



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUL 08 2014 *nr/kh*

AGENDA ITEM

June 9, 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** *L Cunniff*
**Community, Environmental and Development Services
Department**
(407) 836-1405

SUBJECT: July 8, 2014, Consent Item
Environmental Protection Commission (EPC) Recommendation
Request for Dock Waiver and Variance – Van Den Handel

On February 11, 2014, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. In the same submittal, EPD also received an Application for Variance to Section 15-343 (a), side setback distance. On February 28, 2014, EPD received an Application for Waiver to Section 15-342 (b), terminal platform size.

Pursuant to Orange County Code, Chapter 15, Article IX, the Environmental Protection Division staff has evaluated the proposed application and required documents.

The applicant has 21.66 feet of shoreline; therefore, the allowed terminal platform size for the subject property is 216.60 square feet. The applicant is requesting a terminal platform of 408.00 square feet. Additionally, the side setback requirement for the proposed dock is ten (10) feet (as required by Section 15-343(a)). The applicant is requesting a side setback distance of zero (0) feet to both adjacent properties.

Notifications for the waiver and variance were sent to all shoreline property owners within 300 feet of the subject property on March 7, 2014.

On March 31, 2014, EPD received a letter of objection from Karen Burch who resides at 5625 West Lake Butler Road. The letter conveyed the following concerns (paraphrased):

1. Proposed dock is too large as compared to the size of the lot.
2. Plans have not been submitted to the Kelso HOA ARB.
3. Concerned about dock congestion taking into consideration the two existing docks on either side of the proposed dock.

Terminal Platform: Pursuant to Section 15-350(a)(2) Waivers, “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.”

In response to (1), the impact of the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM) and the applicant agreed to offset the adverse impacts to the environment associated with the larger terminal platform with a contribution of \$348.00 to the Conservation Trust Fund. In response to (2), although EPD did receive an objection from Ms. Burch, EPD did not receive any objections from either abutting shoreline owners.

Side Setback: Pursuant to Section 15-350(a)(1) Variances, “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.”

In response to (1), the agent stated, “The property was platted with a very narrow shoreline. The owner just wants to build a minimally sized boathouse in order to facilitate his riparian access to the lake.” In regards to (2), EPD has not received any objections from either abutting shoreline owners.

Based upon the evidence and testimony presented at the May 28, 2014, public hearing, the EPC made a recommendation, pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350 (b), to overturn the recommendation of the EPD and accept the site plan that proposes a terminal platform of 408.00 square feet and a side setback distance of zero (0) feet to both adjacent properties. EPC made a motion to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342 (b), and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343 (a) for the Van Den Handel Dock Construction Permit BD-14-02-013; subject to the following conditions:

1. The applicant pay \$348.00 to the Conservation Trust Fund as mitigation for the adverse impacts to the environment associated with the larger than allowed by Code terminal platform size; and,
2. Prior to any construction, the contractor shall stake the projected property lines into the lake; and,
3. No additional lifts, floating vessel platforms, etc. shall be allowed to be added to the boat dock without prior approval from Orange County Environmental Protection Division.

ACTION REQUESTED: Approval of recommendation of the Environmental Protection Commission to approve the request for waiver from Orange County Code, Chapter 15, Article IX, Section 15-342 (b), terminal platform size; and approve the request for variance from Orange County Code, Chapter 15, Article IX, Section 15-343 (a), side setback distance for Dock Construction Permit BD-14-02-013 with the listed conditions for Wayne Van Den Handel. District 1

JVW/LC: mg

Attachments



ENVIRONMENTAL PROTECTION DIVISION
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**ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION**

Recommendation Regarding a waiver and variance request from Orange County Code, Chapter 15, Article IX, Dock Construction Permit BD-14-02-013; Wayne Van Den Handel, 1140 Kelso Boulevard.

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

REQUEST: Wayne Van Den Handel (the "Applicant") is requesting a waiver and variance from Orange County Code, Chapter 15, Article IX, Section 15-342 (b) and 15-343 (a).

