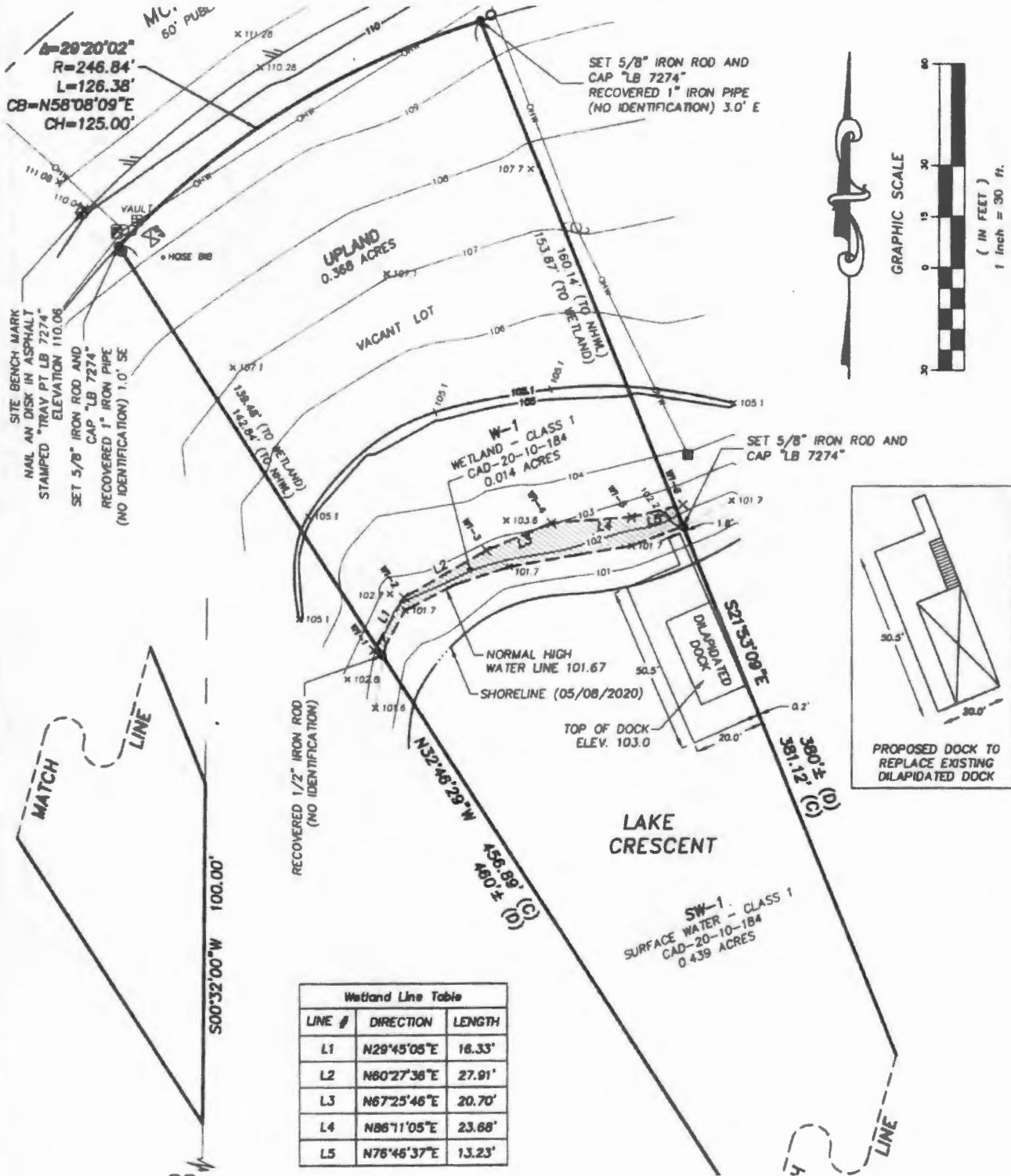
Q-Ice Builders

Prepared By

 **THOMPSON ENGINEERING GROUP, INC**

Engineer: Michael Thompson, MSc, P.E. (#47509)
4401 Vineland Road, Suite 46
Orlando, Florida 32811
Ph: 407-529-3306
Fax: 407-529-3306
Certificate of Authorization No. 30060
www.thompsoneng.com

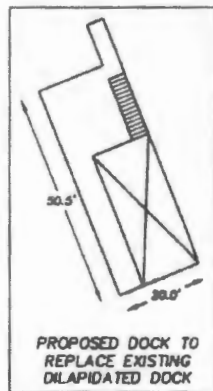
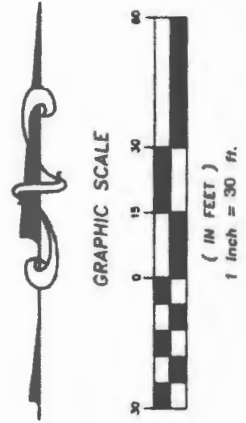
January, 2020



$\Delta = 29^{\circ}20'02''$
 $R = 246.84'$
 $L = 126.38'$
 $CB = N58^{\circ}08'09''E$
 $CH = 125.00'$

SITE BENCH MARK
 NAIL AN DISK IN ASPHALT
 STAMPED "TRAV PT LB 7274"
 SET 5/8" IRON ROD AND
 CAP "LB 7274"
 RECOVERED 1" IRON PIPE
 (NO IDENTIFICATION) 1.0' SE

SET 5/8" IRON ROD AND
 CAP "LB 7274"
 RECOVERED 1" IRON PIPE
 (NO IDENTIFICATION) 3.0' E



LAKE CRESCENT

SW-1 - CLASS 1
 SURFACE WATER - CLASS 1
 CAD-20-10-184
 0.439 ACRES

RECOVERED 1/2" IRON ROD
 (NO IDENTIFICATION)

$N32^{\circ}46'29''W$
 $456.89' \pm$ (C)

DILAPIDATED DOCK
 52°13'59"E
 58°11'27" (C)

NORMAL HIGH
 WATER LINE 101.67
 SHORELINE (05/08/2020)

