

Legislation Text

File #: 2024-0726, Version: 1

Title:

5819 Bear Lake Circle - *Continued from the 5/14/24 BCC Meeting* - Consider approval of a 1,725 square foot combined boat dock/house/boat slip on the north side of Bear Lake Circle, approximately 418 feet west of Linneal Beach Drive, more particularly known as 5819 Bear Lake Circle; (Brian Smith, Applicant). District3 - Constantine (**Mary Robinson, Planner**)

Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock, Development Services Director

Contact/Phone Number:

Mary Robinson/407-665-7339

Background:

The Applicant purchased the subject property in March 2022 with the existing boat dock, slip, and boat house. Based on staff research, it appears the original boat dock and boat house were built in 1979.

Inspector Hathaway was completing a nearby inspection and received a complaint from the contractor on that site regarding the subject property. Following up on that complaint she noticed a new load of wood, including post sitting on the driveway of the subject property. After speaking with the construction crew and the property owner, it was confirmed that he was going to replace the dock and had already replaced the siding on the boathouse. Inspector Hathaway, with confirmation from the Building Official, placed a Stop Work Order at the residence. On 12/4/23 a Statement of Violation was sent to property owner of record. The property owner applied for a permit (Permit #23-19609) on 1/3/24. Upon review of the permit, it was determined that Board of County Commission approval is required due to the 1,000 sq. ft. threshold for a Dredge and Fill permit. Staff mailed the Final Letter on 3/7/24 (with a corrective action due date of 3/14/24) with confirmation from the Inspector that the violation remains. The case was not scheduled for a Special Magistrate meeting since the property

owner was working in good faith to bring the property into compliance by applying for a building permit and a dredge and fill permit. The code enforcement case is proceeding; however, the owner is working toward compliance and the owner of the property changed, therefore the property owner was required to be re-noticed. A New Owner Letter was mailed out giving the owner 30 days (6/17/24) to come into compliance. If compliance is not reached, the next step is to file the SOV (Statement of Violation) for the Special Magistrate.

In 2014, a building permit was issued to the prior owner for a dock extension. However, based on staff research, it does not appear that Board of County Commissioners approval was sought or granted for the original boat house, boat dock, and boat slip, which, in the aggregate, exceeded 1,000 square feet.

The Applicant proposes reconstructing the existing boat dock on the subject property. Once complete, the total square footage of the boat house, boat slip, and dock will be 1,725 square feet in aggregate.

- The existing boat house is approximately three hundred and thirty-three square feet (333 sq. ft.). The existing boat house, dock, and slip combined is 1,110 square feet.
- The property owner proposes adding an additional six hundred fifteen (615) square feet to the reconstructed dock to accommodate a new seating area.
- The property owner initially replaced boards along the dock but discovered that the pilings and boards were severely degraded and needed replacement, so he decided to replace the entire dock.
- The property owner also replaced the siding on the existing boat house. (Exhibit A).

On December 2, 2023, a building inspector observed a load of wood on the site and questioned the contractor about the construction, as no permit was on site. The contractor stated that the siding had been replaced on the boathouse, and the building inspector posted a stop work order. The property owner subsequently applied for a building permit. Permit review revealed that a public hearing before the Board of County Commissioner is necessary per section 70.6(g) of the Land Development Code of Seminole County (LDCSC). Section 70.6(g) of the LDCSC requires a public hearing for boat houses, boat docks, and boat slips that alone or in the aggregate exceed 1,000 square feet.

A review of the existing dock sizes along Bear Lake Circle shows sizes ranging from 424 square feet to 1,580 square feet.

Section 70.7 of the LDCSC requires the following items to be considered prior to the issuance of a boat dock permit (*italicized text indicates the response and analysis*):

- a) Turbidity in streams, wetlands, and estuarine areas must be minimized.
Turbidity barriers are required to contain the impacts of construction and will be required to be shown on the Site Plan at the time the building permit is submitted.
- b) The possible effect on the quality of water on the County.
As Bear Lake's surface area is 311 acres and the proposed construction of the new dock will be 35 feet +/- from the shoreline of the subject property, any additional impact on water quality, if any, should be minimal.
- c) The possible effect on the propagation of wildlife, fish, and aquatic plants and animals.
Bear Lake, which is 311 acres, provides an adequate environment for the propagation of wildlife, fish, aquatic plants, and animals.
- d) The possible effect on all property owners fronting the body of water involved.
The shoreline of the subject lot is 81.42 feet +/- wide. The boat dock is placed approximately on the easterly side of the lot, and there are boat docks on adjacent lots. The boat dock will also meet the ten (10) foot height to the ridge line and ten-foot (10) side yard setback requirements, which should have minimal additional impacts on other property owners. (Exhibit A)
- e) The possible effect upon public health, safety, comfort, good order, appearance, prosperity, and general welfare.
For the reasons noted above, there should be no negative effect on the public health, safety, comfort, good order, appearance, prosperity, and general welfare of the area.
- f) The recommendations of any governmental and/or professional agencies.
The Florida Department of Environmental Protection issued the applicant a General Permit for a boat dock/house, which is attached as Exhibit B.
- g) The possible effect on the safe navigation of vessels and watercraft.
The opposite shoreline is approximately 3,781 feet +/- away, and the length of the proposed boat dock/house is approximately 39 feet +/- waterward of the mean high-water line. The proposed boat dock meets the code requirement of projecting not more than twenty-five percent (25%) of the width of the water body and, therefore, does not create a navigational hazard.

Requested Action:

Staff requests that the Board approve the request for a 1,725 square-foot combined boat dock, house, and slip located on the north side of Bear Lake Circle, approximately 418 feet west of Linneal Beach Dr., more particularly known as 5819 Bear Lake Circle.