



**Interoffice Memorandum**

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

OCT 06 2015 *JK/LC*

**AGENDA ITEM**

August 26, 2015

**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:** October 6, 2015 - Consent Item  
Environmental Protection Commission Recommendation for an  
After-the-Fact Variance Request for Celia Santini

On June 2, 2014, Orange County Environmental Protection Division (EPD) staff conducted a site visit to view the shoreline of 820 Rosemere Circle, Orlando, on Lake Rose, Parcel ID: 34-22-28-4726-00-560. Staff observed a fixed dock in place and discovered there was no permit on file for this activity. On July 1, 2014, EPD sent a Notice of Violation (NOV) to the property owner and requested that a survey be provided to EPD to determine if the dock, as constructed, would meet the requirements of Chapter 15, Article IX.

On November 10, 2014, a survey was received by EPD and it indicated the dock was constructed 2.8' from the property line of the adjacent property (824 Rosemere Circle), owned by Julian Macias and Aida Sedano. Since the property has less than 75 linear feet of shoreline at the Normal High Water Elevation (NHWE), the dock should have been located a minimum of ten (10) feet from the projected property line; therefore, in order to keep the dock as constructed, Ms. Santini was advised that an after-the-fact variance to Chapter 15, Article IX, Section 15-343(a) would be required. On November 20, 2014, an after-the-fact application to construct a dock and variance was received by EPD.

As required by Section 15-347, on December 10, 2014, the owners of all the shoreline properties situated within 300 feet of the property on which the dock is located were notified of the Application for after-the-fact variance. EPD received a Letter of No Objection (LONO) from the affected property owner at 824 Rosemere Circle (Julian Macias and Aida Sedano).

Pursuant to Section 15-350(a)(1), when applying for a variance, the applicant shall 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 has stated that due to the irregular lot shape and the docks in place on both neighboring lots, the dock had to be constructed at an angle so that there was appropriate space between her dock and the neighboring docks.

To address Section 15-350(a)(1)(2) the applicant has stated that there is no impact to the abutting shoreline property owners because her dock is constructed with appropriate space between her dock and their docks allowing for all property owners to access their docks and Lake Rose.

Enforcement action has been taken by EPD on the subject property due to the applicant constructing a dock without a permit. Issuance of the after-the-fact dock construction permit BD-14-02-009, with approval of the after-the-fact variance to Section 15-343(a), and payment of a \$200 penalty to the Conservation Trust Fund (CTF) for constructing a dock without a permit, will satisfy the requirements to close the enforcement case.

**ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the after-the-fact dock construction permit and variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Santini Dock Construction Permit number BD-14-02-009, with a condition the applicant pay \$200 to the Conservation Trust Fund as a penalty for construction of the dock without a permit. District 1**

JVW/LC: mg

Attachments

# After-the-Fact Request for Variance



## After-the-Fact Dock Construction Permit

District # 1

Applicant: Celia Santini

Parcel ID: 34-22-28-4726-00-560

Project Site 

Property Location 





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 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 Celia R. Santini on behalf of NA (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343a 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): Because of the shape of my lot, and neighbor's lots we had to tilt the dock to the left. The neighbor on the side is in agreement with dock position.

2. Describe the effect of the proposed variance on abutting shoreline owners: There is no impact on abutting shoreline owners as both docks were placed at same time with enough space for both properties.

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: Celia R. Santini Signature of Applicant/Agent [Signature] Date: 11/17/14 Corporate Title (if applicable):