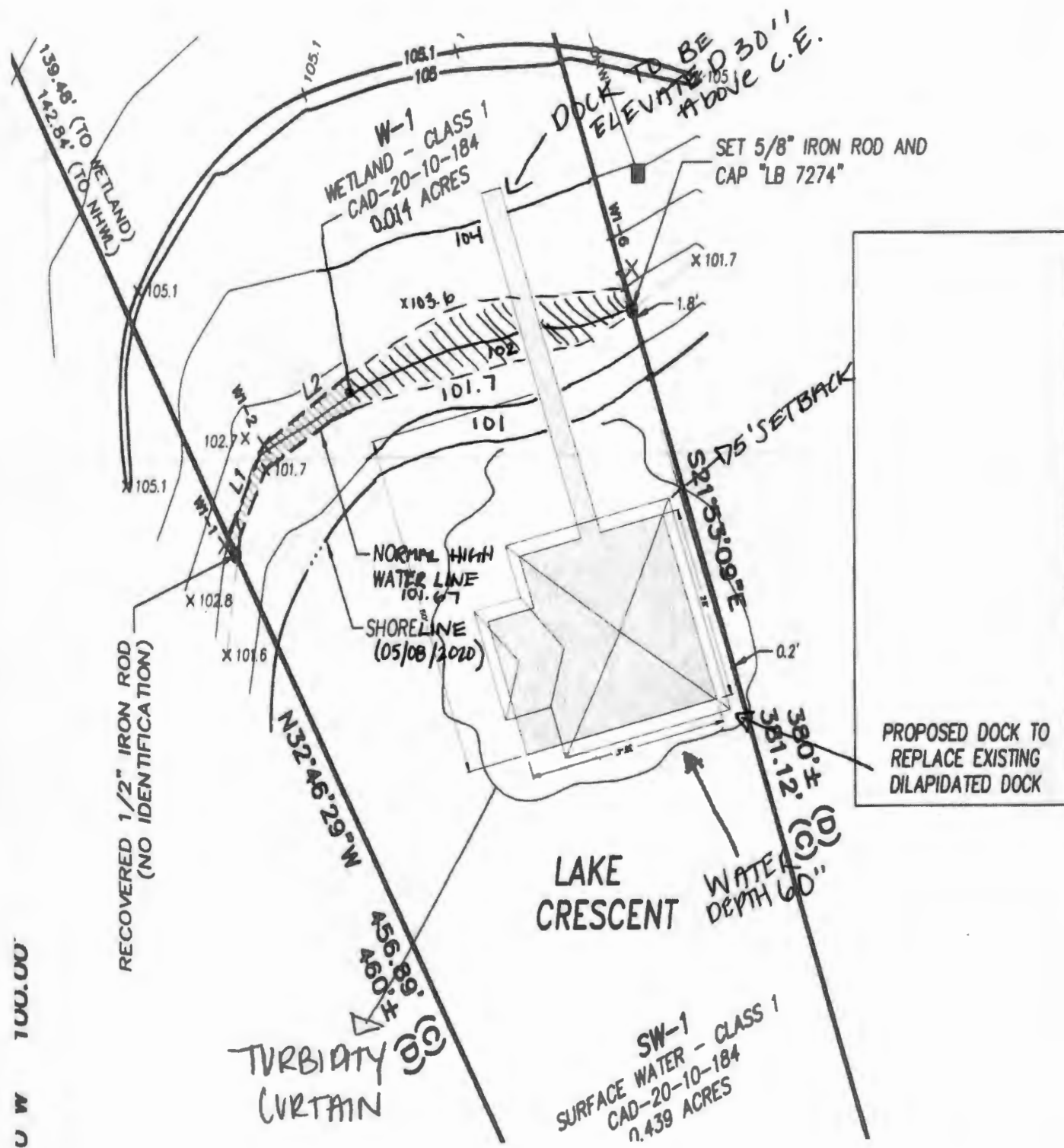
TOP OF DOCK ELEV. 103.0

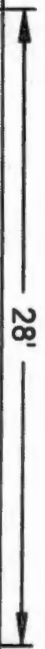
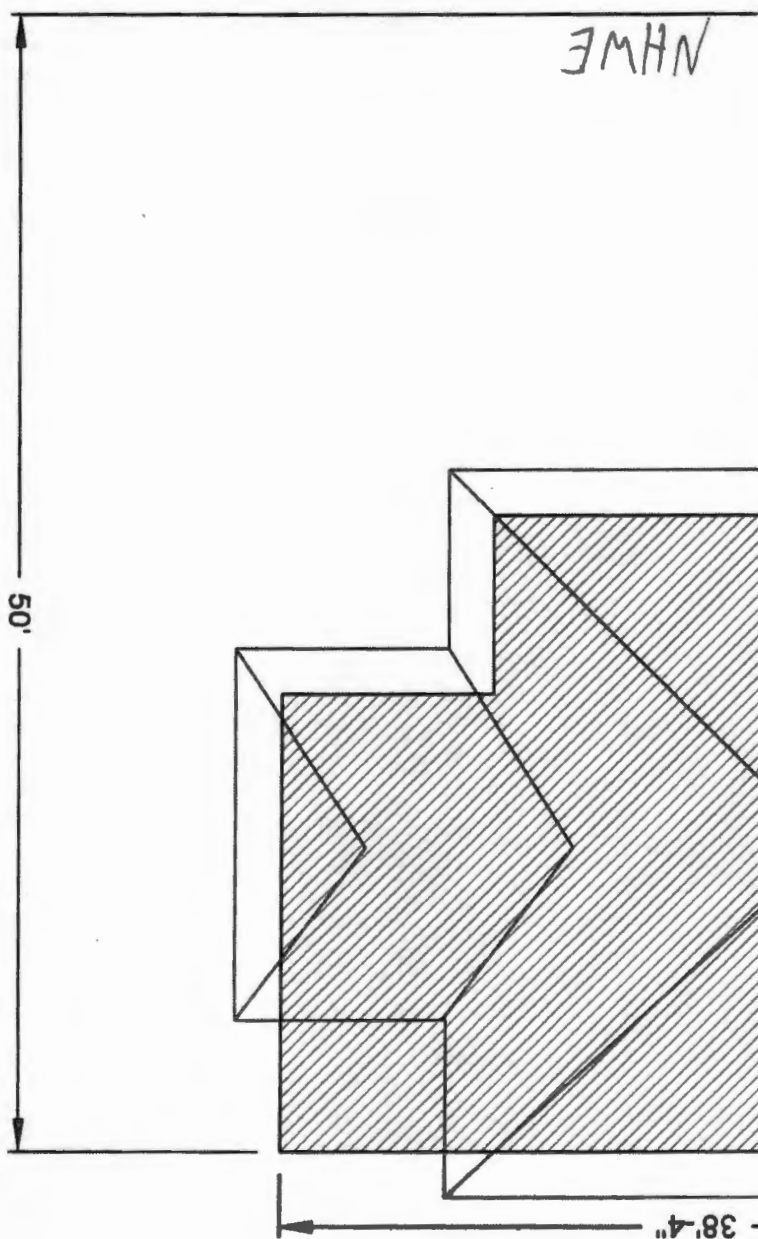
UPLAND
 0.368 ACRES

