



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

OCT 06 2015 *JK/c*

AGENDA ITEM

September 8, 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 *L Cunniff*
(407) 836-1405

SUBJECT: October 6, 2015 — Consent Item
Environmental Protection Commission Recommendation for Variance
Request for a Dock for Kirk Conrad

On May 19, 2015, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the project site located at 17647 Davenport Road, Winter Garden, Florida, on Lake Avalon (Parcel ID: 06-23-27-4296-00-220) in Orange County Commission District 1.

The applicant also submitted an Application for Variance to Section 15-343(a) (side-setback) with the dock construction application.

Side-Setback - Variance

Section 15-343(a) states that, "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 shoreline length on this property is thirty-eight (38) linear feet at the Normal High Water Elevation (NHWE); therefore the minimum required side-setback is ten (10) feet.

The applicant is requesting to construct a floating platform at the end of a eighty-five (85) foot fixed access walkway and reduce the side-setback distance to negative four (-4) feet from the projected property line on the northern side of the proposed dock, and negative six (-6) feet from the projected property line on the southern side of the proposed dock.

Pursuant to Section 15-350(a)(1), Variances, "...the applicant shall (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; and (2) the effect of the proposed variance on abutting shoreline owners."

Page Two

October 6, 2015 – Consent Item

Environmental Protection Commission Recommendation for Variance Request for a Dock for Kirk Conrad

To address Section 15-350(a)(1)(1), the dock contractor has stated, "The side property lines for the lot pie sharply to a point close to the shoreline not allowing for construction without the sides of the floating deck extending past the lake side property lines by -5 feet."

To address Section 15-350(a)(1)(2), the dock contractor has stated, "The property owner to the left would not be impacted by the construction as their dock is far to the left of their property. The property owner to the right has a dock that is to the far right of the shoreline and would not be affected by the construction of the floating deck."

Notifications of the variance request were sent to all property owners within three-hundred (300) feet of the subject property on June 3, 22, and 23, 2015. To date, EPD has not received any objections to the requested variance.

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

Based upon the evidence and testimony presented at the August 26, 2015, public hearing, the Environmental Protection Commission (EPC) made a recommendation, pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350 (b), to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Kirk Conrad Dock Construction Permit BD-15-05-065.

ACTION REQUESTED: Acceptance of Recommendation of the Environmental Protection Commission to approve the request to a variance to Section 15-343(a)(side-setback) for the Kirk Conrad Dock Construction Permit BD-15-05-065. District 1

JVW/LC: mg

Attachments

Variance Request for Dock Construction Permit

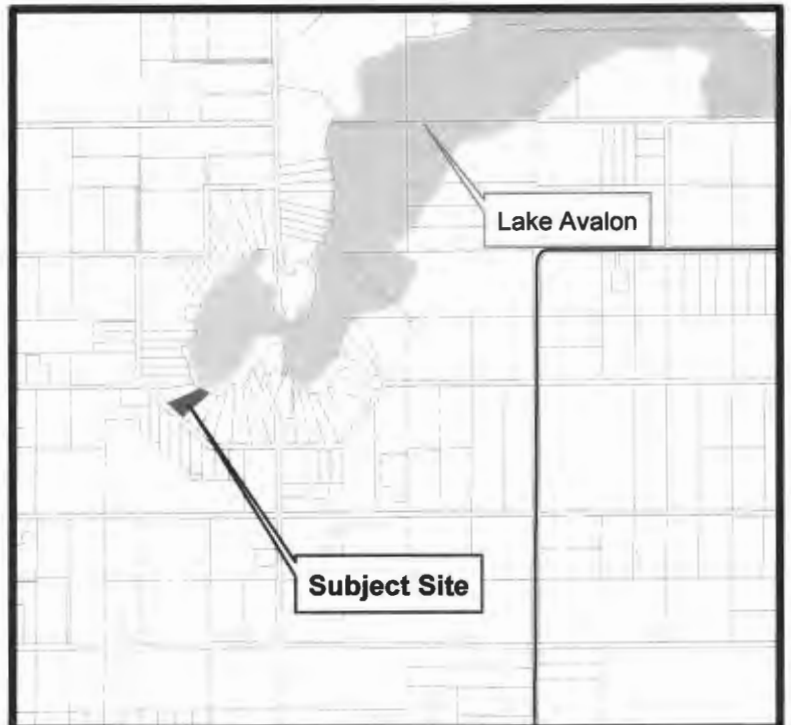


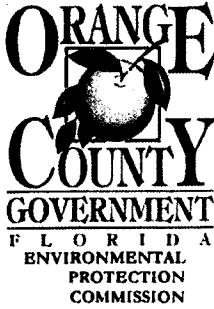
**Variance Request for Dock
Construction Permit
District No. 1**

