



**Interoffice Memorandum**

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
MAY 06 2014 NP/CAS

**AGENDA ITEM**

April 14, 2014

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

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

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

SUBJECT: May 6, 2014 – Consent Item  
Environmental Protection Commission (EPC) Recommendation  
Request for Variance to Section 15-343(a) – Herring

On October 22, 2013, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-13-10-099 to the applicant John Herring who resides at 3303 Monteen Drive on Lake LaGrange, Parcel ID: 08-23-30-4639-13-050. This permit authorized the construction of a dock to be 50 feet long, and required a 10-foot side setback.

When the dock contractor arrived on site to begin construction and viewed the staked Normal High Water Elevation (NHWE), he found that if the dock were to be constructed as proposed it would not provide adequate water depth for watercraft. In addition, due to the irregular lot shape, and with only 47 feet of shoreline at the NHWE, pushing the dock out farther would reduce the side setback; therefore, a request for variance to Section 15-343(a) was submitted on January 17, 2014, prior to construction.

Per Section 15-343(a), on lots or parcels having a shoreline frontage of less than seventy-five (75) feet, docks, including designated mooring areas, shall have a minimum side-setback of ten (10) feet from the projected property line. The length of the subject property is only 47 linear feet at the NHWE, and therefore a 10-foot side setback is required.

The applicant stated that the variance is required to extend the dock farther into the water in order to achieve appropriate water depth, and that the irregular lot shape prevents them from constructing a dock, if the variance is not approved. The applicant also stated that the depth at the end of the dock will be four feet.

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EPD sent notice of the variance application to all shoreline property owners within 300 feet of the property on which the dock is to be constructed on February 4, 2014. No objections were received. In fact, a letter of no objection was received on October 9, 2013, from the affected neighbor to the east, Mr. Nils Gustafsson of 3309 Monteen Drive.

**ACTION REQUESTED: Approval of Recommendation of the Environmental Protection Commission to Uphold the Environmental Protection Officer's Recommendation to Approve the Request for Variance from Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Herring Dock Construction Permit BD-13-10-099. District 3**

JVW/LC: mg

Attachments



BD-13-10-099

APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

00EPD07JAN2014 04:11:25

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

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

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

I Renea Anderson on behalf of Chelsea Lewis (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 (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): EPD PERMIT BD-13-10-099 Issued 10/22/13 BENCHMARK ELEVATION + NHWE Added by Survey 11/22/13. The applicant seeks a variance to section 15-343(a). Due to the fact that the lot's shoreline frontage at the NHWE mark is 47' wide, a dock cannot meet the minimum side-setback of ten (10) feet from the projected property line. In addition, the project property lines converge due to an irregular lot shape. The hardship to the owner is such that without a variance, she would not be able to construct a dock at all.

2. Describe the effect of the proposed variance on abutting shoreline owners: The proposed variance would not effect the abutting shoreline owners view or navigability. In fact a signed, notarized statement of no objection from the affected adjacent property owner is attached. Results indicated the approved dock will be extremely shallow in order to reach adequate depth a variance is requested.

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.

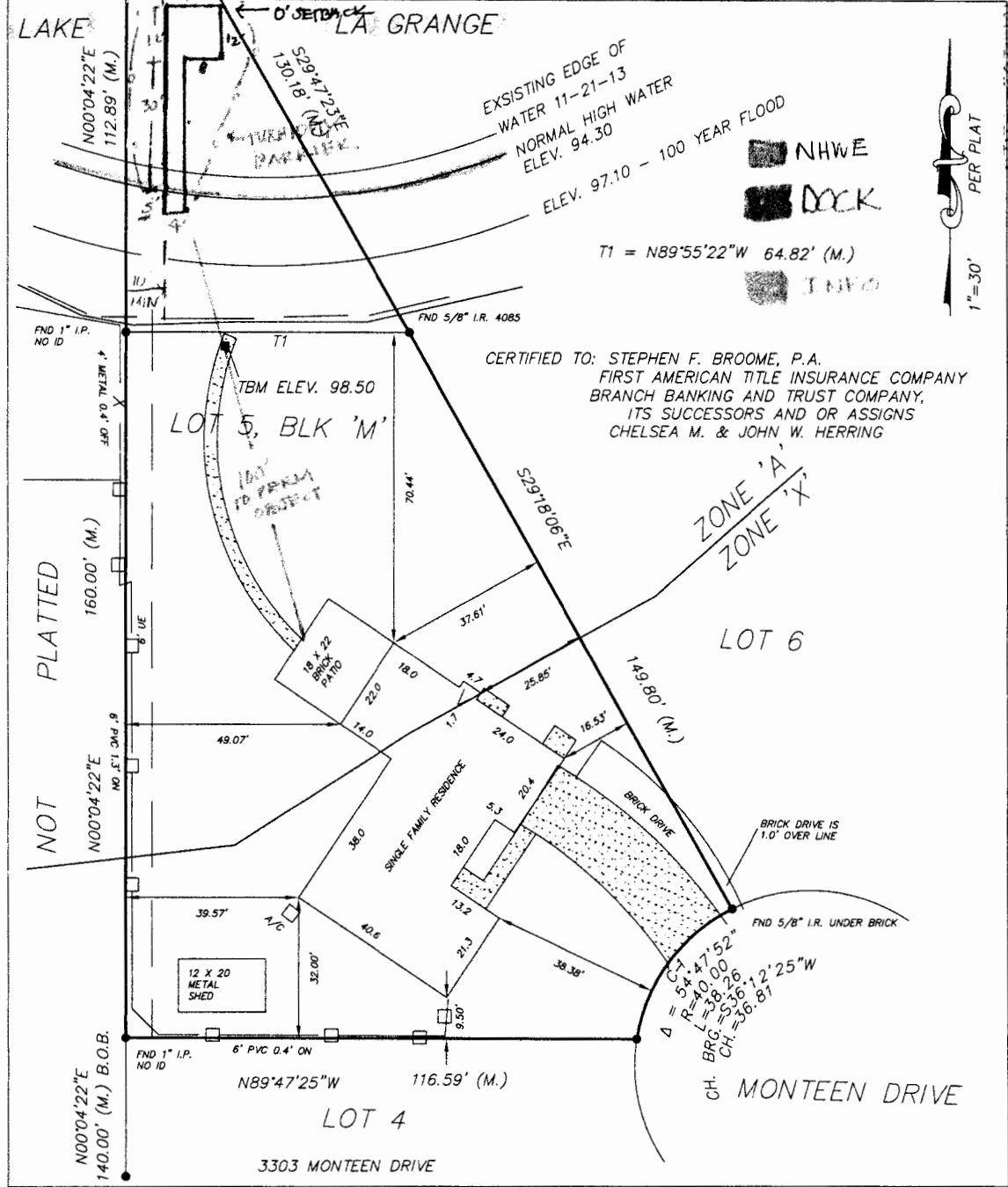
Name of Applicant: RENEA ANDERSON
Signature of Applicant/Agent: Renea Anderson Date: 1/14/14
Corporate Title (if applicable): ALBERT CICHRA BUILDERS, INC