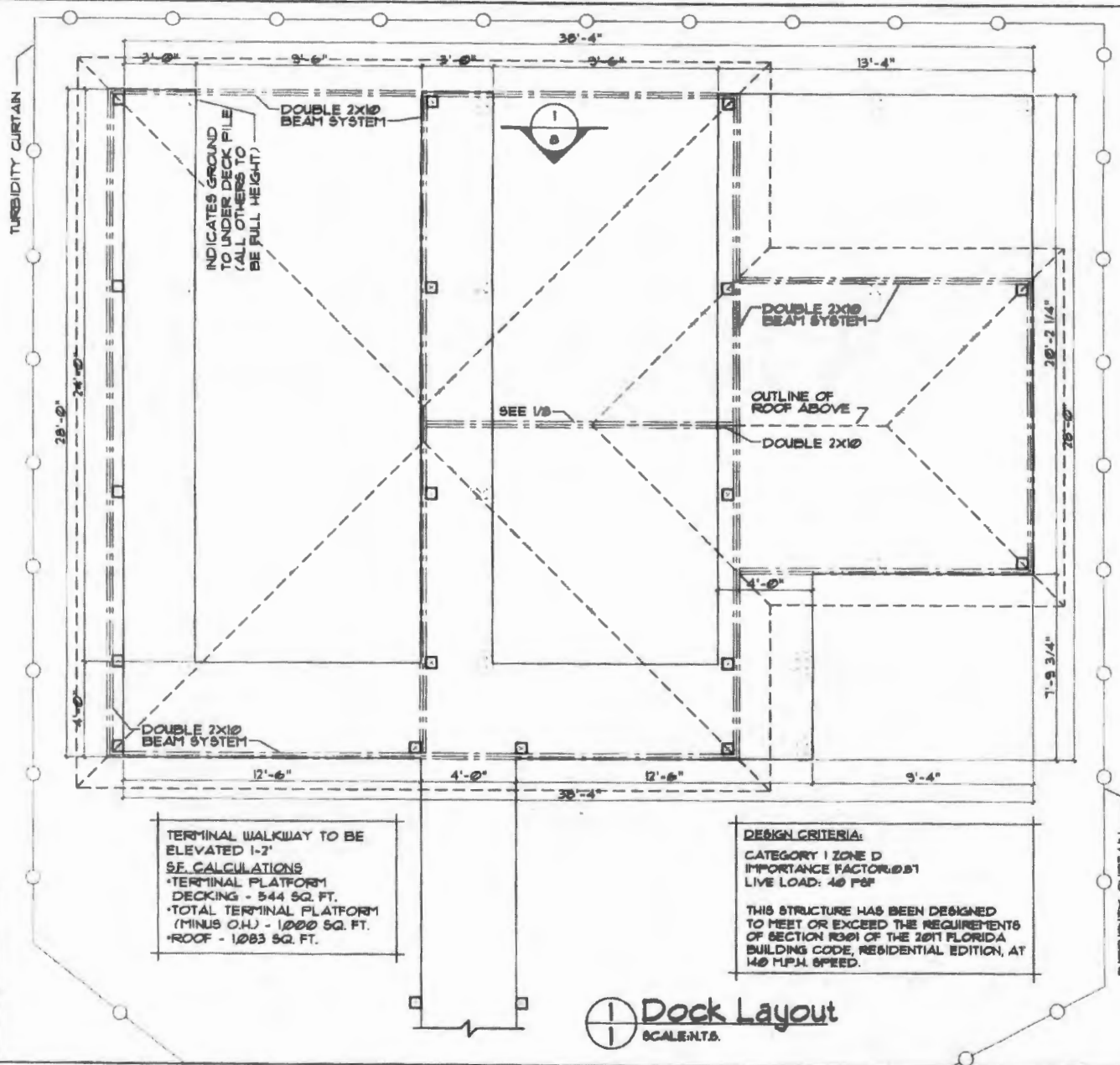
VACANT LOT

W-1 - CLASS 1
 WETLAND - CLASS 1
 CAD-20-10-184
 0.014 ACRES

MATCH
 LINE
 $S00^{\circ}32'00''W$
 100.00'