Applicant: Kirk Conrad
Parcel ID: 06-23-27-4296-00-220
Boat Dock Permit No.: BD-15-05-065

Project Site 

Property Location 





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

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

Recommendation regarding a request for approval of a variance from Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side-setback) for Dock Construction Permit BD-15-05-065; Kirk Conrad, 17647 Davenport Road, Winter Garden, Florida, Lake Avalon.

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

REQUEST: Kirk Conrad (the "Applicant") is requesting approval of a variance from Orange County Code, Chapter 15, Article IX, Section 15-343(a).

BACKGROUND: On May 19, 2015, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the subject property. The application included an Application for Variance to Chapter 15, Article IX, Section 15-343(a) (side-setback).

As stated in 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 shoreline on this property is only thirty-eight (38) linear feet at the Normal High Water Elevation (NHWE); therefore, the minimum required side-setback is ten (10) feet.

The applicant is requesting to construct a floating platform at the end of a eighty-five (85) foot fixed access walkway and reduce the side-setback distance to negative four (-4) feet from the projected property line on the northern side of the proposed dock, and negative six (-6) feet from the projected property line on the southern side of the proposed dock.

Pursuant to Section 15-350(a)(1), Variances, "...the applicant shall (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; and (2) the effect of the proposed variance on abutting shoreline owners."

To address Section 15-350(a)(1)(1), the dock contractor has stated, "The side property lines for the lot pie sharply to a point close to the shoreline not allowing for construction without the sides of the floating deck extending past the lake side property lines by -5 feet."

To address Section 15-350(a)(1)(2), the dock contractor has stated, "The property owner to the left would not be impacted by the construction as their dock is far to the left of their property. The property owner to the right has a dock that is to the far right of the shoreline and would not be affected by the construction of the floating deck."

Notifications of the variance request were sent to all property owners within three-hundred (300) feet of the subject property on June 3, 22, and 23, 2015. To date, EPD has not received any objections to the requested variance.

There is currently no enforcement action for this property.

The recommendation of the Environmental Protection Officer is to approve the request for variance to side-setback.

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 variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Kirk Conrad Boat Dock Construction Permit BD-15-05-065.

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: _____

9/14/2015



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 Renea Anderson on behalf of Kirk Conrad (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):

The side property lines for the lot pie sharply to a point close to the shoreline not allowing for construction without the sides of the floating deck extending past the lake side property lines by -5 feet.

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

The property owner to the left would not be impacted by the construction as their dock is far to the left of their property. The property owner to the right has a dock that is to the far right of the shoreline and would not be affected by the construction of the floating deck.

Notice to the Applicant:

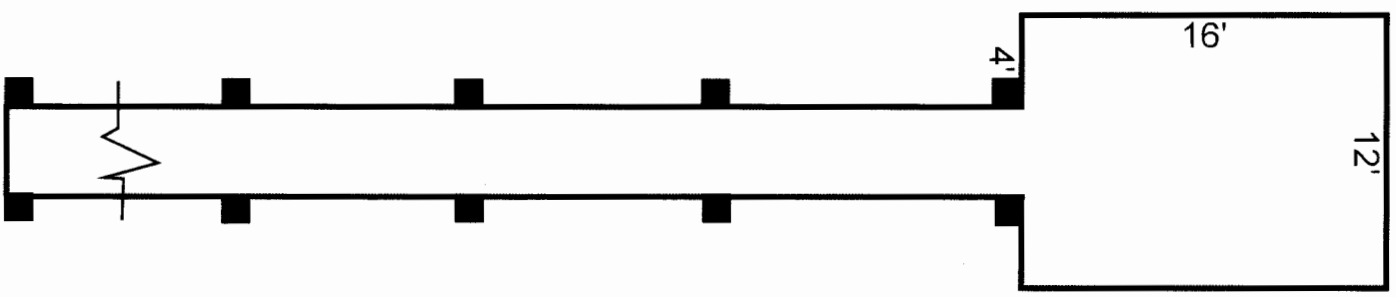
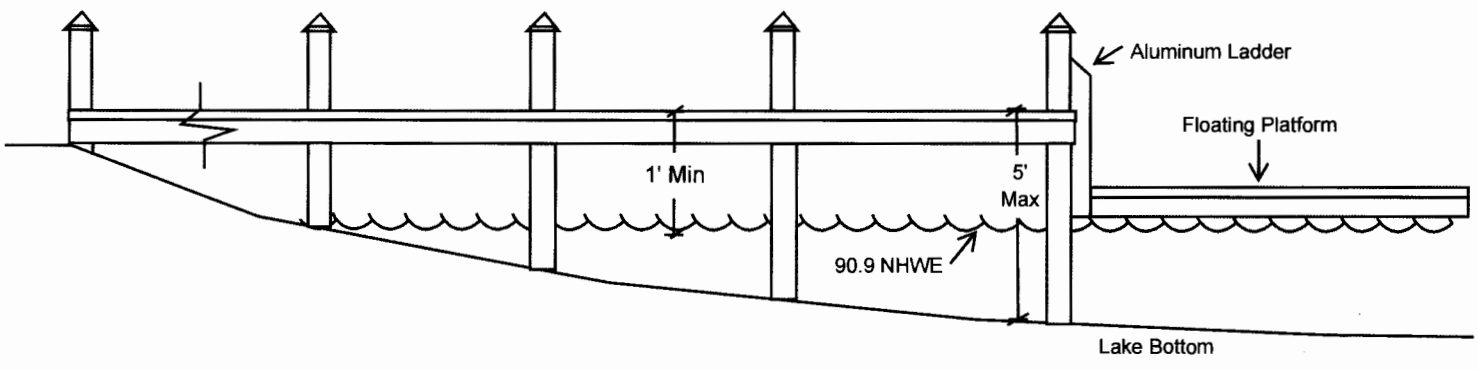
The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

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.

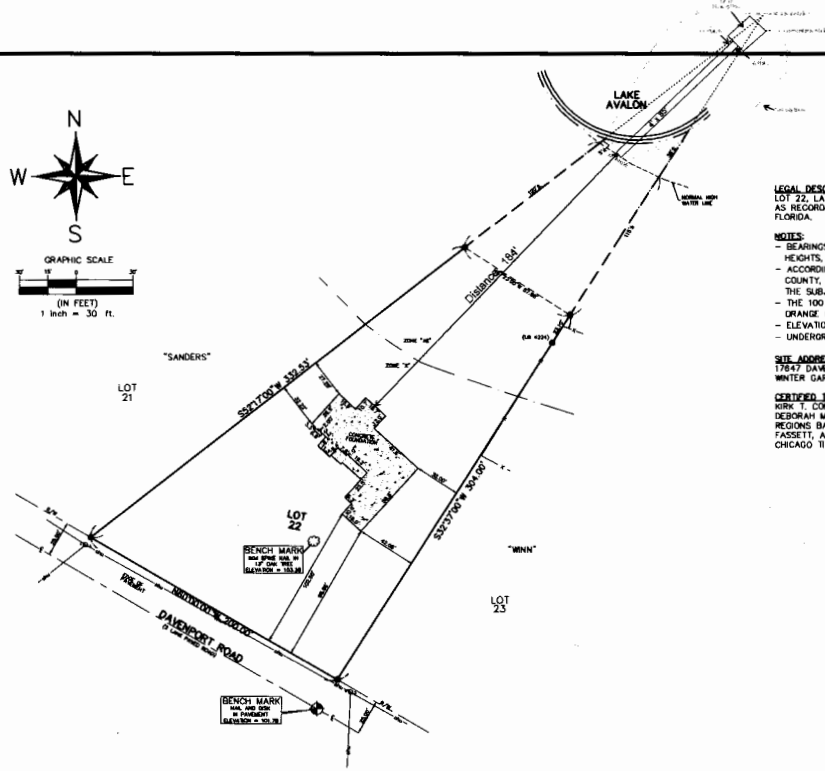
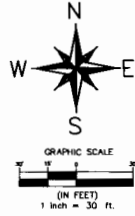
By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, 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/Albert Cichra Builders, Inc.
Signature of Applicant/Agent: Renea Delyoung Anderson Date: 05/29/2015
Corporate Title (if applicable):

LAKE AVALON
90.9 NGVD29



CONRAD RESIDENCE
17647 Davenport Rd



LEGAL DESCRIPTION: (O.R.B. 10006, PG. 2436)
 LOT 22, LAKE AVALON HEIGHTS, ACCORDING TO THE MAP OR PLAT THEREOF
 AS RECORDED IN PLAT BOOK 5, PAGE 78, PUBLIC RECORDS OF ORANGE COUNTY,
 FLORIDA.