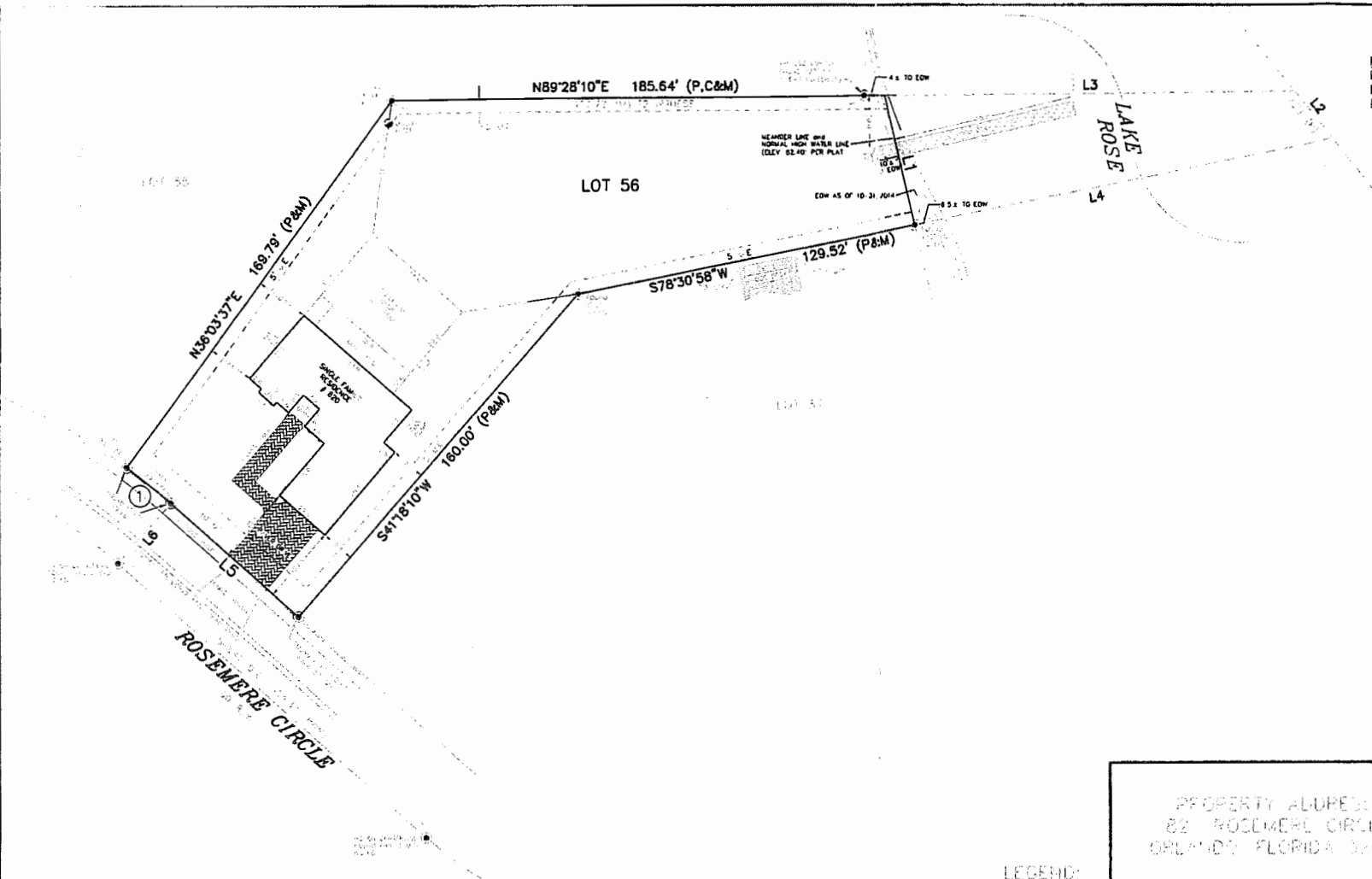
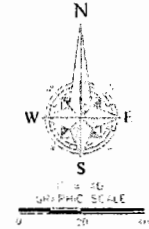


Santini After-the-Fact Application to Construct a Dock BD-14-02-009  
Location: 820 Rosemere Circle, Orlando  
Lake Rose  
Shoreline length: 49.69 linear feet



# BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 56, LAKE ROSE POINT PHASE II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 150, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



PROPERTY ADDRESS:  
82 ROSEMERE CIRCLE  
ORLANDO, FLORIDA 32837

- NOTES:**
- 1 THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT
  - 2 THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
  - 3 DO NOT RECONSTRUCT PROPERTY LINES FROM INTERIOR IMPROVEMENTS (BUILDINGS, FENCES ETC.)
  - 4 NO FOOTINGS OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN
  - 5 NO UNDERGROUND IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN
  - 6 NO WETLANDS AND/OR OTHER NATURAL FEATURES HAVE BEEN LOCATED EXCEPT AS SHOWN
  - 7 THIS SURVEY SHALL NOT BE USED FOR DESIGN OR CONSTRUCTION WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE SIGNING SURVEYOR
  - 8 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