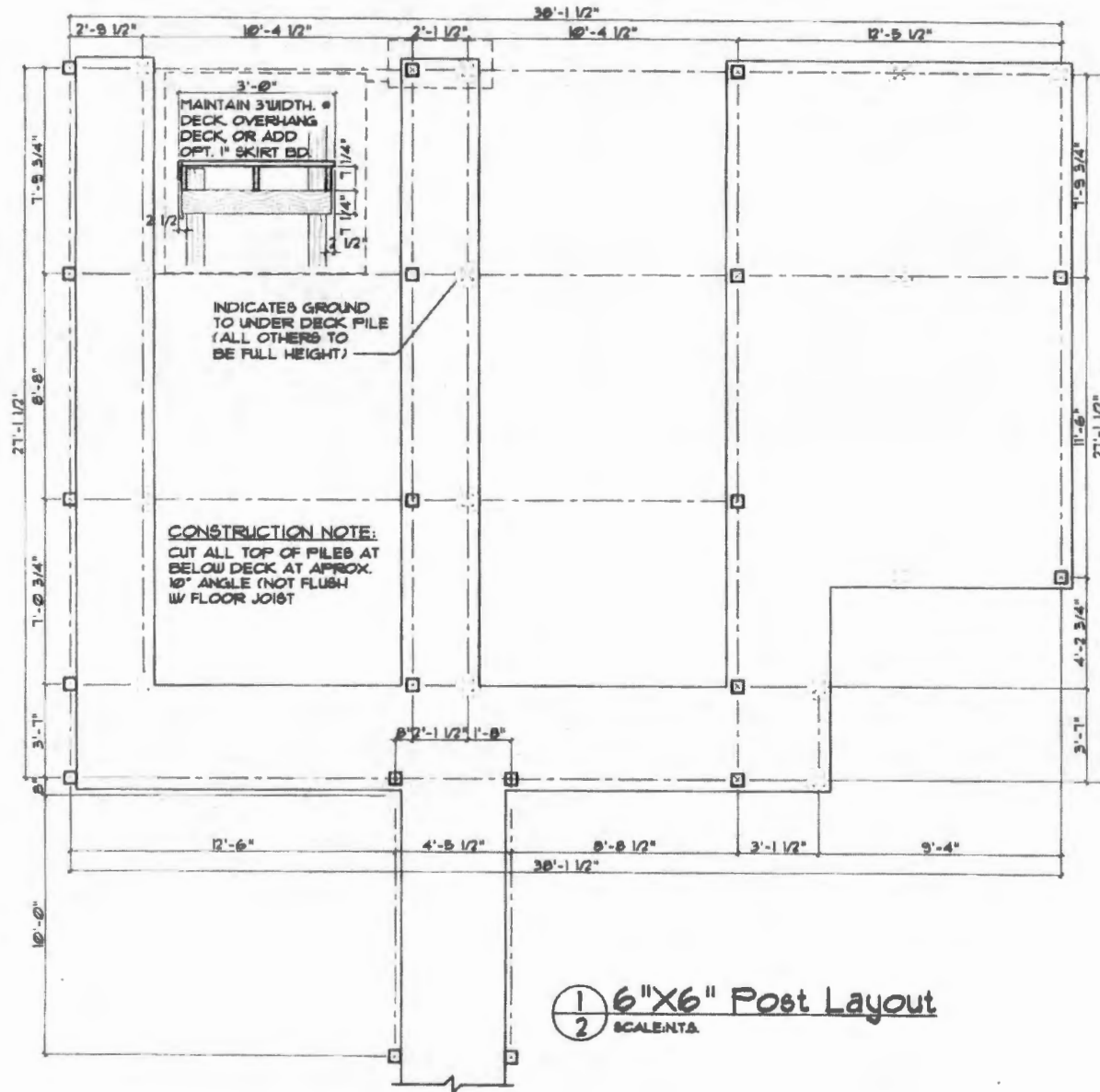






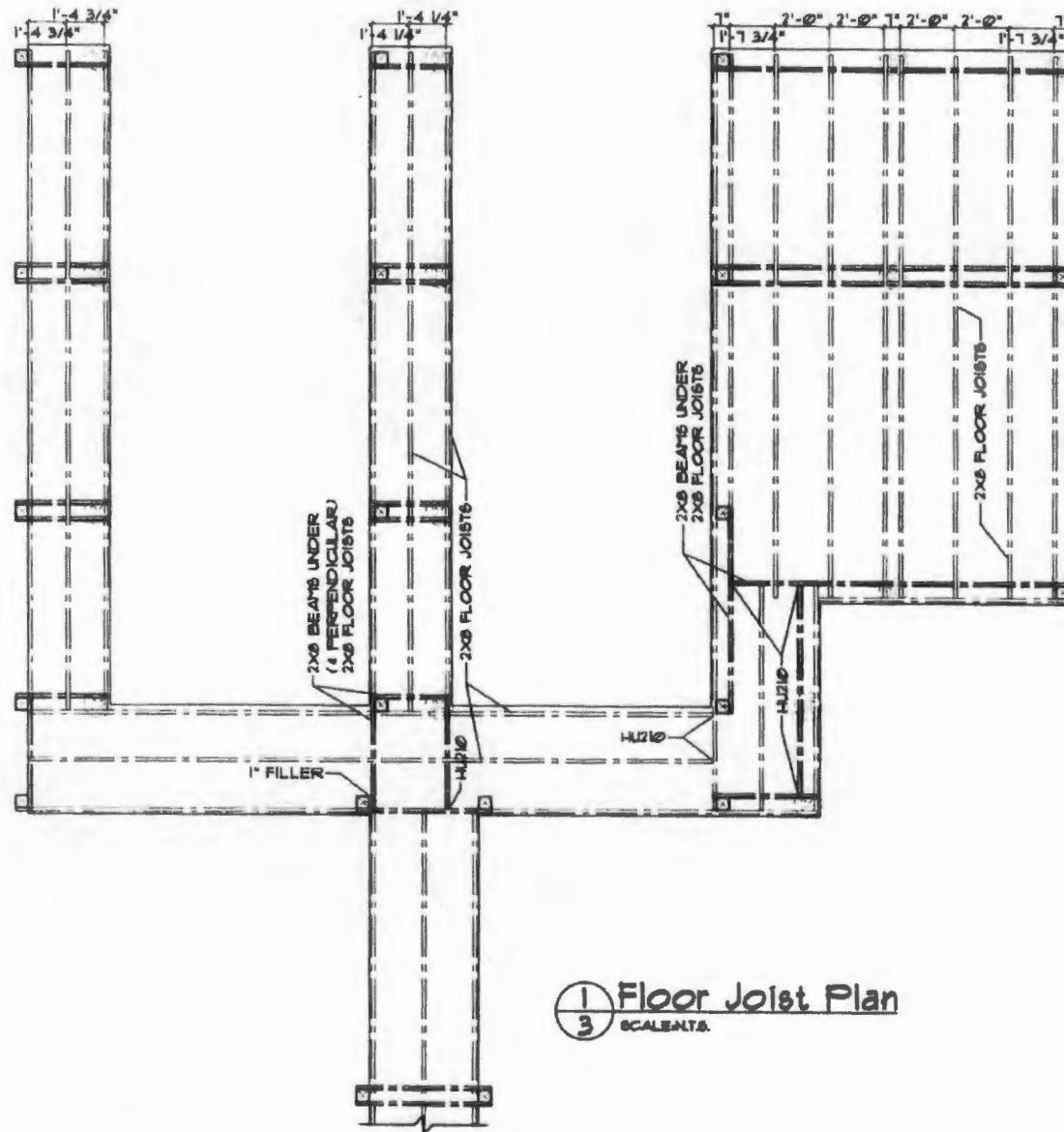
seal

THOMPSON ENGINEERING GROUP (TEG)
 MICHAEL THOMPSON, P.E.
 FL # 47509
 4401 VINELAND ROAD
 SUITE A6
 ORLANDO, FL 32811
 PH. (407) 734-1450