NOTES:
 - BEARINGS BASED ON THE SOUTHWESTERLY LINE OF LOT 22, LAKE AVALON HEIGHTS, AS BEING N. 60°00'00" W.
 - ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP OF ORANGE COUNTY, FLORIDA, COMMUNITY PANEL NO. 120179-0200-F, DATED 9/25/2009, THE SUBJECT SITE LIES IN ZONE "X" & "AE" (ZONE LINE SCALED ON SURVEY).
 - THE 100 YEAR FLOOD ELEVATION FOR THIS SITE IS AT ELEVATION 97.7 FT. (PER ORANGE COUNTY F.I.R.M.) (N.A.V.D. 1988 DATUM).
 - ELEVATIONS SHOWN ARE BASED ON N.A.V.D. 1988 DATUM.
 - UNDERGROUND IMPROVEMENTS WERE NOT LOCATED ON THIS SURVEY.

SITE ADDRESS:
 1747 DAVENPORT ROAD
 WINTER GARDEN, FLORIDA 34787

CERTIFIED TO:
 KIRK T. CONRAD
 DEBORAH M. CONRAD
 REGIONS BANK, dba REGIONS MORTGAGE
 FASSETT, ANTHONY & TAYLOR, PA
 CHICAGO TITLE INSURANCE COMPANY

GENERAL LEGEND	
■	FOUND CONCRETE MONUMENT (NUMBER/SIZE AS NOTED)
●	FOUND IRON PIPE (NUMBER/SIZE AS NOTED)
▲	FOUND IRON PIPE (SIZE AS NOTED, NO NUMBER)
△	PILE & FLAG (5' OFF SITE TO BUILDING CORNER)
D	SET IRON PIPE (1/4" LB 707)
□	SET CONCRETE MONUMENT (1" X 4" LB 707)
○	LOTT MARK
⊙	POWER POLE AND TRANSFORMER
—	OVERHEAD UTILITY LINE
⊙	WELL
⊙	SPOT ELEVATION
—	CENTER LINE
—	FENCE LINE
⊙	BENCH MARK
■	BENCH MARK
■	CONCRETE BLOCK
■	CONCRETE MONUMENT
■	FOUND
■	IRON PIPE
■	IRON ROD/PIPE
■	REGISTERED SURVEYOR NUMBER
■	LICENSED BUSINESS NUMBER
■	MEASURED
()	DESCRIBED BEARING OR DISTANCE
⊙	RIGHT-OF-WAY LINE
—	PERMANENT REFERENCE MONUMENT
⊙	PERMANENT CONTROL POINT
⊙	POINT OF TANGENT
⊙	POINT OF CURVATURE
⊙	POINT ON CURVE
⊙	RAIL AND TIER
⊙	POINT OF BEGINNING
⊙	PLAT BOOK
⊙	PAGE
⊙	PLAT

HALL-FARNER
 AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 PLANNERS
 Q.P.S. CONTROL SURVEYS
 2007 W. BUTLER STREET, LEESBURG, FLORIDA 34748
 PHONE: (352) 787-5115 FAX: (352) 787-0787
 • SERVING FLORIDA SINCE 1952 •
 EMAIL: hallfarner@aol.com
 Certificate of Authorization LP 0707

SHEET 1 PROJECT NUMBER: 13-0461 DRAWING FILE NUMBER: 30461T01

FOUNDATION SURVEY

LOT 22, LAKE AVALON HEIGHTS
KIRK T. AND DEBORAH M. CONRAD
 C/O KEVCO BUILDERS, INC.

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Planners in Chapter 602-7, Florida Administrative Code, pursuant to Section 471.07, Florida Statutes.

George W. Farrow, II
 Professional Surveyor & Planner, P. S. & P. No. 4674, State of Florida