	<p>BRADLEY COX &amp; ASSOCIATES Land Surveying 405 W. 25th Street Sanford, Florida 32771 Phone (407) 323-9202 Fax (407) 324-9661 WWW.BRADLEYCOXSURVEYING.COM</p>	<p>JOE J. BOALZANO DRAWN BY: JMB CHECKED BY: JMB FIELD BY: JMB FIELD DATE: 10/24/14 REVISIONS: NONE NOTED: NONE AND ACCEPTED:</p>	<p>LEGEND: - - - - - ADJACENT PROPERTY - - - - - ADJACENT ROAD - - - - - ADJACENT LAKE - - - - - ADJACENT RAILROAD - - - - - ADJACENT AIRWAY - - - - - ADJACENT CANAL - - - - - ADJACENT DRAINAGE - - - - - ADJACENT EASEMENT - - - - - ADJACENT RIGHT OF WAY - - - - - ADJACENT RESTRICTION - - - - - ADJACENT UTILITY - - - - - ADJACENT WETLAND - - - - - ADJACENT ZONING - - - - - ADJACENT DISTRICT</p>
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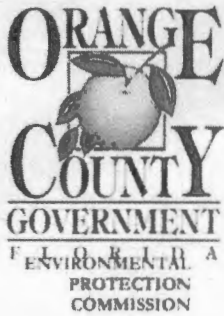
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Sanford, Florida 32771  
Phone (407) 323-9202  
Fax (407) 324-9661  
WWW.BRADLEYCOXSURVEYING.COM

JOE J. BOALZANO  
DRAWN BY: JMB  
CHECKED BY: JMB  
FIELD BY: JMB  
FIELD DATE: 10/24/14  
REVISIONS: NONE  
NOTED: NONE  
AND ACCEPTED:

LEGEND:  
- - - - - ADJACENT PROPERTY  
- - - - - ADJACENT ROAD  
- - - - - ADJACENT LAKE  
- - - - - ADJACENT RAILROAD  
- - - - - ADJACENT AIRWAY  
- - - - - ADJACENT CANAL  
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- - - - - ADJACENT WETLAND  
- - - - - ADJACENT ZONING  
- - - - - ADJACENT DISTRICT

HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 472, FLORIDA STATUTES.

BRADLEY COX, P.S.M. #5567 (DATE) 10/24/14  
CERTIFICATE OF AUTHORIZATION # LB7020



ENVIRONMENTAL PROTECTION DIVISION  
Lori Cunniff, CEP, CHMM, Deputy Director  
Community, Environmental and Development Services Department  
5901 Mercy Drive, Suite 4  
Orlando, FL 32808-7896  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION COMMISSION

A recommendation regarding a request for approval of an After-the-Fact Variance from Orange County Code, Chapter 15, Article IX, Section 15-343(a)(side setback) for Dock Construction Permit BD-14-02-009; Celia Santini, 820 Rosemere Circle, Orlando, Florida, Lake Rose.

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

**REQUEST:** Celia Santini (the "Applicant") is requesting approval of an after-the-fact variance from Orange County Code, Chapter 15, Article IX, Section 15-343 (a).

**BACKGROUND:** Orange County Environmental Protection Division (EPD) staff conducted a site visit on June 2, 2014 and observed a fixed dock in place and discovered was no permit on file for this activity. On July 1, 2014, EPD sent a Notice of Violation (NOV) to the property owner and requested that a survey be provided to EPD to determine if the dock as constructed would meet the requirements of Chapter 15, Article IX.

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Enforcement action has been taken by EPD on the subject property due to the applicant constructing a dock without a permit. Issuance of the after-the-fact dock construction permit BD-14-02-009, with approval of the after-the-fact variance to Section 15-343(a), and payment of a \$200.00 penalty to the Conservation Trust Fund (CTF) for constructing a dock without a permit, will satisfy the requirements to close the enforcement case.

The recommendation of the Environmental Protection Officer is to approve the request for after-the-fact variance to Section 15-343(a).

**RECOMMENDATION: Approval.** Based upon the evidence and testimony presented at the August 26, 2015, 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 after-the-fact dock construction permit with a variance to Orange County Code, Chapter 15, Article IX, Section 15-343 (a) for the Santini Dock Construction Permit BD-14-02-009 with a condition the applicant pay a contribution of \$200.00 to the Conservation Trust Fund.

Signature of EPC Chairman: \_\_\_\_\_

DATE EPC RECOMMENDATION RENDERED: \_\_\_\_\_

8/26/2015