seal
 THOMPSON ENGINEERING
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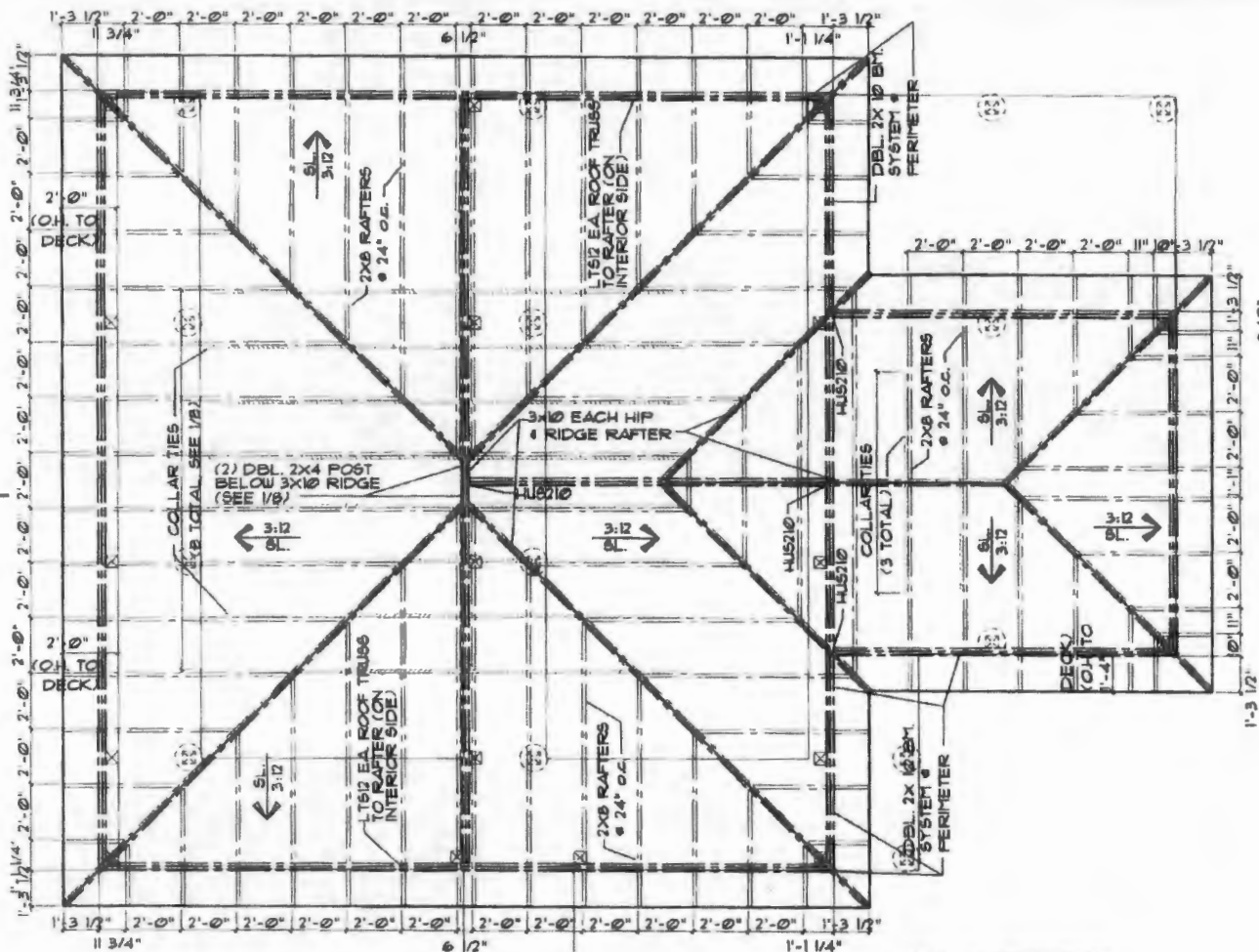
1 6"X6" Post Layout
 2 SCALE 1/8" = 1'-0"



1 Floor Joist Plan
3 SCALE 1/8" = 1'-0"

seal

THOMPSON ENGINEERING
GROUP (TEG)
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seal
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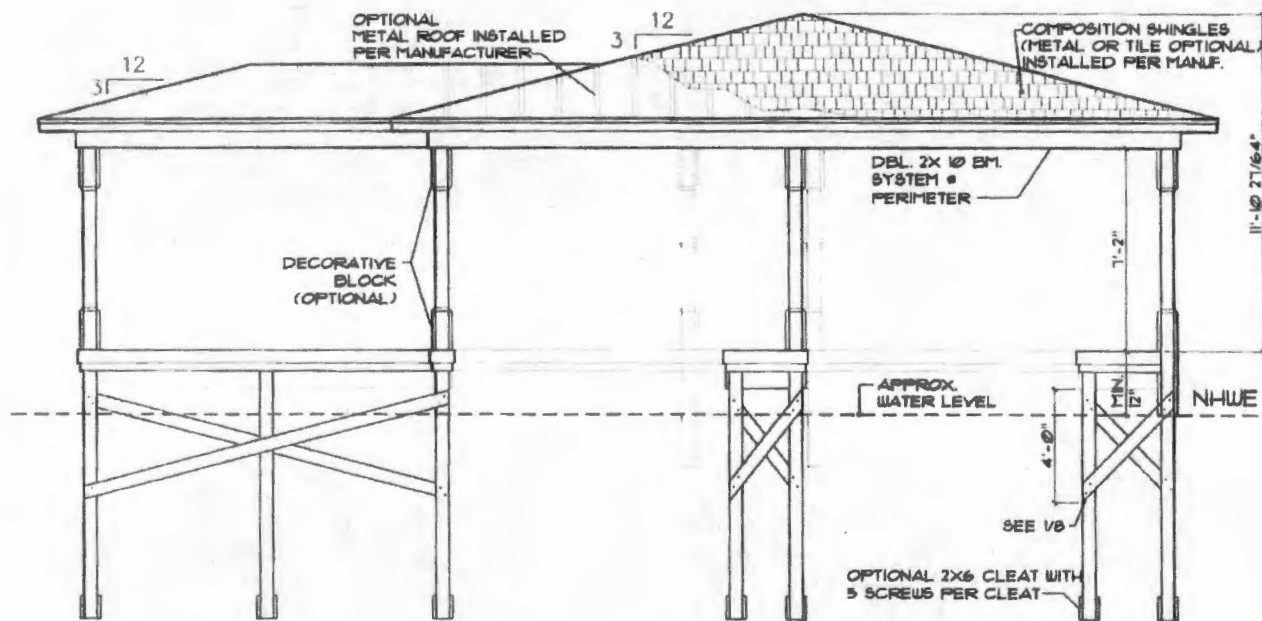
1 Roof Plan
 4 SCALE: N.T.S.