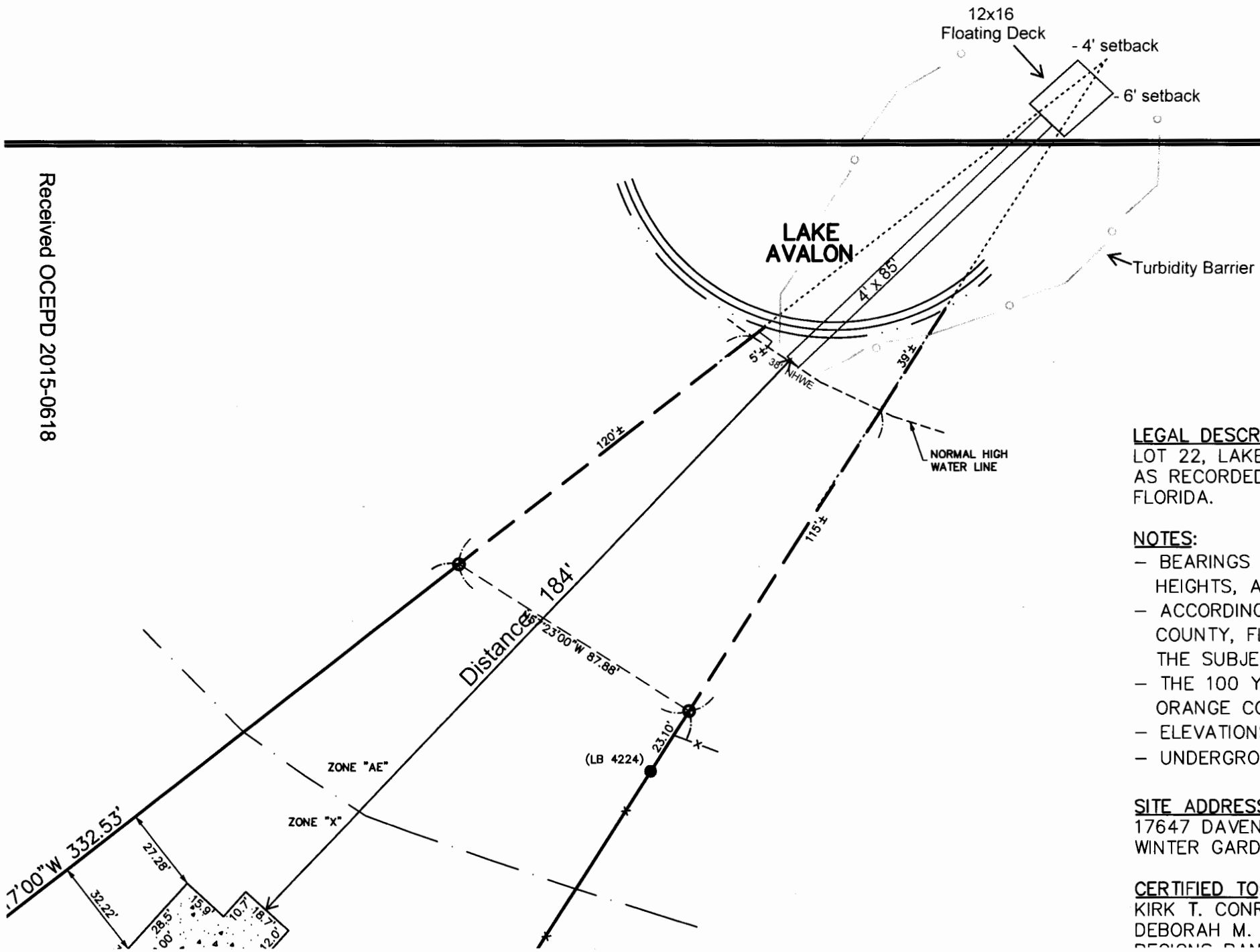
NOTE: (1) This drawing is being certified to the date of field work and not signature date.
 (2) Copies of this sketch are and used without signature and the original retained and a Florida Licensed Surveyor and Planner.
 (3) Certification Period to person as persons named herein.

REVISION	NO.	BY	DATE

SCALE 1" = 40'
 REVISION BOOKS: 683/39 DATE: 11/21/13
 DRAWN BY: TIM DATE: 11/21/13

Received OCEPD 20150618

Received OCEPD 2015-0618



LEGAL DESCRIPTION: (O.I. LOT 22, LAKE AVALON FAS RECORDED IN PLAT E FLORIDA.

- NOTES:**
- BEARINGS BASED ON HEIGHTS, AS BEING N.
 - ACCORDING TO THE N COUNTY, FLORIDA, CO THE SUBJECT SITE LIE
 - THE 100 YEAR FLOOD ORANGE COUNTY F.I.R.
 - ELEVATIONS SHOWN A
 - UNDERGROUND IMPRO'

SITE ADDRESS: 17647 DAVENPORT ROAD WINTER GARDEN, FLORID,

CERTIFIED TO: KIRK T. CONRAD DEBORAH M. CONRAD REGIONAL BANK, INC.