BACKGROUND: On February 11, 2014, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. In the same submittal, EPD also received an Application for Variance to Section 15-343 (a), side setback distance. On February 28, 2014, EPD received an Application for Waiver to Section 15-342 (b), terminal platform size.

Pursuant to Orange County Code, Chapter 15, Article IX, the Environmental Protection Division staff has evaluated the proposed application and required documents.

The applicant has 21.66 feet of shoreline; therefore, the allowed terminal platform size for the subject property is 216.60 square feet. The applicant is requesting a terminal platform of 408.00 square feet.

Additionally, the side setback requirement for the proposed dock is ten (10) feet (as required by Section 15-343(a)). The applicant is requesting a side setback distance of zero (0) feet to both adjacent properties. Notifications for the waiver and variance were sent to all shoreline property owners within 300 feet of the subject property on March 7, 2014.

On March 31, 2014, EPD received a letter of objection from Karen Burch who resides at 5625 West Lake Butler Road. The letter conveys the following concerns (paraphrased):

1. Proposed dock is too large as compared to the size of the lot.
2. Plans have not been submitted to the Kelso HOA ARB.
3. Concerned about dock congestion taking into consideration the two existing docks on either side of the proposed dock.

Terminal Platform: Pursuant to Section 15-350(a) (2) Waivers, "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 the criteria, specifically (1) above, the impact of the proposed dock was evaluated using the Uniform Mitigation Assessment Method (UMAM) and the applicant has agreed to offset the adverse impacts to the environment associated with the larger terminal platform with a contribution of \$348.00 to the Conservation Trust Fund. In regards to (2), although an objection from Ms. Burch was received, EPD has not received any objections from either abutting shoreline owners.

Side Setback: Pursuant to Section 15-350(a) (1) Variances, "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 the variance criteria, specifically (1) above, the agent stated, "The property was platted with a very narrow shoreline. The owner just wants to build a minimally sized boathouse in order to facilitate his riparian access to the lake." In regards to (2), EPD has not received any objections from either abutting shoreline owners.

The recommendation of the Environmental Protection Officer was to approve the waiver for additional terminal platform size and the variance to side setback distance, with the following conditions:

1. To address concerns about dock congestion, the applicant shall submit a revised site plan depicting a 48.0 square foot reduction in the size of the terminal platform including the new die setback distance; and,
2. The applicant pay \$319.58 to the Conservation Trust Fund as mitigation for the adverse impacts to the environment associated with the larger than allowed by Code terminal platform size; and,
3. Prior to any construction, the contractor shall stake the projected property lines into the lake; and,
4. No additional lifts, floating vessel platforms, etc. shall be allowed to be added to the boat dock without prior approval from Orange County Environmental Protection Division.

RECOMMENDATION: Approval with Alternate Conditions. Based upon the evidence and testimony presented at the May 28, 2014, public hearing, the EPC made a recommendation, pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350 (b), to overturn the recommendation of the EPD and accept the site plan that proposes a terminal platform of 408.00 square feet and a side setback distance of zero (0) feet to both adjacent properties. EPC made a motion to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342 (b), and approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343 (a) for the Van Den Handel Dock Construction Permit BD-14-02-013; subject to the following conditions:

1. The applicant pay \$348.00 to the Conservation Trust Fund as mitigation for the adverse impacts to the environment associated with the larger than allowed by Code terminal platform size; and,
2. Prior to any construction, the contractor shall stake the projected property lines into the lake; and,
3. No additional lifts, floating vessel platforms, etc. shall be allowed to be added to the boat dock without prior approval from Orange County Environmental Protection Division.

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: _____

Dock Construction Waiver and Variance Request



Kucera International, Inc.

Dock Construction Waiver and Variance Request

District #1

Applicant: Wayne Van Den Handel

Parcel IDs: 13-23-27-4110-00-460

Project Site



Property Location