NAIL REQUIREMENTS:

SIZE	HEAD	LENGTH	DIA TENSIL STR
8d	ROUND, MODIFIED OR T	1 1/2"	131 110,000
10d	"	1 1/2" OR 3"	140 110,000

NOTES:

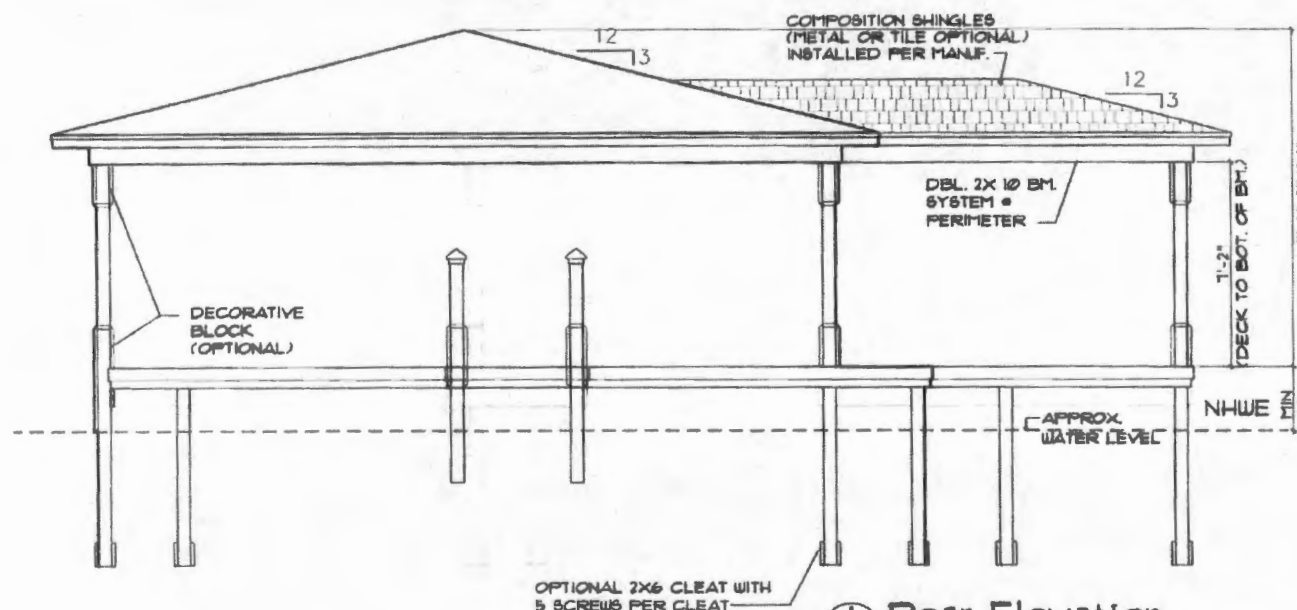
1. NAILS TO BE MFG. OF INT. STAPLE, NAIL, AND TOOL ASSOCIATION
2. GUN NAILS SHALL BE PERMITTED AS AN ACCEPTABLE FASTENER PER ANY MANUF. I.F.B.C.



1/5 Front Elevation
SCALE: N.T.S.

3eq1

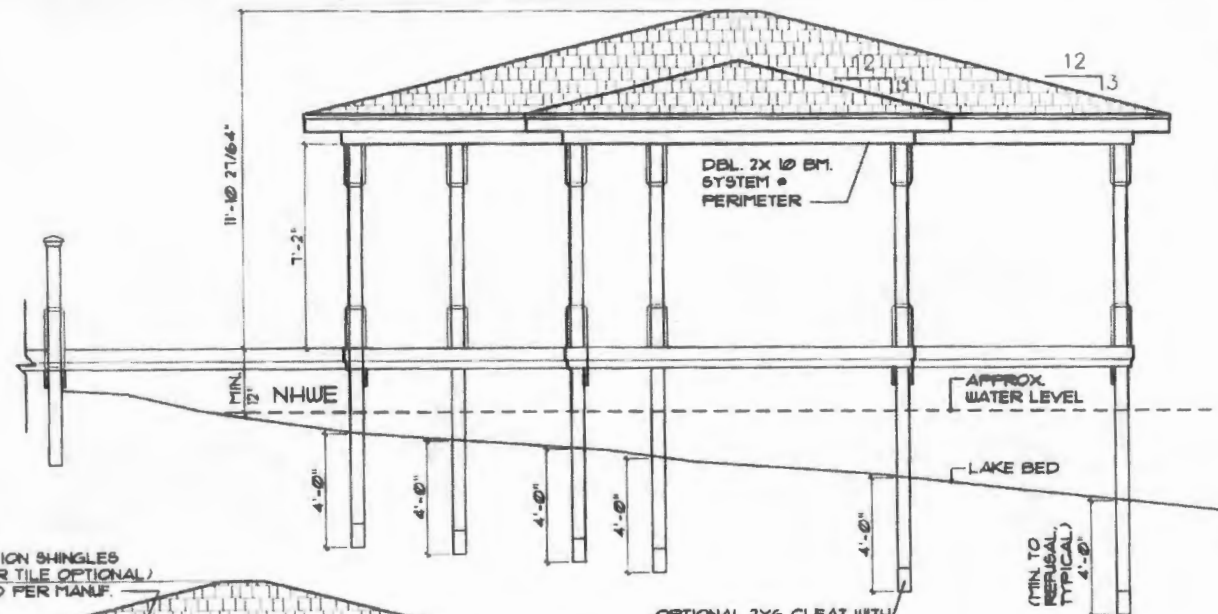
THOMPSON ENGINEERING
GROUP (TEG)
MICHAEL THOMPSON, P.E.
FL # 47509
4401 VINELAND ROAD
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ORLANDO, FL 32811
Ph. (407) 734-1450