# BOUNDARY SURVEY

**LEGAL DESCRIPTION:** LOT 5, BLOCK "M", LAKE MARGARET TERRACE, 4TH ADD., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK X, PAGE 115, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PART C  
PROVIDI  
PANEL

PROPERTY IS LOCATED IN ZONE 'A', AREA OF 100 YEAR FLOODING WITH NO BASE FLOOD ELEVATION  
AND PROPERTY BEIN LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY  
COUNTY, FLORIDA, MAP DATED SEPTEMBER 25, 2009.



CERTIFIED TO: STEPHEN F. BROOME, P.A.  
FIRST AMERICAN TITLE INSURANCE COMPANY  
BRANCH BANKING AND TRUST COMPANY,  
ITS SUCCESSORS AND OR ASSIGNS  
CHELSEA M. & JOHN W. HERRING

**LEGEND**

■ FOUND CONCRETE MONUMENT	E EAST	R RADIUS / RADIAL
● FOUND PROPERTY CORNER	ENT. ENTRANCE	S SOUTH
○ SET PROPERTY CORNER	ENCL. ENCLOSURE	SAN. SANITARY
△ PERMANENT CONTROL POINT	ESMT. EASEMENT	SCR. SCREEN
Δ DELTA	FND. FOUND	S.W. SIDEWALK
A/C AIR CONDITIONER	I.P. IRON PIPE	T TANGENT
BLK. BLOCK	I.R. IRON ROD	TEL TELEPHONE RISER BOX
B.O.B. BASIS OF BEARING	L LENGTH	TYP. TYPICAL
BRG. BEARING	M. MEASURED	U.E. UTILITY EASEMENT
CATV CABLE TELEVISION BOX	N NORTH	U.R.B. UTILITY RISER BOX
CHD. CHORD	N/D NAIL & DISC	W WEST
C.L.F. CHAIN LINK FENCE	P.C. POINT OF CURVATURE	W.F. WOOD FENCE
C.M. CONCRETE MONUMENT	P.C.P. PERMANENT CONTROL POINT	W.M. WATER METER
CONC. CONCRETE	P.T. POINT OF TANGENCY	
COR. CORNER	P.O.B. POINT OF BEGINNING	
COV. COVERED	P.O.C. POINT OF COMMENCEMENT	
D. DESCRIBED	P.O.L. POINT ON LINE	
D.E. DRAINAGE EASEMENT	P. PLAT	

**NOTES**

1. BEARINGS ARE BASED ON RECORD PLAT.
2. THE SURVEY SHOWN HEREON WAS SURVEYED BY THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT
3. ROOF OVERHANDS AND FOOTERS HAVE NOT BEEN LOCATED.
4. NO IMPROVEMENTS OR UNDERGROUND UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
5. THIS SURVEY IS NOT VALID WITHOUT EMBOSSED SEAL.
6. THIS SURVEY IS NOT VALID FOR ANY REAL ESTATE TRANSACTIONS 90 DAYS BEYOND THE FINAL SURVEY DATE SHOWN.
7. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS HEREON FOR EASEMENTS OR RIGHT-OF-WAY OF RECORD.
8. THERE MAY ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
9. ALL BEARINGS / ANGLES AND DISTANCES ARE PLAT AND MEASURED UNLESS NOTED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 61G17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 427.027, FLORIDA STATUTES.

PREPARED FOR:  
**CHELSEA M. & JOHN W. HERRING**

PREPARED BY:  
**CHARLES ROB DEFOOR & ASSOCIATES, INC.**

P.O. BOX 1763, APOPKA FLORIDA 32703 (407) 880-9811 427 KNOLL TREE

LOT SURVEY DATE:	
FOUNDATION DATE:	
FINAL SURVEY DATE:	1-10-13
DRAWN DATE:	1-10-13
SCALE:	1" = 30'
PAGE	1 OF 1
REVISION DATE:	

# Dock Construction Variance Request



## Dock Construction Variance Request

District #3

Applicant: John Herring

Parcel ID: 08-23-30-4639-13-050

Project Site

Property Location ▲

