



Interoffice Memorandum

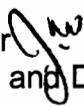
APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUL 16 2013 NP/BS

AGENDA ITEM

June 20, 2013

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

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

CONTACT PERSON: **Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: July 16, 2013—Consent Item
Environmental Protection Commission Recommendation
Pioneers, Inc., Request for Dock Waiver

On January 17, 2013, the Environmental Protection Division (EPD) received an Application to Construct a Dock from Pioneers, Inc. at 10123 William Carey Drive on Lake Whipoorwill. The proposed plans show the dock is an observation platform. The proposed observation platform has a side setback distance of five (5) feet. Pioneers, Inc. is a private organization; therefore, pursuant to Chapter 15, Article IX, Section 15-323, the proposed dock falls under the definition of a public dock and would require a twenty-five (25) foot side setback. Per Section 15-345(a), "dock shall have a minimum side-setback requirement of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver."

On March 11, 2013, EPD received an Application for Waiver for the reduced side setback. The affected adjacent property is also owned by Pioneers, Inc. A Letter of No Objection was received by Pioneers, Inc.; however, since this is a public dock, the waiver request must be approved by the Environmental Protection Commission (EPC).

The Environmental Protection Officer recommended approval of the waiver. Based upon evidence testimony presented at the April 24, 2013 public hearing, the EPC made a recommendation to approve the request for waiver.

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July 16, 2013 – Consent Item
EPC Recommendation—Pioneers, Inc. Request for Dock Waiver

This item was originally scheduled for May 21, 2013, but rescheduled to ensure consistency with Future Land Use Amendment 2010-2-A-4-3 approved by the Board of County Commissioners on October 19, 2010. Approval of this waiver does not convey additional mooring or watercraft entitlements.

ACTION REQUESTED: Approval of recommendation of the Environmental Protection Commission to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-345(a) for the Pioneers, Inc. Dock Permit BD-13-01-005 with the condition that this approval does not convey additional mooring or watercraft entitlements other than what was approved in Future Land Use Amendment 2010-2-A-4-3 approved by the Board of County Commissioners on October 19, 2010. District 4

JVW/LC: mg

Attachments



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ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

Recommendation regarding a waiver request from Orange County Code, Chapter 15, Dock Construction Permit BD-13-01-005; Pioneers, Inc., 10123 William Carey Drive.

ACTION TAKEN BY THE ENVIRONMENTAL PROTECTION COMMISSION ("EPC") on the above application was as follows:

REQUEST: Pioneers, Inc. is requesting a waiver to Section 15-345(a), side setback for a public dock.

BACKGROUND: On January 17, 2013, EPD received an Application to Construct a Dock from Pioneers, Inc. The proposed plans show the dock with a side setback distance of five (5) feet. Pioneers, Inc. is a private organization; therefore, the proposed dock would fall under the definition of a public dock and would require a twenty-five (25) foot side setback. Per Section 15-345(a), "dock shall have a minimum side-setback requirement of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver."

On March 11, 2013, EPD received an Application for Waiver for the reduced side setback. The affected adjacent property is also owned by Pioneers Inc. A Letter of No Objection was received by Pioneers, Inc.; however, since this is a public dock, the waiver request must be approved by the Environmental Protection Commission.

Section 15-350(a)(2) states that "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." The applicant has stated that the location of the proposed dock would reduce the need for a longer walkway resulting in less impact. Also, the neighboring property is owned by Pioneers, Inc. so there is no effect on abutting shoreline owners.

Notification of the waiver request was sent to all property owners within 300 feet of the property on March 14, 2013. EPD has received no objections to the waiver request, to date.

The recommendation of the Environmental Protection Officer is to approve the request for waiver to Section 15-345(a).

RECOMMENDATION: Approval. Based upon the evidence and testimony presented at the April 24, 2013 public hearing, the EPC made a recommendation pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-345(a) for the Pioneers, Inc. Boat Dock Permit BD-13-01-005.

Signature of EPC Chairman: *Atthausen*

DATE EPC RECOMMENDATION RENDERED: April 24, 2013

Boat Dock Waiver Request



Boat Dock Waiver Request

District #4

Applicant: Pioneers Inc.

Parcel ID: 20-24-31-0000-00-080

Project Site

Property Location ■