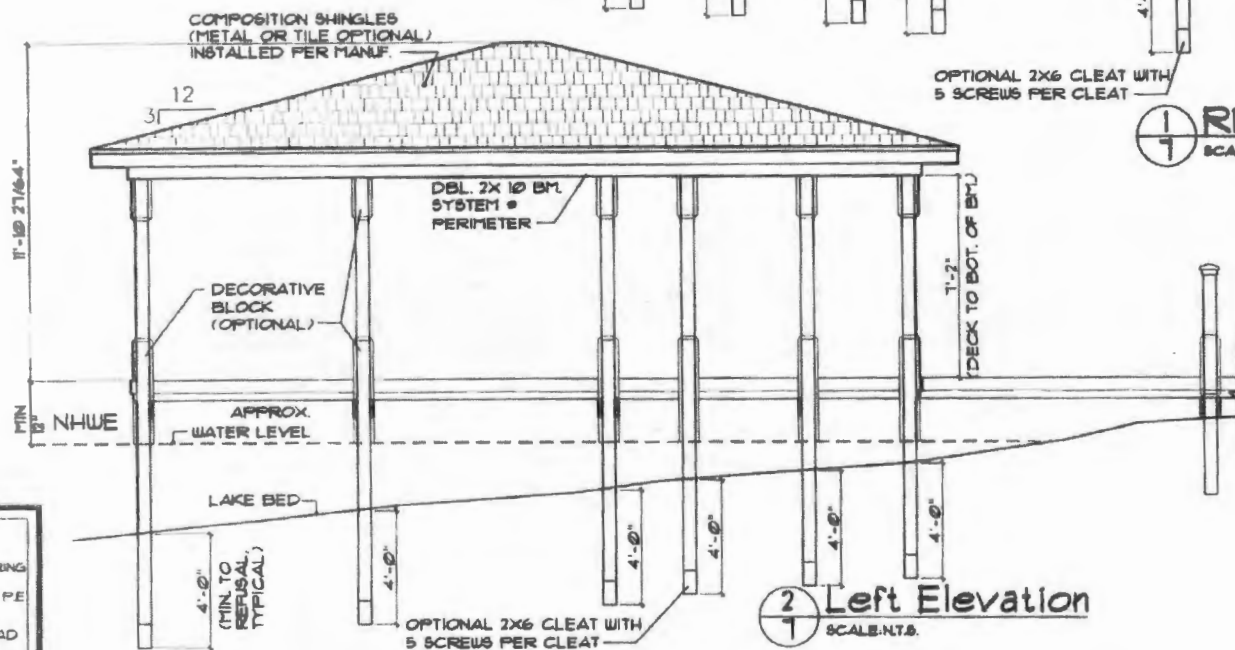
1
6 Rear Elevation
SCALE: N.T.S.

Seq1

THOMPSON ENGINEERING
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Ph (407) 734-1450



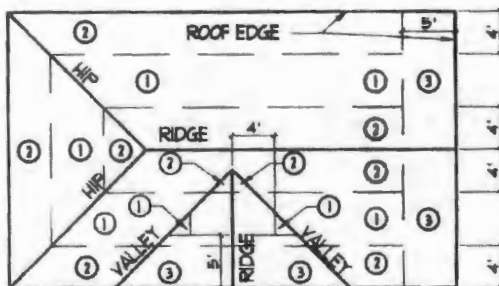
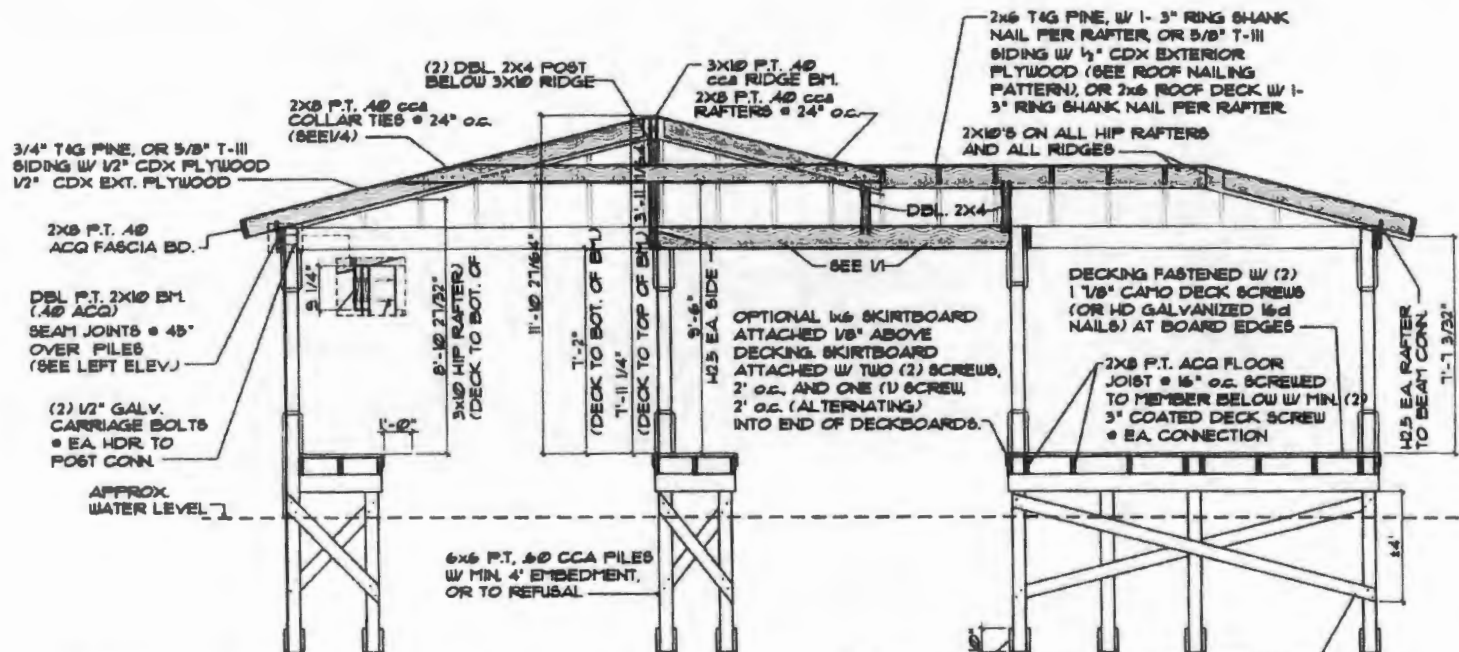
Right Elevation
SCALE: N.T.S.



Left Elevation
SCALE: N.T.S.

seal

THOMPSON ENGINEERING GROUP (TEG)
MICHAEL THOMPSON P.E.
FL # 41509
4401 VINELAND ROAD
SUITE 46
ORLANDO, FL 32811
PH. (407) 134-1450

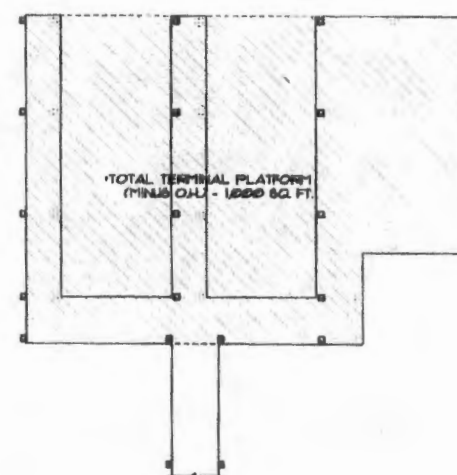
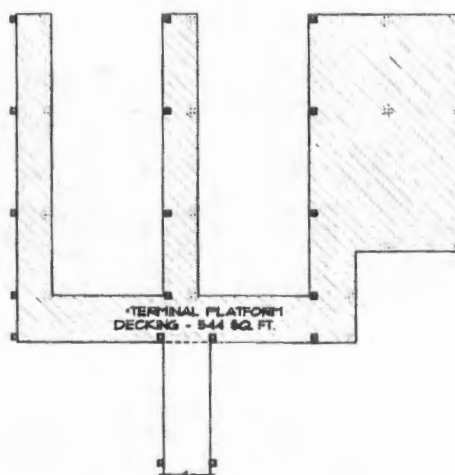
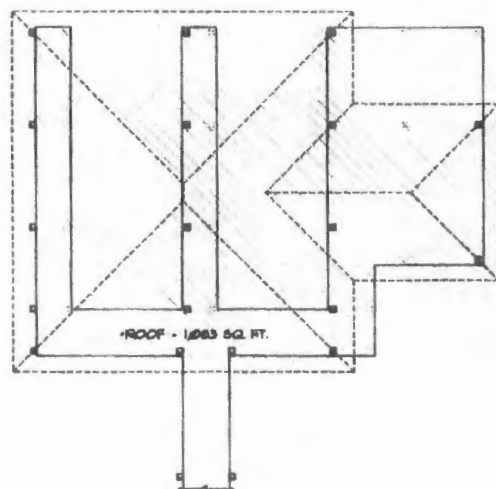


- ① ZONE 1-USE 8d NAILS • 6" (EDGE), 12" O.C. (FIELD)
 ② ZONE 2-USE 8d NAILS • 4" (EDGE), 6" O.C. (FIELD)
 ③ ZONE 3-USE 8d NAILS • 4" O.C.

ROOF NAILING PATTERN

1 Building Section 2 SCALE: N.T.S.

seal
 THOMPSON ENGINEERING
 GROUP (TEG)
 MICHAEL THOMPSON, P.E.
 FL • 415-095
 4401 VINELAND ROAD
 SUITE 46
 ORLANDO, FL 32811
 PH (407) 134-1430



SF. CALCULATIONS

- TERMINAL PLATFORM DECKING - 544 SQ. FT.
- TOTAL TERMINAL PLATFORM (MINUS O.H.) - 1,000 SQ. FT.
- ROOF - 1,083 SQ. FT.

seal

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MICHAEL THOMPSON, P.E.
FL # 47503
4401 VINELAND ROAD
SUITE A6
ORLANDO, FL 32811
Ph. (407) 734-1450

Square Footages
SCALE: N.T.S.

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2020

The Aluminum Association, latest edition

ASCE 7-16

Galvanized Bolts:

All bolts shall be galvanized be ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition

All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Design Loads:

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL- Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 60 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf

Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes

Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen. 250 degrees min.

Welds shall be full penetration welds at all points of contact

Screws: Use 2#8 Screws per T&G to secure to roof trusses.



**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
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Peter Fleck on behalf of Steven + Sara Kachelmeyer 15-343(b) (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 dock will be located in the location of the existing dilapidated dock. There will be no additional impact

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

None

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: Peter Fleck, Q-Ice Builders
Signature of Applicant/Agent: [Signature] Date: 4-1-21
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
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 Peter Fleck on behalf of Steven + Sara Kachelmeyer (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342(c) 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 applicant wants to keep below 36" so he does not have to add a railing to the walkway. IF the walkway was 30" above grade there is no need for the railing. The railing is not wanted because it will block the view and add cost.

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

None

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: Peter Fleck, Q-ICE Builders

Signature of Applicant/Agent: [Signature]

Date: 4-5-21

Corporate Title (if applicable): _____



ENVIRONMENTAL PROTECTION DIVISION

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

3165 McCrory Place, Suite 200

Orlando, FL 32803

407-836-1400 • Fax 407-836-1499

www.ocfl.net

ENVIRONMENTAL
PROTECTION
COMMISSION

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
August 4, 2021

Mark Ausley
Chairman

Oscar Anderson
Vice Chairman

Bill Butterfield

Mark Corbett

Florman Blackburn

Elaine Imbruglia

Vacancy - Regulated
Business or Municipality

PROJECT NAME: Steven and Sara Kachelmeyer

PERMIT APPLICATION NUMBER: BD-20-08-143

LOCATION/ADDRESS: 12128 McKinnon Road, Windermere

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver request is consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the allowable terminal platform size from 910 square feet to 1,000 square feet with the condition that the applicant pay \$675 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and make a finding that the variance request is inconsistent with Section 15-350(a)(1) and recommend denial of the request for variance to Section 15-342(c) to reduce the required minimum access walkway height from 36 inches to 30 inches over wetlands for the Steven and Sara Kachelmeyer Dock Construction Permit BD-20-08-143. District 1.

☒ 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: _____

DATE EPC RECOMMENDATION RENDERED: _____

8-4-21